VIOLENCE AGAINST WOMEN IN AFRICA: A SITUATIONAL ANALYSIS
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Background

Violence against women is perhaps the most widespread and socially tolerated of human rights violations, cutting across borders, race, class, ethnicity and religion. The impact of gender-based violence (GBV) is devastating. The individual women who are victims of such violence often experience life-long emotional distress, mental health problems and poor reproductive health, as well as being at higher risk of acquiring HIV and intensive long-term users of health services. In addition, the cost to women, their children, families and communities is a significant obstacle to reducing poverty, achieving gender equality and ensuring a peaceful transition for post-conflict societies. This, in conjunction with the mental and physical health implications of gender-based violence, impacts on a state or region’s ability to develop and construct a stable, productive society, or reconstruct a country in the wake of conflict.

Gender-based violence in Africa, as elsewhere in the world, is a complex issue that has as its root the structural inequalities between men and women that result in the persistence of power differentials between the sexes. Women’s subordinate status to men in many societies, coupled with a general acceptance of interpersonal violence as a means of resolving conflict, renders women disproportionately vulnerable to violence from all levels of society: individual men, within the family and community, and by the state. In 1993, the UN Declaration on the Elimination of Violence against Women offered the first official definition of gender-based violence:

Article 1: Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or in private life.

Article 2 of the Declaration states that the definition should encompass, but not be limited to, acts of physical, sexual, and psychological violence in the family, community, or perpetrated or condoned by the State, wherever it occurs. These acts include: spousal battery; sexual abuse, including of female children; dowry-related violence; rape, including marital rape; female genital mutilation/cutting and other traditional practices harmful to women; non-spousal violence; sexual violence related to exploitation; sexual harassment and intimidation at work, in school and elsewhere; trafficking in women; and forced prostitution.

The 1995 Beijing Platform for Action expanded on this definition, specifying that gender-based violence includes violations of the rights of women in situations of armed conflict, such as: systematic rape, sexual slavery and forced pregnancy, forced sterilisation, forced abortion, coerced or forced use of contraceptives, prenatal sex selection and female infanticide. It further recognised the particular vulnerabilities of women belonging to minorities: the elderly and the displaced; indigenous, refugee and migrant communities; women living in impoverished rural or remote areas; and women in detention.¹

Although violence against women has begun to receive more attention globally over the last two decades, the scourge of violence against women in Africa particularly is still largely hidden. This is so for a number of reasons: the predominance of the system of patriarchy across Africa has meant that women are still perceived of and treated as subordinate to men; violence against women is accepted as the cultural norm in many societies and is often condoned by community and sometimes state leaders; the stigma attached to female victims of violence has resulted in very low rates of reporting; and often if women do report violence against them, they are either turned away because the authorities see

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violence against women as a matter to be dealt with privately or within the family, or they struggle to access justice in a criminal justice system that is not informed by or sensitive to the needs of women. These factors result in a dearth of information and data about violence against women across Africa, and this affects the ability of policy makers to: guide legislative and policy reforms; ensure adequate provision of targeted and effective services; monitor trends and progress in addressing and eliminating violence against women; and assess the impact of measures taken. It is imperative that accurate and comprehensive data are gathered on violence against women in order both to increase societal awareness around the issue and to ensure that nation states are acting to eradicate violence against women and can be held accountable for their progress or lack of it.

**The prevention and reduction of gender-based violence requires strong global, continental and national commitments and instruments together with effective leadership to build the resources and capacity of service providers and the community at the local level. The national commitment to eliminate violence against women and girls can be realized when all members of the society including the government, community based organizations, family members and individuals take leadership and accept responsibility to work together to create a society that does not condone violence and works publicly and directly to prevent and respond to violence.**

One of the major obstacles to the prevention, reduction and eradication of gender-based violence is that it remains largely invisible and its victims largely silent, due both to a wide socio-cultural acceptance of this form of violence as well as the stigma attached to the victims of gender-based violence. As such, gender-based violence is difficult to quantify, meaning that there is no reliable way to measure the extent of the problem or the progress made in preventing and reducing the problem. In this regard, governments, NGOs, civil society and individuals need indicators that can assist them to measure the scope, prevalence, causes and consequences of the problem as well as the efforts undertaken to eradicate GBV. In addition establishing mechanisms to gather data and information on the above-indicated issues using developed indicators is crucial. However, availability of specific and contextual indicators and methodologies at continental as well as national levels are extremely limited in Africa.

The report of an Expert Group Meeting held on indicators for measuring violence against women in October 2007 reiterates that:

*Widespread and consistent use of an agreed indicator, or set of indicators, would be an incentive for States to collect data on violence against women and monitor the extent of such violence in a more systematic way. Such efforts would contribute to strengthening the knowledge base on violence against women. Availability of knowledge about violence against women would result in better informed legislative and policy reforms and strategy development to address and eliminate violence against women.*

The African Centre for Gender and Social Development (ACGS) of United Nations Economic Commission for Africa (UNECA) is charged with providing the necessary technical support to member countries on the African continent to achieve gender equality. As such, ACGS/UNECA has committed itself to narrow the gaps in preventing and eradicating GBV by establishing a standard set of indicators specific to African countries, and to develop/establish data collection methodologies which can be used by member countries, civil society and other development stakeholders which are engaged with similar

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3 Ibid, p. 3.
endeavours. Moreover, ACGS/UNECA is committed to encouraging national governments across Africa to institutionalise the developed GBV indicators into their national systems.

The following section gives a brief overview of the situation regarding violence against women for each country in Africa. For each country, the following information is given: a situation analysis of gender-based violence in that country, the gender machinery available in the country, the legislative framework in the county and the methodological approaches used by the country to collect data on violence against women.

**Methodology**

This situation analysis was conducted by way of desk-top research. The first draft document was circulated to UNECA member states for their comment and input. All comments, revisions and additions were incorporated into the final report. Furthermore, information on the prevalence and extent of violence against women, as well as on the responses of 13 governments in the Southern African Development Community region, shared during a UNIFEM consultation on 12 and 13 May, 2010, have been incorporated in this report.

The information contained in this report is therefore limited to what is publicly available and the input made by member states.

**Common Abbreviations**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>ACHPR</td>
<td>African Charter on Human and People’s Rights</td>
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<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination against Women</td>
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<td>FGM</td>
<td>Female genital mutilation</td>
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<td>GBV</td>
<td>gender-based violence</td>
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<td>HDI</td>
<td>Human Development Index</td>
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<td>HPI</td>
<td>Human Poverty Index</td>
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<td>IPV</td>
<td>Intimate partner violence</td>
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<tr>
<td>NGO</td>
<td>Non-governmental organisation</td>
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<tr>
<td>OP CEDAW</td>
<td>Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women</td>
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<tr>
<td>PACHPRRWA</td>
<td>Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa</td>
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<tr>
<td>Palermo Protocol</td>
<td>Protocol to Prevent Suppress and Punish Trafficking in Persons, Especially Women and Children</td>
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<tr>
<td>SADCDGD</td>
<td>Southern African Declaration on Gender and Development</td>
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<td>VAW</td>
<td>Violence against women</td>
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ALGERIA

Country overview

The People’s Democratic Republic of Algeria is a country located in North Africa. It is the largest country on the Mediterranean Sea and the second largest on the African continent with a total surface area of 2,381,741km², and a population of 34,895,500 of which 17,279,700 are women and 17,615,800 are men. Islam is the predominant religion of Algeria, followed by more than 97 percent of the country’s population. Algeria obtained independence from France in 1962 through the National Liberation Front who fought a guerrilla campaign against French president Charles de Gaulle. A plebiscite was held where a landslide vote called for independence.

Algeria is a member of the Arab League, the United Nations, the African Union and the Organisation of the Petrol Exporting Countries (OPEC). Moreover, it is a founding member of the Arab Maghreb Union composed of the three Maghreb countries (Algeria, Morocco and Tunisia), which share a common history, language and civilization. The traditional Islamic religious law known as Shari’a is prevalent throughout the Maghreb region (approximately 98 percent of the region follows Shari’a law). This legal framework regulates all areas of life with its legal system fiqh being the only law applicable to family law. Fiqh is made up of the principles of Muslim jurisprudence, which finds its sources in the Quran and the Sunnah.

To get a better understanding of Algeria’s development by world standards, one can look at the Human Development Index. The 2007/2008 Human Development Report ranked Algeria 104 out of 177 countries. The Human Poverty Index measures income deprivation by looking at factors associated with human development, such as life expectancy, literacy and the standard of living. Algeria is ranked 51 out of 108 developing countries with a HPI of 21.5 percent. Furthermore, the Gender-related Development Index uses the same indicators as the HDI to explore the disparities between men and women. Algeria was ranked 94 out of 156 for its gender disparities and has no ranking for the Gender-empowerment measure, which measures the degree of economic and political participation of women in the country.

Situation analysis of violence against women

A historical period of human rights violations against Algerian women occurred during the Black Decade of Violence of the 1990s, whereby Islamist insurgents systematically raped and sexually enslaved Algerian women. Algeria adopted a National Charter on Peace and Reconciliation which foresees penal and civil amnesty for crimes committed during the decade of violence. But all persons implicated for rape, collective massacres and bombings in public places - serious crimes that affected women - are exempt from amnesty.

Traditional societal practices are based on the basic patriarchal family structure and the traditional Islamic Shari’a law: as such, some aspects discriminate against women. Polygamy is accepted and women remain at the mercy of their husbands. Women suffer from discrimination in inheritance

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4 Available at: http://unstats.un.org/unsd/demographic/products/indwm/tab1a.htm
5 Collectif Maghreb 95 Egalite One Hundred Steps, One Hundred Provisions. Available at: www.wluml.org/english/pubs/rtf/misc/100-steps.rtf
6 Ibid.
8 Ibid.
10 Ibid.
claims. In accordance with Shari’a law, women are entitled to a smaller portion of an estate than male children or a deceased husband’s brothers. Such a distinction is justified because other provisions require that the husband’s income and assets be used to support the family, while the wife’s remain, in principle, her own. However, in practice, women do not always have exclusive control over the assets that they bring to a marriage or that they earn themselves. Married women under 18 years of age may not travel abroad without the permission of their husbands. Married women may take out business loans and use their own financial resources. In a positive step, in urban areas there has been social encouragement for women to pursue a higher education or a career. Girls have a higher high school graduation rate than boys. According to the National Centre of Trade Records, 9,500 women had their own businesses in 2006.¹² According to a World Economic Forum report, the women’s unemployment rate was 17.5 percent in 2008.¹³

Physical violence against women occurs in numerous forms and women receive little protection in their private or professional lives. A 2006 survey showed that women experienced violence mostly at home, with 1 in 10 women reporting ‘often’ or ‘daily’ beatings, and locking in or ejection from the family home. The reporting of incidents of physical violence has improved, however, with police indicating that some 7,400 women filed domestic violence claims in 2005, which was 1,555 more than the year before.¹⁴

Female virginity before marriage and fidelity are considered essential in maintaining family honour, and women who are believed to have dishonoured their family are severely punished. Conjugal violence and spousal rape are not considered crimes nor do they constitute grounds for divorce. Spousal abuse is common but there has been no comprehensive research to support this.¹⁵ The 2006 survey showed that 10.9 percent of women with husbands or cohabiting partners had been forced to have sex, but there is strong societal pressure against women reporting rape (especially if it occurs within the family context).

**Gender machinery (governmental and community-based)**

The Delegate Ministry for the Family and the Status of Women oversaw the government’s amendment of the Family Code to become more favourable to women. In 2003, the government conducted a survey on the issue of violence against women, in response to pressure from women’s associations.

Support services for women victims of violence remain very rare and are not generally outlined in the context of public policy and/or strategy. The government did establish a national intersectoral programme to address the needs of those traumatised by terrorist violence.¹⁶ This programme provides compensation for the beneficiaries of victims who have died, for persons who have suffered injuries, and for victims of terrorist violence. However, Algeria does have women’s NGOs which have set up shelters as well as legal and psychological counselling centres. NGOs include SOS Femmes en Detresse, the Wassila Network, and Bent Fatma N’Soumer.

SOS Femmes en Detresse and the Wassila Network provide judicial and psychological counselling to abused women. Women’s rights groups experience difficulty in drawing attention to spousal abuse as an important social problem, largely due to societal attitudes. Several rape crisis centres run by women’s groups operate, but with very few resources. The Working Women section of the General

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¹² Ibid.
¹³ Ibid.
¹⁵ AFROL Country Profile Algeria. Available at: http://afrol.com/Categories/Women/profiles/algeria_women.htm
Union of Algerian Workers (UGTA) has established a counselling centre with a toll-free number for women suffering from sexual harassment in the workplace.\textsuperscript{17}

\section*{Legislation and policies}

\subsection*{Constitution}

The constitution prohibits discrimination on the basis of birth, race, sex, belief, or any other social or personal condition. However, some aspects of the law and many traditional social practices discriminate against women. The Family Code is based in large part on Shari’ a law, and prohibits Muslim women from marrying non-Muslims, although this regulation is not always enforced. A woman may marry a foreigner and transmit citizenship and nationality in her own right to both her children and spouse. Muslim men may marry non-Muslim women. Under both Shari’ a and civil law, children born to a Muslim father are Muslim, regardless of the mother's religion.\textsuperscript{18}

\subsection*{International instruments}

- CEDAW (ratified 1996)
- ACHPR (signed 1986, ratified 1987)
- PACHPRRWA (signed 2003)

\subsection*{Domestic legislation}

In the Maghreb today, the question of equality between women and men in all areas is linked to the fundamental issue of secularising family law, which currently depends on traditional Muslim law.

The Family Code of 1984 (based on Shari’ a law) treats women as minors under legal guardianship of their husband or another male relative. It states quite clearly that men and women are not equal within marriage as 'the duty of the wife is to obey her husband’. The Family Code affirms the Islamic practice of allowing a man to marry up to four wives. In practice, however, this occurs in 1 to 2 percent of marriages, and polygamy is restricted.\textsuperscript{19} A modification to the Family Code in 2005 stated the consensual nature of marriage, explicitly banning forced marriage.\textsuperscript{20}

The labour legislation passed in 1990 bans sexual discrimination. In November 2004, Algeria enacted Law No. 04-15 which amended the Penal Code and created the crime of sexual harassment. A person convicted of this crime may be subject to imprisonment ranging from two months to one year and a fine of 50,000 to 100,000 dinars.\textsuperscript{21} Both spousal and non-spousal rape occurs, but marital rape is not punished specifically by law. Prison sentences for non-spousal rape ranges from one to five years. Claims filed by women for rape and sexual abuse continued to face judicial obstacles; however, women's rights activists report that law enforcement authorities have become more sensitised to the issue.\textsuperscript{22}

The Penal Code states that in circumstances of spousal abuse, a person must be incapacitated for 15 days or more.\textsuperscript{23} Moreover, battered women must obtain medical certificates of the physical effects of an assault before they can lodge a complaint to the police.\textsuperscript{24}

\section*{Policies and strategies to address violence against women}

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\textsuperscript{17} 2008 Human Rights Report Algeria. Available at: http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119112.htm
\textsuperscript{18} Ibid.
\textsuperscript{19} Ibid.
\textsuperscript{20} The UN Secretary-General’s database on violence against women. Available at: http://webapps01.un.org/vawdatabase/country.action
\textsuperscript{21} Ibid.
\textsuperscript{22} 2008 Human Rights Report Algeria. Available at: http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119112.htm
\textsuperscript{23} 2008 Human Rights Report Algeria. Available at: http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119112.htm
\textsuperscript{24} AFROL Country Profile Algeria. Available at: http://afrol.com/Categories/Women/profiles/algeria_women.htm
\end{flushright}
A 2008 National Strategy for the Promotion and Integration of Women states as a core principal the need to address gender-based violence. More specifically, a National Strategy to Fight Violence against Women has been put in place by the Delegate Ministry for the Family and the Status of Women for the period 2007-2011. In 2006, a National Commission to address violence against women was created in order to operationalise the National Strategy. The Commission is headed by the Delegate Ministry for the Family and the Status of Women and it also incorporates other relevant ministries, civil society organisations, media, and personalities interested in the issue.25

Methodologies for data collection on violence against women

Administrative data
The National Directorate of National Security collects data on a quarterly and annual basis on cases of physical and sexual violence, maltreatment, homicide and sexual harassment affecting women over the age of 18. The data also contains information on the relationship with the perpetrators. Lately, the Delegate Ministry for the Family and the Status of Women has embarked on a project aimed at creating an information system and gathering data on violence against women, in partnership with academic institutions, police and civil society organisations.26 Data is also collected through NGOs who collect on-the-ground information from women who come to them for help. For example, research by Collectif 95 Maghreb Egalite collected a substantial quantity of data on the social views of the situation of women.

Statistical data and research
The National Office of Statistics, previously known as the National Commission of Population Census, collects data on gender-based violence. The Ministry of Health has instituted a systematic data-gathering operation on violence against women. In 2004, a technical committee was established to develop an integrated information system to track the socio-economic situation of women and children with relevant government departments and other representatives from UNICEF. A national survey on violence against women was conducted from 2002 to 2003 by the Ministry of Health, targeting 9,033 women. In 2006, the same ministry conducted a health survey where a section on perceptions on domestic violence encountered by the female respondents was included.27 In 2006, the Delegate Ministry for the Family and the Status of Women commissioned a national survey on violence against women in the form of 2,043 interviews with women aged 19-64 years. A survey on violence against women was also conducted by the Algerian police in 2001.28

ANGOLA

Country overview
Angola covers an area of 1,246,700km², and has a population of approximately 18,497,600, of which 9,379,400 are women and 9,118,200 are men.29

Angola gained independence from Portugal in 1975, after which 27 years of devastating civil war left up to 400,000 people dead and millions displaced.30 There has been relative peace in Angola for the past 8 years. With the normalization of life in the country, new educational infrastructures, such as schools and professional training centres, have been built. The war produced over four million

25 The UN Secretary- General’s database on violence against women. Available at: http://webapps01.un.org/vawdatabase/country.action
26 Ibid.
27 Ibid.
28 Ibid.
29 Available at: http://unstats.un.org/unsd/demographic/products/indwm/tab1a.htm
30 BBC. “Angola timeline”. Available at: http://news.bbc.co.uk/1/hi/world/africa/country_profiles/1839740.stm
internally displaced persons and more than 300,000 refugees in neighbouring countries, 80 percent of whom are women and children.\(^{31}\)

Despite being the second-largest petroleum and diamond producer in sub-Saharan Africa, life expectancy and infant mortality rates in Angola are both among the worst ranked in the world. The 2009 Human Development Index ranks Angola 143 out of 182 countries, while the 2007 Gender-related Development Index ranked Angola 124 out of 140 countries.

**Situation analysis of violence against women**

The war and its impacts increased women’s workloads, as they took on a greater responsibility for activities usually performed by men, such as providing for the household, disciplining male children, building and repairing houses, dealing with community leaders and government officials, and fulfilling religious and social obligations.\(^{32}\) Many continue to perform these tasks even in peacetime, mainly because their husbands have died or deserted the household. Women’s lives in Angola are characterized by high levels of maternal and child mortality, malnutrition, illiteracy, poverty, violence, lack of resources, unemployment in the formal sectors, and a high rate of participation in the informal economy. The strong persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women are discriminatory toward women. Entrenched cultural norms relegate women and girls to the area of domestic affairs only. Discriminatory practices towards women are common in private enterprises and, despite a non-discriminatory labour law, the public sector still remains inequitable in gender representation. Harmful traditional practices such as early marriages and female genital mutilation are rare and only occur in remote areas.

Domestic violence and sexual abuse against women and young girls is a daily reality for women in Angola. The traditional view is that the woman is the guilty party and the man has a right to punish her. Family members often discourage victims from filing a complaint. Sexual violence extends to the school system where girls have been required to provide sexual favours in order to pass a grade.\(^{33}\) Women remain reluctant to report violence due to the social stigma attached to it; women victims of rape remain silent for fear of not regaining social respect and not being able to find partners who would marry them. However, increased training on the rights of women and several high profile abuse cases has worked towards changing this view. A significant amount of homicides are perpetrated against women, usually by their spouses.\(^{34}\)

In the civil war that ensued after independence, Angolan women experienced sexual violence and rape at the hands of soldiers and rebels, were forced to do manual labour, identified as "witches" and burned at the stake, and used as "couriers". Before the peace accord, there were reports of governmental forces attacking women in their homes, while they worked in the fields, near military camps, or during searches of their homes. A study conducted by the United Nations Population Fund in the year 2000 reported that out of 1,400 internally displaced persons interviewed, 20 percent reported knowing of women who had been raped, and 38 percent of women had been abused by their husbands or intimate partners.\(^{35}\) Moreover, the Angolan authorities expelled thousands of Congolese migrants from the diamond mining areas in Northern Angola and many of the migrant women were reportedly raped by the Angolan military.\(^{36}\) Women who were abducted by the rebel group UNITA faced the dilemma of whether or not to leave their UNITA husbands and return to their original homes, where they risked

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\(^{34}\) OECD Development Centre, Social Institutions and Gender index. Available at: http://genderindex.org/country/angola

\(^{35}\) The UN Secretary- General’s database on violence against women. Available at: http://webapps01.un.org/vawdatabase/country.action

\(^{36}\) Amnesty International. Available at: http://thereport.amnesty.org/eng/regions/africa/angola
being rejected.\textsuperscript{37} In addition, the social reality of UNITA’s supporters is critical for both men and women; relationships with non-UNITA supporters remain difficult, with people still suspicious of each other and some reluctant to provide UNITA supporters with jobs.

Trafficking of women and children for domestic servitude has increased in Angola, with victims being trafficked to neighbouring countries, such as the Democratic Republic of Congo, Namibia, Portugal and South Africa.\textsuperscript{38}

**Gender machinery (governmental and community-based)**

The Government of Angola - with technical and financial support from UNDP, UNFPA and UNIFEM - has been implementing a four year program (2005-2008) to build the capacity of the Ministry of Family and Women Promotion, as well as its NGO partners such as the Organization of Angolan Women (OMA) and Rede Mulher, an Angolan non-governmental organization focusing on women’s issues. Specifically, it addresses the need to build and strengthen national capacity for advocating and mainstreaming gender and human rights.

The State Secretariat for the Promotion and Development of Women, created in 1991, was upgraded to the Ministry of Family and Women Protection in 1997. In addition to its responsibility for the formulation and implementation of a national policy on the rights of women, focal points exist in other Ministries to mainstream gender in government policies, programmes and projects. One of these programmes seeks to eradicate gender-based poverty through the provision of counselling, legal aid, microcredit and other interventions for rural women.

The “Health and Wellbeing” event is part of the celebrations of Women’s month (March) and Father’s day. OMA has a series of shelters set up for women who have been victims of rape. OMA’s most significant achievements were gained in the 1980s, when their efforts led to the introduction of the Family Code and the formulation and implementation of a policy to provide free family planning to women.

**Legislation and policies**

**Constitution**

The Constitution formally acknowledges women’s rights to equality and prohibits discrimination on the basis of sex.

**International instruments**

- CEDAW (ratified 1986)
- OP CEDAW (ratified 2007)
- ACHPR (ratified 1990)
- PACHPRRWA (signed 2007, ratified 2007)
- SADCDGD (signed 1997)
- Addendum to SADCDGD (signed 1998)

**Domestic legislation**

The Nationality Law provides that nationality of origin can be given by the mother or the father.

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The Family Code grants men and women equal status to enjoy the same rights and be subject to the same duties. There is also recognition of consensual unions as marriage and the protection of children born out of wedlock.

A Domestic Violence Bill was approved by the Council of Ministers in May 2009 and it is now with the National Assembly for approval. In the meantime, victims can use the Penal Code, which criminalises battery, assault and rape, which are punishable by up to eight years of imprisonment.

**Policies and strategies to address violence against women**

In 2008, the government approved a National Action Plan against Domestic Violence. The plan includes strategies to publicise CEDAW and family law among citizens to create awareness on women rights.

In 2001, the Angolan government started Family Counselling Centres and partnered with the Angolan Bar Association to give free legal assistance to abused women. The Ministry of Family and Promotion of Women has also undertaken information campaigns on domestic abuse in the framework of Human Rights Day. The campaigns include full-page articles and announcements on public radio.

**Methodologies for data collection on violence against women**

**Administrative data**

In 2008, the Ministry of Family and Promotion of Women was collecting data on violence against women with partners such as the Organization of Angolan Women (OMA) and Rede Mulher, an Angolan non-governmental organization focusing on women’s issues. The Ministry also has a documentation centre which compiles, manages and shares information with other key government sectors.

**Statistical data and research**

The Ministry of Family and Promotion of Women created a statistical/data collection unit within the National Directorate for Promotion and Coordination. The Unit has conducted studies on the incidence of gender-based violence on various population groups and has assisted the Ministry to substantially improve its monitoring and evaluation capability.

A study conducted by United Nations Population Fund (UNFPA) in 2000 indicated that out of 1,400 internally displaced persons interviewed, more than 20 percent knew women who had been raped and 38 percent of women had been abused by a husband or intimate partner. In addition, almost 39 percent of those interviewed knew of women who had engaged in prostitution to buy food and 15 percent knew of men who had prostituted themselves for the same reason.

**BENIN**

**Country overview**

The Republic of Benin in West Africa has a total surface area of 112,622 km² and an estimated population of 8,935,000, of which 4,425,900 are women and 4,509,100 are men. In the 2002 census, 42.8 percent of the population was Christian, 24.4 percent was Muslim, 17.3 percent practices Vodun, and the others are traditional local religious groups or claim no religious affiliation. The economy remains underdeveloped and dependent on subsistent farming, cotton production and regional trade.

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39 The UN Secretary-General’s database on violence against women. Available at: http://webapps01.un.org/vawdatabase/country.action
40 Ibid.
41 Available at: http://unstats.un.org/unsd/demographic/products/indwm/tab1a.htm
Benin claimed independence from France in 1960 but the next decade was filled with ethnic conflict. In March 2006, an election was held that was considered free and fair by both international and local facilitators. It resulted in a run-off election between Adrien Houngbedji and Yayi Boni who won. The success of the fair multi-party elections in Benin won praise internationally and the country is considered a model democracy in Africa.

In 2008, Benin ranked 163 out of 177 countries on the Human Development Index; 100 among 108 developing countries on the Human Poverty Index; and 143 out of 156 countries on the Gender-related Development Index.\(^{42}\)

**Situation analysis of violence against women**

Although the Constitution and law provide equality for women in the economic, social and private spheres, women experience extensive discrimination especially in the rural areas where they occupy traditionally subordinate roles and are responsible for much of the hard labour on subsistence farms. Lack of access to adequate healthcare, particularly in rural areas, has led to high percentages of morbidity and mortality, particularly in terms of the number of deaths associated with illegal abortions, and inadequate family planning services.

Women’s equal access to work remains a problem, especially for rural and less educated women. Urban women dominate in the informal trading sector but in practice women face discrimination in obtaining employment, credits and equal pay, and in owning or managing businesses. Moreover, girls are sometime sent to work for other families living in the rural areas. This practice, known as vidomegon, is a voluntary agreement where poor families place children (90 percent of them young girls) in the homes of wealthier families to avoid the financial burden. There is considerable abuse of this practice and in many instances it leads to sexual exploitation.\(^{43}\)

Although statistics are not readily available, violence against women does exist. There is a societal perception that violence against women, particularly domestic violence, is a private matter. Judges and police are averse to interfering in domestic disputes.\(^{44}\)

Prostitution, especially of children, is a problem in Benin. Benin is also a source, transit point and destination for trafficked women and children who are used for sexual exploitation and forced labour. The majority of trafficking occurs internally within extended family or community; however, organized criminal networks are also active.\(^{45}\) Trafficked persons generally come from poor and rural backgrounds and are deceitfully promised educational opportunities or other incentives.

Sexual harassment is common especially among female students by their male teachers and in the workplace.\(^{46}\) For example teachers promise good marks in exchange for sex, or teachers and other “sugar-daddies” give monetary compensation to girls in exchange for sex. Moreover, customary practices set out in the customary law of Dahomey persist in discriminating against women and young girls. Traditions such as polygamy, levirate marriage, discrimination in inheritance rights and the age of marriage are still widespread. Early marriages are a persistent phenomenon, whereby although the legal age of marriage is 18 years, almost 29 percent of women between 15 and 19 are currently...
married.\textsuperscript{47} In 2004, the frequency of polygamy ranged between 15 and 41 percent depending on the region.\textsuperscript{48} Female genital mutilation – although outlawed in 2003 – is still practiced. However, there are indications that the practice is being eradicated. UNICEF reported in 2005 that 17 percent of women had been subject to the practice. The figures differ among regions with higher figures in Atacora (45 percent) and Borgu (57 percent); female genital mutilation is also higher among certain ethnic groups, with more than 70 percent of Bariba, Yoa-Lokpa, and Fulani women undergoing FGM.\textsuperscript{49}

**Gender machinery (governmental and community-based)**

The Ministry for the Family, Social Protection and Solidarity, along with its subcommittee on the Office of Women’s Protection, is responsible for protecting and advancing women’s rights and welfare. Benin also has a National Commission for the Advancement of Women, established in 2002, and a Human Rights Commission. The HRC’s mission is to promote and safeguard human rights.

NGOs, such as Women in Law and Development in Benin and the Female Jurists Association of Benin, offer social, legal, medical and psychological assistance to victims of domestic violence. The Inter African Committee is one of the NGOs involved in community education on the harmful effects of FGM. Government is a partner in some of these initiatives, and the Ministry for the Family, Social Protection and Solidarity initiated an educational campaign that included conferences in schools and villages, discussions with religious leaders and traditional authorities, and displaying banners. NGOS also addressed this issue in local languages on local radio stations.

To prevent trafficking, the government has supported an information campaign in rural villages from 1997 that includes films and posters explaining to a largely illiterate audience the physical and psychological dangers children may be exposed to by traffickers.

**Legislation and policies**

**Constitution**

The Constitution prohibits discrimination based on race, sex and religion.

**International instruments**

- CEDAW (signed 1981, ratified 1992)
- OP CEDAW (signed 2000)
- ACHPR (signed 2004, ratified 1986)
- PACHPRRWA (signed 2004, ratified 2005)

**Domestic legislation**

All provisions of the international human rights instruments may be invoked before the courts or administrative authorities. The Penal Code prohibits rape but does not make a distinction between rape and spousal rape. Sentences for rape range from 1 to 5 years imprisonment. The Penal Code also prohibits domestic violence and penalties range from 6 to 36 months’ imprisonment. In 2006 a law penalising sexual harassment was passed, and persons convicted of the offence face sentences of 1 to 2 years in prison, plus fines. The law also penalises persons who are aware of sexual harassment and do not report it.\textsuperscript{50}


\textsuperscript{48} USAID. Promoting women’s legal rights in Benin. Available at: http://www.usaid.gov/bj/gender.html


The Penal Code does not impose penalties on prostitutes; however, those facilitating prostitution and individuals who profit from it, including traffickers and brothel owners, face penalties including imprisonment of 6 months to 2 years and large fines depending on the severity of the offence. Individuals who facilitate or solicit child prostitution face imprisonment of 2 to 5 years and fines.  

Benin adopted a law prohibiting the practice of female genital mutilation in 2003. The penalties for performing female genital mutilation include prison sentences of up to 10 years and large fines. In addition, the Code of Persons and Family of 2004 aims at eliminating discrimination against women and abolishing many discriminatory provisions of customary law of Dahomey including polygamy, levirate marriage, discrimination in inheritance rights and the age of marriage.

**Policies and strategies to address violence against women**

The seventh section of the government’s programme of action for the period 2001-2006 was entitled “gender promotion”. It included specific objectives for the advancement of women. The government is currently implementing a project in the framework of the USAID funded Women’s Justice and Empowerment Initiative. The project, called EMPOWER and launched in November 2007, aims at assisting women victims of violence in partnership with NGOs and Social Services Centres of the Ministry for the Family, Social Protection and Solidarity.

**Methodologies for data collection on violence against women**

**Administrative data**

There is no information available.

**Statistical data and research**

The Government of Benin and the National Institute of Statistics and Economic Analysis collect basic information about the number of children per woman, the average age at which women get married, the number of women who are heads of households, and the number of educated girls.

The Ministry of Agriculture conducts gender surveys and promotes the disaggregation of ministry statistics by gender.

