

Report of the 2nd Stakeholders Meeting on Domestication and Implementation of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

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MOUVEMENT DE SOLIDARITÉ
POUR LES DROITS
DES FEMMES AFRICAINES
Une force pour la liberté



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List of Abbreviations/ Acronyms

AU	African Union
AUC	African Union Commission
AUWGDD Protocol	African Union Commission Women, Gender and Development Directorate Protocol to the African Charter on Human and Peoples' Rights on the rights of Women in Africa
AWD	Africa Women's Decade 2010-2020
ACHPR	African Charter on Human and Peoples' Rights
AMwA	Akina Mama wa Africa
BPFA	Beijing Platform for Action
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CIDA	Canadian International Development Agency
CSOs	Civil Society Organizations
GBV	Gender Based Violence
MDGs	Millennium Development Goals
M & E	Monitoring & Evaluation
NEPAD	New Partnership for Africa's Development
NGOs	Non-Governmental Organizations
PSC	AU Peace and Security Council
SDGEA	Solemn Declaration on Gender Equality in Africa
SOAWR	Solidarity on African Women's Rights Coalition
UDHR	Universal Declaration on Human Rights
UN	United Nations
UNFPA	United Nations Population Fund
UNECA	United Nations Economic Commission for Africa
UNICEF	United Nations fund for Children
UNSCR	United Nations Security Council Resolution
VAW	Violence Against Women



1.0 Introduction and background

The United Nations Entity for Gender and Equality and the Empowerment of Women (UN Women), Oxfam International and the Solidarity for African Women's Rights (SOAWR) Coalition, in partnership with the African Union (AU) Commission, Women, Gender and Development Directorate, and the Office of the Special Rapporteur on the Rights of Women in Africa organized a stakeholder's meeting on domestication and implementation of the African Union (AU) Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (hereafter "the Protocol") in Nairobi (Kenya) on 5-7 April 2011. Participants included senior government officials and civil society organizations from sixteen (16) African Union States that have ratified the Protocol. The meeting discussed the progress made in implementing the Protocol, the tools used, and the challenges that member states are facing. The meeting also explored the contributions of civil society organizations and partnership with government and the African Union Commission in promoting women's rights in Africa.

Objectives

1. Review progress made in implementing the Protocol, the tools used, and the challenges that member states are facing;

2. Agree on concrete actions to effectively domesticate and implement the Protocol;
3. Identify strategies to strengthen reporting to the African Commission on Human and Peoples' Rights (ACHPR) on the implementation of the Protocol under the African Charter on Human and Peoples' Rights as required in initial and periodic reporting; and to the African Union Commission and in the annual reporting on the Solemn Declaration on Gender Equality in Africa-2004 (SDGEA);
4. Explore the contributions of civil society organizations and opportunities for partnership with government and the African Union in promoting women's rights in Africa
5. Identify technical support needed to realize the domestication and implementation of the Protocol;

1.1 Remarks by Faiza Mohamed, Director of Equality Now

Faiza speaking on behalf of SOAWR coalition welcomed the participants to Nairobi and expressed hopes for a productive meeting. SOAWR is a coalition of 37 organizations from across the continent that is actively engaged in promotion and protection of the human rights of women.

African women have declared that they are tired of their governments making new commitments; they want to see concrete actions that lead to real changes in their lives. The African Union Assembly recognized this urgent need and in response made the decision to launch an African Women's Decade (2010-2020). The Decade was launched in October 2010 in Nairobi and since then, member states have also started launching the AWD in their respective countries. The main goal of the Decade is to ensure implementation of international and continental commitments thereby ensuring gender equality by the end of the Decade and the participation of women especially from the grassroots is recognized as critical. The Decade focuses on issues that are important to African women including: ending poverty and promoting economic empowerment and entrepreneurship of women; addressing agricultural needs and food security, health especially maternal mortality and HIV&AIDS, peace and security and ending violence against women; education, science and technology; governance and legal protection and equal participation in decision making.

Governments were urged to take their leadership role seriously in ensuring that the goals of AWD are successfully achieved. The demonstration of political will that is backed by clear plans and adequate resources is vital in ensuring the full realization of gender equality programs.

In partnership with the African Union, UN Women and development partners, SOAWR emphasized its readiness to support and work with state parties in realizing the goals of the AWD and that includes the realization of the several rights provided for in the Protocol. This is the time to act; Time to deliver on

commitments made to women. The meeting should provide a platform to seriously reflect and plan to realize concrete results.

1.2 Remarks by Florence Butegwa, UN Women-Representative to the AU and UNECA

Florence emphasized that the meeting created an opportune time to develop strategies to accelerate the implementation of commitments that governments have made. The meeting was to create an opportunity to move forward in a purposeful way from community level to national level as strategies are made to domesticate and implement the Protocol.

Last year (2010) the MDG review was done with results showing that Africa had made great progress in Economic growth as well as meeting some MDGs particularly elimination of poverty and in education, especially the education of girls. With determination, Africa is capable of making progress.

In 2008 the UN Secretary General launched a campaign to fight against violence against women. Many actors launched this campaign at a global level and it was re-launched in Africa in 2010. The campaign can hence be utilized as a platform to work on the provisions in the Protocol directed to eliminate violence against women.

Another conspicuous opportunity is in the creation of UN Women whose mandate is to support member states fulfill their commitments. Member states should take advantage of this body and seek its support as they endeavor to domesticate and implement the provisions in the Protocol.

Participants were urged to seize the space to plan and agree on a way forward in order to realize the domestication and implementation of the Protocol. The gender machineries present at the meeting were cautioned not harbor the entire burden of implementing the Protocol but were challenged to devise strategies that would include other line ministries in the implementation of the same.

1.3 Remarks by Simone Outarra on behalf of Litha Musyimi-Ogana Director AUWGDD

Speaking on behalf of Madam Litha Musyimi-Ogana, Director of (African Union Women, gender and Development Directorate (AUWGDD), Ms. Outarra thanked the SOAWR coalition and Oxfam for organizing and facilitating the meeting to evaluate the progress and the challenges in the practical implementation of the rights of women in Africa. Since the adoption of the Protocol, the AU has worked with partners to ensure the popularization, domestication and implementation of the Protocol. According to reports on the implementation of the AU's Solemn Declaration on Gender Equality in Africa by member states submitted to the AU Commission, findings show that progress has been made in the area of socio-economic and political rights of women in Africa.

Out of the 23 reports received by the Commission in 2010 on the implementation of the Protocol, concerning Article 9 that deals with the **Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa**, three facts stood out:

1. Countries (e.g. Algeria, Niger and Kingdom of Swaziland) that have not ratified the Protocol are making concerted effort to ratify the Protocol, additionally, progress is being made to develop policies and legal reforms related to the Protocol;
2. Some member states that have ratified the Protocol have not domesticated it as in the case of Nigeria, and others have despite ratification still maintain reservations to certain sections as is the case of Mauritius who has reserved sections 6 (b), 6 (c), 10 (2) (d), 11 and 14 (2) (c);
3. Most of the countries that have ratified the Protocol are in the domestication phase. Bukina Faso for example is engaged in the process of simplifying and popularizing the content of the Protocol, similarly, the Government of the Republic of Congo has launched a major national sensitisation campaign among policy makers, community leaders and the public to create awareness about the implementation of the Protocol at national and local levels. The Gambia National Assembly passed a Law on Women in 2010 with a view to domesticating and implementing the Protocol and Senegal passed a landmark law on parity last year as well.

The AU has made strides in advancing gender equality and protecting women's rights through declarations and legal instruments. Some of the activities geared towards the realization of women's rights include:

- Organizing 2 meetings (in 2010 and other in March, 2011) to address the issue of promoting the effective participation of women in maintaining peace and security, including efforts aimed at reconciliation in a post-conflict context. The PSC resulted in a strong communiqué that recommended the need to involve a Panel of Elders from the AU, supported by the civil society and women's organisations who would engage in an advocacy campaign for the ratification, domestication and implementation of instruments related to the circumstances of women and children in contexts of armed conflict;
- One of the activities of the AU Commission's WGDD regarding the implementation of a woman's right to life, integrity and security, her right to peace and to protection during armed conflicts will be to finalize a training manual on gender for peacekeeping forces and in particular for the African Standby Force which will culminate in a training of trainers and of the peacekeeping forces themselves;
- AWD (2010-2020) with 10 thematic areas which will help assess if women have enjoyed all their rights by the year 2020;

- The African Woman’s Fund adopted in 2010 is the funding mechanism for member states’ projects and CSOs based on the selected theme of the year.

CSOs were urged to include men in the cause of promoting women rights with a view to achieving more effective sensitization on the ground, whereas the member states were advised to strengthen their collaboration on strategies for ratification, domestication and implementation of the Protocol with the AUC, the Special Rapporteur on Women’s Rights and CSOs. In addition, member states were asked to provide further information to the AUC in their reports on the SDGEA concerning the implementation of Article 9 of the Protocol on the Rights of Women in Africa.



