

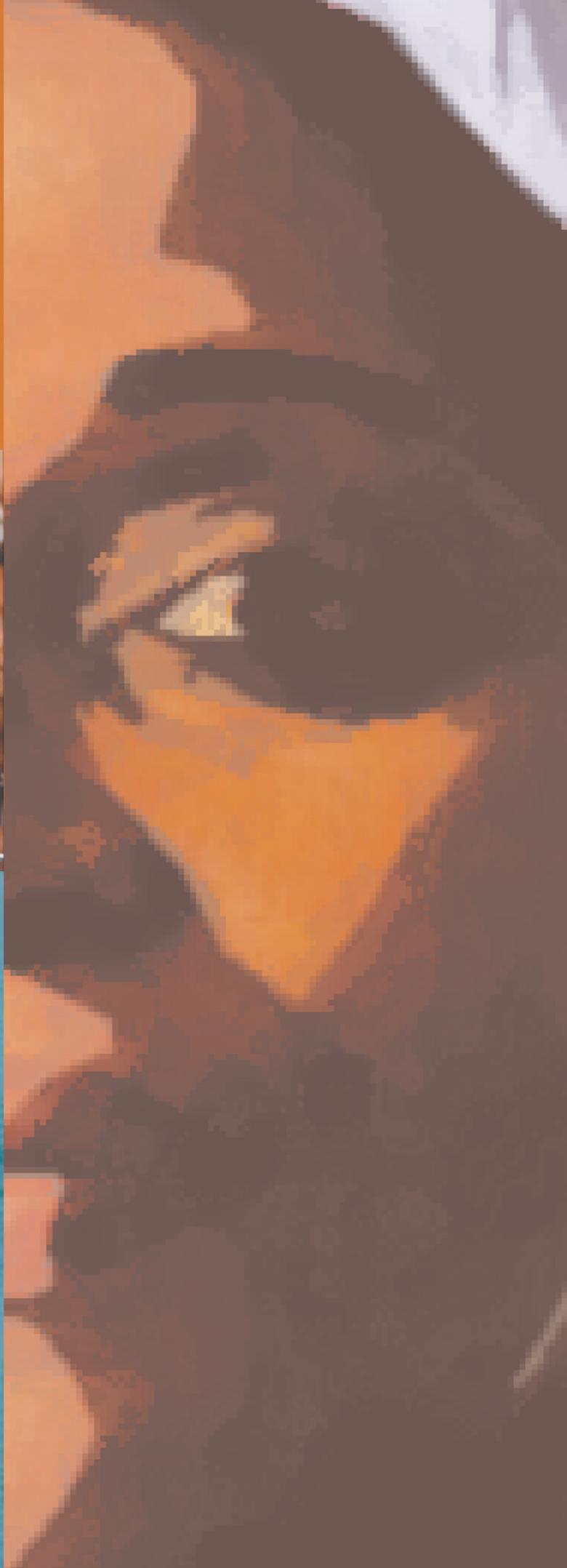


Economic Commission
for Africa



Compendium of Emerging Good Practices in Gender Mainstreaming

Volume II





Economic Commission for Africa

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Compendium of Emerging Good Practices in Gender Mainstreaming

Volume II

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Preface

The Beijing Conference on Women held in 1995 was a landmark in policy terms, setting a global policy framework to effect gender mainstreaming and the advancement of gender equality. Ten years on, the global evaluation (Beijing+10) was held in March 2005 and its purpose was not to set the agenda, but rather to support it and underline its continued relevance, the goal not policy formulation, but policy affirmation and implementation. This will also be the objective of the Beijing+15 evaluation expected to take place in 2010.

Over a decade since the Beijing Conference, the world has witnessed some significant shifts in global development policies, along with a growing appreciation of the need to develop and implement gender-aware policies, strategies and programmes that promote women's advancement and gender equality.

In Africa, profound changes have marked the lives of women as the women's movement has grown and as gendered spaces in decision-making at all levels have increased. But the other major engine of change is undoubtedly governments' commitments and their effective response to women's needs and demands through the formulation of policies and strategies, the enactment of laws, the development of programmes and efforts to give substance to the commitments they made in favour of gender equality and the advancement of women.

To highlight efforts undertaken by African States to mainstream gender in their policies, strategies and programmes, the UN Economic Commission for Africa (ECA) has compiled this *Compendium of Emerging Good Practices in Gender Mainstreaming*, which is published in two volumes and draws on experience from a number of African countries and also includes a regional good practice perspective spearheaded at the regional level by the United Nations Fund for Women (UNIFEM), as one of ECA's partners.

This first volume presents a synthesis of the main objectives, characteristics and comparative advantages of the emerging good practices that have been selected, whereas the second volume will include a series of exhaustive reports on these emerging good practices. The selected good practices cover various areas of development and policy formulation and implementation. It is not the purpose of the Compendium to rank these good practices, but rather to invite all stakeholders to appreciate and learn from the efforts deployed by countries whose practices are captured here. It is also intended to raise awareness and help increase the use of gender mainstreaming as a strategy to help overcome inequalities and constraints that are still challenging women on the continent.

The Compendium also seeks to show what has worked or promises to work and facilitate change towards a better life for women and their dependants. It also highlights difficulties that have to be taken into consideration and addressed. But however daunting these difficulties are, they cannot reverse the trend and the momentum that is being observed across the continent.

As ECA is working on future compendiums of good practices in gender mainstreaming, African countries are encouraged to share their good practices regularly with ECA so that they can be included in future editions.

I commend the two volumes of this compendium to policy makers and indeed, the general public, for information, guidance and policy formulation in the critical area of gender development.



Abdoulie Jannah
Executive Secretary
Economic Commission for Africa

The aid effectiveness agenda:
An opportunity to mainstream gender
in financing for development

UNIFEM

List of Abbreviations

AWID	Association for Women's Rights in Development
BPFA	Beijing Platform for Action
CEDAW	Convention for the Elimination of All Forms of Discrimination Against Women
CIDA	Canadian International Development Agency
CSA	Central Statistical Agency
CSO	Civil Society Organization(s)
DBS	Direct Budget Support
DfID	Department for International Development (UK)
DRC	Democratic Republic of the Congo
EC/UN	European Commission/United Nations
GDP	Gross Domestic Product
GGP	Gender and Governance Programme
GRB	Gender Responsive Budgeting
GENDERNET	DAC Network on Gender Equality
HLF	High-Level Forum
ILO	International Labour Organization
ITC	International Training Centre
KJAS	Kenya Joint Assistance Strategy
MDG	Millennium Development Goal
MINPROFF	Ministry of Women's Empowerment and the Family
MoFEP	Ministry of Finance and Economic Planning
MoWAC	Ministry of Women and Children's Affairs
MTEF	Mid-Term Expenditure Framework
NDPC	National Development Planning Commission
NGO	Non-Governmental Organization
NORAD	Norwegian Agency for Development
ODA	Official Development Assistance
OECD	Organization for Economic Cooperation and Development
OECD-DAC	Organization for Economic Cooperation and Development
PFM	Public Finance Management
PRSP	Poverty Reduction Strategy Paper
SCR	Security Council Resolution
SDPRP	Sustainable Development and Poverty Reduction Programme
SIDA	Swedish International Development Agency
SWAP	Sector Wide Approach
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNIFEM	United Nations Development Fund for Women
USAID	United States Agency for International Development
WMU	Welfare Monitoring Unit

1. Introduction

1. From the Millennium Summit (2000) to the Monterrey Consensus (2002), the Marrakech Roundtable (2004) and, most recently, the Paris Declaration (2005), countries have affirmed the need to strengthen global partnerships for financing development and reducing poverty, improve systems for use and collection of domestic resources for development, increase volumes of aid and improve aid effectiveness. The link between these commitments and the promises made by countries to advance gender equality in the Beijing Platform for Action (BPFA), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Millennium Development Goals (MDGs), and Security Council Resolution 1325 needs to be clarified and strengthened.

2. Both aid and domestic resource mobilization are essential for economic growth and expanded opportunities. While in the short run, external aid can be an important force for enhancing government resource mobilization for gender equality, in the medium and long run, government resource mobilization is central to financing for gender equality in a sustainable and predictable fashion.

3. However, there are challenges related to domestic resource mobilization and the extent to which it can contribute to financing gender equality. These include: (a) highly technical and political sensitivity of macro-economic policy frameworks which are very difficult for women to understand and influence; and (b) government ownership of policy space which excludes involvement of multiple stakeholders including civil society and women's organizations. In order to address these challenges, there is need to mainstream a gender-sensitive analysis in national development strategies including gender-sensitive public finance systems that go beyond gender budgeting and take into account tax issues, business cycles, employment and decent work for all as well as the unpaid care economy.¹

4. With regard to aid, recent trends in the establishment of a new aid architecture driven by partnerships between donors and partner countries demonstrate the significant changes that are taking place in the context of financial and development cooperation policies and structures. The 2005 Paris Declaration on Aid Effectiveness calls for improved policy and institutional mechanisms for increasing the effectiveness of development cooperation and aid coordination. The subsequent policy commitments of both donors and partner countries to promote aid effectiveness are guided by the five Paris Declaration principles: ownership, alignment, harmonization, managing for results and mutual accountability. The increased importance of the Paris Declaration in national development planning, as well as the growing use of new aid delivery modalities, including Direct Budget Support (DBS) and Sector Wide Approaches (SWAPs), have tended to prioritize systemic public finance management and governance reforms in developing countries – within the broader context of efforts to achieve financial stability and economic growth – rather than focusing on development results effectiveness.

5. This chapter examines the changing context of aid being driven by the Paris Declaration and the extent to which the aid effectiveness agenda has opened an opportunity to “mainstreaming” gender in financing for development. It questions whether or not the aid effectiveness agenda has adequately integrated gender. It examines the relevance, applicability and challenges of the gender mainstreaming strategy in this complex and politically driven agenda. It goes further to highlight some promising good practices that can be built upon to enhance financing gender equality.

1 See *Informal Summary of General Assembly Review Session 1, Chapter 1 of the Monterrey Consensus*, 14 February 2008; <http://www.un.org/esa/ffd/doha> and *Women's Consultation on Financing for Development*, Church Centre, New York, 16-17 June, 2008 (1 July, 2008).

2. Where Is The Money For Women? The Challenge For Gender Mainstreaming

6. Government budgets are the largest single source of financing for gender equality and women's empowerment in most countries. Although Official Development Assistance (ODA) only covers on average between 5 to 10 per cent of a recipient country's budget², the way it is spent can be revealing about power and accountability relationships, not just between donors and recipients, but also between government and citizens. It is through national and sub-national budgets that government's promises are translated into policies and programmes. Therefore, the extent to which gender is adequately mainstreamed in national budgets (which include both domestic and external aid), determines the level of financing that goes towards gender equality and women's empowerment.

7. The past five years have seen a significant reform of ODA as a result of the "aid effectiveness agenda" prioritizing government to government funding, and re-examining allocations from a gender equality perspective. This has created new challenges for Non-Governmental Organizations (NGOs), especially women's organizations, which are part of a growing chorus of civil society organizations (CSOs) calling for democratic ownership of aid processes and priorities. However, numerous new opportunities for women's organizations to engage with the development assistance agenda have also emerged.

8. While there was significant increase in ODA between 2001 and 2007, there is concern that a significant part of this increase in the period between 2005 and 2006 comprised growing debt relief for Afghanistan and Nigeria³. In 2006, net disbursements of ODA from donors to developing countries stood at roughly \$US 103.9 billion – equivalent to 0.3 per cent of developed countries combined national incomes⁴. In Ethiopia, ODA represented 22.8 per cent of Gross Domestic Product (GDP) in 2004, 17.3 per cent in 2005 and decreasing to only 8 per cent in 2006. In post-conflict Democratic Republic of Congo (DRC), the volumes of aid have been increasing, rising from 27.4 per cent of GDP in 2004, to 36.7 per cent in 2006.⁵ The question that remains to be answered is: where is the money for financing progress towards the commitments that countries have made towards gender equality?

9. There is evidence that the amount of aid reaching women's rights groups through mainstream international organizations is declining. A 2007 study by the Association for Women's Rights in Development (AWRD) raised serious concerns about the flow of resources to support women's organizations. Out of a sample of 299 in Sub-Saharan Africa (SSA), in 2005, 30 per cent of the women's organizations had budgets under \$US 10,000; 42 per cent of the organizations had budgets between \$US 10,000 and \$US 50,000; 18 per cent had budgets between \$US 50,000 and 500,000, and only 1 per cent had budgets bigger than half a million dollars. ODA was the most frequently mentioned as a source of revenue in 2005 (down slightly from 2000)⁶. Bilateral agencies such as the Canadian International Development Agency (CIDA), the Dutch government, the Swedish International Development Agency (SIDA) and the Norwegian Agency for Development (NORAD), which traditionally invested in women's organizations, have been reducing their funds to NGOs. This decrease has been due to: (a) the aid effectiveness agenda which now calls for donors to direct their aid through government, that is, the use of programme-based approaches as opposed to project funding; and (b) to a focus on gender mainstreaming strategies that prioritized integrating cross-cutting gender analysis into mainstream policies and programmes by donors.

2 Calculated on the basis of data on ODA from the OECD-DAC (2002) Online Database. Paris, and data on GDP from World Bank (2002) World Development Indicators. CD-ROM; Washington, D.C. via www.NationMaster.com

3 MDG Task Force Report (2008), "Delivering on the Global Partnership for Achieving the MDGs."

4 UNIFEM (2008), *Progress of the World's Women – "Who Answers for Women"*, pp 90.

5 UNIFEM, (2008), *EC/UN Partnership Mapping Studies Reports for Ethiopia and DRC*; <http://www.gendermatters.eu>.

6 J. Kerr (2007), The Second Fundher Report, *Financial Sustainability for Women's Movements WorldWide*; AWID, <http://www.awid.com>.

10. Notwithstanding their various levels of commitment to gender equality, donors are unable to demonstrate concretely the impact of their aid on gender equality. This is probably a reflection of what recent evaluations of gender mainstreaming in various donor agency policies and programmes have found that gender mainstreaming has led to “gender out-streaming”⁷ where gender simply disappears. Nevertheless, gender equality advocates continue to engage in monitoring and tracking progress on targets set in the MDGs, the BPFA, CEDAW and Security Council Resolution (SCR) 1325 and in efforts to ensure adequate budget allocations to address gender equality issues. The fact that the principles of the Paris Declaration require that donors direct aid through government budgets assumes that governments will, in turn, allocate some of those resources to women’s organizations. Such an assumption is simply fallacy and this causes a huge challenge for women’s organizations. Hence, there is need for gender equality advocates and the technical staff responsible for planning and budgeting to have the technical capacity to undertake gender analysis, have the requisite data disaggregated and analysed by sex, and have the power to participate in decisions that affect the allocation of aid at country level.

11. A study commissioned by the World Bank identified the minimum resource envelop needed to meet the goals of gender equality and women’s empowerment. The study proposes that interventions directly aimed at promoting gender equality would cost on average \$US 7 to \$US13 per capita from 2006 to 2016. Presenting a number of scenarios and projections for costing, the study notes that the gender equality financing gap was between \$US 24 billion and \$US 83 billion by 2015⁸. In order to account for the financing needed to meet the gender equality goals in the MDGs and the BPFA, it is becoming more and more critical for governments and donors to effectively track the amount of resources allocated to programmes that target women’s empowerment.

3. The Paris Declaration on Aid Effectiveness: Implications for Gender Equality?

12. The 2005 Paris Declaration on Aid Effectiveness calls for improved policy and institutional mechanisms for delivery of development assistance and increase in its effectiveness. Its implementation is guided by the five overarching principles: ownership, alignment, harmonization, managing for results and mutual accountability. Targets were set to be achieved by 2010 for each principle, and a set of 12 indicators was developed to monitor progress under each of these targets.

13. Levels and patterns of ODA influence the relevance of the aid effectiveness agenda for developing countries. OECD Monitoring Surveys in 2006 and 2008 highlighted the uneven progress in implementation of the five principles. Policy conditionalities, unpredictability of aid flows, weak public finance management systems, and lack of strong accountability mechanisms at country level to monitor the implementation of the aid effectiveness agenda pose considerable challenges⁹.

14. While the Paris Declaration did not address the role of gender equality in achieving international development goals, implementation of its principles by donors and national governments has significant implications for gender equality, as for the nature of development more broadly. Given the key role that women play in the development process, technocratic, ‘gender-blind’ interpretation and implementation of the Paris Declaration principles jeopardizes achievement of the internally agreed development commitments enshrined in the MDGs and national development priorities. It further erodes the whole essence of ‘development effectiveness’.

15. However, the Paris Declaration has significant implications for achievement of gender equality and women’s empowerment. It advocates transforming development assistance from small projects by many

7 Mapping Study on Aid Effectiveness and Gender Equality in Ghana, January 2008; <http://www.gendermatters.eu>.

8 UNIFEM (2008) *Progress of the World’s Women 2008/2009: Who Answers To Women?* Gender and Accountability.

9 L. Chiwara and M. Karadenizli (2008), *Mapping Aid Effectiveness and Gender Equality*, Global Findings, ITC/ILO-Turin-Italy.

individual donors to joint programme-based approaches that combine the funds of several donors to achieve a greater impact. Duplication of administration, monitoring and reporting would be reduced by directing funding through country budget and public financial management systems. This would also create space for government and donor partners to have dialogue and build capacity for budgeting systems and procedures¹⁰.

16. For the aid effectiveness agenda to result in overall gains in gender equality and women's empowerment, these goals must be recognized as a key component of national development planning, including poverty reduction policies. Under the 'mutual accountability' principle, donors and partner governments should strongly commit to supporting gender-sensitive development policies, while ensuring allocation of adequate human and financial resources to support their implementation. Monitoring of development policies and programmes should be strengthened through integration of measurable gender-sensitive indicators and targets that assess progress towards promoting and achieving gender equality and women's empowerment at country level. Furthermore, in the context of democratic ownership of development policies and programmes, civil society's – and more specifically, gender equality advocates' – involvement in national development planning and budgeting processes needs to be further strengthened as a critical step in promoting accountability and country ownership.

17. The implementation of the Paris Declaration has been going on for about 2 years. Women's organizations have engaged in examining the efficacy of the Paris Declaration Principles. In a recent study undertaken by the United Nations Development Fund for Women (UNIFEM), under the European Commission/United Nations (EC/UN) Partnership on Gender Equality for Development and Peace¹¹, in 4 countries in Africa, Ethiopia, DRC, Ghana and Cameroon, it was shown that there is increased donor commitment to support national development plans. At the same time, the study indicates that these plans are not yet fully country-owned and donors have not yet aligned support to national development priorities, including gender equality; and countries have not yet integrated gender equality plans and measured results in terms of their impact on these goals.

18. However, the study also noted some opportunities and progress with regards to the way the implementation of the Paris Principles is opening up spaces for women's organizations to begin to engage in macroeconomic policy dialogues, which have always been very political and closed to civil society. While some of the initiatives are still at their infancy, they present promising good practices and identified challenges to guide the way forward.

4. Mainstreaming Gender in Aid Effectiveness: Promising Good Practices

19. Studies and consultations that have been undertaken in Africa have revealed diverse economic, political and social realities highlighting opportunities and challenges in relation to integrating gender priorities in the aid effectiveness agenda. The studies observed some general trends in relation to the implementation of the aid effectiveness agenda in Africa. These trends include; opening up of policy spaces to allow the engagement of gender equality advocates in national development planning; ongoing reforms intended to strengthen public finance management (PFM) systems and introduce performance-based budgeting; increase in the use of programme-based approaches – such as sector-wide approaches and budget support – as modalities for aid delivery; and establishment of government-donor harmonization mechanisms at country level that act as platforms for coordinated programming and resource mobilization on development priorities.

10 L. Corner (2008), *Mapping Aid Effectiveness and Gender Equality: Regional Issues and Trends from Asia and the Pacific Region*, ITC/ILO, Turin, Italy.

11 The overall aim of the programme is “to ensure that gender equality and women's human rights are fully incorporated into national development processes and in those cooperation programmes which are supported by the EC”.

20. Despite these developments, effective implementation of national commitments to gender equality is hindered by limited resources and the lack of capacity of key Ministries, including Ministries of Economic Planning and Finance and sector Ministries to integrate gender concerns in development plans and budgets, including at sectoral level. Gender equality advocates and national women's machineries often lack the technical skills and in-depth knowledge to engage effectively in policy dialogue and support mainstreaming of gender equality issues in macroeconomic policy frameworks. Building capacity within government institutions on use of gender-responsive policy tools and methodologies is therefore seen as critical to strengthening the integration of gender equality issues in national development planning, budgeting processes and monitoring systems.

4.1 Mainstreaming Gender in National Development Plans: A Prerequisite for Allocation of Resources to Gender Equality Priorities

21. The successful implementation of the Paris Declaration is premised on the availability of a Poverty Reduction Strategy (PRS) or a National Development Strategy, which outlines the countries development priorities. Donors are then supposed to harmonize their support and align their aid to support those national priorities. The point is, if gender equality is not prioritized in the national development strategy, then it will not benefit from aid or from domestic resources. This is why gender equality advocates have been calling for the opening up of policy spaces so that they can actively engage in national priority setting and inclusion of gender equality issues among the challenges to be addressed.

22. Experience from Africa is that there is some progress in integration of gender equality and women's empowerment priorities in national development plans in countries such as, Ethiopia, Ghana, Senegal, Tanzania, Uganda and Zambia. However, these priorities tend to evaporate when it comes to sectoral programming and budgeting. This has been attributed to a number of challenges including: (a) limited technical capacity to undertake gender analysis by women's organizations and technical staff from Ministries of Finance and Economic Planning and other sector Ministries; (b) lack of sex-disaggregated data and where it exists, limited capacity to analyse and use this data in planning, and (c) lack of gender-specific indicators for all the priority areas of the national development plans. There are, however, some promising good practices which could be strengthened and built upon.

4.1.1 Mainstreaming Gender in the Tanzania Poverty Reduction Strategy Paper (PRSP), the "Mkukuta": The Power of Strategic Partnerships

23. In Tanzania, strategic partnerships have proved to be one of the most effective approaches for making sustained and productive progress on gender equality in Tanzania. The first Poverty Reduction Strategy (PRS) in Tanzania, the '*Mkukuta*', was not gender responsive. However, starting with its review in 2004 and during its development in 2005, concerted efforts by gender equality advocates bore fruit. The Gender Working Group managed to create a space for addressing gender equality and an opportunity to engage with government actors. A small group of donor partners committed to strengthening government capacity and provided joint programme support to the lead Ministry.¹²

4.1.2 Mainstreaming Gender in the Ghana PRSP II: The Need for Technical Capacity and Sex-Disaggregated Data

24. Ghana's development priorities are set out in the PRSP, the first of which was developed and implemented between 2003 – 2005, but were largely considered 'gender blind' as it failed to articulate strategies to address the country's gender equality gaps. However, the second PRSP, 2006-2009, was a significant improvement over the first because it included specific gender equality results. The second PRSP was developed through a broad-based participatory method that included CSOs, gender advocates and other development partners.

12 OECD-DAC GENDERNET (2008), Issues Brief 2, Gender Equality, *Women's Empowerment and the Paris Declaration on Aid Effectiveness*, Paris.



A gender specialist was also hired to undertake the gender diagnostic review using extensive gender-disaggregated data. As a result, the PRSP II (2006-2009) included women's empowerment and gender equality policies, particularly the National Gender and Children's Policy as well as support to international commitments such as the BPFA and CEDAW. However, despite the integration of gender equality priorities in Ghana's PRSP II, the levels of funding, and programming for gender equality have remained challenging¹³.

4.1.3 Mainstreaming Gender in Zambia's National Development Plan: Gender as a Sector

25. In Zambia, the Government has committed to mainstreaming gender in all its development programmes. An integrated institutional framework for gender mainstreaming includes the Ministry of Gender and Development, the Gender and Development Division at the Cabinet Office, the Parliamentary Committee on Legal Affairs, Human Rights, Governance and Gender Matters and gender focal points in all the line Ministries including representatives from Provincial and District Administrations. A National Policy and Plan of Action has been developed to support harmonized and systematic implementation of the gender mainstreaming strategy. As a result, Zambia's Fifth National Development Plan adopted a unique approach to gender equality. Gender equality is understood as both a cross-cutting issue and as a specific sector. The budget line for gender equality is determined by vote, which indicates that the principle for financing gender equality is in place. While the level of resources dedicated to gender equality is low – dropping from \$US1 million in 2004 to \$US 650,000 in 2005 – the decision to place gender as a priority area on the national development agenda offers opportunities for gender equality advocates in Zambia to more effectively monitor government spending and action¹⁴.

4.2 Harmonizing for Gender Equality

26. The rationale for harmonization is that joint donor actions and common procedures will reduce transaction costs and enhance the effectiveness of aid. For gender equality to survive as a central element of harmonized approaches, commitments to gender mainstreaming amongst donors must be robust. A number of recent evaluations of bilateral and multilateral agency performance in this arena suggest that this is not the case. These evaluations list a range of problems including: (a) uneven grasp by agency staff of what "gender mainstreaming" means for their work; and (b) "policy evaporation" where commitments on paper are never implemented, partly because of inadequate financing for gender equality work. There is, in short, a danger that harmonization may further marginalize action on gender equality unless more rigorous accountability tools and measures of agency performance are applied to the donors own records on promoting gender equality.¹⁵

27. The DAC Network on Gender Equality (GENDERNET) is strengthening donor efforts in joint learning and is undertaking gender-specific and gender-inclusive analytical and review work within the context of

13 J. Muteshi (2008), *Mapping Aid Effectiveness and Gender Equality in Africa: Regional Issues and Trends*. See www.gendermatters.eu.

14 UNIFEM (2006), *Promoting Gender Equality in New Aid Modalities and Partnerships: Experiences from Africa*, Burundi Consultation Outcome Report.

15 UNIFEM Discussion Paper (2006), "*Promoting Gender Equality in New Aid Modalities and Partnerships*".

development of Joint Assistance Strategies and Country Strategy Papers. A number of the bilateral agencies, including the Danish Agency for International Development Assistance (DANIDA), SIDA, DfID, EC, etc., have indeed developed tools and methodologies for gender mainstreaming and the challenge is how to translate these into action at country level. Studies undertaken by UNIFEM, DfID, Irish Aid and many others have highlighted some promising examples where donors are working together to ensure allocation of aid to gender equality within the context of harmonization and coordination mechanisms at country level.

4.2.1 A Harmonized Approach to Promoting Gender Equality in a Fragile Environment

28. In Zimbabwe¹⁶, the principle of harmonization was instrumental in ensuring focus for coordinated donor-government-civil society attention and resources to gender equality priorities to meet the basic needs of women and children in an economic, political and humanitarian crisis environment. In 2006, the UNIFEM country office convened a donor roundtable to outline the challenges and opportunities for donor engagement in support of gender equality and women's needs. As a result of the meeting, DfID, CIDA, United States Agency for International Development (USAID), SIDA and the EC agreed to fund a Gender Scoping Study to profile women's priority needs, identifying key actors and institutions to address them, and provide a roadmap for strategic and comprehensive support. The study was country-wide, bringing together men and women from grassroots and community groups as well as more mainstream organizations to discuss gender equality challenges and identify priorities for addressing them. The consultations affirmed the lack of a cohesive gender equality agenda and lack of systematic participation by the women's movement in policy-making. Government interventions to promote gender equality were also limited. Monitoring, evaluation and reporting on policy initiatives in support of gender equality and women's empowerment were identified as priorities.

29. The Gender Scoping Study provided clear pointers on what needed to be done and how targeted support to gender could lead to effective programming and resource mobilization. It recommended setting up a Basket Fund to provide a common financing mechanism to address essential needs and sustain gender equality support within development planning. UNIFEM was designated the Fund Manager and received support to develop the Basket Fund proposal and outline mechanisms for its management, including identifying the organizations responsible for supporting implementation of the various components.

30. The Basket Fund would provide support for two years, beginning in August 2008. It has received funding of €1,035,000 from the EC along with £50,000 from DfID for a six-month planning and inception period¹⁷. Following country-wide consultations, a programme strategy has been developed. Priorities are now being selected from a range of sectors, including reproductive and sexual health, HIV and AIDS, violence against women and girls both at home and at school, and trafficking; gender-sensitive education; capacity-building, especially in economic analysis and policy; institutional strengthening, coalition building and networking.

4.2.2. Mainstreaming Gender in New Aid Modalities in Kenya: The Case for Basket Funds

31. A Basket Fund is a co-financed, joint or pooled funding arrangement directed to a single or multiple programmatic areas or sector, to an agency, government, government institution or NGO. Pooled funding tools potentially provide the scope for large-scale programme work and may enhance the possibilities inherent in bringing together the comparative advantage of diverse partners. Such funds have usually been managed by the co-financing donors or by the governments, or by an independent finance management /accounting firm.

16 UNIFEM Case Study (2008), *Gender Equality and Aid Effectiveness: Global Messages and Country Experiences*; <http://www.gendermatters.eu>.

17 Ibid – Zimbabwe case study; <http://www.gendermatters.eu>

32. The inauguration of a new government in Kenya in 2004 led to a significant surge in aid flows, from \$US 392 million in 2002 to \$US 635 million in 2006. Development of the Kenya Joint Assistance Strategy (KJAS 2008-2012) provided the framework for donor support to national development planning, and gave impetus to several initiatives to address gender equality. Sustained advocacy around gender equality issues resulted in the recognition of gender as a separate development sector in the KJAS framework and a commitment from donors and government to provide targeted support to gender equality priorities.

33. In negotiating the aid modalities, the Government and donors agreed on a basket funding modality and one such basket fund is the Gender and Governance Programme (GGP) Basket Fund developed to respond to the expanding democratic spaces that came with the change of government in 2002. The GGP also aimed to help to systematically achieve MDG 3 through donor-coordinated support specifically to CSOs working in this thematic area. It has been this targeting of CSOs that has been enabling for such gender work in Kenya.

34. Given the Basket Fund's focus on governance, there has been a strengthening of women's representation on local boards in some districts. It expanded district women's networks, created leadership among women, and brought recognition of women as an important political constituency, further supporting their efforts to enter elective politics. However, there are some challenges with the basket funding modality, and these include its limited focus on women in decision-making, leaving little space for addressing the multiplicity of women's issues that intersect the governance concerns. Further, CSOs are strictly the beneficiaries of the GGP Basket Fund. They have an advisory role but no mechanisms exist in GGP for the women's involvement in decision-making outside of programme planning. In addition, complex technical/management tools for accessing the GGP Basket Funds can disqualify several women's groups who may be doing excellent work in the field. There is also unpredictability in the availability of the GGP resources and partnerships due to the midway withdrawal of some donors from the Basket Fund. Apparently, the management-tiered structure of the GGP basket where some donors were invisible or were represented by others can be limiting to negotiations when there is conflict.

4.2.3. Mainstreaming Gender in a Road Sector Programme in Cameroon – Meeting the Needs of Rural Women

“A road passes through a region with people, thus people (especially women who are at the heart of all community activities) should be at the centre of all road programmes.”¹⁸

35. This was the guiding message which inspired a group of major stakeholders of the development of Cameroon including; bilateral and multilateral institutions, NGOs, Government partners, leaders of women's groups and road construction companies who gathered together to reflect on how to mainstream gender equality in the EC Road Sector Programme. Within the framework of the EC/UN Partnership, the European Commission, ITC/ILO and UNIFEM have initiated the process of mainstreaming the Road Sector Programme with the objective of transforming the stumbling blocks hindering women's participation in the road sector and ensuring just and equitable development in Cameroon. The initial step was the holding of a Forum that brought together various stakeholders including government, donors, United Nations agencies, and representatives of rural women. The consultation came up with a set of priorities for a gender-responsive road sector programme and these included the construction of feeder roads to reduce the workload of women, the recruitment of women in all phases of a road programme, equal pay for both women and men for work of the same value, the introduction of healthcare facilities, the creation of markets, the availability of programmes to modernize agriculture and increase production, as well as facilities to process agricultural products.

36. The process of engendering the road sector in Cameroon is expected to increase the participation of women in all activities related to the road programme. It will also improve their technical and economic

18 EC/UN Partnership, UNIFEM Cameroon, in Newsletter No 1 – September 2008. See <http://www.gendermatters.eu>.

capacity so that they engage actively in road infrastructure projects, increase incomes, and improve living standards and social status. This reduces their vulnerability and eventually leads to better gender relations.

4.3. Mainstreaming Gender in Public Finance Management Systems: The Case for Gender Responsive Budgeting (GRB)

37. Under the principle of alignment, ODA is expected to be aligned with national development strategies, institutions and procedures. The implementation of the alignment principle places increased emphasis on the strengthening of Public Finance Management (PFM) systems in developing countries. Donors are also expected to increase predictability and untying of aid and avoid creating parallel implementation structures at country level that result in an excessive number of potentially conflicting targets and requirements from partner countries. The implementation of programme-based approaches such as DBS and SWAPs is closely associated with the principle of alignment given the channelling of aid through national budgets and Medium Term Expenditure Frameworks (MTEFs) based on sector policy documents.

38. Reforms aiming at strengthening PFM systems and promoting performance-based budgeting are currently underway in most countries in Africa. For example, Cameroon, DRC, Ethiopia and Ghana are reforming their PFM systems, while improvements to their human and institutional capacities have also begun to facilitate donor alignment to national development plans.

39. The importance of Gender Responsive Budgeting (GRB) lies in its capacity to ensure more streamlined allocation of resources towards national gender equality commitments and to increase the participation of civil society in the budgeting process. By enhancing the monitoring of financial allocations and tracking of expenditures, GRB promotes transparency in budget allocations and increases the accountability of donor and national governments for achieving their commitments to gender equality and other development goals. GRB can also result in the increased capacity of key Ministries in the development planning and implementation process, particularly those of Finance and Economic Planning, to analyse policies and programmes from a gender perspective. In this context, capacity development of government institutions on gender-sensitive tools and methodologies can facilitate the integration of gender priorities in PFM systems and sector plans.

40. The focus of GRB on development outcomes and results is likely to contribute to strengthened PFM systems. Initiatives to implement gender-responsive budgeting are currently underway in many countries in Africa, including Cameroon, Ethiopia, Ghana, Morocco, Rwanda, Senegal, South Africa, Tanzania, Uganda and Zimbabwe, but with varying levels of success. In most of these countries, implementation remains ad hoc and is not necessarily linked to PFM reform, so it is unlikely to have an impact on directing and/or increasing allocation of resources for gender-sensitive policies and programmes.¹⁹

41. The most successful example of GRB in Africa is the Morocco example described in detail in an earlier chapter. However, this initiative has not been implemented within the framework of the new aid modalities – DBS and SWAPs. There are emerging examples of GRB initiatives that are being initiated within the framework of new aid modalities.

4.3.1. Mainstreaming Gender in Ghana's National Budget: The Role of National Women's Machineries

42. In Ghana, for the 2008 budget, the Government has committed itself to “enhancing its gender programmes by spelling out a step-by-step approach to Gender Budgeting and piloting it in three key Ministries, departments and agencies (Ministries of Food and Agriculture, Health and Local Government and Rural Development)”²⁰. Currently, the Ministry of Women and Children's Affairs (MoWAC) is in the

19 L. Chiwara and M. Karadenizli (2008), *Mapping Aid Effectiveness and Gender Equality: Global findings*, EC/UN Partnership; <http://www.gendermatters.eu>.

20 Mapping Study on Aid Effectiveness and Gender Equality in Ghana, (2008). Government of Ghana Budget Statement, page 251.

process of rolling out a gender budgeting initiative, working with the Ministry of Finance and Economic Planning (MoFEP) and National Development Planning Commission (NDPC). MoWAC will build the capacity of these two key institutions in planning and will also target key decision-makers, such as members of the two parliamentary Standing Committees on Finance and Gender as well as Directors and Officers in the Policy, Planning Monitoring and Evaluation offices; and the gender desk officers in the various Ministerial departments. However, even with the GRB in these three Ministries, the impact on advancing gender equality results in the areas of maternal mortality, combating HIV/AIDS and access to safe drinking water is likely to be minimal, because the budgetary allocations for these areas remain the smallest.

4.3.2. Integrating GRB in Reform of Public Finance Management System in Cameroon: The Need for Training and Capacity Building

43. The Cameroon CEDAW Initial Report of 2000 and the Beijing +10 Report of 2005 highlighted insufficient budgetary resources for gender equality and women's empowerment as a major hindrance to attaining the goals of gender equality in Cameroon. As a result, in 2005, UNIFEM, in partnership with Ministry of Women's Empowerment and the Family (MINPROFF), UNDP and UNFPA, initiated a gender-responsive budget programme. With financial support from CIDA, the programme has raised awareness and generated interest among a broad spectrum of stakeholders including the UNCT, Government Ministers, Parliamentarians, General Managers of state corporations, the media and CSOs, especially women's networks. Training has been provided to technical staff in key Ministries and, particularly, to the members of the Platform on Public Finance Reform and to local government structures, to enhance their capacity to plan, implement and monitor budgets from a gender equality perspective.

44. Though still in its early stages, the initiative is gaining momentum and the Government is open to more information and training. Donors have also realized its efficacy as a tool for gender mainstreaming. In 2006, with support from UNIFEM, the EC initiated a training programme on GRB for its staff. However, an evaluation of the 2007 budget of some Ministries revealed that despite the level of awareness and interest generated, the resource shares allocated to gender equality are still very unsatisfactory.²¹ A more comprehensive programme is needed, with more predictable funding. The existence of a dialogue on public finance reforms provides space to strengthen gender-responsive budgeting within this broader macroeconomic framework in order to ensure its institutionalization and sustainability. The Ministry of Finance has secured support from UNIFEM and CIDA and has started training on the Platform on Public Finance Reform in this regard.

4.4. Enhancing Social Accountability to Financing Gender Equality

45. Accountability mechanisms are needed to assess the extent to which civil society priorities, including gender equality and decent work, agreed to at the beginning of the process, are realized in measurable results at the end. Accountability needs to be seen as the accountability of public authorities to their own citizens, especially to those often left out, such as women.

46. Active engagement of CSOs and gender equality advocates in accountability frameworks is a prerequisite for promoting the mutual accountability of donors and developing countries to achieving gender equality targets and results. Effective participation of gender equality advocates in monitoring mechanisms can be enabled through increased access to information and transparency in policy decisions and financial allocations on gender equality by national governments and donor agencies.

47. The mapping studies commissioned under the EC/UN Partnership in Africa revealed that the role of national women's machineries and CSOs to hold governments to account has been very limited. This is in part due to their limited capacity to exercise that role but mainly to the non-availability of accountability systems that are open to their participation. However, the example from Ethiopia demonstrates a promising good practice, which has potential for strengthening systems or guiding their replication in other countries.

²¹ *Etat des lieux de la prise en compte du genre dans les budgets 2007 de certains départements ministériels*, UNDP (2007).

4.4.1. Mainstreaming Gender in Monitoring and Evaluation Systems in Ethiopia. The Use of Citizen Report Cards

48. In Ethiopia, development information is increasingly being made available through the websites of the Ministry of Finance and Economic Development (MoFED) which posts the Sustainable Development and Poverty Reduction Programme (SDPRP) and budget information, the National Bank of Ethiopia which posts macroeconomic information, and the Central Statistical Agency (CSA) which posts census and survey data.²² The SDPRP has also been translated into local languages. The Government has taken several steps to develop a country-level M&E system, covering the five-year period, 2004-2009. The Action Plan is managed by MOFED, as the continuation of the Welfare Monitoring System Programme which was jointly implemented by the Welfare Monitoring Unit (WMU) of MOFED and the CSA since 1996. This system provides opportunities for development and use of gender-disaggregated data, in compliance to the commitments.

49. The Monitoring and Evaluation Action Plan is designed to (a) monitor input and process indicators across levels of Government output indicators at various levels of aggregation and outcomes; (b) link performance to indicators of reform processes in the areas of decentralization and capacity-building; and (c) evaluate the impact of government policies and programmes.

50. Accountability is guaranteed by Citizen Report Cards – participatory surveys that provide quantitative feedback on user perceptions on quality, adequacy and efficiency of public services, and Citizen Score Cards qualitative monitoring tools for local level monitoring and performance evaluation of services, projects and even government administrative units by the communities themselves. The Citizen Score Cards are a hybrid of the techniques of social audit, community monitoring and citizen report cards, and like them, is an instrument to exact social and public accountability and responsiveness from service providers. By including an interface meeting between service providers and the community that allows for immediate feedback, the process is also a strong instrument for women’s empowerment.

5. Conclusions and Recommendations

51. The Commission on the Status of Women, at its fifty-second session in March 2008, reaffirmed the BPEA of 2000, which emphasized the need for political commitment to make human and financial resources available for the empowerment of women and that funding had to be identified and mobilized from all sources and across all sectors to achieve the goal of gender equality. The Commission went on to call upon Governments to incorporate a gender perspective in the design, development, adoption and execution of all policies and budgetary processes.²³

52. During the preparations leading up to the third High Level Forum (HLF) on Aid Effectiveness that took place in September 2008 in Accra, Ghana, women’s organizations and gender equality advocates consulted extensively and made very clear demands for the Forum to recognize the centrality of gender equality in achieving sustainable development results. In a Women’s Statement issued on the eve of the HLF 3, the women called on donor partners and developing country governments “To be consistent with the recognition of gender equality, environmental sustainability and respect for human’s rights, as cornerstones for development; by treating these policy priority issues as sectors with progress indicators and specific resources allocated in national budgets”²⁴.

53. As a result of the strong lobbying and advocacy, the Forum agreed that “Gender equality, respect for human rights and environmental sustainability are cornerstones for achieving enduring impact on the lives and potential of poor women, men and children. It is vital that all our policies address these issues in a more

22 <http://www.nbe.gov.et/>; <http://www.csa.gov.et/>; www.mofed.gov.et

23 Economic and Social Council, Commission on the Status of Women fifty-second session, 25 February – 7 March 2008, “Agreed conclusions on financing for gender equality and the empowerment of women”.

24 Women’s Forum Statement, August 2008, Accra, Ghana.

systematic and coherent way” [AAA para 3]²⁵. This political will has to be translated to real action and this entails concerted efforts by all stakeholders in building the capacities of women’s organizations and of the technical staff who are responsible for planning and budgeting, to be able to mainstream gender in all the processes and mechanisms of aid management.

54. The momentum created by the commitments made at the Accra HLF, presents the women’s organizations and gender equality advocates with the ammunition to demand action from both donors and governments to:

1. Open up policy spaces for gender equality advocates and national women’s machineries to participate in and influence decisions about national development strategies and aid delivery.
2. Adopt Gender Responsive Budgeting approaches and institute systems that ensure adequate financial resources for women’s priorities within local development plans.
3. Put accountability mechanisms in place that enable systematic monitoring of progress towards the gender equality targets and objectives set in national development strategies.

55. It has been emphasized in this chapter that aid constitutes only 5 to 10 per cent of the national budget, but it has also come out clear that the aid effectiveness agenda is bringing in opportunities for women’s organizations to begin to engage in macroeconomic planning frameworks. This engagement will definitely impact on how the national resources are allocated. Therefore, the gains from the Accra HLF 3 on aid effectiveness should be taken up to the Review of the Monterrey Consensus on Financing for Development which is taking place in December 2008, in Qatar, Doha.

56. Paragraph 8 of the Monterrey Consensus recognizes the need to have a “holistic approach to the interconnected, national, international, and systemic challenges of financing for development” and further stipulates, that development should be sustainable, gender sensitive and people centred. However there is still a large gap between rhetoric and practice. There are more than 90 countries with laws and policies to promote gender equality, but none of those are adequately resourced. This is the major problem which needs urgent attention from both partner countries and donors.

57. Much more needs to be done to ensure that all aspects of development financing whether domestic or international, fully recognize women’s economic contributions, and support their economic rights and integration. The ongoing debate towards the International Conference on Financing for Development in Doha, Qatar in December 2008, *must* therefore:

- a. *PROMOTE a balanced domestic economic agenda* which provides opportunities for governments to improve overall economic growth, reduce poverty and achieve gender equality commitments,
- b. *PLACE emphasis on employment creation and decent work* ensuring that the labour market is responsive to women’s needs and priorities,
- c. *PROMOTE public investments that enhance economic productivity*, support women’s economic participation and productivity and provide the services and infrastructure that facilitate women’s access to employment, education, and health care services,
- d. *PROVIDE more predictable foreign aid flows* for sufficient resource flows to gender equality programmes and promote accountability for results, and
- e. *PROMOTE trade liberalization policies* that take into account the impact of these policies on women’s employment.