The Statistical Office of the Ministry of Education identified priority intervention areas on the basis of gender-disaggregated data.

**BOTSWANA**

**Country overview**

Botswana has a total surface area of 581,730km², and a population of 1,949,800 inhabitants of which 975,600 are women and 974,200 are men.

The majority of the population live in the south east of the landlocked country with 50 percent living within 1000 kilometres of the capital Gaborone. By 2006 more than 65 percent of the population were living in urban areas. Since its independence in 1966, the country has enjoyed a long record of political and social stability, rapid economic growth and prudent economic management.
Botswana ranks 124 out of 177 countries on the Human Development Index, 63 out of 108 developing countries on the Human Poverty Index, 130 out of 156 countries on the Gender-related Development Index and 61 out of 93 countries for its Gender Empowerment Measure, the degree of economic and political participation by women in a country.\(^55\)

**Situation analysis of violence against women in the country**

Gender discrimination continues to undermine efforts to ensure education for all. Violence against women and girls is widespread, and schools are challenged with the problem of girls’ retention. According to the World Bank, 20 percent of female learners in Botswana were reported to have been asked by male teachers to engage in sexual relations.\(^56\) Young girls are frequently left to shoulder the brunt of the HIV epidemic by becoming carers to those infected and affected by HIV and AIDS. This leads to a large orphan population and increased household responsibilities for girls. Gender inequality is one of the social drivers of the HIV epidemic and transmission in Botswana is by and large heterosexual.\(^57\)

Research conducted by Grant Thornton International in 2007 revealed that 74 percent of businesses in Botswana, including government agencies, employ women in senior management positions and women occupy 31 percent of senior management positions. The Botswana Defence Force has recently begun accepting women to serve in the military.\(^58\)

Women Against Rape (WAR), an NGO providing services for women based in Maun, has observed a shift in the nature of violence against women over recent years. Whilst in previous years, assault and sexual violence were the most prevalent forms of abuse, more recently women are seeking assistance in dealing with psychological and economic abuse perpetrated by male partners. Botswana’s definition of rape is gender neutral and police statistics do not disaggregate according to sex. However, anecdotal evidence suggests that the majority of victims of this crime are women. Since domestic violence is not considered a separate crime in Botswana, cases of domestic violence are not recorded as such. Rather they are recorded as assault cases. This often results in the denial of emotional, psychological and economic abuse as reportable cases, although these types of abuse are contained in the new Domestic Violence Act of Botswana of 2008.

Research conducted by the Botswana Women’s Affairs Department (WAD) in 1999 revealed that three out of every five women have been victims of violence largely perpetrated by intimate partners or acquaintances. The study also revealed that alcohol is a major contributing factor to violence.\(^59\) Passion killings (murders committed by intimate partners) in Botswana have increased significantly in recent years. The root causes of passion killings are believed to lie within the changing structure of the family and the problems that accompany it; erosion of traditional patriarchy; poor management of social change associated with globalisation; failure of victims and perpetrators to meet societal expectations and the general disintegration of culture within society.\(^60\)

Trafficking of women and children for the purposes of commercial and sexual exploitation is suspected to be a major social problem in Botswana, although confirmed reports and arrests remain elusive.\(^61\)

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\(^{57}\) UNDP, Botswana HIV Programme. Available at: http://www.unbotswana.org.bw/undp/hiv_aids.html


\(^{60}\) Topics which emerged from a discussion on ‘Passion Killings’ facilitated by the Botswana Society, in partnership with the National Museum on 18th May 2006.

\(^{61}\) UNHCR, Botswana. Available at: http://www.unhcr.org/refworld/country
trafficked from and through Botswana.\textsuperscript{62} Victims, the IOM asserts, are trafficked from Botswana to South Africa via Maputo Road and are sold in brothels in Johannesburg. The scourge of the HIV and AIDS epidemic has contributed to the vulnerability of children to trafficking as they are often left in the care of other children.\textsuperscript{63}

**Gender machinery (governmental and community-based)**

In 1998 the Botswana Women’s Affairs Department (WAD) conducted a review of all laws affecting the status of women in Botswana and recommendations from the review resulted in a number of amendments to various pieces of legislation. The WAD was upgraded to a fully fledged Government Department in 1996. The mandate of the WAD includes facilitating the process of creating positive change through the sensitisation of development agents on gender and development issues. The Department also provides guidance and leadership on gender and development to partners including Government Ministries and Departments, parastatals, the private sector and civil society organisations. Between 2002 and 2007, WAD has expanded and decentralised their services to six other areas namely Francis Town, Gantsi, Tsebong, Maun, Kasane and Serowe. In addition to this gender mainstreaming, pilot projects were implemented in the following ministries between 2002 and 2003: Labour and Home Affairs, Finance and Development Planning, Trade and Industry, and Local Government.

NGOs providing services to survivors of gender-based violence are few and are mainly found in urban areas, making accessibility to services for victims in rural and remote areas a challenge. There are three shelters run by NGOs, two in Gaborone and one in Maun. The Department of Health and the Department of Social Development provide generic counselling to women. However, it is uncertain if maximum use is being made of these services, especially in light of the reluctance of some police officials to refer victims to government counselling services, believing them to be consistently understaffed. A number of NGOs offer both psychosocial and paralegal support to victims of violence.

**Legislation and policies**

**Constitution**

Botswana amended its Constitution in 1995 to facilitate the realisation of equal rights between women and men, and in 1996 women were granted access to community property.\textsuperscript{64} Although women’s political, social and economic equality is enshrined in the Constitution, discrimination continues to be rife throughout Botswana society in practice.

**International instruments**

In Botswana international law does not automatically apply locally and ratified international instruments must be purposely incorporated into legislation domestically before they can have any meaning in Botswana.

- CEDAW (ratified 1996)
- OP CEDAW (ratified 2007)
- Palermo Protocol (signed 2002; ratified 2002)
- ACHPR (ratified 1986)
- SADCDGD (signed 1997)
- Addendum to SADCDGD (signed 1998)


\textsuperscript{64} African Centre for Gender and Development. *Gender and Social Development, Assessing Women’s Legal & Human Rights*. Available at: http://www.uneaca.org/acgs/12areas/assessing_women_Legal_and_Human_Rights.htm
Domestic legislation
The existence of traditional laws and structures, including courts, often serve to circumvent women’s access to property rights and economic opportunities, particularly in the rural areas. Although some civil laws were reformed in 2004, traditional laws were not affected and the extent of the fulfilment of women’s rights is dependent on whether civil or traditional law is applied.65

The Domestic Violence Act (DVA) was passed in 2008 and whilst it is a major achievement for violence against women, it does not address many challenges associated with violence against women according to women’s groups in Botswana. Furthermore, the Act is not a powerful legal weapon as it still does not criminalise domestic violence. The Penal Code of Botswana criminalises acts of violence irrespective of whether such an act occurs in a domestic setting or outside a domestic setting. However, the Botswana Police Service argues that the Penal Code is far too broad. In addition, law enforcers are sometimes believed to deliberately apply sections of the Penal Code that contain fewer sanctions. According to WAD, whilst marital rape is included in the Domestic Violence Act, reconciling it with the Penal Code remains a challenge due to the latter being unclear on the issue.

The DVA compliments the criminal law by providing civil remedies to enable survivors of violence to have greater protection under the law while they await the criminal justice system to take its course. The legal status of the DVA has also come into question on the basis that it did not go through the normal process associated with a Government Bill, but was rather instituted as a private members’ Bill. The minimum sentence for rape is 10 years in prison, 15 years if the offender is HIV-positive, and 20 years if he was aware of his status at the time of the attack.66 However, proving that a perpetrator had knowledge of his HIV status can be problematic. Officials state that as a result of the difficulty in obtaining the perpetrator’s status, in many cases magistrates do not apply this sanction when applying sentences in these cases.

The Penal Code of Botswana prohibits procurement for the purpose of prostitution.67 The code penalises any person who ‘procures or attempts to procure any woman or girl to leave her usual place of abode in Botswana with intent that, she may, for the purposes of prostitution, become an inmate or frequent a brothel either in Botswana or elsewhere.’68 If the perpetrator is a male who is under the age of 40, the court may impose corporal punishment in addition to imprisonment.69

Policies and strategies to address violence against women
In 2006, the UN Secretary General’s 2006 global report on violence against women and children called for all countries to develop comprehensive, multi-sector plans to end gender-based violence. In response to this call, Botswana has drafted a National Action Plan for 365 Days to End Gender Violence.70 The National Action Plan recognises that despite the constitutional and legal gains made by Botswana women since the Beijing conference in 1995, violence against women has been escalating in the country and this violence continues to manifest itself in various forms. The Plan also highlights the dearth of information on what exactly constitutes violence against women in Botswana. The overall objective of the draft National Action Plan is to provide a comprehensive, coordinated framework for ending gender violence, by extending the annual Sixteen Days of Activism campaign into 365-day campaign with measurable targets and indicators.

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66 Ibid.
67 Article 149.
68 Article 149(d).
69 Article 50.
Methodologies for data collection on violence against women

**Administrative data**
The Botswana Police Service registers gender-based violence cases and classifies them in the following categories: rape, defilement, indecent assault on females, defilement of idiots and imbeciles and incest on females. As domestic violence is not a crime, such cases are classified as assault by the police and no disaggregated data exists on this matter. Information on violence against women can also be found in the records of national customary courts. Furthermore, information is gathered from NGOs providing services to victims.

**Statistical data and research**
In 1998 a study on rape was conducted. The year after, a study on the socio-economic implications of gender-based violence was carried out. In 2008 a base line study on the nexus between gender-based violence and HIV and AIDS was conducted. Furthermore, a situation analysis of gender-based violence was conducted in the year 2008.\(^{71}\)

**BURKINA FASO**

**Country overview**
Burkina Faso is a landlocked country in West Africa. It has a surface area of 274,200\(\text{km}^2\) and an estimated population of 15,756,900, of which 7,886,800 are women and 7,870,100 are men.\(^{72}\) Agriculture, consisting of livestock, maize, peanuts, rice and cotton, represents most of the gross domestic product and occupies most of the population.

Burkina Faso achieved independence from France in 1960 but the newly formed independent government was challenged by a powerful trade union presence. President Blaise Compaore is a captain-turned-president and has held the position for more than 2 decades. Elections will be held in 2010.

On the Human Development Index, Burkina Faso ranks very low at 176 out of 177 countries.\(^{73}\) On the Human Poverty Index, the country ranks 106 out of 108 developing countries, and on the Gender-related Development Index Burkina Faso comes 120 out of 156 countries.\(^{74}\)

**Situation analysis of violence against women in the country**
The most recent and comprehensive report on violence against women in Burkina Faso was compiled in the year 2008 in the framework of an international project on violence against women.\(^{75}\) The report stresses the difficulties in finding available data on violence against women. As per the information gathered, women in Burkina Faso experience a number of violations ranging from physiological to political violence. The three most prevalent forms of violence in the country are domestic violence, rape and early and forced marriages. The report quotes data collected in a PROSAD/GTZ study, which found out that 33.5 percent of the interviewed women reported having experienced violence in the previous twelve months. The study also reported that 30.6 percent of men (married or having at least a daughter) acknowledged having exercised violence on their wives or daughters in the previous twelve months. The phenomenon of beating women is widespread but scarcely denounced, as being beaten by

\(^{71}\) The UN Secretary- General’s database on violence against women. Available at: http://webapps01.un.org/vawdatabase/country.action

\(^{72}\) Available at: http://unstats.un.org/unsd/demographic/products/mdm/natind/tab1a.htm

\(^{73}\) Human Development Index Statistical update, 2008. Available at: http://hdrstats.undp.org/countries/country_fact_sheets/cty_fs_BFA.html

\(^{74}\) Ibid.

one’s partner is seen by society as an accepted part of being a woman. Other demeaning practices classified as psychological violence by the 2008 report include: demeaning post-menopausal spouses, favouring younger spouses, desertion of infertile women, and repudiation of women who have given birth to girls.\(^{76}\)

Anecdotic evidence and some research indicate that rape is widespread. However, few cases are reported to the police. In the region of Bobo Dioulasso, rapes are generally perpetrated by adults or neighbours against girls whose parents are poor. Rapists often silence victims with financial means. The rape of girls older than 15 is frequent but little exposed, while the rape of minors generally remains hidden and is only denounced when there are serious injuries. In a worrying trend, the 2008 report also highlights most recent cases of rape perpetrated by teenagers. Rape was also reported as the primary cause for which women approach legal services in the Hauts-Bassins region of the country. Conjugal rape is not punished by law and it is a daily occurrence.\(^{77}\)

Sexual harassment has also become prevalent, taking place mostly in the workplace and in schools. A 2004 study reported that 56 percent of the interviewees had been victims of sexual harassment.

Early marriage and forced marriage perpetrated against young girls is still very prevalent, particularly in rural areas. It is most prevalent in Sahel and in the East among the populations of the Fulanis and Gurmanché.\(^{78}\) Women are also victims of levirate marriage and the practice is a condition for the widow and her children to remain accepted by the late husband’s family. Social exclusion based on accusations of witchcraft is most widespread among the Mossi population. A 1996 survey conducted by the National Institute of Demography and Statistics (INDS), and cited in the 2008 report, showed that elderly women were most at risk of being socially excluded.\(^{79}\)

Female genital mutilation (FGM) is still practiced in Burkina Faso. First-degree circumcision (removal of part of or the whole clitoris) is the most prevalent form of FGM and a 2003 survey indicated that 77 percent of women have experienced FGM and 30 percent of women aged 15 to 49 have a daughter who has been circumcised. The practice is most common in rural areas. Female genital mutilation is prevalent among animists with 61 percent of them practicing FGM, compared to 32 percent of Muslims, 23 percent of Catholics and 14 percent of Protestants. Since the Penal Code outlawed the practice in 1996 the practice has slightly decreased, but it is still carried out clandestinely.\(^{80}\)

**Gender machinery (governmental and community-based)**

The main ministries involved in the implementation of policies concerning violence against women are: the Ministry of Social Action and National Solidarity (MASSN), the Ministry of Women’s Empowerment (MPF) and the Ministry of Human Rights Promotion (MPDH).

The MPF was created in 1997. Its current missions include: development of strategies for empowering women and young girls; follow-up assessments on strategies for empowering women and young girls; promotion of equal rights with a focus on women’s rights; promotion of women’s rights and their rights to reproductive health; disseminating information and sensitisation about women’s rights in collaboration with the MPDH; follow-up assessments on the impact of the interventions of NGOs and

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\(^{76}\) Ibid.  
\(^{77}\) Ibid.  
\(^{78}\) Ibid.  
\(^{79}\) Ibid.  
\(^{80}\) Ibid.
women’s associations; development of follow-up interventions for the implementing the National Gender Policy (PNG) in accordance with the ministerial departments that are concerned.81

A considerable number of NGOs and associations collaborate with the Burkina Faso Government in the implementation of sector policies. In the VAW field, key civil society players are international NGOs such as Plan International Burkina, Catholic Relief Service, Oxfam, Amnesty International, OCADES, WORLD Relief, and a number of local NGOs and CBOs implementing development projects with a gender lens. Most importantly, there are a number of NGOs focusing on women’s rights issues such as: the Eveil POGSADA association for forced marriages, the AVOB fighting violence against widows, the Mwangaza Group Fighting Circumcision, Marche Mondiale des Femmes, COBUDAFE, Promo-Femme /Développement Solidarité which combats all types of violence, and RECIFF/NGO, GASCODE. These organisations intervene at different levels and with different strategies: prevention through educational, cultural and communication-related activities; support and counselling to women victims of violence, and accommodation in care centres.82

Legislation and policies

Constitution
The 1991 Constitution guarantees equality for all citizens, respect for their dignity, the right to physical integrity and the protection of life and security. There are no specific constitutional provisions protecting women.

International instruments
- CEDAW (ratified 1987)
- OP CEDAW (signed 2001, ratified 2005)
- Palermo Protocol (signed 2000, ratified 2002)
- ACHPR (signed 1984, ratified 1984)
- PACHPRRWA (signed 2004, ratified 2006)

Domestic legislation
The Person and Family Code abolished the notion of the man as head of the family and states that spouses are equal partners.

No special laws exist to protect women against domestic violence and marital rape. The Penal Code explicitly prohibits sexual harassment and punishes forced marriage, bigamy and payment of marriage dowry. Rape is punishable by 5 to 10 years imprisonment, which may be increased to 20 years in certain circumstances. The Penal Code also punishes any injury or attempt to cause injury to the female genitals (such as ablation, excision, infibulations, and desensitisation) with penalties of imprisonment and a fine of between 150,000 to 90,000 francs. If female genital mutilation results in death, the punishment is imprisonment of 5 to 10 years. Medical practitioners might receive maximum sentences, and the law also punishes persons who have knowledge of the act and do not report it with fines ranging from 50,000 to 100,000 francs.83

Act No. 029 of 2008 addresses human trafficking and related practices.

The Labour Code defines and outlaws sexual harassment in the workplace.84

81 Ibid.
82 Ibid.
83 The UN Secretary- General’s database on violence against women. Available at: http://webapps01.un.org/vawdatabase/country.action
Policies and strategies to address violence against women

Several ministries have drafted policies that address different forms of women’s rights issues. They include: National Policy on Women’s Empowerment, National Policy on Social Action, National Policy on Human Rights Promotion, National Health Policy, Plan for Basic Education (PDDEB), and National Gender Policy (not yet adopted). The National Policy on Women’s Empowerment, adopted in 2004, is being implemented through national action plans and annual programmes, one of which deals with violence. The defined actions of the Programme for the Improvement and Stabilization of the Social and Legal Status of Women considers different aspects of VAW. Furthermore, the National Policy for Social Action (PNAS) includes programmes to address violence against women issues.

To carried out its mission, the Ministry of Women’s Empowerment (MPF) has developed the following strategies: sensitisation that targets influential leaders and rural and urban populations urging them to scale back socio-cultural practices that are demeaning to women and that hinder their upward social mobility; collaboration through capacity-building activities among civil society key players and providing technical support; advocacy for increased consideration of women’s rights in development sector-based programmes; translating texts into local languages and promoting texts that endorse women’s empowerment; proposing acts to fill the regulatory vacuum, mainly in the fields of social exclusion, banishment, sexual harassment and forced marriage; and promoting the ratification of legal instruments that will help empower women; support, counselling and assistance to women, particularly to victims of violations.

A National Committee for the Fight against Excision undertakes campaigns against the practice. In a related development, the construction of West Africa’s first clinic for reconstructing clitorises for victims of female genital mutilation was finalised in 2009, under the auspices of Clitoraid.

Methodologies for data collection on violence against women

Administrative data
Legal and judicial services do gather some data, but it is incomplete or does not correspond to chronological criteria. NGOs and CBOs providing assistance to women victims of violence in the different regions also collect data.

Statistical data and research
To date, three surveys have been conducted that provide information on violence against women. The Burkina Faso Demographic and Health Survey III (the DHS/BF-III) and the 2006 Multiple Indicator in Survey Clusters (MICS survey) were national in nature, while the baseline study for the German Cooperation for Development through its Sexual Health and Human Rights Programme (PROSAD) was limited to the South-West and East of Burkina Faso. The two national surveys focused on the understanding of the diverse opinions on the acceptability of domestic VAW on the one hand, and of violence against men on the other hand. Furthermore, the National Institute of Statistics and Demography looks at gender differentiations in the subjects of public authority, ministerial and public agent positions, morbidity, HIV/AIDS and numbers of women receiving vaccines for health reasons.

BURUNDI

Country overview
The Republic of Burundi is a small landlocked country in the Great Lakes region of east Africa, with a total surface area of 27,834km$^2$ and a population of approximately 8,303,300, of which 4,233,300 are women and 4,070,000 are men. Some 62 percent of the population is Roman Catholic, 10 percent are Muslim, and the rest follow indigenous and other Christian beliefs. Burundi is one of the poorest countries in the world. The largest industry is agriculture with the main source of revenue being the export of coffee. Other agricultural products include cotton, tea, maize, bananas, milk and hides. It also has natural resources which include uranium, nickel, cobalt, copper and platinum.

Independence from Belgium was declared in 1962. A constitutional monarchy was established and the two main ethnic groups had equal representation in Parliament. However, during the next two years the Hutu forces took control of the country and forced out the Tutsi, killing thousands and causing thousands more to flee. Ten years later in 1972 there was a systematic retaliation by the Tutsi led Army who killed thousands of Hutu. In 2008, renewed fighting between government forces and Forces for National Liberation rebel groups broke down the negotiated peace agreements. In April 2009, Burundi’s last rebel group the FNL laid down arms and officially transformed into a political party in a ceremony supervised by the African Union. Although there is a transitional government in place and ceasefires have been signed with all rebel groups (which took over a decade to organize), the International Crisis Group warns that an increasing authoritarian government risks triggering unrest.

Burundi ranks 167 out of 177 on the Human Development Index, 81 out of 108 developing countries on the Human Poverty Index, and 77 out of 156 countries on the Gender-related Development Index.

**Situation analysis of violence against women in the country**

As in most countries, it is very difficult to determine the scope and extent of violence against women in Burundi. However, it is estimated that 42 percent of women in Burundi have experienced some form of domestic violence. The CEDAW report of 2001 states that many men are no longer able to cope with the needs of their families as a result of the armed conflict and feel threatened in their role as head of the family as it is often women who work in the fields and nourish the family. Consequently, they often turn to drink and take their frustrations out on women by physical abuse to enforce their authority. In 2008, a report to the CEDAW Committee prepared by Burundian NGOs highlighted the difficulties encountered by women facing increasing levels of violence. The report categorises the violence experienced by women in different spaces or at the hands of different actors. Within the family, gender-based violence takes the form of sexual violence (incest, marital rape and sexual harassment); physical and verbal domestic violence; and economic violence. Within the community, sexual violence and especially rape is widespread; sexual harassment happens in the workplace, especially in the context of unregulated domestic work; physical violence, trafficking and forced prostitution are also prevalent. The report also highlights state violence against women: violence committed by agents who abuse their position and authority; sexual violence or other violations linked to the non separation of male and female detainees and the failure to provide adequate facilities and care as required by pregnant or breastfeeding women detainees; and arbitrary arrests and detentions following marital disputes or based on illegal grounds.

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91 Available at: http://unstats.un.org/unsd/demographic/products/indwm/tab1a.htm
92 BBC. Burundi timeline. Available at: http://news.bbc.co.uk/2/hi/africa/country_profiles/1068991.stm
93 Human Development Index Statistical update, 2008. Available at: http://hdrstats.undp.org/countries/country_fact_sheets/cty_fs_BDI.html
95 Ibid.
97 Ibid.
In the absence of official statistics, the report submits data gathered by civil society. From 2004 to November 2007, the Seruka centre of Médecins Sans Frontières (MSF) Belgium registered 5,466 cases of sexual violence, an average of 1,366 victims per year and 27 victims a week. In 2005, Iteka League and MSF Belgium reported 1,791 cases of sexual violence, an average of 34 victims a week. In 2006, they reported 1,930 cases of sexual violence, an average of 37 victims a week. In the same year, a study by the gender unit of UNOB indicated that 60 percent of reported rapes concerned children and 24 percent of the rape victims were less than eleven years old. The statistics only reflect reported cases. Many victims do not speak up for several reasons especially the fear of reprisals. The report states that forms of violence other than those of a sexual nature are particularly underreported, as the victims of such violence will not benefit from free medical care.98

During the war women experienced rape preceded or followed by brutality or cruel treatment; massacres and looting; forced enlistment and other consecutive suffering; and forced displacement with difficulties in recovering rights after the conflict (especially property rights).99 Moreover, NGOs have reported that the ongoing conflict has forced many women into prostitution. Even after the end of the war there have been reports that government and rebel soldiers raped women in the areas around the areas of Bujumbura after their withdrawal in 2001. It is reported that rebels abducted scores of women to provide domestic and sexual services in their camps.100 Due to forced removals by the Tutsi-dominated army, up to 80 percent of the population living around Bujumbura were relocated to re-assembly camps throughout the province. The camps were sites of grave human rights violations where both government soldiers and rebel forces raped and brutalised women when they left the camps to find food and water.101 The police and judicial authorities are doing little to respond to victims, or to find and punish those responsible. Because victims themselves are often shunned by relatives and their communities, women rarely disclose or report the crime. Those who do seek help turn to medical aid and counselling services at international health centres, rather than going to the police.102

Gender machinery (governmental and community-based)

The government has established a Ministry of Social Action and Advancement of Women, but it remains under-funded.

Civil society organisations such as the Union of Women of Burundi and the Burundi Women Journalists Association run education programmes so as to make women more aware of the different roles they could play in society and report and comment on women rights issues. There are four centres for victims of sexual violence in Burundi. The centre in Muyinga Province is funded by ECHO, the European Commission’s Humanitarian Aid Department, with technical assistance from UNICEF. Run by a local non-governmental organization, the Society for Women against AIDS in Africa (SWAA), the clinic combines medical care with psychological, economic and legal support, as well as HIV counselling and testing.

Legislation and policies

Constitution

Article 12 of the Constitutional Act of Transition of 1998 states that respect for the rights and duties proclaimed and guaranteed by the Universal Declaration of Human Rights, the international rights

98 Ibid.
99 Ibid.
covenants, the African Charter on Human and Peoples Rights, and the Charter of National Unity are guaranteed by the Constitutional Act.

Article 17 states that all persons are equal before the law in dignity and in rights and duties without discrimination as to sex, origin, race, religion or beliefs. All are equal before the law and are entitled without discrimination to equal protection before the law.\(^{103}\)

**International instruments**
- CEDAW (signed 1980, ratified 1992)
- OP CEDAW (signed 2001)
- Palermo Protocol (signed 2000)
- ACHPR (signed 1989, ratified 1989)
- PACHPRRWA (signed 2003)

**Domestic legislation**
The Code of Persons and of the Family contain a number of measures eliminating discrimination against women, including the abolition of polygamy and unilateral repudiation of marriage, and introducing legal divorce and regulation of age of marriage.

The Criminal Code and Criminal Procedure Code do not effectively protect women from violence. Marital rape is not addressed by the Criminal Code. Rape is punishable with up to 20 years imprisonment. The law does not specifically prohibit domestic violence but accused persons can be prosecuted under the assault provisions of the law. Civil society organisations are of the opinion that the new draft of the Criminal Code adopted to enhance protection is not sufficient inasmuch as the sanctions are not strict enough.\(^{104}\) Law 1/004/2003 specifically describes rape, sexual slavery, other forms of sexual violence and enforced prostitution as crimes of genocide, war crimes and crimes against humanity.\(^{105}\)

**Policies and strategies to address violence against women**
Some inroads have been made with the Arusha Accords of 2000, which formed the basis for granting equal status to women and men in accordance with the Convention on the Elimination of All Forms of Discrimination against Women. The Accords recognize the role of women in reconstruction and rehabilitation and suggest the mobilization of women as peace mediators for national reconciliation. It also suggested that Burundi adopt laws on the inheritance rights of women. Post-trauma counselling for women who had experienced violence was recommended in the Accords. The United Nations Development Programme is currently supporting the government of Burundi in a multiyear project aimed at reducing sexual violence against women. The project goals are: adoption of a National Strategy to Reduce Sexual Violence Against Women and Children; support the Ministry of Justice in coordinating inter-ministerial efforts to address sexual violence; promote free or low-cost legal advice to women and girls by the Burundian Bar Association; running of awareness campaigns on the rights of women and children at a national level and access to free legal aid.\(^{106}\)

**Methodologies for data collection on violence against women**

**Administrative data**
A report by Amnesty International states that government figures on violence against women are sparse and unreliable with no independent monitoring system to record specific forms of sexual

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103 Available at: http://www.iwraw-ap.org/committee/burundi.htm
105 The UN Secretary-General’s database on violence against women. Available at: http://webapps01.un.org/vawdatabase/country.action
106 Available at: http://www.bi.undp.org/
violence. This was supported by the 2008 civil society report to the CEDAW Committee, which stated that there is no system of data collection in the country.

**Statistical data and research**

In the absence of government figures, statistics have been obtained by Burundian and international NGOs, particularly in the sexual violence field. Between July and September 2009, Action Aid conducted a media survey on violence against girls at schools. In 2002, the UNFPA conducted the largest collection of socio-demographic data post-war. The data gathering included information on patterns of violence against women.

**CAMEROON**

**Country overview**

The Republic of Cameroon is a unitary republic in central West Africa. It has a total surface area of approx 475,442km² with an estimated population of 19,521,600, of which 9,762,900 are women and 9,758,800 are men. The Christian community makes up 40 percent of the population. There is also 40 percent of the population who maintain indigenous beliefs, and Islam is practiced by 20 percent of the country's population. Cameroon has more than 200 different ethnic groups, many of which are spread across neighbouring countries. English and French are the official languages but 270 different languages are spoken.

Petroleum exploitation is a substantial sector but agriculture is a large basis for the economy. Soils and climate on the coast encourage extensive commercial cultivation of bananas, cocoa, oil palms, rubber, and tea. Tourism is a growing sector, particularly in the coastal area, around Mount Cameroon, and in the north. Compared to other African countries, Cameroon enjoys relatively high political and social stability. In 2008, opposition leaders slammed President Biya's New Year message which hinted at changing the constitution to extend the president's term in office. There have been an increase in outrages by opposition which could lead to potential conflict but Cameroon remains peaceful for now.

Cameroon is ranked 144 out of 177 countries on the Human Development Index. The Human Poverty Index measures income deprivation by looking at factors associated with human development like life expectancy, literacy and the standard of living: Cameroon ranks 64 among 108 developing countries on this index. Furthermore, the Gender-related Development Index uses the same indicators as the HDI to explore the disparities between men and women. Out of the 156 countries with both HDI and GDI values, 113 countries have a better ratio than Cameroon's.

**Situation analysis of violence against women in the country**

As a result of the ethnic diversity, it is hard to distinguish one gender profile for Cameroonian women. However, all ethnic groups give great importance to traditional practices, some of which are extremely detrimental to the status of women. The Supreme Court has sanctioned the primacy of contemporary law over customary law, but the importance attached to traditions and customs remains in place thus

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112 UNDP Human Development report 2007/2008. Available at: [hdrstats.undp.org/countries/country_fact_sheets/cty_fs_CMR.html](http://hdrstats.undp.org/countries/country_fact_sheets/cty_fs_CMR.html)
113 Ibid.
114 Ibid.
undermining laws protecting women. The law fixes the minimum age for marriage at 15 for women and 18 for men, so early marriage is pervasive, particularly in remote provinces. Many girls are married off by their families by the age of 12. A 2004 United Nations report estimated that 36 percent of girls between the ages of 15 and 19 were married, divorced or widowed. Polygamy is permitted by law and deeply rooted in tradition: more than 50 percent of Cameroon’s men are estimated to have multiple wives. Parental authority is shared equally by fathers and mothers, unless one spouse is deprived of parental rights because of questionable behaviour, or loss of physical or mental capacity. In the event of divorce, the husband’s wishes determine the custody of children over the age of six. Spousal abuse is not viewed as legal grounds for divorce.

Cameroon’s national courts affirm the principle of gender equality with respect to inheritance rights on intestacy. However, customary practices such as levirate (which forces women to marry a man from the family of a deceased husband) infringe upon women’s right to inherit. In the absence of a will, the extent to which women may inherit from their husbands is normally governed by traditional law and customs that vary between ethnic groups.

Female genital mutilation still exists in some areas of Cameroon especially in the far north and southwest of the country where the practice is said to affect 100 percent of Muslim girls and 63 percent of Christian girls.116 Women who are not circumcised can be cast out by the community and therefore women themselves support the practice.

Most violence against women takes place within the private sphere and although there seems to be few statistics on domestic violence against women, reports from NGOs and government structures indicate that it is a widespread problem in the country. In cases of assault, a victim’s family or village often impose direct, summary punishment on the suspected perpetrator through extralegal means. During the period from 2006 to October 2008, the country’s decentralized services and specialized technical units recorded 12,680 cases, including: 3,680 cases of physical violence against women (beatings); 2,500 cases of psychological violence (serious verbal abuse); 850 cases of repudiation; 1,855 cases of non-payment of spousal support; 25 cases of rape; 1,950 cases of family abandonment; and 1,829 cases of bigamy. In addition, about 1,500 cases were reported directly to the Minister’s office during the same period.117

Rape is a criminal offence, but men are exempted from punishment if they agree to marry the victim.118

Ill-treatment of female prisoners was reported by the UN Rapporteur on Torture who found that female prisoners were subjected to sexual violence by other prisoners as well as state officials.119 It was reported that several women were killed by police because they either were girlfriends of supposed robbers or they refused to become mistresses of government officials.120 Some women were put into detention on the sole grounds that their boyfriends were thought to be criminals.

