

AFRICA REGIONAL NGO SHADOW REPORT FOR THE BEIJING +15 REVIEW
A Regional Analysis on the Status of Women 15 Years after the Adoption of the
Beijing Declaration and Platform for Action

Compiled by

The African Women's Development and Communication Network (FEMNET)

On behalf of

The Africa NGO Task Force on Beijing +15
and Regional and Sub- regional Women's Organizations and Networks

November 2009

Acknowledgements

The Africa Women's NGOs Shadow Report has been a collective efforts of many contributors that have worked on it at different stages of its development. We at the African Women's Development and Communication Network (FEMNET) we are grateful for the members of the Africa Task Force on the Beijing +15 Review process for the hard work that made it possible to mobilize women organizations at the National level in different countries to coordinate the writing of the National Shadow Reports that contribute to the main body of this Report. We acknowledge the countries that responded to the call to produce National Shadow Reports and these include Uganda, Kenya, Tanzania, Cameroon, Togo, Cote d'Ivoire, Senegal, Mali, The Gambia, Burkina Faso, Niger, Egypt, Morocco,

The Shadow Report would not have been complete without the contributions of the sub- regional women's organizations/ network namely Women in Law and Development in Africa – West Africa (WiLDAF – West Africa), Women and Law in Southern Africa (WLSA) and the East African Sub – regional Support Initiative (EASSI). The Sub- regional Shadow Reports provided comparative analysis of what is happening in Southern, Eastern and West Africa. We greatly appreciate the efforts of the Task Force member in North Africa who worked so hard to follow up the women organizations in Mauritania, Egypt, Algeria, Tunisia, and Morocco. Though the reports were not received in time except that of Morocco, we appreciate your resilience, commitment and focus since the North Africa workshop held in August 2009.

We appreciate the team that finally put together the report: Ms. Rosemary Okello of the African Women and Children Media Services (AWCMS) who was the Consultant engaged in the initial process of compiling the Shadow Report: Ms. Naisola Likimani, the Advocacy Officer of FEMNET who incorporated the contributions and comments collected from the participants at the Africa Women's Consultative Meeting and the various side events held in the margins of the 8th Africa Conference on Women; and Ms. Norah Matovu Winyi, the Executive Director of FEMNET who completed the analysis and final editing of the Report.

Finally, we are grateful to all our partners who have worked with us or supported directly or indirectly the Beijing +15 Review process in Africa since March 2009. We thank ActionAid – Uganda who provided support for the debriefing meeting held in Uganda in April 2009 for the Eastern and Southern Africa Region. We thank FEMNET institutional partners, Sida and Oxfam Novib, whose unrelenting support made it possible for FEMNET to commit staff time and resources to this process throughout 2009. The support of the United Nations Economic Commission for Africa (UNECA) provided information, technical support and communication services without which it would have been impossible to coordinate the process. Last but not least we acknowledge the support of Ipas, UNIFEM, UNDP, UNIFEM and the government of The Gambia who supported women's NGOs participation in the Banjul meetings which was critical in the process of validating the findings and conclusions of the Africa Women's NGOs

Shadow Report. We cannot end this acknowledgement without appreciating the Africa Women's Development Fund (AWDF) for providing the resources for translating and printing the Africa Women's NGOs Shadow Report on the Beijing +15 Review. Working with all of you at different levels has been a very worthwhile experience.

The content of the national and sub-regional shadow reports are the sole responsibility of the organizations that authored them. The authors of this report do not endorse, support, represent or guarantee the completeness, accuracy, or reliability of any content and opinions expressed therein.

Table of Contents

Acknowledgements.....	2
List of Acronyms	5
List of Acronyms	5
Executive Summary	6
Beijing +15 Review: The African Women’s NGOs Perspective	11
Analysis by Sub-Region	11
<i>West Africa</i>	11
<i>Eastern Africa</i>	16
<i>Southern Africa</i>	20
Analysis by Critical Area of Concern.....	24
1) <i>Women and Poverty/Economic Empowerment</i>	24
2) <i>Education and Training of Women</i>	26
3) <i>Women and Health</i>	29
4) <i>Violence against Women</i>	33
5) <i>Women and Armed Conflict</i>	35
6) <i>Women in Power and Decision-making</i>	37
7) <i>Institutional Mechanisms for the Advancement of Women</i>	40
8) <i>Human Rights of Women</i>	42
9) <i>Women and the Media</i>	47
10) <i>Women and the Environment</i>	49
11) <i>The Girl-child</i>	51
Recommended Actions by the Africa Women’s NGOs	54
Conclusions and Way-forward	56
Annex A: List of the Africa Task Force for the Beijing + 15 Review.....	57
Annex B: Summary of Beijing +5 Review	59
Annex C: Summary of Beijing + 10 Review	62
Bibliography	65

Deleted: 55

List of Acronyms

African Women's Rights Protocol	Protocol to the Africa Charter on Human and People's Rights on the Rights of Women in Africa
APRM	Africa Peer Review Mechanism
AU	African Union
Beijing Pfa	Beijing Platform for Action
CAADP	Comprehensive Africa Agricultural Development Program
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
Democracy Charter	Africa Charter on Democracy, Elections and Governance
DRC	Democratic Republic of Congo
ECOWAS	Economic Commission for West African States
FDIs	Foreign Direct Investments
FEMNET	African Women's Development and Communications Network
FGC	Female genital cutting
IDPs	Internally displaced persons
MDGs	Millennium Development Goals
NEPAD	New Partnership for Africa's Development
PLWHA	Persons living with HIV/AIDS
ROFAF	Réseau des Organisations Féminines d'Afrique Francophone
SDGEA	Solemn Declaration on Gender Equality in Africa
UN	United Nations
VAW/Gs	Violence against Women and girls
WiLDAF	Women Law and Development in Africa
WILSA	Women and Law in Southern Africa

Executive Summary

The Africa Regional NGO Shadow Report for the Beijing +15 Review was given impetus during the 53rd Session of the Commission on the Status of Women in March 2009, when an Africa NGO Task Force on Beijing +15 was set up to spearhead the process of mobilizing women in Africa to organize and prepare for the participation of African women in the regional processes leading up to the 2010 Beijing +15 Review and the 2010 Global NGO Forum.

The Task Force members thereafter coordinated the dissemination of information about the review process, and facilitated women's NGOs operating at the national levels to collaborate and engage in the national level review processes as well as in the process of developing national shadow reports. The African Women's Development and Communication Network (FEMNET) took the lead in collecting the national shadow reports and then compiling the Africa Regional NGOs Shadow Report. Thirteen countries submitted shadow reports for this purpose¹ and three sub- regional NGO Shadow Reports were compiled by Women in Law and Development in Africa (WiLDAF – West Africa) which covered 15 countries under ECOWAS, Eastern Africa Sub-Regional Strategic Initiative (EASSI) which covers 8 countries and Women in Law in Southern Africa (WLSA) covering the 14 SADC countries, which in many ways enriched the analysis in this Report. This report also incorporates the concerns and recommendations made by the women who participated in the Africa Women's NGOs Consultative meeting held in Banjul, The Gambia in the margins of the the 8th Africa Conference on Women hosted by the UNECA.

The Africa Regional NGO Shadow Report on Beijing +15 provides a summarized analysis of progress, gaps and challenges in the West, Eastern and Southern sub-regions from the women's NGOs in the Region. It also maps out the progress, gaps and challenges under each of the critical areas of concern, providing country-specific examples and some of the significant contributions that have been made by women activists in Africa. In several instances the Report indicates that the numerous policies and actions plans developed and/ or reviewed in the last five years, though greatly considered as commendable in building the framework for delivering on the commitments in the Beijing PFA, these have taken huge resources with minimal results to show as evidence of fundamental changes in the daily realities of women's lives in Africa. Finally, the report gives actionable recommendations to African governments in order to accelerate the implementation of the Beijing Platform for Action over the next 5 years – to move the commitments to action.

¹ Benin, Burkina Faso, Cote D'Ivoire, The Gambia, Ghana, Kenya, Morocco, Niger, Nigeria, Senegal, Tanzania, Togo and Uganda.

Africa's Progress: 15 years after the Fourth World Conference on Women

At the time of the Beijing + 15 Review, Africa has been witness to a number of exciting developments that are favourable to the promotion of the gender equality, equity and the women's rights agenda. Fifty-one (51) countries have ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) with over nine countries regularly meeting their reporting requirements under CEDAW. This is the women's bill of human rights at the international level. Twenty-seven (27) countries have ratified the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (African Women's Rights Protocol), which is a record achievement compared to other Protocols and human rights instruments adopted by the African Union (AU). This is the main regional document that articulates the rights of women in Africa. However, twenty-six (26) countries have not yet ratified the Protocol, despite the fact that member states committed themselves in 2004 in the Solemn Declaration on Gender Equality in Africa (SDGEA) to achieve universal ratification of the Protocol within one year – by end of 2005.

In the period under review only 4 countries ratified the African Women's Rights Protocol which indicates a much slower pace compared to the first two years after the Protocol was adopted in 2003. The measures being undertaken to fulfill the obligations under CEDAW by different countries contribute in various ways to the implementation of the Africa Women's Rights Protocol. The above notwithstanding most African countries that have ratified the African Women's Rights Protocol have not consistently reported to the AU on the progress made on its domestication and implementation as is required under the SDGEA to do so annually. The members of the Solidarity for African women's Rights Coalition (SOAWR Coalition)² in collaboration with UNIFEM organized a meeting in Kigali, Rwanda in July 2009 which brought together representatives from 12 of the African countries that are parties to the Africa Women's Rights Protocol, to analyze the challenges that countries are faced with that have led to the slow process of domestication and implementation. At this meeting, the first of its kind since the adoption of the Africa Women's Protocol participants agreed that the best way to deliver on their obligations under the Protocol, which would go a long way in meeting the Beijing commitments as well, would be to harmonize actions and approaches, ensure that all sectors are involved and increase coordination among the different actors.

At the regional level, the AU member states have also adopted several policies and frameworks which promote gender parity and a gender responsive development agenda for the region. These include among others the AU (2009 – 2012) Strategic Plan, the Africa Gender Policy, the Africa Land Policy and Framework, the New Partnership for Development (NEPAD) and its mechanisms like the Africa Peer Review Mechanism (APRM) and programs like the Comprehensive Africa Agricultural Development Program (CAADP). In 2007 member states adopted the Africa Charter on Democracy, Elections and Governance (Democracy Charter),

² SOAWR Coalition brings together 36 international, regional and national organisations

though by the time of this review only two countries had signed the Charter and none had ratified it. It is in the Democracy Protocol that it is clearly stated that men and women have rights to equally participate in the political and governance processes in their respective countries as leaders and decision makers, voters, electoral officers, civil servants as well as right holders. Finally, in 2009 AU Heads of States made a landmark and opportune declaration that 2010-2020 would be marked as the African Women's Decade. Women organisations in Africa consider this a critical time and period for accelerating the achievement of the desired changes in the lives of women and girls.

The Beijing + 15 Review assessments and reports will provide the baseline information that will inform the priority actions to be undertaken at different levels throughout the Africa Women's Decade.

As clearly noted in most of the national official reports submitted to UNECA, African countries have embarked on constitutional, legal and policy reforms during the 2004-2009 period, including drafting of new constitutions and a number of gender responsive legislation or reforms to address some of the lacunas in personal laws that result into discrimination and disregard of women's rights. The reforms also attempt to address other critical issues like violence against women especially in conflict and post – conflict situations and women's rights to property. Gender policies and plans of action, land reforms, and macroeconomic policy reforms have been undertaken, and these have facilitated the implementation of the Beijing commitments. Gender mainstreaming in development planning, budget processes and implementation of poverty eradication strategy programs has also been adopted in many countries as a benchmark for good governance.

In terms of women in leadership, Africa stands tall among the international community in achievements in the participation of women in governance and decision making structures. In Rwanda, for instance, the representation of women in Parliament stood at 56.3% at the time of the review, followed by South Africa at 47%. In Namibia, women's representation in local government was at 42%, Uganda at 35% and Ghana at 30%. SADC countries had also adopted a Protocol in 2008 in which member states committed to achieving gender parity at all levels of leadership and decision making by 2015. Africa additionally has its first female head of state, Her Excellency Ms. Ellen Sirleaf Johnson, President of Liberia who took office during this review period and we have several Vice – Presidents like in The Gambia and Malawi.

The biggest achievements however have been registered in the area of access to education and training for women and the girl child. A majority of countries have adopted universal primary education policies and committed substantive resources to ensure that the majority of children in Africa attain basic education. In addition, the past five years have witnessed more efforts being made to support girls and women to access secondary and tertiary education and to increase literacy levels through adult education and literacy programs. Fortunately the latter are mainly attended by women and they have great potential to be forums for change. Furthermore, in order to ensure that the increasing number of educated girls and women has access to employment including those fields that are traditionally male

dominated, there have been reforms in employment policies and laws in several countries like Uganda, Kenya, and South Africa. These countries have made attempts to include some of the BPfA labour standards in order to promote equal opportunities for women and men and to have a good work/ family balance for both women and men.

Shadow reports noted that during this period, women's civil society organisations have grown and expanded the democratic spaces for women to press for equality, equity and to safeguard gains made over the past 15 years. Globalisation of communications has helped to mobilise African women's participation in global and regional fora. African women are increasingly key participants in reshaping global and regional processes in areas such as trade, development aid, reforms of global governance institutions like the United Nations (UN) and the World Bank, and the promotion of human rights generally, sexual and reproductive health as a critical human right issue in the development processes in Africa, and the management of global crises such as the global response to HIV/AIDS, the food crisis and climate change.

The media too has played a critical role in publicizing women's rights issues and supporting public education to influence changes in attitudes, values and gender relations. However, the shadow reports indicate that public education programs that focus on increasing understanding of women's rights, gender issues and their relevance in development continue to be spearheaded mostly by women's rights organisations and some of the mainstream human rights organisations operating at different levels across the Africa region. Though their contributions cannot be underestimated, public education programs are very costly to sustain. Therefore, African women organisations indicated that as part of the governments' manifestation of their political will and leadership in promoting citizens' participation in public affairs, public education and awareness programs should be led and supported by governments in Africa so that they are institutionalized and sufficiently resourced. The above notwithstanding, the combined efforts of governments and civil society in some countries has made it possible in the last five years for some countries like Kenya, Liberia and Mali to publicly address matters previously considered as private such as violence against women in all its forms, including female genital cutting (FGC), as well as issues of trafficking of women and girls which has now been acknowledged as a global concern.

These practical steps are however a drop in the ocean when assessed against the many promises made by African governments on the fundamental issue of achieving gender equality, equity and women's empowerment. Shadow reports indicate that large gaps still exist between policy formulation and practice, particularly the non – shifting of practices and attitudes in institutions responsible for implementation and monitoring of legislation and policy. Social and psychological barriers continue to hinder progress. Moreover, harmful reservations lodged by some countries that have ratified human rights instruments such as CEDAW and the Protocol on Women's Rights dilute the spirit and application of these instruments. Legislation on women's rights and policies intended to promote the achievement of gender equality, equity

and women's empowerment are also not adequately harmonized at national levels especially in many African countries which have dualist legal systems.

Increasing insecurity, failing states, and the crisis of armed conflicts in several African countries have increased violent crimes against women and children. The recent developments in some countries that threaten to reduce the democratic space and work of women's rights defenders, and claw back clauses in legislation continue to put limits on women's rights and freedoms, as does corruption and impunity particularly for the political class and the perpetrators of VAW/Gs.

Maternal mortality rates in the region continue to be unacceptably high, quality of health services is still lacking, and there are widespread issues with drug shortages and barriers to accessing free medication and family planning services and information. Challenges have been experienced in the HIV/AIDS pandemic responses that have led to serious gender discrimination and violations of women's rights, particularly inheritance rights. Current care strategies for HIV/AIDS have failed to address or transform the double burden of care that is shouldered by women for their sick relatives and the need to increase their contribution to the household income. The slow process of integrating family planning and HIV services in most countries continue to lead to preventable deaths of many women and loss of millions of dollars that could be saved if there was political will and quick decisions to bring together these programs.

Though enrollment of girls in primary education has increased, there are concerns about the quality of education, retention of girls, gender gaps in tertiary education, limited use of role modeling and mentorship programs, under-representation of girls in science and technology fields, and the relevance of the education curriculum to the job market. Women also still remain largely invisible in the formal economy, and women's unpaid labour continues to be unrecognized. The situation of the rural and urban poor has not changed or has worsened in many countries, despite all the policies and resources invested in the processes of change over the last 15 years. The issue of corruption continues to be a major problem in Africa despite 28 countries being parties to the International Convention on Corruption of ..., thus limiting the gains that could be made for the common good if it was not for the self-preserving and enriching political leaders.