1.4 Remarks by Honourable Sophia M. Simba, Minister Community Development, Gender and Children –Tanzania

Honourable Sophia Simba acknowledged the timeliness of the meeting’s objectives as she was aware that to date, 29 AU Member States had ratified the Protocol. Recognition was given to Head of States and Governments in promoting gender equality and women’s empowerment at all levels and in all sectors at the national and regional levels in accordance with International and Regional instruments.

The Africa Women’s Decade (2010-2020), will open a new era. Member States and Governments will have to put in place effective programs and policies to empower African women and allocate more resources towards

gender equality and women's empowerment. The Decade will also accelerate the implementation of the AU Member States to promote women's rights and empowerment in Africa.

Tanzania is committed to gender equality and women's empowerment. Different measures have been taken to bring about gender equality in the country. Such measures include the revision of the constitution and discriminative laws that are geared towards the promotion of women's rights. The Sexual Offences Special Provision Act of 1998 has helped in safeguarding the dignity and integrity of women and children. In addition, the Child Act of 2009 will protect the girl child from early marriage. The development of National action plan on Prevention and Eradication of Violence Against Women and Children (2001-2015) and provision of conducive environment for NGO and Civil Society Organizations fighting for women rights have been very effective in promoting women's and girl's rights in Tanzania.

Progress made has been uneven across the continent and within countries since African women face diverse range of challenges, including the feminization of poverty and greater vulnerability of women and girls to HIV/AIDS pandemic. There is a need to develop coherent and multisectoral approach, and mutual cooperation to women's empowerment to address these challenges facing women. Considering these challenges, domestication and implementation of the Protocol is vital.

1.5 Welcoming and Opening remarks by Athanus Keya, Assistant Minister for Gender, Children and Social services on behalf of Honourable Minister, Naomi Shabani

Hon Athanus Keya extended a warm welcome to the participants for convening in Nairobi to discuss and share information on the Protocol. UN Women, OXFAM International, SOAWR, AU Commission, AUCWGDD and the Office of the Special Rapporteur were thanked for convening the meeting.

One of the objectives of the meeting to identify strategies to strengthen reporting to Africa Commission on Human and Peoples' Rights in Africa is one of the ways the Protocol will be popularized and a demonstration of accountability by governments on how women's rights will be realized.

SOAWR was commended for its efforts in the region for lobbying governments towards the ratification and implementation of the Protocol. SOAWR worked tirelessly with the government to ensure that Kenya ratified the Protocol becoming the 29th country in Africa to do so. The Protocol is a critical instrument towards the realization of the MDGs and other commitments on gender equality at the national level.

The launch of the AWD (2010-2020) in Nairobi is meant to revitalize the commitments to global and regional human rights instruments on Gender Equality in Africa. The Decade goals provide the synergy and inspiration needed to strengthen and accelerate the implementation of the women's Protocol in Africa.

Although Kenya ratified the Protocol in October 2010, the government has made deliberate steps to promote gender equality and women's empowerment in areas addressed in the Protocol. In August 2010, Kenya passed a new constitution which provides room for the implementation of the Protocol as a legally binding instrument on women's rights. The constitution obligates the state to enact and implement legislation to fulfill its international obligations in respect of human rights and fundamental freedoms.

The constitution has been widely acknowledged as a progressive comprehensive and all encompassing document. It captures the government's commitment to gender equality as envisioned in international and regional instruments on human rights. The constitution addresses the historical injustices and inequities suffered by women by guaranteeing Affirmative Action programs and policies as well as legislative measures to ensure that representation in elective and appointive bodies are not more than two thirds of the same gender. The implementation of the constitution is expected to dramatically change the political arena by increasing women's representation in leadership at all levels.

A major milestone in the new constitution is the recognition of the right to quality health care services including reproductive health emergency treatment among other health benefits. Women and children are expected to be the main beneficiaries when the constitution is implemented.

The success of the civil society and government working together in order to protect and promote women rights was lauded. They are working together to further address historical injustices faced by women by prioritizing the enactment of key gender bills; Family Protection Bill, Marriage Bill, Equal Opportunity Bill, Matrimonial and Property Bill as well as the prohibition of Female Genital Mutilation Bill. These bills have been reviewed in conformity with the new constitution.

To achieve the full realization of the rights of women, the continuous monitoring and evaluation of the implementation of the constitution and the Protocol will be of paramount importance. The government of Kenya will continue to strengthen its partnership with other stakeholders to ensure the implementation of the Protocol for the realization of the rights of women. Technical capacity will be required in developing a program on the implementation of the Protocol.

2.0 Brief Introduction to the Protocol-Mary Wandia, OXFAM

This presentation provided an overview of the Protocol.

Background of the Protocol

The Protocol complements the African Charter on Human and Peoples' Rights (ACHPR) to ensure the recognition of the rights of African Women. It was formerly adopted by AU member states in 2003, and

entered into force on November 25th, 2005 (upon attaining the 15 required ratifications). To-date 29 countries have ratified the Protocol.



Main sections

Rationale-the preamble makes reference to regional and international women's rights instruments (CEDAW, UDHR, Beijing and Dakar Platforms). The Protocol is consistent with these international human rights instruments. The Protocol defines substantive steps that state parties are to take to eliminate and address discrimination against women, harmful practices, as well as ensure women the enjoyment of rights.

Rights to be upheld- it affirms the rights between men and women¹; civil and political rights²; Economic, Social and Cultural Rights³; right to development and peace⁴; Sexual and Reproductive health Rights⁵ (including access to reproductive and sexual services for women especially rural women)

Implementation (adoption and monitoring) remedies for rights violations and Amendments- The Protocol provides remedies for violations⁶; and outlines State Parties' obligations to report on implementation including legislative and other measures for implementation⁷. Interpretation of the provisions of the Protocol

¹ Article 2, 6, 19, 20 & 21 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

² Articles 4, 5, 8, 9 & 11 of the Protocol

³ Articles 11, 12, 14, 17

⁴ Articles 10 & 18

⁵ Article 14

⁶ Article 25

⁷ Article 26 of the Protocol

is assigned to the African Court on Human and Peoples' Rights which also further stipulates that none of the provisions of the Protocol will affect more favourable women's rights provisions in other instruments⁸.

The Solemn Declaration on Gender Equality in Africa (SDGEA) signed by AU Heads of State and Government in July 2004 obliges states to ratify the protocol by the end of 2004. They committed to launching campaigns for the Protocol to enter into force and committed to an era of domestication and implementation on gender equality instruments including the Protocol. The key challenge is ensuring that the Protocol becomes a tool for women's empowerment and a force for freedom for women in Africa.



2.1 The Role of the African Commission in ensuring the Implementation, Reporting and Monitoring of the Protocol –Maureen Achieng Akena, OSIE

About the African Commission on Human and Peoples' Rights

The African Commission on Human and Peoples' Rights established under Article 30 of the African Charter on Human and Peoples' Rights has the mandate for the promotion and protection of human rights on the Continent. As the Women's Protocol is an addendum to the Charter, the human rights Commission has a similar mandate regarding the Protocol as it does regarding the Charter. In addition there are specific roles

⁸ Article 27 & 28

assigned to the Commission in the Women's Protocol with regard to amendment and revision of the Charter and its interpretation (until the establishment of the Human Rights Court).

Scope of application

The Africa Commission meets its mandate using all relevant AU instruments including the Women's Protocol, and under Article 60 they are required to "draw inspiration" from international human rights law.

Promotional mandate:

Under its promotional mandate, the Commission is required to:

- collect documents
- undertake studies and researches on African problems in the field of human and peoples' rights
- organise seminars, symposia and conferences
- disseminate information, encourage national and local institutions concerned with human and peoples' rights
- give its views or make recommendations to Governments
- formulate and lay down, principles and rules aimed at solving legal problems relating to human and peoples' rights and fundamental freedoms upon which African Governments may base their legislations
- Co-operate with other African and international institutions concerned with the promotion and protection of human and peoples' rights
- Undertake promotional missions to member states for which a terms of reference will be developed based on the human rights situation in that country

Recent promotional activities:

- The 48th Session was themed "Reflecting on the Human Rights of Women in Africa"
- They hosted a meeting on Women Human Rights Defenders
- They participated in a continental conference on the role of the ACHPR in the promotion and protection of women's rights in Africa
- They participated in a meeting on the evaluation of the 10 years of the United Nations Resolution 1325 on the situation of Women in conflict situations
- They participated in the 3rd edition of the MIBEKO Forum on the Rights of Women in Africa, in Brazzaville, Congo

Interpretational mandate:

- Interpret all the provisions of the present Charter at the request of a State party, an institution of the AU or an African Organisation recognized by the AU.

