

Economic Commission For Africa

**Sixth African Regional Conference On Women; 22-26 November 1999,
Addis Ababa, Ethiopia: Mid - Decade Review Of The Implementation Of
The Dakar And Beijing Platforms For Action In The African Region.**

Assessment Report On: Women's Legal And Human Rights

By

Ms. Jean Njeri Kamau

November, 1999

ACKNOWLEDGEMENTS

The Economic Commission for Africa, African Centre For Women gratefully acknowledges all people and institutions who have in different ways enabled the compilation and publication of the twelve thematic assessment reports. Special thanks are extended to the following:

Financial assistance from :

- The Swedish International Development Agency (SIDA)
- The World Bank
- The Canadian International Development Agency (CIDA)
- The Government of France
- UNDP
- UNIFEM
- ILO
- ECA

The **Consultants** who gathered data, drafted the reports and presented the same to the thematic assessment workshops of the Sixth African Regional Conference on Women; Mid-term Review of the Implementation of the Dakar and Beijing Platforms for Action held in Addis Ababa, Ethiopia, 22-26 November 1999.

Jean Njeri Kamau	- Women's participation in the peace process - Human rights of women
Anthony D. G. Mawaya	- Political empowerment of women - Institutional mechanisms for the advancement of women
Perpetua Katepa-Kalala	- Women on poverty - Economic empowerment of women
Hoda Mejri	- Les femmes, la communication, l'information et les arts (<i>Women, communication, information and the arts</i>)
Daraba Saran Kaba	- L'accès insuffisant des femmes à l'éducation, à la formation ainsi qu'à la science et à la technologie (<i>Women, education, training and access to science and technology</i>) - L'amélioration de la santé des femmes, y compris la planification familiale et des programmes en faveur des populations (<i>Women and health</i>) Solange Gomba Lemba - Rôle de la femme dans la gestion des ressources naturelles, femmes et environnement (<i>Women and the environment</i>)

- Elaboration et utilisation généralisées de données ventilées par sexe
(*Analysis and utilisation of gender-disaggregated data*)

Khardiata Lo N'Diaye

- Le rôle vital de la femme dans la famille, la culture et la socialisation (*Women, the family and socialisation*)
- La petite fille (*The Girl Child*)

Virtual Editors:

Ken Blackman,
Wangu Mwangi-Greijn, and
Ghyslaine De Souza

ECA Staff:

Communication team.
Divisional representatives at the workshops

Consultant Editors and Proof Readers

Ms Hirut Befecadu
Mrs. Axelle Kabou
Dr. Wanja Thairu

Participants of the Thematic Assessment workshops at the 6th African regional Conference on Women, 22-26 November 1999, Addis Ababa, Ethiopia, being representatives from national women's departments, national and international NGOs, universities and United Nations agencies.

Disclaimer

The views expressed in the thematic assessment reports are those of the authors and not necessarily those of the organizations which provided financial assistance.

At the time of reproducing this version of the CD-ROM, the translation of the thematic assessment reports was in progress, hence the presentation of the reports in the original languages.

ACRONYMS

ACW	African Center for Women
AWCPD	African Women Committee on Peace and Development
CEDAW	Convention on the Elimination of All Discrimination against Women
CWD	Committee on Women in Development
ECA	Economic Commission for Africa
ECOWAS	Economic Community of West African States
FEMNET	African Women's Development and Communication Network
NCWD	National Commission for the Advancement of Women
NGO	Non-Governmental Organization
OAU	Organization of African Unity
PFA	Platform for Action
SADC	Southern African Development Community
SRDC	Sub-Regional Development Center
UN	United Nations
UNICEF	United Nations International Children Education Fund
UNDAW	United Nations Division for the Advancement of Women
UNDP	United Nations Development Programme
UNESCO	United Nations Education, Science, and Cultural Organization
UNIFEM	United Nations International Fund for Women
UNFPA	United Nations Fund for Population Activities
WILDAF	Women in Law and Development for Africa

EXECUTIVE SUMMARY

This report was prepared for the Sixth African Regional Conference on Women held in Addis Ababa, Ethiopia from the 22nd - 26th of November 1999. The report assesses the impact of activities that Governments and United Nations agencies undertook to meet their commitments under the African and Beijing platforms for action in the previous five years. The report also includes emerging issues that participants provided during discussions of the working group on women's legal and human rights organised during the conference.

The Beijing Platform for Action is considered one of the most comprehensive articulations of government commitments to the human rights of women and gender equity. The Platform's mission statement affirmed the fundamental principles that women's rights are human rights and that the rights of women and the girl child are an inalienable, integral and indivisible part of universal human rights. One hundred and eighty nine Governments adopted the Beijing Platform for Action committing themselves to implement strategies for ensuring the rights of women and girls in all areas: legal rights, health, economic, political decision making, education, situations of war and personal safety. The review undertaken at the sixth African Regional Conference on women was to assess how far Governments have translated their commitments into action.

There are several excellent initiatives that Governments have undertaken. These include: reviewing women's citizenship laws, legislating against domestic violence, marital rape, female genital mutilation, and improving women's access to matrimonial and communal property. Governments have collaborated and supported non-governmental organizations to provide women with legal literacy and legal aid services as a strategy for improving women's own knowledge of their rights. These initiatives are applauded and Governments are encouraged to keep up their commitments with legislative and policy changes.

Sub-regional and regional political, social economic groupings, such as SADC, have taken initiatives to promote women's rights. Governments at these levels have collaborated and passed declarations that have furthered their commitments under the African and Beijing platforms for action. United Nations agencies have provided the much-needed technical and financial resources to Governments and non-governmental organizations thereby adding value to grassroots, local and national initiatives.

More action is still required especially in the development of data and services for the promotion of women's rights issues, including legal aid, legal literacy programs and further legislative reviews of the legal status of women.

It is expected in the next five years that Governments should carry out bold and far-reaching activities that will accelerate implementation of the platforms for action.

1.0 INTRODUCTION

The African Platform for Action (1994)¹

During the lead-up to the Fourth World Conference on Women, African Governments and non-governmental organisations came together in Dakar, Senegal in November 1994 for the Fifth African Regional Conference on Women at a preparatory meeting to Beijing. This meeting adopted the African platform for Action. The African Platform for Action was endorsed by the Heads of State and Governments of the Organisation of African Unity meeting at the thirty-first ordinary session in Addis-Ababa, Ethiopia in June 1995, as the African common position for the advancement of women.

In the area of women's human rights, the African Platform encapsulates the commitment of African governments to ensure the implementation of all the human rights conventions and instruments signed and ratified by each African State. The African governments proposed firmer strategies to promote the rights of women including a call to all States that had not yet done so, to ratify the convention on the Elimination of all Forms of Discrimination against Women, (CEDAW) Convention. Three had signed and ratified this to withdraw the reservations.

The African Platform for Action was instrumental in influencing the final Beijing Platform for Action. The African Platform for Action indeed introduced the significant issue of the girl child to the discussions at the Beijing World Conference for Women. African women argued effectively that the concerns for the Girls Child have impact on their future lives. These concerns include violence, sexual abuse and neglect at the policy and legislative levels.

In particular, the African Platform for Action noted that there was a marked increase in cases of violence against women in domestic, private or public places, exacerbated by gender bias in the administration of justice, by conflicts that arise between the rights of women and certain traditional and customary practices including cultural prejudices, and by situations of armed conflict.

The Beijing Declaration and Platform for Action (PFA) (1995)²

The Beijing Platform for Action, the final product of the Fourth World Conference on Women, recognises that human rights and fundamental freedoms are birthrights of all human beings and that the protection and promotion of human rights is the first responsibility of Governments. The PFA calls for the full realisation of human rights for all and in particular for women who suffer more violations due to their gender.

The PFA notes that many women face additional barriers to the enjoyment of their human rights because of such factors as race, language, ethnicity, culture, religion, disability or socioeconomic class. Particular groups such as immigrants, displaced women and refugees are also at risk. Further in many countries, lack of awareness of the existing basic rights is an obstacle that prevents women from fully enjoying their rights.

In addressing the enjoyment of human rights of women, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programs so that an analysis is made on the effect on women and men before important policy decisions are taken.