25 Accra Agenda for Action. Adopted on 4 September 2008 in Accra, Ghana.

Promoting Women's Access to Employment: The Microcredit Facility

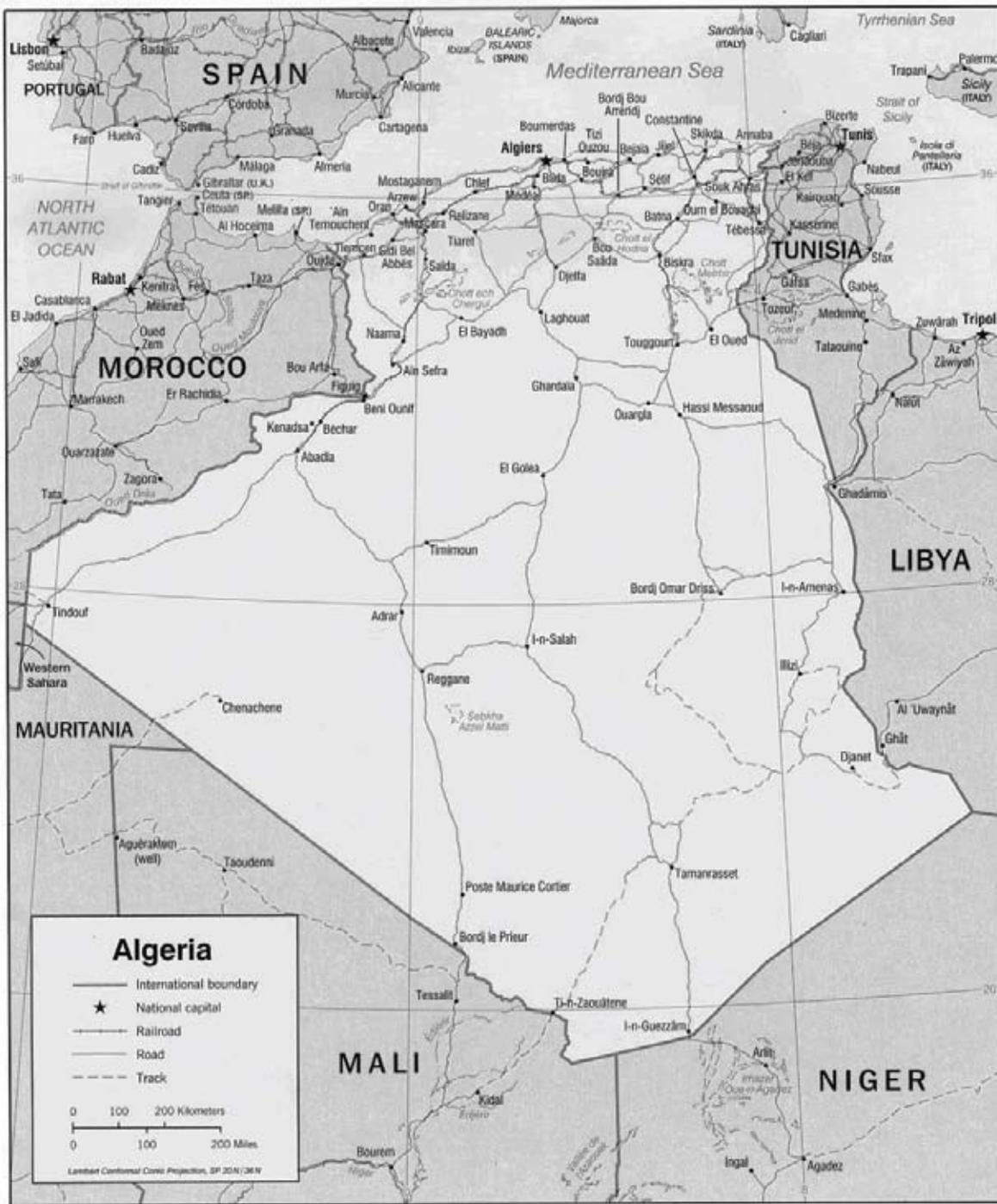
Algeria

Acronyms

ANGEM	Agence nationale de gestion du microcrédit/ National Agency for the Management of Microcredit
ANSEJ	National Youth Employment Support Agency
BADR	Algerian Rural Development Bank
BDL	Local Development Bank
BNA	National Bank of Algeria
CNAC	Caisse nationale d'assurance Chômage/ National Unemployment Insurance Fund
CNES	Conseil national économique et social/National Economic and Social Council
CPA	Algerian People's Credit Union
CRASC	National Centre for Social and Cultural Anthropology Research
DZD	Algerian dinar
ESIL	Local Initiative Employment
FGMMC	Fonds de Garantie Mutuelle des Micro Crédits/Microcredit Mutual Guarantee Fund
GDP	Gross Domestic Product
ILO	International Labour Organization
MDCFCF	Ministère délégué chargé de la famille et de la condition féminine/ Ministry for the Family and Status of Women
MDGs	Millennium Development Goals
ONS	National Office of Statistics
PNR	Free Loan
PPP	Purchasing Power Parity
GPHC	General Population and Housing Census
SDGEA	Solemn Declaration on Gender Equality in Africa
UGTA	General Union of Algerian Workers
USD	US dollar

1 DZD = 0.015 USD

Chart 1: Algeria



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I. Introduction

1. Background: Country profile

1. Algeria is located in northwestern Africa, bordering the Mediterranean Sea between Morocco and Tunisia.
2. It has a total surface area of almost 2.4 million square kilometres, more than four fifths of which is desert (the tenth-largest country in the world and the second-largest in Africa).
3. Algeria is a multi-party republic with a constitution. It observes separation of powers among the executive, legislative and judicial branches of government. The President is the Head of State and Commander-in-Chief of the armed forces, as well as Minister of National Defense.
4. Algeria has a bicameral parliament. The lower chamber is the 389-member National People's Assembly (Assemblée Populaire Nationale—APN), and the upper chamber is the 144-member Council of the Nation. Members of the APN are popularly elected for five-year terms.
5. Algeria is divided into 48 provinces (wilayas), which are further subdivided into daïras and communes. A Wali (governor appointed by the President and falling under the Ministry of Interior) heads each wilaya, while a chief heads each daïra. Elected assemblies govern each province and commune.
6. As at July 2007, Algeria's population was estimated at 33.3 million, growing at an annual rate of 1.2 per cent. More than 90 per cent of the country's population is concentrated along the Mediterranean coast, which constitutes only 12 per cent of the country's land area. About 59 per cent of Algeria's population is urban¹.
7. In 2007, the distribution of the population by age was as follows: 0–14 years, 27.2 per cent; 15–64 years, 67.9 per cent; and 65 years and older, 4.8 per cent. As this distribution indicates, Algeria has a very young population, which poses a challenge for the labour market and the education system. According to the National Economic and Social Council², life expectancy in 2007 was 75.7 years (74.6 years for men and 76.7 years for women). In the same year, the birth rate was estimated at 17.11 per 1,000 people³, and the death rate was estimated at 4.62 per 1,000 people. The infant mortality rate was 28.78 per 1,000 live births; the fertility rate was 1.86 children per woman, and the maternal mortality rate was 88.9 women/100,000 live births down from 174.
8. Algeria is making progress toward its goal of “reducing by half the number of people without sustainable access to improved drinking water and basic sanitation by 2015⁴.” Given its young population, the country favours preventive health care and clinics over hospitals⁵. In keeping with this policy, the Government maintains an immunization programme. Access to health care is enhanced by the requirement that doctors and dentists work in public health for at least five years. However, doctors are more easily found in the cities of the north than in the Sahara region in the south. Reproductive health and maternal and child care are a State priority outlined in the national public health policy.
9. Algeria's literacy rate is estimated at 69–70 per cent, 79 per cent for males and 61 per cent for females. Despite progress since independence in 1962, women are still lagging behind. Education consumes one quarter of the national budget. Education is free and officially compulsory for Algerians up to age 16, but actual enrolment is not yet at 100 per cent. Algeria has 10 universities, seven university centres and several

1 ONS. GPHC 1998.

2 CNES (conseil national économique et social). Human Development Report 2007.

3 62.5 per cent of women now use methods of birth control.

4 National MDG report. Objective 7. Target 10. Page 67. 2005.

5 National programme against child mortality/national school health / national health programme for adolescents/ Policy for Prevention.

technical colleges. It should be noted that, given the high rate of school attendance for girls at all levels of education and the successes they have obtained, the proportion of female students at university is often superior to that of males in several disciplines (around 69 per cent⁶).

10. The illiteracy rate is 27.2 per cent among the population aged 15 and over. The gender gap is widening more for the older generations. The goal of reducing female illiteracy, particularly in rural areas, has been further underlined by the Head of State⁷.

11. The increasing investment in educational and vocational training offers an opportunity for people wishing to acquire quality training and qualifications, with women benefiting more. In 2007, girls represented 37.64 per cent of students enrolled in vocational training. Branches and annexes have been established in rural areas to facilitate girls' access to these facilities.

12. In Algeria, the proportion of the population living on less than one dollar⁸ a day decreased from 1.9 per cent in 1998 to 0.8 per cent in 2000 (reduction by more than half before the end of 2015). If the purchasing power parity (PPP) dollar is considered, then the reduction went from 3.6 per cent in 1998 to 1.9 per cent in 2003. Nevertheless, in Algeria, poverty as outlined in the MDGs is marginal, with a realistic chance of being eradicated⁹.

13. Algeria's economy is in the midst of a transition from State control to an open market. The economy depends heavily on the hydrocarbons industry. In the current high-price environment for oil and natural gas, Algeria's economy is experiencing an upswing, and hydrocarbons account for about 60 per cent of revenues, 30 per cent of gross domestic product (GDP¹⁰), and 95 per cent of exports. Algeria is aware of the need to diversify its economy, partly to reduce the country's high rate of unemployment (13.8 per cent in 2007¹¹), but also to promote stability and assist with the transition to a market economy. Under the leadership of President Abdelaziz Bouteflika, the Government is pursuing an economic reform programme that embraces not just diversification, but also other initiatives such as deregulation, banking reform and trade liberalization.

14. Institutional reforms are being pursued to consolidate the rule of law, strengthen the participation of all citizens in the development process, and in keeping with equity and equality principles, reduce any lingering disparities within some social settings and regions.

2. Methodology

15. As mentioned in the terms of reference (TOR) of the consultancy, the major objective of the proposed document is to gather and analyse information on the effectiveness of *the macrocredit facility* in helping to promote women's access to employment in Algeria. This document is part of a compendium related to good practices, and it offers examples of what different actors in different parts of the African continent are doing to address the diverse gender equality and women empowerment issues that prevent women and men from enjoying the full range of their rights and the highest possible level of well-being based on available resources. This compendium is not intended to evaluate the progress achieved, but to track the most striking and sustainable examples in gender mainstreaming.

16. Thus, the methodology followed was as follows:

- Collection of information and data on the microcredit facility.
- Review of various documentations related to the progress made on gender and women's empowerment.

6 National strategy for gender equity and equality. MDFCF. Page 13. July 2008.

7 Point 5. Human Development. www.cg.gov.dz/dossiers.htm. June, 13 2007.

8 Definition of poverty in the MDGs.

9 National Human Development Report. CNES. 2007.

10 GDP / PPP estimated per capita in 2006 at \$ 7416.2. National Human Development Report. CNES. 2007.

11 Activity, employment and unemployment in the 4th trimester 2007. Newsletter n° 489. Page 3. ONS.

- Meetings and interviews with officials from the institutions providing the microcredit facility in Algeria:
 - from the MDCFCF: Ms. Farida Belahcene and Ms. Ouahida Boureghda, Minister's advisors
 - from ANGEM: Mr. Fewzi Benachenhou, director general, Mr. Mohamed Hadi Aouidjia, director of finance and accounting and Mr. Farid Haouari, general counsel.
- Preparation of an analytical description on the effectiveness of the microcredit facility in empowering Algerian women economically and improving their employment opportunities.

Progress achieved in Algeria on gender and women's empowerment

17. Algerian women have made significant advances as a result of major legislative and institutional reforms and strategies for their advancement and empowerment put in place with the absolute support of His Excellency Mr. Abdelaziz Bouteflika. The President has consistently affirmed the need to reinforce the concept of equality between citizens, in order to make Algeria a model country for the rule of law.

18. Strengthening the role of women in Algeria is one of the priorities of the national authorities in the fields of education, health and political and economic participation of women.

19. Algeria has ratified all the conventions on the protection of human rights, including: (i) the 1979 Convention on the Elimination of All Forms of Discrimination against Women (ii) various conventions on the elimination of discrimination in employment, and (iii) the Treaty on the Political Rights of Women, ratified by the General Assembly in its resolution No. 640 (7) of 20 December 1952 and ratified by the Algerian Council of Ministers on 8 March 2004.

20. The Constitution, the basic law of the nation, states unambiguously the principle of equality between citizens and guarantees them equal rights in all areas, as evidenced by the following articles:

- Art. 29 - All citizens are equal before the law and discrimination on grounds of birth, race, sex, opinion or any other condition or personal or social circumstance is prohibited.
- Art. 31 - Institutions should ensure equal rights for all citizens by removing obstacles to the development of the human person and the effective participation of all in political, economic, social and cultural activities.
- Art. 51 - Equal access to functions and jobs within the State is guaranteed to all citizens, without any conditions other than those laid down by law.
- Art. 52 - Private property is guaranteed. The right of inheritance is guaranteed. The property of "Wakf" and those of beneficiary associations are recognized and their use is protected by law.
- Art. 53 - The right to education is guaranteed. Education is free under the conditions laid down by law. Basic education is compulsory. The State organizes the educational system. The State ensures equal access to education and vocational training.

21. In line with the Constitution, chapter IV of the Government's programme states that: "Public policies towards women and women's position in society help in the national development effort and strengthen social cohesion. They also help with child protection, disease prevention and the fight against social marginalization, and mobilize the support of women in economic and social affairs. Finally, the Government will continue to promote the status of women, whether in public employment or in access to decision-making positions or participation in economic investment. "

The country's will to advance the cause of women was shaped in the early 1990s, with the creation of the Ministry for the Family and Status of Women (MDCFCF)¹, which is responsible for the convergence of the different ministerial approaches to form a "national family policy" involving representatives of civil society and NGOs.

Besides the MDCFCF, other Government departments are directly involved in the advancement of women in their jurisdictions particularly the Ministries of Health; Justice; Interior; Education; Agriculture and Rural Development; Employment and National Solidarity; Labour and Social Security; and Education and Vocational Training.

In pursuance of the Government's programme adopted in May 2004, the main actions of MDCFCF are:

- To define a national policy for family and women.
- To establish mechanisms for consultation and coordination for the implementation of a national policy towards the family, women and children.
- To support national development and the strengthening of national cohesion through actions directed towards the family and women.
- To strengthen and enhance the activities and the potential of women, especially in economic and social development.
- To consolidate the instruments of research, studies, surveys, database ... in terms of women and family promotion.
- To develop a communication plan in the area of family, women and child protection and promotion.

22. In social terms, the implementation of Government policies has created a favourable context for the advancement of women. Algerian society is emerging from one of the most difficult phases of its history, which has seen a regression of women and some dislocations in the family structure.

23. Significant progress in the situation of women in society has been observed since the enactment of various ordinances, such as: (i) the Family Code, where equity measures have been introduced to reduce the gap in human rights between men and women in the family, (ii) the Algerian Nationality Code, which allows a mother to transmit Algerian nationality to her descendants, (iii) the electoral law, which has given women the opportunity to express their political choices freely.

24. On the economic front, the Economic Recovery Plan 2000-2004 and the Plan of Support for Economic Growth have fostered local and human development.

25. Particular attention has been placed on improving living conditions, developing employment opportunities or entrepreneurship, and strengthening social protection. The country's financial situation remains favourable for business start-up initiatives, and in particular for women's initiatives.

26. The percentage of employed women has increased significantly over the last decade (compared to men). The number of employed women rose from 109,000 in 1966 to 1.41 million in 1998, with an average growth rate estimated at 59 per cent. The female employment rate also rose from 2 per cent in 1966 to nearly 15.7 per cent in 2007¹².

27. Nevertheless, the number of working women remains low. The pressure exerted by general demand across the country, especially over the last five years, led the authorities to encourage private initiatives developed by the Ministry of the National Solidarity to enable women to access several programmes, including:

- **Local initiative employment (ESIL¹³)**, a mechanism which proposes to meet the needs of young people without significant training or qualifications, as well as those who are excluded from education, to establish temporary and seasonal jobs locally in different areas of the public sector. It represents the most effective outlet for the social and professional integration of young job seekers living in disadvantaged areas. Women's participation in this programme was 48.9 per cent in 2005.

12 ONS. Activité, emploi et chômage au 4ème trimestre 2007.

13 Ref: Emploi salariés: une initiative locale/salaried employment : a local initiative. This programme has been launched in 2006.

- **Microenterprise** is designed for young entrepreneurs aged 19 to 35 years (40 years for managers, if the project generates three direct jobs). It is implemented by the National Agency to Support Youth Employment (ANSEJ) and aims to promote and enhance the production of goods and services as well as the creation of direct and indirect jobs, with a limited investment of 10 million DZD. Two financial arrangements are available:

The State has funded several employment facilities that have mostly benefited more women than men.

- Nearly half of the recipients of local initiatives employment (ESIL) are women.
- Nearly 7,000 enterprises funded by the ANSEJ facilities have been initiated and carried out by women.

Nearly 65 per cent of the beneficiaries of microcredit are women.

Speech by Algeria 52nd session of the Commission on the Status of Women. New York. March 2008.

- Triangular, involving banks, the State and the promoter
- Mixed, involving the State and the promoter only.

28. The mechanism helps young people establish their own businesses through interest-free or reduced-rate bank loans and even financial aid. It should be emphasized that microenterprises created by women represented 17.5 per cent of all microenterprises in 2005.

- **Microcredit:** This programme was created in 1999 and represents a means of professional and social integration for the purpose of fighting unemployment and poverty by creating income-generating activities. Operational since October 2004 and managed by the National Agency for the Management of Microcredit, the programme is aimed at unemployed citizens of any age, especially housewives, having no income or unstable or irregular income. The proportion of women using this mechanism was estimated at 64.9 per cent in 2005.
- **The pre-employment contract** is designed for unemployed graduates of higher education, to allow them to acquire the professional experience required in the labour market. The number of applications has reached 147,968 persons over the past four years, with women representing 65 per cent of the total.
- **The unemployed aid:** The mechanism, established since March 2004 and managed by the National Unemployment Insurance Fund (CNAC), is intended for job seekers aged 35 to 50 years, and for workers who lose their jobs for economic reasons. This instrument supports those who want to create a microenterprise with an investment of up to 5 million DZD.

29. These programmes and mechanisms translate the clear political will of the Government to give men and women access to economic independence, which remains a vital element in promoting women's human rights.

30. It should be noted that the number of women involved in agricultural activity and possessing the *Fellah Card*¹⁴ reached 22,315 by December 2005. Women farmers who receive this title have several advantages, including access to specific sources of funding and loans granted by the State to farmers (women and men) without discrimination. As part of the implementation of development programmes, financial facilities have been granted to rural women active in the craft industry, with 18 small projects identified in 35 wilayas¹⁵.

31. However, despite great progress in girls' education and the growth of the educational level of women, their integration into the labour market remains low in relation to their potential and their real capabilities.

¹⁴ The recognition of a farmer in the Chamber of Agriculture.

¹⁵ Ref: National Strategy for gender equity and equality. MDFCF. July 2008.

As part of the overall promotion of women's rights and the principle of equality, Algerian women now occupy positions of Ministers of State, ambassadors, presidents of courts, professors at universities and various senior posts in central Government and several institutions, as prescribed in the Constitution and the laws of the Republic since 1963.

Algerian women have been participating in parliament since the inception of the first legislative body following independence. This fact has been consolidated with the different electoral laws that ensure equal and fair representation of women and men in elected assemblies, including organic law n° 17-91 of 1991, amending and supplementing law n° 89-13 of 1989, which replaces the system of election by proxy. Nevertheless, women remain underrepresented in the two chambers of the bicameral parliament.

At the highest positions of the State three (3) women were ministers in the last Government in 2004, four (4) were ambassadors (2), one (1) woman was also named Wali for the first time in 1999, followed by two (2) other Walis (governors), a Wali delegate, one (1) secretary-general of a ministry, four (4) heads of cabinet of ministries, three (3) general secretaries of wilayas, three (3) general inspectors of wilayas and eleven (11) chiefs of daïras. In addition, a woman also occupies the post of vice-governor of the Bank of Algeria and member of the council of money and credit, the highest financial authority of the country. The faculties of science and literature of the University of Science and Technology are all headed by women.

Table 1: Women in parliament

	2002- 2007		2007-2012	
	Total	Women	Total	Women
National Assembly (Parliament)	389	27 6.94 per cent	389	30 7.75 per cent
Council of the Nation (Senate)	144	4 2.78 per cent	144	4 2.78 per cent

Microcredit in Algeria

1. Promoting women's access to employment: the microcredit facility

32. Women are a significant entrepreneurial force that contributes greatly to local, national and global economies. Women produce and consume, manage businesses and households, earn income, hire labour, borrow and save, and provide a range of services for businesses and workers. They represent an increasing proportion of the world's wage earners and their activity rates are rising. In Africa, Asia and Latin America, they represent over one third of the officially enumerated workforce (WISTAT, 2000).

“Microfinance has proven its value in many countries as a weapon against poverty and hunger. It really can change peoples' lives for the better -- especially the lives of those who need it most.”

Kofi Annan, United Nations Secretary-General. 2005.

33. Unemployment in Algeria, for about twenty years now, has affected mostly young people.

2. ANGEM, its missions and organization

34. Following recommendations made at an international seminar held in December 2002¹⁶ on “the experience of microcredit in Algeria” which brought together a large number of experts of microfinance, the National Agency for the Management of Microcredit (ANGEM) was officially created by Executive Decree No. 04-14 of 22 January 2004.

¹⁶ Organized by the Ministry of the National Solidarity.

35. The main objectives of ANGEM are¹⁷:

- To combat unemployment and job insecurity in urban and rural areas by promoting self-employment, home work and crafts, especially among the female population.
- To stabilize rural populations by creating income-generating activities.
- To develop entrepreneurship in order to foster the social integration and individual development of people.

36. Under the supervision of the Ministry of the National Solidarity, Family and the National Community Abroad, ANGEM represents one of the instruments for implementing the Government's policy to combat unemployment and job insecurity. Its main tasks are to:

- Manage the system of microcredit in accordance with the laws and regulations.
- Support, advise and assist the beneficiaries of microcredit in the implementation of their activities.
- Notify beneficiaries of the various supports granted.
- Monitor the activities of beneficiaries, ensuring compliance with the terms and specifications binding them to the agency.
- Support the beneficiaries of microcredit on behalf of institutions and organizations involved in the implementation of their projects.

37. Thus, to achieve its missions, ANGEM adopted a template based on a decentralized organization and the establishment of 49 representative committees per wilaya (including two for the capital Algiers) and a coordinator for each daïra. This distribution is adequate for outreach work and for reducing the time needed to take quick and appropriate decisions.

38. The Microcredit Mutual Guarantee Fund (FGMMC¹⁸), created by Executive Decrees N°04-16 and 05-02 in 22/01/2004 and 01/01/2005 respectively, is represented in each committee by a counsellor. The FGMMC guarantees up to 85 per cent promoters' bank loans (whose estimated project costs range from DZD 100,000 to DZD 400,000).

39. The regional branches provide a functional link between the headquarters of ANGEM and the local branches (local representative committee). It is a streamlined structure covering an average of five local representative committees that coordinate and monitor its activities. Ten regional branches constitute a network covering all the wilayas of the country.

(a) Definition of microcredit by ANGEM

40. ANGEM defines microcredit as per the decree of January 2004.

1. Microcredit is a loan for projects. The amounts granted are as follows:
 - 30,000 DZD for the purchasing of raw materials for start-up
 - 50,000 to 400,000 DZD for the purchase of small and other materials for start-up.
2. The term of repayment can range from one to five years.
3. It is aimed at *housewives* and all citizens who have no income or who have irregular or unstable income.
4. It is aimed at the economic and social integration of people through the production of goods and services.

¹⁷ The letter of the Agency. N°1. ANGEM.

¹⁸ Fonds de Garantie Mutuelle des Micro Crédits.

(b) Conditions of eligibility for microcredit

41. The conditions of eligibility are as follows, without gender discrimination:

- Be aged 18 and over.
- Be without income or with low income or irregular or unstable income.
- Have a fixed residence.
- Have a diploma or a recognized equivalent education level, or have proven expertise in the planned activity.
- Not have received another creation activity aid.
- Mobilize, depending on the type of financing, personal contributions as following:
 - 3 to 5 per cent of the total cost of the activity, as appropriate, for the acquisition of small equipment
 - 10 per cent of the total costs, which cannot exceed 30,000 DZD, for the purchase of raw materials for processing.
- Contribute to FGMMC if the developer seeks a bank loan.
- Commit to repay the loan and interest to the bank according to a planned schedule.
- Commit to reimburse ANGEM the amount of the free loan (PNR) according to a planned schedule.

(c) Support and benefits granted to recipients of microcredit

42. ANGEM offers many benefits and support to beneficiaries of microcredit. These include:

- Advice, technical assistance and support for promoters. Credit granted at a reduced interest rate (10 to 20 per cent of the rate charged by banks and financial institutions); the difference with the commercial interest rate is supported by the public treasury.
- A free loan (PNR) equivalent to 25 per cent of the overall cost of the project can be granted if the amount of the project is between 100,000 and 400,000 DZD. This rate may be increased to 27 per cent of the cost of the project:
 - If the promoter has a degree or an equivalent recognized level of education
 - If the activity is located in a specific area in the south or the high plateaus.

43. For the purchase of raw materials, the PNR represents 90 per cent of the overall project cost, which cannot exceed 30,000 DZD.

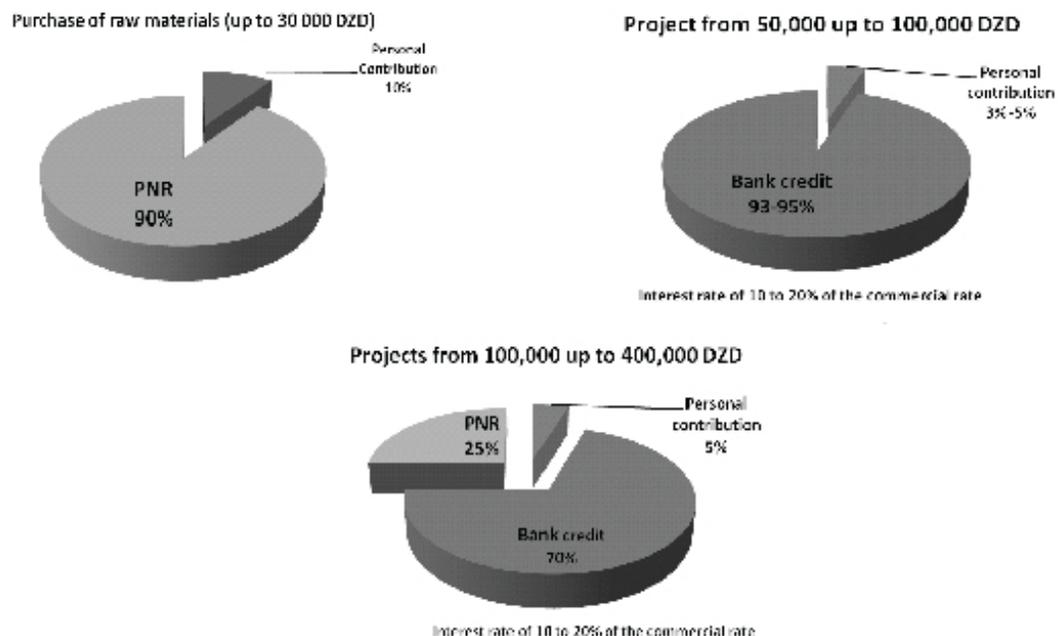
(d) Types of financing

44. ANGEM manages three types of financing, from small survival loans (PNR funded by ANGEM with a maximum limit of 30,000 DZD/\$489), to



larger loans (from 50,000 DZD/\$814 up to 400,000 DZD/\$6,512) which require a financial package from a bank.

Chart 2: Projects



Source: *ANGEM and its programmes*. ANGEM. June 2008.

Table 2: Conditions regarding the promoter's profile

Project size	Promoter's profile	Personal contribution (%)	Bank credit (%)	PNR %	Interest rates (%)
50,000 up to 100,000 DZ	Graduated or located in a specific area	3	97	-	10* in specific area
	Other profiles	5	95	-	20* in other areas
100,000 up to 400,000 DZD	Graduated or located in a specific area	3	70	27	10* in specific area
	Other profiles	5	70	25	20* in other areas
30,000 DZD	All the profiles for raw material purchasing	10	-	90	-

Source: *ANGEM and its programmes*. ANGEM. June 2008.

*: Interest rates charged to the beneficiary (10 or 20 per cent of the bank rate).

3. Impacts of microcredit

(a) The State, the lead supporter of microcredit

45. The experience of microcredit in Algeria is relatively recent, dating only from the early 2000s. Microcredit in Algeria is unique in that it enjoys broad support from the State, not only through the legislative and regulatory framework, but also through the mobilization of substantial funding and guarantees for microcredit.

46. It is primarily aimed at providing loans ranging from DZD 50,000 to DZD 400,000 to women homemakers, in place of the Social Development Agency (ADS). ANGEM has been disbursing its microloans of up to DZD 30,000 directly since April 2005. In view of the long repayment terms, there are still no meaningful statistics about the repayment rate. ANGEM has signed agreements with a few Government banks for disbursing larger amounts, but the first disbursements have yet to be made.

47. On the institutional front, there were plans to decentralize ANGEM within the next two to three years to set up a network of local cooperative bodies linked to ANGEM by partnership agreements covering refinancing and subsidies. This move would strengthen Algeria's civil society.

48. The two institutions established in 2004 — ANGEM and FGMMC — are not only reinforcing capacity-building of their own teams, but also are stimulating NGOs to become more involved in meeting the needs of their communities. Indeed, the State is fully involved in the microcredit process in Algeria. However, ANGEM has signed agreements with many representatives of associations to inform men and women about the process. Agreements have been established with representatives of civil society organizations that implement specific programmes, such as the social reintegration of prisoners, the fight against stigmatization of people living with HIV/AIDS, students, women in difficulty, and the disabled.

49. The microcredit system in Algeria is also unique because of the existence of the PNR¹⁹, the interest rate subsidy and training services, which are all provided by ANGEM. In April 2007, 14 permanent facilitators were trained as trainers for managers of *very small enterprises* (nearly half of whom are women). These are people who would be called upon by ANGEM, CNAC and CNAM to lead training sessions for prospective developers of projects in the various regions.

50. The first national employment exhibition organized by ANGEM was held in January 2007 with the following main objectives:

- To allow beneficiaries of various types loans to present their products or services to the public.
- To provide for promoters a forum for exchanging and sharing information and experiences.
- To popularize microcredit and collect points of view from the public.

51. ANGEM requested the private sector to contribute financially to the exhibition. Women seemed to be heavily represented, although data desegregated by sex are not yet available. The presence of several ministers at the closing session of the exhibition demonstrated the Governments' interest in such an initiative. A second exhibition is scheduled for 2008.

(b) Some results in 2008 (up to June 2008)

Table 3: Demand

Overall cumulative demand	Demand distribution by gender		Distribution by activity sector				
	Women	Men	Agriculture	Industry	Buildings and public works	Services	Craft
137 793	56.791	81.002	29.715	10.462	5.337	35.755	43.829
Percentage	41	59	22	8	4	26	32

Source: *ANGEM and its programmes*. ANGEM. June 2008.

19 Free loan

52. It should be noted that women are familiar with the mechanism and represent a fair amount of overall demand.

Granted loans

53. Over 63 per cent of loans granted by ANGEM are dedicated to women²⁰. It has been difficult to collect data from ANGEM on the distribution of activities funded by gender (especially to make a comparison with men and to obtain a profile of female demand). The data obtained were global in nature, without gender disaggregation. The same situation is observed for the reimbursement of bank loans.

54. However, ANGEM noted that women repayed their loans better and got into debt less than men.

Table 4: Granted loans

Funding programme	Loans	
	Number	Amount (DZD)
Joint funding ANGEM-promoter (1)	51.539	1 379 257 103.91
Triangular funding ANGEM-bank-promoter (2)	3.169	290 633 128.31

Source: *ANGEM and its programmes*. ANGEM. June 2008.

Table 5: Distribution of granted loans by gender and activity sectors

Activity sectors	Women	Percentage of Women	Men	Percentage of men	Total	Percentage of activities
Agriculture	6.666	48.67	7.031	51.33	13.697	20.59
Small industry	16.061	64.08	9.002	35.92	25.063	37.68
Building and public works	89	3.20	2.696	96.80	2.785	4.19
Services	6.167	53.52	5.355	46.48	11.522	17.32
Craft	12.777	95.04	667	4.96	13.444	20.21
Total	41.760	62.79	24.751	37.21	66.511	100.00

Source: *ANGEM and its programmes*. ANGEM. September 2008.

Table 6: Loans from banks

Loans granted by banks	Distribution by bank (all are public banks)				
	BNA	BDL	BEA	CPA	BADR
1 929	715	721	166	270	57
Percentage	37	37	9	14	3

Source: *ANGEM and its programmes*. ANGEM. June 2008.

(c) Results through gender analysis

55. However, even as women enter markets and engage in production, they may face different constraints and opportunities than men. Social and cultural prescriptions assign productive and reproductive roles to men and women that can limit their access to markets and restrict their occupational and sectoral mobility.

56. This is particularly true in Algeria, where the gender division of labour within the household underpins fundamental differences in the rights and responsibilities of men and women. In the rural areas, for example, women are responsible for household provisioning: food crop production; gathering fuel and hauling water; and caring for children and the elderly. In return, men are expected to meet certain cash requirements of the household. This division of labour affects women's ability to participate in paid employment, to access education and training, and influences their choice of productive activities.

²⁰ Microcredit situation at June 2008. ANGEM. June 2008.

57. Clearly, women workers and entrepreneurs are not an undifferentiated mass. Age, literacy, education, rural or urban location, language, health and physical well-being also influence market access. Additionally, mobility constraints that limit women's ability to travel can restrict their access to financial institutions that are not in their community or neighborhood.

58. In Algeria, it is not easy to assess the access of women to microcredit facilities and a fortiori their control over this resource. A major constraint is that data related to the beneficiaries of microcredit are not disaggregated by gender. Except for some available results, it is not possible to access reliable information on:

- The number (or percentage) of women and men who actually have access to banks
- The type of loans by gender
- The amounts granted to women and men (by banks)
- The repayment rate of women and men
- The fields of activities carried out through the microcredit facility by women and men
- The sustainability of operations undertaken by women and men.

59. ANGEM is aware of the need to set up an information system based on data disaggregated by gender and regularly updated. A new management information system is under way, which should satisfy this need.

Conclusion

60. The Algerian State is aware that microfinance is a powerful tool in the fight against poverty and that it is one way of setting up financial systems accessible to the poor through the establishment of accessible and permanent local financial institutions. However, the State also considers that its current involvement is necessary to initiate what is a relatively recent process in the country, striving to ensure the availability and accessibility of microcredit mechanisms.

61. Women are actively sought as potential recipients of microcredit, first because they are targeted by a variety of policies, and second because their work often guarantees an improved livelihood for their households.

62. Even though women make up only 41 per cent of the demand for microcredit from ANGEM, they represent the largest proportion of the beneficiaries (63 per cent). This demonstrates, once again, the particular interest and support of the Government in the work of women.

63. Although the microcredit mechanism has been in place in Algeria for less than a decade, women have appropriated it and have been able to advocate for their projects to banks and at trade shows. As genuine entrepreneurs, they are exploring and conquering markets, and participating in the development efforts of the whole country.

Annex 1

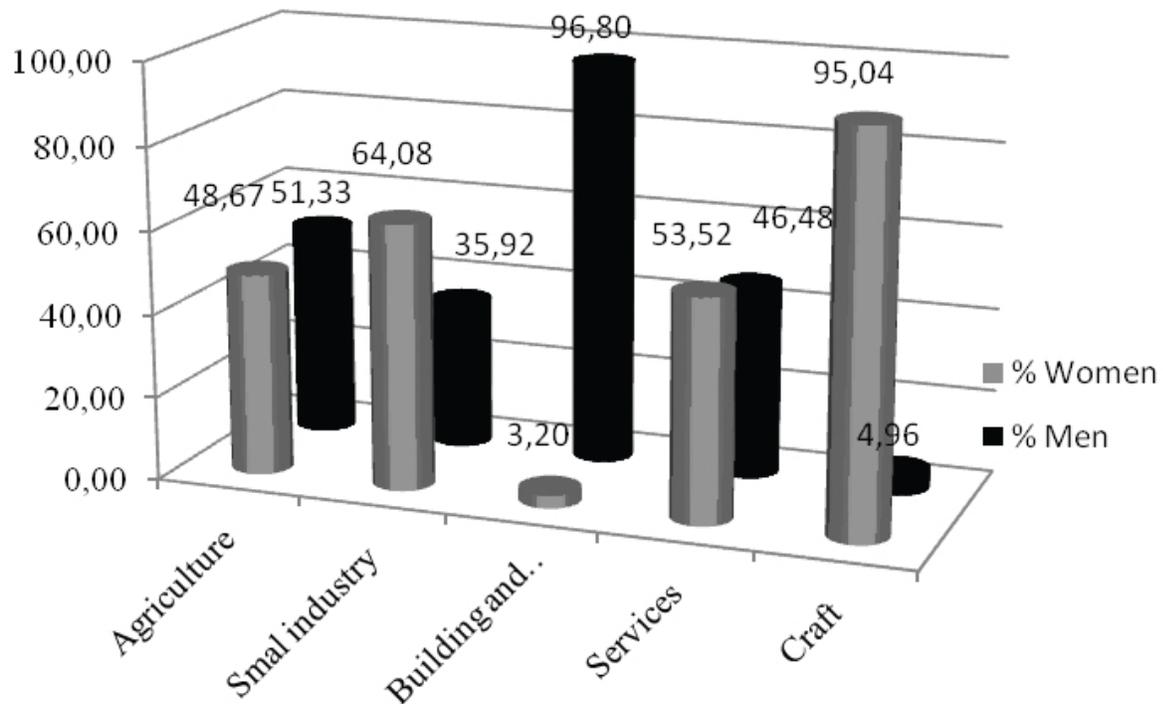
Table 7: Main activities funded by microcredit

Sector activities	Types of activities
Small industry	Food industry Manufacturing pasta, couscous, traditional bread Pastry and traditional cakes Chocolate and confectionery, ice manufacturing Roasting and milling of coffee Packaging of anchovy Preparation of peanuts (roasting and packaging) Garment industry Ready-to-wear clothing Clothing manufacturing, tailoring Hosiery and knitwear Manufacture of home apparel, bed linen, kitchen furniture... Working leather Manufacture of shoes and leather clothing Working wood Production of furniture and wooden items Basketry Working metals Manufacture of locks, hinges, hardware
Agriculture	Agriculture Livestock Feeder cattle Feeder sheep and goats (production of meat and milk) Poultry (production of chicken, turkey and eggs) Rabbits Beekeeping: production and packaging of honey, beeswax and pollen Land work Seed production Production of fruits and vegetables (including drying and packaging) Nursery flowers and ornamental plants
Craft	Traditional weaving and tapestry Manufacture of traditional clothing (djelleba, bathrobe..) Traditional embroidery (medjboud, fetla...) Painting on silk, velvet and glass Manufacture of accessories and traditional jewelry Manufacture of decoration and garnishing Pottery, glass, woodcarving
Service	Computer services, multiple services Hair and beauty Fast food Repair: auto mechanics, decoration, miscellaneous equipment, etc.
Building and public works	Masonry work Electricity, painting, plumbing, carpentry Production of small construction materials: bricks, decorative plaster, plaques

Source: *ANGEM and its programmes*. ANGEM. June 2008.

Annex 2

Status of PNR by September 2008



Source: *ANGEM and its programmes*. ANGEM. June 2008.

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Scoping study on gender integration and
mainstreaming in humanitarian operations and
post conflict reconstruction: perspectives from the
Democratic Republic of Congo

Acronyms

ASEF	Association De Sante Familial
DRC	Democratic Republic Of Congo
DSRP	Document de La Strategie de Croissance et de Reduction de La Pauvrete
FARDC	Forces Armees de La Republique Democratique Du Congo
FDLR	Forces Democratique pour La Liberation du Rwanda
HIV/ AIDS	Human Immunodeficiency Virus/Acquired Immuno deficiency Syndromme
MDG	Millennium Development Goal
NGO	Non Governmental Organization
OCHA	Office for Coordination of Humanitarian Affairs
PNMLS	Programme Multisectoriel de Lutte Contre Le Vih/ Sida
PRSD	Poverty Reduction and Growth Strategies Document
UN	United Nations
UNDP	United Nations Development Programme
UNIFEM	Fond de Developpement des Nations Unies pour La Femme
UNOCHA	United Nations Office for Coordination of Humanitarian Affairs
UNICEF	Fonds des Nations Unies pour l'Enfance

1. Introduction

1.1 Background

1. The present report presents detailed findings of a scoping analysis on critical issues related to gender mainstreaming in complex humanitarian situations and in post-conflict reconstruction. It gives an overview of the general context in the Democratic Republic of Congo (DRC), the vicious cycles of violence that the country has experienced over the past decade and the gender implications in terms of governance and institutional set-up.
2. Against the background of international agreements and mechanisms related to women's empowerment and gender equality, the report provides insights into the achievements made by DRC in these areas and identifies the gaps and limitations in policies and institutional mechanisms that advance gender equality and women's empowerment in humanitarian situations.
3. Since the First United Nations World Conference on Women held in Mexico in 1975 through the subsequent gatherings organized around the world, there has been improvement in the approach to gender issues and women's empowerment. Many international legal instruments and standards have highlighted the need for gender equality and women's participation in policy design, strategy and implementation of development options. Among the achievements are establishment of legal mechanisms to promote the social and economic rights of women, measures to eliminate violence against women and reinforce that violence against women in armed conflict is an international human and humanitarian rights violation, and an enabling environment in terms of education, health and nutrition, that takes the development challenges faced by women on a daily basis into consideration.
4. At the international level, much has been done on the issue of gender equality but the derived benefits at the national level are still to be enjoyed in the different regions of the world. The case of DRC is important as the country has experienced one of the most tragic humanitarian crises.
5. There are a variety of international norms and standards that lay the foundation for gender equality in all areas of humanitarian action. International humanitarian and human rights laws and laws governing treatment of refugees share common goals in that they aim to prevent and relieve suffering and protect the rights and freedoms of women, girls, men and boys. As such, they complement and reinforce each other, thus providing a comprehensive framework for the protection of the equal rights of human beings. Many humanitarian reports have pointed out the evident gaps in the promotion of gender equality by various actors.
6. The Fourth World Conference on Women held in 1995 in Beijing adopted gender integration as the means of institutionalizing a gender-specific perspective in government, donor assistance, United Nations policies and programmes as well as in the plans of action of non-governmental organizations (NGOs) and civil society.
7. Ten years after the Beijing Conference, it is still believed that gender integration is essential to achievement of the Beijing Platform of Action and moreover, to the United Nations established Millennium Development Goals (MDGs) adopted by member States in 2000. The March 2005 Beijing + 10 Conference acknowledged progress but highlighted the need for further efforts so that gender integration is thoroughly understood, institutionalized and applied. Despite a variety of engagements and good-intention rhetoric, gender-based discrimination and violence are still prevalent in Africa, particularly in conflict and post-conflict situation of DRC. Women are still considered inferior to men by their families and communities despite their key role in economic development, household production, reproduction, and community development activities in their countries.

8. Though they contribute a great deal to both family welfare and economic activity, their access to means of production is limited quantitatively as well as qualitatively in comparison to that of their male counterparts and to that of other women in many parts of developed and developing world. They are very under-represented at decision-making levels and gender-based discrimination has been deeply rooted in social, economic, cultural and political settings. Yet, the reality is that DRC needs the fullest participation of all the people if it is to meet national development goals. Women's participation is key to any effective and sustainable response to the development challenges facing the country. Furthermore, DRC needs to comply with international norms and standards. This is true whether the focus is poverty reduction or peace and reconstruction or democracy promotion. In other words, nations are unable to reduce and eliminate poverty and set up durable development unless they deliberately decide to overcome sex-based inequalities.

9. Taking all this into account this, including various actions for increasing women's representation at regional and national levels, it is clear that the results remain too low and that positive changes and benefits achieved are not being transmitted into major changes in people's everyday lives. African women, especially the rural and handicapped, still face more serious problems. Their low access to productive resources such as land, water, energy, credits, communication means, education, training, health, and decent salary employment has exacerbated precarious living conditions of African women over the past ten years. The cumulative effects of HIV/ AIDS, tuberculosis, malaria, food shortage, low economical productivity, low level of education and the increasing sexual violence are among the serious problems making African women and girls more vulnerable.

10. These appalling results are also due to obstacles faced by public authorities and development organizations and actors, in their attempts to apply a gender-specific approach in their policies and programmes. Among other drawbacks frequently mentioned by stakeholders are the gaps between political will and actual implementation, lack of a clear mechanism for assigning follow-up responsibilities and exclusion of gender perspective and gender analysis in considering budget and planning issues. There is also the problem of limited capacity for achieving gender balance. This results in limited integration of gender in the ongoing technical programmes. In an attempt to change the current trend and reduce the above mentioned obstacles, ECA /ACGS is engaged in producing a compilation of "optimum best practices".

1.2 Methodology

11. In the aim of setting up a collection of best practices with maximum impact in gender mainstreaming in humanitarian assistance in the DRC case and to avail information and strategy in humanitarian assistance and post-conflict reconstruction, information was gathered through documentary review and analyses of reports from national Ministries, international humanitarian organizations, key informants, and government officials.

12. Among the major documents consulted are:

- OCHA 2008 humanitarian action plan for DRC
- The poverty reduction and growth strategy document
- The 2007-2008 government priority action plans.

13. Interviews and discussions with government representatives, donors and humanitarian agencies, representatives of CSOs, representatives of the women's machinery, and individual resource persons.

14. Constraints due to the time deadline, the unavailability of archives and data related to gender and humanitarian assistance, serious communication problems with some partners and restricted access to the information or documents of some organizations.

2. DRC country profile, socio-political changes and humanitarian context

15. The Democratic Republic of Congo is a country of 2,345,410 square kms, with an exceptionally vast endowment of natural and economic resources. The population is estimated at 60 million inhabitants of whom approximately 52 per cent are women and young girls. DRC is potentially one of the richest countries in Africa, with immense mineral resources, timber (75 per cent of the country is forested) and extensive energy resources in the form of hydroelectric power. It is instead one of the poorest in Africa and was ranked 167 out of 175 countries in the world in terms of human development. Real Gross Domestic Production per capita fell from \$US380 in 1960 to \$115 by 2004. The DRC economy is dominated by the mining sector – copper, cobalt and diamonds. However, decades of mismanagement, corruption and smuggling, together with the war and tense political situation caused a virtual economic collapse that has resulted in shortage of development capital and stifling of the mining and other sectors (Human Development Report 2005, UNDP). Data presented in *table 1* indicate that DRC is still in a state of poverty.

Table 1: Socio-economic development indicators for DRC

Socioeconomic indicators	Rate for DRC	Observation
Total surface area	2,345,410 Km ²	
Total population	60 000 000	
Gross domestic product	96 \$US	
Per capita daily income	0. 25 \$US	Below poverty line <1\$US
Annual demographic growth rate	3.2 %	
Life expectancy	42.5 %	
Child mortality	24.9	
Access to potable water	13%	
Access to electricity	12%	
HIV/AIDS infection	3.2 %	
Adult literacy	61.7%	
Primary education enrolment	41.1%	Early childhood education

16. In January 2001, the Government announced a comprehensive change in economic policy, freeing up the currency, lifting foreign exchange restrictions and ending the monopoly on diamond export sales. Nevertheless, progress in reversing decades of decline is slow. Over the past decade, DRC has been shaken by unprecedented and horrific armed conflicts that left it in the grip of one of the most complex humanitarian crises in the world. The country was torn apart by fighting factions until a peace agreement was reached in 2003 and the transition period put an end to what could be considered as the first African World War. The stigma of violence still persists and the effects of war still prevalent more than four years later, resulting in extremely weak institutions and rampant corruption in the state machinery.

17. Preventable disease, malnutrition, and endless local isolated conflicts still cause distress to many people living in extremely vulnerable conditions, mostly women and children. The elections held in 2006 was the first one held since the independence era. Establishment of the new government in 2007 has been a step forward in the democratization process and in restoration of peace to the country. The holding of elections in DRC was a milestone in the peace process but much still remains to be done to consolidate the gains. The many expectations raised by these achievements by the large majority of the Congolese people are yet to be met.

18. Although women represent more than 52 per cent of the total population, disparities over their participation were recorded during the electoral process and they could only get a few seats as members of parliament as detailed in table 2.

Table 2: Women's participation in the electoral process in DRC

Electoral process	Referendum		Presidential		Parliament	
Participation rate of listed voters	52 % Women	48 % men	52 % Women	48 % men	52 % Women	48 % men
Voting poll results			0 woman	1	42 woman	458 men
Rate of results			0 %		8 %	92 %

19. The 2006 election brought hope and political and military achievements as the nation started to get reunified and security improved in some vast areas such as the Ituri and North Katanga regions. Nevertheless, the Government still faces tremendous challenges to consolidate its legitimacy. Militia and armed groups are still active in the eastern provinces of Kivu and the opposition has made accusations of power abuse by government officials. Other political tensions felt are related to the constitutional arrangements whereby decentralization, more specifically, the redistribution of revenues between the central government and provincial administration, is still being debated. Diplomatic tensions led to discussions on borders limits between Angola, DRC and Uganda. Although security problems persist across the country, the local elections scheduled for 2009 could solve issues of local land and resources control. The overall situation remains fragile and the expectations raised by the elections and political changes are fading away.

20. Among many unsolved problems, the humanitarian community is much concerned by the presence of various armed groups preying on the civilian population all over the country. The persistent insecurity is related to abuses by armed groups, both militia and ill-disciplined members of the national army, FARDC, which is not yet thoroughly organized. This hampers the Government in its efforts to fulfil its mandate and meet the needs of the Congolese people. The behaviour of some members of armed and security forces is the major factor behind the criminality and human rights violations and the need for protection and humanitarian assistance.