Protection mandate:

Ensure the protection of human and peoples' rights through:

- receiving of communications from states alleging human rights violations by another state (inter-state communications)
- receiving communications brought by individuals, their families or NGOs against a State for violating its obligations under the Charter (individual communications) – with a focus on amicable settlements
- carrying out of protection missions to member states

The African Court on Human and Peoples' Rights plays a complementary role to the Commission. The Court was intended to provide teeth to the Commission in its protection mandate, for example most recently the Commission asked the court to issue provisional measures against the State of Libya to cease and desist from the continuing mass violation of human rights in Libya.

Broad sweeping powers of investigation

- Article 46 of the Charter provides that the Commission may resort to any appropriate method of investigation; it may hear from the [Secretary General of the AU] Chairperson of the African Union Commission or any other person capable of enlightening it.

Special Mechanisms

The ACHPR has Special Rapporteurs on:

- Prisons and Conditions of Detention
- The Rights of Women
- Freedom of Expression
- Human Rights Defenders
- Refugees, Asylum Seekers, Migrants and Internally Displaced Persons
- Summary, Arbitrary and Extra-Judicial Executions

It also has working groups and Committees on:

- Specific issues related to the work of the Commission
- Indigenous populations/communities
- Economic, social and cultural rights
- The Prevention of Torture
- The death penalty

- Extractive industries, the environment and human rights violations
- The rights of elderly people

Reporting and Monitoring under ACHPR

Rule 73: 1. Pursuant to Article 62 of the African Charter and other relevant legal instruments which supplement them, including the Protocol to the African Charter on the Rights of Women in Africa in its Article 26, States Parties shall submit reports in accordance with the guidelines of the Commission, on the measures they have taken to give effect to the provisions of the African Charter and on the progress they have made. Reports shall indicate the challenges, if any, affecting the implementation of the African Charter and its relevant protocols.

The ACHPR shall then provide concluding observations which are meant as guidelines to the State party to assist them to overcome the challenges they are experiencing in implementing the continental human rights instruments. They then have a follow up mechanism to ensure implementation of the concluding observations from the reporting.

In the case of decisions on a communication, a Rapporteur appointed for the communication is responsible for follow up actions including reporting to the AU political organs and public review of progress made in implementation of the decisions of the commission.

Implementation

The ACHPR is dependent on the political organs of the AU for implementation of its decisions, observations and the adoption of its reports. In fact, the report of the ACHPR only becomes public after it has been adopted by the Executive Council of the AU. Implementation therefore remains a challenge with political considerations overshadowing the need for protection and promotion of human rights. For example, the adoption of its report was suspended at the January 2011 summit because the EC stated that they had not verified the reports of violations against journalists with the countries cited in the report as being in violation.

2.2 Guidelines for State Reporting on the Protocol-Karen Stefiszyn, University of Pretoria

This report provided a brief overview and introduction to guidelines for State Reporting on the Protocol

Background

The Protocol entered into force in 2005, but since then not a single state party has reported according to the provisions made in the Protocol possibly due to the lack of reporting guidelines. A survey on reports submitted to the ACHPR revealed a gap in reporting on measures to implement provisions of the Protocol. Based on the identified need for guidelines on reporting on the Protocol, the Human Rights Center at the

University of Pretoria facilitated a meeting where regional experts including the Special Rapporteur on the Rights of Women in Africa convened in August 2009 to develop the guidelines. These guidelines were then adopted at the 46 session of the ACHPR in November 2009. The guidelines are now available on the Africa Union Commission website (www.achpr.org) and will be disseminated widely.

Importance of reporting

The importance and benefits of reporting were highlighted and these include:

- taking stock of legislative and other measures taken to comply with provisions of the Protocol;
- Identifying implementation gaps and areas of non-compliance, highlighting problems and obstacles to full implementation of the Protocol;
- Identifying best practices;
- Express of commitment to the promotion and women's rights through implementation of the Protocol – and through participation in an open and transparent process of accountability;
- Engage in constructive dialogue with eminent human rights experts (ACHPR) and benefit from their recommendations.

Reporting guidelines

Participants were informed that reporting was cyclical meaning that once a report is submitted it begins an ongoing process where state parties continually engage with the African Union Commission on the progress or lack thereof on the provisions of the Protocol. A State party to the African Charter and the Women's Protocol must submit its report in two parts:

- Part A - deals with the rights in the African Charter;
- Part B - deals with the rights in the Protocol.

Reporting on the Protocol is done according to 8 themes and not according to each of the provisions of the Protocol. Thematic reporting ensures that there is no repetition during the reporting. States that lack the capacity to report were advised to seek technical assistance from the African Commission to facilitate their reporting.

It was emphasized that overdue reports needed to be addressed as a matter of high priority. There is the need for political will to report and engage with the African Commission on issues of women's rights and finally a need for a paradigm shift where reporting is not perceived as an administrative burden but as an opportunity to engage and seek guidance from the commission.

Plenary discussions

Q/Comment: Participants inquired on whether there were reporting guidelines available for CSOs and what the level of engagement was for CSOs with the Commission in regards to country reports and if there was a formal space for this engagement.

A: Participants learned that there were no reporting guidelines for CSOs but were advised to use the CEDAW shadow reporting guidelines as a temporary measure. There is an engagement space for CSOs where they are encouraged to submit communications on matters relating to human rights in Africa during Commission sessions. The African commission posts on its website which country is supposed to submit a report and CSOs can submit reports for consideration of the Commission regarding a particular country's situation of human rights. During a promotional mission, CSOs can ask for a meeting with the special rapporteurs assigned to the country concerned. During the reporting itself after the state party has given its report, CSOs are able to make statements in relation to the report. The procedure is as follows: the country gives report, CSOs give statement/questions concerning the state report and then the commissioners go back and respond to all the questions. CSOs can also apply for observer status which allows them to engage in Commission sessions and processes. Another option is to go through a CSO that already has observer status to bring to the attention of the Commission a human rights issue.

3.0 Country experiences on the domestication and implementation of the Protocol

3.1 Namibia-Sophia Tunelao Peter, Directorate of Gender Equality, Ministry of Gender Equality and Child Welfare (MGECW)

Namibia ratified the Protocol in 2003 and automatically became part and parcel of Namibian law as provided in the Constitution in Article 144 which stipulates that once a treaty is signed and ratified it automatically becomes part of Namibian law. However, there are some specific instruments that do require parliament to pass into law for example the instrument on torture.

The Protocol has been simplified and translation into local languages is in progress, this will aid in the popularization and sensitization of the Protocol. Provisions of the Protocol are present in pieces of legislation such as the Marriage Act, Children Status Act and the National Gender Policy.

The National Gender Policy was enacted in 1997 but was recently revised necessitated by issues such as the worsening of the HIV/AIDS epidemic, globalization, climate change and human trafficking. The policy initially had 10 areas of focus but 2 additional areas were added including peace building and conflict resolution and gender equality in the family context.

3.2 Uganda-Sherina Tibenkana, Ministry of Justice and Constitutional Affairs

Uganda signed the Protocol in 2004 but was ratified with reservations 6 years later in July 2010. Reservations were made to Article 14 1 (a) and 2 (c) which give provisions on reproductive health rights i.e. the right to control fertility and the reproductive rights of women by authorizing medical abortion in cases of sexual

assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the fetus.

The Ugandan constitution provides that no person has the right to terminate the life of unborn child regardless of how the child was conceived. Further to this, the penal code section 141 and 142 procuring an abortion is not allowed. The right to control fertility was reserved because they believe this right belongs to both men and women.

Challenges to domestication

- weak institutional mechanisms for implementation, ministry does not have capacity to spearhead women's agenda due to minimal resources;
- Laws must be passed by parliament-there is resistance to pass gender laws-customary and religious law is given precedence. If a law challenges either of the two then it's difficult to pass;
- Lack of awareness of protocol at local levels and what it seeks to address- lack of critical mass of public support. Civil society trying, but gaps exist.

Progress

The Land Law Act has been revised to take into account women's needs and recently the President signed the Domestic Violence Bill which is aimed at addressing violence against women.

Uganda is waiting for 2 years to end to report on the Protocol to the African Commission.

3.3 Ghana-Evelyn Asiedu Aghyemfra, Ministry of Women and Children Affairs

Ghana ratified the Protocol in 2003 and reported in 2007. There has been a review of laws, procedures and policies, to ensure constituency with the Protocol's provisions. Significant progress has been made to improve the lives of women in the country, even though women are hesitant to take positions of leadership, the chief justice in Ghana is a woman and the National Peace Councilor is also a woman. There is a significant increase in the reporting of rape cases and media personnel are being trained to be gender sensitive and also publish features on women.

Challenges to domestication

- Low female representation;
- High illiteracy among women;
- Polygamy and other harmful practices.

3.4 Mozambique- Luis Carlos Abrantes, Ministry of Women Affairs and Social Welfare

The Protocol was ratified in 2005 and progress has been made to improve the lives of women in Mozambique. Articles 35 and 36 in the constitution promote gender equality. Women are present in decision making roles-39 % of the members of parliament are women, 20% assistant ministers are women and 25% of women are represented in the national assembly. Women are enrolled in adult literacy classes but the country is struggling with girls dropping out of secondary school. The government is aware of the need to domesticate the Protocol.

