

# African Conventions, Declarations and Agreements

Women's Economic Empowerment and Gender-Based Violence November, 2010

**THE SERIES' FOUR COMPONENTS:**

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### Introduction

Gender-Based Violence (GBV) and Women's Economic Empowerment (WEE) are deemed by the Swedish government to be priority areas in development cooperation. Sida has therefore developed methods and tools to improve results for Gender-Based Violence and Women's Economic Empowerment in partner countries. This document is part of a series of tools and other documents developed by the Gender Equality Team to support Sida staff in mainstreaming gender into contributions. This tool identifies existing commitments of the partner country and region and can, for example, be used as an entry point for policy dialogue related to gender-based violence or women's economic empowerment or to guide the choice of contributions.

<b>Convention or Agreement</b>	<b>The Constitutive Act of the African Union (2000)</b>
<b>Status</b>	On February 10, 2009 the first ever African Union Gender Policy was established, including policy commitments and an implementation framework in the form of a Gender Action Plan. The policy includes the adoption of Article 4 (L) of the Constitutive Act of the African Union. However, the Constitutive Act of the African Union is only mentioned twice in the policy document: once in the preface and once under commitment 4, where it is noted that the Constitutive Act of the African Union recognises Regional Economic Communities as building blocks of the African Union. Thus "the African Union calls for serious investment in the notion of regional integration" to avoid the duplication of efforts, resources and interventions.
<b>Summary</b>	Signed by all 53 Member States. This constitutive act does not go into detail about GBV or WEE, but a few general statements deserve to be mentioned and referred to when appropriate. These are outlined in the tables. The words "women" and "gender" each appear once. "Violence" is not mentioned at all.
<b>Relevant articles GBV</b>	<b>Article 13 Functions of the Executive Council</b> 1. The Executive Council shall co-ordinate and take decisions on policies in areas of common interest to the Member States, including the following: (k) Social security, including the formulation of mother and child care policies, as well as policies relating to the disabled.

<b>Relevant articles WEE</b>	<p><b><u>Preamble</u></b>  GUIDED by our common vision of a united and strong Africa and by the need to build a partnership between governments and all segments of civil society, in particular women, youth and the private sector in order to strengthen solidarity and cohesion among our peoples; p.3</p> <p><b><u>Article 3</u></b>  <b>Objectives</b>  The objectives of the Union shall be to: (j) Promote sustainable development at the economic, social and cultural levels as well as the integration of African economies; p. 4</p> <p><b><u>Article 4</u></b>  <b>Principles</b>  The Union shall function in accordance with the following principles:(l) Promotion of gender equality p. 5</p>
<b>Signed or ratified by:</b>	Signed by all 53 Member States

<b>Convention or Agreement</b>	<b>The African (Banjul) Charter on Human and People’s Rights (1981)</b>
<b>Status</b>	Despite the widespread ratification by African States of the African Charter on Human and Peoples’ Rights, gender issues barely appeared in political agendas across Africa. The African Charter is a significant instrument in the protection of Human Rights in Africa. However, it has been criticised for not addressing the specific needs of, or problems encountered by, African women.
<b>Summary</b>	The Charter is open to signature, ratification or adherence by Member States of the Organization of African Unity. This charter speaks in very general terms of Human and People’s Rights and does not refer to specifically women and women’s rights. Nevertheless, it is a fundamental document that confirms the commitment to the protection of human rights.
<b>Relevant articles GBV/WEE</b>	<p><b>Part I: Rights and Duties</b></p> <p><b>Chapter I - Human and Peoples' Rights</b></p> <p><b>Article 2</b>  Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.</p> <p><b>Article 3</b>  1. Every individual shall be equal before the law.  2. Every individual shall be entitled to equal protection of the law.</p> <p><b>Article 18</b>  3. The State shall ensure the elimination of any discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.</p>
<b>Signed or ratified by:</b>	All 53 Member States of the AU have ratified the charter and 42 states have signed the charter.

<b>Convention or Agreement</b>	<b>Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (2003)</b>
<b>Status</b>	In order for countries to achieve full and effective implementation of the rights recognised in the protocol, they are expected to provide budgetary and other resources. The countries are also required to send in periodic reports every second year to the African Commission on Human

	<p>and People's Rights. The commission sends back remarks with core concerns and recommendations to the countries, which are obliged to provide information within two years on how to implement said recommendations. In the beginning, the progress of ratifying the protocol was extremely slow; one year after its adoption Comoros was the only ratifying country. Following pressure from women's and human rights organizations, the pace of ratification increased drastically. In November 2005 the protocol came into force as a result of the required 15 ratifications being obtained, with the rapid progress breaking all records for the ratification of continental human rights instruments in Africa. However, the number of countries that send in periodic reports is still very few and the popularisation of the protocol at national and regional level is poor and this will prevent women and men from claiming their rights accorded under the Protocol. The primary responsibility for the implementation of the Protocol lies with Member States that have a legal obligation to integrate the Protocol's provisions into their domestic laws.</p>
<p><b>Summary</b></p>	<p>This Protocol could be regarded as an appendix document to the Banjul. It reaffirms the principle of promoting gender equality as enshrined in the Constitutive Act of the African Union and the New Partnership for Africa's Development, relevant Declarations, Resolutions and Decisions, which underline the commitment of the African States to ensure the full participation of African women as equal partners in Africa's development.</p> <p>The protocol recalls that women's rights have been recognised and guaranteed in all international human rights instruments (notably, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol, the African Charter on the Rights and Welfare of the Child, and all other international and regional conventions and covenants relating to the rights of women) as being inalienable, interdependent and indivisible human rights.</p> <p>It notes and refers to milestone documents such as the <b>African Platform for Action</b> and the <b>Dakar Declaration</b> of 1994; the <b>Beijing Platform for Action</b> of 1995; and <b>United Nations Security Council Resolution 1325</b> (2000) on the role of Women in promoting peace and security.</p>
<p><b>Relevant articles GBV</b></p>	<p><b>Article 3</b>  <b>Right to Dignity</b>  3. State Parties shall adopt and implement appropriate measures to prohibit any exploitation or degradation of women.  4. State Parties shall adopt and implement appropriate measures to ensure the protection of every woman's right to respect for her dignity and the protection of women from all forms of violence, particularly sexual and verbal violence.</p> <p><b>Article 4</b>  <b>The Rights to Life, Integrity and Security of the Person</b>  1. Every woman shall be entitled to respect for her life and the integrity and security of her person. All forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited.  2. State Parties shall take appropriate and effective measures to:  a) enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex, whether the violence takes place in private or public;  b) adopt such other legislative, administrative, social and economic measures as may be necessary to ensure the prevention, punishment and eradication of all forms of violence against women;  c) identify the causes and consequences of violence against women and take appropriate measures to prevent and eliminate such violence;  d) actively promote peace education through curricula and social communication in order to eradicate elements in traditional and cultural beliefs, practices and stereotypes which legitimise and exacerbate the persistence and tolerance of violence against women;  e) punish the perpetrators of violence against women and implement programmes for the rehabilitation of women victims;  f) establish mechanisms and accessible services for effective information, rehabilitation and</p>