21. Both Kivu eastern provinces have been plunged into a continuously worsening crisis. The complexity of this situation is due to the activities of various local militias, armed Mai Mai groups reluctant to adhere to the integration process of the national army (called mixing), the presence of FDLR who control vast areas and refuse to disarm and return to Rwanda and the Congolese armed forces (FARDC) who unsuccessfully try to control these areas. Kivu provinces have the largest number of internal displaced people (IDPs) in DRC; North Kivu has 60 per cent of the displaced. The Government's efforts to set up security in these eastern areas have been ineffective so far. Many negotiations have been attempted with the armed groups and these are still ongoing.

22. In most cases, the Government resorts to military solutions and it must be noted that military operations against the armed groups that refuse to be disarmed, repatriated or integrated into the national army still continues. Even though the need for liberating DRC from the illegal armed groups is recognized, the military operations have a highly negative impact on the civilian population living in the affected areas.

23. Table 3 gives the vulnerability trends and seriocomic aspects that demonstrate that women are more affected.

Table 3: Vulnerability trends and socioeconomic aspects in DRC

Vulnerability trends and socioeconomic aspects	DRC rates	Observation
Total population	60 000 000	52% women and girls
War death toll	4 700 000	
Cholera	20 000	
Malaria	110 000 00	45 % infant mortality of children < 7 years
Measles	80 %	
Poliomyelitis	30 new cases	
Malnutrition	16% Children < 5 years	60% total population
Acute chronic malnutrition	38% children < 5 years	
Meningitis	3500 diagnosed cases	
Maternal mortality	36000 deaths/year	1289 women die/100 000 births
Infant mortality	205 out of 1000	< 5 years children
Access to potable water in rural areas	29 %	46% in urban areas
Operational health centres	30 %	
Internally displaced people	1 600 000	
Congolese refugees	315 571	
Foreign refugees	182 000	
Sexual violence cases	17 624 5 (in 2007)	About 48 cases/day
Early pregnancy and delivery	20% of girls	Age between 15-19 years
Average deliveries without assistance	65-85 %	
Average children per woman	7.1	Sexuality is controlled by men
Girls' access to primary education	48.6 %	
Women heads of household	13.81%	
Women without income or paid employment	44 %	
Women deriving livelihoods from agriculture	70 %	
Women engaged in informal economy	50%	
HIV/AIDS prevention-informed women	1.8 %	
Women having unprotected sex	57 %	
Women having sex with many partners	19 %	
Women infected by HIV/AIDS	10%	
Women members of parliament	42 (8% of 500)	

Source: Data from DSRP, UNDP/DRC 2006, (PNMLS, 2001). Report on Children and Women's Situation Analysis in the Democratic Republic of Congo (ASEF), Nzita Kikhela, UNICEF 2003.

24. The vulnerability trends observed in *table 3* indicate clearly the humanitarian consequences and survival challenges faced by the Congolese people, especially vulnerable women. Thus, the many factors causing and exacerbating the deteriorating humanitarian situation in DRC include the acutely violent crisis brought about by the conflict between local armed groups, the state of general insecurity, as well as natural catastrophes and epidemics. To this has to be added chronic structural problems such as lack of income (44 per cent of women and 22 per cent of men have no income), illiteracy, lack of access to technology, and very low economic production related to the destruction of state services, very limited basic infrastructure and low public funding for social services to the majority of the population.

25. Another important factor often overlooked is the remoteness of the isolated areas, making them difficult for humanitarian actors to reach. It is estimated that only 20 per cent of the national territory is covered by usable road networks.

26. Due to the economic decline, many productive sectors have dwindled and women have become the main providers of household livelihoods despite the fact that Congolese society is more patriarchally inclined with the resulting social inequalities. Even if women are regarded as guardians of moral and spiritual values and of family secrets, performers of funeral rites, and are responsible for reproduction and motherhood, their social status is still considered low. Participation rates are also low with only about 2 per cent in mines, 3 per cent in industry, 3 per cent in services and 8 per cent in entrepreneurial enterprise (Ministry of Gender and the Family, 2005).

27. Another important factor is that humanitarian actors focus on emergency and relief assistance in acute crises (mainly the ones caused by conflicts); yet, some corners of the country that are not affected by armed conflicts have the highest mortality and malnutrition rates because of structural limitations. This should not be ignored. In general, the people's survival and livelihood mechanisms are so exceptionally limited that almost the whole population of the DRC lives below the minimum international humanitarian standards. In 2007, the national authorities were relatively concerned about and responded to various emergencies (Congolese expelled out of Angola, a train accident in Kasai and the deadly ebola virus outbreak). Nonetheless, an integrated and systematic approach to improve community services and increase access is urgently needed.

28. Considering the need for all partners to join forces in promoting women's rights and implementing the recommendations of the Beijing Platform for Action (BPFA) and those of the Beijing + 5 and Beijing + 10 review meetings, the Ministry of Gender and Family has, since 2004, tried to bring all women's organizations together, at national and provincial levels, to consider the 12 critical areas of concern of the BPFA. It has also set up a better monitoring system through establishment of National and Provincial Women's Councils. In this vein, the private sector corporations are also involved in the empowerment of women, the advocacy for women's rights and in appointment of gender focal points in businesses.

29. In general, women's organizations are grouped into various mushrooming networks but which are often ephemeral and unable to achieve tangible results on the ground. Understanding and inclusion of the gender dimension as a strategic crosscutting issue occur mostly at the top levels of government, and in cooperation programmes with development partners, particularly United Nations Agencies. In most cases, however, the priorities noted are not necessarily in line with the emergency actions on the ground and are often different.

30. The present survey focuses on this national and international context in order to increase awareness, expand knowledge of the country and the constraints faced, gender sensitize the leaders and the public, and enhance advocacy for applying the integrated approach of gender equality in all national sectors and in delivery of humanitarian assistance.

3. Gender awareness in humanitarian assistance in the Democratic Republic of the Congo

31. This section describes the institutional set ups related to gender issues in the political spheres of DRC governance. Gender mainstreaming in humanitarian assistance has not been specifically addressed in legal mechanisms and there is lack of specific legislation and strategic policy related to this issue in the Democratic Republic of Congo.

32. The Poverty Reduction and Growth Strategies Document (PRSD) is the main reference and provides national orientation guidelines for any intervention in DRC. The Government's action plan has been defined in five major pillars or priority objectives, which is the implementation strategy of the PRSD. It includes:

- To promote good governance and strengthen peace;
- To reinforce macroeconomic stability and growth;
- To improve access to social services and reduce vulnerability;
- To fight HIV/AIDS;
- To promote community dynamics.

33. To implement PRSD options, the DRC Government, in consultation with its development partners, has decided to work out a priority actions programme in the first term, from July 2007 to December 2008.

34. None of the five pillars is specific on gender integration in humanitarian assistance. Humanitarian issues are considered in the overall vulnerability assessment. The present national institutional arrangement attempts to look into the issue of vulnerability as part of the initiative for reducing risks, improving living conditions, and promoting human rights, particularly those of women.

3.1 Current DRC institutional and legal framework for social protection and vulnerability risk reduction

35. Among the important existing legal instruments concerned with gender equality are:

- The public work regulation of 2003, has levitated the marital consent before access to jobs by married women. The National Constitution gazetted in February 2006 has two important provisions in articles 14 and 21 which recommend consideration of women concerns and gender equality issues. Another step is the adoption of the national electoral law by Parliament. This law promotes the principles of gender equality and equity in appointment and access to political decision-making positions. Thereafter, in June 2006, Parliament adopted the law on Criminalization of sexual violence against women which gives a legal framework for the crackdown of sexual abuses, repression of sexual violence during armed conflict. In his inauguration speech of 6 December 2006, the President expressed strongly his will to consider gender equality and equity in policies and government programmes.
- Apart of the legal mechanisms, this part highlights the institutional set ups dealing with social protection and vulnerability response from government structures. Two national ministries are concerned with these issues, namely the Ministry of Social, Humanitarian Affairs and National Solidarity and the Ministry of Gender, Family and Children.
- These institutions include many technical departments with focus on gender integration. The lack of an explicit national policy for people social protection in general and the vulnerable groups in particular makes a disastrous influence on people's social welfare. The inefficiency of present government structures has not allowed rapid achievements in terms of advocacy for empowerment of women and gender equality.

3.1.1 Ministry of Social Affairs, Humanitarian Actions and National Solidarity

36. Decree n° 80-211 of August 27, 1980 created the Ministry of Social Affairs and determined its organization, extension and social and charitable assistance operations in DRC. Many legal texts are concerned with social assistance but are not specific in the details of how to go about considering the issue of gender equality and women vulnerability. Decree no. 03/025 of 16 September, 2003 related to the functioning and organization of the transition in DRC determined the prerogatives and duties assigned to the Ministry of Social Affairs, Humanitarian Affairs and National Solidarity.

37. In general, there is lack of legislation texts concerned with social protection of vulnerable groups. The evident lack of implementation and enforcement of existing texts on the duties of the Social Affairs mandate led to conflicts with other departments concerned with social matters. On many occasions, responsibilities of the Ministry of Social Affairs were either merged with or separated from those of the Ministry of Health or that of Family Affairs and even with the Ministry concerned with Youth and Sports. This did not allow consolidation of the mandate assigned to Social Affairs, nor effective management of the resources availed to it, nor permit an enhanced role for the Ministry in the protection of vulnerable groups. Gender awareness is much more dealt with within two Ministries, namely, the Ministry of Social Affairs and the Ministry of Gender, Family Affairs and Children.

38. The Ministry of Social Affairs was institutionalized in the aftermath of the turbulent context of the independence period in 1960. Its mandate was to assist the victims of violent conflict and the vulnerable people. Although highly regarded until 1974, this Ministry was suppressed from the portfolio and its roles were respectively shared between “the Mama Mobutu Organization” and the Ministry of Youth, the Ministry of Agriculture, the Ministry of Public Works and the Ministry of Environment. In 1980, due to the President’s commitment to improving social conditions in the country, the Ministry of Social Affairs was reorganized and changed to the Ministry of Family and Social Affairs. Thereafter, Social Affairs was always attached to another portfolio such as the Ministry of public Health, the Ministry of Youth and Sport or the Ministry of Gender and Family, until June 2003.

39. Its mission has been to ensure equal opportunity to all Congolese people through just provision of assistance, social empowerment, rule of law and order, and socio-professional integration of individuals and marginalized groups. With this mandate, the Ministry was committed to:

- Giving wide social assistance to people in need;
- Improving access to basic social services by vulnerable groups; and
- Empowering vulnerable groups.

40. The Ministry has to achieve this through:

- Organization, administration and management of social centres such orphanages, and old people’s homes, socio-professional promotion, training for handicapped people;
- Social assistance to people in need;
- Orientation and integration of children in particularly dire conditions;
- Social reintegration after demobilization of youth combatants and other vulnerable groups; and
- Collaboration with other Ministries in poverty eradication project design and in community dynamics.

41. It is obvious that the mission, objectives and duties of the Ministry are mostly focused on assistance to vulnerable groups than with dealing with strategic policies.

3.1.2 Other ministerial involvement in social protection of vulnerable groups: Ministry of Gender, Family and Children

42. In relation to social protection, this Ministry has the responsibility:

- To ensure protection, empower women and promote family status;
- To study and enforce all measures aiming at elimination of discrimination against women in order to ensure equality of rights with those of men; and
- To improve women and children's status, in close collaboration with the Ministries of Human Rights, Education, Justice and Social Affairs

43. The Ministry of Gender, Family and Children is implementing and coordinating the activities of the "National Programme of Women's Empowerment and Promotion". It also has the management responsibility for the "National Council of Women". Quick shifts and changes in the responsibilities of the Ministry dealing with Gender and Humanitarian Assistance, the relative low involvement of other partners, the lack of implementation of the recommendations of humanitarian partners, and the lack of clear specific policies related to mainstreaming gender into humanitarian operations are among limitations and makes real quest on the existing institutions and laws.

3.2 Integration of gender equality in Humanitarian assistance in DRC

44. The persistence and consequences of long lasting acute crisis in DRC has led to the commitment of various humanitarian actors including UN agencies and international relief organisation, to help the country efforts in coping with vulnerability.

45. As in many situations, women and girls bear a brunt and are often more exposed to risks and vulnerability especially internally displaced women, street young girls, handicap women, women living with HIV/ AIDS, women victims of rape and girls who give birth before marriage (especially handicaps). Indeed it is necessary not only to care about specific needs of vulnerable women and girls but also to ensure equal consideration in resources sharing and access to basic social services as real partners of men in humanitarian situations. In fact Congolese women in general and the vulnerable in particular are discriminated in regard of resources access and social services provision. The analysis of the provision of equal opportunity and social protection in the Poverty reduction and Growth strategy Document (PRSD) reveals that the policies and action plans related to humanitarian intervention and implications to women have rather been considered in general context without attention to particular experience and concerns of women in terms of action design, implementation, monitoring and evaluation.

3.3 Gender consideration in the PRSD

46. A critical look on the five pillars priority objectives of the PRSD indicates that gender inequalities hampers the optimal productivity of women and their full participation and contribution to the country development and then to poverty and vulnerability risks reduction and achievements of the millennium development goals (MDG). As previously stated, employment and salaries, production sectors, access to basic social services and vulnerability risks reduction have been considered globally without being specific on concerns for women. With the decentralization process it is expected that more emphasize will be made on gender equality in the development plans and strategies at provincial levels.

3.3.1 Improving access to social services and reducing vulnerability

47. Access to basic social services, such as education and health care has a considerable impact on the improvement of people's livelihoods especially vulnerable women. Social welfare as related to the post conflict critical economy of DRC has deteriorated. Important sectors such as health services, education, access to safe

drinking water and a clean environment, with ineffective social protection requires strong energetic balanced measures for improvement. Basic social infrastructure rehabilitation and restoration of functioning social services for an ever growing population will be possible if supported by improved sectoral policies and good political will.

48. Efforts should be made for substantial improvement of people access to health care, quality education, clear water and risk free environment, especially women in difficult conditions such as the displaced ones, vulnerable groups namely victims of sexual violence.

3.3.2 Combating HIV/AIDS

49. The struggle against HIV/AIDS over the coming years will have to focus on the reduction of rapid epidemic spread, improvement of lives of people living with HIV/AIDS and mitigation of its overall impact on development. With the current rate of 4.5 per cent infected people in DRC, and 3.6 per cent aged between (14-19 years), these are critical figures more the accepted World Health Organization standard records of 1.6 per cent. Although current interventions concern all people, a particular attention is needed for the care of vulnerable groups at risk including women, youth, professional sex workers and internally displaced women who are most frequently vulnerable and have high-risk exposure to the disease. Much effort should be made to identify the risk factors that expose the vulnerable groups to sexually transmitted disease and HIV/AIDS infection. Holistic care consideration and mitigation could focus on people living with HIV/AIDS and affected people (widows, orphans, etc). To reduce the spread and ensure effective control of HIV/AIDS, particular attention should be put on “prevention”.

3.3.3 Governance

50. The poor levels of governance are obvious and comprise:

- The dysfunction of administration and public services;
- The lack of popular security, especially the vulnerable groups and their goods;
- Deficient justice; and
- Rampant corruption.

51. Participation in decision-making and politics, economic and social management structures is necessary so that every social category concerns can be well considered. However, women, especially those in serious vulnerable situations such as the displaced, and women living with HIV/AIDS are most frequently excluded.

52. Even if women are members of village or refugee camp standing committees, often, their influence is low and their responsibility less than that of men. Access to political decision spheres is difficult due to many obstacles for women in general and particularly for more vulnerable groups such as displaced women, those living with HIV/AIDS and the victims of sexual violence. It is important that in the DRC humanitarian context, the factors exacerbating the vulnerability of women and ineffective access and control of resources be tackled. Measures are urgently needed to reverse the trends in consideration of gender issues. Gender considerations have to be designed, introduced and integrated in all intervention phases.

3.4 Humanitarian partners commitment

53. DRC remains in the grip and is still exposed to the continuous, overwhelming and deadliest humanitarian crisis in the world, with an estimated 1.6 million displaced people. The increased violence and subsequent displacement of people and the extensive large-scale violation of human rights have increased the humanitarian needs. A access to vulnerable people remains difficult. The humanitarian community renewed its commitment and some donors have indicated their support to United Nations agencies and NGO relief operations. In 2007, 80 per cent of the newly displaced, accessible people had an emergency assistance of

food and non-food items (OCHA 2008). At least 163, 000 internally displaced people who returned have received similar assistance. Access to potable water has increased by 6 per cent in the eastern provinces and the number of epidemic victims has slightly decreased. About 31 per cent of health zones of the country have received relief assistance; 25 million people have been helped and 131 epidemic outbreaks were recorded. Some 700,000 displaced children who returned had assistance and school supplies in 2007 (OCHA 2008).

54. The priority for the humanitarian community is to tackle problem situations that the government cannot afford to solve. Minimum intervention scales derived from various indicators have been designed and put into an action plan, which will be used in all provinces to determine emergency and priority needs.

55. The emergency action plan defining the strategy of humanitarian intervention in 2008 is based on the following thresholds assumptions:

- Maternal mortality rate over 1 per cent and infant mortality rate over 2 per cent;
- Malnutrition rate is over 10 per cent of acute malnutrition;
- High frequency of violence against civilian people with particular attention to people in conflict areas, sexual violence victims and people exposed to dangerous mines, and unexploded bombs, and violence against children;
- Displacement and returns.

56. Current humanitarian needs are assessed and priority areas defined using these indicators and information gathered by actors deployed in the country. In the emergency response strategy by the humanitarian community, a multi-sectoral and holistic approach has been advocated as this allows for reaching the objectives of malnutrition and mortality reduction, responding to the needs of violence victims and to the needs of displaced people who have returned. Although gender issues are not specifically tackled in the strategy, during interventions agencies focus on them such as during food distributions and other assistance provision. Among challenges is the need for a clear mechanism to monitor gender balance in a given response, in the complex, deteriorating situations.



4. Best practices in gender integration

57. When there is outbreak of violent conflicts and catastrophies, assistance is needed to save human lives and avail protection to people in these traumatic moments of life, when they are afraid, lost, the future uncertain and the present seeing deprived of everything. National and international humanitarian assistance is to save life, alleviate the burden and restore hope by meeting the minimal basic survival needs of the affected people. Humanitarian emergency situations are overwhelmed by many urgent demands and communication and coordination problems. It is sometimes possible to forget that women, girls, men, and boys in the same conditions are affected differently by the violence and its traumatic effects (IASC 2006). The decision to intervene in the DRC emergency situation was based on five parameter thresholds, namely, violence, morbidity, malnutrition, displacement and return. These vary in any particular, given situation and the overall operations planning needs in-depth assessment.

58. In previous chapters, we have given insights into the vulnerability and risks to Congolese people, especially the women in complex humanitarian and emergency situations. The objective analysis of factors exacerbating vulnerability of Congolese women indicates that they are victims of poor governance, inefficient justice, the effects of cultures and traditions and gender inequalities favourable to men, in times of peace and are more likely in conflicts and violent crisis. The parameters thresholds used in this study including: violence, morbidity, malnutrition, violence against women, displacement and return, and access to livelihood resources have their roots in cultural factors, which give more privileges to men. This results de facto in women subordination in all sectors of life and social environment. This is relevant in situations of acute violence resulting in massive displacement of population mostly women and children.

59. Interventions strategies used by DRC government and its humanitarian and development partners, including UN agencies, local and International NGOs do not fully consider gender equality optimum integration as a means to institutionalise gender perspective in the vision expressed at the World Women Conference in Beijing in 1995. Obviously, humanitarian interventions of RDC government are not base on thorough, emergency planning as a result of violent conflict. These interventions are punctual and inefficient. The official budget plans do not well cater for these unpredictable situations.

60. The good will of DRC government, to fully consider gender equality, as a strategy to reduce women vulnerability as in existing legislation, legal texts, the Poverty Reduction and Growth Strategy document, and the priority action plan is not sufficient to conclude that it is a best practice as viewed by the World Women Conference of 1995, and Beijing + 10 or in the achievement of the Millennium Development Goal (MDG).

61. Indeed, humanitarian interventions by development partners, who have achieved a remarkable record for their work of response to assistance as seen in many areas, tend to use a multisectoral and holistic approach that allows for meeting the objective of vulnerability risk reduction but without tackling the root causes. Many factors exacerbate the vulnerability of Congolese women and girls, including:

- Efecment's integration strategies.

5. What options for gender mainstreaming in humanitarian assistance in the Democratic Republic of the Congo?

62. Without changing the fundamental options defined in the PRSD, and considering the noticeable lack of quality qualitative and quantitative data about the overall impact of the humanitarian intervention on vulnerable groups, specifically women and girls in dire conditions, strategy definition is needed, to address evaluation and monitoring of humanitarian programmes, participatory action research to improve knowledge gaps in vulnerable groups needs assessments, and capacity-building of intervention agencies involved in the social protection of vulnerable groups.

63. This has to be incorporated into all policies and government programmes and action plans of humanitarian action community. The efficiency of this strategy will be assessed if it allows effective response to challenging concerns of gender equality. Important steps should be taken to:

- Make it obligatory that a gender equality specialist is involved in the planning of emergency situations at earlier phases;
- Set up support networks for gender equality advocacy at local and national levels so that information is recorded and shared about gender equality and gender balance for all sectors of interventions;
- Base humanitarian intervention policies on field data specifically collected and analysed;
- Monitor the gender balance and gender ratio of men and women and include the information in the proceedings of institutional meetings for enhanced follow-up;
- Set sector actions plans for gender balance and monitor the trends of the equality indicators;
- Consider gender equality in the capacity-building opportunities of sector groups and for all issues; and
- Avail funds to meet the challenges.

64. For this to work in the DRC national policy and strategy for the integration of gender issues in humanitarian responses, authorities have to include indicators of gender equality planning and respond to the given challenges. Positive discrimination measures (affirmative action) should be taken to:

- Consider and increase the participation of displaced women, those living with HIV/ AIDS and victims of sexual violence in decision-making in humanitarian situations, from early planning up to monitoring and evaluation;
- Strengthen legislation to protect displaced women, those living with HIV/ AIDS and women victims of sexual violence;
- Promote awareness and support activities to change the community attitude towards displaced women and victims of sexual violence, through funding and capacity-building;
- Encourage displaced girls or girl victims of sexual violence to have access to formal and informal education;
- Strengthen and enforce legislation related to rape and violence against women and the swindling of properties of displaced women, displaced widows and orphans, those living with HIV/AIDS and of women victims of sexual violence;
- Take cultural considerations into account and involve traditional authorities interventions to empower displaced women, women living with HIV/AIDS and women victims of sexual violence, in addition to extensive dissemination of existing legislation to the general public;
- Prepare specific legislation related to humanitarian assistance that considers the plight of displaced women, those living with HIV/AIDS and the women victims of sexual violence in the programme and policies;

- Develop funding mechanisms for sustainable care and assistance to women and children; and
- Be specific in targeting women and young girls in humanitarian intervention planning, implementation, monitoring and evaluation.

6. Conclusion

65. DRC is at the turning point in its democratization process and women have to be ready to cope with the perilous humanitarian conditions and face the development challenges. Awareness and a firm determination to overcome their fear will be important ingredients for improvement of the extent and the quality of their representation at all decision-making levels and in the implementation of programmes and policies.

66. Gender equality requires visibility, self reliance and women's participation in all sectors of public life. This is also relevant in humanitarian assistance and post -conflict reconstruction. Education is necessary to improve women's capacity to respond to challenges and explore coping mechanisms. Much is needed to revise legal texts and harmonize national legislation with international legal instruments and standards in the current DRC context.

67. It is necessary to continue raising people's awareness on women's participation and equality in the planning and implementation of policies and programmes specific to humanitarian response in violent and conflict situations such as the Congolese crisis, which has no end in sight.

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17. WAP: Socio-Economic and Gender Analysis "in *Emergency Operations Summary*"

Appendix

List of informants and resource people contacted

Sand Humanitarian Affairs in the President's Cabinet in Kinshasa

The Technical Advisor on Gender in the Ministry of Gender and Family Affairs

The Advisor on Social and Humanitarian Affairs in the Ministry of Social, Humanitarian Affairs and National Solidarity

The OCHA Office in South Kivu province

The OCHA Chief technical advisor on gender in Kinshasa

The UNFPA Programme Officer in Bukavu

The Officer in Charge of Sexual Violence Crimes in the Bukavu police force

Members of the Standing Committee of the coordination of the civil society in Bukavu

Report on selected practices on gender mainstreaming

Ethiopia

List of acronyms

BPR	Business Process Reengineering
CSA	Central Statistical Agency
CEDAW	Convention for the Elimination of All Forms of Discrimination against Women
CSO	Civil Society Organization
FCSA	Federal Civil Service Agency
FDRE	Federal Democratic Republic of Ethiopia
GDP	Gross Domestic Product
GNI	Gross National Income
HTPs	Harmful Traditional Practices
ICPD	International Conference on Population and Development
MOE	Ministry of Finance and Economic Development
MDG	Millennium Development Goals
MoARD	Ministry of Agriculture and Rural Development
MoWA	Ministry of Women's Affairs
MoJ	Ministry of Justice
MoWUD	Ministry of Works and Urban Development
NAP-GE	National Action Plan on Gender Equality
NGO	Non-Governmental Organization
PASDEP	Plan for Accelerated and Sustained Development to End Poverty
PFA	Platform for Action
RCB	Rural Capacity-Building
TGE	Transitional Government of Ethiopia
TVET	Technical Vocational Education and Training
WAB	Women's Affairs Bureau
WAD	Women's Affairs Department
WAO	Women's Affairs Office
Wz	Weizero or Weirzerit, a title used by Ethiopians and equivalent to Mrs. or Ms.

1. Introduction

1. The report is organized in seven sections. The first is the background, which presents some background information on Ethiopia. It also describes women's situation in Ethiopia and the efforts made by the government in response to the various gender gaps in the different sectors. Finally, it describes the cases considered in this report. The second deals with the methodology, describing the various data sources and method of analysis. The third section elaborates on the activities undertaken by the MoWA and the WADs, while the fourth section discusses the process of gender mainstreaming undertaken by the MoWA and WADs. The fifth section talks about the limitations of the gender mainstreaming process, while the sixth deals with the impact of gender mainstreaming. Finally, the conclusion and recommendation section presents some concluding remarks and puts forward some measures to be considered in order to strengthen the mainstreaming process.

1.1 Background

2. As predicted in the 1994 census, Ethiopia had a total population of 79,221,000 in 2008, 49.9 per cent of whom are women. About 86.3 per cent of the population resides in the rural areas, while the remaining 13.7 per cent lives in urban areas. The young population (less than 15 years of age) makes up 45.4 per cent of the total (Central Statistical Agency (CSA), 1999:12).

3. The Ethiopian economy is based on agriculture, which accounts for 54 per cent of the Gross Domestic Product (GDP) and employs close to 82 per cent of the population. About 90 per cent of its exports are from agriculture. According to the World Development Indicators of 2006, Ethiopia is one of the least developed countries in the world, with a per capita Gross National Income (GNI) of 110.00 USD (CSA, 2005:2).

4. Ethiopia has had a succession of absolute monarchs who have ruled for a number of years in her long history. In 1974, the last Emperor was deposed by the military, which ruled the country for 17 years as a military and socialist State. In 1991, the military regime known as the “*Derg*” in Amharic was overthrown by the present Government, which started by establishing a transitional government known as the Ethiopian Peoples Revolutionary Democratic Front (EPRDF). The Constitution of the Federal Democratic Republic of Ethiopia (FDRE) was ratified on 8 December 1994 and came into effect on 21 August 1995 (African Centre for Gender and Development (ACGD), 2004).

5. Currently, Ethiopia has a federal system of government, with members of parliament elected every five years. The Ethiopian parliament is made up of two houses, the House of the Council of Peoples Representatives, and the House of Federation. The country has nine regional States, and two administrative cities: Addis Ababa City Administration and Dire Dawa Administration Council. The regional States have their own constitutions, though the Federal Constitution is the supreme law of the land. A regional State is further divided into zones, which are made up of Weredas¹. Weredas are further divided into Kebeles².

1.2 Status of women in Ethiopia

6. Compared to men, women in Ethiopia are clearly in a disadvantageous position in all respects; they benefit less from social services and hold inferior positions in all economic, political, social, and cultural affairs. For example, statistics show the existence of more illiterate women than men (51 per cent men and 66 per cent women) and women are less represented at all levels of education, especially in higher education (Ministry of Education (MOE), 2007).

7. Regarding employment, data from the Federal Civil Service Agency (FCSA) on federal government employees shows that women occupy only 18.3 per cent of all professional and scientific positions, and 25

1 Wereda is an administrative unit in a zone, which has a number of Kebeles.

2 The smallest administrative unit.

per cent of administrative positions, indicating that the upper and middle level positions in the civil service are still overwhelmingly dominated by men. According to the same source, women hold 71 per cent of clerical and fiscal jobs and 51 per cent of the custodial and manual jobs (FCSA, 2007).

8. A similar situation is observed in terms of women's participation in politics. Currently, there are 547 seats in parliament and 15 of them are empty due to withdrawal of some members. Among the remaining 530 seats, 117 or 22.1 per cent are held by women. There are 12 standing committees, of which two, namely, the Women's Affairs Committee and the Social Affairs Committee, are headed by women. According to data from the FCSA, among the 28 Ministers currently in place, only 2 or 7.1 per cent are women and among the 42 State Ministers, only 14.3 per cent are women (NetCorps Ethiopia, 2006:19).

9. Looking at the health situation of women, it is noted that there are several poverty and cultural factors that negatively affect women's health, as reflected by various health indicators. For example, according to the Demographic Health Survey (DHS), 27 per cent of women between the ages of 15 and 49 are severely malnourished (CSA, 2005:163). The maternal mortality rate for the period 1998-2004 is one of the highest in the world (673 per 100,000) (CSA, 2005:233). The contraceptive prevalence for married women is 15 per cent (CSA, 2005: 61). The rate of attended deliveries is very low; only 28 per cent of women who gave birth in the 5 years preceding the DHS had received antenatal care (CSA, 2005:111).

1.3 Efforts made by the Ethiopian Government

10. In response to these imbalances and the many problems women encounter, the Government of Ethiopia has made a number of efforts to address gender equality issues. These include adopting or ratifying relevant international instruments pertaining to gender; designing national instruments, including the Ethiopian Constitution and various other policies; and establishing the national machinery for addressing gender issues.

1.3.1 Major international commitments

11. The Convention for the Elimination of All Forms of Discrimination against Women (CEDAW) is one of the major conventions regarding the rights of women. CEDAW defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. CEDAW commits States to incorporate the principle of equality of men and women into their legal systems, abolish all discriminatory laws and adopt those that prohibit discrimination against women. The Convention specifically mentions actions to be undertaken so that women enjoy equal rights in the areas of education, health and employment. Ethiopia ratified CEDAW on 10 September 1981.

12. Following the requirements of the CEDAW Committee, Ethiopia has been reporting on the progress made in the implementation of CEDAW, though it has not been up to date. The Committee invited Ethiopia to submit its 6th periodic report, which was due in 2002 and its 7th periodic report due in 2006 in a combined report in 2006. Currently, attempts are being made to compile these reports.

13. The Beijing Platform for Action (PFA) that was adopted in September 1995 at the Fourth World Conference on Women is the other commitment that Ethiopia has made. The PFA deals with twelve critical areas of concern: poverty, education, health, violence, armed conflict, the economy, power and decision-making, institutional mechanisms, human rights, the media, the environment, and the girl child. The Beijing+5 review session held in June 2000 in New York reaffirmed the importance of gender mainstreaming in all areas and at all levels. Furthermore, areas that required special actions were identified: education, social service and health, including sexual and reproductive health, the HIV/AIDS pandemic, the burden of poverty on women, violence against women and girls, and the development of effective and accessible national machineries for the advancement of women.

14. Ethiopia has taken its commitment to Beijing PFA seriously. Though the Ethiopian Women's Policy precedes the PFA, the requirement for the national machinery stipulated in the Policy and implemented accordingly is in line with demands of the Beijing PFA. Furthermore, based on its economic and socio-cultural context, the Ministry of Women's Affairs (MoWA) had chosen seven priority areas among the twelve critical areas of concern and developed its National Action Plan on Gender Equality (NAP-GE) in order to ensure gender-equitable development. These were: Poverty and Economic Empowerment of Women and Girls; Education and Training of Women and Girls; Reproductive Rights, Health and HIV/AIDS; Human Rights and Violence against Women and Girls; Empowering Women in Decision Making; Women and the Environment; and Institutional Mechanisms for the Advancement of Women. No budget estimate has been given for the various activities included in the NAP-GE, but the Plan has been integrated into the current poverty reduction strategy paper known as A Plan for Accelerated and Sustained Development to End Poverty (PASDEP), which is used as a strategic framework for action in all the development sectors (Ministry of Finance and Economic Development (MoFED), 2006). The monitoring and evaluation process is expected to be planned and undertaken by the various ministries and agencies along with their other activities. It is assumed that WADs in the ministries would play a significant role in this process.

15. Ethiopia is committed to the Millennium Development Goals (MDGs). The MDGs have been commonly accepted as a framework for measuring development progress by 2015. Goal 3 focuses on gender equality with the target of eliminating gender disparity in education, employment and political participation by 2015. Many of the targets set in PASDEP for the different sectors such as education and health are aligned with the targets of the MDGs. In fact, the main objectives of this five year developmental plan are to lay the foundation for accelerated, sustained and people-centered development as well as to pave the way for attainment of the MDGs by 2015 (MoFED, 2006:44).

16. The other instrument that Ethiopia has signed is the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. The protocol promotes the elimination of discrimination against women (Art.2)³ and stipulates the categories of rights that women are entitled to. These include the right to dignity; the right to life, integrity and security of the person; the right to education, economic and social welfare; and the right to political participation and decision-making.

17. In 1994, the International Conference on Population and Development (ICPD) was held in Cairo. All the 184 participating countries, including Ethiopia, adopted a Programme of Action (POA) in which women's rights to health were formulated. Women's empowerment, gender equality and the elimination of all forms of violence against women were among the guiding principles. The ICPD+5 review held in New York in June 1999 noted that "reproductive health" and "reproductive rights" had become part of the international development discourse and an agreement was reached to focus on such pressing issues as abortion, HIV/AIDS, maternal mortality and contraception.

1.3.2 National instruments put in place by the Ethiopian Government

18. This part of the report presents major legal instruments, including the Constitution, established by the Government. The policies presented were formulated by the various Ministries themselves with inputs from WADs if WADs were already established at the time of the policy formulation. For example, the head of WAD in the Ministry of Culture and Tourism explained that the WAD had commented on the Ministry's draft policy and the comments were integrated, and the WAO was a member of the committee that worked on drafting the National Population Policy.

19. One of the major documents addressing women's rights is the Constitution of the Federal Republic of Ethiopia. The Constitution in its Article 35⁴ states that women have equal rights to those of men in all

3 The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa was adopted by the 2nd Ordinary Session of the Assembly of the Union in Maputo, on 11 July, 2003 to supplement and elaborate the provisions of the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

4 Article 35 of the Ethiopian Constitution elaborates on the rights of women in all areas, including marriage, protection from

spheres, including education, employment, and access to resources and management of the same. These include rights and protections equal to those of men; equality in marriage; affirmative action; rights to full consultation in the formulation of national development policies, designing and execution of projects, especially when these affect the interests of women; the right to acquire, administer, control, use and transfer of property; and the right of equal employment, pay and promotion (FDRE, 1995:23).

20. The National Policy on Ethiopian Women was formulated in 1993 by the then-Women's Affairs Office (WAO) with the objectives of creating and facilitating conditions for equality between men and women; creating conditions to make rural women beneficiaries of social services like education and health; and eliminating stereotypes, and discriminatory perception and practices that constrain the equality of women. The structures of the national machinery to address gender equality and equity issues were clearly laid down in the Policy (The Transitional Government of Ethiopia (TGE), 1993).

21. The National Population Policy (NPP) formulated in 1993 was an instrument aimed at harmonizing the rate of population growth with the capacity of the country. The Policy focuses on the issue of gender and describes the important roles that women play in controlling population growth. It clearly stipulates that the situation of women has a direct bearing on the fertility level of any society and explains how education, employment and legal provisions that ensure the rights of women have been found to be correlated to their fertility levels and reproductive health (TGE, 1993).

22. One of the specific objectives of the Ethiopian Education and Training Policy is to introduce a system of education that would rectify the misconceptions and misunderstandings regarding the roles and benefits of female education. The Policy indicates that the design and development of curriculums and books should give special attention to gender issues. It further states that equal attention should be given to female participants when selecting teachers; training them, and advancing their careers. A number of initiatives have been taken to implement the Policy (TGE, 1994). For example, currently female teachers are selected with a smaller grade point average (GPA) than male teachers and this has increased the number of female teachers in elementary schools.

23. The Developmental Social Welfare Policy was formulated by the Ministry of Labour and Social Affairs in November 1996. The Policy acknowledges that war, famine and the economic crises of the past decades have harmed vulnerable groups, i.e., women, the elderly, children, youth and the disabled. It also explains that women are underrepresented in every sphere, including education, employment, politics and other key decision-making positions. The Policy also highlights the significance of gender mainstreaming in all programmes, projects and services (FDRE, 1996).

24. The Cultural Policy formulated in October 1997 indicates that cultural behaviours, practices and attitudes that support and promote stereotypes and prejudices against women would be slowly eliminated, and conditions would be created to promote gender equality. The content of the Policy clearly elaborates the unfavourable situation of women, and emphasizes the need for a change that ensures women's active participation in all cultural activities and guarantees them equal rights to various benefits, such as recognition and decision-making power in the various traditional celebrations and institutions, elimination of HTPs and promotion of cultural practices that promote women's welfare (FDRE, 1997).

1.3.3 Case study

25. The importance of national machineries to design, implement, monitor and evaluate as well as advocate and mobilize support for policies that promote the advancement of women has been highlighted in the Beijing POA (BPA, 1996). They are the central policy-coordinating units inside governments with the task of ensuring gender mainstreaming in policies. In Ethiopia, the national machineries are represented by the MoWA at federal level, Bureau of Women's Affairs at regional level, Offices of Women's Affairs at zonal or

harmful traditional practices (HTPs), reproductive health, employment and political participation.

Wereda level, and the Women's Affairs Departments (WADs) opened in the various ministries, agencies and commissions.

26. The current MoWA, previously known as the WAO, was established in October 1991. The WAO was entrusted with the responsibility of coordinating and facilitating government programmes and designing strategies that would allow women to contribute to and benefit from the country's development, including the democratization, judicial reform and economic reconstruction processes (TGE, 1992). WAO was also responsible for creating a conducive atmosphere for the implementation of the National Policy on Ethiopian Women in various government ministries, and monitoring its realization.

27. Following the provisions of the National Policy on Ethiopian Women, WADs were established in ministries, commissions, agencies or authorities in order to implement the Policy and thereby incorporate gender into the formulation and implementation of development plans in their respective institutions. The general objectives of the WADs were derived from the national policy on women, and the specific objectives formulated by harmonizing the objectives of a specific institution with those of the national policy (Hareg Consult, 2005:90).

28. Though the structure of the national gender machinery was planned to reach the grassroots and implement the various provisions in the Ethiopian Women's Policy, its effectiveness has not been impressive for a variety of reasons. These include:

- Placement of the structures in a position where they cannot be part of decision-making.
- Limitations in financial and human resources.
- Lack of clarity in the mandates of the women's affairs structures.
- Decentralization, which has made accountability between federal WADs and regional WABs challenging.
- Absence of strong networking and collaboration with sector bureaus, non-governmental organizations (NGOs), civil society organizations (CSOs), and communities (Hareg Consult, 2005:90).

29. The WAO was upgraded to the Ministry of Women's Affairs (MoWA) in May 2005 (Proclamation No. 471/2005) as an expression of the Government's commitment to gender equality and to strengthen the efforts being made. According to the proclamation, the responsibilities of the Ministry include putting in place recommendations for the protection of the rights of women at national level and follow-up of the same; ensuring that policies, legislations, development programmes and projects designed by the Federal Government address gender issues (gender mainstreaming); and following up the implementation of international instruments and national policies that Ethiopia has adopted on women and children.

30. Prior to the upgrading of the WAO to the MoWA, the highest organ of the machinery was the WAO linked to the WADs in the different ministries, which empowered the WAO to coordinate and monitor the activities of WADs. However, since the proclamation for the establishment of MoWA does not mention anything about the nature of the working relationship between the Ministry and WADs, no formal relationship exists. The Head of the Gender Mainstreaming, Follow-Up and Evaluation Department in the MoWA explained that there is no structure that dictates a formal working relationship. However, following the previous tradition, the WADs report to the Ministry in meetings held annually with all the WADs, and the Ministry calls upon WADs for necessary activities.

31. Unlike in the past, the Ministers of Women's Affairs and heads of bureaus of women's affairs are members of cabinet at federal and regional councils, respectively, which enhances their chances of participating in and decision-making. However, no information is available as to how much this opportunity has been utilized to mainstream gender.

32. The national gender machinery was selected as a best practice in Ethiopia for this assessment because it plays a determining role in the gender mainstreaming process in various sectors, thanks to the presence of

WADs in the ministries. It also enables the MoWA to follow up and coordinate the gender mainstreaming activities in the different ministries and offices at various levels. The importance of the national gender machinery was also highlighted in the Beijing POA.

33. With the above background, the general objective of this assessment was to see the efforts made in the area of gender mainstreaming, while the specific objectives were to:

- See the structure of the existing national gender machinery.
- Explore the activities of MoWA and WADs in the effort to mainstream gender.
- Identify the challenges faced in gender mainstreaming.
- Synthesize undertakings that could be considered as best practices in gender mainstreaming.

34. Addressing gender is a very challenging task requiring a multi-dimensional approach. Gender mainstreaming needs sensitization and knowledge about gender issues, all of which require the provision of training, as well as the preparation of relevant materials. Policies and laws need to be formulated and those that are discriminatory require revision. Restructuring needs to take place for a fair distribution of positions and budgets allocated based on gender analysis. Empowering women through women-focused activities also enhances the gender mainstreaming process. Above all, gender mainstreaming needs both national and organizational-level planning and coordination. However, since it is unrealistic to expect a gender mainstreaming process with all the above activities, where some of these activities take place, WADs are considered as cases illustrating best practices on gender mainstreaming.

2. Methodology

2.1 Data sources

35. Both primary and secondary data were used in the process of data collection. Since the analysis from secondary sources was utilized as the basis for developing an assessment instrument, the first step was gathering and compiling secondary data. Secondary data sources included relevant legal instruments such as conventions, laws and policies, studies undertaken on assessment of the Women's Affairs national machinery, annual reports presented at the annual meetings of Women's Affairs Departments (WADs), guidelines and other materials prepared for mainstreaming gender, and relevant studies and reports on institutional mechanisms to address gender.

36. An interview guide was the instrument utilized to gather primary data. In-depth interviews were held with the Head of the Gender Mainstreaming, Follow-up and Monitoring Department in the Ministry of Women's Affairs, and heads of the WADs selected for this assessment. The interviews looked at the efforts they have made in the attempt to mainstream gender and their major responsibilities and activities.

2.2 Sampling of ministries and interviewees

37. Major emphasis was placed on the **Ministry of Women's Affairs**. In addition, **WADs in 10 selected ministries or agencies** were chosen to be covered in this report. The selection was made using purposive sampling, the criteria being that the selected ministries are dealing with gender equality and women's empowerment issues. These 10 ministries/agencies and departments are: Ministry of Agriculture and Rural Development (MoARD); Ministry of Mines and Energy; Ministry of Water Resources; MoFED; Ministry of Works and Urban Development; Ministry of Education; Federal Civil Service Agency; Ministry of Health; Ministry of Justice; and Ministry of Culture and Tourism. In the WADs, the heads or any other individual who could provide the needed information was purposively selected.

38. Lack of documentation on the performance of the Ministry of Women's Affairs and the WADs, and the unavailability of heads of WADs due to the various workshops and meetings, especially the Business Process

Reengineering (BPR) that is currently being adopted by the Ethiopian Government, were the challenges encountered during the assessment period.

2.3 Data analyses

39. Data from interviews were transcribed and analyzed using themes. Reporting followed using the identified themes and major issues discerned from the assessment.

3. Case study: The national gender machinery

40. This part of the paper presents a brief description of the national gender machinery which is made up of the Ministry of Women's Affairs and the WADs in the different ministries, and its major activities.

3.1 The Ministry of Women's Affairs

41. As explained in the background section, the MoWA has four departments: Gender Mainstreaming, Follow-up and Evaluation Department; Women's Policy and Strategies Implementation Department; Children's and Mothers' Affairs Department; and Capacity-Building and Participation Department.

42. The Gender Mainstreaming, Follow-up and Evaluation Department in the MoWA is entrusted with the responsibilities of:

- Ensuring that government policies, strategies, plans and programmes including government proclamations, address gender issues and follow up their implementation;
- Providing research-based data and information in order to enhance gender mainstreaming in government policies, programmes and projects;
- Assessing the impact of projects undertaken by the various governmental and non-governmental organizations, and providing appropriate guidance to ensure their benefits to women;
- Gathering, analyzing and compiling data on issues related to the economic, social and political activities of women; and
- Building the capacity of WADs in sector ministries and WABs in the regions and other stakeholders by providing appropriate and relevant training.

3.2 WADs

43. The MoRAD previously known as the Ministry of Agriculture had the Rural Women's Affairs Team under its extension department. The team worked on different projects such as training of rural women, distribution of extension packages, and introduction of labour-saving technologies such as improved stoves. After the launching of the Ethiopian Women's Policy, the team in the Ministry was upgraded to WAD.

44. The WAD at the Ministry of Mines and Energy was opened in November 2005. The Rural Energy Development and Promotion Centre, one of the Centres reporting to the Ministry of Mines and Energy, has a gender focal person and, in collaboration with GTZ, works on the production and distribution of fuel-saving stoves. The Centre strongly believes that it is women and children who are the primary victims of low productivity caused by land degradation, draught and desertification. In addition to helping women save time spent on collecting firewood, it creates an opportunity for generating income (Tsfayenesh, 2008).

45. The WAD in the Ministry of Water Resources has a vision that women play significant roles in the administration of water and development of water resources. It aims to ensure that gender issues are addressed in all water development plans, programmes and projects, and that women participate in sustainable development just like men. It encourages and pushes all departments to address gender issues as part of their activities, and formulates projects that reduce the time women spend on fetching water.

46. The WAD in the Ministry of Works and Urban Development became operational in January 2000. As a result of its effort, the Ministry's annual plan contains a number of items that address gender. Some of these are the special consideration women receive from the Integrated Housing Development Programme (MoWUD, 2008:14); Micro and Small Enterprises (MSEs) (MoWUD, 2008:27); and Capacity-building and Human Resources Development Programme (MoWUD, 2008:73).

47. The WAD in the MOE, currently known as the Gender and Equity Department, was opened in 1994. It aims to mainstream gender in all the activities of the Ministry, and to undertake girls/women-focused activities to increase the enrolment of girls and their success. It also targets emerging regions such as Gambella and Benshangul to work on girls' education. In collaboration with other partners, a number of programmes have been under way, such as the school feeding programme, bursary schemes, and leadership and assertiveness training for girls, and awareness creation for community leaders and other stakeholders.

48. The WAD in the MOH was established in October 1994. Over the years, the Department has undertaken a number of activities. Some of these are the compilation of sex- disaggregated data in the document "Health and Health Indicator", including the identification of top ten diseases by sex and the accessibility of antiretroviral drugs by sex; the training and employment of female health extension workers; the priority accorded to pregnant women and children in the provision of mosquito nets; addressing of gender and malaria issues; and the consideration of gender issues as one of the components of the yearly and mid-term reviews of the Health Sector Development Programme.

