

# ACCELERATING PROGRESS TOWARDS GENDER EQUALITY IN EAST AND SOUTHERN AFRICA

An analysis of trends, challenges, indicators of progress and good practices to achieve Gender Equality and Women's Empowerment in East and Southern Africa



UN Women East and Southern Africa Regional Office

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Its main source of data and analysis are UN Women Country Gender Equality Profiles (CGEPs) for Eswatini (2023), Ethiopia (2023), Kenya (2023), Lesotho (2022), Malawi (2022), Mauritius (2022), Namibia (2022), Rwanda (2021), Somalia (2021), South Africa (2022), Sudan (2022), Uganda (2021), Tanzania-Mainland (2023), Tanzania-Zanzibar (2023), and Zimbabwe (2021). Based on the most recent available data sources, data from the CGEPs were updated and integrated to cover other countries in the Eastern and Southern African Region.

As they constitute the main source of data and analysis for this report, to avoid redundancy, the country gender equality profiles are not referenced every time reference is made to findings from these reports, except in comparative data tables and country focus tables. As much as the report wishes to provide comprehensive data about the region, comparative data tables do not always display the same list of countries, reflecting limitations in the availability and comparability of data.

View the report at: <http://africa.unwomen.org/en/digital-library/publications>

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<b>AU:</b>	African Union
<b>AfDP:</b>	African Development Bank
<b>BPfA:</b>	Beijing Declaration and Platform for Action
<b>CEDAW:</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CGD:</b>	Citizen-Generated Data
<b>CSO:</b>	Civil Society Organisation
<b>DRR/DRM:</b>	Disaster Risk Reduction/Disaster Risk Management
<b>EAC:</b>	Eastern African Community
<b>ECOWAS:</b>	Economic Community of West African States
<b>EMB(s):</b>	Election Management Body(ies)
<b>EVAW:</b>	Ending Violence Against Women
<b>FGM:</b>	Female Genital Mutilation
<b>FPTP:</b>	First Past the Post
<b>GBV:</b>	Gender-Based Violence
<b>GBViE:</b>	Gender-Based Violence in Emergency
<b>GDP:</b>	Gross Domestic Product
<b>GEWE:</b>	Gender Equality and Women's Empowerment
<b>GRB:</b>	Gender Responsive Budgeting
<b>ICGLR:</b>	International Conference on the Great Lakes Region
<b>ICT:</b>	Information and Communication Technology
<b>IFRC:</b>	International Federation of the Red Cross
<b>ILO:</b>	International Labour Organization
<b>MONUSCO:</b>	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
<b>MP:</b>	Member of Parliament
<b>NGO:</b>	Non-Governmental Organisation
<b>NHS:</b>	National Household Survey
<b>NSO(s):</b>	National Statistical Office(s)
<b>NSS:</b>	National Statistics System
<b>ODA:</b>	Official Development Assistance
<b>OECD:</b>	Organisation for Economic Co-operation and Development
<b>PR:</b>	Proportional Representation
<b>SADC:</b>	Southern African Development Community
<b>SDG(s):</b>	Sustainable Development Goal(s)
<b>SIGI:</b>	Social Institutions and Gender Index
<b>STEM:</b>	Science, Technology, Engineering and Mathematics
<b>TUS:</b>	Time Use Survey
<b>UN:</b>	United Nations
<b>UN Women:</b>	United Nations Entity for Gender Equality and the Empowerment of Women
<b>UNDP:</b>	United Nations Development Programme
<b>UNECA:</b>	United Nations Economic Commission for Africa
<b>UNFPA:</b>	United Nations Population Fund
<b>UNICEF:</b>	United Nations Children's Fund
<b>UNSCR:</b>	United Nations Security Council Resolution
<b>VAW:</b>	Violence Against Women
<b>WHO:</b>	World Health Organisation
<b>WPS:</b>	Women, Peace and Security

# FOREWORD

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Over the last twenty years, the East and Southern African region has multiplied commitments and intensified efforts at an exceptional pace to achieve gender equality. Remarkable progress has been achieved in health, education, representation in parliament, and financial inclusion, among other areas. Yet still many women and girls in the region continue to encounter gender and socio-economic barriers to the realization of their full potential. Global crisis such as the COVID-19 pandemic and the war in Ukraine also imposed a heavy toll on women, jeopardizing gains realized before.

As UN Women we are committed to leaving no one behind and producing tangible results. Knowledge is key to be able to operate effectively. In times where consolidating gains and closing gaps appear imperative and urgent, our Accelerating Change Towards Gender Equality in East and Southern Africa Report wishes to answer three critical questions. First: what changes matter the most for African women? Second: why is progress towards gender equality in the region lagging behind? Third: what can we do to accelerate progress?

I am pleased with the picture this Report puts together, looking at over twenty critical areas concerning African women's lives, touching upon laws, rights, culture, opportunities and barriers, while examining burning issues such as climate change, land, peace and security, unpaid work and childcare, among others. Stemming from this picture, the Report conveys a sense of direction, offers strategic recommendations and brings to the surface many solutions. A wealth of impactful initiatives adopted at some point, somewhere in the region are in fact punctually showcased composing a blueprint for change.

Another important finding is related to "accelerating factors." These are strategic, cross-cutting interventions-such as, for example, regional alliances, innovative and comprehensive forms of development aid, gender responsive budgeting, gender statistics, good governance-that can boost change, as well as increase and sustain gains for long-term benefit.

Moreover, the Report highlights the imperative and urgent need to have men, along with women, become gender equality activists and work towards violence-free, inclusive societies. An important reflection on masculinity sheds light on how toxic masculinity models not only harm women and girls, but the majority of men and boys too. In this regard, gender equality really matters for both men and women, and requires both to join their efforts to realize it.

Finally, responding to the call of accelerating progress towards gender equality, our staff and partners can use this Report as a key knowledge product and source of strategic guidance for regional level policy advocacy and programming. It is approachable and reader friendly, enabling a diversified audience-including governments, donors, UN agencies, INGOs and NGOs, women's rights activists and private sector partners-to easily find the facts and information they need to shape and promote their initiatives.

The time to close gaps and achieve gender equality in East and Southern Africa is now. Let's take the opportunity, together, to realize the Africa we want, the Africa where everyone can thrive.

**Dr Maxime Houinato**

Regional Director  
UN Women East and Southern Africa

# EXECUTIVE SUMMARY

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**Across the last two decades - even more during the previous five years - the East and Southern African region has seen an unprecedented acceleration in legislative reforms tackling gender equality and women's empowerment.**

Most countries in the region have included gender equality guarantees in their constitutions, have issued overarching gender equality legislation, have mainstreamed gender within the national development plans, and have developed sectoral gender policies and strategies. Many countries have also learned how to practice gender-responsive budgeting, how to produce more regular and reliable gender statistics, and how to expand partnerships with the most diverse stakeholders to reinforce action for gender equality.

**Political and institutional efforts and effective reforms have led to the advancement of gender equality in critical areas, such as education, political representation, and access to financial services, to mention the most obvious.**

Southern Africa became the sub-region with the highest share of women in single/lower house (32 per cent), which is closely followed by East Africa (31 per cent). Thanks to the adoption of political gender quotas across the continent. In Rwanda, the number of women parliamentarians exceeded that of men, with the country marking the highest share of women in single/lower houses worldwide (61 per cent). This record achievement is mirrored at the local level, with 62 per cent of women being elected to sub-national authorities. Moreover, women's representation in single/lower houses is above the 30 per cent threshold in Angola, Uganda, Tanzania and Burundi.

Following legislative reforms mandating compulsory and free primary education, the gender divide in primary school became minimal. From 1975 to 2009, girls' primary school enrollment rates drastically increased from 37 per cent to 74 per cent in Sub-Sa-

haran Africa per cent. Most countries with over 90 per cent enrollment are in East and Southern Africa. Girls' enrollment rates in secondary school also increased, with free secondary education on the rise. The numbers indicate a surge from 18 per cent to 34 per cent in Sub-Saharan Africa, between 1998 and 2018, with several East and Southern African countries marking an even higher increase.

Over the last 50 years, Africa has seen a decline in formal legal discrimination against women's access to financial services. In 1971, women could open a bank account in the same way as men in 29 of the 54 African countries. In 2021, this was the case in 47 of the 54 countries. Legal reforms played a critical role in guaranteeing men's and women's equal access to financial services, with more and more countries adopting financial inclusion strategies and provisions. The shift to e-banking and the multiplication of affirmative actions to ensure women's access to financial services also made a difference.

**Despite these achievements and the increasing number of commitments and reforms, outcomes for women did not all materialize as planned. We witness a picture mostly characterized by incongruent and incomplete regional gains.**

The East and Southern Africa region continue to endure high rates of gender-based violence, even if most countries have adopted laws prohibiting and criminalizing GBV and have put in place various GBV services, such as specialized courts, police units, and shelters. The utmost prevalence of female genital mutilation (FGM) worldwide is found in Somalia, Djibouti, Sudan, and Eritrea (around 90 per cent of women), and the region maintains the top rates of early marriage, even if in several countries, there are declining indicators.

While skilled birth attendance has been recognized as a key element for maternal and new-born survival, and deliveries assisted by

skilled personnel increased to 74 per cent on average in the region, maternal deaths and maternal mortality are still prevalent, with weighty differences across countries. With regard to HIV/AIDS, although new infections are dropping all over the continent, women living with the virus/disease continue to be a significantly higher number than men, with Eswatini, South Africa, and Lesotho being among the countries with the highest rates. Furthermore, looking into mental health, 66 million African women (twice as many men) are estimated to suffer from depression, and 1 in 7 adolescents experience mental health disorders.

The participation of women in the labour force remains lower than that of men and is characterized by high informality, lower job status, and horizontal segregation. If, on the one hand, women are more likely than men to be entrepreneurs, on the other hand, their businesses are generally smaller, less capital intensive, and more likely to operate in the informal sector. Women's disproportionate burden of unpaid care and domestic work reinforces their low participation in the labor market and hinders their ability to participate in leadership.

In politics, despite increased numbers in elected bodies, women in the region continue to face multiple barriers to their substantial contribution, from political violence to lack of financing to minimal support available to juggle family and political responsibilities.

The gender divide – almost removed in primary schools – still progressively expands while moving towards higher education. Moreover, although 17 out of 23 countries in the region have adopted legal protections for teen mothers, early marriage, childbearing, and parenting continue to represent the main reason for girls' school drop-out. Finally, in STEM, women still represent a disproportionately low number.

Across all these challenges, youth is particularly vulnerable and mostly affected.

**What are the missing links between countries' mobilization for gender equality and the uneven positive change experienced by women and girls? Factors hindering progress are multifaceted, encompassing cultural, political, and economic dimensions, including global crises.**

Extreme poverty and high food insecurity; climate change and environmental crises; dropping labour force participation trends among men; structural inequalities continuing as a colonial heritage; political instability and recent and on-going armed conflicts have long distressed the region. clumpy

Furthermore, two global crises – the COVID-19 pandemic and the escalation of the war in Ukraine – had heavy repercussions in Africa, signifying a setback for many of the gender equality gains made before them. During the pandemic, many women lost their jobs, and many more girls dropped out of school and found themselves drawn into early marriage and teen pregnancies; rates of gender-based violence surged dramatically, while women's access to essential health and security services was highly compromised. Moreover, due to the war in Ukraine, women's and children's food security significantly deteriorated. Overall, women's poverty (including time and energy poverty) and their access deprivation (to fulfill basic needs and benefit from essential services and opportunities) worsened in the last five years. Despite several measures being put in place across the region to boost gender equality and respond to women-specific challenges, the full impact of such initiatives is yet to be seen.

Some challenges are also reported at the institutional and governance levels. Several countries struggle with policy and programme implementation, primarily due to limited capacity and budget poor coordination and missing or ineffective oversight mechanisms. Historical constraints in gender statistics – being gradually bridged in recent years – and the absence of impact assessments as a routine practice also makes it difficult to



detect the bottlenecks and the leverages to accelerate change. The still limited use of affirmative actions and adopting gender-blind laws and programmes is a by-product of data gaps.

Finally, generalized insecurity does not provide the ideal conditions for cultural norms and beliefs to evolve, allowing discriminatory gender norms and harmful masculinity models to continue molding lives within communities while undermining progress.

**In the face of such important challenges, we may need to step back from the generalized picture and allow ourselves to capture a different perspective.**

**Diving into details, micro-realities, and country-specific narratives, many successful and promising experiences and a picture of evolving potentials come to our attention.**

This perspective allows us to shed light on the missing links within a story we already know. It allows us to point out leverages and facilitating factors that can make the difference in the progress we seek, igniting change faster than expected if actions are built upon lessons learned, can upscale successful practices and follow strategic choices aligned across countries.

Within family law systems, for instance, reforms eliminating explicit legal discrimination against women, as well as extending equality guarantees to customary law, have been instrumental in advancing gender equality and women's empowerment in the countries where they were adopted; additionally, progressive court rulings have proven key to enforce equality guarantees and even push for further reforms. Such measures shall ideally be extended to the whole region.

Within the health sector, in countries such as Kenya, Rwanda, and Lesotho, decentralized, affordable, and gender-sensitive primary health care systems were established to different extents, demonstrating that even in low and lower-middle-income countries, it is possible to achieve such a goal. Building upon

an improved partnership with lay service providers and civil society and expanding the capacity of available health care professionals, these reforms produced tangible gains in responding to the needs of women and girls locally, bringing reproductive, maternal and child health care services close their target groups, while cutting down geographical, infrastructural, financial and cultural barriers.

Furthermore, in politics, women's representation and participation highly benefitted from the adoption, by ruling or main opposition parties, of voluntary gender quotas within their leadership structures. This action produced electoral results unequivocally favorable to women and a higher representation of women in political leadership in several East and Southern African countries.

**While we could continue the list of highly impactful measures, more than one successful initiative and continuity of efforts over time are usually required to trigger long-lasting change.**

For instance, the progressive adoption of complementary legislative reforms and actions aimed at ending FGM contributed to accelerating the decline of its prevalence in Ethiopia and Tanzania.

Likewise, while the new legal frameworks guaranteeing adolescent girls' right to stay in school during pregnancy and motherhood marked an important step towards gender equality at school, parallel reforms establishing the minimum age of marriage at 18 or above, adopting new strategies to combat the practice of early marriage and legislating against violence at school, were also essential in reducing the gender divide in education. However, many of these important steps undertaken by various countries are recent. Time is necessary to solidify their gains. Policy coherence and the further elimination of residual direct and indirect forms of discrimination still enshrined in the law and in practice – like the exceptions to the minimum age of marriage, for example – need to be upheld by countries while extending these measures across the region.

**These and several other strategic, vital, and successful initiatives – though scattered across countries, sometimes limited in time, or just too recent to see their full impact – compose a blueprint of what needs to be done consistently across the region to overcome the most detrimental barriers to gender equality and establish an enabling environment where women can benefit from their rights and thrive.**

The solutions are there; they proved effective somewhere, but at some point, they need to become the norm, all of them, everywhere, and be sustained.

**To realize this blueprint, so-called “accelerating factors” are of the utmost importance. These are strategic, cross-cutting measures and initiatives whose power can contribute to fast-track change, multiply gains, make progress sustainable, and impact long-term.**

They include regional and region-focused alliances and initiatives; system-wide and multi-stakeholder development aid schemes; gender-responsive budgeting; good governance; regular development of reliable gender statistics; effective and affordable decentralization of essential services; engagement of civil society and women-led organizations; and mobilization of men and boys as gender equality champions among others. This last point takes us to an underlining and urgent priority across all others.

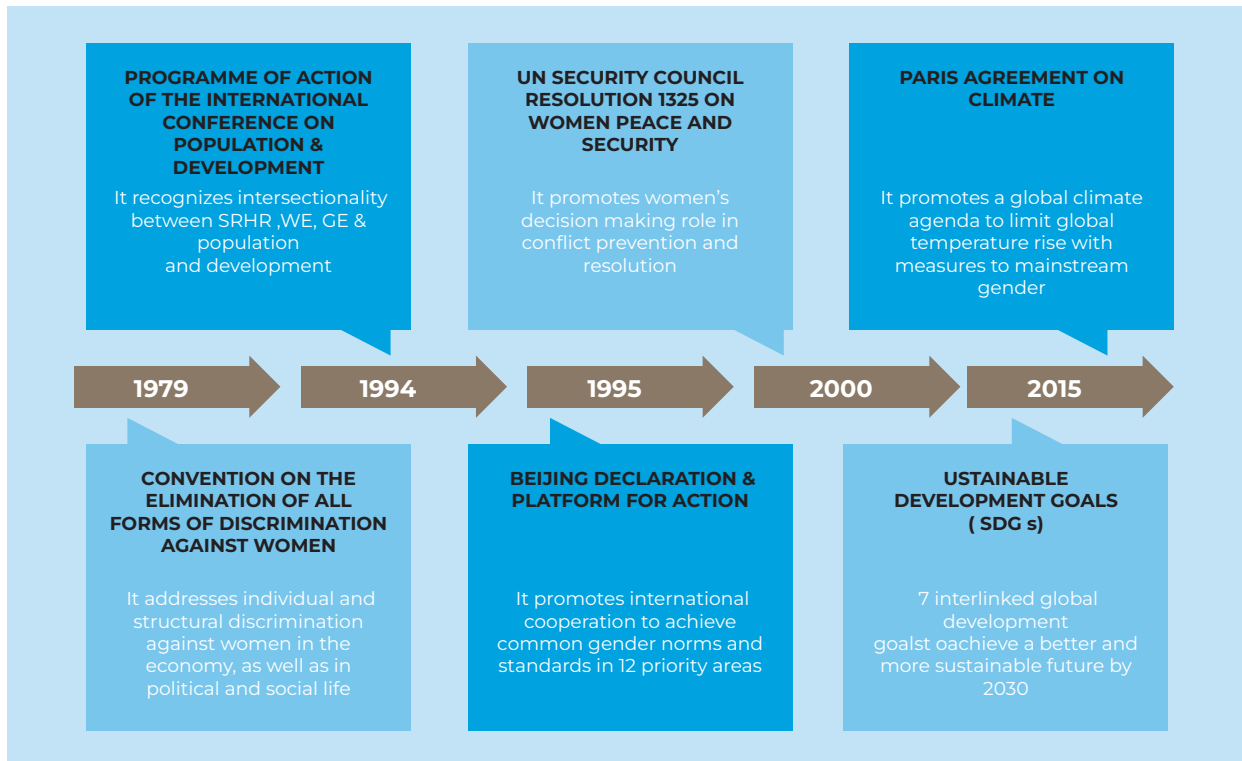
**Gender equality and women’s empowerment in East and Southern Africa cannot leave men behind.**

Men are also victims of violence, poverty, and injustice. They are victims of harmful hegemonic masculinity models that perpetrate wide-spread violence in the region, disproportionately affecting women and children. The case of South Africa shows how even a very well-developed equality framework cannot be effective when a heritage of toxic and violent masculinity remains dominant. Despite good practices, and a growing body of evidence demonstrates that men can and do change behavior due to well-designed interventions, too few policies and programmes include gender transformative elements and target men’s and women’s vulnerabilities. There is a need to upscale and expand initiatives aimed at tackling harmful masculinity models and reinforce positive ones, thus aligning to international directions and priorities such as those issued by the 48<sup>th</sup> Session of the Commission on the Status of Women focused on Engaging Men and Boys in Gender Equality.

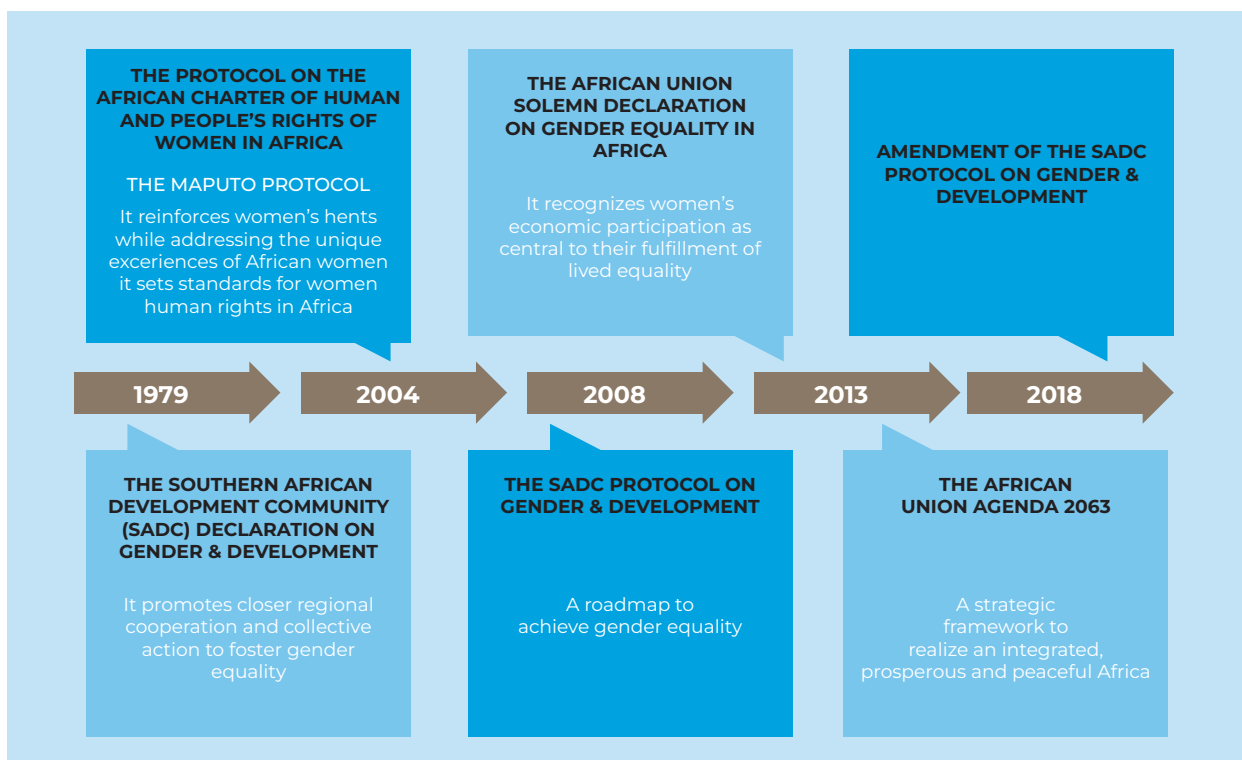
In the next decade, governments and partners in East and Southern Africa will need to capitalize on the wealth of good and promising practices in the region and level up efforts to integrate them into the system, making them the norm while reinforcing an enabling environment for gender equality and women’s empowerment and releasing the potential impact of accelerating factors able to fast-track change.

## HUMAN RIGHTS FRAMEWORK

**Figure 1:**  
Global Gender & Development Policy Frameworks



**Figure 2:**  
African Gender & Development Policy Frameworks



**Figure 3:**  
 Status of East and Southern African countries vis-à-vis the signature and ratification of the Maputo Protocol



## NOTE ON THE IMPACT OF COVID-19 AND THE WAR IN UKRAINE

The last few years have witnessed two major crises producing worldwide economic and social changes: the COVID-19 pandemic and the escalation of the Russo-Ukrainian war in 2022. Recent studies show how the impacts of the pandemic will be long-term as well as multidimensional, entailing changes to economic structures, shifts in international trade patterns, and negative implications for government investment and human progress in education, health, poverty eradication, and child mortality. Globally, women have been among the most exposed to contracting the virus due to their primary care responsibilities within families and to their high representation among health care providers. Moreover, the war in Ukraine has provoked a global skyrocketing surge in the prices of energy and staple food commodities, particularly hitting low-income countries, including Africa. This crisis has exacerbated women's and children's food insecurity and women's energy poverty, and it has heavily affected fossil-fuel-based agriculture largely practiced in Africa. According to UNCTAD, 25 African countries – 12 in the East and Southern region – depended on Russia and Ukraine for at least 30 per cent of their wheat, while 16 out of these 25 – 7 in the East and Southern region – sourced 50 per cent to 100 per cent of their wheat from Russia and Ukraine. More than 30 African countries import nitrogenous, potassium, and phosphate fertilizers from Russia and Belarus.

Within this bigger picture, women and girls' lives in East and Southern Africa have been affected in multiple ways, threatening to set back progress achieved over the last two decades. During the pandemic, women have endured limited access to food, jobs, livelihood, and essential services, including maternal and child health care, HIV/AIDS treatment and commodities, and emergency police services. Resources normally used for routine health services, including sexual and reproductive health care, have been diverted to combat the pandemic, leaving women in the region with unmet family planning needs leading to many unwanted pregnancies. Furthermore, women have increasingly suffered from sexual, physical, and emotional

violence at home and in their communities. They have also been exposed to deprivation and neglect, cyberbullying, and harassment; moreover, they have experienced a surge in teen pregnancies and child marriage. East Africa witnessed a 48 per cent increase in reported cases of gender-based violence during the pandemic. Within the labour market, women have found themselves in increasingly unsafe and fragile work environments, being mainly employed in the informal economy, without labour and social protections. Furthermore, they have lost jobs in sectors such as retail, hospitality and tourism, where they are overrepresented in many African countries. Both the COVID-19 and the Ukraine crisis have doubled women's share of unpaid care and domestic work due to confinements, schools' closure, and the return to biomass for fuel with critical consequences on women's safety, health, and time poverty.

This taxing situation has pushed women in the region to stretch their resilience skills and adopt both positive and negative coping mechanisms. Overall, it has critically challenged women's agency, often resulting in more harm to their lives: from reducing food intake to selling household goods; dropping out of school to being involved in early marriage or transactional sex.

As it is proven that large-scale crises affect women and men differently, worsening pre-existing inequalities, policy responses must include a gender lens and provide affirmative actions to tackle gendered types of vulnerability and discrimination. According to the UN COVID-19 Global Gender Response Tracker, 24 East and Southern African countries adopted 391 COVID-19 response measures, of which 136 are gender-sensitive (with South Africa, Uganda, Kenya, Ethiopia and Zimbabwe reporting the highest shares). Zooming in, 65 measures targeted women's economic security, and 63 addressed violence against women. Unfortunately, only 6 measures supported unpaid care work, specifically in Angola, South Africa, and Burundi, despite its critical increase during the pandemic affected women on many

levels. Lack of data in this regard may have contributed to the limited response. Overall, the average share of women members of COVID-19 task forces in 19 countries across the region has been quite low: 18 per cent. Additionally, women-led task forces are only a few.

Large-scale crises may also offer opportunities to accelerate positive change despite their negative impacts. The focus of COVID-19 response measures ranges from addressing emergency and basic needs –for example, cash transfers, food baskets, and facilitated access to services, among others – to tackling medium and long-term transformation. The latter consider and aims to redress pre-existing gaps amplified by the crisis. For instance, concerning women’s economic security, some measures provided gender-inclusive business support, and others contributed to more inclusive labor markets. Globally – unfortunately not in East and Southern Africa – measures to support unpaid care work

included initiatives to expand leave policies and others to develop care infrastructure and services. On the same wavelength, in addressing the consequences of the war in Ukraine, countries have the opportunity to *“accelerate the transformation towards more equitable, gender-responsive and sustainable food systems, including by phasing out harmful fossil fuel and agricultural subsidies, investing in women’s access to inputs, technologies, and markets and strengthening local food systems and crop diversification to achieve better security and nutrition for all”*. Given the extent of the impact of the Ukraine crisis though, international and regional alliances and strategic ODA support are key to achieving these goals, along with national political commitments, also lifting restrictive trade policies and accepting to invest in community resilience building and gender equality.

# CHAPTER 1:

## TOWARDS A STRONGER ENABLING ENVIRONMENT



### An Outlook of Overarching Legal and Institutional Frameworks for Gender Equality and Women's Empowerment

#### CHAPTER HIGHLIGHTS

- 1) Most countries in the region have ratified important women's human rights instruments - including CEDAW, the Maputo Protocol, and UNSCR 1325 - and have established GEWE legislation, institutions, and machinery.
- 2) However, inadequate allocation of financial and human resources, low availability of gender data, and frail political will are among the common reasons for inconclusive and inefficient reforms. The persistence of pluralistic legal systems, discriminatory social norms, and women's often limited knowledge of the law are also responsible for the reduced impact of GEWE reforms.
- 3) Successful reform paths are proven to require a continuum of actions and the engagement of multiple factors. Progressive litigation, court decisions, independent, gender-sensitive oversight institutions, and women's activism are among the facilitating factors. Policy coherence is also crucial.
- 4) Finally, despite the detrimental impact of conflict on gender equality, post-conflict situations can offer unprecedented opportunities to accelerate GEWE progress.

This chapter provides an overview of the extent, efficacy, and challenges characterizing national systems and mechanisms to support gender equality reforms and outcomes for women. This essential picture is necessary to fully understand gender equality gains and gaps in various policy fields.

Countries in the region have shown great progress in developing legal and institutional frameworks pursuing Gender Equality and Women's Empowerment GEWE ▼ *TABLE 2* and ▼ *TABLE 2bis with details (in Appendix)*.

However, women and girls continue to experience discrimination in many dimensions of their lives. Many bottlenecks exist in legislation in favour of equality, translating laws and policies into actions, programmes, and budgets able to provide real benefits and the claim for rights.

While most countries have ratified relevant international, regional, and sub-regional agreements ▼ *DIAGRAM 1, 2 & 3*, they lag in aligning national legislation with the standards set forth by these instruments. Most countries have included gender

principles in their constitutions, development visions, and plans, have adopted one or more pieces of GEWE legislation (act, policy, strategy, or plan), and have placed visible efforts in gender mainstreaming across sectors, also through the adoption of gender mainstreaming strategies. Most countries have also developed National Action Plans to implement the United Nations Security Council Resolution (UNSCR) 1325 on Women, Peace and Security, a critical gender-sensitive theme for the region. However, the persistence of discriminatory customary laws in several countries and the silent or formal dispensation of customary law from aligning with equality provisions highly disrupt available legal protections. For example, Botswana, Lesotho and Zambia constitutions exempt customary law from the prohibition of discrimination. These exceptions make unjust and unfair customary law practices unchallengeable before courts.

Legislative reforms are often slow and do not achieve ideal results. While overarching gender policies set the tone, indicating priorities, standards, and mechanisms to be applied nationwide, legislators' political will and capacity to translate these high-level commitments into specific and sectoral legal reforms is often unsatisfactory. Disengagement of male MPs and political parties, continuing to represent the prevalent patriarchal culture, is reported among the main challenges. The limited availability of data is also a major barrier. Sector professionals and institutions often lack the necessary information to capture the intersaction of gender with their own subject matter (i.e. gender and agriculture, gender and infrastructures, etc.). **Rwanda** and **Namibia** offer examples of successful gender-sensitive law reforms. Yet Namibia also shows how crucial law reforms for gender equality – such as marriage, divorce, and matrimonial property – are still lagging ▼ *COUNTRY FOCUS 1 & 2*. The OECD has ranked African countries according to the degree of legal discrimination in four critical areas: family, physical integrity, access to productive and financial resources, and civil liberties ▼ *TABLE 1*. Within this framework, countries such as **Ethiopia, Kenya, Mozambique, Namibia, Rwanda, South Africa,** and **Zimbabwe** report a medium degree of

legal discrimination. In contrast, **Burundi, Somalia, Sudan,** and **Tanzania** report a high or very high level of discrimination in the law. Conflict and dramatic political changes affect the course of gender-sensitive reforms. In the case of **Sudan**, the shift to political Islam in 1983 halted a period of progressive reforms while introducing discriminatory provisions against women and girls. However, the country moved to more democratic structures and reforms after 2005, and some steps were taken to strengthen gender equality, such as the National Girls' Education Policy 2007, the Pro-women Microfinance Policy 2008, and the abolition of the Public Order Act (1996) containing several restrictions to women's freedoms *to preserve public order and decency*. Postconflict moments can also help reshape societies and advance women's rights. In East and Southern Africa, significant changes related to gender equality have happened as a spinoff of major civil conflicts when crises offered the opportunity to change the system of the countries that have passed legislation on women's land rights in recent years, five out of seven did so as part of post-conflict reforms: **Mozambique, Namibia, Rwanda, South Africa** and **Uganda**. Similarly, many countries with more than 30 per cent women's representation in parliament in Sub-Saharan Africa have come out of conflicts, including **Angola, Burundi, Mozambique, Rwanda, South Africa** and **Uganda**.

Regarding gender equality and women's empowerment machinery, all countries have established a leading gender institution mostly under the form of a national ministry. However, other arrangements exist, like in the case of **Ethiopia's** Women's Affairs Office located within the Prime Minister Office. In some cases, National Gender Ministries focus on gender equality and women's empowerment per se', but they often combine gender with one or more other portfolios such as family, children, youth, disability, elderly, sport, poverty eradication, and social welfare. This choice likely leads to weakening gender prioritization and resources.

Several countries have institutionalized various GEWE institutions and commissions for coordination, technical advise, monitoring, and oversight. Most countries



count parliamentary portfolio committees and women's caucuses. Few oversight institutions, though, have an independent status like **Kenya's** Gender and Equality Commission. More often, gender monitoring functions are placed within the executive, choices that do not necessarily lead to effective accountability. Even in cases where the country has a well-established oversight mechanism, gender outcomes are not guaranteed. **South Africa**, for instance, benefits from an effective and respected Supreme Audit Institution (SAI), established parliamentary committees, and oversight bodies. Nevertheless, the audit framework does not yet explicitly integrate GEWE issues, and parliamentary committees do not undertake systematic reviews of the gender impacts of service delivery programmes. **Burundi, Mauritius, and Rwanda** established National Women's Councils to represent the interests of women. Oversight mechanisms are crucial to ensure accountability and allow institutions and mechanisms to improve and fix their shortcomings.

Despite the different challenges in the course of legislative reforms, countries in the region remain dynamic, and efforts to legislate in favor of gender equality can be traced everywhere. Lack of impact is attributed to poorly effective law implementation.

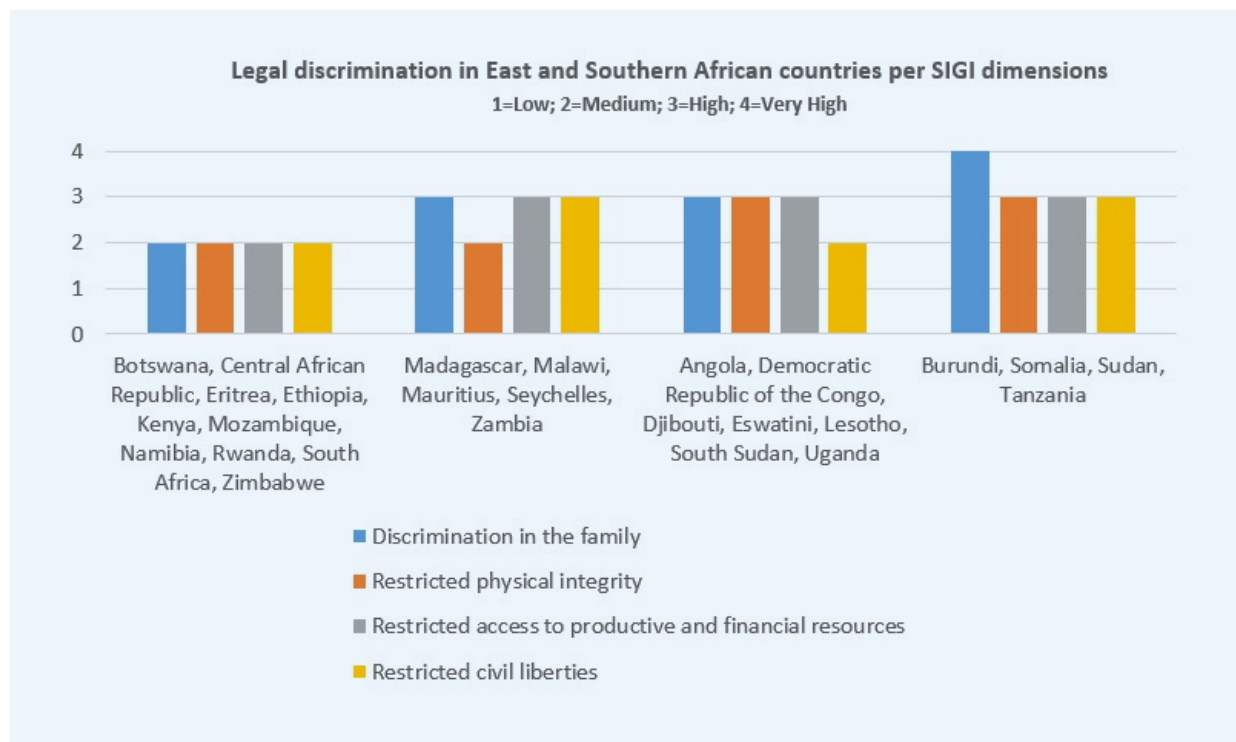
On the supply side, while national machinery is prevalent, institutions struggle with limited budget allocation and human resources for gender mainstreaming and programming. Concrete action plans, accompanied by

measurable indicators and regular reporting requirements, are often missing, and some ministries face cultural challenges to take on board gender objectives. Furthermore, Gender Focal Points are not necessarily embodied by senior officials with sufficient agency; they are often overburdened with other tasks and sometimes replaced with un-trained officials. Finally, the low political traction of many gender ministries and gaps between centralized and decentralized authorities further undermine the effectiveness of law implementation. The institutional challenge adds to the persistence of pluralistic legal systems, creating disorienting loops and contradictions within the law.

On the demand side, limited women's awareness of legal and policy opportunities, low trust in institutions and high-pressure links to discriminatory social norms often result in missed opportunities of rights enjoyment for women and girls.

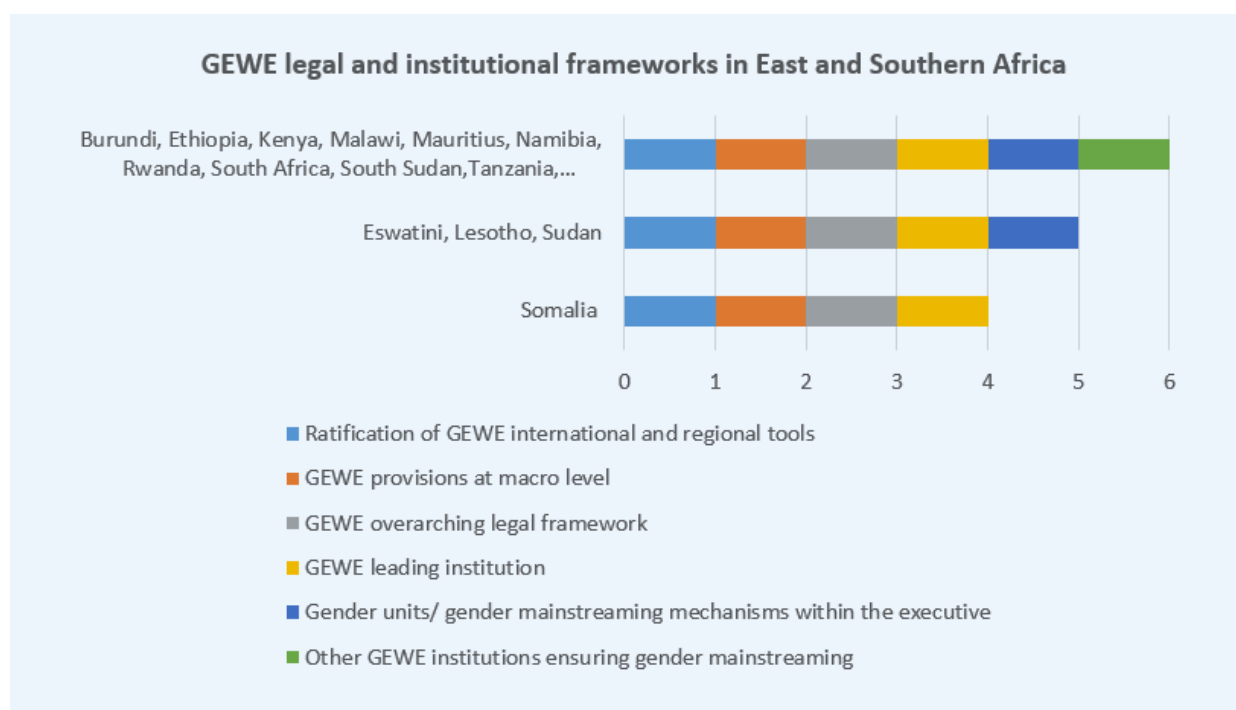
Finally, what influences successful legal reforms for gender equality? Several lessons can be drawn from **South Africa's** experience, especially as women still experience deep-rooted discrimination. Indeed, one change, law, or person often does not realize transformation. Instead, people from every corner of society must come together to achieve it, piece by piece, one step at a time. In South Africa, political momentum, women's activism, and strategic litigation were key factors that enabled legal reforms to marital power to succeed. ▼ *COUNTRY FOCUS 3.*

**Table 1:**  
Legal discrimination in East and Southern African countries per SIGI dimensions



Source: SIGI 2021 Regional Report for Africa - © OECD 2021

**Table 2:**  
Legal and institutional frameworks for gender equality and women's empowerment



Source: UN Women, Gender Equality Profiles (updated)



## COUNTRY FOCUS 1: RWANDA

### LAW REFORMS THAT SUPPORT GEWE

Laws	Provisions
<b>Girls' Education Policy</b>	The overall objective is to guide and promote sustainable actions aimed at the progressive elimination of gender disparities in education, training, and management structures.
<b>National Decentralization Policy 2012</b>	<i>The policy underlines the commitment of the Rwandan government to empower its people to determine their destiny. It further considers gender equality and social inclusiveness among the policy's fundamental principles.</i>
<b>The Health Sector Policy 2015</b>	<i>The policy envisages 'people-centered services' as one of its guiding principles and values, focusing on "the well-being of individuals and communities," with special attention to women and children.</i>
<b>Strategic Plan for Agriculture Transformation 2018 - 2024 (PSTAIV)</b>	The plan provides that intensification and commercialization of the Rwandan agricultural sector will be essential to reduce poverty and drive growth. Additionally, strategies to address key gender issues within the sector were outlined by the plan.
<b>Law N° 43/2013 OF 16/06/2013 Governing Land in Rwanda:</b>	Similarly to the case of inheritance, land reform in Rwanda supported women and men to have equal rights and enjoyment over their land properties. Consequently, both men and women have land titles registered on their names. This has facilitated women's access to loans from financial institutions and their engagement in income-generating activities.
<b>Law N°27/2016 of 08/07/2016 Governing Matrimonial Regimes, Donations and Successions</b>	In 1999, a gender revolution, especially regarding equal accessibility to and management of family patrimony, was realized through the law on matrimonial regimes, donations, and successions, which was later revised in 2016. The law provides that both sexes have the same right to inherit property from their parents.

Source: Gender Monitoring Office, *The State of Gender Equality in Rwanda, 2019* [www.gmo.gov.rw](http://www.gmo.gov.rw)



## COUNTRY FOCUS 2: NAMIBIA

### LAW REFORMS THAT SUPPORT GEWE

Laws	Provisions
<b>The Local Authorities Act 23 of 1992</b>	Legislates a quota of 30 per cent women's representation at the local government level
<b>Traditional Authorities Act 17 of 1995</b>	Calls for affirmative action in traditional leadership
<b>Social Security Act 34 of 199</b>	Makes provision for maternity benefits and social insurance schemes
	The Act criminalizes sex with minors and marital rape; it is gender-neutral and prohibits coercion, irrespective of gender.
<b>Combating of Rape Act 8 of 2000</b>	Legislates protections for violence in domestic relationships
<b>The Combating of Domestic Violence Act 4 of 2003</b>	Introduces special measures for vulnerable witnesses
<b>Criminal Procedure Amendment Act 24 of 2003</b>	Outlines the protection of witnesses in human trafficking crimes



## COUNTRY FOCUS 2: NAMIBIA

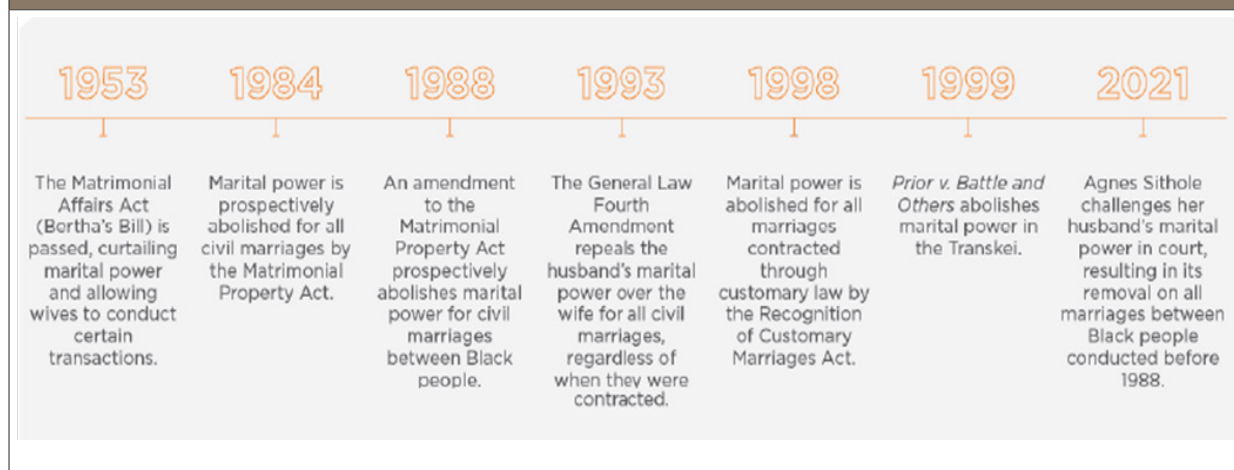
<b>The Witness Protection Act, 2017 (Act No. 11 of 2017)</b>	Domesticates the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children
<b>Combating the Trafficking of Persons Act 1 of 2018</b>	Provides for children in dangerous family circumstances
<b>GEWE-SENSITIVE BILLS STILL PENDING APPROVAL</b>	
<b>Laws</b>	<b>Provisions</b>
<b>Prohibition of Torture Bill</b>	To prevent all forms of torture and reinforce other existing GBV laws
<b>The Child Justice Bill (drafted in 2003)</b>	Institutes Child Justice Courts with specifically trained personnel matters. Makes provisions for restorative programmes
<b>The Marriage Bill</b>	Covers the procedure for solemnization of marriages and introduces marriage permits
<b>The Divorce Bill</b>	It moves away from a fault-based system, making it easier to exit a marriage whereby the services of a lawyer are not essential.
<b>Uniform Matrimonial Property Bill</b>	Rescinds Native Administration Proclamation Act 15 of 1928. Provides for a uniform matrimonial property regime for all civil marriages
<b>The Maintenance Amendment Bill</b>	Amends the Maintenance Act, 2003 (Act No. 9 of 2003) about the legal duty to pay maintenance.
<b>Combating the Domestic Violence Amendment Bill</b>	Amends the Combating of Domestic Violence Act, 2003 (Act No. 4 of 2003) facilitates more access to protection orders and strengthens the safeguards for children affected by domestic violence.
<b>Combating of Rape Amendment Bill</b>	Amends the Combating of Rape Act, Act No.8 of 2000, the Criminal Procedure Act, 1977, and the Combating of Immoral Practices Act, 1980, Provides additional coercive circumstances for rape and increases minimum sentences for rape

Source: UN Women, Namibia Gender Equality Profile, 2022



## COUNTRY FOCUS 3: SOUTH AFRICA

### EFFORTS TO ABOLISH MARITAL POWER



Sources: World Bank <https://blogs.worldbank.org/developmenttalk/challenging-entrenched-marital-power-south-africa>



## Women, Law and Marriage

### CHAPTER HIGHLIGHTS

- 1) Progressive laws granting equal rights in marriage and divorce, child care and child custody, inheritance and matrimonial property rights catalyze women’s further enjoyment of rights in education, employment, health, and other fields. Conversely, discrimination in this sphere greatly negatively affects women’s lives.
- 2) Most countries in the region have progressively reformed statutory marriage laws and related laws concerning children and property rights.
- 3) However, the legal context around this topic remains complex and hard to navigate due to often un-harmonized laws and legal systems perpetrating discrimination against women. Additionally, discriminatory social norms and poor knowledge of the law induce women to endure discriminatory legal practices rather than benefit from equality guarantees.
- 4) Countries that regulated different types of marriage under statutory law and constitutional guarantees produced improved outcomes.
- 5) Progressive court rulings also help progressive marriage law reforms and bridge the gap between progressive laws and their enforcement.

As women in the region are attributed traditional roles in society as wives and mothers before all, laws regulating marriage and divorce, child care and child custody, and inheritance and matrimonial property rights are crucial to women’s lives. Discriminatory provisions embedded in these laws can largely affect women and girls’ lives, reinforcing their subordination to men and supporting attitudes and harmful practices that limit their opportunities and potential. On the other hand, equitable provisions in this area can function as catalysts for further enjoyment of women’s rights (in education, labor, health, etc.).

In East and Southern Africa, the legal landscape around these topics is complex, with multiple legal systems coexisting and overlapping, creating a disorienting reality for women. In addition to formal statutory laws, formal and informal customary, religious, and traditional laws constitute an important

part of the social institutions governing marriage in many African countries. Generally, women do not have the agency to make informed choices adopting the most favorable legal system. Religion, traditions and social pressure may dictate choices, the proximity of justice services, particularly in remote and rural areas, and the lack of understanding of rights and the advantages and disadvantages of different legal systems. Moreover, as child and adolescent marriages, as well as forced marriages, are unfortunately still largely practiced, this further decreases the ability of women to beneficially navigate their marriage-related rights.

On a positive note, an increasing number of countries have legislated the minimum age of marriage – 18 years old – for both girls and boys ▼ *TABLE 3*. However fewer countries – among which Kenya, Malawi, South Sudan and Rwanda - have agreed to set the minimum age without legal exceptions.

Notwithstanding these efforts, in most countries customary law prevails continuing to allow child and adolescent marriage.

There is no easy or one-way solution to resolve the complicated relation between statutory and customary or religious law systems. Consequently, legal reforms in the sphere of marriage achieved uneven outcomes across the region. ▼ *TABLE 4* and ▼ *TABLE 4bis with details (in Appendix)* pinpoint how, despite 16 countries out of 21 established equal rights to seek separation, divorce or annulment of marriage in statutory law, this right is not guaranteed and even contradicted in customary and religious laws in 13 countries out of 21. Regarding the right to equally share matrimonial property after divorce, many countries portray an unclear situation constrained by legal limitations, incongruities, and weak law enforcement.

It is evident that countries who made remarkable efforts to regulate different types of marriage under statutory law and those who made remarkable efforts to regulate different types of marriage under customary law and constitutional guarantees produced improved outcomes. **South Africa** offers an interesting example with the 2021 Amendment to the 1998 Recognition of Customary Marriages Act ▼ *COUNTRY FOCUS 5*. Moreover, the new Marriage, Divorce and Family Relations Act (2015) consolidated all laws on marriage and divorce in Malawi. In addition to setting 18 as the minimum marriage age for both boys and girls, the Act strongly protects married women, giving equal status to both parties. It also includes a new requirement to register marriages with the government. Rwanda offered a further positive example, which witnessed a gender revolution in 1999 when equal accessibility to and management of family patrimony was realized through the Law on Matrimonial Regimes, Liberalities and Successions, further revised in 2016. The Law provides that both boys and girls have the same rights to inherit property from their parents. The post-genocide leadership identified gender equality as a crucial element of

the country's reconstruction and development, thus accelerating equitable change.

Political will is key to reforms. In fact, where this is missing, reforms are lagging. In **Lesotho**, for example, many reform processes are stalled. A similar stagnating situation is shown in **Uganda**, where it is reported that a main barrier in the reform process is represented by male MPs perceiving the marriage, divorce, and inheritance bills as “women's activists' bills.”

Sometimes, court rulings can accelerate change. In **Tanzania**, for instance, a 2019 decision of the Court of Appeal ordered the age of marriage for boys and girls to be 18, thus creating an important ground to push for the reform of the Marriage Act. Favorable court rulings can also push alignment between progressive laws and implementation, like in the case of a 2020 decision by **Zimbabwe's** Supreme Court, which established that a judge could award a woman half of all movable and immovable properties when she divorces, regardless of her monetary contribution toward the purchase of those properties. Furthermore, in a 2019 landmark ruling, the **Eswatini** High Court declared marital power unconstitutional.