	<p>reparation for victims of violence against women;</p> <p>g) prevent and condemn trafficking in women, prosecute the perpetrators of such trafficking and protect those women most at risk;</p> <p>h) prohibit all medical or scientific experiments on women without their informed consent;</p> <p>i) provide adequate budgetary and other resources for the implementation and monitoring of actions aimed at preventing and eradicating violence against women;</p> <p>j) ensure that, in those countries where the death penalty still exists, death sentences are not carried out on pregnant or nursing women;</p> <p><b>Article 5</b>  <b>Elimination of Harmful Practices</b></p> <p>State Parties shall prohibit and condemn all forms of harmful practices which negatively affect the human rights of women and which are contrary to recognised international standards. State Parties shall take all necessary legislative and other measures to eliminate such practices, including:</p> <p>a) creation of public awareness in all sectors of society regarding harmful practices through information, formal and informal education and outreach programmes;</p> <p>b) prohibition, through legislative measures backed by sanctions, of all forms of female genital mutilation, scarification, medicalisation and para-medicalisation of female genital mutilation and all other practices in order to eradicate them;</p> <p>c) provision of necessary support to victims of harmful practices through basic services such as health services, legal and judicial support, emotional and psychological counselling as well as vocational training to make them self-supporting;</p> <p>d) protection of women who are at risk of being subjected to harmful practices or all other forms of violence, abuse and intolerance.</p>
<p><b>Relevant articles WEE</b></p>	<p><b>Article 6</b>  <b>Marriage</b></p> <p>State Parties shall ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. They shall enact appropriate national legislative measures to guarantee that:</p> <p>i) a woman and a man shall jointly contribute to safeguarding the interests of the family, protecting and educating their children;</p> <p>j) during her marriage, a woman shall have the right to acquire her own property and to administer and manage it freely.</p> <p><b>Article 10</b>  <b>Right to Peace</b></p> <p>1. Women have the right to a peaceful existence and the right to participate in the promotion and maintenance of peace.</p> <p>2. State Parties shall take all appropriate measures to ensure the increased participation of women.</p> <p>3. State Parties shall take the necessary measures to reduce military expenditure significantly in favour of spending on social development in general, and the promotion of women in particular.</p> <p><b>Article 13</b>  <b>Economic and Social Welfare Rights</b></p> <p>State Parties shall adopt and enforce legislative and other measures to guarantee women equal opportunities in work and career advancement and other economic opportunities. In this respect, they shall:</p> <p>a) promote equality of access to employment;</p> <p>b) promote the right to equal remuneration for jobs of equal value for women and men;</p> <p>c) ensure transparency in recruitment, promotion and dismissal of women and combat and punish sexual harassment in the workplace;</p> <p>d) guarantee women the freedom to choose their occupation, and protect them from exploitation by their employers violating and exploiting their fundamental rights as recognised and guaranteed by conventions, laws and regulations in force;</p> <p>e) create conditions to promote and support the occupations and economic activities of women, in particular, within the informal sector;</p>

	<p>f) establish a system of protection and social insurance for women working in the informal sector and sensitise them to adhere to it;</p> <p>g) introduce a minimum age for work and prohibit the employment of children below that age, and prohibit, combat and punish all forms of exploitation of children, especially girls;</p> <p>h) take the necessary measures to recognise the economic value of the work of women in the home;</p> <p>i) guarantee adequate and paid pre- and post-natal maternity leave in both the private and public sectors;</p> <p>j) ensure the equal application of taxation laws to women and men;</p> <p>k) recognise and enforce the right of salaried women to the same allowances and entitlements as those granted to salaried men for their spouses and children;</p> <p>l) recognise that both parents bear the primary responsibility for the upbringing and development of children and that this is a social function for which the State and the private sector have secondary responsibility;</p> <p>m) take effective legislative and administrative measures to prevent the exploitation and abuse of women in advertising and pornography.</p> <p><b>Article 19</b> <b>Right to Sustainable Development</b></p> <p>Women shall have the right to fully enjoy their right to sustainable development. In this connection, the State Parties shall take all appropriate measures to:</p> <p>18</p> <p>a) introduce a gender perspective in the national development planning procedures;</p> <p>b) ensure participation of women at all levels in the conceptualisation, decision-making, implementation and evaluation of development policies and programmes;</p> <p>c) promote women's access to and control over productive resources such as land and guarantee their right to property;</p> <p>d) promote women's access to credit, training, skills development and extension services at rural and urban levels in order to provide women with a higher quality of life and reduce the level of poverty among women;</p> <p>e) take into account indicators of human development specifically relating to women in the elaboration of development policies and programmes; and</p> <p>f) ensure that the negative effects of globalisation and any adverse effects of the implementation of trade and economic policies and programmes are reduced to the minimum for women.</p>
<b>Signed or ratified by:</b>	<p><b>Signed:</b> All Member States except for Botswana, Cape Verde, Egypt, Eritrea, Malawi, Mauritania, Tunisia</p> <p><b>Ratified:</b> Angola, Benin, Burkina Faso, Cameroon, Cape Verde, Central , Comoros, Democratic Republic of the Congo, Djibouti, Gambia, Ghana, Guinea-Bissau, Libya, Lesotho, Liberia, Mali, Malawi, Mozambique, Mauritania, Namibia, Nigeria, Rwanda, Senegal, Seychelles, South Africa, Tanzania, Togo, Zambia, Zimbabwe</p>