49. The WAD in the Ministry of Justice (MoJ) was opened in 1995 with the objective of protecting the human rights of women and children and preventing violence and other crimes committed against children (MoJ, WAD, 2008:1).

50. The WAD in the Ministry of Culture and Tourism was established in 1995 to enhance the participation of women in the areas of sports and culture; enable women to take up decision-making positions; and promote the equality of women in the sector. In the attempt to achieve these objectives, the WAD utilizes a number of strategies, including undertaking research; providing of education and training on gender; building the capacity of employees engaged in the sector, mainstreaming gender; encouraging women in the sector to build their capacity; and networking with other organizations working in the area of gender.

51. The WAD that is currently in the MoFED was established in 1992 in the then – Ministry of Finance. When the Ministry of Finance and the Ministry of Economic Development and Cooperation (MEDAC) were merged, the WAD was moved to the current office of MoFED. In order to implement the Women's Policy, the WAD uses various strategies, including offering training; mainstreaming gender in plans, programmes and guidelines; and participating in committees that prepare proposals and projects for the Ministry.

52. Following the stipulations in the Ethiopian Women's Policy, most WADs are staffed with a head, two experts and a secretary. The exceptions are the MOWA, MoARD and the MoFED. The MoWA has four departments, each staffed with one head and at least one expert and a secretary. Unlike the other WADS, the WAD in MORAD is staffed with a head, seven experts and a secretary. The relatively large size of the staff is the result of the recent merging of the MoRAD and the Disaster Prevention and Preparedness Agency (DPPA). Similarly, the MoFED has a head, five experts and a secretary. Within their ministries, all WADs report to their respective ministers and the FCSA reports to the commissioner. The other bodies to which the WADs report are the MoWA and the Women's Standing Committee in Parliament.

53. As indicated earlier, WADs are responsible for achieving gender mainstreaming, and they undertake a number of activities to that end, including training offered to employees of their Ministries and other relevant individuals. The issues covered in the training include gender sensitization; gender mainstreaming; gender budgeting; monitoring evaluations; leadership; assertiveness, especially to females; and orientation on relevant documents such as the Development and Change Package, revised and newly written policies and promulgated laws. Depending on the Ministry, a wide variety of participants attend these trainings. For

example, the MoJ targets individuals working in the justice system, while MoFED offers training to staff of MoFED and finance and economic development bureaus in the regions.

54. The other activity carried out by most WADs is the preparation of gender mainstreaming and gender budgeting guidelines and checklists and relevant training modules and manuals, and compilation of sex-disaggregated data. Research is undertaken, for example, by MoWA, MoARD, Ministry of Water Resources, FCSA, and Ministry of Culture and Tourism.

55. Securing educational opportunities for female staff participating in committees which formulate projects for gender mainstreaming; assessing project proposals from a gender perspective; disseminating information and networking with relevant organizations are the other activities undertaken by WADs.

56. In addition, there are Ministry-specific activities that are undertaken by some WADs. For example, the WAD in the MOJ provides legal counseling to women who seek help and plans to run a centre for investigation and prosecution of violence against women. The MOE runs school-feeding programmes and provides bursaries to needy female students.

4. Process of gender mainstreaming – Best practices

57. The WADs attempt to address gender in two different but interrelated ways: addressing gender in the plans and programmes of their respective ministries, which is *gender mainstreaming*, and formulating projects that focus on women in order to narrow the existing gender gap. Both of these approaches are encouraged in the Beijing Platform of Action (United Nations, 1996).

4.1 Gender mainstreaming

58. Gender mainstreaming is a commitment that countries made at the Fourth World Conference on Women held in Beijing, China in 1995. It is a process that requires awareness and commitment. One of the ways in which the Ethiopian Government has shown its commitment is through the establishment of the national machinery, which includes the MoWA and the WADs.

59. In this report, the efforts classified as gender mainstreaming or a component of gender mainstreaming include activities undertaken to address gender in different policies, plans, and programmes, as well as any effort that facilitates the gender mainstreaming process. In the context where many challenges exist in addressing gender issues in general and gender mainstreaming in particular, these efforts are considered as best practices that could be shared.

60. Addressing gender issues in various initiatives is part of the gender mainstreaming process. The WADs make efforts in this direction, as exemplified by the following projects undertaken by the WAD in MoARD: food security, the agricultural sector support Programme, Livestock and Rural Capacity-Building (RCB). The WAD in the MoFED mainstreams gender in the projects funded by bilateral and multilateral organizations, and it assesses project proposals submitted by different departments from a gender perspective using the assessment guideline prepared by the Ministry for their approval.

61. Integrating gender into documents, plans and strategies is the other component of gender mainstreaming. In this regard, the efforts made by the WAD in MoFED to include gender issues in the PASDEP, the attempts of the WAD in the Ministry of Water Resources to integrate gender into the curriculum of TVET focusing on water; the attempt made by the WAD in MoARD to include gender issues in the extension strategic plan; the integration of gender into the annual plan of the MoWD; and the inclusion of the issue of violence in the workplace and maternity leave in the Revised Civil Servant Proclamation by FCSA are some of the gender mainstreaming activities. The plan by the WAD in the Ministry of Culture and Tourism to include gender issues in the draft tourism policy is yet another example.

62. In addition, there are other activities that will enhance gender mainstreaming, including the training of staff on gender sensitization, gender mainstreaming, assertiveness, empowerment, and leadership (FCSA), gender budgeting, gender auditing and community mobilization (MoWA); preparation of gender mainstreaming guidelines, for example, by the Ministry of Water Resources, MoWA, Ministry of Works and Urban Development, MOE, MoFED, MoWUD, MoARD, MOH; and the preparation of other guidelines, strategies and manuals such as Strategies for Promoting Girls' Education and A Guideline for Integrating Gender Issues in the Preparation of Teaching Learning Materials by the WAD in the MOE.

63. Research and documentation facilitate the gender mainstreaming process by providing information on the situation of women and suggesting options on the best forward. In this regard, the efforts being made by MoH, MoE and FCSA need to be noted. The compilation of sex-disaggregated data is another important activity which lays the foundation for action addressing gender gaps. Many of the WADs undertaken this activity; including MoWUD, MoH and Ministry of Culture and Tourism.

64. The availability of aware and committed women in top positions could be one of the conditions for promoting gender mainstreaming. This presupposes the employment and promotion of women. In this regard, the efforts made by all WADs to ensure that during recruitment, training and promotion, the affirmative action provisions stipulated for women are implemented could be considered as part of mainstreaming. Another similar endeavour is the encouragement given to women during training by providing information and support for them to participate in various committees (Ministry of Mines and Energy, MoARD and Ministry of Works and Urban Development).

65. The working relationship between the WADs and other parallel departments and the lack of similar structures in the regions were two of the challenges mentioned by the WADs. In an effort to bridge the gap between the WADs and other departments, the WAD in the Ministry of Water Resources works closely with relevant departments such as the Planning and Projects Department, the Irrigation and Drainage Department, and the Rural Water Supply and Sanitation Department, to ensure that gender issues are addressed by providing comments and participating in various workshops. The WADs in the MoWUD and the Ministry of Mines and Energy, on the other hand, make efforts to ensure that WADs are opened in the organizations operating under the Ministry and that gender focal persons are assigned in all regional bureaus and other smaller organizations reporting to the Ministries.

66. Monitoring and follow-up is an important component of gender mainstreaming. The WAD in the MoWUD follows up with the different departments in the ministries to make sure that they address gender issues in their annual plans and reports; prepares assessment reports to document the integration of gender issues in the various activities of the Ministries; and follows up and ensures that women are benefiting from the various provisions made available by the Ministry during the quarterly meetings held with regional bureaus and by investigating performance reports submitted by the bureaus. Similarly, the WAD in the Ministry of Water Resources monitors the implementation of manuals and guidelines prepared for addressing gender issues (field manuals and the gender mainstreaming guideline) and other programmes.

4.2 Women-focused projects

67. As indicated earlier, another approach to addressing gender *issues* is working on women-specific projects. In this regard, a number of activities have been highlighted by the WADs. For example, in the Ministry of Works and Urban Development's WAD, there are a number of women-specific projects, including short-term training programmes in the area of construction to reduce the number of unemployed women as well as to encourage women to participate in construction work, where their number is significantly low compared to their male counterparts.

68. The WADs in the MoWUD, FCSA, and MoARD and the Ministry of Mines and Energy have training for women employees on gender sensitization, affirmative action, the Rural Women's Development Package,

and other policies and revised laws related to women's rights to enable them to become aware of and exercise their rights.

69. Another women-specific activity which is closely linked to gender mainstreaming is the creation of opportunities for female employees to upgrade themselves and take up decision-making positions by enrolling in formal education programmes using funds from the Ministries as well as other donors. The MoWUD and the Ministry of Mines and Energy are two ministries working in this direction. Training is offered by the Ministry of Mines and Energy and FCSA on issues related to HIV/AIDS to enable female employees to protect themselves and their families against the HIV pandemic.

70. Advocacy is another women-focused activity undertaken by the WADs. Advocacy on women's rights using different media such as newsletters, websites, forums to celebrate March 8, International Women's Day, and radio and newspapers is carried out by the WADs in the MoWUD, FCSA, Ministry of Justice and the Ministry of Mines and Energy.

71. Forming associations or forums for the purpose of discussing issues such as HIV/AIDS and experience sharing in solving the challenges women face is another activity some of the WADs carry out. In this regard, the WAD in the Ministry of Mines and Energy sensitizes and motivates female artisanal miners to establish cooperatives with male partners in order to maximize their opportunities of obtaining technical and material support from the Ministry, as well as to identify potential areas and marketing opportunities that would give them good return for their work. Similarly, the WAD in MoWUD urges female employees to create a support group and a discussion forum where women come together to discuss issues of common interest and share experiences. An example is the Girls' Education Forum, group organized by the WAD in the MOE bringing together stakeholders of girls education to help raise enrolment and reduce the dropout rate among girls.

72. The economic empowerment of women and meeting their practical gender needs is another focus of some of the women-specific projects undertaken by WADs. The production of fuel-saving stoves is one such example. The WAD in the Ministry of Mines and Energy works with GTZ to produce fuel-saving stoves that save time spent on collecting fuelwood and trains women to produce the stoves for marketing purposes in order to empower them economically.

73. In this process of gender mainstreaming, WADs encounter several challenges. These include:

- lack of capacity of WADs in terms of educated and skilled personnel to follow up, monitor and evaluate the activities of the different divisions and departments from the perspective of gender
- inadequate of financial resources
- high turnover of experts
- lack of support from relevant bodies
- lack of space
- loose connection of the Bureau of Women's Affairs with Wereda Offices, and the consequent unavailability of sex-disaggregated data
- lack of horizontal linkages with parallel departments during planning and reporting
- the unavailability of similar structures or gender focal persons at regional level and below
- lack of accountability
- non-involvement of the WADs in projects right from the outset.

5. Some lessons learned

74. The structure of the national gender machinery in Ethiopia is very impressive. WADs exist in ministries, commissions and agencies, to be coordinated by the MoWA. In addition, the structure is meant to reach the grassroots, since there are Offices of Women's Affairs at zonal level reporting to the Bureau of Women's Affairs in the regions. The kebele-level Women's Affairs offices report to the zonal offices. Gender mainstreaming would be enhanced and effective if this machinery is well used. However, the mere existence of this machinery will not be sufficient. Adequate human resources and other resources will contribute to the gender mainstreaming process tremendously.

75. Addressing gender is a very challenging task that requires support from all directions at all levels. As we have seen in the report, the WADs in various ministries encounter several problems. However, all the WAD heads pointed out that the ministers in their respective ministries have been very supportive of gender mainstreaming. Securing the support of ministers was possible because all WADs report to their respective ministers. This high-level support buffers the resistance the WADs encounter from different directions, thereby enhancing gender mainstreaming. Therefore, establishing the gender machinery at key and important positions is a very decisive factor.

76. The process of gender mainstreaming cannot be undertaken by WADs alone; all departments or divisions need to have the knowledge, skills and commitment to mainstream gender. Accordingly, WADs need to play the role of catalyst and coordinator. The attempts that WADs make to provide training on gender sensitization and gender mainstreaming to staff of the ministry and to prepare gender mainstreaming guidelines and checklists is a good initiative which, with appropriate coordination, follow up and resources, will take the gender mainstreaming process one step further.

6. Limitations of gender mainstreaming practices

77. Though encouraging efforts are being made in Ethiopia in the sphere of gender mainstreaming, there are also a number of limitations that need to be addressed, such as the lack of an all-embracing and coherent process of gender mainstreaming. For gender mainstreaming to be effective, it has to address all issues in the organizations, including structural issues, policy issues, plans and programmes, budgeting and monitoring and evaluation. However, what we observe in this assessment is a fragmented gender mainstreaming process. For example, there is no time when the WADs deal with structural issues to ensure that both men and women occupy decision-making positions, except encouraging them to participate in committees, as witnessed in the Ministry of Mines and Energy and MoWUD. Many of the WADs are also not involved in the process of gender budgeting. The only effort seen in this direction is the gender budgeting guideline prepared by the MoFED, but it includes mention of monitoring and evaluation that would help with programme evaluation from a gender perspective.

78. The experiences further show that gender mainstreaming is not institutionalized – it is mostly undertaken by WADs. Other departments carrying out various programmes do not do gender mainstreaming due to lack of awareness and lack of capacity. This problem is compounded by the lack of capacity on the part of WADs, which constrains them from monitoring the gender mainstreaming activities of other departments, and the unavailability of a formal parallel relationship that would help WADs enforce the mainstreaming process. Furthermore, despite the training on gender and gender mainstreaming offered by almost all WADs, no follow-up is done to see whether the knowledge and skills acquired from the training are adequately implemented.

79. Another limitation observed is that the practice of gender mainstreaming in policies and other documents prepared by the ministries is usually in revising draft documents and providing comments instead of involving WADs from the outset in the identification of problems and formulation of objectives all the way to monitoring and evaluation.

7. Impact of gender mainstreaming

80. Much time is needed to assess the impact of gender work in general and gender mainstreaming in particular, because it requires awareness and attitude change. This is especially true when the process of gender mainstreaming is not very coordinated. However, the report attempts to describe some achievements registered in this area. It should be noted that the achievements listed below are the outcomes of the collaborative efforts of different parties, though WoWA and the WADs have played significant roles.

81. Gender mainstreaming requires political support at high levels. In this regard, one of the achievements is the inclusion of the ministers of MoWA in the cabinet. This is unlike in the past when the head of the WAO was not a participant in this important decision-making body. Similarly, the heads of WABs are members of the regional cabinet.

82. Laws that were discriminatory have been reviewed with the collaborative efforts of the MoWA, WAD in the MOJ and the ministry in general, and NGOs such as the Ethiopian Women Lawyers Association. For example, the revised federal family law has addressed issues that were harmful to women. These include raising the marriage age for girls from 15 to 18, to deal with the problems of early marriage, the right of women to administer family properties and share the family wealth upon divorce. The revised criminal code also protects pregnant women by prohibiting harmful traditional practices that cause bodily injury and endanger the lives of pregnant women (Art. 561 & 562), domestic violence by criminalizing violence to marriage partner or a person living in an irregular union (Art. 564) and female circumcision and infibulations (566, 567 & 567)⁵.

83. In addition, women's property rights have been reformed in the Rural Land Administration and Land Use Proclamation (No. 456/2005). The Proclamation clearly indicates that women who want to engage in agriculture shall have the right to get and use rural land, and that where land is jointly held by husband and wife or by other persons, the holding certificate shall be prepared in the name of all joint holders. Similar provisions have been given by regional land proclamations.

84. In relation to the economic situation of vulnerable men and women, some initiatives have been made, especially in encouraging small and medium enterprises (SMEs). These include the preparation of Micro and Small Enterprises Development Strategy and the establishment of the Micro and Small Enterprise Development Agency. One of the fundamental principles of the Strategy is placing emphasis on the advancement of women (FDRE, 1997).

85. Another initiative in relation to the economic empowerment of women is the Women's Development Initiative Project (WDIP), which was established by WAO in April 2001 with the objective of empowering women economically and socially, thereby enabling them to play a significant role in the development of the country (WDIP 2006). The project targets poor women who have business potential but lack the resources. The project operates in Addis Ababa and Dire Dawa and the other nine regions of the country. So far the project has organized 623 working groups with 11,295 members of these women's groups, 621 have started different businesses such as animal fattening, grain trade, small restaurants. The major achievements of the project include acquisition of funds by all the beneficiaries; participation of beneficiaries in IEC trainings, with the majority acquiring the capacity to earn profits; creation of cooperatives by a large majority of the women's group; improvement in the lives of beneficiaries which has enabled them to send their children to school; construction of houses and toilets; and purchase of oxen, cows and goats.

86. In relation to the future of gender work in general and gender mainstreaming in particular, clear directions have been set. As explained earlier, the Ministry of Women's Affairs has prepared the NAP – GE and the content of the NAP has been integrated into the PASDEP, the strategic framework of plans and actions in all

⁵ Taking into consideration the economic, political and social changes that had occurred since 1957 when the previous penal code entered into operation, the criminal law was revised and officially came into effect in May 2005. Unlike the previous penal code, the current one addresses several gender issues in its chapter III.

sectors that has formed the basis for the preparation of the Development and Change Package for Ethiopian Women, and that has been distributed widely and is expected to guide the activities of WADs. Therefore, with the implementation of PASDEP and the Package, the gender mainstreaming process could be pushed one step further.

8. Conclusions and recommendations

87. The Ethiopian Government has committed itself to promote gender equality. This commitment is expressed through the ratification of various international instruments as well as the introduction of supportive national legal instruments. Along with these, the national gender machinery has been put in place, starting from the federal ministry and down to kebele level, which is the smallest administration unit in the country. However, there is strong evidence that the structure does not reach the grassroots.

88. Gender mainstreaming has been accepted as a strategy for achieving gender equality. Accordingly, efforts have been made by the MoWA as well as the WADs in different ministries, commissions and agencies. However, the data in this report reveal that gender mainstreaming is not an all-embracing process touching upon structures, policies, strategies, programmes, budgets and monitoring and evaluation. It is not also carried out in a coordinated manner rather, because of the many challenges that the MoWA and the WADs encounter.

89. In order to facilitate the gender mainstreaming process, the following measures might be considered:

- Currently, whatever gender mainstreaming is done at the MoWA and WADs level is not reflected and coordinated in WABs at the regional level and the zonal level and below. Similarly, there is no formal working relationship between the WADs and other parallel departments. As a result, the gender mainstreaming process remains weak and fragmented. In order to address this problem, the vertical and horizontal working relationships that the MoWA and WADs have with other bureaus, offices and departments have to be clearly defined and strengthened.
- In relation to the structure of the national machinery, one of the problems reiterated was the unavailability of an office in the regional bureaus to coordinate the gender mainstreaming process. It was explained that even when there are gender focal persons, the gender work still suffers, since these individuals undertake the gender work in addition to their regular responsibilities, and usually they lack the necessary qualification and experience. Therefore, in order to address this problem, attention should be given to creating the structure and assigning the necessary resources for gender/women's activities at regional levels and below.
- The MoWA and the WADs suffer from lack of capacity, manifested in the shortage of qualified and experienced staff. As a result, they have a limited capacity to ensure that gender is mainstreamed in organizational policies, strategies, programmes and plans, and that progress is monitored. Hence, capacity-building is an issue that deserves serious attention. The current structure that allows WADs to have only one head, two experts and a secretary needs to be revised to increase the number of staff. In order to curb the high staff turnover, ministries need to put in place a reinforcement system based on training, study tours and other schemes that would help retain experienced staff. The capacity-building efforts should also consider the issue of office space, equipment and the ability of other relevant staff to mainstream gender.
- Lack of accountability is also mentioned by interviewees as one of the problems they face, since WADs are not in a position to monitor the activities of other departments to see whether they have mainstreamed gender. Departments are not required to report about the status of gender mainstreaming either. Even when employees know they are supposed to address gender, they do not take up the issue because of this lack of accountability. Therefore, a system needs to be put in place that will force all employees to report about the work of gender mainstreaming.



- The interviewees noted that the WADs are usually requested to comment on draft proposals or other documents after they have been prepared by departments, instead of being involved from the very beginning. WADs need to be involved at the initial stage of project design in order to ensure that the identified problems, objectives, strategies, plans and indicators used for monitoring and evaluation address gender.
- The availability of sex-disaggregated data is necessary in order to address gender gaps and put in place appropriate measures. Therefore, organizations need to be encouraged and even forced to collect and compile sex-disaggregated data.
- A number of initiatives have been taken by the MoWA as well as the WADs to facilitate the gender mainstreaming process. These include the provision of training and the preparation of guidelines. However, no follow-up is done to see whether these efforts have been fruitful and also to revise the activities based on the information gathered during monitoring. Hence, the need to monitor and evaluate the gender mainstreaming process has to be underlined.

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Appendices

Appendix I – List of Interviewees

1. Wz. Atsede Guta Head, Gender Mainstreaming, Follow-Up and Monitoring Department, Ministry of Women's Affairs
2. Wz. Tsehai Assefa Head, Women's Affairs Department
Federal Civil Service Agency
3. Sr. Tsigeroman Aberra Head, Women's Affairs Department
Ministry of Health
4. Ato Mohammed Abubeker A/Head, Gender and Equity Department
Ministry of Education
5. Wz. Manyhilishal Head, Women's Affairs Department
Ministry of Justice
6. Wz. Yayesh Tesfahuney Head, Women's Affairs Department
Ministry of Works and Urban Development
7. Wz. Laketch H/Mariam Head, Women's Affairs Department
Ministry of Water Resources
8. Wz. Tiruwork Tizazu Head, Women's Affairs Department
Ministry of Finance and Economic Development
9. Wz. Aster Zewdie Head, Women's Affairs Department
Ministry of Culture and Tourism
10. Wz. Mulumebet Melaku Head, Women's Affairs Department
Ministry of Agriculture and Rural Development
11. Wz. Tesfayenesh Aregaw Head, Women's Affairs Department, Ministry of
Mines and Energy

Report on budgeting of the promotion of
gender equality in Morocco:
Gender responsive budgeting (GRB)

Acronyms

ADFM	Moroccan Women's Democratic Association
CEDAW	Convention of Elimination of all Forms of Discrimination against Women
GRB	Gender Responsive Budget
HCP	High Commission for Planning
MDG	Millennium Development Goal
NGO	Non-governmental organization
UN	United Nations
UNIFEM	United Nations Development Fund for Women

This report has been prepared and presented in light of the pre-designed terms of reference and guidelines¹. It comprises 8 parts:

- Introduction: the national context (background) and the progress made in terms of gender equality
- Methodology
- Description of good practices (case description)
- Objectives of gender-responsive budgeting
- Gender mainstreaming in the State Budget
- Impact of the Moroccan experience at the national and international level
- Difficulties faced
- Conclusions and recommendations

¹ ECA/ACGS: United Nations Economic Commission for Africa/African Centre for Gender and Social Development: Guideline for Country Consultants to collect data and produce a report on selected Best Practices in Gender Mainstreaming, July 2008.

I. Introduction: The national context and the progress made in terms of gender equality

1. National context: Background

1. Morocco is a Constitutional Monarchy with a legislative power (the Parliament) and an executive power (the Government). The Government is accountable to the King and the Parliament. Islam is the State's official religion, and the majority of the Moroccan population is devoted to an Islam open to the values of tolerance and modernity.

2. In 2004, the Moroccan population totaled 29.8 millions, with 16.4 million city dwellers, 13.4 million rural dwellers, and a 55 per cent urbanization rate. The annual population increase rate averaged 1.4 per cent in 1994 against 2.1 per cent in 1982, which demonstrates a real demographic transition².

3. Gender-responsive budgeting (GRB) in Morocco is part of a larger democratization process that Morocco has been undergoing since the 1990s. An evolution analysis of human development in Morocco during this period shows considerable progress achieved in the political, judicial, economic and social fields. The advancements made in the achievement of democracy and modernization are going at a good pace but do remain - at the economic level - slow and insufficient. This analysis also shows that gender differentiation is still prevalent at all levels (political, judicial, economic, social and cultural), and that women are negatively impacted by these political differences. Since the late 1990s Morocco has been involved in a major political and democratic transition. A good number of reforms have been launched while others are in the process of being launched, the aim being the primacy of law, the defense of human rights, especially women and child rights (with particular focus on those belonging to underprivileged social categories).

4. The most important reform was that of the family code, officially entering into force on 5 February 2004. This new code safeguards equality between the two spouses and protection for the rights of the children. Not only does this constitute a spectacular progress in the fight for women's rights, but also makes Morocco a model country in the region. It is worth noting that the reforms undertaken do - most of the time - involve civil society, which is marked by an unprecedented dynamism. Thus, Morocco has some important institutional instruments that serve to deepen and improve the democratic process underway and presents some political conditions that are favourable to the achievement of the Millennium Development Goals (MDGs).

5. Since 1983, Morocco has embarked on a far-reaching programme for stabilization and economic reforms (structural adjustment programme), which led to some satisfactory results at the level of financial equilibrium. The progressive liberalization of foreign trade, launched in the early 1990s to become complete by 2010, took form in the signature of various free trade agreements with many countries. During the 1990s, most economic sectors were deregulated. These reforms and measures led to satisfactory financial equilibrium but as far as economic growth was concerned, the outcome remained far behind expectations (an average rate of 5.3 per cent between 2003 and 2007). The trade-opening measures and loss of competitiveness of Moroccan products on world markets mainly affected manufacturing industries whose workforces are mostly female.

6. The implemented structural adjustment policy negatively impacted the social plan and the living conditions of the poorest social classes, more particularly, those of women. A social scale-up proved necessary and governmental departments and NGOs have launched numerous social development programmes for eradication of poverty with the support of international cooperation agencies. Despite their importance that reached a peak with the 1998 transitional government, the effect of these programmes on the alleviation of poverty levels and the fight against social exclusion falls short of the population's expectations. The social

2 The High Commission for Planning, The 2004 General Population and Housing Census.

indicators have slightly improved but the country still has a long way to go before reaching the level of countries that have similar incomes.

7. The main challenges are:

- Access to basic social services in rural areas
- Poverty, vulnerability and social exclusion, especially in rural areas and city outskirts
- Mass unemployment especially among the youth, and
- Regional and social inequalities, and gender disparities in both urban and rural areas.

8. Disparity reduction constitutes a major challenge to Morocco and could be the major way to poverty reduction. For that reason, and in parallel with the numerous programmes launched since the 1990s, a new Poverty Reduction Strategy Paper has been adopted, namely, the National Human Development Initiative, which was made public by His Majesty the King on 18 May 2005, the purpose being a social scale-up. The adopted approach is new, and considers that this social scale-up should rely on capacity-building, not on assistance.

2. Progress made in terms of gender equality

9. During the last decade, especially during the last five years, Morocco worked out policies which lie within the framework of the Convention on Elimination of all Forms of Discrimination against Women (CEDAW) provisions (ratified by Morocco in 1993, and gazetted in the Official Bulletin in 2001). Commitments were also undertaken during United Nations world conferences, notably those held in Beijing in 1995 and in New York in 2000 (the Millennium Declaration). A number of actions were undertaken in “the critical areas of concern”, identified by the Beijing Platform for Action (BPFA), particularly on the issue of violence against women. To implement these policies, partner networks were built between the actors concerned, such as ministries, civil society and the United Nations system.

10. Accordingly, Morocco consolidated a number of reforms that were undertaken in the field of human rights protection and promotion in general and in the field of the fundamental rights of women and girls in particular. This positive development has been marked by: legislative reforms in response to gender discriminations; the beginning of a new vision of public policies geared to the promotion of women's mainstreaming in governmental programmes; and greater openness to addressing gender issues in some technical Ministries such as the Planning Department and the Ministry of Finance and Economy. Gender responsiveness was seen in the State Budget as of 2002 and our report presents some pertinent examples. Beyond any shadow of a doubt, the most important achievement remains the Family Code that was issued in 2004 after a long process marked by confrontations between women's movements on one hand and more conservative groups on the other.

11. Other measures implemented for eliminating discrimination against women and girls included the revision in April 2007 of the Nationality Act which henceforth granted women the right to pass their nationality to their children; the partial review of the Penal Code and the promulgation of a new Labour Code in 2003 which led to the suppression of many discriminatory provisions against women and girls.

12. Still, despite these undeniable achievements, the Moroccan legal framework is far from being in conformity to the CEDAW provisions, especially to article 2.³

13. Progress has been made in achieving a legal framework but its implementation faces a variety of obstacles and constraints including political, social and cultural resistance; lack of an integrated vision and of human and material resources, as well as of implementation instruments and mechanisms. Should they not be taken into account and given urgent priority, these implementation constraints are likely to discredit the

3 NGOs' Parallel reports to the Moroccan Government's 3rd and 4th progress reports, coordinated by the Association Démocratique des Femmes du Maroc (ADFM), (Democratic Association of Moroccan Women), November 2007.

reforms undertaken and deprive them of any positive benefit for women and girls. The challenge to be taken up therefore lies in achieving implementation of the adopted laws.

14. Important progress has been achieved on gender equality issues, but quite a lot is yet to be done on the political, social and cultural level. The main challenges are:

- Women's access to decision-taking positions in public and economic



spheres : some progress has undeniably been made since 2002, especially at the level of the House of Representatives with 10 per cent of women (34) MPs (93rd position at the international level), and at the Government level (with 7 women out of 33 government officials being either Ministers or Secretaries of State);

- Women and girls' access to education (54.5 per cent of women are illiterate against 30.8 per cent of men) and to basic health services (hospital birthing does not exceed 61 per cent and takes place mainly in urban areas, while the maternal mortality rate is 227 per 1000 births);
- Women and girls' access to decent and fairly paying job positions (women's employment rate is only 24.6 per cent against that of men which averages 69.1 per cent, and their jobs are mainly informal and precarious)⁴; and
- Sexist stereotyping and conservative resistance.

15. Gender mainstreaming in the budget planning and programming process is in keeping with the national environment which is favourable to the dynamics of change and which is essentially characterized by consolidation of the democratic process and respect for human rights and, more particularly, women's rights. The State Budget constitutes a major instrument at the Government's disposal for the implementation of its policy in all areas. As a major objective in the State's refocusing of policies and programmes, the reduction of gender inequality cannot be achieved without a budget that takes women's and men's differentiated needs into account. For this reason, a gender-responsive budget is among the Government's main instruments since 2003.

II. Methodology

16. In Morocco, a gender-responsive budget has been undertaken, since 2003, by the Ministry of Economy and Finance in partnership with UNIFEM in the ambit of "national capacity-building for gender mainstreaming in the elaboration and analysis of sectoral budgets". This project is part of a programme launched by UNIFEM in 20 countries under the title "Consolidation of Economic Governance: Gender Analysis Applied to the Governmental Budget". As a consequence, the main information sources of this

⁴ High Commission for Planning (HCP) : Employment Survey 2006.

report are UNIFEM (North Africa), the Ministry of the Economy and Finance and pilot Departments concerned with implementation of the “gender budget” and specialized websites:

- (a) **Documents used:** the references of these documents are presented in part V of this report, relating to the activities undertaken and in the footnotes. Worthy of being noted is the fact that most documents are available on the Ministry of Finance web site where a window is specific to the “Gender-responsive Budget” (GRB) at www.finances.gov.ma.
- (b) **Consulted websites:**
 - (a) www.finances.gov.ma
 - (b) Morocco Portal: www.maroc.ma
 - (c) www.bkam.ma
 - (d) www.hcp.ma (The High Commission for Planning)
 - (e) www.tanmia.ma
 - (f) www.unifem.org
 - (g) www.gender.budgets.org
- (c) Contacts and interviews undertaken:
 - UNIFEM: Zineb Touimi Benjeloun (Regional Programme Manager, UNIFEM for North Africa), Mohamed Salim Sebbar (GRB Programme Coordinator), Gaelle Demolis (Assistant, GRB programme);
 - Ministry of Economy and Finance: Hind Jalal: Chief of National and International Environment Division, and GRB Project Coordinator, Benabbou Abdeslam, Chief of Social Sector Division, Directorate of Budget;
 - Ministry of Health: M. Hazim, Chief of Budget Division;
 - Secretariat of State in Charge of Literacy: Hanane Alami, Chief, Accounting Section, Executive and Financial Department.

17. Other interviews were scheduled with other ministerial departments concerned with GRB, and l'Association Démocratique des femmes du Maroc (the *Moroccan Women's Democratic Association*), but could not take place due to the unavailability of the resource persons during the period (August holidays and start of the new academic year in September).

18. The adopted methodology was based on:

- A literature review (publications, reports and notes produced within the GRB framework;
- A literature review of available on line documents on Morocco;
- A literature review of the documents on GRB in general and on Morocco in particular; and
- Interviews with various organizations and resource persons involved in the GRB process.

III. Case description

19. In the 1990s, 40 countries implemented GRB initiatives which varied in the national contexts. In Morocco, framed by the major reforms of the last decade, the budgetary changes launched by the Ministry of Finance in 2002 have played an important part. Results-oriented management rather than a means-oriented one is considered as one of the foundations of fiscal reform. It is in this context that gender mainstreaming stands out as a valuable component of this reform that may be grafted unto some of its axes.

20. The main changes which will be initiated by this new budgetary approach are⁵ a new *modus operandi* at the level of project management, and a new participatory culture, performance and assessment. It aims

⁵ M. Chafiki Mohamed, Director of Financial Forecasting and Studies (Direction des Etudes et des Prévisions financières au Ministère des Finances) The new approach to budgeting, its foundations, components and implications, *Revue Al Maliya*, no

at bringing a new strategy into play the objective of which is making overtures to customers and partners through increased awareness of their expectations, a better definition of priorities, continuous adaptation of operations to the evolving project implementation and finally, optimization of resources. This approach needs a clear mission statement and a budgetary nomenclature adapted to the region and that is gender specific, with upgraded procedures for measuring results by means of indicators. The focus will then be on results, in terms of meeting the citizens' expectations and concerns, consolidating dialogue between the State and its local partners and securing cohesion in territorial and central administrative actions.

21. The objective is also to shed more light on the strategic choices through consolidation of the multi-year budget programming (through the working out of a mid-term sectoral and global expenditure framework) and budget decentralization to enhance a proximity management of citizens' expectations, that is, to bring service delivery closer to people's homes.

22. The gender approach takes its place in the frame of this new budget management vision. To bring this gender-based budget approach into play, the Ministry of Economy and Finance benefits from the support provided by international institutions, namely, technical support from UNIFEM and financial support from the Belgian Government. This support makes it possible for the Ministry of Finance to conduct a number of studies and take a number of actions that are relevant to the departments concerned.

23. In order to launch the process for elaborating a gender-sensitive budget for the Moroccan State, the Budget Department, with the support of the World Bank, initiated "a preliminary study on the methodological feasibility of gender and childhood budgetary accounts in Morocco" in 2002. Considering this process as an in-depth reform, the study concludes that the "gender approach initiative" would further efforts made to respond to disparities, secure cohesion between the national policy for women and girls' empowerment and the expenditures scheduled to that effect, increase the effectiveness of spending and their impact on the categories concerned, increase the capacity of ministerial departments and provide them with gender analytical instruments, appraise the degree of policy responsiveness to men's, women's and children's needs, and express Government's commitments to modernized and rationalized public management.⁶

24. On the basis of this study's recommendations, the Ministry of Finance and Privatization, in partnership with UNIFEM, initiated a project in 2003, for "National capacity-building for gender mainstreaming in the elaboration and analysis of sectoral budgets." This project is in keeping with the programme framework launched by UNIFEM in 20 countries under the title "The Reinforcement of Economic Governance: Gender Analysis Applied to the Governmental Budget".

IV. GRB objectives

Strategic objectives

- Taking into account the differentiated interests and concerns of men, women and children during the drafting, implementation and assessment of public policies;
- Assuring equity and improving the efficiency and cohesion of public policies through better allocation of budget resources;⁷ and
- Rethinking the practices related to the planning, programming and implementation of public policies with special concern for assuring equity through proximity policies for bringing services closer to the people.

33, June 2004.

6 UNIFEM/Ministry of Finance: UNIFEM Global Programme on Gender-responsive Budgeting, Phase II: Morocco Component 2003.

7 M. Abdeslam Benabbou, Head of the Social Sector Division, Budget Department, Ministry of Economy and Finance, "Réforme budgétaire axée sur les résultats intégrant le genre," (Gender-integrated budgetary reform) 25 July 2008.

General objectives:

- Contributing to the reduction of disparities between men and women through the organization of training and conscious-raising actions, the purpose being to take the gender dimension into account in the strategic elaboration and execution of sectoral budgets;
- Setting up instruments that allow follow up of public policy objectives, in order to secure equity according to the results oriented logic, and taking into account men's, women's and children's differentiated needs; and
- Establishing a real culture of policy assessment using performance, result and impact indicators, to guide policy pertinence for reducing poverty and gender-based disparities.

Operational objectives:

- Reinforcing the capacities of budget and planning officials in the different ministerial departments to use gender analytical instruments for the designing, planning, follow up and assessment of budgetary funds nationwide;
- Sensitizing Parliament and NGOs to the gender-based impact of budgetary spending;
- Defining elements for a national gender mainstreaming strategy in the State budget and local communes from the planning stages; and
- Developing training tools meant for the use of Budget and Planning officials to ensure that they take the gender dimension into account in budgets and programmes.

Operational procedures:⁸

- The clarification of sectoral strategies and priorities in identifying and addressing gender-related inequities and deficits;
- Setting action programmes by fixing operational objectives and gender-sensitive associate indicators;
- Granting funds by budgetary allocation that reflects the differentiated needs of the targeted population;
- Decentralized implementation, that takes local specificities and associating beneficiaries into account;
- Measuring results by assessing the impact of programmes on the targeted population with pre-established gender-based performance indicators; and
- Drafting annual performance reports in order to account for the results.

V. Gender mainstreaming process in the state budget

(a) High-level decision-making

25. In order to meet the objectives of gender mainstreaming in the State Budget and in the sectoral budgets, two high-level decisions were taken:

1. A Prime Minister Policy Letter for elaboration of the 2007, 2008 and 2009 draft "*Loi de Finance*," which is the yearly budgetary forecast and estimates for Government, was sent to all ministerial departments instructing them to take gender into account to attain result-oriented gender-sensitive indicators.
2. A circular was issued by the Prime Minister on 8 March 2007 on gender mainstreaming in the development programmes and policies, and was sent to all ministerial departments.

8 M. Abdeslam Benabbou, Head of the Social Sector Division, Budget Department, Ministry of Economy and Finance: Gender-integrated budgetary reform, 25 July 2008.

26. These two letters show that there is political will to mainstream gender considerations at the highest level. The aim is to reduce disparities between men and women in Morocco.

(b) GRB achievements and outcomes:

Capacity-building in the Ministry of Finance and in other ministerial departments.

27. Capacity-building activities included organization of various workshops:

- Two workshops, in May and November 2003, to train budget planning and programming executives and officials and NGO representatives on the elaboration, follow-up and implementation of the gender-based budget;
- A workshop on the MDG cost estimation test (2 and 3 December 2005) to train budget and planning staff and officials from numerous departments. The workshop's objectives were: getting acquainted with MDGs, and the national MDG gender-based report; getting acquainted with the international methodologies on the MDG cost estimation, strategy and assessments worked out by each ministerial department, in order to achieve gender-based MDGs in Morocco;
- A technical workshop on 22 June for the preparation of a Gender Report going with the 2006 budgetary forecast and estimates for government;
- A workshop in December 2005 on "Gender statistics and gender analysis of poverty", with the same aforementioned participants;
- Two technical workshops (22-26 May 2006) for the budget and planning officers from 10 ministerial departments in order to: introduce use of the gender approach and gender analytical tools for result-oriented budgeting; take stock of progress made to mainstream the gender approach into sectoral budgeting; prepare the Gender Report to accompany the 2007 multi-sectoral budgetary forecast and estimates;
- A workshop to draft the 2008 Gender Report with the participation of 17 departments (2 days per department);
- Two workshops (May/June and July 2007) by the Budget Directorate to implement gender-responsive and result-based fiscal reform in two pilot ministerial departments namely: the Secretariat of State in Charge of Vocational Training and the Secretariat of State in Charge of Literacy and Non Formal Education. The manual and guides produced were used during the workshops (see below). This experience had some very encouraging results and showed a real need to duplicate it for the benefit of all the other departments;
- A workshop to draft the 2009 Gender Report with the collaboration of 21 departments (2 days per department, March 2008);
- Two workshops (April/May/June/July 2008) on "Gender Responsive and Result Based Budget Reform", in five pilot ministerial departments namely, Health, Employment, Secretariat of State for Literacy and Non-formal Education, Secretariat of State in Charge of Vocational Training and the Ministry of the Economy);
- A workshop for the benefit of NGOs (July 2008) to sensitize and mobilize civil society with respect to the GRB process; and
- Regular participation of the Ministry of Finance in NGO activities to present the GRB programme.

28. Accordingly, since 2003, more than 15 technical workshops on GRB training and sensitization have been organized by the Ministry of Finance in partnership with UNIFEM in order to build capacity in different ministerial departments.

(c) Production of sensitization and learning tools

29. For capacity building and training of trainers, two important sensitization and learning tools were devised:

- A practical guide on result-oriented and gender mainstreaming budgetary reform: Kingdom of Morocco, Ministry of Finance and Privatization/UNIFEM. This budgetary reform guide gave the new result-oriented and gender- mainstreaming budgetary approach for 2005 and was intended for the general public to:
 - Give information on the planning process, budget programming and the result- oriented budget reform; and
 - Sensitize stakeholders to the gender approach as a budget reform component.

30. Preparation of this guide relied on the recommendations made by Parliamentarians and NGO stakeholders from both sexes. The different items tackled were presented in the form of questions and answers in order to improve the information level and facilitate understanding of a complex field.

31. A training manual on gender-responsive budgeting, drafted in 2006 by Ministry of Finance and Privatization Kingdom of Morocco/UNIFEM to facilitate gender mainstreaming in the planning and preparation of budgets. This manual aimed at:

- Building user capacity in the field of gender-based budget analysis;
- Establishing a frame of reference for the implementation of the budgetary reform; and
- Identifying entry points for gender mainstreaming in budget planning and programming processes.

32. According to the Ministry of Finance, “This manual has been drafted in order to consolidate gender mainstreaming in the budget process, a field in which Morocco is taking an avant-garde position. The manual is meant to codify the initiatives to be taken in order to provide effective consideration of the gender dimension in the different steps for budget elaboration and execution and also to provide a better mastery of this process by budget management officials within the administration”⁹.

(d) Linkages between GRB and achievement of the MDGs

33. For this purpose, two important documents were produced:

- *The 2005 National Report on the MDGs drafted by Morocco from a gender perspective*¹⁰ contributed to the production of various gender-sensitive targets and indicators according to the national context. In order to engender the MDGs, financial resources were needed; accordingly, a study was conducted in 2006 on the implementation costs of engendering the MDGs;
- *The study on “A cost estimation trial for the implementation of engendered MDGs”*, Ministry of Finance and Privatization Kingdom of Morocco/UNIFEM: cost estimation trial for the implementation of engendered MDGs (in CD format) 2007. This study proposed methodologies to establish linkages between the budget and engendered MDGs within the framework of the current budget reform, and made cost estimations for reaching the main targets in education and public health.

(e) Refining information systems

34. So far, developing gender responsive indicators was done through producing:

- *A book on “Exhaustive review of gender responsive statistics in Morocco”*: Ministry of Finance and Privatization Kingdom of Morocco/UNIFEM: exhaustive examination of gender-responsive

⁹ Fathallah Oualalou, Minister of Finance and Privatization (before October 2007); in the preface to the manual p3.

¹⁰ Millennium Development Goals, the 2005 National Report, Kingdom of Morocco September 2005.

statistics in Morocco, 2007. GRB cannot reach its objectives in terms of poverty reduction and inclusion of women, without the development of analytical tools and geographical targeting of poverty and inequality. Data refinement and updating, in addition to the production of missing data, are crucial to carrying out GRB. The study represents a statistical database, which integrates quantitative and qualitative data according to sex and residence, which are all essential for the elaboration, follow-up and assessment of the policy for promotion of women's rights.

- *A study on "Setting up a community-based follow up mechanism in two pilot zones"*, in order to collect data related to the differentiated needs for men's and women's local development: Kingdom of Morocco, Ministry of Finance and Privatization/UNIFEM: CBMS (Community Based Monitoring System) results Bouaboud/Essaouira 2007 (CD). The objectives of this study are the same as those of the previous one, except that it has more accurate results at the local level.

(f) Developing a knowledge management system and a communication strategy

35. This development was obtained through the following actions:

- *The creation of a GRB dedicated website:* www.finances.gov.ma/genre
- *A special issue of the Ministry of Finance quarterly review **Al Maliya*** devoted to GRB. Issue n° 38 (June 2006) available on the aforementioned site;
- *Video documentary on the gender approach in the budgetary process in Morocco:* Kingdom of Morocco, Ministry of Finance and Privatization/UNIFEM: GRB programme Phase 2: a documentary film on the gender approach in the budgetary process in Morocco 2008 (available on the aforementioned site);
- Documenting the knowledge management and drafting processes of the "Knowledge Management" and E-Learning component. The objective was to elaborate a model for the mainstreaming of gender in result-based budgeting in order to facilitate sharing of the Moroccan experience and disseminating the expertise cost effectively.

(g) Effective anchorage in the budgetary process

36. This anchorage process is taken into account when mainstreaming gender in the national budget:

- *The institutionalization of the gender-mainstreaming practice since 2006 in an annual Gender Report, which goes with the draft budgetary forecast and estimates for Government, issued by the Ministry of Finance.* The Gender Report is prepared alongside the draft budgetary forecast and estimates for government, in the same way as the Economic and Financial Report, which also goes with the draft budgetary forecast and estimates. The Gender Report accompanying the 2008 budgetary forecast and estimates was presented and translated into English and Arabic for a large distribution (available on the Ministry's site).
- An increasing number of ministerial departments contribute to preparation of the gender report: the number moved from 11 ministries in 2006 to 21 in 2008. The report is designed as a policy assessment tool for assessing achievement of objectives in the fight against poverty and gender-based disparities. Report preparation work is done in partnership and on a participatory basis that associates the sectoral departments and 3 directorates from the Ministry of Finance. During the Parliamentary discussions of the 2008 draft budgetary forecast and estimates, the different speakers paid tribute to this important initiative for analysing public policies from the gender perspective.
- *Support measures for ministerial departments for effective gender mainstreaming in budgetary planning and programming.* Two ministries in 2007 (Vocational Training and Literacy Departments) and three additional departments in 2008 (Health, Employment and Finance). It is expected that this action-training work will serve as a model for other ministries. Upon completion of this process, its replicability may be assessed at the international level and consideration given to the standardization and modeling carried out in Morocco.

One can say that, since 2003, GRB in Morocco has achieved important results that tally with the main objectives, indicating the great success of this project. Other results are yet to come because attainment of GRB is a long process.

VI. The impact of the Moroccan experience at the international and national levels

37. At the international level:

1. *Organization of many events. The most important were:*

38. A seminar on “the International Assessment of the GRB programme” Rabat , 27-29 November 2006; presentation of the Moroccan experience at the United Nations General Assembly (New York, March 2007); A workshop on GRB organized in Turin, Italy (20-22 November 2007) ; A Panel on the funding of gender equity within the scope of the Monterrey Consensus, United Nations General Assembly (November 2007); “Gender Responsive Budgeting in Morocco: an illustration of the alignment and assumption of the Paris Declaration”, Dublin Workshop.

