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Theme: Addressing gender equality: a persistent challenge for Africa



A TOOL FOR FAST TRACKING DELIVERY ON COMMITMENTS ON WOMEN'S RIGHTS IN AFRICA

Background

The objectives of the African Union (AU) include the promotion of democratic principles and institutions, popular participation and good governance, the promotion and protection of human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments, and the promotion of sustainable development at the economic, social and cultural levels.¹ Member states of the AU have also, as part of the international community of states committed to achieving the Millennium Development Goals (MDGs) by 2015. The promotion and protection of women's rights is integral to the achievement of the objectives of the AU and the MDGs. Several human rights instruments ratified by AU member states, and policy instruments adopted by the AU and its organs detail the measures that each state party is obligated to take to respect, promote and protect women's human rights. The Convention on the Elimination of all forms of Discrimination against Women has been ratified by fifty one of AU's 53 member states. The African Charter on Human and Peoples' Rights and its Protocol on Women's Rights in Africa obligate state parties to take all necessary steps to eliminate discrimination against women and ensure the protection of the rights of women in the political, economic and social sphere, including the elimination of violence against women.

African governments have taken some steps towards delivering on the commitments towards gender equality and women's rights. Many national constitutions guarantee equality of rights among all citizens. Legislation on specific issues including inheritance and property rights, marriage and divorce, and the criminalization of certain forms of violence against women has been enacted in different countries. National machineries have been established at different levels to provide leadership within government on issues of women's rights and empowerment. In a few countries gender equality analysis is reflected in poverty assessments and in national planning frameworks including poverty reduction strategies.

These are important steps and are to be commended. However progress is slow and in some cases there is regression, in securing the enjoyment of rights by women in Africa. According to the Global Gender Gap Report of 2007, Sub-Saharan Africa has the second lowest score out of the eight regions and only six African² countries feature in the top fifty countries of the one hundred and twenty eight countries included in the report highlighting gender gaps prevailing in the selected countries.³ The report of a study commissioned by the World Economic Forum assesses the current size of the gender gap by measuring the extent to which women in 58 countries have achieved equality with men in five critical areas: economic participation, economic opportunity, political empowerment, educational attainment, and health and well-being.

¹ Article 3 of The Constitutive Act of the African Union

² These are S.Africa, Lesotho, Namibia, Tanzania, Mozambique and Uganda.

³ The Global Gender Report 2007, Hausmann et al

Fast tracking delivery on women's rights to achieve the MDGs in Africa

Thus half way to 2015 which is the target for achieving the MDGs Africa appears set to miss the targets in MDG 1, 3, 5, 6 and 7. A more targeted focus on delivering on commitments on the rights of women is one strategy for unleashing women's potential and agency in reducing extreme poverty and hunger, enhancing their participation in governance and in wage employment, reducing maternal mortality, combating the spread of HIV/AIDS and environmental degradation.

Experience has shown that when the international community, region or individual states bring together political commitment at the highest level, a reasonable level of human and financial resources, and the mobilisation of government and other national actors including the public to tackle an issue there are positive results. The recent focus on education for all, and the elimination of gender inequality in basic education is an example that explains why this might be the only MDG target that will be met by a significant number of African countries. Another example can be found in the fight against HIV/AIDS that has seen Heads of State and other political leaders mobilising different sectors, the private sector, faith based organisations, cultural leaders, youths, and the public to play a role in reducing vulnerabilities to HIV infections. It explains why the level of awareness on HIV/AIDS is high, and many countries show some decrease in the prevalence rate. The multi-sectoral and stakeholder involvement at different horizontal and vertical levels of society have permitted the central or core message to be adapted to suit different audiences, resources in the different sectors and constituencies to be applied to the same goal, and small gains by the different actors to reinforce each other and lead to the significant gains that have been registered.

The proposed Model for fast tracking delivery on women's rights

Below is a model proposed as a tool for fast tracking delivery by African Union and its member states on the commitments they have made on women's rights and empowerment. The model builds on the experiences and lessons learned from multi-sectoral approaches such as the promotion of universal primary education, and raising public awareness on HIV and AIDS. The model aims to support state parties to various human rights instruments comply with their obligations, which fall on government as a corporate entity rather than on the national machinery with mandated leadership on gender equality and the advancement of women. The United Nations Human Right Committee has explained that obligations of the Covenant in general and Article 2 in particular, are binding on every state party as a whole.⁴ All branches of government (executive, legislative and judicial) and other public and other governmental authorities, at whatever level (national, regional or local) are required to engage the responsibility of the state party. A state party may not rely on the fact that an action incompatible with the provisions of the Covenant was carried out by another branch of government as a means of seeking to relieve itself from responsibility for the action and consequent incompatibility.⁵ This means the implementation and monitoring of progress in promotion and protection of women's rights under CEDAW, the African Charter on Human Rights and its Protocol on the Rights of Women in Africa cannot be delegated only to the

⁴ paragraph 4 of its General Comment 13/2004. The Human Rights Committee monitors state compliance with the International Covenant on Civil and Political Rights.