Law implementation remains a major challenge, even in countries with more favorable regulatory frameworks. This exacerbates in rural and remote areas, where court services may not be available, women may be less aware of their rights and traditional leaders may continue to administrate issues by customary or religious discriminatory practices, regardless of whether progressive national laws rectified these practices. The engagement and training of traditional leaders regarding the implementation of progressive laws, along with the capillar sensitization of local communities around law reforms is crucial to avoid double standard systems continuing to hinder women's enjoyment of equal rights.

**Table 3:**  
Overview of legal frameworks on the minimum legal age of marriage and legal exceptions

Legal framework on child marriage	Number of countries	Countries
Legal age of marriage greater than or equal to 18 years for both girls and boys without legal exception	7	Democratic Republic of the Congo, Kenya, Malawi, South Sudan, Rwanda, Uganda, Zimbabwe
Legal age of marriage greater than or equal to 18 for both girls and boys years, with legal exception	16	Angola, Botswana, Burundi, Central African Republic, Djibouti, Eritrea, Eswatini, Ethiopia, Lesotho, Madagascar, Mauritius, Mozambique, Namibia, Somalia, South Africa, Zambia
The legal age of marriage differs for men and women and/or is less than 18 years for either girls and/or boys	2	Seychelles, Tanzania
No legal minimum age for marriage	1	Sudan

Source: SIGI 2021 Regional Report for Africa - © OECD 2021  
UNESCO, Her Atlas: Monitoring the right to education for girls and women <https://en.unesco.org/education/girls-women-rights>



## COUNTRY FOCUS 5: SOUTH AFRICA

### LEVELLING CUSTOMARY MARRIAGES ON THE GROUND OF EQUALITY

The **1998 Recognition of Customary Marriages Act** is a law of Parliament that came into force on 15 November 2000. With this law, women's rights advocates marked an important and hard-fought victory, ensuring that the equality provisions of the post-Apartheid Constitution were applied to customary law. The Centre for Applied Legal Studies (CALs) was closely involved in influencing the new law on customary marriage and the Rural Women's Movement (RWM).

Initially, CALs and RWM claimed that the law must prohibit polygamy. However, research assessing the realities and dynamics of women in customary marriage put forward the need to protect women and children in existing polygamous marriages. If polygamy was outlawed entirely, their livelihoods would be directly threatened and many women would be left without legal protection.

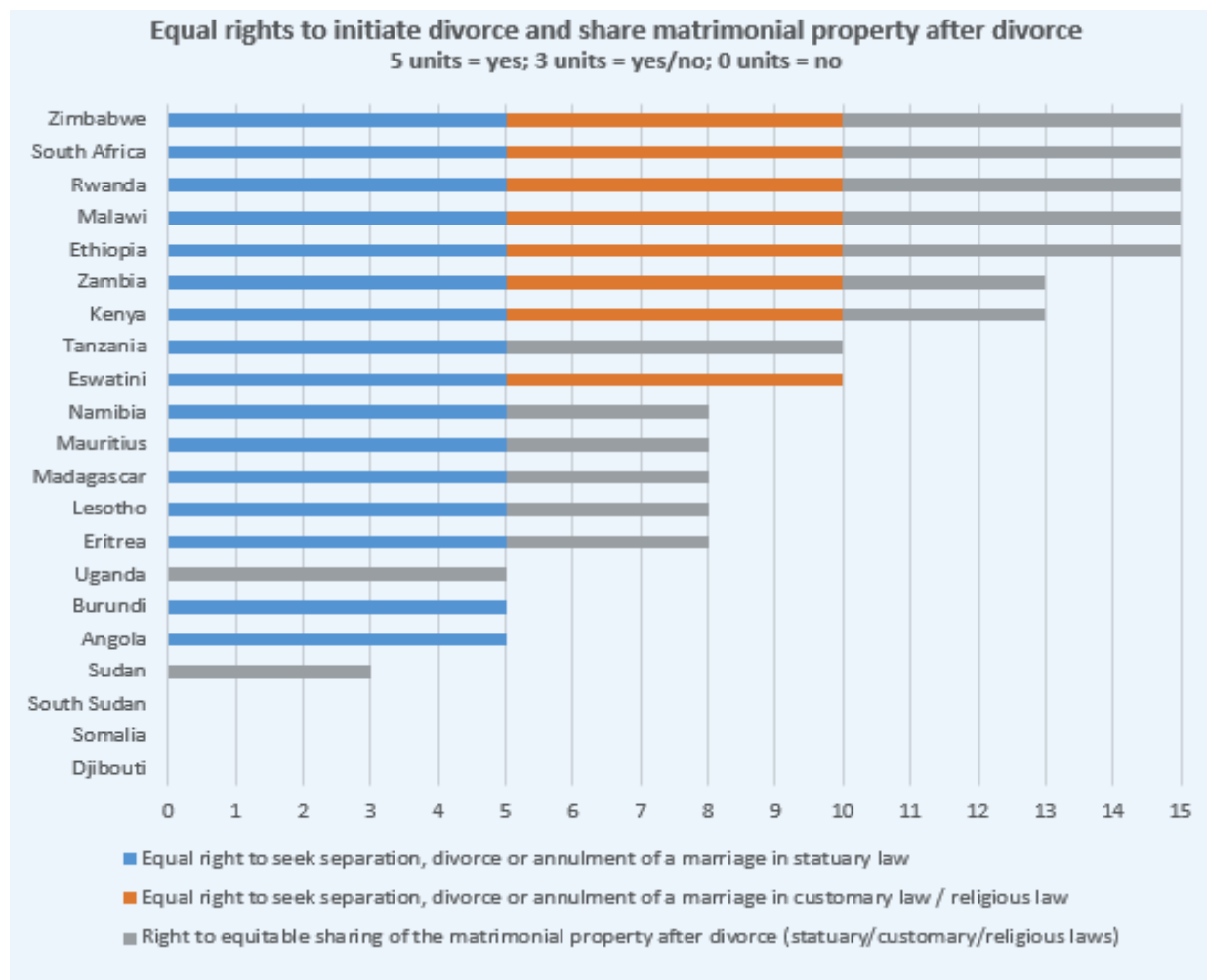
Hence, CALs and RWM shifted their approach to advocating for a framing of the law that would make polygamy expensive, eventually leading to the practice's decline while safeguarding women's rights to marital property. They proposed that each time a man married, existing marital property had to be shared equally with all the wives, old and new.

CALs helped draft the regulations for the Act and monitored its implementation. The law ultimately included a provision for equality within customary marriage, giving millions of women legal security and recognizing the equality of husband and wife regarding status, decision-making, property, and children. Furthermore, the **2021 Amendment to the Act** aims to regulate further the property consequences of customary marriages entered into before the commencement of the Act. The Amendment states that all customary marriages, whether entered into before or after the enactment of the Act, will be regarded as marriages in the community of property (unless it is set out differently in an antenuptial contract). Spouses married under customary law will now be entitled to a share of the joint estate on either the death of their spouse or when they divorce.

Sources: UN Women, *Progress of the World's Women: In Pursuit of Justice, 2011* <https://www.unwomen.org/en/digital-library/publications/2011/7/progress-of-the-world-s-women-in-pursuit-of-justice>  
Government of South Africa <https://www.gov.za/documents/recognition-customary-marriages-amendment-act-1-2021-1-jun-2021-0000>

**Table 4:**  
**Equal rights to initiate divorce and share matrimonial property after divorce**

**(Maputo Protocol Art.7 – Paragraphs b & d)**



Source: OECD SIGI <https://www.genderindex.org/>





## Women, Law, and Gender-Based Violence

### CHAPTER HIGHLIGHTS

- 1) Most countries in the region have adopted EAW legislation and action plans; countries, where FGM is reported, have also adopted laws and policies to end the harmful practice.
- 2) Across countries legal constraints may be found in the categorization of EAW types (from more restrictive to more inclusive) and especially in the varied institutionalization of EAW types as punishable criminal offenses able to activate justice and protection for victims. The case of marital rape shows how its exclusion from the penal code in several countries contributes to perpetrating the violent practice.
- 3) Even if law enforcement is challenged by various social, institutional, and legal factors, laws criminalizing VAW are proven to work as a deterrent. Furthermore, community and institutional sensitization, targeting both men and women, is crucial to make laws effective.

The vast majority of East and Southern African countries have adopted legislation to end violence against women starting from the early 2000s and accelerating reforms in the past five years ▼ *TABLE 6*. National strategies and action plans are critical to define the various forms of violence, set priority goals and concrete actions to achieve them, attribute institutional responsibilities, mandate capacity building; and establish indicators and monitoring systems to measure progress, including through promoting regular data collection. While the most common forms of abuse covered in these legal frameworks are physical and sexual abuse, some countries take a broader approach to domestic violence, also covering economic and psychological abuse. In **Burundi**, for instance, Law No. 1/13 on the Protection of Victims and the Prevention and Punishment of Gender-Based Violence (2016) defines domestic violence as all acts of physical, sexual, psychological or economic violence occurring within the family or the family home.

A crucial point of legislation aimed at ending violence against women (EAW) is the establishment of violent acts against women and children as punishable criminal offenses, thus

linked to protective and justice measures. In some cases, this is provided by EAW Acts, like in the case of **South Africa's** Domestic Violence Act, amended in 2021. In other cases, countries have also embarked in reforms of the Penal Code and/or of the Sexual Offences Act, like in the case of **Kenya**.

Although informal customary, traditional, and religious laws continue to support the practice of female genital mutilation (FGM) across the region as a rite of passage into womanhood or preparation for marriage, laws banning FGM can serve to delegitimize the practice, consequently playing an important role in changing social norms and beliefs. After **Tanzania** criminalized FGM in 1998 the prevalence of FGM decreased from 18 per cent to 10 per cent, along with Increasing numbers of girls attending alternative rites of passage and more cases being reported and successfully handled by the police. The law's impact was augmented by increasing efforts in community awareness and by training law enforcement officers.

A combination of factors, including complementary legislative reforms, also determined a decline in the prevalence of FGM in **Ethiopia**.

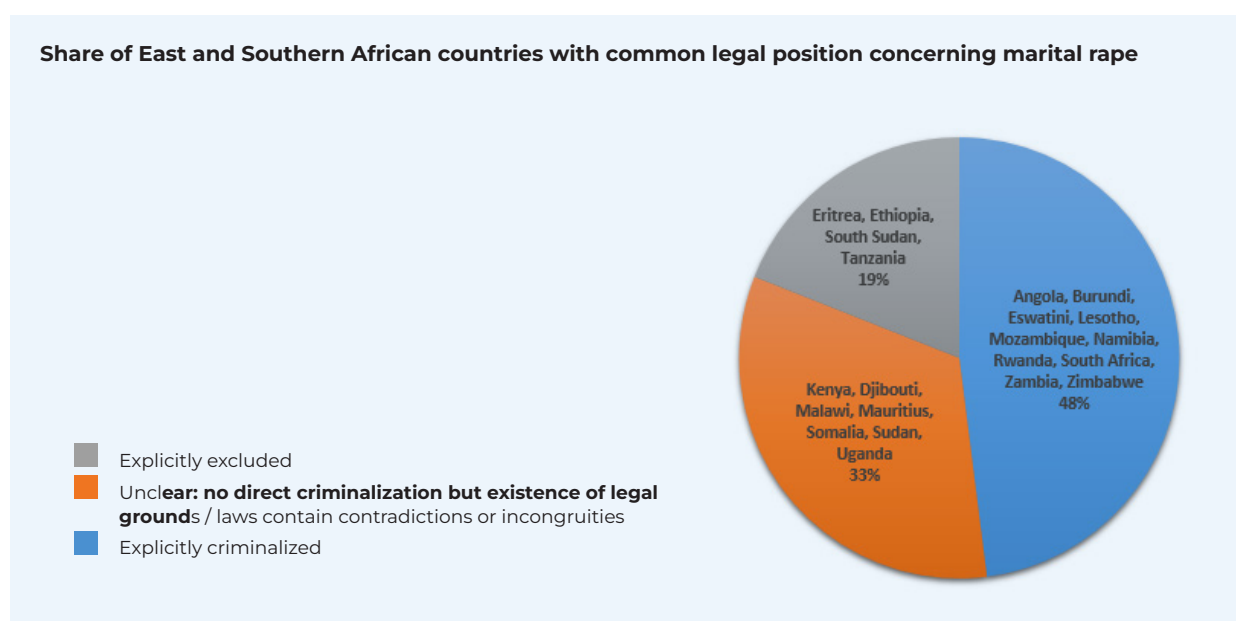
These include: the reform of the Penal Code in 2004 criminalizing FGM; a 2017 circular of the Ministry of Health against FGM medicalization; a recent 5-year National Roadmap to End Child Marriage and FGM (2020-2024); and intensified community conversations involving both men and women, as well as adolescent boys and girls have led to declining percentages of victims, from 79.9 per cent (2000) to 74.3 per cent (2005) to 65.2 per cent (2016).

As mentioned earlier, court rulings can be an accelerating factor of legislative reforms and cultural change. In 2021, the High Court of **Kenya** upheld a ruling stating that the country’s Prohibition on Female Genital Mutilation Act (No. 32 of 2011) was constitutional following a legal challenge brought by a medical doctor (High Court of Kenya, 2021[32]). The petitioner pleaded that certain sections of the Act contravened the Constitution by limiting women’s choice and right to uphold and respect their culture, ethnic identity, religion, beliefs, and discriminating between men and women. The court ruling stated that while the Constitution grants the freedom to exercise one’s culture, this freedom is limited by any expression that

will cause harm to a person or by a person to another person. FGM falls into the latter category. Besides, it is questionable to talk about *choice* when FGM victims are mostly minors, including infants, and considering the improbable condition where one would deliberately choose to undergo a harmful practice.

While most countries criminalize rape, the recognition of marital rape continues to encounter cultural and religious resistance and is jeopardized by customary and traditional laws that see married women as the property of the husband. The controversy is legally evident in countries such as **Djibouti, Kenya, Malawi, Mauritius, Somalia, Sudan, and Uganda**, exhibiting either conflict between laws or failing to include marital rape among crime categories, despite legal grounds for it. Some countries explicitly exclude spousal rape from the penal code; others could reform their legislation to explicitly criminalize it ▼ *TABLE 5* and ▼ *TABLE 5bis with details (in Appendix)*. Among countries that criminalize it, it persists a wide range of penalties, from very mild to more severe ones, as well as a sensible fluctuation in law enforcement.

**Table 5:**  
Legal criminalization of marital rape



Source: National legislation

**Table6:**  
EVAW Legislation

	EVAW legislation		Laws to end FGM		Inclusion of GBV among criminal offences	
	Yes/No	type	Yes/No	Prevalence	Type	Type
BURUNDI	Yes	National Strategy to Combat Sexual and Gender-based Violence and its Action Plan 2018-2022  Law No. 1/13 of 09/22/2016 on the Prevention, Protection of Victims, and Repression of Gender-based Violence	N/A	Reportedly not practiced	No specific law on FGM  FGM is considered a criminal offense under the Penal Code (art. 222 on mutilation)	Yes  Law No. 1/27 of December 29, 2017, Revising the Penal Code  Law No. 1/13 of 09/22/2016  Law No. 1/05 Revising the Penal Code  Articles 554-562 of the Criminal Code 2009 (Sexual Violence)
ESWATINI	Yes	Sexual Offences and Domestic Violence Act 2018  National Strategy to End Violence in Swaziland (2017-2022)  Children's Protection and Welfare Act 2012	N/A	Reportedly not practiced	No specific law on FGM	Yes  Sexual Offences and Domestic Violence Act 2018
ETHIOPIA	Yes	National Strategy on Violence Against Women and Children 2021 – 2026	Yes	65 per cent	Criminal Code 2004 (it makes it a criminal offence to perform or procure FGM)  MoH Circular against Medicalization of Female Genital Mutilation/ Cutting 2017  National costed roadmap to end FGM and child marriage and FGM 2020-2024	Yes  Revised Criminal Code 2004 (it criminalizes physical and sexual violence within marriage or cohabitation, rape, FGM, early marriage, and trafficking of women)
KENYA	Yes	National Policy for the Prevention and Response to GBV 2014	Yes	21 per cent	Children's Act 2001  FGM Act 2011  National Policy for the Abandonment of FGM 2019	Yes  Sexual Offences Act 2006 (it outlaws forms of GBV)  Penal Code

	EVAW legislation		Laws to end FGM		Inclusion of GBV among criminal offences		
	Yes/No	type	Yes/No	Prevalence	Type	Yes/No	Type
LESOTHO	Yes	Sexual Offences Act 2003 Penal Code 2010 Children's Protection and Welfare Act 2011 Counter Domestic Violence Act 2022	N/A	Reportedly not practiced	No specific law on FGM	Yes	Sexual Offences Act 2003 Penal Code 2010
MALAWI	Yes	Prevention of Domestic Violence Act 2006 Child Care, Protection and Justice Act 2010 National Plan of Action to Combat GBV (2014-2020) previously 2008-2013) Gender Equality Act 2013 National Strategy on Ending Child Marriages (2018-2023)	N/A	Reportedly not practiced	No specific law on FGM	Yes/No	Penal Code criminalizes rape but does not address other GBV forms directly.
MAURITIUS	Yes	Protection from Domestic Violence Act 1997 (amended several times to increase effectiveness/increased penalties) Child Protection Act 2005 National Strategy and Action Plan on the Elimination of Violence Against Women 2020-2024 (PMO)	N/A	Reportedly not practiced	No specific law on FGM	Yes/no	Penal Code 1838 criminalizes rape but does not address other GBV forms directly.
NAMIBIA	Yes	Combating of Domestic Violence Act 2003 Combating of Rape Act 2000 Combating of Rape Amendment Act 2022 National Plan of Action on Gender-Based Violence 2019-2023	No	Reportedly practiced - it affects only a minimal number of girls. No prevalence data is available.	No specific law on FGM	Yes	Combating of Domestic Violence Act 2003

EVAW legislation		Laws to end FGM		Inclusion of GBV among criminal offences		
	Yes/No	type	Prevalence	Yes/No	Type	
RWANDA	Yes	Law on Prevention and Punishment of Gender-Based Violence 2009 National Policy against Gender-Based Violence 2011	Reportedly not practiced	N/A	No specific law on FGM	Yes Law on Prevention and Punishment of Gender-Based Violence 2009
SOMALIA	Yes	Provisional Constitution 2012 Art.15 National plan of action to end sexual violence in conflict 2014	98 per cent	No	Provisional Constitution 2012 Art.15 prohibits FGM – however, the Penal Code and Criminal Procedure Code do not address FGM, and therefore, there is no legal framework to criminalize FGM. Puntland issued a law banning Type III infibulation in 2011. The law still allows for other forms of FGM The Provisional Constitution of the Jubaland State of Somalia (2015) prohibits FGM as a punishable criminal offence; however, no punishment is included.	Yes/No Penal Code (1962) criminalizes sexual violence (Article 398-401) The PC criminalizes rape, as carnal intercourse – provisions are not based on a lack of consent Other forms of GBV are not included in criminal offences 2021 Revised Sexual Offences Act fails to protect victims effectively and contains heavily discriminatory provisions.
SOUTH AFRICA	Yes	Domestic Violence Act 1998 (amended 2021) National Strategic Plan on Gender-Based Violence and Femicide, Human Dignity and Healing, Safety, Freedom and Equality in our Lifetime 2020-2025	Reported in isolated zones in the north-eastern part of the country and among immigrants	Yes	FGM is prohibited in the Equality Act and Children's Act	Yes Domestic Violence Act 1998 (amended 2021) criminalizes various violent acts. Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007

	EVAW legislation		Laws to end FGM		Inclusion of GBV among criminal offences		
	Yes/No	type	Yes/No	Prevalence	Type	Yes/No	
SOUTH SUDAN	Yes	The Child Act 2008- Section 22: Right to Protection from Abuse Action Plan for the Armed Forces on Addressing Conflict-Related Sexual Violence 2021-2023 People's Defense Forces SGBV Policy Commitment to the African Union Solemn Declaration on Ending Early and Forced Marriages by 2030.	Yes	1 per cent	Section 259 of The Penal Code 2008 (Punitive Actions for Female Genital Mutilation/ Cutting)	Yes	Penal Code 2008 Section 247: Punitive Actions for Rape Section 259: Punitive Actions for Female Genital Mutilation/ Cutting Section 257: Punitive Actions for Sexual Intercourse with A Minor Section 273: Punitive Actions for Kidnapping or Abducting A Woman To Compel Her Marriage
SUDAN	Yes	National Action Plan on Combating Violence against Women 2005 National plan for eradicating violence against women, 2011-2016 and 2015-2031	Yes	88 per cent	FGM abandonment is included in the Government's Population Policy (2002) and the Medical Council Resolution No. 366 (2003) prohibiting doctors from practicing any form of FGM National Strategy on the Abandonment of FGM 2008-2018 Amendment to the Criminal Law Article 141 criminalizes FGM 2020 Costed National Action Plans for FGM and Child Marriage 2022	Yes/No	Domestic violence is not a criminal offense or addressed in the legal framework. 2020 Amendment to the Criminal Law Article 141 criminalized FGM 2015 amendments to Article 149 on rape of the 1991 Criminal Act provide a more expansive definition of rape
TANZANIA Mainland	Yes	National Plans of Action to End Violence Against Women	Yes	10 per cent	Sexual Offences Special Provisions Act 1998 criminalizes FGM and other forms of sexual abuse.	Yes	Sexual Offences Special Provisions Act 1998 criminalizes FGM and other forms of sexual abuse. Section 130(2)(A) of the Penal Code criminalizes rape

	EVAW legislation		Laws to end FGM		Inclusion of GBV among criminal offences		
	Yes/No	type	Yes/No	Prevalence	Type	Yes/No	Type
TANZANIA Zanzibar	Yes	National Plan of Action to End Violence Against Women and Children 2017-2022		Data not available			
UGANDA	Yes	Domestic Violence Act 2010 and its Regulations 2011 National Policy on the Elimination of Gender Based Violence 2019 - supported by a 5-year National Action Plan	Yes	0.3 per cent	Prohibition of FGM Act 2010	Yes/No	Rape is a criminal offence in Uganda under Chapter 14 of the Penal Code  <b>Sexual Offences Act 2021</b> increases protection for victims of sexual violence, yet overall, it reinforces victim blaming and perpetrators' impunity.  <b>Domestic Violence Act 2007</b>
ZIMBABWE	Yes	Domestic Violence Act 2007 National Programme On Gender-Based Violence Prevention and Response 2016-2020 High-level Political Compact to Eliminate Violence Against Women 2021	Yes	Data not available	Domestic Violence Act 2007 criminalizes FGM	Yes	

Source: UN Women, Country Gender Equality Profiles in East and Southern Africa, 2021-2023



## Women, Law, Land and Property Rights

### HIGHLIGHTS

- 1) Women's land ownership in East and Southern Africa remains low.
- 2) Women's land rights are influenced by multiple dimensions, including pluralistic marriage and property legal frameworks, customs and beliefs, public administration and political representation, justice mechanisms, social and legal awareness, and vulnerable social conditions.
- 3) Some countries engaged in legal reforms to establish and formalize equal property rights. However, these reforms do not always provide beneficial, clear-cut outcomes for women.
- 4) Affirmative actions like redistribution policies can achieve stronger outcomes.
- 5) Women's legal empowerment and increased representation in local authorities charged with land administration can positively redress property gaps between men and women.

Evidence from **Malawi, Mali, and Tanzania** suggests that the ownership of agricultural land (and other immovable property like a house) has a positive impact on women's ability to make decisions on non-agricultural choices in areas such as education, health, and nutrition; additionally, it contributes to reducing the risk of domestic violence and increases women's empowerment and associated positive effects on welfare.

Regrettably, women's ownership of land remains limited in the region. Figures available show that the share of women-only owners of land titles varies between 10.3 per cent (**Kenya** 2018) and 34 per cent (**South Africa** 2018); in **Mainland Tanzania**, 9 per cent of women alone are reported to own land or a house (2015-2016). This is particularly worrying as agriculture in the region plays a major economic role, and women occupy a large portion of the agricultural labor force.

Global results from the OECD's Social Institutions and Gender Index (SIGI) show that as discrimination in social institutions increases, the average share of women

among agricultural landowners decreases. The bottom line is that women's land ownership is undermined by the powerful social belief that men are naturally fit to be the primary decision-makers within their families and communities. Consequently, men are expected to be the heads of the household. Therefore, they are in charge of owning and administering assets and properties, including land. Customary laws and social norms reinforce this belief, making it extremely challenging for women to claim land rights.

Other reported obstacles to women's ownership of land are listed in ▼ **TABLE 7**, which depicts an extremely complex landscape of the issue at the intersection between law, marriage, inheritance, customs, public administration, institutional representation, social and legal awareness, and vulnerabilities (like in the case of divorced women and widows). Each of these interrelated dimensions contains a level of discrimination, thus creating the need to pursue multifaceted interventions. Legal reforms are indeed part of the solution puzzle.



Several countries have adopted progressive land laws and worked to amend inheritance and property rights to achieve equality. The case of **Malawi** provides an example of substantial legal reforms. However, it also shows that amending the law is not necessarily an easy win ▼ *COUNTRY FOCUS 6*. In Malawi, patriarchal culture is still predominant. Matrilineal groups where women have the legitimate right to inherit land and property also exist. This right of women clashes with the custom of men, who are *naturally* considered heads of household. Land registration, for example, which aims to solidify ownership rights and thus further protect women, does not automatically produce more equality. The laws leave room for interpretation and the continuation of discriminatory practices such as preferring a single-name registration to a joint registration, excluding wives as legitimate owners of the matrimonial property, or, especially in matrilineal societies, having women forced to include their husband's names in the land title, in his capacity of head of the household.

Moreover, it is common in Africa to gain access to land through user rights rather than individual ownership: most women gain these user rights through men (i.e., through marriage or from their father or son). Social norms stigmatizing women's land ownership can result in land being acquired, formalized, or registered under the husband's name, eroding the purpose of legal reforms aimed at privatizing and formalizing land to increase tenure security, productive investments, and using land as collateral. In this regard, the OECD suggests that pursuing joint land ownership by husband and wife could provide higher gains regarding women's land rights.

Widows and divorced women are in a particularly fragile situation. For example, the traditional widow-cleansing ceremony practiced in Malawi often leads to women being dispossessed of their matrimonial property. Additionally, it is unclear how/if traditional

authorities will adapt their land administration practices to meet the equitable and inclusive requirements of the most recent land reforms.

This example shows that including equitable provisions in laws does not automatically lead to clear-cut outcomes for women. Affirmative actions are needed to redress inequality while directly addressing discriminatory issues.

**Namibia's** national land reforms, land resettlement programmes, and affirmative action loan schemes, ongoing from the nineties until today, are an example of persistent and pervasive efforts to redress historical imbalances in land distribution and ownership and improve land access for the previously disadvantaged population. As of 2018, 1,464 women benefited from the National Resettlement Programme. Namibia's Cabinet approved a revised National Resettlement Policy for 2023-2033. Programmes and action plans accompanying law reforms are necessary to activate concrete change. Namibia also issued the Communal Land Reform Act specifically regarding women's rights to inherit land legally (titles and deeds, registered ownership) and to be represented in land administration, especially in communal land boards, which have a quota of two seats allocated for women. This helped advance land rights.

Addressing culture and raising awareness about rights and opportunities is also crucial. Multi-stakeholder alliances and networks such as LandNet can have a great impact. LandNet **Uganda**, for example, conducted sensitization meetings and forums, reaching out to many community members. Through these activities, they were able to raise awareness about women's land rights, increase women's participation in decision-making and governance, and help women understand what services are available to them if they experience violence due to land conflict between families and clans.



**GENDER CHALLENGES RELATED TO LAND LAW REFORMS**

Several land law reforms have recently been enacted in Malawi, initially envisaged in the 2002 National Land Policy. These new laws include the Land Act 2016, Physical Planning Act 2016, Land Survey Act 2016, Customary Land Act 2016, The Registered Land (Amendment) Act 2016, Public Roads (Amendment) Act 2016, Forestry (Amendment) Act 2016, Land Acquisition (Amendment) Act 2016, Local Government (Amendment) Act 2016, and the Malawi Housing Corporation (Amendment) Act 2016.

**GENDER-SENSITIVE PROVISIONS AND CHALLENGES RELATED TO THEM**

MATTER	PROVISIONS	GENDER CHALLENGES
<b>Composition of Land Committee</b> <b>CLA – Sec. 5 (2)</b>	“A Land Committee” shall consist of: a. A group village headman who shall be the chairperson of the committee b. Six other persons elected by and from within the community, at least three of whom shall be women.”	(i) Need women of influence, especially in a patriarchal society where a woman does not speak in the presence of a chief
<b>Dispute Settlement</b> <b>CLA – Sec. 44 (2)</b>	“A Customary Land Tribunal” shall consist of: a. A presiding chairperson who shall be a Traditional Authority responsible for the area; b. Six members of the community nominated by the Traditional Authority and approved by the Commissioner, at least three of whom shall be women.”	(i) Nomination by TA; (ii) Women of influence; (iii) In a patriarchal society where a woman does not speak in the presence of a chief, women of influence may not be nominated by the Traditional Authority. This calls for vigilance
<b>Registration</b> <b>CLA – Sec. 20</b>	“A customary estate shall be allocated by a CLC to: a. a citizen of Malawi or a family of citizens of Malawi b. a group of two or more citizens of Malawi whether associated together under any law or not or; c. a partnership or corporate body the majority of whose members/ shareholders are citizens of Malawi.	(i) Joint registration is optional. Need to step up campaign for women in patrilineal societies. Joint registration may also disadvantage women in matrilineal societies and to divorced or widows, as families may impose the addition of the husband or a male relative in the title.
<b>Applicable Fees</b> <b>CLA – Sec. 20 (2)</b>	“An application for a customary estate shall be: a. In a prescribed form b. Signed by the applicant(s) c. Accompanied by a fee if applicable or any other required information.”	(i) Women may not have financial availability to cover fees applicable to applications for customary estates –



**COUNTRY FOCUS n.6: MALAWI**

<p><b>Obligation to grant equal rights and inclusivity in granting customary estates</b>  <b>CLA – Sec. 22 CLA</b></p>	<p>“(1) A Land committee shall determine the application within 90 days of receipt of an application for a customary estate or within 90 days of the submission of further information.          · (2) In determining whether or not to grant a customary estate, a land committee shall:          (...) c. Have regard to the equality of all persons, such as          i. Treat an application from a woman or a group of women, a person with a disability, or a group of persons with a disability no less favorably than an equivalent application from a man, a group of men, or a mixed group of men and women;          ii. Adopt or apply no adverse discriminatory practices or attitudes towards any person who has applied for a customary estate.”</p>	<p>(i) Statements of equality may not be enough without affirmative action when discriminatory practices are prevalent. Women from matrilineal clans may lose their matrilineal advantage, as the article provides a further justification for men on the base of equal treatment (besides the fact that they are heads of households) to be granted land.</p>
<p><b>GENDER-SENSITIVE PROVISIONS AND CHALLENGES RELATED TO THEM</b></p>		
<p><b>MATTER</b></p>	<p><b>PROVISIONS</b></p>	<p><b>GENDER CHALLENGES</b></p>
<p><b>Selling land</b>  <b>CLA – Sec. 28 (4)</b></p>	<p>“A sale of the customary estate which was granted to a family unit without the written consent of all persons named on the land certificate shall be invalid.”</p>	<p>(i) This may affect women who generally have less decision-making and administrative autonomy – and thus were led to include the husband’s name (as head of the household) in the land certificate.</p>
<p><b>Surrender of customary estate</b>  <b>CLA – Sec 29</b></p>	<p>“(2) A surrender under this section which has, or for which it is reasonable to deduce that its purpose or effect is to deprive, or place an impediment in the way of a woman from occupying land which she would, but for that surrender of land, be entitled to occupy under Customary Law or otherwise shall not be a valid surrender.          “(3) A surrender of a Customary Estate which has or for which it is reasonable to deduce that its purpose is the fraudulent, dishonest or unjust deprivation of dependents below the age of 18 years shall not be valid.</p>	



## COUNTRY FOCUS n.6: MALAWI

### Compensation LA – Sec. 18

“A person who, because of:  
a. Any acquisition made under section 17 (1) or  
b. The temporary use and occupation of customary land under sec. 17 (2) or (3)  
suffers any disturbance of or loss or damage to any interest which he may have or immediately before the occurrence of any of the events referred to in this section may have had in such land shall be paid such compensation for such disturbance, loss, or damage as is reasonable.  
- Reasonable compensation for loss/ damage to interest in land prior to the occurrence of disturbance.”

Source: LandNet Malawi [https://www.kas.de/documents/252038/253252/7\\_dokument\\_dok\\_pdf\\_51935\\_2.pdf/fe1cea1b-a13f-d986-6d10-eceeddf46f8f?version=1.0&t=1539647713729](https://www.kas.de/documents/252038/253252/7_dokument_dok_pdf_51935_2.pdf/fe1cea1b-a13f-d986-6d10-eceeddf46f8f?version=1.0&t=1539647713729)

**Table 7:**  
Reported barriers to land and property ownership by women

	Burundi	Ethiopia	Eswatini	Kenya	Lesotho	Malawi	Mauritius	Namibia	Rwanda	Somalia	South Africa	South Sudan	Sudan	Tanzania Mainland	Tanzania Zanzibar	Uganda	Zimbabwe
<b>Legal fragility, legal loopholes, and contradictions</b>																	
<b>Prevalence of customary laws and practices still favoring men.</b>			√	√	√	√				√		√	√	√	√	√	√
<b>Land Act/Policies is not GE supportive.</b>																	
<b>Other legislations undermine land Act/ Policies GE provision.</b>				√	√	√										√	√
<b>Land Act/Policies are gender neutral (thus perpetrating-not redressing-existing discrimination)</b>																	
<b>Challenges related to inheritance rights and practice</b>			√		√							√	√	√	√	√	√
<b>Challenges related to marital property rights and practice</b>			√	√								√	√			√	√
<b>Challenges related to registration (particularly penalizing rural vs. urban areas)</b>				√	√							√	√	√		√	√
<b>Limited gender sensitivity and WR support within communities and community institutions (chiefs, local councils, etc.)</b>			√		√							√	√	√	√	√	√
<b>Under-representation of women in land authorities and institutions</b>				√									√	√		√	√
<b>Tiring bureaucratic land administration processes associated with high related costs and extended periods</b>					√												
<b>Elite capture of land at undervalued rates (to expand)</b>																	
<b>Unfair sales /Lack of women's skills to negotiate a fair sale or with knowledge and opportunity of how to unlock the economic opportunity of the land</b>					√								√				
<b>Gender-neutral/gender-blind programmes supporting land productivity increase</b>											√						

Source: UN Women, Country Gender Equality Profiles in East and Southern Africa, 2021-2023



## Women, Law, and Financial Inclusion

### CHAPTER HIGHLIGHTS

- 1) In the last 50 years, the region witnessed a significant decline in formal discrimination against women's access to financial services.
- 2) About 1/3 of countries in the region have adopted Financial Inclusion Strategies, and some others, although still without a strategy, have adopted legal provisions for financial inclusion.
- 3) The still widespread concept of male household leadership and male guardianship constitute a barrier to women's equal access to financial services. Affirmative actions explicitly targeting women can effectively bridge the gaps.
- 4) Some financial reforms – such as the Secured Transactions and Collateral Registries Reforms – although not directly addressing gender gaps, can also greatly impact financial inclusion.

Over the last 50 years, Africa has seen a decline in formal legal discrimination against women's access to financial services. In 1971, women could open a bank account the same way as men in 29 of the 54 African countries. In 2021, this was the case in 47 of the 54 countries. Legal reforms were critical in guaranteeing men's and women's equal access to financial services.

▼ *TABLE 8* and ▼ *TABLE 8bis with details (in Appendix)* show that slightly less than 1/3 of countries in the region have introduced financial inclusion strategies explicitly calling for women to have equal access to financial services. These strategies are all very recent, showing a positive shift that will hopefully continue developing in the coming years. Some countries that did not yet develop a financial inclusion strategy included provisions in other legal frameworks prohibiting gender discrimination in financial services. Initiatives such as Financial Inclusion Surveys – carried out, for instance, in **Namibia** – are crucial for the future development of Financial Inclusion Strategies.

Notwithstanding this progress, informal laws continue to discriminate against women. The

concepts of male guardianship, meaning women's subordination to their husbands and even assimilation to the legal status of minors as entrenched in some customary legal systems, seriously hinder women's ability to access, actively engage with, and benefit from financial services. In **Lesotho**, the 2006 Legal Capacity of Married Persons Act considerably improved the position of women in marriage by removing the minority status of a married woman and repealing the marital power of a man (Legal Capacity of Married Persons Act, Sec. 2). However customary law still considers women's legal capacity equivalent to minors. Consultations by UN Women suggest that financial institutions most commonly perceive women's loan requests not accompanied by written consent from the spouse to be riskier. Some creditors apply internal policies requiring spousal consent, commonly requesting an indemnity form and sometimes requesting the spouse's physical presence for credit applicants.

As often it's the case in areas where discrimination is still prevalent, affirmative actions are crucial to redress inequality. In **Djibouti**, for example, the financial inclusion strategy

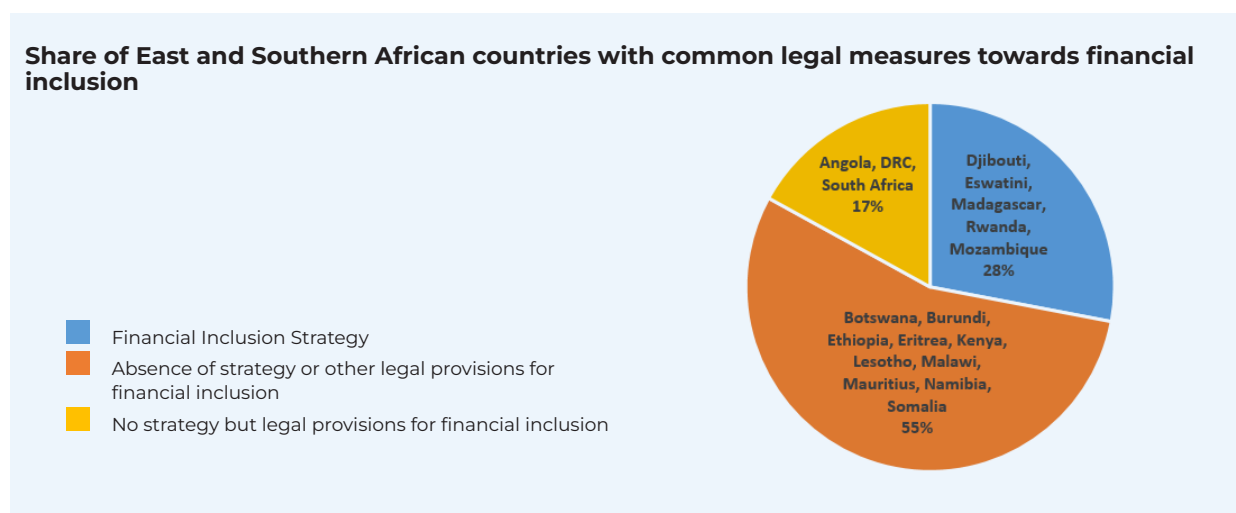
explicitly calls for increasing women's access to financial services. These legal reforms linked to programmes and action plans and equipped with measurable indicators can produce a higher positive impact. **Kenya** established banking and micro-finance institutions targeting women. Such credit facilities operate with favourable interest rates and repayment options. Within the Kenya Vision 2030 framework, the Women's Enterprise Fund has provided women access to alternative financial services. The fund has facilitated the formation of 157 women-owned Savings and Credit Cooperative Societies (SACCOs) registered country-wide. The National Government Affirmative Action Fund has supported 8,309 women's groups and 128 women-owned SACCOs for table banking and revolving funds. Similarly, **Malawi** implemented the Village Savings and Loans Initiative, targeting the poor, including rural women. **Somalia** also saw the growing engagement of women in local saving groups, which contributed to increasing women's financial literacy and business confidence.

On a system level, several countries in the region, including **Lesotho, Ethiopia, Malawi, Zambia, Uganda,** and **Kenya,** have engaged in Secured Transactions and Collateral Registry Reforms. These reforms aim to

allow movable assets, particularly intangible ones – including goodwill, intellectual properties, brand recognition, and reputation, among others – to be included in collateral registries and be subject to security interests. The ultimate objective of the new laws is to improve access to credit and eventually create more jobs since many young people or small business owners in need of financing, including women, do not own immovable assets, like land or houses/buildings.

Furthermore, other types of affirmative actions can be undertaken by governments to increase women's financial benefits, such as **Kenya's** Access to Government Procurement Opportunities Programme (grounded in constitutional provisions). The Programme aims to facilitate enterprises owned by women, youth, and persons with disabilities in participating in the government's bidding processes. This is made possible by implementing the legal requirement that 30 per cent of government procurement opportunities be set aside specifically for enterprises owned by these groups. Finally, physical barriers to accessing financial services, such as in the case of rural women who live far away from bank branches, can be solved with mobile banking, whose use has widely increased, especially among women and youth.

**Table 8:** Financial Inclusion Strategies and other legal reforms supporting equal access to financial services



Source: World Bank - Women, Business and the Law Database <https://wbl.worldbank.org/en/wbl-data>  
 OECD SIGI 2021 Regional Report for Africa, Legal Frameworks in the African Region, <https://www.oecd-ilibrary.org/>



## Women, Law, and Childcare

### CHAPTER HIGHLIGHTS

- 1) Supported by traditional gender roles, the burden of unpaid care and domestic work in the region continues to be disproportionately carried by women.
- 2) Legal reforms in the area of marriage, labour, and social protection can have a great impact on fairer redistribution of unpaid work. 13 out of 19 countries in the region have established equal rights to be head of household, and 13 out of 23 countries have established paid leave available for fathers. However, no country has introduced parental leave; only in five out of 23 countries, the government administers 100 per cent of maternity leave benefits.
- 3) Five out of 13 countries have established a public childcare system. However, in only one country, the law establishes the free provision of public childcare services, while no country provides childcare allowances to parents.
- 4) Financing childcare is a major challenge. Innovative taxation policies – whose adoption is still at an initial stage - have effectively closed social protection financing gaps.
- 5) Other actions proven effective to redistribute unpaid work include ODA initiatives, which mainstream childcare and address the household as a unit with shared responsibilities; government-supported community childcare; and investing in cost-effective water, sanitation, electricity and transport systems. Routinized Time Use Surveys represent a strategic tool for action.

Women in East and Southern Africa shoulder most of the responsibility for unpaid care work. They often start very young to do so, given the prevalent prevalence of early and adolescent marriage in many countries. The time dedicated to unpaid care and domestic work drastically reduces women's engagement in education, paid labour, social, civic, and political activities, health and self-care. On the financial side, the OECD finds a correlation between unpaid care work and the gender pay gap. Where women are heavily involved in unpaid care work, they are less likely to be engaged in paid employment, and those who are active in the labour market are more likely to have part-time and informal jobs and earn less than men. "*Gender inequality in unpaid care work is the missing link in the analysis of gender gaps in labour outcomes in three*

*areas: (...) labour force participation rates, quality of employment, and wages."*

Despite legal frameworks recognizing equal rights and duties to family affairs, discriminatory social norms and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society continue to exist, placing household and caring responsibilities with women, wives, and mothers. These discriminatory stereotypes are often codified in customary and religious laws. In **Somalia**, for example, Sharia law reasserts women's social duty to maintain the household and care for the family. However, despite having limited legal rights in the family, data indicates that, since the civil war, women in Somalia have increased economic involvement and decision-making power within the household. A 2002 survey found



that 79 per cent of women make decisions or are consulted on managing the family budget; 81 per cent of women make decisions or are consulted on educating children; and 50 per cent of women make decisions or are consulted on selling household produce (50 per cent). This constitutes a good ground for rebalancing childcare and household responsibilities. ▼ *TABLE 9 (in Appendix)* shows that most countries in the region have included, in statutory law, equal duties and responsibilities between spouses concerning their children's care and upbringing, and few countries, such as **Kenya**, have made a step further specifying in detail what these duties and responsibilities entail. Kenya's Children Act indicates that parental responsibility includes the duty to provide a child with food, housing, clothing, medical care, education and guidance and to protect a child from neglect, discrimination and abuse (Children Act, Sec. 23). The dismissal of provisions legalizing the role of husbands as heads of household is crucial to contrast traditional gender roles where men are breadwinners and in charge of finances and household decisions, and women are caretakers and required to attend all domestic work.

Additionally, the law must introduce father-inclusive leave schemes such as paid parental leave and paid leave for fathers. In the region, 60 per cent of the countries for which data are available (14 out of 23) have paid leave available for fathers. Yet, paternity leave is minimal (varying from 1 to 14 days), and no country has introduced paid parental leave ▼ *TABLE 10*. Regarding maternity leave ▼ *TABLE 11*, the average period is about three months, with some countries providing up to 182 days (**Djibouti**) and some only 14 days (**Eswatini**). However, in most countries, including those granting longer periods, the government does not administer 100 per cent of the maternity leave benefits, which shall include compulsory social insurance schemes (such as social security), public funds, government-mandated private insurance, or employer reimbursement of any maternity leave benefits paid directly to an employee. *"To protect the situation of women in the labour market, benefits in respect of the leave referred to in Articles 4 and 5 [maternity leave] shall be provided*

*through compulsory social insurance or public funds, or in a manner determined by national law and practice. An employer shall not be individually liable for the direct cost of such monetary benefit to a female employee."* While extended maternity leave may negatively affect female labor outcomes, favorable maternity leave schemes are crucial everywhere for women to choose to enter and remain in paid employment, more so in countries where discriminatory gender norms see women primarily as mothers and attribute childcare responsibilities disproportionately to mothers.

Legal reforms have realized limited impact, as countries report women performing a significantly larger share of domestic work than their male counterparts. Time-use surveys have been introduced recently in the region and utilized increasingly as a powerful tool to quantify imbalances and, hopefully, accelerate remedies.

Childcare falls into a broader need for social protection schemes, which are often inadequate as national budgets seem unable to support them. ▼ *TABLE 12* shows that the law establishes free provision of public childcare services in only one country in the region, Angola. More than half of the countries for which data are available did not establish a public childcare system. Furthermore, none of the countries considered the law provides financial support to parents for childcare services or financial support to sustain private childcare services. Innovative taxation policies can offer an opportunity to close financing gaps in this regard ▼ *TABLE 13*. A study conducted by UN Women in 2021 shows that, with increased earnings for mothers, it is possible to envisage sufficient fiscal revenues to help fund the investment in free universal childcare services over time, provided tax rates on the average increase.

Other innovative initiatives to release women's childcare burden are offered by civil society in conjunction with governments. An African experience outside the East and Southern African region demonstrates how these initiatives can be successful. In 1987, the Accra Metropolitan Assembly (AMA) made space for a childcare centre in the new market building, supporting the needs

of women traders. Initially, the government directly managed the service, upon the initiative of **Ghana's** former first lady, Nana Konadu Agyeman Rawlings. In 2000, when the government changed, the Ghana Association of Traders, addressing poor management by the local authorities, decided to take over the centre. Today, the centre welcomes over 140 children. A Parent Teacher Association, including the market executive leaders manage it. The AMA education and health division routinely inspects it and benefits from the government-approved education curriculum in both Akan and English. Children are given a healthy lunch, and the parents and the Ghana Association of Traders cover the costs partially.

Similar initiatives exist in other parts of the world, demonstrating that they offer solutions appreciated by users. These examples show that there are effective actions informal workers and their organisations can take to address their childcare needs when public services are either inadequate or unavailable. These examples reiterate local and national governments' essential role in supporting and promoting quality public childcare provision. Development partners already at the forefront of development efforts can go the extra mile, integrating into their activities

necessary gender equality accelerating factors, such as child care. For example, the World Bank in Uganda started supporting community childcare projects as part of their larger women's economic empowerment programme.

Other World Bank's projects have included childcare as part of skills training and employment programs, provided transport and stipends to babysitters accompanying trainees, or offered financial incentives to mothers of young children who completed the training. Furthermore, microcredit and entrepreneurship training programs offered to couples, rather than women alone, improved household power dynamics and increased economic wellbeing, while contributing to equalizing care responsibilities at home.

Finally, governments can relieve the burden of unpaid work by investing in appropriate infrastructure and public services. Above all, investments in water, sanitation, electricity, and transport are critical commitments that enable women to spend less time on low-productivity domestic tasks. Investments in digital infrastructures to foster internet access can also reduce unpaid work.

