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AU COMMISSION CHAIRPERSON'S 2ND PROGRESS REPORT ON THE IMPLEMENTATION OF THE SOLEMN DECLARATION ON GENDER EQUALITY IN AFRICA

INTRODUCTION:

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

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

3. The AU Commission also received reports from several international agencies working in Africa on their implementation of the SDGEA. These reports are on the AU Website.

MEASURES UNDERTAKEN TO IMPLEMENT THE SDGEA

a) Five Measures by AUC in Putting the Necessary Institutional Fabric in Place:

i) The Gender Audit

4. The AU Commission has completed a gender audit. The audit revealed the extent to which the AU and its Organs have progressed in addressing gender and women's empowerment in their policies and programmes. The audit indicated that although some progress has been made, the AU Commission programme managers need to do more to achieve AU's commitments and objectives on gender equality and women's empowerment in Africa. The AU Commission commits itself to implement the recommendation of the Gender and Audit in its next Strategic Plan.

ii) The Gender Policy

5. The development of the AU Gender Policy is at an advanced stage, The AU policy, once adopted, will provide a framework for gender mainstreaming and women's empowerment in Africa.

iii) The Five Year Gender Mainstreaming Strategic Plan

6. The development of a Five Year Gender Mainstreaming Strategic Plan (GMSP) is at an advanced stage. The plan will provide a framework for AUC, RECs, AU Organs and Member States in gender mainstreaming and women's empowerment as well as contribute to the operationalization of the Gender Policy.

iv) Building Internal Capacity to Mainstream Gender

7. In its efforts to build the internal capacity for gender mainstreaming, WGDD has piloted a Course on Gender Responsive Economic Policy Making in Africa and

produced a handbook on good practices in mainstreaming gender in different sectors.

v) Partnerships and Advocacy

8. The WGDD has collaborated with civil society organizations, international organisations, RECs and other Directorates in its efforts to address gender and women's empowerment issues in Africa. In particular in August 2006, the WGDD collaborated with International Population Services (IPS) and launched an Advocacy Campaign on Younger Women's Higher Vulnerability to HIV/AIDS. Similarly the Directorate has collaborated with UN IDEP to pilot a Capacity Building course for Gender Responsive Economic Policy-Making in Africa this year. It is planned that this course will run twice every year. The course will contribute in bridging skills gap in formulation and implementation of gender responsive economic policies in Africa. Finally, the Directorate has worked closely with UNIFEM on Strengthening Women's Voices in Peace Processes.

b) Measures undertaken by Member States:

9. For the reporting States, national constitutions provide the basis for the right to gender equality. Many constitutions have equality clauses, which encompass for all people, including women, the right to equal protection by and under the law as well as prohibition of discrimination on the basis of sex.

10. Many States have signed and ratified international human rights instruments that obligate them to advance gender equality. At National level, several States have formulated or are in the process of formulating laws that promote gender equality.

11. Many States also have national policy frameworks that specifically address the issue of gender equality such as Gender Policies and policies to address poverty eradication. Many States have Gender Machineries that are responsible for overseeing the implementation of the SGDEA and other gender related commitments made by Governments

12. However, while the above efforts are commendable, achievement of human development in Africa will only be possible when gender equality and women's empowerment become a reality. Therefore member states are encouraged to translate commitments on gender equality and women's empowerment into national, regional and continental policies and programmes.

With regard to the Commitments in the SGDEA:

Article 1: Accelerate Implementation of gender specific economic, social and legal measures aimed at combating the HIV/AIDS pandemic, Malaria and other Related Infectious Diseases

13. Many countries have developed or are developing policies on HIV/AIDS focusing on interventions that include building the capacity of key sectors in terms of technical knowledge, infrastructure and systems, integrating issues of marginalised groups such as women as well as issues aimed at preventing and reducing HIV

vulnerability and encouraging a multi-sectoral approach to tackling the problem of HIV/AIDS. Many States and organisations are also implementing HIV/AIDS related programmes as part of their responsibility under the millennium development goals.