The PFA proposes three strategic objectives to be undertaken by Governments and United Nations organisations in the area of women's human rights:

- **Strategic objective 1:** Promote and protect the human rights of women through the full implementation of all human rights instruments, especially, the Convention on the Elimination of all Forms of Discrimination Against Women, reporting on schedule to the Committee on the Elimination of Discrimination Against Women, as well as tackling the growing problem of trafficking in women and children (para 230 (1), (n) of the PFA).
- **Strategic objective 2:** Ensure equality and non-discrimination under the law and in practice. It calls for taking urgent action to combat and eliminate violence against women especially the practice of female genital mutilation (FGM) (Para(g), (h) of the PFA); and
- **Strategic objective 3:** Achieve legal literacy

2.0 COMMITMENTS

In the four years since the adoption of the PFA, action taken by UN agencies, national governments and regional or sub-regional organizations has varied in both intensity and specific results. There are many excellent examples of implementation of the strategic objectives in the area of human rights by organisations at all levels. In particular, the realisation of an Optional Protocol to the Women's Convention is a significant achievement at the International level and the adoption of an Optional Protocol on Women's Rights by the African Commission on Human and Peoples Rights at the regional level. However, it remains to be seen whether both the optional protocols will be ratified in order to render them effective tools to benefit the individual women.

2.1 COMMITMENTS TAKEN BY THE MAIN UN SPECIALISED AGENCIES

Within the last few years, United Nations agencies have implemented various programmes and activities that have adopted a rights-based approach. Notably the UNHCR, UNDP, UNIFEM and UNFPA are committed to a rights-based approach that promotes women's rights as human rights.

2.1.1 UNITED NATION DEVELOPMENT FUND FOR WOMEN (UNIFEM)

UNIFEM is committed to promoting women's human rights, to eliminate all forms of violence against women and to transform development into a more peaceful, equitable and sustainable process. UNIFEM's approach to promoting women's human rights and eliminating violence against women is focused on:

- Building the capacity of women and women's organizations to advocate for women's human rights nationally, regionally and internationally.

- Developing and investing in strategies and programs to prevent and eliminate violence against women and girls. The proposed initiatives for support are community-based, government and the international community actions.

In the post-Beijing era, UNIFEM remains committed to advancing the PFA, and has focused on the following two key activities in the area of human rights: the implementation of CEDAW and violence against women. Within the African region, UNIFEM has sought to strengthen the capacity of women's human rights advocates by building understanding about how human rights laws and policies function and how to access them and put them to work for women. The implementation of CEDAW is a primary focus of this work.

2.1.2 UNITED NATIONS FUND FOR POPULATION ACTIVITIES (UNFPA)

The UNFPA is committed to uncovering violence against women and working with governments, non-governmental organisations and civil society to change practices detrimental to women's equal claim to a life with dignity. Although violence against women is the most pervasive women's rights violation, it is the least recognised human rights abuse in the world and is equally undocumented. Therefore, UNFPA seeks to support research and surveys to identify the prevalence of domestic violence and establish databases on gender-sensitive indicators such as women's perception of their sexual and reproductive rights. UNFPA also recognises that the reproductive and sexual health of women is affected by violence. In addition to rape and assault, gender-based violence includes harmful traditional practices such as female genital mutilation (FGM). Through research the UNFPA proposes to support legislative changes and develop programs to counter gender-based violence.

2.1.3 UNITED NATIONS CHILDREN'S EDUCATION FUND (UNICEF)

UNICEF is committed to contributing to the eradication of violence against women and girls through its programs and policies. UNICEF believes that the total eradication of violence against women will involve lobbying to ensure that women have equal citizenship. It is only when women and girls gain their places as strong and equal members of society that violence against them will be viewed as a serious crime. This includes a strong stand on the issue of FGM as a violation of the human rights of girls and women.

2.1.4 UNITED NATIONS COMMISSION FOR HUMAN RIGHTS

In adopting the Vienna Declaration and Programme of Action, the World Conference on Human Rights assigned the Commission as the main inter-governmental body in the United Nations to deal with human rights. The Declaration specifically reaffirms that the human rights of women and girls are an inalienable, integral and indivisible part of universal human rights. The Commission is therefore committed to promoting the rights of women, particularly in regard to violence against women. The Commission is working to eradicate discrimination and violence against women and has already mounted a campaign for the universal ratification of the Convention on the Elimination of All forms of Discrimination against Women.

During the 55th session of the Commission for Human Rights held from 22nd March-30th April 1999, a new item, the integration of the human rights of women and a gender perspective, with a sub-item on violence against women, was included on its agenda.

2.1.5 UNITED NATIONS HIGH COMMISSION FOR REFUGEES (UNHCR)

The UNHCR is mandated to respond to refugee issues around the world. Women Refugees are often victims of abuse not only in their countries of origin but in their countries of refuge and asylum. Gender-based violations are often adopted as tactics of war and terrorism and women are vulnerable because of their gender. UNHCR is committed to mainstreaming a gender equality perspective throughout its operations. It focuses on the following key areas:

- Promotion of human rights and equality of women through a rights-based approach.
- Empowerment of women; and
- Prevention and response to violence against women.
-

2.1.6 UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANISATION (UNESCO).

UNESCO is committed to ensuring that equality of access to education and opportunities between the sexes are prerequisites for achieving development. The right to education is a right that this agency monitors through its programmes and activities. The agency also calls for the eradication of discrimination and sexual harassment in all places of learning.

2.2 NATIONAL COMMITMENTS

After the Fourth World Conference on Women in Beijing, all the African governments committed themselves to implement the critical areas of the PFA. A preliminary analysis shows that the largest number of commitments were made with respect to legal reforms addressing women's right to gender equality. Governments committed themselves to revise existing laws or to introduce new laws and regulations for advancing the status of women and eliminating de jure discrimination. The commitments from Governments included the provision of legal literacy and to development of laws and policies to protect women from violence.

Some Indicators of Governments' Commitments to the African and Beijing platforms for action on Women's legal and Human rights.

Algeria aimed at	Make amendments to the family law adopted in 1984
	promoting equality between men and women.;
-	Establish an agency where women can seek help and
learn to defend	their rights
Angola critical area of	Recognise Human Rights of women identified as a
	concern

Botswana eliminate violence	Establish integrated measures to prevent and against women;. Study the causes and consequences of violence against women and the effectiveness of preventative measures.
Burkina Faso Eliminate consequences, and	Eliminate Violence, study its causes and eliminate trafficking of women forced into prostitution;. violence against the girl child and end discrimination in educational institutions.
Congo status of	Review all existing legislation to improve the legal women by the year 2000.
Egypt conflicting legal	Review all legislation relating to women, eliminate legislation and ensure implementation of existing laws and literacy;. Provide information in schools, enhance the image of women and create awareness of rights.
Equatorial Guinea material planning,	Promulgate laws to protect women in the following areas: separation, widowhood, childlessness, inheritance, family forced marriage.
Eritrea efforts economic and	Ensure all inherited (residual) laws that detract from the to acknowledge the decisive role of women in socio- political life are reformed.
Ethiopia	Ensure respect for the human rights of women, including equal economic, social and political rights.
Gambia violence	Review the National Women's Council Act of 1980; Tackle against women in compliance with CEDAW provisions.
Ghana	Enact legislation to protect women's property rights. Review laws to ensure effectiveness in eliminating violence against women. Strengthen institutional mechanisms so that women and girls can report acts of violence against them in safe and confidential environments. Allocate adequate resources in the Government budget and include community resources for activities related to the elimination of violence against women;

violence against	Promote research, collect data and compile statistics on women.
Guinea	Improve the legal framework. Ensure enjoyment of human rights and participation in public life, Promote
	Legal literacy through distribution of legal texts; and apply sanctions available to combat violence against women.
Lesotho	Set up a Law Reform Commission to review and revise all laws, which discriminate against women.
Malawi	Eliminate sexual harassment in the workplace; Enact and reinforce relevant laws relating to violence against women.; Establish, put in operation and support mechanisms for victim of violence;
	Determine the extent and nature of violence against women.
Mali	Focus on women's rights, guarantee equality for women before the law and eliminate violence against women.
Mauritius	Enact a Domestic Violence Act. Conduct a survey to identify impediments to the implementation of laws aimed at women's human rights; Promote awareness, revise legislation, give free legal advice, provide access to courts, and promote research on domestic violence; Train judges. Change discriminatory legislation, i.e.: penal code, family law rights to acquire and dispose of property, divorce, adoption, parental powers, age of consent; and research into existing laws.
Niger	Combat violence against women; train women and men to combat violence.
Nigeria	Consider establishing an insurance scheme for Women experiencing the difficulties of divorce, widowhood and any other unforeseen circumstances. Develop advocacy programs on violence against women and establish legal aid clinics for women; Eliminate Violence against women and trafficking in women through effective measures;
availability of	Reduce excessive military expenditures and control the ammunition.