**Table 9:**  
Father-inclusive childcare leave schemes

	Paid Parental Leave	Paid leave available for fathers	Duration of leave available for fathers
ANGOLA	No	Yes	1 day
BOTSWANA	No	No	
BURUNDI	No	Yes	4 days
DJIBOUTI	No	Yes	3 days
ERITREA	No	Yes	3 days
ESWATINI Swaziland	No	No	
ETHIOPIA	No	Yes	3 days
KENYA	No	Yes	14 days
LESOTHO	No	No	
MADAGASCAR	No	No	
MALAWI	No	Yes	14 days
MAURITIUS	No	Yes	5 days
MOZAMBIQUE	No	Yes	1 day
NAMIBIA	No	No	
RWANDA	No	Yes	4 days
SOMALIA	No	No	
SOUTH AFRICA	No	Yes	10 days
SOUTH SUDAN	No	Yes	14 days
SUDAN	No	No	
TANZANIA	No	Yes	3 days
UGANDA	No	Yes	4 days
ZAMBIA	No	No	
ZIMBABWE	No	No	

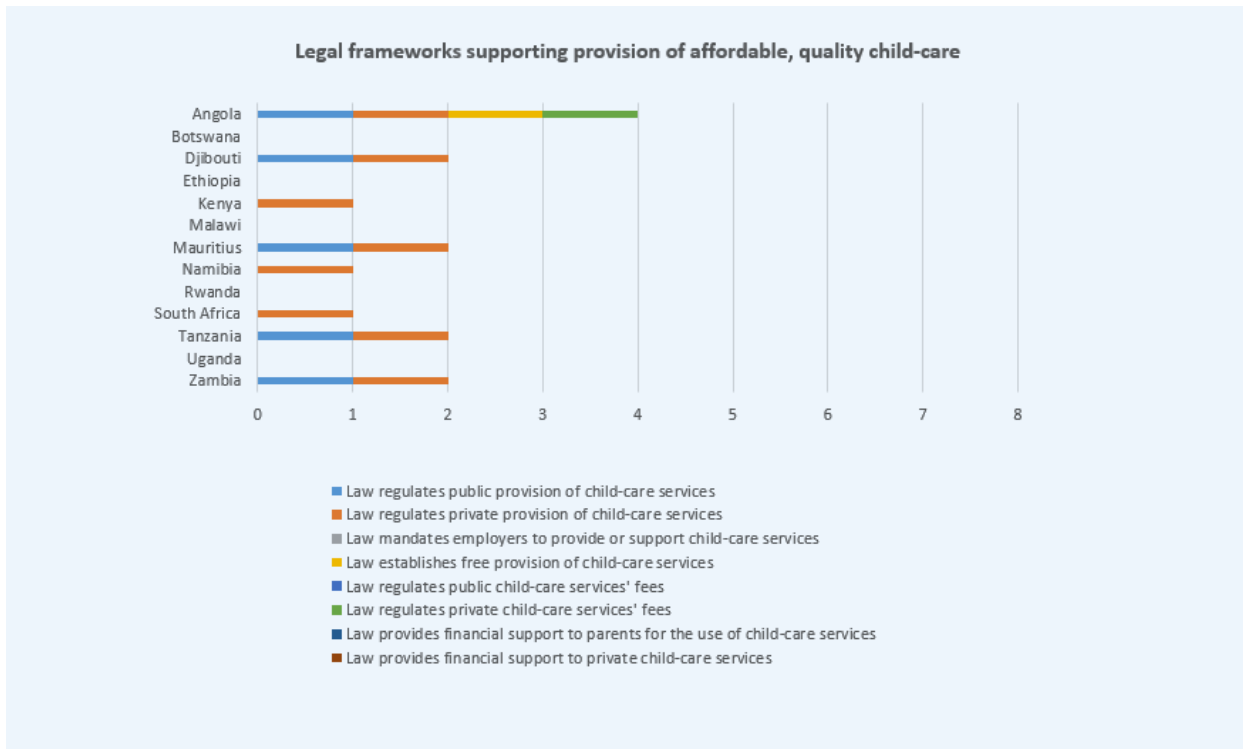
Source: World Bank, Gender Data Portal <https://genderdata.worldbank.org/indicators/>;  
<https://africa-hr.com/blog/guide-to-parental-leave-in-africa/>

**Table 10:**  
Length of maternity leave

	no. of days	The government administers 100 per cent maternity leave benefits
ANGOLA	90	Yes
BOTSWANA	84	No
BURUNDI	84	No
DJIBOUTI	182	No
ERITREA	60	No
ESWATINI Swaziland	14	No
ETHIOPIA	120	No
KENYA	90	No
LESOTHO	84	No
MADAGASCAR	98	No
MALAWI	56	No
MAURITIUS	98	N/A
MOZAMBIQUE	60	Yes
NAMIBIA	84	Yes
RWANDA	84	No
SOMALIA	98	No
SOUTH AFRICA	120	Yes
SOUTH SUDAN	90	No
SUDAN	56	No
TANZANIA	84	Yes
UGANDA	84	No
ZAMBIA	98	No
ZIMBABWE	98	No

Source: World Bank, Gender Data Portal <https://genderdata.worldbank.org/indicators/>

**Table 11:**  
**Legal frameworks supporting the provision of affordable, quality childcare**

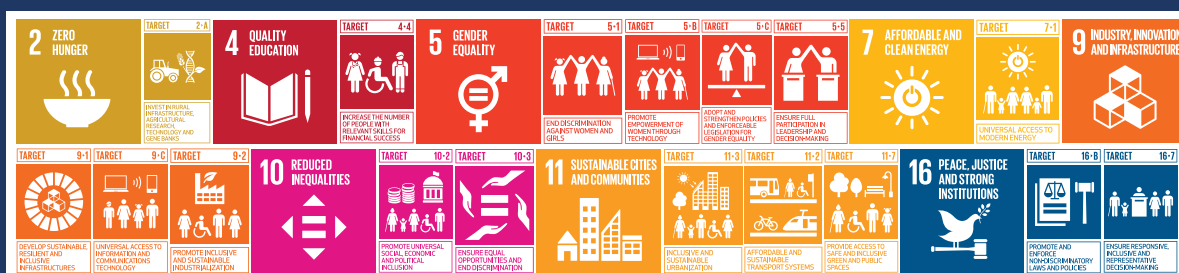


Source: World Bank - Women, Business and the Law Database <https://wbl.worldbank.org/en/wbl-data>

**Table 12:**  
**Innovative taxation policies in Africa supporting social protection schemes, including childcare**

TYPE OF POLICY	BENEFITS	COUNTRY EXAMPLES
<b>INCREASING TAX REVENUE</b>	Many countries are increasing taxes or introducing innovative ear-marked ones to finance social protection.	<b>Zambia</b> is financing universal pensions, child benefits, and other schemes from mining and gas taxes; <b>Ghana</b> and <b>Liberia</b> have introduced taxes on tourism to support social programmes; <b>Gabon</b> has used revenue from a value-added tax on mobile communications to finance its universal healthcare system; <b>Algeria</b> and <b>Mauritius</b> , among others, have supplemented social security revenue with high taxes on tobacco;
<b>REALLOCATING PUBLIC EXPENDITURE</b>	This orthodox approach includes assessing ongoing budget allocations through public expenditure reviews, social budgeting, and other types of budget analysis, and replacing high-cost, low-impact investments with investments that have a more substantial socioeconomic impact on poverty reduction and inequality, for example, replacing fuel subsidies with categorical social assistance, eliminating spending inefficiencies and tackling corruption. The aim is to prioritize aspects of social protection in national budgets.	
<b>ELIMINATING ILLICIT FINANCIAL FLOWS</b>	Estimated at more than ten times the amount of official development assistance (ODA) received, a colossal percentage of resources escapes developing countries illegally each year. Greater attention should be devoted to cracking down on money laundering, bribery, tax evasion, trade mispricing and other financial crimes that deprive governments of revenue needed for social protection.	

Source: ILO, *Africa Regional Social Protection Strategy, 2021-2025 - Towards 40 per cent – a social protection coverage acceleration framework to achieve the SDGs* [https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/documents/publication/wcms\\_828423.pdf](https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/documents/publication/wcms_828423.pdf)



## Women, Law, Infrastructure and Natural Resources Management

### CHAPTER HIGHLIGHTS

- 1) Infrastructure, as well as natural resources use and management, are never gender-neutral; deficiencies in these areas produce disproportionate challenges and risks for women in the region.
- 2) Inadequate gender data and alignment with national gender equality commitments perpetrate gender-blind infrastructure and natural resource management policies. However, in the latter field – especially in the energy and water management sectors – gender has become progressively more visible.
- 3) Women’s low representation in STEM is another missing link to engender infrastructure and natural resource management in the region. While significant initiatives exist at national and regional levels, more affirmative actions and government commitment are needed to increase women’s engagement in scientific and technological professions.
- 4) Budget allocations to relevant gender equality initiatives remain limited. Infrastructure and resource management plans’ association with large budgets represents a barrier to addressing gender needs. In this regard, appropriate GRB practice can help use available resources for equitable gains while preventing budget increases.

Infrastructure holds a key role in the functioning of our world, enabling access to basic services, livelihoods and development opportunities for all. Contrary to what is often believed, infrastructure assets are never gender-neutral. Roads, transport, energy and water supplies and how cities are built impact men and women differently, as their life patterns differ. The same can be said about natural resource use and management.

In East and Southern Africa, infrastructure deficiencies produce disproportionate challenges for women in their daily care and domestic activities – extending the time spent in unpaid work – and their engagement within the labour market. Due to societally imposed gender roles, inadequate infrastructure contributes to African women’s poverty, poor health and lack of safety. In many

societies, particularly rural areas, women are almost exclusively responsible for fetching water and cooking fuels; traditional biomass cooking results in respiratory illnesses. Lack of electrification and inadequate transport cause insecurity and limit women’s access to fundamental services such as education, healthcare, justice and security. ICT services’ unavailability and/or unreliability exacerbate women’s exclusion, including from the labour market. Furthermore, poor infrastructure particularly affects the informal labor market, where women are disproportionately represented as traders, sellers, small business owners, wage employees and own-account workers.

To direct infrastructure development and natural resources management towards gender equitable benefits, several interconnected factors need to be put in place.

Firstly, it is essential that governments align national infrastructure and resource management plans with gender mainstreaming policies, as well as any other policy addressing the needs of vulnerable groups. It is reported that *“a stark challenge faced by governments when mainstreaming gender considerations throughout the infrastructure investment process is the absence of a strategic vision that pays due consideration to gender equality concerns. (...) Without a clear vision of how to integrate gender considerations in infrastructure investment and delivery, governments face several risks. Countries may, for instance, fail to prioritise projects or investment areas that are effectively in line with existing national policy goals on gender equality, eradication of GBVH and sustainable growth and development.”*

In the field of natural resources management, gender is more visible. **South Africa** recently issued a Women Empowerment and Gender Equality Strategy for the Energy Sector (2021-2025). The strategy was developed in line with the 1996 Constitution, the National Development Plan, the South African National Framework for Women Empowerment and Gender Equality (National Gender Policy), the 2019 Framework on Gender-Responsive Planning, Budgeting, Monitoring, Evaluation and Auditing, and international instruments that guide gender mainstreaming and women empowerment in general and within the energy sector in particular. The Strategy acknowledges women’s crucial role as users, suppliers, and game changers in the energy sector: *“Women are a special interest group in energy. Women are the mainstream users and often producers of energy and they influence or make many family decisions to purchase energy. Women are experienced entrepreneurs in energy-related enterprises; and women’s organisations are effective promoters of new technologies and active lobbyists for environmentally benign energy sources. Gender diversity in the energy sector and employment in senior roles increases net profit margins.”*

**Kenya** also issued a Gender Policy on Energy in 2019, providing a guiding framework for mainstreaming gender across policies, programmes, and projects in the energy

sector. Gender is integrated into the Ministry of Energy through the existence of a Gender Unit, a Gender Officer and a Ministerial Gender Committee. Gender has been officially recognized as a section/unit in the Ministry’s organisation structure. The Ministry of Energy allocates funds annually to support gender mainstreaming. In the 2020/2021 financial year, a budget was allocated to implement gender activities that include actions for gender policy implementation and capacity building of staff within the Ministry and State Power Agencies. However, the resources were reported to be insufficient to support the full implementation of the gender mainstreaming strategy.

**Namibia’s** Transport Policy (2018) addresses diversity. It includes gender, HIV/AIDS, and disability concerns. It further suggests that gender be incorporated into recruitment and promotion. It cites the quota system of 20 per cent female workers as a pre-requisite for contractors on labour-based projects set by the Roads Authorities (RA) as the best practice. This led to an average female ratio of 35-40 per cent on such projects in 2018.

**Eswatini’s** National Water Policy (2018) recognizes the significance of women’s role in water resources management and the need to be fully involved and get equal opportunities at all levels. In line with the policy, women are increasingly involved as employees in different cadres. Although men are still prevalent as the ones who most often own advanced engineering and technical skills in the energy sector, female engineers have gradually increased.

The issue of women’s representation in STEM - which is prevalently very low in the region - is the second important factor to consider to improve the gender-responsiveness of infrastructure and resources management. This also includes women’s increased engagement in launching and growing infrastructure businesses. In **Tanzania**, for example, infrastructure projects are often considered public works opportunities that can create employment amongst poor, unskilled populations. However, employment creation disproportionately benefits men, with data showing that out of 17,837 jobs created



through various projects of the Ministry of Works, only 1,403 went to women, while men took 16,434. Although girls' enrolment in STEM tertiary education is reported to be higher than boys' enrolment, in **Namibia**, women are still grossly under-represented in the construction industry. Of 223 companies, men own 170, and women hold 53 (2019).

Actions to include more women in the infrastructure sector need to tackle the education system, the business world, and the gender stereotypes that continue to segregate women in "feminized" professions.

On the education side, for instance, the **African Institute for Mathematical Sciences** (AIMS) - a pan-African network of centres of excellence - works within private and public partnerships to enable Africa's talented students, especially girls, to become innovators driving the continent's scientific, educational and economic self-sufficiency. AIMS carries out a Teacher Training Programme (TTP) to improve STEM learning outcomes for secondary school students, especially girls, to build a pipeline of STEM talent in Africa. Beyond TTP, AIMS uses women-only programmes such as the AIMS Fellowship Programme for Women in Climate Change Science and Girls in Mathematical Sciences Program to promote the education and involvement of more women in STEM.

On the side of women's professional participation in the infrastructure sector, it is noteworthy to mention the 2019 African Union's initiative to establish the **African Network for Women in Infrastructure** (ANWIN). The Network cooperates with the PIDA Programme for Infrastructure Development in Africa, a large platform covering transport, energy, information and communication technology (ICT) projects and transboundary water sectors. The Network provides high-level political steering, advocacy, and communications to support women's participation in infrastructure, including technical support and advisory services to enhance the gender-responsiveness of infra-

structure projects and knowledge-sharing and capacity-building on gender-responsive policies and practices. The Network also works towards creating a database allowing interested organisations to receive updates on the Network's activities. Members suggested that the database be extended to cover women in STEM who are interested in gender mainstreaming within the infrastructure space.

Increasing women's engagement in politics and civil service leadership at national and local levels in infrastructure portfolios is also a key element of mainstreaming gender within the sector. **Namibia**, for example, has visibly increased the number of women in leadership within the energy sector. Two out of six (33 per cent) of NamPower's Board of Directors are women, and three out of four (75 per cent) of Namibia's Electricity Control Board (ECB) Board of Directors are women, including positions such as Vice Chairperson. At the Ministry of Mines and Energy, out of twelve senior management positions, eight (67 per cent) are covered by women, including the Deputy Minister and the Director of Energy Funds. Following international standards and addressing context-specific issues, tools to help mainstream gender in infrastructures are available in the region. In 2009, the African Development Bank issued a Checklist for Gender Mainstreaming in the Infrastructure Sector.

Furthermore, UNOPS has developed an evidence-based infrastructure approach to support governments in planning, delivering and managing national infrastructure systems.

Finally, the regular collection of gender data related to infrastructure, energy, water and urban planning are critical to increase understanding of the differentiated gender challenges, put in place gender-responsive actions and be able to measure impact, including detecting unplanned discriminatory outcomes. Overall, data are scarce in the region, although some countries, such as **South Africa**, are working towards filling the gaps ▼ *COUNTRY FOCUS 7*.



### DATA RELATED TO GENDER-DIFFERENTIATED TRANSPORT USAGE

Data from the 2020 National Household Travel Survey (NHTS) outlines the changing patterns of transport usage in South Africa, namely:

- Women are more likely than men to use public transport, particularly taxis, as 47.5 per cent of women use taxis compared to 39.9 per cent of men. Both men and women rely on taxis as their main form of transport;
- Walking remains a standard mode of transportation, particularly in rural areas, where 41.7 per cent of households, primarily women, walk due to a lack of services and affordability considerations;
- Both men and women in urban and rural areas primarily walk to educational facilities;
- Transport to work remains gendered. Most men use cars and drive themselves (41 per cent), while most women car users are passengers. Most women use taxis to work (33.6 per cent), with 41.7 per cent of rural women walking to work;
- The number of women drivers almost doubled between 2013 and 2020, with 37.1 per cent of South African women having driver's licenses by 2020. Women are, however, more likely to be car passengers and less likely to be car drivers. The benefits of access to and use of private vehicles include enabling household travel, aiding access to economic and educational activities, and improving quality of life. Car ownership, however, remains gendered and reflects the dominant patriarchal power relations in society;
- NHTS data showed that 35.7 per cent of male-headed households will have access to private cars by 2020. Only 17.6 per cent of female-headed households benefit from private car ownership, with most women-headed families reliant on buses and taxis for transport;
- For women, a key factor influencing travel patterns is public safety, particularly crime and transportation accessibility. More women (45.5 per cent) than men (40.9 per cent) feel unsafe walking alone in their neighbourhoods when it is dark.

The South African NDP transport proposals include:

- Investments in effective, safe, and affordable public transport to facilitate mobility and benefit low-income households;
- Affordable transport sector investments that foster reliability and safety and, bridge geographical distances; and
- Investments in a transport infrastructure and systems, the renewal of the commuter rail fleet, and linkages to road-based services.

Sources: UN Women, *South Africa Gender Profile, 2022*

Statistics South Africa, *National Household Travel Survey, 2020* <https://www.statssa.gov.za/publications/P0320/P03202020.pdf>



## Women, Law, Climate Change and Disaster Risk Management

### CHAPTER HIGHLIGHTS

- 1) Many countries in the region are evaluated to be at high and very high risk of environmental disasters and humanitarian crises; two scenarios have been proven to exacerbate inequalities and increase vulnerabilities.
- 2) Significant data are available in the region testifying to the multiple challenges women and girls face during and after natural disasters and in relation to climate change.
- 3) Several countries undertook progressive efforts to mainstream gender in climate change adaptation and disaster risk reduction/management policies. Yet, integrating gender in relevant national plans, policies and institutional structures is often rudimentary. Of 23 disaster risk management legal and policy documents adopted in the region, only 39 per cent were found to be gender-responsive or towards gender-responsive.
- 4) Regional efforts to engender relevant policy-making practices and outcomes, including resource mobilization, have been made, with several national reforms on the way.

Large-scale crises, whether stemming from natural or human causes, have the effect of exacerbating inequalities. This is why it is crucial to consider the differentiated risks men and women face when exposed to natural disasters, as well as conflict and war, and what their diverse contribution can be to prevent, reduce and recuperate from these crises.

Due to climate change, extreme weather patterns such as droughts, cyclones, floods, and heat waves have become frequent on the African continent. Their socioeconomic impact includes reduced agricultural production and increased food insecurity, limited access to clean and safe water sources, increased vulnerabilities to sexual and gender-based violence disease, and reduced access to healthcare and macroeconomic opportunities. Overall, during the onset and recovery from disasters, women and girls face considerable threats and losses concerning their livelihoods, land tenure

and/or ownership, housing, education, medical needs, and insurance, along with increased early and forced marriage and gender-based violence in many forms.

The link between disasters and the escalation of gender-based violence is a serious concern. In **Lesotho**, for example, following the 2010-2011 floods across the country, an increase in gender-based violence was reported in the Post Disaster Needs Assessment (PDNA). The assessment states, “*the main reported Gender-Based Violence (GBV) issues (were) related to the sexual assault of young girls and elderly women while fetching uncontaminated water at odd places and times, or when using new routes to water sources.*” It was also reported that due to the floods, “*there were some delays in the reporting of sexual offences, since social facilities were inaccessible, particularly in rural areas.*” Flood conditions also worsened the backlog of criminal cases in court. In

**Kenya**, it is reported that disasters increase pregnancy-related deaths due to lack of and/or inadequate healthcare services. A wide range of gender-based violence is also reported, including sexual violence, forced prostitution, arbitrary killings, torture and mutilation, forced impregnation, forced termination of pregnancy, sterilization and forced marriage.

The EU INFORM Risk Index is a global, open-source risk assessment for humanitarian crises and disasters. It offers data and tools to support prevention, preparedness and response decisions. In assessing country risk levels, three indicators are considered; hazard and exposure (including natural and human hazards), vulnerability (including socio-economic and vulnerable groups, i.e., uprooted groups and other vulnerable groups) and lack of coping capacity (including institutional and infrastructure capacity). ▼ *TABLE 74* shows that several countries in the region are evaluated to be at high and very high risk, including countries ranked number One and two globally in the severity of risk, namely **Somalia** and **South Sudan**.

Several countries in the region have shown progressive efforts to mainstream gender in their climate change adaptation and disaster risk reduction/management policies. Hereafter are a few examples;

**Eswatini's** Climate Change Policy (2014) acknowledges that gender inequality increases the vulnerability of men and women, youth, and other groups differently. It further stresses the significance of addressing the gender aspect in climate policy to reduce the existing gender gap. It emphasizes the integration of gender into all climate change-related policies, programmes and plans. Furthermore, Eswatini's Strengthening National Protected Area System Project, under the auspices of the National Trust Commission, adopted a gender analysis approach in the Environmental and Socio-Economic Assessment, which ensured gender considerations in the project implementation plan. However, programmes, structures, and budgets have not properly institutionalized these frameworks.

The gender dimension of climate change is a relatively recent area of work in **Mauritius**. The Climate Change Act 2020 has mandated the Department of Climate Change to consider gender when it commissions studies. However, realizing such a task will be influenced by the extent to which women are involved in decision-making. The Ministry of Environment, Solid Waste Management and Climate Change have mainstreamed gender in climate change projects and awareness-raising activities, targeting and involving women in mitigation and adaptation programmes, and collaborating with women's organisations.

In recent years, **Namibia** has experienced increased frequency and severity of disasters, including floods, droughts, wild fires, and human and animal disease outbreaks. Consequently, the government has issued legislation to guide the country's prevention, preparedness, response, and recovery efforts: Disaster Risk Management Act, Disaster Risk Management Policy, National Disaster Risk Management Plan, and National Disaster Risk Management System. The country has also established institutional structures at national and regional levels to coordinate disaster risk management efforts. DRM programmes enhance the resilience of women and other vulnerable groups and promote the empowerment of women and persons with disability to lead publicly and promote gender-equitable and universally accessible response, recovery, rehabilitation and reconstruction from disasters. Gender balance is a requirement for these structures. However, the lack of sex-disaggregated data on gender and disaster risks and how disaster risk reduction and resilience programmes have unequally targeted men and women in Namibia continues to hinder the effectiveness of programmes.

The Southern African Development Community (SADC) states that, despite international, continental and regional frameworks, the integration of gender in national plans, policies and institutional structures for disaster risk reduction or climate change adaptation is often rudimentary, even where policies exist. Despite the concept of gender being mentioned

on paper, policy implementation remains challenging. Furthermore, a recent study conducted by UNICEF and IFRC on Gender Responsive Disaster Risk Management in Eastern and Southern Africa finds that of the 23-disaster risk management legal and policy documents considered, 39 per cent are gender-responsive. Towards gender-responsive, 31 per cent are gender sensitive and towards gender-sensitive 30 per cent are gender blind. Of the same 23 documents, 9 per cent are GBV responsive, 8 per cent are GBV sensitive or towards GBV sensitive, and 83 per cent, including a few of those who were found to be most gender-responsive, are GBV blind.

Some countries that scored highest in the INFORM Risk Index are now drafting and revising legal or policy frameworks for disaster risk management. This offers a critical opportunity to advocate for integrating gender and GBV prevention and response through a participatory process involving a wide range of women and youth-led organisations

and diverse community-based groups. **Kenya, Malawi, Somalia, South Sudan** and **Uganda** await the adoption of their recently developed frameworks. **Ethiopia, Somalia (Somaliland)** and **Zimbabwe** are in various stages of drafting or revising a bill or policy. The disaster risk management plan developed in **Somalia (Puntland)** offers a good example of the integration of gender and GBV concerns ▼ *COUNTRY FOCUS 8*.

SADC 2020-2030 Gender Responsive Disaster Risk Reduction Strategy and Plan of Action (Prevent Risk Creation and Reduce Existing Risks for Women, Men, Girls and Boys) aims to enhance regional capacities for gender-responsive disaster risk prevention, management and coordination in support of humanitarian assistance. It has been developed in coherence with the global sustainable development agenda and continental and regional initiatives. The Strategy also includes a financial resource mobilization plan and a monitoring and evaluation mechanism to gear up the effectiveness of interventions.

**Table 14:**  
Country Risk Profiles

	Rank	Risk Assessment Details
<b>SOMALIA</b>	<b>1</b>	<b>Very High</b>
<b>SOUTH SUDAN</b>	<b>2</b>	<b>Very High</b>
<b>MOZAMBIQUE</b>	<b>9</b>	<b>Very High</b>
<b>SUDAN</b>	<b>10</b>	<b>Very High</b>
<b>UGANDA</b>	<b>10</b>	<b>Very High</b>
<b>ETHIOPIA</b>	<b>12</b>	<b>Very High</b>
<b>KENYA</b>	<b>17</b>	<b>Very High</b>
<b>ERITREA</b>	<b>22</b>	<b>Very High</b>
<b>TANZANIA</b>	<b>27</b>	<b>High</b>
<b>SOUTH AFRICA</b>	<b>31</b>	<b>High</b>
<b>DJIBOUTI</b>	<b>43</b>	<b>Medium</b>
<b>ANGOLA</b>	<b>48</b>	<b>Medium</b>
<b>MALAWI</b>	<b>48</b>	<b>Medium</b>
<b>RWANDA</b>	<b>55</b>	<b>Medium</b>
<b>ZIMBABWE</b>	<b>55</b>	<b>Medium</b>
<b>ZAMBIA</b>	<b>65</b>	<b>Medium</b>
<b>NAMIBIA</b>	<b>75</b>	<b>Medium</b>
<b>LESOTHO</b>	<b>79</b>	<b>Medium</b>
<b>ESWATINI</b>	<b>106</b>	<b>Low</b>
<b>BOTSWANA</b>	<b>121</b>	<b>Low</b>
<b>MAURITIUS</b>	<b>154</b>	<b>Low</b>

Sources: EU INFORM Risk Index <https://drmkc.jrc.ec.europa.eu/inform-index/INFORM-Risk/Country-Risk-Profile>



## COUNTRY FOCUS n.8: SOMALIA PUNTLAND

### Somalia (Puntland)'s Gender and GBV Responsive Disaster Risk Management Plan

The Humanitarian Affairs Disaster Management Agency developed Somalia (Puntland)'s DPR Plan in collaboration with various stakeholders, including religious groups, local NGOs, civil society associations, and women's groups.

The Plan calls for frequent engagement with women and marginalized groups in planning, implementing and monitoring activities. It also charges the Ministry of Women Development and Family Affairs to oversee gender activities (protection, vocational training and awareness raising). It includes gender considerations and/or women's participation in deciding water distribution, food distribution and designing latrines and safe shelters. The Plan advocates for an equal number of men and women in food distribution, for women to have separate waiting areas and priority during distribution along with elderly persons and persons with disabilities.

GBV risk mitigation, prevention and response - Within Somalia's (Puntland) DPR Plan, there is an entire section dedicated to protection with checklists that include engaging with women, children, adolescents and other marginalized groups, and provides that the "government of Puntland has a critical role to play in ensuring that all interventions meet the minimum standards for the prevention of and response to [child protection], GBV, and addressing mental health and psychosocial support needs." This section includes a referral mechanism, training for health staff as part of the referral mechanisms, sensitizing communities for GBV prevention and information to services through community workers, undertaking consultations with women, youth and children, mobilizing communities to address GBV and strengthening community-based mechanisms.

The Plan underscores attention to a range of marginalized groups, providing that, for example, "the shelters should be designed in a way that maximizes the protection and security of the displaced persons, including women, children, elderly people and persons with disabilities, single-headed households and members of religious and ethnic minority or indigenous people."

Sources: UNICEF, IFRC, *Gender Responsive Disaster Risk Management. An Analysis of Gender Integration in National and Regional Disaster Risk Management Frameworks in Eastern and Southern Africa*, 2021. <https://www.unicef.org/esa/media/9891/file/Gender%20Responsive%20Disaster%20Risk%20Management.pdf>



## Women, Peace and Security

### CHAPTER HIGHLIGHTS

- 1) Number of women, women’s groups, and gender experts who served as official negotiators, mediators, signatories, witnesses, or advisory bodies in peace processes has increased globally since 1990, as well as the number of peace agreements in Africa referencing gender. However, women’s participation in formal peace processes remains significantly low and often symbolic.
- 2) Thirteen countries in the region have developed a Women, Peace and Security National Action Plan. Yet, their impact remains unclear, tracking progress mostly at the activity rather than the outcome level. Most NAPs are under-budgeted and limit the WPS agenda to women’s political participation and protection from violence rather than prioritizing conflict prevention and recovery.
- 3) In various contexts across the region, women’s activism and women’s organisations have successfully combined formal and informal initiatives and networks, working across ethnic, age and religious dimensions to build effective peace outcomes.

On 31 October 2000, the UN Security Council adopted the landmark Resolution 1325 on Women, Peace and Security (WPS), which acknowledged women’s critical role in preventing and resolving conflict, negotiating peace, and participating in peacekeeping, humanitarian response, and post-conflict peacebuilding.

Nonetheless, as conflicts in Africa exacerbated in recent years, the world has witnessed a surge of violence against women and girls, with sexual violence being systematically exercised as a weapon of war in Cameroon, Chad, the Democratic Republic of the Congo (DRC), South Sudan and Sudan, among other countries. *“Women and girls are singled out as targets by terrorist and extremist groups, who abduct them and use them as suicide bombers or sex slaves. Although women generally despise war while playing an important role in maintaining societal fabric and cohesion, their bodies have become the new battlefields. Even worse, they are not consulted on issues of peace and nation-building.”*

The United Nations Secretary-General, António Guterres, states, *“In all these conflicts, we have men in power and women excluded, their rights and freedoms deliberately targeted. Misogyny and authoritarianism are mutually reinforcing and are antithetical to stable, prosperous societies. Women’s equality is a question of power. That is why we need full gender parity, including through quotas, to accelerate the inclusion of women across election monitoring, security sector reform, disarmament, demobilisation, and justice systems. Studies also show that the active engagement of women peacebuilders increases the chances of lasting peace.”*

Between 1992 and 2019, women were, on average, 13 per cent of negotiators, 6 per cent of mediators, and 6 per cent of signatories in major peace processes worldwide. About seven out of every ten peace processes did not include women mediators or signatories. In 2021, women participated as conflict party negotiators or delegates in all United Nations (co)-led peace processes. However, women’s representation stood at 19 per cent, compared to 23 per cent in 2020. The United Nations

reports that the number of women, women's groups, and gender experts who serve as official negotiators, mediators, signatories, witnesses, or advisory bodies has increased in recent years, and since 1990, a growing share of all peace agreements on conflicts concluded in Africa included reference to gender ▼ *TABLE 15*.

Conversely, the United Nations further reports that women's participation in peace processes remains low, often symbolic and resisted by cultural norms. Lack of coordination and cooperation by different actors involved in WPS at the regional and national levels continues to affect gender outcomes. Women's civil society organisations working on peacebuilding, conflict prevention, and gender equality remain underfunded and poorly integrated into the region's mainstream policy discussions on WPS. Additionally, the lack of women's representation in peace-building processes results in women and girls' unique vulnerabilities and needs during conflict being often forgotten in peace negotiations, limiting the effectiveness of peace and security agreements and humanitarian response. Globally, eight out of twenty-five peace agreements (32 per cent) reached in 2021 included provisions referencing women, girls, and gender, an increase from 26 per cent in 2020. However, this is still barely above the average over the last two decades.

Some positive examples of engendered peace processes and peace efforts can be noticed in the region. In 2021, for example, more detailed gender provisions could be found in the Lou Nuer-Dinka Bor-Murle Action for Peace agreement in Jonglei, **South Sudan**. In this case, the agreement seems more contextually rooted in the preceding community mediation processes. The Jonglei agreement also featured three women's representatives as signatories for their communities. Overall, the UN highlights an increase in the use of gender-sensitive language in peace agreements.

The **African Union** and the **United Nations** have increased the number of women military and police officers in peacekeeping

missions, improving the reporting of sexual assaults. They have also set up units that protect civilian victims of abuse. Similar units that shelter victims of gender-based violence also exist in **Somalia** and the Darfur region of **Sudan**. In **Rwanda, Liberia** and the **DRC**, the UN supports survivors of gender-based violence. Initiatives such as the code of conduct for peacekeepers developed by the United Nations Organisation Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) can further engender peacekeeping missions, as it deters peacekeepers from committing gender-based crimes by introducing punishment and sanctions.

Several countries in the region joined the WPS Focal Points Network: **Angola, Ethiopia, DRC, Kenya, Lesotho, Namibia, South Africa** and **Uganda**. The Women, Peace and Security, Focal Points Network was launched in 2016 to assist UN Member States and regional organisations, in close collaboration with civil society, to improve and strengthen the implementation of the WPS agenda; **Namibia** was one of the founding countries. In 2020, to mark the 20<sup>th</sup> anniversary of UNSCR 1325, Namibia launched its International Women Peace Centre, a semi-autonomous institute whose aim is to become an institute of excellence for mediation, inclusive peacemaking and conflict prevention to support and ensure women's contributions to peace and security within Namibia, Africa and worldwide. The newly established centre has three main functions: advocacy, networking and partnership building, training and capacity building.

More in capacity building, the Office of the Special Envoy of the Chairperson of the **African Union Commission on Women, Peace and Security** provides technical and capacity-building support to Member States to monitor progress in the region using the African Union Continental Results Framework. At the local level, **UN Women and civil society organisations**, such as the Global Network of Women Peacebuilders and Coalition for Action on UNSCR 1325, have continued supporting local action plans to localize global and national WPS policies and commitments.



Regarding overarching commitments, in the East and Southern African region, 13 countries have developed a Women, Peace and Security National Action Plan (NAP) ▼ *TABLE 16*, with **Somalia** launching the latest one in 2022.

The Somali National Action Plan on UNSCR 1325 is the national-level policy framework for pursuing the WPS agenda. The NAP implementation is expected to be carried out at the federal member-state level. Efforts to develop local action plans in five federal member states have been ongoing with support from the United Nations Joint Programme on Women, Peace and Protection through the United Nations Peace Building Fund and the UN Somalia Joint Fund. Activities under the NAP include establishing and operationalizing the National Steering Committee and establishing women's peace and security networks to serve as a platform and safe space for local women from the federal member states to strategize on how to address peace and security issues that affect them. There are efforts to establish and operationalize the Somalia Chapter of the African Women's Leadership Network and the Parliamentary Women's Caucus under the recently elected government administration. There are also efforts to build the capacity of parliamentarians to develop and pass progressive legislation that will consolidate and expand on the gender equality and women's empowerment gains made in recent years.

Regional WPS action plans and strategies have also been developed ▼ *TABLE 17*.

Despite countries' progressive engagement in developing NAPs, according to the African Union Commission, the WPS agenda's impact on women's lives remains unclear. *"Although 85 per cent of national action plans – globally – include a monitoring framework with indicators, assessing and capturing the impact of their implementation remains a weakness for most plans. Several still track progress at the activity level rather than at the level of impact and outcomes. There is a need to integrate impact indicators in monitoring frameworks and strengthen data collection, monitoring and reporting data collection and reporting capacity to promote*

*accountability. The success of national action plans and feminist policies must be measured by their impact on the well-being of all women and girls, which is a powerful measure for overall societal health and the peacefulness of States and communities."*

In Africa, the majority of NAPs have focused on participation in political decision-making and sexual and gender-based violence, both addressing the participation and protection pillars of UNSCR 1325, yet leaving behind conflict prevention and recovery, which have the potential to influence longer-term changes. Disarmament and demilitarization, for instance, are crucial elements of conflict prevention. African feminists have highlighted the need to pay attention to militarism and how this has continued to affect women's human rights and protection during violent conflict and so-called 'peace times' and how this impacts their participation.

*"Militarism as an ideology creates a culture of fear and supports the use of aggression, violence and military intervention for dispute resolution. [Moreover], militarism privileges violent forms of masculinity, which has serious consequences for the safety and security of women and girls."* Despite the importance of disarmament and demilitarization, the UN reports that global military spending continued to grow in 2021. This was the seventh consecutive year that spending increased.

In 2022, less than half of the NAPs worldwide included specific actions on disarmament, **Uganda**, being one of the countries referencing disarmament, non-proliferation, and arms control. On a positive note, the latest reporting on the implementation of the United Nations Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons showed that 62 per cent of states that responded to gender-related questions indicated that gender considerations were included in policymaking, planning and implementation processes.

On a practical level, the effectiveness of WPS efforts is hindered by the fact that most regional and national action plans are not budgeted. Hence, their implementation heavily depends on donor funding.

Conversely, donors can play a pivotal role through earmarking and expanding funds on gender within the WPS agenda, thus showing that gender equality and women's participation in this area is not a zero-sum game (African Development Bank). **UN Women** has established the Global Acceleration Instrument for Women, Peace and Security fund to provide flexible, rapid support to governments and organisations responding to emergencies. By July 2022, the **Women's Peace and Humanitarian Fund's** rapid response window on women's participation in peace processes and the implementation of peace agreements - an initiative launched in response to the Secretary-General's call - has provided targeted and flexible support to 32 civil society organisations including in, **Cameroon, Ethiopia, Mali and South Sudan.**

Finally, it is interesting to highlight how women, peace and security efforts may be found in countries where an official commitment to UNSCR 1325 and related resolutions is missing. In **Zimbabwe**, for instance, the National Peace and Reconciliation Commission established in 2013 is mandated to secure peace, reconciliation and nation-building as it addresses some of the country's political injustices with democratic and gender lenses. Gender mainstreaming is imperative to every aspect of the Commission's work. The Commission's Safe Space Programme adopted a grassroots approach to WPS. Women from diverse backgrounds were brought together to discuss -building issues and other issues hindering social unity in their respective communities. They would then identify, agree upon and pursue special actions to tackle the problems, including engaging community stakeholders such as

churches, traditional leaders, local government authorities and business people.

This grassroots approach is not new in Africa. In Liberia and South Sudan, women worked across religious and tribal lines to develop a common agenda and mobilize support to ensure they influence the peace process. In the aftermath of the **South Sudan** failed peace agreement (2015), over 40 women's organisations came together and established the South Sudan Women's Coalition as a platform for women to engage with the revitalized IGAD-led peace process effectively. Like the Liberian Women's Mass Action for Peace, the South Sudan Women's Coalition worked across ethnic, age and religious dimensions, and their inclusive activism led them to be invited to the peace table. They created a technical working group that supported those at the table by analyzing documents, writing the women's position at the different levels of the process, and engaging in 'corridor advocacy' to push the women's agenda. Ultimately, the coalition was a signatory to the peace agreement.

Women in South Sudan continue to be engaged in the implementation of the peace process, as many are members of the different implementation mechanisms including the Joint Monitoring and Evaluation Commission of the revitalized peace agreement. Women organisations have shown that in organizing their actions differently, combining formal and informal initiatives and networks, they can contribute to building effective peace. Many of such movements for peace had been established across Africa, such as in Burundi, Ivory Coast and the West African Region.

**Table 13:**  
Adoption of Regional Action Plans and Strategies on Women Peace and Security

Organisation	Type of document	Year of adoption
AFRICAN UNION	Continental Results Framework for Monitoring and Reporting on the Implementation of the WPS Agenda in Africa (2018-2028)	2018
ECONOMIC COMMUNITY OF CENTRAL AFRICAN STATES	Regional Action Plan for the Implementation of UNSCR 1325 and related SCRs (2020-2024)	2020
ECONOMIC COMMUNITY OF WEST AFRICAN STATES	Guidelines on Women, Peace and Security	2020
INTERNATIONAL CONFERENCE OF THE GREAT LAKES REGION	Regional Action Plan for the Implementation of UNSCR 1325 (2018-2023)	2018
SOUTHERN AFRICAN DEVELOPMENT COMMUNITY	Regional Strategy on UNSCR 1325 (2018-2022)	2018
EAST AFRICAN COMMUNITY	Regional Framework on UNSCR 1325 (2015-2019)	2015
INTERGOVERNMENTAL AUTHORITY ON DEVELOPMENT IN EASTERN AFRICA	Regional Action Plan on UNSCR 1325 and 1820	2013

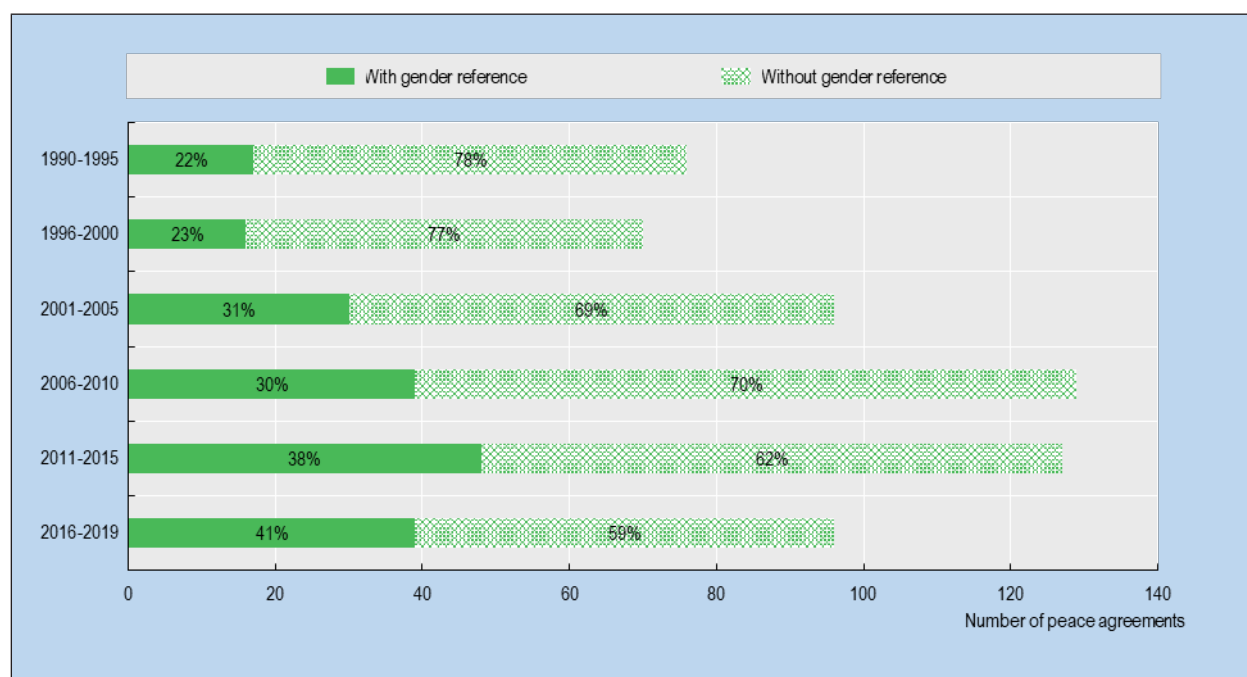
Source: <https://wpsfocalpointsnetwork.org/>

**Table 14:**  
Adoption of National Action Plans on Women Peace and Security by Country

Country	Year		
	1 <sup>st</sup> NAP	2 <sup>nd</sup> NAP	3 <sup>rd</sup> NAP
<b>UGANDA</b>	<b>2008</b>	<b>2011</b>	<b>2021</b>
<b>RWANDA</b>	<b>2009</b>	<b>2018</b>	
<b>BURUNDI</b>	<b>2012</b>	<b>2017</b>	
<b>SOUTH SUDAN</b>	<b>2015</b>		
<b>KENYA</b>	<b>2016</b>	<b>2020</b>	
<b>ANGOLA</b>	<b>2017</b>		
<b>DJIBOUTI</b>	<b>2017</b>		
<b>MOZAMBIQUE</b>	<b>2018</b>		
<b>NAMIBIA</b>	<b>2019</b>		
<b>SUDAN</b>	<b>2020</b>		
<b>MALAWI</b>	<b>2021</b>		
<b>SOUTH AFRICA</b>	<b>2021</b>		
<b>SOMALIA</b>	<b>2022</b>		

Sources: <http://1325naps.peacewomen.org/>  
<https://africa.unwomen.org/en/stories/news/2023/01/somalia-launches-national-action-plan-on-uns-cr-13-for-women-and-security>

**Table 15:**  
 Number of peace agreements in Africa with and without reference to gender,  
 by periods and share for each period



Sources: OECD SIGI 2021 Regional Report for Africa, *Legal Frameworks in the African Region, Women's Political Voice, Leadership and Agency* <https://www.oecd-ilibrary.org/>



## Women, Legal Aid and Legal Empowerment

### CHAPTER HIGHLIGHTS

- 1) **Pluralistic and un-harmonised legal and justice systems in the region, in addition to discriminatory social norms and high costs associated with justice procedures, make it challenging for women to know and claim their rights. This is why legal aid and education is so important.**
- 2) **The right to State-funded legal aid is formally recognized in legal systems across the region, yet initially only applied to criminal cases. Over the last 10 years, several countries have legislated for legal aid to be available in civil cases. Moreover, they have broadened its scope beyond pure representation (including advice, education and alternative conflict resolution), formalised the role of paralegals, and, in some cases, explicitly included women and girls as a priority target group.**
- 3) **The use of paralegals has significantly increased in the region while succeeding in bringing legal aid and education in remote areas, bridging cultural and geographical gaps, cutting down legal costs and, overall, contributing to simplify/accelerate justice outcomes for women.**
- 4) **Law schools and progressive universities also supported great initiatives – like “street law projects” – to increase awareness, empower and assist communities, including women, to understand the law better and navigate the justice system.**

Suppose legislative reforms are essential on one side to eliminate explicit gender discrimination and establish equality guarantees. In that case, realizing equality requires that women become aware of their legal rights and that they can claim them. Africa’s legal and justice context is complex: well-intentioned in ratifying international norms and principles but severely held back regarding resources and implementation capacity. It operates in an environment characterized by low literacy levels, high poverty incidences and a sizeable distance between the justice system and its users. In addition, in several countries, parallel legal and justice systems stemming from the state, traditions and religions and presenting different codification levels on the continuum from formality to informality persist, often creating loopholes and contradictions regarding gender equality protections.

Legal aid is at the heart of the 2030 Agenda’s overarching goal to ‘leave no one behind.’ Given the African context, legal aid must be considered a necessity. Deliberately, providing legal aid services is meant to assist the socially and economically disadvantaged in accessing their rights and protections within the law. Legal aid, provided at no cost, is crucial for women to navigate the justice system, which can be complicated and overwhelmingly affected by mismanagement and wrongdoing. Thus, the justice system can lead to reoffending and revictimization if not approached with competence and strong representation.

Legal systems throughout Africa formally recognize the right to legal aid in criminal cases. Countries cite and draw upon regional and international human rights instruments to inform and incorporate that right in the national legislative framework. National constitutions are generally explicit about

the right to legal representation in specific criminal cases. However, definitions and scope of coverage and delivery of legal aid services vary across the continent. The Constitution of **South Africa**, for example, states that everyone who is detained, including every sentenced prisoner, has the right to have a legal practitioner assigned to them by the State, at the State's expense, if substantial injustice would otherwise result, and to be informed of this right. A similar provision appears in the Constitution of **Malawi**. The Constitution of **Uganda** limits the right to State-aided counsel to criminal cases with a possible sentence of death or life imprisonment. In **Zambia**, the Constitution defines the scope and eligibility of national legislation. **Kenya, Rwanda** and **Sudan** have similar legal arrangements.

In this context, States are also mandated to establish an independent national legal aid institution accountable to parliament and protected from executive interference to ensure the provision of legal aid at all stages of the criminal justice system. Legal Aid **South Africa** 2014 is an independent statutory body established by the Legal Aid South Africa Act 39, 2014, as amended. Legal Aid SA aims to; "1) give legal aid or to make legal aid available to indigent persons - including poor people and vulnerable groups such as women, children and the rural poor - within its financial means; 2) provide legal representation at State expense, as set out in the 1996 Constitution and relevant legislation giving content to the right to legal representation at State expense; 3) provide education and information concerning legal rights and obligations." **Zimbabwe's** amended Legal Aid Act (2017) provides legal aid to indigent persons and the establishment and functions of a Legal Aid Directorate and a Legal Aid Fund.

**Tanzania's** new Legal Aid Act (2019) marked important progress in regulating legal aid services. Besides recognizing and regulating the role of paralegals and introducing a code of conduct for legal aid providers listed within the Registrar, which penalizes discrimination based on several characteristics, including gender, it also allows for legal aid to be provided in civil proceedings, a shift particularly relevant for women. **Zambia's**

2021 Legal Aid Act contains similar provisions, while **Ethiopia** passed legislation mandating legal aid services for disadvantaged women in civil actions in 2016. **South Africa's** 2021 Amendment to the Regulations to the Legal Aid South Africa Act also extended legal aid in civil proceedings.

As suggested in progressive legal aid legislation, in Africa, the concept and practice of legal aid shall go beyond the conventional scope of representation by a lawyer in a court. The **2014 Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa** broadens legal aid to include legal advice, assistance, representation, education and mechanisms for alternative dispute resolution. These services may be provided by various stakeholders, such as non-governmental organisations, community-based organisations, religious and non-religious charitable organisations, professional bodies and associations, and academic institutions.

Both regional and international standards frame legal aid as a collaborative effort involving State and non-state actors, suggesting the importance of a system-wide approach. According to different countries' capabilities and needs, diverse legal aid delivery models and providers operate across the continent. These include government-provided legal aid, pro bono schemes by lawyers and bar associations, law clinics, law students' engagement and legal sensitization by universities/law schools and NGOs, and the training and involvement of paralegals both at the community level and across various steps of the justice chain.

The work of paralegals, law clinics, including mobile clinics and street law clinics, is particularly important for women and girls as it is entrenched in the community. Thus, it can actively facilitate the establishment of the missing link between women, their rights awareness, and the justice system they need.

In many parts of Africa, a gradual yet highly impactful transformation has taken place with regard to the delivery of legal assistance to persons in conflict with the law, a transformation led by paralegals.

As service providers, paralegals are supported by international legal and regulatory frameworks. They have been engaged in the criminal justice field for over a decade in Africa and have been progressively acknowledged within national legal aid legislation, which also regulates their role and extends it to civil law matters.

Paralegals are usually not lawyers but are well experienced in the content and practice of the law and can facilitate access to justice through various tools, including providing legal advice and education, mediation and alternative dispute resolution services, advocacy, and public awareness raising. Part of the work of paralegals is to empower poor and marginalized people in their interactions with police, prosecutors, the courts, and the prison administration. They typically come from the communities they serve, have strong networks on the ground, and are known and trusted. They are thus finely attuned to local contexts and needs, speak local languages, and understand local forms of justice. Across Africa, paralegals navigate between the formal and informal justice systems, ensuring the latter comply with the rule of law and related human rights standards.

Community paralegals took up the role of first-line respondents to GBV during the COVID-19 pandemic. In **Kenya**, inter-county movement restrictions prevented the lawyers of the International Commission of Jurists from travelling outside of Nairobi. The organisation relied greatly on its network of community paralegals, who supported women individually to ensure that they could report GBV cases to the police and collect the necessary medical evidence. ICJ-Kenya has paralegal networks in six counties of Kenya.

In **Tanzania**, where land conflicts represent the biggest source of local legal disputes, often embedded in gendered land tenure relations, paralegals have worked in local communities to support women in claiming their rights. The experience showed the importance of paralegals' connections with local centres of power, like village councils and traditional leaders charged by law to administrate land and oversee the workings

of local land tribunals. Establishing structures such as the Community Oversight Boards in Nigeria also increases the effectiveness and legitimacy of paralegals in local communities. The Boards, which were mandated with supervising community-based paralegals and function as *trait d'union* between stakeholders, were formed in consultation with principal chiefs, other chiefs, and local organisations, including women's and youth groups.

In **Burundi**, the IFAD Transitional Programme of Post-Conflict Reconstruction worked between 2004 and 2013 to restore livelihoods, build social capital, and promote dignity and food security in poor communities. Mobile legal clinics, run by women lawyers, were established under the programme. They worked to disseminate legal information, encourage rural women to fight discrimination and exercise their rights in land cases involving family relations and inheritance.

The **South African** Street Law Project is a preventative legal education programme that provides people with an understanding of how the legal system works and how it may be utilized to safeguard the interests of people. Street law students at universities are taught how to use interactive learning methods when teaching school children, prisoners and ordinary people about the law. The programme has been conducted in hundreds of high schools throughout South Africa. It involves a combination of training of law students and guidance provided to school teachers to learn how to use a law student text for pupils, and a teacher's manual for teachers.

In this sense, legal aid is acknowledged as a catalyst of change, promoting the establishment of a legal culture that contributes to development processes. "Efficiency in the legal system is important in achieving our development goals," stated **Zanzibar's** first Vice-President, Othman Masoud Othman, commending the new Legal Aid Act No. 13 in 2018 and its 2019 regulations as "a great savior for vulnerable people, including women and children."



## Women, Electoral and Political Party Systems

### CHAPTER HIGHLIGHTS

- 1) East and Southern Africa have witnessed a significant increase in women's political representation due to electoral reforms and the introduction of temporary special measures (TSMs) at the national and/or subnational levels.
- 2) TSMs include legislated or voluntary party quotas, party sanctions or incentives, evenly distributed electoral lists ("zipper list"), and other electoral special measures.
- 3) Despite the number of elected women, patriarchal structures and culture hinder women's political participation. Women are often sidelined, given a lower decision-making status and confined to certain policy areas traditionally considered "feminine", such as social affairs, education, and health. Political violence against women also plays a big role as a deterrent to equal participation in elections and politics.
- 4) Where ruling and main opposition parties have institutionalized quotas, women are more represented in political leadership. However, only six political parties out of 15 countries in the region with constitutional or legislated quotas have institutionalized quotas in their constitutions or manifestos.
- 5) While women's representation in Electoral Management Bodies (EMBs) has increased, mechanisms and resources to mainstream gender across EMBs' work remain limited.

Electoral systems and affirmative actions, or temporary special measures for women's political participation, have a key bearing on the extent of women's political participation. Globally, women are better represented in countries with Proportional Representation (PR) than in the First Past the Post (FPTP) system or a mixture of the two systems ▼ *TABLE 18*. The same is true in Africa, where various electoral systems and temporary special measures show how rapid increases in women's political participation can be achieved with certain combinations of electoral systems and quotas.

The lowest representation of women in Parliaments is in FPTP countries with no quota (16 per cent). Examples include **Nigeria** and **Botswana**. Overall, women constitute 34 per cent of MPs in countries with voluntary party quotas - nine percent higher than countries with constitutional or legislated quotas and eighteen per cent higher than FPTP countries

with no quotas. The same is true at the local level. Women constitute 36 per cent of councilors in countries with voluntary party quotas - 28 percent higher than countries with no quotas and 24 percent higher than FPTP countries with no quotas. The findings on voluntary party quotas strongly advocate for political party ownership and championing gender parity principles.

The increasing number of countries rewriting their constitutions and legal systems – including electoral reforms – more in line with normative frameworks emphasizing gender equality is the single most promising avenue for increasing women's political participation in the short to medium term. Most countries in the region adopted temporary special measures comprising: 1) legislated or constitutional quotas - under the form of reserved seats or reserved candidates; and 2) voluntary party quotas. ▼ *TABLE 19* shows the position of countries in the East and Southern African



region vis-à-vis political gender quotas.

