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UNIÃO AFRICANA

Addis Ababa, Ethiopia

P. O. Box 3243

Telephone: 5517 700

Fax: 5517844

Website: www.Africa-union.org

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SYNTHESIS REPORT FROM MEMBERS STATES ON THE SOLEMN DECLARATION ON GENDER EQUALITY IN AFRICA BASED ON COUNTRY REPORTS FROM NIGER, SENEGAL AND ZIMBABWE

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Introduction

This report, the fourth in the series of Country Reports on the Solemn Declaration on Gender Equality in Africa (SDGEA), is a summary of constitutional, administrative and policy measures that have been instituted by reporting countries to ensure the effective implementation of the SDGEA since its unanimous adoption by African Heads of State and government in July 2004.

This first set of Country Reports contained submissions from nine countries, namely, Algeria, Burundi, Ethiopia, Lesotho, Mauritius, Namibia, Senegal, South Africa and Tunisia. The second sets of submissions were, Burkina-Faso, Cameroun, Cote d'Ivoire, Ghana, Mali, Nigeria, and Rwanda. The current report is a summary of the Country Reports from Niger, Senegal and Zimbabwe. In all 18 countries have submitted their Country Reports to the Gender Directorate of the African Union (AU) with Senegal being the one only to have sent in a second report.

IMPLEMENTATION OF THE SOLEMN DECLARATION ON GENDER EQUALITY IN AFRICA

A. Institutional Mechanism for the Promotion of Gender Equality

The Ministry of Niger's Women's Affairs was established in 1989 to coordinate the Nigerien government's gender equality agenda. Its functions are to coordinate, monitor and evaluate government's programmes on women and gender. The ministry's functions are coordinated at the local level by the Women's Department. The ministry is supported by other national institutions such as:

- The national Observatory for women's development, a control mechanism for the promotion of gender equity and equality;
- The gender focal points responsible for gender issues in the sector ministries;
- The Department for Girls' Education, responsible for promoting the education of young girls;
- The Gender Advisers attached to the President and Prime Minister, responsible for providing technical advice on gender issues in the country's development policies and programmes.

Senegal adopted the AU's commitment on gender equality and equity as a developmental goal. In addition to the gains noted in the initial report, Senegal has enacted new legal, institutional and socio-economic policies and measures on gender

equality and women's development. Notably among them are the adoption of the Act on gender equality in politics on November 2007, the inclusion of Paragraph 7 in Article 7 of the Constitution and the law on equal taxation adopted in January 2008.

Zimbabwe's initial report on the Solemn Declaration on Gender Equality in Africa outlines initiatives that have been put in place since the SDGEA was adopted by the African Union in 2004 to 2008, the year of the country's first report.

The Ministry of Women's Affairs, Gender and Community Development was established to ensure that gender equality and women's rights receive specific attention across all sectors of society. Its main function is the mainstreaming of gender for the attainment of gender equality and equity. The government of Zimbabwe has embarked on a comprehensive legal and administrative reform to promote gender equality. For example, a 2005 Constitutional amendment prohibits discrimination on the basis of sex, marital status and physical disability and includes an affirmative action clause as a policy framework for gender equality. A gender policy was also adopted as part of this process.

Article 1: HIV/AIDS and Other Related Infectious Diseases in Niger, Senegal and Zimbabwe

Based on the success of the National Strategic Framework (NSF) for 2002-2006 and the Multi-sectoral National Plan of 2004-2006 on HIV/AIDS, the Nigerien government is developing a new strategic framework for 2008-2012 programme cycle. In 2003, the Niger Initiative for Access to Anti-retroviral Drugs (INAARV) and the prevention of the transmission of HIV from mother to child (PMTCT) were initiated and in 2007 a national strategy on PMTCT was adopted. There are 129 PMTCT providing the following services: promotion of voluntary counselling and testing during antenatal consultation, monitoring and counselling of HIV-positive women, administration of ARVs on a prophylactic basis, assisted delivery of HIV positive women, monitoring of HIV positive mothers and infants. Also, psychosocial care is provided at national hospitals and by some NGOs.