4.0 Findings of State capacity needs assessment in implementing the Protocol in Liberia, Nigeria and Tanzania-Mary Wandia, OXFAM

Background and study rationale

The study is part of the global OXFAM RHV (Raising Her Voice) project which is implemented in seven African countries with one Pan African component in collaboration with SOAWR members in those countries. The project seeks to strengthen ratification and implementation of the Protocol.

As per article 26, State Parties are required to ensure implementation including instituting measures for full realization of rights provisions within the Protocol. This requires capacity and states do not always have this capacity to domesticate, implement and monitor implementation of the Protocol. The Capacity Needs Assessment was to determine the gaps and identify possible initiatives to enable States deliver on their obligations.

Methodology

Country case studies were compiled in Liberia, Nigeria and Tanzania. All three countries have ratified the Protocol but face unique challenges and opportunities in implementation. An Assessment template was used to determine capacity gaps and opportunities. These were administered during country visits where in-depth interviews were conducted with government representatives and CSOs. A literature review and in-country validation meetings to share study findings were the other approaches applied.

4.1 General Findings

- I. While the three participating countries have made some steps towards domesticating and implementing CEDAW, none of them have made deliberate attempts or progress towards domesticating or implementing the Protocol;
- II. Current progress on promotion and protection of women's rights is not as a result of intentional domestication and implementation of the Protocol but as a result of earlier efforts on CEDAW;

- III. There are already laudable attempts at recognizing, protecting and promoting women's rights (as seen from the various legislation, programs and institutional mechanisms that exist) and as such, any capacity building initiative will be a stepping stone to enhance and strengthen current efforts;
- IV. Numerous opportunities for domestication and implementation of the Protocol including resident capacities(individual and institutional), policy spaces, reform processes (budget and sectoral reviews etc);
- V. Infrastructure to support domestication and implementation exists. These are: Ministries, Gender Focal Points, Gender Working Groups, Parliamentary Committees, SOAWR and other like minded NGOs. The challenge is how to use and resource these infrastructure to advance the Protocol.

4.2 Challenges

- I. Slow pace of law reform;
- II. Dual/pluralistic legal systems-the hierarchy of laws, existence of religious and customary law;
- III. Low awareness among policy makers about Protocol;
- IV. No plan in place for domestication and implementation;
- V. Heavy reliance on Gender Machinery for implementation yet machinery is weak and under resourced;
- VI. Cultural and religious resistance to change;
- VII. Limited/absence of political will-how to harness accountability and commitment of political leaders;
- VIII. Limited funding and human resource capacity especially to implement laws and policies that are passed; Thus women's rights are still violated with impunity;

4.3 Cross cutting capacity building recommendations (States)

- I. Working with the Ministries of Gender and their key allies to develop a specific strategy for domestication, implementation and monitoring of the AU Women's Rights Protocol.;
- II. Embed within the strategy, a framework for multi sectoral implementation and accountability for the Protocol;
- III. Empowering Sector point persons/Gender Focal Points to coordinate integration, analysis and reporting on the domestication and implementation of the AU Women's Rights Protocol;
- IV. Develop Communications Strategy on Protocol especially targeting key policy and decision makers;
- V. Develop training materials and conducting training sessions/series on the AU Women's Rights Protocol to key public officials on the Protocol;
- VI. Strengthening monitoring capacity of key actors.

4.4 Recommendations for CSOs

- I. Support the SOAWR members to launch an advocacy campaign for domestication and implementation of the Protocol;

- II. Assist the SOAWR partners to develop a range of IEC materials on the Protocol and implement part of the Communication strategy developed by Government;
- III. Improve monitoring capacity of CSOs;

4.5 Recommendations (AU)

- I. Schedule high-profile missions to capitals to urge domestication and implementation of the Protocol;
- II. Write open letters to governments in solidarity of specific violations against women or to celebrate breakthroughs and victories;
- III. Use UN Reforms and monitoring of MGDs through the lens of the Protocol;
- IV. Lobby AU Member States to adequately resource gender mainstreaming.

Opportunities

- I. UN Africa UNITE Campaign-Violence against women;
- II. AU Women's Decade;
- III. UN Resolution 1325 National action Plans;
- IV. AU CARMMA Campaign;
- V. CEDAW.

5.0 Africa Unite Campaign on Violence Against Women and Girls-Simone Ellis Olouch-Olunya, UN Women Southern Africa

The objectives of the Africa Unite Campaign are to raise public awareness and increase political will and resources for preventing and responding to all forms of violence against women and girls in Africa and to create a favorable and supportive environment for governments, in partnership with civil society, private sector, experts, entities of the UN System and other stakeholders to fulfill existing policy commitments.

The AU launched the campaign on January 30th, 2010 at the AU Heads of State Summit in Addis Ababa. In attendance were high level officials including Under Secretary General of the UN, Deputy Chairperson of the AU, Ministers of Foreign Affairs, Ministers of Women's Affairs, Ambassadors and members of Civil Society Organizations. The campaign has been launched nationally in several countries including Comoros, Mauritius, Seychelles, Mozambique and Zimbabwe.

Rationale of the Africa UNiTE Campaign

Africa UNiTE campaign is rooted in commitments made by African countries through ratification of various international and regional instruments:

- Solemn Declaration on Gender Equality in Africa (SDGEA);
- African Development Forum (ADF) VI Action Plan;

- The Protocol ratified by 29 countries;
- AU African Women’s Decade (2010-2020);
- UNSCRs 1325, 1820, 1888, 1889;
- CEDAW (ratified by 51 countries);
- Rome Statute on the International Criminal Court;
- Beijing Platform for Action 1995;
- Millennium Development Goals (MDGs).

Outcomes expected

1. Adoption and enforcement of national laws;
2. Adoption of multi-sectoral national plans adequately resourced;
3. Establishment of data collection and analysis systems;
4. Establishment of national and /or local campaigns;
5. Systematic efforts to address sexual violence in conflict situation and to protect women and girls from rape as a tactic of war;
6. Women’s safety and security in public spaces.

A regional consultation meeting was held, attended by 13 Southern States, Regional Economic Communities (SADC, NEPAD, and IOC), ministries of gender and justice, CSOs and UN Agencies. It was recommended that SADC and IOC should play the coordinating role while the UN would support and facilitate the process. The Africa UNiTE campaign is organizing a climb to Mount Kilimanjaro on July 18-24, 2011 to broaden and elevate the existing advocacy and action platform for the campaign.

Plenary discussions

Q/Comment: Are the mechanisms on the implementation of Protocol in harmony with the internal laws of the respective countries?

A/Comment: Ghana responded saying that there have been legislation and policies put in place that are in harmony with the Protocol. Senegal echoed the same stating that there have been several pieces of legislation that were enacted after the signing of the Protocol. These include a law on gender violence, a law against FGM and a law on gender parity in decision making.

Q/Comment: Is there a budget for gender affairs from the African Union?

A/Comment: The AU created the African Women's Fund to facilitate the implementation of the African Women's Decade (AWD). The fund constitutes of 1% of the contribution to the AU Commission made by AU member states.

Q/Comment: A participant inquired whether the study done by Oxfam on state capacity needs assessment was published and available for the public. **A:** The participants were informed that the study has been published and is available.

Q/Comment: Kenyan representative inquired as to whether governments were sharing their reports with other ministries and CSOs. Further to this question, another participant wanted to find if there were any measures in place for countries that were not reporting.

A/comment: Mozambique responded that they do share their reports with their council of ministers and with civil society organizations as well. Florence responded saying that even if countries were not reporting there have incidences in different countries where cases were decided citing the Protocol such as Zambia.

Q/comment: Representative from Mauritania lamented that there were grave women rights violations in her country including mistreatment of minors, domestic workers, torture and existence of the death penalty. She sought to find out if these issues were being addressed?

6.0 A multi-sectoral approach to delivering on women's rights: a tool for implementing CEDAW, the Protocol and the Solemn Declaration on Gender Equality in Africa-Florence Butegwa, UN Women

There is evidence of political commitment of African governments to gender equality and women's empowerment based on extensive regional and sub regional policy framework, but there is:

- Serious implementation gap;
- de linkage between women's rights and broader development goals;
- confinement of gender equality and women's rights in national machineries for women's affairs-no budgets to match; and
- national priorities do not integrate women's rights.

UN Women developed a tool to assist AU member states to fast track implementation of women's rights commitments. The framework is based on the experiences and lessons of other multi-sectoral approaches

such as the Universal Primary Education and HIV/AIDS work. Obligations under human rights instruments are binding on governments. Therefore the implementation and monitoring can not only be left to gender machineries.