Although certain combinations of measures are more successful than others, progress is possible in any system, provided these measures are accompanied by the necessary political will, leading us to the important role political parties play. Political parties are the primary entry point for women in politics. While women may feature as members, they are under-represented in political party leadership. The voice of women in decision-making within political parties remains insufficient and, in some cases, is nonexistent. Male dominance of party politics is reported to be one of the key barriers to women's political participation, especially as candidates. Out of 15 countries in the region with constitutional or legislated quotas at national, local level, or both, only six political parties have institutionalized quotas in their constitutions or manifestos. Where ruling and main opposition parties have institutionalized quotas, women are more represented in political leadership.

In **Kenya**, six political parties have institutionalized the constitutional gender quota of 33 per cent, yet women comprise just 22 per cent of MPs. The ruling Jubilee party states that in constituting party organs, no one gender shall comprise more than two-thirds of the membership but does not mention party leadership. The main opposition party, the Orange Democratic Movement, establishes instead stronger provisions. The manifesto stipulates affirmative action to ensure a minimum of 30 per cent representation of women in parliament, local government, the Foreign Service and all other areas of governance and decision-making. In **Tanzania**, the ruling party, Chama Cha Mapinduzi, states a commitment to achieve equal representation of women and men (50-50) in all elective public bodies. Yet, it sets a lower target for women's representation in the party's internal leadership and decision-making positions.

With 61 per cent, **Rwanda**, has the highest representation of women in parliament globally. Rwanda has a mixed electoral system, constitutional and legislated temporary special measures at the national and local level. The Rwandan Patriotic Front-Inkotanyi and the Centrist Democratic Party have voluntary party quotas of 30 per cent

women in all decision-making positions within the party structures. Similarly, **South Africa, Namibia** and **Mozambique** achieved 40 per cent or more women in political decision-making due to voluntary quotas adopted by their ruling parties. The case of Ethiopia is interesting, a country where the Electoral Law does not require political parties to have gender quotas or any other gender provisions. However, in 2004, the ruling Ethiopian People's Revolutionary Democratic Front introduced a voluntary party quota. Consequently, women's representation almost tripled in the 2005 elections – from 8 per cent to 21 per cent. This figure has since increased steadily from 27 per cent in 2010 to 39 per cent in 2015.

While parties may commit to increasing women's representation through quotas and gender equality commitments included in their constitutions or electoral laws, how these commitments are implemented and how party members support women is a crucial, yet often uncertain, factor in their success. In **Tanzania**, Vice-President Samia Suluhu Hassan urged women ahead of the 2020 elections to ensure that the 50/50 campaign was taken in their political parties' manifestos to enable them to contest political posts with men.

Women's wings, branches, or leagues are established to advance women's political participation within parties. However, their outcomes are unclear. Research from International IDEA suggests that the agendas of women's wings are often limited to the social and welfare affairs portfolio, therefore reinforcing the sidelining of women in politics. To increase the effectiveness of women's wings, political parties should incorporate them into the main party structure and increase their role in candidate preparation, selection, and mentoring. In **South Africa**, the ANC Women's League (ANCWL) has played an important role in preparing women for politics and public office. Many of the current ministers served, at one time or another, as office bearers in the ANC Women's League.

Furthermore, one of women's greatest challenges early on is raising money to win party nomination. Gender-sensitive electoral financing is crucial but not guaranteed.

Political parties can play a fundamental role in overcoming such barriers. In **Ghana**, for instance, almost all political parties allow women to pay 50 per cent of what their male counterparts pay for nomination forms.

Electoral laws must comply with national provisions on equality and non-discrimination to ensure gender equality across the entire electoral process. In this regard, independent Election Management Bodies (EMBs) can play a crucial role in supporting legislatures and executives to initiate gender-sensitive reforms through the evidence provided by their experience in elections. EMBs are also important to ensure that all agencies involved in elections - including, for example, police investigating electoral malpractice - are trained to respect women's rights and provide sufficient resources to election management bodies. EMBs' role in gender-sensitive elections can further be enhanced when they are enabled to

implement gender-specific programmes.

A Baseline Study on Gender Equity in the Electoral Process conducted by the **Zimbabwe** Electoral Commission in 2017 highlighted several gender equality shortcomings in Zimbabwe's Political Parties Finance Act. As a consequence, Zimbabwe passed The Zimbabwe Electoral Amendment Act of 2018, which includes several key provisions for promoting gender equality in elections. For MBEs to impact gender equality, it is necessary that their structure and operation include gender mainstreaming mechanisms such as gender strategies and gender focal points and that women are represented in the institution, including in leadership positions. Several countries in the region are still not fully equipped ▼ *TABLE 20*.

**Table 16:**  
Electoral systems: characteristics, pros, cons and gender considerations

PROPORTIONAL REPRESENTATION (PR)	In the Proportional Representation (PR) or "list system," citizens vote for parties that are allocated seats in Parliament according to the percentage of votes they receive. Individual candidates join depending on where they are on the list. In an "open" list system, voters determine where candidates appear on the list. In a "closed" list system, the party determines where candidates appear on the list. This is usually based on democratic nomination processes within the party.		
	PROS	CONS	GENDER CONSIDERATIONS
	Good for inclusion	Weak on accountability - vote for a party, not a candidate	When combined with voluntary or legislated quotas, it results in a rapid increase in women's participation
CONSTITUENCY or "FIRST PASS THE POST" (FPTP)	In the Constituency or "First Past the Post" (FPTP) system, citizens vote for the party and the candidate representing the party in a geographically defined constituency. Thus, a party can garner a significant percentage of the votes but still have no representative in parliament because, in this system, "the winner takes all."		
	PROS	CONS	GENDER CONSIDERATIONS
	Good for accountability	"Winner takes all" is not good for inclusion	Women are especially excluded due to lack of funds and networks
MIXED SYSTEM	The mixed system combines PR and FPTP to maximise the benefits of the two systems. Where this happens, there is typically a higher proportion of women in the PR seats than in the FPTP. Quotas are usually used in conjunction with the PR than with the FPTP system.		
	PROS	CONS	GENDER CONSIDERATIONS
	It includes the best of both systems.	PR candidates are regarded as a token	If the PR candidates are women (e.g., at the national level in Zimbabwe), this adds to the notion of tokenism.

Source: IDEA and Gender Links, *Women's political participation: Africa Barometer 2021*, International IDEA, Stockholm. <https://www.idea.int/publications/catalogue/womens-political-participation-africa-barometer-2021>

**Table 19:** Electoral systems and political gender quotas in East and Southern Africa

Data source	Burundi	Eritrea	Eswatini	Ethiopia	Kenya	Lesotho	Malawi	Mauritius	Namibia	Rwanda	Somalia	South Africa	South Sudan	Sudan	Tanzania	Uganda	Zimbabwe
<b>Electoral system</b>	List PR	One-party state	FPTP	FPTP One dominant party	FPTP	Mixed List PR and FPTP	FPTP	Plurality Block Voting	List PR	List PR	FPTP since 2020	List PR	Mixed/parallel	Parallel	FPTP	FPTP	Parallel (FPTP & List PR)
<b>Structure of Parliament</b>	BICAM	UNICAM	BICAM	BICAM	BICAM	BICAMIN	UNI-CAM	UNI-CAM	BICAM	BICAM	BICAM	BICAM	BICAM	BICAM	UNICAM	UNI-CAM	BICAM
<b>% of women in lower/single house after latest national elections</b>	38% 2020	22% 1993	14% 2018	41% 2021	23% 2022	26% 2022	23% 2019	20% 2019	4.4% 2019	61% 2018	20% 2022	46% 2019	32% 2021	31% 2015	37% 2020	34% 2021	31% 2018
<b>Legislated Quotas for the single/lower house</b>	Yes 30% reserved seats 1 in 4 candidates must be a woman	Yes 30% reserved seats	Yes 30% reserved seats	No	Yes No more than 2/3 same sex 47 re-served seats	Yes 50/50 at PR level	No	No	No	Yes 30% reserved seats 24 re-served seats	Yes 30% re-served seats	No	Yes 25% reserved seats	Yes 40% Reserved seats	Yes 30% Reserved seats	Yes Re-served seats	Yes 60 reserved seats
<b>Legislated Quotas for the upper house</b>	Yes 30%	-	Yes	-	Yes	No	-	-	No	Yes 30%	No	No	No	No	Yes	Yes	Yes Candidate list quota (zipper list; list headed by a woman) Quotas in parliamentary committees
<b>Legislated Quotas for the subnational level</b>	Yes 30%	Yes	No	No	Yes	Yes 30%	No	Yes No more than 2/3 same sex	Yes	Yes 30%	No	Yes 50% Candidates must be women	Yes 25% reserved seats	No	Yes 1/3 of seats	Yes	Yes Candidate list quota (zipper list; list headed by a woman)
<b>Voluntary quotas by political parties</b>	No	No	No	No	Yes	No	Yes	Yes	Yes	No	Yes	No	No	No	Yes	Yes	Yes Quota not systematically applied
<b>Sanctions for non-compliance</b>	Yes Co-optation from lists in case of non-compliance (at all levels)	No	No	No	Yes No eligibility for public funding	No	No	No	No	No	No	No data available	No	No direct public funding of parties	No	No	No
<b>Zipper lists</b>	No	No	No	No	Yes Only for special interest lists	Yes	Yes At local level	Yes	Yes In party lists	No	No	No	No	No	No	No	Yes
<b>Other affirmative actions</b>	No	No	No	No	Yes Financial incentives	No	No	No	No	Yes Electoral special measures	No	Yes (local level) women and men must be evenly distributed throughout the list.	No	No	No	No	No

**Table 20:**  
Gender Audit of Electoral Commissions in 11 selected African countries (2019)

Country/EMB	Is gender mainstreamed in your EMB?	Gender Policy	Gender Focal Points	Legal Provisions for gender-balanced recruitment	No women commissioners/ total	% Women on ECB	Chair M/F
The Commission Electorale Nationale Indépendante CENI, <b>Burundi</b>	No	No	No	No	3/7	43%	M
National Elections Board of <b>Ethiopia</b> (NEBE)	Partially	Gender Strategy supported by UNDP	No	No	2/5	40%	F
Independent Electoral and Boundaries Commission of <b>Kenya</b> (IEBC)	No	No	No	No	3/8	38%	M
<b>Malawi</b> Electoral Commission (MEC)	Yes, but inadequately	Planned	No	No	5/7	71%	F
<b>Mozambique</b> Comissão Nacional de Eleições (CNE)	Partially	N/A	No	No	2/17	12%	M
National Electoral Commission of <b>Tanzania</b> (NEC)	Yes but inadequately	In progress	Yes	No	2/6	33%	M
<b>Tanzania/Zanzibar</b> Electoral Commission (ZEC)	Yes but inadequately	Yes	Yes	No	0/7	0%	M
National Independent Electoral Commission (NIEC) <b>Somalia</b>	Partially	Not yet	No	No	2/9	22%	F
Electoral Commission of <b>Uganda</b> (EC)	Yes but inadequately	No	No	Guidelines for inclusion of people with disability	3/7	43%	M
Electoral Commission of <b>Zambia</b> (ECZ)	Yes but inadequately	Yes	Yes	No	2/5	40%	M
<b>Zimbabwe</b> Electoral Commission (ZEC)		Yes	Yes	Yes (Article 17 of the Constitution)	3/8	38%	F
<b>Total</b>		5/11	4/11		28/86	32%	36%

Source: IDEA and Gender Links, Women's political participation: Africa Barometer 2021, International IDEA, Stockholm <https://www.idea.int/publications/catalogue/womens-political-participation-africa-barometer-2021>



## Protection and Empowerment of Vulnerable Groups

### CHAPTER HIGHLIGHTS

#### 1) LGBTIQ+

- The situation in the region remains challenging. So far, out of 23 countries, only eight have decriminalized same-sex sexual relations, only four have granted the possibility to change the gender identity marker on legal documents, only two have criminalized violence based on sexual orientation and only one has legalized same-sex marriage.
- Penalties for homosexuality vary from a few years to life imprisonment, and in Somalia and Uganda, the death penalty can apply to some cases.
- Lesbian women are likely to be targeted with violence and corrective rape.
- Supportive judicial outcomes, enforcing constitutional equality guarantees, and political statements are increasing in the region.

#### 2) HIV/AIDS

- Most countries in the region have adopted and improved legislation for protecting persons living with HIV/AIDS, integrating non-discrimination requirements besides prevention and treatment.
- Despite disproportionately affecting women and girls, gender mainstreaming of HIV/AIDS policies and laws is still limited, failing to capture intersecting forms of discrimination.

#### 3) DISABILITY

- All countries in the region have adopted legal protections for persons with disabilities.
- However, some laws are comprehensive, tackling access to rights and services and prohibiting discrimination. Others remain compartmentalized addressing, for instance, only physical access to infrastructures or inclusion in employment.
- In several countries, strategies and programmes remain under-resourced and under-budgeted, lacking necessary affirmative actions.
- Policies and laws are often gender-blind despite women and girls with disabilities suffering from intersecting discrimination and violence.
- Positively, women with disabilities are becoming more active in disability rights movements across the region.

#### 4) ALBINISM

- In Africa 1, over 2000 persons manifest the gene of albinism. Against this group, harmful myths and practices have taken place, leading to murders, violence, and discrimination, with women and children being the ones more affected.
- Awareness about the condition of albinism has increased in the region and political and traditional leaders have progressively denounced violence and discrimination against persons with albinism. In 2019, the African Union adopted a Plan of Action to End Attacks and Other Human Rights Violations Targeting Persons with Albinism in Africa.

Intersectionality, diversity, and inclusion are at the core of efforts towards equality. Inclusive policies shall be able to protect those facing intersecting forms of discrimination. Women and girls who are part of the LGBTQI+ community, women and girls with physical and/or mental disability, with HIV/AIDS, migrant, and refugee women and girls are among the persons suffering from and most at risk of violence, discrimination and marginalization in East and Southern Africa.

Strong societal patterns of hostility, intolerance and inequity result in very limited official reporting of human rights' violations. However, human rights activists and special interest organisations can record what they witness on the ground. Data provided by the U.S. Department of State – integrated and updated – offers a detailed regional picture of the availability of legal protection, as well as of reported cases of violence, discrimination and system-failing concerning persons who are part of the LGBTQI+ community or living with disability or HIV/AIDS ▼ *TABLE 27 in Appendix.*

### LGBTQI+

Regarding LGBTQI+, the situation remains quite challenging in the region. Out of the 54 African states, only 23 of them have legalized homosexuality. In most countries, same-sex sexual relations are punishable by imprisonment from a few years to a life sentence. It is punishable by death in **Mauritania**, **Nigeria** (in states where Sharia law is applied), **Somalia** (under the local interpretation of Sharia law), and since 2023 in **Uganda** (acts of aggravated homosexuality). In **Zanzibar**, which applies milder punishments for homosexuality than **Mainland/Tanzania**, lesbianism receives even lesser punishment. On the positive side, the US Department of State reports that these laws are hardly enforced.

Further examining progress regarding LGBTQI+ rights, in 2020, the Civilian-Led Transition Government in **Sudan** abolished corporal and capital punishment against homosexuals, although homosexuality is still outlawed.

Several countries, including **Angola**, **Botswana**, **Mozambique**, **Lesotho**, the **Republic of Seychelles** and

decriminalize homosexuality in the last decade; some also introduced legal provisions explicitly prohibiting discrimination based on sexual identity, sexual orientation and/or sexual expression; some others, such as **Angola** and **South Africa**, took LGBTQI+ protection a step forward and criminalized acts of violence against members of this community.

**Angola** is the latest African country to decriminalize same-sex sexual relationships after passing a new law that came into effect in February 2021. The new law overturned the prohibition of same-sex relationships dated back to when the country was a Portuguese colony. Moreover, the law states that discrimination based on sexual orientation can be punishable by imprisonment of up to two years.

In **Kenya**, although homosexuality is still outlawed, the new Children Act 2022 recognized, for the first time on the continent, intersex people as Kenya's third gender identifiable with an 'I' gender marker ▼ *COUNTRY FOCUS 9.* **South Africa** also made history in 2006, becoming the first – yet still only – African country to legalize same-sex marriage, reinforcing constitutional guarantees that protect against discrimination based on sexual orientation. Furthermore, in 2020, South Africa's President Cyril Ramaphosa passed the Civil Union Amendment Act, which prohibits marriage officers from refusing to conduct same-sex marriages.

While human rights and special interest activists play a crucial role, together with the international and regional communities, in lobbying for reforms, political will is often decisive. In the **Republic of Seychelles**, lawmakers voted to amend section 151 of the country's Penal Code Act that referred to sodomy as a felony just three months after a national address by the nation's President James Michel, conveyed that his government would introduce a bill to abolish Section 151. On the same lines, with a detrimental outcome, **Uganda's** President Museveni supported passing a 2023 Anti-Homosexuality Act, which violates multiple fundamental rights guaranteed under Uganda's constitution and breaks commitments made by the government as a signatory to several inter-

national human rights agreements. The Bill imposes a punishment of life imprisonment for same-sex sexual acts and up to 10 years behind bars for attempted same-sex sexual acts. It also imposed the death penalty for “aggravated homosexuality” and criminalized the “promotion” of homosexuality, a provision that encourages homophobia. The Act further restricts freedom of association and expression, elusively criminalizes the provision of support, whether in kind or financially, authorizes the court to mandate “rehabilitation” orders, and discriminates against people with disabilities, contrary to Uganda’s Constitution by making the offence of homosexuality aggravated if the “victim” has a disability, thereby denying persons with disabilities the capacity to consent to sex.

Court decisions can also play a powerful role in law reforms and cultural shifts. In **Namibia**, the Supreme Court ruled in favor of recognizing same-sex marriages from other countries. The litigation was brought by two binational couples whose foreign spouses were denied residency permits under the Immigration Control Act. In 2022, the country’s High Court could not grant immigration benefits under existing precedent but expressed concern that the couples’ rights had been violated and emphatically decried discrimination against same-sex couples. In 2023, the Supreme Court agreed that their rights had been violated, finding that the discriminatory provisions of the Immigration Control Act violated the constitutional guarantees of dignity and equality. Its decision adds to a growing body of jurisprudence in the region, recognizing the human rights of all persons regardless of sexual orientation or gender identity.

While legal and political messages have gradually increased in East and Southern Africa towards accepting and including persons from the LGBTQI+ community, discrimination often continues in the form of denied access to education, employment, housing, and health. Lesbians are reported to undergo double discrimination and violence as women and members of the LGBTQI+ community. For example, a 2018 University of Cape Town report in South Africa underscored violence and discrimination, particularly targeting lesbians and transgender

individuals. The report documented cases of “secondary victimization” of lesbians, including cases where police harassed, ridiculed, and assaulted victims of gender-based violence who reported abuse. LGBTQI+ individuals were particularly vulnerable to violent crime due to anti-LGBTQI+ attitudes within the community and among police. In **Uganda**, human rights activists reported that LGBTQI+ persons endured intense social pressure to change their sexual orientation. Lesbians and transgender women suffer gender-based violence and rape allegedly aimed at changing their sexuality. Moreover, some families had their LGBTQI+ children forced into arranged marriages in an attempt to change their sexual orientation.

### **People with disability**

Regarding disability rights, all countries in the region have adopted legislation to provide legal guarantees. However, the explicit prohibition of discrimination based on disability is not always spelled out in the law, and sometimes only physical disability is considered. Some laws are comprehensive, tackling access to rights and services and prohibiting discrimination. Others remain compartmentalized, addressing, for instance, only physical access to infrastructures or inclusion in employment, but do not cover other rights and needs. In several countries, strategies and programmes tackling disability remain under-resourced and under-budgeted.

Consequently, implementation is often limited and inefficient. In certain legislation, affirmative actions are insufficient or lacking. In education, for instance, it is not enough to mandate universal access; some children with disabilities require special services or schools. However, when the latter are available, they are not always subsidised by the government, thus hindering access due to financial constraints.

Disability increases women’s vulnerability to domestic violence and various forms of discrimination. In the domestic sphere, disability reinforces dependency on family members, thus making it harder for women and children to denounce abuse. Women with disability are reported to be more at risk of rape and sexual violence. They are

often prevented from accessing sexual and reproductive health information and services. Many endure coercive healthcare practices, including forced sterilization and abortion, as well as abusive treatment. Neglect is a widespread form of social marginalization associated with stigma towards disability. The lack of affirmative action in some countries makes it harder for women with disabilities to access their rights.

The historical absence of women in the disability rights movement may worsen the picture. In recent years though, women and girls with disabilities are creating organisations and raising their voices to highlight their solutions, lived experiences, and unique needs. In **Rwanda**, for example, the Rwandan Organisation of Women with Disabilities partnered with Haguruka, a national women's rights NGO working to end gender-based violence and providing services to survivors, such as legal assistance, psychosocial support, and referrals. Other groups, like the Hope Organisation of Women for Health Promotion and Development, have engaged in various advocacy activities to shift attitudes and stop discrimination against women and girls with disabilities.

The ability and commitment to mainstream gender and disability across laws and programmes are key. Disability legislation must address women's special needs across sectors and develop tailored affirmative actions. At the same time, disability shall be mainstreamed in overarching gender equality legislation. In **Uganda's** 2021 National Disability Policy, for example, women are included as a priority target group, acknowledging their pervasive challenges as the disadvantage of disability converges with gender-based discrimination and violence. Overall, though, an independent 2020 policy review across the African continent found that women with disabilities are invisible in two-thirds of GBV policies. The review considered 27 GBV policies.

Humanitarian crises can further increase the vulnerabilities of women with disabilities. **Somalia's** Inclusion of Persons with Disabilities and Disability Rights in Governance & Development Processes 2017-2019 Policy was drafted by the Ministry

of Women and Human Rights in consultation with Organisations of Persons with Disabilities and the Federal Government. While the 2017-2019 Policy included a special goal about women - creating a policy platform for women with disabilities - among the key result areas and milestones, this focus disappeared in the 2020-2023 Road Map. However, high violence and discrimination have been reported against women with disabilities. According to Amnesty International, domestic violence and forced marriages have been prevalent practices affecting persons with disabilities in Somalia. Women and girls with disabilities have been facing an increased risk of rape and other forms of gender-based violence, often with impunity, due to perceptions that their disabilities were a burden to the family or that such persons were of less value and could be abused.

### People with HIV/AIDS

The issue of mainstreaming gender and intersectionality is also important regarding protecting persons living with HIV/AIDS. Figures highlight that women are disproportionately affected by HIV/AIDS. Every week, around 4900 young women aged 15–24 years became infected with HIV globally in 2021. Around 4000 of these infections occurred in Sub-Saharan Africa. In the same sub-region, six in seven new HIV infections among adolescents aged 15–19 years are among girls. Girls and young women aged 15–24 years are three times more likely to live with HIV than young men of the same age. In Sub-Saharan Africa, women and girls accounted for 63 per cent of all new HIV infections in 2021. Furthermore, 92 per cent of all pregnant women living with HIV and 90 per cent of the world's children living with HIV live in this sub-region.

In 2021, the Southern African Development Community (SADC) developed Gender Mainstreaming Guidelines for HIV and AIDS, Tuberculosis and Malaria. Moreover, UN Women and UNAIDS have been working together to support countries in capturing – and legislating for the protection of – the junction between gender and HIV/AIDS vulnerabilities. In **Nigeria**, for instance, UN Women and UNAIDS produced a set of



Guidelines and a Training Manual for mainstreaming gender in the national HIV/AIDS Response. In **Tanzania**, they supported the HIV/AIDS Commission in conducting a gender assessment of the national response to inform future actions.

Most countries in the region have adopted and improved legislation for the protection of persons living with HIV/AIDS, broadly integrating actions for inclusion and non-discrimination, besides HIV/AIDS prevention and treatment. However, several countries, including **Lesotho, Eritrea, Ethiopia, South Sudan** and **Sudan**, did not codify the prohibition of discrimination based on HIV/AIDS conditions. **South Sudan**, however, developed an interesting Social and Behavioural Strategy for HIV and AIDS Prevention, Care and Treatment, 2018–2020, supported by IOM and UNDP. The Strategy includes reducing HIV-related stigma, denial and discrimination (at individual, interpersonal, community and institutional levels). It also includes, among its primary target groups, women in reproductive age, youth, female sex workers, and men having sex with men. The strategy further specifies that men having sex with men exist in South Sudan as a population whose sexual orientation is not legally and socio-culturally recognized or acknowledged. Yet the group is one of the beneficiaries of the strategy with actions such as the creation of networks for condom supply and the establishment of linkages to capacity building and economic empowerment programmes. A behavioral approach is also adopted in **Zambia** to remove legal and policy barriers for young key populations living with/at risk of contracting HIV/AIDS, shedding light on intersectional issues between gender identity, gender orientation and age.

### People with albinism

Finally, it is necessary to mention discrimination and violence against persons with albinism. In Africa, approximately one out of every eight persons carries the gene, and 1 out of every 2,000 people manifests it. People with albinism are consistently rejected by their communities and excluded from society. They are denied education and essential sensitization about their condition,

including how to prevent skin cancer and excess sunlight. The average person with albinism in East Africa dies by age 30 from skin cancer. Even where disability legislation exists, a lack of awareness about albinism renders these guarantees ineffective or meaningless. In many countries, for instance, people with albinism are not considered persons with disabilities and do not receive the protections available to others with disabilities.

Harmful myths have taken root in many African countries. The myths position albinism as a supernatural phenomenon, a form of evil, a curse or punishment imposed by higher beings. Others view people with albinism as having mystical powers or as lucky or non-human. In **Burundi**, people with albinism are viewed as monsters and ghosts.

These myths give room to harmful practices from which women and children suffer disproportionately.

Women experience the highest rates of witchcraft accusations, and accusations against children are rising. As a result, they are more frequently attacked, abandoned, or banished. Additionally, women and girls with albinism are more often subject to ritual rape based on erroneous beliefs that sexual intercourse with a person with albinism brings luck and cures diseases, including HIV. In addition to the trauma of sexual violence, victims of ritual rape can also experience unwanted pregnancy, infection, and disease.

The Special Rapporteur on Violence against Women has identified harmful practices related to accusations of witchcraft and ritual attacks (HPAWR) as violence against women.

Persons with albinism are often kidnapped, mutilated, and killed as people believe their body parts are needed in witchcraft rituals. Incidents are reported in several countries in the region, including **Malawi, Kenya, Burundi, Mozambique, South Africa** and **Tanzania**. But, while the situation has improved in countries like **Tanzania**, - once the epicenter of violence, but now without any murder for four years - the crisis has exploded in Malawi. Positively, a unified reaction from religious, traditional, civil society, and political

leaders, including the president, denounced the attacks. Furthermore, traditional gender roles (e.g., fetching wood and water for women) and social isolation increase the risk of women and girls with albinism suffering from physical and sexual violence in their communities. Women who give birth to children with albinism are also at risk of violence. The ostracism and segregation of mothers of children with albinism increases the vulnerability of both mother and child to attacks.

To respond to these grave human rights violations, an increasing number of countries are taking steps toward acknowledging and protecting the condition of albinism. In **Kenya** human rights groups successfully lobbied to

include a question on albinism in the 2019 national census, the first time that persons with albinism were counted. In **Rwanda**, laws explicitly protecting persons with disabilities apply also to persons with albinism. In 2019, the Executive Council of the **African Union** went further. It adopted the Regional Action Plan as a continent-wide policy known as the Plan of Action to End Attacks and Other Human Rights Violations Targeting Persons with Albinism in Africa (2021-2031), together with its Implementation Matrix. The new Plan of Action is incorporated into the larger disability architecture of the African Union, thereby giving further legitimacy to the need to implement its measures.



## COUNTRY FOCUS 9 – KENYA

### New legislation protects intersex people's rights.

Intersex people are now recognized as Kenya's third gender with an 'I' gender marker in response to the Children Act 2022.

The law defines an intersex child as “a child with a congenital condition in which the biological sex characteristics cannot be exclusively categorized in the common binary of female or male due to inherent and mixed anatomical, hormonal, gonadal or chromosomal patterns which could be apparent before, at birth, in childhood, puberty or adulthood.”

The new law requires intersex children to be treated with dignity and have equal access to basic services like medical treatment, education, and social protection services as special needs. It also requires the accommodation of intersex children in child protection centers and other facilities.

Courts are required to consider the needs of intersex children who are on trial — including the calling of an expert witness — before they issue any ruling. The law further stipulates that anyone can be a foster parent without restrictions on gender, age, or marital status.

The law protects intersex children from so-called sex normalization surgeries, and such procedures will only be done with a doctor's recommendation. Those who violate the law will face at least three years in jail and a fine of at least \$5,000.

Sources: U.S. Department of State, 2022 Country Reports on Human Rights Practices <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/>; Washington Blade, America's LGBTQ News Source <https://www.washingtonblade.com/2022/08/08/landmark-intersex-rights-law-takes-effect-in-kenya/>

# CHAPTER 2:

## TOWARDS REDUCED BARRIERS TO TANGIBLE OUTCOMES



### A Snapshot of Women in Politics

#### Trends and figures

- Since 2000, **women's political representation has increased** globally and in Africa. Temporary special measures such as quotas have promoted women's representation across the region. In African countries with **quotas** of any kind, women's representation in parliaments is 10 percent higher than in those with no quotas.
- **Southern Africa** is the sub-region with the highest share of women in its single/lower houses (32 per cent), followed closely by East Africa (31 per cent). Country-wise, **Rwanda** marks the highest representation of women in its single/lower house (61 per cent) globally, mirrored by 62 per cent at the local level. In **Angola, Uganda, Tanzania** and **Burundi**, women's representation in their single/lower house is above the 30 per cent threshold.
- **Parliaments with a larger proportion of women tend to promote more inclusive legislation** addressing women's needs and promoting gender equality. This produces a virtuous circle, as women leaders provide role models for girls and young women.
- **Progress in increasing women's representation in Africa's parliaments has stalled since 2015** due to numerous factors, including discriminatory social institutions.
- In **Southern Africa**, women have the highest level of **representation in election management bodies** at 41 per cent, followed by East Africa (35 per cent)
- In 2018, women held 29 per cent of positions in **local government in sub-Saharan Africa**.
- In Africa, **women's underrepresentation is most acute in executive and ministerial positions**. Only 7 per cent of those who serve in executive positions – president, vice president, and prime minister – are women.
- **Perceptions about women's lack of ability and entitlement to lead is the main barrier to political participation**. In Africa, 28 per cent of the population believes that men are better political leaders and should be elected more than women. There is a correlation between negative attitudes towards women's political representation and women's representation in single/lower houses of parliament.
- Furthermore, **gender-based violence in the political sphere** is an unrelenting practice that undermines women's full public and political engagement. Political violence and the fear of such acts intimidate women and girls from pursuing leadership and political roles. In **Kenya, Uganda, and Zimbabwe**, more than 70 per cent of women fear becoming victims of political intimidation or violence. Moreover, survey data from the Zimbabwe Electoral Commission reveal that young people and women were most affected by political violence.
- There are multiple examples of **legislation** that prohibits political violence in the East and Southern African regions. However, they mostly **fail to capture and address the gender dimensions of this violence**. In **Zimbabwe**, the 2018 Electoral Act assigns political parties the responsibility to take measures against politically motivated violence and creates specialized figures inside the police to investigate incidents.

## Trends and figures

- ➔ **Gender-based political violence takes place not only in person but increasingly online.** With the same aim as offline attacks, online violence includes trolling, sexualized and gendered insults and threats, and disinformation, which can include the spread of false or inaccurate information and inappropriate images of women political leaders and public figures. For example, in **Zimbabwe**, a study found that from 2013 to 2018, 60 per cent of violent discourse and related content in the online political space was directed at women. Furthermore, in **Uganda**, high-level women political figures were more likely to be targets of online harassment than their male counterparts. Indeed, 18 per cent of these women experienced online sexual violence compared to 8 per cent of men. The same study showed that such treatment made these women less active on social media platforms.
- ➔ **Other barriers to women's political participation in East and Southern Africa** include financial constraints, limited authority to influence family spending, challenging access to credit, the disproportional share of unpaid care and domestic work with limited alternatives in terms of child care and limited family support, early marriage and childbirth which often halt girls' educational and personal development paths, also preventing them from acquiring important life and leadership skills, limited opportunities for mentorship and support, women's organisations, as well as women in politics groups, do not always have enough agency.
- ➔ In Africa, women hold diverse, **informal leadership roles**; meetings and discussions about politics with family and friends may serve as an imperfect proxy. In all five African sub-regions, a higher share of men than women reported attending a community meeting, with the gender gap ranging from five percentage points in Southern Africa to 15 percentage points in West Africa. A greater share of women than men reported never discussing political matters with family or friends.
- ➔ Across the region, both women and men engage in political participation through voting. On average, 66 per cent of African women and 70 per cent of African men reported voting in their countries' most recent national elections. At the sub-regional level, **East Africa has the highest proportion of women who report voting** in the most recent national election (70 per cent).



### The Women's Situation Room model to combat political violence

Since the advent of multi-party politics in 1991, violence has blemished Kenyan elections. In the 2007 post-election period, violence was the most severe ever experienced by the country. Over 1,500 people died from violence, and another 600,000 were forced to flee. A Commission of Inquiry into Post-Election Violence was set up by the government to investigate the causes of violence and the conduct of security agencies, in addition to being tasked to develop recommendations to prevent further violence. Activists had the chance to propose new initiatives during the run-up to the March 2013 elections. The Women's Situation Room (WSR) was selected thanks to its effectiveness in preventing and minimizing electoral violence in other African countries.

The WSR process – a peace-building initiative developed in collaboration with UN Women and UNDP – was first used during the 2011 elections in Liberia and then successfully replicated in Kenya, Senegal and Sierra Leone. The WSR structure comprises a Secretariat, election observers, a call centre, a team of eminent women leaders, and a pool of experts.

Operating from its premises in Nairobi, the Secretariat organized the day-to-day WSR activities and rolled out strategies to tackle violence incidents during and after the 2013 Kenyan elections. The Secretariat recruited and trained 500 women and youths as special election observers in areas that were identified as potential hotspots for violence. Using a toll-free, well-publicized telephone number, the election observers reported to the Women's Situation Room all incidents of violence or threats to peace across the country.

Inside the Women's Situation Room was a team of Kenyan leaders and eminent persons from other African countries. In another room, telephone operators actively responded to election observers' calls from across the country. The operators recorded the time of the call and its nature and then passed on the information to technical experts in law, media and political science. The three technical experts then verified and analyzed the information before passing it on to a team of Kenyan women leaders who were influential among local politicians. Only one man in the team, a prominent media owner in Kenya, helped mobilize media support. Additionally, there were high-profile representatives from the Kenya Police Service and the Independent Electoral and Boundaries Commission.

After receiving situation reports of real or potential incidents on the ground, the eminent persons used their status and influence with police authorities, the electoral body, or political leaders to reduce brewing tensions and prevent acts of violence from getting out of control. They also conducted behind-the-scenes diplomacy, arbitrated, and mediated between rival groups and political parties.

At the end of the observation process, the WSR in the 2013 Kenyan elections recorded more than 1,200 reports that were received and resolved in real time. The incidence categories included voting complaints, gender-based violence, electoral offences and obstruction of observers. There were also cases of spontaneous violence following the announcement of results. The team also prevailed upon the two leading presidential contenders to appeal to their supporters to avoid violence. In the end, the importance of the WSR's work was acknowledged by various stakeholders in the Kenyan election.

Sources: Africa Renewal, *Women's Situation Room: Africa's unique approach to reducing electoral violence*, 2015 <https://www.un.org/africarenewal/magazine/april-2015/women%E2%80%99s-situation-room-africa%E2%80%99s-unique-approach-reducing-electoral-violence>



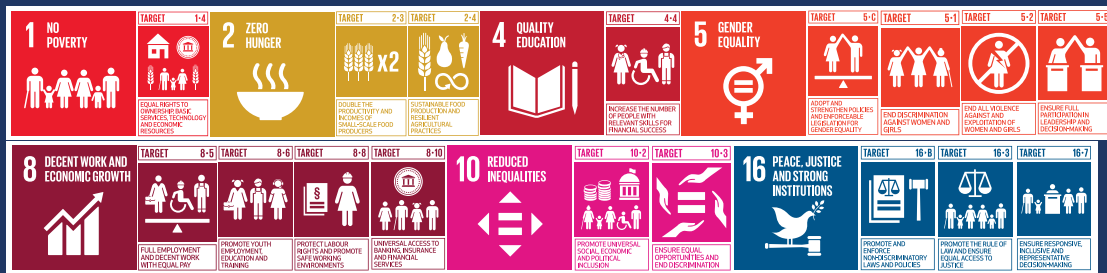
## COUNTRY FOCUS 11 – ZIMBABWE

### Gender quotas in parliamentary committees

Highly masculinized conceptions of leadership constitute a main barrier to women's access to political decision-making and contribute to policy polarization and policymakers' segregation based on gender. The -called "soft portfolios" such as education, social affairs, and culture – often underfunded – are those where women politicians are expected to contribute. Other policy areas, such as finance, employment, defence, and infrastructures, are seen as "masculine," and thus, women are often excluded from their leadership and meaningful contribution.

To facilitate the representation of women across all parliamentary committees and policy sectors, the Parliament of Zimbabwe, in its body of standing rules and orders, has introduced a quota system addressing the composition of parliamentary committees. As a result, one-third of the committee chairpersons are occupied by women. This expands the influence of the women in Parliament and provides women with increased opportunities to lead and participate in parliamentary processes, thereby strengthening their influence in the legislative agenda of Parliament. The role of a committee chairperson is significant and trend analysis demonstrates the increased potential of former Chairpersons being considered for election to the Executive.

*Source: UN Women, Country Gender Equality Profile, Zimbabwe, 2020.*



## A Snapshot of Women in the Labor Force

### Trends and figures

- As elsewhere in the world, **women's labour force participation in Africa is lower than that of men**. In 2020, the labour force participation gap stood at nearly 20 percent, with 54 per cent of African women contributing to the labour force compared to 73 per cent of men.
- **In East Africa**, women's labour force participation rate is 73 per cent – the highest on the continent – and the gender gap is lower at 9 percentage points; in **Southern Africa**, women's labour force participation is 51 per cent, and the gender gap is slightly above 12 percent.
- At the country level, in **Burundi, Madagascar, Rwanda** and **Tanzania**, women's labour force participation rate is greater than 80 per cent. Moreover, in some countries, women have more labour force participation than men, as observed in Guinea and **Rwanda**.
- **High rates of informality characterize women's employment in Africa**. The proportion of employed women working in the informal sector is slightly higher than for men (90 per cent and 83 per cent, respectively). Such informal employment status excludes them from social protection benefits and makes them extremely vulnerable to shocks, such as the COVID-19 pandemic. However, some countries introduced initiatives offering protections to informal workers. For instance, a collaboration between the central government, local authorities, law enforcement, civil societies, development partners, and state-owned enterprises in Namibia produced a Code of Conduct for the Namibian Informal Economy (2021) integrated by Operational Guidelines (2022).
- **Women's employment is also characterized by lower job status compared to men**. At the continental level, 23 per cent of employed women work as paid employees or employers, compared to 40 per cent of men. Conversely, 25 per cent of working women are contributing family workers compared to only 9 per cent of working men. This distribution of men and women across the different forms of employment is found in all African sub-regions and countries; women are systematically underrepresented as employees and employers and overrepresented as contributing family workers. While **East Africa** is the region with the lowest percentage of women's representation in the category of employee or employer, **Southern Africa** is the region with the highest percentage – above 80 per cent – similar to men ▼ **TABLE 23**.
- Data collected by ILO in a 2019 analysis of the gender wage gap in Africa - conducted in over ten African countries, including **Ethiopia, Madagascar, Malawi, Namibia, South Africa** and **Tanzania** –, suggests that the **gender pay gap** is particularly large at the bottom of the wage distribution.
- **Horizontal segregation is high across all economic sectors**. Women tend to be over-represented in certain sectors while almost completely absent from others. For instance, in sectors such as construction, mining and quarrying, or transport, storage and communication, men systematically and consistently account for more than 80 per cent of the workers. Conversely, women dominate accommodation, wholesale and retail trade, or household services. In **East Africa**, women account for more than 70 per cent of the workers in the accommodation sector.
- The **agricultural sector continues to function as the main source of employment**, particularly for women. At the continental level, 49 per cent of the labour force and 51 per cent of working women are employed in agriculture. In East Africa, more than 60 per cent of women are employed in the agricultural sector. Even in **East** and **Southern Africa**, where the share of women among agricultural landowners is highest, the proportion only reaches 18 per cent and 25 per cent, respectively.
- **Women are prevalently involved in agricultural production** and less in agro-processing, marketing, sales and export. Consequently, **men remain in control of the income from agricultural products' sales**. To tackle this issue, **Rwanda's** Agriculture Gender Strategy 2023, for example, comprises provisions promoting a household-based approach, thus facilitating equitable decision-making regarding access to the market and control over household resources, including agricultural products.

## Trends and figures

- **Fewer women take advantage of agricultural inputs and technologies and are members of agricultural cooperatives.** Several African countries, such as Tanzania, Malawi, and Uganda, have put in place efforts to narrow the gender gap - including in ICT - in their agricultural productivity. Such efforts have improved these countries' Gross Domestic Product (GDP) by approximately US\$105 million, US\$100 million, and US\$65 million, respectively. On the leadership level, **Rwanda legislated a 30 per cent gender quota in all governance structures of agricultural programs, projects and farmer organisations.**
- **Women in Africa are more likely to be entrepreneurs than men, but their businesses face more challenges than men.** At the continental level, 55 per cent of women work as employers or own-account workers. Women-led businesses face specific constraints that limit their profitability, scalability and growth. They are generally smaller, less -intensive, and more likely to operate in the informal sector than men-owned businesses. Self-employed workers are also less likely to use digital resources.
- **Access to financial services, and more precisely to bank accounts and formal credit, remains limited for both men and women.** Mobile banking has positively contributed to reducing the financial access gap. The **share of women with a mobile bank account increased significantly across the continent.** Some countries like **Kenya** supported the shift, introducing enabling regulatory pathways.
- **Women face higher constraints than men in obtaining loans** (e.g., lack of potential collateral), which results in less favourable financial terms – higher interest rates, shorter maturity, etc. – and smaller loans. These differences in loan characteristics contribute significantly to the capital investment gap between women-owned and men-owned businesses.
- In Africa, traditional gender roles influence the **belief that women and men do not have equal rights to engage in paid jobs** (and gain the consequent empowerment and freedoms). 18 per cent of the population disagrees with the statement: “It is perfectly acceptable for any woman in your family to have a paid job outside the home if she wants to.” Rates range from 4 per cent in Mauritius to 38 per cent in Algeria.
- **Women’s disproportionate burden of unpaid care and domestic work** reinforces their low participation in the labour market and limits their economic empowerment. In Sub-Saharan Africa, women do 2.6 times men’s unpaid care and domestic work. In **Ethiopia, Mali, and Mauritius**, women spend 22 per cent, 20 per cent and 19 per cent of their day on unpaid domestic and care work, respectively; men spend 8.7 per cent, 2.5 per cent, and 4.8 per cent of their day, respectively, on this work.
- Evidence across different countries, including **Mauritius, Rwanda** and **Zambia**, has shown how **marriage**, and thus a significant increase in women’s domestic responsibilities, **strongly negatively affects women’s labour force participation.** In these countries, data suggest that many married women face additional unpaid care and domestic work and, as a result, drop out of formal waged employment, transferring either to household enterprises as informal employees or into agriculture to work on the family’s plot. In **Mauritius**, the share of single women who participated in the labour force was about as high as that of men, estimated at 78.3 per cent in 2018. By contrast, the average participation rate among married women was 52.6 per cent.
- **Legal frameworks governing workplace rights in the region feature the highest levels of gender discrimination.** Legal discrimination takes the form of explicit legal barriers or the absence of laws guaranteeing equality. 28 African countries – including **Angola, Burundi, Djibouti, Ethiopia, Lesotho, Madagascar, Somalia** and **Sudan** – have laws that prohibit women from entering certain professions. Customary and religious laws often challenge formal equality provisions in statutory law – like in the case of women given the legal status of minors or prevented from becoming head of household. **Limited availability of gender-sensitive protection and enabling policies at work** – such as anti-harassment policies, health at work policies, and family-friendly employment policies – also play a major role as deterrents to women’s labour force participation.
- Out of 24 countries in East and Southern Africa, 19 have adopted **legislation against sexual harassment in employment.** **Botswana, Eswatini, Seychelles, Somalia** and **Sudan** do not yet have legislation.
- **Lack of gender-sensitive employment systems contribute to women leaving or staying away from formal employment.** In **Lesotho**, for instance, legally mandated paid maternity is less than 14 weeks; mothers are not guaranteed an equivalent position after taking maternity leave; there is no legally mandated paternity leave or parental leave; the government does not provide child care services; payments for child care are not tax-deductible; employers are not obliged to provide leave to care for sick relatives. Even in countries where supportive policies exist, their enforcement is often limited.

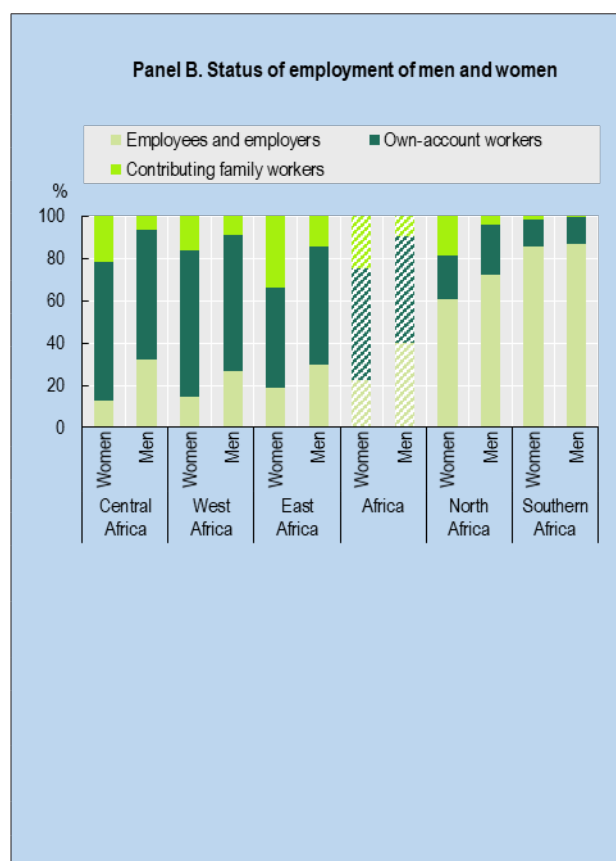


## Trends and figures

- ➔ Evidence from **Uganda** and **Ethiopia** shows that girls drop out of school – mostly at the secondary level – due to early marriage or pregnancy. In many instances, women who did not benefit from education have no choice but to take on low-status jobs, often in the informal sector, or remain employed within the household, either on the family plot or in the household business.
- ➔ **Biases related to boys' and girls' abilities shape educational choices** when accessing secondary and tertiary education, particularly regarding science, technology, engineering and mathematics (STEM) fields, **accentuating gender-based segregation in the labour force** and pushing women towards less profitable jobs and businesses.
- ➔ **Opportunities for developing management and entrepreneurial skills, both formally and informally, are greater for men than for women**, underscoring a gender divide in access to networks and mentorship. In Africa, men-owned firms are more likely to offer training programmes than women's.

Table 17:

Share of men and women by status of employment and by region



Source: OECD SIGI 2021 Regional Report for Africa, Legal Frameworks in the African Region, Women's economic empowerment <https://www.oecd-ilibrary.org/>

Table 18:

Implementation of Time Use Surveys

COUNTRY	IMPLEMENTATION OF TIME-USE SURVEYS / MODULES	YEAR		
		1st	2nd	3rd
ANGOLA	No			
BURUNDI	No			
DJIBOUTI	No			
ERITREA	No			
ETHIOPIA	Yes	2013		
KENYA	Yes	2021		
LESOTHO	No			
MADAGASCAR	Yes	2001		
MAURITIUS	Yes	2003		
MALAWI	No			
NAMIBIA	No			
RWANDA	Yes	2006		
SOMALIA	No			
SOUTH AFRICA	Yes	2000	2010	
SOUTH SUDAN	No			
SUDAN	No			
TANZANIA	Yes	2006	2014	2017-2018
UGANDA	Yes	2017-2018		
ZAMBIA	No			
ZIMBABWE	Yes	2019		

Source: UN Women & Global Centre of Excellence on Gender Statistics - Measuring Time Use: An assessment of issues and challenges in conducting Time Use Surveys with special emphasis on developing countries, methodological inconsistencies, harmonization strategies, and revised designs, 2021 <https://data.unwomen.org/publications/measuring-time-use-assessment-issues-and-challenges-conducting-time-use-surveys>



## COUNTRY FOCUS 12 – KENYA

### Promoting Decent Work, advancing multiple SDGs

**To give effect to the provision of Article 43(1)a of the Kenyan Constitution ensuring that every Kenyan has the right to the “highest attainable standard of health, which includes the right to health care services, including reproductive health care,” Nairobi City County enacted the 2021 Community Health Service Act which recognizes Community Health Volunteers (CHV) as a critical part of the health force and entitles them to a monthly stipend of KES. 3,000. The initiative is an opportune moment to work simultaneously towards advancing SDG 8 on Decent Work and Economic Growth, SDG 5 on Gender Equality and the Empowerment of Women and Girls, given that the majority of the CHV are women, and SDG 3 on Good Health and Well-being.**

Source: UN Women, Kenya Country Gender Equality Profile, 2023



## COUNTRY FOCUS 13 – SOUTH AFRICA

### Social protection benefits for domestic workers

In 2003, South Africa's domestic workers were legally granted certain social protection benefits for the first time. The Unemployment Insurance Amendment Act includes domestic workers in the Unemployment Insurance Fund, which provides (a) relief in the event of partial or full unemployment owing to dismissal, retrenchment, illness, or death of the employer and (b) maternity benefits for pregnant domestic workers before or after their children are born, depending on their contributions. Recognizing the specific situation of domestic workers, the Act establishes the right to unemployment benefits even for workers who are still partially employed, for example, those who have lost their jobs with one employer but still work for another. It also entitles workers to unemployment benefits in the event of the death of an employer. Employers and domestic workers each contribute 1 per cent of their monthly wages to the Fund. The provision of financial and human resources for the training and employment of additional labour inspectors to strengthen control mechanisms accompanied the implementation of the Act. By 2008, 324,000 of the country's 633,000 registered domestic workers, employed by 556,000 employers, had received benefits, and by April 2009, an additional 23,000 employers (for a total of 579,000) had registered their workers. The Act effectively contributed to shifting domestic work from the informal to the formal labor market, thus reducing the risks and vulnerabilities many women in this sector face.

Source: UN Women, South Africa Country Gender Equality Profile, 2022



## COUNTRY FOCUS 14 – MAURITIUS

### Legislation supporting work-life balance and offering gender-responsive protections at work

**WORKING FROM HOME** - The 2019 Employment Rights (Working from Home) Regulations empower workers to request from **their employers the right to work from home full-time or with a mix of work split between home, office, or client's place of business.**

**EQUAL PAY, PROHIBITION OF DISCRIMINATION BASED ON SEXUAL ORIENTATION, FLEXI-TIME, AND WORKING FROM HOME** - The coming into force of the 2019 Workers' Rights Act (WRA) repealed the Employment Rights Act 2008 while maintaining all the existing provisions which ensure that women are not discriminated against at work, such as equal remuneration for work of equal value under Section 26 of WRA 2019. Section 5 of WRA 2019 further enhances the legal provision against gender discrimination, more so as it prohibits discrimination based on sexual orientation, as does the Equal Opportunities Act 2008. The other provisions of the WRA 2019, such as flexi-time and work-from-home, facilitate couples and single parents to combine their family and domestic duties with their careers.

**IMPROVED MATERNITY LEAVE** - While extending the existing rights for women, such as maternity pay from 12 weeks to 14 weeks, the WRA 2019 has also removed the need to be in employment with the same employer for 12 months to benefit from paid maternity leave.