<b>Convention or Agreement</b>	<b>The Charter on Democracy, Elections and Governance (2007)</b>
<b>Status</b>	In order for the charter to be implemented among the laws of all AU Member States it needs to be ratified by at least 15 states. Article 45 of the Charter mandates the Pan-African Parliament, PAP (the legislative organ of the African Union), to ensure the ratification of the charter. PAP's Second Vice-President Hon. Mary Mugenyi says that PAP will push more countries to ratify the charter so that the charter can carry full force on the continent by the end of 2011.
<b>Summary</b>	This Charter on Democracy, Elections and Governance, signed by the members of the AU, sets the promotion of gender balance and equality in the governance and development processes as one of its objectives. Increased democracy, with equal participation in elections and equal eligibility to participate in political life, is a condition per se that improves women's economic empowerment and helps put gender-based violence on the agenda.
<b>Relevant articles</b>	This charter principally addresses WEE issues directly and the tables contain only quotations

<b>GBV</b>	regarding WEE. The influence on GBV will have to be interpreted indirectly.
<b>Relevant articles WEE</b>	<p><b>Article 2 – Objectives</b> The objectives of this Charter are to:</p> <p>11. Promote gender balance and equality in the governance and development processes;</p> <p><b>Article 3 – Principles</b> 6. Promotion of gender equality in public and private institutions;</p> <p><b>Article 8 – Democracy, Rule of Law and Human rights</b> 1. State Parties shall eliminate all forms of discrimination, especially those based on political opinion, gender, ethnic, religious and racial grounds, as well as any other form of intolerance.</p> <p><b>Article 21 – Democratic elections</b> 1. The Commission shall ensure that these missions are independent and shall provide them with the necessary resources for that purpose. 2. Electoral observer missions shall be conducted by appropriate and competent experts in the area of election monitoring, drawn from continental and national institutions such as, but not limited to, the Pan-African Parliament, national electoral bodies, national legislatures and eminent persons taking due cognisance of the principles of regional representation and gender equality.</p> <p><b>Article 29</b> 1. State Parties shall recognise the crucial role of women in development and strengthening of democracy. 2. State Parties shall create the necessary conditions for full and active participation of women in the decision-making processes and structures at all levels as a fundamental element in the promotion and exercise of a democratic culture. 3. State Parties shall take all possible measures to encourage the full and active participation of women in the electoral process and ensure gender parity in representation at all levels, including legislatures.</p> <p><b>Article 40</b> State Parties shall adopt and implement policies, strategies and programmes required to generate productive employment, mitigate the impact of diseases and alleviate poverty and eradicate extreme poverty and illiteracy.</p> <p><b>Article 41</b> State Parties shall undertake to provide and enable access to basic social services to the people.</p>
<b>Signed or ratified by:</b>	<b>Ratified:</b> Ghana, Lesotho, Uganda, Sierra Leone, Ethiopia and Mauritania <b>Signed:</b> 30 Member States

<b>Convention or Agreement</b>	<b>Solemn Declaration on Gender Equality in Africa (2004)</b>
<b>Status</b>	The Solemn Declaration on Gender Equality in Africa (SDGEA) is an important African instrument for promoting gender equality and women’s empowerment. The countries are committed to reporting annually on their progress towards gender equality. In addition, the commission is expected to submit a general report every year on the progress of the implementation of the declaration, as well as on the state of gender equality at both the national and the regional level. Only 18 Member States have submitted their initial report on the SDGEA, namely Algeria, Burkina Faso, Burundi, Cameroon, Cote d’Ivoire, Ethiopia, Ghana, Lesotho, Mali, Mauritius, Namibia, Nigeria, Niger, Rwanda, Senegal, South Africa, Tunisia and Zimbabwe. Senegal is the only country that has submitted a second report.
<b>Summary</b>	This declaration, signed by Heads of State and Government, reaffirms a commitment to the principle of gender equality as enshrined in Article 4 (l) of the Constitutive Act of the African Union, as well as other existing commitments, principles, goals and actions set out in the various regional, continental and international instruments on human and women’s rights. For example: the Dakar Platform for Action (1994), the Beijing Platform for Action (1995), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW - 1979), the African Plan of Action to Accelerate the Implementation of the Dakar and Beijing Platforms for Action for the Advancement of Women (1999); the Outcome Document of the