Senegal	Human rights are identified as a critical area of concern.
Seychelles a law to protect	Review existing legislation as it affects women and enact women against violence.
Sierra Leone that	Ensure the formulation and implementation of policies and laws that are in harmony with CEDAW and facilitate and support the harmonisation of customary laws with national laws; Undertake legal literacy.
South Africa women; Africa is world con-	Create national consciousness regarding violence against women; Increase the provision of shelter for battered women. South Africa is committed to the ratification of CEDAW by the end of Fourth conference for women.
Sudan	Secure all rights of women.
Swaziland	Promote legal education, sensitise law enforcement agents and promote para-legal training and medical counselling for victims of violence.
Tunisia	Strengthen the rights of women, encourage the development of an acceptance of partnership and equality between men and women, beginning in early childhood; eliminate all forms of discrimination, develop data banks and prepare training modules on women's rights.
Uganda	Sensitise medical and governmental officials to address the special reproductive health needs stemming from violence; Health and education; There is a draft Domestic Relations Bill that is intended to address laws affecting women's relationships in the family, marriage, divorce, property rights, sexual offences and succession; Reform legal processes so as to improve access to justice for women;. Develop the capacity of law enforcement agents to administer justice in a gender responsive manner.
Tanzania discriminatory laws. 2000.	Revise all discriminatory laws and enact positive non-discriminatory laws. Educate a minimum of 30% of women of their rights by the year 2000.
Zimbabwe	Revise all the laws to comply with CEDAW, e.g. the communal lands act, the Guardianship act, and produce a booklet on legal rights.

3.0. PROGRESS ACHIEVED

NATIONAL LEVEL

- **Algeria** - ratified CEDAW with reservations in 1996. The Government implemented a program to sensitise police officers on gender based violence, and increased the number of women police officers in the police academy.
- **Angola** - Government supported legal literacy programs to combat violence against women.
- **Botswana** - amended its Constitution in 1995 to facilitate equal rights on citizenship between women and men. In 1996 an amendment was made to facilitate women's access to community property. Botswana ratified CEDAW in 1996.
- **Burkina Faso** - passed a law in 1996 to amend the penal code to punish parents, traditional practitioners and those aiding and abetting female genital mutilation.
- **Central African Republic, Djibouti Tanzania, Uganda, South Africa, Senegal, Burkina Faso, Ghana, and Togo** banned FGM through legislation.
- **Côte d'Ivoire** - in 1998 made amendments to the laws relating to domestic violence, and introduced stricter laws to protect women from sexual harassment, rape and defilement.
- **Chad** - the Government established a National commission on Human rights. Six women sit on the commission. The Government set aside funds to disseminate CEDAW in the local languages.
- **Djibouti** - adopted a law against FGM and developed a project to create awareness on marital violence.
- **Eritrea** -. adopted and ratified a progressive Constitution on May 23rd 1999 that favours the rights of women and their equal participation in the political, economic, social and cultural activities. The constitution reflects the spirit of equality and protects the fundamental rights of human beings with no discrimination on any basis. Article 7 of the Constitution prohibits any act that violates the human rights of women or limits or thwarts their role and participation. The revised articles of the civil code on marriage and family exclude the adoption of cultural and traditional practices and ensure the rights of women and men equality. The proclamation of land entitles women equal ownership.
- **Guinea** - The government supported the establishment of a women' legal aid clinic, developed legal literacy programs to promote women' legal aid clinic and developed legal literacy programs to promote women's citizenship rights. Legislation has also been passed to adjust the minimum age of marriages to protect young girls from early childhood marriages.

- **Kenya** - amended its Constitution in 1997 to include gender as a basis for discrimination. An amendment was also effected in the constitution to promote

affirmative action in the appointment of nominate members of parliament. The constitution amendment also provides for the provision of legal aid as a human right for all Kenyans.

- **Liberia** - the National legislature ratified CEDAW on September 1998.
- The Government supported the translation of the Beijing platform for action into local languages. The Government is reviewing laws to harmonise these with international law.
- **Mali** - the Ministry of Justice broadcast special programs on women's rights on radio and television in the local languages.
- **Malagasy** - The Government supported the translation of CEDAW into the local language.
- **Mauritius** - amended its laws in 1997 to outlaw Domestic Violence.
- **Rwanda Government** - translated CEDAW into local languages and created a Human rights commission to monitor human rights issues. The Government made a special report to the CEDAW committee on the impact of the genocide on Women in its 1996 session.
- **Sao Tome** - The Government adopted a law outlawing female genital mutilation.
- **Senegal** - adopted new laws in January 1999 to criminalize FGM, domestic violence, marital rape, sexual harassment, child molestation and all forms of violence against women.
- **Seychelles** - revised its penal code in 1996 to make provision for specific kinds of violence, including sexual harassment. The amendments include review of the penal code to give better and effective protection to women. Another significant legislative amendment undertaken relates to the adoption of the maintenance orders reciprocal enforcement Act 1997 that provides women and children with maintenance. The Government is proposing to introduce an Act for the Prevention of Domestic violence offering protection to women. The proposed Act offers easier access to restraining and protection orders in cases of violent threats and harassment by the spouse. The Evidence Amendment Act 1995 makes provision for abused children or women to give evidence in court either in chambers or via short circuit television, accompanied by friends or relatives who can offer emotional support. Joint efforts are ongoing with the ministry of social affairs and probation to sensitise and train officers on the management of domestic violence cases. The personal and social education programme of the Ministry of Education has recently incorporated relevant issues in the preventive education of violence against women. Preventive education in domestic violence is also included in the family education package

- of the family centre in the Ministry of Social Affairs and Manpower Development.
- **South Africa** - the Ministry of Justice adopted a policy document 1997 that sets the Government's commitment to handling sexual offences. The policy document was designed with the input of non-governmental organisations. The South African Truth and Reconciliation Commission in its terms of reference included special hearings of violations on Women's Human Rights.
- **Tanzania** - passed three laws that promote women's rights; these were the sexual offences special provisions act of 1998 and the Land Law act of 1999 and the Village Act of 1999. The first law protects women, girls and children from sexual harassment and abuse. The last two laws repeal and replace previous laws on land matters that discriminated against women's rights to enjoy equal rights with men in land ownership.
- **Togo** - the Government established legal centres to provide women with legal aid services. A law was passed to outlaw female genital mutilation.
- **Tunisia** - a law was passed to set the minimum age of marriages seventeen years of age.
- **Namibia, South Africa, Zambia and Zimbabwe** - introduced violence tribunals as a measure to sensitise the public, policy makers and law enforcement agents about the adverse effects of violence against women. Namibia passed the Married Persons Equality bill in 1996 to enable women to obtain equality with their husbands before the law. Namibia passed a new law on the rights of women to participate in decision making, and reviewed laws on women's rights to property, access to credit, social security, health and education.
- **Uganda** - developed a progressive law relating to land and enacted the Land Act in 1998. The act provides for women to access, own and manage land. Amongst other things, the act guarantees women representation in all land committees and tribunals, protection of women's interest in land and consent of female spouse, before any transactions can be undertaken on land which a family uses for subsistence. It is envisaged that with the full implementation of this act, it will benefit women whose ownership and participation on matters relating to land has been very minimal. The Ministry of Gender, Labour and Social Development as the national machinery for women is carrying out consultative process for the establishment of an equal opportunities commission. There is a draft domestic relations bill that seeks to give women better protection in marriage and ensure their ownership and control of family property. The Government has initiated a National pilot para-legal program in one district covering only one county. The programme provides community based legal education and awareness on human rights of women. The establishment of family and children courts has been provided for under the law as special courts. In the police force a special unit, Childcare and Family protection unit, has been established to handle matters related to offences committed by and against children and within families.
- **Zambia** - amended its constitution in 1997 to include gender as a basis for discrimination. The Government through the Zambia police service has

introduced the victim support unit charged with the responsibility of dealing with cases of gender violence and related crimes. The Government is proposing to introduce legislation on Domestic violence. To protect women's and men's right to

- inheritance the Government has enacted the Interstate to change and integrate the various customary laws and practices relating to succession.
- **Zimbabwe** - amended its inheritance laws in 1997, to protect the deceased breadwinner's property. The amendments also establish equity between boys and girls. All the information is contained in specific country reports submitted to the African Center for Women; Economic Commission for Africa, in 1999 in preparation for the mid-term review of the Platform for Action.

ASSESSMENT OF THE PROGRESS

In spite of governments efforts to make significant changes to improve the legal status of women, the institutionalization of customary and traditional laws and practices and

the strong society perceptions that support these practices, hamper Governments initiatives to amend and change laws for the benefit of women. The delayed adoption of National Gender Policies also obstruct the progress of further legislative actions and policies that could advance the status of women. A review of the various Government reports shows that where there is a gender policy in place, it is easier to amend laws and policies that discriminate against women. Adoption of a gender policy paves the way for positive changes to improve the status of women. This is well demonstrated by the SADC countries which have effected legislative reform after the adoption of a gender policy.

The progressive policy and legislative changes that various countries have maintained against FGM is acknowledged and will encourage the remaining countries which have not made any legislative or policy changes to protect the millions of girls in Africa who are affected by this practice annually. This inhuman practice is one of the key challenges facing the implementation of the human rights concerns of the PFA. The application of customary and traditional laws and practices at the national level, continues to water down international mechanisms that promote women's rights.