**PROHIBITION AND PROTECTION FROM VIOLENCE AT WORK, INCLUDING SEXUAL HARASSMENT AND GBV** - Section 114 of the WRA 2019 protects against workplace violence, covering harassment and sexual harassment at work. Protection of the health of pregnant women at work. Protection against termination for breastfeeding mothers.

**PARENTAL LEAVE PROSPECT** – In its Programme 2020-2024, the government proposed introducing the notion of parental leave in the labour legislation during its present mandate. The 30 days of parental leave will allow both spouses to share the responsibilities of looking and caring for their newborn child.

**OCCUPATIONAL HEALTH AND SAFETY** - The 2005 Occupational Safety and Health covers all legal and administrative workplace health and safety provisions. It contains provisions for the protection of pregnant and lactating women at work.

**MINIMUM WAGE** – The 2017 Minimum Wage Regulations and 2016 National Wage Consultative Council Act introduce minimum wages and regulate work practices in formal and informal sectors. The minimum wage was updated and increased with effect on 1 January 2023.

**BACK TO WORK PROGRAMME** – In 2015, the Ministry of Labour, Human Resource Development and Training introduced the Back to Work Programme for women above 30 years old who wish to join and/or return to the labour force. The program has multiple benefits, firstly, for the individual women who acquire new soft and business skills and a facilitated entry point in the labour market, secondly on the employers who receive subsidies and facilitation to hire and train women; and thirdly, for the labour market itself, reducing unemployment and informality, while increasing the number of registered employers. Between 2015 and 2021, of the total number of women who registered for the programme and attended the training, 25 per cent was matched with a job opportunity, and of those employed, 50 per cent got a permanent job.

Source: UN Women, Mauritius Country Gender Equality Profile, 2022



## COUNTRY FOCUS 15 – SOUTH AFRICA, NAMIBIA, BOTSWANA

### Partnership with the private sector to accelerate women's business development

UN Women and De Beers Group – a UN Women HeForShe Thematic Champion – joined forces between 2017 and 2020 to implement an innovative project to support the growth of women-owned micro-enterprises in South Africa, Namibia and Botswana: AWOME (Accelerating Women-Owned Micro-Enterprises) programme. The three-year partnership focused on providing women-owned micro-enterprises with knowledge and skills in marketing, business planning, record keeping, stock management, costing, generating income, creating jobs, effective decision making, communication and negotiation skills. Training manuals were developed in collaboration with ILO.

Part of AWOME's success is due to its contextualization of each of the targeted regions. Individuals native to the areas are trained to teach business acumen to women micro-entrepreneurs through workshops, courses, and ongoing mentorship. It's an incredibly beneficial approach because the trainers often grew up in or around the communities they support. Thus, they understand and navigate the context well and forge strong relationships with entrepreneurs. This approach also increases sustainability and functions as an impact multiplier.

AWOME is being implemented in Namibia (Khomas and Erongo regions) in partnership with the Ministry of Gender Equality and Child Welfare; in South Africa (Limpopo province) in partnership with the Blouberg and Musina Local Municipalities; and in Botswana (Okavango Delta, Kweneng and Southern regions) in partnership with the Ministry of Gender Affairs.

Source: UN Women, *Women micro-entrepreneurs training programme launches in Botswana, Namibia, and South Africa*, 2018 <https://africa.unwomen.org/en/news-and-events/stories/2018/12/awome-in-samco>



## A Snapshot of Women in Education

### Trends and figures

- In Sub-Saharan Africa, **while the gender divide** in primary school enrollment became minimal, it progressively expands in secondary and tertiary education. Ninety-eight million children in school age are estimated to be **out of school**.
- **From 1975 to 2009, girls' primary school enrollment rates drastically increased in Sub-Saharan Africa**, passing from 37 per cent to 74 per cent. Most of the countries with over 90 per cent enrollment rate belong to the East and Southern African region, including Tanzania (99 per cent), Mauritius and Malawi (97 per cent), Uganda (95 per cent), Seychelles (93 per cent), Namibia (92 per cent), and Burundi (91 per cent). It is evident that **legislative reforms mandating free and mandatory primary education** strongly impacted the increase in female enrollment rates in most countries in the region.
- **Girls' enrollment rates in secondary school also increased, yet with moderate improvement:** 18 per cent to 34 per cent in Sub-Saharan Africa between 1998 and 2018. Some countries in **East and Southern Africa** mark a more significant increase, such as Mauritius (87 per cent), South Africa (79 per cent), Botswana (64 per cent), Namibia (58 per cent), Lesotho (50 per cent), Zimbabwe (49 per cent), and Kenya (46 per cent).
- **Girls' enrollment in tertiary education remains low**, passing from 1 per cent to 9 per cent average in Sub-Saharan Africa from 1970 to 2020, with more significant figures in Mauritius (53 per cent), Namibia (36 per cent), Botswana (32 per cent), and Seychelles (21 per cent).
- **Free secondary education in Africa is on the rise.** **South Sudan's** President Salva Kiir announced the abolition of secondary school fees in February 2023. **Ghana, Madagascar, Malawi, Sierra Leone, Togo, and Zambia have announced free secondary education policies in the last five years.** **Rwanda, Kenya, and South Africa** were early trendsetters in this regard. However, **sustainability challenges need to be resolved by governments.** In 2022, **Zimbabwe** announced the intention to progressively transition to a full State-funded education system, as mandated by the Constitution. The government is working on a funding strategy including direct budgetary allocations, resources from the devolution fund, and the constituency development fund.
- **Schools free of charge are critical for girls.** The burden of school costs increases the probability of gender stereotypes and traditional roles influencing families' preference to keep boys rather than girls at school. Numerous studies have shown that the longer a girl stays at school, the less likely she is to be married as a child or become pregnant during her teenage years. Pregnancy is both a consequence of dropping out of school and a barrier for girls to continue their education.
- **Increased accessibility – both financially and infrastructure-wise – greatly increases safety at school and reduces the risk of adolescent pregnancy.** A 2019 study reveals that journeys to school and girls' presence in school facilities can be dangerous. In addition to sexual abuse by teachers, children reported cases of rape along journeys to school. Girls were often forced into transactional relationships with older men to afford costs such as school transport, textbooks, or to pay for lunch. Another study on children's perspectives on adolescent pregnancy conducted in seven Sub-Saharan countries, including **Uganda** and **Ethiopia**, revealed that when girls become pregnant, it is overwhelmingly due to sexual abuse by an adult, including school teachers, and poverty is a main vulnerability factor.
- **Teen marriage, pregnancy, and parenting remain major reasons for girls' phasing out of school after the primary cycle.** The African region continues to have the highest rate of births among adolescents, with approximately 120 births per 1000 adolescent women. In **Southern Africa**, 65 per cent of pregnancies between 2015 and 2019 were unintended.

## Trends and figures

- ➔ **Throughout the COVID-19 pandemic, adolescent pregnancies have surged**, linked to school closures, lack of protective spaces for girls, exacerbating poverty and consequent engagement in transactional sex, and an overall increase in gender-based violence, including early and forced marriage. A study by the Southern African Development Community (SADC) shows that between October 2020 and February 2021, six countries in Southern Africa – **Lesotho, Madagascar, Malawi, Namibia, Zambia, and Zimbabwe** – have all recorded high rates of child early and forced marriages, early pregnancies, and school dropouts.
- ➔ **All 55 member states of the African Union have adopted obligations to ensure inclusive and quality education for every student** by adopting the African Union Agenda 2063 and the United Nations Sustainable Development Goals. African governments have also committed **to end child marriage, promote sexual and reproductive rights, and tackle teenage pregnancy.**
- ➔ **Most African countries engaged in legal reforms and/or passed new legal frameworks that explicitly guarantee adolescent girls' right to stay in school during pregnancy and motherhood.** At least 38 African countries have adopted laws, policies, or measures that ensure pregnant girls can resume their education after giving birth. However, many countries still lack adequate policies. Five countries in East Africa – **Djibouti, Eritrea, Ethiopia, Sudan and Somalia** – and one in Southern Africa – **Angola** – still lack legislative frameworks to protect pregnant and parenting girls' right to education.
- ➔ **Indirect forms of discrimination persist in some legislation protecting pregnant girls' right to education.** For example, **obligatory pregnancy testing** is included in relevant policies in **Uganda and Zimbabwe** as a “prevention tool.” The testing is highly stigmatizing; it is often carried out without the girls' consent, infringing on their privacy, equality and bodily autonomy. In **Tanzania**, the re-entry policy guaranteeing pregnant girls the right to return to school after childbirth prescribes that adolescent mothers shall enroll in “**alternative education pathways**,” a parallel, tuition-charged education system set up outside school facilities and providing technical and vocational education. This system effectively segregates adolescent mothers, pregnant girls and married students into a marginalized and lower-level education while creating double standards.
- ➔ While more than half of the countries in East and Southern Africa have legislated to mandate a violence-free school environment, only five countries – **Burundi, Mauritius, South Africa, Rwanda, and Zambia** – have introduced provisions to **make schools explicitly safer for girls**, prohibiting gender-based violence and sexual harassment. **Limited safety remains a great challenge for girls to enroll and continue their education.**
- ➔ **Gender stereotypes continue to affect the link between educational attainment and labour force participation and gains.** Even in countries like **Mauritius**, where girls outperform boys all across the educational path, the choice of course of studies remains affected by gender stereotypes, excluding women from more profitable job options, such as in the scientific and technological fields. To contrast this tendency, Mauritius has removed gender stereotypes and images from educational books and materials and included gender education components in teachers' training. Additionally, the government made all subjects available for all students since primary school. At the higher level, the Mauritius Higher Education Commission has established a research grant supporting women researchers in science.
- ➔ **Overall, across the region, women's representation in STEM remains disproportionately low.** However, a different trend appears in countries such as **Namibia**, where female enrollment in STEM is higher than that of men. Among the countries with the highest percentage of women graduates from STEM programmes in Sub-Saharan Africa, we find **Sudan** (47 per cent/2015), **South Africa** (43 per cent/2017), **Namibia** (42 per cent/2017), **Angola** (38 per cent/2015), **Mauritius** (36 per cent/2017) and **Rwanda** (35 per cent/2018). Women in the region report that pressure to handle home and professional obligations and the male-dominated work environment are among the **top barriers** to pursuing a career in STEM.



## COUNTRY FOCUS 16 – DRC, MALAWI, ANGOLA, TANZANIA

### An integrated approach to make schools safer and more inclusive for girls

A multi-country partnership with the World Bank aims at making schools safer and more accessible to girls. Integrating initiatives tackling different challenges highlights a systemic approach needed to accelerate progress in the inclusivity of schools and the realization of gender equality in education.

The priority is to break the social acceptance of gender-based violence in schools

▼ DRC: Revised Code of Good Conduct for primary school teachers – it clearly defines prohibited behavior on sexual exploitation, abuse and harassment, and also lays out sanctions. It sets up an abuse and sexual harassment complaint mechanism integrated into the ministry's grievance mechanisms.

The second priority is urgently reaching and re-enrolling the girls who dropped out of school

▼ MALAWI: Provision of cash transfers to get both boys and girls back into school

▼ ANGOLA: Improved access to sexual and reproductive health services; scholarship program reaching 900,000 youth entering secondary school, with a registration bonus for girls.

The third priority is to make schools better-suited for teenage girls by filling critical gaps in access to water and sanitation

▼ TANZANIA: Adequate sanitation and menstrual hygiene management was introduced to help increase adolescent girls' retention and participation in schools. Infrastructure improvements - such as a reasonable student-to-latrines ratio for girls and boys - were also introduced for higher safety and inclusivity.

Source: World Bank 2022, *Three Priorities to Make Schools Safe for Girls and to Combat Gender-Based Violence* <https://blogs.worldbank.org/africacan/three-priorities-make-schools-safe-girls-combat-gender-based-violence>



## COUNTRY FOCUS 17 – SIERRA LEONE

### Reform pathway to ensure pregnant and parenting girls' equal rights to education, while reducing adolescent marriage and pregnancy

#### ECOWAS COURT OF JUSTICE'S DECISION

In December 2019, the Court of Justice of the Economic Community of West African States (ECOWAS) decided against Sierra Leone, ruling that the ban on public school attendance for pregnant girls and teenage mothers was discriminatory. The Court ordered the government to revoke it. The court also found that Sierra Leone's separate alternative education scheme for pregnant students, with reduced classes and school days, was discriminatory.

#### REMOVAL OF DISCRIMINATORY LEGISLATION

In March 2020, Sierra Leone revoked its 10-year-old ban following the ECOWAS Court's decision.

#### INTRODUCTION OF INCLUSIVE, RIGHTS-BASED LEGISLATION

In March 2021, Sierra Leone's Ministry of Basic and Senior Secondary Education adopted a *Policy on Radical Inclusion in Schools*, reinforcing pregnant girls and adolescent parents' right to education and outlining conditions for their "continuation" in their education.

Sierra Leone's new policy protects a girl's right to "remain in school, in her current class, for as long as she chooses before giving birth, and to return to school after delivery or loss of the child." It also states that girls have a "right of protected absence from school for one year after giving birth or miscarrying," providing girls with a choice to take maternity leave rather than imposing compulsory maternity leave. The policy says girls should be supported to make up for lost lessons and, have the right to take examinations, and can delay school examinations until such a time as they are physically and psychologically able to take them.

#### PREVENTION IS PART OF THE STRATEGY

As part of its strategy to prevent teenage pregnancies, the policy commits to ensuring that the curriculum includes "different components" of comprehensive sexuality education and to facilitate adolescents' access to sexual and reproductive health services.

#### LEGISLATION TO ELIMINATE CHILD MARRIAGE AND REDUCE ADOLESCENT PREGNANCY

The 2018-2022 National Strategy for the Reduction of Adolescent Pregnancy and Child Marriage

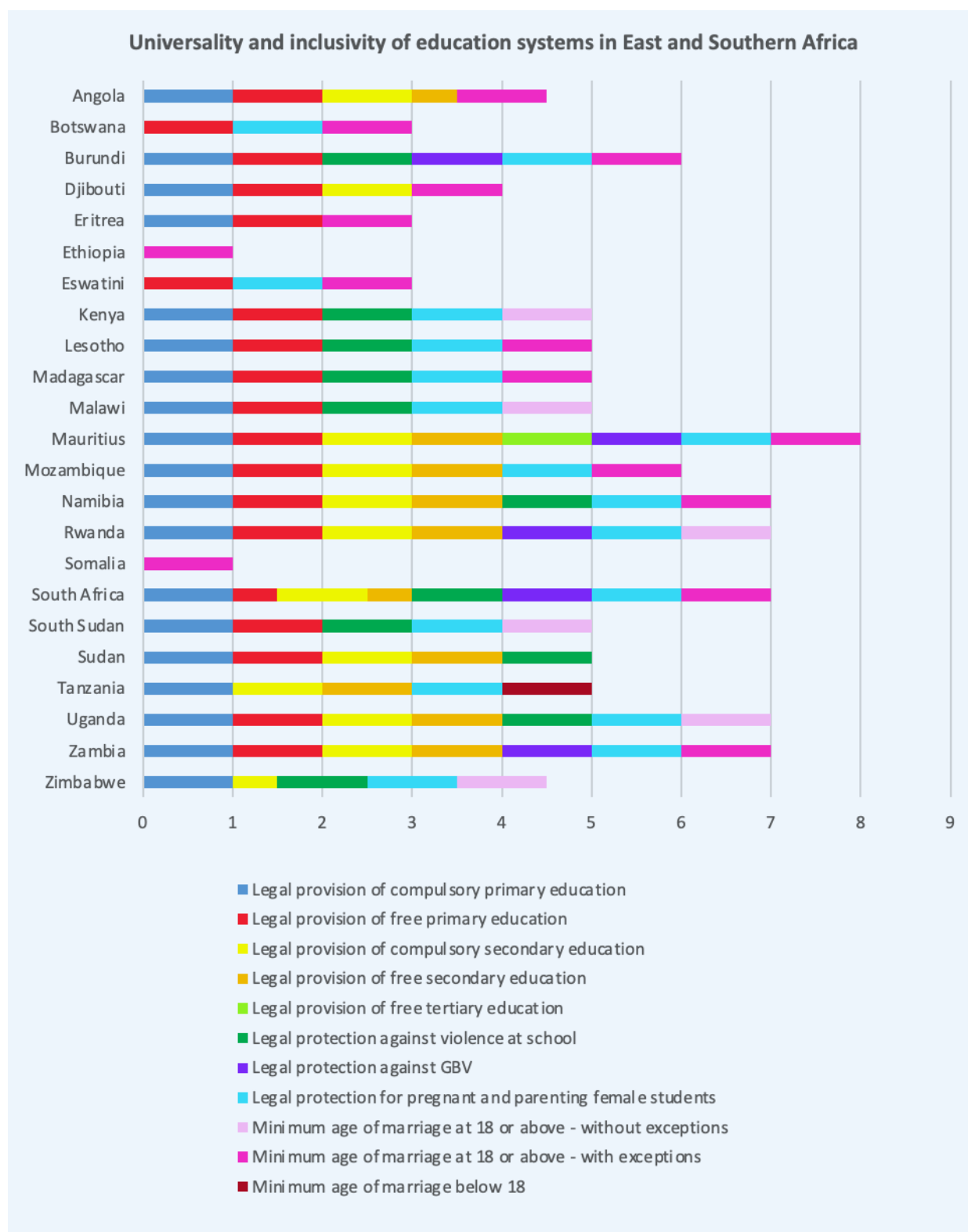
The 2017 Child Rights Act prohibits marriage for anyone under the age of 18

The 2012 Sexual Offences Act prohibits sexual activity with children (anyone under the age of 18, including those in a marital relationship)

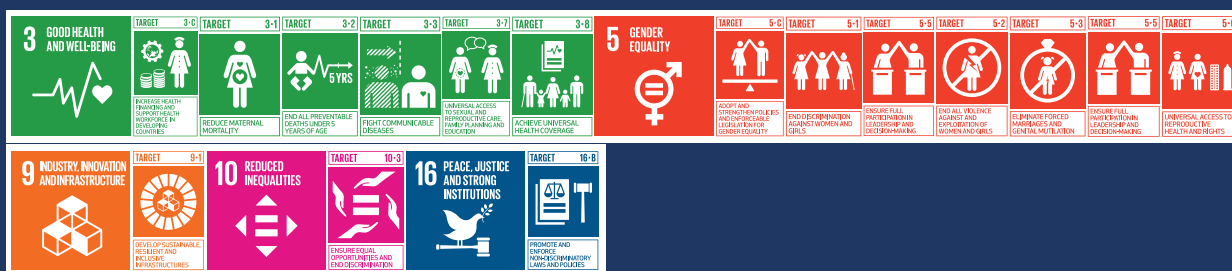
Source: Human Rights Watch Africa, *A brighter future: Empowering pregnant girls and adolescent mothers to stay at school. Education access across the African Union: A Human Rights Watch Index, 2022* <https://www.hrw.org/video-photos/interactive/2022/08/29/brighter-future-empowering-pregnant-girls-and-adolescent>



**Table 19:**  
Universality and inclusivity of education systems



Source: UNESCO, HerAtlas: Monitoring the right to education for girls and women <https://en.unesco.org/education/girls-women-rights>; OECD SIGI 2021 Regional Report for Africa, Legal Frameworks in the African Region <https://www.oecd-ilibrary.org/Human Rights Watch 2021 Africa: Rights Progress for Pregnant Students> <https://www.hrw.org/video-photos/interactive/2022/08/29/brighter-future-empowering-pregnant-girls-and-adolescent>



## A Snapshot of Women and Sexual and Reproductive Health

### Trends and figures

- ➔ **Maternal deaths** remain prevalent in Africa despite significant progress. In 2017, there were 371 maternal deaths per 100,000 live births in **East and Southern Africa** compared to the global average of 216 – countries in Southern Africa have a lower incidence than East Africa. Between 1990 and 2015, Sub-Saharan Africa reduced maternal mortality rates by 45 per cent. At the country level, **Seychelles** (51) and **Mauritius** (61) have fewer maternal deaths. At the same time, **South Sudan** records the highest number with a ratio of 1 150 per 100,000 live births in 2017, followed by **Somalia** with 829.
- ➔ **Maternal mortality is associated with the increase of multiple-level risks and vulnerabilities within households and communities** - among them: risk of stillbirth and neonatal mortality; risk of nutritional problems affecting the surviving newborn, as well as siblings; risk of siblings' school drop-out to assume parenting responsibilities; risk of siblings' early marriage, adolescent pregnancy, and maternal morbidity. Additionally, findings indicate that maternal mortality is associated with considerable costs to national health systems. In 2013, estimates showed maternal and neonatal mortality slows economic growth and induces income losses.
- ➔ **A higher risk of maternal mortality accompanies adolescent pregnancy.** Furthermore, globally, **newborn mortality rates are 73 per cent higher for mothers under the age of 20**, a correlation that also applies to African countries.
- ➔ **Skilled birth attendance has been recognized as key to maternal and newborn survival.** Postnatal care services for mothers and newborns prevent, detect and treat health complications after delivery. In East and Southern Africa, the percentage of deliveries assisted by skilled professionals is 74 per cent, yet it varies from country to country. Most countries in Southern Africa are above this average, with **Botswana, Malawi, Mauritius, Rwanda, Seychelles** and **South Africa** recording proportions of births assisted by skilled staff above 90 per cent. Some countries in East Africa report the lowest percentages in Africa: **Eritrea** (34 per cent), **Somalia** (32 per cent) and **South Sudan** (19 per cent). **The rural/urban divide crucially affects access to competent medical care, including skilled birth assistance.**
- ➔ **Several elements are essential for healthcare systems to work for women in Africa: affordability, decentralization, legal frameworks supporting women and girls' independent access to healthcare, strategies to address skill-mix imbalance in the health sector, timely and quality information.** ▼ *COUNTRY FOCUS 18, 19 and 20* offer relevant good practice examples.
- ➔ Moreover, meeting women's healthcare needs is strictly interlinked with women's and girls' empowerment, autonomy and control over their bodies. Instead, **gender power imbalances restrain women's full control over decisions related to their health.** Discriminatory social norms that place women under male guardianship and expose them to violence, including harmful practices such as FGM and child marriage, severely undermine women's power to seek medical care and make autonomous choices.
- ➔ However, OECD data reveal that in **East and Southern Africa**, women acted more prominently as principal decision-makers for their health care than women in other African regions. Particularly, **in Lesotho, Namibia, South Africa** and **Zimbabwe**, women are declared to be more likely than men to have decision-making power over their access to health care.
- ➔ In **East and Southern Africa** the average percentage of married women (age 15-49) whose **demand for family planning was satisfied** by any method is 72.6 per cent (considering 15 countries for which data are available) – other countries in the world range between 20 per cent and 93 per cent. The proportion of women of reproductive age (15-49 years) who use modern contraceptive methods to satisfy their needs for family planning has increased from 36 per cent in 2000 to 56 per cent in 2017. However, **these gains drastically drop among adolescent girls.**

- An estimated 2.4 million sexually active **adolescent girls** (aged 15-19 years) in East and Southern Africa have an **unmet need for family planning** – this is expected to rise to 3.4 million by 2030 if access to family planning methods does not improve. Most countries in the region have **no provisions that set out the right of adolescents to access sexual and reproductive health (SRH) services**. This legal gap creates a barrier to accessing SRH services and leaves room for healthcare providers to enforce their belief systems regarding the appropriate age of consent.
- Improved access to sexual health and reproductive rights can potentially prevent **unwanted pregnancies** that lead to **unsafe abortions**, among other health problems. Africa accounts for 29 per cent of all unsafe abortions and 62 per cent of all unsafe abortion-related deaths globally. Due to rapid population growth in Africa, the **number of abortions per year in Sub-Saharan Africa increased** between 1995 and 1999 and from 2015 to 2019, from 4.3 million to approximately 8 million.
- **The adolescent fertility rate** in East and Southern Africa is 84 births per 1,000 women ages 15-19 – the global numbers range from 2 to 173. Countries with the highest rates are **Mozambique** (168) and **Angola** (140), while those with the lowest rates are **Djibouti** (23) and **Mauritius** (25).
- **Most countries in the region criminalize consensual sexual acts among adolescents without any exceptions or defenses**. In most cases, boys are convicted and sent to prison. The criminalization of consensual sexual acts among adolescents undermines adolescents' evolving capacities, impedes their right to access SRHR services and leads to stigmatization of the normal sexual development of young people. **Rwanda, South Africa, Namibia, and Botswana have initiated legal reforms to decriminalize consensual sexual acts among adolescents**.
- Most countries have provisions in their diverse policies indicating that **comprehensive sexuality education (CSE) is a fundamental component of the life skills curriculum**. Additionally, ministers of health and education from 20 countries in the region have endorsed the East and Southern African Commitment, which has time-bound targets to scale up CSE and SRH services for young people. Evidence shows that CSE increases knowledge about preventing HIV and teenage pregnancy, improves condom use and empowers females to refuse sex. However, only some countries appear to have aligned the curricula to international standards and fully integrated CSE curricula for primary and secondary schools. Every country is diverse and has religious, moral and traditional nuances that may influence how CSE is taught in its schools.
- **The prevalence of HIV** in East and Southern Africa among women (age 12-24) was 3 per cent in 2021 (global average 0 per cent-13 per cent), while among men was 1.3 per cent (global average 0 per cent - 4 per cent). **Eswatini's** female HIV prevalence is close to the highest in the world (12.6 per cent). Also, **South Africa** (9.1 per cent) and **Lesotho** (8.9 per cent) record very high prevalence.



### Examples of decentralized, affordable, gender-sensitive primary healthcare KENYA'S COMMUNITY HEALTH CARE

#### POLICY FRAMEWORK

The **Kenyan Community Health Strategy** was launched in 2006 to deliver basic health prevention and promotion care services. Kenya has released the new Kenya Community Health Strategy Final 2020-25.

#### IMPLEMENTATION

Kenya's community-based health workers are called **Community Health Volunteers (CHVs)**. CHVs deliver services in a defined geographical area called a Community Health Unit. These Community Health Units comprise approximately 5,000 people (or 1,000 households) and are served by approximately 10 CHVs. CHVs are supervised by **Community Health Extension Workers (CHEWs)**, who are government employees mandated to provide health services at the household and community levels and make referrals and linkages to health facilities. As of the end of 2019, Kenya had approximately 6,000 Community Health Units out of an expected 10,000. 86,000 CHVs support these Community Health Units. CHVs are supported by 1,569 Community Health Extension Workers (CHEWs).

#### ROLES & RESPONSIBILITIES

The main duties of CHVs are to (1) visit homes, initiate dialogue with household members, determine the health situation, deliver key health messages, and undertake necessary actions; (2) guide the community on health improvement and disease prevention; (3) register households at frequencies stipulated in current guidelines; (4) treat common ailments and minor injuries; and **(5) with support and guidance from CHEWs, implement protocols for Community-Based Maternal and Newborn Health and Integrated Community Case Management of Childhood Illness.**

#### TRAINING

Trainings for CHVs are based on a curriculum with 13 modules. The full curriculum takes approximately three months.

#### FINANCING

Inadequate resource allocation to community health has long been a limitation to implementing previous strategies. **The Community Health Services Bill 2021 resolved previous financing challenges** while providing the legal framework for adequate resource allocation to community health care services.

#### IMPACT: ADVANCING SDGs WITHIN THE COMMUNITY HEALTH SERVICE SYSTEM

**The areas with an active community health program have demonstrated improvements in antenatal care visits, testing and treatment for diseases like HIV and malaria, and child immunizations.**

Additionally, to give effect to the provision of Article 43(1)a of the Kenyan Constitution, **the Nairobi City County enacted the Community Health Service Act -2021, which recognizes the CHVs as a critical part of the health force and entitles the CVs to a monthly stipend** of KES. 3,000 (USD 30). The payment is an opportune moment to work towards SDG 8 on decent work and economic growth, and SDG 5 on gender Equality and empowerment of women and girls - given that a majority of the CHVs are women - and SDG 3 on Good health and well-being.

Source: UN Women, Kenya Country Gender Equality Profile, 2023



## COUNTRY FOCUS 19 – LESOTHO

### Examples of decentralized, affordable, gender-sensitive primary healthcare LESOTHO HEALTH CENTERS NETWORK & MATERNAL WAITING HOMES

The comprehensive National Health Reform 2014 piloted over seventy **health centers** across four of Lesotho's ten districts. Today, the health care system is present nationwide and has significantly impacted HIV treatment and maternal health, among other health issues. The reform also included **maternal waiting homes** at every health center to ensure expectant mothers are near care when labor begins. Trained clinicians are available to provide hospital emergency referrals if complications arise during delivery. Meanwhile, newborns receive free post-natal home visits, immunizations, and ongoing care at health centers.

Source: UN Women, *Lesotho Country Gender Equality Profile, 2022*



## COUNTRY FOCUS 20 – RWANDA

### Examples of decentralized, affordable, gender-sensitive primary healthcare RWANDA'S HEALTHCARE SYSTEM

Rwanda has made a significant effort to develop its **healthcare system at the national and community levels**, making it possible for most people to access affordable healthcare. In 2011, 96 per cent of its population was covered by various health insurance schemes, 91 per cent through community-based health insurance schemes. Over time, these schemes have become a **national social health insurance system with universal coverage**, administered by the Rwanda Social Security Board since 2015. Progress in coverage was achieved through political commitment by a **strong, decentralized network of health facilities and health workers and the use of cultural elements of collective action and mutual support**. The community-based health insurance schemes subsidize the contributions of poor and vulnerable people, making it possible to extend coverage to otherwise excluded groups, and have greatly improved health standards in the country, including increased life expectancy and reduced child and maternal mortality rates.

Rwanda's experience shows that progress is possible for low-income countries, even where most people live in rural areas and work in the informal economy. Rwanda's primary health care strategy improves access to essential and life-saving health services. With support from administrative districts, communities and partners, the Ministry of Health has, since 2021, established 1,179 **health posts** that provide basic health services nationwide to underserved communities. The Ministry of Health has now established 21 new health posts, known as **second-generation health posts, with upgraded services, including maternity**, laboratory, dental care, ophthalmology, and circumcision in various parts of the country. The plan is to scale up the programme throughout the country, with a focus on 15 border districts (out of 30 districts in total), which were found to be more at risk of health shock during the COVID-19 pandemic. The Government intends to establish 623 health posts in areas that still do not have facilities by 2024.

Source: WHO, *Rwanda's primary health care strategy improves access to essential and life-saving health services, 2022* <https://www.who.int/news-room/feature-stories/detail/rwanda-s-primary-health-care-strategy-improves-access-to-essential-and-life-saving-health-services>



## A Snapshot of Women and Mental Health

### Trends and figures

- **Estimates for 2020 show a global increase among the general population in major depressive disorders of 27.6 per cent and anxiety disorders of 25.6 per cent after the COVID-19 pandemic began, compared with rates before its start. Younger age and female gender are often reported as risk factors for these disorders.** The COVID-19 pandemic brought to the surface the crucial links between mental health, poverty, conflict, environmental disruption, disease, and access to opportunities. Aftershocks of a major crisis, if not adequately addressed, can last long and continue undermining happiness and well-being, becoming a serious threat to development. Parts of the population more affected by marginalization and discrimination, including women and girls, are at risk of experiencing a steep increase in their vulnerabilities.
- In Africa, **depression and anxiety disorders are the most prevalent mental health disorders.** The prevalence rate for depression is 4.59 per cent, and anxiety disorders, is 3.59 per cent. **Sixty-six million women (twice as many men) suffer from depression.** Six out of the top 10 countries for **suicide** globally are African. **Lesotho has the highest rate of suicide globally for females.** Up to 60–98 per cent of people who die from suicide have an underlying mental health condition.
- **Adolescents are particularly affected by mental health conditions.** In Africa, nearly 37 million adolescents (aged 10–19) live with a mental disorder. The prevalence of mental health disorders among adolescent **girls** in 2019 was 10.3 per cent (age 10–14) and 13.5 per cent (age 15–19). **Anxiety and depression account for almost 50 mental disorders among African adolescents aged 10–19.** Among adolescent **girls**, anxiety and depression accounts for more than 60 per cent of mental disorders. In **Sub-Saharan Africa**, 1 in 7 adolescents (14 per cent) experience mental health disorders. In **Kenya**, the prevalence is 1 in 2 (50 per cent) adolescents reporting clinically elevated anxiety and depression symptoms.
- **African mental health workforce is utterly limited in numbers, competencies and geographical availability.** The African region has an average of 1.6 mental health workers per 100,000 population compared to 13 mental health workers per 100,000 globally; most of them are psychiatric nurses and mental health nursing aids. With these scarce resources concentrated at large psychiatric institutions in urban areas, people at community and primary care levels are left critically underserved.
- **Approximately 85 per cent of people in low-income countries, including many African countries, receive no treatment.** In Sub-Saharan Africa, high treatment costs (an average of USD 30 per session) - leave most people, especially youth, with untreated mental disorders at increased risk of drugs and substance abuse. **The entire household is affected whenever a woman's mental health conditions remain undiagnosed and unaddressed.** The international NGO StrongMinds reports that for every woman who recovers from depression, the overall health and life attainments within the household improve: 1) her family eats more meals a day, improving nutritional standards; 2) she is engaged in more work and economic activity, increasing the household income; and 3) her children attend school more regularly with decreased drop-out risks.
- Gaps in addressing mental health issues in the population have severe repercussions on the entire society. **The cost of mental health disorders in Africa – based on the value of lost mental capital or cognitive and emotional resources that children and young people would contribute to economies if mental health conditions did not thwart them– is estimated to USD 30.3 billion.**

## Trends and figures

- While many African countries report having guidelines to **integrate mental health into primary health care**, fewer than 11 per cent provide pharmacological and/or psychological interventions at this level. Among WHO African member states, 82 per cent have received training on managing mental health conditions at the primary care level, with up to 74 per cent reporting that specialists provide appropriate training and supervision to primary health care professionals. These efforts follow the **WHO Framework to Implement the Comprehensive Global Action Plan 2013 to 2023 in the WHO African Region**. Within this framework, **Ghana** and **Zimbabwe** launched a Special Initiative for Mental Health Frameworks to strengthen relevant services at lower levels of care. **Burkina Faso, Ethiopia, Ghana, Niger, Nigeria, Kenya, and Mali** are working towards task-sharing and integrating mental health into multi-sectoral programmes. Examples include joint tuberculosis and mental health programming in Ghana and Kenya and joint Neglected Tropical Diseases and mental health efforts in Nigeria.
- Additionally, **Kenya, Uganda** and **Zimbabwe** have worked to complete mental health investment cases. These provide a valuable base for increased investment in this neglected mental health. However, **a gender perspective does not appear explicitly within these initiatives**.
- **Major factors hampering the effective development of a mental health care system in Africa are poor governance and leadership, insufficient financing, acute shortage of specialists with poor geographical distribution, limited availability of psychotropic medications, growing social determinants of mental health, stigma and discrimination.** In addition, the health system response is focused on clinical care with **little to no attention to preventive aspects**. WHO reports that since 2013, the number of stand-alone or integrated mental health policies or plans has progressively increased in the African region. However, **policy implementation and financing have been extremely limited**, and very few countries report to meet international standards.
- **Limited knowledge of the causes of mental health conditions, myths and misperceptions surrounding these conditions, and the resulting poor help-seeking behavior lead to the population often seeking treatment from traditional, spiritual, and other alternative practitioners. This is particularly risky for women and girls as it can increase their vulnerability to discriminatory and harmful practices.**
- Several studies in low and medium-income countries record that **mental health interventions implemented by trained and supervised lay providers can be effective, low stigma, low cost, and accessible**. Lay providers are individuals without prior formal mental health training. The use of lay providers to implement mental health interventions has become increasingly common as the effects generated by such interventions are comparable to the treatment offered by qualified psychotherapists. For example, a lay providers-led intervention in **Uganda** successfully reduced depressive and anxiety symptoms among orphans living with HIV & AIDS. **Similar initiatives can be found in countries such as Zambia and Kenya, including women as a primary target** ▼  
*COUNTRY FOCUS 21.*



## COUNTRY FOCUS 21 – UGANDA, ZAMBIA, KENYA

Lay providers-led, accessible, low-cost and innovative mental health initiatives.

### **Group Interpersonal Psychotherapy (ITP-G)**

**Group Interpersonal Psychotherapy is well-studied in low- and middle-income countries and is recommended by WHO as a first-line depression intervention in resource-poor settings.** The approach is simple yet efficient, with high rates of success:

- Clients are screened before, during and after therapy using the standard patient questionnaire to measure the presence and severity of depression continually;
- Over a limited number of group sessions, counsellors guide structured discussions to help participants identify the underlying triggers of depression and examine how their current relationships may be linked;
- Group members discuss solutions to their problems, learn coping mechanisms and identify support systems they can lean on after therapy;
- Participants feel understood, empowered and less alone as a result.

### **StrongMinds' Group Talk Therapy for low-income women and adolescents in Uganda and Zambia**

By **training lay community health workers to deliver Group Talk Therapy (ITP-G)**, StrongMinds, a no-profit organisation active in Uganda and Zambia, have provided high-quality, low-cost depression treatment to over 160,000 low-income women and adolescents. Over 80 per cent of treated beneficiaries declare to be and remain depression-free over a minimum six-month period at the end of the therapy. StrongMinds also **educates the public about depression, its signs and symptoms, and its triggers.** Messages about mental health, depression, and treatment options are passed via radio spot ads, DJ mentions, talk shows and community dialogues. The Organisation is particularly keen on **recording and managing mental health data and case information to support policymakers, including finance ministries**, to influence policy reforms and budget allocations.

### **The Shamiri Institute in Kenya for innovative youth-to-youth mental health care**

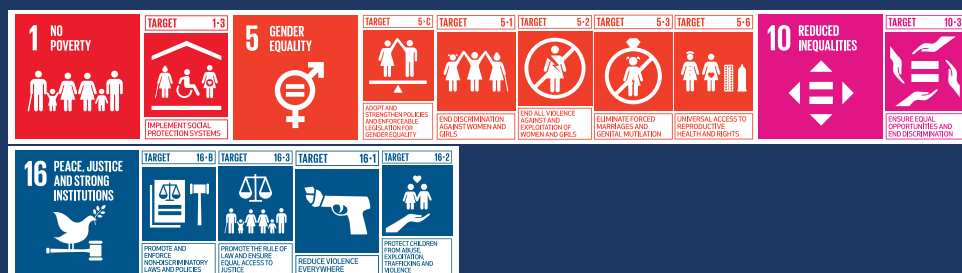
**The Shamiri Institute is a data-driven organisation with the goal to transform youth mental health care.** The Institute proposes an innovative tiered treatment model where trained youth lay providers work hand-in-hand with clinical experts to deliver mental health care to youth in community-based contexts (i.e., schools), allowing parents, teachers, and other stakeholders to get involved. The Shamiri intervention develops youth character strengths to reduce mental health problems and improve overall well-being and functioning. It consists of strategies that target young people's core beliefs about themselves and their world to cause an upward spiral of positive beliefs, thoughts, and behavior. All elements of the Shamiri intervention model are derived from validated scientific principles rigorously tested in gold-standard field trials. The Institute closely cooperates with several community-based organisations; international and African research institutions and universities, foundations and nonprofit organisations; and private sector institutions.

Sources: StrongMinds <https://strongminds.org/#> Shamiri Institute, <https://www.shamiri.institute/>



# CHAPTER 3:

## ADDRESSING THE BOTTOM LINE



### A Snapshot of Women, Gender-Based Violence and Harmful Practices

#### Trends and figures

- The East and Southern African region has a **high prevalence of gender-based violence (GBV) and harmful practices** against women and girls. The **spectrum of violence** includes intimate - physical, psychological, and sexual-partner violence; rape including marital rape, gang rape, “corrective” rape, and rape as a weapon of war; female genital mutilations (FGM); early and forced marriage and early childbearing; child abuse, including forced prostitution and child neglect; sexual harassment in public places and at work; denied access to resources, opportunities and services; women and children’s trafficking and femicide.
- Violence against women is pervasive and occurs in private and public spaces (at work, at school, on means of transportation, in the street, etc.) and **digital spaces**. Worldwide, The Economist Alliance Unit data indicates that 38 per cent of women with internet access have personally experienced online violence.
- While gender-based violence affects women and children of all ages, **adolescents and young women are particularly at risk in East and Southern Africa**. Harmful practices, including FGM and child marriage, have significant consequences on agency and physical autonomy, impacting women’s health and their right to choose when, if and how many children they wish to bear.
- **Intimate partner violence (physical and sexual)** has a prevalence of 34 per cent among women aged 15 to 49 years and 20 per cent (sexual violence) among women aged 15 to 24 years. 38 per cent is the **proportion of women (age 15-49) who have sought help** to stop physical or sexual violence, while 44 per cent is the share of women and girls who never told anyone and never sought help.
- **Sexual violence against early adolescents aged 15 years and below is highest in conflict and post-conflict countries**, including DRC, Mozambique, Uganda and Zimbabwe.
- **Women and girls with disabilities** are estimated to be up to 10 times more likely to experience sexual violence, with a range of 40-68 per cent of girls with disabilities below 18 experiencing sexual violence.

## Trends and figures

- Less than 10 per cent of adolescent girls aged 15 to 19 who experienced **forced sex** asked for professional help due to fear, stigma, discrimination and a lack of services.
- The **prevalence of FGM** among women aged 15-49 years, in eight countries for which data are available (2021) is 44 per cent. The prevalence in **Somalia** (99 per cent), **Djibouti** (94 per cent), **Sudan** (87 per cent), **Eritrea** (83 per cent) and **Ethiopia** (65 per cent) is among the highest in the world.
- **The highest levels of child marriage are found in Sub-Saharan Africa.** The prevalence of child marriage among women aged 20 to 24 years who were first married or in union before age 15 and 18 in East and Southern Africa is 9 per cent and 32 per cent.
- The persistence of discriminatory and harmful gender norms, alcohol use, increased poverty, and violence in urban slum areas and conflict areas maintains the high rate of violence against women and girls in the region. Studies in Sub-Saharan Africa have found that partner violence and the fear of abuse prevent girls from refusing sex and hamper their ability to negotiate condom use.
- Over the last decade, recognition of the pervasive nature and impact of violence against women and girls has visibly grown. Still, the phenomenon remains largely **undocumented and underreported**. This can be attributed to various reasons, including that some forms of violence against women and girls are socially accepted, tacitly condoned, or not perceived as **abusive**.
- **Discriminatory social norms are so pervasive that women internalize them and often align them with their beliefs and behaviors.** In East and Southern Africa, 38 per cent of women aged 15-49 years believe that a husband/partner is justified in hitting or beating his wife/partner for any of the following five reasons: argues with him; refuses to have sex; burns the food; goes out without telling him; or when she neglects the children. In Ethiopia (63 per cent), Burundi (62 per cent) and Tanzania (58 per cent), about 2 in 3 women, and Rwanda (50 per cent) and Uganda (49 per cent), about 1 in 2 women aged 15-49 have such beliefs. South Africa has the lowest prevalence of such a belief, only 5 per cent.
- **Gender-responsive legislation and policies have increased in reach and momentum** in East and Southern Africa. All 16 countries for which data were collected and analyzed - ▼ *TABLE 2* - have laws prohibiting and criminalizing GBV. Legislation is, however, often limited in scope and coverage, and presents, in some cases, legal incongruences, ambiguities and loopholes that leave room for impunity. Proper budgeting and **implementation often remains a challenge**.
- Following legislative reforms and increasing data collection, countries in the region have all put in place **specialized GBV services across sectors and tackled different levels of interventions with visible progress towards creating** effective GBV systems ▼ *TABLE 26*. Strategically, 12 out of the 14 countries whose data were analyzed prioritized the establishment of **specialized anti-violence shelters** and **specialized justice and/or security services**. However, the extent, solidity and effectiveness of these systems significantly vary from country to country. Conflict and post-conflict countries face disproportional challenges in providing effective GBV interventions.
- **Standardizing services based on guidelines and protocols aligned to international standards and good practices is key to ensuring** long-term impact on the elimination of GBV. Among the 14 countries whose data were analyzed, nine developed standard operating procedures, protocols and guidelines governing various services. In 2021, the **Southern African Development Community (SADC) developed a Model Law on GBV** on the same wavelength as the SADC Regional Strategy and Framework of Action for Addressing GBV (2018 - 2030). The Model Law calls for human rights-compliant legislative provisions to outlaw negative traditional, social, economic and political practices that promote all forms of GBV. The Model Law is a governance tool to assist parliaments in developing and enacting national laws on GBV or revising or reforming existing laws on GBV to meet their international, continental and regional commitments relating to human rights and, more specifically, against gender-based violence. Similarly, the **International Conference on the Great Lakes Region (ICGLR) developed a 2006 Protocol on the Prevention and Suppression of Sexual Violence against Women and Children** and, subsequently, **a 2019 Model Legislation on the Establishment of Special Courts and Other Mechanisms to Fast-Track the Trial of Sexual Violence Against Women and Children** in partnership with UN Women. The 2006 Protocol introduced the **concept of compensation for GBV victims and** provisions to strengthen inter-governmental cooperation to end impunity.

## Trends and figures

- Half of 14 countries in the region have **increased their programming to engage men and boys in GBV interventions explicitly**. The sensitization and active involvement of men and boys, including influential figures at the national and local level, is essential to accelerate cultural and practical shifts towards eliminating discriminatory norms and behaviors against women ▼ *COUNTRY FOCUS 22*.
- A great deal of efforts has been concerted by governments, civil society, development partners and donors to end FGM. **Most concerned countries have made progress in legislating and acting to end FGM**. In **Ethiopia**, for example, several legal actions have created a system to stop the practice: the 2004 criminal code makes it a criminal offence to perform or procure FGM; the 2017 Ministry of Health's circular against the medicalization of FGM forbids medical staff to perform FGM; and the national costed roadmap to end child marriage and FGM 2020-2024 provides concrete and resourced steps while establishing responsibilities and a monitoring framework. However, in most cases, legal frameworks remain inadequate, like in the case of Somalia, where the 2012 Provisional Constitution prohibits FGM. Yet, the Penal and Criminal Procedure codes do not address FGM and thus do not provide a legal framework to criminalize FGM (TABLE 2).
- The **deeply entrenched cultural and religious beliefs** around FGM remain one of the biggest challenges to abandon the practice. This belief system has pushed stakeholders to find innovative ways to address the issue. A survivor from Djibouti testifies that the biggest challenge is dissociating the practice of FGM from religion and moving it to the category of a choice. The few countries for which data are available reveal that the prevalence of this belief among women aged 15 to 49 is very high. In **Mali**, for instance, is 70 per cent, in **Guinea** 56 per cent, in **Ethiopia** 24 per cent. Also, in **Somalia**, it is reported that FGM is mistakenly seen as a religious obligation. **Other cultural issues are also involved**. The concept of family honor linked to girls' virginity - which FGM is intended to preserve – plays a big role.
- Additionally, women who have not undergone this procedure may be thought of as having loose morals and may bring less bridewealth for their fathers and brothers. A difference in attitude toward FGM is reported between rural and urban women, with the latter being less supportive of the practice. **Several innovative initiatives have been put in place to challenge this belief system**. ▼ *COUNTRY FOCUS 23*.
- Examples of **civil society mobilization, activating change, and community outreach initiatives, linking women** living in remote and underserved areas, have increased in the region ▼ *COUNTRY FOCUS 24*.

**Table 20:**  
Availability of specialized services addressing violence against women (VAW)

	ONE STOP SHOP	SPECIAL COURTS/ PROSECUTION/ POLICE UNITS	HELPLINE	SHELTERS	SOPS/ PROTOCOLS/ GUIDELINES	REFERRAL SYSTEM	WORKING WITH MEN AND BOYS	FGM SPECIFIC SERVICES/ PROGRAMS	COMMUNITY SENSITIZATION	VAW SURVEY	OTHER VAW DATA
ESWATINI	✓		✓	✓	✓		✓		✓	✓	✓
ETHIOPIA	✓	✓	✓	✓	✓			✓	✓		✓
KENYA	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
LESOTHO	Limited availability of specialized services					Limited availability of specialized services				✓	✓
MALAWI	✓	✓		✓		✓				✓	✓
MAURITIUS	✓	✓	✓	✓	✓					✓	✓
NAMIBIA	✓	✓	✓	✓		✓	✓		✓	✓	✓
RWANDA	✓	✓		✓	✓		✓		✓	✓	✓
SOMALIA	Limited availability of specialized services			✓	Limited availability of specialized services		Limited availability of specialized services		✓		✓
SOUTH AFRICA	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
SOUTH SUDAN		✓		✓	Limited availability of specialized services		Limited availability of specialized services				
SUDAN		✓	Limited availability of specialized services		Limited availability of specialized services			✓	✓		
TANZANIA Mainland		✓	✓	✓	✓	✓		✓	✓		✓
TANZANIA Zanzibar	✓	✓	Limited availability of specialized services					Limited availability of specialized services			✓
UGANDA		✓	✓	✓	✓	✓		✓	✓	✓	✓
ZIMBABWE	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓

Sources: UN Women Country Gender Equality Profiles in East and Southern Africa, 2021-2023  
UN Women Global Database on Violence Against Women <https://evaw-global-database.unwomen.org/en>



### Good practices in engaging men and boys in combating GBV

#### Zimbabwe's chiefs against child marriage & civil society engagement

With support from various stakeholders, the Chiefdoms of Bushu and Nyamaropa drafted **by-laws on ending child marriage** and upholding children's rights. The by-laws act as a guide to all residents of the chiefdoms and a guide to the chiefs who preside over customary courts.

**Padare Men's Forum on Gender** is a non-governmental organisation founded in 1995 whose aim is to work with men to promote gender equality. Padare Men's Forum established groups all across the country, in both rural and urban areas, taking part in various activities to advance gender equality. The organisation challenges traditional masculinity concepts and behaviors, works with young men and cultivates dialogue on important topics such as unpaid work, child marriage, gender and HIV/AIDS, among others. Padare Men's Forum is one of the partners of the Ministry of Women Affairs, Gender and Community Development.

#### South Africa's Men's Sector and Men's Parliament

**South Africa's** National AIDS Council (SANAC) **Men's Sector** represents organisations and other bodies that work with men and boys or run programmes focusing on men and boys in health, human rights and gender. The Men's Sector supports initiatives that address the role of men in combating the spread and mitigating the impact of HIV and AIDS, as well as combating gender-based violence.

In cooperation with the Parliament, the Men's Sector supported the establishment of the **National Men's Parliament** in 2022. This is part of Parliament's initiatives aims to address sector-specific challenges and develop a coordinated national plan of action to strengthen men's role in the fight against gender-based violence. Other parliamentary sector-based initiatives include the Youth and Women's parliaments, which are convened bi-annually. Delegates at the National Men's Parliament represent the men's sector in all nine provinces and the National House of Traditional and Khoi-San Leaders.

#### Village-level Husbands' Schools

The initiative launched in Niger in 2004 aims to involve men in supporting women's use of sexual and reproductive health care. In particular, the initiative shall foster an enabling environment for women to access and benefit from antenatal, delivery, and family planning services and reinforce gender equality in healthcare decision-making within the household. Husbands' School members are trained in leadership, teamwork, communication, advocacy, negotiation techniques, and basic SRH and service utilization. Model husbands then reach out to other men (and through their wives, other women) to facilitate community-level sensitization on sexual and reproductive health and rights. The Husbands' School model has been adapted and scaled up to engage men in **advocating for girls' rights, including the right to be free from FGM**, through peer sensitization and couples' joint decision-making to end the practice in Burkina Faso, The Gambia, Guinea-Bissau, Mali, Mauritania, Nigeria and Senegal.

Sources: UN Women, Zimbabwe (2021) and South Africa (2022) Country Gender Equality Profiles

Padare Men's Forum on Gender <http://www.padare.org.zw/>

South Africa's Parliament <https://www.parliament.gov.za/news/mens-sector-should-be-supported-provincial-and-local-governments-mens-parliament-hears>

SANAC Men's Sector <https://genderjustice.org.za/news-item/sanac-mens-sector-foreword/>

UNFPA, UNICEF, 2020 Annual Report on FGM - Gender-Equitable Masculinities in Eliminating Female Genital Mutilation <https://www.unfpa.org/resources/2020-annual-report-fgm-masculinities>



### Combating FGM: innovative, community-based initiative triggers change at national and regional level - THE SALEEMA INITIATIVE

#### The concept behind Saleema

“Saleema” is an Arabic word that means “whole,” healthy in body and mind, unharmed, intact, pristine, and untouched, in a God-given condition.