Due to its geographical location Cameroon is the centre for international trafficking, serving as a country of source, transit and destination. Also trafficking occurs within the country for the social tradition of placement, which is a tool used by the community for help and social promotion. Poor families would send children to live with wealthy family members or with other families in the urban areas. This inter-family help system is used by traffickers for creating trafficking networks.
Gender machinery (governmental and community-based)

The institutional framework includes: a Women’s Education service in the Ministry of Social Affairs established in 1975; and a Ministry of Women’s Empowerment and the Family established in 2004. Civil society organisations such as ASAFE (Association pour le Soutien et l’Appui a la Femme Entrepreneur) and OFSAD (Organisation des Femmes pour la Securite Alimentaire et le Developpment du Cameroun) provide business development services to micro and small enterprises run by women.

Legislation and policies

Constitution

The Constitution guarantees all citizens of either sex the rights and freedoms set forth in the preamble. The human person, without distinction as to race, religion, sex or belief possesses inalienable rights and all shall have the same equal rights and obligations.

International instruments

- CEDAW (signed 1983, ratified 1994)
- OP CEDAW (ratified 2005)
- Palermo Protocol (signed 2000, ratified 2006)
- ACHPR (signed 1987, ratified 1989)
- PACHPRRWA (signed 2006)

Domestic legislation

The Civil Code designates the husband as the head of the family and as such the principle moral and financial manager. The Civil Code also grants the husband the sole right to determine the family’s domicile. The Penal Code defines the crime of adultery in terms more favourable to men because while a man may be convicted of adultery if the sexual act takes place in his home a women may be convicted irrespective of the venue.

While criminal procedure remains distinct in East and West Cameroon, criminal law is unified in one Penal Code. In the Penal Code, rape and sexual assault are punishable for between 5 to 10 years in prison. Rape is defined as ‘a person who, by using physical or emotion violence, forces a woman or pubescent girl to have sexual relations’. There is still a culture of impunity whereby if the perpetrator marries the victim, he is not punished.

The Penal Code punishes any person who reduces a person to slavery or is involved in trafficking human beings with a prison sentence of between 10 to 20 years.

A draft law on the prevention and punishment of violence against women and gender-based discrimination is under consideration. The law will address violations that heretofore went unpunished, such as female genital mutilation and sexual harassment. The areas addressed in this draft law seek effectively to ensure protection of the person and rights of women in society.

Policies and strategies to address violence against women

By Decision 00785/DGSN/CAB of 2005, the Director of the National Security Department established within INTERPOL-National Central Bureau (NCB) a Special Morals Brigade, with the specific mission of eliminating all forms of violence and discrimination against all vulnerable population

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122 The UN Secretary- General’s database on violence against women. Available at: http://webapps01.un.org/vawdatabase/country.action
groups, but especially women and children. The Brigade is part of the Extradition and Investigation Service of INTERPOL-NCB in Yaoundé.

The Ministry for the Promotion of Women and the Family also operates a hotline, which enables victims of violence or anyone with information on a case of violence to reach the Ministry’s services at any time of the day or night. Health and financial assistance provided by the Ministry for the Promotion of Women and the Family includes medical care for the victim and payment of associated costs in the case of indigent victims of violence, or arranging for such payment by the Ministry of Social Affairs or the Ministry of Public Health.

In 2008, the government of Cameroon signed cooperation agreements with three NGOs (AWA, WOPA and ASSEJA) aimed at ensuring that all acts of violence and discrimination against women are reported, that trafficking networks are exposed and dismantled, and that the police force receives support in caring for and assisting in the reintegration of women victims of violence into society and their families. This cooperation also seeks to build the capacity of the NGO personnel and facilitate regular exchange of information. In terms of the agreement, awareness-raising activities to combat violence against women have included: design and dissemination of specific messages; design and dissemination of posters and picture boxes; participation in the annual 16 Days of Activism Against Gender Violence campaign launched by the United Nations; organization of educational talks; education for a culture of peace and for family and conjugal life; premarital counselling; marriage counselling; radio and television programmes such as Entre nous les dames (Just Between Us, Ladies), Femmes, familles et société (Women, Families and Society) and Planète femmes (Planet Women), as well as publication of the Ministry’s magazine Femmes et Familles Magazine (Women and Families Magazine) and production of posters, banners, television spots, flyers, leaflets, pennants, T-shirts, caps, bulletin boards, CD-ROMs, etc.

Methodologies for data collection on violence against women

It has been noted that there may be a lack of comprehensive information regarding gender-violence in Cameroon because violence against women occurs at the hands of state agents as well as private individuals.123

Administrative data
The INTERPOL-National Central Bureau (NCB) collects data on a range of crimes such as sexual exploitation, assault and battery, rape, sodomy, abuse, death threats relating to homosexual activity, bodily harm, and neglect of an incapable person and abandonment of the marital home.

Statistical data and research
The National Institute of Statistics provides gender disaggregated data on health and population demographics, and women in the informal sector.

CAPE VERDE

Country overview

The Republic of Cape Verde is an island country off the western coast of Africa. It has a surface area of approximately 4,033km² and a population of 505,600, of which 263,900 are women and 241,700 are men.124

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124 Available at: http://unstats.un.org/unsd/demographic/products/mdgwm/tab1a.htm
In 1975, Cape Verde gained its independence from Portugal, after a transitional government of Portuguese and Cape Verdians had been in power for six months. The African Party for the Independence of Cape Verde established a one-party system and ruled Cape Verde from independence until 1990, when the one-party state was abolished. Cape Verde is now a stable democracy.

Cape Verde ranks 102 out of 177 countries on the Human Development Index, 38 out of 108 developing countries on the Human Poverty Index, and 120 out of 156 countries on the Gender-related Development Index.  

**Situation analysis of violence against women in the country**

In Cape Verde, about 41 percent of households are headed by women. Women work primarily in informal sectors and continue to face discrimination and sexual harassment. Women are paid less than men for comparable work but are making inroads into various professions. Discriminatory treatment in inheritance is reported. Deep-rooted traditional patriarchal stereotypes regarding the roles and responsibilities of women and men in family and in society at large persist.

Domestic violence against women, including wife beating, is widespread. Government and civil society encourage women to report criminal offences such as spousal abuse; however, longstanding social and cultural values inhibit victims from doing so. At the encouragement of the government and civil society, more women are reporting criminal offenses such as spousal abuse or rape.

A survey conducted by the Ministry of Justice found that violence against women incidents are more prevalent in urban than in rural areas. However, the survey also found that citizens in urban areas are more likely to report violent/personal crimes such as assault and sexual offences. Furthermore, while in urban areas most victims report not very serious forms of sexual harassment, the type of incidents reported by victims in rural areas are more serious. Cape Verde is also a transit point for traffickers. Sex tourism is a growing problem, and there are no laws to address it. While no statistics are available, prostitution is most prevalent in the tourist areas of the islands of Sal, Boa Vista, and Sao Vicente.

**Gender machinery (governmental and community-based)**

The Cape Verdean Institute for Gender Equality and Equity – under the Minister in the Presidency, of Reform of the State and of National Defence - works for the protection of legal rights of women. The work developed through the Institute includes the editing of a guide to women's rights and a study of the Convention on the Elimination of All Forms of Discrimination against Women.

NGOs such as the Association in Support of Women's Self-Promotion in Development and the Cape Verdean Women's Organization conduct campaigns against rape. The Women Jurists' Association provides free legal assistance to women throughout the country suffering from discrimination, violence, and spousal abuse.

**Legislation and policy**

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Constitution
Article 25 of the Constitution states that “all citizens are equal before the law, enjoy the same rights and are subject to the same obligations, with no distinction as to gender, social, intellectual or cultural status, religious belief or philosophical conviction”.

International instruments
- CEDAW (ratified 1980)
- ACHPR (signed 1986, ratified 1987)
- PACHPRRWA (ratified 2005)

Domestic legislation
The Penal Code of 2004 incorporates domestic violence as an offence, and includes sex crimes and verbal and mental abuse against women and children as punishable acts. Domestic violence against women, including wife beating, is punishable by 2 to 13 years’ imprisonment.

Rape, including spousal rape, is a criminal offense. The penalty for rape is 8 to 16 years imprisonment, and may be higher if the victim is under the age of 16, or if the offender takes advantage of a position in a prison, hospital, school, or rehabilitation centre, or with persons under his or her responsibility. Under the Code of Criminal Procedure of 2005, one of the measures of personal restraint that can be imposed is “a prohibition on continuing to reside in the family home, when the defendant is the subject of prosecution for the ill-treatment of a spouse or partner …” (art. 289, para. 1 (d)).

Policies and strategies to address violence against women
Adopted in 1996, the National Action Plan for the Advancement of Women introduced gender mainstreaming into the country’s planning. In 2000 and 2001, the Cabinet of the Prime Minister, the Institute on the Status of Women and the United Nations Population Fund (UNFPA) worked on a programme to introduce a gender perspective into development plans and programmes. The National government established a National Plan to Combat Gender-Based Violence in 2008. This Action Plan is funded through multi/bi-lateral funding and national funding has been allocated to the initiative. The National Action Plan aims to: establish care networks for assistance to victims of domestic violence; provide shelters or integrated service centres in collaboration with NGOs/CSOs; provide a coordinated response to violence against women; and provide counselling/psychological care and free health care to victims. Joint initiatives by UNIFEM, UNFPA and UNDP have provided activities on culture and women’s empowerment. With the National Gender Advisor, projects include violence against women, gender-based budgeting, economic opportunities for women and the promotion of women’s access to professional training in the tourism industry.130

There are care networks for victims of gender-based violence, consisting of various NGOs and institutions that provide specialized, skilled care to victims of domestic violence. Care is provided free of charge by trained specialists, according to each woman’s needs. The preparation of a procedural handbook on victim support techniques by the Cape Verde Institute for Gender Equality and Equity (ICIEG) standardized the care offered by the various networks and provides guidance to those working with victims. There are around 34 institutions providing support. Furthermore, police support offices for victims of gender-based violence exist in two city-based police stations. Since 2006, a small group of criminal judges and judicial police experts have received training. ICIEG and the Association of Women Jurists plan to scale up training and capacity-building activities for judges and police officers in 2009 under the National Plan to Combat Gender-Based Violence. The training focuses on forensic

130 The UN Secretary-General’s database on violence against women. Available at: http://webapps01.un.org/vawdatabase/country.action
psychology, awareness-raising on gender equality, techniques for supporting victims of gender-based violence.\textsuperscript{131}

**Methodologies for data collection on violence against women**

**Administrative data**

Data on violence against women is recorded in the two police support offices for victims of gender-based violence in two city-based police stations, one in Praia and the other in Mindelo.\textsuperscript{132}

**Statistical data and research**

In 2005, the National Statistics Institute (INE) carried out the Second Demographic Survey of Sexual and Reproductive Health. The survey sample was 1,333 women representative of the entire country. The survey included men and women aged 15-45, married, single and in de facto unions and asked questions in relation to psychological, physical, verbal, sexual and economic violence.

**CENTRAL AFRICAN REPUBLIC**

**Country overview**

The Central African Republic (CAR) is a landlocked country in central Africa. CAR has a total surface area of 622,984km\textsuperscript{2} and an estimated population of 4,422,400, of which 2,249,800 are women and 2,172,600 are men.\textsuperscript{133}

From 1992 to 2002, CAR experienced at least 4 mutinies. In 2003 General Bozize took power and established a new government of transition after an armed conflict in 2002 led by former army Chief of Staff and current President Bozize, and forces loyal to former President Patasse. A new cabinet was formed in 2005. Small groups are still harassing people along main roads and rebel groups have increased their activities against the government in the North and North East.

CAR ranks 171 out of 177 countries on the Human Development Index, 98 out of 108 developing countries on the Human Poverty Index, and 148 out of 156 countries on the Gender-related Development Index.\textsuperscript{134}

**Situation analysis of violence against women in the country**

Gender inequalities are pervasive with 63 percent of women illiterate in 2003 compared with only 46 percent of men.\textsuperscript{135} A 2004 United Nations report estimated that 42 percent of girls between 15 and 19 years of age were married, divorced or widowed. At the age of 18 years, an estimated 57 percent of all women are married. This practice has serious consequences in terms of limiting opportunities for girls to acquire adequate schooling or pursue careers.\textsuperscript{136}

Violence against women is widespread with 45 percent of women having been victims of physical and sexual violence in 2000. According to the Association of Women Jurists, a Bangui-based NGO specializing in the defence of women's and children's rights, victims of domestic abuse seldom report incidents to authorities, and when incidents are addressed, it is done within the family or local

\textsuperscript{131} Ibid.
\textsuperscript{132} Ibid.
\textsuperscript{133} Available at: http://unstats.un.org/unsd/demographic/products/indwm/tab1a.htm
\textsuperscript{134} Human Development Index Statistical update, 2008. Available at: http://hdrstats.undp.org/2008/countries/country_fact_sheets/cty_fs_UGA.html
\textsuperscript{136} Available at: http://genderindex.org/country/central-african-republic
community. The World Health Organization estimates that FGM affects more than 40 percent of women across the country, with the figure rising to 90 percent in specific regions. UNICEF estimates that between 1998 and 2005, 36 percent of women between the age of 15 and 49 had undergone FGM.

Polygamy is legal and the law allows a man to take up to four wives, but a prospective husband must indicate at the time of the first marriage contract whether he intends to take additional wives. The law does not discriminate against women in inheritance and property rights, but a number of discriminatory customary laws often prevail, and women’s statutory inheritance rights are often not respected, particularly in rural areas. Only men are entitled to family subsidies from the government.

The Bimbo central prison for women houses primarily pre-trial detainees, most of whom are women accused of sorcery. A 2008 Human Rights report states that several individuals had been detained for four months and had not yet appeared before a judge; few had lawyers. Prison officials allowed detainees and prisoners to be sent to a nearby hospital when they became ill. overcrowding was reportedly not a problem, and children younger than five years old were allowed to stay with their mothers at the prison. Mobs reportedly continue to kill and injure suspected sorcerers or witches during the year. For example, in October 2008, local media reported the killing of a nine-year-old girl who was seriously burned and subsequently died after she was accused of being a sorcerer. Authorities arrested two members of her family.

In the armed conflict between October 2002 and March 2003, war crimes and crimes against humanity, specifically against women, were committed. Amnesty International findings in 2003 suggest that sexual violence, including rape perpetrated by combatants, was committed as part of a widespread attack on the civilian population, pursuant to government and armed opposition group policies. In 2004, Amnesty International published a report entitled, Central African Republic: Five months of war against women, which highlighted the violence committed against women during the armed conflict between 2002 and 2003. Over 1,000 rape survivors among 20,000 internally displaced persons (IDPs) in the region have received medical and psychological care, including HIV testing and counselling, in the past six months from aid groups.

Gender machinery (governmental and community-based)

The Ministry of Family, Social Affairs and National Solidarity is in charge of women’s affairs.

The Association of Central African Women Lawyers advises women on their legal rights and has published and disseminated pamphlets on the dangers of FGM and food taboos. L’Association Centrafricaine pour le Bien Etre Familial (ACABEF), formed in 1986, assists the government in the formation and implementation of a National Population Policy. With over a thousand volunteers, ACABEF runs a model clinic in Bangui, which aims to improve access to contraception and other reproductive health services. ACABEF also has a project focusing on empowerment and economic

138 Ibid.
139 Ibid.
140 Ibid.
141 Ibid.
144 Available at: http://www.afrol.com/Categories/Women/profiles/car_women.htm
security. ACABEF's work targets adolescent reproductive health as well as the needs of rural and peri-urban women. OCODEFAD (L'Organisation pour la Compassion et le Développement des Familles en Détresse) is a nongovernmental organisation (NGO) founded in 2003 by Bernadette Sayo, a teacher who was raped and widowed by MLC soldiers. The NGO aims to take legal action against rapists and their accomplices.

**Legislation and policy**

**Constitution**

The 2004 Constitution stipulates that all persons are equal before the law without regard to wealth, race, sex, or religion. The CAR Constitution also makes special reference to the protection of women and children in article 6, which states that: "the protection of women and children against violence and insecurity, exploitation and moral, intellectual and physical neglect, is a state and community responsibility".

**International instruments**

- CEDAW (ratified 1991)
- Palermo Protocol (ratified 2006)
- ACHPR (signed 2003, ratified 1986)
- PACHPRRWA (signed 2008)

**Domestic legislation**

A Family Code designed to strengthen women's rights was enacted in 1998, but a number of customary laws often take precedence. The law allows a man to take up to four wives, but a prospective husband must indicate at the time of the first marriage contract whether he intends to take additional wives. In practice many couples never marry formally because men cannot afford the traditional bride payment. The family code authorizes the use of bride payments, but it neither requires them nor sets a minimum payment amount.\(^\text{145}\)

In December 2006, Act No 6.032 related to the protection of women against violence was passed. The law punishes physical, sexual and psychological violence against women, whether in the public or the private sphere.

Although the law prohibits female genital mutilation, which is punishable by up to 10 years' imprisonment, girls continue to be subjected to this traditional practice in certain rural areas.\(^\text{146}\)

The law prohibits rape; however, this crime remains a problem.\(^\text{147}\) Rape is punishable by imprisonment with hard labour, although the law does not specify a minimum sentence. The law also prohibits sexual harassment.

Although the law does not prohibit prostitution, it prohibits the incitement of someone to prostitution and the act of profiting from an individual's prostitution. The law designates a fine and imprisonment for three months to one year for those found guilty of procurement of individuals for sexual purposes (including assisting in prostitution). For cases involving a minor, the penalty of imprisonment is between one and five years.

**Policies and strategies to address violence against women**

\(^{145}\) Available at: http://www.afrol.com/ Categories/Women/profiles/car_women.htm

\(^{146}\) Available at: http://genderindex.org/country/central-african-republic

\(^{147}\) Available at: http://www.state.gov/g/drl/rls/hrrpt/2000/af/731.htm
Three national action plans have been established for the years 2007 to 2011: a National Plan of Action on Human Rights, the National Action Plan to Combat Domestic Violence, and the National Plan of Action on Women’s Rights. The Human Rights Commission (HRC) in the National Assembly sought to strengthen the capacity of the legislature and other government institutions to advance human rights. Among their human rights priorities, HRC members said they aimed to stop extrajudicial killings by the OCRB, improve conditions in detention centres, reduce prolonged detentions without trial, fight corruption, expand women’s and minorities’ rights, and combat the worst forms of child labour. The commission suffers from a severe lack of resources. In 2005, the CAR government referred the situation of crimes in the country to the Prosecutor of the ICC.

A World Health Organisation (WHO) study has highlighted the poor conditions in the CAR, and one of the government and WHO current priorities is the provision of psychological assistance to the victims of violence particularly raped women.\footnote{Available at: \url{http://www.who.int/hac/crises/caf/CAR_AFRO_Nov06.pdf}}

**Methodologies for data collection on violence against women**

**Administrative data**
Basic data about sexual violence is recorded by police. For instance, 180 cases of rape were recorded in the capital city of Bangui and 250 in rural areas.\footnote{Available at: \url{http://webapps01.un.org/vawdatabase/country.action}}

**Statistical data and research**
Statistical data and research on violence against women is minimal. A Health and Demographic Survey was last conducted in 1994 in the CAR. The survey provided information on female genital cutting, HIV behaviour and knowledge, as well as on service availability.\footnote{Available at: \url{http://www.measuredhs.com/aboutsurveys/search/metadata.cfm?ctry_id=5&surv_id=66&SrvyTp=FGC}}

**CHAD**

**Country overview**

The Republic of Chad is a landlocked country in central Africa. It has a total surface area of 1,284,000km\(^2\) with a population of approximately 11,206,200, of which 5,636,600 are women and 5,569,500 are men.\footnote{Available at: \url{http://unstats.un.org/unsd/demographic/products/indwm/tab1a.htm}} It is a religiously diverse country with 51 percent Muslims, 35 percent Christian, 7 percent animist and 7 percent other.\footnote{Nationmaster Statistics (2006). Available at: \url{http://www.nationmaster.com/country/cd-chad/rel-religion}} Chad’s population relies on subsistence farming and raising livestock for livelihood. In 2000, major foreign investment in the oil sector promised to boost the country’s economic prospects but the profits have yet to trickle down.

Chad gained independence from France in 1960. Chad's post-independence history has been marked by instability and violence, stemming mostly from tensions between the mainly Arab-Muslim north and the predominantly Christian and animist South.\footnote{Available at: \url{http://www.zambian.com/africa/html/chad-africa.html}} Since 2003, unrest in neighbouring Darfur (Sudan) and the Central African Republic (CAR) has spilled across Chad’s eastern and southern borders, bringing over Sudanese refugees into the eastern part of the country and refugees from CAR into the South. In spite of UN Security Council Resolution 1778 (September 2007) authorizing the creation of a peace-keeping mission in eastern Chad and north-eastern CAR, the return of refugees to unstable Darfur and CAR is very unlikely.

\footnote{Available at: \url{http://www.who.int/hac/crises/caf/CAR_AFRO_Nov06.pdf}} \footnote{The UN Secretary-General's database on violence against women. Available at: \url{http://webapps01.un.org/vawdatabase/country.action}} \footnote{Available at: \url{http://www.measuredhs.com/aboutsurveys/search/metadata.cfm?ctry_id=5&surv_id=66&SrvyTp=FGC}} \footnote{Available at: \url{http://unstats.un.org/unsd/demographic/products/indwm/tab1a.htm}} \footnote{Nationmaster Statistics (2006). Available at: \url{http://www.nationmaster.com/country/cd-chad/rel-religion}} \footnote{Available at: \url{http://www.zambian.com/africa/html/chad-africa.html}}
Chad is ranked in the bottom 9 countries on the Human Development Index, as 170 out of 179 countries. Chad is ranked 133 out of 135 developing countries on the Human Poverty Index, and 147 out of 157 countries on the Gender-related Development Index.

**Situation analysis of violence against women in the country**

Cultural beliefs deem men dominant in society and women are seen as property and as being at the bottom of the social ladder. By tradition wives are subject to their husbands’ authority. Rape and sexual harassment are all allegedly problems but there is sparse legal documentation for the protection of women against violence. One of the main factors associated with the high dropout rate of girls from school is the sexual harassment that girls face in educational institutions. Teachers offer girls small gifts or better grades in exchange for sexual favors. Women often fail to report violence as they are fearful of repercussions because there are no facilities available to protect them and few legal resources. Discrimination against women is widespread because in practice women do not have equal opportunities for education and training. Property and inheritance laws do not discriminate but traditional practice favours men.

Female genital mutilation (FGM) is prevalent in eastern Chad, with a prevalence rate of some 44.9 to 60 percent in certain regions. Health consequences of FGM include bleeding, infection, prolonged and obstructed labour, infertility and psychological trauma. Conflict-related violations and abuse of human rights plague eastern Chad where women and girls face rape and other forms of sexual violence at the hands of armed forces. However, women don’t report rape due to the social stigma attached. Some of the rapes result in pregnancy, with extremely negative consequences for women, as there is a cultural stigma attached to being pregnant outside of marriage and to be carrying a child fathered by the enemy has other problems. Internally Displaced Persons camp refugees are mostly women and girls, some fleeing from the conflict in Darfur and the Central African Republic. Even in these camps there is a lack of security, and the Chadian government has resisted the deployment of UN troops to protect citizens. Local communities have also attacked the displaced.

**Gender machinery (governmental and community-based)**

The Ministry of Social Action and the Family is entrusted with implementing plans to promote gender equality and address violence against women and girls.

The Ministry of Justice has established 6 regional committees to oversee the implementation of the project addressing the sexual exploitation of children.

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158 The Female Genital Cutting Education and Networking Project (2003). Available at: www.fgmnetwork.org/intro/fgmintro.html
Several nongovernmental organizations (NGOs) work in the area of children’s rights. The Association of Female Lawyers of Chad, the Association for the Protection of Street Children, and UNICEF work with the Ministries of Justice, Social Action and the Family, Interior, and Security and with the various municipalities. They lobby for legal reform to protect women and children. The Association of Female Lawyers of Chad has started awareness-raising campaigns on the issue and counseling services in the main cities of the country, where women and children whose rights have been violated can go for protection. Cellule de Liaison des Associations Feminines collects and disseminates information on women and children’s rights among its network members.\(^{163}\)

A Violence against Women Monitoring Committee was set up in 2009 by women community members after a woman was killed by her husband in a nearby village.\(^{164}\) It is run by women from the community and aims to monitor domestic violence against women within the communities by defending the rights of women.\(^{165}\)

**Legislation and policy**

**Constitution**

Under the Constitution of 1996, men and women are equal under the law and the State has a duty to see to the elimination of all forms of discrimination with regard to women and to assure the protection of their rights in all areas of private and public life (article 14).

**International instruments**

- CEDAW (ratified 1995)
- Palermo Protocol (ratified 2009)
- ACHPR (signed 1986, ratified 1986)
- PACHPRRWA (signed 2004)

**Domestic legislation**

A Family Code was drawn up but has still not gone through Parliament as conservative members think the law gives women too much power.\(^{166}\) Under the law polygamy is sanctioned but spouses may opt for monogamy. If a monogamous relationship is violated, the marriage may be dissolved at the wife’s request alone; however she must repay the bride price and other expenses related to the marriage.\(^{167}\)

Rape and prostitution are prohibited by law but sexual harassment is not. The Penal Code specifically prohibits assault and battery but does include specific articles on violence in the home.

Act No. 6/PR/2002 of 2002 on the promotion of reproductive health outlaws FGM and other forms of violence stating that: "All persons have the right not to be subjected to torture and to cruel, inhuman and degrading treatment of their body in general and of their reproductive organs in particular. All forms of violence such as female genital mutilation (FGM), early marriage, domestic violence and sexual abuse of a human being are prohibited."

The Penal Code of Chad prohibits procurement — that is, encouraging the debauchery of others with the goal of making profits or living off the prostitution of others. The punishment is a fine and

\(^{163}\) Available at: http://www.protectionproject.org/?q=content/country-reports


\(^{165}\) Ibid.

\(^{166}\) Ibid.

imprisonment for 6 months to 2 years. If the offense is committed against a minor, the imprisonment increases to 2 to 5 years. Operating an establishment for prostitution in a brothel or on other premises is also prohibited. Punishment for the offense is a fine and 2 to 5 years’ imprisonment. The Criminal Code of Chad penalizes the marriage of girls under the age of 13 years and provides, in article 277, that "the consummation of a customary marriage before a girl has reached the age of 13 years is deemed to be rape and punishable as such."  

Act No. 19 on HIV and AIDS protects the rights of children in the context of HIV and Aids, and promotes the access to information and education on prevention methods, as well as protection against sexual violence. New legislation to address sexual offenses, paedophilia, incest and trafficking of children is being drafted with technical assistance from UNICEF.

Policies and strategies to address violence against women
In 2002, a gender equality project was implemented at the Ministry of Social Action and the Family with the assistance of UNFPA. The project intended to restore balance and parity between men and women. Other policies and programmes that address gender issues and violence against women are: Policy Declaration on the Integration of Women in Development; Campaign to End Fistula; Poverty Reduction and Action for Women Project (REPAFEM); Family life education project; Girls’ school attendance project; 2007 project against trafficking and sexual exploitation of children.

The Department for the Promotion of the Enrolment of Girls has been set up in the Ministry of Education. In accordance with the recommendations of the 2004 Arab-African Forum against Sexual Exploitation of Children, and the regional agreement to combat trafficking in persons, especially women and children, signed by the Republic of Chad in 2006 in Abuja, two national action plans were developed and approved in 2006 and 2007, respectively, to combat the sexual exploitation and trafficking of children.

The Ministry of Social Action and the Family is also working on a free helpline connected to the police aimed at giving legal and medical advice.

Other services include: Centre d’écoute (Listening centre) which provides legal support and counselling to women; and health services on sexual and reproductive health, and HIV and AIDS, for refugees and host communities, including the provision of health kits and post-exposure prophylaxis and antiretroviral drugs.

The government also runs, on a regular basis, public awareness and education campaigns on violence against women, gender equality, children’s rights, female genital mutilation, sexual and reproductive rights and HIV and AIDS.

Methodologies for data collection on violence against women

Administrative
There is a lack of information on the true extent of gender-based violence in and outside IDP sites in eastern Chad. The police keep administrative data on reported cases of rape and other sexual

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168 The UN Secretary-General’s database on violence against women. Available at: http://webapps01.un.org/vawdatabase/country.action
169 Ibid.
170 Ibid.
172 Available at: http://www.protectionproject.org/?q=content/country-reports
173 The UN Secretary-General’s database on violence against women. Available at: http://webapps01.un.org/vawdatabase/country.action
offences.\textsuperscript{174} UNICEF focus groups do on-the-ground research amongst refugees but there is no collective data-gathering.

\textbf{Statistical data and research}

A 2005 United Nations Population Fund (UNFP) report highlighted the difficulties in monitoring and evaluating population and development programmes, as the statistical databases are weak and there is a lack of disaggregated data and gender studies.\textsuperscript{175}

In 2009, the Ministry of Social Action and the Family conducted a nationwide survey to measure the extent of violence against women with the support of UNFP.

\textbf{COMOROS}

\textbf{Country overview}

The Union of Comoros consists of three of the four islands in the Comoros archipelago: Anjouan, Grande Comore and Moheli. The fourth is Mayotte and, despite claims by Comoros, is still under French administration. It has a total surface area of approximately 2,235km\textsuperscript{2} and a population of approximately 676,000, of which 336,800 are women and 339,200 are men. The inhabitants of the Comoros are mainly of African-Arab origin and Islam is the dominant religion. However, the country has been influenced by sub-Saharan Africa’s more liberal attitudes, especially in the area of the role of women in society.\textsuperscript{176}

Comoros achieved independence in 1975 but the next 30 years was characterized by political turmoil with coups by various generals. Despite peaceful elections in 2006, conflict re-ignited in 2007 when hostility between Anjouan and the other two islands ignited over individual island elections. Intra-state conflict is evident between those affiliated with the Union Government and those affiliated with the governments of individual islands.

Comoros is ranked 137 out of 179 on the Human Development Index, 77 of 135 developing countries on the Human Poverty Index, and 99 out of 157 on the Gender-related Development Index.\textsuperscript{177}

\textbf{Situation analysis of violence against women in the country}

The diversity of Comorian society means that women’s empowerment and its meaning is diverse and, despite matriarchal traditions, men retain the dominant role in society. Women who live in towns have a higher status than those living in rural areas, where opportunities for education and wage employment are lower. The culture remains quite liberal with respect to the role of women in society, and women are not disfavoured in inheritance and property rights. For example, the house that the father of the bride traditionally provides for the couple at the time of marriage remains her property in the event of divorce.\textsuperscript{178} However, early marriages are a common occurrence where thousands of Comorian girls are forced to give up schooling to prepare to look after their husbands, who then

\textsuperscript{175} Available at: had.unfpa.org/driver/dpfpa_cpd_tcd-5.doc
\textsuperscript{177} Human Development Index Statistical update 2008. Available at: http://hdrstats.undp.org/2008/countries/country_fact_sheets/cty_fs_UGA.html
become the guardian of their wives’ honour. Some poor families send children to live in other households where they work as domestic servants, often at ages as young as 7 years old.

Violence against women is not openly talked about and therefore it is hard to collect concrete facts. However, there are a number of manifestations of violence occurring in private homes, in schools and in the workplace, such as: physical violence, deprivation of food, psychological violence (verbal abuse, forced marriage, exploitation of women for monetary aims) and sexual abuse (rape, incest and other sexual offences). Research conducted in 2006 showed that 1 out of 3 women have experienced violence in their lives. Factors that contribute to women remaining silence about the abuse include: culture and tradition, dishonouring of women who have been sexually abused, parents forcing daughters into marriage, no political will to address violence against women, no respect for court decisions, insufficient prevention initiatives, and lack of resources to provide services to women.

Gender machinery (governmental and community-based)

The Ministry of Health, Solidarity and Promotion of Gender is responsible for furthering the work on gender equality and implementing projects to address violence against women and girls.