Components of the model

The Multi-sectoral framework to realizing women's rights is based on the following 5 premises:

- i. Promoting women's rights and empowerment is a national priority-there is a link between Gender Equality/Women Empowerment and national development- for example if there are poverty reduction strategies then address women issues there;
- ii. Individual government departments have an obligation to contribute to attainment of women's rights- need to change the mind set and practicality that all women issues should be handled by the gender machinery-other ministries can help;
- iii. Coordination is key to successful multi-sectoral initiatives;
- iv. Technical expertise is necessary –need to be clear on the capacities required and tap on resources that have the capacity for example CSOs , universities etc;
- v. Partnerships are important for the success of multi-sectoral initiatives.

Divisions of responsibilities

It is important to disaggregate the responsibilities and identify line ministries that have the comparative advantage to make the Protocol realistic. For example what can the ministry of labour be accountable for within their mandate and at the same time enhance the Protocol.

Applying the framework to sectors

In the judiciary their role is to ensure the enjoyment of rights recognized under the Protocol and CEDAW; the Ministry of health has the responsibility to ensure women's right to health and SRHR while the police are obliged to investigate women's rights violations.

Advantages of the framework

It is easy and designed to work with minimal restructuring of government. A multi-sectoral and integrated approach to fast track promotion of women's rights in Africa. It proposes the un-packing of state obligations.

Coordination mechanism- coordination is key in multi-sectoral approaches. Need to be clear on: the coordination needs; what is to coordinated; what level and why, what composition of the coordination mechanism and sensitivity to national context.

UN Women has developed a handbook in English (to be translated into other languages as well) which will be launched in May 2010. The hand book was distributed at this meeting.

Plenary discussion on framework

Participants suggested that if any governments have used this framework they should share their experiences with others.

DRC – the gender machineries in the country are side lined but this approach would be beneficial if applied in the country as they try to mainstream gender in all their ministries.

Representative from Ghana asked if the framework considered gender officers. The roles of gender desk officers are outlined in the framework; it can be used at all levels of government.

Mauritania representative sought to find out if the framework would have an impact on the lives of women once it was implemented and she was assured that women lives would change for the better once the framework was implemented.

South Africa inquired if it was possible for the UN to make the presentations to governments. It was advised that the UN Women office in Johannesburg could be approached to provide technical assistance on how to roll out the framework in South Africa.

Group reports on: brainstorming and sharing of country experiences with multi-sectoral approaches (e.g. HIV/AIDS): issues and objectives, leadership, coordination, achievements and challenges; And Examples of multi-sectoral approaches

There exists a multi-sectoral approach with regard to tackling GBV and HIV/AIDS in some countries including, Malawi, Ghana, South Africa, Zimbabwe albeit with varying degrees of success.

Malawi: The Protocol was ratified in 2005 and widely disseminated with the help of OXFAM. The Protocol has been used to form macro-level policy (legal reform during the Domestic Act and formulation of the Deceased Bill and sectoral policy-National Gender Policy).

The Multi-sectoral approach was used in the national response to combat GBV in the country. It involved the ministry of Gender which acted as the coordinating body and partnered with other line ministries (ministries

of Justice, Home Affairs-police service, Labour), Center for Social Research at the University of Malawi, CSOs that focus on legal affairs and service provisions. UNFPA, UNICEF and CIDA provided funding. From the UNICEF funding they have a community response unit which allows people at the grassroots level to respond to issues of GBV. Law enforcement agencies were trained on issues of GBV and how to respond to them. In addition, NGOs have been instrumental in involving men in combating GBV. Country GBV meetings discuss GBV issues and these are fed into the national processes. The approach is very collaborative involving the print and electronic media as well.

Lessons learnt:

- Dissemination in official and local languages needed;
- Strong partnerships needed-NGO's, government (has machineries), CSO;
- Capitalize on comparative advantage;
- Appraisal of proposal done in multi-sectoral basis;
- Review meetings and stakeholder meetings bring togetherness among stakeholders;

Challenges

- Limited coverage by local NGO's;
- At local level, government has wider coverage but minimal resources;
- Poor supervision;
- Legal aid services not readily available and cases not concluded on time;
- Limited facilities such as reporting centers-few counselors available.

Ghana: The implementation of the domestic violence act is done through a multi-sectoral approach. The domestic violence management board acts as the coordinating body with the Ministry of Women and Children acting as the Secretariat with the Minister serving as the Chairperson of the board and the permanent secretary to the ministry as the secretary of the board. The Board is made up of mainly directors and high ranking personnel in various government institutions and ministries who are generally responsible for effecting policies and plans of action. They have also brought on board partners from civil society and media, who have been instrumental in giving of input. These efforts are consolidated into one major plan which is recognized by all the players and it translates into action.

They have a multi-donor budget support system, where donors pool monies into a fund and they identify certain key issues which they call 'triggers', which they ensure that all budgets take into account before they can access the fund. Generally, this means that they make it mandatory for organizations to take into account budgeting for GBV for example, alongside the budget for their own programs and commit to carrying out GBV related programs so as to be able to access the fund.

Lessons learned and challenges

Many governments are generally familiar with the multi-sectoral approach to finding solutions to the social thematic problems. It has generally been used with varying degrees of success and impact. This model is meant to share experiences widely and across many sectoral borders and not a re-inventing of the wheel in trying to arrive at solutions.

Lessons learned

- Need to identify lead coordinating body;
- Clear role allocation/definition-assign responsibility to lead institutions;
- Joint planning and budgeting;
- Information sharing ensures reduced duplication;
- Seek technical assistance from parties with the capacity;
- Garner support from parties who can leverage visibility-for example in Ghana the first lady was instrumental in setting up effective gender desks in all ministries in the country;
- Need for political commitment-Seychelles does not have a gender ministry; gender issues are addressed in the ministry of social affairs;
- Need for reporting for monitoring and evaluation purposes;
- Include all stakeholders-Zimbabwe introduced a levee of 3% contribution from everyone employed given to the National AIDS council; Ghana and Malawi have involved the media;

Challenges

- Lack of resources to implement the framework;
- Limited political commitment to women's rights-Seychelles does not have a gender ministry;
- Lack of awareness of the Protocol;
- Lack of coordination and political will;
- Limited resource allocation to gender issues;
- Retrogressive cultural practices hinder progress;
- In some countries sectoral plans have been designed but they lack requisite resources;
- High staff turnover has hampered efforts by affecting institutional history and it has also been very costly;
- Motivation of donors to align themselves to national development priorities;
- Limited coverage by local NGO's-In Malawi it was reported that most NGO's cover a limited area. On the other hand, the Government has a wider coverage but minimal resources to offer comprehensive services on gender issues;
- High illiteracy among women;
- Weak institutional mechanisms for implementation of gender issues. In some countries, the Ministry of Gender doesn't have enough capacity to spearhead women agenda due to limited resources. In Uganda, there is need to harmonize work being done by stakeholders in order to prevent duplication of work or overlapping mandates;
- Lack of critical mass of public support;
- Exclusion of stakeholders from policy decision making.

7.0 Accelerating the domestication and implementation of the Protocol: Some ideas for national action-Faiza Mohamed, Equality Now

After a brief presentation by Faiza, participants engaged in an interactive session that sought to find ways in which the multi-sectoral approach could be used to accelerate the implementation and domestication of the Protocol. The Multi-Sectoral Approach enables joint effort within various sectors in government to realize commitment on women's rights. UN Women and AUCGDD have developed guidelines (which can be adapted to local context) which provide practical steps on using the approach to advance women's rights.

It was recommended that at least 6 countries be selected to pilot the framework. These CSOs and government representatives from the 6 countries would benefit from training on the framework and they would in turn serve as experts to others at national level to build capacity to roll out the framework in their countries.

The presentation outlined the following objectives and outcomes:

Objectives

1. To develop a core team of regional resource persons that can offer technical support to governments in the development of national multi-sectoral strategies;
2. To develop and popularize best practice, support material and learning material that can be accessed online.

Expected Outcomes

1. Technical needs identified that can support the development of national sectoral strategies;
2. Strengthen domestication and implementation of the Protocol as well as reporting.

It was deemed necessary to find a criteria to select the first 6 countries that would pilot the framework and receive the technical assistance and secondly, the need to establish a criteria to choose the experts to be trained. Participants were asked to develop both criteria during the group sessions.

Plenary discussion

A representative from Tanzania stated the implementation process within the government is very slow. She sought to find out what challenges the governments were having while implementing the Protocol so that they could use the information while compiling their country action plans.

Ghana stated that they had re-engineered and re-structured their ministry of Gender. Plans were underway to use the multi-sectoral approach to mainstream gender in all ministries. Ghana would therefore benefit greatly from receiving technical assistance on how to implement the framework.

There was consensus from the participants that most countries represented would be interested in using the multi-sectoral approach to accelerate the implementation and domestication of the Protocol. Faiza responded that due to budgetary constraints it would not be possible to have more than 6 countries receive the training.

Clarity was sought on who was responsible for this multisectoral framework initiative. The participants learned that the initiative was between UN Women and Solidarity for African Women's Rights (SOAWR) coalition of NGOs and governments that have been working on ratification and implementation of the Protocol. Florence suggested that if any governments were interested in implementing the multi-sectoral approach, they could contact her office at UN Women- who would be able to assist in the planning process and making linkages where the expertise was needed. The support would vary depending on country specific context and needs. Participants at the meeting were urged to encourage their governments to pilot the multi-sectoral approach but it was emphasized that for it to succeed political will was critical.