Some countries still use laws, which are perpetuating de jure discrimination with regard to personal status, marital status and violence against women. These include Algeria, Mali, Sudan, Tanzania, Kenya, Lesotho, Cameroon, Madagascar, Ethiopia, Nigeria and Morocco. These countries should be urged to maintain a faster pace in reviewing all laws that discriminate against women.

Several of the UN agencies have also succeeded in implementing various aspects of human rights section of the PFA effectively. UNIFEM has spearheaded the campaign on one of the most pervasive issues for African women, violence. Through support for both grassroots and government initiatives, UNIFEM has created awareness on the need for closer attention to violence against women. Its efforts have been geared towards supporting implementation by organisations.

UNFPA has developed sensitization and awareness-creation-focussed programmes and activities that support women's rights. The agency has used its resources to tackle the problem of female genital mutilation that violates women's reproductive rights, a right that is central to the quality of one's life. The Agency has worked

effectively with African Governments, and through this collaboration supported national capacity to eradicate female genital mutilation and other forms of violence against women.

4.0 RESOURCES ALLOCATED/ACTIVITIES UNDERTAKEN

In the run up to the Fourth World Conference on Women, the UN Assembly called for the creation of a Trust Fund in support of actions to eliminate violence against women. The Trust Fund was developed under the auspices of the United Nations Development Fund for Women (UNIFEM) which is the funding agency for the implementation of activities specifically for women. The fund supports innovative responses to eradicate violence being developed by non-governmental organisations, advocacy networks, local associations, educational institutions and community-based groups. The Trust Fund supports projects that assist government and non-governmental agencies to implement the African and Beijing platforms for Action.

In 1997, the Trust Fund allocated grants of nearly \$1.4 million to more than 45 initiatives in Africa, Asia, the Pacific, Latin America, and the Caribbean, Eastern Europe and the Commonwealth of Independent states. Specifically within Africa, the Trust Fund has supported various activities in excess of US\$300,000.00.

UNFPA has appointed a special Ambassador in Africa to be an Advocate to Governments and non-governmental organisations to eliminate FGM. UNFPA in collaboration with the Moroccan government is working on a study of Gender violence and the status of women. The support is in the amount of US\$183,000.00.

UNICEF in collaboration with UNIFEM, has supported translation of CEDAW into local languages. This initiative is part of the Agency's commitment to promote women's rights as human rights. Translation into local languages will ensure that the Convention will receive wider acceptability and use. In specific countries in Africa, such as Gambia, Mali, Niger and Ethiopia, UNICEF has provided financial and human resources to research into FGM. In Burkina Faso, Egypt, Eritrea, Ethiopia, Ghana, and Senegal, UNICEF supported mobilisation of women's and civic groups, which eventually resulted in the collective commitment by women and men to ban genital mutilation.

In 1993 The High Commission for Human Rights appointed for an initial period of five years a Special Rapporteur on violence against women. The mandate of the Rapporteur was extended in 1998 for a further three years. The Commission has also appointed two special Rapporteurs on the elimination of harmful traditional practices affecting the health of women and the girl child, and on systematic rape, sexual slavery and slavery-like practices during armed conflicts. The Commissioner is also supporting the campaign for the universal ratification of the Women's Convention and the removal of substantive reservations to the same. Overall, the programme budget of the UN Commission for Human rights is about US\$20 million per year, which represents about 1.7% of the Total UN budget.

In Africa, the UNDP Regional Bureau for Africa (RBA) has invested extensively on programs to fight violence against women and girls. The bureau supports regional women's rights organisations such as Women in Law and Development in Africa (WILDAF) to improve networking and capacity in local women's rights organisations

to be effective in monitoring women's rights violations in their countries. The bureau also supports research through regional organisations such as the Council for the Development of Social Science Research in Africa, (CODESRIA) which is currently looking at the gender dimension of violence in the African society. Other initiatives include support for peace initiatives in the Great Lakes region.

UNHCR in collaboration with governments and NGO's have developed special initiatives to improve assistance and deal with human rights violations for women in armed crisis. In order to effectively implement a gendered perspective throughout its activities, UNHCR has put in place the necessary institutional capacity.. Within the East African region, UNHCR has embarked on a project to combat sexual violence in five countries. Through training and lessons learned at workshops, the agency has developed participatory strategies to handle the incidences of violence. In Kenya a project provides firewood to the community in order to discourage women from leaving the relative security of the camp to travel long distances in search of wood.

UNHCR implemented the Rwandan Women's Initiative at a cost of \$7 million: the project seeks to enhance the human rights of women, reduce the violence and sexual abuses directed against women and ensure that they are fully integrated back into their community. Initiatives have been taken to implement a US\$100,000 project funded by the Ted Turner Fund for a preventive response to sexual and gender violence in the refugee camps.

UNESCO has developed a special booklet on CEDAW which is appropriately called "passport to equality".

4.1 MECHANISMS AND PROCEDURES ESTABLISHED TO MOBILISE RESOURCES.

Most of the United Nations agencies reported inadequate resources to implement their activities. UNHCR, UNFPA and UNIFEM are in particular hampered by limited resources from ensuring the success of projects. These agencies have initiated that they require additional support in order to meet the full demand of their activities. Promoting women's rights within the refugee environment that UNHCR works in requires flexibility, dynamism and resources. In order to make UNHCR work well and more effectively, the General Initiative Fund for refugee women (GIF) should be well endowed with resources to always address emerging situations.

The analysis of government progress in implementing the PFA is severely hampered by a lack of specific reporting mechanism in national action plans concerning activities and resources allocated complying with commitments made. In some cases, a national action plan was simply unavailable.

Unfortunately, with a few notable exceptions even where national governments reported specific results from activities related to their commitments, the funding and resources allocated for these activities did not come from the national budget, but

rather from various UN agencies and other donors. As such, many governments are not complying with the implementation of the PFA in terms of their own commitments to allocate resources and funding as stated in paragraph 345 and 346 of the PFA.

As emphasized in the PFA, "The primary responsibility for implementing the strategic objectives of the Platform for Action rests with Governments. Sufficient resources should be allocated to national machineries for the advancement of women and to all institutions as appropriate, that can contribute to the implementation and monitoring of the Platform for Action."

5.0 MECHANISMS FOR MONITORING

5.1 NATIONAL LEVEL

Monitoring at the national level is carried out by the national institutional mechanisms. These may be the women's bureau or other structure that has been established within the country. Almost all the countries have a non-governmental institution as the focal point for monitoring the government's implementation of the PFA and co-ordinating the activities of civil society. At the national level, the Judiciary is an important institution for the protection and promotion of women's rights. Some countries such as South Africa, Kenya, Uganda and Ghana have established human rights commissions whose mandates include reviewing the situation of women's rights in the country. The National Commission for Human Right is an effective mechanism for receiving complaints and addressing these to the relevant government

machinery. The Government of Algeria notes that there were only fifteen complaints made by women to its National observatory of human rights between 1996-1998. This, the report notes, is very low considering that one in every three women in Algeria suffers from domestic violence.

5.2 SUB-REGIONAL LEVEL

Within the Sub-regions there are the four sub-regional structures that monitor the welfare of the people living within that region. In the Southern African region there is SADC, and the East African region has the East African Community (EAC). The East African region and the Horn of Africa also have the Inter Government Authority of the Greater Horn of Africa (IGGAD). ECOWAS covers the West African countries. In the North African region there is the Magreb Union of North African states. The monitoring of the PFA has also been conducted by the Governmental sub-regional structures and ECA sub-regional development centres.

Other important structures have been the sub-regional networks of Women's organizations, such as Women and Law in Southern Africa, Women and Law in East Africa, etc. There are many other sub-regional civil society structures that monitor the implementation of the PFA.

5.3 REGIONAL LEVEL

5.3.1 THE ECONOMIC COMMISSION FOR AFRICA.

The Economic Commission for Africa is mandated to promote the social and economic development of the African continent. The Commission has established two institutions whose mandate is to promote African women's issues on ECA's agenda. These are the Committee on Women and Development (CWD) through its Secretariat and the African Centre for Women (ACW). The ACW has identified its

strategic priorities to include assisting Governments to enhance their capacities to implement the African and Global Platforms for Action. The Centre provides Governments with technical support to meet their international obligations to prepare reports to CEDAW. The Centre has also organized meetings through the sub-regional development centres of the ECA for Governments and non-governmental organizations to review the implementation of the Platform.

5.3.2 THE ORGANISATION OF AFRICAN UNITY (OAU)

At the 31st ordinary session of the Heads of State and Government in June 1995, the Organization of African Unity (OAU) declared a commitment to the African Platform for Action. OAU has adopted the African PFA as Africa's common position for the advancement of women. Through the regular annual meeting of the Heads of States and the Council of Ministers, the OAU reviews its commitments regularly. The OAU has established a Gender Unit whose mandate is to promote gender mainstreaming within the OAU activities and to monitor women's rights issues among Member States.