Shadow Reports also lament that resources for implementing gender equality and women's empowerment strategies at all levels are limited, with an over-dependence on development aid and non governmental interventions, which are also heavily donor dependent. It is predicted that this situation will worsen in the coming period as the impact of the global economic and financial crises unfolds. Finally, the governments' lack of capacity for gender analysis and the persistent lack of sex disaggregated data to show in more concrete terms the progressive changes in the quality of life of women, continue to be major challenges.

Beijing +15 Review: The African Women's NGOs Perspective

From March 1st to 12th, 2010, government delegations attending the 54th Session of the UN Commission on the Status of Women will converge to assess progress made in the implementation of the Beijing Platform for Action (BPfA) and the outcomes of the 23rd Session of the UN General Assembly (2000). It is fifteen (15) years since the BPfA was adopted at the UN Fourth World Conference on Women. The UN Economic Commission for Africa (ECA) will present the Africa Regional Report, synthesised from government reports submitted in 2009. What is civil society's perspective on the major accomplishments, challenges and recommendations for further action?

The African Women NGOs through collaborative efforts of the Africa Task Force on the Beijing +15 Review, and the regional and sub-regional Networks collected a total number of 13 national Beijing + 15 Review Reports and three sub-regional summaries that are the main source of the information and recommendations provided in this Africa Women's NGOs Shadow Report. Reference was also made to a number of reports submitted by African countries under CEDAW in the last five years (2004 – 2009). In addition Africa Women's comments and recommendations generated at the Africa Women's Consultative Meeting in Banjul, The Gambia are also incorporated in the Report. First, the Regional Women NGOs Shadow Reports highlights perspectives from the Sub-regional Shadow Reports from West, Eastern and Southern Africa.

Analysis by Sub-Region

West Africa

An analysis of the implementation of the BPfA in 15 countries³ by WILDAF-WA titled; *Women's rights implementation in West Africa: What has been achieved so far?*, acknowledges that since 2005, visible progress has been recorded in the area of promoting, protecting and fulfilment of African women's rights.

The table below shows one area of progress, with 11 of the 15 countries under review having ratified the AU Protocol on the Rights of Women in Africa. However, the report notes that despite the ratification of international and regional human rights instruments, limited measures have been taken at national levels for their incorporation into domestic law and for implementation. Conflicts persist between written law and customary/ traditional and/or religious laws and practices. Discrimination on the basis of gender and religious fundamentalism are also noted as factors compromising women's enjoyment of full rights and fundamental freedoms.

³ Benin, Burkina Faso, Cape Verde, Cote D'Ivoire, The The Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo

Table 1: State of ratification of women’s rights international and regional instruments by West African States⁴

COUNTRY	CEDAW	Optional Protocol to the CEDAW	AU Protocol on the Rights of Women in Africa
Benin	12 March 1992	December 2004	13 October 2005
Burkina Faso	28 November 1984	26 July 2005	09 August 2006
Cape Verde	05 December 1980	-	22 July 2005
Côte d’Ivoire	18 December 1995	-	Not ratified
The Gambia	16 April 1993	-	06 September 2005
Ghana	1986	2009	20 July 2007
Guinea	17 July 1981	Not ratified	Not ratified
Guinea Bissau	1985	February 2008	14 October 2008
Liberia	17 July 1984	-	15 July 2008
Mali	10 September 1985	5 December 2000	03 February 2005.
Niger	13 September 1999	30 March 2004	Not ratified
Nigeria	1985	September 2000	18 February 2005
Senegal	05 February 1985	10 December 2000	30 January 2005
Sierra Leone	1988	2000	Not ratified
Togo	26 September 1983	Not ratified	26 October 2005

In the area of education, the report points out that in the period under review, West African countries have adopted targeted strategies to reach the poorest families and encourage girls’ education. For example, Benin, Burkina Faso, Ghana and Togo have established free schooling for pre-primary and/or primary school education. Other strategies include waiving the parent-teacher association fees for parents of girls entering primary school⁵. Some countries like Togo, Benin and Burkina Faso, have also adopted laws punishing sexual harassment and any other sexual violence on children in school. In some states in Northern Nigeria, mothers are allowed to resume their formal education with their babies. Pregnant girls also have the opportunity to continue their courses and are supported to take the critical level exams to avoid dropping out of school. A law in the State of Kano, Nigeria, punishes girls’ withdrawal from the school system for reasons of marriage. In 2008, Mali joined the Convention of UNESCO on Equal Access to Education between girls and boys, and Guinea Bissau established parity in awarding scholarships inside and outside the country.

⁴ The report notes that though the Guinean parliament authorised the ratification in 2004, the deposit of the ratification instrument has not still been made to date. This is the same for Côte d’Ivoire which has not made the deposit of the ratification instrument despite the authorisation of its Parliament.

⁵ 2008, Universal Education in 2015: An achievable objective? Global report on follow-up on EPT, UNESCO

The concerns that women's NGOs have about these initiatives is that governments need to invest more resources in public education so that there is a fundamental shift in people's attitudes towards girls' education and pursuit of a career. Preventive measures must be promoted in addition to punishments and support mechanisms to significantly reduce the number of young girls with unwanted or early pregnancies. There has to be incentives for parents who ensure that their children go to school, and those that acknowledge and reward parents' participation in the school systems. As more and more countries devolve power and functions to local government levels to take care of major services like provision of education, strong mechanisms must be put in place to ensure that resources are efficiently disbursed and utilised for their intended purposes.

In the area of power and decision making, out of the 15 countries in the sub-region, only three (3) countries have had a woman as speaker of Parliament or one of their houses (The Gambia 2006; Nigeria 2007 and Ghana 2009) during the period under review. According to the report Senegal has the highest percentage of women in parliament with 29% followed by Cape Verde with 18%. Cape Verde also has the highest percentage of women ministers (36%) in the sub- region.⁶ Most notably, the election of Mrs. Ellen Johnson-Sirleaf in 2005 as Head of State of Liberia was welcomed as a major advancement for West Africa. She joins the small group of women Heads of State in the world, comprising only 4.76% of the world leaders. However, West Africa has had several countries with female candidates for the Presidency during the period under review for example Gabon in 2008 had 2 female presidential candidates, and Cote d'Ivoire had one in their November 2009 elections. The major constraints for women candidates that vie for political office is limited access to resources and capacity to finance their campaigns; stereotypes which remain strong against women in leadership; unfavourable policies and practices in political parties that make it difficult for strong and competent women to be elected in decision making positions and nominated for significant constituencies in their respective countries. In a recent Leadership Conference organised by FEMNET in collaboration with ROFAF in Togo for seven French speaking West African countries (28th – 30th September 2009),⁷ the political leaders at this meeting noted that though there are improvements in the legal framework for supporting women's participation in politics and decision making in their countries major obstacles and barriers still remain as noted above. In addition they noted that religious fundamentalism in some countries in West Africa and cultural inhibitions continue to constraint women's participation in public affairs.

In the area of women and health, the report indicates that Ghana has adopted policies aimed at giving free medical care and delivery for pregnant women, and instructed the ministries of Education, Health, and Local Government to take into consideration gender in their HIV/AIDS budget. In Burkina Faso, maternal health is

⁶ Source: World report on Human development 2009

⁷ The Leadership Conference in Togo was attended by politicians and Women NGOs providing Leadership development support for women in politics drawn from Togo, Cote d'Ivoire, Gabon, Guinea, Burkina Faso, Niger, Senegal and Sao Tome and Principe.

100% paid for by the state while infant health is 60% paid for by the State. Benin and Mali have declared that caesarean-sections are free for women. Several countries in the region have criminalized the intentional transmission of HIV like in Mali.

Despite all these initiatives, the sub-region still has the highest maternal mortality rates in the world. For the period 2000-2007, the ECOWAS Member States had maternal mortality rates ranging between 210 and 2100 deaths for every 100,000 live births, which is higher than the threshold of 100 deaths for 100,000 live births set by the Cairo Programme of Action for the period 2000-2005. Low health coverage, socio-cultural practices such as early marriage, early pregnancy, female genital cutting (FGC), marginalisation in decision-making with respect to issues concerning women's sexuality and reproductive health, the subordinate position of women in African families, and the fact that women are not capable or not allowed to plan their pregnancies, are factors that contribute to maternal mortality in the region..

In terms of violence against women, the region has seen its share of violations of women, including a highly publicized case in Cross River State of Nigeria in October 2009, where a young woman undertaking national service was raped to death by several men who claimed to be offended by the fact that she wore khaki trousers, the official uniform of the national service youth. Violence against women and girls is also a major social concern that contributes significantly to unwanted pregnancies and thus unsafe abortions (as majority of countries in the Sub - region criminalise abortion). VAW/Gs have increased their vulnerability to contracting HIV/AIDS and other sexually transmitted diseases (STDs) which ultimately increases health care budgets. With limited access to quality services and/or due to religious and cultural inhibitions many women continue to die in child birth as a result of various forms of violations.

Cases of violence are exacerbated in conflict situations that prevail in the sub-region. The report notes that violence against women and girls in conflict situations in Cote D'Ivoire and Guinea were recorded during the period under review, and were denounced by the international community and by African women who are expecting that actions should be taken to find and punish the perpetrators. The Women NGOs in the sub- region applaud the efforts of the AU for zero tolerance for undemocratic change of government and leadership in African countries which led to the suspension of Guinea from the AU summit for example. However, African women expect the Africa Peace and Security Council and ECOWAS to do much more to put pressure on such countries to investigate all human rights violations and categorically speak out against the use of sexual violence as a weapon of war. In such instances the Africa Human and People's Rights Commission and the Special Rapporteur on Women's Rights in Africa should take the lead to investigate and ensure that perpetrators are made accountable. Human Rights Defenders in the sub-region also need support to be able to bring cases on behalf of survivors to national courts and the West Africa Court of Justice. However, the process of justice in cases of VAW/Gs has proved to be very slow and costly to survivors in terms of their health, finances, and time. "This situation has to change if the issue of impunity is to be efficiently addressed in the sub- region" says the Executive Director of WiLDAF -

West Africa. The organisation also welcomes the United Nations Security Council Resolution 1888 on sexual violence in armed conflict adopted in the September 2009 UN General Assembly and call on all West African governments to put in place mechanisms and plans for its implementation.

The trafficking phenomenon in West Africa has been decried by many human rights organisations, including women's rights organisations in the sub- region. A decision dated 27 October 2008 by the West African Regional Court of Justice condemned the Government of Niger for failing to meet its obligations to Hadijatou Mani, who was sold for about \$ 500 as a slave in 1996 while she was still a child. The young woman later lodged a complaint and the State of Niger was found liable and asked to pay her CFA 10 million (\$19,030). The women's rights organisations call for strengthening of legal and administrative frameworks to prevent human trafficking, protection and supporting of survivors of such trafficking and the prosecution of the perpetrators. For this to happen governments in the region have to cooperate more to set standards, systems and mechanisms for apprehending the perpetrators.

Progress in the area of violence against women has therefore been recorded, but constraints relating to the lack of resources and inadequacy of training for major stakeholders involved in curbing violence have led to failure to meet the expected results. The lack of reliable statistics in the area is also one of the major challenges that need to be urgently resolved. The major challenge in the matter of gender based violence is reorienting people's minds within the framework of institutionalised violence. VAW/Gs is a criminal offence and the states parties have the responsibility to have mechanisms in place to prevent and minimize the occurrence of violence both in the private and the public lives women and girls. For instance in The Gambia, according to the MICS 2005/2006 survey, 72% of parents said they would like their girls to undergo FGC. In Mali, the President of the Republic was faced with severe pressure on the measures in the Family Code which was adopted on 14th August 2009 which outlawed FGC. This is because some religious leaders argued that the Family Code was considered inconsistent with Sharia provisions. However, studies have been done by several Africa women's rights activists particularly from countries that are predominately Islamic which clearly show that FGC is a practice that is not sanctioned by Sharia. It is a traditional practice in predominantly patriarchal communities sanctioned as one of the ways to control women's sexuality.

In the area of women and the economy, despite their strong presence in the informal and agricultural sector, women's access and participation in the management of resources is very low. The estimated earning per parity of purchase power shows that women in most of the West African countries make only half of what men earn. This has not changed much during this period despite the fact that most of the countries in the sub- region have experienced rapid economic growth. The AU Land Policy Framework of 2008 recommends the principle of equal access of men and women to land. However, not all the countries in the sub-region have land policies and legislations consistent with this principle. The Law 034-2009 in Burkina Faso and the law 2007-03 in Benin are examples of laws that have reformed the rural land tenure by recognising women's right to equal access to land. In 2005, the Parliament

of Sierra Leone reinforced women's rights to property as far as inheritance is concerned through the "Devolution of the Estates Act." Legal and policy reforms and efforts aiming to mainstream gender in development planning and national and local government budget processes offer great potential for increasing women's participation in the economy. However, these strategies continue to be overlooked or underutilized.

Comment [NMW1]: Is this the proper title of this Act? Seems like a word is missing

In terms of women's human rights, most countries have Family laws that still contain discriminatory provisions against women. The discrimination relates particularly to marriage, where polygamy is still legal, popular and widely practiced. Discrimination is also manifested in the inequalities in the control and decision-making within households, in relation to inheritance, divorce and custody of children- which are all important aspects in relation to the promotion, protection and fulfilment of women's rights. Family law reforms initiated during the period under review in Mali and Togo have been stopped. In Mali, demonstrators mainly from Islamic forces demanded that the President of the Republic further reviews the Family Code text instead of signing it, even though the Code had already been adopted by the Parliament. The Family Code recognises women's rights before, during and at the dissolution of marriage.

There is good news from Nigeria however, where it was recently deemed unconstitutional to require women to request the authorization of their husband before being issued with a passport. This is one way of ensuring women enjoy their rights to free movement and choice of where to reside.

In the area of institutional mechanisms for the advancement of women, the West Africa Shadow Report states that most countries have national machineries for the advancement of women. Despite the general lack or inadequacy of statistics in the sub-region, there is a greater availability of data disaggregated by sex and relating to girls and women's situation and this is a role that is being spearheaded by the gender machineries. Additionally, over the last five years, women's rights organisations have been actively involved in the fight for the fulfilment of commitments made by member states. One can observe a greater solidarity among the women of these organisations that is embodied in an increase in the number of networks, coalitions and federations of organisations created within countries and across the sub - region.

Eastern Africa

The Beijing +15 Review summary on Eastern Africa⁸ compiled by EASSI indicates that Eastern African governments have shown increased commitment towards the implementation of the Beijing commitments in all countries except Somalia. However, the degree to which these commitments are implemented varies from one country to another. For instance only Rwanda and Tanzania have ratified the AU Protocol on Women's Rights as of October 2009, despite continued efforts on the part of women's organisations and networks in the sub-region advocating for the

⁸ Burundi, Eritrea, Ethiopia, Kenya, Rwanda, Somalia, Tanzania and Uganda

governments to do so. Rwanda has gone ahead of all the countries in the sub- region to take various measures and actions at different levels to deliver on several Beijing commitments as is indicated below.

According to the Report, a number of strategies have been put in place since the Beijing Conference including legal and policy reforms, establishing and strengthening institutional mechanisms and programmes to promote gender equality, equity and women’s empowerment in the different countries.

During the review period countries in the region except Somalia had undertaken legal reforms through their National Constitutions as well as repealing, amending discriminatory laws and enacting new laws to promote women’s rights and advancement. National Constitutions of countries such as Uganda, Burundi, Eritrea, Ethiopia, Rwanda and Tanzania recognise equality as fundamental and provide for protection of all citizens against discrimination of all forms on grounds of sex, race, ethnicity, colour, religion, origin, tribe, birth, creed, social, economic standing, political opinion and disability. The Constitutions embrace the promotion and protection of women’s human rights as inalienable and integral part of universal human rights.

Some of the other legal reforms and legislation include laws that relate to marriage and family affairs, property rights particularly access to land, women’s dignity and sexual abuse and harassment, affirmative action, gender sensitive language of the law, freedom of association and expression and participation in governance, and equal employment opportunities and remuneration. Several other laws are being reviewed for amendment. In Kenya, the national constitution is still under review 20 years since the process started.⁹ Amendments to Laws on marriage and divorce have been passed in Tanzania which is quite progressive on this front, or they are in draft form in Uganda and Kenya. Uganda passed the Violence against women law in 2009 and all the countries with the exception of Somalia have ratified and domesticated the Convention on the Rights of the Child and the Africa Charter on Children’s Rights and Welfare which recognize the rights of the girl child. Most of the countries have national human rights commissions that monitor their country’s compliance with the commitments under various human rights treaties and report regularly to their parliaments on actions taken, the persistent gaps in addition to providing recommendations for further actions. Parliamentary scrutiny through Parliamentary committees like those concerned with legal matters, appointments, social and cultural rights, on the economy and budgets have hugely contributed to keep the gender – focus alive. However, as in West Africa culture, traditions and religious inhibitions remain major obstacles with serious consequences on the wellbeing of women, families, communities and society in general.