14. Regarding Malaria and other infectious diseases, efforts are underway by various countries to expand health facilities in order to render effective health services. Other interventions include provision of malaria prevention and treatment mechanisms with an emphasis on pregnant women and children under the age of five, implementation of roll back initiatives, and awareness creation among communities, which is key in addressing all diseases.

15. Many States are implementing health programmes that target the youth (especially female youth) as a particularly vulnerable group. Many countries are also implementing programmes targeted at orphans and other vulnerable children.

16. States need to address the continuing challenges in the area of HIV/AIDS, Malaria and other Infectious diseases, especially as regards cultural perceptions and impediments that would militate against women and which cause or increase their vulnerability to disease.

Article 2: Ensure the full and effective participation and representation of women in peace processes

17. The African continent has been ravaged by a series of wars both internal and between States in the last quarter century and this has been a major obstacle to development. Conflict has tended to promote a highly masculinist and militarised culture, which has been inimical to the development of alternative discourses and practices of democracy and to economic and social development.

18. In times of conflict, women become acutely susceptible to gender based violence and other forms of torture. The SDGEA recognises that while women often are not involved in the decisions to make war, they should nonetheless be involved in decisions to make peace.

19. The women's movement across Africa has been instrumental in pushing governments to involve women in peace processes. Women have networked in country and across borders to help foster peace and to provide care and support to victims and survivors of war. Some UN Agencies have been active in supporting a range of women-led peace building initiatives across the continent in places such as Rwanda, Sierra Leone and most recently in Uganda. They have also worked with governments in the area of peace building and conflict resolution.

20. Many States are now awakening to the importance of ensuring the participation and representation of women in the peace process.

Article 3: Launch a campaign for systematic prohibition of recruitment of child soldiers and abuse of girl children as wives and sex slaves

21. In most countries, labour laws set the age limit for work by children at 18 years. In essence, this means that countries are not allowed to recruit child soldiers.

For those that do have the problem of child soldiers, programmes are in place to prevent the practice and to demobilise child soldiers and re-integrate them into society.

22. States have worked with International Agencies such as UNICEF, World Vision, WFP and others in implementing demobilisation programmes for children. Such programmes include provision of food, provision of trauma counselling and psychosocial care, re-unification of child combatants with their families, facilitation of access to education and recreation in communities of settlement.

23. Laws are in place that prohibit child marriages and that punish perpetrators of sexual violence against girl children. Law enforcement officers have been trained in handling children that are victims of sexual abuse and ensuring their access to a speedy trial in order to minimise the trauma related to court processes.

24. Inadequate funding to the Justice Law challenges many States and Order Sector, which is the chief sector responsible for issues related to protection of children from abuse. That means that enforcement of laws related to sexual abuse is often a challenge. Culture and custom also play a key role in the continuance of sexual abuse and exploitation of girl children. States are encouraged to allocate more resources to the key relevant ministries as well as create awareness among communities about the ills of sexual exploitation of children.

Article 4: Initiate, launch and engage within two years, sustained public campaigns against gender-based violence

25. Measures are in place to develop or revise laws so that they specifically address issues of violence against women both in the private and in public. The laws address a range of concerns including prohibition of harmful traditional practices, domestic violence including femicide, sexual violence, and trafficking and child prostitution.

26. Measures aimed at addressing violence against women have also sought to strengthen the institutional mechanisms for coordinating violence against women and enforcing the rights of victims and survivors. Measures include having specialised desks [such as family protection units] at police stations to handle cases of violence against women, having closed court sessions for sexual violence crimes, and specialised treatment centres for violence victims and survivors.

27. Several states have also dedicated resources for public education and awareness raising on issues of gender based violence. Many states partner with civil society organisations during the International Campaign dubbed '16 days Against Violence Against Women' to focus attention on the issue of violence.