The African Commission for Human and People's Rights of the OAU has currently reviewed and adopted the Kigali Draft Protocol on Women's Rights. The objective behind this initiative is to strengthen the promotion and protection of Women rights

under the African Charter on Human and People's Rights. In 1998, the Commission appointed a Special Rapporteur to address the rights of women and at the last meeting of the Heads of States in June 1999 in Algeria, the OAU elected three women to the Commission so that there are now four women commissioners out of the ten.

There are several key non-governmental organisations that monitor the implementation of the PFA. However special mention is made of Women Law and Development in Africa (WILDAF) and FEMNET which have been monitoring the implementation of the PFA.

5.3.3 THE INTER-AFRICAN COMMITTEE ON TRADITIONAL PRACTICES AFFECTING THE HEALTH OF WOMEN AND CHILDREN (IAC)

This is a regional committee set up to lobby and advocate against harmful traditional and cultural practices perpetrated on women and girls. The Committee has been at the forefront of the struggle to bring an end to these practices, in particular Female genital mutilation (FGM). Working through national committees, the Committee has influenced the passing of legislation to ban harmful traditional practices in several African countries such as Mali, Senegal, Côte d'Ivoire and several other African countries. The Committee is in the process of developing a Protocol for adoption by the OAU.

5.4 INTERNATIONAL LEVEL

At the international level, there are several mechanisms that are used to monitor the implementation of the PFA:

5.4.1 COMMISSION ON THE STATUS OF WOMEN (CSW)

The CSW is mandated by the General Assembly to play a central role in monitoring the implementation of the PFA. Since 1995, CSW has systematically addressed each of the 12 critical areas of the PFA. In 1998 the Commission reviewed the situation of violence against women and armed conflict, human rights of women and the girl child. CSW is the preparatory body for the special session which will be held at the UN in June 2000 to review the implementation of the Beijing Platform for Action.

5.4.2 CEDAW

Since 1995, the Committee on the Elimination of Discrimination against Women has received the country reports from several African countries, which maintained their commitments to CEDAW.

5.5 MECHANISMS OF ACCOUNTABILITY VIS-A-VIS WOMEN AS BENEFICIARIES

At the National level the legislation of laws is the first mechanism for providing women with justice and accountability. However for the majority of women they are still living in countries with no laws and no mechanisms to protect them from violence. The violators get away without impunity. In most countries men manage enforcement agencies, which include the police and judiciary. In the absence of a policy and appropriate training on gender, these institutions may not protect women's rights. Several countries reported activities targeting these institutions. They include, Uganda, Zimbabwe, Zambia and South Africa. Laws and policies need to be enacted to address the women's rights at the national level. The law and policy should also establish the mechanism for enforcement and accountability.

The CSW meetings have been effective structures to assess the commitment of Governments in the implementation of the Platform for Action. Through these forums, Governments have reported real progress or none at all that would demonstrate what they are doing, turning words into action. The establishment of the International Criminal Court will benefit women. The establishment of a regional court of justice would assist women to access Justice.

5.6 MECHANISMS FOR CONSULTATION AND DIALOGUE BETWEEN GOVERNMENTS AND NGO'S

The African Platform for Action calls for collaborative action between governments and non-governmental organizations to promote an enabling environment under which women can access justice against Violence. This will include the establishment of a just and equitable judicial system and research on the subject of violence that will direct strategies for eradication. United Nations Agencies were also called upon to integrate women's rights in all programs and activities. There are several success stories of national Governments and sub-regional structures that have used a

collaborative strategy with civil society; these include the South African Government in the development of a policy on handling sexual offenses. The other case study involves the Ugandan Government's participatory strategy to include civil society in matters of legislative reform. The Government of Chad reports that it collaborated with the Chad women's lawyers association to disseminate CEDAW in local languages.

Although there has been a great deal of activity and some important successes made in amending national laws to eliminate gender discrimination and deal with violence against women, there is less progress to be reported in achieving legal literacy. In addition African women are still subject to the governance of customary and traditional laws and practices. In several countries national constitutions still legitimize the use of customary and traditional law in matters of personal law. The adoption of a dual legal system, which is the application of written and customary law in personal law greatly disadvantages women and advantages men. It is in matters of personal law that the rights of women are most affected. These matters relate to marriage, inheritance, succession, child custody and maintenance, violence against women and burial laws. Customary laws and practices also facilitate harmful traditional practices such as female genital mutilation, early childhood marriages, forced marriages, widowhood, inheritance, slavery and trafficking in women. African women's rights are therefore broad and require specific legislation to outlaw and enforce protection for these rights. One of the key strategies that Governments have adopted in regard to customary laws is to enact laws and policies to outlaw harmful and discriminatory practices.

5.7 DECISION-MAKING PROCESS

Women remain outside the mainstream decision making process and are therefore still not in a position to effectively influence Governance structures. As women are not part of the policy-making structures or are only very sparsely represented, the emerging Gender policies are not always effective in addressing inequalities and discrimination that women continue to face.

5.8 AVAILABILITY OF RELIABLE STATISTICS AND THE EFFORTS TO EXPLOIT THEM

There was little or no updated data found on the human rights of women. This is an area that requires more attention paid by all parties and at various levels. Governments and United Nations agencies will in the future need to invest more resources for data development. Data is crucial for effecting successful advocacy and policy changes.

STATISTICS ON WOMEN'S HUMAN RIGHTS

- 38% of Kenyan women aged 15-49 have undergone FGM (Kenya Demographic and Health survey 1998).
- 90% prevalence of FGM in Ethiopia (FGM, a call for Global Action Nahib Toubia 1995).
- 2.325 million women have undergone FGM in Ghana (ibid.).
- Approximately 40% to 50% of Nigerian women have undergone FGM (Laws and Policies affecting women's reproductive lives Fida-Kenya centre for reproductive rights and policy publication 1997).
- 94% of women between the ages of 15-59 are affected by FGM in Mali (Mali Demographic and health survey 1995-6).
- 50,000 South African women annually report that they have been raped. Another 17,000 are murdered in the course of sexual attacks Crisis centres estimate that an additional 900,000 and 600,000 children are raped in cases that go unreported. In South Africa one in three women is attacked by her husband or partner, according to the South African Commission on Equality. (Women's International Network vol. 25 no. 4 autumn 1999).
- In Zimbabwe, the majority of victims of male violence are 20-49 years, according to the Musasa project, a non-governmental organization that provides shelter to battered women.
- World wide 20-50% of women declare that they have been abused at least once in their life. (WHO report 1996).
- The latest figures published by UNIFEM in 1996 show that there were 856 murders of women in Botswana, 263 in Zambia and 249 in Zimbabwe. In most cases the person responsible for the murder was the woman's husband/partner.

5.9 DEGREE OF RELEVANCE OF THE MECHANISMS

Not all the national machineries have been effective in promoting women's rights. This is due to the fact the national machineries lack resources and legal authority to be effective. Furthermore without National legislation to protect Women's rights, there

can be no effective strategies. Governments need to implement laws that effectively promote women's rights and provide the legal framework that is effective. In several

countries where the national machinery is autonomous and has sufficient funding and authority they have been able to effect change for the better, such as Eritrea. In order for National machineries to be effective they should have legislative and policy support besides adequate resources.

At the National level key Government institutions such as the Judiciary have either promoted or demoted women's rights issue. A recent judgment in Zimbabwe reduced women's rights to inherit property. Yet Zimbabwe is a signatory to major conventions and a member of the SADC, which has recorded progressive policy on gender and development. In Kenya, the courts have advocated for the rights of women to half the matrimonial property on dissolution of the marriage.

5.9.1 SUB-REGIONAL LEVEL

Sub-regional arrangements such as SADC are effective in monitoring the implementation of CEDAW in member countries. The SADC countries have made significant policy changes that have paved the way for better legal status for African Women. Clearly the adoption of a Gender policy has influenced legislative review on the status of Women. The Durban Declaration on Violence against Women adopted by member countries in September 1998, is a positive development to the Gender Declaration adopted in 1997. Violence against women is now a policy issue that is being addressed at national and sub-regional levels. However the gender policy and any subsequent declarations on issues relevant to women will only become real if they are followed up by legislation at the national level, which is backed by the relevant enforcement mechanism and allocation of financial resources.

In the West African region, Governments of Senegal, Togo, Burkina Faso, Côte d'Ivoire, and Niger have undertaken comprehensive legislative and policy changes as a strategy to eradicate violence against women. They have worked together with special focus on the eradication of Female Genital Mutilation.