Legislation and policy

Constitution
The constitution of the Union of Comoros gives equal rights to men and women.

International instruments
- CEDAW (ratified 1994)
- ACHPR (signed 2004, ratified 1986)
- PACHPRRWA (signed 2004, ratified 2004)

Domestic legislation
The Family Code entrenches the rights of women. A woman can seek protection through the courts in the case of violence, but the extended family or village elders usually address these problems.

There are two legal approaches to marriage: the first is under Muslim law, which states that the age of majority is 14-15 years. In the Family Code, the age of majority is 18 for a woman. This lack of uniformity leads to the occurrence of early marriages and is a concern for women’s rights.

Rape is illegal, punishable by imprisonment of 5 to 10 years or up to 15 years if the victim is younger than 15 years of age. Spousal rape is not specifically addressed. Sexual harassment is illegal and punishable by up to 10 years imprisonment. Although rarely reported due to societal pressure, such harassment is nevertheless a common problem, and the government does not effectively enforce penalties against it.

Policies and strategies to address violence against women

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179 Immigration and Refugee Board of Canada (2004). “Comoros: The Status of Women; whether forced marriages exist; the types of punishments inflicted on women who refuse to enter forced marriages; state protection available to the victims”. Available at: http://www.unhcr.org/refworld/country,,IRBC,,COM,45b632e02,41501c0023,0.html
180 Joint Presentation of the Ministry of Health, Solidarity and Promotion of Gender of the Union of the Comoros – General Committee of Solidarity and Promotion of Gender and the Women and Development Network at the UNIFEM Regional Consultative Meeting on the Africa Wide Campaign to End Violence against Women and Girls, 11-12 May 2010, Johannesburg, South Africa
181 Ibid.
182 Ibid.
183 Available at: http://www.historycentral.com/nationbynation/Comoros/Human.html

The National Gender Policy promotes gender equality. A UNFPA project, “Strengthening Technical and Institutional Capacities in Formulating, Managing and Coordinating Population and Gender Polices and programmes at Regional and National Levels”, was run in 2003. However, UNFPA states that Comoros lacks comprehensive monitoring and programme planning and implementation of a gender framework in fighting violence against women.

Methodologies for data collection on violence against women

Administrative data
Data on sexual violence (rape, incest and other forms of sexual abuse), abuse of children, physical violence against women, alimony cases, and abandonment of family are recorded by the police and the courts.

Statistical data and research

Congo

Country overview
The Republic of Congo is situated in Central Africa. It has a surface area of approximately 343 000km² and an estimated population of 3,683,200 million, of which 1,844,700 are women and 1,838,500 are men. Many refugees from Rwanda, Burundi and the DRC live in Congo, as do nationals of several foreign communities, chiefly from West Africa and Lebanon.

Congo is a former French colony. Upon independence in 1960, the former French region of Middle Congo became the Republic of the Congo. Congo became a multi-party democracy in 1992. However, a brief civil war in 1997 resulted in the overthrowing of democratically elected president Pascal Lissouba and the installation of former President Denis Sassou Nguesso to power. Congo ranks 139 out of 177 countries on the Human Development Index, 57 out of 108 developing countries on the Human Poverty Index, and 104 out of 156 countries on the Gender-related Development Index.

Situation analysis of violence against women in the country

In Congo, widespread discrimination against women with regard to political rights, education, employment and marriage is prevalent. The media from both national and foreign stations, such as the DRC, propagate sexist stereotypes reproducing the traditional distribution of labour with women relegated to the domestic area of society. Women often experience sexual harassment in the workplace. Some consent to such treatment and receive favours in return, others react strongly against what

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184 Available at: http://unstats.un.org/unsd/demographic/products/indwm/tab1a.htm
they regard as a negation of their rights and abilities. Sexual violence is also linked to the propagation of sexually transmitted diseases, most notably HIV.

The patriarchal culture adds to the inequality of the sexes and fuels unfair practices. These practices include: taboos and prohibitions in dietary matters; wrongful widowhood rites; and the custom of levirate. The existence of legal pluralism continues, with discriminatory components and obsolete provisions in customary law and statutory law: the latter includes criminal law regarding adultery; the labour and taxation laws; and family law, particularly with regard to the difference in the age at which women and men may enter into marriage. The incidence of early marriage is very high: a report published by UNICEF in 2005 indicated that 56 percent of girls between 15 and 19 years of age were married, divorced or widowed.

Polygamy is legal in Congo, but the law also gives women the right to choose before marrying whether or not they are willing to agree to the practice. Husbands who later wish to contract a second wife must inform their first wives of this intended change of plans. If the first wife consents, the couple must revise their original marriage contract.

Violence against women exists in the forms of domestic violence, sexual violence and female genital mutilation. These actions are perpetuated under a seal of silence and are generally regarded as normal. Psychological violence is also prevalent and takes the form of deprivation of freedom of movement, harassment, and accusations of witchcraft, among others. The precise situation is difficult to gauge because of the taboo character of the subject and an inadequacy of statistics issues by social and health establishments. A study by the NGO Focus Group with women victims of violence revealed that cases can be found in all age groups and the forms most frequently mentioned are domestic violence, rape (including marital rape), sexual harassment in the workplace and in institutions of learning, and other forms of sexual abuse of women. A 2003 study on attitude towards and incidences of violence against women conducted by the government with the assistance of UNFPA and where 1,541 people were interviewed, most had a ‘good idea’ of what constituted violence against women, and said such acts constituted legal crimes. However, among men who admitted to having committed VAW, nearly 32.5% said women were responsible for it because of their ‘bad behaviour’. The study also found that the primary types of VAW included force sexual relations, intimidation, physical violence, and psychological abuse. According to a confidential 2007 UN report uncovered by the media, sexual exploitation of women and girls by U.N. peacekeepers and bureaucrats in the U.N. mission in Congo "appears to be significant, wide-spread and ongoing".

Gender Machinery (governmental and community-based)

The Ministry for the Promotion and Integration of Women in Development was established in 2005. This Ministry (attached to the Ministry for Civil Service Affairs and Administrative Reform) ensures

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187 Comments and contribution from the Ministry for the Promotion and Integration of Women in Development to first study draft.
188 Available at: http://sim.law.uu.nl/SIM/CaseLaw/uncom.nsf/fe005fcb50df8277cc12569d5003e4aaa912de/3ed4903873e1256e3900366f6b5?OpenElement
189 Social Institutions and Gender: Congo
188 Comments and contributions from the Ministry for the Promotion and Integration of Women in Development to first study draft.
186 Ibid.
that gender factors are always taken into consideration in the plans and programmes of other ministries. Its responsibilities are, first, to formulate and execute policy on women’s integration and, second, to coordinate assistance projects. The Ministry ran a project that strengthened national capacities in gender and developmental matters, related to government structures, NGOS and associations with training workshops with women leaders. The Ministry also ran a project in support of the system of credit for women in the informal sector, aimed at creating a credit system adapted to the needs of women in the unofficial sector and women farmers. The Women’s Research Information and Documentation Centre is sponsored by UNDP, and has financed 97 micro projects involving 4080 persons.

A few health establishments in Brazzaville offer psycho-clinical assistance to victims, but in other regions assistance is only partial since the psycho-clinical aspect of assistance is not included.

**Legislation and policy**

**Constitution**
The Constitution refers to the Universal Declaration of Human Rights, which formally enshrines equality between men and women. Gender equality is enshrined in article 8 of the Constitution approved in 2002, which states that: “All citizens are equal. Women have the same rights as men”.

**International instruments**
- CEDAW (signed 1980, ratified 1982)
- OP CEDAW (signed 2008)
- Palermo Protocol (signed 2000)
- ACHPR (signed 1981, ratified 1982)
- PACHPRRWA (signed 2004)

**Domestic legislation**
The Fundamental Act of 24 October 1997, by which public authorities are governed, reads that all citizens are equal before the law regardless of sex. However, in principle women cannot be employed for night work according to the Labour Code.

Women in the Republic of the Congo have a low level of protection within the family context. Congolese law sets the minimum legal age of marriage at 18 years for women and 21 years for men. Moreover, the man is head of the family and the husband may obtain from the judge a ban on his wife’s activity if it “interferes with household”. According to Family Law, the family home is chosen by both partners but in cases of disagreements the husband’s choice shall prevail. There is no specific legislation on domestic violence.

The Criminal Code differentiates between adultery committed by the husband or the wife. A woman can be convicted of adultery if she maintains an extra-conjugal relationship, whereas a man, in order to be so convicted, must be keeping a concubine in the home. The Criminal Code absolves a husband of the murder of his wife in the hypothetical case of adultery. This provision does not apply to a wife who commits the same crime, which is treated as manslaughter. The Criminal Code also prohibits prostitution and severely punishes prostitutes and procurers with punishment of imprisonment of 6 months to 2 years and a fine; the punishment is increased if the offense is committed with respect to a minor or under constraint.

The Congolese legislation has outlawed all forms of discrimination in the laws related to social security, education and health. Furthermore, the Ministry of Justice and Human Rights has established
a commission to review the Family Code with a gender lens, in order to make the necessary amendments and eliminate all the discriminatory laws and regulations.196

Policies and strategies to address violence against women
The Republic of Congo had a Plan of Action in matters pertaining to the advancement of women during 2000 to 2002. Furthermore, the 2008 National Gender Policy for the period 2008-2012 included violence against women among its focus areas. The plan contemplates actions during the “16 days of Activism against Violence against Women” aimed to raise awareness on a national level, particularly on Resolution 1325 on violence in conflict situations. The Minister of the Integration of Women in Development held a leadership initiative to educate about violence against women. Although there are no specific programmes, ad-hoc talks are conducted in schools to create awareness on VAW and girls.197 Specific campaigns to prevent FGM have been conducted among migrant communities on ‘zero tolerance’ day on 6 of February. Campaigns to create awareness on the violation of women’s rights through the practice of levirate and sororate marriages have also taken place and made an impact.198

Methodologies for data collection on violence against women

Administrative
There is no specific information available.

Statistical data and research
In 2002, the Ministry for the Promotion and Integration of Women in Development created an Observatory to contribute to the reduction of a women and girls to HIV and Aids and to sexual violence. In 2005, an Observatory on violence against women and children was created with support from UNICEF. An Observatory for the collection and data analysis on violence against women and girls was also established in 2008 with the assistance of UNFPA. It aims at collecting and analysing data to inform the development of networking, educational and awareness creation initiatives.199 In 2002, research was conducted on the awareness, attitudes and practices of sexual violence against women. This was followed a year later by a study on penalties for sexual offenders.

COTE D'IVOIRE

Country overview

The Republic of Cote d’Ivoire is located in West Africa. Its total surface area is about 322,460km² squared km and it has a population of approximately 21,075,000 inhabitants, of which 10,341,600 are women and 10,733,400 are men.200 The country achieved independence from France in 1960. Maintaining close ties with France, the diversification of agriculture for export and the encouragement of foreign investment has meant that it is one of the most prosperous tropical African states. Cote d’Ivoire ranks 166th out of 177 countries on the Human Development Index, 92 out of 108 developing countries on the Human Poverty Index, and on the Gender-related Development Index 156 countries 150 have a better ratio that Cote d’Ivoire.201 From independence in 1960 until the 1990s Cote d’Ivoire enjoyed relative harmony and economic stability having the lead role in West African coffee and cocoa production. In 2000 the elections were contested between extreme nationalist parties who advocated

196 Comments and contributions from the Ministry for the Promotion and Integration of Women in Development to first study draft.
197 Available at: http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=10193&baseHREF=country&baseHREFId=367
198 Comments and contributions from the Ministry for the Promotion and Integration of Women in Development to first study draft.
199 Ibid.
200 Available at: http://unstats.un.org/unsd/demographic/products/indwm/tab1a.htm
harsh discrimination against Muslims and Northern Ivoirians resulting in a massacre of approx 200 people. Although the UN has tried to manage peace negotiations, the rebels refuse to disarm distrusting the government to hold free and fair elections.

**Situation analysis of violence against women in the country**

Domestic violence occurs frequently and there is a severe social stigma against women who are victims of domestic violence.\(^{202}\) It is presumed that the women deserved the ‘discipline’ as a result of bad behaviour that called for correction. The courts and police view domestic violence as a family problem unless serious bodily harm is inflicted.\(^{203}\) The victim’s own family also discourages criminal proceedings because of the shame that is attached to the whole family. There are also reported cases of sexual abuse at schools and child abuse in the homes.\(^ {204}\) Structural discrimination by customary law offers inadequate protection for women who experience physical violence, let alone psychological or economic violence.

Female genital mutilation (FGM) is a serious problem and is experienced by up to 60 percent of women in Cote d’Ivoire.\(^ {205}\) It is practiced particularly among the rural populations in the North and West far away from proper medical facilities. The UN reports that it is becoming less popular but still continues in certain places.\(^ {206}\)

Since the armed conflict erupted in 2002 between the Ivorian government and the northern-based rebels, girls and women in Cote d’Ivoire have been victims of brutal forms of sexual violence by armed men on both sides of the military and political divide. Human Rights Watch documented cases of sexual violence including individual and gang rape, sexual slavery, forced incest, and egregious sexual assault with guns, sticks, pens and other objects inserted into the vagina.\(^ {207}\) Other forms of physical violence such as beating, torture, killing, mutilation, or cannibalism often accompany sexual violence.\(^ {208}\) The low status of women in law and custom is highlighted as women are made more vulnerable by the lack of safeguards in place. Conflict-related rape, like most rape, reflects societal attitudes of gender inequality and subordination.\(^ {209}\) Moreover, there is little redress with regards to judicial and law enforcement.

 Trafficking is also a problem as Cote d’Ivoire is a country of origin and destination for trafficking in women and children. Women and children from Cote d’Ivoire are trafficked to Gabon and Nigeria, as well as European countries.\(^ {210}\) Moreover, a recent study by UNICEF found that trafficking in women and children is exacerbated by war as thousands of people are displaced and are desperate.

**Gender Machinery (governmental and community-based)**

The Ministry of Family, Women and Social Affairs is the coordinating department for all related gender equality issues. A National Committee to Combat Violence against Women and Children was established as part of the government's campaign against FGM. It is to revise and develop legislation


\(^{203}\) Ibid.

\(^{204}\) Ibid.

\(^{205}\) Prevalence of FGM in Africa. Available at: [http://www.afrol.com/Categories/Women/FGM/fgm_map.htm](http://www.afrol.com/Categories/Women/FGM/fgm_map.htm)


\(^{208}\) Ibid.

\(^{209}\) Ibid.

\(^{210}\) Cote d’Ivoire Trafficking Routes. Available at: [www.childtrafficking.com/Docs/the_protection_project%20_cote_0109.doc](www.childtrafficking.com/Docs/the_protection_project%20_cote_0109.doc)
and regulations to address traditional practices that are harmful to the health of women and children. The government is also cooperating with international organizations and NGOs to address trafficking victims by sponsoring regional anti-trafficking workshops, and has also aided in the implementation of diplomatic agreements to stop trafficking in West Africa.

**Legislation and policy**

**Constitution**

The Constitution and the law prohibit discrimination on the basis of sex. However, there is considerable informal resistance due to cultural beliefs and employers consider women to be less reliable because of their potential to fall pregnant.

**International instruments**

- CEDAW (signed 1980, ratified 1995)
- ACHPR (signed 2005)
- PACHPRRWA (signed 2004)

**Domestic legislation**

Act N°98-757 of 1998 prohibits forced marriages and sexual harassment. The Penal Code does not define rape but it punishes it with imprisonment of five to 20 years. The sentence is life in prison if the victim is a minor under 15. Marital rape is not considered an offence and a woman is presumed to have consented by marrying. There is no specific criminal clause prohibiting a husband from hitting his wife as domestic violence falls under articles in the Penal Code that punish assault and battery.

Act N°98-757 of 1998 forbids FGM and penalties include imprisonment for up to 5 years and a fine (double penalties apply to medical practitioners).

There is no law against human trafficking but the Penal Code covers prostitution, debauchery and soliciting.

**Policies and strategies to address violence against women**

In 2007 a National Policy on Gender Equality and Equity was adopted for the period 2009-2013. The policy focuses on gender, governance, human rights and decision making processes; gender, macro-economy and gender budgeting; gender, reconstruction, and social services (education, health and sexual violence); and institutional capacity building around gender.

For the period June to May 2008, a specific programme to address VAW was launched with a budget of USD 320,000. The project was a component of a major programme funded by the PNUD and called Women and Reconciliation. The project aimed at creating awareness around VAW and developing methods to assist victims (medical, psychological, social). A 2008-2009 programme focused on obstetric services and violence against women. In 2007, a National Plan of Action to Implement Res 1325 on women, peace and security for the period 2008-2012 was established. The plan aims to address sexual violence against women such as: female genital mutilation, institutional violence, economic violence, political violence, and social and cultural violence. Another programme to address VAW was launched by the Ministry of Family, Women and Children in 2008 with the aim of

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211 Available at: http://webapps01.un.org/vawdatabase/countryInd.action?countryId=381#cat0
213 Ibid.
214 Available at: http://webapps01.un.org/vawdatabase/countryInd.action?countryId=381#cat0
215 Ibid.
216 Ibid.
collaborating with civil society in specific projects in the period 2008-2011; the programme is funded to the tune of USD 3,690,000. In 2008, awareness campaigns were conducted in the framework of the 16 Days of Activism through different types of media. One-stop centres for women victims of violence have been opened in 3 cities, where women can access different services. The Gender Focal point at the Ministry of Justice and Human Rights has also put in place a capacity building programme on how to address VAW – particularly sexual violence - for personnel of the criminal justice system (police, courts) and the security sector. The programme is run with support from the Ministry of Family, Women and Social Affairs. Furthermore, the Strategic Plan on Girls Education – supported by the United Nations Girl Education Initiative – puts an emphasis on gender equality in school programmes. In terms of services, a one-stop centre for victims of sexual violence was opened in the year 2008 with the assistance of PNUD.217 Within the Ministry of Solidarity, Social Security and the Handicapped, the National Program for Persons Displaced by War fund reported that one third of the people treated by them were women.218

Methodologies for data collection on violence against women

Administrative data
Violence against women is underreported because of the possibilities of reprisals by perpetrators and cultural taboos. The reporting and recording of cases by police is rather inconsistent. They also do not collect statistics on rape or other physical abuse of women and there is no clear policy with regard to spousal abuse beyond what is contained in the civil code.219

Statistical data and research
There are no separate indices for gender-related statistics. In 2007, a quantitative study was conducted in the department of Abidjan by the Ministry of Family, the National Statistics Institute and the National School of Statistics and Applied Economics. The study interviewed 2,740 people in rural and urban areas who were asked questions around different forms of violence.220 Some NGO have also carried out studies. For example, Human Rights Watch interviewed 176 women who were survivors and witnesses to sexual violence. They also interviewed over 100 representatives of NGOs, medical service providers, United Nations and French peacekeepers, diplomats, rebels and government representatives.

DJIBOUTI

Country overview
The Republic of Djibouti is in the Horn of Africa. It has a total surface area of approx 23,200km² and has a population of approximately 864,200 inhabitants, of which 432,300 are women and 431,900 are men.221 Two thirds of the inhabitants live in the capital city of Djibouti and the remainder are mostly nomadic herders. The economy is based on service activities connected with the country’s location and status as a free trade zone in northeast Africa. The country is predominantly Muslim (94 percent) and the rest follow various Christian traditions. Djibouti ranks 149 out of 177 developing countries on the Human Development Index, 59 out of 108 developing countries on the Human Poverty Index, and 116 out of 156 countries on the Gender-related Development Index.222 Djibouti achieved independence from France in 1977. The president Ismail Omar Guelleh’s five-party coalition won all 65 National

217Ibid.
219Available at: http://www.afrol.com/Categories/Women/profiles/civ_women.htm
220Available at: http://webapps01.un.org/vawdatabase/countryInd.action?countryId=381#cat1
221Available at: http://unstats.un.org/unsd/demographic/products/indwm/tab1a.htm
Assembly seats in the most recent election, with the 3 party opposition coalition boycotting the election which was deemed free and fair by the African Union and Arab league.

**Situation analysis of violence against women in the country**

Women legally possess full civil rights but custom and traditional societal discrimination in the education and domestic areas result in women being relegated to secondary roles in society in public life and fewer employment opportunities for women. Many women choose to remain out of public life for fear of societal repercussions. The personal status of women is dictated by customary law, which is based on Shari’a law. The government does not provide assistance to children or women taking care of children.\(^{223}\)

Domestic violence and rape are known to be problems but because of societal constraints there are few cases reported and no statistics available. Violence against women is generally addressed within the family or clan structure rather than courts. Police rarely intervene in domestic violence incidents, and media only report extreme examples of domestic violence, such as murder.

Female Genital Mutilation is a serious problem but according to the United Nations Development Programme, FGM has been on the decline among young girls since 2006.\(^{224}\) Presently, 55 percent of girls aged 7 have not undergone the procedure compared to 14 percent of girls aged 13. However, 98 percent of women aged 15 and older have been subjected to FGM.

There are many refugees in Djibouti as a result of inter-regional and national conflict, as well as natural disasters, in the neighbouring countries of Eritrea, Somalia and Sudan. Refugees are often the victims of violence and social exclusion.\(^{225}\) Almost all the refugees are of Islamic faith and therefore age, gender and clan relation determine power and hierarchy. The male elders (said to have been traditional healers in Somalia) remain the decision makers. The immediate protection and long-term care of women victims of sexual violence is not guaranteed. Rape may or may not be reported and resolution is often in the form of financial compensation negotiated by a traditional council composed of male relatives.

**Gender Machinery (governmental and community-based)**

In 1999 a Ministry for the Promotion of Women, Family Well-Being, and Social Affairs, attached to the Office of the Prime Minister, was created. Its job is to: help the government draft policy on women’s empowerment and the strategy for implementing it; put forward draft laws and regulations on women’s and family rights; promote measures designed to enforce respect for women’s rights in society and to guarantee equality in political, economic, social, and cultural spheres; create a database on Djiboutian women’s progress, centralizing all the documentation and data gathered by all departments on the status of women in Djibouti; prepare and propose projects and programmes designed to enhance the integration of women and promote the family in the development process and decide on the best ways to bring it about in cooperation with the ministries and agencies concerned. The Ministry for the Promotion of Women also plans to provide Gender and Development (GED) training for all focal points as well as other participants. In 1988 a National Committee to Combat Harmful Traditional Practices as part of the National Union of Djiboutian Women (UNFD) was established.


Some of the civil society organisations operating in the country include: UNFD, which helps women in particular to obtain micro credit; the women’s associations of Ali Sabieh, Dikhil, Tadjourah, Obock, and Arta; ATU YOO FAN, which helps distribute and sell craft products made by women; the IFTIN Associations and OUI A LA VIE, which looks after people living with HIV/AIDS, the former caring for the hospitalized, the latter those living at home; the Al Biri and Bender Djedid ASSOCIATIONS, which lend support to widows and orphans; and Association IRIS, which provides legal and judicial assistance for women. Women’s organisations run counselling centres for women who experience gender-based violence. For example, the Union of Djiboutian Women, under the patronage of the first lady, operates a counselling centre that helps women with various problems, including domestic violence.

Legislation and policy

Constitution
The Constitution and law prohibits discrimination on the basis of language, race, or gender; however the government has not made effective attempts to enforce this.

International instruments
- CEDAW (ratified 1998, but there are Reservation for conflicts with Islamic law)
- Palermo Protocol (ratified 2005)
- ACHPR (signed and ratified 1991)
- PACHPRRWA (signed 2004)

Domestic legislation
The most significant advance in legislation is the 2002 Family Code, which fills a legal void and guarantees women and children, especially girl children, respect for certain rights. Thus, by establishing a minimum age of 18 for marriage, the law prohibits the marriage of minors, makes repudiation illegal, and improves the terms for divorce. However, the Shari’a law is still followed by many. According to Shari’a law, male children inherit larger percentages of estates, while the ability of women to travel is limited and men are favoured during divorce proceedings. The Labour Code in force since December 15, 1952 upholds the principle of non-discrimination between the sexes (Article 1) as well as the “same work, same pay” principle (Article 91). Law No 48 of 1999, established policy guidelines on reproductive health and family planning, screening for sexually transmitted diseases, awareness campaigns regarding female genital mutilation, and social welfare benefits for mothers.

Article 15 of the Constitution condemns torture, physical abuse and inhumane, cruel, degrading, or humiliating treatment. The Djiboutian Penal Code punishes acts of violence against women, such as rape, assault, torture, genital mutilation or acts of barbarity. For certain offences, pregnancy that is either apparent or known to the perpetrator is an aggravating factor, as is legal infancy or special vulnerability due to illness or infirmity. The fact of being a spouse or common law husband of the victim is an aggravating factor in two offences: torture and acts of barbarity and unintentional manslaughter. The penal for female genital mutilation is five years imprisonment and a fine of DF 1,000,000. However, Djiboutian mothers have taken their daughters to Ethiopia and other

Ibid.
228 Ibid.
... surrounding countries to be circumcised. The law includes sentences of up to 20 years for rapists. There is no law against spousal rape.

**Policies and strategies to address violence against women**

A National Strategy for Women’s Integration in Development (SNIFD) entered into force in July 2002, with the passing of Law N°173/AN/02/4èmeL, which established national policy with respect to the integration of women in development. The National Steering Committee installed following the adoption of the SNIFD is responsible for monitoring and evaluation of both the SNIFD and the directives contained in the Beijing Platform for Action. The Ministry for the Promotion of Women also plans to provide Gender and Development (GED) training for all focal points as well as other participants.

In 2006 a national strategy to combat all forms of excision was launched, Furthermore, the Djibouti First Lady Ms Kadra Mahamoud Haïd launched the United Nations Population Fund (UNFPA)/ United Nations Children Fund (UNICEF) Joint Programme and Trust Fund in May 2008 to accelerate the abandonment of Female Genital Mutilation/Cutting (FGM/C). The programme aims to build partnerships with Government, donors, foundations, the media and religious leaders. In 2007, specialised units for victims of violence were opened in some regions of the country. Using a participatory approach, the Ministry for the Promotion of Women mobilized other United Nations Development Fund supported programmes for training doctors and strengthening skills of medical personnel and service providers. The programme established a peer education system in schools and community development centres to educate young people on sexual and reproductive health issues. Women’s organizations run counselling centres for women who experience gender-based violence. For example, the union of Djiboutian women, under the patronage of the first lady, operate a counselling centre that helps women with various problems, including domestic violence. The government also runs FGM information programmes with women’s NGOs on government radio and television, while door-to-door campaigning gets the information into people’s homes. Teachers are obliged to talk about the issue of FGM for at least 5 minutes a day so girls do not perpetuate in adulthood what has been done to them.

**Methodologies for data collection on violence against women**

**Administrative**

There is no information available.

**Statistical data and research**

There is not a specific gender-related index. The United Nations and bilateral partners conduct multiple indicator surveys teamed with the National Directorate of Statistics and the University of Djibouti.

**DEMOCRATIC REPUBLIC OF CONGO**

**Country overview**

The Democratic Republic of Congo is the third largest country in Africa and is one of the richest countries in Africa in terms of its natural resources. The Southern Province of Katanga alone is

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232 Available at: http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=29349&baseHREF=country&baseHREFId=437

estimated to have 34 percent of the world's known cobalt reserves.\(^{234}\) It has a total surface area of approx 2,344,858 km\(^2\) and has a population of approximately 66,020,400 inhabitants of which 33,302,700 are women and 32,717,600 are men.\(^{235}\) The DRC ranks a low 168\(^{th}\) out of 177 countries on the Human Development Index, 88 out of 108 developing countries on the Human Poverty Index, and 141 out of 156 countries on the Gender-related Development Index.\(^{236}\)

The Democratic Republic of Congo achieved independence from Belgium in 1960 but in-fighting between the nationalist liberation parties resulted in a weak and ineffective government. This led to a one-party state system being established under Mobutu, but civil war in the 1990s forced him to flee. After the Rwandan genocide in 1994, Rwandan and Ugandan rebels poured into the DRC and started fighting. The civil war in DRC, which lasted from 1998 until 2003, left approximately 3.9 million people dead. In 2006, the first multi-party elections were held since independence in 1960. Though there was much controversy pleaded by the opposition, Joseph Kabila was sworn in as President with 70 percent of the vote which neutral observers deemed free and fair. The fragility of the state is apparent and conflict and human rights abuses continue to undermine its development.

**Situation analysis of violence against women in the country**

Violence against women in the DRC is perceptible on many levels from domestic to community to the state. Traditionally, women have been seen as second-class citizens. The old Family Code sanctioned those attitudes, which recognize men as the head of the household while subordinating women. Although this code has been abolished, the traditions remain deeply rooted in society.

Domestic violence against women is prevalent but there are no statistics available as the political and social context make it difficult to collect data. Although the law considers assault a crime (and does not specifically address spousal abuse), the police rarely intervene in domestic disputes. Traditions such as Female Genital Mutilation are rare in the DRC but still remain an issue in some areas like Equateur and Katanga. During the war, rape was used as a strategic weapon to specifically target the civilian population. If women were impregnated it was seen as a victory for the enemy because of the humiliation of being forced to carry the seed of the enemy.\(^{237}\) Over the years, rape has been used by armed groups (from all sides) as a weapon for war and is perpetrated with total impunity.\(^{238}\) The perpetrators include militia, insurgents, rebels and members of the Congolese army. Victims include women, men and children from six months to over 70 years old and women from an estimated 1,250,000 Internally Displaced Persons living in the DRC.\(^{239}\) Even in areas where conditions are relatively stable, rape has been trivialized and little action has been taken against perpetrators. In South Kivu in 2005, approx 14,200 cases of sexual violence were reported by health services.\(^{240}\) Numerous suspects are released on bail and never reappear, while others receive light sentences if the case actually gets to court (out of 14,200 cases, only 287 were taken to court). In parts of the DRC the prevalence of rape is believed to be the highest in the world.\(^{241}\)
Women who are victims of sexual violence are ostracized from society and condemned as damaged goods.\textsuperscript{242} The exclusion is born out of heavy social stigmas that are influenced by the Roman Catholic religion predominant in DRC. Also, other religions in the DRC like Islam maintain conservative and traditional family values. A woman who is raped and therefore no longer a virgin will receive no dowry and will not be able to find a husband. Moreover, economic exclusion as a result of abandonment of family and the related income are also dire consequences for women who have been sexual violated. No feasible plans have been made to reintegrate these women back into society as has been done with other fringe groups such as child soldiers and ex-combatants.

\textbf{Gender Machinery (governmental and community-based)}

The National Council of Women is a government organ that promotes the position of women in society under the mandate of the Minister on the Status of Women and Family.\textsuperscript{243} Several NGOs specializing in women’s rights have consultative status, along with public and private institutions, religious organizations, trade unions, persons working on gender and international donor representatives.

Maison de la Femme, now called the Centre for Information and Documentation on Women, operates as a reception centre and a meeting place for people to exchange information as well as offering education, communication and training activities for women. The Congolese Women’s Campaign Against Sexual Violence in the Democratic Republic of the Congo (DRC) - an initiative launched by women’s associations in Eastern DRC to bolster the fight against sexual violence – has denounced massive displacements, arbitrary assassinations, pillage, torture, kidnapping and a still undetermined number of rapes. They point out that women have been more adversely affected and war, once again, is being waged on the bodies of women and girls. The group has for many years repeatedly denounced the systematic use of sexual violence by all of the armed groups present in the DRC, including the regular forces of the Congolese army.\textsuperscript{244}

\textbf{Legislation and policy}

\textbf{Constitution}

The Third Republic’s Constitution provides that “the State shall have the duty to ensure the elimination of all forms of discrimination with regard to women and to ensure the respect and promotions of women’s rights” (Article 14). The state is compelled to “take measures to fight against all forms of violence against women in the public and private life” and “assume the full participation of women in the development of the nation”. Unfortunately these principles are not implemented and there are no established mechanisms assuring the effectiveness of these provisions. Article 15 of the Constitution condemns crimes against humanity, including all sexual violence against all people with the intention to destabilize, to dislocate and to eliminate an entire people. The Constitution recalls the States responsibility to eliminate sexual violence.