Comment [NMW2]: Need to make the font type of this paragraph to be the same as above

All countries in the Eastern Africa region have adopted gender mainstreaming which is advancing the Beijing agenda by changing the approach to and the content of public policies impacting on women’s and girls’ rights and their social, political and economic status. Unfortunately the approach to gender mainstreaming has been

⁹ Beijing Betrayed: East Africa section 2009

technocratic and quite bureaucratic thus in some instances halting or preventing the transformative potential of this approach. This is partly due to the limited capacity that exists in most government sectors and institutions to undertake gender analysis and formulate appropriate programmes for implementation.

Women in the Eastern Africa region play a vital role in production activities in addition to shouldering reproductive ones. As mentioned in the official Regional report the legal and policy frameworks to support women's participation in the economy have improved at the national and sub- regional levels including within the East African Community. With increased foreign direct investments (FDIs) and infrastructural development projects more jobs have been created and more than ever, women in the sub- region are engaged in the paid economy thus increasing their capacity to contribute to family incomes. Countries like Kenya have set up a National Economic Fund aiming to increase women's access to credit and development resources. Micro finance projects are being implemented in Uganda, Rwanda, Kenya and Tanzania.

However, what is disturbing is that the majority of women continue to have limited access to productive resources and opportunity of making critical decisions on how they are utilized and managed. Recognition of their contribution and significance to the maintenance of the good economic performance of their countries remains more rhetorical and has not translated into clear measures that consistently and sustainably secure women's participation in the economy as a human right. The situation is made worse by the persistent poverty that is affecting the largest proportion of Africa's population, namely the women. In all the countries in the sub-region women constitute the largest proportion of the poor living below the US \$ 1.25 threshold per day. Women poverty is attributed to limited access to and control over productive resources such as land and credit, limited control over the proceeds of their labour and lack of skills and appropriate technology. Despite efforts to avail markets information through the internet by different institutions there is still limited access to training and information for the majority of women which are so critical in transforming their knowledge and aspirations into reality. Many of their businesses remain small with limited capacity and potential to transform their economic status and to absorb the economic shocks and turbulence in the global economy.

All countries in the region except Somalia, have undertaken policy reform and countries such as Rwanda, Uganda, Burundi, Ethiopia, Tanzania and Kenya have strengthened National machineries responsible for the promotion of gender equality, equity and women's empowerment in terms of increasing personnel at head quarters and for field presence. These machineries are charged with implementation, monitoring and evaluation of the BPfA and oversee the integration of gender concerns in national development policies, programmes and budgets at all levels. What remain persistent concerns are the low budget allocations to gender machineries and their unstrategic location of the machinery within the government structures of these countries. They are grouped together with the least resourced departments within the Social Sector and these hardly have the clout to sufficiently

influence political and policy decisions. Where the gender machinery is headed by a cabinet minister this situation is applauded by the women's organisations. However, they highlight the importance of the minister appointed to lead a gender machinery to have the requisite knowledge and demonstrated capacity to do so.

In the area of reproductive health the EASSI Regional Scorecard noted that in Burundi the prevalence of HIV/AIDS has increased from 3.5% in 2002 to 4.2% in 2007, and maternal mortality in the country is on the rise at 800 deaths per 100,000. Infant mortality in Burundi has also increased significantly. This is despite formulation of a National Health Policy (2005-2015) which includes new born care as a strategy to reduce child mortality and free health care for pregnant women, announced in 2006. In Ethiopia there is progress in the reduction of People living with HIV/AIDS (PLWHA) from 1,500,000 in 2006 – 2008 to 980,000 in 2009. In Uganda the infant mortality ratio reduced from 122 in 1990 to 77 in 2006, however PLWHA almost doubled from 530,000 in 2006 to 2008 to 940,000 in 2009. Maternal mortality in Uganda decreased from 505 per 100,000 in 2000 to 435 in 2006. Significant progress was made in Rwanda with a reduction of PLWHA from 250,000 in 2006-2008 to 150,000 in 2009. Under five (5) and infant mortality rate per 1000 decreased from 238 in 2006 to 165 in 2008. The Government of Eritrea banned FGC as an illegal practice in 2007; in Uganda the National Strategy to Eliminate FGC will be in place by end of 2009 and the government released a budget of 200 million in 2009-2010 to specifically address FGC.

During the period under review inter and intra-states conflicts were present in every country reviewed in the EASSI Report, with the exception of Tanzania, which nevertheless contended with the issue of refugees from neighbouring states. The conflicts greatly compounded the struggles faced by women and children in realizing their rights, as well as reversed many gains made particularly in the areas of HIV/AIDS and violence against women. However very few of the governments have implemented gender-specific plans consistently as they relate to armed conflict, peace and security. The Burundi Government developed the National Protocol on the Treatment of Sexual Violence during conflict, in 2005. It provides a framework for coordination of the medical response to sexual violence. In Uganda the scorecard indicated that there is no specific policy apart from the IDPs policy of 2004. Many national and sub-regional women's organisations and networks were however involved in peace-building efforts in the period under review, including efforts to eradicate the social and cultural prejudice against women ex - combatants and mine victims in Eritrea, and advocating for active non-violence, mediation and reconciliation, and organizing women's conferences on peaceful conflict resolution, tolerance, unity and reconciliation in Rwanda. The East African Community plays a significant role in harmonizing security related programmes in the region. The International Conference for the Great Lakes Region (ICGLR) is another mechanism through which civil society actors have interfaced with governments in the sub-region to address issues emerging in the region on women and armed conflict and post – conflict situations.

On December 15th 2006, the Heads of State and Government of the ICGLR member states met in Nairobi and adopted the Pact on Peace, Stability and Development in the Great Lakes Region. The Pact entered into force on 21st June 2008. The 11 ICGLR member states include some in the Eastern Africa sub- region and these are: Angola, Burundi, Central African Republic, Congo, Democratic Republic of Congo, Kenya, Rwanda, Sudan, Tanzania, Uganda and Zambia. When fully implemented the Pact has the potential to reduce the occurrence and impact of armed conflicts and to transform the Great Lakes region into a space of durable peace, security, social and political stability and this would enable the countries to achieve economic growth and shared development. This report emphasises the great benefits to the women within the sub- region especially the thousands who would have the opportunity to benefit from the local regional integration efforts of the cross border trade and populations.

Southern Africa

A draft report submitted by Matrine b. Chuulu – Regional Coordinator of Women and Law in Southern Africa (WLSA), titled; *From Commitments to Implementation and Accountability* assesses progress in the fifteen (15) countries that make up the Southern African Development Community (SADC), namely Botswana, Angola, Lesotho, Malawi, Mauritius, Madagascar, Mozambique, the Democratic Republic of Congo, Swaziland, Seychelles, Namibia, the United Republic of Tanzania, South Africa, Zambia and Zimbabwe.

The report notes that there have been a number of notable achievements in the sub-region with regards to the situation of women. In politics there have been strides with respect to the participation of women in decision making. The region has seen ground breaking appointments of women to high level posts such as Prime Ministers and Vice Presidents, Speakers of Parliament and Cabinet Portfolios that were hitherto the domain of men, such as Finance, Foreign Affairs, Defence and Transport and Communication. Such appointments have happened in South Africa and Malawi for example for the Vice Presidency. South Africa had female speaker until recently. Civil society organisations in Zimbabwe, South Africa, Malawi, Zambia and Mauritius have initiated various programmes during the period under review to provide leadership development support to women in politics and decision making structures at different levels.

In the area of women in leadership and decision making, currently Lesotho has the highest proportion of women in local government at 48 percent while Zambia is at 6 percent. Research has revealed that women perform better in countries with the proportional representation electoral systems for example in South Africa, Mozambique and Namibia. Mauritius increased women's representation in the 2005 elections from 5.6 percent to 17 percent although they missed the 30% mark while Botswana experienced a drop in the 2004 elections from 17 percent to 11 percent.

There have been efforts to improve the financial position of women through entrepreneurship programmes, the establishment of women's banks, credit institutions and development funds. Trade policies have been revised to improve

women's access to credit and a number of countries have begun land reforms that, among other things aim to improve women's access to land.

Violence against women has also been recognized as a human rights issue and there have been some efforts to address it. South Africa is taking the lead to address the high rate of violence against women and girls. The occurrence of rape in this country is generally very high. Laws have been adopted and more cases are being brought before courts of law to ensure that perpetrators are punished. VAW/Gs in the sub-region and most particularly in countries like Swaziland and Zimbabwe has increased their vulnerability to contracting HIV/ AIDS and other STIs especially women and girls between the age of 14 to 25 years.

WILSA Shadow Report indicates that only six of the SADC countries have specific legislation to prevent human trafficking, these are Madagascar, Mozambique, Tanzania, Mauritius, Swaziland and Zambia, and that in all the SADC countries NGOs carry the major burden of providing advisory and counselling services to survivors of violence. In four of the SADC states there are no places of safety for victims while in all the other SADC countries, these facilities have little or no state support. South Africa has some best practices that other countries can learn from.

The Report emphasizes that one of the most fundamental and serious problems confronting the majority of women in SADC countries is the lack of legal reform in areas traditionally governed by the Customary and Religious laws.¹⁰ Women suffer discrimination due to non-uniform marriage and divorce laws, the application of customary property laws that still favour men's ownership of land, violence against women especially women who assert themselves to defend their rights. There is also lack of equal access to education thus limiting the capacity to access information and opportunities for advancement.

With respect to the human rights of women, the report provides the following information on the gender sensitivity of the various countries' Constitutions, and the gaps that limit women's enjoyment of equal protection under the law:

Table 2: CONSTITUTIONAL PROVISIONS FOR GENDER EQUALITY IN SADC COUNTRIES

Country	Gender Sensitivity of Constitution	Issues
1.0 Angola	Article 18 (1,2) provides for equality irrespective of sex and sexual discrimination is prohibited. Article 29 provides for equality between men and women in the family, with the same rights and duties.	<ul style="list-style-type: none"> ▪ Falls short of providing for non-discrimination in all matters of personal law, an arena of many disadvantages to women
2.0 Botswana	Section 15 protects against discrimination, but excludes protection from discrimination on the basis of sex.	<ul style="list-style-type: none"> ▪ There is lack of protection from sexual discrimination. However, the highest court has interpreted another section of the constitution

¹⁰ WLSA – Women and the Administration for All Justice Delivery System: Problems and Constraints

		<p>as prohibiting sex-based discrimination.</p> <ul style="list-style-type: none"> Protection from discrimination does not extend to matters of personal and customary law, where women face many disadvantages
3.0 Lesotho	Section 18 protects from discrimination based on sex	<ul style="list-style-type: none"> Protection from discrimination does not extend to of personal and customary law
4.0 Mauritius	Section 16 excludes protection from discrimination on basis of sex	<ul style="list-style-type: none"> There is lack of protection from sexual discrimination Protection from discrimination does not extend to matters of personal law, where women face many disadvantages
5.0 Namibia	Article 10 provides for protection from discrimination on basis of sex Article 14 provides for equal rights between men and women to, during, and at dissolution of marriage	<ul style="list-style-type: none"> Falls short of providing equal rights in all matters pertaining to personal and customary law where women face many disadvantages
6.0 Malawi	Section 20 protects against sex discrimination Section 22 provides for full and equal respect of individuals within the family Section 24 provides for rights of women to equal protection of the law, non discrimination in marriage, capacity to enter into legally binding agreements, individual property, custody and guardianship of children, to acquire and retain citizenship and nationality, equal rights on the dissolution of marriage, protection from violence, discrimination at work, and deprivation of property, elimination of harmful/discriminatory customs and practices	<ul style="list-style-type: none"> Though progressive at the level of formal equality and equity implementation remains problematic at the level of substantive equality.
7.0 Mozambique	Article 66/67 provides for equality of rights between men and women in all spheres of political, economic, social and cultural affairs	<ul style="list-style-type: none"> There is no explicit provision protecting women's rights, given their historically disadvantaged position
8.0 Seychelles	Article 27 (1,2) provides for equal protection of law and prohibits anti-discrimination on any ground. Envisages ameliorative measures for disadvantages persons and groups	<ul style="list-style-type: none"> There is no specific reference to protection of women's rights in all matters of personal law, where women are most disadvantaged
9.0 South Africa	Section 1 provides for democratic values of non sexism, human dignity, equality and advancement of human rights and freedoms Section 9 prohibits discrimination on the grounds of sex, pregnancy and marital status Section 12 (2) provides for the right to bodily and psychological integrity including decisions on reproduction, security in and control over one's body	<ul style="list-style-type: none"> South Africa has some of the most progressive legal and policy provisions in relation to the protection of women's rights. They have also taken measures to implement the provisions. However, the context within which these provisions are applied is so complex due to the political history of the country. The last five years there has been a number of emerging concerns as discrimination persists in different communities in terms of development and access to productive resources.

		<ul style="list-style-type: none"> ▪ There was a serious rise in xenophobia against migrants especially those from troubled countries like Zimbabwe
10.0 Tanzania	<p>Articles 12 and 13 provide for equality of persons and equality before the law Article 13 (5) prohibits discrimination based on sex</p>	<ul style="list-style-type: none"> ▪ There is no provision that explicitly protects women's rights, given their historical and contemporary disadvantages
11.0 Zambia	<p>Article 23 protects individuals from discrimination irrespective of sex or marital status</p>	<ul style="list-style-type: none"> ▪ Protection from discrimination does not extend to matters of personal and customary law, areas in which women are most disadvantaged

The report states that most Constitutional bills of rights in SADC countries have severe derogations and claw back clauses which water down the purpose of the bills of rights. Some of the derogations are couched in generalized terms such as national security, public interest, and public morality which ultimately avail a lot of room for denial of rights to the citizenry and abuse by those in power.

In terms of women and the economy, the report indicates that gender budgeting initiatives are underway in South Africa, Namibia, Mozambique, Mauritius, Tanzania and Zimbabwe. In most of these countries, gender budgeting processes have been institutionalized in the Ministries of Finance, while others have also established gender-responsive budgeting Task Forces with the aim of expanding the process to include parastatals, private companies and NGOs. However, the following challenges still remain:

- Women only constitute 18% of government economic decision-makers in the SADC region; in some countries this is considerably lower. For example in Mauritius there are no women in economic decision-making positions. There is only one woman Finance Minister (in Namibia) in the SADC region.
- Trade policies are mostly gender blind. Only a few procurement policies make specific reference to women.
- Women still struggle to access credit although most SADC countries now have programmes to assist women in accessing credit.
- Women continue to predominate in the informal sector.
- Figures on land ownership range from 11% in Seychelles to 46% in Botswana. However, the land

Analysis by Critical Area of Concern

Major achievements and Challenges

As this is a Africa Regional Women's NGO Shadow Report we shall not necessarily repeat the progress articulated in the official Africa Regional Report on the Beijing + 15 Review. However, highlights are provided here below from the women's perspective.

1) *Women and Poverty/Economic Empowerment*

The National Women NGOs Shadow Reports from various countries assert that African women still continue to constitute the majority of the poor, lacking access to resources such as land, capital and technology. Patriarchy and inheritance customs have led to the majority of land in private control being in the hands of men though women are the main users of this land for agricultural production and food security. Even with the registered improvements in land – related laws and policies in many countries women's property rights relative to men remain one major cause of the feminisation of poverty in Africa.

Despite attempts to put in place mechanisms to address the issue of feminized poverty, women's NGOs are concerned that it will be difficult for African countries to halve poverty by 2015 as they committed to this target in the Millennium Development Goals (MDGs). Poverty reduction strategy programs (PRSPs) and other development processes have evolved in the last 10 years to encourage citizens' participation in their development and review processes. However the PRSPs have not reduced poverty especially among the majority of African women except in some countries in North Africa like Tunisia. One of the reasons for this state of affairs advanced by different Shadow Reports is the minimal structural and ideological changes within the institutions that are responsible for the implementation of the plans, policies and the legal provisions. Institutions in Africa generally remain unaccountable to the people. Service delivery remains slow and the rights bearers hardly have the capacity to challenge the bureaucrats that manage these institutions and the elected politicians that oversee the executive. The bureaucratic systems are difficult to navigate for the ordinary citizens in Africa, most especially the rural and less educated women. Due to poverty many people in Africa are more preoccupied with the struggle to meet their basic survival needs.

In **Burkina Faso, Niger, Nigeria** and **Kenya**, governments have come up with funding mechanisms specifically for women's enterprises, to improve women's economic independence and status. However the Women NGOs Shadow reports indicate that the majority of women have difficulty accessing the funds due to lack of popularization of these schemes, the stringent procedures and issues of corruption. For instance the Kenya report identifies some key challenges facing the Women's Enterprise Fund launched in 2007 and these include: the fees for the application forms, lack of knowledge of how to fill in the application forms due to high levels of

illiteracy among women, high interest rates charged by commercial banks who disburse the funds, and financial institutions who demand collateral from women before giving them loans,. All these challenges combine to defy the Fund's objectives.