5.9.2 REGIONAL LEVEL

Other regional structures such as the ECA have a specific mandate to support Governments to implement the Platform For Action but are hampered from lack of adequate financial and human resources to carry out its mandate. The Africa Women's Center (ACW) has supported the development of human rights education curriculum by commissioning studies on Family law in South, East and West Africa. The African Commission for Human Rights and the OAU are effective regional mechanisms for monitoring states' compliance to the African Charter on Human & People's Rights especially the protocol on Women's Rights.

5.9.3 INTERNATIONAL LEVEL

At the International level, not all African Governments have complied with their obligations to make periodic reports under the CEDAW convention. The implementation of the conventions requires political will, introduction of policies,

training and the allocation of resources. This is especially lacking in the field of human rights.

6.0 RESULTS AND RECOMMENDATIONS OF SOME MEETINGS, CONFERENCES AND OTHER THE CONSULTATIONS ORGANIZED AS FOLLOW-UP.

6.1. REGIONAL LEVEL

6.1.1. TECHNICAL CONSULTATION ON FGM - MARCH 27-29, 1996, ADDIS-ABABA, ETHIOPIA.

Recommendations adopted for new Programming Framework for eradicating FGM were:-

- Promotion of other sources of income-generation for women who perform circumcision.
- Lobbying policy and law-makers.
- Targeting youth in information, education and communication programmes.
- Incorporating human rights education and communication programmes.
- Establishing partnerships with NGO's working to eradicate FGM.
- Increased training to target reproductive health personnel including paramedics, social workers and communicators on women's reproductive health and rights to promote a more holistic approach.
- Ratification of CEDAW by Governments who have not done so.
- Collaboration between governments and NGO's to eradicate FGM.
-

6.1.2. INTERNATIONAL CONFERENCE OF THE ECA "AFRICAN WOMEN AND ECONOMIC DEVELOPMENT: INVESTING IN OUR FUTURE".

During the ECA 40th Anniversary Conference of the Economic Commission for Africa in Addis-Ababa and under the theme of "Achieving Good Governance," fifty-one of 52 African States indicated that they have ratified the African Charter on Human and People's Rights under which they have committed themselves to the elimination of every discrimination against women as stipulated in international declarations and conventions. The resolutions from the 40th conference called for all countries not yet complying with the provisions with CEDAW to do so. The Conference urged all Heads of States to ensure total ratification of CEDAW and removal of reservations in Africa. African Governments were also called upon to adopt the optional Kigali Protocol for Women Rights, at the OAU Ministers meeting scheduled for November 1999. Training was further identified as an essential strategy for capacity building to equip women in advocacy, lobbying and leadership.

6.1.3. THE SIXTH AFRICAN REGIONAL CONFERENCE ON WOMEN

Re commendations developed by the workshop on Women's Legal and Human Rights at the Sixth African Regional Conference on Women.

Major recommendations for accelerating the protection of women's human rights included the following:

- There should be enactment and effective implementation of legislation that protects women from various forms of violence;
- Governments should undertake the domestication of the provisions of CEDAW and CRC by adoption of constitutional clause for automatic conversion of international conventions into national law upon ratification;
- Those Governments who have ratified CEDAW with reservations should remove those reservations.
- There should be harmonization of all laws with international conventions to resolve contradictions between statutory, customary and religious laws;
- There is need to sensitize all stakeholders, especially those in charge of legislation and law enforcement on the importance of women's rights;
- Enhance education of women on their rights including training of women trainers;
- Enhance training of the judiciaries and those in charge of the application of the laws on gender issues and women's rights.
- The media should be sensitized to disseminate information on women rights and on cases of violations;
- Training should be undertaken of parliamentarians, civil society and government officials on gender issues and women's rights;
- Linkages should be built between women's rights and their access to resources and services, such as education.
- Increasing the number of women lawyers and legal experts was mentioned as one of the effective ways of ensuring the participation of women in the promotion of women's rights and in the enactment of laws in favour of women.
- Documentation and publication of best practices on the implementation of women rights in view of their possible replication and institutionalization should be improved;
- There should be regular reporting by countries to the CEDAW Committee and the CSW to enable systematic monitoring and co-ordination of activities undertaken by countries with respect to women's rights.
- Establish and apply democratic rules and universal law for all citizens irrespective of gender; in some cases there is a tendency to wrongly interpret religious and customary laws in favour of men;
- Institute sanctions against those law enforcement officials who do not implement legal provisions and court rulings in favour of women.

Noting that gender based violence and all forms of sexual harassment and exploitation is a persistent human rights problem caused by prevailing patriarchal system, the unequal status and role assigned to women, and by lack of adequate legal protection against violations of women's rights, participants also recommended:

- Provision of legal assistance and rehabilitation services for women victims of violence, including victims of marital violence, to refugee women and those affected by conflict;

- Improve legal literacy for grassroots women in local languages, and carry out human rights education for boys and girls at the earliest age and throughout schooling;
- The UN Declaration on violence against women should be made into a treaty so that its provisions become binding on the signatories;
- Carry out studies on incidences and cases of violence against women to improve the data and information on this issue for the purpose of lobbying for more adequate protection of women;
- Encourage collaboration among all actors including Police, Health workers, Judiciaries and NGOs, in the implementation of laws on women's rights;

Regarding the political commitment and concrete actions towards elimination of all forms of discrimination against women, participants further recommended the following:

- Include information on violations of women's rights in all reports under any human rights treaty;
- Promote more women at all levels of decision-making, including parliament;
- Establish special committees on human rights at different levels of Governance.
- The optional protocol on CEDAW and the additional protocol on women's rights being introduced in the African Charter on Human and People's Rights should be widely known and made accessible for women to use as a mechanism for the defense of their human rights. However, the complaint systems should be simplified in order to make the protocols easily accessible.
- In order to encourage countries that actively promote women's rights, it is necessary to document best practices, give visibility and recognition to countries with highest performance while shaming and even sanctioning those that fail to respect their commitments.
- Public interest litigation that uses international conventions in the absence of explicit national legislation should be encouraged.

Among the benchmarks and monitoring indicators proposed to measure progress in the elimination of gender-based discrimination, Conference participants listed gender-responsive legislation and policy frameworks. They also recommended that societies should improve perceptions and the sensitivity of the police to gender-based violence and that the level and quality of media coverage should be viewed as important additional indicators. The participants called for the ratification and domestication of CEDAW as well as regular and quality assurances from countries' reports. Effective and sustainable protection of women's human rights calls for adequate resources and support. The participants therefore recommended:

- Mobilization of partnerships and resources at national and regional levels;
- At the national level, broad partnership should be established among relevant government and non-governmental bodies, civil society and development partners to ensure efficient coordination, synergy and greater impact of actions.
- Strategic alliances should be built with departments in charge of justice, national planning, budget and finance in order to secure resources for legal assistance and rehabilitation programs for victims of violence.
- Inter-ministerial committees should be established with clear terms of reference and resources to monitor the implementation of various international obligations;

- At the sub-regional and regional levels, groupings such as SADC, ECOWAS, EAC, etc. should be used as institutional frameworks for partnership and capacity building among countries and for effective exchange of experiences and replication of best practices. Other sub-regional groupings are urged to follow the example of SADC in adopting the Gender Declaration and Addendum on Violence against women;
- International partners should include in their co-operation agreements higher commitments for programs and activities to promote women's rights; they should co-ordinate their activities and build on their respective comparative advantage to provide material, financial, technical and institutional support for the promotion of women

6.2 SUB-REGIONAL LEVEL

The Southern African countries forming the Southern Africa Development Agency (SADC) adopted a Gender and Development policy in February 1997. The declaration embraced by all the Southern African countries, acknowledges that gender disparities exist between women and men and that this may lead to discrimination. The Declaration is a commitment from the participating Governments to implement a gender policy in their respective countries as the basis of women's empowerment. The gender policy signed by all the Heads of State was a commitment that all the member countries will integrate a gender approach. Two conferences held from 5-8th March 1998 in South Africa and Zimbabwe called on SADC countries to adopt measures in the legal, social and economic, cultural, and political spheres to prevent and eradicate violence against women and children. From the South Africa meeting, a declaration on violence against women was developed and adopted. It was signed as an addendum to the 1997 Gender and Development policy by the SADC Heads of State or Government at a summit in Mauritius on 4th September 1998.

Within the East African region, women met in Arusha in July 1998 to review the draft treaty document creating the East African Community, and to ensure that the document was gender sensitive and encompassed the ideals of the Platform for Action. The meeting organized through WILDAF, brought together women's-rights activists from three East African countries, namely, Kenya, Uganda and Tanzania.

6.3 INTERNATIONAL LEVEL

6.3.1 PERMANENT INTERNATIONAL CRIMINAL COURT

The recently adopted Statute of the Permanent International Criminal Court is testament to the international communities' commitment to protect women from violence and sexual violation during times of war and conflict.