	Twenty-third Special Session of the United Nations General Assembly Special Session on the Implementation of the Beijing Platform for Action (2000); UN Resolution 1325 (2000) on Women, Peace and Security; and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003).
<b>Relevant articles GBV</b>	<b>HEREBY AGREE TO:</b> <b>3. Launch</b> , within the next year, a campaign for systematic prohibition of the recruitment of child soldiers and abuse of female children as wives and sex slaves in violation of their Rights as enshrined in the African Charter on the Rights of the Child; <b>4. Initiate, launch and engage</b> within two years sustained public campaigns against gender-based violence, as well as the problem of trafficking in women and girls; reinforce legal mechanisms that will protect women at the national level and end impunity of crimes committed against women in a manner that will change and positively alter the attitude and behaviour of African society;
<b>Relevant articles WEE</b>	<b>Preamble:</b> <b>We</b> , the Heads of State and Government of Member States of the African Union, meeting in the Third Ordinary Session of our Assembly in Addis Ababa, Ethiopia, from 6-8 July 2004: <b>Aware</b> of the fact that low levels of women's representation in social, economic and political decision-making structures and feminisation of poverty impact negatively on women's ability to derive full benefit from the economies of their countries and the democratisation process; <b>HEREBY AGREE TO:</b> <b>7. Actively promote</b> the implementation of legislation to guarantee women's land, property and inheritance rights, including their rights to housing; <b>8. Take</b> specific measures to ensure the education of girls and literacy of women, especially in rural areas, to achieve the goal of "Education for All" (EFA); <b>11. Accept to</b> establish an African Trust Fund for Women for the purpose of building the capacity of African women and further request the African Union Commission to work out the modalities for the operationalisation of the Fund with special focus on women in both urban and rural areas;
<b>Signed or ratified by:</b>	N/A

<b>Convention or Agreement</b>	<b>The African Charter on the Rights and Welfare of the Child (1990)</b>
<b>Status</b>	In line with articles 32-46 of the African Charter on the Rights and Welfare of the Child, an African Committee of experts on the Rights and Welfare of the Child consisting of 11 members was established in July 2001. The committee is expected to promote and protect and the rights enshrined in the Charter, as well as monitor implementation. Between 2001 and 2007 the committee met as frequently as 10 times. However, it seems as if the last meeting was held as far back as October 2007.
<b>Summary</b>	This AU Charter does not make any gender distinctions, but rather addresses the rights and welfare of children regardless of sex. Art. 18 stresses support to single parents and highlights the stigmatisation of single parents. Social Protection and care-giving institutions for children of working parents provided by the state are important factors for women's economic empowerment.
<b>Relevant articles GBV</b>	<b>Article 21: Protection Against Harmful Social and Cultural Practices</b> 1. State Parties to the present Charter shall take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child and in particular: (a) those customs and practices prejudicial to the health or life of the child; and (b) those customs and practices discriminatory to the child on the grounds of sex or other status. 2. Child marriage and the betrothal of girls and boys shall be prohibited and effective action, including legislation, shall be taken to specify the minimum age of marriage to be 18 years and make registration of all marriages in an official registry compulsory.
<b>Relevant articles</b>	<b>Article 18: Protection of the Family</b>

<b>WEE</b>	<p>3. No child shall be deprived of maintenance by reference to the parents' marital status.</p> <p><b>Article 20: Parental Responsibilities</b></p> <p>2. State Parties to the present Charter shall, in accordance with their means and national conditions, take all appropriate measures;</p> <p>(a) to assist parents and other persons responsible for the child and, in case of need, provide material assistance and support programmes, particularly with regard to nutrition, health, education, clothing and housing;</p> <p>(b) to assist parents and others responsible for the child in the performance of child-rearing and ensure the development of institutions responsible for providing care of children; and</p> <p>(c) to ensure that the children of working parents are provided with care services and facilities.</p>
<b>Signed or ratified by:</b>	<p><b>Signed:</b> (Feb. 2004) Algeria, Benin, Botswana, Burkina Faso, Cameroon, Central African Republic, Cape Verde, Chad, Cote d'Ivoire, Comoros, Congo, Djibouti, Egypt, Gabon, Ghana, Guinea-Bissau, Guinea, Libya, Liberia, Madagascar, Mali, Malawi, Namibia, Nigeria, Niger, Rwanda, South Africa, Sahrawi Arab Democratic Republic, Senegal, Seychelles, Sierra Leone, Somalia, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia</p> <p><b>Ratified:</b> (Feb. 2004) Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Comoros, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Kenya, Libya, Lesotho, Madagascar, Mali, Malawi, Mozambique, Namibia, Nigeria, Niger, Rwanda, South Africa, Senegal, Seychelles, Sierra Leone, Tanzania, Togo, Uganda, Zimbabwe</p>

<b>Convention or Agreement</b>	<b>Protocol to the African Charter on Human and People's Rights on the Establishment of an African Court on Human and People's Rights (1998)</b>
<b>Status</b>	N/A
<b>Summary</b>	This protocol is a rather technical document regulating the establishment of an African Court on Human and People's rights. It actually contains very few policy elements. However, the court complements and reinforces the functions of the African Commission on Human and People's Rights.
<b>Relevant articles WEE</b>	<b>Article 12, NOMINATIONS</b> 2. Due consideration shall be given to adequate gender representation in the nomination process.
<b>Signed or ratified by:</b>	N/A

<b>Convention or Agreement</b>	<b>Protocol Relating to the Establishment of the Peace and Security Council (2002)</b>
<b>Status</b>	N/A
<b>Summary</b>	The protocol regulates the establishment of a Peace and Security Council. The council is expected to promote the protection of democracy and Human Rights and this document therefore constitutes a significant basic document to support WEE and help combat GBV.
<b>Relevant articles GBV</b>	<p><b>Training</b></p> <p>13. The Commission shall provide guidelines for the training of the civilian and military personnel of national standby contingents at both operational and tactical levels. Training on International Humanitarian Law and International Human Rights Law, with particular emphasis on the rights of women and children, shall be an integral part of the training of such personnel.</p> <p><b>Peacebuilding at the End of Hostilities</b></p> <p>3. To assist Member States that have been adversely affected by violent conflicts, the Peace and Security Council shall undertake the following activities:</p> <p>e. assistance to vulnerable persons, including children, the elderly, women and other traumatized groups in society.</p>
<b>Relevant articles WEE</b>	<b>Article 20</b> <b>Relations with Civil Society Organisations</b>