#### The Saleema initiative – an innovative approach aimed at modifying the discourse

The Saleema initiative was launched in 2008 by Sudan’s National Council of Child Welfare and UNICEF Sudan to spread, at the **community level**, a new positive terminology to describe the natural bodies of girls and women, thus accelerating the abandonment of discriminatory beliefs and harmful practices.

The Initiative considers that FGM is rooted in socio-cultural norms and contexts; therefore, the power to abandon the practice resides with families and communities. A distinctive feature is the **use of strong and positive communication techniques and approaches**, affirming important cultural values. The focus is not on what communities need to give up but on what they stand to gain by changing.

The Initiative utilizes **caravans travelling the country** with champions on board, engaging communities through awareness-raising sessions, in and out-of-school youth dialogues, and theatrical performances via interactive theatre groups.

The Initiative also established 120 **Saleema Girls’ Clubs** in 2019 in White Nile, then expanded to 10 Sudanese regions. Each club comprises young girls from grades one to eight who have been trained to sensitize communities on genital cutting, child marriage, gender-based violence and other child protection-related issues. As part of these efforts, the clubs help build consensus within communities to abandon the practice of FGM.

Since the Saleema Initiative began, the idea of keeping girls *saleema* has spread throughout Sudan and created interest in neighboring countries such as Somalia and Egypt. In 2023, Sudan launched the Saleema Girls’ Clubs Training Manual, further institutionalizing the initiative.

#### UNICEF-UNFPA Joint Programme on the Elimination of Female Genital Mutilation

Since 2008, the Programme has contributed to accelerating the elimination of FGM globally. The programme supports 17 countries, including Sudan, and partners with many stakeholders. Its focus is transforming social norms in affected communities while working with governments to implement viable national response systems.

#### Slight decline in the prevalence of FGM

Between 2014 and 2018, figures indicate a slight decline in FGM in Sudan.

#### African Union’s Saleema Initiative

In 2019, the African Union launched the AU Saleema Initiative to stimulate political action to enforce strong legislation, increase the allocation of financial resources and strengthen partnerships to end FGM, particularly within communities most impacted by FGM and address cross-border practice. The Initiative also asks to promote the use of evidence and data, regular reporting, and the engagement of civil society and community groups in ending FGM.

#### Legislative Reforms

In 2020, Sudan **amended Article 141 of the Criminal Law criminalizing FGM**

In 2021, Sudan launched a **Road Map for the implementation of Article 141**

In 2022, Sudan issued a **Costed National Action Plan for FGM and Child Marriage**

Sources: UN Women, Sudan Country Gender Equality Profile, 2022

African Union, The African Union Launches a Continental Initiative to End Female Genital Mutilation and Save 50 million Girls at Risk, 2019 <https://au.int/fr/node/35892>

UNICEF, Saleema Initiative <https://www.unicef.org/sudan/saleema-initiative>

UNICEF, Saleema Girls’ Clubs <https://www.unicef.org/sudan/saleema-girls-clubs>

UNFPA, UNFPA-UNICEF Joint Programme on the Elimination of Female Genital Mutilation <https://www.unfpa.org/unfpa-unicef-joint-programme-female-genital-mutilation>



## COUNTRY FOCUS 24 – UGANDA, SOUTH AFRICA, NAMIBIA

### Civil society mobilization and community outreach in combating GBV

#### Uganda's survivors' skits in rural areas

In a 2021 NGO-led programme, GBV survivor groups were trained to deliver skits, songs, and poetry across local communities, including in remote, mountainous areas cut off from services. The programme reached out to a total of 1,559 people. After each outreach, the survivor groups and local social workers discussed GBV dynamics, causes and reporting mechanisms with communities. Some people had been unaware of how to report or fearful of doing so, but the skits increased their confidence and knowledge of how to report cases and reach out for help.

#### South Africa's #CountMeIn campaign and “We will speak out South Africa”

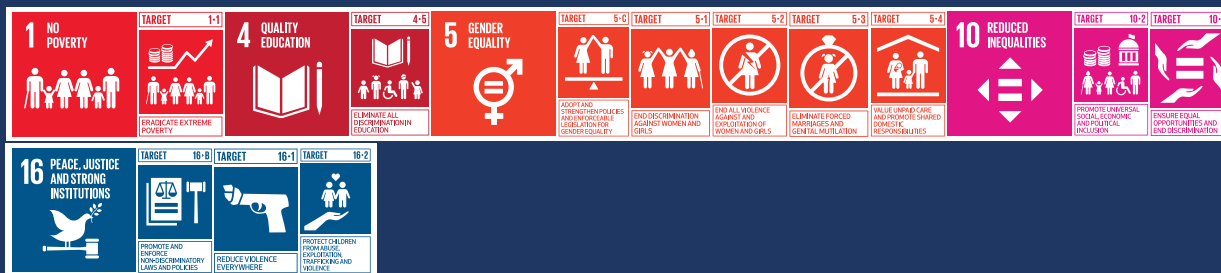
The 3-year #CountMeIn campaign (2015-2017) utilized social media to mobilise communities to promote collective responsibility to eradicate violence against women and children. The campaign engaged various stakeholders, including faith-based organisations, media houses, trade unions, the sports fraternity, the private sector and civil society organisations, including the Men's Sector. National dialogues helped shed light on the root causes of violence against women and why the phenomenon is not fading despite the country adopting an unprecedented body of laws and putting some of the world's best-model institutional mechanisms in place.

South Africa also supported the “We Will Speak Out South Africa” initiative bringing together a coalition of more than 200 individuals along with non-governmental, community, and faith-based organisations to work with progressive elements in the faith sector to educate and equip faith leaders and members to speak out and act against GBV.

#### Namibia's #ShutItAllDown Movement

In October 2020, hundreds of demonstrators – mainly younger women – took to the streets of Namibia's capital, Windhoek, in protest against gender-based violence and femicide, starting up the #ShutItAllDown movement. A series of ferocious assaults on women and girls triggered their action. Young people used the hashtag #ShutItAllDown to create a social media platform on Twitter. In response to the movement, the Prime Minister promised several special measures to combat GBV. These encompassed strengthening the capacity of GBV Protection Units, capacitating forensic investigators and experts, creating a Sexual Offenders Register, establishing Sexual and GBV Offences Courts, and reviewing the sentencing laws for offenders. Some of these measures have been included in the Combating of Rape Amendment Act, passed by the Parliament in 2022 (although still not operational). In addition, the Office of the Prime Minister introduced a Gender-Based Violence System that will allow police officers and social workers to profile GBV cases, victims, and alleged perpetrators. It will also improve coordination between stakeholders.

Sources: UN Women, *Namibia and South Africa Country Gender Equality Profiles, 2022*  
International Justice Mission, *Survivors of Violence in Uganda Are Increasing Awareness Through Skits, 2021* <https://www.ijm.org/news/survivors-of-violence-in-uganda-are-increasing-awareness-through-skits>



## A Reflection on Masculinity

*“The term ‘masculinity’ refers to the roles, behaviors and attributes considered appropriate for boys and men in a given society. Masculinity is constructed and defined socially, historically and politically, rather than being biologically driven. We can think of masculinity as a shorthand for talking about the social expectations and practices of manhood; expectations and practices are reinforced every day by individuals and institutions, such as the law, the economy, religion, education and the media.”*

A 2020 study conducted in Sierra Leone, Mali, Ghana, Tanzania and South Africa highlights that masculinity in Africa shall be looked at beyond crisis and contextualized, revealing how core aspects shared by men across the continent - such as fatherhood and providing for one’s family – evolve and adjust throughout life and across different spaces and conditions.

**This fluid aspect of gender identities is constrained by patriarchy**, an oppressive male-dominated social structure that in Africa is fueled and exacerbated by the legacy of colonial violence, oppression and racial discrimination, as well as by social inequality and poverty. While women are disproportionately affected by patriarchy, men are too concerned that patriarchy produces restrictive and restricted masculinities, unable to evolve and adapt, impoverished and fossilized on the issue of power and control instead of being instrumental to individual and interpersonal well-being and fulfillment.

**Hegemonic masculinity dominates society and marginalizes other definitions**; it tends to exclude non-whites, non-heterosexuals, and working-class men, and it creates a divide based on the advantages of patriarchy that

these non-hegemonic masculinities can’t access. Subordinate, marginalised and disempowered men try thus to overcompensate for their insecure gender identity by increasing their aggressive and violent behavior to prove their masculinity. This spiral leads to toxic masculinity, where all of the norms of masculinity as violent, unemotional and sexually aggressive harm society and the individual. This spiral, exacerbated by war, social and political conflict, and poverty, has contributed to “normalizing” toxic masculinities, leaving women - and non-hegemonic groups of men - in Africa facing a true pandemic of gender-based and sexual violence.

Far from ceasing to address and prioritize the disproportional harm and disadvantages caused to women by discriminatory patriarchal systems, it is acknowledged that **the struggle for gender equality requires parallel and complementary interventions for both women and men. There is a need to create a new discourse around masculinity and femininity to allow women and non-hegemonic groups of men to have a voice. Gender equality shall both be the means and the end.**

A 2007 WHO review presents a growing body of data that confirms that **men and boys can and do change their behavior as a result of well-designed programmes**, and efforts that seek to engage them and, at the same time, challenge traditional social norms and behaviors.

Policies and programmes shall not only engage men as allies of gender equality but as targets too. Although policies in history have prevalently been **men-centered** (made by men for men to maintain their given privileges), they have also been **men-generic**



(assuming that all men are the same and hold the same amount of power) and **men-static** (assuming that men will not change or will not change quickly enough to make a difference in the lives of this generation of women and girls and boys and men). In this sense, they have failed to address women's needs and the needs of diverse groups of men; they have missed including gender transformative actions. The 2022 Global Report from the International Men and Gender Equality Survey (IMAGES) testifies to slow change in attitudes, showing that transformative actions are still too limited. It also confirms that violent masculinity perpetrates violent masculinity and that the opposite is true; care leads to more equitable behaviors in future generations.

In **South Africa's** schools, for example, legislation aimed at ending corporal punishments and legislation against sexual violence has placed the responsibility to enforce the law on those who are most often perpetrators of such violence (such as teachers, police officers, etc.). South Africa has a long history of corporal punishment at home, in schools and by security and justice institutions, and it has one of the highest rates of rape and sexual violence in the world. Given the confirmed association between childhood experiences of violence and the subsequent use of violence, this is one of the examples where policy and implementation failure significantly contributes to maintaining – and not ending - the widespread use and institutionalization of violence across the country.

To address the particular vulnerability of boys to develop violent behaviors, **an interesting programme from outside the region** – the Jamaican “Change from Within,” successfully ongoing since 1992 – demonstrates that the school system can adopt feasible and powerful approaches to transform harmful masculinity. The programme moved beyond an exclusive focus on academic performance and adopted a child-centered approach to teaching where children's emotional and developmental needs are prioritized. Elements of the innovative methodology include leadership training, working on the positives, developing new pedagogies, mentoring, having circles of friends, involving parents and the wider

community, and involving students. In this sense, the programme was able to transform the school system – in partnership with progressive universities – and socialize boys in an alternative way, teaching them emotional intelligence and reinforcing positive, non-violent ties with society.

The **Programme of Action of the 1994 International Conference on Population Development in Cairo** delivered crucial principles of reproductive health, gender equality and women's empowerment, highlighting the importance of men's and women's mutual respect for one's entitlement; supportive relationships built on trust, mutual support, shared benefits, and negotiation; and women and men both taking ownership of problems and being part of the solution.

Furthermore, the **48<sup>th</sup> Session of the Commission on the Status of Women (CSW) in 2004 focused on Engaging Men and Boys in Gender Equality**. Its agreed conclusions include several clear priorities:

- Gender-equitable education for boys and girls;
- Engaging men as fathers in gender-equitable socialization of children and caregiving;
- Institutionalizing the inclusion of men and boys in gender equality and gender mainstreaming policies;
- Public information campaigns and engaging the media, including the internet, in questioning inequitable and sexist views;
- Engaging men and boys in HIV/AIDS treatment and prevention, and sexual and reproductive health; and
- Engaging men and boys to reduce gender-based violence

Moreover, three areas of policies should also be included in the proposed **blueprint** as they highlight the particular needs of men and boys, which are often given insufficient attention:

- Livelihoods and poverty alleviation policies, which are central to achieving economic justice as well as promoting greater work-life balance and more equity between men and women in terms of the caregiving burden;

- Policies to address men’s health disparities, reflected in men’s specific patterns of morbidity and mortality rates around the world;
- Policies to end homophobia and ensure respect for sexual diversity, issues that are integrally linked to gender inequalities.

**Despite these strategic directions, program interventions to engage men have reached relatively few men and boys; they have been short and focused mostly on health issues. Most importantly, they have not attempted to change policies or “gender regimes” in key social institutions**, including the armed forces, workplaces, prisons, schools and the public health system. ▼ *COUNTRY FOCUS 25* shows progress and downsizes vis-à-vis male masculinity transformation within policy reforms in **South Africa**.

Major actors such as governments, development agencies, donors, and regional alliances, in cooperation with civil society, need to coordinate and join efforts to tackle masculinity in a systemic and long-term manner, following the 2004 CSW’s blueprint. This will help abandon harmful versions of masculinity and move towards positive, inclusive and conducive manhood, a much-needed gain towards achieving gender equality. Furthermore, gender mainstreaming needs to include gender transformative elements and be matched with the engagement of men and boys for gender equality at all levels. More data shall be produced to shed light on men’s vulnerabilities and the impact of toxic masculinity on women and men from diverse backgrounds, with a particular focus on the dynamics of social exclusion.

The **IMAGES International Men and Gender Equality Survey**, a comprehensive household questionnaire on men’s attitudes and practices towards gender equality – along with women’s opinions and reports of men’s practices – is a powerful tool to provide precious insights on the inertia and barriers to engaging men in gender equality, as well as the opportunities for achieving true change. Findings from the 2022 Global Report based on respondents from 32 countries ▼ *TABLE 27* offer a clear picture of where efforts need to be directed to change harmful masculinity and bring men on board to achieve gender equality. However, only five countries in Sub-Saharan Africa participated in the survey during the past 15 years: **Rwanda, Mozambique, Nigeria, Tanzania and Uganda**. The use of such tools shall be routinized, expanded in the region, and more effectively linked to policy-making in each country.

It is also important to acknowledge the **link between toxic masculinity and violence in conflict and post-conflict contexts and to address it**. A 2012 MenEngage-UNFPA Advocacy Brief affirms the increasing data evidence regarding men’s experiences and use of sexual and gender-based violence in conflict and an emerging set of programmes aiming to respond. However, it also states that long-term prevention requires taking men’s engagement seriously, with high-level commitments based on evidence, supported by an adequate degree of resources and based always on the fundamental need to achieve human rights for and accountability for survivors.

**Table 21:**  
International Men and Gender Equality Survey (IMAGES) 2022 Global Report's findings in 15 headlines

<b>CHILDHOOD EXPERIENCES</b>	
1	Many children grow up seeing their fathers or other men dominate household decision-making.
2	Care leads to care: Men whose fathers were involved in caregiving are more involved.
3	Multiple and overlapping forms of violence during childhood are common.
<b>GENDER ATTITUDES</b>	
4	Inequitable ideas about manhood and masculinity are alive and well
5	Progress to equity stalled: Younger men rarely have more gender-equitable attitudes than older men.
6	Many men support equality in the abstract but defend their privilege and the status quo.
7	Women and men who grew up seeing gender equality in their households as children hold more equitable attitudes
<b>POWER AND CARING AT HOME</b>	
8	Household power is unequal and contested between women and men, especially with regard to money and women's mobility.
9	Household decision-making is more equitable when women have more education and economic independence.
10	Men's and women's household division of labor is inequitable, but men often don't acknowledge this.
<b>VIOLENCE</b>	
11	Many men exert power and control over women through multiple forms of violence.
12	Violence leads to violence.
<b>HEALTH AND WELL-BEING</b>	
13	Though sexual and reproductive health and rights are often viewed as "women's issues," men are participating
14	Adhering to inequitable gender attitudes is bad for men's health.
15	Stress and fears related to providing financially and protecting the family are widespread.

Sources: Equimundo, UNFPA, IMAGES: International Men and Gender Equality Survey (IMAGES): A Global Report in 15 headlines, 2022 <https://www.unfpa.org/publications/international-men-gender-equality-survey-images>



**COUNTRY FOCUS 25 – SOUTH AFRICA**

**Examples of legislative reforms toward alternative positive masculinity**

<b>POLICIES</b>	<b>ADVANCES</b>	<b>CHALLENGES</b>
<b>EDUCATION</b>		
<b>National Curriculum Statement Policy Guidelines (Education Sector: Life Orientation, Grades 10-12)</b>	Recognizes concepts of power and power relations in terms of gender	Recognizes concepts of power and power relations in terms of gender
<b>FATHERHOOD AND MEN'S ROLE IN THE FAMILY</b>		
<b>Basic Conditions of Employment Act 75 of 1997</b>	Provides women with four months of unpaid maternity leave	Provides men with only three days' paid paternity and family leave per year
<b>Maintenance Act 99 of 1988</b>	Biological father must maintain his child in proportion to his means; criminal liability for nonpayment.	Implementation is poor, in part because of widespread poverty.
<b>Children's Act 38 of 2005</b>	Recognizes unmarried fathers' rights; provides that fathers who demonstrate involvement in their children's lives acquire full parental rights and responsibilities	
<b>HIV/AIDS - SEXUAL &amp; REPRODUCTIVE HEALTH</b>		
<b>HIV and AIDS and STI Strategic Plan for South Africa 2007-2011 (2007 National Strategic Plan)</b>	Recognizes men in sexual and reproductive health policies and HIV testing and treatment	Limited uptake by men, but recent data suggest this may be changing.
<b>HIV and AIDS and STI Strategic Plan for South Africa 2007-2011 (2007 National Strategic Plan)</b>	Recommends behavior change for men and women and addresses gender norms	Little evidence of the implementation of gender norms.
<b>SAME-SEX RELATIONS &amp; CIVIL LAW</b>		
<b>South African Constitution</b>	Provides the right to equality and prohibition of unfair discrimination on the basis of sexual orientation. Legalizes same-sex marriage, challenges norms of marriage and gender.	
<b>Recognition of Customary Marriages Act 120 of 1998</b>	Provides for the equal status and capacity of the spouses, including marriage in the community of property	Allows men to have more than one wife (legal recognition of polygamy)
<b>GENDER-BASED VIOLENCE</b>		
<b>Sexual Offences and Related Matters Act 32 of 2007</b>	Rape is defined as nonconsensual penetration in all circumstances; applies to both men and women.	Attitudes among police continue to limit their effectiveness in carrying out aspects of the law.
<b>365 Day National Action Plan to End Gender Violence of 2007</b>	Emphasis on "the capacity of men and boys to reduce gender-based violence in partnership with women and girls."	Needs implementation

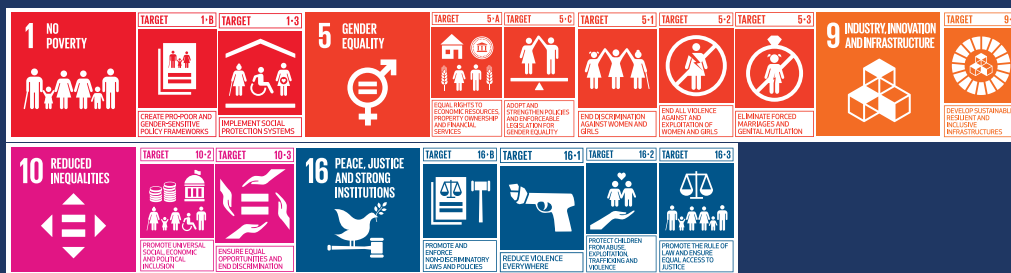


**COUNTRY FOCUS 25 – SOUTH AFRICA**

**Examples of legislative reforms toward alternative positive masculinity**

POLICIES	ADVANCES	CHALLENGES
<b>Abolition of Corporal Punishment Act 33 of 1997 and other acts</b>	Outlaws corporal punishment except at home	Corporal punishment persists in schools and primarily targets boys; unsuccessful attempts to outlaw corporal punishment in the home.
<b>HIV/AIDS Emergency Guidelines for Educators of 2000</b>	Recognizes educators' role in protecting students from sexual violence and ensuring the law prohibiting relationships with students is implemented; encourages educators to talk to students about sexuality.	Changing gender regimes in schools is still a work in progress.
<b>EMPLOYMENT &amp; WORKPLACE</b>		
<b>Basic Conditions of Employment Act 75 of 1997</b>		Continues to view men mainly as providers; marginalizes efforts to increase men's involvement in care

Source: International Center for Research on Women, Instituto Promundo: *What men have to do with it? Public Policies to Promote Gender Equality*, 2010 [https://www.researchgate.net/publication/259290311\\_What\\_Men\\_Have\\_To\\_Do\\_With\\_It\\_Public\\_Policies\\_to\\_Promote\\_Gender\\_Equality](https://www.researchgate.net/publication/259290311_What_Men_Have_To_Do_With_It_Public_Policies_to_Promote_Gender_Equality)



## Women's access to justice

### CHAPTER HIGHLIGHTS

- 1) Despite progressive legislative reforms reinforcing gender equality guarantees, women in the region still face significant challenges accessing and benefiting from justice systems.
- 2) Conflict and post-conflict situations pose additional challenges to women's access to justice. Examples of justice mechanisms addressing conflict-related GBV are available in the region for documenting crimes, prosecution, reconciliation, and compensation. Their impact varies from one example to the other and according to context.
- 3) Engendering justice and security institutions is key to achieving gender outcomes: this includes specialized institutions/units, increased women's representation, and more extensive and effective capacity building.
- 4) Women's representation in the formal justice sector across the region is still low. Some countries have increased women's representation and gender sensitivity within traditional justice mechanisms.
- 5) Most countries have established specialized GBV courts and/or police units supported by special protocols, guidelines and training programmes.

As highlighted earlier in the report, the region has undergone major legislative reforms in the last two decades, with many gains for gender equality. However, data evidence highlights that women still face enormous challenges in accessing their rights, especially in critical areas such as marriage, divorce, inheritance and child custody; land ownership; gender-based violence and harmful practices; employment, business and access to finance.

A common challenge highlighted across the region is:

- The inadequate implementation /enforcement of laws.

Besides, other barriers contribute to African women's struggle to realize justice, among which:

- Women's minimal legal awareness and empowerment;
- The persistence of plural legal systems that do not consistently uphold equality guarantees;
- The low representation of women in the security and justice sectors;
- The limited gender awareness makes institutions fail to address women's legal needs;
- The costs and infrastructural barriers faced by women to reach out to justice and security facilities, especially in extended rural areas across the region;
- Caseload and time inefficiency which leave women in vulnerable conditions unprotected;
- The social institution of male guardianship – often entrenched in legal provisions – which

continues to prevent women from deciding upon their rights claims;

- (Because of all the above) women's lack of trust in the justice system.

Engendering justice and security institutions is key. This includes increasing women's representation establishing specialized services for urgent justice matters relevant to women, such as GBV or family affairs; and developing and implementing tailored gender training and gender policies, and increasing the capacity of institutions to address gender issues. Realizing such goals can produce long-term cultural shifts in justice and security institutions and, produce more inclusive and satisfying outcomes.

According to a new joint UN Women and UNDP research in selected African countries, having more women judges on the bench brings equality and fairness to the justice system. The presence of women increases trust in the judiciary and improves the justice experience for women and groups most at risk of exclusion. Data confirms that women judges are less susceptible to corruption; they strengthen gender-sensitive decision-making and help move away from patriarchal bias. Finally, women in the judiciary provide precious role modelling for younger women and facilitate the creation of opportunities and an enabling environment for more women to join the sector.

Despite these proven societal benefits, women's representation in justice across Africa remains low ▼ **TABLE 27. On average, four in ten judges in Africa are women, and more often, they hold positions in lower courts than in higher courts.** Overall, very few women in Africa reach top positions in the judiciary. Negative social norms, harassment, low levels of security, and few or no opportunities to maintain work-life balance are some barriers women face in joining the judiciary and progressing through the ranks.

Despite the challenges, some countries show a promising situation, such as **Kenya**, which counts 91 males (53 per cent) against 81 female (47 per cent) judges; and 298 males (51 per cent) against 295 females (49 per cent) judicial officers (magistrates); and where the positions of Chief Justice, Deputy Chief Justice and Chief Registrar of the

Judiciary are occupied by women. These changes mirror similar developments in the legal profession, where recent trends show more female lawyers being admitted to the Bar. In **Mauritius**, where the Chief Justice is also a woman, women surpassed men in justice positions: 70 per cent women judges against 30 per cent men judges; and 71 per cent women magistrates against 29 per cent male magistrates. In **Namibia, South Africa** and **Tanzania**, female and male magistrates are about the same number; however, the share of male judges is significantly higher than female judges, and women are still under-represented in top positions.

It is widely understood that countries with civil law legal systems are more open to female judges than common-law-inspired legal systems. This is because civil systems rely on exams for admittance into the judiciary. In contrast, common law systems rely on selection processes that focus on elements such as length of service, reputation and experience in law firms, which may allow for patriarchal considerations or indirect discrimination.

In terms of service specialization, 13 out of 16 countries scanned for GBV services in East and Southern Africa - ▼ **TABLE 26** - have established **specialized GBV courts** and/or police units supported by special protocols, guidelines and training programmes. In **Zimbabwe**, for example, significant efforts were made to strengthen the capacity of security services – including defence forces, police services, prisons and correctional services. To increase their responsiveness to GBV, the initiatives prioritized building the capacity of curricula advisory tutors and lecturers from security sector institutions such as the Zimbabwe Staff College, the Institute of Correctional Services and the National Defence College. Moreover, a mechanism was established – the GEMASSET “Gender Mainstreaming in the Security Sector” – bringing together the Zimbabwe Republic Police, women's organisations and civil society organisations on an ongoing dialogue and exchange to strengthen the security sector in Zimbabwe. In practice, the mechanism was not utilized regularly and thus had a lesser impact than expected. In **Kenya**, the Department of Defence developed a Gender Policy in 2017

with the assistance of UN Women. The Policy implementation triggered career progression among women security officers, in addition to providing an enabling environment for enhancing knowledge and opportunities for women in leadership roles.

With regard to another legal issue relevant to women, over the last couple of decades, several countries have pursued reforms of their land court systems to better handle issues related to land ownership and disputes. In **Tanzania**, for example, land reforms helped move towards a more formal land administration and land court system. However, while this change could offer an opportunity to enforce equitable statutory law provisions, its impact on women's access to land is unclear, especially since informal customary practices continue in parallel.

Given that many of the legal issues that are relevant to women – such as GBV, family and land matters – are administered by multiple legal systems, engendering institutions is essential across the board. Initiatives to increase women's representation and gender sensitivity within traditional justice mechanisms appear crucial. A good practice comes from **Burundi**. In 2010, UN Women supported an initiative to incorporate women into the circle of *bashingantahe*, traditional elders responsible for community conflict resolution and preserving peace in their *collines* (smallest administrative units in the country). *Bashingantahe* committees were traditionally comprised exclusively of men. Through sensitization of the elders on women's rights and the amendment of the *bashingantahe* charter, women became accepted as part of the institution, thus gaining a say at the decision-making table. Women reached 40 per cent of the *bashingantahe* committee members. As a result, awareness of sexual and gender-based violence and other violations of women's rights significantly increased among all committee members. The impact of this initiative became visible in the following events. When Burundian women's organisations campaigned to adopt a new law ensuring women's inheritance rights, though resistant at first, *bashingantahe* leaders spoke out in public in support of the proposed law, including on local radio.

Finally, they became crucial allies in the campaign.

Based on the understanding that normative and cultural systems can evolve, change from within can be further pursued to uphold women's rights. In **Nigeria**, a women's organisation called "Baobab," critiqued, popularized and integrated women's rights principles from Muslim, secular, customary and international human rights law into local practices and institutions. For example, Baobab briefed lawyers for women in cases of adultery, enabling them to use arguments from religious frameworks to safeguard women's rights. They also drew on Nigerian secular and constitutional law and international human rights law. As a result of Baobab's work, the Sharia courts of appeal have quashed the convictions in all cases.

Another fundamental strategy to induce plural legal systems to work better for women is the legal empowerment of women and, when possible, of women from the community and local justice providers simultaneously to improve accountability. Furthermore, dialogue with adjudicators can provide women with a safe place to voice concerns over unfairness in the justice system, to take part in determining their cultural values, and to bring about reform in procedures. Such dialogues are most effective when facilitated by local rights-based organisations with long-standing legal empowerment programmes ▼ *COUNTRY FOCUS 26*.

Women have the least access to justice when they need it most - in conflict and post-conflict periods. All the problems associated with weak infrastructure, social barriers and stigma, described earlier in this report, are severely exacerbated at a time when crimes on a massive scale have taken place and in many cases are ongoing. Creating specific and effective mechanisms addressing conflict-related GBV are crucial yet often complex and challenging ▼ *TABLE 28*. Ensuring essential justice services and other community services, is equally key. Data shows that restoring education and health services in post-conflict countries helps women seek justice. In the face of insufficient support systems, women's groups increas-



ingly stepped up in **Sudan** to provide crucial services, such as shelter, food, water, health-care, and psychological support. The prioritization of justice services relevant to women, such as, for example, the Gender-Based

Violence and Juvenile Courts in **South Sudan** established in 2020, significantly contributes to women's access to justice and rights in post-conflict and fragile contexts.

**Table 22:**  
Women in the Judiciary in SADC Member States 2022

	Attorney General		Supreme Court/Court of Appeal/High Court						Magistrates Court	
			Chief Justice		President		Judges		Magistrates	
	Men	Women	Men	Women	Men	Women	Men %	Women %	Men %	Women %
<b>ANGOLA</b>	--	--	--	--	1	2	--	--	63.7	36.3
<b>BOTSWANA</b>	1	0	1	0	0	1	81	19	31.1	68.9
<b>COMOROS</b>	--	--	--	--	--	--	--	--	--	--
<b>DRC</b>	--	--	--	-	--	--	--	--	--	--
<b>ESWATINI</b>	1	0	1	0	1	0	75	25	54	46
<b>LESOTHO</b>	1	0	1	0	1	0	35	65	58	42
<b>MADAGASCAR</b>	--	--	--	--	--	--	--	--	--	--
<b>MALAWI</b>	1	0	1	0	1	0	72	28	73.3	26.7
<b>MAURITIUS</b>	1	0	0	1	1	0	30	70	29	71
<b>MOZAMBIQUE</b>	0	1	1	0	1	2	69.4	30.6	58	42
<b>NAMIBIA</b>	1	0	1	0	1	0	67	33	50.5	49.5
<b>SEYCHELLES</b>	1	0	0	1	1	0	57.2	42.8	83.4	16.6
<b>SOUTH AFRICA</b>	1	0	1	0	9	4	61.8	38.2	50.2	49.8
<b>TANZANIA</b>	1	0	1	0	1	0	60	40	52	48
<b>ZAMBIA</b>	1	0	1	0	0	1	37.5	62.5	73.1	26.5
<b>ZIMBABWE</b>	1	0	1	0	0	1	43.2	56	59	41

Source: SADC Gender and Development Monitor 2022: Women in Politics and Decision Making  
<https://www.sardc.net/en/beyond-inequalities/9652/>



## COUNTRY FOCUS 26 – UGANDA, KENYA

### Changing traditional justice mechanisms through dialogue with women

#### **Sensitized Elders Improve Women's land rights in Kenya**

The Kenyan National Commission of Human Rights stepped up efforts to improve land rights for women. In the Luo society in western Kenya, land is always inherited through the male line, and women often lose their livelihood after the death of their husbands. However, the community perceives the protection of women as an important trait of their culture. In community dialogues, women described their struggle for survival in front of the elders. Confronted with the difficulties faced by women and responding to social changes and growing human rights awareness, the elders reinvigorated their commitment to the protective aspects of the Luo culture. They helped women to gain access to land from their husbands' families.

#### **Sensitized traditional leaders support women's rights and GBV protection in Uganda**

The Federation of Women Lawyers (FIDA-Uganda) initiated dialogue with local community elders in the Acholi districts of northern Uganda to address sexual and gender-based violence in their communities. The Ker Kwaro-Acholi (KKA) is a legal-cultural institution comprising 54 traditional leaders who head various clans and are considered cultural custodians of the Acholi people. Starting from the common goal of promoting women's rights in society, FIDA and the paramount chief of the KKA appointed a task force, which worked with FIDA to document local cultural practices. Extensive legal education sessions were conducted to raise community awareness of women's rights and mechanisms for redress. As a result, a set of gender principles were drafted – using language from the Ugandan Constitution, the Domestic Relations Bill and international human rights instruments – to guide the KKA in its future judgments. Varying levels of agreement were reached between local practices and human rights norms on the definition of marriage, the regulation of polygamy, sexual rights, violence against women, and inheritance and property rights. This project succeeded in creating a fruitful – and ongoing – dialogue between activists and customary leaders to realize the shared goal of enhancing women's rights.

Sources: UN Women, *Progress of the World Women 2011-2012: In Pursuit of Justice* <https://asiapacific.unwomen.org/en/digital-library/publications/2011/1/progress-of-the-worlds-women-in-pursuit-of-justice>

**Table 23:**  
Examples of justice initiatives addressing conflict-related violence against women

### DOCUMENTING CRIMES

#### **Documenting violations during and after conflict: The Waki Commission in Kenya**

Following the burst of violence in the aftermath of Kenya's 2007 presidential election, former United Nations Secretary-General Kofi Annan brokered a power-sharing agreement, which included the appointment of the Commission of Inquiry on Post-Election Violence, known as the Waki Commission, named after its chair, Justice Philip Waki, an appeal court judge. The Commission was specifically mandated to investigate and document widespread incidents of sexual violence. The investigation was supported by an inter-agency gender-based violence group consisting of United Nations agencies, including UNFPA and UN Women, and civil society partners such as the Federation of Women Lawyers (FIDA-Kenya). Working with two women investigators with extensive expertise in dealing with cases of sexual violence, this group formulated gender-sensitive investigation methods, helped to locate victims, and provided counselling services.

#### **UN Women's Situation Rooms in Sudan**

Following the explosion of violence in the Sudanese capital of Khartoum in April 2023 and the spread of violence and heightened sexual and gender-based violence across multiple regions, UN Women established Situation Rooms within local humanitarian initiatives to document, monitor and raise awareness about conflict-related sexual violence and other forms of gender-based violence. The Situation Rooms also put in place a referral system for survivors of conflict-related sexual violence and gender-based violence and provided a range of survivor services, including clinical, psychological, and legal support and information.

## INCREASING PROSECUTION

### Mobile Courts in Eastern DRC

In 2010, partnering with the government and working with local police, lawyers, judges and psychologists, the American Bar Association and the Open Society Justice Initiative provided mobile courts to bring justice to remote areas. Nine mobile courts adjudicated 186 cases. Of these, 115 were rape cases that resulted in 95 convictions, with prison sentences ranging from 3 to 20 years. More than 260 judicial officers have been trained, including 150 police officers, 80 lawyers and 30 magistrates.

### Rwanda's Gacaca Community Justice Mechanism

In Rwanda, *Gacaca*, a local dispute resolution process, was partially reformed and used by the Government to hear cases of lesser crimes related to the genocide and gather evidence to categorize crimes. *Gacaca* courts have enabled a rapid transitional justice process. Since 2001, *Gacaca* courts have dealt with over 1.5 million cases. Moreover, according to a 2023 study, the *Gacaca* trials were conducive to developing positive gender concepts around women as agents of peace rather than war. These ideas invoked by accused women and trial participants helped women achieve acquittals and contributed to the Rwandan state's construction of a 'truth' narrative that ordinary Rwandan women are not capable of genocide violence. Additionally, women's trials reveal a further function of the *Gacaca* process: as a political tool that helped shape a more progressive role of contemporary Rwandan women within the household.

## TRUTH COMMISSIONS

### Truth and Reconciliation Commissions in Sierra Leone and South Africa

In Sierra Leone, UN Women supported the Truth and Reconciliation Commission's work to ensure a comprehensive gender strategy. Women's organisations were funded to facilitate outreach to local communities and provide transport, medical assistance and childcare for women witnesses. A data system was set up to collect sex-disaggregated statistics.

-seeking bodies may not be effective in all cultural or political contexts. The experience of publicly sharing endured violence and abuse may not unequivocally benefit those engaged in such practice. The Trauma Centre for Survivors of Violence and Torture in Cape Town found that 50 to 60 per cent of victims who testified before the South African Truth and Reconciliation Commission had been re-traumatized, with the experience re-opening wounds and leaving them more embittered.

### Community-based truth and reconciliation initiatives in Rwanda

From the inception of the reconstruction process, Rwanda has implemented a conscious strategy of transitional justice encompassing a variety of programmes. Some of the most significant initiatives fostering social reconciliation include the creation of cooperatives (where people of a village work together for community development); the *Ndi umunyarwanda* programme ("I am Rwandan" campaign, where people talk about history, repent of past crimes committed on the other ethnic group, and heal); *Umuganda* (a day dedicated to collective community work such as cleaning infrastructure, repairing roads and so on, once a month); *Umugoroba w' ababyeyi* (parents' evening, where parents of the same village talk about various issues, from politics and development to family issues) and *Ijisho ryumuturanyi* (eye of the neighbour). These measures have seen various levels of success and failure. Some case studies suggest that the structure of cooperatives in Rwanda – due to long-term interactions and gradual relationship-building – contributed to genuine reconciliation among victims and perpetrators of the genocide.

## WOMEN'S TRIBUNALS

### Women's Tribunals

In contexts where official processes have not addressed women's justice demands, civil society organisations have held their tribunals to highlight women's experiences. Although the judgments of these tribunals are not binding, they have helped to shed light on sexual violence crimes and the experiences of victims. They also created moral pressure towards formally recognizing women's rights violations. There are no documented examples of Women's Tribunals in Africa.

## REPARATION

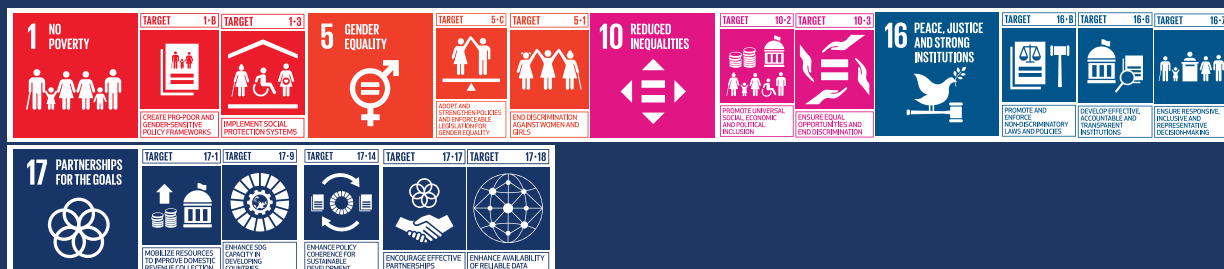
### **The case of reparation for the women of Songo Mboyo, DRC**

In 2003, troops attacked the villages of Songo Mboyo and Bongandanga. In all, 119 reports of rape and 86 of looting were recorded and sent to the military prosecution department, but no action was taken for almost two years. Due to this delay and during this period, women continued to be repeatedly threatened by soldiers. In 2005, 12 men were indicted and a year later, seven were convicted and sentenced to life imprisonment. These convictions marked a significant legal achievement as, for the first time in the country's history, rape was tried as a crime against humanity (as defined in the Rome Statute). The women were awarded a total of \$165,317 in reparations. However, within two months, the convicted men left prison and the women never received the awarded compensation. In the aftermath of these events, Songo Mboyo women formed a survivors' association and, all together, demanded the high-level panel to provide them with a boat to transport their goods down the river to the market, to secure their livelihoods and contribute to their recovery. UN Women took on the responsibility to answer this request for collective redress and the boat was delivered to the women in February 2011.

Sources: UN Women, *Progress of the World Women 2011-2012: In Pursuit of Justice* <https://asiapacific.unwomen.org/en/digital-library/publications/2011/1/progress-of-the-worlds-women-in-pursuit-of-justice> - In Sudan, women's organisations fight back against sexual violence in conflict, 2023 <https://www.unwomen.org/en/news-stories/feature-story/2023/06/in-sudan-womens-organisations-fight-back-against-sexual-violence-in-conflict>  
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# CHAPTER 4:

## ACCELERATING FACTORS



### Gender Responsive Budgeting (GRB)

#### CHAPTER HIGHLIGHTS

- 1) Gender Responsive Budgeting is key to ensuring that available resources – especially in low and lower-middle-income countries where public budgets have many constraints – create equal benefits and do not directly or indirectly reinforce any form of discrimination. GRB is also essential to ensure the implementation of gender equality laws and programmes.
- 2) Several Sub-Saharan African countries have been among the first in the world to adopt GRB in the nineties. Additionally, regional commitments to GRB have progressively increased in recent years. GRB practices and impacts vary from country to country. Some countries in the region are still at an initial stage.
- 3) Ministries of Finance have taken the lead in countries where GRB is most effective. Government officials' consensus on GRB benefitting society as a whole and effective donor support are also key factors in the success of GRB initiatives in the region.
- 4) Moreover, it is important to go beyond the focus on spending allocations per se; reforms of fiscal policies and budget-making procedures are proven effective in serving gender equality goals.

*“Gender-responsive budgeting is not about creating separate budgets for women or increasing spending on women’s programmes. Rather, gender-responsive budgeting seeks to ensure that the collection and allocation of public resources is carried out in ways that are effective and contribute to advancing gender equality and women’s empowerment. (...) It provides tools to assess the different needs and contributions of men, women, and boys and girls within the existing revenues, expenditures*

*and allocations. It also calls for adjusting budget policies to benefit all groups.”* Many interventions are zero-cost but can have a great impact on gender equality.

Although Sub-Saharan African countries were among the first countries in the world to adopt gender budgeting, data from across the region consistently reveal a lack of adequate funding for initiatives targeting gender equality and women’s empowerment and a limited ability to optimize revenues and

expenditures equitably. On average, gender ministries or divisions receive 1 per cent of national budgets across African countries.

*“Most Sub-Saharan African budgets operate with limited revenue, on average below 25 per cent of GDP (and some well below); (they) have limited ability to borrow on international financial markets and their budgets are stressed by global events; public spending on education and health for all citizens is generally insufficient, even with substantial donor support in some countries; weak or underdeveloped revenue bases constrain the ability of governments to fund their public services adequately”.* In this sense, gender-responsive budgeting can offer the opportunity of many gains with limited budget increases.

In 1996, **South Africa** was the first country in Sub-Saharan Africa to implement gender-responsive budgeting and initiatives; Tanzania and Uganda followed it, and subsequently other countries in the sub-region, including **Mauritius, Mozambique, Ethiopia, Uganda, Rwanda** and **Zimbabwe**. Most efforts at gender-responsive budgeting focus on spending allocations and emphasize the design of public programs. Although the emphasis on spending is necessary and appropriate, substantial progress cannot be achieved without strengthening the revenue bases and ensuring that revenue policies contribute to gender equality goals. Discrimination against women in the personal income tax, once common in the region, has mostly vanished. Yet, implicit biases in indirect taxes and the design of tax systems likely still exist.

Moreover, many Sub-Saharan governments have recently undertaken reforms in public financial management, some with more success than others. Public financial management reforms provide governments with a great opportunity to integrate gender-oriented goals into program-based budgeting. ▼ **TABLE 29** provides an overview of gender-responsive budgeting in several East and Southern African countries, with examples of good practices.

Regional commitments to gender-responsive budgeting have progressively increased in recent years. The Maputo Protocol’s obligation to “provide adequate budgetary and other resources for the implementation and monitoring of actions aimed at preventing and eradicating violence against women” (art. 19), was reinforced in 2014 by the 9<sup>th</sup> African Regional Conference on Women’s recommendation to use gender-responsive budgeting. The same year, the African Union endorsed the Addis Ababa Declaration, which calls upon all member countries to adopt gender-sensitive planning and budgeting schemes.

The IMF 2016 Review highlighted several elements responsible for greater impact in gender-responsive budgeting efforts in Sub-Saharan African countries.

- 1- Rwanda, Uganda, and South Africa** have achieved GRB successes, mainly through changes in fiscal policies or budget-making procedures;
- 2- Ministries of Finance** have taken the lead in countries where GRB seems most effective. Ministries of Finance in **Rwanda** and **Uganda**, for instance, have mandated that other ministries or levels of government responsible for social welfare or women’s development try to address gender gaps and women’s needs in their budgets. Parliamentarians also played a catalytic role in these countries;
- 3- In the countries with the most success in GRB**, there was a clear consensus by government officials that gender budgeting would contribute not only to the well-being of women and girls but to the welfare of society as a whole;
- 4- Non-governmental organisations and donors** helped generate research and apply pressure to support changes in fiscal policies in these countries. Donors have also provided financial support to GRB efforts, particularly in terms of capacity building, which is key in the practice;
- 5- Furthermore**, several other countries in the region achieved some success with gender budgeting, though many efforts are only at the initial stage or have been episodic.

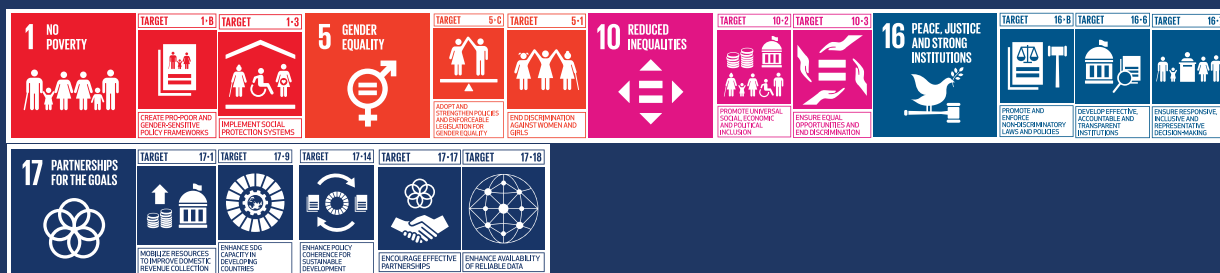
Additionally,

- 6- The establishment of oversight and monitoring mechanisms like **Rwanda's** Gender Monitoring Office and **South Africa's** Supreme Audit Institution also contributed to the success of GRB initiatives, ensuring that gender budgeting is operationalized as intended.

The following framework could be used to strengthen further government efforts to adopt and implement gender-responsive budgets across ministries:

- Analyze the situation of women and men, girls and boys in the sector (e.g., agriculture, trade, energy, water, etc.) using data

- disaggregated by sex, geographical area, level of education and ethnicity, and considering other socio-economic characteristics;
- Provide a comprehensive assessment of sectoral strategies, programmes and measures in terms of gender sensitivity;
- Evaluate whether sufficient financial and other resources are earmarked for gender-sensitive policies and measures;
- Monitor whether the expenditure set aside is spent as planned.
- Review whether the policy and corresponding expenditure have promoted gender equity and transformed the situation of the target group.



## Gender Statistics: Measuring Gaps, Assessing Progress

### CHAPTER HIGHLIGHTS

- 1) Data are essential to identify and measure progress, as well as to understand problems and find solutions.
- 2) General and gender-specific statistical systems and capacity widely differ across the region, with an acceleration in the advancement of gender statistics in the last five years under the UNECA-led Africa Programme of Gender Statistics, supported by UN Women and the African Development Bank. Some countries in the region progressively realized effective systems.
- 3) Essential elements of an enabling environment for gender data production include progressive legal frameworks, political will and gender-prioritization at the national and subnational level; gender units within national statistics agencies; dedicated budgets and work plans; and the adoption of gender-specific indicators in line with national and international commitments.
- 4) Regarding data accessibility and use, the region displays some successful stories. However, there is much space for improvement across countries.
- 5) Several countries run gender-relevant surveys in the region, yet not always with adequate periodicity and sometimes missing important indicators/questions for gender equality.
- 6) Under the UN Women's "Making Every Woman and Girl Count" programme, guidelines on Administrative and Citizen-Generated Data were produced for East and Southern Africa, with the potential to strengthen and harmonize gender data.

*"Data are the lifeblood of decision-making and the raw material for accountability. Without high-quality data providing the right information on the right things at the right time, designing, monitoring and evaluating effective policies becomes almost impossible. [...] Despite considerable progress in recent years, whole groups of people are not being counted and important aspects of people's lives and environmental conditions are still not measured. This can lead to the denial of basic rights, and for the planet, to continued environmental degradation."*

The regular collection of quality and punctual gender statistics is central to mainstreaming gender across budgets, policies and programmes, feeding "ex-ante" assessments of the different needs of men and women with different characteristics and from diverse backgrounds and "ex-post" evaluations of their impact. Data is crucial to measure progress against the Sustainable Development Goals.

According to the United Nations, gender statistics encompass the sum of the following characteristics:



- Data collected and presented by sex as a primary and overall classification;
- Data that reflects gender issues;
- Data based on concepts and definitions that adequately reflect the diversity of women and men and capture all aspects of their lives;
- Data collected via methods that consider stereotypes and social and/or cultural factors that may introduce gender bias.

The gender statistics initiatives in Africa are being implemented under the umbrella of the UNECA-led Africa Programme of Gender Statistics (APGS). In addition to UNECA, the African Development Bank and UN Women are pivotal in supporting the increased production and use of gender statistics across the continent.

Data reported by UN Women ▼ *TABLE 29* shows that out of 16 countries scanned in the East and Southern African region, **South Africa** and **Uganda** show an advanced practice, in addition to **Ethiopia**, **Kenya**, **Rwanda** and **Tanzania** also offering a sufficiently well-developed system, besides the areas for improvement. The table also highlights how general data production capacity may contribute to the production of gender statistics. Yet, it is not automatically associated with it. For instance, in Eswatini, Lesotho and Malawi, the general statistical capacity is evaluated at around 70 per cent. Still, the production of gender statistics is very limited, if not non-existent. In **Ethiopia**, where the statistical capacity is evaluated at 48 per cent, the production of gender statistics has instead highly improved in recent years. Political will and prioritization of gender equality goals, followed by the allocation of core resources, are necessary to trigger development in gender statistics. Obviously, for higher sustainability, the advancement of both the general statistical system and capacity and the gender data production system and capacity shall ideally go together.

▼ *COUNTRY FOCUS 27* on **South Africa** (a country considered to be running an advanced practice) indicates which elements constitute an enabling environment for gender data production and priority issues to consider in building an effective system.

Nonetheless, the statistical landscape is complex across the board, and several factors can contribute to accelerate or hinder progress.

Sometimes, for example, even where the practice is well established, National Statistics Offices and stakeholders often simplified the concept of gender statistics to include only binary sex-disaggregated data. Operating under this narrower definition limits the scope of efforts to strengthen gender statistics and their inclusiveness, highlighting a need to invest in gender data production but also in gender data literacy. Furthermore, administrative data constitutes a precious source of gender statistics. Yet, lack of capacity, prioritization and coordination across governmental bodies at national and subnational levels often limit the collection and/or access to such data.

**Namibia**, a country where both the general and gender-specific statistical systems are limited, showcases the variety of issues that can affect progress and the opportunities that can offer success. Even though the Constitution and policy instruments recognize the need for evidence-based gender statistics to monitor gender equality and women's empowerment, in Namibia, statistics, strategies and plans are largely silent on collecting gender-relevant data and its production and dissemination. There is a strong national gender machinery and gender mainstreaming has become institutionalized across government agencies and the private sector. However, without the necessary institutional changes and resource allocations for statistical production, progress in gender statistics will continue to lag. Moreover, although certain coordination for statistics occurs through the Gender Policy Coordination mechanism, it is not gender statistics-specific. In terms of data production, critical surveys for gender equality are not carried out regularly. Additionally, data collection and access to administrative data struggle with an underdeveloped and poorly maintained IT infrastructure.

Efforts have been made to improve the availability of gender statistics indicators in the Namibia National Statistics System. However, the National Statistics Agency has never

published a dedicated report comparing the situation of women or men, nor have they produced gender-specific publications. Notwithstanding users consider the available gender statistics relevant for planning and policy-making, the National Statistics Agency does not produce gender statistics at regular intervals to meet the needs of users.

Despite these various challenges, it is important to highlight the many opportunities the Namibian context offers to improve the production and utilization of gender statistics. It is the need to optimize the available tools and mechanisms and mold them to serve the purpose of analysing, monitoring and advancing gender equality that emerges as a priority from reviewing the state of the art of the statistical system in Namibia and elsewhere in the region.