The government enacted Law 2007-08 on the prevention, treatment and control of the Human Immunodeficiency Virus (HIV) on 30th April 2007. Its objective is to protect People Living With HIV/AIDS (PLWA) from discrimination. The Network of Parliamentarians on HIV/AIDS control undertook a campaign to inform and raise awareness about this law.

In Senegal, due to the effective implementation of the National AIDS Control Plan, the prevalence rate of mother-child HIV/AIDS transmission fell from 30 percent to 5 percent. The introduction of a specific budget line in January 2008 by the government to fund activities for HIV/AIDS sufferers especially women increased their economic participation as they were able to access credit more easily. The government has promised to assist HIV/AIDS positive access formal employment.

The malaria control programme provides free treatment to pregnant women suffering from the illness, free caesarean and natural deliveries and free basic and

emergency obstetric care. As a result, maternal mortality rates fell from 510 per thousand to 434 per thousand. Additionally, the Head of State decided that the government will also provide free treatment to women suffering from obstetric fistula and will impose stricter penalties on persons engaged in the practice of early and forced marriages.

In Zimbabwe, a National AIDS Council was established and a Strategic plan for 2006-2010 was adopted as part of government's effort to reduce the high HIV/AIDS prevalence rate. The plan acknowledges the impact of gender roles on women's vulnerability to HIV/AIDS and has mainstreamed gender in all its activities to reduce women and girls vulnerability in society.

Zimbabwe's HIV/AIDS prevalence rate has reduced from its peak of 34 percent in 2000 to 20 percent in 2005 and 18 percent in 2006. The prevalence rate among women aged 15-49 was 21 percent and 15 percent for men within the same age group. The prevalence rate among females aged 15-24 years was 11.25 percent and males 4.45 percent. A free anti-retroviral drug programme was introduced in 2006 in government hospitals and other recognised sites. 20,000 people are currently benefiting from the public programmes, while 6,000 are using private facilities to access the drugs. The 2001 Sexual Violence Act criminalises the wilful transmission of HIV/AIDS.

Article 2: Peace and Security

After the signing of the peace agreements in 1995 and 1999, the Niger National Commission on Social Dialogue comprising both men and women was established, women were organised into groups in the regions affected by the conflict (Aïr, Azawak, Kavar and Manga) to undertake income-generating activities. In addition, women have organised peace marches, participated in sub-regional forums on peace and security, created three NGOs on peace and security (the African Network for Peace and Development- MAPADEV, the Network of Women for Peace- REFEPA, and the Coalition of Women of Niger for Lasting Peace- CFNPD Tchimakrassène) Steps have been taken to ensure the safe return of women refugees from Mali and Chad.

In Senegal Women's organisations in the Casamance region, have intensified their peacebuilding activities to ensure an early resolution of the conflict.

In Zimbabwe, Training programmes have been introduced to offer equal training opportunities for women and men in the armed forces. This has resulted in an increase in the number of female soldiers attending junior and senior officers' development course. Women are also part of Zimbabwe's peacekeeping contingents in the Sudan, Cote d'Ivoire and Nepal.

Article 3: Child Soldiers

All laws relating to recruitment into the national army prohibit the enrolment of children and the penal code of Niger has provisions protecting children from abuse and exploitation. Additionally, the government has signed and/or ratified the following Conventions protecting the girl-child:

- The ratification of the optional Protocol to the Convention on the Rights of the Child on the sale of children, the prostitution of children and pornography using children ;
- A Child protection Code aimed at reforming the national legal system to bring it in line with the provisions of the CRC and CEDAW was drafted in 2004;
- The signing by in Côte d'Ivoire, of the Multilateral Cooperation Agreement on combating child trafficking, in July 2005;
- The drafting of a bill to control child trafficking control in 2006;
- The training of security forces (Gendarmes, Republican Guards, and Police Officers,) forestry officials, religious and traditional leaders and local representatives) on the trafficking of women and children;
- The ratification of the United Nations Convention against Transnational Organized Crime and its Additional Protocol aimed at preventing, suppressing and punishing people for the trafficking of persons particularly women and children;
- The establishment, in February 2006, of an Inter-ministerial Committee responsible for developing a National Action Plan to control the trafficking of women and children;
- Ratification of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child; and
- The establishment of a Vice Squad within the National Police to deal with prostitution.