	<p>The Peace and Security Council shall encourage non-governmental organisations, community-based and other civil society organisations, particularly women’s organisations, to participate actively in the efforts aimed at promoting peace, security and stability in Africa. When required, such organisations may be invited to address the Peace and Security Council.</p> <p><b>Article 4</b>  <b>Principles</b>  d. interdependence between socio-economic development and the security of peoples and States;</p>
<b>Signed or ratified by:</b>	All 53 Member States have either signed or ratified the protocol except for Cape Verde and Eritrea (30/09/2009)

<b>Convention or Agreement</b>	<b>The Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children (2006)</b>
<b>Status</b>	The AU's Commissioner for Social Affairs, Bience Gawanas, said that “the enactment of instruments such as the Ouagadougou Action Plan have served to galvanize Member States, resulting in a virtual doubling of the number of states that have enacted anti-trafficking legislation between 2003 and 2008”. These instruments, she added, “have contributed to securing more convictions of traffickers and the rescue of an increasing number of victims,” blaming the uncoordinated and slow criminal justice response system as well as the vulnerable economic environment and volatile political situations for the increasing number of trafficked persons.
<b>Summary</b>	This action plan says that the empowerment of women and girls through national policies is an important part of combating trafficking and stresses that a gender perspective should be applied when adopting and implementing measures to prevent and combat trafficking in human beings. The document constitutes an important document for combating GBV in general.
<b>Relevant articles GBV</b>	<p><b>General Principles</b>  Measures to prevent and combat trafficking in human beings should be based on respect for human rights including protection of victims, and should not adversely affect the rights of victims of trafficking. Special attention should be given to the United Nations Protocol to Prevent, Suppress and Punish trafficking in persons, especially women and children. The best interest of the child, including as recognised in existing international conventions, shall be considered paramount at all times.</p> <p>Poverty and vulnerability, an unbalanced distribution of wealth, unemployment, armed conflicts, poor law enforcement system, degraded environment, poor governance, societies under stress as well as non-inclusive societies, corruption, lack of education and human rights violations including discrimination, increased demand for sex trade and sex tourism are among the root causes of trafficking in human beings and must be addressed.</p> <p><b>I. Prevention and Awareness Raising</b>  States should:</p> <ul style="list-style-type: none"> <li>- Ensure education and training, including life-skills, awareness raising and counselling, as key preventive measures to combat trafficking in human beings.</li> <li>- Promote training of those in key positions, in particular the police authorities in African countries, and capacity-building to combat trafficking in human beings.</li> <li>- Take measures to eliminate harmful customs and traditional practices and to counter cultural stereotypes, which can lead to trafficking in human beings.</li> <li>- Commission further research and information, including on the extent, forms and root causes of trafficking.</li> <li>- Collect and exchange information on the means and methods used by the traffickers.</li> </ul>
<b>Relevant articles WEE</b>	<p><b>General principles</b>  The empowerment of women and girls through national policies is an important part of combating trafficking. A gender perspective should be applied when adopting and implementing measures to prevent and combat trafficking in human beings.</p> <p>Poverty and vulnerability, an unbalanced distribution of wealth, unemployment, armed conflicts, poor law enforcement system, degraded environment, poor governance, societies</p>

	<p>under stress as well as non-inclusive societies, corruption, lack of education and human rights violations including discrimination, increased demand for sex trade and sex tourism are among the root causes of trafficking in human beings and must be addressed.</p> <p><b>I. Prevention and Awareness Raising</b></p> <p>States should:</p> <ul style="list-style-type: none"> <li>- Ensure education and training, including life-skills, awareness raising and counselling, as key preventive measures to combat trafficking in human beings.</li> <li>- Endeavour to provide viable employment or other livelihood opportunities for youth in general and in particular for young women at risk, especially in regions prone to trafficking.</li> <li>- Promote the empowerment of girls and women in their national policies.</li> <li>- Take measures to improve the economic and living conditions of families and extended families.</li> <li>- Establish rehabilitation centres to assist victims of human trafficking, especially women and children and ensure their safety, protection and facilitate their recovery and social reintegration.</li> </ul>
<b>Signed or ratified by:</b>	N/A

<b>Convention or Agreement</b>	<b>The Maputo Plan of Action for Sexual and Reproductive Health and Rights (2006)</b>
<b>Status</b>	<p>Since the Maputo Plan of Action for Sexual and Reproductive Health and Rights (PoA) was scheduled to expire in 2010, the African Union held a continental conference in April 2010 to discuss the possibility of extending the Maputo PoA. Back in 2006 several AU delegations only gave their approval to the PoA draft if the abortion provisions were removed from the text. When they realised that the changes were never made they felt manipulated by the AU secretariat. While the Maputo Plan of Action is non-binding and its legitimacy as a consensus document remains highly controversial, the targets and indicators on abortion will continue to be used to pressure AU Member States to amend their laws on abortion as part of maternal mortality reduction.</p>
<b>Summary</b>	<p>This plan of action applies to <b>the Continental Policy Framework on Sexual and Reproductive Health and Rights</b>, which was endorsed by AU Heads of State in January 2006 that originates from a recognition that African countries are not likely to achieve the Millennium Development Goals (MDGs) without significant improvements in the sexual and reproductive health of the people of Africa. This is crucial in addressing MDG 1 on poverty reduction. The continental policy Framework was adopted by the 2nd Ordinary Session of the Conference of African Ministers of Health, meeting in Gaborone, Botswana, in October 2005. The Continental Policy Framework on Sexual and Reproductive Health and Rights addresses the reproductive health and rights challenges faced by Africa. It also calls for a strengthening of the health sector component by increasing resource allocation to health in order to improve access to services. Mainstreaming gender issues into socio-economic development programmes and SRHR commodity security are also addressed. Moreover, the AU Ministers of Health recommended that SRHR should be among the highest six priorities of the health sector. In harmony with this ministerial recommendation, the outcome of the World Summit held in New York in September 2005 reiterated the need to attain universal access to services, including access to reproductive health care services.</p> <p>In relation the purpose of this paper, the Maputo Action Plan primarily addresses issues that relate to the combating and prevention of GBV. Only operates until 2010!</p>
<b>Relevant articles GBV</b>	<p><b>Strategic actions</b></p> <ul style="list-style-type: none"> <li>1.1.3 Develop and/or implement strategies to address Gender Based Violence (GBV) in collaboration with other relevant stakeholders</li> <li>1.1.4 Conduct research and development and/or implement strategies to address early marriages and harmful traditional practices (HTP) such as Female Genital Mutilation (FGM).</li> <li>1.1.5 Incorporate health management of GBV into the training curricula of health workers and providers of legal services.</li> </ul>