28. Not many states have gone far in addressing trafficking in women. States are encouraged to consider this issue along side other violence issues. States are encouraged to start at the level of initiating comprehensive studies on trafficking to inform law reform measures aimed at achieving a holistic and integrated response to trafficking in women and children.

Article 5: Expand and promote the gender parity principle at national and local levels

29. Many African countries have adopted the quota system as part of their strategy to increase the number of women in politics and decision-making at national level. The tables below provide information as to which countries apply the Quota system:

The Africa-wide Quota for National Parliaments¹

Africa wide picture is as follows:

Country	Quota Type(s)	Results last election	% of women in parliament
Algeria List PR	Political Party Quota for Electoral Candidates	24 of 389	6.2%
Botswana FPTP	Political Party Quota for Electoral Candidates	7 of 63	11.1%
Burkina Faso List PR	Political Party Quota for Electoral Candidates	13 of 111	11.7%
Burundi List PR	Constitutional Quota for National Parliaments; Election Law Quota Regulation, National Parliament	36 of 118	30.5%
Cameroon PBV	Political Party Quota for Electoral Candidates	16 of 180	8.9%
Côte d'Ivoire FPTP	Political Party Quota for Electoral Candidates	19 of 223	8.5%
Djibouti PBV	Election Law Quota Regulation, National Parliament	7 of 65	10.8%
Egypt TRS	<i>Quotas existed previously or quota legislation has been proposed</i>	9 of 454	2.0%
Equatorial Guinea List PR	Political Party Quota for Electoral Candidates	18 of 100	18.0%
Eritrea N	Election Law Quota Regulation, National Parliament	33 of 150	22.0%
Ethiopia FPTP	Political Party Quota for Electoral Candidates	116 of 546	21.2%
Ghana FPTP	<i>Quotas existed previously or quota legislation has been proposed</i>	25 of 230	10.9%
Kenya FPTP	Constitutional Quota for National Parliaments ; Political Party Quota for Electoral Candidates	16 of 224	7.1%

¹ Source: <http://www.quotaproject.org/system.cfm>

Lesotho MMP	Constitutional or Legislative Quota, Sub-National Level	14 of 120	11.7%
Liberia N	Election Law Quota Regulation, National Parliament	8 of 64	12.5%
Malawi FPTP	Political Party Quota for Electoral Candidates	27 of 188	14.4%
Mali TRS	Political Party Quota for Electoral Candidates	15 of 147	10.2%
Morocco List PR	Political Party Quota for Electoral Candidates	35 of 325	10.8%
Mozambique List PR	Political Party Quota for Electoral Candidates	87 of 250	34.8%
Namibia List PR	Constitutional or Legislative Quota, Sub-National Level; Political Party Quota for Electoral Candidates	21 of 78	26.9%
Niger List PR	Election Law Quota Regulation, National Parliament; Political Party Quota for Electoral Candidates	14 of 113	12.4%
Rwanda List PR	Constitutional Quota for National Parliaments; Election Law Quota Regulation, National Parliament; Constitutional or Legislative Quota, Sub-National Level	39 of 80	48.8%
Senegal Parallel	Political Party Quota for Electoral Candidates	23 of 120	19.2%
Sierra Leone List PR	Political Party Quota for Electoral Candidates	18 of 124	14.5%
Somalia N	Constitutional Quota for National Parliaments	21 of 269	7.8%
South Africa List PR	Constitutional or Legislative Quota, Sub-National Level; Political Party Quota for Electoral Candidates	131 of 400	32.8%
Sudan FPTP	Election Law Quota Regulation, National Parliament	66 of 450	14.7%
Tanzania, United Republic of FPTP	Constitutional Quota for National Parliaments; Election Law Quota Regulation, National Parliament ; Constitutional or Legislative Quota, Sub-National Level	97 of 319	30.4%
Tunisia Parallel	Political Party Quota for Electoral Candidates	43 of 189	22.8%
Uganda FPTP	Constitutional Quota for National Parliaments; Election Law Quota Regulation, National Parliament; Constitutional or Legislative Quota, Sub-National Level	73 of 305	23.9%

Zimbabwe FPTP	Political Party Quota for Electoral Candidates	16 of 150	10.7%
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30. A few countries, notably South Africa and Rwanda, have made some strides towards implementing the parity principle especially at the level of national legislatures.