Key Elements of Country Action Plans for Domestication and Implementation of the Protocol

Questions for country based group discussions:

1. What are the two-three concrete actions that national machineries for women and gender advocates can take to promote the adoption of a Multi Sectoral Approach for each country;

2. Consider the 5 components for the multi sectoral implementation framework and provide concrete actions that you need to take to apply the framework in your country;
3. What challenges do you foresee?
4. What support would you require?

Country Plans-See Annex 2

8.0 Role of CSOs in domestication and implementation of the Protocol-Faiza Mohamed, Equality Now

Presentation outlined the experiences of SOAWR- a coalition of 37 organizations in the ratification, domestication and implementation process of the Protocol. Since the Protocol was enforced, 29 countries have ratified it with only two doing so with reservations (they are working tirelessly to have these countries withdraw their reservations). SOAWR endeavors to pressurize the remaining 24 countries to ratify the Protocol. Different fora have been used to popularize the Protocol such as radio programs, print media as well as simplifying the Protocol and having it translated into local languages.

CSOs have done good work leading to the formulation, adoption, popularization and entry into force of the Protocol in a record time. They can equally play a crucial role in supporting member states to realize domestication and implementation of the Protocol.

Domestication and Implementation

- Stakeholders meeting bringing together countries that ratified the Protocol and civil society organizations (e.g. this meeting and the previous one held in Kigali);
- Introduction of a multi-sectoral framework as a tool to implement Protocol;
- Piloting with some countries that have the political will to use the multi-sectoral framework. Ground work commenced with the Gambia;
- Seizing reform opportunities;
- Reference of Protocol in legal briefs;
- Protocol manual;
- Reporting guidelines on implementation by states.

Value of Alliances

- Partnerships with AU;
- Partnership with African Union and the UN Women and governments essential to enable concerted effort at results;
- For visibility on provisions of the Protocol and ensuring that women's rights is always on the agenda of the Heads of State and Government good to know which vehicle you can ride on; which alliance to forge;
- Maintain good working relations with governments and parliamentarians (e.g. reaching out to men parliamentarians as was the case in Nigeria);

- One united voice on common agenda;
- Complementary roles and expertise;
- Tapping into various networks and relationships to our advantage.

Challenges

- Communication-language;
- Limited access to summits;
- Resources.

Lesson learned

- Numbers and unity are strengths;
- Regional representation is reflective of continent wide concern and demand;
- Diversity, experience and expertise is valuable;
- Forging alliances and partnerships is of great value and sometimes critical for success. Know when, where to secure that;
- Seizing important moments and ongoing initiatives to further the goals of the campaign.

Additional roles by CSO

- Watch dog-keep track of progress;
- Accountability;
- Technical support;
- Facilitating linkages;
- Spread good lessons.

8.1 CSO Experiences with Domestication and Implementation of the Protocol-representatives from Uganda, Ghana and Mozambique

Uganda experience-Christine Butegwa, Akina Mama Wa Africa

AMwA has been a member of SOAWR since inception and acts as its focal point in Uganda. AMwA started on the Protocol process before it joined the coalition. They found that working as the lone voice on the Protocol was unfruitful and therefore invited other CSOs in Uganda to join them, eventually forming the National Taskforce on the Protocol which was later rebranded to Women First –Uganda Coalition for African Women’s Rights.

Highlights of Ratification journey

- Challenges – limited awareness of Protocol among policy makers; resistance/opposition from religious groups; lack of coordination between relevant policy makers; limited political will;
- Change of ratification strategy – power mapping i.e. who had the power, invisible and otherwise; promoting coordination between policy makers; using strategic opportunities e.g. African Union Summit; APRM Peer Review Mechanism;

- Ratification on 22nd July 2010; Uganda was 27th country to ratify Protocol.

Domestication and Implementation of Protocol

- Review of Legal framework in line with Protocol – where are the gaps?
- Work with and support relevant line ministries in beginning process of adoption of multi-sectoral approach;
- Communication strategy and development of IEC materials to popularise Protocol e.g. TV & radio spots, posters, sms campaign, etc;
- Training of Coalition members on domestication and implementation– develop action plan.

Ghana experience-Jane Quaye, FIDA-Ghana

Ghana ratified the Protocol in 2007 and has since then had many challenges towards the domestication and implementation including:

Challenges

- Negative attitude from people regarding women issues;
- Lack of political will;
- Limited resources:
 - Limited legal aid scheme, therefore women issues end up being relegated;
 - FIDA/Ghana assists in supplementing this need;
 - FIDA's work entail-research, policy briefs, provision for the legal aid;
 - Pullout from major International donor funding as a result of the discovery of oil. This is as a result of the perception by donors that Ghana has now acquired middle-income status.
- Structural challenges:
 - Need for introduction of some laws e.g. affirmative action law, gender equality laws;
 - Women suffer second victimization from structures that address VAW, e.g. insensitive police force.

Ghana seeks to employ strategies that will accelerate the domestication and implementation process such as the successful lobbying of CSOs to campaign for women issues and further to this, women right organizations need to harmonize their efforts in tackling women issues such as VAW.

Mozambique Experience- Graca Julio, Forum Mulher

The country ratified the Protocol in 2005, according to the Constitution Mozambique incorporates ratified international instruments/treaties as part of governing law (Article 18). After ratification of the Protocol, Mozambique focused on Article 2 of the Protocol on violence against women. A major gap in this area was the lack of specific legislation to fight violence against women which resulted in the efforts to lobby for the

approval of a law that penalizes violence against women and consider it as crime- articles (3, 4 and 5) of the Protocol and article 4 of CEDAW.

CSOs secured strategic partnerships with different line ministries (Minister of Justice was quite instrumental), commissions (social affairs and legal affairs), women parliamentarians and influential people such as Graca Machel and Bishop Dinus Sengulane to ensure the passing of a law against violence against women. CSOs worked further to popularize the Protocol by simplifying and translating it into 5 local languages. They took advantage of events such as the 16 days of activism to advocate for the law and also sensitize the public on the Protocol. Additionally, the media was trained on how to report on issues that affect women. Through their hard and concerted efforts after being read 4 times, the law was approved in 2009. Lack of political will has been a great challenge in trying to pass laws that advocate for the rights of women in Mozambique but the CSOs work tirelessly to ensure that women rights are promoted and protected.

Plenary discussion

Q/Comment: To what extent have CSOs utilized opportunities such as the African Women's Decade (AWD) to campaign for ratification or domestication and Implementation of the Protocol? **A:** Mozambique stated that they launched the Decade last year and is using it to domesticate the Protocol

Q/Comment: A participant wanted to find out if CSOs in Ghana had considered asking the government for money since donor organizations were pulling out due to the discovery of oil (which is assumed that it will translated into increased revenue for Ghanaians). **A:** It was reported that in Ghana, the Government does not give any funds to CSOs. The CSOs are cautious and skeptical in seeking funding from government for it can lead to compromise or gagging of their work by government. Participant from Mauritania echoed the same sentiment.

Q/Comment: Are CSOs utilizing the media to promote the Protocol? **A:** AMwA reported that they are working with the media. They have prioritized ICTs and the media as a strategy to sensitize and reach out to a wider audience on the Protocol.

Q/Comment: Faiza Mohamed, Equality now, informed the participants that power is not only at the top, but also within the people at the local level. Therefore, there is need to be alert in identification of opportunities and following up on them.

Q/Comment: From Seychelles, there is need to establish a mechanism among the participants of the stakeholders meeting in order to collaborate with the aim of ensuring that the Protocol is domesticated and implemented

Q/Comment: Florence was curious to find out the government's experience working with CSOs in their respective countries. *From Government Representatives from Ghana and Uganda:* The pressure from CSOs has contributed to the drafting of certain documents/legislation/action plans. However, there seems to be a disregard by CSO of government policies, regulations and procedures. This is the same case for Uganda where CSO tends to ignore government procedures and timelines. The government representatives recommended to the CSOs to seek to understand government procedures, regulars and work plans.

In *DRC*: the government is working with CSOs in developing action plans and policies. There are joint activities with the CSO on the process of revising legal documents that need to reflect the ratified instruments such as the Protocol. A lot of negotiations happen between CSOs and government regarding certain issues such as the wording of legal documents. In *Tanzania* there is partnership between CSO and government, e.g. review of marriage act, preparation of reports such as CEDAW.

In *Kenya* government and CSOs are partnering very well. CSOs have been able to identify strategic partners within Government to act as entry points for the implementation of instruments:

- Reviewing of existing legal frameworks has been done in collaboration with CSOs, e.g. the marriage bill, family protection bill;
- The Protocol would not have been ratified if it were not for the excellent working partnership between Government and CSOs.