	1.3.3 Ensure access to services that address gender-based violence, including management of sexual abuse, emergency contraception and HIV post exposure prophylaxis and STI treatment in an integrated and coordinated manner.
<b>Relevant articles WEE</b>	<p><b>Introduction</b></p> <p>6. The Plan learns from best practices and cost-effective interventions and responds to vulnerability in all its forms, from gender inequality, to rural living and youth, to specific vulnerable groups such as displaced persons, migrants and refugees. It recognises the importance of creating an enabling environment and of community and women's empowerment and the role of men. p. 5</p> <p><b>Expected outputs</b></p> <p>3. Family planning repositioned as key strategy for attainment of MDGs.</p>
<b>Signed or ratified by:</b>	N/A

<b>Convention or Agreement</b>	<b>The Abuja Declaration on National Budgets for Health Expenditures (Roll Back Malaria) (2000)</b>
<b>Status</b>	Since the inception of Roll Back Malaria in 1998, and particularly since the Abuja Summit in 2000, malaria prevention and control have once again become domestic and international priorities. International spending on malaria has increased at least twofold since 1998. In May 2006 a special summit was held in Abuja which culminated in the adoption of the "Abuja Call for Accelerated Action towards Universal Access to HIV/AIDS, Tuberculosis and Malaria Services in Africa" " <i>Universal Access to HIV/AIDS, Tuberculosis and Malaria Services by 2010</i> ".
<b>Summary</b>	<p>The Abuja Declaration and its action plan originates from the African Summit on Roll Back Malaria that was held in Abuja, Nigeria on April 25, 2000. It reflected a real convergence of political momentum, institutional synergy and technical consensus on malaria (and, to some extent, other infectious disease issues).</p> <p>Forty-four of the fifty malaria-affected countries in Africa attended the summit. Nineteen country delegations were led by Heads of State, while the remaining delegations were led by senior government officials including Vice Presidents, Prime Ministers or, in some cases, the Ministers for Health. The Summit was also attended by senior officials from each of the four founding agencies – the Director General of the WHO, Vice President of the World Bank, Executive Director of UNICEF and the Director of UNDP Africa, as well as other key partners including UNESCO, the African Development Bank, USAID, DFID, CIDA, and the French Co-operation. The Heads of State and other delegates reviewed evidence, debated options and ratified an action-oriented declaration with strong follow-up processes. The Summit concluded with the review and signing of the Declaration and the Plan of Action (all countries present signed the Declaration).</p> <p>By signing the Declaration, African leaders pledged themselves once again to the principles and targets of the Harare Declaration of 1997. They committed themselves to an intensive effort to halve malaria mortality for Africa's people by 2010 by implementing strategies and actions for Roll Back Malaria, as agreed at the Summit.</p> <p>This declaration is particularly important for women's economic empowerment as a whole, as any disease that demands care in the home or in hospital affects a woman's ability to provide for herself and her family.</p> <p>More specifically: Improved capacity for treatment in the home eases both the economic and the work burden for women, who in most cases are the main caregivers.</p>
<b>Relevant articles WEE</b>	<p><b>Framework for monitoring the Plan of Action, Abuja Declaration</b></p> <p><b>A Elements of the plan - approaches and activities</b></p> <p>- Provide health education and communication to schools, work places, parents, especially mothers and people caring for young children, on the recognition of malaria. Improve capacity for treatment at the home and for recognising when to seek assistance for severe cases. p. 7</p>
<b>Signed or ratified by:</b>	Forty-four of the fifty malaria-affected countries in Africa signed the declaration.

<b>Convention or Agreement</b>	<b>The Maputo Declaration on Malaria HIV/AIDS, Tuberculosis, and Other Related Infectious diseases (2003)</b>
<b>Status</b>	N/A
<b>Summary</b>	The Maputo Declaration reaffirms the abovementioned Abuja Declaration and Action Plan on Roll Back Malaria and the Abuja Declaration and Framework Plan of Action on HIV/AIDS, TB and Other Related Infectious Diseases (ORID). It reiterates the signing parties' commitment to intensify and consolidate effort for their implementation.
<b>Relevant articles WEE</b>	<b>Preamble:</b> <b>The Heads of State.....</b> <b>Note</b> that the majority of those infected with and affected by HIV/AIDS on our continent are women, children and young people, especially the poor who have limited access to effective care and support. This reflects their vulnerability, particularly in societies marked by gender inequality, where the burden of care for the sick and for the children orphaned by AIDS falls overwhelmingly on women. In this connection, we recognise the need to redouble efforts in giving particular attention to women and young people's participation and access to information, life skills and services.
<b>Signed or ratified by:</b>	N/A