31. In 2006, the South African Cabinet adopted a target of 50% representation of women at all levels of decision-making in all spheres of government. The representation of women in political and decision making positions in South Africa exceeds the initial 30% quota of SADC and is on track towards achieving the 50% target of the AU as illustrated in the table below:

	Cabinet Minister s	Deputy Ministers	Women MPs in National Assembly	Women MPs in National Council of Provinces	Women Premiers in Province s	Women MPs in Provincial Legislatur es	Women MECs in Provinces
Number of women	12	9	128	20	4	139	29
Number of Men	16	12	264	34	5	277	61
Total Number	28	21	392	54	9	416	90
Percentage of women	42.8%	42.85%	32.65%	37.04%	44.44%	33.4%	32.2%

32. Very few countries have Constitutional or legislative quotas at sub-national level. These include Lesotho, Namibia, Rwanda, South Africa and Uganda

33. To improve the representation of women, many countries have launched awareness raising and advocacy activities including organising training workshops on issues of governance and dissemination of related information. Many Non Governmental organisations have partnered with governments to improve access by women to decision-making.

34. While the levels of women in national legislatures have been increasing, there is slow increase at other decision-making levels such as cabinet, civil service and foreign postings. All countries across Africa are therefore encouraged to continue working towards the goal of gender parity both at national and sub-national levels and across all decision-making levels.

Article 6: Ensure the active promotion and protection of all human rights for women and girls

35. As stated in the introduction to this report, many States derive their gender equality mandate from their own constitutions, which ably spell out the rights of women. Most States are also signatory to international and regional human rights instruments that require them to promote and protect the rights of women and girls.

36. Many countries have gone a step further from ratification to domestication of the international and regional human rights standards set out therein. Many States

have reformed or are in the process of reforming national laws to make them compliant with international human rights standards.

37. Other measures to ensure protection and promotion of the rights of women and girls include strengthening of national institutions, statutory bodies and administrative mechanisms that have been created to support women's rights. States also run human rights education and legal literacy programmes to enable the vast majority of their populations to understand women's rights in order to enable them apply them. The mass media has been instrumental in this regard.

38. States have also collaborated with civil society organisations, particularly women and children rights organisations to disseminate international human rights instruments and to popularise new laws and policies that relate to the protection and promotion of the rights of women and girls.

39. Despite these measures however, protection of the rights of women and girls continues to be a challenge for many States because of several factors such as:

a) **Weak institutional mechanisms for implementation:**² This in particular refers to government gender machinery. Most governments have established machineries, either in the form of ministries or departments, to oversee government initiatives for the empowerment of women. However, at the recent review in Addis Ababa in October 2004 of the Beijing Declaration and Platform for Action, 10 years after it was agreed, there was considerable concern raised about these machineries' performance. In particular, it was noted that their capacities to spearhead the women's rights agenda are extremely limited due to severe (and in many cases disproportionate) cuts in budget allocation and human resources. Given that it is this machinery that will be largely responsible for monitoring the process of domestication and implementation of the protocol, it is of major concern that it will not be in a position to do so effectively.

b) **The slow process of change:** This is particularly at legislative and policy levels. Different countries have different legal regimes. As a general rule, those countries that have inherited the French legal system have some advantage. Under these systems, ratification of the international human rights instruments automatically qualifies it as national law. However, those of the British system have to undergo a process in which national parliaments effect a law that meets the agreed standard. Many countries that have ratified CEDAW and other instruments protecting women's rights have so far failed to incorporate these standards in national law.