\textbf{International instruments}

- CEDAW (signed 1980, ratified 1986)
- Palermo Protocol (ratified 2005)
- ACHPR (signed and ratified 1987)
- PACHPRRWA (signed 2003, ratified 2008)


\textsuperscript{244} Available at: http://www.drcsexualviolence.org/site/en/node/35
**Domestic legislation**
The Family Code, renewed in 1999, sets forth equality between spouses but it also stipulates that a wife must have the domicile of her husband and may not effect any legal act without her husband’s agreement. Moreover, the Family Code stipulates the man to be the head of the household and his wife must obey him. Dowry is also addressed in the Family Code whereby its symbolic and compulsory nature is reinforced, which is seen as a perpetuation of the stereotypes that often see men as the head of the family and women as subordinate.245

The Penal Code does not put spouses on an equal footing in terms of the definition of the crime of adultery. Adultery committed by a woman is punishable in all cases but with a man only punishable if it is induced. Moreover it does not recognize rape as an offense the only other existing offenses are defined in terms of sexual molestation, attack on good morals, and public moral outrage. On 22 June 2007, the transnational parliament approved a new sexual violence law, which broadens the definition of rape to include male victims, and addresses sexual slavery, sexual harassment, forced pregnancy and other sexual crimes not covered by the law. The law does not punish spousal rape.246

The military penal code states that rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization and all other forms of sexual violence of comparable gravity are considered crimes against humanity and are punishable by death. However, it only applies in the context of systematic or generalized attack. This means that individual rapes and isolated incidences of forced slavery are not covered.247

**Policies and strategies to address violence against women**
The Ministries of Justice and Human Rights and the Ministry for the Status of Women and the Family worked together to foster the operation of the Truth and Reconciliation Commission (TRC), one of the five institutions supporting democracy. The TRC tasks are: to collect confessions from perpetrators, and any deposition from witnesses concerning crimes and mass human rights violations, in particular those related to the rape of women and girls during wartime; to identify victims and determine the extent of the harm suffered; to explore any appropriate protection mechanism requested by deponents who fear consequences that would jeopardize their safety following deposition; to collect confessions from perpetrators, and any deposition from witnesses concerning crimes and mass human rights violations, in particular those related to the rape of women and girls during wartime; to identify victims and determine the extent of the harm suffered; to explore any appropriate protection mechanism requested by deponents who fear consequences that would jeopardize their safety following deposition.248

In the year 2003, the Ministries of Justice and Human Rights and the Ministry for the Status of Women and the Family, together with the United Nations system, participated in developing a programme entitled “Joint initiative to combat sexual violence against women.” During the same year, and in collaboration with the Women’s Action Network and civil society organizations, the Government launched a campaign to combat sexual violence against women and was involved in organizing a fortnight of activism to combat violence against women.249 Comité Rayon d’Action Femme (CRAF) is a network composed of seven NGOs, working with GTZ support. It has set up 33 basic mechanisms called Cadres d’Alerte et d’Écoute (CADEAL). They are close to the people and therefore the first

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246 Ibid.
247 Ibid.
248 Available at: http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=29349&baseHREF=country&baseHREFId=437
249 Ibid.
mechanisms to learn of cases of sexual violence. They register victims and arrange their medical and psycho-social care. The Catholic Church, through the Justice and Peace Committee and the Medical Bureau, as well as the Protestant Church run health-care and psychological services for victims of sexual violence. The United Nations Children's Fund (UNICEF) also supports local and international NGOs in providing health care and psychological services to women and children who are victims of trauma and violence linked to armed conflicts. It currently supports the Panzi hospital at Bukavu and Cooperazione Internazionale in Ituri in caring for approximately 2,500 victims. 250

**Methodologies for data collection on violence against women**

**Administrative data**

Data on sexual violence cases is mostly maintained by local and international NGOs and churches working in the country.

**Statistical data and research**

A report in 2002 looked at the representation of women in decision-making spheres such as government, journalism and civil service. The Ministry of Social and Women’s Affairs along with UNICEF collected data on women senior officials and leaders in the DRC. They also completed a National Report on the DRC on the evaluation of the Beijing Plan of Section +10. There is little statistical information on the number of rape victims and other crimes of sexual violence in the DRC because of fears of filing complaints by victims, stigmatization of victims within society, and the fact that most victims are in remote villages that are hard to access and the fact that some victims do not survive. Population-based surveys have been conducted and one of them found that 16% of the respondents in Ituri, North Kivu and Kivu regions had been sexually violated since the outbreak of war. 251

There is no reliable data on sexual violence incidents by armed forces against civilians, but sexual violence in Eastern DRC is often referred to as a ‘massive problem’. There are indications that the number is relatively high, probably exceeding sexual violence before the war.

**EGYPT**

**Country overview**

The Arab Republic of Egypt is in North Africa, and is one of the most populous countries in Africa and the Middle East, with an estimated population of 82,999,400, of which 41,256,900 are women and 41,742,500 are men. 252 Egypt possesses one of the most developed economies in the Middle East, with tourism, agriculture, industry and service at almost equal rates in national production. It achieved independence from the United Kingdom in 1922 and was declared a Republic in 1953. Egypt ranks 122 out of 177 countries on the Human Development Index, and 48 out of 108 developing countries on the Human Poverty Index; Egypt is not ranked on the Gender-related Development Index. 253

**Situation analysis of violence against women in the country**

Men’s domination over women is widely accepted in the Egyptian society and cultural practices and traditions entrench the subordination of women in society. Practices of early marriages of girls under 16 (which is against the law) are common due to traditional, religious and even economic reasons. A

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250 Ibid.
251 Available at: http://se2.isn.ch/serviceengine/Files/EINIRAS/102443/.../Report-Sohhjell.pdf
252 Available at: http://unstats.un.org/unsd/demographic/products/indwm/tab1a.htm
good bride price is a good way in which to improve a family’s financial situation. Moreover, in the rural areas there are deep-rooted traditions whereby only male heirs may inherit, especially land and buildings. This is due to the perception that women are not seen as individuals but as independents on their father, brother or husband.

In 2008, the Egyptian Centre for Women’s Rights said violence against women was on the rise with, on average, two women being raped every hour. According to a UNICEF study in 2000, 35 percent of Egyptian women are beaten by their husbands. A study by the CEDAW committee in 2001 found that more than 50 percent of the actual and attempted murders were committed by family members, spouses, parents, children, and in-laws in what are known as honour crimes. These crimes are committed due to a suspicion of ‘bad behaviour’ (79 percent), adultery (9 percent), and pregnancy due to incestuous relations with the father or brother (6 percent) on the part of a woman. Violence in the home is not limited to the family: an undocumented form of domestic violence occurs amongst women working in the home (as domestic servants). Seventy-seven percent of women in a study undertaken by the New Women and Nadiom Centre admitted to having been harassed at work. Moreover, of the 2500 cases of sexual harassment, only 12 percent are reported to the police. In general, most cases of sexual violence are not reported due to the reputation and honour of the victim being compromised and because the perpetrator is someone the victim knows, making the victim is reluctant to report. Sexual abuse of girls is widespread especially by male family members and the victims are seldom believed.

FMG is widespread in Egypt. UNICEF estimated that three-quarters of Muslim and Christian girls aged between 15 and 17 are subjected to FGM and two-thirds of girls, who are now aged less than three, are expected to undergo the process before they reach 18. According to official statistics, 97 percent of women between 15 and 49 have undergone FGM. There have also been reports of trafficking of large number of women who are forced into prostitution against their will and subject to physical, sexual and psychological violence. Following a hearing in November, the African Commission on Human and Peoples Rights said it would consider a case filed by 33 human rights organizations against the Egyptian government’s failure to prevent and prosecute physical and sexual assaults targeted at women journalists and demonstrators during a protest in 2005.

Gender Machinery (governmental and community-based)

In 2000, the National Council for Women (NCW) was established as the first political institution in Egypt to focus on the empowerment of women. Its mandate includes raising awareness and monitoring the implementation of relevant international conventions, laws and policies. The National Council for Childhood and Motherhood (NCCM) was established by the Ministry of Communication and Information Technology to be the highest political authority responsible for formulating public policy in the field of childhood and motherhood. It proposed the revised Child Law which stressed the criminalization of FGM. This Council set up Child Emergency Hot Lines, along with development of

257 Ibid.
258 Ibid.
mobile information centres, the equipping of one classroom schools for girls, and support for illiteracy programs. In 2008, another mobile information centre was established to help spread the NCCM message all over Egypt, and another hotline was created to receive the emergency calls of children with disabilities. The Ministry of Social Solidarity operates around 150 family counselling offices and seven shelters at the national level. These provide legal and medical services.

The Alliance for Arab Women is a national NGO initiative to combat gender-violence, and has organized regional workshops around violence against women. The Association for the Development and Enhancement of Women provides women with economic opportunities and provides a link between the public and private sectors. They launched the Beit Hawa Shelter project in 2003, which aims to provide a comprehensive refuge for abused women and children in the greater Cairo area. However, a 2004 Human Rights Watch study raised concerns about the lack of institutions available in Egypt to help women who have been victims of violence (at the time of the study, only four shelters existed). The report examined the rules governing women’s shelters in Egypt, which reportedly include admission only for women under 50 who are divorced or widowed, for a maximum stay of three months; the shelters do not take in unmarried women who are victims of physical or sexual abuse. The report also noted that once a woman is accepted into the shelter, a social worker verifies her information with her family, therefore creating a situation where a perpetrator may discover the woman’s whereabouts. The Association of Legal Aid for Women (CEWLA) provides legal support and assistance in line with the Egyptian Constitution, legislation, and international treaties. It also addresses VAW issues with psychological counselling units, an anti FMG project and family support centres.

**Legislation and policy**

**Constitution**

The Egyptian Constitution stipulates that men and women are equal but it also includes some ambiguous clauses on women’s rights. Article 9 states “The State shall strive to preserve the authentic character of the Egyptian family, with the values and traditions that it embodies while affirming and developing its character”. Article 11 states “The State undertakes to reconcile the duties of women towards their families with their work in society and guarantees their equality with men with regard for the provisions of the Islamic Shari’a”.

**International instruments**

- CEDAW (signed 1980, ratified 1981)
- ACHPR (signed 1981, ratified 1984)

**Domestic legislation**

Under Egyptian law the legal age to marry for a girl is 16 and for a boy 18. This age gap reinforces the belief that education for girls is of lesser importance and results in a lack of opportunities later in life. Under inheritance law, women are not entitled to receive an equal share of inheritance but women get half of what the men inherit. In addition, women have the right to inherit one eighth of her husband estate if she has children and one forth if she does not.

Law No 6 of 1998 addresses domestic violence by criminalizing “the phenomenon of intimidation and the threat of the use of force against a wife, offspring or parents”. However the law does not provide sufficient protection for women as women must fulfil two conditions before the perpetrator is charged: (1) only if the battery exceed the accepted limits of discipline decided by the judge; and (2) only if the injuries are apparent at the time of filing the complaint at the police station.

266 Available at: http://pdf.usaid.gov/pdf_docs/PNADQ891.pdf
Spousal abuse is sufficient grounds for divorce but the law requires the plaintiff to produce an eyewitness, which is difficult in a male dominated society.

In 2007 the Egyptian Ministry of Health announced the complete banning of FGM, which cancelled the provision that allowed the operation to be performed by qualified doctors only.

The Penal Code punishes rape by life imprisonment or a fixed sentence of forced labour. It does not define spousal rape or any other kind of sexual assault, which can only be addressed under indecent assault with much lesser penalties. In 1980, Law No. 215 introduced the death penalty for the abduction of a woman through deception or by force, in cases where the victim have been sexually assaulted. The Penal Code has banned the dropping of charges against a kidnapper and rapist if he chose to marry the victim. It was reported that women would marry the rapist in order to save their honour and to mitigate shame on their families.

The law allows polygamy and also allows husbands to divorce their wives without any particular reason. In addition, a divorced wife who has no children from the marriage may be thrown out of the marital home. Article 20 of the Procedural Personal Status Law of 2000 provides for khul’ divorce, which allows a Muslim woman to obtain a divorce without her husband’s consent, provided that she is willing to forego all of her financial rights, including alimony, dowry, and other benefits.267

**Policies and strategies to address violence against women**

There are now specific budget allocations for women in the national budget and in the 5-year plans.

The National Council for Women is expected to release a strategy to combat violence against women in the year 2010.

**Methodologies for data collection on violence against women**

**Administrative data**

Most administrative data available on VAW emanates from NGOs that provide services to survivors of violence, such as the Association of Legal Aid for Women (CEWLA).

**Statistical data and research**

Demographic and Health Surveys have been conducted in the country. The 1995 DHS found that a significant number of lower and middle income women and those residing in rural areas justified violence under certain circumstances. The survey reported that 35 percent of the sample of married women had been beaten by their husbands. In the 2005 survey, 36 percent of the sample reported ever experiencing some form of marital violence (emotional, physical, and/or sexual) from their husbands.268 Other smaller and localised studies have also been conducted. One of them conducted in 1997 in an informal settlement on the outskirts of Cairo found out that 30 percent of the women admitted being subject to domestic violence on a daily basis. 75 percent of the women reported violence when refusing to have sex with their partners.269

**EQUATORIAL GUINEA**

**Country overview**

The Republic of Equatorial Guinea is located in central Africa. It has a total surface area of 28,051km² and an estimated population of 676,300 inhabitants, of which 340,900 are women and

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267 Available at: http://www.state.gov/g/drl/rls/hrrpt/2004/41720.htm
268 Available at: http://pdf.usaid.gov/pdf_docs/PNADQ891.pdf
269 Available at: http://gender.euromedrights.org/gender_euromed_region/gender_resources/3048.html
335,400 are men. About 80 percent of the population is Roman Catholic. It is Africa’s third largest oil producer and boasts one of the highest figures for per capita gross domestic product in Africa. The expanding oil sector has provided more jobs but the lives of most people have yet to change.

Equatorial Guinea achieved independence in 1968 following 190 years of Spanish rule. It has since been one of the most tightly controlled societies. Obiang seized power in 1979 by a coup in which he disposed his uncle, Mguema. An “era of pluralism” was proclaimed by Obiang in 1992 where political parties were legalized and multiparty elections announced but Obiang won the 1996 election which was marred by official intimidation. In the 1999 presidential election Obiang’s ruling party Democratic Party of Equatorial Guinea won by over two-thirds majority with much opposition candidates being arrested and confined to their villages prior to the polls.

Equatorial Guinea ranks 127 out of 177 countries on the Human Development Index, 66 out of 108 developing countries on the Human Poverty Index, and 116 out of 156 countries on the Gender-related Development Index.

**Situation analysis of violence against women in the country**

The law guarantees women the same rights as men. However, in real terms, women do not enjoy the same treatment as patriarchal practices are prevalent in the country. The disempowerment of women is exacerbated by dire economic conditions and the lack of access to education and professional opportunities for women.

For the period 2008/2009, data from the Ministry for Social Affairs and the Promotion of Women reported the following incidents of gender-based violence: 143 cases of physical violence; 209 cases of psychological violence; 22 cases of sexual violence; 71 cases of economic violence; 42 cases of spousal rejection; and 4 cases of femicide. The main causes of VAW identified by the government are lack of knowledge of legislation protecting women and girls and inadequate application of the laws; socio-cultural practices that have normalised violence against women and the patriarchal order; and economic disparities based on gender discrimination.

Customary marriages and other aspects of family law, including polygamy, inheritance and child custody, discriminate against women. For an estimated 90 percent of women, including virtually all ethnic groups except the Bubi, tradition dictates that if a marriage is dissolved, the wife must return the dowry given her family by the bridegroom at the time of marriage, while the husband automatically receives custody of all children born after the marriage. The mother maintains custody of all children born prior to the marriage. Polygamy is not considered illegal by the state and is widespread, particularly among the Fang ethnic group for whom it is an integral part of the customary system. There are deep rooted cultural norms in Equatorial Guinea, including forced and early marriages, widowhood practices, levirate and the use of the dowry, as well as the prevalence of stereotypes that discriminate against women. A 2004 United Nations report estimated that 26 percent of girls between 15 and 19 years of age were married, divorced or widowed. Pregnancy among young girls is also widespread.

**Gender Machinery (governmental and community-based)**

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270 Available at: http://unstats.un.org/unsd/demographic/products/indwm/tab1a.htm
272 Comments and contributions from the government of Equatorial Guinea to first study draft.
273 Ibid.
274 Ibid.
275 Equatorial Guinea Gender and Social Institutions. Available at: http://genderindex.org/country/equatorial-guinea
There is a Ministry for Social Affairs and the Promotion of Women, which is responsible for developing and implementing gender equality programmes and projects, such as those addressing VAW. The Ministry has a central office, two regional offices, 18 offices at provincial district level, and more than 1,000 offices in villages and communities.\textsuperscript{276}

**Legislation and policy**

**Constitution**
The Constitution of Equatorial Guinea guarantees the equality of men and women, as well as equality before the law.

**International instruments**
- CEDAW (ratified 1984)
- OP CEDAW (ratified 2009)
- ACHPR (signed and ratified 1986)
- PACHPRRWA (signed 2005)

**National legislation**
The country has a dual legal system based on both civil law and customary law, which creates obstacles to the advancement of women’s place in society. There are currently legislative review processes to put an end to the dual legal system. The legal minimum age for civil marriage in Equatorial Guinea is 18 years. However, there are no age restrictions in respect to customary marriages and early marriage is quite common.\textsuperscript{277} In civil or religious marriages, the spouses theoretically have the same rights and responsibilities regarding guardianship. But customary marriages dominate and parental authority derives largely from customary law, which grants husbands virtually all rights. Traditional perception is that the dowry given by the bridegroom to the bride’s family at the time of marriage constitutes a transaction by which a woman is sold to her husband and becomes his property.\textsuperscript{278}

There is no specific law punishing violence against women, although a draft act to prevent, punish and eradicate violence against women is under consideration. Rape is illegal, but the law is poorly enforced and the reporting of rape is considered shameful to the families involved. Spousal rape is not specified in the law.\textsuperscript{279}

**Policies and strategies to address violence against women**
The Ministry for Social Affairs and the Promotion of Women has – with the assistance of UNFPA, UNICEF, PNUD, WHO, WFP and the Spanish government – developed a Multi-Sectoral Programme to Combat Gender-based Violence by Promoting Women’s Empowerment. The programme runs from 2009-2013 and it aims at developing mechanisms to prevent violence against women and girls by addressing their socio-economic status and other vulnerabilities. The Ministry for Social Affairs and the Promotion of Women ran a national campaign “NO to Violence against Women in Equatorial Guinea” in 2008. The campaign aimed to: promote debate and mobilisation against VAW; create awareness among women; create awareness on the issue of VAW among all spheres of government and the criminal justice system, traditional leaders, media, civil society and the public at large; strengthen prevention of violence mechanisms; discuss and promote future actions. The campaign included activities at a national level, such as: seminars and awareness talks; media spots; capacity-building of government officials (staff at the Ministry for Social Affairs and the Promotion of Women)

\textsuperscript{276} Comments and contributions from the government of Equatorial Guinea to first study draft.
\textsuperscript{277} Available at: http://genderindex.org/country/equatorial-guinea
\textsuperscript{278} Ibid.
\textsuperscript{279} Ibid.
and parliamentarians; survey on VAW; roundtables with mainstream media; production and distribution of awareness and educational material (posters, pamphlets, T-shirts); a visit of the government’s First Lady to different districts to promote the campaign; staging of a theatre play about VAW; and public marches against violence against women.  

Methodologies for data collection on violence against women

There is currently very limited data collection in the country.

Administrative data

The Ministry for Social Affairs and the Promotion of Women collects and issues data based on reports from police and the courts. For the period 2008/2009, data from the Ministry for Social Affairs and the Promotion of Women reported the following incidents of gender-based violence: 143 cases of physical violence; 209 cases of psychological violence; 22 cases of sexual violence; 71 cases of economic violence; 42 cases of spousal rejection; and 4 cases of femicide.  

Statistical data and research

Most information is gathered through Population and Household surveys, but there is not specific data on VAW. It is expected that a soon to be conducted Demographic and Health Survey – which includes questions on VAW – will provide more reliable data. In general terms, the government has put in motion a process to improve the collection and analysis of data by adopting a national strategy for the development of statistics for the period until 2020.  

ERITREA

Country overview

The State of Eritrea is a country in the northeast of Africa. It has a surface area of approximately 117,600km² and an estimated population of 5,073,300, of which 2,578,100 are women and 2,495,200 are men. The economy is based on subsistence farming with 80 percent of the population involved in farming and herding. It has two dominant religions, Islam and Christianity, with approximately half of the population belonging to each.

Eritrea achieved independence from Italy in 1941, and from Ethiopia de jure in 1993 through a referendum after a 30-year war with Ethiopia. Since that time, the conflict between Eritrea and Ethiopia has continued, eventually resulting in the establishment of a UN Mission in 2000. The continuous state of conflict in the region has been detrimental for human rights of Eritrean in general.

Eritrea ranks 157th out of 177 countries on the Human Development Index, 76 out of 108 developing countries on the Human Poverty Index, and 136 out of 156 countries on the Gender-related Development Index.

Situation analysis of violence against women in the country

The respect women gained through the war and resulting gender sensitive laws are in direct contrast to the traditional Eritrean attitude toward women. One third of the freedom fighters was women and is highly respected. With a majority of population being Muslim, Shari’a law plays an important role...
in the legal sphere. For example, under Shari’a law women do not have the right to own or inherit land.

In 2001, a study found that 40 percent of women had been victims of domestic violence.\textsuperscript{286} Very few women speak out about violence because of social pressures and will most likely turn to neighbours or friends who may attempt to reconcile the couple. Rape is a problem but remains largely underreported because of the cultural attitude towards this crime that focuses on its shamefulness, leading to silence on the part of the victim about the crime. Honour crimes have been reported where girls who become pregnant before marriage are sometimes vulnerable to violence because of societal views. Pregnancy before marriage is viewed as a crime and pregnant girls may be kicked out of home, beaten, stoned or even killed.\textsuperscript{287}

The prevalence of early marriages leaves young girls at a greater risk of physical and psychological violence perpetrated by their husbands or other members of the extended family. Traditional practices like dowry payments and polygamous marriages also contribute to the discrimination and violence against women. In 2002, the Special Rapporteur on Violence against Women stated that the practice of dowry payments could lead to the abuse of women because of the perception of women as property.\textsuperscript{288} In some parts of Eritrea that apply Shari’a law, men are allowed to take up to 4 wives. Despite the formal illegality of polygamy, Shari’a law is exempt from this and thus polygamous unions are permitted for people marrying under Shari’a law. The practice of polygamy threatens women’s human rights because, as it is against state law, only one of the wives can have the registered marriage and the accompanying rights.

FGM is extremely common in Eritrea with about 89 percent of all girls and women having experienced the practice.\textsuperscript{289} Women in the community who are not medical professionals and frequently use instruments such as razor blades, knives and needles often perform FGM. Girls who do not undergo this traditional practice are socially alienated and commonly viewed by the larger community as “impure, unmarriageable, sexual deviants or prostitutes”.\textsuperscript{290}

The government denies recruiting child soldiers, but it acknowledges that children do sometimes end up in the military because the country lacks a mechanism for systematic birth registration.\textsuperscript{291} Many of the fighters in the conflict with Ethiopia remain mobilized and this delay in demobilization leads to concern that even if the government is no longer actively recruiting children, there may still be children in the armed forces.

**Gender Machinery (governmental and community-based)**

At present, the National Union of Eritrean Women, a nongovernmental organization, is the sole organization mandated to serve as women’s machinery for the advancement of gender equality in the Country. The NUEW’s major entrusted functions, inter alia, include: elimination of all forms of discrimination against women and creation of conducive environment for women’s broad participation including promotion of women’s legal rights; eradicate illiteracy among women and enhance the quality of women’s life as well as the community at large; provide skills training and support women to be productive and creative national workforce; ensure increased women’s health, fight against harmful traditional practises and alleviate as well as socialize domestic chores; and conduct research on

\textsuperscript{287} Ibid.
\textsuperscript{288} Ibid.
\textsuperscript{289} Ibid.
\textsuperscript{290} Ibid.
\textsuperscript{291} Ibid.
women’s issues and disseminate relevant information. The NUEW works closely with national and international partners in women’s rights and gender mainstreaming.

Legislation and policy

Constitution
The Constitution of Eritrea has strong protections for women’s rights, a reflection of the high status women attained by participating in the liberation struggle. It also prohibits discrimination on the basis of sex and enshrines equality in the family. The Constitution prohibits “any act that violates the human rights of women or limits or otherwise thwarts their role and participation” in the political, economic and social affairs of the nation.

International instruments
- CEDAW (ratified 1995)
- ACHPR (ratified 1999)

Domestic legislation
A review of the Civil and Criminal Code has been finalised and the process has heralded positive changes for the rights of women, i.e. marriage is now based on the free consent of both partners and needs no parental consent; women can enter marriages freely and are awarded the same rights as men; the law prohibits bride price and dowry; kidnapping for marriage is illegal; and the legal age for marriage is raised to 18. Rape is punishable under the law with a maximum sentence of imprisonment of up to 15 years. Pornography and other indecent and obscene exposures are also punishable under the penal code. Proclamation No. 158/2007 prohibits the practice of female circumcision. Performers face up to 3 years of jail time in addition to a hefty fine. Death as a result of FGM is punishable up to 10 years of jail time. Promoters of the practice face up to 6 months jail time plus a fine. There is no specific legislation to penalise violence against women. The victims of domestic violence can initiate a case against the perpetrators under the assault provisions of the Transnational Penal Code.

Policies and strategies to address violence against women
The National Gender and Action Plan (NGAP) 2003-2008 addresses gender related issues and specifically gender based violence. It was developed to ensure that gender concerns are integrated into all aspects of the national development process. The purpose of this plan is to provide a guideline for effective implementation of gender related commitments made by the Government of Eritrea in a number of international instruments, such as the CEDAW. Section 5 of the document addresses the issue of violence against women and states the following objectives: address violence against women; eradicate practices of rape, wife battering and FGM; strengthen the implementation and monitoring of international and regional human rights instruments and enable female and male to know how to use them; address the situation of women in situations of armed conflict; eradicate the social, cultural prejudices against women ex-combatants and land mine victims. Currently a committee at community level is in the process of establishment to monitor the enforcement of the legislation prohibiting female genital mutilation.

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292 Available at: http://www.er.undp.org/gender/
294 Available at: http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=22823&baseHREF=country&baseHREFId=486
295 Ibid.
296 Ibid.
298 Available at: http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=22823&baseHREF=country&baseHREFId=486
The government has attempted to counteract strong traditional patriarchal attitudes towards women by initiating special programmes for women, especially women who are ex-fighters. The Anti-FGM Campaign Committee consists of representatives from the Ministry of Health (MOH), National Union of Eritrean Women (NUEW), National Union of Eritrean Youth and Students (NUEYS), and Ministry of Information (MOI). There are networks, established in all six zobas consisting of the social service head of the Local Government, the NUEW, the Ministry of Health and NUEYS and other pertinent bodies to campaign against FGM.

A National Committee on Rape and Abduction was established to assess the magnitude of rape and abduction in the country. Members of the committee were drawn from Parliament, the Women’s Affairs Bureau, Ministry of Justice and some NGOs. A committee was also formed by the government to study trafficking in persons and develop an anti-trafficking program.

Methodologies for data collection on violence against women

Administrative data
There is no information available.

Statistical data and research
In the 1995 Demographic and Health Survey, the Women's Questionnaire included a series of questions on female circumcision. Additionally, a small number of questions on the topic were included in the Men's Questionnaire. The survey found that the practice was very widespread in Eritrea. In the 2002 EDHS, information was collected to further investigate prevalence of and attitudes toward FGM among Eritrean women and to assess whether there is evidence of changes in attitudes or behaviour since 1995. In 2001, an assessment of domestic violence in the central zone of Eritrea was conducted by Dr. Belainesh Araya at the University of Asmara.

ETHIOPIA

Country overview
The Federal Democratic Republic of Ethiopia is a landlocked country situated in the Horn of Africa. It is Africa’s second most populated country with a total surface area of 1,104,300km² and a population of 82,824,700, of which 41,620,700 are women and 41,204,100 are men. The EPRDF-led government of Prime Minister Meles Zenawi has promoted a policy of ethnic federalism, devolving significant powers to regional, ethnically based authorities. Ethiopia has nine semi-autonomous administrative regions and two special city administrations (Addis Ababa and Dire Dawa), which have the power to raise their own revenues. Every regional administration has its own laws, and this has implications in terms of enforcing laws favouring women. To date CEDAW, for example, has not been implemented in regional law, even though the Constitution encourages it. Approximately 62 percent of the population is Christian, 33 percent is Islam and the rest follow traditional religions. Ethiopia has one of the fastest growing non-oil dependent economies in Africa. The economy is based on agriculture including marketing, processing and exporting agricultural goods. Principle crops include coffee, maize, beans, cereals, sugarcane and vegetables.
Ethiopia ranks 169th out of 177 countries on the Human Development Index, 105 out of 108 developing countries on the Human Poverty Index, and 145 out of 156 countries on the Gender-related Development Index.  

Situation analysis of violence against women in the country

The Ethiopian culture is based on patriarchal traditions and beliefs. Religious leaders - both Orthodox Christian and Muslim - hold great influence over public opinion and usually advocate extreme patriarchal and discriminatory attitudes. When women speak about the violation of their rights, they are told they are becoming “westernized”, even by men who are educated. Women enjoy little independent decision-making on most individual and family issues, including the option to choose whether to give birth in a health facility or seek medical assistance from trained providers.  

Violence against women is a general problem in Ethiopia, where culturally based abuses, including wife beating and marital rape, are pervasive social problems. A July 2005 World Bank study concluded that 88 percent of rural women and 69 percent of urban women believed their husbands had the right to beat them. While women had recourse via the police and courts, societal norms and limited infrastructure prevented many women from seeking legal redress, particularly in rural areas. The government prosecutes offenders only on a limited scale.

Discrimination against women is perpetuated by customary traditions with abduction and rape, always followed by early marriage, seen as the norm in some parts of the Ethiopian society. A survey conducted among 1,401 female students in high schools of Addis Ababa and Western Shoa in 1997 reported that the prevalence of completed rape and attempted rape against females students was 5% and 10% respectively. The age range of those against whom actual rape was committed was between 2 and 23 years, and 85% of the victims were less than 18 years of age. Marriage by abduction – which involves rape – is still very prevalent. According to surveys conducted by the National Committee on Traditional Practices of Ethiopia (NCTPE), the prevalence of marriage by abduction is 80 per cent in Oromia Region, and as high as 92 per cent in Southern Nations Nationalities and Peoples Region (SNNPR), with a national average of 69 per cent. Traditional practices endure within the rural communities where individual status is closely linked to family strength and success, and a daughter is expected to get successfully married in order to establish strategic kinships with other families.

Domestic violence is also prevalent in Ethiopia and takes various forms of physical, sexual and emotional abuse. Community based studies indicated that 50-60 percent of women experience domestic violence in their lifetime. The study also concluded that sexual violence was more prevalent than physical violence where the perpetrators are mainly intimate partners and close family members.

304 Human Development Index Statistical update. 2008. Available at:http://hdrstats.undp.org/countries/country_fact_sheets/ctry_fs_ETH.html
307 Available at: www.norad.no/en/_attachment/125130/binary/42291
309 Available at: http://www.unicef.org/ethiopia/ET_real_abduction.pdf
FGM is prevalent and reputable research indicates that more than 74 percent of Ethiopian women of all ages have been subjected to FGM.\textsuperscript{311} The vast majority of ethnic groups perform the practice when the girl is an infant. Less than one-third of the women interviewed want the practice to be continued.\textsuperscript{312}

According to a report of the US State Department, Ethiopia is a source country for men, women, and children trafficked primarily for the purposes of forced labour and, to a lesser extent, for commercial sexual exploitation. Rural Ethiopian children are trafficked for domestic servitude and, less frequently, for commercial sexual exploitation and forced labour in agriculture, traditional weaving, gold mining, street vending, and begging. Young women from all parts of Ethiopia are trafficked for domestic servitude primarily to Lebanon, Saudi Arabia, and the UAE, but also to Bahrain, Djibouti, Sudan, Syria, and Yemen. Djibouti, Egypt, and Somaliland are reportedly the main transit routes for trafficked Ethiopians. Some women are trafficked into the sex trade after arriving at their destinations. Small numbers of men are trafficked to Saudi Arabia and the Gulf States for low-skilled forced labour.\textsuperscript{313}

**Gender Machinery (governmental and community-based)**

From 1991-1995 Ethiopia had a Women’s Affairs Department in the Office of the Prime Minister. In 1995 this was changed to a separate ministry: the Ministry of Women’s Affairs. In the CEDAW committee’s remarks (CEDAW/C/SR 646 and 657) on the Ethiopia report, the establishment of the national machinery for the advancement of women was welcomed. However, the committee noted that, the machinery suffered from insufficient decision making power and inadequate human and financial resources in order to effectively promote the advancement of women and gender equality.\textsuperscript{314}

The government also established a National Committee on Traditional Practices of Ethiopia (NCTPE) to conduct research and make recommendations around such practices.