In **The Gambia** and **Tanzania** women, particularly in the rural areas, still struggle to access credit due to a lack of collateral, despite the many micro-credit initiatives. Those who can access loans find the interest rates are very high. For example commercial banks charge up to 27% and the Micro finance institutions charge between 12 - 40%. The Gambian NGOs cite the need for a National Micro-Finance Policy that takes women's economic status into consideration. On the other hand Tanzanian NGOs note that "while the micro-credit approach has allowed its beneficiaries to advance themselves in terms of economic opportunity and income, it represents a continuation of former strategies which have been severely criticized in national, regional and global fora for their failure to lead to a major change in the economic situation for the majority of women." **Ghana** NGOs cite inadequate planning and monitoring of micro credit programs as a major challenge, and a complaint expressed in several shadow reports.

In **Uganda** there has been general improvement in women's employment in both formal and informal sectors. The Government has established the Poverty Eradication Action Plan (PEAP) gender group which reviews government's poverty eradication strategies and also seeks to highlight sector guidelines for gender mainstreaming. **Tanzania** NGOs however note that their Government's Poverty Reduction Strategy paper (PRSP) does not consider the link between paid labour and unpaid labour. In **Kenya** the enactment of the Employment Act No. 11 of 2007 which came into operation on December 27, 2007 and replaced the old employment law has some very progressive provisions that seek to remove discrimination of women at the work place. The provisions include prohibition of discrimination and termination on basis of sex or pregnancy, provisions on sexual harassment, requirement for equal pay for all men and women performing work of equal value and provisions that ensure female employees entitlement to 3 months maternity leave with pay.

In **Uganda** the establishment of gender guidelines in budgeting has also enabled government ministries to incorporate gender and equity responsive programmes and strategies in the overall development plans and these were further strengthened after the 2007/8 review of the implementation of the National Action Plan for the implementation of the National Gender Policy. In **Kenya** the adoption of a National Policy on Gender and Development in 2005 was intended to facilitate the mainstreaming of the needs and concerns of women in all areas of development – however the plan of action for this Policy was only finalized in 2009, and therefore, the country is now ready to embark on implementation. The experience of Kenya shows the gap between having the policy in place and its implementation. It has taken 4 years to complete the Plan of Action. The full implementation of the Plan has to wait for resources to be allocated in the next annual budget 2010/2011 before it is rolled - out.

In **Morocco**, the government has set up the reallocation of public spending in favour of programmes and projects aimed at empowering women with an aim of alleviating poverty. They also have in place a National Initiative for Human Development. However problems of lack of training and of professionalism, lack of specialised human resources and lack of financial support in this area continue to exacerbate poverty in the country. **Cote D'Ivoire** and **Nigerian** NGOs play a major role in designing development projects that are gender sensitive including income generating activities.

Benin government strategies include implementation of large-scale programmes for mechanising agriculture but unfortunately priority is given to men in allocating production tools. The **Burkina** report notes an improvement in the family allocations (social protections) given to families, but note that these allocations benefit more men than women and children. Both these reports show evidence that gender-blind economic policies are still alive and well on the continent.

Ghana states that the government's capacity to undertake gender-sensitive economic analysis is still low and that the National Land Policy does not fully address issues affecting women's access to land, which is also a common issue mentioned in many of the National Shadow Reports.

Countries like **Senegal** in this period introduced schemes to address the problem of food shortage which led to demonstration in 2008. The purpose was to boost agricultural production and increase the country's capacity to meet its food requirements, increase efficiency of agricultural production among small scale farmers the majority being women thus reducing its dependence on food imports. Similar measures are being undertaken by **Kenya** to increase the land under irrigation since the prolonged drought of 2008/09.

The dependence on donor funding for the implementation of a number of measures being undertaken by various countries in Africa to reduce poverty is a serious challenge more so since the food and energy crisis of 2008/9 and the turbulence in the global economy that started in 2008 though its impact in Africa is more evident this year.

2) Education and Training of Women

Across the board the area of education and training of women showed the most progress in all countries that submitted NGOs Shadow Report and this is also confirmed in the official Regional Report on Beijing +15 Review. Particular to note is that during the period under review, all the NGOs reported that their governments had initiated and/or implemented universal free primary education initiatives. **Benin** and **Togo** have enshrined free pre-primary education as a human right. Some countries have undertaken programmes that support free education for secondary school as well as affirmative action for university entry like in Uganda, Rwanda and

Kenya. Across the board however, NGOs also reported some challenges and inequalities still persisting in the area of education.

Benin noted that the Free Education initiative was challenged by a shortage of teachers with the required skills and competences to manage the increasing numbers and the diversities of the pupils. Teaching materials, equipment and infrastructure are inadequate especially in rural schools and the overly large class sizes can be a hindrance to learning. **Senegal** decried the lack of basic training of the teachers, existence of multi-grade classes, and insufficient consideration of quality delivery in the national education budget.

In **The Gambia** free education had led to gender parity at lower basic schools, but there were concerns about quality of education in upper basic school education. The NGOs reported an increasing need to protect girls and female teachers from sexual harassment and abuse which still persists, and the Sexual Harassment Policy prepared by the Gender Department of the Ministry of Education is yet to be implemented. **Senegal** also reported a 'resurgence' of violence in schools while **Uganda** reported on sexual harassment in schools, particularly prevalent in the form of defilement and rape. Meanwhile **Togo**, **Benin** and **Burkina Faso** have adopted laws punishing sexual harassment and any other sexual violence on children in school. At the time of compiling this report in November 2009 Uganda adopted the Sexual Offences law which had remained pending for a long time.

Other than quality of education, another overarching issue noted in the reports was the retention rate of girls and boys once enrolled in schools. This may be the biggest challenge to meeting MDG 2 which calls on governments to ensure that by 2015 that boys and girls alike will be able to complete a full course of primary schooling. In this domain civil society organisations appear to provide the most interventions, even though as **Ghana** notes programs by NGOs remain donor dependent and highly susceptible to issues of long term sustainability. Ghana also reports that government interventions, such as the school feeding programme, are limited and politicized while in Uganda and Kenya they have been major motivators for poor parents send their children to school. In **Nigeria** there are now State laws prohibiting street trading and hawking and penalising parents and guardians who act in contravention, which has contributed to the retention of more girls in school. The State Prohibition of Withdrawal of Girls from School for Marriage Law and laws and policies in some States in Northern Nigeria that allow the return of pregnant girls to school after delivery have also helped to promote the education of girls and empowerment. Ignorance of the laws by the public and lack of effective enforcement by law enforcement however have been barriers to bringing perpetrators to account.

Kenya's Gender Policy in Education has also ensured that pregnant girls do not miss taking their final examinations and all measures have progressively been taken to ensure that the girls' education and opportunities are not jeopardized by a pregnancy and this also relieved pressure from young girls to seek for unsafe abortions. **Senegal** and **Tanzania's** retention strategies include building of girl-friendly schools with separate toilets for girls and boys among other infrastructural

improvements. They have also improved policies for physical accessibility for children with disabilities. However NGOs in both countries are currently engaged in advocacy to remove the regulation by the Ministry of Education that prevents pregnant girls from re-entering primary, and secondary school. In Tanzania the government has agreed and is developing a re-entry policy to allow pregnant school girls to return to secondary school.

Niger, Senegal and The Gambia governments and NGOs took concrete steps to ensure that school curricula are gender sensitive, as a strategy for keeping in line with the Beijing Platform for Action objectives. In Niger this included a study on the revision of curricula in order to eliminate gender stereotypes in the content and education methods. Based on the findings of that study, an educational guide for school teachers on the gender stereotypes within textbooks was developed in 2006 and made available to the teaching staff. In Senegal this took the form of reviewing textbooks and curricula for gender stereotypes and in The Gambia NGOs have worked in partnership with the Ministry of Education to engender the Upper Basic and Senior Secondary School Curricula with a focus on FGM.

A major frontier yet to be crossed with the increase of girls in primary schools and, to a lesser extent, secondary schools, is the need to remove barriers to entry in tertiary education and skill-building opportunities, as well as ensure equal access to the job market. In **Burkina Faso** for example, education is free up to age 16, but unequal access to the job market poses a major challenge to girls exiting higher education. In **The Gambia**, the report states that there are no specific state-owned skill building centres catering for girls. NGOs therefore make significant contributions in this area, especially for girls who have dropped out of the formal education system. However, most of these skill building centres have maintained the traditional fields like catering, tailoring, basic skills in managing a small business and for group employee skills for the service industry. **Ghana** again notes that the national youth employment programme is limited in scope and politicized however there has been an increase in literacy/adult education and training programs by NGOs. Ghana also points out that the range of apprenticeship opportunities open to women is limited in scope, and leads to occupational segregation in artisan professions.

In **Kenya, Uganda and Ghana**, affirmative action steps have been taken to increase the number of young women entering university. Ghana states that these quotas need to be enforced with sanctions for non compliance. In **Tanzania** the establishment of the Higher Education Loan Board to provide loans to qualified male and female university students has reduced the financial problems that constrained many girls to access higher education. In **Morocco** the government has set up grants for scientific research with a view of increasing the number of women in science. In Uganda girls taking science-based courses have a higher opportunity to secure government scholarships.

Many countries in Africa are also prioritizing adult education by implementing adult education programs to raise the literacy levels. In some countries adult literacy programs have integrated other social and economic issues to sensitize men and

women on issues of public health, their human rights, and agricultural extension services, among others. This is the situation in **Uganda, Kenya, Rwanda and South Africa**.

Education is one of the ways through which attitudinal and behavioural changes can be realised and stereotypes challenged, interrogated and new practices introduced in society. However, the current interventions have mainly focused on bridging the gender parity gap in primary, secondary and tertiary education. The Women NGOs are advocating that education programs to promote the increase in numbers of girls and boys accessing education and more importantly to be used as a tool for social change. Education should empower men and women to aspire for better gender relations that are based on respect for each others' human rights. The curriculum and courses offered at university and tertiary level should be regularly monitored to ensure their relevance to the employment market.

The NGOs also call upon their governments and the various regional blocs to promote incentives that ensure the retention of highly skilled labour within the continent. Tracer studies are extremely important to identify the trends in employment access for female and male graduates/ trainees, for example. This data is not readily available in most countries in Africa and the problem of brain drain is still a reality for many countries.

3) Women and Health

Although Women NGOs in Africa noted in the various Shadow Reports that a significant number of countries have prioritized women's health and reproduction as an area of concern, the health status of women in African countries particularly those in sub-Saharan Africa remains a critical issue particularly in the areas of maternal mortality and morbidity and HIV and AIDS. The HIV/AIDS pandemic has exacerbated the already vulnerable situation of women's health in this period of review. The pandemic has affected women in many ways, including in the increase in demands made on women as care givers. Women have less control over their sexuality due to the socialisation process in most countries, poverty, and cultural beliefs. Their dependent status makes them vulnerable to violence, and even more vulnerable to HIV/AIDS infection.

Women's health is further affected by gender bias in policies, programmes and socio-cultural practices. Decreased health spending and privatization of health care systems in many countries without guaranteeing universal access to affordable health care have additionally affected the health of women and girls and increase their burden of shouldering the responsibility of the health needs of their families.

Governments have made significant efforts in the area of women's health, particularly with a view to meeting the MDG 5 targets to reduce maternal mortality ratios by 75%, and achieve universal access to reproductive health. Some of these efforts include:

- Free Caesarean sections – Benin, Niger, Senegal, Morocco
- Free Maternal Health Care – Ghana, Niger, Nigeria (in some States), Tanzania
- Free transport to Obstetric facilities in rural areas - Morocco
- Free or subsidized treated mosquito nets – Burkina Faso, Nigeria, Uganda
- Other: Clitoris reparation services - Burkina Faso

Have these been effective?

Benin reports that though caesarean sections are free, there is still a selection process that proves to be a barrier to access, and facilities to perform this procedure are insufficient – not available at all health centres. **Burkina Faso** reports that the subsidized costs for treated mosquito nets are still too high for the majority of people who need them. **The Gambia** notes that there are still many hidden costs in health care for example women have to pay for the extra health care service such as a bed after delivery of a baby. If the unofficial fee is not paid then it is very easy for this mother to miss a bed. In **Senegal** the free caesarean sections are not adequately publicized, and despite the free maternal healthcare, **Ghana** women’s access to healthcare particularly obstetrics and gynaecology is limited and evidenced by the worsening maternal mortality rate.

Efforts to reduce the alarmingly high maternal mortality and morbidity rates have therefore been largely inadequate. **Niger** notes that despite all the efforts made, including a salary review in the health sector and the introduction of financial incentives to encourage qualified personnel to serve the most remote and disadvantaged populations, they still have one of the highest rates in the world. This is due to, among varying reasons, limited access to health facilities - For instance in **Uganda** 86% of the women encounter at least one serious problem in gaining access to health care, only 23% of mothers receive postpartum care within the critical first two days after a delivery while 74% do not receive any postpartum care – as well as inadequate training and supervision of health workers.

Other issues highlighted by NGOs in the area of women and health are:

a) Frequent stock outs of Anti retroviral medications for the treatment of HIV

Benin and **Kenya** note that this is an emerging challenge, and in **Tanzania** there is an additional issue of counterfeit medicines. The Women NGOs Shadow reports state that there is an underlying lack of political will and technical capacity to manage fake medicines brought into the country as part of trade liberalization policies. Available sources indicate that up to 30% of medicines in the market in Tanzania are counterfeits. In **Kenya** in the month of October 2009 there was a ban on a particular type of condoms which was considered to be sub- standard. However, due to the cheap prices its distribution had spread widely throughout most of the urban and town centres in the country. In **The Gambia** women are often required to buy their medication at private clinics or pharmacies if the prescribed drugs are not available in public health facilities, and this is more often than not.

a) Prohibitive costs of healthcare

In **Burkina Faso** the costs of female condoms are deemed still too high for the majority of women to access. In **Kenya** the National Hospital Insurance Fund does not cover outpatient expenses, which would cover the majority of women's health needs. Also in Kenya there is an increasing incidence of detaining women in hospitals for their inability to pay. This occurs in both public and private healthcare facilities where women who have just delivered babies but cannot meet the costs endure severe mistreatment including being forced to sleep on the floor instead of the bed, being denied sufficient nutrition even though they are breastfeeding, and verbal and psychological abuse. The women hardly any assistance for their babies and themselves and this exposes them to other diseases that can be easily contracted in the hospitals. This situation is worse for women abandoned by the fathers of the babies.

c) Lack of a comprehensive approach to women's health

In **The Gambia** harmful traditional practices like FGC were not identified in the national Beijing +15 report as a risk to safe motherhood, reproductive and child health. Programmes addressing FGM are typically donor-supported and implemented by local NGOs through the Women's Bureau. In **Kenya** where cervical cancer ranks as the most frequent cancer among women, the vaccine is not available in public health facilities and is too expensive in private facilities for the majority of women. The issue of safe abortions and post-abortion care is also largely absent from governments reproductive health care policy. For example in Kenya, although accurate statistics are hard to obtain since abortion is illegal, about 300,000 abortions are performed each year, causing an estimated 20,000 women and girls to be hospitalized with related health complications and about 2,600 deaths every year. It is estimated that more than 30 percent of Kenya's maternal mortality rate is due to unsafe abortions. Abortion is also illegal in **Tanzania**, however it accounts for 16% of maternal morbidity and mortality. Finally, NGOs in **Nigeria**, Kenya and **Uganda** note that there is a lack of focused interventions addressing the intersection between violence against women and girls and the spread of HIV/ AIDS and where the intersection is recognised and addressed the services are not routinely and widely available.

It has been argued for a long time that integrating family planning/reproductive health (FP/RH) and HIV services, especially in high HIV prevalence settings like in South Africa, Namibia, Swaziland, and Zimbabwe would go a long way in maximizing coverage and health outcomes for women in Africa and optimizing the wise use of scarce resources. Integrating services can take various forms and there are examples of where it has worked quite well in Ethiopia, Kenya, Lesotho and Uganda. FP can be integrated into HIV counselling and testing programs plus screening for any forms of violence; into prevention of parent – to – child transmission services; or into care and treatment programs. HIV testing, prevention and counselling can be added to existing FP, maternal- child, or primary health care services. Unnecessary deaths of children and mothers would reduce if FP services are readily available to HIV positive mothers and other sexually active women and men. This would reduce unwanted pregnancies and unintended births. HIV positive

parents would also easily access information and services to transmission to the unborn child.

d) Insufficient resources allocated to health-care

This has been noted in **Senegal; Kenya** - where the health budget is 9.4% of GDP; and in **Tanzania** - which fares better at 11.2% but which still does not meet the 15% commitment made by Heads of States in the Abuja Declaration.

Other challenges noted by NGOs include

- Persistence of cultural dynamics in the area of condom use
- Inadequate sexuality education targeted at adolescent girls and boys and women and men in the age bracket between 18 – 25 years of age.
- Lack of up dated sex disaggregated health statistics
- Inadequate access to information regarding sexual and reproductive health and rights including quality family planning
- Women continue to lack effective control over their sexuality and reproductive health.