6.3.2 UNITED NATIONS AGENCIES

- The United Nations agencies should adopt a holistic approach in the development of programs and incorporate women's issues in all development activities.

- Adequate resources should be provided to UNIFEM, UNHCR and OHCHR to support activities that promote women's rights.
- Governments and UN agencies should develop data on the legal status of women; the data should provide information on the impact and prevalence of violence against women.

REFERENCES

1. Abdennebi Souad (1998) The Status of Accession of African States to the Convention on the Elimination of All Forms of Discrimination against Women. Economic Commission for Africa.
2. Africa Leadership Forum. *Report on the "Empowering Women for the 21st Century: The Challenge for Politics, Business, Development and leadership" held in Accra in January 1997*. Website: www.africawf.itgo.com
3. Africa Recovery Briefing Paper No. 11 (1998). *Women in Africa's Development. Overcoming obstacles, pushing for progress*. N.Y. United Nations Department of Public Information.
4. Akina Mama wa Afrika (1997). *African Feminist Theory and Practice, a reader prepared for the African Women's Leadership Institute*. Education and Research Working Group, Kampala. AMWA.
5. Amnesty International briefing. (March 1992). *Human Rights are Women's Rights*.
6. London, UK. Redesign.
7. Arab Republic of Egypt (Sep, 1996). *Permanent Mission of the Arab Republic of Egypt to the United Nations*. Egyptian Government.
8. Collaborative Centre for Gender and Development. (1999). *The Gender and Society Lens. Vol.1 No.1*
9. Comité de Concertation et de Coordination des Associations et ONG/femmes de Madagascar.
(Février 1996 et Février 1998). *Plan d'Action 1996-2000*.
10. Comité de Concertation et de Coordination des Associations et ONG/femmes de Madagascar
(Décembre 1998). *Rapport d'Activités, sur l'Axe d'action "Genre et Développement" (GED),
Septembre 1994-Décembre 1998*.
11. Commissariat à la Promotion de femmes. *Plan d'Action 1996-2000 du Mali*.
12. Commission on Gender Equality Information and Evaluation Workshops Report. May 13. 1997 Page

257-282. South Africa.
14. Degni-Segui, R. (1998). Sexual Violence in Rwanda. *Women 2000, April 1998* pg. 10-11.
15. Economic Commission for Africa (1999). *Report of the Secondary Preparatory Meeting for the Sixth Africa Regional Conference on Women Tunis, 18-19 June 1999*. Addis Ababa ECA/ACW Secretariat.

16. Economic Commission for Africa. *Report on the International Conference on "African Women and Economic Development: Investing in Our Future. Held on the occasion of the 40th Anniversary of the Economic Commission for Africa 28th April – 1st May 1998.* Addis Ababa.
17. Economic Commission for Africa. *Report on The African Women and Economic Development, Investing in our Future, 28th April – 1st May 1998; Theme 2: Achieving Good Governance: The Essential Participation of Women.* Addis Ababa.
18. Equality Now. (July 1999). *Women's Action*. 16.1.
19. Eritrea Government report to the Economic Commission for Africa June 1999.
20. Family Care International. (1997). *The Safe Motherhood Action Agenda: Priorities for the next Decade. Report on the Safe Motherhood Technical Consultation. 18-23 October 1997. Colombo, Sri Lanka.* Inter-Agency Group for safe Motherhood.
21. Federal Republic of Nigeria. (1997). *National Medium Term Action for the Implementation of the Beijing Platform for Action.* Federal Ministry of Women Affairs and Social Development, Abuja.
22. *Geneva Advocacy Notes Vol 4.1 July 1999.* Geneva. NGO Committee on the Status of Women.
23. Government of Botswana. *Draft – National Plan for Action.*
gopher://gopher.un.org/00/conf/fwcw/natrep/NatActPlans/botswaltxt
24. Government of Botswana. *Questionnaire overview of Trends in Achieving gender Equality and Women's Advancement.* Women Affairs.
25. Government of Gambia (1999). *Gambia National progress Report. On the Implementation of the Dakar and Beijing Platform for Action.* Gambia Government.
26. Government of Kenya and UNDP (1999). *Kenya Human Development Report, 1999. Nairobi.* Ministry of Planning and National Development.
27. Government of Malawi. (Nov. 1997). *The National Platform for Action. Follow up to the 4th World Conference on Women.* Malawi. UNICEF.
28. Government of Senegal. (Nov. 1996). *Plan D'Action National de la Femme Sénégalaise 1997-2001.* Sénégal: Ministry for Women, Children and Family.
29. Government of Uganda National Report submitted to the ECA. August 1999.
30. Government of Uganda. *The National Action Plan for Women 1999-2004.* Ministry of Gender, Labour and Social Development.
31. Government of Uganda National report submitted to the ECA August 1999.
32. Hecht, D (1999) Sénégal: Ban on Female Circumcision Backfires. Human Rights Law Service. huri-laws@alpha.linkserve.com

33. Inter-African Committee (December, 1997) *Inter-African Committee on Traditional Practices Affecting the Health of Women and Children. Newsletter No.22*. Addis Ababa. ECA/ACW.
34. International Centre for Human Rights and Democratic Development. (1995-1996). Annual Report. Canada. (<http://www.ichrdd.ca.>).
35. International Federation of Women Lawyers (Kenya Chapter) F.I.D.A.-K and the Center for Reproductive Law and Policy. (May 1997). *Women of the World: Laws and Policies Affecting their Reproductive Lives. Anglophone Africa*. N.Y. Center for Reproductive Law and Policy.
36. International Women's Tribune Centre. (May 1999). *The Tribune*. Women Moving Human Rights Centre Stage. Newsletter 58.
37. International Women's Rights Action Watch (June 1998). *The Women's Watch* Vol. 11. Nos. 3 & 4
38. International Women's Rights Action Watch (December 1997). *The Women's Watch* Vol.11. No.2.
39. International Women's Rights Action Watch (September 1997). *The Women's Watch* Vol. 11.No.2.
40. International Women's Rights Action Watch (June 1997). *The Women's Watch* Vol. 11. No.1.
41. International Women's Rights Action Watch (March 1997). *The Women's Watch* Vol. 10 No. 3.
42. International Women's Rights Action Watch (December 1996). *The Women's Watch* Vol. 10. No.2.
43. International Women's Rights Action Watch (September 1996). *The Women's Watch* Vol. 10 No. 2.
44. International Women's Rights Action Watch (January 1996). *The Women's Watch* Vol. 9. No.3.
45. International Women's Rights Action Watch (1996). IWRAW to CEDAW country Reports: Independent information for the fifteenth session of CEDAW, U.S.A. Humphrey Institute.
46. Kabira, W.M. and Wasamba, P. (1998). *Reclaiming Women's Space in Politics*. Nairobi, Kenya. The Collaborative Centre for Gender and Development.
47. Kigali Draft Declaration on women's rights, The African Commission for Human and Peoples Rights. November, 1999.
48. Metcalf, C. (1996). *Female Genital Mutilation: At the Cutting Edge of Change*. Human Rights Tribune. August to September 1996, Vol.3 Nos.4.

49. National Union of Eritrea Women (1999). National report on the Implementation of the African and Global Platform for Action for the Advancement of Eritrean Women. Asmara. National Union of Eritrean Women.
50. Njoki, N. (1999). Gender-based Violence within the African Region, Wildaf News. No 1.
51. People's Democratic Republic of Algeria. Summary of Important measures taken in Algeria with a view to implementing the recommendations of the 4th World Conference on Women. gopher://gopher.un.org/00/conf/fwcw/natrep/NatActPlans/algeria/txt
52. République du Bénin. (juillet, 1999). *Rapport National d'évaluation de la Mise en Oeuvre Des Plate-formes de Dakar et de Beijing*. République du Bénin.
53. République du Burkina Faso. (Oct. 1997). *Plan d'Action National de suivi de la mise en oeuvre des conclusions/recommandations de la Quatrième Conférence Mondiale sur les Femmes à Beijing*. Burkina Faso. Ministère de l'action sociale et de la famille.
54. République du Cape Verdé. *Plan d'Action National 1996-2000*. L'Institut de Condition Féminine.
55. République Fédérale Islamique des Comores. *Programme D'action 1999-2004*. Ministère de la Santé Publique et de la Population et Commissariat à la Promotion de la Femme et à la Protection Sociale.
56. République de Guinée. (Février, 1998). *Programme cadre Genere et Développement*. Ministère des affaires Sociales, de la Promotion Féminine et de l'Enfance et Programme des Nations Unies pour le Développement.
57. Republic of Kenya. (June 1999). *National report on Progress made in implementing. The Platform for Action (PFA): 1995-1999*. Nairobi. Ministry of Home Affairs, National Heritage, Culture and Social Services.
58. Republic of Kenya report to the Economic Commission for Africa.
59. République du Mali. Plan d'action pour la promotion des femmes: 1996-2000. République du Mali.
60. Republic of Mozambique. Post Beijing Report.
61. République du Niger (Nov. 1997). Rapport du Niger. Réunion sous-Régionale pour l'Afrique de l'Ouest. Préparatoire à la Conférence quinquennale de suivi de la Mise en oeuvre des Plate-formes d'action : du 25 au 27 Novembre 1997. Ministère du Développement Social de la Population, de la Promotion de la Femme et de la Protection de l'Enfant.
62. République Togolaise. Evaluation de la Mise en Oeuvres des Plates-formes d'action de Dakar et de Beijing. Togo. Ministère des Affaires Sociales et de la promotion de la Femme.
63. Republic of Tanzania. The Implementation and Follow-up of the 4th WCW in Tanzania. gopher://gopher.un.org/00/conf/fwcw/natrep/NatActPlans/tanzania.txt.