⁵ This understanding flows from the principle contained in Article 27 of the Vienna Convention on the Law of Treaties, which states that a State Party may not invoke the provisions of its internal laws as justification for its failure to perform a treaty.

national women machinery for the advancement of women. It is the responsibility of the whole government.

The model also promotes efficiency and complementarity. Discrimination against women, and denial of rights including violence against women not only occurs in, but has negative implications for each sector. Thus combining forces and resources is not only efficient use of those resources but good governance. The competencies of different departments in making interventions that promote and protect women's rights within their sector mandate, if harnessed in a concerted, sustained and coordinated manner, can significantly reduce discrimination against women, and support the enjoyment of human rights by women. Institutionalizing a multi-sector approach will also have a positive impact on monitoring and reporting under CEDAW, and the protocol on women's rights in Africa through sector annual plans and audits.

The proposed model can conveniently and efficiently be implemented through existing national planning frameworks and processes including annual budgets which would be the backbone of the model. Within the overall development strategic framework (like the PRSP) discrimination against women in all spheres of life, needs to be explicitly stated as an obstacle to development, and its elimination as one of the expected results of the development plans or a prerequisite for the achievement of the goals of the development plans. At each sector and line ministry level, sector sub-strategies, output targets, progress indicators and budgets for the implementation of CEDAW obligations will be incorporated.

The Model proposes four key components to fast tracking delivery on women's rights, namely:

1. Human Rights-based women's rights indicators in national development plans

All countries have national development plans which embody the priorities to which public resources are to be committed. Under the Paris Declaration on Aid Effectiveness ODA is to be channeled towards nationally defined priorities. The key to fast tracking the implementation of the various commitments on women's rights is ensuring that women's rights are integrated in national development plans, and poverty reduction and growth strategies, not only at the level of the diagnostics and policy analysis, but throughout the implementation framework. In particular women's rights indicators, informed by the human rights standards set in CEDAW, in the African Charter on Human and Peoples' Rights and its Protocol on Women's Rights, and the SDGEA, are included in the framework across all sectors or priority areas, and the resource envelope.

2. Government internal functional and institutional division of roles and responsibilities

As outlined above, the mandate of different government ministries and other bodies determines their respective comparative advantage in ensuring the elimination of discrimination against women and promotion and protection of women's rights falling within their mandate. For instance the ministry of labour would provide leadership in making progress on the obligation of government to take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure the same rights and employment opportunities for men and women, and the right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.⁶ Annex I provides chart with indicative possibilities for the division of roles.

⁶ The different aspects of the right to work are guaranteed in CEDAW article 11, ACHPR Article 15, and Art 13 of the Protocol on the Rights of Women

The division of responsibilities is substantive or technical as well as managerial – the latter including planning, resource allocation, implementation, monitoring and reporting. The division of roles is replicable or adaptable to different levels of government e.g. national or central and local government. The lead institution may mobilize other sectors, bodies, institutions and private individuals and entities to work towards the realization of the women's rights under its mandate. Thus the ministry for labour may work with trade unions and employers' associations to promote gender equality at the work place. The ministry may also work with the Ministry of Justice or Law Reform Commission to ensure that legislation that supports the right to work for women is enacted and enforced. Clearly some aspects of women's rights may fall within the mandates of two or more governments. Each is accountable for delivery on the obligation, and they may establish mechanisms for coordination.

3. A government high level coordination mechanism for policy coherence and accountability

The proposed model supports coordinated government action with strong linkages to national and sector development planning processes and budgeting. Thus the third key component of the model is a high level government coordination mechanism. It is important that the emphasis is placed on strengthening the capacities and coordination role of existing structures rather than creating new ones. The coordination role ensures complementarity as well as optimum use of resources. The role ideally should be played by a government agency that has gender and human rights technical capacity to provide backstopping services, and at a level or status (influence and power) within the overall government system that is respected and backed up by resources. Many countries already have inter-ministerial coordination mechanisms either at permanent secretary or directors level, in which case their respective mandates may be expanded to include coordination of the implementation of the human rights instruments relating to women's rights. Where no appropriate coordination mechanism the government will establish one with clear terms of reference. The experts meeting convened by the African Union Women, Gender and Development Directorate in July 2008 recommended that the coordination mechanism should ideally be co-chaired by the Ministers of Finance and for Women Affairs.