The other concern highlighted by the shadow reports is that the improvement in provisions of health services are dependent on donor funds or have used funds generated from the debt cancellation procedures like in Uganda. There is need for new innovations to ensure that people in Africa enjoy health incentives that accrue to every individual who undertakes regular check –ups for him/herself and family members. Children must be taken for immunisation and regular check – ups and benefits of doing so must be popularized. For this system to work information has to be readily available to all people in forms that are accessible. This will help to build a culture of responsibility for one’s health and failure to comply must have clearly stated consequences. The complaint systems in health centres and hospitals must also be functional and have to operate in the interest of the clients, especially women whose socialisation makes it difficult for them to readily express themselves.

For such a system to work in Africa countries have to have sufficient service centres coupled with public health education. Information has to be readily available to ensure that all persons, especially women who shoulder the responsibility of health care for the family are aware of their rights and obligations. These efforts cannot be projectized (five years)– they have to be sustained for at least 20 – 30 years in order to effectively transform people’s and societal attitudes and behaviours. The issue of brain drain in the health sector must also be seriously addressed. It is immoral for any developed country to entice health providers to leave their country after benefiting from free or subsidized education. African governments must have a system in place for supporting health care workers especially those working in remote and hard to reach areas. African governments must have in place clear long- term goals that secure the health of its population especially that of women who shoulder the responsibility of reproduction.

4) Violence against Women

New and sometimes groundbreaking legislation in the critical area of concern of violence against women has been enacted since the Beijing Declaration and PfA, largely as a result of dogged advocacy on the part of civil society at national, sub-regional and regional levels. For instance, there is now legislation banning FGC in Benin, Cote D'Ivoire, Burkina Faso, Ghana, Kenya, Niger, Nigeria, Senegal, Tanzania The Gambia and Togo. In Uganda the district where this practice is common has adopted a bye-law. Additionally elimination of FGM is specifically provided for in the AU Protocol on Women's Rights, which came into force in 2005. New anti-human trafficking legislation has also been enacted in The Gambia, Togo and Tanzania. Nigeria in addition to the legislation has also established a National Agency for the Prohibition of Trafficking in Persons to deal with issues of human trafficking and child labour (Nigeria is one of the major sources of trafficked persons in the world, according to the UN Office on Drugs and Crime).

However, despite the enactment of laws to address the scourge of violence against women, several challenges remain:

In **Nigeria**, the anti-trafficking law is unknown to most citizens and law enforcement agents. Women and girls constitute the largest percentage of trafficked persons and are generally not protected as a result of societal apathy, collusion and general acceptance of the practices which facilitate human trafficking. And despite having State Laws that prohibit harmful traditional practices such as FGC and child marriages, and that protect the rights of widows and PLWHA, implementation is slow or absent, largely as a result of cultural gender biases. For instance since the enactment of these laws, there have been no cases of arrests or prosecutions of violators.

In **Kenya** FGC is only outlawed in the Children's Act, therefore leaving women over the age of 18 with no legal grounds to resist this harmful traditional practice. Additionally, the much celebrated Sexual Offences Act (2006) has not been sufficiently popularized or implemented, and enactment of the Family Protection or Domestic Violence Bill of 2007 has been delayed repeatedly.

In **Ghana** there is an absence of legislative instruments to guide holistic and comprehensive implementation of the Domestic Violence Act (2007) as well as a lack of appropriate policy framework to address issues at the intersection between Violence and HIV/AIDS. Further, estimates for many statistics on Violence against Women have not been updated since 1998. Both **The Gambia** and **Ghana** note that women with disabilities are not adequately or specifically catered for in the current legislature on violence against women.

In **The Gambia** in addition to having no specific law addressing FGC or domestic violence, the existing application of laws in the Qadi Courts¹¹ discriminate against women in addressing women's rights in marriage, divorce, child custody and

¹¹ Islamic Courts which have been incorporated in the legal system of the The Gambia, the Qadi Courts apply Shariah as the basis of the hearings and judgment.

inheritance. Most of the cases reported do not respond adequately to the specific circumstances of women's suffering from battering, rejection, and the right of custody of their children in cases of separation or divorce.

In **Morocco** the government has put in place penalties in the Penal Code for exploitation of women in prostitution and sex tourism. However these are insufficient measures and implementation is slow. Data collection in terms of incidences of violence against women remains limited, and the topic remains taboo. In **Senegal** there is a failure to apply legal instruments which is the major cause of impunity of the perpetrators of violence. There is also an absence of prevention policies on violence against women and girls.

In **Uganda** lawmakers have proposed criminalization of HIV infection under the new HIV/AIDS draft Bill. The fight against FGC in Uganda is also being resisted by several cultural groups in the district where it is practiced because it is perceived as an eradication of cultural norms of the people of that area.

Gender mainstreaming efforts in the form of Gender Desks in police stations in **Kenya**, **Tanzania** and **Nigeria**, have also been a popular strategy in the fight against VAW/Gs. Kenya notes that while this is an excellent initiative, the programme has not been very successful as there are not enough trained police officers to staff the desks and the initiative has been poorly publicized. The transfer policy within the police force (every officer is required to transfer every three years) also affects the consistency of operations of the Gender Desks. **Nigeria** adds that the Gender Desks are not visible in most of the Police stations and where they are in existence the Police Force is still not gender sensitive thus hindering the changes in culture and practices with the institution on ways of addressing violence cases. There have also been other mainstreaming efforts in countries like **Ghana** where a Special Court in charge of domestic violence was established in 2008 and in Ghana and **Nigeria** where special units for support to victims of domestic violence have been set up. Their presence allows for regularly collecting of statistics on cases of VAW/Gs that are reported, prosecuted and disposed of in a given period.

A key shortcoming in the strategies against VAW noted in several shadow reports is the shortage of shelters for survivors of violence. This service is mainly provided by CSOs. **Nigeria** reports that there is lack information on the availability of the shelters. Additionally the shelters do not give adequate protection to survivors because they are ill equipped with unskilled personnel who are unable to deal with the trauma experienced by the survivors. In **Kenya** statistics have shown that the many stakeholders working against gender violence in the country are not well coordinated to provide the required comprehensive support. Many concentrate on advocacy and legal assistance while few provide required assistance in the form of safe homes for survivors of gender violence and counselling services.¹²

¹² Status of Gender Desks at Police Stations in Kenya: A Case Study of Nairobi Province

NGOs reported a wide range of initiatives implemented in the period under review to support efforts to prioritize and eradicate violence against women as a human rights and development imperative. These include:

- Exposing cases of impunity for example the CSO *Ne touché pas à mon enfant* (Do not touch my child) has played a major role in this area, particularly concerning violence against girls (**Morocco**)
- Setting up women's support and assistance centres including legal information centres/law clinics, legal and administrative aid centres, and more.
- Involving men through Men for Gender Equality Now which is a pioneer men's network that was established in 2003 by the African Women's Development and Communication Network (FEMNET) to champion elimination of gender stereotypes and espousing positive masculinity. (**Kenya**) This programme has now been upscaled to cover six other countries in the region.

The general acceptance of VAW/Gs in many communities in Africa is one factor that makes it difficult to eliminate this vice. The legal systems are also quite costly and cumbersome in some countries that many people opt out of prosecution. It is only high profile cases where cases are prosecuted and judgement delivered in a reasonable period. The case in point is the popularly known Java case in Kenya which was monitored by women's rights organisations for 8 months till judgement was delivered in 2009. There was intimidation of the girls abused and their mothers; offers of huge sums of money for the withdrawal of the case and continuous delays intended to frustrate the complaints. However, the support of the women's rights groups and free representation made it possible for the survivors to persevere till judgement was delivered.

5) Women and Armed Conflict

The conflicts in Africa are still a challenge and a major cause of human rights violations for women and girls. Those that are long-standing include the conflicts in the Democratic Republic of Congo (DRC) and Sudan, particularly in the Darfur Region, and Somalia. There are also those that erupted in 2008 including Madagascar, Kenya, Mauritania and Guinea, the latter escalating into a serious catastrophe in September 2009.

Wars and other forms of armed conflict in Africa have been fought on women and girls' bodies and souls, on community livelihoods and identities, and on relationships within the body politic that have far-reaching consequences on the society. This comes at a time when few countries in Africa have implemented the UN Security Council Resolution 1325 (which will mark its 10th Anniversary in 2010), as perceived in UN gender mainstreaming guidelines. To date, only sixteen countries worldwide have produced National Action Plans to implement the resolution, and only 3 of those, Cote D'Ivoire, Liberia and Uganda, are in Africa.¹³

¹³ INSTRAW, Implementation of UN Security Council Resolution 1325

In **Kenya** there are Law reforms underway as part of the reform process after the post-election violence in 2008. This includes formation of a Truth Justice and Reconciliation Commission where women can be heard and hopefully attain justice for violence meted against them during the post election crisis as well as others that politically instigated violence of 1991, 1997 and 2008. The Commission will also look into all the historical injustices against women spanning from independence until today. However NGOs note an absence of a comprehensive national legislation on women and conflict, as Kenyan laws and policies do not currently deal with violence in the context of conflict, including violence perpetrated by those in authority.

In **Uganda** the Peace, Development and Recovery Plan for Northern Uganda sets out strategic objectives which unfortunately do not address the unique needs of women in armed conflict as such, yet majority of the victims of war are women and children who experience unique sexual and emotional brutality. The National Internally Displaced Persons Policy of 2004 provides special protection to expectant mothers, female headed households, health needs of women and special care for victims of sexual abuse. However there remains a failure by government to implement punitive measures against military officials and security officers who perpetrate gender based violence. There is inadequate redress and safety for refugees and returnees whose rights have been violated.

In **The Gambia**, progress has been noted in the increased enlisting of women in the armed forces which augurs well for women in conflict, as it will hopefully raise the capacity of the army to handle gender issues. Additionally, Gambian women in the security forces have served on peacekeeping missions. However Gambian NGOs emphasize the need for a policy or law on refugees to provide regulation and coordination, services and resources, as well as protection and awareness creation for refugees and the institutions that will handle refugee issues.

Senegal has set up decentralized observatories throughout the regions to host victims of violence and refugees, and established an emergency alert system. Senegal NGOs are involved in providing psychological support to victims of conflict and advocacy for the adoption of the ECOWAS Convention on the circulation and sale of light weapons;

Currently the reports reviewed indicate that there is no comprehensive database that can be used to adequately reflect the true picture of gender-based violence during armed conflict, and this has hindered policy formulation and legislation on the same. Also because of this lack of a comprehensive database, the severity of the armed conflict on women may not be fully appreciated in its severity and hence not taken seriously by policy makers. Furthermore, pressure from parties to the conflict, the government, the family or community serves to intimidate women into silence. Continuing violence or conflict often prevents women from reporting and in many regions reprisal, shame and social stigma are attached to certain types of violence against women, particularly rape. Fear of the consequences of reporting sexual violence, such as facing rejection, alienation, divorce, being declared unfit for

marriage, and severe economic and social repercussions all discourage women from reporting the violence suffered.

6) Women in Power and Decision-making

Since the 1995 Conference in Beijing, women in Africa have made significant gains in terms of representation at all levels of decision-making. All prominent women leaders in political leadership are highlighted in the Official Regional Report and these include the President of Liberia HE Ellen Johnson- Sirleaf elected in 2005, former Deputy President of South Africa, Ms. Phumzile Mlambo-Ngcuka, the Vice President of The Gambia, Dr. Isatou Njie-Saidy, and the Prime Minister of Mozambique, Ms. Luisa Diogo. Women have served as acting presidents in both Burundi and Guinea-Bissau.

Despite being the world's poorest region, women's representation in sub-Saharan countries' legislatures is higher than that of many wealthier countries, and it continues to rise. Perhaps most impressively, women now constitute over 50% percent of Rwanda's parliament, the highest percentage of women in any parliament worldwide. Overall, the percentage of women legislators in sub-Saharan Africa is about 17 percent and has risen steadily over the last decade. Thousands more women elected at local levels are now gaining the skills necessary to move up into national leadership positions. These positive developments have set the stage for a dramatic increase in the number of women in politics. In addition there has been a new trend in the last five years of women being appointed to key ministries like Agriculture, Finance and Foreign Affairs. The case in point is **Uganda** which has female ministers of Finance and Agriculture. **Kenya** had a female Minister of Justice for about six years till early this year when she stepped down for personal reasons and to concentrate on her preparations to contest for the presidency in Kenya come the 2012 elections. **In Ghana** the Attorney General women leaders have held the portfolio of Attorney General, Chief Justice, Trade Minister and Speaker of Parliament. In Cote d'Ivoire a woman politician was the Education minister for over 10 years.

Several countries have also made efforts to increase the number of women in the public service particularly those holding decision making positions. The private sector has many prominent female entrepreneurs and those heading critical private sector regulatory bodies like the Kenya Capital Markets. In Uganda the Human Rights Commission has three female commissioners out of seven (7). The civil society sector has been a major training ground for many women leaders who have now joined politics. The first female members of the East African Legislative Body from Uganda were all from prominent leaders in civil society.

The broadening political opportunities for women notwithstanding, African women must continue to overcome existing and new challenges to strengthen their power and position in leadership and decision making. While their presence alone does not guarantee change for women, it has made it possible for more women to demonstrate sound political leadership, an awareness of women's needs and the importance of gender equality, all of which open doors for the next generation of women leaders.

Some country-specific initiatives and challenges:

Though **The Gambia** currently has several high-profile women in Cabinet including the Vice President, at the legislative level there are only four women, representing less than 10% of the Legislature¹⁴. While efforts are being made to encourage women's participation in decision making and politics, there appears to be a lukewarm attitude on the part of the State to facilitate this process; for instance the State can take stronger measures to legislate to allocate a third of elected seats to women, as well as ensure that political parties nominate women for a fair share of their candidates. NGOs also highlight the need to increase women's representation as village heads (Alkalo) and to have women as Chiefs (Seyfolu). Most of the activities undertaken in the period under review to promote women's participation were spearheaded by NGOs.

Ghana has established a local governance fund for women, to support women standing for elective positions. NGOs acknowledge some commitment to Affirmative Action in appointment of women to decision-making positions, and an appreciable increase in women's representation in the District Assemblies. However women's representation in Parliament is still below 10%, affirmative action is not a policy at the national level nor in political parties and commitment to it is limited. There is a need to enact Legislation for a 30% quota of women ahead of the 2012 elections the Shadow Report indicated, if this situation is to change. In addition NGOs recommend that political parties must be compelled to field women as parliamentary candidates. Further, adequate allocation of resources to the Women's Fund, government-led public education to encourage women's participation in leadership and support for women who offer themselves for appointments / elections should be undertaken with urgency. As in The Gambia, NGOs are at the forefront of efforts to increase participation of women in decision-making, including holding capacity building workshops for female aspirants and female parliamentarians, and training programs for women to effectively engage in local government programs.

Kenya also has less than 10% representation of women in Parliament. Though this is the largest number of women in Parliament since Independence, it amounts to only a slight improvement since 2002 when women comprised 8.1% of parliamentarians, and it indicates the great distance yet to be covered to get Kenya not just to 30% representation, but to gender parity in parliament as set out by the African Union. Women are also grossly underrepresented in senior decision-making positions within the civil service. For instance, in the top most levels of the civil service, male representation stands at 84 per cent, against 16 per cent female representation. At the lower cadres of the civil service, female representation stands at 74 per cent, with 26 per cent male representation. NGOs note that the lack of internal democracy in Kenya's political parties and ethnicity-based party politics have worked to reduce opportunities for women to get to leadership, and relegated women to peripheral roles in the women and youth leagues of the political parties. There is also a

¹⁴ Two of the assembly members are elected, while the other two, including the Speaker of the National Assembly, are nominated by the President of the Republic.

noticeable failure to nurture younger women who can keep the women's agenda afloat.

Some appreciable progress was noted in **Niger**, where the Constitutional Court which is the country's highest court has been headed by a woman since 2008. Also for the first time in Niger's history, a woman became president of a political party in 2006 and had a female Minister for Foreign Affairs.

In **Nigeria** the Federal Government set up women Political Empowerment Projects in the 6 Zones of the Country under the coordination of NGOs. These zonal offices have assisted in the increase of women in elective positions, however the zonal offices are not well resourced and the State Governments are not very supportive of the project. The gender bias against women in politics and the failure to adopt the affirmative action policy through legislation has impacted negatively on the project. Moreover NGOs note an inability by older female politicians to understand the political power dynamics and exploit them for their benefit, as well as a failure to organize themselves politically, as key challenges. As in **Kenya**, lack of internal democracy within political parties was specified as a critical barrier to women's effective participation. NGOs have supported women legislators with information and research on issues affecting women to encourage the passage of women friendly bills. NGOs have also carried out political sensitization campaigns before elections to encourage the electorate to vote wisely, organised seminars for women seeking political offices, and engaged party leaders in dialogue on why they should support women who seek elective offices.