In this regard, UN Women's "Making every woman and girl count" has a significant impact (TABLE 30). Some recent achievements in the creation of an enabling environment for gender statistics and in increasing gender data production include, among others:

- In **Tanzania**, the Statistical Master Plan (TSMP) now explicitly includes gender data action and financing plans; the National Plan of Action to End Violence against Women and Children mandates relevant ministries, departments and agencies (MDAs) to produce sex-disaggregated data on violence against women to support victims; and armed with the knowledge that the TSMP will now deliver the necessary gender data for benchmarking and monitoring, MDAs have included more gender targets in the country's Five-Year Development Plan 2021–2026;
- In **Kenya**, the government contributed USD 150,000 towards training enumerators and

data cleaning of the 2021 time-use survey. Also, in Kenya, the Inter-Agency Gender Statistics Technical Committee has provided a valuable platform to cross-pollinate ideas and helped break data siloes within the National Statistics System.

- In East and Southern Africa, Guidelines on Administrative and Citizen-Generated Data (CGD) were produced, which hold the potential to strengthen and harmonize gender data production. The CGD guidelines were approved for national use in **Uganda**.
- **With the support of UN Women and the International Institute of Rural Reconstruction, Ethiopia** embarked on a one-year pilot to collect, analyze and use CGD to report on SDG 5 and other gender-specific SDG indicators.

Additionally, in terms of improved data accessibility and use, it is worthy to mention achievements in **Uganda** and **Tanzania** regarding the use of their recent Time Use Surveys' (TUS) data. Uganda's TUS contributed to adopting energy-efficient cooking technologies in certain districts, and sparked discussions with Parliament to revise the Employment Act and the Ministry of Water and Environment to extend clean water to underserved communities. Tanzania's time-use data were used to revise government employees' minimum salary and better target poor women for coverage under the Tanzania Social Action Fund. Moreover, in Uganda, a regional study on gender and public transport conducted in partnership with the Stockholm Environmental Institute informed discussions between UN Women's Uganda Country Office and the Minister of Transport on ways to engender urban transport policies and planning, with a steering committee established to develop an action plan based on the findings.

**Table 24:**  
State of the art of Gender Responsive Budgeting and Gender Statistics in East and Southern Africa

	GENDER BUDGETING	EXAMPLES OF GOOD PRACTICES	GENDER STATISTICS	WOMEN COUNT GENDER STATISTICS MATURITY	WORLD BANK'S STATISTICAL CAPACITY SCORE	EXAMPLES OF GOOD PRACTICES
ESWATINI	No		Yes-limited	Level 1	71%	
ETHIOPIA	Yes	<p><b>GRB Guidelines</b> in Education (2009) and Agriculture (2008);</p> <p>GRB practice at the federal and regional level</p>	Yes	Level 3	48%	<p><b>2020 Booklet</b> on how to produce, analyze and communicate gender statistics</p> <p><b>National sex-disaggregated data</b> on population, health, agriculture, and the economy through censuses and surveys produced regularly</p>
KENYA	Yes	<p><b>Technical Assistance to the National Treasury</b> to produce and track gender allocations</p>	Yes	Level 3	58%	<p><b>State/ Non-State collaboration</b> to produce gender statistics</p> <p><b>2020 Gender Sector Statistics Plan (GSSP) supported by UN Women</b></p>
LESOTHO	No		Yes-limited	Level 1	67%	
MALAWI	Yes	<p><b>GRB practice since 2015</b>, supported by the UN and EU</p> <p><b>2022 Local Councils' GRB Guidelines</b></p>	Yes-limited	Level 2	70%	
MAURITIUS	Yes	<p><b>2021-2022 National Budget Proposals</b> supported by Raise Brave Girls Association;</p> <p><b>Budget allocated for each ministry for gender</b> mainstreaming and women's empowerment initiatives.</p>	Yes		85%	

	GENDER BUDGETING	EXAMPLES OF GOOD PRACTICES	GENDER STATISTICS	WOMEN COUNT GENDER STATISTICS MATURITY	WORLD BANK'S STATISTICAL CAPACITY SCORE	EXAMPLES OF GOOD PRACTICES
NAMIBIA	Yes	<p>Advanced GRB practice focused on two approaches:</p> <p><b>The three-category expenditure approach: 1)</b> Gender-specific expenditures: Allocations to programmes that specifically target groups of women, men, girls, and boys. These include expenditure on maternal health, girls' education, micro-credit, and income generation activities for women; <b>2)</b> Expenditures that promote gender equity in public service: This comprises allocations to equal employment opportunities in government departments and authorities; <b>3)</b> General or mainstream expenditure: The focus of this category is on the differential impact on women, men, girls, and boys. It covers all expenditures which the above two categories do not include. It includes education, health, infrastructure, mining, security, and defence expenditures.</p> <p><b>Five-step approach: 1)</b> A situation analysis of women and men, girls and boys: This analyses the gender needs and uses them to plan and design programmes; <b>2)</b> Gender analyses of policy framework: This step examines policies, plans, and programmes to determine if they address the needs of groups identified in the first step; <b>3)</b> Gender analysis of the budget: It involves the analysis of the required revenue and expenditures, in line with the policy objectives and priority needs of target groups; <b>4)</b> Monitoring budget implementation: It involves taking measures that spending is done as per the planned budget; <b>5)</b> Assessing the gender impact of policy and associated budget: This is the evaluation stage where the impact is examined and is mandatory to understand if the objectives are meeting the needs of the targeted groups.</p>	Yes-limited	Level 2	51%	

	GENDER BUDGETING	EXAMPLES OF GOOD PRACTICES	GENDER STATISTICS	WOMEN COUNT GENDER STATISTICS MATURITY	WORLD BANK'S STATISTICAL CAPACITY SCORE	EXAMPLES OF GOOD PRACTICES
RWANDA	Yes	<p>Advanced GRB practice since 2002</p> <p>The pilot phase in 5 ministries – Ministry of Finance takes the lead;</p> <p>2008 reforms mandated <b>each ministry</b> to ensure that women's needs are integrated into its areas of responsibility and budget request – the Ministry of Finance takes the lead;</p> <p>2010 National Gender Policy embeds <b>GRB as a necessary intervention</b> for the success of its implementation;</p> <p>2013 organic law on State Finances and Property <b>institutionalized GRB</b> as part of the government's budgeting framework, including accountability measures for gender-sensitive resource allocation across sectors, programs and projects through <b>mandatory Gender Budget Statements</b>.</p>	Yes	Level 3	73%	<p><b>2021 National Gender Statistics Report</b></p> <p><b>2020 Establishment Census Report-Thematic Report on Gender</b></p>
SOMALIA	No	<p>Yet, the National Gender Policy calls upon the Ministry of Finance to exercise its leadership toward gender-sensitive budgeting and expenditures.</p>	No		34%	
SOUTH AFRICA	Yes	<p>Advanced practice since 1996</p> <p>In 2021, the National Treasury collaborated with the IMF and the Fiscal Affairs Department to develop a <b>roadmap</b> to advance GRB. A <b>new approach</b> combining the preparation of a gender budget statement and a gender expenditure tagging mechanism was proposed. This mechanism builds on recent efforts by the National Treasury to tag gender spending and new requirements for departments to include gender-disaggregated data in their annual performance plans. It was also recognized that GRB could be expanded as a wider concept of budgeting to <b>prioritize other vulnerable groups</b>, such as young and disabled people.</p>	Yes	Level 4	81%	<b>Advanced practice</b>

	GENDER BUDGETING	EXAMPLES OF GOOD PRACTICES	GENDER STATISTICS	WOMEN COUNT GENDER STATISTICS MATURITY	WORLD BANK'S STATISTICAL CAPACITY SCORE	EXAMPLES OF GOOD PRACTICES
<b>SOUTH SUDAN</b>	No		No	Level 1	45%	
<b>SUDAN</b>	No		Yes-limited	Level 1	53%	
<b>TANZANIA Mainland</b>	Yes	<p><b>2000 GRB Pilot Project</b> aimed to integrate gender issues into the budget processes of six selected ministries - namely the Ministry of Water, Ministry of Agriculture and Food Security, Ministry of Health, Ministry of Education and Culture, Ministry for Regional Administration and Local Governments; and the Ministry of Community Development, Gender, and Children's Development - with the Ministry of Finance and Planning as the focal point.</p> <p><b>GRB Guidelines</b> for preparing the Medium-Term Plan and Expenditure Framework of 2000/01-2002/03 contain indications of how to mainstream gender in planning and budgeting.</p> <p>Establishment of a <b>MoFP GRB team</b> that oversees the budgets of all ministries, departments, agencies, and local authorities;</p> <p>Developing a <b>Citizens' Budget</b> in collaboration with CSOs since 2010/2011. This budget uses simple language to inform citizens about plans and budget allocations.</p>	Yes	Level 3	63%	<b>National sex-disaggregated data</b> on population, health, agriculture, and the economy through censuses and surveys
<b>TANZANIA Zanzibar</b>	Yes	In progress	Yes			

	GENDER BUDGETING	EXAMPLES OF GOOD PRACTICES	GENDER STATISTICS	WOMEN COUNT GENDER STATISTICS MATURITY	WORLD BANK'S STATISTICAL CAPACITY SCORE	EXAMPLES OF GOOD PRACTICES
UGANDA	Yes	<p>Advanced practice since 2004:</p> <p>Ministry of Finance, Planning, and Economic Development included gender budgeting in the Budget Call Circular. <b>Guidelines</b> addressing gender-oriented goals in the budget were attached as an annex for sector ministries and local governments. The initial focus was on Ministries of Education, Health, Agriculture, Justice, Law, and Order, Energy, and Water and Sanitation. The Ministry also produced <b>sex-disaggregated data</b> to inform discussions on the budget. The Budget Call Circular has been refined over the last few fiscal years to encourage sectors to adopt gender budgeting.</p> <p>2015 Public Finance Management Act provides a <b>framework</b> for mainstreaming gender in national plans and budgets. It requires every Ministry, Department, and Agency to present a <b>certificate of gender and equity compliance to parliament</b> before its budget is approved.</p> <p>In addition to the headway made at the national level, Uganda adopted <b>local-level GRB initiatives</b>.</p>	Yes	Level 4	71%	<p><b>Advanced practice</b></p> <p><b>Standalone Time Use and GBV surveys</b> conducted within the past five years.</p> <p><b>National sex-disaggregated data</b> on population, health, agriculture, and the economy through censuses and surveys produced regularly.</p> <p><b>Gender data portal</b> <a href="http://gender.ubos.org:8080/">http://gender.ubos.org:8080/</a></p>
ZIMBABWE	Yes	Limited by capacity constraints and lack of prioritization	Yes-limited	Level 2	59%	Gender Statistics Committee

Sources: UN Women, *Country Gender Equality Profiles in East and Southern Africa, 2021-2023*  
IMF Working Paper WP/16/152, *Sub-Saharan Africa: A Survey of Gender Budgeting Efforts*, 2016 <https://www.imf.org/en/Publications/WP/Issues/2016/12/31/Sub-Saharan-Africa-A-Survey-of-Gender-Budgeting-Efforts-44145>



## COUNTRY FOCUS 27 – SOUTH AFRICA

### Strengths, achievements, and areas for improvement in a well-established gender data production practice

<b>Environment of gender data production</b>	The national statistics bureau - <b>Stats SA</b> - is a well-respected and established institution.
	Progressive amendments to the 1999 <b>Statistics Act</b> are on the way.
	Stats SA's <b>management</b> strongly supports the production of gender statistics.
	A <b>dedicated gender directorate</b> – the Gender and Marginalized Statistics Unit – is established; other directorates routinely produce sex-disaggregated data and sometimes gender-specific reports.
	There is a <b>dedicated budget and strategic plan</b> for gender statistics.
<b>Gender data production and availability</b>	Stats SA's <b>Integrated Indicator Framework (IFF)</b> is structured around the 17 SDGs and indicators from the Agenda 2063 and the National Development Plan.
	SDG5 working group functions as a <b>gender data coordination mechanism</b>
	Stats SA produces <b>regular gender data and statistical reports</b> .
	The <b>Education Management Information System (EMIS)</b> and the <b>Higher Education Management Information System (HEMIS)</b> administrative data systems have improved.
<b>Areas for improvement</b>	<b>Gender fact sheets</b> and <b>consultation with users</b> by the Department of Higher Education are good practices.
	<b>Gender and Marginalized Statistics Unit is included in all internal stakeholder consultations</b> to ensure that survey tools and statistical reports are gender-responsive.
	1) Time Use Survey; 2) Poverty and Inequality Survey; and 3) Comprehensive School Safety and Violence <b>Survey shall be repeated periodically</b> , within adequate timeframes. Financial support is needed.
	The Department of Social Development registers and the District Health Information System are two <b>priority administrative data sets that need development</b> .
	The <b>National Integrated Protection Information System</b> (linking all relevant data generated by the social cluster) needs to become fully operational.
	All departments shall develop <b>gender fact sheets</b> and run <b>consultations with users</b> .
	Gender data production shall be improved at the <b>municipal level</b> .
	<b>Data accessibility needs to be improved</b> , reconnecting data production and use.
	Stats SA website needs to become more user-friendly – increased data literacy and user-friendly publications can help. User/producer dialogues shall be institutionalized.
	<b>The public sector's basic training and capacity</b> for producing and using gender data and statistics need to be developed.
<b>Minimum sets of gender indicators shall be integrated into the IFF</b> .	
Departmental work plan reporting shall include adequate gender-related targets and indicators to ensure Gender <b>statistics coordination mechanisms can be expanded leveraging existing ones to prevent data gaps</b> .	

Source: UN Women, South Africa Gender Statistics Assessment, Assessment of Gender Data and Capacity Gaps in South Africa, 2021 <https://data.unwomen.org/publications/south-africa-national-gender-statistics-assessment>



**Table 25:**  
**UN Women’s “Women Count” Programme in East and Southern Africa**

### **The Programme and its actions**

UN Women is implementing the programme “Making Every Woman and Girl Count: Supporting the Monitoring and Implementation of the SDGs through Better Production and use of Gender Statistics” to support countries in implementing the 2030 Global Agenda.

Known as “Women Count,” the programme builds on UN Women’s unique normative, policy, programmatic and coordination mandates. It aims to achieve this through a radical shift in the production, availability, accessibility and use of quality data and statistics on key aspects of gender equality and women’s empowerment.

Women Count has a strong presence in East and Southern Africa (Women Count ESA) with efforts spent both at regional and country level, specifically:

- **The second phase (2022-2025) of Pathfinder Women Count projects is underway in Kenya, Tanzania, and Uganda;**
- **Guidelines** on using administrative data for measuring the SDGs; collecting and using citizen-generated data; and qualitative and socio-economic impact assessments.
- A **Regional Community of Practice** on gender data and statistics since 2019 for sharing best practices and new developments through south-south learning.
- **Support to non-pathfinder countries, including Zimbabwe, Malawi, Mozambique, South Africa, South Sudan, Sudan and Namibia, to conduct national assessments of their respective gender statistics systems** and supported strengthening their respective capacities to produce and disseminate new data.
- **Post-COVID-19 Rapid Country Gender Statistics Assessment conducted in South Africa, Mozambique, Malawi, Uganda, Ethiopia, Eswatini and Rwanda** and similar studies in **Kenya and Tanzania**.
- To help fill gaps in reporting on the SDGs and Africa Agenda 2063, Women Count ESA led several regional initiatives in partnership with UN Women WCA, UNECA and the AfDB. This includes the development of the **Minimum Set of Gender Indicators for Africa, the Evaluation of the Africa Program of Gender Statistics II (APGS II) and the development of the APGS III (2022-2026).**

### **Impact of Women Count in Kenya**

- 2018 National Statistics Assessment
- Gender Sector Statistics Plan 2019/20–2022/23
- Inter-Agency Gender Statistics Technical Committee
- Study on women’s access to agricultural finance
- County Gender Data Sheets
- Development of Kenya’s first-ever measure of women’s empowerment in the Women’s Empowerment Index 2020
- First-ever comprehensive measure of poverty from a multidimensional and monetary perspective in the Comprehensive Poverty Report 2020
- Inclusion of a Gender and Empowerment Chapter in Kenya’s Economic Survey 2020
- Improved access to gender data has driven quality research by University of Nairobi graduate students
- Partnership with GROOTS Kenya, a national movement of women-led community-based groups, to disseminate gender data to key stakeholders
- On-going review of the Statistics Act Regulations to include gender statistics, finalization of a Gender Dimensions Monograph, a preliminary report on SDG indicator 5.b.1 and material on SDG gender indicators metadata.

Source: UN Women, *In Brief: Gender Statistics, Regional Office for East and Southern Africa, 2022* <https://africa.unwomen.org/en/digital-library/publications/2022/02/in-brief-gender-statistics-regional-office-for-east-and-southern-africa>



## Development Aid: Scaling Up Partnership, Systemic Approach, Innovation

### CHAPTER HIGHLIGHTS

- 1) The East and Southern African region offers great examples of funding facilities/ initiatives prioritizing multi-stakeholder and transnational partnerships, sustainability, and innovation. Mobilizing funds and partners in parallel has the potential to increase impact.
- 2) Several large-scale, multi-stakeholder and multi-donor initiatives have been launched recently to fast-track progress in critical and urgent areas, mostly regarding violence against women and harmful practices. Some of these initiatives are focused on Africa, some others are global, yet Africa – including countries in the East and Southern region – is a priority target.
- 3) Some initiatives carried out in partnership with the private sector show how they can trigger innovation besides diversifying funding sources.
- 4) Engaging unconventional partners demonstrates how this can accelerate change while facilitating knowledge sharing and unprecedented alliances.

The **2015 Addis Ababa Action Agenda of the Third International Conference on Financing for Development** states that “*International public finance plays an important role in complementing the efforts of countries to mobilize public resources domestically, especially in the poorest and most vulnerable countries with limited domestic resources*” (Art. 50) and praises the importance of multi-stakeholder cooperation and global alliances to tackle urgent trans-national issues such as environmental risks or HIV/AIDS, as examples (Art. 76-77).

The East and Southern African region offers some great examples of funding facilities/ initiatives where multi-stakeholder, transnational partnership was capitalized upon and higher sustainability prioritized in relation to gender equality goals, with an eye on innovation.

The **Global Financing Facility for Women, Children and Adolescents** was launched by the United Nations and the World Bank at the

2015 Financing for Development Conference in Addis as part of an effort to achieve goal SDG 3. The Global Financing Facility is an innovative approach to financing that sees countries significantly increase investment in the health of their people. It supports **government-led, multi-stakeholder platforms aiming to mobilize sustainable financing for health and nutrition**. Thirty-six low and lower-middle-income countries stand to benefit from the Global Financing Facility.

At the **2019 Nairobi Summit**, donor countries pledged around \$1 billion to support **sexual and reproductive health and gender equality programmes**. Additionally, \$8 billion in new pledges was announced to achieve zero preventable maternal deaths, unmet need for family planning, and zero gender-based violence and harmful practices by 2030. A wide range of partners, from health-care and technology companies to private foundations, international NGOs and sports leaders, committed to advancing women’s, children’s and adolescent health and well-be-

ing, including sexual and reproductive health and rights. Furthermore, the session results were compiled in a practical handbook of winning strategies for implementation and advocacy for mental health and SRHR in fragile settings. This represents a great example of funds and partnership mobilization, engaging unconventional partners and facilitating knowledge sharing to accelerate change.

The **World Bank's Africa Gender Innovation Lab and Umbrella Facility for Gender Equality (UFGE)** is another interesting example of a multi-stakeholder partnership supporting joint financial aid and programmatic improvements by strengthening gender impact assessments and innovative strategies to achieve gender equality. The Gender Innovation Lab partners with units across the World Bank, aid agencies and donors, governments, non-governmental organisations, private sector firms, and researchers. This work is funded in part by the Umbrella Facility for Gender Equality, which is a multi-donor trust fund administered by the World Bank to advance gender equality and women's empowerment. The UFGE promotes experimentation and knowledge creation to help governments and the private sector focus policy and programs on scalable solutions with sustainable outcomes. Australia, Canada, Denmark, Germany, Iceland, Latvia, the Netherlands, Norway, Spain, Sweden, Switzerland, the United Kingdom, the United States, and the Bill and Melinda Gates Foundation support the UFGE.

**Despite diversifying and increasing funding sources, partnerships with the private sector** can potentially trigger innovation. In the **AWOME (Accelerating Women-Owned Micro-Enterprises) Programme**, De Beers Group, for example, partnered with UN Women and national and local governments in multiple countries to improve women's entrepreneurial capacity and outcomes.

**Large-scale, multi-stakeholder and multi-donor initiatives are particularly critical to fast-track interventions that are considered urgent and multifaceted.**

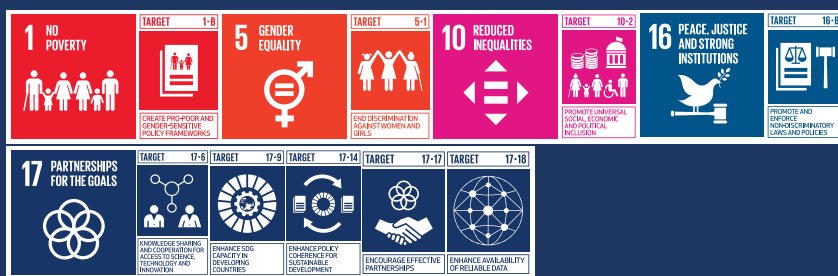
In the area of protection of women and girls in emergencies, for instance, the **Call to Action on Protection from Gender-Based Violence in Emergencies 2021-2025 Road Map** is a global initiative of governments and donors, international organisations and non-governmental organisations, whose aim is to drive change and foster accountability from the humanitarian system to address gender-based violence from the earliest phases of a crisis.

Furthermore, the **EU-UN Spotlight Initiative** deploys targeted, large-scale investments while collaborating with governments, civil society organizations, the media and other partners to eliminate violence against women and girls worldwide by 2030. This goal is, at the moment, the world's largest targeted initiative. **The Spotlight Regional Programme in Africa** provides contextualised actions to end sexual gender-based violence and harmful practices and to promote sexual and reproductive health and rights. It is aligned with the African Union's Agenda 2063 and its priority goal to end child marriage and FGM across the continent. The programme also aims at empowering women's organisations and movements. It directly supports initiatives in Malawi, Mozambique, Uganda and Zimbabwe in the East and Southern African region.

Similarly, to scale up women's protection from the FGM emergency, in 2013, the United Kingdom, through its development agency **DFID, made the largest donor investment - £50 million - to help end the devastating and harmful practice of female genital mutilation by 2030**. DFID works in cooperation with governments, the United Nations and local organisations to get laws in place banning FGM; work with religious leaders to call for an end to FGM and dispel the myth that it is a religious practice – a major barrier in many countries; and support doctors, midwives and nurses to help end FGM and care for survivors. This approach has already seen significant success. Between 2013 and 2018, more than 8,000 communities, representing 24.5 million people, pledged to abandon FGM. Moreover, the governments of Gambia, Nigeria and Mauritania made the practice illegal, while Burkina Faso, Egypt and

Uganda were supported to strengthen their laws. More than 3 million girls and women received FGM protection and care services. The unprecedented extent of this funding

initiative, tackling the issue at all levels systematically through diversified partnerships, accelerated change and mobilized further support in a domino effect.



## Regional, Region-Led and Region-Focused Alliances

### CHAPTER HIGHLIGHTS

- 1) Regional alliances are necessary to create commitments, practical tools and road maps for implementation and to reinforce shared accountability.
- 2) In the last couple of decades, the African Union, the International Conference on the Great Lakes Region, the Southern African Development Community Consortium, and African NGO networks have created important tools and commitments, implemented significant initiatives, shared critical knowledge, and supported collective accountability. These initiatives have contributed to building momentum and establishing a sense of urgency regarding realizing substantial GEWE outcomes.
- 3) Other significant initiatives are Africa-led, yet they expand to global-level alliances or start as international yet with a focus on Africa.

Joint efforts are not only useful in financing gender equality but also in building common understanding, shared commitments and in establishing peer pressure to achieve critical goals. African gender and development policy frameworks are highlighted in Diagram 2. It is important to note that these efforts are not static but constitute an ongoing collaboration over priorities acknowledged in the region and that multi-country collaboration is necessary to create commitments and practical tools and road maps for implementation.

An example of a productive regional alliance is the International Conference on the Great Lakes Region (ICGLR) engagement in the fight against GBV. In 2006, ICGLR issued a **Protocol and Model Legislation on the Prevention and Suppression of Sexual Violence against Women and Children**, intending to standardize GBV legal frameworks and service delivery, as well as to strengthen inter-governmental cooperation to **end impunity** for perpetrators of GBV crimes. It is relevant

that the Protocol introduces the concept of “**compensation**” for GBV victims.

In 2014, a **regional training facility on sexual and gender-based violence** was established in Kampala as per Article 6(9) of the Protocol. The centre builds the capacity of officials from key institutions, especially judicial officers, police units, social workers, medical officers and other categories of relevant professionals in the proper management of cases of sexual and gender-based violence in the Great Lakes Region.

In 2016, the **Great Lakes Judicial Cooperation Network** was officially established under the leadership of ICGLR with support from UNODC, the Office of the Special Envoy and the UN Great Lakes Regional Strategic Framework’s pillar six on judicial cooperation and conflict prevention. In the same year, the Office of the Special Envoy also co-organized, with the ICGLR Regional Training Facility and the African Union, a forum on access to justice with experts and national authorities from the region developing concrete ways forward

to ensure better access for GBV victims, and stronger investigations and prosecutions.

In 2019, ICGLR, in partnership with several stakeholders, including UN Women and the EU, developed the **Model Legislation on the Establishment of Special Courts and other Mechanisms to Fast-track the Trial of Sexual Violence against Women and Children**.

Similarly, the **Southern African Development Community Consortium (SADC)** adopted the **Protocol on Gender and Development** in 2008 (coming into force in 2013) to guide the development and implementation of gender-responsive legislation, policies, programmes and projects in the SADC region. The Protocol was revised in 2016 to comply with the Post-2015 Sustainable Development Goals and Targets, the African Union Agenda 2063, and the Beijing Plus 20 Review Report. Twelve Member States signed the Agreement Amending the SADC Protocol, namely, Angola, Botswana, Democratic Republic of Congo, Eswatini, Lesotho, Madagascar, Mozambique, Namibia, Seychelles, Tanzania, Zambia and Zimbabwe.

Since 2009, SADC has issued the yearly **SADC Gender Protocol Barometer**, providing comprehensive insights on the state of the art of gender equality – also through in-depth thematic analysis – across the Southern African region.

Furthermore, the **African Union (AU)** has provided leadership to harmonize and intensify gender equality efforts across Africa since AU Heads of State and Government adopted the Solemn Declaration on Gender Equality in Africa at their July 2004 Summit. The **African Union Strategy on Gender Equality and Women's Empowerment 2018-2028** was launched during the 2019 AU Summit. It adopts an inclusive and multi-sectoral approach and builds on the lessons learned from the 2009 Gender Policy. The Strategy also has the ambition to be transformational in that its outcomes shall mitigate, if not eliminate, the major constraints hindering gender equality and women's empowerment, thus contributing to facilitating women and girls' full participation in economic activities, political affairs and social endeavours.

To scale up GEWE reporting, accountability and coordination, in 2019, the AU launched the **African Union Gender Observatory** as an online knowledge management platform to monitor the implementation of regional and international instruments, including, without being limited to the Maputo Protocol, the Solemn Declaration on Gender Equality in Africa, the Agenda 2063, and COVID-19 gender-sensitive and responsive interventions. The Observatory represents a comprehensive and up-to-date source of information about AU Member States' GEWE efforts. It tracks, assesses and develops timely gender analysis to support more effective and equitable response plans and actions. Finally, it works towards strengthening cooperation and coordination among all relevant partners at the regional level and beyond.

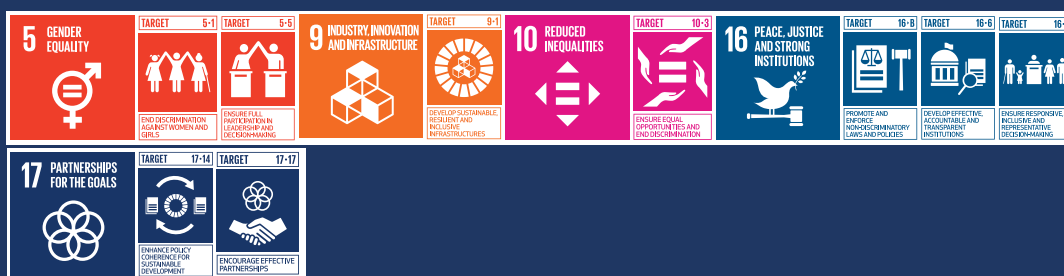
Besides considering all dimensions where women's empowerment and gender equality matter, the African Union has also paved the way to innovative approaches, such as, engaging men and boys in combating violence against women. The **Positive Masculinity Initiative**, led by the AU Women, Gender and Youth directorate and the Office of the Special Envoy of Women, Peace and Security, in collaboration with the African Women's Leaders Network, has explored innovative solutions to engage men and boys from all walks of life as allies in gender equality, and ending all forms of violence against women and girls, thus increasing men's accountability to equality. Furthermore, the **Men's Conference on Positive Masculinity** aims to involve men in positions of leadership and influence to connect with and mobilise other men and boys in efforts to eliminate violence against women and girls, and end gender inequalities, as a critical means to transform structural and institutional inequalities within society.

Other initiatives remain Africa-led yet expand to global-level alliances while focusing on issues of particular importance for the region. For instance, **The Girl Generation's Support to the Africa-Led Movement to End FGM/C Programme** is a consortium of Africa-based NGOs and academia working in synergy with global initiatives to end FGM at all levels and in partnership with UN agencies to accelerate change.

Additionally, although not Africa-based/led, global initiatives provide important opportunities to strengthen interventions in areas of particular interest for the region.

The **Murad Code Project** concerning survivors of systematic and conflict-related sexual violence, for instance, aims to build and support a community of better practice to investigate, document and record survivors of conflict-related violence's experiences safely, ethically and effectively while upholding their human rights. The Murad Code is a voluntary

**Code of Conduct** providing practical tools and guidance for those who gather and use information about conflict-related sexual violence and policy-makers, managers and funders. A **Survivors' Charter** or survivors' perspectives resource addressed to documenters but prepared by survivors was also drafted to express survivors' wishes on how documenters should engage with them. Additionally, a **Survivor's Toolkit** aims to assist survivors to understand better and demand respect and protection for their rights during documentation processes.



## Additional Factors Accelerating Change

**Table 26:**  
Additional Factors Accelerating Change

<p><b>Decentralization</b></p>	<p>Several countries in the region have supported establishing decentralized services in health, justice and security, protection from violence against women, credit, reinforcing and engendering existing structures and creating new ones.</p> <p>These efforts have empowered by local communities.</p> <p>In certain cases, the creation of mobile services (such as mobile clinics or courts) has helped overcome the challenge of limited financial and human resources and infrastructural constraints.</p> <p>Initiatives that empower local communities as service providers and women within them are extremely effective in closing gender gaps and achieving gender equality.</p> <p>Countries must engage in strategic and innovative planning, budgeting and partnership models to overcome potential cost-intensive implications of decentralization. In this regard, building and capitalizing upon existing good practices is important.</p>
<p><b>Good Governance</b></p>	<p><i>“Good governance relates to the political and institutional processes and outcomes necessary to achieve the development goals. The true test of ‘good’ governance is the degree to which it delivers on the promise of human rights: civil, cultural, economic, political and social rights”.</i></p> <p>Governance is key to guaranteeing that the policy/programme cycle (production, implementation monitoring and evaluation) is coherent, efficient, well-resourced and impactful.</p> <p>Available data and feedback from different policy/programme areas in East and Southern Africa highlight that lack of capacity and resources primarily, as well as weak coordination among stakeholders and accountability mechanisms, are among the main causes of the limited impact regarding SDGs, including gender equality.</p> <p>Governance reviews and public administration reforms can provide useful insights on strengthening the delivery mechanisms within countries to optimize what is available based on good practices in the region and beyond.</p>
<p><b>Engagement of Civil Society and Women-Led Organisations</b></p>	<p>Civil society initiatives, women’s movements and women-led organisations across Africa have played and continue to play a pivotal role in accelerating change toward gender equality in Africa.</p> <p>This report has highlighted many examples of women-driven success in changing laws, leading progressive political decisions, affirming inclusive rights, achieving peace and reconciliation, and ensuring accessible credit, among many other dimensions of life.</p> <p>Civil society involvement contributes to bridging government and systemic gaps, responding to crisis and increasing community resilience, and it helps focus on the actual needs of diverse people.</p> <p>Engaging community-based women’s groups and women-led organisations is a means and a goal of gender equality.</p>
<p><b>Increased Men’s Engagement</b></p>	<p>The importance of engaging men and boys in the struggle to achieve gender equality has been highlighted in various chapters of this report.</p> <p>Men’s engagement benefits both women and men and countries’ development and growth.</p> <p>Data shows that men’s attitudes and behaviors can be modified due to well-designed policies. Men champions in influential and critical positions can accelerate change, supporting strategic decisions. Young boys socialized within positive masculinity models can support change through the next generations.</p>

Source: UN Women, Country Gender Equality Profiles in East and Southern Africa



# CONCLUSIONS

Confronting the slow pace of progress in gender equality and women's empowerment in East and Southern Africa, there is a need to build on good practices, prioritize enablers and accelerators, and engage everyone, women and men, to end violence and discrimination and realize gender equality.

The report highlights significant legislative advances and several good practices across the East and Southern African region. However, law enforcement and programme implementation remain weak across the board, affected by limited resources, poor governance, scarce infrastructure, and environmental and humanitarian crisis. Moreover, good practices are often scattered in space and time and often do not make it to the system level. As a result, gender inequality in South and Eastern Africa remains a major factor hindering the achievement of the 2030 Agenda for Sustainable Development.

Women's engagement and contribution is needed to end extreme poverty, social injustice and conflict and to lead Africa towards economic growth and a better quality of life for all. Men are needed, too, to end discrimination against women and marginalization of vulnerable groups, thus unlocking Africa's full potential for sustainable development. In the face of persevering gender equality gaps, lessons learned and data show that a strategy to accelerate change is possible, a strategy aimed at removing those barriers, among others, that most hinder women's well-being and meaningful participation in society. It is a shift in approach but not in goals.

For example, affordable and universal childcare availability can defeat manifold barriers to gender equality and ignite a virtuous circle multiplying equality gains and shared benefits. Childcare impact women's access to education, to more profitable professions like in STEM, and to leadership positions in the labour market as well as in political life, in the judiciary and among security forces where women's presence can fast-track more effective protection against gender-based violence and other

forms of gender discrimination. Childcare can potentially reduce women's drop out from education and the labour market, allowing higher educational attainments and, consequently, higher income and wealth to be achieved within families and increased revenues to be invested in social welfare. Women's attainments in income-generating activities and leadership can transform power balances back inside the household, thus influencing redistribution of unpaid work between women and men, increasing household resources and wellbeing, and reducing domestic violence against children, finally breaking the circle of violence for future generations.

On this line of thought, this report highlights several actions – among others, reforms of family codes, land and property laws and electoral systems, financial inclusion, child care, free legal aid and accessible legal empowerment, engaging women in peace and security, as well as in natural resources and environmental management, taking into account differentiated gender needs in infrastructure development – which, if prioritized, can contribute to an enabling environment for women to realize faster, safer lives, higher resilience and seize opportunities allowing them to contribute to and benefit from equitable, peaceful and prosperous societies.

The report also pinpoints initiatives and commitments that can work as accelerating factors towards gender equality. Engaging in those activities means creating a multiplier effect so countries can achieve greater impact through a specific investment. These activities include gender-responsive budgeting combined with multi-stakeholder, systemic financing from inside and outside the region; gender statistics; regional and region-led alliances to strengthen implementation of, expand and align strategic actions; improved governance; engendered justice and security institutions; increased engagement of men and boys as champions and allies towards non-violent and inclusive societies; maximized civil society and

women-led organisations' active involvement to bridge structural gaps and expedite women's empowerment; effective decentralization of critical services.

The reinforcement of an enabling environment and further engagement in fast-tracking initiatives can determine quicker gains to close gender gaps in employment, education, health, and other critical areas linked to the SDGs in East and Southern Africa.

Fast-tracking change also entails dealing with a life-threatening bottom line: violence.

Reducing violence, modifying harmful masculinity, and moving away from a systemic and legitimized culture of violence remains the top priority in East and Southern Africa. No labour, health, educational attainments, economic growth, or sustainable development can be achieved if over half of the population in the region (including women and men from non-hegemonic groups and children) continue to endure daily violence, gender-based violence, conflict-related

violence, racial violence, corporal punishments, and homophobic violence.

A systemic, multi-stakeholder compact approach appears necessary and urgent to restore physical integrity among all. It shall build upon the many good practices available in the region, yet further investing in them, expanding and complementing them, while tackling the underlying causes of violence and the culture they have produced. Post-conflict peace and reconciliation experiences in countries such as Rwanda, Kenya, and DRC can also offer precious tips to end the circle of violence.

Accelerating change for gender equality in East and Southern Africa is possible, in numbers and figures as well as in attitudes and beliefs, due to well-prioritized, well-designed and widely coordinated initiatives grounded in positive African stories and values yet include gender transformative elements.

# RECOMMENDATIONS

## 10 OVERARCHING RECOMMENDATIONS TO ACCELERATE PROGRESS TOWARDS GENDER EQUALITY & WOMEN'S EMPOWERMENT

- 1. TAKE ON ACCELERATORS AND ENABLERS:** Include – in a context-specific manner – and properly budget for gender **equality accelerators and enablers** in national development plans, national budgets and financial strategies, gender equality policies/action plans, UNCT action plans and country programmes, and relevant sectoral policies; • Include **realistic and context-specific targets, indicators and timelines**; • Build upon and expand existing initiatives and good practices;
- 2. ELIMINATE EXPLICIT LEGAL DISCRIMINATION:** Eliminate **explicit legal exemptions** allowing customary law not to uphold constitutional and other legal gender equality guarantees; • **Eliminate any explicit legal discrimination** against women and girls;
- 3. REALIZE STRONGER POLICY COHERENCE:** Establish a **dedicated function for policy coherence /SDG coherence** within high decision-making; • Adopt **gender equality and non-discrimination as main pillars of policy coherence**;
- 4. MAINSTREAM GENDER IN POLICIES, BUDGETS AND STATISTICS:** Level up prioritization, leadership, capacity and resources for **gender mainstreaming, gender-responsive budgeting and gender statistics** as key tools to achieve higher gender equality responsiveness and coherence within the national legal and policy framework; **Align national practices** with international and continental good practices and guidelines; • Expand mainstreaming efforts to **capture intersecting forms of discrimination** linked to gender, age, disability, health conditions, income status, etc. • Address **both women's and men's vulnerabilities** within mainstreaming efforts;
- 5. LEVEL UP ENGAGING MEN AND BOYS FOR GENDER EQUALITY:** Establish – and properly budget for – **national “Engaging men and boys for gender equality” programmes** aligned with the 48<sup>th</sup> CSW blueprint and including gender transformative actions tackling harmful masculinity models and violence; • Encourage and support **civil society and community-based organisations engaging men and boys** for gender equality, ending gender-based violence and all forms of violence; • Engage **men from influential positions** in politics, business, health, academia, science, etc. to promote gender equality, also directly supporting affirmative actions;
- 6. CLOSE GENDER GAPS IN JUSTICE, SECURITY AND PEACE BUILDING:** Prioritize and fast-track – **also through affirmative actions – closing gender gaps in the justice and security sectors – including in customary and traditional justice systems - and in peace-building initiatives** in line with UNSCR 1325, international and regional guidelines, and building upon good practices, including from the region, by civil society and on the grassroots level; this will multiply gains on women's access to justice and GBV protection, will reinforce the implementation of progressive laws, and will increase institutional accountability and community's trust in institutions; • Ensure **justice and compensation for victims of conflict-related GBV**;
- 7. PRIORITIZE YOUTH:** Prioritize and fast-track **youth interventions at all policy levels**, acknowledging the greater risks and disadvantages they face in all spheres of their life while highlighting gender discriminatory and harmful practices

against girls · Introduce affirmative actions to redress discrimination against youth;

**8. PROTECT BODILY INTEGRITY & FAST-TRACK ENDING EARLY MARRIAGE AND FGM:**

Prioritize and fast-track adopting, resourcing, implementing and evaluating legal and **policy frameworks to end/criminalize early marriage and female genital mutilation**; · **Eliminate legal exemptions to the minimum age of marriage**; · Address within policies and laws the **underlining causes of early marriage**; · Continue and **intensify efforts to transform perceptions around FGM and reinforce the “Saleema” concept of bodily integrity**; · **Prohibit corporal punishments and violence at school**; · **Prohibit harassment and violence at work**; · Include **non-violence education and emotional intelligence in school curricula**; · **Reform Penal Codes to criminalize wide-range of GBV types**;

**9. FAST-TRACK DECENTRALIZATION OF ESSENTIAL SERVICES:**

Notwithstanding the challenge of this action being potentially cost-intensive, prioritize and fast-track **effective decentralization of essential services**, namely primary health (including SRH, mental health and maternal care); courts and police stations

(including specialized GBV services and land courts); land registration offices; civil registry; credit and financial services; legal aid; · Expand **partnership with and capacity building of civil society, lay service providers, paralegals, and any other suitable, available provider** in the community to maximize impact and contain costs; · Invest in **accessible and inclusive service infrastructures** based on low-cost good practices respecting minimum requirements;

**10. VALUE AND REDISTRIBUTE UNPAID CARE AND DOMESTIC WORK:**

Prioritize the adoption, resourcing, implementation, monitoring and evaluation of **policies and action plans redistributing care and domestic work**, including legal introduction and financing of paternity leave and parental leave, the inclusion of equal/non-segregated sharing of household responsibilities within family codes; the establishment of affordable childcare schemes; the inclusion of transformative actions across programmes to promote equitable and non-violent parental models; improve infrastructures and natural resources supply systems to reduce time spent on unpaid work; · Regularly implement and act upon the results of **Time-Use Surveys**.

# APPENDIX

Table 2bis – Legal and institutional frameworks for gender equality and women's empowerment

	Ratification of CEWE international & regional tools		CEWE provisions at the macro level		CEWE overarching legal framework		CEWE leading institution		Gender units/ mainstreaming mechanisms within the executive		Other CEWE institutions ensure gender mainstreaming	
	YES / NO	CEDAW / MAPUTO	YES/ NO	TYPE	YES/ NO	TYPE	YES/ NO	TYPE	YES/ NO	TYPE	YES/ NO	
BURUNDI	Yes	Yes Yes	Yes	Constitution	Yes	Policy & Action Plan	Yes	National Ministry	Yes	Handbook to mainstream gender across sectors	Yes	National Gender Council Technical Committee on Gender
ESWATINI Swaziland	Yes	Yes Yes	Yes	Constitution	Yes	Strategy	Yes	National Ministry	Yes	Gender Units Gender Coordination Unit in the Office of the Deputy Prime Minister	No	
ETHIOPIA	Yes	Yes Yes	Yes	Constitution	Yes	National Action Plan to implement the BPPA	Yes	Women's Affairs Office in PM Office	Yes	Women's Departments in ministries Regional Women's Affairs Offices	Yes	Women's Affairs Committee at the Council of Peoples Representatives
KENYA	Yes	Yes Yes	Yes	Constitution Kenya Vision 2030	Yes	Policy	Yes	National Ministry	Yes	Gov. agencies sign and report upon performance contracts with gender indicators.	Yes	National Gender and Equality Commission
LESOTHO	Yes	Yes Yes	Yes	Constitution The Second National Strategic Development Plan	Yes	Policy	Yes	National Ministry	No		No	
MALAWI	Yes	Yes Yes	Yes	Constitution Malawi 2063 Development Agenda Malawi Growth and Development Strategy	Yes	Law Policy	Yes	National Ministry	Yes	Technical Thematic Working Groups Gender Focal Points	Yes	Cabinet-level: Committee on Community and Social Affairs, Gender Advisory Committee Parliamentary GE Committee Parliamentary Women's Caucus
MAURITIUS	Yes	Yes Yes	Yes	Constitution	Yes	Policy Framework	Yes	National Ministry	Yes	National Steering Committee on Gender Mainstreaming Gender Cells/ Gender Focal Points	Yes	Parliamentary Gender Caucus National Women's Council (GOV + NGOs)

	Ratification of CEWE international & regional tools		CEWE provisions at the macro level		CEWE overarching legal framework		CEWE leading institution		Gender units/ mainstreaming mechanisms within the executive		Other CEWE institutions ensure gender mainstreaming	
	YES / NO	CEDAW / MAPUTO	YES/ NO	TYPE	YES/ NO	TYPE	YES/ NO	TYPE	YES/ NO	TYPE	YES/ NO	
NAMIBIA	Yes	Yes Yes	Yes	Constitution Harambee Prosperity Plans National Development Plans	Yes	Policy Strategic Plan	Yes	National Ministry	Yes	Permanent Gender Task Force Gender Focal Points	Yes	Parliamentary Women's Caucus
RWANDA	Yes	Yes Yes	Yes	Constitution Rwanda Vision 2050	Yes	Policy & Action Plan Sector Gender Mainstreaming Strategies	Yes	National Ministry	Yes	Gender Focal Points	Yes	Gender Monitoring Office National Women's Council Rwandan Forum for Women Parliamentarians National Gender Cluster
SOMALIA	Yes	No Yes	Yes	Provisional Constitution National Development Plan	Yes	Policy	Yes	National Ministry	No		No	
SOUTH AFRICA	Yes	Yes Yes	Yes	Constitution National Development Plan Economic Reconstruction and Recovery Plan Medium-Term Strategic Framework	Yes	Women's Charter for Effective Equality Several Laws National Policy Framework Gender Mainstreaming Policy National Gender Sector Policies	Yes	National Ministry	Yes	Gender Coordinators in all national and provincial departments.	Yes	Commission for Gender Equality Portfolio Parl. Committee on Women, Youth and People with Disabilities Multi-Party Parl. Women's Caucus

	Ratification of CEWE international & regional tools		GEWE provisions at the macro level		GEWE overarching legal framework		GEWE leading institution		Gender units/ mainstreaming mechanisms within the executive		Other CEWE institutions ensure gender mainstreaming	
	YES / NO	CEDAW / MAPUTO	YES/ NO	TYPE	YES/ NO	TYPE	YES/ NO	TYPE	YES/ NO	TYPE	YES/ NO	
SOUTH SUDAN	Yes	Yes Yes	Yes	Transitional Constitution Strategic Action Plan National Development Plan	Yes	Policy & Action Plan Women, Peace & Security Action Plan	Yes	National Ministry	Yes	Gender Focal Points Task forces and Working Groups in specific areas Gender Coordination Forum	Yes	Presidential Advisor National Parliamentary GE Committee National and State-level Parliamentary Women's Caucuses Special Gender+ Committee National Steering Committee on UNSCR 1325
SUDAN	Yes	No Yes	Yes	Constitution National Development Plan & Strategic Plan	Yes	Various Policies & Action Plans	Yes	National Ministry	Yes	Coordinating Women's Units	No	
TANZANIA Mainland	Yes	Yes Yes	Yes	Constitution Vision 2025	Yes	Policy & Strategy	Yes	National Ministry	Yes	Gender Focal Points Gender Mainstreaming Working Group-Macro-policy level	Yes	Parliamentary GE Committee District-level Officers Gender Desks (service level)
TANZANIA Zanzibar			Yes	Constitution Zanzibar Development Vision 2050 The Blue Economy Policy Strategy for Growth and Reduction of Poverty III	Yes	Policy & Implementation Plan Gender and Social Inclusion Policy by the Zanzibar Electoral Commission	Yes	National Ministry	Yes	Gender Focal Points Gender Unit in the Office of the Chief Government Statistician	Yes	Parliamentary Women's Caucus
UGANDA	Yes	Yes Yes	Yes	Constitution Vision 2040 National Development Plan	Yes	Policy Law	Yes	National Ministry	Yes	Gender Units, Focal Points and Gender Task Forces (including in Uganda Bureau of Statistics)	Yes	Equal Opportunities Commission Women Secretaries in Local Councils Uganda Women Parliamentary Association

ZIMBABWE	Ratification of GEWE international & regional tools		GEWE provisions at the macro level		GEWE overarching legal framework		GEWE leading institution		Gender units/ mainstreaming mechanisms within the executive		Other GEWE institutions ensure gender mainstreaming	
	YES / NO	CEDAW / MAPUTO	YES/ NO	TYPE	YES/ NO	TYPE	YES/ NO	TYPE	YES/ NO	TYPE	YES/ NO	
	Yes	Yes	Yes	Constitutional Transitional Stabilization Programme	Yes	Policy, Strategy & Action Plan	Yes	National Ministry	Yes	Gender Focal Points Gender Results Group	Yes	Women's Parliamentary Caucus Parliamentary GE Committees Gender Commission & Human Rights Commission National Peace and Reconciliation Commission National Gender Forum

Source: UN Women, Gender Equality Profiles (updated)



**Table 4bis – Equal rights to initiate divorce and share matrimonial property after divorce (Maputo Protocol Art.7 – Paragraphs b & d)**

	<b>Equal right to seek separation, divorce, or annulment of a marriage in statutory law</b>	<b>Equal right to seek separation, divorce, or annulment of a marriage in customary law /religious law</b>	<b>Right to equitable sharing of the matrimonial property after divorce (statuary/customary/religious laws)</b>
<b>ANGOLA</b>	<b>Yes</b>	<b>No</b>	<b>No –</b> The law is unclear. According to the Family Code 1988, the court must consider the life conditions of the spouses, the children, and the causes of the divorce in deciding the division of the family residence.
<b>BURUNDI</b>	<b>Yes</b>	<b>No</b>	<b>No –</b> Customary laws and practices that discriminate against women prevail
<b>DJIBOUTI</b>	<b>No –</b> Women have the right to initiate divorce only on some restricted grounds. Men can always initiate without justification.	<b>No</b>	<b>No</b>
<b>ESWATINI Swaziland</b>	<b>Yes –</b> Grounds are very limited	<b>Yes –</b> Grounds are very limited and contain discriminatory patterns	<b>No –</b> Eswatini law recognizes the 'fault' principle, where the person at fault may be impacted negatively during the distribution of property.
<b>ETHIOPIA</b>	<b>Yes</b>	<b>Yes –</b> The Family Code 2000 entails principles of gender equality while recognizing three types of marriage: civil, religious and customary.  However, regions continue to enforce previous discriminatory laws.	<b>Yes –</b> All regions in Ethiopia now have Family Codes that guarantee women's equality in marriage and family relations.  However, traditional customs, varying from region to region, often lead to ignoring equal rights.
<b>ERITREA</b>	<b>Yes</b>	<b>No</b>	<b>Yes/No –</b> The right, as well as the share, depends on the legal system.
<b>KENYA</b>	<b>Yes</b>	<b>Yes –</b> The Marriage Act 2014 provides a framework for five modalities of marriage: civil, Christian, Hindu, Islamic and customary.  However, every system maintains different rules and there are no universal grounds for the dissolution of marriage, the most restrictive ones being mandated by customary and Islamic laws	<b>Yes/No –</b> Cultural, social, and institutional barriers hinder women's access to justice and a fair share of matrimonial property.  Difficulty in quantifying non-monetary contribution constitutes a main barrier.  The Succession Act does not apply to Islamic Law.  Customary law administrates property rights in a discriminatory way.
<b>LESOTHO</b>	<b>Yes</b>	<b>No</b>	<b>Yes/No –</b> The right, as well as the share, depends on the legal system.  Unregistered marriages often face discrimination.
<b>MADAGASCAR</b>	<b>Yes</b>	<b>No</b>	<b>Yes/No –</b> The right, as well as the share, depends on the legal system

	<b>Equal right to seek separation, divorce, or annulment of a marriage in statutory law</b>	<b>Equal right to seek separation, divorce, or annulment of a marriage in customary law /religious law</b>	<b>Right to equitable sharing of the matrimonial property after divorce (statuary/customary/religious laws)</b>
<b>MALAWI</b>	<b>Yes</b>	<b>Yes</b> Divorce and Family Relations Act (2015) consolidates all laws on marriage, divorce and matrimonial property with a framework of equal rights and expanding protections.	<b>Yes –</b> In rural areas, de-facto divorce proceedings and the division of marital property adhere to customary practices, which vary from one ethnic group to another. Even in matrilineal societies, customary practices may discriminate against women.
<b>MAURITIUS</b>	<b>Yes</b>	<b>No</b>	<b>Yes/No –</b> The right, as well as the share, depends on the legal system
<b>NAMIBIA</b>	<b>Yes</b>	<b>No</b>	<b>Yes/No –</b> The right, as well as the share, depends on the legal system and the property regime.
<b>RWANDA</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes –</b> Yet, in practice, discrimination against women may occur
<b>SOMALIA</b>	<b>No –</b> Only the husband is entitled to initiate divorce. However, both spouses can initiate on certain specific grounds.	<b>No</b>	<b>No</b>
<b>SOUTH AFRICA</b>	<b>Yes</b>	<b>Yes –</b> However, women in unregistered marriages may face discrimination  The Recognition of Customary Marriages Act 1998 and the 2021 Amendment to the Act regulates customary law in relation to marriage.	<b>Yes –</b> Customary law grants women the entitlement to half of the matrimonial property (due to community property regime).  Within civil marriages, the share of matrimonial property after divorce depends on the adopted property regime: women are entitled to either half or keep their properties.
<b>SOUTH SUDAN</b>	<b>No</b>	<b>No</b>	<b>No</b>
<b>SUDAN</b>	<b>No</b>	<b>No</b>	<b>Yes/No –</b> The right, as well as the share, depends on the legal system.
<b>TANZANIA</b>	<b>Yes</b>	<b>No</b>	<b>Yes –</b> Yet, in practice, discrimination against women is prevalent. Courts often fail to recognize the value of women's unpaid care and domestic work as contributions to the property.
<b>UGANDA</b>	<b>No</b> Women are allowed to initiate divorce only on certain grounds.	<b>No</b> Ground for divorce also includes discriminatory patterns	<b>Yes –</b> Yet, in practice, discrimination against women is prevalent.
<b>ZAMBIA</b>	<b>Yes</b>	<b>Yes -</b> Yet, conditioned by discriminatory social norms about fidelity, reproductive outcomes, performance, IPV.	<b>Yes/No –</b> The share of inheritance depends on different legal systems

	Equal right to seek separation, divorce, or annulment of a marriage in statutory law	Equal right to seek separation, divorce, or annulment of a marriage in customary law /religious law	Right to equitable sharing of the matrimonial property after divorce (statuary/customary/religious laws)
ZIMBABWE	Yes	Yes – The Marriages Act 2022 regulates different kinds of marriage within a framework of equal rights.	Yes – Yet, in practice, discrimination against women is prevalent.  On a positive note, a 2020 decision by Zimbabwe’s Supreme Court established that a judge can award a woman half of all movable and immovable properties when she divorces, regardless of her monetary contribution toward purchasing those properties.