And in Senegal, the CSOs in Senegal initiated partnership with government and created the pressure that led to ratification of the Protocol. Overall the CSOs and government have a great working relationship

9.0 Finalization of conference communiqué and agreed strategies

The meeting adopted the communiqué after making and agreeing on amendments. See Communiqué in Annex 1

10.0 Closing remarks

Mary Wandia, Oxfam on behalf of the co-hosting organizations, thanked the participants for their active involvement and valuable inputs during the course of the meeting. The participants were challenged to translate commitments in the Protocol into practice. Participants were encouraged to adopt the multi-

sectoral approach which would facilitate the acceleration of the implementation and domestication of the Protocol.

11.0 Annexes

1. Conference communiqué
2. Country proposals for actions to promote Multi-sectoral Approach to implementing women's rights
3. List of participants and contacts
4. Conference program

ANNEXES

Annex 1: Communiqué

2ND Stakeholders Meeting on Domestication and Implementation of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

April 5-7, 2011, Nairobi, Kenya

COMMUNIQUE

We, the participants at the 2nd Stakeholders meeting on the Domestication and Implementation of the African Union Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, held on April 5th - 7th, 2011 in Nairobi, Kenya, organized by the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), Oxfam International and Solidarity for African Women Rights (SOAWR) Coalition in partnership with the African Union Commission and the Special Rapporteur on the Rights of Women in Africa;

Having come together in the spirit of partnership as representatives of governments, civil society organizations and academia from 16 countries that have ratified the Protocol, namely: Angola, Democratic Republic of Congo, Ghana, Kenya, Lesotho, Malawi, Mauritania, Mozambique, Namibia, Senegal, Seychelles, South Africa, Tanzania, Uganda, Zambia and Zimbabwe;

Reaffirming that international and regional commitments on the promotion of women's rights and gender equality are central to peace, security, good governance and sustainable development in Africa;

Appreciating the ratification of the Protocol by states parties represented, and the commendable measures and actions at the national and local levels that contribute to its implementation including amongst others: the inclusion of the principle of equality in national constitutions, the setting up of national machineries for the advancement of women, adoption of gender policies and national action plans, law and policy reforms; and putting in place affirmative action policies to support women's participation in decision-making;

While appreciating the progress made, further measures are required to ensure that women and girls fully enjoy their rights and that their situation and position is fundamentally transformed in all spheres of life;

Noting that states parties, including those represented at this meeting have the legal obligation to domesticate and implement the Protocol;

Further recognising that the key to fast-tracking the various commitments on women's rights as stipulated in the Protocol and other international human rights legislation is to ensure that women's rights are integrated in the national development plans including poverty reduction strategies, national legal frameworks and providing adequate financial and human resources within the development of national and sectoral plans and budgets.

We therefore recommend as follows:

Recommendations to State Parties:

1. Adopt a multi-sectoral approach to expedite domestication and implementation of the Protocol, ensuring effective cooperation and coordination between relevant line ministries;
2. Accelerate the popularization of the Protocol including through development and dissemination of a simplified version of the Protocol to women and all other stakeholders, ensuring availability in local languages, and seizing opportunities such as the Africa UNiTE campaign on Violence Against Women and the African Women's Decade (2010-2020);
3. Include reporting on the Protocol when reporting on the African Charter on Human and People's Rights, utilize the reporting guidelines on the Protocol available on the African Commission on Human and Peoples' Rights website (www.achpr.org) and seek technical assistance from the African Union or other relevant partners to ensure reporting requirements on the Protocol are met;
4. Ensure the process of reporting on the Protocol is collaborative, participatory and consultative with civil society organizations and other relevant stakeholders, drawing on the content of relevant progress reports on implementation of Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), Beijing Platform For Action (BPFA), and the Solemn Declaration on Gender Equality in Africa (SDGEA), to avoid duplication of efforts.

Recommendations to the African Commission on Human and Peoples' Rights:

1. Strengthen technical expertise to states parties towards the implementation of and reporting on the Protocol, including by:
 - a. Providing training to state parties on request;
 - b. Undertaking a Country Missions to state parties in line with the reporting requirements;
 - c. Disseminating reporting guidelines on the Protocol to all member states.
2. Include and strengthen on its promotional agenda, dialogue with senior government officials in different sector ministries, given the multi-sectoral nature of state obligations under the Protocol.

Recommendations to Civil Society Organisations:

1. Apply for observer status to the African Commission on Human and People's Rights in order to engage with the reporting process on the Protocol;
2. Collaborate with states parties to fulfill reporting requirements on the Protocol, to ensure that states produce a representative report to the African Charter of Human and People's Rights (ACHPR) and produce shadow reports to complement State reports where necessary;
3. Play an active role in implementing the multi-sectoral approach with state parties, AU Commission and development partners to operationalize, monitor and evaluate the implementation of the Protocol.

Recommendations to United Nations and Development Partners:

1. Expand technical expertise and other support offered to state parties on implementation of the Protocol, including capacity building on the multi-sectoral approach;

2. Facilitate linkages, learning and sharing of best practices, with both states parties and civil society organizations, on domestication and implementation of the Protocol.

Done in Nairobi, Kenya on 7th April, 2011.

Annex 2: Country Proposals for Actions to Promote Multi-Sectoral Approach

Action Plan: DRC, Mauritania, Seychelles, Senegal

STRATEGIC OBJECTIVES	INDICATORS	ACTIVITIES	RELEVANT ACTORS	COUNTRY	PERIODS				
					1	2	3	4	5
Ensuring compliance with sub-regional and international commitments made by our government.	Number of instruments ratified	Conducting a study on the reference situation	Institutional / Government	Mauritania Senegal DRC Seychelles					
	Number of laws harmonised	Popularising the results	Academia						
	Number of measures to implement the laws	Mobilising the necessary technical assistance	Media Professionals						
	Number of leaders equipped	Identifying influential persons	Local communities						
	Number of persons reached	Training the leaders identified	Civil Society						
	Number of institutions that are members of the Committee	Conducting an advocacy and information Campaign at all levels	Private Sector						
	Number of sectors	Designing communication aids on the instruments	OCB						
	Number of reports prepared	Establishment of an operational multi-sectoral coordination structure	Political Leaders						
			Opinion Leaders						

Harmonising legal instruments with national laws ;	Number of persons reached Number of national laws revised	Information and sensitisation Campaigns Translating national laws into national languages Designing communication materials Developing a communication plan with communities from the grassroots	Opinion Leaders Political Leaders Institutional leaders CSOs Local communities	Mauritania DRC Senegal					
STRATEGIC OBJECTIVES	INDICATORS	ACTIVITIES	RELEVANT ACTORS	COUNTRY	PERIOD				
					11	12	13	14	15
Developing strategies for involving women in the entire process of implementation of poverty reduction projects and programmes	Number of formal organisations in existence X% of women effectively involved in the entire process	Better organisation of women in modes of expression Strengthening of their capacities Broad media campaign on the actions	Government Parliamentarians Civil Society Women's organisations	Seychelles DRC Senegal Mauritania					
Promoting the function of the Civil Society so that it can play its role of warning and watching	X Workshop reports	02 Workshops for sharing about issues related to the collaboration between the Civil Society and the State around the Protocol	Parliament le government CSOs	Seychelles DRC Mauritania Senegal					

Strengthening the technical ; financial and political capacities of the stakeholders	X training reports X people trained Number of competent persons Rate of disbursement	04 Training seminars and workshops Funding of stakeholders		Senegal Mauritania DRC Seychelles					
MID-TERM EVALUATION				Mechanisms in charge of gender in the countries concerned, CSOs, AU, UN Women					
Promotion of public-private partnership	Number of consultations Number of member companies	Setting up of private-public sector consultative mechanisms Workshop designed to update the skills of private and public sector actors on the domestication process. Drafting of the letter for members going on missions		DRC Senegal Mauritania Seychelles					
Development of a South-South partnership	Number of trips Number of institutions	Educational and exchange trips Number of exchange workshops and experiences	Government Parliament, OSCs Women's Organisations	DRC Senegal Mauritania Seychelles					

Action Plan: Ghana, Zambia, Namibia, Lesotho, Kenya, Malawi, Zimbabwe, Seychelles, and Uganda

	DOMESTICATION AND IMPLEMENTATION OF THE PROTOCOL								
Strategic Objectives	Indicators	Strategies	Activities	Country	2011	2012	2013	2014	2015
Promote women's rights and empowerment as a national priority	<ul style="list-style-type: none"> - Number of laws enacted and implemented - Number of policies reviewed to reflect the Protocol - Engendered national development plan 	<ul style="list-style-type: none"> - Lobby and advocate to politicians, policy makers, technocrats etc on the objectives of the Protocol - Review of legislation and gender policies to be in line with the Protocol - popularize the Protocol at all levels 	<ul style="list-style-type: none"> -Development of a concept note and share it with parliamentary committees. (women caucus parliamentarians.) -hold dialogue sessions with all key stakeholders. (decision makers at district/regions/counties) -Commission research/studies - Conduct consultative meetings with all stakeholders to present the draft policy/bill -draft a cabinet memorandum for presentation for cabinet approval -Conduct awareness raising campaigns about the Protocol 	Ghana, Zambia, Namibia, Lesotho, Kenya, Malawi, Zimbabwe, Seychelles, Uganda					