Concerted efforts in the arena of women in power and decision-making have been made by NGOs in **Tanzania**. For instance in the 2005 elections NGOs developed a Voters Election Manifesto to present the concerns and demands of voters who advocate for gender equity and justice. They include more women contesting (e.g. in 2005 women contested for Presidential and Vice President Positions), more special seats for women (30% in parliament), and more women elected and/ or appointed to the critical positions of Deputy Speaker, Ministers and Deputy Ministers, High Courts Judges, Under- Secretaries of State, and Regional Commissioners.

Uganda has achieved 30% representation of women in Parliament and at local government levels, awareness on affirmative action is high, and women's presence on parliamentary committees has influenced gender responsive approaches in legislation. In the 8th Parliament, Five women members of parliament head parliamentary committees while 9 are deputies. While numbers have grown, women's presence in areas of critical influence is limited thus limiting their ability and power to influence political change and decision making. Once more, women's participation is marred by divided party politics which has an adverse effect on the concerted efforts forged by the women of Uganda over the years and the gains so far made. In **Togo** positive steps by government include reduction of barriers including reduction of registration fees for women candidates in the 2007 legislative elections, as well as providing stipends for political parties which had women candidates in the election.

In **Egypt** unfortunately religious fundamentalism is increasing the pressure on Egyptian women to renounce their public roles and confine themselves to their homes and reproductive roles. Egypt is one of the countries that have not ratified the Africa Women's Rights Protocol. The Women NGOs therefore called upon their government to urgently ratify and embark on the process of implementation. This situation is not very different in other North African Countries like Libya, Algeria and Morocco. Though women have been supported to attain higher level of education and improve their health and social status compared to their sisters in sub-Saharan Africa, their presence in leadership and decision making positions is still very minimal.

The Africa Women NGOs also noted the bold step taken by the AU to adopt the Africa Charter on Democracy, Election and Governance. At the time of compiling this report no country had ratified the Democracy Charter 2 years after its adoption. Ratifying the Democracy Charter is one way governments in Africa would demonstrate their commitment to achieve the gender parity target in leadership and decision making set by the AU, by SADC countries in their Gender Protocol and the commitments made in Beijing. They recommend that by the time of launching the Africa Women's Decade in June 2010, the Democracy should be in force.

7) Institutional Mechanisms for the Advancement of Women

Institutional mechanisms for the advancement of women were identified within the BPfA as one of the key factors in ensuring that gender equality is anchored within the policies and structures of national governments. Review reports indicate that various countries have created a Ministry of Gender as well as gender desks/ gender officers in various ministries and state agencies such as police stations. In terms of practice, however, these structures do not have strong political support and are not located at the highest level within the different institutions, thus limiting their capacity to influence decisions and practices. They also tend not to have the necessary technical capabilities and adequate resources. Nevertheless in terms of progress, almost all countries reporting indicated that a national policy on gender is now in place and others have gone ahead to develop a Action Plan to facilitate its implementation.

Some country-specific initiatives and challenges:

In **Uganda**, the shadow report notes that the country has shown commendable progress in enacting and reviewing the legal and policy frameworks for gender equality. There is considerable progress in gender budgeting at the ministerial level and all ministries are mandated to incorporate gender and equity issues in mainstreaming the gender policy. In 2008 Uganda undertook an assess of the implementation of its National Action Plan for the Gender Policy and a revised Plan was adopted to accelerate the process. It was strongly recommended that a multi-sectoral approach be adopted so that all government sectors and departments make their contributions to the implementation of the Policy. However, funding for gender equality programs remains low and most people lack adequate skills and training in respect to gender analysis and gender budgeting.

Benin and **Cote D'Ivoire** both have National Gender policies in place, with efforts to mainstream gender in all policies, development plans and programmes. However Cote D'Ivoire notes there have been mixed results in implementing the policy objectives, and the mainstreaming efforts lack a monitoring and evaluation mechanism.

The gender ministry in **Ghana**, as in all countries reporting, is not well resourced to execute its mandate. Ghana NGOs Shadow Report indicates that the National Gender Policy has not been well publicized either. Furthermore there is a need to adopt a multi-sectoral approach and engender other institutions of the state including the courts of law, the Department of Social Welfare and the Police through sustained training, information sharing and capacity building, and adequate resource allocation. **Niger** also notes poor coordination and intervention capacities of the Ministry in charge of women's affairs. Its human resources are weak in terms of gender mainstreaming whereas its budget, in spite of the increases that it has recorded in the last few years, represents less than 1% of the national budget.

Kenya, Niger and Nigeria adopted Gender Policies in 2009, 2008 and 2007 respectively. However in Kenya there is continued under- resourcing of not only the machineries, but also for effective policy implementation. There is also need for a more multi- sectoral approach to move the gender equality and women's rights and empowerment agenda forward and faster. In Nigeria despite adopting a Strategic Implementation Framework and Plan of Action for the Gender Policy, the absence of gender budgeting for the implementation of the gender policy across board at all levels remains a challenge, resulting in the policy not being fully integrated and implemented at State and Local Levels.

In 2006 **Togo** adopted a National Strategy for mainstreaming gender into all policies and its development programmes. A National Gender Policy has since been developed, but it has not yet been adopted by the government or the National Assembly. This acts as a barrier to optimum functioning of the gender machinery. Additionally the report cites a lack of coordination of development aid to the gender machinery as another challenge. **Togo** as well as most countries reporting, also indicated the insufficient updates of gender disaggregated statistics on the status of women and men in all spheres of life.

Ghana and **The Gambia** both emphasize that in light of underperforming and under-delivering national gender machinery, cohesive women's civil society and women's movements are necessary to bridge some of the gap. Ghana highlights a best practice whereby women's organisations working together in coalitions yield greater results in terms of advocacy. The Gambia however notes that sustained funding has posed challenges for women's rights organisations to effectively implement activities related to their mandates, particularly in the face of the emerging challenges such as the global financial crisis, food insecurity, climate change and intolerance to freedom of expression and abuse of human rights.

One general comment that was made in all the Shadow Reports is that so much time has been taken by governments to develop all kinds of policies, frameworks and action plans on gender, persons with disabilities, vulnerable and orphaned children, the aged, migrants, refugees and IDPs, workers and some have gone as far as designing plans for strengthening social security arrangements. The good news is that gender is integrated in most of these documents. The greatest challenge is moving from planning to action. The gender and women machineries have weak monitoring systems and lack the clout within the government structures to really push for implementation by the different actors identified as the lead agencies. The biggest excuse is limited or lack of resources. However, Africa Women NGOs argue that it is lack of political will and decision to deliver on this agenda in concrete terms which is the main obstacle. In countries like Rwanda where the political will and decision has been evident right from the top leadership level progress is faster. The Women NGOs also recommend that gender machineries should be headed by a cabinet minister with demonstrated capacity to lead such a ministry and experience in undertaking gender mainstreaming work.

Secondly they recommend that the gender machineries should work closely with the ministry of finance to develop gender – responsive indicators (qualitative and quantitative) so as to make it easier for the finance teams to appreciate the qualitative changes that are so critical to the success of gender equality and women’s empowerment programs.

8) Human Rights of Women

The region has seen significant progress in adoption of sub-regional, regional and international instruments that promote and protect the human rights of women. Most notably all States with the exception of Sudan and Somalia have ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and twenty-seven (27) countries have ratified the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa, which also set a regional record for the speed at which it came into force in 2005.

On the other hand, 26 countries have not yet ratified the Protocol, despite the fact that member states committed themselves in 2004 in the Solemn Declaration on Gender Equality in Africa (SDGEA) to achieve universal ratification of the Protocol within one year.

The fact that **Niger** is party to sub-regional conventions has opened new doors for justice for women whose rights have been violated. For instance they are party to the Court of Justice that was established by the revised Treaty of ECOWAS, and which has jurisdiction to judge human rights violation cases. In 2008, in the case of Hadijatou Mani, who was the victim of slavery as a child, the court ruled that the Republic of Niger failed to protect Ms. Mani’s rights and was thus liable for the inaction by the administrative and legal authorities. **Niger** was sentenced to pay the plaintiff the sum of 10 million francs CFA as reparations. This jurisdictional

mechanism has through this case become familiar and thus available to the people of Niger.

At the national level, several African countries have embarked on constitutional, legal and policy reforms during the 2004-2009 period, including drafting of new constitutions and gender responsive legislation to address human rights guarantees and critical issues like violence against women and women's right to property. For instance in 2007 **Morocco** reformed the nationality law to recognise a woman's right to confer nationality to her children, no matter where the birth occurs, and with retroactive effect. In **Nigeria** the Federal High Court in Port Harcourt held that it was discriminatory and unconstitutional for the immigration officer to insist on written consent of a husband before an international passport could be issued for his wife, when no similar condition is applicable to the men.

Most countries are however experiencing a very slow process of domestication and implementation of the provisions of CEDAW and the AU Protocol on Women's Rights, to the detriment of the many women experiencing human rights violations on a daily basis.

In **The Gambia** efforts to domesticate regional and international conventions run the risk of diluting specific provisions. This has been concern since the experience of enacting the Children's Act of 2005 in which protecting girls from female genital cutting is couched under section 19 as follows:

"No child shall be subjected to any social and cultural practices that affect the welfare, dignity, normal growth of the child and in particular those customs and practices that are prejudicial to health and life of the child and discriminatory to the child on grounds of sex or other status." This may lead of an interpretation that FGC is not a harmful practice to the welfare, dignity or normal growth of a child as it is widely practiced.

However there is no specific provision within the Children's Act to address FGC. Additionally, while the constitution has provisions that ensure gender equality, there is a gender gap with regards to Personal Status Law of Women. The Qadi Courts are not empowered to address the human rights of women with regards to Personal Status Law and most of the District Local Authorities are not equipped with the relevant frameworks or knowledge to respond to gender specific issues arising from the law.

In **Kenya** the Constitution and the Kenya Citizenship Act continue to discriminate against children born to Kenyan mothers abroad, who have to apply for citizenship and are given entry permits for a limited duration upon entry into Kenya, while similar treatment is not accorded to children of Kenyan fathers born to non-Kenyan mothers. Additionally, women who are single must still obtain their father's consent to obtain passports and the national identity card and those who are married must obtain their husband's consent. The report notes that customary laws are still prevalent in most communities and are based on patriarchal traditions where men own, inherit, control and manage property. In most communities women do not inherit from their parents due to cultural norms. Though this is slowly changing

among the more educated and middle class families, the situation is terrible for the majority rural women who are chased away after the death of a husband. In December 2009 there have been several media stories of widows being chased from their deceased husband's land and property by the in-laws. In one community in Western Kenya the elders have intervened to ensure that widows do not become destitutes. In one particular case reported in the Nation newspaper on December 14th 2009 a widow was allocated part of the land where she was residing with her late husband to keep and use for agricultural production and they ordered the in-laws to put up a house for her as the one they had been living in was destroyed when she was sent away.

The high levels of poverty in the rural areas are also contributing to such situation of violence against women and are worse still where the man is suspected to have died of HIV/AIDS. Women with sons hold the property in trust but cannot own it in their own right while unmarried women are entitled to a share although less than that of their male siblings. In marriage, women only have access to user rights of property like land but majority do not enjoy ownership rights. The Matrimonial Property, Marriage, Family Protection and Equality Bills which has been in the offing for the last two years would go a long way to address most of these inequalities and violations of women's rights in Kenya.

Niger cites cultural and religious fundamentalism as barriers to implementation of human rights principles. In any decision that recognises a certain number of rights to women, the decision makers find themselves obliged to take into account socio-cultural aspects. The provisions of CEDAW and the AU Protocol on Women's Rights are still not popularized despite numerous sensitization campaigns conducted by civil society organizations. There remains a grave issue pertaining to knowledge and understanding of CEDAW and of the Africa Women's Rights Protocol, and that deficit in knowledge is at the root of the hostility by some Islamic religious groups and some women's associations who subscribe to the Islamic fundamentalist thought towards the two legal instruments. Furthermore the debates around CEDAW and the Africa Women's Rights Protocol are primarily conducted at the national level while neglecting the local and community levels.

In **Uganda** the current review and enactment of family laws has laid a major platform for the reform and consolidation of laws relating to marriage, divorce, property rights and separation. The reforms are currently embodied in two bills which if passed would provide unique protection and redress to women and girl children and also advance the equality principle which is laid down in the Universal Declaration on Human Rights. Of significance is the fact that these bills seek to outlaw the old and rigid widow inheritance law, and further advance equal property rights amongst spouses and cohabiting couples. However, the family law reform process has been on-going for the last 10 years since the draft revised Domestic Relations Bill was first presented to cabinet based on the human rights framework articulated in the Constitution of Uganda promulgated in 1995. Although certain controversies still exist in regard to particular clauses, the bills are generally

perceived as a mile stone in the women's struggle for equality. The Property Rights of Spouses Bill in **Ghana** is also still in pending.

In **Tanzania** even though more efforts are needed in this area, achievements have been recorded in the form of adoption of relevant regional human rights instruments such as the AU Protocol on Women's Rights, and enactment of the Anti-human Trafficking Act (2008), the Employment and Labour Relations Act (2006) and the HIV/AIDS Act (2007). Other achievements include greater reporting on incidents and cases of violation of women's rights to the media and administrative and legal institutions.

The passing of the law on trafficking of women in 2005 in **Senegal** has contributed to the protection of women and girls and this has been anchored with the domestication of the CEDAW in the Constitution, and thereafter the ratification of the Africa Women's Rights Protocol. In **Burkina Faso**, some legal steps have been taken to repeal more blatant forms of discrimination in the law, including sexual harassment within the Labour Code.

Nigeria's Shadow report underscores the failure to domesticate CEDAW as well as failure to enact a law against VAW as the major challenges to promoting and protecting women's human rights in the country.

In **Ghana** NGOs assert that the challenge to implementation of human rights standards is weak political will to protect and promote women's human rights. Access to justice is also constrained by delays in the system and insufficient sensitisation of judges and magistrates on human rights approaches and gender sensitivity. Women's rights organizations are involved in intensified advocacy efforts at the national, sub-regional and regional levels, to compel States to implement their commitments on women's human rights. Women's NGOs are also involved in popularization, mobilization and sensitization campaigns around human rights issues at the national and local levels.

In **Cote D'Ivoire** civil society has engaged in advocacy activities, even though the military and political crisis in the country has been a hindrance to strong mobilisation because of the massive displacement of women and children. In **Ghana** NGOs have made concerted efforts to include human rights in training for duty bearers. NGOs in Ghana as well as in **Senegal** and **Niger** have additionally simplified and translated some of the international instruments. Women's rights NGOs in Niger have also developed a gender training manual with a list of selling points on *Gender and Islam*, a list of arguments on the lifting of reservations to the African Women's Rights Protocol, as well as a gender concept glossary in Arabic and several local languages.

In **Niger** both state and non-state actors have implemented strategies to advocate for the removal of reservations and the ratification of the AU Protocol on Women's Rights. However, NGOs point out that the strategies developed so far by both stakeholders are not streamlined in content as well as implementation modalities. Civil society organisations have established a coalition for the removal of

reservations, but without inclusive guidelines for actions by different stakeholders working in this area, thus the need for more coordination of efforts.

In **The Gambia** NGOs working on women's rights issues are engaged in rights education to raise the awareness and consciousness of people. This awareness has resulted in women reporting domestic violence such as wife battering, abuse and abandonment by spouses, to relevant women's rights organisations that assist them to seek justice.

In addition NGOs in **Uganda** have used human rights clubs in schools to increase awareness and education on human rights and responsibilities. They have promoted the use of simulation exercises to create awareness and consciousness about the key fundamental principles of human rights and how they promote democracy, equal participation and tolerance. Through these clubs children acquire life skills for negotiating their right to participation and freedom of expression using non-violent means.

Generally women NGOs and their partners' programs over the years have contributed significantly to influencing change in attitudes and perceptions of what gender equality and women's empowerment is all about. However, they also noted in the Shadow reports that to achieve greater impact these efforts require more coordination and stronger linkages with the mainstream education and literacy programs implemented by various government agencies.

Finally it was noted that in some countries human rights education programs have brought women organizations in conflict with the state. As citizens become enlightened about their rights they are more demanding and assertive. It is therefore, important to identify key allies within the state systems and to strengthen the human rights legal regime at the national level. **Ethiopia** is one of the countries that passed a law which intends to limit the operations of human rights organizations. Countries like **Uganda** have in some instances used force to suppress the legitimate voices of the people. In fragile states like **Guinea and DRC** women's and children's rights are constantly violated with no recourse for the survivors to seek justice. The situation that prevailed in **Zimbabwe and Kenya** after their disputed presidential elections in 2008 and 2007 respectively, left thousands of innocent women, children and men dead, raped, maimed, displaced, and many are destitute as they lost all their belongings including land and homes. Women and girls were systematically raped and/or subjected to other forms of sexual abuse and inhuman treatment. This trend is a great cause of concern as nothing substantial has been done so far by the leaders of these countries to bring the perpetrators to account and be punished. The survivors have also not been provided with the necessary treatment, support, counselling and reparation. Who is accountable? The state has the responsibility to protect its citizens against all forms of violence.