Civil society organisations such as the Network of Ethiopian Women Association (NEWA) and the Ethiopian Women Lawyers Association (EWLA) play a significant role in furthering women’s rights and making the government accountable. The Ethiopian Women Lawyers Association (EWLA) has been working since 1995 to raise awareness of women's legal rights in Ethiopia using diverse media such as newsletters and the internet. ELWA aims to influence the drawing up of laws, ensuring that gender is taken into account, and to put in place practical measures to help economically poor women access legal services. The organisation hopes to put women's rights on the government agenda, with the ultimate goal of eliminating all forms of legally and traditionally sanctioned discrimination against women. Reproductive Health and Family Planning Pathfinder projects funded by USAID focus on the empowerment of women and girls through improving the social, religious and economic climate for females to be able to shake off societal discrimination. Projects such as the Women and Girls Empowering Projects provide training, workshops, public meetings, dramas and collaborative meetings with national, regional and traditional leaders ensures a base for the fight against gender-based violence. CARE Ethiopia launched a project entitled 'Healthy Unions: Behavioural Change to Eliminate Bride Price, Bride Abduction, and Early Marriage in Ethiopia' in 2008, partnering with the National Committee on Traditional Practices of Ethiopian Men.\textsuperscript{315}

**Legislation and policy**

**Constitution**


\textsuperscript{312} Ibid.

\textsuperscript{313} Available at: http://gvnet.com/humantrafficking/Ethiopia-2.htm

\textsuperscript{314} Available at: www.norad.no/en/_attachment/125130/binary/42291

\textsuperscript{315} Available at: http://allafrica.com/stories/200804100957.html
The Constitution ensures gender equality and incorporates the major UN Conventions on human rights and elimination of all forms of discrimination against women. The Constitution acknowledges the duty of the State to protect women from the influence of harmful customary practices, stating that all laws, stereotypes, ideas and customs which oppress women or otherwise adversely affect their physical and mental well-being are prohibited.\footnote{Available at: http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=10259&baseHREF=country&baseHREFId=500}

**International instruments**
- CEDAW (signed 1980, ratified 1981)
- ACHPR (ratified 1998)
- PACHPRRWA (signed 2004)

**Domestic legislation**
The Criminal Code was revised in 2004 to punish the crimes of abduction, rape and other forms of sexual assaults. Rape sentences have increased to 25 years imprisonment. This does not include spousal rape and most of the cases are settled out of court and, in some circumstances if the perpetrator agrees to marry the victim, amnesty is granted. The revised Criminal Code also outlaws violence against a spouse or partner.

FGM is forbidden and it is apparently declining. The revised Criminal Code criminalised FGM with no less than 3 months in prison or a fine. Infibulation is also punishable by imprisonment of five to ten years. However, no criminal prosecutions have been instituted so far.\footnote{Ibid.} Other offences created and criminalised by the revised Criminal Code include: endangering the lives of pregnant women and children through harmful traditional practices; causing bodily injury to pregnant women and children through harmful traditional practices; and bodily injuries through other harmful traditional practices. The amended Code also punishes trafficking in women and children and early marriages, and widow inheritance.\footnote{Available at: http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=10261&baseHREF=country&baseHREFId=500}

In 2000 the Family Code raised the legal age of marriage from 15 to 18. It allows for joint administration of common marital property where previously a man could sell joint property without the consent or knowledge of his wife. Importantly, the law places civil law above customary and religious laws.

Sex work is legal but the law prohibits pimping and benefiting from prostitution. Whosoever gains from the profession is punishable by imprisonment and a fine.

A new law applicable to civil society organisations – the Charities and Societies Proclamation Act No.6212009 – forbids CSOs from working on human rights, women’s rights and children’s rights with more than 10% of their funding from foreign sources. This has a serious impact on NGOs such as the Ethiopian Women Lawyer’s Association (EWLA) who has played an important role in addressing all forms of violence against women in the country, including by provision of free legal aid to victims.

**Policies and strategies to address violence against women**
The Human Rights Commission (HRC) has been actively involved in promoting women’s rights and it reported to the CEDAW Committee on the country’s advances in the Convention implementation. The HRC is also involved in the Democratic Institutions Programme, a five year multi-donor project involving donor agencies and UN agencies.
The government has been involved with NGOs in anti-FGM education. The Ministry of Education includes information discouraging FGM in educational materials. The government has also been supportive of the Committee on Traditional Practices of Ethiopia.

The National Action Plan for Gender Equality 2006-2010 sets a number of priorities, among which is eliminating traditional practices harmful to women's health. 319

The Ministry of Justice has established a special unit for the investigation and prosecution of violence with due emphasis on sexual violence. The Ministry has plans to expand such specialized police/court(s)/prosecutor(s) teams to Dire Dawa city administration and has undertaken the task of lobbying the officials and assignment of prosecutors exclusively for such purpose. Steps are being taken to share the same experience with other regional states. 320

Methodologies for data collection on violence against women

Administrative data
There is no information available.

Statistical data and research
The Central Statistical Authority of Ethiopia is the main information gathering institution in Ethiopia. According to the result of the population survey conducted in 2005 by the Central Statistical Agency, the nationwide prevalence of FGM was 74%, the highest rate being in Afar and the Somali Regional States (91.6% and 79 % respectively). 321

The Reproductive Health and Family Planning Pathfinder project funded by USAID collected data by running surveys in certain provinces. The 2005 Demographic and Health Survey included a module that asked questions about violence against women. 322

GABON

Country overview

Gabon is located in West central Africa, with a total surface area of 267,745km² and a population of approximately 1,474,600 inhabitants, of which 738,000 are women and 736,600 are men. 323 Gabon’s economy depends heavily on oil revenues, which accounted for 50.7 percent of gross domestic product (GDP) in 2005. According to the UK Foreign Office, oil makes up 63 percent of government revenue and 80 percent of exports. 324

In 1910 Gabon became part of French Equatorial Africa, along with the Republic of Congo, Chad and the Central African Republic. This union lasted until 1959 when Gabon voted to become an autonomous republic within the French Community. Gabon gained independence in 1960, but kept close economic and cultural ties with France. In 2003, the Constitution was changed to allow President Bongo to run for president as many times as he wished and he was elected again in 2005 amidst accusations of fraud by opposition. Both the 1993 and 2005 elections were followed by violence as protesters contested the vote and clashed with security forces. In 2008, the Government temporarily

319 Available at: http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=33683&baseHREF=country&baseHREFId=500
320 Ibid.
321 Ibid.
322 Ibid.
323 Ibid.
324 Available at: http://unstats.un.org/unsd/demographic/products/indwm/tab1a.htm
banned non-governmental organizations for alleged interference in politics. Despite instability in the region, Gabon has managed to remain peaceful and has experienced very little internal strife.

Gabon ranks 119th out of 177 countries on the Human Development Index, 49 out of 108 developing countries on the Human Poverty Index, and 87 out of 156 countries on the Gender-related Development Index.

**Situation analysis of violence against women in the country**

Socio-cultural practices discriminate against women in all areas of society.

A 2004 report from the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) explains that, in Gabon, it is difficult to obtain information on domestic violence against women, owing mainly to the private and intimate nature of that violence along with social and cultural influences. The same report further explains that although domestic rape and incest occur, talking about them is taboo. The report also states that Gabonese women often opt not to report domestic violence against them out of fear, shame or submission. Among the main types of violence that occur in Gabon, the CEDAW report listed those that take place within the family, such as bodily injury between spouses or with relatives, rape and incest, arranged and early marriages, infidelity, polygamy and abandoning a wife.

Some of the practices that discriminate against women include: early and forced marriages, polygamy, widowhood practices, and levirate marriages. Marriages under the common law offer women no property rights. Married women face restrictions in terms of freedom of movement. Husbands choose the family residence and wives are obliged to accept their choice. In addition, the National Office for Documentation and Immigration requires that married women wishing to travel outside the country provide proof of their husband’s permission but this is not strictly enforced. Early marriage is practiced and the legal age for girls to marry is 15. A 2004 United Nations report estimated that 22 per cent of girls between 15 and 19 years of age were currently married, divorced or widowed. The UN Children's Fund (UNICEF) estimates that 30 percent of girls are married before the age of 18 in urban areas and 49 percent in rural parts. According to the government delegation responding to queries from the CEDAW Committee in 2005, while the dowry practice was officially prohibited, it nonetheless remains very widespread due to certain traditional beliefs, particularly the belief in its “symbolic” status. In inheritance cases, the husband’s family must issue written authorization before his wife can inherit property.

Internal human trafficking is prevalent. A social practice called "placement" forces many children into labour. Poor families will send their children to live with more affluent families to receive an education in exchange for work. Children are frequently abused and there are reports that some children are being trafficked or used for commercial sexual exploitation. Gabon is a common destination point for children trafficked from Benin, Nigeria, Togo and Equatorial Guinea. Children are found working as domestic servants, in the informal commercial sector, or as mechanics.

**Gender Machinery (governmental and community-based)**

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325 Human Development Index Statistical update, 2008. Available at: http://hdrstats.undp.org/2008/countries/country_fact_sheets/country_fs_UGA.html

326 Available at: http://www.unhcr.org/refworld/country,IRBC,GAB,440ed6fd18,0.html


The Gabonese gender machinery comprises: the National Commission for the Family and the Advancement of Women, the Observatory for Women’s Rights and Equality, and the inter-ministerial commission charged with reviewing all legislation discriminating against women. Established in 1983, the Department for Women’s Issues has gradually gained in stature, becoming the Ministry for the Family, the Protection of Children and the Advancement of Women in 2002.

The Observatory for Women’s Rights and Equality had been set up as an independent non-governmental organization. The organization works in homes and also organizes awareness campaigns, disseminates CEDAW information, assists women in courts and helps with family reconciliation. Human rights NGOs include: ALCR (combating ritual crime), Cri de Femmes (women’s rights), EBANDO (pygmy rights), AVOGAB (women’s and orphan’s rights), Groupe Conscience (promoting sex workers’ rights), Reseau de Defense des Droits Humains du Gabon (an association of human rights NGOs), among others.

Legislation and policy

Constitution

The Constitution does not have a special provision enshrining gender equality. However, article 1 (7) states that: “Each citizen shall have the right to work and the right to obtain employment. No one shall be impaired in his work by reason of his origins, his sex, his race, or his opinions”.

International instruments

- CEDAW (signed 1980, ratified 1983)
- OP CEDAW (ratified 2004)
- ACHPR (signed 1982, ratified 1986)
- PACHPRRWA (signed 2005)

Domestic legislation

Women in Gabon have limited rights in the area of family matters. The minimum legal age of marriage is 15 years for women and 18 years for men, and the incidence of early marriage is high. Polygamy is legal under Gabon’s Penal Code, which allows both men and women to have several spouses. The law states that couples must stipulate at the time of marriage whether they intend to adhere to a monogamous or a polygamous relationship. The law is discriminatory in the sense that if the couple opts for monogamy, the husband may later refute his first choice and pursue polygamy. In practice, the right to multiple spouses is reserved for men only. Gabon’s inheritance laws remain discriminatory. Widows cannot inherit property from their husbands without written authorisation of the family of the deceased. Moreover, they are deprived of their right of usufruct if they remarry into a family other than that of their deceased spouse. The Civil Code states that by marrying, a woman makes a commitment to obey her husband, who is empowered as the head of the family. The husband thus decides on the domicile where the wife is obliged to live and where the husband is obliged to provide for her, for the duration of the marriage.

Rape is punished by the Penal Code with imprisonment of five to 10 years. If the crime is committed against a child under 15, the offender can be sentenced to hard labour for life. The Penal Code

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330 Available at: http://www.unis.unvienna.org/unis/pressrels/2005/wom1476.html
331 Available at: http://www.state.gov/g/drl/rls/hrrpt/2009/af/135954.htm
332 Available at: http://genderindex.org/country/gabon
333 Immigration and Refugee Board of Canada (June 2005). “Gabon: Domestic violence, including the situation of women victims and state protection available to them and their children, specifically in cases where the father-in-law is the abuser”, GAB100229.FE, UNHCR Refworld. Available at: http://www.unhcr.org/refworld/docid/440ed6fd18.html
prohibits prostitution and procuring. Anyone who acts to protect or promote prostitution could be sentenced to imprisonment or a fine.

In 1998 the Nationality Code was revised with a provision that authorizes both spouses to obtain the nationality of the other. In 2000 legislation that forbade contraceptive use was repealed. In 2001 the Penal Code was amended to prevent and combat trafficking in children.

There is no specific legislation to address domestic violence.

**Policies and strategies to address violence against women**

A National Gender Policy was drafted in 2006. UNIFEM has supported the work of women’s rights organisations and parliamentarians to promote women’s rights in legislative and policy initiatives. Women’s rights NGOs - such as ALCR (combating ritual crime), Cri de Femmes (women’s rights), AVOGAB (women’s and orphan’s rights), Groupe Consience (promoting sex workers’ rights) - provide assistance to victims of violence and also run awareness campaigns.

**Methodologies for data collection on violence against women**

There is very limited data on VAW in Gabon.

**Administrative data**

There is no information available.

**Statistical data and research**

In a 2004, the CEDAW report stated that there was not enough statistical information in Gabon on the situation of women in all the areas covered by the Convention for the Elimination of All Forms of Discrimination against Women.

**GAMBIA**

**Country overview**

The Republic of the Gambia is located in West Africa. It has a total surface area of 10,380 km² and an estimated population of 1,705,200 inhabitants, of which 859,500 are women and 845,700 are men.

The country became independent within the commonwealth in 1965, then opted to become a republic in 1970. The first Prime Minister, Dawda Jawara, became president and was subsequently re-elected to power five times. The country experienced stability and a thriving economy during the first half of Jawara’s presidency. In 1994, Jawara was overthrown by a military coup led by Lt Yahya Jammeh, who was only 30 at the time. Jammeh set up a military government and outlawed all political parties. Two years later, with a new constitution, the country returned to civilian rule with multi-party elections but Jammeh was then elected to power and has held it ever since.

The Gambia ranks 155 out of 177 countries on the Human Development Index, 94 out of 108 developing countries on the Human Poverty Index, and 100 out of 156 countries on the Gender-related Development Index.

**Situation analysis of violence against women in the country**

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334 Available at: http://unclef.com/africa/osaa/reports/UN%20folder2006-UNIFEM.pdf
335 Available at: http://unstats.un.org/unsd/demographic/products/indwm/tab1a.htm
Gambian society remains largely conservative with regard to the status of women. The spread of fundamentalist religious movements over the last few years has not helped the development of conditions for women. Traditional views of women's roles result in extensive societal discrimination in education and employment.

Even though wife-beating is a criminal offence (and constitutes grounds for divorce under civil law), the police typically consider such incidents to be domestic issues that lie beyond their jurisdiction. The Gambia does have laws prohibiting rape and assault, which are generally enforced. Spousal rape, however, is not specifically recognised.\(^{337}\)

Families frequently educate male children before female children. Females constitute about 40 percent of primary school students and roughly 1/3 of high school students. This situation leads to early marriages, which are still prevalent in the country. Employment in the formal sector is open to women at the same salary rates as men. No statutory discrimination exists in other kinds of employment; however, women generally are employed in endeavours such as food vending or subsistence farming. Depending on the ethnic group, marriages are often arranged and polygamy is practiced. Women have the option to divorce, but not a legal right to approve or be notified in advance of subsequent marriages.\(^{338}\) Shari‘a law is applied with provisions such as: polygamy, which allows Muslim men to take up to four wives; inequality with regards to succession; divorce at the instigation of the husband; and the testimony of 2 women being equal to that of one man. Moreover, in customary law the widow herself forms part of the estate of her deceased husband.\(^{339}\)

Female genital mutilation (FGM) is widespread, especially in the Gambian countryside. The practice of FGM is illegal under the Penal Code but, to date, there have been no prosecutions for violations. Previous data from the Demographic and Health Surveys indicated that virtually all Gambian women had undergone FGM. A more recent estimate from the CPTAFE (Cellule de coordination sur les pratiques traditionnelles affectant la femme et l’enfant), a local NGO dedicated to eradicating FGM and ritual scarring, suggests the figure to be 65 per cent to 75 per cent.\(^{340}\)

Gender Machinery (governmental and community-based)

The National Council for Women, created in 1980, aims to advise the government and make recommendations on the improvement of the status of women. The Women’s Bureau is the secular arm of the Council and coordinates its activities with the Council. There is a “girl’s education desk” in the Ministry of National Education.

The Female Lawyers Association of The Gambia (FLAG) works towards advocacy for victims, better awareness of violence and its consequences among health workers, and wider knowledge of available resources for abused women (including legal assistance, housing and child care). BAFROW, a Gambian NGO, has been active in fighting FGM since 1991. It is trying to popularize symbolic practices of alternative rites of passage to FGM. GAMCOTRAP (Gambian Committee on Traditional Practices) is also fighting FGM.

Legislation and policy

Constitution

\(^{337}\) Ibid.
\(^{338}\) Available at: http://www.afrol.com/Categories/Women/profiles/gambia_women.htm
\(^{339}\) Available at: http://genderindex.org/country/gambia
\(^{340}\) Ibid.
The Constitution prohibits discrimination based on race, sex, religion, disability, language, or social status, while at the same time explicitly proclaims the need to preserve traditions and customs. In accordance with the Constitution, which provides that “customary law forms part of Gambian law”, the law of persons is characterized by co-existence of several legal systems, namely: the codes of customary law, Islamic law (the most widespread) and modern law.

**International instruments**
- CEDAW (signed 1980, ratified 1993)
- ACHPR (signed 1983, ratified 1983)
- PACHPRRWA (signed 2003, ratified 2005)

**Domestic legislation**
Women in the Gambia face many legal discriminations and inequalities with regard to family matters. The law recognises four forms of marriage: Christian, civil, customary and Mohommedan (which are governed by Shari’a). The 1997 Constitution states that all marriages shall be based on the free and full consent of the intended parties, except under customary law which still supports the tradition of child betrothal. More than 90 per cent of Gambian women are governed by customary and Shari’a law vis-à-vis their family relationships. The Gambia has no minimum legal age for marriage and the incidence of early marriage is high: a 2004 United Nations report estimated that 39 per cent of girls in the Gambia between 15 and 19 years of age were married, divorced or widowed. Child marriage is not prohibited by law, and some girls are married off as young as the age of 12 years. Polygamy is permissible under Shari’a and is practised; Muslim men may take up to four wives. Wives whose husbands enter a second or subsequent marriage have the option to divorce, but they have no legal right to receive advance notice regarding the husband’s intentions or to give their approval. Women also face discrimination in regard to parental authority. Shari’a considers husbands to be the natural head of the family; as such, they have sole responsibility for matters concerning the raising of children. Women’s rights with regard to inheritance depend on the law applied. Shari’a provides for detailed and complex calculations of inheritance shares, whereby women may inherit from their father, mother, husband or children and, under certain conditions, from other family members. However, their shares are generally only half of that to which men are entitled. Christian women and female children can receive properties under the wills of their husbands or fathers, but may also find themselves disadvantaged. The law of inheritance permits husbands, if they so choose, to will away all property and leave nothing for their wives and children. Gambian law offers no protection to women in such cases. Under customary law, wives are not entitled to the property of their husband unless – and until – they agree to let themselves be inherited by the husband’s family. In effect, such women are treated as a form of property to be inherited along with the rest of their husbands’ assets.³⁴¹

A Children’s Act was enacted in 2007, but specific measures to end female genital mutilation are still pending. The Chid Trafficking Law was passed in 2007. The penalty for trafficking of children in Gambia is life imprisonment.

Rape and assault are crimes under the law. The law does not differentiate between married and unmarried women in this regard. Any person who has carnal knowledge of a girl under the age of 16 is guilty of a felony (except in the case of marriage); incest is also illegal. Wife-beating is a criminal offence in the Gambia and constitutes grounds for divorce under civil law.

**Policies and strategies to address violence against women**
The National Women’s Council articulated a National Policy for the Advancement of Women, which was adopted by the National Assembly in 1999. The policy addressed issues of priority for women, and

³⁴¹ Ibid.
its effective implementation would greatly enhance the status of women. An umbrella body has been established to coordinate all non-governmental organization activities, a number of whom work toward promoting the development and advancement of women and the girl-child. Partnerships between Government institutions such as the Department of Social Welfare, the police, UN agencies such as UNICEF, NGOs CBOs, the Child Protection Alliance through Information Education and Communication, and other activities help in raising awareness of VAW. Services for women victims of violence are mostly provided by NGOs; the government does not provide legal aid for lack of resources. In 2006, the Tostan Project – a community-based initiative - was introduced in the country. It aims to empower community members to claim their rights in a pledge to transform social norms as related to harmful traditional practices. It was reported that by the end of 2008, 20 out of the 80 villages involved in the project had committed to abandon FGM and early marriage.

**Methodologies for data collection on violence against women**

Very little information is available on data collection on VAW.

**Administrative data**

There is no information available.

**Statistical data and research**

In recent years, the Multiple Indicators Cluster Surveys (MICS) have been introduced in the country by UNICEF with the aim of collecting and analysing data on the situation of children and women.

**GHANA**

**Country overview**

The Republic of Ghana in West Africa has a total surface area of 238,535 km² and an estimated population of 23,350,927, of which 11,756,600 are women and 12,080,700 are men. Religious affiliation is divided between Christian, traditionalist and Muslim (in the north).

Ghana became the first democratic sub-Saharan country in colonial Africa to gain its independence in 1957. The first leader of Ghana, Kwame Nkrumah, was overthrown by a military coup in 1966. A series of subsequent coups ended with the ascension to power of Flight Lieutenant Jerry Rawlings in 1981. These changes resulted in the suspension of the constitution in 1981 and the banning of political parties. A new constitution, restoring multi-party politics, was promulgated in 1992, and Rawlings was elected as president in the free and fair elections of that year and again won the elections in 1996 to serve his second term. In 2009, John Atta Mills took office as president, the second time power in the country had been transferred from one legitimately elected leader to another, securing Ghana's status as a stable democracy.

Ghana has many natural resources including, gold, timber, cocoa, diamonds, bauxite, and manganese, which are exports and major sources of foreign exchange. Oil was discovered in 2007, and oil exploration is ongoing. The economy continues to revolve around subsistence farming which accounts for 50 percent of GDP.

Ghana ranks 135 out of 177 countries on the Human Development Index, 65 out of 108 developing countries on the Human Poverty Index, and 66 out of 156 countries on the Gender-related Development Index.

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342 Available at: http://www.unis.unvienna.org/unis/pressrels/2005/wom1517.html
343 Ibid.
344 Available at: http://www.thegambiaecho.com/Homepage/tabid/36/articleType/ArticleView/articleId/1826
345 Available at: http://www.childinfo.org/files/MICS_on_the_web.pdf
Situation analysis of violence against women

Women play an important role in the economy of Ghana as traders, farmers and informal sector marketers. But even with their role in the market, they still remain subordinate to men. Traditional and cultural norms, as well as the socialising process, all appear to bestow a low status on the girl child and a low status on Ghanaian women.

The 2003 Demographic and Health Survey states that 19.8 percent of men and 34 percent of women consider it acceptable for husbands to beat their wives if she goes out without telling him. Unless specifically called upon by the police service's Domestic Violence Victim Support Unit, police seldom intervene in cases of domestic violence, in part due to a lack of counselling skills, shelters, and other resources to assist victims. As such, women virtually never file complaints with civil authorities even though 72 percent of respondents in a survey done by the Division for the Advancement of Women reported that wife-beating was common.

There is also a widespread belief that a husband is entitled to sexual intercourse with his wife at his command and he may impose this entitlement by force. Ten percent of men and 19.9 percent of women in a 2003 survey considered it justified if a husband beat his wife for refusing to have sex with him.

Rape of underage girls by men within the family circle, such as brothers, fathers and stepfathers remains a big problem. A study by the Division of Women’s Advancement in Ghana found that women are most at risk of sexual violence between 10-18 years.

In the Budumburam refugee camp, approximately 16 sexual violence cases involving defilement, rape, and sodomy were reported to Women’s Initiative for Self-Empowerment (WISE) and to the police during 2007. A number of the cases were not prosecuted, however, because the victims were unwilling or unable to cooperate in the prosecution.

There are a high number of polygamous marriages in Ghana. According to the 2006 Ghana Multiple Indicator Cluster Survey (MICS Survey), more than one in five women (21.6 percent) aged 15-49 years lived in a polygamous union. Polygamy is particularly prevalent in the three northern regions, where close to 40 percent of women live in polygamous marriages. Also, forced and early marriages are common with 40 percent of females married before 20, and 30 percent of females saying a family member chose their partners. There is no law that regulates the property division between spouses both during marriage and divorce.

352 Ibid.
354 Ibid.
Female genital mutilation (FGM) is traditionally practised by several ethnic groups in northern Ghana.

The UN Special Rapporteur on Violence against Women’s report states that some communities in the southern Volta Region and certain districts of the Greater Accra Region still practise ‘Trokosi’, an outlawed custom that involves ritual servitude and sexual exploitation of girls.  

In the Northern, Upper East, and Upper West regions of the country, where belief in witchcraft remains strong, rural women continue to be banished by traditional village authorities or their families for suspected witchcraft. Most accused witches are older women, often widows, who are identified by fellow villagers as the cause of difficulties, such as illness, crop failure, or financial misfortune. The banished women go to live in “witch camps”, villages in the north of the country populated by suspected witches, some of whom were accompanied by their families.

**Gender machinery (governmental and community-based)**

Ghana has a Department of Women and Children’s Affairs, which in 2009 held the Women’s Week Celebration for the first time in 8 years, presenting the issues of women in forums throughout the regional and district capitals and in prayers and services in mosques and churches. Furthermore, the Domestic Violence Management Board 2008 is a task force at government level in collaboration with NGOs and CSOs.

The police service’s Domestic Violence Victim Support Unit (DOVVSU) handles cases of domestic violence and child abuse, as well as juvenile offences. It also works closely with the Department of Social Welfare, the national chapter of the International Federation of Women Lawyers (FIDA), the Legal Aid Board, and several human rights NGOs to combat domestic violence.

The Widows and Orphans Ministry is a local NGO that aims to fight negative traditional practices against widows based on practices such as discriminatory inheritance laws, stripping a widow naked and forcing her to wear leaves, bathing her before a crowd, and forcing the widow to leave her husband’s house.

The Ark Foundation, Ghana, an NGO which focuses on women and children’s rights protection, with support from ActionAid undertook a project on issues of Sexual and Gender Based Violence (SGBV) to raise awareness and to enhance support services to survivors. The two main programmes that were carried out were the Sexual Assault Awareness Campaign and the Church Based Anti-Violence Programme.

The economic empowerment of women is manifested through the establishment of the Women’s Development Fund and support from the Medium and Small Loans Centre (MASLOC).

**Legislation and policy**

**Constitution**

The Constitution guarantees the protection of rights of all individuals and groups resident within its territory.

**International instruments**

- CEDAW (signed 1980, ratified 1986)

356 Available at: http://www.tandemproject.com/issue_statements/statements/2009/111909_upr.htm
Domestic legislation
The Domestic Violence Act (Act 732) was enacted in 2007 to address domestic, physical, sexual, emotional, psychological and economic violence. The Act is divided broadly into three parts: the first part provides a definition of domestic violence to include physical, economic, sexual and emotional abuse and criminalizes such abuse within existing and previous relationships. This part also provides a framework for filing complaints to the police. The second part makes provisions for procedures for activating protective and emergency orders. The final part of the Act provides for the promotion of reconciliation by the Court, publication of proceedings, criminal charges and civil claims for compensations, regulations and interpretation. This part also discusses the relation of the Act to the Criminal Code within which Section 42g was later repealed in a ruling by Justice Crabbe, prohibiting the use of force and violence in domestic setting thus taking away the presumption of consent on the basis of marriage.

Some harmful traditional practices such as widowhood rites and female genital mutilation have been criminalised under the Criminal Code Amendment Act 1998 (Act 554). In 2007, Parliament further strengthened the law against FGM by increasing the maximum penalty to 10 years of imprisonment and extending the range of persons who can be prosecuted for involvement in an act of FGM.

In 2005, a Human Trafficking Act was passed.

Policies and strategies to address violence against women
Gender and women’s concerns have been incorporated into the Growth and Poverty Reduction Strategy 2006 – 2009 (GPRS II).


The “16 days of Activism Campaign Demanding effective implementation and accountability of the Domestic Violence Act 2007” has been implemented by the National Coalition for Domestic Violence Legislation (DV Coalition).

Methodologies for data collection on violence against women

Administrative data
The Government of Ghana currently relies mainly on administrative records (mostly cases reported to the police) to assess the scope and prevalence of violence against women, using the following indicators: assault; rape; threats of violence; offensive conduct; defilement; abduction; and indecent assault.

Statistical data and research
The Ghana Statistical Service has gender-disaggregated statistics, most importantly on women in parliament, reported cases of assault and reported cases of defilement. It held the 2nd Global Forum on Gender Statistics in 2009.

357 The UN Secretary- General’s database on violence against women. Available at: http://webapps01.un.org/vawdatabase/country.action
358 Ibid.
359 Ibid.
A National Survey was carried out by the Division for the Advancement of Women under the auspices of the National Council of Women and Development. Multi-sampling procedures were employed with a combination of purposive and random sampling methods used. Three districts were purposively selected from each of the 10 regions. Group discussion was composed of purposively selected age groups for males and females separately. The survey covered a total sample of 3,047 people.

The Ghana Statistical Service and the Ministry of Health also carried out a Multiple Indicator Cluster Survey in 2006. The survey provides valuable information on the situation of women, men and children in Ghana, including statistics on female genital mutilation; early marriage; and attitudes toward domestic violence.

The 2003 Demographic and Health Survey provides statistics on "attitudes toward wife-beating" and "attitudes toward refusing sex." The 2008 Ghana DHS, which has a complete module on domestic violence, was launched on 30 September 2009. The data set and report emanating from this survey will be used to advocate for more indicators on violence against women.

Ghana is also in the process of conducting a Crime Victimisation Survey which will generate data on assaults, rape and other forms of violence against women.

GUINEA-BISSAU

Country overview

Guinea Bissau is a country in Western Africa, and one of the smallest states in continental Africa. It has a total surface area of approximately 37,000km² with an estimated population of 1,610,700, of which 812,800 are women and 797,900 are men. Islam is the predominant religion, practiced by approximately 50 percent of the country’s population. The economy depends mainly on agriculture; fish, cashew nuts and groundnuts are its major exports.

Since the 1998-1999 civil war, the government has struggled to meet the basic needs of the population. In 2009, President Joao Bernardo Vieira was shot dead by renegade soldiers, hours after a bomb attack that killed the army’s chief of staff, General Tagme Na Waie. The Parliament speaker Raimundo Pereira was sworn in as interim president until election could be held on 28 June 2009, which were won by Malam Bacai Sanhá.

The Human Development Index (HDI) attempts to measure the general sense of wellbeing in a country by looking at the standard of living measured by life expectancy, income power and adult literacy. Guinea Bissau is ranked 175 out of 177 countries. The Human Poverty Index (HPI) measures income deprivation looking at the same factors as the HDI and Guinea Bissau ranks 99 among 108 developing countries. The Gender-related Development (GDI) uses the same indicators has the HDI and explores the disparities in achievements between men and women. Out of the 156 countries with both HDI and GDI values, 153 countries have a better ratio than Guinea-Bissau’s.