39. Thus, numerous organizations and resource persons in the world shared the Moroccan experience with GRB. It is increasingly acknowledged as an example of good practice and Morocco is increasingly approached to share its experience with others. A Francophone Gender Budget Institute in Morocco is being conceptualized.

2. *UNIFEM Press release* (New York, 1 December 2005):

40. This release describes the Moroccan initiative of the Gender Report going with the 2006 budgetary forecast and estimates for government as “an unprecedented success”.

At the national level:

(a) *Impact at the political level:* political will at the highest level is important for changing the planning, programming and implementing practices of public policies for efficient and transparent management of public expenditures, especially for eradicating poverty and gender inequity. This resulted in sustainable impact¹¹ at all levels: at the institutional level (Gender Report coming each year with the budgetary forecast and estimates for government, a site for a gender responsive budget); at the legal level (change of budgetary rules); and progressive ownership of the GRB by both ministerial departments and NGOs.

(b) *Impact on NGO activities:* Many NGOs carry out training sessions and studies on GRB. A pertinent example worthy of being mentioned is the study conducted by the Democratic Association of Moroccan Women, within the scope of a Partnership Initiative with UNIFEM and UNICEF and with support from the European Union. This study focuses on the “Local Budget potential for integrating the gender approach in Morocco”¹². This work enabled the elaboration of two tools in Arabic, namely an integration guide for gender mainstreaming in the local community’s budget and a training module on the gender approach and the local budget.

(c) *Impact on building the capacities of NGO and researchers:* Alongside the main activities, the project accomplished other community development objectives. Many members of the follow up committee to the project have benefited from additional training on gender and macroeconomics or gender-responsive budgeting. Researchers and representatives of related sectors took part in the project’s activities. This paved the way for making new friendships or consolidating those already existing within academic and other associated circles.

11 UNIFEM-Morocco: Report on phase 2 of the GRB programme in Morocco, December 2007.

12 ADFM, Local Budget potential for integrating the gender approach in Morocco. Casablanca, 2005.

(d) *Impact on other donors:* Other organizations have taken keen interest in the gender-responsive budgeting process in the scope of the current reforms. The matter at issue is German technical cooperation, which contributes to the funding of the project relating to “gender mainstreaming in development policies”, and whose partners are GTZ and the Secretariat of State in charge of Family Affairs, Childhood and the Handicapped.

VII. Difficulties met

41. The difficulties faced for better implementation of the **GRB** vary at different levels:

- ***At the level of carrying out the scheduled activities:*** Not all the scheduled activities, especially the sensitization project meant for Parliamentarians and the implementation of Knowledge Management/E-Learning have been carried out, the reason being a number of constraints such as the unavailability of Parliamentarians and delay in the preparation of the study on “Knowledge Management”;
- ***At the level of capacity-building for ministerial departments:*** Effective mainstreaming of the different result-oriented instruments of budgetary reform face various problems:¹³
 - The training workshops are intended for officials from various levels; they deal with general themes and do not offer an adequate frame for technical gender mainstreaming in the sectoral budget;
 - Internal competences are insufficient, which makes it difficult for different departments to tackle GRB; and
 - The training and sensitization tools produced are of a general nature and are rarely used by the persons concerned except in workshops.
- ***At the level of drafting the gender report: Many problems crop up each year as the report accompanies the budgetary forecast and estimates for government, including:***
 - Executives from the Directorate of Financial Forecasting and Studies, not those from the Budget Division, produce the report. This, consequently, affects the report’s content as far as effective gender mainstreaming in sectoral budgets is concerned, and gives it political policy assessment content. However, the Gender Report does not reflect the effective GRB work at the sectoral level;
 - Departments do not elaborate their respective sectoral policies (they only provide the Directorate of Financial Forecasting and Studies with raw data). Consequently, the Gender Report is not institutionalized at the level of each department, which makes the GRB appropriation procedure difficult. This problem follows from the non-institutionalization of the gender focal points existing within each department; and
 - The larger number of departments called upon to contribute to the Gender Report during this phase, makes the training difficult, and impacts on the quality of the report.
- ***At the level of effective GRB for all departments:*** the major problems that have been encountered are as follows:
 - Gender mainstreaming has only been achieved at the level of 5 departments and only covered a certain number of programmes;
 - It proved very difficult to implement a finalized gender-mainstreaming, model for widespread implementation in all sectoral budgets (implementation of the Knowledge Management System);
 - Also, not all ministerial departments have a mid-term strategy for the elaboration of assessed objectives and a mid-term expenditure framework.

13 UNIFEM: report on phase 2 of the GRB programme in Morocco, December 2007.

- ***At the level of gender mainstreaming in the budget headings within the sectoral investment budgets:*** if the example of the Secretariat of State in charge of literacy and non-formal education (Pilot Department) is to be taken, one can notice that the amounts are allocated according to the programmes (which is a real progress), but the different actions concerning these programmes have not been gender mainstreamed¹⁴ and do not take into account illiterate young women's specific needs (time and space constraints, roles assigned to women, etc.)
- ***At the level of pertinent and refined data availability:*** concerning the situations facing men and women, and their contribution to economic, social and political life ¹⁵... considerable progress has been made but much more is yet to be done.

42. All these difficulties can be overcome should certain conditions be fulfilled.

VIII. Conclusions and recommendations

43. The GRB process is being carried out successfully. The results reached over five years, despite the difficulties met, are important and commensurate with the main objectives that have been set. Most important of all is the fact that GRB is anchored in the budgetary reform, which is a clear sign of sustainability; it has now become institutionalized (Annual Gender Report going with the draft budgetary forecast and estimates for government, progressive ownership of the approach by the different ministerial departments that are most concerned with the social sectors...) and is the object of the highest instructions at the political level. At the effective implementation level, other results are expected, as the result-oriented and gender-responsive budgetary reform has proven to be a long and complex process. It is an excellent experience to share with other countries and Morocco is often mentioned at the international level for the success of this project and the high-level political will that made this achievement possible.

44. To secure the sustainability of this success story and make it replicable both nationally and internationally, some conditions for GRB implementation have proven to be *sine qua non*¹⁶:

- Capacity-building at the level of five targeted ministerial departments with a continuous and effective gender mainstreaming in the budget (standard ministries) and better support from the Ministry of Finance;
- The elaboration of a standardized model for taking the gender dimension into account in the budget, with technical support from the Directorate of the Budget, in order to institutionalize the procedure and increase the pace with assurance of quality. The production of a precise and practical GRB user's guide, of gender mainstreamed types and examples, and a procedural model which will facilitate the technical transfer of GRB skills. The prerequisites for this experience modeling are: the technical expertise of the Directorate of Budget and its relays at the sectoral level; the building of national expertise for budget-oriented and gender-responsive management; and the training on "gender and the budget" with specific objectives. Thus, Knowledge Management and E-Learning could be fulfilled more easily;
- Gender mainstreaming of the project report inputs into the draft budgetary forecast and estimates for government and the performance audit;
- Involvement of the Directorate of Budget in the Gender Report and its ownership by each department. The budget-related documents and brush proofs of indicators at the sectoral level, take gender into account and must be used in the frame of the Gender Report;
- The work accomplished with NGOs and Parliamentarians must be reinforced in order to build their capacity for mobilization and exerting pressure on the legislators;

14 2008 Brush proof of the 2008 sectoral budget of The Secretariat of State in Charge of Literacy and Non Formal Education and of interviews undertaken within this Department.

15 *Al Maliya* review, Special dossier on **GRB**, issue n° 38; and interviews conducted.

16 According to the interviews conducted.

- The work fulfilled in terms of communication and cooperation must also be consolidated and better organized in the frame of a global strategy.

45. It can be said that the GRB experience in Morocco is a success, especially at the level of its institutionalization. It is an important step that has been achieved for establishing gender equality. Still, to take the gender issue into account in a sustainable and crosscutting way in the State's budget, we suggest:

- That the organic law regulating the budgetary forecast and estimates for government be reconsidered in order to take the current reform into consideration;
- That the budgetary forecast and estimates for government be gender mainstreamed (and not accompanied by a gender report); and
- That the economic and financial report be achieved while taking the gender dimension into consideration. For this, it is necessary to develop and update the existing gender-sensitive statistical tools in all fields: formal and informal employment, revenues, working conditions, and participation in public life.

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Compilation of best practices on gender mainstreaming in HIV/AIDS programming derived from the engendering of the Nigerian National Strategic Framework (NSF)

List of acronyms

ACHPR	African Charter on Human and Peoples Rights
AIDS	Acquired Immune deficiency Syndrome
ART	Anti Retroviral Therapy
CBO	Community-Based Organizations
CCA	Community Change Agents
CCE	Consultative Constituent Entity
CEDAW	Convention for the Elimination of all Forms of Discrimination against Women
CEDPA	Centre for Development and Population Activities
CIDA	Canadian International Development Agency
CiSHAN	Civil Society Network on HIV/AIDS in Nigeria
DCGG	Donor Coordinating Group on Gender
DFID	British Department for International Development
DPG	Development Partners Group
ECA	Economic Commission for Africa
ECOWAS	Economic Commission of West African States
EFA	Education for all
ETG	Extended Theme Group
FCT	Federal Capital Territory
FMOH	Federal Ministry of Health
GHI	Gender and Human Rights in HIV/AIDS Initiative
GP	General Population
GTC	Gender Technical Committee
GTT	Global Task Team
GWG	Gender Working Group
HC	Health Care
HCT	HIV Counseling and Testing
HEAP	HIV Emergency Action Plan
HIV	Human Immunodeficiency Virus
ICASA	International Conference on AIDS and STIs in Africa
IEC	Information Education and Communication
ILO	International Labour Organization
IOM	International Organization for Migration
JAAIDS	Journalists Against AIDS
JFA Joint	Financing Agreement
LACA	Local Agency for the Control of AIDS
LGA	Local Government Authority
MAP	Multi-Country AIDS Programme
MDGs	Millennium Development Goals
MIS	Management Information System
NGOs	Non-Governmental Organizations
NACA	National Agency for the Control of AIDS
NAPEP	National Poverty Eradication Programme
NARF	Nigerian AIDS Response Fund
<i>NAWOCA</i>	<i>National Women's Coalition on AIDS</i>
NBA	Nigerian Bar Association
NCF	National Consultative Forum
NDE	National Directorate of Employment
NEC	National Executive Council

NEEDS	National Economic Empowerment and Development Strategy
NEPAD	New Partnership for African's Development
NEPWHAN	Network of People Living with HIV and AIDS in Nigeria
NERB	National Ethics Review Board
NGP	National Gender Policy
NHRC	National Human Rights Commission
NNRIMS	Nigeria National Response Information Management System
NPF	National Partnership Forum
NRR	National Response Review
NSF	National Strategic Framework
NURTW	National Union of Road Transport Workers
NYNetHA	Nigerian Youth Network on HIV/AIDS
OVC	Orphans and Vulnerable Children
OYSWOCA	Oyo State Women Coalition on AIDS
PABA	People Affected by AIDS
PAC	Project Action Committee
PE	Peer Educators
PEP	Peer Education Plus
PEPFAR	President's Emergency Plan for AIDS Relief
PLA	People Living with AIDS
PLWHA	People Living With HIV/AIDS
PMTCT	Prevention of Mother To-Child Transmission
RH	Reproductive Health
PO	Project Officer
PSI	Population Services International
PSRHH	Promoting Sexual and Reproductive Health for HIV/AIDS Reduction
SACA	State Agency for the Control of AIDS
SEEDS	State Economic Empowerment and Development Strategies
SFH	Society for Family Health
SMEDAN	Small and Medium Enterprises Development Agency
SSP	State Strategic Plan
TWG	Technical Working Group
UNDP	United Nations Development Programme
UNGA	United Nations General Assembly
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
USAID	United States Agency for International Development
VCT	Voluntary Counselling and Testing

1. Introduction/Background

1. Nigeria is the most populous country on the continent of Africa, with a population of 140 million and a GDP second only to South Africa's. The country as depicted in the map in figure 1 is a multi-ethnic federation divided into 36 States and the Federal Capital Territory of Abuja. There are more than 250 ethno-linguistic groups dotting the large expanse of the country, but the three dominant groups are the Hausas living in the North, the Ibos in the south-east, and the Yorubas in the south-west.

Figure 1: Map of Nigeria with 36 states



Source: http://www.waado.org/nigerdelta/Maps/Nigeria_States.html

2. Several years of military rule characterized by poor economic management contributed to setbacks which cost Nigeria valuable opportunities for investment in both human and infrastructural development. The prolonged period of economic stagnation translated to rising poverty level and the decline of its public institutions, including health infrastructure and services. The country also faced increasing political isolation and most human development indicators in Nigeria were comparable only to those of least developed countries, while poor governance undermined the effectiveness of various public institutions and service delivery systems. Flagrant abuse of office by both the military leaders and the higher echelons of public service resulted in a near-absence of accountability and probity during the eighteen years of military dictatorship.

3. By 1998/1999, the return to democratic rule signaled a favourable development environment and witnessed the resurgence of aid to the country from the international community, by both multilateral and bilateral donors, including specific aid for HIV/AIDS.

4. Following the elections in 1999, the first administration of President Olusegun Obasanjo (1999-2003) focused on ensuring political stability, strengthening democratic institutions, and tackling corruption. It recognized the need for political will in support of HIV/AIDS programming and re-invigorated the national coordination mechanism for HIV/AIDS. The second Obasanjo administration (2003 – 2007) embarked on a comprehensive economic reform programme based on a home-grown poverty reduction strategy, the

National Economic Empowerment and Development Strategy (NEEDS). The development of NEEDS at the federal level was complemented by individual State Economic Empowerment and Development Strategies (SEEDS), which were prepared by all 36 Nigerian States and the Federal Capital Territory (FCT). NEEDS emphasized the importance of private sector development to support wealth creation and poverty reduction in the country. The objectives of NEEDS were addressed in four main areas: macroeconomic reform, structural reform, public sector reform, and institutional and governance reform.

1.1 Macroeconomic profile

5. Some progress has been made to restore macroeconomic stability since the advent of democratic government. Table 1 shows the GDP growth rate in real terms from 2002 to 2004, although these figures are yet to be disaggregated by gender to give a more robust view of the gender dimensions of economic growth of the nation.

Table 1: 2002-2004 GDP growth rate in real terms

Sector	2002	2003	2004
Agriculture	4.25	6.47	6.50
Oil and gas	-5.71	23.9	3.3
Distributive trade	6.48	5.76	9.7
Manufacturing	10.07	5.66	10
Others	17.67	-1.34	7.2
GDP	3.49	10.23	6.09

Source: National Bureau of Statistics

6. Today, the economy is based on the monolithic product of petroleum, which accounts for more than 95 per cent of the country's earnings, with a GNP of US\$ 36.4 billion and a GNP annual growth rate of 3.5 per cent. The low-income-earning labour force constitutes about 39.56 per cent of the population, with women comprising less than 37 per cent of that figure. Notably too, the generators of primary income remain traditional agriculture, the service sector and trading (UNICEF, 1995). The annual rate of inflation is now projected at 10.5 per cent (UNDP, 2000).

1.2 Nigeria's progress towards gender equality

7. Nigeria is ranked low in gender-related development with weak gender issues within the macroeconomic framework and growth projection templates of the country's planning in all the three tiers of government. This is indicative of the need for more participation of women in developmental processes and lobbying for more gender-responsive public policies in promoting accountability and transparency. A wide range of traditional, religious and socio-cultural factors like wife inheritance, the perpetration of female genital mutilations, wife disinheritance, multiple sex partners, polygamy and many other negative practices that are rampant in Nigeria continue to put women at a higher risk of HIV/AIDS infection.

8. In order to address persisting gender inequalities, Nigeria ascended to several regional and international treaties, covenants and declarations like CEDAW, EFA, MDG and ILO. African governments have equally and positively responded to the burden of underdevelopment by instituting specific development goals and strategies like the African Charter on Human and Peoples Rights (ACHPR) adopted in 1981 and its Women's Rights Protocol of 2003, the ECOWAS Protocol on Democracy and Good Governance, 2001, the Africa Union Solemn Declaration on the Advancement of Women (AUSD), and the New Partnership for Africa's Development (NEPAD) adopted in July 2001.

9. Evidence of inequalities vary across different sectors of the economy. Data show that of the 70 per cent of the population estimated to be living below the poverty line, over 65 per cent are projected to be women. The prevalence of communicable diseases like HIV/AIDS is also higher among women, partly because women

are biologically more susceptible to contracting HIV than men. Women and girls account for 50 per cent of infected persons and the highest prevalence rate of 4.9 per cent is found among young women aged between 25 and 29 years. The infection rate among females 20-24 years of age is 5.6 per cent as compared with the overall infection rate of 5 per cent, while 60 per cent of new infections are among females 15-25 years of age. Laws guiding violations of women's legal and human rights exist, as complicated unwritten family laws and customs further undermine the legal/human rights of women. Women are responsible for carrying out 70 per cent of agricultural labour, and 50 per cent of animal husbandry and related activities usually un-included or recognized in the national accounting systems. Women face a higher incidence of violence, rape, hunger, displacement and disease during conflicts. There is also the lack of access to modern technology by disadvantaged men and women.

1.3 Context

10. The multi-sectoral approach adopted to control the HIV/AIDS first through HIV Emergency Action Plan (HEAP) of 2001 – 2003 and subsequently the National Strategic Framework (NSF) 2005 – 2009 paved the way for consolidated intervention efforts. The principle of the “Three – Ones” espousing one national strategic framework (NSF), one national management information system (NNRIMS) and one coordinating body, is the required foundation for all the stakeholders to build on.

11. The principles of the Paris Declaration, the Global Task Team (GTT) and the “Three – Ones” have presented a coherent mode of financing for HIV/AIDS among donor agencies. In order to unite their efforts, the Development Partners Group (DPG) harmonizes its efforts with those of the National Agency for Aids Control (NACA) and is constantly exploring joint financing agreements (JFA) for NACA. This mechanism is intended to resource the NACA-costed biannual work plan (2008 – 2009) through pooled, earmarked and direct funding.

12. The HIV seroprevalence surveys of ante-natal among Nigerian males and females, revealed an increasing trend from 1.8 per cent in 1992 to 5 per cent in 2003. As at 2003, 54.6 per cent of all infected persons were women and 45.4 per cent were male. The recent downward trends from 5.8 per cent in 2001 through to 4.5 per cent in 2005 does not cloud the distinct and disproportionate vulnerabilities, risks and impacts of the epidemic on women. Further stratification of surveillance data reflects that women aged 20-24 years were more affected in 2003 and 2005, with associated figures of 5.6 per cent and 4.6 per cent respectively for both periods. A projected 2.99 million Nigerians lived with the virus by the end of 2006 with 58 per cent (i.e. 1.74 million) of them being women. There is additional evidence that women shoulder the burden of care and support for infected persons within the home and communities.

13. Undoubtedly, programming for gender equality and respect for human rights in the control of HIV/AIDS in Nigeria has witnessed appreciable political, policy, programming support and growth since the adoption of the multi-sectoral response to HIV/AIDS in 2001. The operational support for i.e, State action committees on AIDS, civil society, gender advocates, stakeholders and individuals gender champions has been facilitated by the favourable environment created by the gender-responsive National Strategic Framework (NSF). The innovative thrust and high-powered advocacy efforts of the National Women's Coalition against AIDS (NAWOCA) at the Federal and State levels will engender new approaches for addressing the disproportionate impact of HIV/AIDS on women.

2. Methodology

14. The selected best practices emanating from the implementation of the NSF were identified through a combination of efforts, including desk research of available reports and publications, the use of a generic questionnaire, interviews with key actors and stakeholders, and a focus group discussion with a cross-section of CSOs working on HIV/AIDS (see list of participant in Annex 3).

15. The distillation of information was undertaken based on the classification of target stakeholders into three categories, namely, government, civil society groups and international development partners/donors. A review of available publications and information on the reported results of interventions was also conducted to assess their contribution to the gendered objectives and activities outlined in the NSF. These were further examined to determine how and to what extent they respond to globally acknowledged gender and HIV/AIDS issues based on a) socio-cultural factors; b) biological factors; c) economic factors; political/legal factors; d) environmental factors and e) HIV/AIDS service delivery related concerns. Given that the NSF itself puts a strategic focus on the policy framework, the compilation strove to capture case studies that reflect institutional arrangements, advocacy, capacity-building, high-risk targeted interventions, partnerships and collaboration.

16. This report is by no means exhaustive. Anecdotal and unsubstantiated reports of gender-responsive actions were largely avoided to reduce controversy on outcomes and achievements. A collective review of impact, lessons learned and persistent challenges was then undertaken to guide the adaptation and replication of best practices.

3. Profile of case studies

17. The NSF is an HIV/AIDS intervention plan that Nigeria developed as part of the “Three Ones” to curb and mitigate the spread of HIV/AIDS. It provides the opportunity for programming by all stakeholders within a defined framework. The NSF is acknowledged as a major accomplishment in the continued efforts to promote gender-sensitive programming and interventions to address the higher prevalence rates among women as compared to men, the feminization of the epidemic, and the insensitivity of budget allocations to women-specific interventions and measures for addressing the burden of care that women bear for family members living with and affected by HIV/AIDS in Nigeria. It provides unique opportunities for responding to the different facets and issues surrounding the management of HIV/AIDS.

18. The array of stakeholders working at various levels and degrees since the introduction of the engendered NSF shows that policy change at the national level is a critical strategy for providing the multiple entry points necessary to mitigate the spread of the virus.

19. Although Nigeria is still ranked low in gender equality, much progress has been recorded across the three segmented targets of this study i.e. national and State Governments, development partners and civil society. Nigeria and her partners are particularly proud of efforts such as those of the Canadian International Development Agency (CIDA) and the United Nations Development Fund for Women (UNIFEM) which culminated in the inauguration of the Gender Technical Committee (GTC). The committee in turn facilitated within NACA internal operations for engendering of the NSF using gender experts. It is also the brain power behind NAWOCA.

20. The Joint Mid-Term Review (JMTR) of the NSF has shown progress ranging between 27 and 62 per cent, a feat recorded through the collaborative effort of all stakeholders. However, implementation gaps present opportunities for further interventions to de-feminize the epidemic, mitigate its spread and close gender-related inequalities in HIV/AIDS programming. This will serve as a contributory vehicle for achieving Millennium Development Goal (MDG) 3 in Nigeria.

4. Selected best practices on mainstreaming gender and HIV/AIDS

21. Since the launching of the engendered NSF, various agencies, CSOs and the private sector have utilized individual or collective strategies to achieve planned results by aligning their interventions with some or all of the eight thematic areas of the NSF. Organizations like UNIFEM, CIDA, Action Aid and CEDPA have

worked with diverse stakeholders and interest groups across the country and at different levels to create awareness and acceptance of gender issues in HIV/AIDS programming.

22. To spearhead the process, government line ministries were trained by the Federal Ministry of Women Affairs on gender mainstreaming, whilst civil society and SACA capacities were built by donors and development partners to provide the requisite technical and programming skills for mainstreaming gender in planning, programme delivery and monitoring and evaluation of activities at different levels.

4.1 Federal-level case studies

23. The Government has provided ownership and strategic direction through political will/support at the highest level that has enabled the engendering of the NSF as the omnibus document for systematically addressing issues concerning gender and HIV/AIDS. This has provided various entry points for gendered interventions by stakeholders with attendant benefits to the Nigerian people.

24. Case study 1: Institutional strengthening through the Gender Technical Committee – The process of establishing the Gender Technical Committee was conceived and initiated in 2003 by CIDA and UNIFEM. The GTC formation recognized the need for effective coordination of efforts within and across institutions working on HIV/AIDS. The aim is to support on an ongoing basis the mainstreaming of gender equality in the national response as outlined in the NSF; provide technical assistance to NACA to boost the implementation and monitoring of the policy gender targets; and promote a deeper understanding of and commitment to gender-sensitive HIV/AIDS programming in Nigeria.

25. The 15-member committee comprises gender focal persons and organizations. To enable the committee to deliver its mandate, members are trained on gender and HIV/AIDS issues, and periodic meetings are held to review progress and hold members accountable for delivering gendered services. Gender perspectives are infused into sectoral HIV interventions through the committee.

26. Case study 2: Policy engineering through engendering the NSF – The earlier response of the Nigerian Government to the increasing rate of HIV/AIDS was a gender-blind HIV Emergency Action Plan (HEAP) which spanned 2001- 2004. The need to embrace a more integrated approach to the response brought about the development of the NSF.

27. The opportunity to mainstream gender into the National Response Review and the NSF in particular was a product of the earlier efforts of UNIFEM and CIDA in 2002 and sustained advocacy and partnership with NACA and the Extended Theme Group (ETG) in collaboration with other GTC members. A multi-pronged strategy was developed to support NACA in mainstreaming gender analysis and equality into the review process. It includes:

- i) Providing strong visibility for the GTC and platforms for engagement with NACA and ETG during the preparatory stages for the review process;
- ii) Ensuring sustained advocacy for the different thematic groups to focus on gender concerns and appreciate the need for gender experts and critical minimum mass of advocates to make a difference;
- iii) Supporting and influencing each of the thematic working groups to consistently mainstream gender equality into their work, proposed outputs and outcomes;
- iv) Assigning a gender expert to work with and provide technical support to the two lead consultants charged with overall direction of the National Response Review (NRR) and development of the NSF;
- v) Providing gender stakeholders with regular briefs and updates on progress to enrich and validate the work of gender experts during consultations with constituent entities for wider ownership;
- vi) Documenting lessons for sharing with others wishing to replicate the approach; and

- vii) Providing advocacy and training for SACA officials and stakeholders at State level to include gender equality aspects of the NSF in their State strategic plans (SSPs).

28. Case study 3: High-level advocacy on gender and HIV/AIDS issues through the National Women Coalition on AIDS (NAWOCA) – The Gender Technical Committee initiated the formation of NAWOCA to increase the involvement and participation of women living with HIV/AIDS and women’s rights organizations in the national response to HIV/AIDS. It relies on the political will and high profile of the First Lady of Nigeria and the wives of the Governors of the 36 States and the FCT to *address the disproportionate vulnerability of women and girls to HIV infection*. NAWOCA is expected to strengthen the gender components of the NSF and reinforce prior commitments to gender inequality.

29. The inauguration ceremony which was witnessed by over 300 participants, including the Federal Minister of Women’s Affairs and the wives of the Governors of the 36 States of the Federation and the Federal Capital Territory (FCT), Minister was hosted by the First Lady, Hajia Turai Yar’Adua, who also chairs NAWOCA. During the ceremony, Prof. Babatunde Osotimehin, the Director General of NACA, shared with the participants the focus and achievements of the National Response in the past few years, noting the need for broad-based support to stimulate more robust deliberations and action on gender and HIV/AIDS issues.

30. As part of its 5-year plan, the coalition has started advocating for improved access to information and education on prevention of HIV infection for all Nigerians. It has sought to improve HIV treatment, care and support and other reproductive health services for positive women. The coalition also aims to address issues of positive women and poverty and the need for increased commitment to empower them economically at all levels of society. It also advocates for improved access to educational opportunities for the girl child as a pathway to achieving Millennium Goal 6, which is to halt and reverse trends in the spread of HIV/AIDS.

31. Seven strategic tasks are assigned to NAWOCA to help prevent new HIV infection and mitigate the impact of HIV/AIDS on women and girls, namely, promoting:

- i) Access to information and education on HIV prevention;
- ii) Access to HIV treatment, care and support;
- iii) Sexual and reproductive health in rights of girls and women;
- iv) Girl child education;
- v) Girls’ and women’s empowerment (poverty eradication) initiatives;
- vi) Leading the crusade against stigmatization and discrimination of those infected; and
- vii) Mobilizing support for policies and programmes focusing on women and girls.

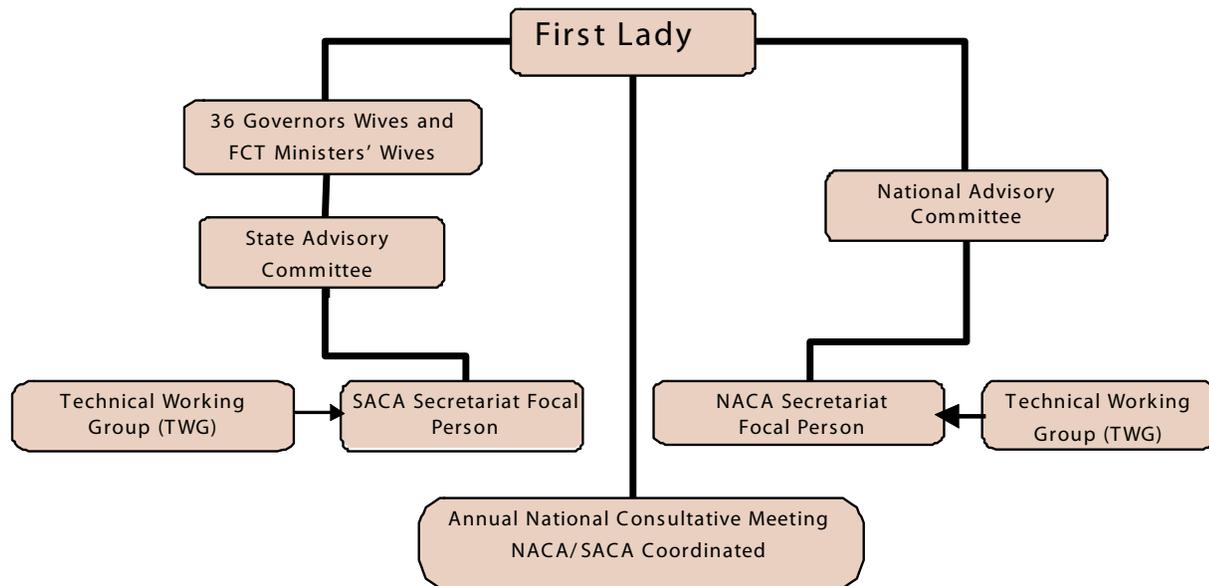
32. At a two-day technical session which preceded the inauguration of NAWOCA, the structure of the coalition was developed, as well as a National Agenda for Action on Women and AIDS in Nigeria. The First Lady, as shown in figure 2, works with the National Advisory Committee to coordinate activities of the coalition through a technical working group served by a secretariat. This structure is also replicated at the State level. The coalition features an annual consultative meeting at the national level. It also provides guidance and leadership to the wives of the State Governors.

33. Case study 4: Promoting gender and rights concerns in HIV programming through the National Human Rights Commission (NHRC) – The commission’s statutory mandate is to undertake all matters relating to the promotion and protection of human rights in Nigeria. Its HIV/AIDS project seeks to promote and protect the human rights of people living with HIV/AIDS and influence behaviour change against stigmatization.

34. The NHRC project of sensitization of health institutions, community leaders, CBOs, PLWHAs, etc. on linkages between HIV/AIDS and human rights focused on the reduction of stigmatization and discrimination

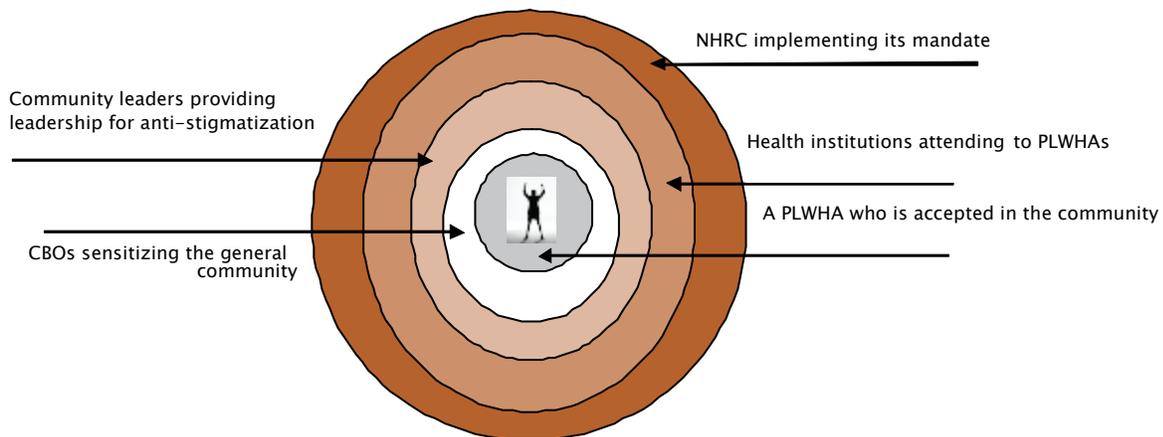
in selected areas. In addition, it provided windows for the handling cases of violation of the rights of people living with AIDS and people affected by AIDS.

Figure 2: Structure of NAWOCA



35. Recognizing the need to respect the rights of people living with HIV/AIDS and promote anti – stigmatization is one of the cardinal issues in ensuring a safe environment and equal rights of all Nigerians. The vision of the project as captured in figure three is to see PLWHAs fully accepted by their communities. Different entities in the community were also strengthened to play active roles in promoting the rights of PLWHA. As a national agency, the project impacted health institutions, community leaders, CBOs and PLWHAs. It also strengthened the capacities of these stakeholders to positively influence behaviour change towards fair treatment of PLWHAs. Key achievements of the project include sensitization of 28 health care institutions and designation of 32 focal persons for gender and human rights (G & HR) for the concerned institutions. About 70 community leaders and FBOs sensitized to support PLWHA, about 76 PLAs and 19 informal support groups were assigned as M&E agents for G & HR. Workplans were developed for the G&HR focal persons, a management information system (MIS) was established for the project and the creation of inter-group networks were facilitated to promote learning and experience sharing.

Figure 3: A model showing the contribution of four actors engaged by NHRC to create a conducive society for PLWHAS



36. Case study 5: Delivering HIV/AIDS objective through the NGP – The Federal Ministry of Women Affairs (MoWA) has developed a national gender policy whose overall goal is to build a just society devoid of discrimination and to harness the full potential of all social groups regardless of sex or circumstance...”. The principles and ideals of the NGP are in line with the objectives of the NSF as it relates to gender mainstreaming and HIV/AIDS. Programming for gender using the six policy strategies outlined in table 2, on a national scale provides additional opportunities for strengthening ongoing and new interventions on HIV/AIDS at all levels.

Table 2: NGP broad delivery strategies and outcomes

STRATEGIES	OUTCOMES
Policies, partnerships and programmes reforms	Mainstreaming of gender concerns across sectors and at all levels
Information, communication and value re-orientation	Increased gender knowledge, attitude and practice, male involvement and positive gender culture
Capacity-building and skills development	Technical expertise and appropriate tools and instruments for sustained gender-responsive development
Legislation and human rights protection	Gender justice and guarantee of human rights
Economic reforms and financial accountability	Reliable desegregation of data and indicators
Monitoring and evaluation	Effective gender equality tracking and benchmarking of progress

37. To create the appropriate enabling environment for the dual use of the NGP as an HIV management tool, the MOWA conducted training in gender mainstreaming and HIV/AIDS programming for 30 line ministries, 150 officers of State Ministries of Women Affairs and parastatals and 50 NGOs in 2005/2006. Directors and senior cadre officers were trained on a zonal basis in 2008, commissioners of the 36 State MoWA and the FCT, MoWA Ministry staff from grade levels 3 – 9 and commercial sex workers were also given gender training. The gender-supportive workplace policy on HIV/AIDS developed by the ministry was also distributed to Commissioners of Women Affairs.

4.2 Sub-national (State) Government case studies

38. The SACAs serve as coordinating bodies using the NSF at State level to implement State-owned interventions. Usually, each State has its peculiar challenges informed by economic, social, traditional and political encumbrances. Therefore, generic programmes from the national level are largely unimplementable at State level due to the distinctive and limiting factors that come to play in the various States.

39. The willingness and support of the States to ensure that the gender requirements of the NSF are implemented through strategic programming will go a long way to mitigate the epidemic.

40. Out of the 36 States and the FCT so far, eleven (11) States have demonstrated measurable progress in mainstreaming gender in their respective agendas. Six (6) States, namely, Kaduna, Kogi, Enugu, Ondo, Ogun and Kwara have organized training on gender mainstreaming into HIV/AIDS programming. Some others such as Ondo, Kogi and Sokoto have not only stepped up their gender mainstreaming training but have mainstreamed gender into their State strategic plans (SSP), thus providing the enabling policy and programming framework in the State. Kebbi, Bauchi, Ondo and Borno States have used media and publicity to create awareness of gender HIV/AIDS and issues.

41. In the area of high-level advocacy, several States have launched their State’s equivalent of NAWOCA. These State chapters have achieved the following:

42. Ekiti State: has trained State judges, magistrates, senior judicial staff and other Government functionaries on HIV/AIDS and gender mainstreaming, while focal persons of line ministries were trained in HIV/AIDS budget tracking and mainstreaming of HIV/AIDS into the SEEDS document.

43. Oyo State: has inaugurated the Orelupe local government chapter of the coalition – **OYSWOCA** and has partnered with Fidson Pharmaceutical Ltd., a private company, to distribute blood tonic to pregnant women. Sensitization has been organized for women in Local government on how to access HCT and PMTCT services, using the occasion to educate them about HIV/AIDS and PMTCT. Publication and distribution of pamphlets on HIV, AIDS and PMTCT has been used as a strategy to increase awareness amongst women of childbearing age. Over 3,000 ladies at the Nigerian Baptist Convention held in Ibadan were also sensitized on HIV and AIDS and prevention of mother-to-child transmission.

5. Efforts of development partners

44. Depending on individual priority area(s) of focus within the NSF, partner support to the national response spans resource mobilization to influencing policies and supporting programme implementation. This is attuned with the principles of the new aid modalities which espouses an aid delivery system where recipient countries take leadership in defining and implementing nationally determined strategies and priorities, donors support those national development strategies and harmonize aid-based contributions on country priorities and around locally identified issues in the spirit of self-determinism.

45. The NSF aptly demonstrates this good practice as it is Nigeria's expressed priority concerns, needs and requirements for mitigating the spread of HIV/AIDS. It is also truly reflective of the principle of the "Three Ones".

46. Alignment and harmonization of support is achieved through platforms such as the Donor Coordinating Group on Gender (DCGG), UN Gender Theme Group (UNGTG), Gender Technical Committee on AIDS (GTC) and Expanded Theme Group (ETG) on HIV/AIDS. These platforms offer donors the opportunity to gain insight into agency efforts, results achieved and any existing gaps. They provide opportunities for donors to learn from each other's peculiar programming models and approaches.

47. The case studies selected for development partners have largely influenced strategic interventions at both the national and the sub-national levels.

5.1 Selection of partner-supported case studies

48. Among international development partners (IDPs), **UNIFEM** has played a notably supportive role to deepen gender equality knowledge and programming skills among stakeholders. This has helped to drive and sustain the impetus of gender mainstreaming in HIV/AIDS programming.

49. Case study 6: Engendering the 14th ICASA 2005 – The goal of engendering the International Conference on AIDS and Sexually Transmitted Infections in Africa (ICASA 2005) was to enhance the overall analysis of the dynamics of HIV/AIDS during the conference, promote adequate representation of the voices and experiences of women and men living with HIV/AIDS, as well as increase the public profile of positive women and the Nigerian AIDS Response Fund (NARF).

50. The cascading effect of the NARF led UNIFEM to form partnerships with groups like GTC, NACA, Action Aid International, World Young Women Christian Association, Helpage International, Grassroots Organizations Together in Sisterhood, the Federal Ministry of Women Affairs, and the Centre for Development and Population Activities (CEDPA).

51. The ICASA strategy led to the development of appropriate mitigation measures based on increased awareness of the gender dimensions of HIV/AIDS and mainstreaming approaches. It targeted young boys and girls, policymakers, community women and men and those living with HIV/AIDS. Over 300 youth benefited from the pre-gender training conference.

52. Several sessions allowed the airing of the voices and experiences of women and men living with HIV/AIDS who were adequately represented at the conference. Similarly, there was an unprecedented public profiling of positive women and the UNIFEM project.

53. Case study 7: UNIFEM Enugu Counselling Project – Under this project, UNIFEM supports the development of a gender-responsive HIV/AIDS policy for health-care facilities in Enugu State. The first of its kind in the country, the policy provides for intensive counselling, confronts discrimination against pregnant women, and ensures equal access for men and women to anti-retroviral drugs. Working with the Catholic Annunciation Group as an implementing partner, a network of community-based organizations was mobilized to serve as grassroots counsellors and community advocates. These groups have sustained gendered services within the communities beyond the life of the project.

54. Case study 8: UNIFEM Policy Appraisal Initiative – Still working with CIDA under the NARF project, this intervention seeks to promote the emergence of a coherent policy environment for the achievement of the gender-responsive and human rights-based targets of the National Strategic Framework on HIV and AIDS. In pursuit of its objectives, three policies – agriculture, education and health – were audited from gender and human rights perspectives and sensitivity. So far, the outcomes of the project have:

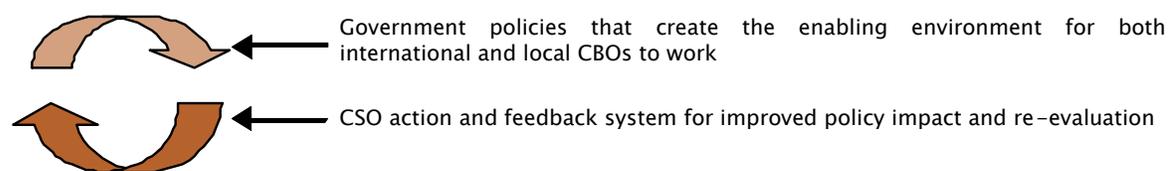
- Supported government at federal and State levels in selected areas to integrate gender equality and human rights into HIV/AIDS policies.
- Increased awareness among key stakeholders of the gender equality and human rights implications of HIV/AIDS.
- Strengthened the capacity of NACA to deliver on a gender-sensitive national response mandate through embedded technical expertise.

55. Case study 9: CIDA NARF Project – It was launched in September 2003 as an expression of the commitment of CIDA and support to Nigeria's response to the HIV/AIDS epidemic. The fund contributes to an enabling health, social and political climate of reduced vulnerability to HIV/AIDS through the capacity development of stakeholders on gender equality and respect for human rights. It provides opportunities for a broad multi-sectoral approach to tackling HIV/AIDS prevention, care and support, and promotes gender considerations and respect for human rights in HIV/AIDS programming.

56. The two mutually supportive components of NARF are reflected in the schematic of fig. 4. One arm provides support to HIV/AIDS policy and institutions of government as well as multi-sectoral agencies like NACA, while the other supports local initiatives through community-based and non-governmental organizations.

57. NARF support for policy processes of government institutions has contributed significantly to stimulating the policy environment to enable stakeholders to incorporate gender and human rights considerations in their response to HIV/AIDS. It also encourages a feedback system from communities back to the national level for policy review and/or re-formulation, as programming lessons are used to refine policy directions and processes.

Figure 4: Usage of policies and the feedback system encouraged by NARF

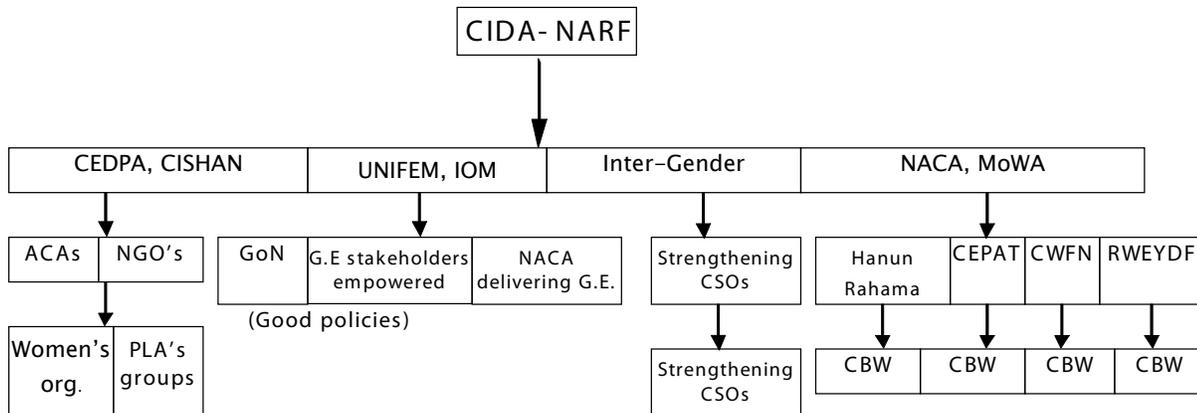


58. NARF is the only fund dedicated solely to addressing gender equality and human rights concerns in Nigeria's response system. The goal of NARF is to support the improvement of the health of Nigerian

women and men, girls and boys through the control of the spread of HIV/AIDS and provision of sustainable equitable care and support to those infected and affected by the disease.

59. During its first phase in 2003, the capacities of 120 CBOs and 116 CSOs were developed in preparation for phase II. The increased community acceptance of PLWHAs, who are participating actively and making presentations at community meetings, is an indication that the stepdown training/ownership of projects has made a significant impact. Under the direct support component, grants are made available to implementing partners to use unique entry points to address gender, human rights and HIV/AIDS concerns. A selection of NARF partners and sub-partners is presented in figure 5.

Figure 5: Sketch of NARF component/action areas



60. Some substantive gains of NARF include the facilitation of gender equality mainstreaming in HIV/AIDS programmes at the sub-project level through improved capacity of various stakeholders to address gender concerns in prevention, care, support and mitigation. Another value added is the gender management meetings that take place both at the national and at the local levels, where all CIDA stakeholders come together to share and expand their knowledge and experience.

61. Other significant achievements of the fund are support to the Multi-country AIDS Programme (MAP), the Gender Mid-term Review of the NSF and Nigeria's proposals for the Global Fund Round Eight as well as peer review for engendering strategic plans in the States. Project trainees at community level are now vibrant members of the State-level GTC.

6. Civil society gender and hiv/aids interventions

62. With support from donors, local and international NGOs and CSOs have been actively engaged in the implementation of the NSF, especially in the delivery of the gender components and targets of the framework.

6.1 International NGO interventions

63. Case study 10: Engendering care and support efforts – AIDS Alliance in Nigeria, an umbrella HIV/AIDS organization mobilized and built the capacity of PLWHAs along the transport corridors of Itam, Lokoja and Gombe. The project targeted people living with AIDS groups in the selected States to effectively mainstream gender equality and human rights issues in their interventions, especially their care and support activities. The three focus groups formed in these States established a total of 800 registered satellite support groups. *These focus groups have grown from 17 female and 14 male PLA participants to 472 female and 333 male participants across the country.*

64. The project impact is affirmed by evidence showing:

- Participating communities and families' ability to better care for and support women and men, girls and boys living with and affected by HIV/AIDS in a sustainable manner.
- The creation of pockets of ideal/standard health, social and political climates with reduced vulnerability of women and men, girls and boys.

65. Under this initiative, the primary beneficiaries were PLAs in transport corridors of the three focal States, people affected by AIDS, health facilities and the community members within the selected States. The initiative strengthened networking and linkages to health facilities and relevant partner organizations; enhanced referral procedures to PO and health facilities; provided platforms for quarterly gender management meetings; and promoted increased availability of information, communication and educational materials.

66. Case study 11: Gender, HIV/AIDS and the Workers Union – The Solidarity Centre is an international non-profit organization that works to empower unions with the necessary tools and education for a better and more productive workplace. Their intervention under the NARF sought to support the improvement of the health of Nigerian women and men, girls and boys through the control of the spread of HIV/AIDS among its members and to better equip them to provide equitable care and support to those infected and affected by the disease.