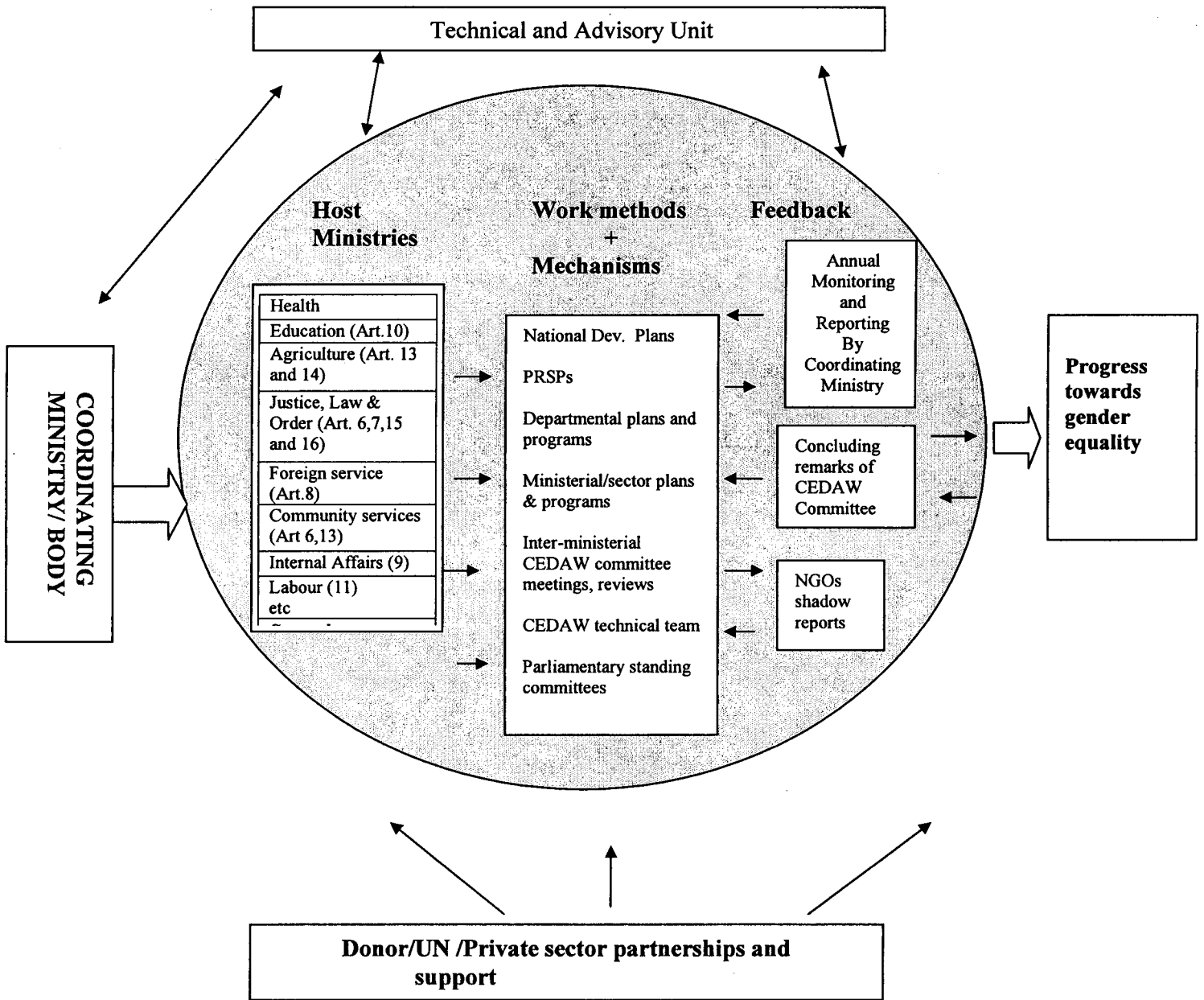
4. A technical and advisory services unit

The government as a whole requires a central pool of technical expertise that can provide technical support on women's rights, and capacity development to the different ministries and organs as they deliver on women's rights. The third key component of the model therefore is the establishment of a technical and advisory unit, well resourced in terms of human, financial, and logistical capabilities, with clear modalities of work and communication channels with individual lead ministries/sectors, and with the coordinating mechanism. The unit's support to lead or operational government organs and development would include capacity development, research and analysis, policy advocacy. The experts meeting convened by the African Union Women, Gender and Development Directorate in July 2008 recommended that the national level (and local government level) should be based in the national machinery for women affairs. The experts also recommended the establishment of a regional technical and advisory services unit to support the work of the AU and regional women's rights networks.