<b>Convention or Agreement</b>	<b>Southern African Development Community (SADC) Protocol on Gender and Development (2008)</b>
<b>Status</b>	The main provisions of the Protocol are on: Constitutional and legal rights, governance (representation and participation), education and training, productive resources and employment, economic empowerment, health, HIV & Aids, peacebuilding and conflict resolution, media, information and communication. There are 28 substantive targets for achieving gender equality by 2015. Except for slight gains in education, health and economic decision-making, there has been limited progress for the women since the adoption of the Southern African Development Community (SADC) Protocol on Gender and Development in 2008. Gains in women's education, including at the tertiary level, are not reflected in political decision-making, in which there has been backsliding at the very moment that SADC countries should be making rapid strides towards the attainment of the 28 targets set for 2015.
<b>Summary</b>	This protocol on Gender and Development was signed by all 14 SADC Member States. It constitutes a comprehensive fundamental document relevant for Women's Economic Empowerment and to combat Gender-Based Violence. It can be used in its entirety in dialogue with partners.
<b>Relevant articles GBV</b>	<b>Relevant articles:</b> <b>Part 6 – Gender-Based Violence, articles 20-25</b> <b>Part 8 – Peacebuilding and Conflict Resolution, article 28</b> (mentions UN Resolution 1325)
<b>Relevant articles WEE</b>	<b>Article 17 in Part 5</b> exclusively addresses WEE in terms of work in informal sectors and entrepreneurship. <b>Highly relevant articles:</b> <b>Part 2 – Constitutional and Legal Rights, articles 4 to 11</b> <b>Part 3 – Governance, articles 12-13</b> <b>Part 4 – Education and Training, article 14</b> <b>Part 5 – Productive Resources and Employment, articles 15 to 19</b> <b>Part 7 – Health and HIV/AIDS, articles 26-27</b> <b>Part 8 – Peacebuilding and Conflict Resolution, article 28</b> (mentions UN Resolution 1325) <b>Part 9 – Media Information and Communication, articles 29 to 3</b>
<b>Signed or ratified by:</b>	Signed by all 14 SADC Member States

<b>Convention or Agreement</b>	<b>Cairo Declaration for the Elimination of Female Genital Mutilation (2003)</b>
<b>Status</b>	The Cairo Declaration for the Elimination of Female Genital Mutilation encourages all governments to pass legislation aimed at the progressive elimination of FGM, and includes 17 recommendations to ensure that those laws become instruments of real prevention. Discussions groups during the “STOP FGM” campaign (2003) concluded that the law can be an important and useful tool for women who want to protect their daughters from FGM, and can aid them in combating the pressure from both family and community to engage in the practice. However, both groups acknowledged that the law alone is inadequate and must be accompanied by targeted public information campaigns and measures aimed at legitimising the law within the communities so that it is acknowledged, understood and used as an instrument for the protection of minors.
<b>Summary</b>	This is a declaration on combating of FGM, with a focus on criminalisation as a means to combat the phenomenon. The document as a whole is an important support tool in dialogue with development cooperation partners.
<b>Relevant articles WEE</b>	<b>We, the participants in the Afro-Arab Expert Consultation on “Legal Tools for the Prevention of Female Genital Mutilation”</b> <i>Recommend that:</i> 7. In adopting a law, religious leaders, civil society organisations, including women’s and community-based organisations, and health care providers, among others, should be part of the consultative process. Efforts to end FGM must be focused on empowering women to make choices impacting their health and lives.
<b>Signed or ratified by:</b>	Ratified by 10 African governments

<b>Convention or Agreement</b>	<b>African Youth Charter (2006)</b>
<b>Status</b>	The Youth Charter provides a strategic framework for youth development at continental, regional, and national levels. It originated from the need to address the situation of the Youth in Africa, many of whom have been marginalised by society through wealth and power inequalities, poor quality of education, limited health care, unemployment, and exposure to violence. In August 2010 about 300 youth from across Africa met in Accra to discuss issues that relate to the participation of youth in national development and the African Youth Charter. Since the charter’s adoption the AU has celebrated African Youth Day every year on November 1.
<b>Summary</b>	Like the <b>African Charter on the Rights and Welfare of the Child</b> , this charter addresses the rights of youth, rather than distinctive rights of young women or men. As a result, only a few formulations can be directly identified as being supportive of WEE and combating GBV. Nevertheless, the general formulations relate to “every young person,” that is, “every young and every young woman”. Therefore, this document could and should be used as a tool for improving WEE and combating GBV. More specifically, the charter’s preamble refers to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979, the Protocol to the African Charter on Human and Peoples’ Rights relating to the Rights of Women in Africa (2003) and the progress achieved in eliminating gender discrimination. The charter also recognises the obstacles that still prevent girls and women from fully participating in African society.
<b>Relevant articles GBV</b>	<b>Preamble:</b> <b>BEARING IN MIND</b> the international Convention on the Elimination of All Forms of Discrimination Against Women (1979) and the Protocol to the African Charter on Human and Peoples’ Rights relating to the Rights of Women in Africa (2003) and the progress achieved in eliminating gender discrimination, but ever cognisant of the obstacles that still prevent girls and women from fully participating in African society, <b>Article 13: Education and Skills Development</b> <b>3. The education of young people shall be directed at:</b>