67. The purpose of the project was to strengthen the capacity of the National Union of Road Transport Workers (NURTW) and other partner organizations to integrate gender equality and respect for human rights into HIV interventions. The strategy used included advocacy visits to 30 identified Project Action Committee (PAC) members and a policy review. As a consequence of this intervention several gains were recorded, including the training of 66 PLAs and PAC members on gender and human rights issues in HIV/AIDS; development of 20 gender-sensitive proposals for accessing seed grants under the project. This was a follow-up to the training for PLAs on project design, proposal writing, financial management, project monitoring and evaluation and report writing. Advocacy visits were also made to the NURTW leadership at the State and national and levels on the need for a gender-sensitive workplace HIV/AIDS policy for its members. This project is an innovative approach of introducing gender and HIV/AIDS issues into the traditionally male-dominated transport industry.

68. Case study 12: Sexual and reproductive health initiative – ACTION AID INTERNATIONAL Nigeria undertook this programme with the objective of promoting sexual and reproductive health for HIV/AIDS reduction (PSRHH). The programme is geared at increasing behaviours conducive to sexual and reproductive health among poor and vulnerable populations in Nigeria. The PSRHH is a 7-year partnership programme between the Federal Government of Nigeria, the British Department for International Development (DFID) and the United States Agency for International Development (USAID). It is aimed at supporting major initiatives for improving the health of the Nigerian population. Managed by Population Services International (PSI), it supports the Nigerian Government's response system to reduce HIV/AIDS under the coordination of NACA, in conjunction with the Nigeria Response to Reproductive Health, coordinated by the Department of Community Development and Population Activities of the Federal Ministry of Health. PSI is an international non-profit organization implementing the PSRHH programme in partnership with Society for Family Health (SFH).

69. An in-depth study on HIV/AIDS revealed there are both systemic and structural approaches driven by patriarchy which may hamper the implementation of the PSRHH. There was also a gender audit to further identify gaps within programming and implementation arrangements. This was to ensure that gender issues were not excluded in the different cycles of the project processes. It was observed that the project impact would be more significant when a desegregation of the peculiar female and male issues of out-of-school youth is undertaken. Target groups reached included highly at risk groups such as female sex workers, female/male out-of-school youths, transport workers and their assistants (long distant truck drivers, taxi drivers, inter-city bus and car drivers and Okada motorcycle riders), men in uniformed services (especially the military and the police in Nigeria). The programme Gender Working Group acts as a monitor to ensure that all the gender gaps are addressed as agreed in the action plan. A model for addressing out-of-school youths called the Peer

Education Plus (PEP) was also designed. A gender audit of the PEP was conducted to articulate concrete solutions to address the peculiar needs of girls and boys, thereby increasing the reach of the programme.

- Gender-specific activities undertaken include the development of a gender curriculum; national gender training for project partners; zonal gender trainings with practical sessions on the “how to” of gender mainstreaming in HIV/AIDS programming. Regional trainings (17 sessions) involving community members as allies for driving the process targeted faith-based organizations.

70. The result of this model was a wider-than-planned reach covering a larger geographical spread. Consequently, there has emerged vibrant CSOs that are driving the PSRHH in 33 locations, thus advancing knowledge and awareness of gender and HIV/AIDS in new territories and among new interest groups. There are 271 participating CBOs with six (6) women-focused CBOs mostly in the north (Kano and Kaduna). Other States are recording gender parity in the structure of participating CBOs.

71. Case study 13: ACTION AID INTERNATIONAL – The “Women Won’t Wait Campaign” focuses on ending violence against women and curbing the spread of HIV infection. The campaign seeks to bring to the fore and deepen the understanding of the linkages between violence against women and the spread of HIV virus among women and girls.

72. The strategy utilized was for traditional institutions and pressure groups like the Umu Adas’ of Enugu and Ebonyi States working to eliminate widowhood and inheritance practices through intense advocacy in Ebonyi State. As part of the campaign, Action Aid conducted gender training for Cross River State officials, FCT Action Committee on AIDS, SACAs of Benue, Kaduna, Enugu and Nassarawa States to increase their understanding of gender mainstreaming in HIV programming. Furthermore, the Local Agencies for the Control of AIDS (LACAs) and the **Council of Elders** were sensitized on violence against women, leading to the institution by the Tor Tiv of Benue State of the *Tor Tiv Summit on HIV/AIDS*.

73. Case study 14: Improving the quality of life of PLWHAs – The Centre for Development and Population Activities (CEDPA) focuses on prevention, care and support in order to improve the quality

The Women Won’t Wait Campaign has seen many traditional rulers and pressure groups spearheading the elimination of violence against women in their communities (Ojukwu Mark Ojukwu – actionaid)

of life of PLWHAs and their families and mobilize women to achieve equality. This approach to gender mainstreaming is to build strong families, communities and societies that are systematically equipped and capable of combating HIV/AIDS and other diseases whose management/control are normally suppressed by poverty.

74. In implementing the Gender and Human Rights in HIV/AIDS Initiative (GHI), the aim was to strengthen the capacity of partner organizations to integrate gender equality and respect for human rights, in order to help: (i) communities and families care for and support women and men, girls and boys living with and affected by HIV/AIDS in a sustainable manner; and (ii) create a healthy, social and political climate of reduced vulnerability of women and men, girls and boys to HIV/AIDS. Under the initiative, eighteen (18) civil society organizations were trained and their skills developed in project design, management and monitoring of HIV/AIDS interventions that integrate gender and human rights.

75. This project’s target beneficiaries were youth, women of reproductive age, men of reproductive age, persons living with HIV/AIDS, persons affected by HIV/AIDS – orphans, widows, women’s organizations and religious institutions. Activities undertaken as part of the project included:

- (i) Training of staff and stakeholders of one CSO per focal State to understand issues of gender and HIV/AIDS;
- (ii) Training of trainers workshop on human rights and gender for all focal States’ CSOs, to build capacity, expand their knowledge base and skills in gender mainstreaming; and

(iii) Two step-down trainings, the first on gender, human rights and HIV/AIDS, and the other on advocacy skills to better negotiate on gender and human rights (GHR) issues.

76. The CEDPA delivery strategy was based on community mobilization and peer education models. The project has been handed down to CBOs and FBOs for sustainability. Collaboration and partnership were enhanced through experience and report sharing and an improved referral network. This result is that close to 80 per cent of the planned target has been achieved.

6.2 Local NGO interventions

77. **Civil Society HIV AIDS Network (CISHAN)** coordinates about 2,600 NGOs, CBOs and FBOs working on various HIV/AIDS issues towards a unified goal of curbing the challenges relating to treatment and stigmatization of people living with HIV/AIDS. Members of civil society play an important role as foot soldiers in the delivery of services that are catalytic to making the country's efforts achieve grassroots impact.

78. CISHAN coordinates groups like *people living with HIV and AIDS, youth organizations, women's organizations, businesses, trade unions, professional and scientific organizations, sports organizations and a wide spectrum of religious and faith-based organizations across the country.*

79. **Case study 15: CISHAN** is a national network of civil society organizations working on issues related to the prevention and impact mitigation of HIV/AIDS in Nigeria. Its activities in curbing the impact of HIV/AIDS from a gender perspective are necessary to promote equality in interventions. In the spirit of the engendered NSF, the project aimed to improve the knowledge base and capacity of CISHAN members and project staff on mainstreaming gender and human rights in HIV/AIDS programming. It also built the capacity of the Nigerian Bar Association (NBA) members on issues of gender and human rights in HIV/AIDS in Nigeria.

Figure 6: Cross-section of participants at the focus group discussion on best practices in HIV/AIDS programming



80. The purpose was to reduce the incidence of gender and human rights abuses, stigma and discrimination targeting PLWHAs in focal States. The various activities carried out by under the project were:

- Capacity-building for ten (10) CSOs in funds management, participatory needs assessment approaches and gender equality and human rights;
- Development and production of a gender and human rights training module jointly with stakeholders; and
- Development of baseline data and information on the gender and human rights situation in the NARF focal States through desk reviews and consultations with stakeholders.

81. Case study 16: NEPWHAN (Network of People Living with HIV and AIDS in Nigeria) – Although their programming is not gender-specific in content, the organization itself operates through various interest groups for effective coverage of issues related to each specialized group.

82. Case study 17: Journalists against AIDS (JAAIDS) – This project develops leadership skills among youths, with participation being 50 per cent male and 50 per cent female. It also convenes bimonthly meetings/training for legislators and communities on policy advocacy. Balance in participation between men and women is a key objective of the meetings.

83. Case study 18: Society for Women and AIDS in Africa Nigeria (SWAAN) – The chapter has 26 branches across the country designing programmes according to the local peculiarities of their various States. However, SWAAN’s main area of work covers prevention, resource mobilization, treatment, care and support. It recently trained bankers on basic facts about HIV/AIDS. The participation ratio between women and men was 70 per cent female as against 30 per cent male.

84. Case study 19: Alliance Right Nigeria – This organization has a project that targets sexual minorities who are mostly overlooked in programming for HIV/AIDS due to societal discrimination. It focuses specially on men sexing men (MSM) lesbians and molested children. A recent intervention for the MSM was to teach them safe methods of meeting with other men. Twenty (20) MSM were trained on safe preventive methods. Another project of the organization is the “People’s AIDS Agenda”, which sets out priorities for achieving universal access to prevention, treatment, care and support in Nigeria. The project responds to changes in administration at all levels, while the situation of AIDS remains the same among the people. It outlines what is needed for different constituencies and why. For instance, under prevention, some of the demands being pursued also reflect the NSF objectives:

- (i) to reduce vulnerability of women and girls to HIV and AIDS because of their increased susceptibility to HIV/AIDS due to their physiological make-up, harmful practices, rape and gender inequalities, including the bearing of a disproportionate burden of HIV/AIDS care; and
- (ii) to provide free and comprehensive treatment at all levels for PLWHAs, introduce workplace interventions and PMTCT/RH services for women living with HIV. The comprehensive “People’s AIDs Agenda”, which highlights how the organization’s work intersects with the NSF, is attached as annex 2.

85. Case study 20: Inter-Gender – A gender, research and development centre works to strengthen, with support from a number of donors, the capacity of partner organizations (POs) to integrate gender equality and respect for human rights into their activities. The NARF-supported project is geared towards strengthening the capacity of women-focused CSOs in Gombe, Ikom and Lokoja, in an effort to mainstream gender equality and human rights into HIV initiatives through participatory approaches and to improve the standard of living of high at risk secondary target groups. The project targets are women-focused CSOs, high risk groups such as commercial sex workers, local manicurists and pedicurists and out-of-school youth.

7. Estimated progress and results from mainstreaming gender in the nsf

86. In order to assess progress towards gender targets within the NSF, tools were developed during the NSF mid-term review to collect data on the gender results achieved in the implementation. This was to help evaluate concretely how the NSF implementation squared with the realities and concerns of both women and men at all levels and across the eight thematic areas of the NSF and between and among the spectrum of partners involved.

87. The table produced by the gender review consultants revealed that some action areas achieved as high as 62 per cent, while others recorded less than 25 per cent. This indicates that there is room for improvement in gender programming. A synopsis of results achieved through the implementation of gender-focused interventions is captured in boxes 1 to 5.

Box 1: Highlight of best practices of managing for gender results

- The Tor Tiv Summit on HIV/AIDS
- The pressure groups formed in Ebonyi, Enugu, Kano, Lagos and various other States against gender-insensitive HIV/AIDS programming
- Action Aid conducting gender audit for programmes and strategic plans
- CIDA – NARF providing funding for government, international and local NGOs and CBOs to implement programmes at the national and the grassroots levels
- Sustained efforts by UNIFEM for gender equality in HIV/AIDS programming
- The formation of NAWOCA

Box 2: Impact of the gendered NSF

- Increased visibility and legitimacy of gender equality issues in HIV and AIDS programming
- Development of a strong gender-responsive National Strategic Framework on HIV/AIDS
- Institutionalization of the Gender Technical Committee (GTC)
- Strengthened partnerships and linkages between NACA, UNIFEM, CIDA, UNFPA, CSOs, the GTC, ETG and increased membership of the GTC.
- Wide acceptance and usage of the NSF in Nigeria and replication of the NSF in other countries
- Opportunity to review and update gender issues within the NSF by the younger generation as needed

Box 3: Outcomes of CSO interventions

- Support to PLA group is effective, efficient and relevant in addressing HIV/AIDS issues in Gombe, Kogi and Cross River States.
- PLA groups are effective in integrating gender equality and human rights in HIV/AIDS interventions in target States

Box 4: Results, Action AID Nigeria GM

- The Traditional Council of Elders in Benue, Enugu, Kaduna and Nasarawa States trained on gender and violence against women

Box 5: UNIFEM – ICASA 2005 PROJECT

1. Mainstreamed gender into the programme structure of ICASA 2005
2. Participants were aware of gender dimensions of HIV/AIDS during ICASA 2005
3. Policymakers, programme planners/implementers and HIV/AIDS activists equipped with skills for mainstreaming gender into their work on HIV/AIDS programming and eradication in Africa

8. Lessons learned

88. The five principles of the New Aid Modalities provide a unique opportunity for collaborative action around gender mainstreaming in HIV/AIDS programming. Although the principles are not widely used, Nigeria has produced a gendered strategic plan for HIV/AIDS programming and template for coordinating activities of all HIV/AIDS actors in the national response congruent with the “Three Ones” principle of one coordinating body, one monitoring and evaluation system and one strategic framework. Donors and other stakeholders are aligning partnerships and linking their funding to this single framework by supporting gender-focused initiatives across various sectors.

89. Some common lessons that can be drawn from the initiatives are that the prerequisites for successful gender and HIV/AIDS mainstreaming include the following:

- i) Political will from government, high-level officers, opinion leaders and management teams of agencies /organizations.
- ii) Technical expertise in gender equality mainstreaming within institutions and groups serving as focal points and providing technical support to partners and stakeholders on a steady and predictable basis.
- iii) A gender team, management unit or committee to coordinate gender-sensitive interventions in a systematic way and openness to collaborative engagement.
- iv) Availability of an appropriate, enabling framework and action plan to guide programming, monitoring and evaluation.
- v) Tools and instruments to help different groups and stakeholders better understand gender issues, concepts and delivery modalities.
- vi) Clear understanding of entry points that are flexible and responsive to the distinctive needs of women and men, girls and boys.
- vii) Need for dedicated funds that can be deployed to respond to the differential needs of women and men and to address issues not captured in mainstream plans and actions.
- viii) Need for sustained advocacy and pressure groups to demand protection of the rights of all and lead the change process, especially within local communities.

90. However, despite the results achieved and the tremendous effort across the board, there is no national forum where organizations come together to share their experiences in different areas. There is a need to strengthen partnerships and have a common gender-disaggregated data pool for easy access to information.

9. Conclusion and recommendations

91. On the strength of these lessons, and in addition to providing financial and technical aid, donors must harmonize their activities through the various organized groups to make their actions more consistent, transparent and collectively effective. This will foster the adoption or replication of the NSF-inspired gender mainstreaming activities/interventions. The existence of groups such as the DCGG, the UN Gender Theme Group and the ETG have contributed in no small measure to the achievement of established results and are therefore commended to all. These groups also assist in designing strategic plans and development programmes and aligning their activities to avoid duplication and enhance knowledge learning.

92. In order to sustain and increase commitment towards achieving considerable benchmarks and targets and Millennium Development Goal 2, donors and partners should be accountable for results through systems, procedures and investments that are supportive of their respective gender and HIV policies.

93. The principal conclusion drawn by the researcher as informed by the field work carried out is that the selected cases presented in this report reflect the added value and benefits of gender mainstreaming, especially in the empowerment of women, families and communities. To accelerate the pace at which the HIV epidemic



is contained, gender mainstreaming has demonstrated itself as a necessary and useful strategy, from the case studies described. Thus, such initiatives should be documented, studied more closely for medium-and long-term impact and their delivery methods improved. The documentation of best practices by ECA is therefore timely and essential. More funding should be made available to optimize the objectives and scope of organizations involved in gender mainstreaming in general, and especially those with exemplary practices.

Annex 1

Structure and framework: National Women's Coalition on HIV/AIDS

Name: National Women's Coalition on HIV/AIDS (NAWOCA)

Role: Unified advocacy platform for addressing the disproportionate vulnerability of women and girls to hiv infection

National Advisory Committee (NAC)

To be constituted in consultation with the First Lady who is the Chair. Shall comprise women representatives of:

- a. People living with HIV
- b. Women leadership in Government at national level
- c. Technical Working Group on Women with HIV/AIDS and Federal Ministry of Women Affairs and NACA
- d. Women of substance

Under the leadership of the First Lady, the National Advisory Committee shall meet twice a year. It shall be responsible for the following:

- Promote and provide policy and programmatic direction for the Coalition
- Receive and review State reports
- Conduct advocacy activities
- Attend the annual National Consultative Forum (NCF)

Technical Working Group (TWG)

- Comprise women with programmatic expertise in the thematic areas of the work of NAWOCA and the Women Agenda on HIV/AIDS to be constituted in consultation with the First Lady
- Shall meet at least four times a year
- Shall provide programmatic oversight to the women focal person based in NACA
- Shall contribute to the work of the National Advisory Committee
- Shall attend the National Consultative Forum
- May provide support to State Technical Working Group on request

Focal person on women and AIDS

- Liaise with and collate State reports
- Serve as secretary to National Advisory Forum, TWG and National Consultative Assembly
- Liaise with the Office of the First Lady on NAWOCA programmes
- Document all meetings of NAC, TWG and NCF

Role of the First Lady

- Provide overall leadership for the NAWOCA
- Preside over the National Advisory Committee and Annual Consultative Meetings
- Undertake public advocacy on the Women's Agenda on HIV/AIDS

Role of Governors' wives

- Provide necessary support to SACAs/FACA
- Provide State-level leadership for NAWOCA
- Preside over the State Advisory Committee and Annual Consultative Meetings
- Undertake public advocacy on the Women's Agenda on HIV/AIDS

Role of NACA/SACA./FACA

- Provide secretariat and focal staff for NAWOCA
- Mobilize technical and financial resources
- Constitute, convene and host Technical Working Group meetings
- Coordinate and host national and State consultative forums.

National Women Coalition on HIV/AIDS

Agenda

Nigeria has between 2.9 and 3.3 million people living with HIV/AIDS (FMOH, 2005). Current projections show that women and girls account for over 50 per cent of these alarming figures. It is noteworthy that the highest prevalence rate of 4.9 per cent is found among young women aged between 25 and 29 years. This poses among other things a high risk of mother-to-child transmission in the country, since this group comprises women in their active reproductive age. Women and girls bear the brunt of the infection, and the burden of caring for the sick and elderly, and they often lack the power to make decisions on issues that have implications for their sexual and reproductive health and rights. Gender inequality and low status of women continue to fuel women's vulnerability to HIV infection as well as make it difficult for them to cope with the consequences of the epidemic. With this scenario, there is no doubt that women bear a greater burden of the HIV epidemic than men.

Addressing the legal, social, economic and cultural factors that make women vulnerable to HIV infection has become urgent and desperate. Women need to take the lead in ensuring that existing structures and institutions as well as programmes and policies respond effectively to issues of gender inequality that exacerbate women and girls' vulnerability to HIV. That is why the women of Nigeria from the 36 States of the Federation and the Federal Capital Territory have come together under a unified platform, the **National Women Coalition on AIDS**, to advocate for more women-and girls-focused interventions. This Coalition, under the leadership of the First Lady of the Federal Republic of Nigeria, Hajija Turai Umar Yar'adua, affirms the following as its areas of focus:

Annex 2

Agenda for access to information and education on prevention, treatment, care and support for HIV and other reproductive health services

Enormous resources are currently being invested by the Federal Government of Nigeria and other development partners in the provision of drugs and services to women and girls who are infected with HIV. However, several factors militate against the effective management and delivery of these services.

Presently, many infected women and girls especially in the rural areas are unable to access drugs and services, partly because they are poor and live far away from treatment centres.

Many women and girls also lack access to information that they need to be able to protect themselves against infection. Furthermore, only 10.8 per cent of the population has ever been tested for HIV. The Coalition shall therefore advocate:

- improved access of women and girls living with HIV to quality education and information on opportunistic infections, nutrition, antiretroviral therapy and reproductive health and rights.
- Improved access of women and girls living with and directly affected by HIV to comprehensive care and support services.
- Improved access of women, men, boys and girls to information and education on HIV and AIDS, sexually transmitted infection (STIs), and reproductive health as well as HIV counselling and testing.

Address women's issues around poverty

Fewer women than men own or control resources in Nigeria. Women have limited access to credit, which often means high levels of impoverishment, which are exacerbated by HIV and AIDS. Existing poverty alleviation strategies and programmes do not adequately cater for the needs of women and girls. Thus they are often highly dependent on their male counterparts for survival. The Coalition shall therefore advocate:

- That all existing government poverty alleviation initiatives and programmes under the National Economic Empowerment and Development Strategy (NEEDS) e.g. NAPEP, SMEDAN, NDE etc. should be responsive to the special needs of women and girls.
- That job and skills acquisition opportunities be created for women and girls at all levels.

Promote access to education for the girl child

In many Nigerian cultures, less value is placed on female education than that of boys. When girls are denied educational opportunities they are often introduced into sexual activity at an early stage of their life. They also often lack access to necessary information that could help them become less vulnerable to HIV/AIDS. The Coalition shall therefore advocate:

- That all States of the federation and FCT ensure the implementation of the Government's policy on compulsory basic education for every Nigerian child, such that all Nigerian girls are enrolled, retained and complete at least basic education.
- The adoption and implementation of the Child's Rights Act by States that are yet to do so.
- The creation of scholarship schemes for the girl child and orphans and vulnerable children.
- The establishment of functional youth-friendly centres and women development centres where they do not exist.

Secure women's rights

Addressing women and girls' vulnerability to HIV/AIDS as well as enabling them to cope effectively with the consequences of the epidemic require that appropriate and issue-specific laws are made and implemented. The Coalition shall therefore advocate the:

- Review and repeal of all laws and policies that discriminate against women and girls, including those relating to rape, wife battery, early marriage and sexual abuse.
- Passage of an anti-stigma and discrimination bill into law.
- Engendering of HIV and AIDS implementation at all levels.

Prevention efforts

Reversing the trend of HIV/AIDS epidemic in Nigeria requires that HIV response programmes pay particular attention to HIV prevention mechanisms that women and girls can control as well as those that can prevent new-born infections. The Coalition shall therefore advocate:

- Increased interventions that prevent primary infection of women.
- Investment in microbicides research and women's access to and knowledge about female condom.
- Scaling up of HIV counselling and testing (HCT) services.
- Prevention of unintended pregnancies among women and girls, including those who are already positive.
- Increased integration of prevention of mother-to-child transmission (PMTCT) into existing health care delivery systems in the country.

Decision-making

Negative cultural norms and societal perceptions of women have meant that women's participation in decision-making in the household and at public levels is low. Women and girls' lack of capacity to make decisions, including those relating to their health, is bound to increase their risk of contracting HIV as well as facing other health problems such as maternal mortality. Efforts at enhancing the participation of women and girls in decision-making require that institutions and structures that sustain women's subordination are challenged. The Coalition shall therefore advocate:

- Extensive gender and reproductive health training for women, men, girls and boys at all levels.
- Increased meaningful involvement of women living with HIV and AIDS in all aspects of programming.
- Increased efforts at promoting male involvement in HIV prevention and reproductive health interventions.
- Interventions to build the capacity of religious and traditional institutions on gender, HIV, maternal mortality reduction and other reproductive health and rights issues as well as violence against women.

Mitigating impact

The impact of HIV and AIDS is more devastating on women than on men. Studies have also shown that there are over 1.8 million children orphaned by AIDS in Nigeria and many of these are living in child-headed households where girls are often the ones taking responsibility for the well-being of their siblings. The consequences of HIV and AIDS on the lives of widows and orphans can be and are detrimental to their health and well-being. The Coalition shall therefore advocate:

- Strengthening of families and care givers to support orphans, vulnerable children, women living with and directly affected by HIV and AIDS.
- Strengthening socio-economic, nutritional and psychosocial support programmes at all levels for vulnerable groups, including orphans and vulnerable children and women living and directly affected by HIV and AIDS.

Capacity-building

Taking effective leadership in addressing issues around women and girls' vulnerability to HIV and effective coping mechanisms requires that female leaders acquire relevant skills and capacity for effective and efficient programming and advocacy. The Coalition shall therefore advocate:

- Training of women leaders, including members of the Coalition, on gender and HIV and AIDS as well as reproductive health and rights.
- Establishment of life skills training centres for vulnerable women, women living with HIV and youths in all States of the federation and the FCT.
- Establishment of a research fund on women and HIV and AIDS and increased funding of research on HIV/AIDS in general.

Monitoring and evaluation

In order to ensure implementation of the above action points, the focal person for the Coalition will be required to monitor and report progress towards achievement of the Agenda. The Technical Working Group shall at all its meetings review progress made and makes recommendations. On an annual basis, a consultant will be hired to conduct an evaluation.

Strategic tasks:

Prevent new HIV infection and mitigate impact of HIV/AIDS on women and girls by:

- i) Promoting access to information and education on HIV prevention
- ii) Promoting access to HIV treatment, care and support
- iii) Leading the crusade against stigmatization and discrimination of those infected
- iv) Mobilizing support for policies and programmes centred on women and girls
- v) Promoting the sexual and reproductive health rights of girls and women
- vi) Promoting girl child education
- vii) Promoting girls and women empowerment (poverty eradication) initiatives.

Annex 3

Focus group discussion on hiv aids gender mainstreaming best practices, civil society house,

4 Jaba Close, Area 11, Garki – Abuja, 21 October 2008

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Women in decision-making positions
An emerging good practice from Rwanda

Acronyms

DHS	Demographic and Health Survey
EDPRS	Economic Development and Poverty Reduction Strategy
EICV	Integral Investigation into Living Conditions
FAWE	Forum for African Women Educationalists
FFRP	Forum of Rwandan Women Parliamentarians
ICT	Information and Communication Technology
HIV	Human Immuno-deficiency Syndromeom Virus
MDG	Millennium Development Goal
MIFOTRA	Ministry of Public Labour
MIGEPROF	Ministry of Gender and Family Promotion
MINECOFIN	Ministry of Finance and Economic Planning
MINIJUST	Ministry of Justice
NGO	Non-governmental Organization
NSIR	Rwanda National Statistics Institute
OG	Official Gazette
RPF	Rwandan Patriotic Front
UNO	United Nations Organization
USA	United States of America
WID	Women in Development

1. Introduction

General context

1. Rwanda is located in Central Africa, surrounded in the East by Tanzania, in the West by the Democratic Republic of Congo, in the North by Uganda and in the South by Burundi. It has a tropical climate, mountains, and is characterized by two rainy seasons. Its particularly mountainous topography is worthy of the name “Country of a Thousand Hills”.

2. With an area of 26, 338 km², it has a population estimated at 8,128,553, of which 3,879,448 are male, equivalent to 47.7 per cent, and 4,249,105 are female, equivalent to 52.3 per cent. The reported ratio of about 91 men for every 100 women. Density is approximately 321 persons per km², that is to say, one of the highest densities in Africa. Most of the population is young, with 43.8 per cent under 15 years of age. Adults older than 65 years are only 2.9 per cent of the population.

3. A study carried out in November 2007 by the Permanent Executive Secretariat of Beijing as follow up on the socio-economic situation of Rwandan women revealed that efforts had been made since 2000, to improve collection of gender-disaggregated data, but such data for comparison of specific indicators between women and men are not always established.

4. At the level of the economy, women participate in economic activities at the rate of 56.4 per cent of which 57.3 per cent operate in rural areas and 51.3 per cent in urban areas according to 2005 statistics. Of the 56.4 per cent economically active women, 55.8 per cent were employed. Of this percentage, some 87.6 per cent of them work in farming. Only 18 per cent of structured enterprises are owned by women. There are many women in the informal sector and they generally operate small businesses, including working as hawkers.

5. With regard to income, only 14.8 per cent of women have an income. About 15.7 per cent are remunerated at one time in cash, and at other times in kind. About 12.4 per cent only get paid in kind and the majority of 57 per cent are without any remuneration (DHS, 2005). At the level of the private sector, there are no women practicing an industrial activity, according to the AFER study on female entrepreneurship in Rwanda in 2003.

6. About 35.2 per cent of the households are led by women and these are doing well compared to the average set for the country. The national average is 3.5 marks of growth while the women’s general growth is 6.1, while the widows’ growth reaches 7.8 marks. Advocacy and incentives that favour women have great impact and are usually successful.

7. In terms of access to education, according to the 2008 interim DHS, 22 per cent of women and 18 per cent of men have no education; 66 per cent of women and 68 per cent of men have attained some primary schooling, and 12 per cent of women and 15 per cent of men attained some secondary schooling or more. There is a gender gap in literacy with 70 per cent of women literate compared with 78 per cent of the men.

8. Rwanda has made significant progress in lowering the infant and childhood mortality rates but they remain high. The under-5 mortality rate was 152 in 2000 but the 2008 interim DHS suggests that the rate has dropped to 103 deaths per 1000. In the 2005 DHS, the infant mortality rate was 86/1000 and for 2008 the estimate is down to 62/1000. Maternal mortality also remains high despite the fact that the rate dropped from 1071/100,000 in 2000 to 750/100,000 in 2005. The rate of HIV/AIDS is 3.6 per cent for women compared to 2.3 per cent for men, equivalent to 3 per cent for both groups taken together.

9. In terms of qualitative data, various reports show that women have achieved greater economic rights since 1990. They now have the right to inherit the property of their parents and to succeed their late husbands. They participate in the institutions of decision-making and also contribute to the elaboration of economic

policies and legal texts which govern the country. Women are many in micro-finance institutions; they have increasing access to credit through development projects and programmes. Parents are very willing to send daughters to school; conceptions are changing despite the persistence of prejudice and socio-cultural stereotypes.

10. Rwanda is a post-conflict country that has emerged from one of the most tragic events in modern history. The Tutsi genocide of 1994 had enormous effects on all Rwandans; men, women and children underwent wild violence which went beyond imagination. Rape was used as a weapon of war to an extraordinary degree. Adversaries used it as a means for inflicting pain and humiliation on the victims of the genocide. Rape perpetrated at that time was accompanied by tortures of an unspeakable brutality.

11. The Rwandan society has been characterized by a patriarchal social structure, which has been the basis of the unequal social relations, with more privileges granted to the male children compared to the female ones. The boy was regarded as the heir and the guarantor of the perenniality of the family and the clan. As for the girl, in spite of her reproductive, maternal and nurturing roles, she remained more vulnerable to discrimination. However, the Rwandan culture retains many positive pro-women values, particularly in management of household resources and in decision-making at various levels. During the pre-colonial period, the queen-mother co-reigned with her son and there is much history relating to special women who were able to rise to power and glory within the hierarchy of Rwandan Government and society.

12. The report of the Belgian Administration of Ruanda-Urundi of 1926 contains the very first study devoted to the Rwandan woman. She is therein identified as a wife who should deal only with “family affairs” within her family. The Official Authority did not find any interest in integrating the women in the administrative affairs of the country. Even the teaching which they were allowed to do by the early 1950s, was confined to subjects dealing with domestic tasks such as “house keeping”.

13. After its independence in 1962, Rwanda experienced a succession of political regimes characterized by ethnic and regional discrimination, and which maintained a culture of impunity towards those who committed crimes. The climax was the Tutsi genocide of 1994, which exacerbated this situation of inequality. The women were strongly affected by this human tragedy and, perforce, started to assume roles that traditionally were prohibited to them and reserved for men, such as construction of houses and roads.

14. In the framework of the governance of the Rule of Law, the Government of National Unity set up in July 1994 by the RPF/Inkotanyi and by political parties which had not taken part in the genocide, hastened to install effective mechanisms to fight against any form of discrimination and exclusion, with a particular focus on gender equality and integration of women into reconstruction and development activities. Institutional mechanisms for promoting gender and women’s rights were created, some at the highest level of the State, supported by non-governmental organizations (NGOs) working in the field of human rights in general, and women’s rights in particular. Priority was given to capacity-building for women in all fields of national life in order to reduce their marginalization and increase their awareness of their rights.

15. The economy of Rwanda is mainly based on agriculture and women play the main roles in this sector, up to 93 per cent versus 81 per cent of the men. Farming methods are generally traditional and agriculture is done on small plots of land, with a low rate of investment. Agricultural production is used primarily for subsistence and only coffee and tea are cash crops for export. The principal sources of financing of State expenditure are taxes, and foreign grants and loans. The poverty line in Rwanda as determined by the Integral Investigation into the Living conditions (EICV2) in 2005 is equivalent to 250 Frw per capita per day, that is to say, less than one American dollar (\$US). According to the results of this investigation, 56.9 per cent of Rwandan households, live below this poverty threshold, of which 60.2 per cent are headed by women.

16. Poverty in Rwanda is related to multiple factors, the principal ones being the insufficiency of farm lands, poor land use methods, rapid population growth, environmental pollution, low level and limited means of development, as well as its location as a landlocked country.

17. In its fight against human poverty and misery, Rwanda elaborated two frameworks for development in the long-term and the medium-term, namely, Vision 2020 and the National Economic Development and Poverty Reduction Strategy (EDPRS). Vision 2020 aims at the fundamental transformation of Rwanda into a country with an average per capita annual income for the year 2020 of \$US 900, which compares to \$US 220 in 2000. Vision 2020 also sets a 55 years average life expectancy, versus 49 years in 2000.

18. The EDPRS is, consequently, a medium-term framework to reach the country's aspirations for long-term development. These two frameworks define the national priorities and the pillars for their achievement. Of these, gender equality is one of the transverse components, cross-cutting to all sectors, including environmental protection, development of science and technology including information and communication technology (ICT), response to HIV/AIDS, and social integration.

19. The Constitution of 4 June 2003 manifested high political commitment to the principles of gender equality and effective integration of women into Rwandan development planning and activities. The provisions of this new Constitution not only emphasized gender equality but also assigned women a minimum quota of 30 per cent of decision-making positions, in order to transform the situation of discrimination and marginalization that women had been facing.

20. To facilitate effective integration of the principles of gender equality in all policies and programmes, the Government of Rwanda adopted a national policy on gender in 2004 and initiated a strategy for its implementation. The policy lies within the scope of daily sustainable development of Rwanda. It is based on an analysis of the situation using the gender perspective, from the points of view of the social, cultural, political and human development contexts. This analysis points to positive trends in the participation of women in high-level decision-making, and in the educational and legal fields. It, however, notes the persistence of imbalances between men and women especially at the micro- and macroeconomic levels. The policy clearly considers gender as a cross-cutting element, to be taken into account in all development sectors.

2. Progress achieved in integration of gender and in women's promotion

21. The political commitment of Rwanda to the principles of gender equality has been high, and the equity goes beyond the national context since Rwanda has adhered to and ratified various international legal instruments as regards human right in general and of the women in particular. Thus, it ratified the fundamental texts with the following human rights:

- The Charter of the United Nations;
- The Universal Declaration of the Humans right;
- The International Pact relating to the civil and political laws;
- The International Pact relating to the economic, social and cultural rights;
- The African Charter of the Humans rights and the People's rights.

22. As regards to the women's and girl's rights, Rwanda has in addition to Convention on the Elimination of all Forms of Discrimination Against Women, the Declaration on the Elimination of Violence Against Women, the Convention on the rights of the child, the Declaration and the Platform of Beijing, ratified other instruments relating to the women's rights and of the child among whom one can quote:

- Convention n°182 concerning the prohibition of any forms of children's labour and the immediate action for their elimination, ratified by presidential decree n° 39 (a) 01 of 30 September 1999 (O.G. n° 7 of the 01 April 2000, p 11);
- The African Charter of the rights and the well-being of the child ratified by presidential decree n°11/01 of 30 May 2001 (O.G 2001, n°22, p 58);

- Optional Protocol with Convention on the rights of the child about the involvement of children in the war, approved and ratified by presidential decree n°311/01 of 26 February 2002 (Special O.G. of the 26 February 2002, p 25);
- Optional Protocol with convention on the children's rights on child trafficking, prostitution and pornography, approved and ratified by presidential decree no. 32/01 of 26 February 2002 (special O.G. of 26 February 2002, p 27);
- Convention on the assent with marriage, minimum age of marriage and recording of marriages held at New York on 10 December 1962, approved and ratified by presidential decree n°159/01 of 31 December 2002 (O.G. n° 12 B of 15 June 2003, p 24);
- Convention on the political rights of women concluded in New York on 31 March 1953, approved and ratified by the presidential decree n°160/01 of 31/12/2002 (O.G. n°12 of 15 June 2003, p 25);
- Protocol on closing of the convention for the repression of the draft of human beings and the exploitation of prostitution of others shown New York on 21 March 1950, approved and ratified by presidential decree n°161/01 of 31 December 2002 (O.G. n°12 for the third time of 15 June 2003, p 26);
- Convention for the repression of the draft of the human beings and the exploitation of prostitution of others held in New York on 21 March 1950, approved and ratified by presidential decree n162/01 of 31 December 2002 (O.G. no.12 of 15 June 2003, p 27);
- The Additional Protocol with the Convention of the United Nations against organized transborder criminality aiming at preventing, repressing and punishing the trafficking of people, in particular women and children as expressed in New York on 15 November 2000, approved and ratified by presidential decree no.163/01 of the 31 December 2002 (O.G. n°12 for the third time on 15 June 2003, p 28);
- Convention on the nationality of the married woman expressed in New York on 20 February 1967, approved and ratified by presidential decree n°164/01 of 31 December 2002 (O.G. n° 12 for the third time on 15 June 2003, p 29);
- Protocol of the African Charter of the human rights and of the people relating to the women's rights ratified in Africa and approved by the presidential decree no.11/01 of 24 June 2004 (special O.G. of 24 June 2004).

23. Rwanda subscribed to the Millennium Development Goals, the Resolution 1325 on women, peace and safety, the Solemn Declaration of the African Heads of State and Government on the equality between men and women, the Protocol of the African Charter relating to the women's rights. Moreover, the process of ratification of the Optional Protocol to Convention on the Elimination of all Forms of Discrimination against Women is in force. Reports on effective implementation of these instruments are regularly produced.

24. On the level of the national legislation, in addition to the Constitution of 4 June 2003 which is very significant, Rwanda initiated new specific laws to the women's rights and the amendment of the discriminatory provisions.

25. To ensure the implementation of various international and regional commitments of women and gender promotion by the centralized governmental entities, decentralized and the partners in development, the Government of Rwanda set up after the fourth international conference on women, a national structure in charge of follow-up of the implementation of the Action plan of Beijing and other international commitments relating to the promotion of women's rights. This national mechanism is composed of two bodies which are a national coordination Committee made up of the Government representatives, United Nations agencies, civil society, private sector, religious institutions and bilateral cooperation. It is supported by an Executive Secretariat functioning entirely with the logistics, financial and human resources of the Government. With the recent installation of the Observatory Committee on gender, this secretariat will be part and parcel of this new structure.

26. However, political commitment at the national and international level is not enough for Rwandan women to become equal partners of men in all decision-making positions. Considerable efforts must be made in the training and education of women especially in the field of science, where women are still absent. Progress was accomplished since the year 2000 in the promotion of the level of schooling and training of Rwandan women, but the challenges still remain of school drop-outs, especially in rural areas.

27. Parallel to the low level of education, the taboos and stereotypes of traditional origin contrary to the universal principles of the human right still remain in the Rwandan society. Diagrams and models strongly anchored in mentality are slow to disappear and constitute an obstacle not only with the promotion of human rights at desirable levels, but also with the effective establishment of equality between men and women.

28. The public awareness campaigns undertaken on a large scale and the adoption of legal provisions in major domains, still governed by traditional customs will eventually win over these customs incompatible with the promotion of women's rights.

3. Methodology

29. This work was undertaken in three phases. The first phase is the collection and reading of existing documentation on gender and development. The second phase is related to the design of a questionnaire guiding discussions with various speakers on the level of the Government, the Forum of Women Parliamentarians, the Civil Society, the United Nations agencies and the independent people. The last stage is data analysis and the development of the document.

4. Integration of gender in decision-making positions

30. For the last five years, Rwanda has been characterized by the fact of having the greatest number of women in the decision-making positions, especially in the Parliament where it reached a record of 56.2 per cent, the highest percentage in the world. This integration of gender is practically found in all the sectors of the national life at the centralized and decentralized level. The adoption by referendum of a Constitution pro-gender and a national policy of gender only reinforced the existing political good-will at the highest level. According to statistical data collected within the various public institutions, the representation of women in decision-making positions is as follows:

Table 1: Statistics of men and women in decision-marking organs/positions

(a) Government

Posts	Effective	Total	Percentage of Women	Percentage of Men	
	Men	Women			
Ministers	13	8	21	38	62
State Ministers	4	2	6	33	67

Source: Media¹

¹ Bi-weekly newspaper called "IMVAHO NSHYA No. 1769 of 13th March 2008.

(b) Parliament

Posts	Effective	Total	Percentage of Women	Percentage of Men	
	Men	Women			
President	1	-	1	0	100
Senate					
Deputy President	1	1	2	50	50
Senators	17	9	26	34.6	65.4
Speaker of the Chamber of Deputies	-	1	1	100	0
Deputy Speaker	2		2	0	100
Members of Parliament	35	45	80	56.2	43.8

Source: Forum of the Rwandan Women Parliamentarians

(c) Justice

Supreme Court

Posts	Effective	Total	Percentage of Women	Percentage of Men	
	Men	Women			
President	-	1	1	100	0
Vice-president	1	-	1	0	100
Judges	5	5	10	50	50

(d) Courts and Tribunals

Posts	Effective	Total	Percentage of Women	Percentage of Men	
	Men	Women			
President/High courts of the Republic	1	0	1	0	100
Vice President/ High Court of the Republic	0	1	1	100	0
Judges/ High Court of the Republic	7	16	23	69.6	30.4
Judges/Higher Courts	40	25	65	38.46	61.54
Judges/Lower Courts	70	50	120	41.6	58.34
Judges GACACA-Courts				35	65
Conciliators Committee	19 903	11 855	31 758	37.33	62.67

Source: Ministry of Justice (MINIJUST), GACACA Commission², National Electoral Commission.

2 Gacaca Courts take their origin from Rwandan culture where people used to sit together in gacaca (grass) and settle their disputes. It is a justice from and within the culture and it does not require money because the judges in Gacaca courts called “IN-YANGAMUGAYO” in Kinyarwanda are men and women of integrity, elected by their communities. After the Batutsi genocide in 1994 all the country’s institutions were destroyed including the Judiciary system and the number of people suspected to have participated in the genocide was very large around 120,000 detainees, with many other suspects living in the community and in exile. The response was to look for an alternative solution to judge them, thus the Gacaca Courts were created in 2000 by law n° 40/2000 of 26/01/2001. Gacaca justice has a double objective: to judge genocide culprits and to reconcile the Rwandan population.

(e) Senior Civil Servants

Posts	Effective		Total	Percentage of Women	Percentage of Men	
	Men	Women				
Permanent Secretaries	15	3	18	16.6	83.3	
Director Generals	16	6	22	27.3	72.7	
Directors of Units	132	45	177	25.4	74.6	

Source: Ministry of Labour (MIFOTRA).

(f) Education

Universities and Higher Institutions of Learning

Posts	Effective		Total	Percentage of Women	Percentage of Men	
	Men	Women				
Rectors of Universities and Higher Institutions	18	-	18	0	100	
Vice Rectors Academic	16	2	18	11.11	88.89	
Vice Rectors in charge of Administration and Finance	18	0	18	0	100	

Source: Ministry of Education (MINEDUC).

(g) Local Governance

Posts	Effective		Total	Percentage of Women	Percentage of Men	
	Men	Women				
Governors	3	2	5	40	60	
Offices of Consultative Committees of districts	55	35	90	38.89	61.11	
Consultative Committees of districts	418	352	770	45.71	54.29	
Mayors of districts	28	2	30	7	93	
Deputy-Mayors/Social Affairs of districts	11	19	30	63.3	36.7	
Deputy-Mayors/Economic Affairs of districts	26	4	30	13.3	86.7	

Source: National Electoral Commission

(h) Health

Posts	Effective		Total	Percentage of Women	Percentage of Men	
	Men	Women				
Specialist Doctors	62	15	77	20	80	
General Doctors	343	66	409	16	84	
Nurses	1124	4790	5914	19	81	

Source: Ministry of Health

31. The table above shows clearly that in Rwanda, the integration of gender in decision-making positions relates to all the levels of decision-making and all the public institutions in all the sectors of intervention. It is also seen that in decision-making positions which require technical skills and scientific specialization, like the Universities, the ministerial, medical and technical positions, the number of women is lower than 30 per cent.

32. To avoid going beyond the number of pages required in this work, we did not produce all the existing data in particular authorities at grassroots levels which are the sectors and cells, like on the level of primary education and secondary education. Also, given the time assigned to do this work, we could not collect the number of the men and women in decision-making positions of the private sector and the civil society.

5. Objectives of the integration of gender in decision-making positions

33. Article 21 of the Universal Declaration of Human rights stipulates that “any person has the right to take part in the management of the public affairs of his/her country, either directly, or via freely selected representatives. Any person is entitled to have access to, under the conditions of equality, the public office of her/his country.”

34. In spite of this provision of the Universal Declaration of Human rights to which considerable member States of UN left, the women who constitute the great majority of the world population are still largely less represented at all levels of the public administration, especially in the decision-making institutions.

35. The objective of the Declaration of Beijing to achieve a proportion of 30 per cent women to the decision-making positions before 1995 is still far from being achieved in many countries as reflected in the table below.

36. The President of Rwanda, His Excellence Paul Kagame, at the opening of the International Conference of Women Parliamentarians which took place in Kigali from 22 to 23 February 2007, said “gender equality is not women’s concern, but an issue which concerns everybody, because gender equality and the rehabilitation of women are crucial for sustainable economic development”. This declaration confirms to some extent the objectives of this work and contributes to those of the Millennium Development Goals, of which the principal goal is the complete well-being of the individual without reference to sex.

Table 2: Comparison of Women in Parliaments

County	Rwanda	Mozambique	Burundi	Swaziland	South Africa	Uganda			
%	48.8%	34.8%	30.5%	28.5%	33.3%	30.7%			
	Canada	Italy	Poland	United Kingdom	France	United States of America	Ireland	Japan	
	21.3%	21.1%	20.2%	19.5%	18.2%	16.8%	13.3%	9.4%	
	Ethiopia	Gabon	Cameroon	Niger	Togo	Mali	Ivory Coast	Congo	
	21.9%	16.7%	13.9%	12.4%	11.1%	10.2%	8.9%	7.3%	

Source: Forum of Rwandan Women Parliamentarians

6. Tools used by Rwanda to integrate gender in the decision-making positions

6.1 Political commitment at the highest level

37. The political will at the highest level was the vanguard of integration of women in decision-making positions in Rwanda. That is easily provable through the speeches and the public statements of the President of the Republic and other political authorities. Addressing participants in the International Conference of Women Parliamentarians held in Kigali in February 2007, the President of the Republic, who was also the Chairman of the Ruling Political Party, the Rwandan Patriotic Front (RPF/INKOTANYI), recalled that gender equality was in the center of the principles of RPF/INKOTANYI, even during the Liberation war. The RPF believed we quote: “that the liberation of productive and creative forces of the Rwandan women were fundamental in the social transformation of the nation. This conviction influenced the negotiations between the RPF/INKOTANYI and the Rwandan Government of the 1990s and after 1994. These beliefs and values became the basis of the governance of the country and the programme”.

38. Such a declaration among Heads of State before a national and international public heterogeneous, translated the faith, the will, the conviction and the commitment of leadership to promote equity and gender equality in all fields.