It should also be noted that Articles 291 to 294 of the Penal Code provides punishment for procuring, incitement and debauchery.

The Senegalese government has continued with its sensitisations and awareness creation programme for victims of land mines in the Casamance region.

There are no child soldiers in Zimbabwe as recruitment below the age of 21 into the national army is prohibited. The Zimbabwe Children's Act protects children from physical and mental violence, neglect, injury, abuse and maltreatment. In 2005, Section 11 of the Labour Act was amended to regulate the employment of children between ages 13-16 to protect them from exploitation and exposure to harmful substances.

Article 4: Gender-Based violence

Since 2000, the government has initiated and supported a variety of programmes to prevent gender-based violence. A consultative framework to stop violence and discrimination against women and children has been established. Joint field missions

are undertaken by government officials and NGOs including: the Niger Committee on Harmful Traditional Practices (CONIPRAT) conducts public campaigns against female circumcision and supports the professional retraining of persons who have been circumcised through income generating activities. The SOS programme for victims of domestic violence conducts IEC campaigns to create awareness on the effects of violence on women and the society as a whole. Furthermore, the “International Day of Zero Tolerance” celebrated through a campaign known as 16 days of activism” is organised yearly.

The Penal Code has been amended and offences such as female genital mutilation, slavery, sexual harassment and the trafficking of women and girls have been criminalised. Punishments for offences like rape have been increased and in 2003 a National Plan on Human Trafficking was developed.

As a follow-up on the Domestic Violence Bill, the Senegalese government adopted a National Action Plan to eradicate FGM in the country. The focus of the Plan is on research, community sensitisation, advocacy, education and training. The Observatory of Women’s Rights, which is being set up, will monitor the implementation of the domestic violence bill.

The Domestic violence Act was adopted by Zimbabwean Parliament in 2006. The definition of domestic violence is wide-ranging and includes a variety of customary rites and practices that discriminate and degrade women. For example, virginity test, Female Genital Mutilation, the pledging of women and girls for appeasing spirits, child and forced marriages and forced inheritance. The Ministry of Women Affairs, Gender and Community Development is implementing a national strategy on gender-based violence to enhance married women’s capacities to defend themselves against spousal violence. In addition, the 2001 Sexual Violence Act protects women from sexual abuse and criminalises marital rape.

Zimbabwe has ratified the Convention on Transnational Organised Crime and is in the process of ratifying the additional protocols to the Convention, namely the Protocol Against Trafficking of Human Beings and the Protocol Prohibiting the Illegal Transportation of Immigrants by Land, Air or Sea. In addition, an Inter-Ministerial Committee on human trafficking has been established.

Article 5: Promotion of the Principle of Gender Parity

On June 7th 2000, Law n° 2000-008 instituting a quota system to increase women’s representation in politics and public decision-making spaces was adopted. A quota of 10 percent and 25 percent was approved for elective and high-ranking administrative positions respectively. As a result, women have been appointed as Ministers, ambassadors, Supreme Court judges, among others.

Women’s representation in politics improved considerably due to the quota system. In the 2004 legislative and municipal elections, there were 14 women or 12 percent of 113 elected Parliamentarians as against one (1) in the previous legislature and 671 women Councillors or 17 percent of 3,747 municipal Councillors. The Ministry of women’s Affairs

developed a training programme in 2004 to enhance the capacities of elected and appointed female officials to enable them participate actively in their various positions. The Senegalese National Assembly passed the Bill on Gender Parity in Politics and Public Decision-Making Structures on November 2007.