This is further complicated by the existence of dual legal systems in much of Africa. In most African countries, the existence of customary and religious law on the one hand and statutory law on the other often means that women's rights are compromised. When drawing up laws on matters relating to women's rights, often customary and religious law is given precedence.

² The Chairperson's First Report on the AU Implementation of the SD gives governments concrete measures/suggestions to strengthen the work and role of the Gender Machineries

c) The challenge in promoting the culture of Constitutionalism and respect for the rule of law has serious implications for the domestication of the Protocol. Recent developments in a number of countries indicate a direct correlation between the failure of governments to respect the rule of law and to protect the human rights of citizens. As governments subvert Constitutions and compromise the rule of law in order to entrench their power bases, so too do cases of increased arbitrary detentions, curtailing media freedoms, harassment of political opponents and so on. The state apparatus is used to clamp down on rights and also to silence the voices of dissent. In these instances, the priority will not be to implement laws and regulations that promote rights, particularly those of women.

40. States are encouraged to put in place mechanisms that address the continuing challenges related to protection and promotion of the rights of women and girls.

Article 6: Actively promote the implementation of legislation to guarantee women's land, property, inheritance and housing rights

41. The rights to land and other property for many African women is enshrined in national constitutions. Many States also have legislation that promotes women's access to and ownership of land and other property. Many countries also have laws that protect a widow's right to inherit her deceased husband's property.

42. In a comprehensive region-wide study titled "Bringing Equality Home: Promoting and Protecting the Inheritance Rights of Women, A Survey of Law and Practice in Sub Saharan Africa"³ research in ten countries across the continent (Botswana, Nigeria, Ghana, Ethiopia, Swaziland, Rwanda, Zambia, Senegal, South Africa and Zimbabwe) indicates that under both statutory and customary law, the overwhelming majority of women in sub Saharan Africa, regardless of their marital status, cannot own or inherit land, housing or other property in their own right. Instead, in respect to land and housing, women are made entirely dependant on their relationship to a male.

43. This report demonstrates that issues of women's inheritance extend far beyond the crucial challenges of establishing the necessary legal frameworks that would allow women to own and inherit property. For in almost all the 10 sub Saharan countries examined, the fact that women generally cannot rent, lease, own or inherit land and housing is not just the result of gender-biased statutory laws, it is also due to discriminatory customary laws and traditions as well as social norms and attitudes.

44. The report proposes, and I agree, that in order to adequately address issues of women's land, property, inheritance and housing rights, States should:

- (a) Review their existing laws in a comprehensive and participatory manner to ensure that all laws adequately protect women's housing and land rights including inheritance rights, and where necessary, adopt new legislation and policies to ensure the complete fulfillment of these rights.

³ Report by Centre on Housing Rights and Evictions, Geneva, Switzerland, 2004

- (b) Design and implement extensive popular education and sensitization programmes to raise awareness of women's rights to equality and non-discrimination. States should ensure that such programmes address laws and standards related to human rights, especially the right to adequate housing, land and inheritance
- (c) Design and implement legal education programmes specially targeted at women in all segments of society and geographical areas, especially rural areas, where rights awareness is usually minimal. All these women should be made aware not only of their rights, but also how to claim and enforce them
- (d) Establish enforcement systems, including a special police unit and legal aide, to ensure that women are freely able to claim their rights without fear of reprisal. Such enforcement mechanisms should be generously supported with all necessary financial and other resources.
- (e) Establish shelters for women who are victims of property grabbing, and offer them legal, financial and other necessary support while their property claims are pending. The main aim should be to ensure that such women do not become homeless after their housing, land and other property is stolen.
- (f) Ensure that women benefit equally with men from all legal and land reform procedures
- (g) Ensure that legal systems are readily accessible to women, which requires a non-discriminatory and unbiased judiciary, administrative system that adequately protects women's rights, and affordable or even free legal aid for women who cannot afford lawyers.