6.2 Availability and commitment of women

39. After the Tutsi genocide of 1994, Rwandan women showed determination and commitment to take part in the rebuilding of the country. In spite of all kinds of vulnerability and the trauma of which they were victims, the Rwandan women did not spare any effort to help and assist orphans, survivors and widows of the genocide. They did not hesitate to undertake such activities formerly reserved for men, for example the construction of houses and roads.

40. During the liberation war, Rwandan women fought together with their brothers. This patriotic commitment showed that Rwandan women are valid partners and are able to assume any responsibility. This was recalled by the First Vice-President of the outgoing Rwandan Parliament, Hon. Denis Polisi, by explaining the reason of existence of great number of women in decision-making positions in Rwanda, we quote: “We notice that during the liberation war, the women fought as well as the men, which shows courage, bravery and patriotism of the women as well as of the men. In conclusion, the growing number of women in the Rwandan decision-making positions is not a favour made to women but it is their right and they deserve it. If we had more of them elected, then there would be interaction between men and women, which is crucial and would take place in the public and political spheres. That would contribute to democracy. And the role of women should not only be to promote the cause of the women, but to increase the exchanges between people, whatever their sex”.

6.3 The setting up of the institutional mechanisms

41. Convinced of the impossible role to circumvent the woman in the development of the country and conscious of her marginalization in the domain of leadership, the Government of Rwanda created in 1994, various institutional mechanisms aimed at promoting gender equality and women’s rights. Thus the following mechanisms were set up:

6.3.1 A specialized ministerial department

42. Since 1994, a ministerial department in charge of issues related to gender and promotion of women among others, was created and became a ministry specialized in 1999, the Ministry for gender and Women Promotion.

6.3.2 A National structure to Follow-up the Beijing Conference

43. The installation of this mechanism was decided on the basis of recommendation of the world conference of Beijing. This structure includes:

A national coordination committee from the government, the United Nations agencies, the donors, the international and national NGOs, the religious organizations, the National Council of Women, the National Council of Youth, the private sector and a Permanent Executive Secretariat which ensures the implementation of decisions of the committee and the coordination of the implementation of the Platform of Beijing.

6.3.3 A National Women's Council

44. Instituted by the Constitution of 4 June 2003, the National Council of Women is a forum of advocacy and mobilization where Rwandan women exchange ideas to solve their problems by means of a dialogue, and to take part in the development of their country. It includes a general assembly and executive committees at all administrative levels. The members are elected by the women according to their districts. It is equipped with a permanent secretariat which ensures daily management of the activities.

6.3.4. A Gender Observatory

45. The constitution of 4 June 2003 provides the establishment of an Observatory of "Gender" to be in charge of monitoring the evaluation of the indicators of gender in the vision of sustainable development.

46. All these institutional mechanisms function with the financial, material and human support from the Government.

47. There is a close cooperation between these official institutional mechanisms and the organizations of the civil society, working for gender promotion and the women's rights.

48. As observed through their respective mandate, these mechanisms are complementary in their respective roles. The Ministry has the responsibility to put in place policies and programmes of gender and women promotion, and to ensure coordination at the national level; while the National Women Council supports it through advocacy and mobilization. The Gender Observatory shall play the role of verifying if the policies and programmes are really implemented by all development stakeholders.

6.4 Putting in place a legal framework favorable to gender equality

49. Since 1994, Rwanda endeavored to set up laws sensitive to gender and to revise the texts of the discriminatory laws with regard to women.

50. The law n°22/99 of 12 November 1999 supplementing the book number one of the civil code and instituting the fifth part relating to the marriage settlements, liberalities and the successions was adopted by the National Transitional Parliament. This law gives women the right not only to decide on a marriage settlement of her choice at the time of the marriage, but also to inherit from her parents as well as her brothers, and to succeed her late husband.

51. The law n°42/2000 of 15 December 2000 determining organization of the elections at the grassroots levels as modified in 2002, gives women a quota of at least 1/3.

The law n°27/2001 of 28 April 2001, relates to the rights and protection of the child against violence.

52. The law n°22/2002 of 9 July 2002 determining general Statute of the Rwandan Public office, provides that recruitment must be done on competition under the supervision of the Commission of the Public Service which has the role of maintaining objectivity and neutrality in the recruitment and the human resources management and which in this respect, has responsibility to organize the administrative competitions at the various work positions from the Public Service and display the results. The general conditions of recruitment do not refer to any form of discrimination based on sex.

53. Law n° 08/2005 of 14 July 2005 determining system of land tenure in Rwanda prohibits any form of discrimination based on sex as regards access to land property, access of the land rights and states clearly that the man and the woman have equal rights on land.

54. Law n° 30/2003 of 29 August 2003 modifying and supplementing Decree No. of 16 January 1981 relating to census, identity card and residence permit recognizes the woman's right to register the child on his identity card which, until the promulgation of this law, was a prerogative exclusively reserved to the father of the child.

55. Organic law n°29/2004 of 3 December 2004, bearing code of Rwandan nationality amending the law of 28 September 1963 which devoted discriminatory with regard to the woman in the transmission of her nationality to his/her children. Thus, the law pertaining to code of Rwandan nationality currently into force excludes the stateless and states that the child acquires Rwandan nationality since one of his/her parents are Rwandan or if it happens for new-born baby that he/she is born in Rwanda and that his/her parents are unknown.

56. Organic Law n°19/2007 of 4 May 2007 amending and supplementing organic law n°16/2003 of the 27 June 2003 governing the political formations and the politicians prohibited with the political formations to be identified with an ethnic group, a race, a tribe, a clan, a relationship, an area, a sex, a religion, or with any other element which can be used as a basis of discrimination and divisionism. It orders with the political formations to constantly reflect the national unity and the promotion of "gender" in the recruitment of their members, the composition of their leadership and in all their operation and their activities. Each political formation must have at least thirty percent (30 per cent) of female sex on the level of the positions of leadership subjected to the election ".

57. The law repressing gender based violence initiated by the women parliamentarians and their men colleagues, has been just approved by the current Parliament and the Senate, Nothing remains except its promulgation by the President of the Republic and its publication in the Official Gazette.

58. Lastly, the Constitution of 4 June 2003 contains several provisions which are in connection with women's rights and the equality between men and women. Thus, under article 8, all Rwandan citizens meet the legal requirements; have the right to vote and to be elected.

59. Article 9 specifies that the fourth fundamental principle to which the Rwandan Government begins to conform and respect is "the building of a state of law and a pluralist democratic country, the equality of all Rwandans and equality between women and men reflected by the attribution from at least 30 per cent of the places allocated to the women in the decision-making positions ".

60. Articles 76 and 82 go in the same direction since article 76, 2 allocates 24 seats of the Chamber of deputies to women on a total of 80 seats, while article 82 specifies that out of the 26 members of the senate, at least 30 per cent must be women.



61. Article 185 provides the creation of an Observatory of gender, an independent national body in charge of monitoring among others in order to evaluate in a permanent way the respect of the indicators of gender in the sustainable vision of development and be used as a framework of orientation and reference as regards equal opportunity and equity. A law determining mission, organization and operation of this body was adopted on First December 2007.

62. Article 187 speaks about the establishment of the National Council of Women which is a forum of advocacy, mobilization and user-friendliness where the Rwandan women exchange their ideas in order to solve through dialogue their problems and take part in the development of their country.

63. The amendment of legal discriminatory texts towards women, the set up of new laws based on gender equality and mainly the new constitution which is susceptible to the affirmative action in favour of women such as the allocation of at least 30 per cent in all posts of decisions-making with a determined number of seats in the parliament were prerequisites to reestablish the Rwandan Women in their rights. If the constitution and other laws accord to women

the same rights as men in all fields, nothing for bide them to compete and fully participate in the decision-making process.

6.5 Promoting women and girls education

64. As it was emphasized in the introduction of this text, efforts have been made to reduce disparities in education, results are satisfactory at the primary level but gaps remain more acute in the secondary education level and mainly in the higher level. The rate of participation at primary level in 2007 was 96.8 per cent for girls and 94.7 per cent for boys. Despite efforts made, women are oriented in the activities traditionally reserved to females. Proportions of women are 233 in services, 104 for sciences, 102 for social sciences, 15 for applied sciences, 28 for Mathematics and physics, and 39 for agriculture and zoo technique (Third census, 2002). Fifty-seven per cent women completed the primary educational level against 63 per cent of men. The proportions become increasingly weak on the level of the secondary (5.1 per cent against 6.7 per cent) and at higher education level (0.3 per cent against 0.8 per cent).

65. Initiatives in order to promote the education of the girls and to decrease their tendency to drop out were initiated, such as the creation of a chapter for Rwanda of the nongovernmental organization Forum of African Educational Women “FAWE”, the institutionalization of a prize of excellence in favor of the girls having shown a performance in the success, as well as the action taken by organization IMBUTO FOUNDATION of the Rwandan First Lady. It was invested in the promotion of the rate of success of the girls and the women, by allocating awards throughout the country in favour of girls or women who obtained best marks in various national examinations. A national policy specific to the education of the girl has just been established by the Ministry in charge of National Education.

66. The programme of eliminating illiteracy also constitutes one of the major concerns of the Government as regards education. The survey carried out in 2001 on the elimination of illiteracy reached the following estimates:

The rate of illiteracy was about 47.8 per cent for women 58.1 per cent for men. The Government has aimed at achieving the target of elimination of illiteracy of 85 per cent in 2015.

67. The Quality and level of education of women are determining factors for them to participate in posts of decision-making. They have to prove that they have exceptional capacities and at times more than men, because there are prejudices and cultural stereotypes which they suffered for a long time and were taken as intellectually inferior persons. On the other hand the patriarchal system concentrated all the power in the hands of men although the latter were willing to share, women must prove that were able to assume it. For example within Rwanda Public sector, competence is the major criteria provided for the recruitment by the labor law and the status of the civil servants. The Rwandan Woman must not only possess good level of education, but mainly distinguish herself in all fields of learning in order to be able to get any post of decision-making. The education of a woman is therefore a major key which opens her doors of access to decision-making positions

7. Impact of the integration of gender in decision-making positions

68. The governmental body set up to make the follow-up and the evaluation of the respect of the indicators and the fundamental principles of gender “Gender monitoring”, in all the institutions whether they are public, private, non-governmental or religious not having started yet to function, it would be premature at this stage, to anticipate the real impact of the integration of gender in the decision-making positions. Nevertheless, the positive indices assure a positive change in all fields.

69. Efforts invested in the education of the girls in the scientific domain, and the model role of the women occupying decision-making positions, are assets with a perennality of the assets and an opening for the future generations.

70. The vision 2020, which is the economic framework of guideline up to the year 2020, recognizes the socio-economic role of the Rwandan woman and her low representation in the positions of responsibility and decision-making, the discrimination of which she still suffers on the other hand, the tradition and the sexual division of work in particular in terms of ownership of the real property, the land titles, the material property and access to formal education.

8. Restrictions and constraints to the integration of gender in decision-making posts

71. The following restrictions and constraints can be handicaps to achieve effective gender integration in the posts of decision-making.

1. Insufficiency of national expertise as regards research, analysis and gender integration methods. This expertise is indispensable to disclose systematically discriminations of the woman participation in the positions of decision-making.
2. The misunderstanding by the majority of the population of gender concept. In fact, confusion persists between gender concept and sex, a fact which some people take that gender integration in the decision-making positions as a favour to women.
3. The confusion of stakeholders between gender integration techniques and the approach of women integration in development WID. The fact that these two concepts continue to be simultaneously applied can be a danger to an objective and effective gender integration in the decision-making.
4. Resistance to change. Taking part in the decision-making is not only sharing power, but also benefits resulting from it. For example in Rwanda, due to power sharing of succession between boys and girls following the law of 1999 on the matrimonial regimes, liberalities and successions, there is still some resistance of some men especially in rural areas to the implementation of this law.

5. The lower level of education for women. As it has been explained to be competitive in order to participate to decision-making positions, women need academic skills in all scientific fields and at all levels, however available statistics show that their number is clearly inferior to that of men.
6. Poverty is still more acute among women and their economic dependence. Economic dependence of most of the Rwandan women mainly those who are married and household extra load work, do not allow them to participate in the higher education which can permit them to have access to decision-making posts.
7. The lack of confidence in women themselves. Due to prejudices and cultural stereotypes they have been victims for a longtime, most of the women still have fear to compete for leadership positions.
8. The insufficiency of ventilated statistical data by sex. The absence of expertise in analysis and research on gender within the National Institute of Statistics does not have mathematical indicators showing the real situation of women and men in the decision-making posts at all levels and in all fields.

9. Conclusion and recommendations

72. Rwanda by allowing all productive forces of the population without distinction of sex to the development of the country is a good example of democracy and good governance.

73. This trend is still continuing if we refer to results of the last legislative elections of 15 September 2008, where women reached 56.25 per cent. This big number of women within parliament will reinforce the empowerment of women in all domains of life. In fact, the role of parliament is on one part to make laws and on the other to control the government action. There is no doubt that they will put in place gender sensitive laws especially on issues in the areas which are not yet tackled by the law, but also the control of the government action on the implementation of different national policies and programmes shall take into account women concern. This was among the challenge His Excellence the President of the Republic revealed to women parliamentarian during the swearing in of the new parliament.

74. The last legislative elections of September 2008 proved that the respect of gender indicators were careful taken into account by political parties. For example, the main ruling party, Rwandan Patriotic Front (RPF) had on its list 17 women on 42 members of parliament equivalent to 40 per cent. This shows clearly the will and the political maturity to integrate gender in the decision-making instances.

75. Out of what preceeds, the following recommendations can be formulated:

1. The Government must pursue its efforts to invest in the education of girls mainly in the options of technical and scientific aspects in order to bridge the gap existing between men and women in the decision-making positions which require competences and therefore allow the same trend and sustainability of what was achieved as regards to gender integration in the decision-making posts.
2. It is important to create immediately a sufficient number of experts in analysis and research on gender and make them available at all institutional levels up to the Parliament and in the Districts.
3. Also it is necessary to assist the National Institute of Statistics to make regularly available data on sex in all fields mainly in the decision-making posts.
4. It is more necessary to train the media as the major informers of the populations on the importance of gender integration in the decision-making in order to eradicate the socio cultural stereotypes and prejudices towards women as well as some resistance to change in this domain.
5. To put in place an appropriate mechanism to empower women economically at all levels in view to liberate them from economic dependence which is a barrier to their advancement and their intellectual development.

6. The investment in the education of the girls in the technical and scientific options is essential to keep the same impetus and the perennality of the assets in the integration of gender in decision-making positions.
7. The continuation of the establishment of a nondiscriminatory legal framework is significant.

List of informants

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5. Ms. Kamashazi Donnah, National Programme Officer, UNIFEM
6. Mr. Kimonyo Augustin, Gender Specialist, independent consultant
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Gender mainstreaming in the justice law and order sector

Uganda

List of acronyms

AIDS	Acquired Immunodeficiency Syndrome
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CEEWA-U	Council for Economic Empowerment of Women in Africa-Uganda
CSOs	Civil Society Organizations
DPP	Directorate of Public Prosecution
HIV	Human Immunodeficiency Virus
ICCPR	International Covenant on Civil and Political Rights
JARD	Joint Annual Review of Decentralization
JLOS	Justice, Law and Order Sector
MOLG	Ministry of Local Government
MGLSD	Ministry of Gender, Labour and Social Development
NAPW	National Action Plan for Women
NGO	Non-Governmental Organization
PEAP	Poverty Eradication Action Plan
PPU	Policy and Planning Unit
SAPs	Structural Adjustment Programmes
SIP	Strategic Investment Plan
SWAp	Sector Wide Approach
WID	Women in Development

I. Introduction

1. This report contains the findings of a study on the emerging good practices in gender mainstreaming in the Justice Law and Order Sector of Uganda. This sector is barely nine years old, and the report is cognisant of the fact that gender mainstreaming is part of a recent paradigm shift in development planning in Uganda, having been introduced as a crosscutting issue in the Poverty Eradication Action Plan of Uganda in 2004. The impact of various gender mainstreaming initiatives in the Justice, Law and Order Sector (JLOS) is yet to be adequately assessed by respective implementers, but nonetheless the report seeks to capture the blossoming good practices that have been established within the sector and which hold the promise of longevity as well as potential for consolidation. The report outlines the economic, social and cultural context in which gender mainstreaming has been undertaken as a development concept and strategy nationally and sectorally. It traces developments and progress achieved in addressing the outstanding issue of gender equality in Uganda on the whole within the national planning and development framework and in JLOS specifically.

2. Analyses are made of constituent institutions of JLOS that have fostered good practices, whether these are in their nascent stage or well developed. The report also assesses limitations on attempts to mainstream gender in various institutions and makes proposals on how to overcome identified gaps in gender mainstreaming in JLOS.

The PEAP, gender mainstreaming and SWAPs

3. The Poverty Eradication Action Plan (PEAP) is the over-arching national planning framework for Uganda that doubles as the Poverty Reduction Paper. It steers public action towards poverty eradication, and is prepared through a multilayered and participatory consultative process involving central and local Government, Parliament, donors and civil society.¹

4. The PEAP is an aggregate of several international commitments that Uganda has undertaken, one of which is the Millennium Development Goals. The PEAP provides the priority planning actions for sectors and necessitates that sectors collectively develop objectives, outputs and outcomes as well as detailed expenditures in a sector-wide approach (SWAP). Sectors jointly develop strategic investment plans (SIP) and programmes within an overall medium-term expenditure framework which forms the basis for budget allocations. Under the decentralization model of governance, districts must then plan and implement the sector priorities and programmes based on local priorities.²

5. The PEAP unequivocally states that Uganda women are disempowered, citing factors such as unequal ownership of assets, traditional practices of bride price, and the occurrence of domestic violence, which militate against gender equality and foster poverty. This finding then provides the basis for the integration of gender perspectives in public service frameworks, hence validating gender mainstreaming as a national development concept. The Uganda Gender Policy 2007 recognizes that women-specific targeted interventions within the mainstream of development may be required so as to improve their condition, and that the gender and development approach does not de-emphasize women, but rather focuses on their empowerment and equality with men.³

6. Gender mainstreaming is a powerful tool that is imperative in ensuring equality between women and men, which has been described by United Nations as the process of assessing the implication for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the

1 Ministry of Finance, Planning and Economic Development (2004) PEAP 2004-2008 page 15.

2 Ministry of Finance, Planning and Economic Development (2000), Poverty Reduction Strategy Paper: Uganda's Poverty Eradication Action Plan Summary and Main Objectives.

3 Ministry of Gender, Labour and Social Development (2007) Uganda Gender Policy 2007 page 36.

design, implementation, monitoring and evaluation of policies and programmes to ensure that inequality is not perpetuated.⁴

7. The Justice, Law and Order Sector is but one of the PEAP sectors, falling under PEAP Pillar 4 on Good Governance. In this report, the context in which the gender mainstreaming performance of JLOS institutions is analyzed stems from the processes of sector-wide approaches as necessitated under the PEAP 2004-2008. In that regard, it is important to have a proper understanding of the principles upon which the operations of sector-wide approaches (SWAs) to development planning are premised.

8. Sector-wide approaches represent a donor shift in budget support from projects to sectors. SWAs refer to the clustering of ministries and Government institutions, donors and stakeholders involved in complementary or thematically aligned mandates of public service delivery. These actors work together to develop jointly an overall strategic plan and budget, identify expenditures related to executing stated priorities and objectives, as well as develop monitoring mechanisms. In other words, in SWAs “All significant funding for the sector supports a single sector policy and expenditure programme, under government leadership, adopting common approaches across the sector, and progressing towards Government procedures to disburse and account for all funds.”⁵

9. SWAs provide an opportunity to integrate gender dimensions into all sectors rather than address gender, which has multifaceted components, as a stand-alone issue. As an aid modality, SWAs offer the added advantage of developing sector policies and strategies that are gender responsive. As clearly reflected in the PEAP, women are heavily affected by the incidence and burden of poverty; which is not accidental, but rather a consequence of systemic gender discrimination. Gender mainstreaming in SWAs is a vital tool that is required in order to foster equal opportunities and benefits for women and men in the development process. Studies point out that SWAs provide “a gender mainstreaming approach to development cooperation in which underlying differences in women’s and men’s resources, power, constraints, needs and interests are explicitly recognized and acted on in all situations, so as to reduce gender inequality.”⁶ Omission to mainstream gender issues into SWAs would reinforce the imbalances that exist between men and women in power relations. This would most likely result in limitations in women’s participation in and access to decision-making mechanisms and overall, women will not benefit adequately and on an equal basis with men from planned interventions.

10. In light of the several constraints women face when accessing the justice system, JLOS provides an opportunity for a gender-responsive approach that will take into account the needs, interests and perspectives of women with a view to eliminating the structural barriers that they face in benefiting from JLOS offerings in the provision of justice administration and service delivery. Legal rights and their enforcement are an important leverage to ensure that the status quo of women is reinforced whenever inequalities exist, and JLOS must facilitate the realization of these rights by undertaking to eliminate all barriers in this regard. Important issues such as the constraints and opportunities, as well as the impact of gender differences in accessing justice and their consequential effects must guide the designing and execution of JLOS programmes.

11. The adoption of SWAs has provided an entry point for addressing the gender implications of programmes, with gender analysis at various levels; needs assessment programming design, budgeting and impact assessments. In realizing its mandate, JLOS has identified gender mainstreaming as a priority action. JLOS is attempting to ensure that women in Uganda are not discriminated against in the course of justice administration, but rather, that they benefit on an equal basis as men. This preserves important civil and political rights that Uganda has undertaken to protect under the International Covenant on Civil and

4 United Nations (2000). Economic and Social Council Summary of the Womenwatch Online Working Groups on the 12 Critical Areas of Concern. Document # E/CN.6/2000/PC/CRP.1/February 2000.

5 Foster M. (2000) New Approaches to Development Cooperation: What can we Learn from Experience with implementing Sector Wide Approaches? Working paper 140, Centre for Aid and Public Expenditure, Overseas Development Institute, London, UK.

6 OECD (2002) Gender Equality in Sector-Wide Approaches; A Reference Guide page 3.

Political Rights (ICCPR) and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). These important instruments have in common the aim to ensure equality and non-discrimination for women, as well as equal protection under the law for men and women. The mission of JLOS to ensure a just society within a gender-responsive framework is in keeping with the Millennium Development Goals, which call for the promotion of gender equality and empowerment of women.

II. Methodology

12. The study process comprised of the following methodologies:

(a) **Literature gathering and review:** The consultant undertook reviews of accessible data, including Internet sites. This involved studying national instruments such as the Constitution, the PEAP, the National Gender Policy framework instruments for gender mainstreaming, as well as the JLOS strategic investment documents and plans of action. Also of particular interest was literature on guidelines and practices in sector-wide approaches and gender mainstreaming. Various JLOS institutions visited also elicited key documents, including policy papers, evaluation reports, training manuals and strategic plans and policies. The document review primarily focused on programmes, activities and evaluation reports.

(b) **Stakeholder consultations:** One-on-one in-depth qualitative interviews were held with key personnel in the JLOS institutions (See Annex I). This was necessary due to the wide range of actors and the very specific mandates that each institution undertakes as a matter of law and practice. Attempts to have a focus group discussion were made when a JLOS meeting of the Committee on Land and Family was scheduled to meet, but unfortunately, the said meeting did not take place. Due to bureaucratic procedures, the police forces and the Ministry of Internal Affairs were not interviewed. Meetings with the JLOS focal official from the Ministry of Justice and Constitutional Affairs did not elicit the required information despite several efforts.

Limitations of the study

13. A major drawback of this study was the lack of gender-disaggregated data and impact assessment reports in the JLOS institutions. There was a general lack of evaluative information and in particular on gender mainstreaming, even where gender mainstreaming interventions clearly existed. This made it difficult or impossible in some cases to draw concrete conclusions on the impact of gender mainstreaming strategies, in order to facilitate a better illustration of a good or best practice. Failure to document institutional practices and strategies relating to gender mainstreaming in JLOS seems to have resulted in loss of memory and evidence of some good practices, especially where key actors had resigned or left JLOS.

III. Economic, social and cultural background

14. Uganda has come a long way from being the war-ravaged, socially and economically debilitated State that it was up until the 1980s. Unlike the post-independence period when the country was characterized by anarchy, human rights violations and economic disorder, Uganda now operates under the rule of law. The country is set on a reform recovery process that has seen the economy grow despite several challenges, including inflation, high poverty levels and corruption. In 2005, the transition to political pluralism was concretized and representative participation in governance established as a democratic tenet. Since the return to democratic rule, conflict breakouts in parts of the country and pandemic diseases like HIV/AIDS have threatened the stability, growth and development of the country, but multifaceted interventions by the Government, civil society actors and development partners have helped to alleviate these problems somewhat.

15. Imbalances in power relations between men and women have traditionally existed in Uganda, and the socio-economic developments in the country in the last few decades have only served to reinforce the subordination of women. The effects of the several conflicts experienced in Uganda over the various post-

independence regimes affected Ugandans from all walks of life, but they had severe gender implications for women, who were affected more by war in multiple forms, either as combatants or as victims, or as part of the vulnerable groups suffering as a result of war.

16. The gendered impact of SAPs and World Bank austerity measures that many African countries experienced in the 1980s has been documented in several studies. The major features included a drastic fall in standards of and access to crucial public services such as food and clean water, healthcare, education, finances, resources and productivity inputs, as well as the feminization of poverty. In this regard, Ugandan women were not insulated from the gender disparities and structural marginalization in the political and socio-economic and cultural arena, in both the public and the private spheres.

Challenges and constraints to progress made towards mainstreaming gender

17. While significant strides have been made towards achieving gender equality, the prevalent situation is still that of inequality and marginalization of women in Uganda. Women are still unable to access opportunities that men do in all spheres of public life. Gender relations between men and women in Uganda are characterized by inequalities in the private and public sphere, at the family, communal and national level. Governance structures and processes are dominated by men. Due to the higher premium placed on masculinity, men have higher literacy levels than women (adult literacy rate for women is 57.7 per cent, the ratio of female to male is 0.75).⁷ Men dominate the formal employment sector and are numerically and substantively more visible in the socio-economic (the ratio of female to male earned income is 0.53)⁸ and political arena (as of 2005, seats by women parliamentarians accounted for only 29.9 per cent despite affirmative action imperatives).⁹ As a result, women (33 per cent) are poorer than men (30 per cent)¹⁰ and as noted in the PEAP 2004, gender dimensions to poverty are strikingly obvious.¹¹ This is a combination of several factors, including socially conditioned gender roles; structural imbalances in gender equality propagated by stereotypes and entrenched by dominant patriarchal norms, and cultural practices that render women subordinate to men.

18. Other factors contributing to and simultaneously constituting gender discrimination include high maternal mortality and morbidity rates (505 per 100, 000 births),¹² early marriages (53 per cent marriages occur by the age of 18),¹³ gender inequality regarding the right to own property (only 16 per cent women own registered land),¹⁴ gender-based violence (with a prevalence of 40 per cent),¹⁵ few opportunities for women in professional jobs (30.2 per cent)¹⁶, as well as cultural biases leading to discrimination. While women form the dominant labour force, especially in the agricultural sector (77:64)¹⁷, overall, gender inequality characterizes economic activity, whereby female economic activity accounts for 79.7 per cent.¹⁸ As noted in a number of Government reports, in general, women are still poorer than men and still lack control over resources and livelihood assets; e.g., only 25.5 per cent control the land they cultivate.¹⁹

19. From the outset of the NRM Government in 1986, human rights issues were high on the agenda and the intense discourse and focus on restoration of civil rights of Ugandans served to give women a platform to articulate their interests. This enabling environment proved important in galvanizing activism and garnering

7 UNDP Human Development Report page 328.

8 UNDP Human Development Report page 332.

9 *ibid*

10 Uganda Gender Policy page 7.

11 PEAP 2004 Page 18.

12 Uganda Gender Policy page 9.

13 *ibid*

14 *ibid*

15 Uganda Gender Policy page 10.

16 Uganda Gender Policy page 12.

17 UNDP Human Rights Index 2007/2008 page 340.

18 *ibid*

19 Uganda Gender Policy page 7.

crucial consensus around the inclusion of women and gender concerns, particularly during the constitutional reform process and in the development of national governance frameworks such as the parliamentary electoral colleges for women, local government women councils and the establishment of a ministry for to address the concerns of women.

20. From the late 1980s to date, Uganda has evidenced a strong women's movement, with many actors from the civil society, NGOs and community-based organizations, politicians, media and academia highlighting women's interests and concerns and the need to provide equal opportunities for women in key governance mechanisms, some of which have found expression in important government policies, strategies and institutional mechanisms. At the political level, the involvement of women has been evidenced in increased appointments in the executive and judicial sector, as well as in public institutions, such as the appointment of women to ministerial positions (23 per cent).²⁰ Affirmative action measures in parliamentary electoral processes have also resulted in unprecedented numbers of women in Parliament, although perceptions exist that the logic of affirmative action has not been fulfilled.

IV. Progress achieved in women's gender concerns

21. Generally, indicators for a successful gender mainstreaming initiative include institutional measures undertaken to achieve gender mainstreaming, planning and analysis that consciously and specifically incorporates gender concerns, interests and experiences; resource allocation; initiatives towards reform of laws and policies; participation of women in decision-making as well as efforts to re-orient national governance processes towards incorporating gender perspectives. It is against this backdrop that the assessment of Uganda's performance, and specifically, that of JLOS, is undertaken.

(a) Gender-responsive/enabling policy environment

22. Over the past two decades, Uganda has experienced several reform processes, including the adoption of significant normative development frameworks and instruments propounding good governance paradigms. Uganda ratified the Convention on the Elimination of all Forms of Discrimination against Women in 1985 and is a party to the Beijing Declaration and Platform for Action (1995) and the Millennium Declaration (2000), the latter of whose goals are closely reflected in the PEAP. Uganda is also a signatory and a party to the Protocol on the Rights of Women in Africa (2003), as well as the AU Heads of State Solemn Declaration on Gender Equality (2004).

23. The Constitution of Uganda provides an enabling environment for gender mainstreaming as it espouses the fundamental right to equality among the sexes²¹ in every respect and calls for gender balance and fair representation²² as well as the recognition of the role of women in society.²³ It also recognizes the right to affirmative action measures for marginalized groups which include those marginalized on the basis of gender²⁴. Specifically relating to access to justice, several constitutional provisions recognize women as being entitled to equal rights, obligations and protection of the law in the private and public spheres. Customs that militate against the rights of women are proscribed²⁵, hence protecting the rights of women to equality under customary, civil and criminal law, although the reality on the ground does not reflect this position, as will be discussed later on in this report.

24. Uganda has laws that touch on the rights of women specifically, but these tend to regulate personal relations, such as the laws on marriage, divorce and inheritance. In 1997, a National Gender Policy was established which has since been revised in 2007 and renamed the Uganda Gender Policy. This Policy addresses

20 UNDP (2007) Human Development Report (Palgrave Macmillan, New York) 2007/3008 Fighting climate change: Human solidarity in a divided world page 345.

21 The Constitution of the Republic of Uganda, 1995 Article 21.

22 Objective VI

23 Objective XV

24 Article 33 (4)

25 Article 33(1)

gender inequalities by providing a “clear framework for identification, implementation and coordination of interventions designed to achieve gender equality and women’s empowerment”. It mandates the Ministry of Gender, Labour and Social Development (MGLSD) to set priority areas of action at the national, sectoral, district and community level. In line with the PEAP, SWAPs have adopted the mainstreaming of gender perspectives as crosscutting issues across the sectors. The Social Development Sector Strategic Investment Plan, of which the MGLSD is the lead agency, aims to achieve gender equality through the promotion of equity and women’s advancement. The Uganda Report on the Implementation of the Beijing Platform for Action²⁶ notes that the Policy itself has been influential in the adoption of mainstreaming gender “as a cardinal principle” in sectoral and district development programmes, resulting in increased attention to how such programmes involve and benefit men and women.

25. The National Action Plan for Women (NAPW) which was revised in 2007 is a policy instrument that seeks to translate the concerns and objectives contained in the Africa Platform for Action, the Dakar Declaration, the Global Platform for Action and the Beijing Platform Declaration into concrete actions. The revised National Action Plan for Women focuses on five critical action areas: legal and policy framework and leadership; social and economic empowerment of women; reproductive health, rights and responsibilities; the girl child and education; and peacebuilding, conflict resolution and freedom from violence.

(b) Institutionalization of gender mainstreaming in governance mechanisms

Gender incorporated into the PEAP as a crosscutting issue

26. Prior to 2004, gender tended to be handled as a stand-alone issue for the Ministry of Gender, Labour and Social Development (MGLSD), Women’s Councils and departments of community development. Previous PEAPs, including the one of 2000, lacked an explicit gender perspective.²⁷ A Gender PEAP Team constituted in 2002 undertook the gender component of the PEAP during the PEAP national review process, with the result that gender was integrated as a crosscutting issue to be addressed in all sectors.

27. The PEAP 2004 notes that eliminating gender inequalities is key to eradicating poverty in Uganda. However, the value addition of the PEAP to gender mainstreaming is limited by the absence of specific gender-based indicators in the Annual PEAP Implementation Review. Currently, there is evidence of gender-responsive budgeting at the national, sectoral and district level, which is facilitated by the Ministry of Finance, Planning and Economic Development. This Ministry tacitly admitted that the benefits and incentives of implementing budgetary allocations have failed to be equitably accessed by various socio-economic groups, and noted the need to institutionalize gender and equity budgeting through its budget call circulars.²⁸

Gender incorporated into budgeting mechanisms at all levels; national, local and sectoral

28. The Ministry of Finance, Planning and Economic Development has produced the Guidelines for the Budget Process for Financial Years 2005/2006 to 2007/2008 Sector Working Groups Terms of Reference and Guidelines on Gender and Equity Budgeting. These guidelines require planners to assess constraints to gender equality and overall inequity and propose policies and interventions that will address the constraints.²⁹ The Ministry of Finance’s call circular for 2005/2006, for example, required government planners to commit themselves to gender and equity objectives in the planning and budgeting process, and to identify these requirements and incorporate the cost implications for the next financial year 2005/2006 and the medium term. Similarly, as per the sector investment plans, local governments are required to integrate gender planning and budgeting into their processes.

26 Report on Government of Uganda’s implementation of the Beijing Platform for Action (1995) and the Outcome of the Twenty-third Special Session of the General Assembly (2000) page 1. www.un.org/womenwatch

27 Ministry of Finance, Planning and Economic Development (2003) PEAP Revision Guide Page 25.

28 Ministry of Finance, Planning and Economic Development (2008) Gender-disaggregated data for the justice, law and order sector page 4.

29 UNIFEM (2007) Gender-responsive Budgeting Programme Guidance sheet series - No. 1 page 4.

Affirmative action as a mechanism for participation and inclusion in governance

29. A constitutional reform process which canvassed broad views on reforms resulted in the establishment of a Constitution in 1995 that was strong on civil, political and economic and social rights of Ugandans, a novelty in Ugandan constitutional law. The inclusion of protections for vulnerable groups was particularly welcome in several quarters of populations at risk, who had long felt marginalized from the mainstream of political, developmental processes and decision-making structures, including women. Structurally, the inclusion and mainstreaming of these groups in governance has been well developed. However, the ability of women as individuals or collectively to influence decision-making towards gender equality is still low.

30. Uganda introduced the local government system in 1986 in a revolutionary bid to increase the participation of citizens in their governance and bring the structures, powers and systems of service delivery closer to them. Under the decentralization law, provisions for the participation of women in governance structures at local government and below guaranteed quotas for women as one third of all council members were to be composed of women.

31. However, the election of women councillors in electoral colleges outside the mainstream election processes has been also viewed as a major drawback, because it perpetuates the concept of women in decision-making as an “add-on”, made worse in a patriarchal socio-political context where there is still a lack of legitimacy for women in such positions. Also, research has shown that affirmative action is still regarded with suspicion by many members of the population, and is regarded as giving women politicians an easy ride, further undermining their legitimacy. This lack of understanding of affirmative action is attributable to a lack of adequate civic education in the general population.

32. Furthermore, women have failed to attain key decision-making positions in local government, and few council chairpersons are female. There has also emerged a nationwide trend in which males are deputized by women in public office, rarely vice versa, thus mirroring traditional gender roles in the family. In addition, studies have also indicated that women’s effectiveness in council meetings and proceedings is hindered by their low levels of education and self esteem, especially in council debates and in the presence of their male counterparts.

Gender-responsive civil society organizations involvement in sectors

33. Several civil society groups and individual actors emerged in the 1980s who advocated for the equal rights and opportunities of men and women. They lobbied successfully for important institutional and policy reforms that benefited the mainstreaming of gender experiences and concerns in the various national and local development processes. To date, many vibrant NGOs, including those espousing gender equality, have been involved in the planning, implementation and monitoring processes of several sector programmes, including the JLOS, and some receive funding from the Government to facilitate the implementation of sector strategic plans. The Legal Aid Basket Fund, though not under the JLOS, is one such mechanism.

Establishment of a ministry dealing with gender

34. A separate ministry was set up for women initially known as the Ministry of Women in Development in 1991, which was reflective of the emphasis on specifically addressing the empowerment and advancement of women within the mainstream. Currently, the national machinery for gender mainstreaming responsible for initiating, coordinating and implementing policies and programmes to empower women is the Ministry of Gender, Labour and Social Development (MGLSD).³⁰ The Ministry has a gender mainstreaming strategy in place, and in 2007 established a Department of Gender and Women’s Affairs dedicated to gender-specific analysis, planning and mainstreaming. However, the effectiveness of the Ministry is impaired by the fact that it has persistently been under-funded and under-resourced, despite having a very wide mandate in addition

30 Ministry of Gender, Labour and Social Development (2007) The National Action Plan on Women 2007.

to gender affairs. Reference is also made in the Uganda Gender Policy to the tendency for government policies to narrowly define gender needs and view achievements numerically rather than qualitatively.³¹

Progress in gender mainstreaming

35. Several milestones have been achieved through the work of the Ministry, including integrating gender perspectives into sectoral and district agenda and planning processes.³² As illustrated in the National Gender Policy and the National Action Plan on Women, progress in the area of programme, policy and legislative reforms has also been registered as follows:

- At the national level, the highest level of development planning and policy setting, the PEAP has structurally integrated gender mainstreaming in all its processes.
- More development programmes are incorporating gender perspectives in their planning, analysis, monitoring and budgeting processes at national and local level, drawing from the PEAP and the Poverty Reduction Strategy Papers.
- Affirmative action in the election of female legislators has improved the visibility of women in governance issues, although nomination to appointive positions is low.
- Women's presence in educational institutions increased substantially with the advent of UPE, which especially promoted gender equality in and the advancement of girl child education. These has helped increase literacy rates among women.
- The involvement of women in male-dominated sectors such as micro-finance institutions has increased.
- There are improvements in the recognition of women's land rights and development of anti-poverty and pro-economic growth strategies that target men and women in Uganda.

V. Gender mainstreaming in jlos institutions

36. The following part of the report analyses the practices in gender mainstreaming that have evolved in the justice, law and order sector to assess which ones are noteworthy and sound. The identification of a practice as an emerging or established good or best practice is based on the feasibility of the concept, strategy or action, the extent to which it has been implemented, and the results of such an intervention. The impact of this practice should have a propensity to foster long-term benefits for the targeted beneficiaries and build capacity for them to be able to achieve the goals of gender equality.

A. The justice, law and order sector (JLOS)

37. The Justice, Law and Order Sector was established in line with the PEAP pillar on good governance, and its goal is to enhance quality of life and ensure that poverty in Uganda is eliminated. Access to justice is addressed as a goal under the PEAP and its importance cannot be overstated, as it guarantees good governance through the observance of the rule of law, a prerequisite to human development.³³ JLOS has the following policy objectives: to foster a human rights culture across the JLOS institutions; to promote the rule of law and due process; to enhance access to justice for all people, particularly the poor and other marginalized groups; to undertake law reform; to reduce the incidence of crime and promote safety and security of the person and property; and to enhance JLOS contribution to economic development. The integration of gender as a crosscutting issue was made a priority action of the sector operations under the Strategic Investment Plan of 2006-2011 (SIP II).

31 Uganda Gender Policy page 12.

32 Government of Uganda (2000) Report on Government of Uganda's implementation of the Beijing Platform for Action (1995) and the outcome of the Twenty-third Special Session of the General Assembly.

33 JLOS (2004) Justice Law and Order Strategic Investment Plan Midterm Evaluation 2001-2002/2005-2006 VOL 1 Page 19.

38. Several studies prior to setting up JLOS concluded that service delivery by criminal and commercial justice agencies were dissatisfactory, leading to perceptions of high levels of corruption and insecurity of the person and property.³⁴ At that point the constituent institutions of the sector had not developed a clear policy framework and suffered funding constraints.³⁵ JLOS was conceived in 1999 as a reform process for improving the administration of justice and maintenance of law and order in Uganda³⁶, and was the first of its kind in Africa.³⁷ It also arose from a desire by stakeholders of the justice sector to align with the PEAP and to undertake reforms in the criminal and commercial justice programmes. As early as 1999, the JLOS reform initiative brought on board donors, civil society, NGOs and government. A JLOS secretariat was formed in 2000 within the Ministry of Justice



and Constitutional Affairs, which Ministry also acted as the lead agency for the sector. The overall mission of JLOS was defined as “to ensure that all people in Uganda live in a safe and just society”.³⁸ JLOS sought to attain “increased coordinated programme planning, budgeting, implementation, monitoring and evaluation of all sector institutions”³⁹ through a sector-wide, prioritized and costed strategic investment plan, hence the Strategic Investment Plan 2001-2006, (SIP) and 2006-2011 (SIP II) respectively.

39. JLOS provides a collaborative approach to justice administration, with intersectoral linkages to service for the following institutions; Ministry of Justice and Constitutional Affairs; Ministry of Internal Affairs; the Judiciary; the Uganda Prison Service; the Uganda Police Force; the Directorate of Public Prosecutions; the Judicial Services Commission; the Uganda Law Reform Commission; the Ministry of Gender, Labour and Social Development (Probation Services), and the Ministry of Local Government (Local Council Courts). JLOS has a district presence too, with coordination committees that oversee its operations at district level.⁴⁰ These institutions are involved in the maintenance of justice, law and order in Uganda and have varied but complementary roles in administering justice. Currently, SIP II covers criminal and commercial justice, as well as land and family justice. JLOS has organized its work in the following groups: commercial justice, criminal justice, family justice, land justice and the Budget Working Group. A Development Partners Group also exists. Gender is handled as a crosscutting issue in SIP II.

40. It has been posited that SWAs are both an opportunity and a threat for gender equality mainstreaming, and which way holds sway depends on the preparedness and ability of organizations to articulate gender

34 (host not cited) TOR for a Midterm Evaluation of the Justice, Law and Order Sector (JLOS) Strategic Investment Plan for the Medium-Term 2001-2006. www.gsdrc.org

35 *ibid*

36 JLOS Strategic Investment Plan 2001-2006, 2006/2011.

37 Evelyn Edroma and Donal Cronin (2007) Results Framework and Accountability for Cross-cutting Issues: Lessons from the Justice, Law and Order Sector in Uganda- (Summary paper presented at the Workshop on Development Effectiveness in Practice: Applying the Paris Declaration to Advancing Gender Equality, Environmental Sustainability and Human Rights, Dublin, Ireland, April 26-27 page 1. <http://www.oecd.org>

38 JLOS (2004) Justice, Law and Order Strategic Investment Plan Midterm Evaluation 2001-2002/2005-2006 VOI Page 19.

39 Evelyn B. Edroma (2005) Sector-wide Approach in Justice, Law and Order: the Uganda Experience. The ALRAESA Annual Conference on Fusion of Legal Systems and Concepts in Africa, Entebbe.

40 SIP II

mainstreaming.⁴¹ The operational processes and structures of JLOS are well suited to facilitate gender-specific analysis and mainstreaming. Although JLOS institutions receive funds through their line ministries, the JLOS Sector Budget Framework Paper prepared by the Budget Working Group sets out the priorities of JLOS based on its SIP, one of whose priorities is gender mainstreaming. Through its intersectoral working groups and policy planning units, JLOS offers a common space for the collective analysis of the gender implications of identified programmes in all the working groups' areas of focus. This would likely result in concerted and comprehensive gender mainstreaming collaboration across the sector.

41. The findings of the JLOS Strategic Investment Plan Midterm Evaluation 2001-2002/2005 will largely inform the review of JLOS efforts in gender mainstreaming. The evaluation was undertaken to assess the sector's performance during the 2001/2004 period in the areas of access to justice, efficiency and effectiveness and quality of justice. In addition, it assessed JLOS contributions towards the attainment of the PEAP aims; the efficiency and effectiveness of programme and financial management structures, including the monitoring and evaluation systems in place in JLOS; the effectiveness of and support for the JLOS reform programme at local level; and the intersectoral policies and working relationships with other line ministries, especially the Ministries of Local Government and Gender, Labour and Social Development, as well as with and between the donors supporting JLOS.

Gender-specific constraints to accessing justice

42. While the report notes that women have several structural barriers that make it difficult for them to obtain equal rights and opportunities as men, this section looks at specific barriers that exist in the justice system in Uganda. The Uganda Gender Policy notes that the entire legal system i.e. "laws, legal processes and enforcement procedures", still affect women disproportionately, thereby limiting their rights and protection under the law.⁴² All these make the provision of appropriate and effective administration of and access to justice all the more imperative.

43. The NAPW too notes several bottlenecks in the justice delivery system, which include case backlog; inflexible systems and procedures, insecurity; corruption; inefficiency and negative cultural and religious beliefs, all of which constrain the ability of women to access justice. Several laws relating to the personal status of women are in urgent need of reform, such as the laws on sexual offences and inheritance. New laws are also required to ensure gender equality in the area of domestic relations.

44. According to a JLOS review of gender and access to justice in Uganda,⁴³ there are gender-specific and multilayered barriers to accessing justice. These constraints are embedded within the law, in the administrative procedures of service delivery agencies and within the communities. The Review on Gender and Access to Justice notes that institutional challenges such as male-dominated agencies of justice administration, gender-biased or neutral laws, lack of gender sensitivity on the part of personnel, poverty, cultural biases and technical procedures affect the ability for women to access to justice, thus requiring extensive gender-responsive interventions by JLOS. The Review also observed that lack of access to justice and insecurity of person and property compound the problem of poverty.

45. A comprehensive study on the challenges to women's contribution to the Ugandan economy identified several legal barriers faced by female entrepreneurs and which disproportionately affect women attempting to formalize their businesses, such as the bureaucratic registration and licensing processes.⁴⁴ In addition, lengthy and rigid land laws and titling processes affect the ability of women to access credit facilities, while women's access to land is made more difficult by laws like the Land Act, the Succession Act and the Divorce Act, all of which have a negative bearing on women's access to resources. This is aggravated by a lack of information on

41 Margaret Kakande (2007) Financing for gender equality and empowerment of women: Uganda's experience page 2-3, EGM/FFGE/2007/EP.8. <http://www.un.org/womenwatch/daw>

42 Uganda Gender Policy 2007 page 8.

43 JLOS (2002) Desk Review of Gender and Access to Justice in Uganda.

44 Ellis A, Manuel C and Blacken M (2006) Gender and Economic Growth in Uganda (The World Bank) page 4.

legal rights and access to legal representation, all of which affect women more negatively than men, causing disparities in legal protection and leading to economic disempowerment. The study noted that simplified licensing and registration systems facilitate and expedite formalization of business entities, which is beneficial for female entrepreneurs.

46. Evaluations of JLOS indicate that institutional progress has been made in significant areas.⁴⁵ Improved communication and coordination of justice administration has led to joint preparation of strategic plans, budgeting, reporting and speedier processes in commercial courts. Commercial laws have been reformed and court structures have been constructed, which has improved the performance of the commercial courts.