Zimbabwe has shown her commitment to achieving gender parity in politics and public decision-making spaces by signing and ratifying all regional and international conventions and introducing policy measures at the national level to increase women's political participation and representation. Among these are the non-discriminatory and affirmative action clauses in the Constitution and Section 12 of the General Law Amendment Act guaranteeing women's political participation in politics and decision-making arenas and the 1990 Electoral Act that allows women to participate in general and by elections for the Presidency or Parliamentary elections as voters or candidates without discrimination.

Despite these efforts, women's participation rate in these spaces is still below parity level. For example, women's representation in the last Parliament was 19 percent in cabinet, 17 percent in the lower house, 36.6 percent in the Senate, 12 percent of urban councillors and 28 percent of rural councillors. However, women made history with the appointment of Zimbabwe's first female Vice-President.

Article 6: Women's Human Rights

Niger ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in 1999 with eight reservations, and adopted its optional protocol in March 2004. As part of the process of withdrawing the State's reservations to CEDAW, the National Assembly adopted a law on Reproductive Health in June 2006. The initial and periodic reports on the implementation of CEDAW were presented to the United Nations CEDAW Committee at its 38th session in June 2007. The Committee recommended that CEDAW be distributed widely to familiarise the general public with its contents to accelerate the withdrawal of the reservations and the effective implementation of CEDAW. An action plan has been developed for the implementation of these recommendations.

The government of Senegal in conjunction with the Association of Female Lawyers is developing training modules on women's human rights based on its international obligations and on national laws for use in the National Administration College and the Judicial Training Centre.

The government of Zimbabwe aligned its national laws to her international obligations by promulgating laws to promote and protect the human rights of women.

- the Administration of Estates Act 1997 protects the inheritance rights of surviving spouses and children;
- Matrimonial Clauses Act 1987 provide for equitable distribution of matrimonial assets on divorce;

- Legal Age of Majority Act 1982 confers majority status on women;
- Labour Relations Act prohibits employers from discriminating against prospective employee;
- Equal pay regulations 1980 provides for equal pay for equal work;
- Public Service Pensions (Amendment) Regulations 1985 made provisions for female workers in the public service to contribute to their pensions at the same rate as male contributors;
- Maintenance Amendment Act 1989 requires a non-custodian parent to contribute regularly to the maintenance of minor children in the custody of the other parent;

Article 7: Land, Property and Inheritance Rights

Land rights in Niger are governed by the Rural Code. Article 4 of Decree 93-01 of 2nd March 1993 establishing the guiding principles of the Code stipulates that: “the rural natural resources are part of the common heritage of the nation. All Nigerien citizens have equal rights of access irrespective of sex or social origin”. Thus, women can access these natural resources without discrimination. Nigerien women’s can inherit land and landed properties, but these rights are based on the Islamic inheritance principles.

Although there are no policies on women’s access to credit, there are several programmes aimed at increasing their access to credit. As a way forward, the government plans to establish a Women’s Bank as the operational mechanism for granting credit to women.

The government of Senegal will continue to sensitise and create awareness on women’s land, property and inheritance rights.

In relation to women’s land, property and inheritance rights, amendment 17 of the 2005 Constitutional amendment of Zimbabwe explicitly ensures women’s land rights in the distribution or allocation of land in the government land reform programme. Amendment 6 of the Administration of Estate Act 1997, established women’s inheritance rights by outlawing cultural practices that denied them of their property rights. Furthermore, the government has put in place the following strategies to ensure women’s property rights:

- promote gender awareness on housing at all levels of society;
- Advocate for the re-registration of properties to include both spouse;
- Eliminate cultural practices that disadvantage women in accessing and retaining house at death and divorce; and
- Create awareness on the housing rights of women and children at death and divorce.

Article 8: Education

Through Act n° 98-12 of 1st June 1998, all Nigerien children were guaranteed access to education irrespective of their sex. The following measures have been undertaken to further the principle of equal access to education:

- The creation of a Girls Education Department in the Ministry of Basic Education and Elimination of Illiteracy;
- The development and implementation of a 10-year Education Development Plan (PDDE);
- The creation of services at regional and sub-regional levels to support girls' education;
- The mobilisation and accountability of local communities in the management of schools;
- The construction of 1,000 classrooms yearly as part of the President's Special Programme;
- The involvement of traditional rulers in public awareness campaigns in the support of girls' education.