Source: OECD SIGI <https://www.genderindex.org/>

**Table 5bis – Legal Criminalization of Marital Rape**

	YES/ NO	RESPONSE OF LE3GAL SYSTEM	DETAILS
<b>ANGOLA</b>	Yes	Explicitly criminalized	Rape, including spousal rape, is illegal and punishable by up to eight years’ imprisonment. Article 170 of the Código Penal explicitly includes a spouse in its definition of rape.
<b>BURUNDI</b>	Yes	Explicitly criminalized	The Law on the Protection of Victims and the Prevention and Punishment of Sexual and Gender-based Violence includes sexual violence and rape. Rape is also addressed in the Penal Code (art. 554-562) and is punished by 5 to 15 years of imprisonment and a fee (art. 555). Art. 555 specifies that this applies even if the victim is married to the author of the crime. Aggravated forms of rape and sexual violence include additional sentences (Penal Code, art. 556 – 558). Domestic rape is punished by the Penal Code of 8 days of imprisonment and/or a fine (art. 554). Under the Law on the Protection of Victims and the Prevention and Punishment of Sexual and Gender-based Violence, marital rape is punished by 15 to 30 days of imprisonment and/or a fine. In addition, the Law prohibits a form of marital rape according to customary practice, called “Gukanda (umuvyeyi)” whereby a man can force his wife to have sexual intercourse after giving birth even if she has not recovered (art. 2).
<b>DJIBOUTI</b>	Yes/No	Marital rape is not addressed in the law/ there is legal ground to prosecute it.	The Penal Code foresees sentences of up to 20 years imprisonment for rape but does not explicitly criminalise spousal rape. Legal grounds to prosecute marital rape are provided in the law prohibiting “torture and barbaric acts” against a spouse.
<b>ESWATINI Swaziland</b>	Yes	Explicitly criminalized	The 2018 Sexual Offences and Domestic Violence Act, Section 151, provides that “any relationship, previous or existing, shall not provide a defence to any offence under this Act,” thus criminalising marital rape. As of 2021, the Government had not promulgated the Amended Marriage Act, which would further criminalise marital rape. However, the first arrest of a man on the charge of marital rape under the 2018 Sexual Offences Act took place in January 2020.
<b>ETHIOPIA</b>	No	Explicitly excluded	Ethiopia is one of the countries with an explicit exemption of marital rape in its criminal code. Despite its prevalence, challenges associated with legal and socio-cultural factors hinder a movement towards criminalizing marital rape.
<b>ERITREA</b>	No	Explicitly excluded	The Penal Code (art. 307) explicitly excludes marital rape except where spouses are not living together “under circumstances which do not show a mutual agreement or understanding between the spouses.”

	YES/ NO	RESPONSE OF LEGAL SYSTEM	DETAILS
<b>KENYA</b>	Yes/No	Conflict between the different legislation	Marital rape is excluded from the definition of rape in the Sexual Offences Act (2006), section 43(5). [law 67] However, it is included in Section 3(a)(vi) of the Protection Against Domestic Violence Act (2015): "In this Act, "violence" means abuse that includes sexual violence within marriage."
<b>LESOTHO</b>	Yes	Explicitly criminalized	The law criminalises the rape of women or men, including spousal rape (Penal Code Act, 2010, Sec. 52(2)(h)(ii)), [law 75] and domestic violence. Rape convictions carry a minimum imprisonment sentence of 10 years [247].
<b>MALAWI</b>	Yes/No	Unclear/ case law unfavourable to women	Although the definition of rape in the Penal Code (s.132) does not include a "marital exemption," [law 80] the presumption of a wife's consent under Customary Law was upheld by the High Court of Malawi in R.v.s. Mwasomola, 4 ALR(Mal) 572. [268] The Marriage, Divorce, and Family Relations Act enacted in 2015 explicitly introduces the concept of spousal rape. Still, the act does not prescribe specific penalties and applies only to legally separated spouses. Many argue that the Malawi Penal Code, which makes a man guilty of rape if he unlawfully had carnal knowledge of a woman without consent, implies that it is possible to have lawful sex without consent. Malawi Penal Code §132 (Definition of rape): Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent if consent is obtained by force or means of threats or intimidation of any kind, or by fear of bodily harm, or by means of false representations as to the nature of the act, or in the case of a married woman, by personating her husband, shall be guilty of the felony termed rape. Case law: Some cases have interpreted section 132 of the Penal Code to mean that non-consensual sexual intercourse in marriage is not unlawful and, therefore, cannot be considered criminal. The recently passed Marriage Bill (2015) bans child marriage, raises the minimum age to 18, and updates laws related to marriage and divorce, giving a spouse more rights to deny sex, stating that a spouse may refuse to have sex on "reasonable grounds." However, this civil bill relates more to divorce – whether this will also impact interpretations of the criminal code remains to be seen.
<b>MAURITIUS</b>	Yes/No	There is legal ground but no explicit criminalization	Amendments to the Protection from Domestic Violence Act (PDVA) came into force in September 2016. The amendments redefine the term "spouse" to include unmarried couples of the opposite sex and redefine "domestic violence" to include verbal, psychological, economic, and sexual abuses. Although the amendments do not mention spousal rape, section 2.d. stipulates that a spouse cannot force or threaten the other partner into a sexual act "from which the spouse or the other person has the right to abstain." [286] [law 89] Spousal rape was first criminalised in 2007
<b>MOZAMBIQUE</b>	Yes	Explicitly criminalized	The law criminalises rape, including spousal rape and domestic violence. Penalties for conviction range from two to eight years imprisonment if the victim is 12 or older and 20 to 24 years if the victim is under 12. [306] Marital rape is explicitly criminalised by Law N.29/2009 on Domestic Violence Perpetrated Against Women, (arts. 3 & 17) [law 93] and the Criminal Code Law N.35/2014, (arts. 37(aa) & 218)
<b>NAMIBIA</b>	Yes	Explicitly criminalized	The law criminalises rape of men and women, including spousal rape. By law, rape is defined as committing any sexual act under coercion. The courts tried numerous cases of rape during the year, and the government generally enforced court sentences providing five to 45 years imprisonment for those convicted. [310] Marital rape was outlawed in 2000 [311] by section 2(3) of the Combating of Rape Act [law 96].
<b>RWANDA</b>	Yes	Explicitly criminalized	The law criminalises rape of men and women and spousal rape, and the government handled rape cases as a judicial priority. Penalties for conviction of spousal rape range from two months to life imprisonment with fines of 100,000 to 300,000 Rwandan francs. [366] Spousal rape was first criminalised in 2009 [367] when the Law on prevention and punishment of gender-based violence came into effect.

	YES/ NO	RESPONSE OF LEGAL SYSTEM	DETAILS
<b>SOMALIA</b>	Yes/No	There is legal ground but no explicit criminalization	There are no federal laws against spousal violence, including rape, although, in May 2016, the Council of Ministers approved a national gender policy that gives the government the right to sue anyone convicted of committing gender-based violence, such as the killing or rape of a woman
<b>SOUTH AFRICA</b>	Yes	Explicitly criminalized	Spousal rape was criminalised in 1993[402] by Article 5 of the Prevention of Family Violence Act [law 133], although the first prosecution was not until 2012.
<b>SOUTH SUDAN</b>	No	Explicitly excluded	Article 247(3) of the 2008 Penal Code is explicit that marital rape is not an offence.
<b>SUDAN</b>	Yes/No	There is legal ground but no explicit criminalization	In February 2015, an amendment to Article 149 of the Criminal Code changed the definition of rape. Under the new definition of rape, rape victims could no longer be prosecuted for adultery. [416] Although there is no specific prohibition of marital rape, the amendment makes it possible to prosecute marital rape.
<b>TANZANIA Mainland</b>	No	No explicit criminalization and unfavourable customary law	Section 5 of the 1998 Sexual Offences Special Provisions Act explicitly excludes marital rape [law 141] on the grounds that “husbands, by virtue of paying bride price, have a legal right to have unlimited sexual access to their wives.” [433]
<b>TANZANIA Zanzibar</b>			
<b>UGANDA</b>	Yes/No	There is legal ground but no explicit criminalization; additionally, customary law is unfavourable	The 2010 Domestic Violence Act states that: “Domestic violence constitutes any act of omission of a perpetrator which harms, injures or endangers the health, safety, limb, or well-being whether mental, or physical of the victim or tends to do so and includes causing physical abuse, sexual abuse, and emotional, verbal and psychological abuse” (2a). Rape is defined as “unlawful carnal knowledge of a woman or a girl without her consent”[457] in Section 123 of the Penal Code, there is no marital exemption [458]. However, in customary law, there is a presupposition that a woman implicitly consents to sexual intercourse with her spouse during marriage [458] [459] as late as 2018 [460].
<b>ZAMBIA</b>	Yes	Explicitly criminalized	The 2010 Anti-Gender-based Violence Act criminalises spousal rape.
<b>ZIMBABWE</b>	Yes	Explicitly criminalized	Marital rape was criminalised in 2004 by section 68 of the “Criminal Law (Codification And Reform) Act.” However, Article 68 (a) states, “no prosecution shall be instituted against any husband for raping or indecently assaulting his wife ... unless the Attorney-General has authorised such a prosecution” [law 154]. Spousal rape receives less attention than physical violence against women.

Source: National Legislation

**Table 8bis – Financial Inclusion Strategies and other legal reforms supporting equal access to financial services**

	Financial Inclusion Strategy (FIS)		FIS explicitly calls for the inclusion of women/ prohibits gender discrimination	FIS calls for an increase in women's access to credit	Other Favourable Reforms
	Yes/ No	Strategy			
ANGOLA	No	N/A	N/A	N/A	The Central Bank of Angola's Notice 02/2011 prohibits financial institutions from differentiating their products and services based on individuals' gender, civil status and other characteristics.
BOTSWANA	No	N/A	N/A	N/A	
BURUNDI	No	N/A	N/A	N/A	
CONGO DEM. REP.	No	N/A	N/A	N/A	A 2018 amendment to the Family Code of the Democratic Republic of the Congo allowed women to sign contracts and open a bank account without spousal consent.
DJIBOUTI	Yes	Stratégie Nationale pour l'Inclusion Financière 2021-2026	Yes	Yes	
ETHIOPIA	No	N/A	N/A	N/A	
ERITREA	No	N/A	N/A	N/A	
ESWATINI Swaziland	Yes	National Financial Inclusion Strategy for Swaziland 2017 - 2022	Yes	No	In 2019, the High Court of Eswatini ruled that the common law, which previously denied married women the right to act without their husband's consent, was unconstitutional and subsequently struck down the parts of the law that allowed Swazi customary law to govern marital power and spousal property rights.
KENYA	No	N/A	N/A	N/A	
LESOTHO	No	N/A	N/A	N/A	
MADAGASCAR	Yes	Stratégie Nationale d'Inclusion Financière à Madagascar 2018-2022	Yes	No	
MALAWI	No	N/A	N/A	N/A	
MAURITIUS	No	N/A	N/A	N/A	
NAMIBIA	No	N/A	N/A	N/A	
RWANDA	Yes	Revised National Gender Policy - February 2021	Yes	No	
MOZAMBIQUE	Yes	The Stratégie Nationale d'Inclusion Financière 2019	Yes	No	
SOMALIA	No	N/A	N/A	N/A	
SOUTH AFRICA	No	N/A	N/A	N/A	The 2000 Promotion of Equality and Prevention of Unfair Discrimination Act specifically prohibits policies and conduct that unfairly limit the access of women to finance  Code of Banking Practice (2012), a voluntary code, establishes standards for financial services, including prohibiting discrimination based on marital status, gender, age, or race in banking services.
SOUTH SUDAN	No	N/A	N/A	N/A	
SUDAN	No	N/A	N/A	N/A	

	Financial Inclusion Strategy (FIS)		FIS explicitly calls for the inclusion of women/ prohibits gender discrimination	FIS calls for an increase in women's access to credit	Other Favourable Reforms
	Yes/ No	Strategy			
TANZANIA	Yes	National Financial Inclusion Framework 2018-2022	Yes	No	
UGANDA	Yes	The Republic of Uganda National Financial Inclusion Strategy 2017-2022	Yes	No	
ZAMBIA	Yes	National Financial Inclusion Strategy 2017-2022	Yes		
ZIMBABWE	No	N/A	N/A	N/A	

Source: World Bank - Women, Business and the Law Database <https://wbl.worldbank.org/en/wbl-data>  
OECD SIGI 2021 Regional Report for Africa, Legal Frameworks in the African Region, <https://www.oecd-ilibrary.org/>

**Table 9:**  
Household responsibilities defined by statutory law

	Law establishes that husband and wife are equally responsible for childcare.	Law establishes that husband and wife are equally responsible for other household responsibilities.	The law establishes that both men and women can be head of household.
BURUNDI	Yes	No	No – only the husband
DJIBOUTI	Yes	No	No – only the husband
ERITREA	Yes	No	Yes
ETHIOPIA	Yes	No	Yes
ESWATINI Swaziland	Yes	No	No- only the husband
KENYA	Yes – even if not married or not living together	Yes – in relation to childcare	Yes
LESOTHO	Yes – even if not married or not living together	Yes – in relation to childcare	Yes
MADAGASCAR	Yes	No	No – only the husband
MALAWI	Yes – even if not married	No	Yes
MAURITIUS	Yes	No	Yes
NAMIBIA	Yes	No	Yes
RWANDA	Yes	Yes – joint responsibility to manage the household (including moral and material support)	Yes
SOMALIA	Yes	No	No – only the husband
SOUTH AFRICA	Yes	No	Yes
SOUTH SUDAN	Yes	No	Yes
SUDAN	No	No	No – only the husband
TANZANIA	Yes – but financial responsibility if only upon the father	No	Yes – but financial responsibility is only upon the father
UGANDA	Yes	No	Yes
ZAMBIA	Yes	No	Yes
ZIMBABWE	Yes	No	Yes

Source: OECD SIGI <https://www.genderindex.org/>  
World Bank, Gender Data Portal <https://genderdata.worldbank.org/indicators/sg-hld-head-eq>

**Table 21:** Minority and vulnerable groups, legal protections and reported discrimination

	LGBTQI+			Persons with disability			Persons with HIV/AIDS			
	Legal guarantees	Reported human rights violations	Legal guarantees	Reported human rights violations	Legal guarantees	Reported human rights violations	Legal guarantees	Reported human rights violations		
ANGOLA	Decriminalization of same-sex sexual relations	Yes	The constitution prohibits discrimination but is not explicit regarding sexual orientation or gender identity.	Yes	Violence and harassment	Explicit prohibition of discrimination	Yes	Violence	No	
	Legalization of same-sex marriage	No		Yes	Discrimination	Affirmative actions to facilitate access, integration and participation	Yes	Discrimination Neglect	Yes	
	Explicit prohibition of discrimination	No	2021 changes in the Penal Code	Yes	Lack of responsiveness of security and justice actors / limited reporting		Yes	Limited policy implementation	Yes	
	Explicit criminalization of violence based on sexual orientation	Yes								
	Transgender and intersex have protections in the law	No		Yes	Involuntary or coercive medical or psychological practices					
	Possibility to change gender identity marker on legal documents)	No		No	Restrictions on freedom of movement, association and peaceful assembly					
BOTSWANA	Decriminalization of same-sex sexual relations	Yes	Decriminalization of same-sex relations by High Court ruling 2019, confirmed by Court of Appeals ruling 2021	No	Violence and harassment	Explicit prohibition of discrimination	Yes	Violence	No	
	Legalization of same-sex marriage	No		Yes	Discrimination	Affirmative actions to facilitate access, integration and participation	Yes	Discrimination Neglect	Yes	
	Explicit prohibition of discrimination	Yes	The prohibition of discrimination tackles all forms of gender identity and orientation.	Yes	Lack of responsiveness of security and justice actors / Limited reporting		No	Limited policy implementation	Yes	
	Explicit criminalization of violence based on sexual orientation	No								
	Transgender and intersex have protections in the law	Yes			Involuntary or coercive medical or psychological practices					
	Possibility to change gender identity marker on legal documents)	Yes		No	Restrictions on freedom of movement, association and peaceful assembly					



	LGBTQ+						Persons with disability						Persons with HIV/AIDS					
	Legal guarantees			Reported human rights violations			Legal guarantees			Reported human rights violations			Legal guarantees			Reported human rights violations		
BURUNDI	Decriminalization of same-sex sexual relations	No		Violence and harassment	Yes	Explicit prohibition of discrimination	Yes	Persons with disabilities are eligible for free healthcare	Violence	No	Explicit prohibition of discrimination	No	Violence	Yes				
	Legalization of same-sex marriage	No		Discrimination	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Provisions for Inclusive Education	Discrimination Neglect	Yes	Affirmative actions to facilitate access, integration and participation	No	Discrimination Neglect	Yes				
	Explicit prohibition of discrimination	No		Lack of responsiveness of security and justice actors / Limited reporting	Yes				Limited policy implementation	Yes			Limited policy implementation	Yes				
	Criminalization of violence based on sexual orientation	No																
	Transgender and intersex have protections in the law	No		Involuntary or coercive medical or psychological practices	Yes													
	Possibility to change gender identity marker on legal documents)	No		Restrictions on freedom of movement, association and peaceful assembly	Yes													
ERITREA	Decriminalization of same-sex sexual relations	No		Violence and harassment	No	Explicit prohibition of discrimination	Yes	Training and support to employment programs	Violence	No	Explicit prohibition of discrimination	No	Violence	No				
	Legalization of same-sex marriage	No		Discrimination	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Subsidized special schools	Discrimination Neglect	No	Affirmative actions for full social integration and participation	No	Discrimination Neglect	No				
	Explicit prohibition of discrimination	No		Lack of responsiveness of security and justice actors / Limited reporting	Yes				Limited policy implementation	No			Limited policy implementation	No				
	Criminalization of violence based on sexual orientation	No																
	Transgender and intersex have protections in the law	No		Involuntary or coercive medical or psychological practices	Yes													
	Possibility to change gender identity marker on legal documents)	No		Restrictions on freedom of movement, association and peaceful assembly	Yes													

LGBTQI+		Persons with disability				Persons with HIV/AIDS			
		Legal guarantees		Reported human rights violations		Legal guarantees		Reported human rights violations	
ESWATINI	Legal guarantees		Reported human rights violations		Legal guarantees		Reported human rights violations		
	Decriminalization of same-sex sexual relations	No	Yes	Explicit prohibition of discrimination	No	Violence	No	Violence	
	Legalization of same-sex marriage	No	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Discrimination Neglect	Yes	Discrimination Neglect	
	Explicit prohibition of discrimination	No	Yes	Lack of responsiveness of security and justice actors / Limited reporting	Yes	Limited policy implementation	Yes	Limited policy implementation	
	Criminalization of violence based on sexual orientation	No	No	Involuntary or coercive medical or psychological practices					
	Transgender and intersex have protections in the law	No	No	Restrictions on freedom of movement, association and peaceful assembly	Yes				
	Possibility to change gender identity marker on legal documents	No	Yes	Violence and harassment	Yes	Violence	No	Violence	
	Decriminalization of same-sex sexual relations	No	Yes	Discrimination	Yes	Discrimination Neglect	Yes	Discrimination Neglect	
	Legalization of same-sex marriage	No	Yes	Lack of responsiveness of security and justice actors / Limited reporting	Yes	Limited policy implementation	Yes	Limited policy implementation	
	Explicit prohibition of discrimination	No	Yes	Involuntary or coercive medical or psychological practices	Yes				
ETHIOPIA	Legal guarantees		Reported human rights violations		Legal guarantees		Reported human rights violations		
	Decriminalization of same-sex sexual relations	No	Yes	Explicit prohibition of discrimination	No	Violence	No	Violence	
	Legalization of same-sex marriage	No	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Discrimination Neglect	Yes	Discrimination Neglect	
	Explicit prohibition of discrimination	No	Yes	Lack of responsiveness of security and justice actors / Limited reporting	Yes	Limited policy implementation	Yes	Limited policy implementation	
	Criminalization of violence based on sexual orientation	No	No	Involuntary or coercive medical or psychological practices					
	Transgender and intersex have protections in the law	No	No	Restrictions on freedom of movement, association and peaceful assembly	Yes				
	Possibility to change gender identity marker on legal documents	No	Yes	Violence and harassment	Yes	Violence	No	Violence	
	Decriminalization of same-sex sexual relations	No	Yes	Discrimination	Yes	Discrimination Neglect	Yes	Discrimination Neglect	
	Legalization of same-sex marriage	No	Yes	Lack of responsiveness of security and justice actors / Limited reporting	Yes	Limited policy implementation	Yes	Limited policy implementation	
	Explicit prohibition of discrimination	No	Yes	Involuntary or coercive medical or psychological practices	Yes				

		LGBTQI+				Persons with disability				Persons with HIV/AIDS			
		Legal guarantees		Reported human rights violations		Legal guarantees		Reported human rights violations		Legal guarantees		Reported human rights violations	
		Decriminalization of same-sex sexual relations	Children Act 2022	Yes	Violence and harassment	Explicit prohibition of discrimination	Yes/No	Revised Persons with Disability Act (2012)	Violence	Explicit prohibition of discrimination	Yes	The Persons with Disability Act (2012)	Violence
KENYA	Legalization of same-sex marriage	No		Yes	Discrimination	Affirmative actions to facilitate access, integration and participation	Yes	Discrimination remains in marriage and inheritance laws.	Discrimination Neglect	Affirmative actions to facilitate access, integration and participation	Yes	AIDS as a disability and prohibits discrimination against people living with HIV/AIDS.	Discrimination Neglect
	Explicit prohibition of discrimination	No		Yes	Lack of responsiveness of security and justice actors / Limited reporting			The National Council for Persons with Disabilities is under-resourced and underfunded.	Limited policy implementation		Yes	Limited policy implementation	Limited policy implementation
	Criminalization of violence based on sexual orientation	No			Involuntary or coercive medical or psychological practices								
	Transgender and intersex have protections in the law	No		Yes	Restrictions on freedom of movement, association and peaceful assembly								
	Possibility to change gender identity marker on legal documents	Yes			Violence and harassment	Explicit prohibition of discrimination	Yes	Persons with Disability Equity Act (2021) ensures equal opportunities in all aspects of life-affirmative actions.	Violence	Explicit prohibition of discrimination	No	National HIV and AIDS Policy (2006) protects individuals, families or groups made vulnerable by HIV and AIDS	Violence
	Decriminalization of same-sex sexual relations	No		Yes	Discrimination	Affirmative actions to facilitate access, integration and participation	Yes	The Act establishes the Persons with Disability Advisory Council	Discrimination Neglect	Affirmative actions to facilitate access, integration and participation	Yes		Discrimination Neglect
	Explicit prohibition of discrimination	Yes/No		No	Lack of responsiveness of security and justice actors / Limited reporting				Limited policy implementation				Limited policy implementation
LESOTHO	Criminalization of violence based on sexual orientation	No		No	Involuntary or coercive medical or psychological practices								
	Transgender and intersex have protections in the law	No			Restrictions on freedom of movement, association and peaceful assembly								
	Possibility to change gender identity marker on legal documents	Yes			Violence and harassment	Explicit prohibition of discrimination	Yes	Persons with Disability Equity Act (2006) ensures equal opportunities in all aspects of life-affirmative actions.	Violence	Explicit prohibition of discrimination	No	National HIV and AIDS Policy (2006) protects individuals, families or groups made vulnerable by HIV and AIDS	Violence
	Decriminalization of same-sex sexual relations	No		Yes	Discrimination	Affirmative actions to facilitate access, integration and participation	Yes	The Act establishes the Persons with Disability Advisory Council	Discrimination Neglect	Affirmative actions to facilitate access, integration and participation	Yes		Discrimination Neglect
	Explicit prohibition of discrimination	Yes/No		No	Lack of responsiveness of security and justice actors / Limited reporting				Limited policy implementation				Limited policy implementation
	Criminalization of violence based on sexual orientation	No		No	Involuntary or coercive medical or psychological practices								
	Transgender and intersex have protections in the law	No			Restrictions on freedom of movement, association and peaceful assembly								

	LGBTQI+						Persons with disability						Persons with HIV/AIDS					
	Legal guarantees			Reported human rights violations			Legal guarantees			Reported human rights violations			Legal guarantees			Reported human rights violations		
MALAWI	Decriminalization of same-sex sexual relations	No		Violence and harassment	Yes	Yes	Explicit prohibition of discrimination	Yes	Disability Act (2014) ensures equal opportunities in all aspects of life-affirmative actions	No	Violence	No	Explicit prohibition of discrimination	Yes	HIV and AIDS Prevention and Management Act (2018)	Violence	No	
	Legalization of same-sex marriage	No		Discrimination	Yes	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Disability Trust Fund	Discrimination	Discrimination	Yes	Affirmative actions to facilitate access, integration and participation	Yes		Discrimination	Yes	
	Explicit prohibition of discrimination	No		Lack of responsiveness of security and justice actors / Limited reporting	Yes	Yes				Limited policy implementation	Limited policy implementation	Yes				Limited policy implementation	Yes	
	Criminalization of violence based on sexual orientation	No		Involuntary or coercive medical or psychological practices	Yes													
	Transgender and intersex have protections in the law	No		Restrictions on freedom of movement, association and peaceful assembly	Yes/No													
	Possibility to change gender identity marker on legal documents)	No																
MAURITIUS	Decriminalization of same-sex sexual relations	Yes		Violence and harassment	Yes	Yes	Explicit prohibition of discrimination	Yes	Training and Employment of Disabled Persons Act 1996	Violence	Violence	No	Explicit prohibition of discrimination	Yes	HIV and AIDS Act (2006)	Violence	No	
	Legalization of same-sex marriage	No		Discrimination	Yes	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Equal Opportunities Act 2008	Discrimination	Discrimination	Yes	Affirmative actions to facilitate access, integration and participation	Yes		Discrimination	No	
	Explicit prohibition of discrimination	Yes		Lack of responsiveness of security and justice actors / Limited reporting	Yes	Yes			National Pensions Act 1976	Limited policy implementation	Limited policy implementation	Yes				Limited policy implementation	No	
	Criminalization of violence based on sexual orientation	No		Involuntary or coercive medical or psychological practices	No				Provisions to ensure access to information and communications									
	Transgender and intersex have protections in the law	No		Restrictions on freedom of movement, association and peaceful assembly	No													
	Possibility to change gender identity marker on legal documents)	No																

		LGBTQI+				Persons with disability				Persons with HIV/AIDS									
		Legal guarantees		Reported human rights violations		Legal guarantees		Reported human rights violations		Legal guarantees		Reported human rights violations							
		Decriminalization of same-sex sexual relations	Yes	No law criminalizes same-sex sexual relations	Yes	Violence and harassment	Yes	Explicit prohibition of discrimination	Yes	Provisions to ensure equal access to education, infrastructure, information	Yes	Violence	Yes	Explicit prohibition of discrimination	Yes	5th National Action Plan to Combat HIV/AIDS (2021-2015)	Violence	No	
		Legalization of same-sex marriage	No	Provisions against discrimination at work	Yes	Discrimination	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Discrimination Neglect	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Combat HIV/AIDS (2021-2015)	Discrimination Neglect	Yes	
		Explicit prohibition of discrimination	Yes	5 <sup>th</sup> National Action Plan to Combat HIV/AIDS (2021-2015)	No	Lack of responsiveness of security and justice actors / Limited reporting	No		Yes		Yes	Limited policy implementation	Yes				Limited policy implementation	Yes	
		Criminalization of violence based on sexual orientation	No	Denounces discrimination based on sexual orientation and gender identity	No	Involuntary or coercive medical or psychological practices	Yes		Yes										
		Transgender and intersex have protections in the law	No		No	Restrictions on freedom of movement, association and peaceful assembly	Yes		Yes										
		Possibility to change gender identity marker on legal documents	No		No	Violence and harassment	Yes		Yes										
		Decriminalization of same-sex sexual relations	No	Namibia's Supreme Court endorses recognizing same-sex marriage from other countries (2021)	No	Discrimination	Yes	Explicit prohibition of discrimination	Yes	National Disability Council Act (2004)	No	Violence	No	Explicit prohibition of discrimination	Yes	National Policy on HIV/AIDS (2007)	Violence	No	
		Legalization of same-sex marriage	No		No	Lack of responsiveness of security and justice actors / Limited reporting	Yes	Affirmative actions to facilitate access, integration and participation	Yes	The Council is mandated to implement the National Policy on Disability	Yes	Discrimination Neglect	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Workplace HIV and AIDS Policy for the Education Sector November (2007)	Discrimination Neglect	Yes	
		Explicit prohibition of discrimination	No		No	Lack of responsiveness of security and justice actors / Limited reporting	Yes			The law requires investigating and punishing violence or abuse against persons with disabilities. Provisions ensuring equal access to employment and infrastructure	Yes	Limited policy implementation	No				Limited policy implementation	No	
		Criminalization of violence based on sexual orientation	No		No	Involuntary or coercive medical or psychological practices	Yes												
		Transgender and intersex have protections in the law	No		No	Restrictions on freedom of movement, association and peaceful assembly	No												
		Possibility to change gender identity marker on legal documents	No		No	Violence and harassment	No												
MOZAMBIQUE																			
NAMIBIA																			

	LGBTQI+				Persons with disability				Persons with HIV/AIDS				
	Legal guarantees		Reported human rights violations		Legal guarantees		Reported human rights violations		Legal guarantees		Reported human rights violations		
RWANDA	Decriminalization of same-sex sexual relations	Yes	No law criminalizes same-sex sexual relations	Yes	Violence and harassment	Yes	Explicit prohibition of discrimination	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Explicit prohibition of discrimination	Yes	Affirmative actions to facilitate access, integration and participation
	Legalization of same-sex marriage	No	The law generally prohibits gender discrimination but doesn't specify gender orientation or gender expression.	Yes	Discrimination	Yes	Affirmative actions to facilitate access, integration and participation	No	Discrimination Neglect	Yes	Affirmative actions to facilitate access, integration and participation	No	Discrimination Neglect
	Explicit prohibition of discrimination	Yes/No		Yes	Lack of responsiveness of security and justice actors / Limited reporting	No		No	Limited policy implementation	No		No	Limited policy implementation
	Criminalization of violence based on sexual orientation	No		No	Involuntary or coercive medical or psychological practices	No		No	Limited policy implementation	No		No	Limited policy implementation
	Transgender and intersex have protections in the law	No		No	Restrictions on freedom of movement, association and peaceful assembly	Yes/No		No	Limited policy implementation	No		No	Limited policy implementation
	Possibility to change gender identity marker on legal documents	No		Yes/No				Yes	Affirmative actions to facilitate access, integration and participation	Yes	Explicit prohibition of discrimination	Yes	Affirmative actions to facilitate access, integration and participation
	Decriminalization of same-sex sexual relations	No		Yes	Violence and harassment	Yes	Explicit prohibition of discrimination	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Explicit prohibition of discrimination	Yes	Affirmative actions to facilitate access, integration and participation
	Legalization of same-sex marriage	No		Yes	Discrimination	Yes	Affirmative actions to facilitate access, integration and participation	No	Discrimination Neglect	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Discrimination Neglect
SOMALIA	Explicit prohibition of discrimination	No		Yes	Lack of responsiveness of security and justice actors / Limited reporting	Yes		Yes	Limited policy implementation	Yes		Yes	Limited policy implementation
	Criminalization of violence based on sexual orientation	No		No	Involuntary or coercive medical or psychological practices	No		No	Limited policy implementation	No		No	Limited policy implementation
	Transgender and intersex have protections in the law	No		Yes	Restrictions on freedom of movement, association and peaceful assembly	Yes		Yes	Limited policy implementation	Yes		Yes	Limited policy implementation
	Possibility to change gender identity marker on legal documents	No		Yes				Yes	Limited policy implementation	Yes		Yes	Limited policy implementation
	Decriminalization of same-sex sexual relations	No		Yes	Violence and harassment	Yes	Explicit prohibition of discrimination	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Explicit prohibition of discrimination	Yes	Affirmative actions to facilitate access, integration and participation
	Legalization of same-sex marriage	No		Yes	Discrimination	Yes	Affirmative actions to facilitate access, integration and participation	No	Discrimination Neglect	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Discrimination Neglect
	Explicit prohibition of discrimination	No		Yes	Lack of responsiveness of security and justice actors / Limited reporting	Yes		Yes	Limited policy implementation	Yes		Yes	Limited policy implementation
	Criminalization of violence based on sexual orientation	No		No	Involuntary or coercive medical or psychological practices	No		No	Limited policy implementation	No		No	Limited policy implementation



LGBTQ+		Persons with disability						Persons with HIV/AIDS								
		Reported human rights violations			Legal guarantees			Reported human rights violations			Legal guarantees					
SUDAN	Decriminalization of same-sex sexual relations	No	Civilian-Led Transition Government abolished corporal and capital punishment for sodomy (2020)	Yes	Violence and harassment	Yes	Violence and harassment	Yes	Explicit prohibition of discrimination	No	Persons with Disabilities Act (2009)	No	National Strategic Plan and Sectoral Plans on HIV/AIDS 2004-2009	Violence	No	
		No	Legalization of same-sex marriage	Yes	Discrimination	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Affirmative actions to facilitate access, integration and participation	Yes	International organizations and NGOs also work to deliver a disability-inclusive humanitarian response.	Yes	Affirmative actions for full social integration and participation	Discrimination Neglect	Yes	
	No	Explicit prohibition of discrimination	Yes	Lack of responsiveness of security and justice actors / Limited reporting	Yes	Lack of responsiveness of security and justice actors / Limited reporting	Yes	Limited policy implementation	Yes	Limited policy implementation	Yes	Limited policy implementation	Limited policy implementation	Yes	Yes	
	No	Criminalization of violence based on sexual orientation	No	Restrictions on freedom of movement, association and peaceful assembly	Yes	Restrictions on freedom of movement, association and peaceful assembly	Yes	Explicit prohibition of discrimination	Yes	Persons with Disabilities Act (2010)	No	Persons with Disabilities Act (2010)	Yes	HIV and AIDS Act (2008)	Violence	No
	No	Transgender and intersex have protections in the law	No	Involuntary or coercive medical or psychological practices	No	Involuntary or coercive medical or psychological practices	No	Affirmative actions to facilitate access, integration and participation	Yes	Various legislation prohibits discrimination in employment, education, and elections.	Yes	Various legislation prohibits discrimination in employment, education, and elections.	Yes	Tanzania Health Sector HIV and AIDS Strategic Plan IV, 2017-2022	Discrimination Neglect	Yes
	No	Possibility to change gender identity marker on legal documents)	No	Restrictions on freedom of movement, association and peaceful assembly	Yes	Restrictions on freedom of movement, association and peaceful assembly	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Persons with Disabilities Act (2010)	Yes	Persons with Disabilities Act (2010)	Yes	HIV and AIDS Act (2008)	Violence	No
	TANZANIA	Decriminalization of same-sex sexual relations	No	Years of imprisonment for homosexuality are less in Zanzibar than in the Mainland. In Zanzibar, "acts of lesbianism" have lesser punishments (up to five years or a fine)	Yes	Violence and harassment	Yes	Violence and harassment	Yes	Explicit prohibition of discrimination	No	Persons with Disabilities Act (2010)	Yes	HIV and AIDS Act (2008)	Violence	No
			No	Legalization of same-sex marriage	Yes	Discrimination	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Various legislation prohibits discrimination in employment, education, and elections.	Yes	Tanzania Health Sector HIV and AIDS Strategic Plan IV, 2017-2022	Discrimination Neglect	Yes
		No	Explicit prohibition of discrimination	Yes	Lack of responsiveness of security and justice actors / Limited reporting	Yes	Lack of responsiveness of security and justice actors / Limited reporting	Yes	Limited policy implementation	Yes	Limited policy implementation	Yes	Limited policy implementation	Limited policy implementation	No	No
		No	Criminalization of violence based on sexual orientation	No	Involuntary or coercive medical or psychological practices	Yes	Involuntary or coercive medical or psychological practices	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Persons with Disabilities Act (2010)	Yes	Persons with Disabilities Act (2010)	Yes	HIV and AIDS Act (2008)	Violence
No		Transgender and intersex have protections in the law	No	Restrictions on freedom of movement, association and peaceful assembly	Yes	Restrictions on freedom of movement, association and peaceful assembly	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Persons with Disabilities Act (2010)	Yes	Persons with Disabilities Act (2010)	Yes	Tanzania Health Sector HIV and AIDS Strategic Plan IV, 2017-2022	Discrimination Neglect	Yes



	LGBTQI+				Persons with disability				Persons with HIV/AIDS				
	Legal guarantees		Reported human rights violations		Legal guarantees		Reported human rights violations		Legal guarantees		Reported human rights violations		
UGANDA	Decriminalization of same-sex sexual relations	No	The law prohibits discrimination based on sex only	Yes	Violence and harassment	Yes	Explicit prohibition of discrimination	Yes	Violence	Yes	Violence	No	
	Legalization of same-sex marriage	No	The Penal Code criminalizes same-sex sexual relations.	Yes	Discrimination	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Discrimination Neglect	Yes	Discrimination Neglect	Yes	
	Explicit prohibition of discrimination	No	The 2023 Anti-Homosexuality Act further criminalizes different forms of sexual identity, orientation and expression while violating multiple fundamental rights guaranteed under Uganda's constitution.	Yes	Lack of responsiveness of security and justice actors / Limited reporting	Yes		Yes	Limited policy implementation	Yes	Limited policy implementation	No	
	Criminalization of violence based on sexual orientation	No		Yes	Involuntary or coercive medical or psychological practices	Yes							
	Transgender and intersex have protections in the law	No		Yes	Restrictions on freedom of movement, association and peaceful assembly	Yes							
	Possibility to change gender identity marker on legal documents)	No		Yes	Violence and harassment	No	Explicit prohibition of discrimination	Yes	Violence	No	Violence	No	
		No		Yes	Discrimination	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Discrimination Neglect	Yes	Affirmative actions for full social integration and participation	Yes	Discrimination Neglect
ZAMBIA	Decriminalization of same-sex sexual relations	No	State, religious and media figures speak publicly against homosexuality	Yes	Lack of responsiveness of security and justice actors / Limited reporting	Yes	Explicit prohibition of discrimination	Yes	Violence	No	Violence	No	
	Legalization of same-sex marriage	No		Yes	Involuntary or coercive medical or psychological practices	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Discrimination Neglect	Yes	Discrimination Neglect	No	
	Explicit prohibition of discrimination	No		Yes	Restrictions on freedom of movement, association and peaceful assembly	Yes		Yes	Limited policy implementation	Yes	Limited policy implementation	No	
	Criminalization of violence based on sexual orientation	No		Yes	Violence and harassment	No	Explicit prohibition of discrimination	Yes	Violence	No	Violence	No	
	Transgender and intersex have protections in the law	No		Yes	Discrimination	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Discrimination Neglect	Yes	Affirmative actions for full social integration and participation	Yes	Discrimination Neglect
	Possibility to change gender identity marker on legal documents)	No		Yes	Lack of responsiveness of security and justice actors / Limited reporting	Yes		Yes	Limited policy implementation	Yes		Yes	Limited policy implementation
		No		Yes	Involuntary or coercive medical or psychological practices	Yes		Yes					

	LGBTQ+				Persons with disability				Persons with HIV/AIDS					
	Legal guarantees		Reported human rights violations		Legal guarantees		Reported human rights violations		Legal guarantees		Reported human rights violations			
ZIMBABWE	Decriminalization of same-sex sexual relations	No	Violence and harassment	Yes	Explicit prohibition of discrimination	Yes	Violence	No	Yes	Explicit prohibition of discrimination	Yes	Violence	No	
	Legalization of same-sex marriage	No	Discrimination	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Discrimination Neglect	Yes	Yes	Affirmative actions to facilitate access, integration and participation	Yes	Discrimination Neglect	Yes	
	Explicit prohibition of discrimination	No	Lack of responsiveness of security and justice actors / Limited reporting	Yes			Limited policy implementation	Yes				Limited policy implementation	Yes	
	Criminalization of violence based on sexual orientation	No	Involuntary or coercive medical or psychological practices	Yes										
	Transgender and intersex have protections in the law	No	Restrictions on freedom of movement, association and peaceful assembly	No										
	Possibility to change gender identity marker on legal documents)	No												

Source: U.S. Department of State, 2022 Country Reports on Human Rights Practices <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/>

**TABLE 25bis - Universality and Inclusivity of education systems in East and Southern Africa**

	Legal Provision of COM-PULSORY Primary Edu-cation	Legal Provision of FREE Primary Education	Legal Provision of COMPULSORY Secondary Education	Legal Provision of FREE Secondary Education	Legal Provision of FREE Tertiary Education	Legal Protection Against Violence at School		Legal Protection for Pregnant and Parenting Girls					Minimum Age of Marriage	
						General Prohibition of Violence	Protection from Gender-Based Violence	No legal protection	Removal of restrictive policies, yet remaining policy gap	Laws protecting pregnant and parenting students' right to education	Policies or strategies that provide for "continuation."	"Re-entry" policies / policies prescribing conditions for pregnant and parenting students (including mandatory maternity leave)		
ANGOLA	Yes	Yes	Yes	Partially	No	No	No	No	✓					18 with exceptions
BOTSWANA	No	Yes (fees may be added)	No	No	No	No	No	No				✓		21 with exceptions (18)
BURUNDI	Yes	Yes (n. of years unspecified)	No	Unclear	Unclear	Unclear	Yes	Yes				✓		18 with exceptions
DJIBOUTI	Yes	Yes (n. of years unspecified)	Yes	Unclear	Unclear	Unclear	No	No	✓					18 with exceptions
ERITREA	Yes	Yes	No	No	No	No	No	No	✓					18 with exceptions
ETHIOPIA	No	No	No	No	No	No	No	No	✓					18 with exceptions
ESWATINI	No	Yes (fees may be added)	No	No	No	No	No	No				✓		18 with exceptions
KENYA	Yes	Yes (n. of years unspecified)	No	Unclear	Unclear	Unclear	Yes	No			✓			18
LESOTHO	Yes	Yes	No	No	No	No	Yes	No		✓				18 with exceptions
MADAGASCAR	Yes	Yes (n. of years unspecified)	No	Unclear	Unclear	Unclear	Yes	No					✓	18 with exceptions
MALAWI	Yes	Yes	No	No	No	No	Yes	No					✓	18

	Legal Provision of COMPULSORY Primary Education	Legal Provision of FREE Primary Education	Legal Provision of COMPULSORY Secondary Education	Legal Provision of FREE Secondary Education	Legal Provision of FREE Tertiary Education	Legal Protection Against Violence at School		Legal Protection for Pregnant and Parenting Girls					Minimum Age of Marriage
						General Prohibition of Violence	Protection from Gender-Based Violence	Removal of restrictive policies, yet remaining policy gap	Laws protecting pregnant and parenting students' right to education	Policies or strategies that provide for "continuation."	"Re-entry" policies / prescriptions for pregnant and parenting students (including mandatory maternity leave)	No legal protection	
MAURITIUS	Yes	Yes	Yes	Yes	Yes (fees may be applied)	No	Yes			✓	✓		18 with exceptions (16)
MOZAMBIQUE	Yes (establishment in progress)	Yes (establishment in progress)	Yes (establishment in progress)	Yes (establishment in progress)	No	No	No	✓					18 with exceptions (16)
NAMIBIA	Yes	Yes	Yes (until 16 years old)	Yes (until 16 years old)	No	Yes	No			✓			18 with exceptions
RWANDA	Yes	Yes	Yes (until 15 years old)	Yes (until 15 years old)	No	No	Yes			✓			21
SOMALIA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	18 with exceptions
SOUTH AFRICA	Yes	Yes/No (fees subject to conditions)	Yes (until 15 years old)	Yes/No (fees subject to conditions)	No	Yes	Yes			✓			18 with exceptions
SOUTH SUDAN	Yes	Yes	No	No	No	Yes	No				✓		18
SUDAN	Yes	Yes	Yes (until 14 years old)	Yes (until 14 years old)	No	Yes	No	✓					No minimum age
TANZANIA	Yes	No	Yes (until 14 years old)	Yes (until 14 years old)	No	No	No	✓					18 boys 15 girls with exceptions

	Legal Provision of COM-PULSORY Primary Education	Legal Provision of FREE Primary Education	Legal Provision of COM-PULSORY Secondary Education	Legal Provision of FREE Secondary Education	Legal Provision of FREE Tertiary Education	Legal Protection Against Violence at School		Legal Protection for Pregnant and Parenting Girls					Minimum Age of Marriage
						General Prohibition of Violence	Protection from Gender-based Violence	No legal protection	Removal of restrictive policies, yet remaining policy gap	Laws protecting pregnant and parenting students' right to education	Policies or strategies that provide for "continuation."	"Re-entry" policies / policies prescribing conditions for pregnant and parenting students (including mandatory maternity leave)	
UGANDA	Yes	Yes	Yes (until 13 years old)	Yes (until 13 years old)	No	Yes	No					√	18
ZAMBIA	Yes (n. of years unspecified)	Yes	Yes (until 15 years old)	Yes (until 15 years old)	No	Yes	Yes					√	21 with exceptions
ZIMBABWE	Yes (n. of years unspecified)	No (fees shall be minimal)	No (fees shall be minimal)	No (fees shall be minimal)	No	Yes	No			√			18

Sources: UNESCO, HerAtlas: Monitoring the right to education for girls and women <https://en.unesco.org/education/girls-women-rights> ; OECD SIGI 2021 Regional Report for Africa, *Legal Frameworks in the African Region* <https://www.oecd-ilibrary.org/HumanRightsWatch2021Africa:RightsProgressforPregnantStudents> <https://www.hrw.org/video-photos/interactive/2022/08/29/brighter-future-empowering-pregnant-girls-and-adolescent>

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Party List Proportional Representation

First-Past-the-Post – Plurality/Majority Voting System

**Somalia:** Previously, about 30,000 clan delegates are assigned to choose the 275 members of the lower house. Voting followed a complex indirect model, whereby state legislatures and clan delegates pick lawmakers for the national parliament, who in turn choose the president. After the president's assent, the electoral law based on the FPTP system became the law of the land in February 2020. However, it is challenging to implement the law as there are political, logistical, financial, and security-related impediments to its implementation. The electoral law creates 275 clan-based political districts for the lower house and another 54 based on the 18 administrative regions that the military government left behind. It is a challenge to assign lower-house seats to geographical districts because many clans are dispersed in the country. Additionally, besides the dispute on the interpretation of the pertinent constitutional articles in the senate, many communities have issues with how the military government created the districts and regions.

86 **Kenya:** A 2020 court case attempted to dissolve Parliament for not meeting the two-thirds gender rule. Although there were more women candidates in this month's elections than ever before, structural barriers still severely limit women's political representation in Kenya. Strong patriarchal culture, sexist culture in parties, electoral violence, lack of funding are among the enduring challenges. <https://www.opendemocracy.net/en/5050/kenya-election-women-history-representation/>

87 **Sudan:** The numerical parliamentary data is from the past parliament of Sudan which is suspended due to the coup d`état in April 2019.

88 **Lesotho:** 50 per cent of the 40 seats reserved for proportional election over 120 seats in total. The quota does not apply to the overall composition of the parliament.

89 **Uganda:** Article 78(1) of the Constitution states that the parliament shall consist of one woman representative for every district. There are 112 districts in Uganda. The parliament of Uganda is formed in the following way: there are 238 constituency representatives; 112 district women representatives directly elected by all voters on *a special ballot in each district (for women candidates only)*; 10 representatives of the Uganda People's Defence Forces, of whom two must be women; five youth representatives, of whom one must be a woman; five representatives of persons with disabilities, of whom one must be a woman; and five representatives of workers, of whom one must be a woman (Article 8 of the Parliamentary Elections Act, 2005).

90 **Zimbabwe:** thanks to the zipper list the senate achieved almost gender parity

**Mauritius:** The legislated candidate quota provisions of the 2011 Local Government Act were implemented for the first time at the December 2012 local government elections, resulting in a significant increase of the representation of women in village councils from 5.8 per cent to 25.5 per cent and from 12.5 per cent to 35.5 per cent in municipal councils.

**Kenya:** A party is not eligible for public funding if more than two-thirds of its elected officials are of one gender (Article 25(2) (b) Political Parties Act, 2011)



- Kenya:** In the National Assembly there are 12 seats filled through lists: Those people are to “represent special interests, including the youth, persons with disabilities and workers” according to the Constitution. In the Senate, 16 seats for women are filled through party lists, plus one man and one woman, representing youth, and one man and one woman, representing persons with disabilities.
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# UN WOMEN IS THE UN ORGANIZATION DEDICATED TO GENDER EQUALITY AND THE EMPOWERMENT OF WOMEN. A GLOBAL CHAMPION FOR WOMEN AND GIRLS, UN WOMEN WAS ESTABLISHED TO ACCELERATE PROGRESS ON MEETING THEIR NEEDS WORLDWIDE.

UN Women supports UN Member States as they set global standards for achieving gender equality, and works with governments and civil society to design laws, policies, programmes and services needed to ensure that the standards are effectively implemented and truly benefit women and girls worldwide. It works globally to make the vision of the Sustainable Development Goals a reality for women and girls and stands behind women's equal participation in all aspects of life, focusing on four strategic priorities: Women lead, participate in and benefit equally from governance systems; Women have income security, decent work and economic autonomy; All women and girls live a life free from all forms of violence; Women and girls contribute to and have greater influence in building sustainable peace and resilience, and benefit equally from the prevention of natural disasters and conflicts and humanitarian action. UN Women also coordinates and promotes the UN system's work in advancing gender equality.



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