Emerging good practices in gender mainstreaming

47. **The Working Group on Gender:** Gender mainstreaming was not specifically provided for as an objective of JLOS in SIP, meaning that programmes were planned in a gender-neutral manner. Given the legal barriers faced by women which had been identified in various studies and policy instruments, this had negative implications for the legal rights of and access to justice for women.⁴⁶ To remedy this significant shortcoming, the Working Group on Gender comprising of volunteers from government bodies, development partners and civil society was constituted to close the gender gap highlighted in JLOS analyses.⁴⁷ It served as a critical body in integrating gender concerns and perspectives in the Commercial Justice Programme of JLOS, which covers the commercial courts and tribunals, commercial lawyers, the Centre for Arbitration and Dispute Resolution, and the land and company registries. The Working Group's impact can be seen in the following gender-responsive strategies that JLOS adopted under SIP.

48. **Gender planning, analysis and evaluation:** In a sector like JLOS that covers institutions with wide and varying mandates, target groups, beneficiaries and operational strategies in justice delivery, it was imperative that a situational analysis of the prevalent concerns, needs and constraints to accessing justice across the sector be undertaken. Initially, however, gender implications had not been envisaged in the terms of reference of the proposed studies. At the initiative of the Working Group on Gender, the tools for conducting a commercial justice baseline survey integrated gender issues, with the objective of ensuring that gender perspectives were incorporated into the Commercial Justice Reform Programme.⁴⁸ From the outset of the criminal justice programmes, gender perspectives were integrated into the terms of reference of various institutional reviews and stakeholder consultations.⁴⁹ The outcome of these gendered analytical process was invaluable in designing and implementing gender-responsive programmes in JLOS. The Working Group on Gender also developed tools for monitoring and evaluating gender issues in order to develop a baseline that would progressively track recruitment, training and staffing and generally gender mainstreaming in JLOS institutions. A gender policy and strategy for the sector has been drafted but has not yet been adopted.

49. **Mainstreaming gender as a cross-cutting issue:** In SIP II (2006-2011), gender was adopted as a cross-cutting issue to be considered in all working groups' programmes, as opposed to being handled solely by the Working Group on Gender. Thus, the working groups on SIP II are required to address gender mainstreaming in all planning, implementation and evaluation processes; something which the Working Group on Commercial Justice for instance, has already done. This has served to legitimize the institutionalisation of gender mainstreaming in JLOS.

50. **Strategic partnerships with gender-responsive CSOs:** JLOS/civil society partnerships and engagements have been fostered to allow for the participation and empowerment of organizations advocating for gender equality. The exploitation of the synergies between government, civil society and private sector actors in the various JLOS working groups is a progressive step from the isolated and sometimes hostile relations that

45 JLOS (2004) Justice Law and Order Strategic Investment Plan Midterm Evaluation 2001/2002-2005/2006 VOI 1page 24.

46 JLOS Desk Review on Gender and Access to Justice p 36.

47 ibid

48 ibid

49 JLOS Desk Review on Gender and Access to Justice p 37.

CSOs and governments had in the past. For example, CEEWA, an NGO focusing on gender-based research and advocacy with a focus on removing legal and administrative barriers to investment in Uganda, is part of the Working Group on Commercial Justice. CEEWA is developing proposals on gender mainstreaming advocacy and communication and information strategies in the commercial sector and plans to target its advocacy strategy on JLOS committee members, women entrepreneurs, the private sector and CSOs promoting women's access to commercial justice.

51. As the above practices illustrate, through its policies, strategies and structures, JLOS has made a concerted effort to mainstream gender perspectives in its operational processes. The rights of women to equality under the law, provided for in ICCPR and in CEDAW, and the recognition of women as full parties before the law can best be protected by a holistic approach involving all actors and ensuring gender equality outcomes. The ICCPR enjoins governments to provide effective legal remedies to men and women through judicial, administrative or legislative measures, and by mainstreaming gender perspectives across JLOS. This would improve exponentially the chances of reducing or eliminating gender-based structural barriers to access to justice. In one illustration, in 2003, the judiciary took special note of the JLOS Gender Access to Justice Review and the issues it raised, which informed its own development of a gender and access to justice strategy.⁵⁰ This is evidence of a coherent gender mainstreaming effort building on synergies from intersectoral linkages.

52. A key strategic objective of the Beijing Platform for Action is to ensure the presence of women in power and decision-making positions in order to integrate gender perspectives into legislation, public policies, programmes and projects. The engagement of gender specialists from institutions such as MGLSD and gender-responsive CSOs is an attempt to bridge the structural capacity gap in JLOS and to facilitate gender analysis of issues relating to access to justice. The sustained participation of these experts has medium-to-long-term benefits as they undertake the process of influencing policies and processes of JLOS towards gender equality to ensure that women benefit qualitatively and equally from their designed interventions.

Constraints to establishing best practices

53. Despite the emerging good practices identified above, JLOS has faced some limitations in its attempt to mainstream gender in the sector. Capacity constraints in gender mainstreaming in some working groups have been identified. Experienced gender analysts from the MGLSD are part of some but not all working groups, causing an imbalance in gender mainstreaming expertise across the working groups. Some of the JLOS institutions have nominated focal persons to the JLOS structures who lack knowledge or skills in gender analysis, planning, advocacy, budget allocation and evaluation. For example, the Budget Working Group of JLOS lacks skills in planning and budgeting across the sector,⁵¹ and specifically in gender budgeting. While it is still early days yet, preliminary signs of losing sight of gender mainstreaming in the working groups have been observed.⁵² The strategic decision on whether to have a core gender focus unit within a sector—which may “Ghettoize” gender concerns — or whether to diffuse gender analysis across the sector structures and run the risk of de-emphasizing gender concerns, is undoubtedly a difficult balancing act. Key respondents regretted the dissolution of the Working Group on Gender and feel that their core focus on gender mainstreaming was a lost opportunity, despite appreciating the need for gender mainstreaming skills in all the working groups.

54. In addition, the sector has faced capacity constraints in effective monitoring and evaluation, particularly since the JLOS secretariat, the District Access to Justice Committees and policy planning units that were initially identified as monitoring mechanisms are not well developed.⁵³ JLOS developed a policy matrix

50 DANIDA (2003) Gender and Access to Justice Strategy for the Uganda Judiciary Draft Report Page 3.

51 Justice, Law and Order Strategic Investment Plan Midterm Evaluation 2001-2002/2005-2006 VOL 1 Page 133.

52 Own observations, i.e. interviews with respondents from some key JLOS institutions indicated that there were no specific attempts to mainstream gender, with some believing that the Ministry of Gender, Labour and Social Development should handle this aspect.

53 Justice, Law and Order Strategic Investment Plan Midterm Evaluation 2001/2002-2005/2006 VOL 1 page 144.

in October 2003, with one of its inputs involving monitoring.⁵⁴ In 2004, evaluations pointed to a lack of monitoring systems with impact indicators, which at the time were still being developed by the Sector.⁵⁵ The sector-wide indicators for monitoring progress in access to justice, efficiency and effectiveness and quality of justice are yet to be comprehensively identified, developed and implemented.⁵⁶ The Criminal Justice Programme had developed indicators that were gender-disaggregated, although by 2003 non-compliance of monitoring against these benchmarks in the sector had been noted.⁵⁷ The failure to develop effective monitoring tools and systems with gender-specific indicators limits the capacity of JLOS to assess whether it is achieving its purpose of improving access to justice for women.

55. The JLOS Secretariat has not been well facilitated to carry out its roles, which include monitoring and evaluating progress. In terms of human resources, the JLOS Secretariat consisting of a senior technical advisor, Commercial Justice Advisor and one resource person as at 2004 lacks skills in gender mainstreaming.⁵⁸ JLOS has not been immune to constraints in government funding such as budget cuts or delayed releases, which disrupt effective implementation of programmes.⁵⁹

56. The establishment of policy planning units within Ministries is a welcome administrative innovation. These units are key to the process of planning and development at the institutional and sectoral level and could provide a platform for gender mainstreaming in JLOS. However, these PPU are in various stages of setup across the sector and hence have not lived up to their potential.⁶⁰ The JLOS Review Report of 2004 recognized the value of these policy planning units, identifying the need for important requisite skills for these units such as management, organizational, administrative, leadership and negotiation skills, but omitted gender analytical skills. The involvement of gender focal points in such a unit would have invaluable spin-off benefits in the gender mainstreaming process.

57. The documentation of good practices in the sector along with access to information is problematic and affects the capacity of the JLOS institutions to build on former successes. Lack of follow-up in consolidating good practices translates into lost momentum and opportunities. For example, the achievements of the Working Group on Gender under SIP were hard to document, and many of the original members of the working group had moved on or retired, without the strategies that they had developed being adequately captured.

58. There is some evidence that intersectoral linkages in JLOS have been enhanced, but there is still a lot of work to be done in strengthening these ties. For example, the judiciary has a gender and access to justice strategy in place which built on the Gender and Access to Justice Review. The judiciary could share its strategy with JLOS institutions with parallel mandates, such as local council courts. In another example, while the MGLSD issues guidelines for gender mainstreaming across all sectors, there is no evidence that its presence in JLOS has served to ensure that these guidelines are institutionalized in JLOS.

Recommendations

- (i) Lack of a dedicated objective of gender mainstreaming under SIP II may make it difficult for the gender implications of JLOS programmes to be taken into account. Gender-specific objectives and indicators are important benchmarks against which gender performance can be evaluated. It is important for JLOS to develop a specific objective focusing on mainstreaming gender, which can then inform the working groups' agenda. This would also necessitate gender-specific budget lines.

54 Justice, Law and Order Strategic Investment Plan Midterm Evaluation 2001/2002-2005/2006 VOI 1 page 26.

55 Justice, Law and Order Strategic Investment Plan Midterm Evaluation 2001/2002-2005/2006 VOI 1 page 64,74.

56 Justice, Law and Order Strategic Investment Plan Midterm Evaluation 2001/2002-2005/2006 VOI 1 page 144..

57 Justice, Law and Order Strategic Investment Plan Midterm Evaluation 2001/2002-2005/2006 VOI 1page 206-207.

58 JLOS (2004) Justice, Law and Order Strategic Investment Plan Midterm Evaluation 2001/2002-2005/2006 pages108-109.

59 JLOS (2004) Justice, Law and Order Strategic Investment Plan Midterm Evaluation 2001/2002-2005/2006 Page 132, 135.

60 JLOS (2004) Justice, Law and Order Strategic Investment Plan Midterm Evaluation 2001/2002-2005/2006 Page 113.

- (ii) There is need to build capacities in gender analysis in all the working groups in the sector to ensure gender-responsive planning and implementation. Such focal points can also serve as a resource of gender analysts and planners within their own line ministries and institutions.
- (iii) It is important for JLOS to undertake gender-based research on a continuous basis to facilitate empirical gender analyses. All attempts should be made for data to be gender-disaggregated, in order to facilitate gender responsiveness planning and evaluation.
- (iv) A comprehensive gender-policy and strategy for gender mainstreaming in JLOS should be established.

B. Ministry of Local Government

59. The Ministry of Local Government is in charge of the local council courts in Uganda, which are part of the institutions of good governance set up under decentralization. These courts exist right from the lowest basic unit of administration, the village. They serve as grassroots mechanisms of justice administration and were designed to be simple, accessible in nature, with the objective of expediting justice delivery by applying norms, languages, procedures and personnel with which the communities are conversant and comfortable. These courts are easy for local people, and particularly women, to access. Studies, including the JLOS Gender Review, indicate that these community-based dispute resolution mechanisms are viable, given that the majority of Ugandans are unable to physically access the formal court systems or appreciate the technicalities involved, including the cost of legal representation.

60. However, cultural and traditional practices play a key role at this level; indeed, a 1998 JLOS baseline survey on local council courts noted the lack of gender sensitivity and respect for human rights and natural justice in these courts due to the prevalence of patriarchal norms.⁶¹ Gender inequality often leads to discriminatory outcomes,⁶² given the systemic subordinate status of women to men at this level. In addition, the courts are largely composed of men, thus deterring women who may wish to forward cases that sometimes are seen as taboo subjects, especially domestic violence, sexual assaults, disputes relating to land and inheritance issues. Local council court personnel are not required to have any technical skills under the law. Thus these courts have often served to reinforce gender inequalities, rendering justice inaccessible to women.

61. In this regard, the MOLG undertook legal reform activities and capacity-building initiatives with the objective of increasing gender awareness and responsiveness in justice administration.

Emerging good practices in gender mainstreaming

62. **Gender-responsive laws and structures:** The Ministry of Local Government (MOLG) taking into account the barriers that women face in accessing justice in the local council courts have employed affirmative action measures with the aim of qualitatively and quantitatively increasing the presence and participation of women in these courts. The law setting up the local government sets aside a quota for women councillors at every level of local government as a form of affirmative action. Thus, at the village or parish level, one third of all court judicial personnel must be women. The Local Council Courts Act of 2006 makes it mandatory at the town or division level for at least two members of the court to be women. While it is too early to tell what impact these measures have fostered regarding the outcomes of these courts' decisions, MOLG personnel reported that at the local council III level, attitudinal change has been noted as there is a greater appreciation of women's concerns and their cases are treated with due seriousness by court personnel.

63. The MOLG has also received reports from its focal point officers at the community level on an increase in the number of women resorting to local council court, and that female court personnel are participating more in decision-making during court proceedings.

61 Justice, Law and Order Strategic Investment Plan Midterm Evaluation 2001/2002-2005/2006 VOI 1 Page 30.

62 Ibid

64. **Capacity-building in gender sensitivity:** In 2006-2007, the MOLG undertook a pilot training programme of new councillors at all levels on gender mainstreaming to integrate gender perspectives during planning, implementation, monitoring and evaluation, and budget allocation. The main purpose was to ensure gender skills in decision-making structures that have an impact on district programmes and resource allocation, which impact on women's well-being. Also, it was felt that since council executives form the local council court personnel, they too can draw on the gender trainings in their court proceedings. The MOLG also issues circulars to the courts on the gravity of the challenges that women accessing the courts system are likely to face, and appropriate interventions required for overcoming them. However, this programme has only been rolled out to a few districts and its impact is yet to be assessed.

65. **Gender mainstreaming through monitoring budgetary allocations:** The MOLG prioritizes the objective of ensuring that the budgeting processes and modalities take into account the need to mainstream gender concerns into district development programmes in order to benefit women in the district and uplift their status. The MOLG provides the local government with assessment manuals of minimum conditions and performance measures for local governments. It monitors the assessment of District Plans to ensure that the crosscutting issues of gender are incorporated. A quota for gender activities is earmarked in the national assessment guidelines issued to the districts. At assessment stage, local governments must show evidence of gender mainstreaming performance indicators or risk penalties under the assessment guidelines; for example, 20 per cent reduction of funds by 2005. District/municipal performance measures also require certain gender performance indicators to be met. This sanctioning mechanism has succeeded in deterring district budgets that are not gender-responsive.

66. The Beijing Platform calls upon governments to establish the goal of gender balance in governmental bodies, public administrative entities and the judiciary. It also recommends setting specific targets to substantially increase the number of women in all governmental and public administration positions, if necessary through affirmative action. This position, which is reinforced in CEDAW, has been underscored in the Constitution of Uganda, hence legitimizing the adoption of special affirmative action measures such as the quota allocation for women in the local council courts.

67. Further, the Beijing Platform recommends the provision of gender-sensitive training for women and men to promote non-discriminatory working relationships. The increased visibility and involvement of women officials in judicial mechanisms is necessary to build the confidence of women litigators regarding the fairness of the judicial system. However, a commensurate effort to train the judicial officials is also required, as not all women are gender-sensitive or have knowledge or skills in gender analysis. Further, gender sensitive trainings will serve to diminish reliance on patriarchal norms.

Constraints to gender mainstreaming

68. While this section shows that the MOLG has made attempts to prioritize gender mainstreaming, the Ministry lacks a gender policy. In addition, there are no specific resources earmarked for gender mainstreaming. No mechanisms have also been designed for monitoring progress on the impact of gender mainstreaming as a crosscutting issue even regarding the local council courts project. Moreover, resources are lacking for a concerted training programme to build up on the introductory training that was given to the councillors.

Recommendations

- (i) MOLG should identify within the JLOS planning and implementation processes the gender mainstreaming activities under its mandate that should be prioritized and implemented.
- (ii) More resources should be allocated towards building the capacity of local council court personnel in gender analysis.
- (iii) The judiciary, which has a gender and access to justice strategy, should increase interactions with the local government courts through MOLG to share perspectives on gender mainstreaming with these courts.

- (iv) The Ministry should develop monitoring mechanisms for its gender mainstreaming programmes.

C. Ministry of Gender, Labour and Social Development

69. Uganda's strong political commitment to the Beijing Platform for Action is evident through the setting up of crucial institutions for the advancement of women, including a national machinery headed by a cabinet Minister. The Ministry of Gender, Labour and Social Development (MGLSD) is the main agency mandated to ensure that gender mainstreaming is attained through the implementation of the Uganda Gender Policy. The Ministry works within a conducive policy environment that seeks to ensure that sector-specific gender policies are established, as evidenced in the roads, health, education, justice, law and order sectors. The MGLSD falls under JLOS because juvenile justice delivery and probation services fall under its ambit, but no evidence was availed on how it has undertaken gender mainstreaming activities in this aspect. Rather, this section discusses the practices developed by the Ministry across the sectors in general, from which JLOS has also benefited from. Taking into account the detailed discussion of MGLSD in section C, this part of the report goes directly into an assessment of the good practices identified.

Emerging good practices in gender mainstreaming

70. **Establishment of focal points and mechanisms that promote gender analysis, planning and mainstreaming:** The MGLSD has established focal point officers at ministerial and sectoral level with the objective of building capacity in gender mainstreaming analysis and promoting the gender mainstreaming agenda. These are officials whose strategic placement is to ensure gender-responsive strategies, programmes and policies across the sectors, and to develop understanding as well as commitment around the gender mainstreaming agenda. However, this function is in addition to their designated official duties, and while it was envisaged that senior officials at management level who can influence sectors would be targeted, these officials have tended to be overwhelmed by the workload.

71. In six districts, MGLSD has established focal point officers i.e. gender office designates who exclusively handle the gender mandate. They have made the work of the Ministry more effective in following up on gender-related activities.

72. **Capacity-building for JLOS:** MGLSD has established quarterly review meetings at interministerial level. In this forum, the Ministry trains its focal points on gender mainstreaming, analysis, planning, monitoring and evaluation. It has developed several training resource materials and programmes on gender sensitization trainings for the judiciary to address (i) Concerns about the collection, analysis and dissemination of development statistics; (ii) Gender concerns in national development programmes; (iii) Gender concerns in district development programmes; and (iv) Gender sensitization for magistrates and State attorneys. MGLSD has trained the police and the Ministry of Internal Affairs on gender-based violence both organizations are JLOS institutions. This training has been very valuable in providing much needed information and skills in gender analysis for various JLOS actors in their fields of competence.

73. **Promoting legal literacy:** The Ministry has developed several simplified booklets on various areas of the law and policies with the objective of raising awareness on gender equality and women's rights and of highlighting current developments in legal activism. These have also served as useful sources of information, especially in light of the high legal literacy levels in Uganda.

74. Additionally, paralegal training programmes were established in model districts for purposes of fighting gender inequality and facilitating reporting and documentation on progress in gender mainstreaming. These trainings were later taken up by civil society partners, and have proved useful in information sharing and dissemination on gender mainstreaming.

75. **Gender mainstreaming advocacy strategies:** The MGLSD has undertaken advocacy and lobbying skills training workshops for women councillors and other local government women leaders in Kayunga and Kabale districts. The outcomes have been the identification of concrete and wholesome strategies to ensure

that the needs and concerns of women are brought into the mainstream arena of the development process. This approach has also created a critical mass of women with skills in gender analysis, lobbying and advocacy, which in turn has contributed to increased opportunities to mainstream gender.

76. **Development of gender mainstreaming structures in development processes:** A PEAP gender team that included the MGLSD was set up with the aim of ensuring that gender mainstreaming is incorporated as a crosscutting issue in the PEAP review processes. The MGLSD also developed gender mainstreaming guidelines for SIPs which facilitate reviews of the PEAP from a gender perspective. This team also comprises of sector gender focal points.

77. **Participation in sector reviews:** The sector working groups review sector work plans and participate in biannual reviews, to highlight gender implications and perspectives. During sector reviews, the MGLSD has a slot to appraise implementation in the period under review and to identify efforts at gender mainstreaming. This has proven to be an effective strategy, because in subsequent reviews sectors make attempts to address gaps identified by the MGLSD in previous reviews.

78. **The Gender Forum:** The Ministry set up the Uganda Gender Forum, which brings together actors from ministries, academia, the private sector, women parliamentarians and CSOs dealing with gender, with the objective of enabling gender mainstreaming practitioners and activists to share best practices in gender analysis. This forum has contributed towards charting out an agenda for the women's movement. It gave birth to the gender PEAP team, which has influenced the national planning framework, the Beijing +10, and has collaborated with CSOs to promote advocacy on gender equality and mainstreaming. These functions are replicated by the District National Forum. However, lack of funds has stalled the activities of the forum since 2006.

79. **Building capacity in gender budgeting and analytical skills:** The pre-budget women caucus at the district level is organized by the Ministry with a view to equipping women to analyse the budget for gender responsiveness. In addition, the district mobilizes round table discussions between women councillors and councillors at all levels to gain consensus for adopting women-friendly policies and by-laws. It has been a useful mechanism to demystify the budget documents to women groups and to enable them to support and lobby for budget items as a bloc.

80. **Gender analysis, research and planning:** In six pilot districts, the MGLSD has focused on conducting sector reviews for gender-focused poverty trend analyses for purposes of raising awareness on gaps in gender mainstreaming in the development process. In addition, technical planning committees have been targeted for gender mainstreaming trainings to avoid gender-neutral approaches that overlook the interests of women. This has been useful in ensuring that programmes are developed to cater to the interests and needs of women and men in order to reduce gender inequalities.

81. **Involvement in performance assessments with a view to gender mainstreaming:** Gender forms part of the measures against which local governments are assessed for development funding. The Ministry participates in district performance assessments, applying the gender parameters of performance with the aim of ensuring gender-responsive resource allocation. Their feedback has served to ensure that non-compliant district plans are sanctioned, while those that meet gender performance criteria are rewarded. The downside to this is that for those districts that are sanctioned, women's programmes are likely to be affected due to cutbacks in finances.

82. The work of the MGLSD in partnering with non-State actors such as CSOs, NGOs, the media and academia is crucial in replicating good practices in gender mainstreaming. The Constitution enjoins the State to take all necessary steps to involve the people in the formulation and implementation of development plans and programmes which affect them,⁶³ with far reaching benefits. These stakeholders provide skills, resources and strategies that complement the work of the MGLSD in gender mainstreaming.

63 National Objectives and Directive Principles of State Policy (X)

The Beijing Platform for Action too calls for support to non-governmental organizations and research institutes that conduct studies on women's participation in and impact on decision-making. It also call for taking positive action to build a critical mass of women leaders, executives and managers in strategic decision-making positions. Clearly, the MGLSD has taken its mandate to create this enabling environment very seriously.

83. The MGLSD through its capacity-building efforts has succeeded in raising the visibility of gender mainstreaming at interministerial, sectoral, national and local government levels as a viable and integral development concept. The Beijing Platform for Action encourages the active involvement of a broad and diverse range of institutional actors in the public, private and voluntary sectors to work for equality between women and men. This has the propensity to foster a multiplier effect. In the districts, where it has undertaken sustained advocacy efforts, the political and technical leaders have developed an appreciation of gender mainstreaming in all sectors and have created a demand for more capacity-building in this area. At the national level, there is growing evidence of this demand, and three of the gender focal point officers have succeeded in obtaining budget lines for gender mainstreaming i.e. the Ministry of Works, Transport and Communication, the Ministry of Agriculture, Animal Industry and Fisheries, and the Ministry of Water Resources.

Constraints in gender mainstreaming

84. The MGLSD is constrained in terms of human and financial resources. Within the Ministry itself, the Department of Gender and Women's Affairs suffers similar resource constraints. This makes it harder for the Ministry to implement the gender mainstreaming strategy and to carry out its mandate effectively. The Ministry has a broad range of units with limited or no conceptual connectivity, e.g. the National Social Security Fund, labour, persons with disabilities, the elderly and many others. The roles of many of these units are not clearly defined, further worsening the perennial lack of human and financial resources. Frequent relocation and re-naming of the Ministry of Gender raises doubts about on the value attached to its important role in gender mainstreaming in all government agencies in Uganda.⁶⁴

85. The national gender focal points are ill-equipped in terms of gender analysis and planning skills, including inadequate gender policy directions to effect gender mainstreaming in their ministries or sectors. The ministry is one of the least funded and the civil service restructuring process has in the past drastically reduced the number of its staff. In addition, the Ministry lacks effective monitoring mechanisms for its wide mandate at the national and local levels, which makes assessment of the impact of its interventions difficult. Reports on the Joint Annual Review of Decentralization (JAR), for example, do not address the impact of programmes on women and men, despite gender-responsive laws, programmes and policies existing at this level.

Recommendations

- (i) Gender focal officers should be incorporated into the public service structures and be given a specific mandate to implement gender mainstreaming programmes and policies.
- (ii) For equal participation of women and men in the development process to be realized, there must be continuous capacity-building efforts and mentoring of key actors. Gender mainstreaming trainings should be institutionalized in all sectors and even at the district level in order to build capacity.
- (iii) The national budget should include gender-specific budget lines, and the PEAP should have a gender-specific component and indicators built into it in order to ensure that gender is fully integrated into the process.

64 Kwesiga, Joy (2003): The National Machinery for Gender Equality in Uganda: Institutionalized gesture Politics In Rai (ed) Mainstreaming Gender, Democratizing the State? Institutional Mechanisms for the Advancement of Women. (.pp 203-221)Manchester: Manchester University Press.

- (iv) MGLSD should be involved in the activation of a gender policy and strategy for JLOS, and should also ensure that probation and juvenile justice components under JLOS serve as good models of gender mainstreaming.

D. The judiciary

86. The judiciary is not only a pivotal part of the government framework, but is the ultimate arbiter of rights, hence wielding far-reaching powers on the ability of women to attain equality with men. Regardless of the inputs of all other JLOS actors, unless the judiciary is gender-sensitive, justice may remain illusory for women whose rights are being violated, with consequences for their wellbeing. A formal or neutral administration of the law by the judiciary, without taking into account the constraints that women face in accessing the judiciary, would fall short of the requirement in CEDAW necessitating States Parties “to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination.”⁶⁵

87. As a microcosm of society, the judiciary may knowingly or unknowingly reinforce cultural norms, including gender stereotypes and patriarchal norms. In order to administer justice fairly to men and women, it is vital that the judiciary not reinforce gender subordination or inequality in its judgments. In addition, the judiciary should consider the nature of the laws that it administers in order to ensure that only just and equitable laws are enforced in the courts of law. Awareness of the gender constraints that women face when accessing justice can also enable the judiciary to reform some of its own proceedings through court practice rules. To do this, the judiciary itself must be made gender-sensitive. While the JLOS Midterm Review reflects substantive reforms that have been undertaken within the judiciary with significant benefits for court users, the information therein is not gender-disaggregated. The extent to which the judiciary as an institution within JLOS has developed practices to promote gender equality is analysed in this section.

88. The judiciary in Uganda is dominated by male judges, and in the higher courts which rule on cases with very significant normative value, the absence of women champions of gender equality is keenly felt in the judgments at that level. In a welcome move, the judiciary undertook a review of gender-based obstacles to access to justice for users and came up with the Judiciary Access to Justice Strategy.⁶⁶ Several findings all point to the fact that barriers to access to justice in Uganda have gender dimensions. These include the masculine character of litigation and the lack of control over productive resources by women who cannot afford litigation costs. In addition, the Judiciary Access to Justice Strategy noted that within the judiciary, there exists an over-domination of male judicial officers at all levels, save for the Court of Appeal, as a result of gender stereotypes embedded in the education system.⁶⁷ Consequently, fewer women are engaged in policy and decision-making organs, resulting in fewer gender concerns being put on the agenda of the judiciary.⁶⁸

89. The absence of affirmative action in the judiciary such as quotas for recruitment of female staff to ensure gender balance has been felt.⁶⁹ The judiciary has a gender and access to justice strategy which was developed in 2003, and which it is in the process of implementing. The strategy includes development of a civic education programme for court users to reach all men and women, court open weeks to build confidence in women court users, development of a court users guide, a citizens advisory office on court premises, gender-disaggregated records, and a strengthened monitoring mechanism. The strategy also noted the need for the orientation and intense gender sensitization of court personnel, increased female representation in top management positions, and a more gender-balanced distribution of judicial officers. It notes too the imperative of putting gender on the agenda of the policymaking organ of the judiciary. Various components of this strategy have been undertaken, while others are yet to be engaged.

65 CEDAW, Article 2 (c).

66 DANIDA (2003) Gender and Access to Justice Strategy for the Uganda Judiciary Draft Report Page 1.

67 DANIDA (2003) Gender and Access to Justice Strategy for the Uganda Judiciary Draft Report Page 22.

68 *ibid*

69 DANIDA (2003) Gender and Access to Justice Strategy for the Uganda Judiciary Draft Report Page 3.

90. The Judicial Services Institute has designed and undertaken gender-specific programmes for judicial officers covering topics such as gender and related concepts, human rights, the relevance of gender to human rights, violence against women, gender and access to justice, the role of culture and religion in access to gender justice, and how to handle women and children court users.

Emerging good practices in gender mainstreaming

91. **Building on JLOS intersectoral linkages:** A consultative review process was undertaken by the judiciary for purposes of determining the gender-based obstacles encountered by officials and users of the judicial system. The process took into account the JLOS gender and access to justice study and an effort was made to link it to the gender and access to justice strategy of the judiciary. This enabled the judiciary to design relevant and evidence-based strategies to address the concerns of women regarding barriers to justice.

92. **Gender equality jurisprudence:** Several training programmes have been undertaken to orient judges in gender analysis and sensitivity to gender inequalities with the involvement of the National Association of Women Judges and the Judicial Studies Institute. Progress has been noted on the awareness of judicial officers of gender concerns in the execution of their duties. In a few leading cases that have been from recent years, gender analyses have led to pronouncements that reinforce the imperative of gender equality. In particular, the Constitutional Court has banned outstanding gender discriminatory laws in what is widely viewed as a major gain for gender equality in Uganda. The law that made it easier for men to get a divorce on discriminatory grounds was nullified in 2004.⁷⁰ The law that made it harder for men than women to be charged with adultery on discriminatory grounds as well as the inheritance law that provides more inheritance rights to men on a discriminatory basis were voided in 2007,⁷¹ due to their failure to guarantee the equality of men and women under the law.

93. The judiciary, in passing judgments that proscribe gender-based discrimination, acts as a vanguard of rights for Ugandan women. CEDAW urges States Parties like Uganda to take all appropriate measures to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women. This important principle is echoed in the Constitution of Uganda. Thus, by rendering nugatory discriminatory laws according to internationally accepted standards and principles of gender equality, the judiciary helps build confidence in the justice system for women litigators. In addition, efforts by the judiciary to orient officers towards gender analysis and sensitivity are positive interventions for dealing with individual biases.

94. CEDAW also calls upon States Parties to guarantee women the same legal capacity as men, as well as the same opportunities to exercise that capacity.⁷² The efforts of the judiciary to create an enabling environment for women and men by raising awareness through the court users guides it has published, provide women with the necessary information to make informed choices.

Constraints to gender mainstreaming in the judiciary

95. No resources are specifically earmarked for gender mainstreaming activities. Within the budget of the judiciary, there is no special funding allocated for promoting gender issues / activities. The gender trainings are incorporated in the Jurisprudence of Equality Programme as a result of the pressure of the Women Judges and Magistrates Association, which advocated for their inclusion within the wider training given to judicial officers.⁷³

96. The lack of a link between the Judicial Service Commission regulations and the Judiciary Gender and Access to Justice Strategy may cause a discrepancy in gender mainstreaming, yet these two institutions have

70 Uganda Women Lawyers & 5 others v Attorney General Constitution Petition No. 2 /03.

71 Law Advocacy for Women in Uganda v Attorney General - Constitutional Petitions Nos. 13 /05 /& 05 /06 [2007] UGCC 1 (5 April 2007).

72 Article 15 (1) and (2).

73 DANIDA (2003) Gender and Access to Justice Strategy for the Uganda Judiciary Draft Report Page 18.

complementary functions. Although the judiciary would like to increase its enrolments to ensure gender equality, it has no control over appointments, which are made on merit and are the preserve of the Judicial Service Commission (recommends), the President (appoints) and the Parliament (approves).

97. The judiciary was to develop a gender policy in line with the Gender and Access to Justice Strategy, but this has not yet been undertaken.

Recommendations

- (i) A gender policy for the judiciary should be developed in conjunction with the Judicial Services Commission, and monitoring benchmarks and mechanisms set in place to chart progress.
- (ii) Resources should be specifically allocated for gender mainstreaming activities in the judiciary for both court users and judicial personnel. The recommendations for eliminating gender barriers to justice within the judiciary, as contained in the Gender and Access to Justice Strategy Report, should be implemented in a timely manner.
- (iii) The Gender and Access to Justice Strategy Report should be disseminated to the other JLOS institutions, particularly those involved in handling cases, such as the local council courts.

E. Uganda Law Reform Commission

98. The Uganda Law Reform Commission (ULRC) is an autonomous body established under the Constitution to study and keep under constant review the laws of Uganda, with a view to making recommendations for their systematic improvement, development, modernization and reform. As part of its mandate under JLOS, the ULRC proposes reform for outdated legislation. It also proposes enactment of new laws in areas lacking legislation, all in collaboration with line ministries.

99. Although not specifically articulated, the powers and functions of the Uganda Law Reform Commission (ULRC) are wide-ranging, and can facilitate gender equality through gender-responsive legislative proposals for law reform. The Commission's functions involve studying and constantly reviewing the laws of Uganda and making proposals for reform. In doing so, the Commission is enjoined to adopt good regional and international practices, including those of the African Union and the United Nations. The Commission can receive, review and consider any law reform proposals referred to it by any person or authority; it can also provide advisory services requested by any government ministry or department for law reform. The Commission is also mandated to foster in its reviews the adoption of new or more effective methods for the administration of the law and dispensation of justice. This gives the Commission a powerful mandate to review gender-insensitive laws.

100. Many laws in Uganda are either gener-neutral, gender-intensitive and require amendment. For example, the ULRC proposed the Domestic Relations Bill to promote the rights of a family, including property ownership; to establish responsibilities of each household member; and to eliminate cultures that pose a challenge to individual rights. It is also working on the Domestic Violence Bill and on amendments to the Succession Act, which provides unequal rights of inheritance to women. The ULRC **has undertaken studies for law reform in regard to sexual offences which have resulted in bills being drafted in these areas.** Under JLOS, the MGLSD gives gender perspectives on draft laws that are being considered in the sector.

Emerging good practices in gender mainstreaming

101. **Gender audit of laws:** A legal officer who is skilled in gender analysis has been assigned to conduct a gender audit of laws under consideration in ULRC for the purpose of proposing gender-responsive legal reforms or enactments. In addition, the ULRC also outsources gender experts to review draft laws. However, this innovation is limited by the fact that some of the Government bodies that refer laws to ULRC for consideration lack an appreciation for gender mainstreaming and gender perspectives, and yet they have the power to shape the final provisions of the law.

102. **Promoting a gender equality agenda through advocacy:** ULRC has raised awareness of the need for law reform to ensure gender-responsive laws that promote equality of men and women. The promotion of public awareness of gender issues through public dialogues, workshops, consultative and consensus-building meetings with key stakeholders has been useful in informing the public about the key aspects of the law, and its benefits for the family stability. In addition, ULRC is networking/developing partnerships with the CSOs such as the Centre for Domestic Violence Prevention (CEDOVIP), the Uganda Women Lawyers Association (FIDA-U), Action for Development (ACFODE) and other women's organizations that work at the grassroots to raise awareness of gender equality.

103. The role of ULRC in proposing modifications to gender-biased laws to address women's concerns where gender gaps exist is exemplary. It is in compliance with CEDAW, which calls for a modification or nullification of such laws. It is necessary to build up the expertise in ULRC to conduct interministerial and JLOS consultations on laws that may need reform.

Recommendations

- (i) The gender mainstreaming capacity of ULRC officers should be enhanced by increasing the number of gender experts.
- (ii) The officials in charge of gender mainstreaming in ULRC should liaise with the MGLSD focal officers at ministerial level to enable them to monitor laws that do not promote gender mainstreaming, and to create a demand for gender-sensitive laws.

F. Directorate of Public Prosecutions

104. The Directorate of Public Prosecutions (DPP) is charged with prosecution of criminal cases in Uganda, and is a member of JLOS. It also handles cases of juvenile justice.

Emerging good practices in gender mainstreaming

105. **Gender Desk:** The DPP has established a gender desk for the purpose of handling any gender concerns or issues among staff, such as sexual harassment, sexual offences, protection and facilitation of women witnesses, and ensuring gender sensitiveness when handling particular gender cases. However, this desk has not been adequately resourced to make it efficient or effective.

106. **Training on gender sensitivity in handling cases:** Gender orientation of officers has been undertaken by JLOS and the MGLSD with the aim of fostering gender responsiveness. Although the DPP does not have a gender policy, officers have benefited from continuous trainings on gender sensitivity when handling criminal cases. Officers are required to be gender-sensitive when handling matters involving expectant mothers or breast feeding mothers, for example. However, the challenge the DPP faces is the high rate of turnover of officials, which makes the assessment of its interventions rather difficult. Consequently, the new officers recruited in the past five years have not benefited from a gender training programme.

107. **Gender-responsive recruitment practices:** The Ministry has deliberately focused on recruiting more women. As part of the recruitment process within the DPP, gender is given consideration since it is felt that women officers are competent and should be targeted. In the last recruitment process, there were 150 applicants, of which 130 were women. Eventually, out of the 60 new State Attorneys recruited, 40 were women and 20 were men.

108. Gender balance through gender-responsive recruitment procedures is a positive undertaking by the Government and complies with the recommendations of the Beijing Platform for Action. In addition, trainings to orient officers towards gender sensitivity ensure that women who pass through the criminal system are not oppressed by the various procedures that they undergo.

Constraints to gender mainstreaming

109. The DPP officers recruited in the past few years lack awareness and training in gender issues, and the gender desk has not been influential in ensuring gender mainstreaming due to lack of capacity. In some cases, as in domestic violence, the matters stop at prosecution stage and never proceed to trial.

Recommendations

- (i) The DPP should establish a gender mainstreaming strategy and allocate resources for it, as well as develop monitoring mechanisms to track progress.
- (ii) The orientation of officers should include content on gender sensitivity in general and on criminal procedures in particular. Trainings should be undertaken on a continuous basis in conjunction with MGLSD.

G. Uganda prison services

110. The Uganda Prisons Services (UPS) is a member of JLOS. It works together with other arms of Government to ensure law and order in the country; although it is at the tail end of the justice delivery system. It is the only body mandated by the Constitution to lawfully handle prisoners. It is estimated that country-wide, as of June 2008, there were 1,009 female prisoners out of a total of 27,660. The Prisons Services do not have a gender policy per se but have adopted the human rights-based approach in executing their mandate. In this regard, gender concerns are addressed within the context of human rights.

Emerging good practices in gender mainstreaming

111. **Affirmative action:** The Prisons Services have adopted the approach of granting special measures to different categories of women with special needs, with the aim of reducing their vulnerability. The UPS pays special attention to gender issues and has done so particularly by allowing very young children to stay with their prison mothers; giving special protections for breastfeeding mothers and pregnant women prisoners; developing a special diet for pregnant women and breastfeeding mothers; and opening a children's day care centre in Luzira prison for incarcerated mothers to access and take care of their children.

112. **Training:** Prison officers have been trained in gender issues in order to make offices gender sensitive. Gender training is emphasized during the basic training of officers, which has increased gender sensitivity towards women prisoners.

113. **Recruitment:** In order to address gender balance in the staffing of the institution, as part of its expansion programme, every year UPS recruits about 500 officers and has adopted a deliberate policy that ensures that at least 100-150 officers are women.

114. **Adoption of a rights-based paradigm:** The prison system has adopted a human rights approach to gender issues. This approach asserts the right of women to equality with men in all spheres, and requires the duty bearer to guarantee the realization of women's rights.

115. The Uganda Prisons Services have taken special measures to ensure that vulnerable groups within the female population are not marginalized. The human rights framework in which gender concerns are being undertaken is a useful tool, as it is premised on Uganda's legal obligations under CEDAW, the ICCPR, the International Covenant on Economic, Social and Cultural Rights, and several other instruments that reiterate the equal civil and socio-economic rights of women and men.

Recommendation

116. The Uganda Prisons Services should establish a gender mainstreaming strategy and policy and allocate resources for it, as well as develop monitoring mechanisms to track progress.

H. Judicial Service Commission

117. The Judicial Service Commission is set up under Article 146 of the Ugandan Constitution to recruit and discipline judicial officers and also carry out public service education and judicial training. It is therefore one of the ten core institutions under JLOS that helps to close personnel gaps. The Commission plays a lead institutional role in providing civic education.

Emerging good practices in gender mainstreaming

118. On its own initiative, the Judicial Service Commission undertook gender-balanced recruitments in the lower benches with the objective of increasing women officers in the judiciary.⁷⁴ Increasing the number of women in decision-making structures is desirable to enhance the opportunities for women to influence outcomes, including judicial decisions. However, the Commission lacks a gender policy or strategy and has limited resources to increase awareness of gender issues.

Recommendations

- Opportunities should be made for the judiciary to share concerns and perspectives on gender mainstreaming strategies with the Judicial Service Commission, for a coordinated approach to gender mainstreaming.
- The Commission should also develop a gender mainstreaming strategy which will take into account gender equality in recruitment, appointments and promotions in the judiciary.

I. Conclusion

119. Crucial gender mainstreaming strategies and interventions identified and undertaken by JLOS institutions present opportunities for changes in the status quo of women in Uganda. Nonetheless, the concept of mainstreaming also presents a challenge, requiring a fundamental and comprehensive paradigm shift in national planning processes, resource allocations, skills development and impact assessment mechanisms. One of the biggest drawbacks to mainstreaming gender is that it is an initiative that is likely to be regarded as a foreign agenda because it is largely donor driven. Indeed, JLOS itself is in part a donor-driven setup. Its genesis is not bottom-up and appears to have been borne through gender-related conditionalities in international finance institutions and donor financial assistance programmes. This is a threat to its long-term effectiveness and acceptability. There is therefore a need for more partnerships between government institutions and women's CSOs in Uganda to warehouse and institutionalize this concept.⁷⁵

120. While gender mainstreaming is a relatively new entrant in development planning in Uganda, on the whole, it has been taken embraced by JLOS as a major concept of human development and as a PEAP cross-cutting issue. Progress has been made with regard to commitments to gender equality and mainstreaming in the operations and strategies of several JLOS institutions, at varying degrees of implementation, as illustrated in the study. The most progress is evidenced particularly in regard to formulating feasible and logical policies and designing and implementing programmes with the objective of attaining equal access to justice for women and men. While most programmes are in nascent stages, an analysis of the JLOS institutions reviewed in this study strongly suggests that key benefits seem to be already emerging. There have been gains in creating awareness on gender mainstreaming, building strategic alliances with partners, and boosting the capacities of stakeholders and women to access decision-making structures and undertake gender analyses of planned interventions.

121. However, it is in regard to assessing the impact of such efforts as well as their long-term benefits that challenges to determining the viability of gender mainstreaming programmes are posed. Lack of clear goals

⁷⁴ Gender and Access to Justice Strategy for the Uganda Judiciary Draft Report.

⁷⁵ See *Women and Politics in Africa: The case of Uganda* by Donna Pankhurst, Parliamentary Affairs, Volume 55 no. 1, 119-128 at 126, also in *Mainstreaming Gender, Democratizing the State* by S.M. Rai (Ed) Manchester U.P. 2003.

on gender mainstreaming and strong monitoring mechanisms that would incorporate gender indicators is prevalent. This situation is aggravated by weak intersectoral linkages. Partners have pointed out the lack of gender-disaggregated data across JLOS.⁷⁶ Even in the case of local governments, which have specific gender performance measures, their Joint Annual Review of Decentralisation (JAR) reports do not address crosscutting issues like gender. The performance indicators of local governments are used as a sanctions/rewards system for resource allocation, but little emphasis is put on how the programmes affect the well-being and status of women. The spirit of commitment to gender mainstreaming must transcend standard-setting policies and discourses and translate into results-oriented strategies and adherence to agreed goals if gender mainstreaming is to succeed.

122. In Uganda as elsewhere, key issues in gender mainstreaming continue to revolve around whether the national machineries and State institutions are the best avenues for achieving women's advancement and gender equality, especially within the context of a fledgling democracy like Uganda. Gender mainstreaming can only be achieved along with wider democratic ideals of improved accountability and transparency, otherwise affirmative action and increasing the number of women can only be "gesture politics". In an atmosphere characterized by personalized patronage politics, gender mainstreaming policies and practices are vulnerable. They are likely to be mere add-on gestures geared designed to extend State patronage to a new clientele. The persistent failure by Parliament to pass and implement cornerstone pieces of legislation that would greatly advance JLOS efforts towards gender-sensitive legislative reform, such as the Domestic Relations Bill, the Domestic Violence Bill and Sexual Offences Bill, point to the ineffectiveness of the so-called critical mass of women in politics.⁷⁷

123. What is clear is that the lives of Ugandan women are jeopardized daily as a result of the structural barriers that gender inequality erects. JLOS as a sector has an imperative mandate to integrate and mainstream gender concerns into all its operational processes and policies, in order to achieve real gains for women. The collectivity of actors within the same sector, with common goals, purposes and strategies for gender mainstreaming, should strive to ensure that all the resources and capacities are focused on attaining not only formal but also equitable justice for women in Uganda.

76 African Development Fund (2005) Uganda multi-sector country gender: profile agriculture and rural development; North East and South region (ONAR) page 11.

77 See Goetz M, The problem with patronage: constraints on women's political effectiveness in Uganda, in No Shortcuts to Power. Published in African Women in Politics and Policy Making, Zed Books, London, 2003.

Annex I

List of Persons Interviewed

Person Interviewed	Designation	Institution
Grace Kyasiimire	Commissioner, Gender and Women Affairs	Ministry of Gender, Labour and Social Development
Margaret Mabweijano	Assistant Commissioner, Gender and Women Affairs	Ministry of Gender, Labour and Social Development
Cornelius Magara	Principal Officer, (Women in Development (WID))	Ministry of Gender, Labour and Social Development
Susan Muwanga	Senior WID officer	Ministry of Gender, Labour and Social Development
Jayne Ekapu	Principal Gender Officer	Ministry of Gender, Labour and Social Development
Sherina Tibenkana		Ministry of Justice and Constitutional affairs
Lillian Kiwanuka	Legal Officer	Uganda Law Reform Commission
Stella Aguti	Research Officer	Ministry of Local Government
Rachel Odoi Musoke	Technical Advisor	JLOS Secretariat
Catherine Baineomugisha	Technical Advisor	JLOS Secretariat
T Ochen	Commissioner (Enterprises)	Uganda Prisons Services
F.N. Othembi	Registrar in Charge of Education,	Judicial Service Commission
Flavia Senoga Anglin	Acting Chief Registrar	Judiciary
Rossette Ndeezi	Coordinator	CEEWA