<p>Coordinate partnerships for domestication and implementation of the Protocol</p>	<ul style="list-style-type: none"> - Number of partners engaged in implementation of the Protocol - Number of MOUs signed with partners - Number of sector policies engendered and being implemented - Monitoring and Evaluation system in place 	<ul style="list-style-type: none"> - lobby partners/ stakeholders to champion the protocol - Strengthen existing sector policies and institutions for implementation of policies and enforcing institutional mechanisms - Develop of an M&E system that 	<ul style="list-style-type: none"> -Train the media personnel on the gender concepts and provisions of the protocol. -Development of IEC material -Simplify and translate the protocol in major local language. - map out and identify problems/gender issues and partners with comparative advantage Organize training/capacity building for key partners identified Offer technical assistance to partners in key sectors identified Develop Resource mobilization strategies 	<p>Ghana, Zambia, Namibia, Lesotho, Kenya, Malawi, Zimbabwe, Seychelles, Uganda</p>					
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		is tied to the funding source (which helps in ensuring that funding goes to gender sensitive plans)	<p>-establish National and thematic technical working groups/ committees.</p> <p>Hold national bi-annual, and quarterly thematic technical committee planning and review meetings</p> <p>-Conduct a baseline survey for sector indicators to feed into M & E mechanism</p>						
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Action Plan: Kenya, Tanzania, South Africa, Malawi

Strategic Objective	Indicators	Activities	Country Lead	2011	2012	2013	2014
Develop a costed national plan of action on multi sectoral approach	A national costed action plan (multi years) drafted	Popularise the multi sectoral approach & tool among Gov & CSOs		x	x		
	Plan adopted and available	Convene a series of stakeholder meetings to sensitise on the multi sectoral approach & tool					
		Develop a baseline on existing GEWE initiatives & expenditure in each ministry					
To secure political will to implement the multi sectoral approach & tool	no of positive references to the approach by President and other high-level officials	Identify drivers of change within government at management level					
	Integration of articles of Protocol in existing policies & sector plans	Audit of policies to highlight existing GEWE commitments/ gaps					
	State reporting on Protocol to African Commission						
	Law reform/repeal						
Coordinated approach to multi sectoral implementation	Multi sectoral composition of the Committee	Establish a national committee who will drive the process		x	x	x	x
		Review other multi sectoral approaches such as HIV and AIDS					
		Establishment of key partnerships					
Technical knowledge on the multi sectoral implementation amongst Govs and CSOs		Identify existing expertise and gaps	x	x	x	x	x
		Request TA					
	no of skilled trainers on the tool no of requests received	Build a pool of technical experts at national/regional levels					
		Conduct ToTs					
Engender national budget	Provision/ % increase allocations in annual national budget to line ministries	CSO to advocate for allocations through the Public Sector Hearings					
		Application of GRB					

<p>Improve coordination and integration mechanisms among different partners</p>	<p>An established multi sectoral protocol clear and effective for the functioning of the working team</p>	<ul style="list-style-type: none"> - Coordination meetings - Develop protocols with multi sectoral approach to be adopted by the actors (<i>MMAS,MIJUS,MEC,MIN T,MISAU, MINARSE, INAC E CSOS</i>) -Hold meetings with other agencies within and outside the country to exchange experience -Disseminate the Protocol to the Ministries and Key institutions 	<p>Mozambique /ANGOLA</p>					
<p>Enable citizens to enjoy their rights of the law against domestic violence</p>	<p>No. of cases tried under the law No. of accusations made</p>	<ul style="list-style-type: none"> - Dissemination of the laws and instruments of protection of women's rights - Training of Public Prosecutors, Judiciary and Legal assistants 	<p>Mozambique and Angola</p>					

		<p>- Production of information, communication and education material in a simplified language and translated into local languages.</p> <p>Advocate for the creation of shelter homes for the victims</p> <p>Create awareness to the community and religious leaders</p>						
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Annex 3: List of Participants

GOVERNMENT REPRESENTATIVES			
NAMES	DESIGNATION	ORGANIZATION	CONTACTS/EMAIL
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Annex 4: Conference Program



SOLIDARITY FOR
AFRICAN WOMEN'S RIGHTS
A force for freedom



MOUVEMENT DE SOLIDARITÉ
POUR LES DROITS
DES FEMMES AFRICAINES
Une force pour la liberté



Proposed Programme

2nd Stakeholders Meeting on Domestication and Implementation of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

Date: 5-7 April 2011

Nairobi, Kenya

Day 1	Sessions
9:00- 9: 45	<p>Opening Ceremony</p> <p>Faiza Mohamed (Equality Now/SOAWR Secretariat)</p> <p>Oxfam</p>

	<p>UN Women-Representative to the AU and UNECA, Florence Butegwa</p> <p>Development Partners</p> <p>Mrs Litha Musyimi-Ogana (Director, AU Women, Gender and Development Directorate),</p> <p>Government of Kenya, Minister for Gender, Children and Social Development</p> <p>GUESTS LEAVE</p>
10:00- 11:30	<p>Session 1: Chair: Government of Kenya</p> <p>Introducing the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa. <i>Mary Wandia, Gender Justice Lead, Oxfam</i></p> <p>The role of the African Commission in Ensuring the Implementation, Reporting and Monitoring of the Protocol on the Rights of Women in Africa, Special Rapporteur on the Rights of Women (ACHPR)</p> <p>Guidelines for State Reporting on the Protocol on Women’s Rights in Africa under the African Charter: A brief overview/introduction – <i>Karen Stefiszyn, Program Manager, Gender Unit, Centre for Human Rights, University of Pretoria</i></p> <p>Plenary Discussions</p>

COFFEE BREAK	
12.00-13:30	<p>Session 2: Chair: Government of South Africa</p> <p>Experiences of Governments on progress towards domestication and implementation of the Protocol including lessons and any challenges faced - Representatives from 3 Governments</p> <ul style="list-style-type: none"> • Experiences (Namibia, Ghana, Uganda) • Oxfam study findings: Experiences of Liberia, Nigeria, Tanzania-<i>Mary Wandia, Gender Justice Lead OXFAM</i> • Africa UNiTE Campaign on Violence against Women and Girls- <i>S Ellis Olouch-Olunya, UN Women</i> <p>Plenary Discussions and sharing of experiences</p>
LUNCH	
14:45- 16:30	<p>Session 3: Chair: Government of Senegal</p> <p>Presentation on Tools for the Domestication and Implementation of the Protocol including the Model Framework for a Multi-Sectoral Approach- <i>Florence Butegwa, UN Women</i></p>

	Plenary Discussions
COFFEE BREAK	
16:45-18:00	<p>Session 4: Small Groups (3)</p> <p>Brainstorming and Sharing of Country Experiences with Multi-Sectoral Approaches (e.g. HIV and AIDS): issues and objectives, leadership, coordination, achievements and challenges</p>
CLOSING OF DAY 1	
Day 2	
9:00-10:30	<p>Session 1: Chair: Government of Mauritania</p> <p>Group reports</p> <p>Plenary Discussions</p>
COFFEE BREAK	
11:00-13:00	<p>Session 2: Chair: Government of Lesotho</p> <p>Accelerating the Domestication and Implementation of the Protocol: Some</p>

	<p>ideas for National Action</p> <p>General Discussions</p> <p>Small groups: Key Elements of Country Action Plans for Domestication and Implementation of the Protocol</p>
LUNCH	
14:15-15:15	<p>Group work continues</p> <p>Session 3: Chair: Government of Angola</p>
15:15-17.15	<p>Feedback from groups</p> <p>General Discussions</p>
COFFEE BREAK and CLOSING OF DAY 2	
Day 3	Sessions

<p>9:00-10:30</p>	<p><i>Session 1: Chair: Government of Mozambique</i></p> <p>The Role of Civil Society in the Domestication and Implementation of the Protocol – <i>Faiza Mohamed, Equality Now</i></p> <p>CSO Experiences with Domestication and Implementation of the Protocol – Representatives from 3 CSOs (East, Southern and West Africa)</p> <p>Plenary Discussions</p>
<p style="text-align: center;">COFFEE BREAK</p>	
<p>11: 00-12:00</p>	<p>Session 2: Lead facilitator</p> <p>Rolling out the Action Plans: Anticipated Challenges and Strategic responses</p>

12:00-13:00	<p>Session 4: Chair: Government of Tanzania</p> <p>Revisiting the Action Plans (group work)</p> <p>Feed Back and General Discussions</p> <p>Drafting of report</p>
LUNCH	
16: 00-17:00	Adoption of report
CLOSURE OF THE MEETING	
19:00	Cocktail/Reception