64. Report of the Republic of Tanzania to the Economic Commission for Africa, September 1999.
65. Republic of Tunisia. National Plan of Action 1997-2001. Ministry of Women and Family Affairs.
66. Rwanda Tribunal. Human Rights Tribune September 1997 Vol.4, No 4.
67. Republic of Liberia report to the Economic Commission for Africa, September 1999.
68. Republic of Swaziland, report to the Economic Commission for Africa, 1999.
69. Republic of Ghana, report to the Economic Commission for Africa, 1999
70. Republic of Gambia, report to the Economic Commission for Africa, 1999
71. Republic of Zambia, report to the Economic Commission for Africa, September 1999
72. Republic of Sierra Leone, National report to the Economic Commission for Africa, August 1999
73. Republic of Guinea Bissau, National report to the Economic Commission for Africa
74. Seychelles extracts report on the Implementation of the Dakar and Beijing Platforms of action, Page 6-25
75. Report from the Government of Seychelles to the Economic Commission for Africa, June 1999
76. The Alan Guttmacher Institute (1995). *Hopes and Realities : Closing the Gap between Women's Aspirations and their Reproductive Experiences*. N.Y. The Alan Guttmacher Institute
77. The Federal Democratic Government of Ethiopia. *Ethiopia National Action Plan* www.un.org/womenwatch/followup/national/ethiopia.htm
78. The Federal Democratic Government of Ethiopia report to the Economic Commission for Africa September 1999.
79. The National Commission on Women in Development. (NCWID) (1993). *Women and the Law in Malawi*. Malawi. NCWID.
80. UNIFEM. (1999). *A World Free of Violence Against Women*. UN Inter-agency Videoconference N.Y. UNIFEM.
81. UNDP (United Nations Development Programme). (1999) *Achievements in the Advancement on Women*. UNDP Website (www.undp.org/gender/goodparc/matrix.html)
82. UNDP (August 1999). UNDP Women 2000 : *Gender Equality, Development and Peace for the 21st Century*. Beijing +5 Bulletin Issue 2. UNDP Website : www.undp.org/gender/gb/bjbullet2.html

83. UNDP (July 1999). *UNDP Gender Good Practice : Malawi, The Advancement of Women and Gender Equality*. UNDP Website : www.undp.org/gender/goodprac/malawi-gm.html.
84. UNDP (June 1999). *UNDP Women 2000 : Gender Equality, Development and Peace for the 21st Century*. *Beijing +5 Bulletin*. UNDP Website : (www.undp.org/gender/gb/bjbullet1.html)
85. UNDP (OCTOBER 1996). *CHOICES, THE HUMAN DEVELOPMENT MAGAZINE*. N.Y. UNDP
86. UNDP (1997) *Capacity Development : Management Development and Governance Division, Technical Advisory Paper 2*.
87. UNDP (1999), *Gender UNDP Beat*. Issue 17. www.undp.org/gender/gb/gb17.html
88. UNESCO (March 1998) *Passport to Equality. Convention on the Elimination of all Forms of Discrimination against Women* (United Nations, 1979), UNESCO publication.
89. UNESCO (1997). *Voices, values and development :reinventing Africa, South of the Sahara*. Paris. UNESCO
90. UNFPA (United Nations Population Fund) (1999). *6 Billion, A Time for Choices. The State of the World Population* U.S.A. UNFPA
91. UNFPA (1999) *Dispatches : Morocco, UNFPA agree on Study on women's Status* www.unfpa.org/modules/dispatches/issues99/July99/morocco.htm
92. UNFPA (1999) *Dispatches : UNITED Nations agencies sharpen strategies against FGM*. www.unfpa.org/modules/dispatches/issues99/apr99.htm.
93. UNFPA (1999). *DISPATCHES : SENEGAL BANS FEMALE GENITAL MUTILATION* WWW.UNFPA.ORG/MODULES/DISPATCH/ISSUES99/FEB99.HTM
94. UNFPA (1999). *Dispatches : Ugandan President Museveni asks communities to use advocacy, education to end FGM*. www.unfpa.org/modules/dispatches/issues99/feb99/ugandan.htm
95. UNFPA (1998). *Dispatches Number 21. April 1998*
96. UNFPA (1997). *Dispatches Number 13. January/february 1997*
97. UNFPA (1997) *The State of the World's Population Press Summary : Denial of Reproductive Rights Kills, or Harms Millions of Women and Impedes Progress Towards Equality and Development*. N.Y. UNFPA
98. UNFPA (1997). *The State of the World Population. The Right to Choose : Reproductive Rights and Reproductive Health*. U.S.A. UNFPA
99. UNFPA (19996) *Report on the Technical Consultation on Female Genital Mutilation* 27-29 March 1996, Addis Ababa
100. UNFPA and Agenda 21. *Population in the 21st Century*. N.Y. UNFPA

101. UNFPA Information article. UNFPA fighting Violence Against Women.
www.unfpa.org
102. UNHCR (United Nations High Commissioner For Human Rights). (1994-1996). *Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW) : African Countries*. United Nations Human rights Website (www.unhcr.ch)
103. UNHCR (1999), *1999 Mid Year Progress Report/West and Central Africa* www.unhcr.ch/fdrs/my99/overwaf.htm.
104. UNHCR (May-July 1999) *Refugee Forum: An Information Bulletin Produced by UNHCR Kenya. Nairobi*. UNHCR.
105. UNICEF (United Nations Children's Fund) and UNIFEM. *Information on the Convention on the Elimination of all forms of Discrimination against Women (CEDAW)*. UNICEF and UNIFEM.
106. UNICEF: *Regional Developments. Photocopied article on UNICEF supported projects in Africa* p. 9-20.
107. UNIFEM (1998) *UNIFEM. Working for Women's Empowerment and Gender Equality Annual Report*. UNIFEM.
108. UNIFEM (1996). *UNIFEM in Beijing and Beyond, Celebrating the Fourth World Conference on women*. N.Y.UNIFEM.
109. UNIFEM (United Nations Development Fund for Women) and UN/NGLS (United Nations Non-Governmental Liaison Service. (1995). *Putting Gender on the Agenda. A guide to Participating in World Conferences*. UNIFEM.
110. UNITED NATIONS. (March 1996) *The United Nations System-Wide Special Initiative on Africa. Nairobi*. United Nations Publication.
111. UNITED NATIONS. (November 1998) *United Nations System-wide Special Initiative on Africa: Publication on the UNSIA Secretariat*. Issue 2. Addis Ababa. SIA Secretariat, ECA.
112. UNITED NATIONS. (December 1997) *United Nations System-wide Special Initiative on Africa: Publication on the UNSIA Secretariat*. Issue 1. Addis Ababa. SIA Secretariat, ECA.
113. UNITED NATIONS. (April 1998). Secretary-Generals' Report to the United Nation Security Council. Press Material. Briefing and Summary of the Conflict and the Promotion of durable peace and sustainable development in Africa. Department of Information. United Nations.
114. UNITED NATION. (February 1999). *Summary of Proceedings*, United Nations Economic and social Council, Economic Commission for Africa. United Nations Publication.

115. UNITED NATIONS and OAU (Organisation of the African Unity) (1996). *African Platform for Action: common Position for the Advancement of Women. Adopted at the Fifth African Regional Conference on women: Dakar Senegal 16-23 November 1994.*
116. World Bank. (9 March 1996). *Implementing the World Bank's Gender Policies. Progress Report No. 1.* World Bank.
117. WILDAF (Women in Law and Development). (1997). WILDAF News. Number I p. 17-18.
118. WILKINSON, R. (1997). *THE HEART OF DARKNESS. REFUGEES.* 110.4-14
119. Women's Aid England (1994). *Domestic Violence, Don't stand for It.* U.K. Home Office Public relations Branch.
120. Women's Network Centre Publication. Mombasa. Kenya. Issue No, 1 July 1999.