Consequently, the percentage of enrolled children in schools rose from 37.3 percent in 2000- 2001 to 52.4 percent in the 2004- 2005 school year, representing an increase of 15.1 percent. The proportion of girls with formal education rose from 29.6 percent in 2000- 2001 to 42.8 percent in 2004- 2005, representing an increase of 13.2 percent.

Senegal has now achieved its goal of parity in basic education. Girls account for over 50 percent of enrolment in schools.

Education is considered a basic human right necessary for social and economic development. Chapter 25:04 of the Education Act accords every Zimbabwean child the right to formal education and every parent is obliged to send their children to schools of their choice.

The government of Zimbabwe has in place several measures to further to achieve this objective:

- The promotion of gender-sensitive curriculum development to influence a change in the attitudes of both educators and parents;
- Policy directive compelling Teachers' and Technical Colleges to enrol a certain percentage of women to achieve parity. Teachers' colleges are to ensure that 50 percent of intakes are women, while for technical colleges it is 30 percent;
- Female students are enrolled with fewer points in the university and;
- Adopted a policy to allow pregnant students of Teachers' Colleges to stay on in school

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

The National Assembly rejected the Bill on the ratification of the Protocol because they believed it contained provisions that violated the country's socio-cultural realities. After the National Assembly's rejection of the Bill, the Ministry of Women's Affairs embarked on a sensitisation campaign to seek support for the Protocol and ensure its adoption when it is due for second reading in the Assembly.

No submission was made in relation to Article 9 in the Report of Senegal.

The government of Zimbabwe has ratified the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa.

Comparative Analysis of the Country Reports

The 18 Country Reports show a varying degree of progress that has been achieved in the implementation of the SDGEA. While some countries have shown more commitment by updating their laws and developing programmes and policies in line with SDGEA, others have done very little to move the process forward.

Article 1

All reporting countries have national structures, policies and programmes to combat the spread of the HIV/AIDS.

Article 2

Apart from South Africa, none of the reporting countries mentioned UNSC Resolution 1325 in their reports. This is disappointing especially for countries emerging from conflicts.

Article 3

While all reporting countries have diligent on the issue of promoting and protecting the rights of children, all the non-conflict countries totally ignore the issue of child soldiers.

Article 4

Gender-based violence like HIV/AIDS has been promoted robustly by African governments.

Article 5

Response to the AU parity principle in the election and appointment of women in politics and public decision-making positions has been very slow. Only South Africa and Senegal have adopted this policy.

Article 6

Burundi is the only country that mentioned CEDAW, the international Bill of Rights for women in her Constitution. Other countries should be encouraged to do the same. For countries that signed CEDAW with reservations, they should also be encouraged to withdraw their reservations.

Article 7

In addition to their inheritance rights, women should have equal access with men to government's credit, housing and land programmes.

Article 8

Governments should be encouraged to adopt a more holistic programme on women's education that will lead to parity at all levels of the educational sector.

Article 9

Since the Protocol has been characterised as the most comprehensive document on women's rights globally, governments should be urged to hasten the ratification and signature process.

Other issues to be considered for inclusion in the country reports are the constraints being faced in implementing gender equality issues in general and on each of the SDGEA article and the strategies that are in place to overcome these challenges; comparative data should be provided for comparisons to be made on progress being achieved; sex disaggregated data should as also be provided for comparative analysis and for monitoring progress. In addition, legislation should be updated in line with the SDGEA and other commitments. Finally, although the AU advocates partnership in the implementation of the SDGEA, all the national reports lacked inputs from NGOs.

THE WAY FORWARD

The commitment by African governments to the SDGEA is disappointing in so far as only one-third of member states submitted their Country Report for evaluation. The AU should continue to urge them to give the process the attention it deserves.

2009

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