	<p>f) The development of life skills to function effectively in society and include issues such as HIV/AIDS, reproductive health, substance abuse prevention and cultural practices that are harmful to the health of young girls and women as part of the education curricula;</p> <p><b>Article 20: Youth and Culture</b></p> <p>1. State Parties shall take the following steps to promote and protect the morals and traditional values recognised by the community:</p> <p>a) Eliminate all traditional practices that undermine the physical integrity and dignity of women;</p> <p><b>Article 23: Girls and Young Women</b></p> <p>Enact and enforce legislation that protects girls and young women from all forms of violence, genital mutilation, incest, rape, sexual abuse, sexual exploitation, trafficking, prostitution and pornography;</p> <p><b>Article 25: Elimination of Harmful Social and Cultural Practices</b></p> <p>State Parties shall take all appropriate steps to eliminate harmful social and cultural practices that affect the welfare and dignity of youth, in particular:</p> <p>a) Customs and practices that harm the health, life or dignity of the youth;</p> <p>b) Customs and practices discriminatory to youth on the basis of gender, age or other status.</p> <p><b>Relevant articles:</b></p> <p><b>Article 7: Protection of Private Life</b></p> <p><b>Article 16: Health</b></p> <p><b>Article 17: Peace and Security</b></p> <p><b>Article 23: Girls and Young Women</b></p>
<p><b>Relevant articles</b> <b>WEE</b></p>	<p><b>Preamble:</b></p> <p><b>BEARING IN MIND</b> the international Convention on the Elimination of All Forms of Discrimination Against Women (1979) and the Protocol to the African Charter on Human and Peoples’ Rights relating to the Rights of Women in Africa (2003) and the progress achieved in eliminating gender discrimination, but ever cognisant of the obstacles that still prevent girls and women from fully participating in African society,</p> <p><b>Article 9: Property</b></p> <p>1. Every young person shall have the right to own and to inherit property.</p> <p>2. State Parties shall ensure that young men and young women enjoy equal rights to own property.</p> <p>3. State Parties shall ensure that youth are not arbitrarily deprived of their property, including inherited property.</p> <p><b>Article 11: Youth Participation</b></p> <p>1. Every young person shall have the right to participate in all spheres of society.</p> <p>They shall:</p> <p>c) Ensure equal access for young men and young women to participate in decision-making and in fulfilling civic duties;</p> <p><b>Article 12: National Youth Policy</b></p> <p>All State Parties shall develop a comprehensive and coherent national youth policy.</p> <p>f) The policy shall advocate equal opportunities for young men and for young women;</p> <p><b>Article 13: Education and Skills Development</b></p> <p>1. Every young person shall have the right to education of good quality.</p> <p>4. State Parties shall take all appropriate measures with a view to achieving full realisation of this right and shall, in particular:</p> <p>h) Ensure, where applicable, that girls and young women who become pregnant or married before completing their education shall have the opportunity to continue their education;</p> <p>n) Promote culturally appropriate, age specific sexuality and responsible parenthood education;</p> <p><b>Article 15: Sustainable Livelihoods and Youth Employment</b></p> <p>4. State Parties shall take all appropriate measures with a view to achieving full realisation of this right to gainful employment and shall in particular:</p> <p>b) Develop macroeconomic policies that focus on job creation particularly for young people and for young women;</p> <p><b>Article 23: Girls and Young Women</b></p> <p>State Parties acknowledge the need to eliminate discrimination against girls and young women</p>

	<p>according to obligations stipulated in various international, regional and national human rights conventions and instruments designed to protect and promote women’s rights. In this regard, they shall:</p> <p>a) Introduce legislative measures that eliminate all forms of discrimination against girls and young women and ensure their human rights and fundamental freedoms;</p> <p>b) Ensure that girls and young women are able to participate actively, equally and effectively with boys at all levels of social, educational, economic, political, cultural, civic life and leadership as well as scientific endeavours;</p> <p>c) Institute programmes to make girls and young women aware of their rights and of opportunities to participate as equal members of society;</p> <p>d) Guarantee universal and equal access to and completion of a minimum of nine years of formal education;</p> <p>e) Guarantee equal access to and completion of vocational, secondary and higher education in order to effectively address the existing imbalance between young men and women in certain professions;</p> <p>f) Ensure that education material and teaching practices are gender sensitive and encourage girls and young women to undertake studies in the sciences;</p> <p>g) Provide educational systems that do not impede girls and young women, including married and/or pregnant young women, from attending;</p> <p>h) Take steps to provide equal access to health care services and nutrition for girls and young women;</p> <p>i) Protect girls and young women from economic exploitation and from performing work that is hazardous, takes them away from education or that is harmful to their mental or physical health;</p> <p>j) Offer equal access to young women to employment and promote their participation in all sectors of employment; k) Introduce special legislation and programmes of action that make available opportunities to girls and young women including access to education as a prerequisite and a priority for rapid social and economic development;</p> <p>l) Enact and enforce legislation that protects girls and young women from all forms of violence, genital mutilation, incest, rape, sexual abuse, sexual exploitation, trafficking, prostitution and pornography;</p> <p>m) Develop programmes of action that provide legal, physical and psychological support to girls and young women who have been subjected to violence and abuse such that they can fully re-integrate into social and economic life;</p> <p>n) Secure the right for young women to maternity leave.</p> <p><b>Relevant articles:</b>  <b>Article 9: Property</b>  <b>Article 10: Development</b>  <b>Article 11: Youth Participation</b>  <b>Article 13: Education and Skills Development</b>  <b>Article 14: Poverty Eradication and Socio-Economic Integration of Youth</b>  <b>Article 15: Sustainable Livelihoods and Youth Employment</b>  <b>Article 16: Health</b>  <b>Article 17: Peace and Security</b>  <b>Article 23: Girls and Young Women</b></p>
<p><b>Signed or ratified by:</b></p>	<p><b>Signed:</b> Angola, Benin; Burkina Faso, Burundi, Cameroon, Central African Republic Chad, Cote d’Ivoire, Comoros, Congo, Democratic Republic of the Congo, Egypt, Equatorial Guinea, Ethiopia, Gambia, Ghana, Guinea-Bissau, Guinea, Kenya, Libya, Lesotho, Liberia, Mali, Mozambique, Namibia, Nigeria, Niger, Rwanda, South Africa, Sahrawi Arab Democratic Republic, Senegal, Sierra Leone, Sudan, Tanzania, Togo, Tunisia, Zambia</p> <p><b>Ratified:</b> Angola, Burkina Faso, Comoros, Cote d’Ivoire, Djibouti, Gabon, Gambia, Guinea-Bissau, Libya, Lesotho, Mali, Mozambique, Mauritius, Namibia, Nigeria, Niger, Rwanda, South Africa, Senegal, Togo, Uganda, Zambia, Zimbabwe (06/08/2010)</p>