Article 8: Take Specific Measures to ensure education for girls and literacy for women

45. The efforts to achieve Education for All have resulted in substantial gross enrolment ratio of primary education, which reached 93 percent in 2004, from 72 percent in 1990. Primary completion rate as percentage of relevant age group rose to 62 percent in 2004, from 51percent in 1991. But gender completion of primary education remained a problem, as the ratio of girls to boys hardly changed. In addition to the increasing schooling-age population, these educational outcomes have put pressure on governments to expand post-primary education.⁴

46. Remarkable efforts have been made to ensure that every child gets access to quality basic education. Although enrolment has increased considerably in many countries, it has not been adequate to accommodate rapid population growth and rural-to-urban migration, thereby giving an impression of being static relative to population size.

47. Early childhood care and education programmes are limited to the few in the urban areas. Based on countries' own estimates, between 1990 and 1998 the net enrolment of boys increased by 9 per cent to 56 per cent, and of girls by 7 per cent to 48 per cent ¹ in sub-Saharan Africa. However, these figures mask considerable

⁴ World Bank Website

regional variations. In countries of the Indian Ocean, both girls and boys attained over 70 per cent net enrolment.⁵

48. The most outstanding progress in terms of percentage increase of boys' enrolment is in East Africa (excluding Somalia), where the net enrolment of boys increased by 27 per cent (to 60 per cent) and of girls by 18 per cent (to 50 per cent), and for girls in Southern Africa, where the comparable figures for girls were 23 per cent (to 76 per cent) and for boys, 16 per cent (to 58 per cent).² Progress in the peaceful areas of West and Central Africa was counter-balanced by disastrous reversals in the warring countries.

49. Currently available data indicate that about 40 per cent of girls and 50 per cent of boys are enrolled in West Africa, and 50 per cent of girls and 60 per cent of boys in Central Africa. The real figures may be much lower, however, as several of these countries were unable to collect data in recent years.

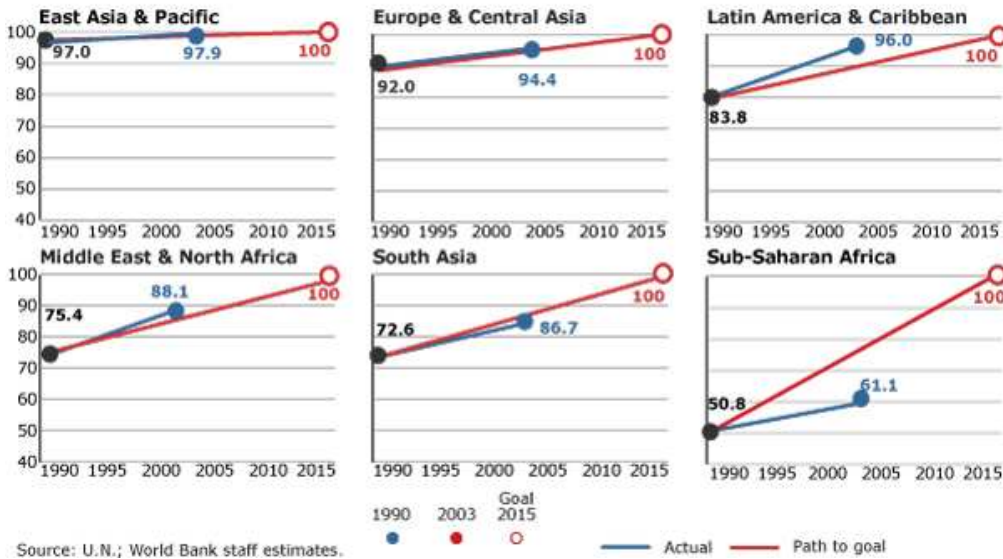
50. Girls represent 56 per cent of the estimated 41-million school-age children who are out of school. Gender parity is highest in Southern Africa, where many countries have attained near universal primary education and high adult literacy. Cases of extreme gender disparity, where girls' enrolment may be only half that of boys, are mostly found along the southern rim of the Sahara, a region characterized by low adult literacy and weak economies. Having entered school, however, girls have a 69 per cent chance of reaching Grade 5, compared with 70 per cent for boys. Here also, regional variations exist: in general, where enrolment and literacy are high, gender equality prevails; where enrolment and adult literacy are low, the survival rate of girls is generally lower than that of boys.