Situation analysis of violence against women in the country

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362 The UN Secretary- General’s database on violence against women. Available at: http://webapps01.un.org/vawdatabase/country.action
363 Ibid.
364 Human Development Index Statistical update, 2008. Available at: http://hdrstats.undp.org/countries/country_fact_sheets/cty_is_GNB.html
365 Ibid.
366 Ibid.
The physical integrity of women is not sufficiently protected in Guinea-Bissau and violence against women is commonplace (including domestic abuse, rape, incest and other forms of violence). Domestic violence, including wife beating, is reportedly an accepted means of settling domestic disputes. Rape is a criminal offence, but a lack of resources makes it difficult to apply the legislation. Although police intervene in domestic disputes if requested, the government has reportedly not taken any specific measures to counter social pressure against reporting domestic violence, rape, incest and other mistreatment of women. Women experience sexual harassment in the workplace.

Traditional practices and customs discriminate against women, including early marriages, polygamy, FGM and inheritance practices. Some traditional rituals are female dominated. There is a ‘matriarchal’ form of marriage ceremony where the woman asks the man for marriage. However the practice of buying and selling child brides occurs. The customary laws that govern some ethnic groups are discriminatory in that they prohibit women from inheriting property. Land is handed down from father to son or from the eldest to the youngest brother. There is a high incidence of early marriage and it is not uncommon to see girls married at the age of 13 or 14 years. Polygamy is a common practice.

FGM is practiced within certain ethnic groups, especially the Fulas and the Mandinkas. According to information by the WHO an average prevalence is between 50 to 100 percent in Muslim women, and 70 to 80 percent in Fula and Mandingue women.

Child trafficking is common between Guinea-Bissau and Senegal, where borders are poorly guarded. The majority of children brought into Senegal from Guinea- Bissau end up as ‘talibés’, forced to beg on the streets in return for an education by religious leaders known as ‘marabouts’.

In 2006, fighting between the Senegalese rebel group Movement of Democratic Forces in the Casamance (MFDC) and Guinea-Bissau's armed forces led to the displacement of 10,000 people, 80 percent of whom were women and children, according to a report issued in May 2006 by the UN Office for the Coordination of Humanitarian Affairs (OCHA).

Guinea Bissau is also hosting refugees from across the border in Senegal's Casamance region. Given the past conflict, many women and girls have experienced violence in all forms at the hands of fighters from all sides.

**Gender machinery (governmental and community-based)**

The government formed a National Committee against Harmful Practices that conducts nationwide campaigns to discourage FGM. In 2002, Parliament reactivated the Ad Hoc Commission for the Child and Women.

The Institute for Women and Children was established in 2000 and tasked with the promotion of the rights of women and children. It concentrates on the sensitisation of the military and political parties. The Institute held training in 2005 for 200 wives of military men on gender development, peace and reconciliation.

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367 Available at: http://genderindex.org/country/guinea-bissau
369 Ibid.
370 Ibid.
371 Ibid.
372 Country Profile: Republic of Guinea Bissau. Available at: http://www.unhcr.org/refworld/publisher,USDOS,GNB,0.html
373 Available at: http://www.unicef.org/infobycountry/guineabissau.html
374 Country Profile: Republic of Guinea Bissau. Available at: http://www.unhcr.org/refworld/publisher,USDOS,GNB,0.html

**Legislation and policy**

**Constitution**
The Constitution and legislation of Guinea-Bissau prohibit all forms of discrimination on the grounds of gender, race or religion.

**International instruments**
- CEDAW (signed 1980, ratified 1985)
- OP CEDAW (signed 2000, ratified 2009)
- Palermo Protocol (signed 2000, ratified 2007)
- ACHPR (signed 2005, ratified 1985)
- PACHPRRWA (signed 2005, ratified 2008)

**Domestic legislation**
A Law on Children’s and Women’s Protection, which was approved by Parliament in 1997, has not been implemented and the status of this law is unclear. A review of, inter alia, penal law and family and labour legislation has not produced concrete results so far. Customary law is applied much more often than national legislation, particularly on issues relevant to children, girls/women and the family.  

The Family Code of Guinea-Bissau is known to discriminate against women in various ways. The government reports that it is undertaking a review of the code, but has not provided any information on the content of the reform.

**Methodologies for data collection on violence against women**

**Administrative data**
There is no information available.

**Statistical data and research**
The National Statistics Office collects gender-disaggregated data on female population, amount of women heads of household and education.

**GUINEA**

**Country overview**
The Republic of Guinea is a country in West Africa formally known as French Guinea. It has a total surface area of approximately 246,000km² with an estimated population of 10,068,700, of which 4,983,900 are women and 5,084,900 are men. Islam is demographically, socially, and culturally the dominant religion with approximately 85 percent of the population being Muslim. Guinea’s economy is based in its rich natural resources including bauxite, iron ore, diamond and gold deposits, and uranium. It is also a major exporter of bananas, pineapples, coffee, peanuts, and palm oil.

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374 Available at: http://www.universalhumanrightsindex.org/hrsearch/search.do?countries=69&accessType=country&regionCountry=country&orderBy=category&lang=en

375 Available at: http://new.wikigender.org/index.php/Guinea_Bissau
The combination of the armed conflict in 2000 and pressures from refugees and internally displaced persons from neighbouring countries led to a deterioration of the economic and financial environment. On 23 December 2008, Moussa Dadis Camara seized control of Guinea as the head of a junta. On 28 September 2009, the junta ordered its soldiers to attack people who had gathered to protest any attempt by Camara to become President. The soldiers went on a rampage of rape, mutilation, and murder. On 3 December 2009, an aide shot Camara during a dispute about the rampage of September 2009.

The Human Development Index (HDI) attempts to measure the general sense of wellbeing in a country by looking at the standard of living measured by life expectancy, income power and adult literacy. Guinea is ranked 160 out of 177 countries. The Human Poverty Index (HPI) measures income deprivation looking at the same factors as the HDI. Guinea ranks 103 among 108 developing countries. The Gender-related Development Index (GDI) uses the same indicators has the HDI and explores the disparities in achievements between men and women. Out of the 156 countries with both HDI and GDI values, 129 countries have a better ratio than Guinea's.

**Situation analysis of violence against women in the country**

Shari’a law provides for discriminatory provisions in family law including areas of custody, marriage, inheritance and matrimonial property. There is a persistence of stereotypes and prejudicial attitudes regarding the role of women in the family. Unmarried mothers are perceived negatively and are rejected by society. Guinean women are subjected to certain forms of discriminatory traditions and customs such as early forced marriage, polygamy, levirate marriages and child marriages.

Other forms of violence against women are common, including, physical and psychological violence, marital violence, widow abuse and rape. In 2007 a survey by the CEDAW found that 22 percent of women declared themselves victims of domestic violence. Police rarely intervene in domestic disputes. The stigma attached to rape prevents most victims from reporting it. In particular marital rape goes unreported, because most women and men view it as a husband’s right.

Prostitution among minors is becoming a major problem. Many Liberian and Sierra Leonean girls, often war orphans with few other prospects, are also becoming sex workers.

Trafficking is a problem. Girls are trafficked within the country, as well as internationally, for the sex trade and illegal labour. Trafficking in persons from rural areas to urban centres is an increasingly recognised problem. Within the Sierra Leonean and Liberian refugee populations, child trafficking is a problem where girls are exploited for domestic labour and boys as street vendors and agricultural workers.

According to the 1999 Demographic Health survey, approximately 90 percent of women undergo FGM. The Coordinating Committee on Traditional Practices Affecting Women’s and Children’s Health estimated that the practice had gone down to 65 percent from 75 percent.

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376 Human Development Index Statistical update, 2008. Available at: http://hdrstats.undp.org/countries/country_fact_sheets/cty_fs_GIN.html
377 Ibid.
378 Ibid.
Security forces have used excessive force against demonstrators over the past 10 years. In 2008, over one hundred demonstrators were killed and many more were injured. During the period of general strike, a number of women were raped by soldiers or by masked men in military clothes. 383

**Gender machinery (governmental and community-based)**

The Ministry of Social Affairs, Promotion of Women and Childhood was established in 1996 to coordinate national policies for the advancement of women, social protection, pre-school education and protection of children.

The Coordinating Committee on Traditional Practices Affecting Women’s and Children’s Health is a local NGO dedicated to eradicating FGM and ritual scarring.

**Legislation and policy**

**Constitution**

The Constitution simply protects the international commitments subscribed to by the State and places them above domestic law. Insofar as human rights are concerned, the provisions of the texts that make up the International Bill of Human Rights are covered by various codes on the National level.

**International instruments**

- CEDAW (signed 1980, ratified 1982)
- Palermo Protocol (ratified 2004)
- ACHPR (signed 1981, ratified 1982)
- PACHPRRW (signed 2003)

**Domestic legislation**

Article 321 of the Penal Code addresses sexual violence. Wife-beating and sexually violent crime is a criminal offence and constitutes grounds for divorce under civil law. Article 13 of Act L/2000/010/AN of 10 July 2000 on reproductive health prohibits FGM. Article 329 (3) of the Penal Code deals with trafficking, which is illegal and carries a penalty of 5 to 10 years imprisonment and confiscation of money or property received as a result of trafficking activities. 384

A draft Civil Code was being prepared in 2009 to improve a significant number of provisions regarding parental authority, divorce and child custody.

**Policies and strategies to address violence against women**

In 2000, the government initiated a ten-year strategy for ‘zero tolerance’, which has involved every stratum of the population, including NGOs, the Ministries of Security and Justice, and various religious representatives.

The Government has undertaken awareness-raising campaigns to combat all forms of violence against women. Since 27 August 1985, Guinea has celebrated the National Day of Guinean Women. This day focuses on many activities to promote the advancement of women and has been an occasion for the government to assess the progress made since 2000. The Government has introduced special measures

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384 The UN Secretary-general’s Database on Violence against Women. Available at: http://webapps01.un.org/vawdatabase/countryHnd.action?countryId=584
to combat illiteracy including the creation of special bodies such as the Equity Committee of the Department of Education.

The Goals of the Government’s Gender and Development Framework Programme include participatory, equitable and human development approaches aimed at reducing differences in the enjoyment of rights.

The Government, in conjunction with local journalists and international NGOs, is also promoting an education campaign to discourage underage marriage.

Methodologies for data collection on violence against women

Administrative data
There is no information available.

Statistical data and research
UNHCR did a report on sexual exploitation of refugee women and children in West Africa 2002. Data collection by cluster sampling was used to survey a total 1101 male and female refugees ages 15 and older.

The National Office of Statistics provides gender-disaggregated data on education and population.

KENYA

Country overview

The Republic of Kenya is a county in East Africa, with a total surface area of approximately 580,367 km² and an estimated population of 39,802,000, of which 19,906,700 are women and 19,895,300 are men.

Independence was gained from the United Kingdom in 1964. The general election held in 2007 was believed to be flawed with international observers saying the election did not meet international standards, stating the tallying process was rigged in favour of President Kibaki. This led to protests and riots claiming up to 1000 lives and displacing around 260,000 people. In 2008, President Kibaki named a Grand Coalition with Raila Odinga (the head of the opposition).

Kenya ranks 148 out of 177 countries on the Human Development Index, 60 out of 108 developing countries on the Human Poverty Index, and 6 out of 156 countries on the Gender-related Development Index.

Situation analysis of violence against women in the country

In Kenya, gender-based violence occurs across all socio-economic and cultural backgrounds and women are socialised to accept, tolerate and even rationalise domestic violence.

In a survey done as part of the 2003 Kenya Demographic and Health Survey (KDHS) it was shown that about half of all women have experienced some form of domestic violence since they were 15 years

Data from the 2003 KDHS shows that experience of domestic violence in all forms – emotional, physical and sexual – rises with age. 40 percent of women have experienced physical violence and 16 percent have experienced sexual violence. Marital violence contributes to the majority of domestic violence. Research shows that 69 percent of women report being abused by their male partner at least once in their lives. Violence that may begin with threats may end in forced ‘suicide’, death from injuries or homicide. Moreover, familial violence is the next biggest contributor to physical violence in Kenya as more than two thirds of women who report abuse, report their abusers to be husbands or other relatives. Women who are employed are more likely to experience domestic violence than those who are unemployed.

Rape is an acknowledged widespread problem but statistics are not certain due to societal pressures which impress the importance of chastity and honour. However, the statistics from police headquarters show that 2005 women and children were raped in 2002; these figures rose to 2908 in 2004. The reporting of rape is difficult as many women do not have the education or economic capacity to negotiate the legal system. Raped women are often traumatised and stigmatised and can be abandoned, divorced and declared unmarriageable. The low status of women contributes to their vulnerability in the wider society and within the home.

Traditional practices, such as widow inheritance, are widespread. A survey completed by UNAIDS found that 16 percent of married women are in polygamous marriages and 10 percent of girls between 15 and 19 are married (compared to 1.3 percent of boys). Thus girls are often married to older men leaving them vulnerable to unequal power relations.

FGM is widely practiced in many Kenyan communities. It involves either partial or total removal of the external female genitalia or other injury to female organs for cultural reasons. According to the 2003 KDHS there was a 7 percent decline recorded from 1998 to 2003, and the proportion of women circumcised increases with age. Therefore there has been a decline in the practice of female circumcision over the past two decades. A higher proportion of rural women (36 percent) than urban women (21 percent) have been circumcised. Moreover there is a strong relationship between education level and circumcision - 58 percent of women with no education are reported to be circumcised and only 21 percent of educated women. Religion also plays a part in the practice of FGM, with one-half of Muslim women circumcised as compared to one-third of non-Muslim women. This links to the practice of female genital cutting across ethnic groups within Kenya which widely varies. It is almost universal among Somali (97 percent), Kisii (96 percent) and Maasai (93 percent) tribes. Levels are lower among Kikuyu (34 percent) and Kamba (27 percent) women.
Witch burning is also a known problem in rural areas and appears to be associated with political and economic conflict.\textsuperscript{398} The fact that the practice is labelled traditional may remove it from the purview of criminal law despite the fact that it often results in death.

**Gender machinery (governmental and community-based)**

The National Commission on Gender and Development was established in 2003 through the *National Commission on Gender and Development Act 2003*. The Commission is mandated to protect the rights of women and advocates for legal reforms on issues affecting women and formulate laws, practices and policies that eliminate all forms of discrimination against women and all customs that are detrimental to their dignity.\textsuperscript{399}

The Ministry of Gender and Social Services collaborates with local NGOS and churches for workshops and training on the dangers of FGM and issues surrounding HIV and AIDS. There is also an Inter-Ministerial Committee on Female Genital Mutilation that works towards the eradication of FGM. However there is no overall national framework guiding this progress.

The Tsaru Ntomonok initiative, a community-based organization, aims to sensitise communities to the effects of harmful traditional practices. It runs projects in raising awareness on the harmful effects of FGM. The public education campaign explains how early marriage and FGM are harmful and unnecessary, explaining to families that educating their girl children could increase the family’s chance of earning money. Moreover they facilitate “alternative rites of passage” where girls can be initiated into adulthood without the need for FGM.

Other NGOs, such as FIDA Kenya, Kituo Cha Sheria, the Coalition on Violence Against Women (COVAW), Kenya Human Rights Commission, and Women’s Rights Awareness Programme (WRAP), focus on raising public awareness and providing services such as legal aid and representation for cases of domestic violence, sexual violence, property rights and child custody.

**Legislation and policy**

**Constitution**

The Constitution outlaws discrimination on the basis of sex according to a 1998 amendment. However, CEDAW acknowledged that subsequent clauses undermine this amendment by permitting discrimination in customary law and personal laws (which govern marriage, inheritance and property-related issues), in effect giving men greater rights and authority over women.\textsuperscript{400}

**International instruments**

- CEDAW (ratified 1984)
- Palermo Protocol (ratified 2005)
- ACHPR (ratified 1992)
- PACHPPRWA (signed 2003)

**Domestic legislation**

The National Commission on Gender and Development Act of 2003 seeks to establish a Commission to ensure gender mainstreaming in national development.

\textsuperscript{399} Available at: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/597/80/PDF/N0659780.pdf?OpenElement
The Children Act of 2001 classifies children exposed to domestic violence and female circumcision as children in need of care and protection. The Act protects children against female circumcision, early marriage or other cultural rites, customs or traditional practices that are likely to negatively affect the child's life, health, social welfare, dignity or physical or psychological development. It also stipulates equal opportunities for girls and boys and gender parity in the early grades.

The Domestic Violence (Family Protection) Bill of 2002 is draft legislation that aims to protect victims from domestic violence and gives courts the power to remove abusive partners from the family home. However, nowhere in the Bill is physical abuse considered to be assault and nowhere is marital rape considered. A draft was presented to the Parliament in 2002 but was not enacted.

Section 21 of the Public Officers and Ethics Act (2003) prohibits sexual harassment in the public sector.


The Penal Code provides that unnatural offences such as sodomy or forcing of objects other than the penis are felonies liable for 14 years imprisonment.

**Policies and strategies to address violence against women**

A National Action Plan for Combating Violence against Women was developed in 2000 but was not implemented due to lack of resources and institutional support. The Government has instituted a National Policy on Gender and Development. This policy enables the Government to address gender issues strategically through an established institutional framework. The Government is in the process of developing a Plan of Action to implement the Gender Policy.

The Ministry of Health produced the National Guidelines for the Medical Management of Rape and Sexual Violence in 2004. It outlined measures to respond to the needs and health consequences of survivors of sexual violence, such as unintended and unwanted pregnancy, transmission of HIV, psychological trauma, and physical injuries. The guidelines establish government standards of service provision to include counselling, treatment, and management of injuries, sexually transmitted diseases and pregnancy preventions. The Gender Violence Recovery Centre provides counselling and medical services to victims of gender based violence – it is a private initiative that began at the Nairobi Women’s Hospital – but its founders are now collaborating with the Ministry of Health to ensure replication and availability of these services on a national basis.

A Family Court was established in 2001 which aims to provide privacy when family related cases are being reported.

**Methodologies for data collection on violence against women**

**Administrative data**

Data is collected by the Kenya Police on sexual offences (including rape, defilement, incest, unnatural offences/sodomy, bestiality, indecent assault, abduction and bigamy).

**Statistical data and research**

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402 The UN Secretary-general’s Database on Violence against Women. Available at: http://webapps01.un.org/vawdatabase/countryInd.action?countryId=710
403 Available at: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/597/80/PDF/N0659780.pdf?OpenElement
The Kenya National Bureau of Statistics oversees the population and housing census, agricultural census and census of business establishments, which provide base marks on gender data. There are gender-related indices in education. Gender dimensions are also looked into by the Ministry of Health which looked into gender violence in a household survey.

Civil society organisations are also engaged in collecting data on violence against women. In 2002 – 2003, the National Council of Women of Kenya (an umbrella organisation of women’s rights NGOs) collaborated with the Population Communication Africa to produce the first ever national survey of the incidence and nature of violence against women and girls in Kenya. Importantly these studies also examined domestic abuse and provided gender and age disaggregated data which has allowed for comparative analysis of gender based violence and its incidence amongst women, men, girls and boys.

LESOTHO

Country Overview

Lesotho is a small landlocked country of about 30,000km² and a population of about 2,066,900 people, of which 1,091,300 are women and 975,600 are men. In 1868 it became a British protectorate, and was granted independence in 1966. There has been a history of political unrest with a period of military rule between 1986 and 1993 and a Palace Coup in 1994. Since independence the mountain kingdom has been a constitutional monarchy with the prime minister as head of government and holding executive powers, and the King performing a largely ceremonial role.

Lesotho is dependent on South Africa for its economy with thousands of migrant workers employed within South Africa’s borders. The scaling down of the mining industry has put severe strain on Lesotho’s migrant workers, forcing many of them to return home. Seventy six percent of the population is living in the rural areas. Lesotho has one of the highest rates of HIV infection in the world with an estimated one fifth of the population being HIV positive. The HIV prevalence rate among the 15 to 49 year age groups is 24 percent. Women are more likely to be infected than men (26 percent as compared with 19 percent). Although the initial response to the AIDS epidemic was low, subsequent initiatives have ensured that antiretroviral treatment is available in all clinics.

Lesotho ranks 141 out of 177 countries on the Human Development Index and 102 out of 169 countries on the Gender Inequality Index.

Situation analysis of violence against women

Basotho women have higher literacy rate (90 percent) than men (73 percent) as many young boys are required to become herd boys and miss out on their education or are sent out to work in industry. But discriminatory practices are entrenched in the culture and daily practices of the society, which limit women’s rights and access to the social economy. There is limited participation of women in decision-making with 23 percent of parliamentarians and 37 percent of government ministers being women, and men still predominate in senior positions in government and the business sector.

407 Available at: http://unstats.un.org/unsd/demographic/products/findwm/tab1a.htm
411 Available at: www.unfpa.org/exbrd/2008/firstsession/dpfpa_cpd_lsso_5.doc
Statistics provided by the Lesotho Mounted Police Service, Child and Gender Protection Unit, indicate that 1,878 sexual offences were reported to the police in 2008, which translates to 99 sexual offences per 100,000 of the population. Thirty two percent of these cases were reported in Maseru Urban and Maseru Rural police stations. The Lesotho-based Women and Law in Southern Africa Research Trust (WLSA) has indicated that the numbers of reported cases has increased since the passing of the Sexual Offences Act in 2003, which widened the definition of sexual offences. As in most countries, the reported figures do not represent the real experience of sexual violence, but there are limited victimisation studies in Lesotho. According to a household survey conducted with 939 sexually active women between the ages of 18 to 35 years in the two biggest cities of Lesotho (Maseru and Maputsoe), 25 percent of women surveyed reported ever having been physically forced to have sex; 13 percent reported that forced sex was attempted; 31 percent said that they were touched against their will; and 11 percent reported being forced to touch a man's genitals. Nearly 10 percent of respondents said they had been coerced into their first sexual experience, and 1.4 percent said they had been raped in their first experience. Boyfriends were the most frequent perpetrators in these cases of actual (66 percent) and attempted (44 percent) forced sex. Strangers accounted for 12 percent and known community members in 11 percent of these incidences. Known community members were the most common perpetrators for touching a woman against her will (52 percent).

Since this question was asked only in terms of first forced sexual experience, husbands and family members were the least mentioned perpetrators. The study also illustrated the links between other forms of violence in domestic relationships and forced sex, and women may often acquiesce to sex for fear of physical abuse. Twenty three percent of women reported having unwanted sex within their lifetime because of the fear of what their partner would do to them, and 20 percent reported being coerced into having sex as a result of their partners' constant harassment.

There is an established sex work industry in Maseru, involving many children as well. But these cases are almost never brought before the police and no arrests are made. In addition, women or girl children do not report cases of abuse or sexual violence by their clients unless, as respondents to this study reported, women complain that they have not been paid for their services, but there is no evidence of rape. It was reported that women feel intimidated to report to the police as there is no legal or policy provisions which support their rights, and they are afraid they will be beaten by the police. In addition, police seldom intervene when these cases are reported.

Abortion is not legal in Lesotho, even in cases of rape, with the result that women sometimes procure backstreet abortion, abandon their baby or travel to South Africa for abortions.

**Gender machinery (governmental and community-based)**

At the policy level, gender issues fall under the Ministry of Gender and Youth, Sports and Recreation. Its vision is to contribute towards socio-economic and political development of the country, as it aspires for gender equity and equality; sporting excellence; and a healthy and self-reliant youth.

One of three departments under this Ministry is the Department of Gender, established in 2000, which aims to ensure equality of all opportunities between women, men, girls and boys, so that development efforts have an equal impact on all gender issues. Their aim is to facilitate proper integration of gender issues in development to ensure full involvement, participation and partnership of women and men, girls and boys in both their productive lives. Through its policy, the Department of Gender takes gender concerns into account in all national and sectoral policies, programmes, budgets and plans in order to achieve gender equality in the development process.

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413 Ibid.
414 Ibid.
The Society for Women and AIDS in Africa (SWAales) is a voluntary association of women who offer support around HIV and AIDS and women. The organisation was started in 1996 and now has 250 members. They now work in 6 districts: Maseru, Leribe, Berea, Buthe Buthe, Qacha’s Nek and Mokhotlong. All volunteers are required to attend a workshop to learn about HIV AND AIDS before they can continue the work. Women in Law in Southern Africa (WILSA) is a regional organisation focused on human rights and women’s rights, as well as socio-economic development. It does research, advocacy, networking and lobbying in respect of legislation and policy. In terms of gender awareness, the organisation participates in such campaigns as the ‘16 Days of Activism’, and the ‘365 Days of Activism’ with the aim of sensitising people on the importance of eliminating violence against women. They also disseminate information about laws relating to gender-based violence and how to report instances of abuse. WILSA believes that it is important to involve the police in any of its outreach activities to educate people of the police responsibility and to demonstrate the commitment of the police to dealing with gender-based violence. WILSA also runs a weekly legal aid clinic. Most cases reporting to the clinic are related to gender-based violence.

Legislation and policy

Constitution
The Bill of Rights in Lesotho’s Constitution (1993) guarantees equality and equal protection of the law regardless of sex, race, colour or language (Section 4(1)), but this provision does not apply to the extent that any law makes provisions for adoption, marriage, burial, devolution of property on death or other matters which is the personal law of persons, or in respect of the application of customary law (Section 18(4)). The Constitution also guarantees the right to life (section 5), the right to personal liberty (section 6), the right to respect for private and family life (section 11), and the right to freedom from inhuman treatment (section 8). All rights may be derogated from except for the prohibition in inhuman treatment, in the interests of defence, public safety, public order, public morality or public health.

International instruments
- CEDAW (signed 1980, ratified 1995)
- OP CEDAW (signed 2000, ratified 2004)
- ACHPR (signed 1984, ratified 1992)
- PACHPRRWA (signed and ratified 2004)

Domestic legislation
The Sexual Offences Act No. 3 of 2003 was brought into effect in order to consolidate the law regarding sexual violence and to extend its ambit to include marital rape. It repealed the Women and Girls Protection Proclamation of 1949 as well as the common law offence of rape. Commercial sex exploitation of children is criminalised in the Sexual Offences Act.

The Legal Capacity of Married Persons Act No. 60 of 2006 removes the minority status of women and abolishes the husband’s marital power in relation to the administration of a joint estate and power over the property of his wife. This applies in respect of civil, common law and customary marriages. The Act also provides for equal guardianship of a minor child born of a civil marriage.

Domestic violence does not exist as a separate crime and is charged and prosecuted as the common law offences of assault, intimidation, etc. The Law Reform Commission is in the process of drafting legislation on domestic violence, but this has already been some years in the process and no draft is yet available for comment.
The Children’s Protection Act no. 6 of 1980 provides some protection for children in cases of abduction, child-stealing, assault, sexual offences, and any offences involving bodily injury to the child. Although it does not directly address the problem of trafficking it does provide for the removal and safe keeping of an affected child. The government is in the process of drafting the Child Protection and Welfare Bills which should go some way towards addressing the problem.

**Policies and strategies to address violence against women**

The Gender Department initially concentrated its advocacy around the 16 Days of Activism. It has since broadened its focus to looking at gender-based violence 365 days a year. In terms of the Gender and Development Policy Implementation Plan (2008 – 2012) the Department has ten priority areas, of which gender-based violence is one. This priority area has the goal of providing direction for the development of effective policies and programmes to prevent and manage gender-based violence cases.

**Methodologies for data collection on violence against women**

**Administrative data**

The Lesotho Mounted Police Service collects statistics on reported cases of sexual offences, abduction, incest, trafficking and gender-based violence.

**Statistical data and research**

In 2009, the Ministry of Gender and Youth, Sports and Recreation, with the support of the United Nations Population Fund (UNFPA), commissioned a baseline study on the prevalent forms of gender-based violence in selected districts as well as an assessment of ten institutions to determine their capacity and capability to prevent gender-based violence.

In 2004, CARE Lesotho and the MEASURE Evaluation Project carried out qualitative and quantitative research on sexual violence in Lesotho.

**LIBERIA**

**Country overview**

Liberia is a country on the west coast of Africa, with a total surface area of 111,369km² and an estimated population of 3,955,000, of which 1,989,800 are women and 1,965,200 are men. It is estimated that as much as 40 percent of the population of Liberia practices either Christianity or Christianity combined with elements of traditional indigenous religious beliefs. Approximately 40 percent exclusively practices traditional indigenous religious beliefs. An estimated 10 percent of the population practices Islam. Historically, the Liberian economy was based on iron ore and rubber exports, foreign direct investment, and exports of other natural resources, such as timber. Agricultural products include livestock (goats, pigs, cattle) and rice, the staple food.

From 1989-2003 Liberia experienced a horrendous armed conflict, which was launched by Charles Taylor’s rebel group, the National Patriotic Front for Liberia, fighting against patronage politics and the politicisation of ethnic differences. The conflict left between 150,000 and 250,000 dead, displaced between 850,000 and 1.3 million people and destroyed the country’s infrastructure and economy. The

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415 The others are: Gender and poverty and economic empowerment; Gender and education and training; Gender and youth; Gender and power politics and decision making; Gender and health; Gender and civil society; gender and Health; gender and the media; gender and environment; and gender and science and technology. Gender and Development Policy Implementation Plan (2008 – 2012).

416 Available at: [http://www.lmps.org.ls/Statistics.html](http://www.lmps.org.ls/Statistics.html)

417 Available at: [http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=29476&baseHREF=country&baseHREFId=759](http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=29476&baseHREF=country&baseHREFId=759)


Liberia ranks 176 out of 177 countries on the Human Development Index, 109 out of 135 countries on the Human Poverty Index, and 143 out of 156 countries on the Gender-related Development Index.  

**Situation analysis of violence against women in the country**

Liberia has just emerged from 14 years of civil war, during which women and girls experienced unprecedented levels of gender-based violence, especially sexual violence. Evidence suggests that levels of violence against women remain high during this post-conflict era. Factors that influence levels of violence in Liberia include social and cultural norms of gender inequity, lingering effects of 14 years of war, poverty, and the lack of functioning social, health and law enforcement institutions — which were devastated during the conflict.

During the 14-year long civil war, Liberia’s south-east region witnessed extreme levels of sexual violence. During the protracted war, seven rebel groups — Liberia United for Reconciliation & Democracy (LURD), Movement for the Democracy in Liberia (MODEL), National Patriotic Front for Liberia (NPFL), Independent National Patriotic Front for Liberia (INPFL), Liberia Peace Council, United Liberation Movement–Johnson (ULIM-J), United Liberation Movement-Kromoh (ULIM-K) – as well as the Armed Forces of Liberia and the police terrorised communities. Systematic and endemic rape of women and girls, gang rape and sexual abuse was common. Interviews with community members suggest that around two-thirds of all women and girls experienced some form of sexual and gender-based violence. In a survey by Women’s Rights International, 49 percent of participants reported experiencing at least 1 act of physical or sexual violence by a soldier or fighter. Survey participants reported being beaten, tied up, or detained in a room under armed guard (17 percent); strip-searched 1 or more times (32 percent); and raped, subjected to attempted rape, or sexually coerced (15 percent). Another survey by the UN, in 2005, found that 90.8 percent of over 1,600 women had been subjected to sexual abuse and violence. Medicines Sans Frontiers found that more than 40 percent of women combatants and 32 percent of men who fought in the war suffered sexual violence during the conflict. In a study by Isis-WICCE, more that 63 percent of women and girls suffered sexual torture including sexual abuse, gang rape, early forced marriages and pregnancies during the war, all of which exposed them to sexually transmitted diseases and HIV/AIDS. As a result of their experiences of sexual violence, as well as stigma and shame, 69 percent of women and girls reported psychological trauma and this has affected their ability to work. A survey conducted by the World Health Organization in collaboration with the Ministries of Gender & Development and Health & Social Welfare was conducted in 2004, 2005 and 2006 in ten of Liberia’s fifteen counties. Results revealed that of the 2,828 women interviewed: 93 percent were subjected to at least one or multiple acts of abuses; 73 percent were raped (mostly in gang rape incidents); 25 percent reported gruesome acts such as the insertion of objects into the vagina; 16.8 percent reported pregnancy after being raped; 48.5

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420 The UN Secretary-general’s Database on Violence against Women. Available at: http://webapps01.un.org/vawdatabase/countryInd.action?countryId=766  
percent had been abducted and forced to become sex slaves; 13.6 percent were children aged under 15; 34.3 percent reported physical abuse; and 7.4 percent reported forced and early marriages.\(^{425}\)

During the peacekeeping missions there were cases of sexual exploitation and abuse of women and girls, including rape, by peacekeeping personnel.\(^{426}\)

Post-war violence against women remains high with a culture of impunity that sees violent intimate partner relations as normal.