5. *Government-led partnerships with the United Nations system, multilateral and bilateral donors and technical services, and non-government entities*

Like in all development endeavors the technical and financial support of development partners is critical for African governments to deliver on their commitments to women. Government ownership and leadership in negotiating the partnerships towards the achievement of the overall women's rights priorities and targets, and on channeling the support to the different lead ministries/sectors is necessary. This process will be easier once the women's rights priorities and targets are part of the national development plans including growth and poverty reduction strategies. In additions to partners like the UN system and other multilateral and bilateral donors who can complement government technical and financial resources, the African Union and governments need to bring on board the various non-governmental entities, including women's organisations, faith based organisations, cultural leaders, trade unions and employers' associations on board as valuable partners who can contribute to advancing women's rights within their sphere of operation. A lot can be learned from the broad partnerships in HIV/AIDS-related national strategies and programmes. Annex IV outlines possible partners and various roles that they might play in support of governments' overall strategies for fast respecting, promoting and protecting women's human rights and empowerment.

FIGURE I: COORDINATION FRAMEWORK OF THE PROPOSED MODEL



The utility of the model as an accountability mechanism

The Model outlined above is quite simple and is designed to work with minimal restructuring. It represents a multi-sectoral and integrated approach to fast tracking the respect for, promotion and protection of women's rights in Africa. It proposes the *unpacking* of the obligations of the State in human rights instruments ratified by a state and matching it to the institutions or sectors of government with the most comparative advantage, which assume primary responsibility for compliance with the Convention. The model thus gives face to the concept of "government" and "state party". The model is flexible enough to be adapted to the structures and planning modalities of individual countries. The ultimate goal of the model is to support African governments to enhance accountability and purposeful progress towards the elimination of discrimination against women, the enjoyment of rights by women, and the achievement of the MDGs.

By disaggregating the obligations and various actions required of government under CEDAW, and the human rights instruments of the AU, and identifying a host or lead government ministry or sector with the primary responsibility for compliance, the model makes it more likely that these instruments will be implemented across the board in a holistic manner. Discrimination against women, which is multifaceted, is attacked from different perspectives, and the outputs become mutually reinforcing. The effect is diagrammatically illustrated in Figure II below: the model enables government to move from the small impact actions of the national women's machinery or a single ministry, to a stage where the effort of each individual host ministry combine to accelerate the rate of progress towards the elimination of discrimination against women, and the enjoyment of fundamental human rights by women. The Model brings anti-discrimination work within the core development planning process of government, subject to the annual review and budget allocations like other evils targeted by government programming.

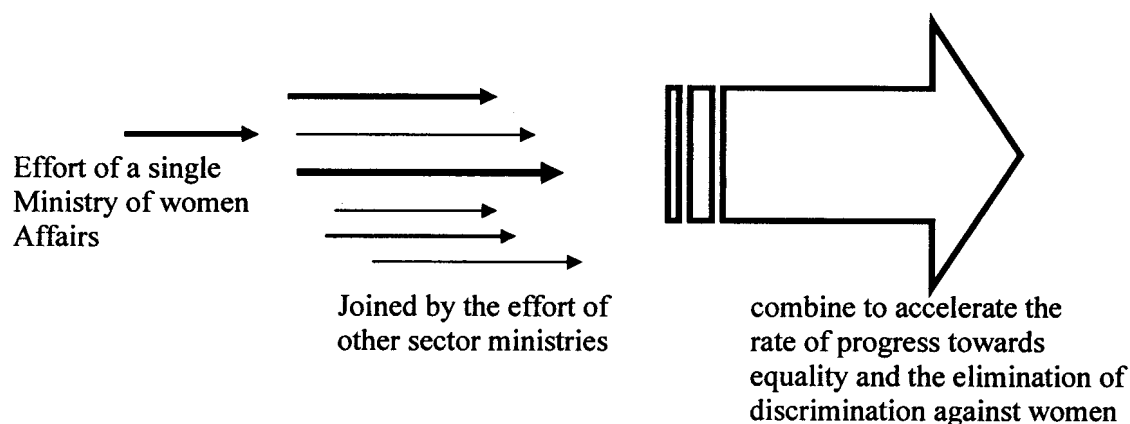


Figure II: Shifting from a single ministry responsibility to a multi-sectoral approach