51. The graphs⁶ below show the sub Saharan position on the issue of primary completion as well as the youth completion rates vis-à-vis other regions.

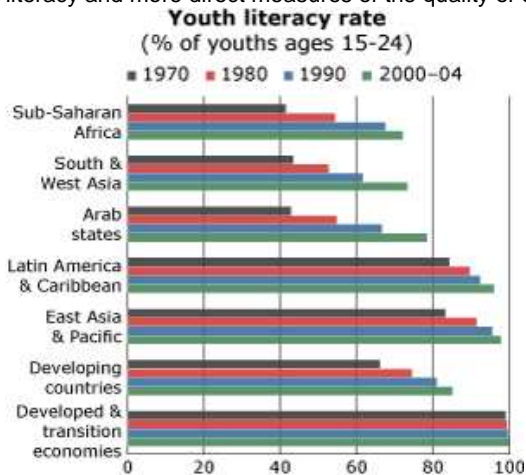
⁵ UNESCO World Education Forum, 2000 (Report Available on the worldwide web)

⁶ Global Monitoring Report on the Millennium Development Goals '*Strengthening Mutual Accountability – Aid, Trade and Governance*' was published on April 20, 2006, by the World Bank and the International Monetary Fund. (Available on the worldwide web)

Primary completion rate
(% of relevant age group)



Youth literacy rates are rising. Literacy rates among young people ages 15 to 24 are the only widely reported measure of educational outcomes. As more children have entered school and stayed in school longer, the global youth literacy rate has risen from 75 percent in 1970 to 88 percent in 2000-2004. Throughout the developing world literacy rates are higher among youth than among adults, a sign of progress. Efforts are under way to develop better measures of literacy and more direct measures of the quality of educational outcomes.



52. While progress has been made in the area of developing and/or implementing EFA policies, and most have been successful at the primary level, it is imperative that States put as much effort in encouraging increase in post-primary education access for girls.

Article 9: Undertake to sign and ratify the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women

53. The progress report on countries that have signed and ratified the Africa Women’s Rights Protocol is as follows:

Countries that have neither signed nor ratified	Countries that have signed but not ratified	Countries that have signed and ratified
Angola, Botswana, Central African Republic, Egypt, Eritrea, Sudan, Tunisia and Sao Tome& Principe	Algeria, Burundi, Chad, Cote d’Ivoire, Democratic Republic of Congo, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, Guinea-Bissau, Kenya, Liberia, Madagascar, Mauritius, Niger, Somalia, Sierra Leone, Swaziland, Tanzania, Uganda, Zimbabwe, Cameroon, Saharawi Arab Democratic Republic	Benin, Burkina Faso, Cape Verde, The Comoros, Djibouti, The Gambia, Lesotho, Libya, Malawi, Mali, Mauritania, Mozambique, Namibia, Nigeria, Rwanda, Senegal, South Africa, Togo, Seychelles, Zambia

54. Countries that have ratified are encouraged to embark on the process of domestication of the Protocol. Those that have not yet ratified are encouraged to do so. Those that have neither signed nor ratified are encouraged to give the Protocol their full support.

55. This, Your Excellencies, is my Second Annual Report to you in accordance with Article 13 of the *Solemn Declaration on Gender Equality in Africa*. I am sure that you will agree with me that at the level of States and the AUC an encouraging start has been made, and I know it is your intention to continue to pursue vigorously activities in the implementation of the SDGEA in order to ensure that the benchmarks that we have set ourselves are reached. I look forward to receiving more country reports for input into my third annual report.

I thank you.