The Women NGOs therefore recommend that if such impunity cannot be addressed at the national level then the office of the AU Special Rapporteur on the rights of women in Africa must be strengthened. The AU through its various mechanisms has

put more pressure on African leaders and specific countries that are abusing the rights of their citizens to account.

9) Women and the Media

The past decade has witnessed drastic changes in global communications as a result of the increased use of Information and Communication Technologies (ICTs), which have the potential to greatly democratize national and international spaces.

The new ICTs have changed the traditional modes of communication, for instance, the old concept of gate keeping where information was controlled by a few in certain quarters has changed fundamentally. The new ICTs have availed opportunities for interactivity and hence enhanced audience participation of determining media content.¹⁵ The proliferation of technologies has further revolutionised the way information is passed and received, and the prices are dropping with every technological innovation which has been particularly beneficial to African consumers of ICTs.

However, there are still far too few women in media management in Africa, meaning that women generally have little or no control over content creation and dissemination of public information. **The Gambia** points out that no women organisation or woman entrepreneur owns a newspaper or a radio station and there are no female managers of private radio stations. In the private sector the high license fees also serve as a deterrent for women aspiring to publish a newspaper or operate a radio station. **Ghana** also reports that ownership of media is still male-dominated. However, in **Cameroon** a women's organisation is managing a Radio FM station Mbalmayo. It mainly broadcasts information and host programs that are highlighting issues of equality, women in development and women's empowerment. It has been on air since 1998 and it has managed to renew its licence for the last 11 years. The women have used the radio to mobilise women in Cameroon to participate in elections; educate women about their rights generally and more specifically in relation to their rights to property dependant on their marital status; create awareness about the right to bodily integrity, personal safety and security and what constitutes VAW/Gs. The radio has also campaigned for the birth registration system to be revamped in Cameroon.

Nevertheless significant improvements have also been noted in the way women rights issues are portrayed by the media. The increase in acceptance of women's active participation in public affairs is one such indicator highlighted in the shadow reports.

Countries in Southern and Eastern Africa have established strong media women's associations which have been in the fore-front in re-defining the work of the media to

¹⁵ Rosemary Okello-Orlale- Looking back and ahead: The media and the struggle for gender equality after the Nairobi's UN women's Conference—Agenda- Empowering women for gender equality No 69-2006

enhance gender awareness and gender equality for development. These are associations such as Tanzania Media Women's Association, Association of Media Women in Kenya, African Woman and Child Feature Service, Uganda Media Women Association, Gender Links in South Africa and Media Initiative of Southern Africa (MISA), who have over the years worked with governments, women leaders and NGOs to empower women as leaders using the media, in addition to developing training manuals and training journalists and editors on how to mainstream gender in media content. Media monitoring has also served as a mirror where various NGOs can hold the media accountable for the portrayal of women.

One significant issue emerging from the shadow reports is the issue of freedom of expression. In **The Gambia** the Constitution guarantees freedom of speech and of the media. However, the right to access and disseminate information is affected by several factors including fear amongst journalists in particular, owing to limited freedom in the media. The recent conviction of Sarata Jabbie-Dibba, Vice President of The Gambia Press Union and a female columnist at the Point Newspaper, for sedition, poses a major concern to practising and aspiring female journalists in particular because her imprisonment also affected her breastfeeding baby¹⁶.

Both **Ghana** and **Uganda** report of improved freedom of the press in their respective countries. Ghana adds that the number of female journalists entering media organizations at professional level has increased, and there are more female students graduating from journalism and mass communication courses. The number of women in the various newsrooms of both private and public media is however not commensurate with the number of female students entering journalism training institutions. Women are also editors of some state-owned newspapers, special correspondents as well as news anchors. For the case of Uganda things have changed slightly as the current government seems to be less

In **Burkina Faso**, a woman has been appointed as the head of the High Council for Communication; however NGOs remarked that while this is an encouraging step forward, it is still an insufficient measure to bridge the gender gaps in the communications sector.

Kenya reports that several media based NGOs have worked with women aspirants to parliamentary and civic bodies to improve their use of the media and highlight their leadership qualities. They also noted that sexual harassment tends to be rampant in the larger media houses, although evidence is currently anecdotal and requires empirical study.

With the information overload which most people are experiencing it is quite challenging for the key actors in the media to ensure that the media continues to be a positive tool for promoting gender equality and women's empowerment. Therefore,

¹⁶ Ms. Jabbie-Dibba and five other prominent journalists were convicted in August 2009 for a publication of a statement from the GPU in response to statements by President Jammeh about the slain The Gambian journalist Deyda Hydara. After serving about a month in prison, the journalists were released on a presidential pardon.

the women NGOs noted that there is need for a lot of creativity to ensure that the information dissemination from the media actually gets to the intended audience. Key actors in media houses have to pay attention to the needs of different audiences. Women machineries, media councils, human rights and equal opportunities commissions (where they exist), the information ministries and the education sector have a critical role to play to ensure that public and private media uphold the rights to equal access to employment opportunities at all levels of the media industry and to quality training. They have to put in place monitoring mechanisms to ensure that the work place conditions and terms of service promote a work/family balance for both male and female employees.

The high levels of illiteracy among women especially in rural areas where the majority of Africans live, has to be systematically addressed. Information on various relevant issues that support women's empowerment and public awareness about human rights and citizenship responsibilities should be made available through rural extension services so that it reaches to all persons, including these marginalized women. The use of mobilise phone for public education should be put to effective use. They also call upon African leaders and countries to adopt or review their Freedom of information laws and policies to ensure that all citizens including all categories of women and girls have access to information that is essential for their to realize their full potential in all spheres of life.

10) Women and the Environment

In many countries in Africa, there has been increased degradation and pollution of the environment, and this is an area of grave concern to women. Environmental degradation and pollution have led to lack of clean water and food insecurity, which pose serious health risks for communities. Since the Beijing conference, there has been an increase in the formation of governmental and non-governmental structures that focus on the role of women in relation to the environment and natural resource management. This has led to an increased awareness of the necessity to involve women in decision-making and secure their participation in programmes to manage and conserve natural resources. Examples of actions taken include the increased participation of women in the development of alternative sources of energy, energy saving devices for home use and capacity building of women on the use of natural resources such as water and fuel wood in a sustainable manner.

Even though women have a vital role to play in environmental management and development, most shadow and national reports for Beijing +15 Review provided very little information, if any at all under this Critical area of concern. Yet it has been widely acknowledged that women's full participation is essential to achieve sustainable development.

Some country-specific initiatives and challenges:

In **Ghana**, the government has established a Gender Unit within the Environmental Protection Agency (EPA), the government institution responsible for monitoring,

regulating, implementing, coordinating, advising and setting standards. Unfortunately the EPA is understaffed, and lacks the political support to carry out the tasks delegated to it. The Ghana Shadow Report also asserts that there is weak collaboration among stakeholders involved in environmental protection and management both within government, the private sector and civil society.

The Gambia notes that women are a pool of resources usually drawn from to participate in tree planting and city and township cleaning exercises. Women have also contributed in attaining project objectives which however do not necessarily empower women to take charge and control of environmental resources and management processes. Women have not been the major beneficiaries of the environment either for commercial purposes or for livelihood needs, yet in situations of flooding, bushfires, drought and rainstorms, it is women and children who bear the brunt of these calamities.

In **Kenya** the issue of corruption in the management of natural resources is highlighted as a barrier to the integration of gender concerns and perspectives in policies and programmes for sustainable environmental development. NGOs have been involved in raising awareness on the linkages between governance and sustainable management of resources. They have advocated for the resolution of issues such as illegal land appropriation including essential wetlands, land clashes and evictions.

In **Benin** a strategic plan for the fight for and conservation of biodiversity with an emphasis on women has been created, but has not been popularised or implemented. **Burkina Faso** points to the existence of the National Environment Policy however stresses that what is needed is well targeted actions to address the needs of different populations particularly in rural areas.

In Uganda the government established the National Environment Management Authority (NEMA) and policy reforms and laws have been done over the last 10 years. The concerns highlighted above – limited participation of women in decision making, lack of appropriate and effective coordination among different agencies involved in environment management and political interference were named as some of the challenges in the Shadow Reports.

Many African cities and major towns especially those frequented by tourists are very proud of their markets which are commercial centres and African markets have an untapped potential to reduce poverty substantially. In majority of markets in the sub-Saharan Africa the majority of people in city and town markets are women. They are there as vendors, suppliers, buyers and generally informal traders. The rapid surveys that FEMNET has done over the last one year in African markets indicate that there are many environmentally related problems that market users in Africa are faced with. The problems range from poor urban and town planning, the incomplete state of most market structures which is a health hazard, the poor management and garbage collection systems and services, and lack of proper social amenities like environmentally friendly toilets for both men and women and safe facilities for

children who come to the markets with their parents. Other problems include the exorbitant rates and fees and high levels of corruption within the management systems in different markets. All these problems combine to make African markets an indispensable nightmare for both the users and vendors and are a constant threat to the sustenance of the small scale business that the majority of women run in the markets.

The women NGOs recommend that the AU and the NEPAD Secretariat under CAADP and through the process of popularizing the Africa Land Policy and Framework need to take into account the environmental, health and other social issues emerging from the poor management of markets in Africa. They call upon governments in Africa to review laws, policies, and markets development plans in their respective countries so as to adopt gender responsive programmes, strategies and measures that take into account the needs and basic human rights of all users of African markets, particularly the right to earn a living in a clean and safe environment. All major markets need to have equal representation of women and men on their management teams. This requirement has to apply to both public and private markets and the urban and town councils or relevant bodies responsible for monitoring markets development programs must include women in their ranks.

11)The Girl-child

Every African country with the exception of Somalia has ratified the Convention on the Rights of the Child, and as of February 2009 the African Charter on the Rights and Welfare of the Child has been ratified by 45 of the 53 member states. Yet there is still a high prevalence of violations of children's rights in the region, particularly the rights of the girl-child, who experience sexual abuse, trafficking, child labour, early marriage, increased vulnerability to contracting HIV/AIDS and other infectious diseases and general neglect of her welfare.

Although most countries in Africa have paid attention to the education of the girl-child, negative cultural attitudes and practices and economic constraints resulting from globalization continue to be hindering factors in achieving universal education for all school going children in Africa. Increases in sexual abuse of the girl children, at home and at school, and institutionalized and legalized abuse of girl children through early marriages and forced pregnancies are some of the causes of lower levels of education and high levels of illiteracy among girls. The girl child also continues to be burdened by household chores and care-giving compared to the boy child. This exploitative and sometimes invisible use of the labour of girl children leads to deteriorating physical and mental health and negative outcomes for personal development.

Shadow reports noted several commendable efforts on the part of government to address violations of girls' human rights, but reported that critical gaps still remain in the planning and implementation to sufficiently address the issues affecting the girl child in Africa.

In **The Gambia**, NGOs stress that the issue of the girl child is affected by the social perception of adults. As a result they have little or no decision making powers or a voice in matters that impact on them. They generally have no control over their sexuality and are subjected to various forms of injustice including FGC, early/forced marriage, and discrimination in the areas of inheritance to land and other properties. Government has provided insufficient responses to remove these injustices. The NGOs note that though the tourist industry in The Gambia contributes significantly to the GDP of the country, issues relating to girls dropping out of school at an early age to join the service industry that is essential for tourist industry needs to be seriously addressed.

In **Ghana** the rate of retention in school is still higher for boys than girls – less than 60% of girls that join the formal education system complete school. Underpinning these biases is poverty and traditional and cultural practices favouring education of boys over that of girls. Gender bias in educational practises still exists, for example in the biased allocation of books, in teachers' attitudes and even in class room arrangements.

A Gender Policy in Education has been adopted and implemented in **Kenya and Uganda**. Among the strategies undertaken is the re-entry policy for girls who get pregnant whilst in school, and provision of sanitary towels to girls. These policies have also addressed the need of enhancing gender friendly structures (school desks) and sanitation facilities in schools. The enactment of the Sexual Offenses Act in 2006 was also a milestone in Kenya, as it is one of the few laws which recognize children as a vulnerable group. However implementation of the Act has been very slow.

Nigeria NGOs emphasize the need for all states of the Federation to domesticate the Child Rights Convention. State laws prohibiting street trading and hawking and penalising parents and guardians in contravention have contributed to the retention of more girls in school. The State Prohibition of Withdrawal of Girls from School for Marriage Law and laws and policies in some States in the Northern parts of the country that allow the return of pregnant girls to school after delivery have also helped to promote the education of girls and empowerment. One drawback though is ignorance of the laws by the public and lack of effective enforcement by law enforcement officers. The women NGOs are asking as girls are allowed to continue with their education what is being done to sensitize men and boys to avoid unwanted and early pregnancies that endanger the lives of many girls that attempt unsafe abortions and whose opportunities in life may be curtailed or reduced due to this pregnancy? They say that much more needs to be done including prioritizing the provision of family planning services and information.

Tanzania NGOs report that the fact that more girls than boys are enrolled in private secondary schools shows the positive change in parents' attitude with regard to girls' education. The down side is that it is parents of the affluence and middle class families who opt for the private schools which provide more safety and quality

education compared to public schools. NGOs in collaboration with trade unions and the media have been advocating for enactment of specific laws and policies to combat child commercial sex exploitation, child domestic work and other abusive and oppressive actions to children, especially the girl child. The challenges to improving the status of the girl child in Tanzania include lack of a collective regional or district plan of action on combating sexual and other form of abuses, and the fragmented legal system which makes it difficult to hold child abusers accountable due to the inconsistent interpretation of the laws.

In **Burkina Faso**, the government has put in place laws to ensure the protection of children's rights especially on issues around FGC and early marriages. The establishment of the Ministry of Social Action and National Solidarity helps to strengthen the programmes on the girl child in the country, while in **Togo** the government has adopted a Children's Act.

In **Uganda** the government has put in place mechanisms to grant scholarships to the girls at the grass root levels, and the free primary and secondary school education initiatives have led to improved levels of literacy, and reduction in early marriages and teenage pregnancies mostly in urban and town centres. The local council system in the country was very effective in mobilizing communities to take both boys and girls to school. However, as more project based funds were made available through school grants and poverty reduction fund, some of this community mobilization efforts have reduced. Unfortunately when the project – based funds reduce good initiatives tend to collapse and this has become a reality in Uganda.

The Women NGOs are therefore recommending that all educational programs, strategies and activities that support boys' and girls' education should be institutionalized and resources should be provided.

The problem of large families in Africa especially among the poor was identified as one of the hindrances to the improvement of the condition of the girl child in Africa. Therefore several shadow reports recommended that this problem needs to be seriously tackled through public education, sensitization about the cost benefits of family planning and through the poverty eradication strategies.

Recommended Actions by the Africa Women's NGOs

In order to consolidate the gains, fulfill the Beijing commitments to the women of Africa and accelerate the implementation of the Beijing Platform for Action over the next 5 years, Africa Women's NGOs have made numerous recommendations that are highlighted throughout the body of the Shadow Report. Below is a summary of recommendations that were generated through the consultations made during the Banjul Africa Women's Consultative meeting held on 15th and 16th of November 2009:

Women and the Economy

- Alternative macroeconomic policies and structures that are gender sensitive and pro-poor need to be designed and appropriate programs designed in order to guide economic growth and equitable allocation of resources and benefits.
- Women's economic empowerment has to be articulated and redefined to ensure that efforts work towards achieving full employment and sustainable livelihoods for all women in both rural and urban areas, so as to benefit poor and marginalized women.
- Social protection for women in informal work must be developed and implemented
- Priority should be given to employment creation for women through targeted entrepreneurship, skills and business development, paying particular attention to the needs of the rural women

Women and health

- African governments to enact a law to prohibit HIV&AIDS and pregnancy testing during job recruitment.
- Family planning should be repositioned as a development priority and fully recognized and mainstreamed into all interventions

Violence against women

- All States must construct a composite index for measuring reduction in violence against women in the efforts to eradicate all gender-based violence by 2015.
- Countries should ensure that in the next five years there are national multi-sectoral and multi-faceted plans to address gender-based violence, underpinned by social mobilization, capacity building and effective monitoring and evaluation of the preventive and redress measures and actions undertaken.

Women and Human rights:

- Countries in Africa should take appropriate actions to eliminate all discriminatory laws, practices and traditions and to ensure women's equality with men particularly in marriage, divorce and separation, inheritance matters and property ownership.
- African Governments have to enact and/ or reform their laws and policies to ensure conformity with CEDAW and the Africa Women's Rights Protocol, and re-energize efforts in order to enact various pending Bills highlighted in the Shadow Report and the official Africa Regional Beijing + 15 Report that have the potential to address gender imbalances and inequities

Institutional mechanisms for gender equality and women's empowerment

- There is need to explore alternative sources of funding other than traditional sources, with emphasis on setting up of solidarity funds for gender equality programmes at national, sub-regional and regional levels, and increased partnerships with the private sector

Women in Politics and decision making

- Strengthen programs and activities of government, other regional and international bodies and national and local women's NGOs that coordinate and provide support to women in leadership and politics at all levels so as to ensure empowerment and broad coverage up to local levels.
- Strengthening the African feminist movement building at all levels so as to build a strong pressure group for promoting gender equality, equity, women's emancipation and social transformation.
- Government and NGOs need to engage the citizenry in dialogue, education and awareness programs that are well targeted in order to influence change in attitudes and behaviour which perpetuate the marginalization of women in politics and society as a whole.
- African countries should accelerate the process of ratifying the Democracy Charter so that it comes into force before the launch of the Africa women's Decade in July 2010.
- One way of implementing the Democracy Charter is by African governments having in place constitutional guarantees to provide for gender parity, which would be enforced through affirmative action measures such as quotas systems and proportional representation.

Women and the Environment

- Government need to develop gender – responsive policies on climate change which focus on agriculture, water resources management, energy, forest use and management, transportation and technology transfer.

Women and the Media

- Governments and NGOs to intensify the use of both traditional media and the new communication technologies for wider dissemination of information for the empowerment of women and girls.
- The liberalisation of airwaves is an opportunity for governments in Africa to facilitate the setting up of independent broadcasting stations that can be used for programmes that promote human rights awareness and education, support and mobilize women and men to participate in public affairs and broadcast programs that highlight and campaign against bad traditional practices that violate the rights of women and children.

The Girl Child

- Using advocates who have same faith with targeted community to work closely with these communities has encouraged communities to support girl child education and most importantly, partnering with men in achieving gender equality in Africa.

- All African Governments that have not ratified the African Charter on the Rights and Welfare of the Child so do so, and all should implement it in full in conjunction with the provisions of the Convention on the Rights of the Child.

Conclusions and Way-forward

The Africa Women's NGO Shadow Report for the Beijing + 15 Review provides an analysis of the progress made in different countries and sub- regions that submitted shadow reports for this purpose. It also highlights many of the problems and gaps that are also identified in the official Africa Regional Report "A Fifteen years' Review of the Implementation of the Beijing Platform for Action in Africa (2005 – 2009). This report provides the perspectives of Women NGOs in Africa on the progress made and they provide a range of recommendations that have to be undertaken is transformation in the lives of the majority of women and girls in Africa is to happen before the next review in 2015 which will be 20 years after Beijing.

If African governments move at the same pace of the last 15 years, there is little hope that the change and development we all desired to see and experience in Africa will be realized. It is therefore imperative that the pace of progress is accelerated. The call for moving the agenda from commitment to action has never been so pertinent. It is the only option and the right choice.

The women of Africa also express commitment and willingness to work with the leaderships in Africa at all levels to make the Beijing commitments a reality. In this Shadow Report it has come out clearly that the women's organizations in Africa have been at the fore-front in making sure that the various governments implement the BPfA and these efforts will continue. It is in this spirit of partnership that the BPfA will become a reality to the majority of women in Africa.

Turning to the immediate future, there is need to maintain forward momentum at national and regional level and to keep a sharp focus on the 12 priority areas specified in the Beijing Platform for Action. The Africa Women's Decade provides an opportunity for all governments in Africa to take leadership collectively and individually to use the first five years of the Decade to significantly reduce the gaps identified.

Annex A: List of the Africa Task Force for the Beijing + 15 Review

TASK FORCE MEMBERS FOR AFRICA SUB – REGIONS

SUB -REGION	TASK FORCE MEMBER	COUNTRIES
a) SADC (Southern Africa) sub-region	Ms Homa Mungapen Mauritius homajoun@gmail.com	Madagascar, Comoro, Seychelles, Mauritius, Reunion and Mayotte
	Ms Emilia Muchawa Zimbabwe emilia@zwla.co.zw	Zambia, Malawi, Mozambique and Zimbabwe
	Botswana idatswana@yahoo.com	Namibia, Lesotho, Swaziland, South Africa and Botswana
b) COMESA (East Africa) sub-region	Ms Deborah Kaddu – Serwadda Uganda debbie@iconug.net debbieug6@yahoo.com dk.serwadda@bushnet.net	Uganda, Ethiopia, Somalia and Eritrea
	Ms. Nora Matovu Winyi (C/O Femnet) Kenya director@femnet.or.ke nomir2002@yahoo.com	Tanzania, Kenya, Rwanda and Burundi
c) ECOWAS (West Africa) sub-region,	Ms. Aicha Tamboura, Burkina Faso (for Francophone countries) progmanager@femnet.or.ke tambouraaicha@yahoo.fr	Cote D'ivore, Togo, Benin, Niger and Burkina Faso
	Ms. Bisi Olateru Olagbegi Nigeri WOMEN'S CONSORTIUM OF NIGERIA wocon95@yahoo.com	Nigeria, Mali, Senegal, Gambia and Guinea

	Ms Dorcas Ghana	Ghana, Guinea Bissau, Sierra Leone, Cape Verde and Liberia
d) Central Africa sub- region	Dr Rose-Claire Bitha Cameroon bithat@yahoo.fr	Cameroon, Chad, Gabon, and Central African Republic
	Ms Eeza Julie Congo (for Spanish and Portuguese countries)	Angola, Equatorial Guinea, DRC and Congo Brazzaville
e) North Africa sub - region	Ms Imane Belghiti Morocco belghitilasryimane@yahoo.fr al_hidn@yahoo.fr	Morocco, Western Sahara, Mauritania
	Ms. Iman Mandour iman@mandour.org / info@cewla.org	Egypt, Algeria, Tunisia Libya and Sudan

***** The two Regional Coordinators were: Ms. Chidgenze and Dunstanette Maucaley

Annex B: Summary of Beijing +5 Review

During the NGO Consultation meeting prior to the Sixth African Regional Conference in Addis Ababa in 1999 where over 150 participants from 40 African countries met to assess how the progress made in the implementation of the strategic objectives of the African and Global Platforms for Action in certain areas, the delegates noted that even though there was significant progress in some aspects, there was also considerable deterioration in the situation of women in some critical areas especially in countries affected by armed conflicts.

The main concern among the participants at this forum was that African countries still lacked the political will required to support the progressive and consistent implementation of the commitments made in Dakar in 1994 and in Beijing in 1995. The well written national action plans and gender policies lacked the necessary resource commitments to ensure short term and long term implementation of the plan. Although there had been a lot of rhetoric after Beijing, it was not followed by sufficient actions even where there were national or regional mechanisms for doing so. It is only countries like Uganda and South Africa that made great strides by undertaking substantive constitutional and legislative reforms to recognise and guarantee women's rights.

It was noted that in all countries, the influences of patriarchy on societal values and customs, traditions and attitudes made it extremely difficult to eliminate discrimination against women in all its forms. As we approached the new millennium, African women were still confronted with brutal forms of violence and deprivation of their rights. The recognition of women's rights that had been gained through the Beijing process was being eroded by the rise of conservatism and fundamentalism. Cultural relativism and fundamentalist religious beliefs were being used as excuses for eroding/ reversing some of the gains and the momentum built over the years to work towards achieving gender equality and gender justice.

On the issue of governance, lack of involvement of women in decision-making processes in majority of countries and in the regional governance bodies like African Union (AU) formerly OAU, had led to further marginalisation of gender issues and increased discrimination against women at all levels. Lack of democracy and good governance especially in conflict affected countries had led to corruption and mismanagement of resources which are major obstacles to achieving the right to development for all.

It was noted that although several Governments had taken the initiative to set up national mechanisms for promoting gender equality and women's empowerment there was a general failure to allocate substantial resources for the implementation of the BPfA. Budgetary allocation to national mechanisms or to critical sectors such as education, health and agriculture remained very low compared to defence budget allocations. The political affiliation of the national machineries to the ruling parties reduced their capacity to challenge inequalities in most countries as they remained

under- resourced with very limited political clout. In the case of countries like Uganda the first national machinery after Beijing was placed in the President's office. A lot was accomplished then by the machinery compared to today where the gender unit is a department within a ministry that brings together all the under- resourced and marginalised issues.

And generally the macroeconomic policies that were being implemented then in majority of Africa countries were fashioned in such a way that they undermined women's social and economic rights and were inconsistent with the commitments made under the BPfA. .

Emerging issues from the Beijing +5 review

During the year 2000 that marked the fifth anniversary since the United Nations' (UN) Fourth World Conference on Women in Beijing, the UN held a Special Session of the General Assembly to review progress in implementing the Platform for Action.

The Special Session was organised under the theme: Women 2000: Gender, Equality, Development and Peace for the 21st century. In this session the world examined how much further women's rights and gender equality had been advanced over the previous five years, what the remaining obstacles were, and looked at new and emerging trends in the world which particularly were affecting women's empowerment. The UN made recommendations on how to speed up the implementation of the BPfA and work towards ending discrimination against women.

The emerging issues during the Beijing +five reviews were that the gains made by African Women were lost due to emergence of HIV/AIDS, increase in armed conflict and a rise in poverty level.

However in the shadow report presented by the NGOs, they highlighted concrete recommendations to the African governments which included;

- ❖ Engender national budgets to ensure the equitable allocation of resources to programmes aimed at advancing the situation of women
- ❖ Reform the education system to give life skills, functional literacy and to revise the school curriculum to include gender equality, human rights and democracy
- ❖ Legislate against customary laws and traditional practices that are repugnant to natural justice and which are incompatible with other objectives of the Africa and Global Platforms for Action, as well as other international and regional human rights instruments;
- ❖ Address the nexus issues of discriminatory laws, cultural practices and religious attitudes and their impact on women's vulnerability to HIV/AIDS;
- ❖ Involve women in decision-making in all programmes on natural resources management
- ❖ Harmonise constitutional and national laws with regional and international commitments and standards and set up mechanisms for their implementation

- ❖ Adopt appropriate members to facilitate the increase in the participation of women in key decision-making positions at national and regional level; and
- ❖ Support NGOs work as a way of operationalizing their democratic rights to participate in their governance and development
- ❖ Commit adequate resources in order to work on early warning mechanisms and post-conflict reconstruction processes which equally benefit women and men.

Annex C: Summary of Beijing + 10 Review

In 2005, the Beijing +10 Review showed that although many countries in Africa were experiencing rapid economic growth and were more politically stable the situation and status of women was not necessarily improving at an accelerated pace. By then many more effective strategies had been developed for achieving gender equality. There were significant gains under each critical areas of concern. Increased numbers of women in leadership and decision making were noted. The results by the Parliamentary Union Survey in 2000 indicated that women in parliament in Africa comprised a total of 9 percent compared to the global average of 13.4%. By 2004 the average in Africa was 15.6% women in parliaments across the continent. By then only Rwanda, Mozambique, South Africa and Seychelles had achieved the 30% percent target. Globally only Nordic countries had achieved more than this target.

The following factors were persistent obstacles to women's effective participation in political leadership: the gender insensitive structures, policies and practices of political parties; lack of reforms in electoral laws and systems to support equal participation and fair competition; and legislative assemblies whose systems and procedures were not changing in tandem with the transformation taking take in the composition as its role as a key institution in any democracy.

Through gender mainstreaming in development planning (under the PRSP processes) and gender budgeting gender issues and women empowerment strategies and targets were identified more resources allocated. In most African countries affirmative action measures were adopted to increase the number of children accessing primary education. In some countries like South Africa, Tanzania and Malawi adult education was prioritized. During this period there was increased commitment and resources to address the problem of child mortality and maternal health through provision of comprehensive primary health packages; a lot of resources were harnessed to address the problem of HIV/AIDS, its effects and impacts on society generally and on women and children in particular; efforts to address gender issues in environment protection programs and initiatives and the management of natural resources were prioritised through government policies and programmes.

At the continental level this was an exciting period for the African woman. The Organisation of African Unity was transformed to the African Union (AU) at the July 2001 Summit held in Lusaka, Zambia. One of AU's grounding principles articulated in its Constitutive Act is the achievement of gender equality. The New Partnership for Africa's Development (NEPAD) which was adopted at the same Summit as the new framework for Africa's development represented a perfect illustration of the new will on the part of Africans to change the future of their continent. NEPAD placed gender equality and the empowerment of women at the centre of its implementation.

A Comprehensive Africa Agricultural Development Plan (CAADP) a program of NEPAD was adopted in 2003. It recognises that over 60 – 80% of agricultural labour

is provided by women in Africa and under its pillars of intervention it highlights that if agriculture is to be a vehicle for sustainable development in Africa, strategies that deal with deeply ingrained gender inequalities at the household level must be seriously addressed. CAADP further recommends that inequalities that manifest at the community level hindering women's access to and control over productive resources and the benefits from their labour require not only a supportive legal and policy framework, but more importantly the political will of leaders at all levels to implement programs that protect and full-fill women's right to development.

One of the milestones of this period was the adoption by the African Union of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa in 2003. The Protocol was the first African instrument to explicitly articulate the rights of women in Africa. The content of the Protocol were informed by CEDAW as well as the gender analysis done during the period leading up to the 5th Regional Women's Conference held in Dakar, Senegal in 1994 which was a precursor to be Beijing. It strengthened the legal framework for the protection and fulfilment of the rights of women in Africa. The Protocol came into force in 2005 after fifteen countries had deposited their instruments of ratification with the African Union. It was a moment of great celebration and expectation.

Other developments at the international level were of significant relevance to the promotion of the gender equality agenda in Africa. In 2005 donors under the OECD and recipient countries of bilateral and development aid adopted the Paris Declaration (PD) in which they committed themselves to make aid more effective so that it can meet the development goals and aspirations of the recipient countries. The donors committed themselves to increase the amount of aid to Africa especially to countries in sub-Saharan Africa in order to accelerate the implementation of their poverty eradication strategic plans. Aid to Africa increased especially through budget support and conditional arrangements to support more strategies for the advancement of gender equality and women's empowerment. Monitoring mechanisms in countries like South Africa, Rwanda, Tanzania, Uganda, and Ghana were strengthened in order to evaluate the impact of aid provision particularly on the achievement of gender targets.

Despite all these commendable efforts and achievements in this period (2000 – 2005) large gaps still persisted, particularly between policy/laws and practice/implementation. There was still low representation of women in decision-making processes as the set minimum of at least 30% representation was not realised by many African countries and the quality of representation was a major concern. Inequality in employment and economic opportunities was still a big problem as women workers in Africa still formed the majority in the informal sector where profits are low, conditions of work are very poor and there are no provisions for social security. In addition unequal access to education and health care for the most poor and vulnerable groups in sub-Saharan Africa remained a major concern. The problem of school drop-outs in Africa remained high for girls, inequality persisted at higher levels of education and very few governments were taking the initiative to revise the curricula to counter gender stereotyping.

North African countries made significant improvements on this front though, with the governments in Libya, Tunisia, Morocco and Egypt supporting girls' education to attain higher and university education. Their health systems were also more responsive to the special needs of women compared to those in sub-Saharan African countries.

Persistence of violence against women reached unacceptable levels as trafficking of women and girls increased and the proliferation of small arms in parts of the continent (conflict infested areas) increased. Worse still the feminization of poverty and the HIV/AIDS pandemic were more in focus during this period albeit with minimal results to reverse this trend.

Emerging issues from the Beijing + 10 reviews

Beijing had become a tale of broken promises, where there was no political commitment. Women NGOs and rights activists tried to ensure that the outcome document of the Beijing +10 Review process would focus on concrete benchmarks and time-bound targets - of which very few new ones were agreed. Many of the agreed paragraphs were so general as to provide little additional guidance in accelerating implementation of the Beijing Platform.

The Beijing +10 Review Process was decidedly low key. Its aim was not agenda setting but agenda confirming; not policy formulation, but policy affirmation. Whether it proved to be part of an ongoing worldwide movement in support of gender equality, or whether it marked a decline of that process, is a question that many women's movements were asking by the end of the process.

Beijing +10 review provided the African women's movement the opportunity to give voice to issues important to them and they made the following recommendation:

- Unite to demand for equal participation in formulating and implementing the agenda for peace, human rights and social justice in Africa;
- Advance feminist perspectives on the development agenda for Africa;

Bibliography

1. Beijing Betrayed by Women's Environment and Development Organization
2. Platform for Action and the Beijing Declaration 1995 - United Nations Department of Public Information
3. FEMNET, "Nairobi +21- Agenda- Empowering Women for Gender Equality", 2006
4. Ruto Sarah; Kameri-Mbote Patricia & Muteshi-Strachan Jacinta 2009- Promises and Realities- Taking Stock of the 3rd UN International Women's Conference,*(which year?)*
5. FEMNET, "African Regional NGO Report on the Women's NGOs Consultations" held at The Sixth African Regional Conference in Addis Ababa, November 1999
6. FEMNET, "Freedom of Information (FOI) and Women's Rights in Africa, November 2009
7. WILDAF – West Africa, "What has been achieved so far?, November 2009
8. East African Sub- regional Support Initiative Scorecard Summary Report, November 2009
9. Chuulu, Matrine, WILSA, "From Commitments To Implementation And Accountability, Southern Africa Draft Report", November, 2009.