There have been a large number of reports of rape of children, not only out of sexual desire but also due to the belief in rape as a ritual capable of increasing power and virility.\(^{427}\)

Rape goes unreported because of fear of retribution, and the shame and stigma attached to survivors. In addition to the physical and psychological trauma of rape, including the risk of HIV/AIDS, survivors may face social exclusion by their community and family and may be unable to marry or are rejected by their husbands. This is exacerbated as the majority of perpetrators are known to their victims.

Moreover, because rape and other forms of violence against women are perceived as private, they are often dealt with between the family of the survivor and the perpetrator. The perpetrator pays the family or husband of the survivor ‘compensation’ in the form of money or goods (such as a chicken or a bottle of cane juice), or the perpetrator is forced to marry the survivor.\(^{428}\)

The Liberian population has strong traditional cultures including the practice of trial by ordeals, FGM, ritual killings, witchcraft, sorcery and early marriages.\(^{429}\) While many experts believe that the incidence of FGM had dropped to as low as 10 percent by the end of the war, traditional societies are re-establishing themselves throughout the country, and the increase in the incidence of FGM continues.

**Gender machinery (governmental and community-based)**

In post-conflict Liberia, a Ministry of Gender and Development has been established to deal with, among others, issues of violence against women. A Gender Based Violence Unit was established at the Ministry of Gender and Development in 2006 to handle GBV cases; resolve cases that have no legal implications; provide counselling services to survivors; and make referrals to appropriate service providers, including legal and medical services.

The Liberian government has created a special court (criminal court E) to deal not only with rising rape cases, but also with other forms of violence against women. The court has exclusive jurisdiction over cases of rape, sodomy and other forms of sexual assault, including the abuse of minors. A Sex Crimes Unit has also been established at the Ministry of Justice to prosecute all sexual violence cases.

A Law Reform Commission was established in 2005 to look at judicial and legal reform supported by the Human Rights Protection Section. The Liberian government has also created a special court to deal not only with rising rape cases, but also other forms of violence against women. The court has exclusive jurisdiction over cases of rape, sodomy and other forms of sexual assault, including the abuse of minors. In 2007, the Independent Human Rights Commission was formed.

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\(^{425}\) Information provided by the Coordinator of the GBV Unit of the Ministry of Gender and Development: Ms. Deddeh A. Kwekwe.


The Liberian Disarmament, Demobilization, Rehabilitation and Reintegration (DDRR) Program was supposed to have special measures to ensure that women and girls participated in DDDR processes and that their gender-specific needs were met. This included providing counselling and health care, and making sure that women and girls had equal access to benefits and resources. These provisions are also recognized in international guidelines on DDDR processes, including United Nations Security Council Resolution 1325.

The UN population Fund and the Association of Female Lawyers of Liberia has translated and disseminated a simplified version of the new rape law. To help young girls and women reclaim their lives, UNICEF supports a safe-house programme that provides food, medicine and counselling. UNICEF and other partners are providing some support to four already established safe homes. Two are operated by local NGOs and two by international NGOs. The Ministry of Gender and Development is constructing five safe homes in five of Liberia’s fifteen counties with funding from the NEPAD Spanish project. One has been constructed; the remaining four will be constructed in 2010. Women Won’t Wait is an NGO comprised of several women’s organizations involved in rights-based advocacy. They include ActionAid Liberia, Aiding Disadvantaged Women and Girls, Bassa Women Development Association, Women of Liberia Peace Network, Women Aid Inc., Women and Children Development Association of Liberia, Liberian Women Empowerment Network and Liberia Women Media Action Committee.

Legislation and policy

Constitution
The Constitution prohibits discrimination based on ethnic background, race, sex, creed, place of origin, or political opinion.

International instruments
- CEDAW (ratified 1984)
- OP CEDAW (signed 2004)
- Palermo Protocol (ratified 2004)
- ACHPR (signed 1983, ratified 1982)
- PACHPRRWA (signed 2003, ratified 2007)

Domestic legislation
The Rape Amendment Act (2006) aims to act as a deterrent with harsher penalties, sending out the message that rape will not be tolerated. Rape now constitutes a first degree felony with life imprisonment (a minimum of 10 years). The Act also requires in-camera hearings for all rape cases.430

In 2003, a new inheritance law was passed, which guarantees women property rights and grants customary marriages the same rights as those under statutory law.

The Anti-Human Trafficking Act of 2005 contains penalties for trafficking ranging from one year to life imprisonment.

Policies and strategies to address violence against women
In 2006, the Liberian Government Launched the National Action Plan on Sexual and Gender Based Violence and a task force on SGBV has been formulated under the coordination of the Ministry of Gender and Development. In 2009, the Liberia National Action Plan for the Implementation of

430 The UN Secretary-general’s Database on Violence against Women. Available at: http://webapps01.un.org/vawdatabase/countryInd.action?countryId=766
UNSCR1325 was launched to further enhance the SGBV Plan. The National Action Plan was developed to respond to the different forms of GBV, including sexual exploitation and abuse, that occurred during the war and to prevent and respond to current incidents that are emerging throughout the country. The goal of the National Action Plan is to minimise GBV by 30 percent and to ensure appropriate care and services for survivors of GBV. The SGBV Taskforce is chaired by the Ministry of Gender and Development and co-chaired by the Ministry of Health. Its members are: international NGO’s, local NGOs, UN agencies, Government Ministries, and agencies involved in GBV activities. The main objectives of the Taskforce are: to share information and network; to design strategies to address all forms of GBV; and to prevent and respond to GBV. The Taskforce is established in all counties.

The Liberian Government has also formulated a National Plan of Action for the Prevention and Management of Gender Based Violence. This action plan encompasses a variety of strategic interventions including: strengthening the health sector; reforming the legal system; establishing systems and outreach services for psycho-social support, and “safe homes” for survivors of violence; ensuring that all planning, programming, monitoring and evaluation processes are supported by gender-sensitive data and analysis; intensified, comprehensive awareness-raising about the scope and prevalence of sexual abuse and exploitation, and programmes to help prevent such abuse and to contribute to the abolition of traditional and cultural practices that perpetuate violence against women and girls; support for the economic and social empowerment of women and girls; and strengthening the institutional framework for the coordinated implementation of the national response Plan of Action for the prevention, and case management of sexual violence.

In 2007, the 16 Days of Activism was carried out under the global theme "Demanding Implementation, Challenging Obstacles: End Violence against Women", and called for the abolition of all forms of violence against women.

A National Standard Operating Procedure (SOP) has been developed to ensure standardised services to all survivors. The SOP will be rolled out in all counties.

**Methodologies for data collection on violence against women**

**Administrative data**

The SGBV task force in the Ministry of Gender and Development has been established to collect, analyze, manage and disseminate data on all GBV cases from partners in the fifteen counties, as well as to centralize and standardize the collection of data to avoid duplication and recording gaps. In order to avoid the duplication of data, the task force with support from the Norwegian Refugee Council developed standardized tools which include a survivor identification card, Referral Pathway Poster and a revised reporting form to collect data.

**Statistical data and research**

Few NGOs have statistics or collate scientific evidence of reported gender-based violence incidents. Women's Rights International did a survey to document women’s experiences of violence, including rape and sexual coercion, from a soldier or fighter during 5 years of the Liberian civil war from 1989 through 1994. ActionAid carried out research and data collection in 2007 where they interviewed UN officials, national and local government representatives, members of the justice sector, local community leaders, and members of the donor community, local and international NGOs, civil society groups and members of the community. A study was conducted by the International Rescue Committee (IRC) and Columbia University in 2007 in two of Liberia's 15 counties. The Liberia study used the

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431 Ibid.
432 Available at: http://webapps01.un.org/vawdatabase/countryInd.action\?countryId=766
433 Available at: http://webapps01.un.org/vawdatabase/countryInd.action\?countryId=766
"neighbourhood method" of inquiry, which asks respondents not only about their own experiences, but also those faced by their four closest neighbours.\footnote{See: http://allafrica.com/stories/200712051066.html}

Isis-WICCE, WIPNET and Ministry of Gender and Development carried out a study in 2008 to document the experiences of women survivors during the conflict in four counties. A multi-stage purposive sampling design was used and data was collected using qualitative and quantitative tools.

\section*{LIBYA}

\subsection*{Country overview}

The Great Socialist People's Libyan Arab Jamahiriya is a country on the west coast of Africa, with a total surface area of 1,759,541km\textsuperscript{2} and an estimated population of 6,419,900, of which 3,101,100 are women and 3,318,800 are men. By far the predominant religion in Libya is Islam (97 percent of the population). The Libyan economy depends primarily upon revenues from the oil sector, which constitute practically all export earnings and about one-quarter of gross domestic product. Libya declared its independence from Italy in 1951, and became a constitutional and hereditary monarchy under King Idris. The discovery of significant oil reserves in 1959 and the subsequent income from petroleum sales enabled one of the world's poorest nations to establish an extremely wealthy state. Although oil drastically improved the Libyan government's finances, popular resentment began to build over the increased concentration of the nation's wealth in the hands of King Idris and the national elite. On September 1, 1969, a small group of military officers led by then 27-year-old army officer Muammar Abu Minyar al-Gaddafi staged a coup d'état against King Idris. Gaddafi has been in power in Libya ever since.

Libya ranks 52 out of 177 countries on the Human Development Index, and 60 out of 108 developing countries on the Human Poverty Index.\footnote{Human Development Index Statistical update, 2008. Available at: http://hdrstats.undp.org/2008/countries/country_fact_sheets/cy_fs_UGA.html}

\subsection*{Situation analysis of violence against women in the country}

Shari'a law is the law of the land and all legislation must be consistent with it. Traditional attitudes and practices continue to discriminate against women.

Violence against women in Libya includes physical, sexual and psychological violence, including rape, sexual assault, molestation, harassment and intimidation in the work place.

Only the most violent rape cases (mostly involving older men attacking minors) are criminally prosecuted, while the rest are remedied socially through family arrangements such as coerced marriage in order to avoid public scandal. If the rapist and the victim agree to marry, the judge issues a sentence that the court does not immediately enforce. If the marriage lasts and they have children, the sentence is no longer valid; it is dropped. But if there are problems, and the rapist attempts to deceive the woman again, the judge requires the rapist to serve the sentence. Husbands who rape their wives will not be penalised if there is no other offence.\footnote{Human Rights Watch (2006).\textit{Libya: A Threat to Society?} Available at: http://www.hrw.org/en/node/11468/section/4.}

Abuse within the family is rarely discussed publicly, due to the value attached to privacy in society. Girls and women who have extra marital affairs or who experience sexual violence are put into state ‘rehabilitation centres’ separate from the communities for what the government calls ‘social
rehabilitation’. The conditions of prolonged solitary confinement in which the government holds these
women and girls for being raped, is compounded by the fact that they are also ostracized for staining
their families honour.\textsuperscript{437} Officials transfer the majority of these girls against their will.

Adult women continue to be considered legal minors with restricted decision-making power over their
lives. For example, while there are female police officers in Libya, they require the permission of their
fathers for admission to the Women’s Police Academy.

Female genital mutilation (FGM) is practiced in remote areas of the country. Some nomadic tribes
located in remote areas still practice FGM on young girls. Virginity testing is conducted before girls
are committed to marriage. Polygamy is legal but is relatively uncommon.

Libyan citizens have been implicated in the purchase of Sudanese slaves, mainly southern Sudanese
women and children. The country is a place of transit for women trafficked from Africa to central
Europe, and there are reports that Sri Lankan women are transported through the country as well. In
August 2001, Senegalese authorities detained 100 young Senegalese women from boarding a charter
flight to the country. According to a media report, in September 2001 two French nationals of
Senegalese origin were arrested and charged with organizing international prostitution. There were
reports that these women were being sent to the country to work as prostitutes.

Other violations include, notably, the enforced disappearance of hundreds of individuals (including
women), many of whom are feared to have died in custody while detained on political charges, and the
killing of dozens of Libyan dissidents inside and outside the country in circumstances suggesting that
they were extra-judicially executed by members of the security forces or by agents working on behalf
of the Libyan authorities.\textsuperscript{438}

**Gender machinery (governmental and community-based)**

Libya has a Ministry of Women’s Affairs.

**Legislation and policy**

**Constitution**

The Constitution prohibits discrimination based on race, sex, religion, disability, language and social
status. However, the Government does not enforce the prohibitions, particularly those against
discrimination against women and tribal minorities.\textsuperscript{439}

**International instruments**

- CEDAW (ratified 1989)
- OP CEDAW (ratified 2004)
- ACHPR (signed 1985, ratified 1986)
- PACHPRRWA (signed 2003, ratified 2004)

**Domestic legislation**

The Penal Code states that a man who finds his wife, daughter, sister or mother in an act of adultery or
illegitimate sexual intercourse shall not be prosecuted for ‘mere beating or light injury’.

\textsuperscript{437} Human Rights Watch (2007). “Fourth Periodic Report of the Libyan Arab Jamahiriya”. Available at:
www2.ohchr.org/english/bodies/hrc/docs/ngos/hrw/libya91.pdf
\textsuperscript{438} Amnesty International (2007). “Libyan Arab Jamahiriya: Briefing to the UN Human Rights Committee”. Available at:
\textsuperscript{439} Available at: http://www.afrol.com/Categories/Women/profiles/libya_women.htm
Extramarital sexual relations are criminalized therefore courts may view a woman’s charge of rape as an admission of illegal sex unless she can prove (by strict evidentiary standards) that the intercourse was non-consensual and therefore not fornication or adultery.

Only the nationality of the father can be transferred to the children.

The minimum age of marriage is equal for both men and women, and is set relatively high at twenty, but a judge can grant permission for marriage at an earlier age.

The Penal Code classifies sexual violence under crimes against freedom, honour, and morality.

The offences of prostitution and related offenses, including sexual trafficking, are illegal in the Penal Code.

Libya’s Family Code, which is partly based on the Maliki school of Sunni Islam, contains provisions that discriminate against women. Islamic Shari’a law allows a Muslim man to take as many as four wives. Any man who wishes to practice polygamy generally needs the consent of his first wife. Also, before a legal permission can be issued, the Libyan Family Code requires a man to prove that he is financially capable of supporting more than one wife.

It is illegal to establish women’s rights groups that are independent of the state, and individuals (both women and men) are subject to abuse and torture if they are suspected of sympathising with government opposition groups.

Policies and strategies to address violence against women
There is no information available on Libyan policies and strategies to address violence against women.

Methodologies for data collection on violence against women

Administrative data
There is no information available.

Statistical data and research
The National Corporation for Information and Documentation provides gender-disaggregated data on life expectancy, population, education and average marriage age.

MADAGASCAR

Country overview

Madagascar is an island country off the east coast of Africa. It has a total surface area of 587,041 km² and an estimated population of 19,625,000, of which 9,853,800 are women and 9,771,200 are men. Approximately 50 percent of the country's population practice traditional religions, about 45 percent of the Malagasy are Christian, divided almost evenly between Catholics and Protestants, and Islam constitutes about 7 percent of the population. The economy is based on fishing and forestry with major exports being coffee, vanilla, rice and bananas.

In 1947, a nationalist uprising against the French colonists was suppressed after several months of bitter fighting with 90,000 people killed. The French later established reformed institutions in 1956 and Madagascar moved peacefully towards independence. The Malagasy Republic was proclaimed on October 14, 1958, as an autonomous state within the French Community. A period of provisional
government ended with the adoption of a constitution in 1959 and full independence on June 26, 1960. The political situation in Madagascar has been marked by struggle for control. After independence, assassinations, military coups and disputed elections have featured prominently.

Madagascar ranks 143 out of 177 countries on the Human Development Index, 75 out of 108 developing countries on the Human Poverty Index, and 38 out of 156 countries on the Gender-related Development Index.

**Situation analysis of violence against women in the country**

Prejudices against women and stereotyped gender roles are reflected in political and systematic discrimination against women. The persistence of adverse cultural norms, practices and traditions as well as patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life creates an atmosphere conducive to violence against women.

Studies have shown that the most visible form of domestic violence is wife battery, usually due to drunkenness on the part of the husband. Less visible, but just as painful, is the psychological violence that women suffer – for example when a man threatens to reject his wife if the next child she is expecting is not a boy. Violence appears to be socially legitimized and is accompanied by a culture of silence and impunity, so that victims of such violence do not press charges against perpetrators because of a fear of retaliation. Cases of violence against women are thus underreported and women are encouraged through customary law to leave the family home temporarily.

Sexual harassment and violence are seen in public and private places. Incest, whereby young girls have been raped by family or friends, is a common problem. Moreover, sexual abuse occurs in schools, particularly high schools where teachers sexually harass female students. Sexual harassment is against the law, but the practice is widespread, particularly in export processing zone (EPZ) factories.

Sexual exploitation of women and children is a problem especially in poverty stricken areas. Women and children are reduced to prostitution in order to make a living. Children are often employed as domestic servants in conditions that are tantamount to slavery and may often include sexual exploitation.

A traditional and thriving business is the selling of women, called “tsenan’ampela”. Women are forced to gather at a place to be bought by those who are interested and who usually exploit them sexually and physically.

Women face societal discrimination such as unequal property inheritance rights. Moreover, traditional practices are illegal but persist in some regions, including: polygamy; the practice of "moletry" (bride price) in the north-west; and the custom that prescribes the abandonment of a twin child in Mananjary. Early marriage is common and, in some provinces, very widespread. A 2004 United Nations report

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444 Rakotoniera, Z. H. Realizing Malagasy Women's Sexual Rights: a Step towards Development. Available at: www.siyanda.org/docs/rakotoniera_malagasywomen.doc
estimated that 34 percent of girls between 15 and 19 years of age were married, divorced or widowed.445

Women and children are trafficked to other countries where they look for jobs and end up becoming sex workers. The vast majority of trafficking cases are internal, namely children being trafficked from rural areas to work as prostitutes and domestic workers in urban centres. International trafficking is rare, with reports of a limited number of women and girls trafficked for prostitution between Madagascar and the neighbouring islands of Mauritius and Reunion. The principal traffickers ranged from organized criminals to "friends" to distant family members. Traffickers generally take advantage of young girls and boys in rural areas by promising employment opportunities in urban areas.446

Prostitution is pervasive but is not illegal, but related activities such as pandering and incitement of minors into debauchery are criminal. Sex tourism is a growing problem with the growth of the tourism industry. In September 2005, President Ravalomanana warned foreigners not to visit for sexual tourism. The government continued with its national awareness campaign by posting signs throughout airports and hotels, and including a full-page warning in the customs booklet given to arriving international passengers. Large billboards notifying arrivals that the authorities will prosecute those caught having sex with children line the route into the city. Sex tourism is generally covered under sexual harassment laws.447

Gender machinery (governmental and community-based)

A National Human Rights Commission was established in 1996 but is presently not operational and therefore not able to hear complaints from individuals.

Family Planning Centres have been introduced to the country.

In 2008, the United Nations Information Centre (UNIC) in Antananarivo, together with the UN Club and the Association of Women Leadership of Ifanadiana, organized training sessions to discuss the issue of violence against women in Madagascar. Over 50 students from Ambodirafia, Ranomafana and Ikelilalina attended the event.

Legislation and policy

Constitution
The Constitution provides for equality between men and women and states that all nationals have fundamental rights and cannot be discriminated against on grounds of sex.

International instruments
- CEDAW (signed 1980, ratified 1989)
- OP CEDAW (ratified 2000)
- Palermo Protocol (signed 2000, ratified 2005)
- ACHPR (ratified 1992)
- PACHPRRWA (signed 2004)
- SADCBDG (signed 1997)
- Addendum to SADCBDG (signed 1998)

Domestic legislation

445 Available at: http://www.unhcr.org/refworld/country,,,,MDG,456d621e2,4a4214a7c,0.html
446 Ibid.
Law No. 2007-002 sets the age of marriage for both women and men at 18.

Law No. 2007-022 on marriage and matrimonial regimes provides that spouses have the same rights and the same responsibilities with regard to administering marital property.

Act No. 2000-021 amends and supplements certain provisions of the Criminal Code relating to violence against women and indecent assault.

Act No. 2000-21 criminalises domestic and sexual violence. Marital rape is not recognised as a criminal offence and the Criminal Code only criminalises acts leading to physical injury and does not cover verbal, psychological and economic violence. It also provides penalties for sexual harassment in the workplace. Penalties range from three years to life in prison, depending on factors such as the victim's age, the rapist's relationship to the victim, and whether the rapist's occupation puts him or her in contact with children.

Act No. 2003-011 ensures equality between men and women in access to public office.

Act No. 2003-044 provides for equal pay for equal work and work of equal value.

Law No. 2007-38 modifies and completes the provision in the Penal Code concerning trafficking in persons and sex tourism.

Law No. 2008-017 authorises the ratification of the Convention on the Nationality of Married Women and is aimed at rectifying the inequality of rights between women and men with respect to nationality. However, CEDAW has noted with concern that the Nationality Code does not comply with article 9 of the Convention in that it does not allow a Malagasy woman married to a foreigner to transmit her nationality to her husband or children on the same basis as a Malagasy man married to a foreigner.448

Polygamy is illegal under the criminal law.

The existence of a system of customary justice (dina) enforces customary law, which can discriminate against women. The government states that dina can only intervene in minor offences, and under judicial supervision.449

Policies and strategies to address violence against women

The National Action Plan for Gender and Development (2004 – 2008) provided for two specific programmes: improving the economic efficiency of women; and improving the legal and social status of women.450

In 2006, the country adopted a Millennium Development Goal-based development plan, the Madagascar Action Plan 2007-2011. The Plan reflects the UNFPA mandate that includes specific commitments on gender-equality and the empowerment of women.450


In 2008, an awareness-raising initiative by government on violence against women aimed to engage men and boys and collaborate with religious/cultural organisations.

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448 CEDAW (2008). Report on Madagascar. Available at: http://sim.law.unu.nl/SIM/CaseLaw/uncom.nsf/fe005fcb50d8277cc12569d5003e4aaa3a0d63e41b4f278c125755300337a0c70OpenDocument
450 Available at: www.genreenaction.net/spip.php?article3707
In one of the few government programs to address domestic violence, the Ministry of Population worked with NGOs in Antananarivo and Fianarantsoa to provide victims with legal advice.

**Methodologies for data collection on violence against women**

**Administrative data**
There is no information available.

**Statistical data and research**
Research was completed in 2007 with a National Survey on Domestic Violence. It set out to study domestic violence against women between 13 and 50 who are married or living with someone.

The National Institute of Statistics offers information on basic statistics.

CEDAW commented on the lack of data concerning domestic violence because of the societal constraints on victims.

**MALAWI**

**Country overview**

The Republic of Malawi is a landlocked country in southeast Africa. It has a total surface area of 118,484km$^2$ and an estimated population of 15,263,400, of which 7,678,700 are women and 7,584,800 are men. The economy is predominantly agricultural, based on farming of sugarcane, cotton, tea and potatoes. Seventy percent of agricultural work is done by women, who produce 80 percent of food for home consumption.\(^{451}\)

Malawi achieved independence from the United Kingdom in 1964. Historically, the late President Kamuza Banda led the country under an isolationist dictatorship. In 1994 the first open and multi-party elections were held. Because of this isolationist background the social values were based mainly on the traditional patriarchal system. However since democracy, the country has begun to recognise and slowly enforce gender-related empowerment policies to protect and enhance the plight of women. Much of the population still lives in rural areas.

Malawi is one of the poorest counties in Africa with a Human Development Index of 164 out of 177.\(^{452}\) Malawi is ranked 79 out of 108 developing countries on the Human Poverty Index, and 89 out of 156 countries on the Gender-related Development Index.\(^{453}\)

**Situation analysis of violence against women in the country**

Violence against women occurs against the historical background of domestic isolation and lack of development as much of the population lives in rural areas. Traditional rural structures grant men sole custody over the control of household resources (in more than 7 out 10 households, the husband controls the finances) and women are denied inheritance and property rights.\(^{454}\) Only 15 percent of all the respondents in a National Gender-based Violence Study said they were not happy about the male

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\(^{451}\) Statement by Mrs Rosely Makhumula, Deputy Permanent Representative of the Republic of Malawi to the United Nations on Agenda Item 56: Advancement of Women to the Third Committee, 2008


control of daily household finances but of those who reported acts of economic and emotional abuse, the majority was self employed.\textsuperscript{455} Women have limited access to agricultural training, and basic education and health facilities. Despite constitutional guarantees of equal protection, customary practices perpetuate discrimination against women in education, employment, and business.\textsuperscript{456}

In a quantitative research study done by the Crime and Justice Statistical Division in Malawi in 2005, it was found that 48 percent of Malawian women reported some form of domestic violence by their intimate partner.\textsuperscript{457} The research states that the high occurrence of physical abuse could be attributed to cultural norms which reflect an acceptance of men’s role in ‘correcting’ and ‘disciplining’ women.\textsuperscript{458}

Violence against women is common, though in recent years there has been greater media attention on and criminal penalties for abuse and rape. Up to one third (35 percent) of women who were sexually abused said it began when they were younger than 20 years old.\textsuperscript{459} However, women are still reluctant to report physical or sexual abuse due to the lack of resources available with no confidential shelters or treatment facilities. In cases of gender-based violence, women in Malawi are most likely to turn to informal support structures such as family, friends and their traditional healers. Only 4 percent who have experienced violence will turn to the police.\textsuperscript{460} This could be because a significantly high percentage of women do not view their experience of abuse as inherently wrong. Only 27 percent of those women who reported sexual abuse, 19 percent who reported economic abuse and 17 percent who reported physical abuse, thought what had occurred was legally wrong.\textsuperscript{461} Moreover, issues of shame or fear prevent women from reporting to the police. The majority of Malawian women who are abused, and report the abuse, remain unaware of their rights to a medical examination, a female officer to take statements, and the right to have the statement taken in their home language.\textsuperscript{462}

The majority of the women interviewed lived in rural areas (88 percent), where customary marriages account for approximately 59 percent of marriages.\textsuperscript{463} Cultural practices such as wife inheritance (30 percent) and polygamy (35 percent) further problematise women’s status within society.\textsuperscript{464}

In 2003, the MHRC issued a report documenting the revival of the customary practice of \textit{kupimbira}, in which young girls are sold by their parents or grandparents to pay off debts or secure loans.\textsuperscript{465} There are also discriminatory inheritance practices where a widow’s family will unlawfully take the majority of the estate.\textsuperscript{466} Female genital mutilation is performed but the rites are secret and there is not much statistical evidence of the prevalence of the practice.

Trafficking in women and children is a problem, and penalties for the few successfully prosecuted traffickers have been criticised as too lenient. It is believed that Malawian women are trafficked to South Africa.

\textbf{Gender machinery (governmental and community-based)}

\textsuperscript{455} Ibid, p. 7  
\textsuperscript{458} Ibid, p. 9  
\textsuperscript{459} Ibid, p. 28  
\textsuperscript{460} Ibid, p. viii  
\textsuperscript{461} Ibid, p. 22  
\textsuperscript{462} Ibid, p. 41  
\textsuperscript{463} Ibid, p. 4  
\textsuperscript{464} Ibid, p. 6  
\textsuperscript{466} AFROL Gender Profile Malawi. Available at: http://www.afrol.com/Lists/Women/profiles/malawi_women.htm
The government addresses women’s concerns through the Ministry of Gender, Youth, and Community Services. The National Commission on Women in Development coordinates government and NGO activities.

The Gender Initiative Network, an informal association of women's NGO's, attempts to bring together the largely urban women's rights activists and the overwhelming rural majority to discuss common interests; however, it does not take specific initiatives during the year.

Legislation and policy

Constitution
The Constitution provides for the equal rights of women and equal protection by the law.

International Instruments
- CEDAW (ratified 1987)
- OP CEDAW (signed 2000)
- Palermo Protocol (ratified 2005)
- ACHPR (signed 1990, ratified 1989)
- PACHPRRW (ratified 2005)
- SADCWG (signed 1997)
- Addendum to SADCWG (signed 1998)

Domestic legislation
The Prevention of Domestic Violence Act (2006) was developed by the Ministry of Gender, Child Welfare and Community. It covers spousal relationships and includes relations between family members or financially dependent relations.

The Gender Equity Statute was still under discussion in 2008.

Policies and strategies to address violence against women
The Ministry of Gender, Youth, and Community Services launched a National Gender Policy (2000-2005) which aimed to enhance the overall government strategy of growth through poverty eradication.467 Subsequently the National Response to Gender Based Violence was initiated in 2008.

Press coverage of domestic violence increased substantially after a conference in 2001 sponsored by NGOs in cooperation with the Ministry of Gender, Youth and Community Service called “Sixteen Days of Activism”.468

Methodologies for data collection on violence against women

Administrative data
Data on violence against women is collected from reports and files from institutions of the criminal justice system, medical facilities and counselling and support groups.469

Statistical data and research

467 Ibid.
The National Statistics Office in Malawi provides gender disaggregated data on a number of issues, including: population, health, education, employment and earnings, economic activity, and poverty. The Department of Human Resource Management has gender disaggregated data. The Ministry of Gender, Youth and Community Services collects data on violence against women, the number of women with access to loans, women’s empowerment, and the number of women employed.

The Malawi Demographic and Health Survey (2000) provides statistics on issues such as women’s status, fertility preferences, marriage and sexual activity, maternal health, contraceptive use and socio-economic data. Malawi is one of 25 pilot countries selected for implementation of the Strategy to Accelerate Girls’ Education. The UN Girls Education Initiative (UNGEI) was launched in Malawi in 2004. The role of the UNGEI Country Advisory Committee is to bring together the Government, donors and civil society partners, to provide leadership and to leverage resources for girls’ education. Gender-disaggregated data collection will be collected as a function of this initiative.

MALI

Country overview

The Republic of Mali is a landlocked country in West Africa, with a total surface area of 1,240,192 km² and an estimated population of 13,010,200, of which 6,585,800 are women and 6,424,400 are men. An estimated 90 percent of Malians are Muslim (mostly Sunni), approximately 5 percent are Christian (about two-thirds Roman Catholic and one-third Protestant) and the remaining 5 percent adhere to indigenous or traditional animist beliefs. Mali’s key industry is agriculture. Cotton is the country’s largest crop export and is exported west throughout Senegal and the Ivory Coast. In addition to cotton, Mali produces rice, millet, corn, vegetables, tobacco, and tree crops. Gold, livestock and agriculture amount to eighty percent of Mali’s exports.

In early 1959, Mali (then the Sudanese Republic) and Senegal united to become the Mali Federation. The Mali Federation gained independence from France on June 20, 1960. Senegal withdrew from the federation in August 1960, which allowed the Sudanese Republic to form the independent nation of Mali in September 1960. A one-party state existed until November 1968, when it was overthrown in a bloodless military coup. Anti-government protests in 1991 led to a coup, a transitional government, and a new constitution. In 1992, Alpha Oumar Konaré won Mali’s first democratic, multi-party presidential election. In 2007, the ruling coalition, Alliance for Democracy and Progress (ADP), strengthened its hold on parliament in elections. But suspected Tuareg rebels abducted government soldiers in separate incidents near the Niger and Algerian borders and further clashes between government and rebels continued. In 2009, the Government took control with the army of all the bases of the most active Tuareg rebel group. A week later, 700 rebels surrender their weapons in ceremony marking their return to the peace process.

Mali ranks 173 out of 177 countries on the Human Development Index, 107 out of 108 developing countries on the Human Poverty Index, and 132 out of 156 countries on the Gender-related Development Index.

Situation analysis of violence against women in the country

Domestic violence is widespread but accepted as normal. Women rarely report instances of domestic violence, or if they do, social pressures encourage the victim to withdraw the complaint before the conviction of the perpetrator.


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Rape statistics are unknown as families are reluctant to report rape in order to preserve the honour of the victim and her family. Cultural attitudes treat rape as a shameful taint on the family honour rather than a recognized violation of the victim’s rights and this reinforces a culture of silence. Moreover, state agents including police, prosecutors and judges treat women victims of violence without regard and sometimes even with violence.

Societal attitudes confine women to the roles of wife and mother and greatly discourage women from entering the public sphere. Women face difficulties in attempting to engage in economic activity in the formal sector thus they work in the informal sector. Many girls from rural areas migrate to the urban areas as domestics and are subject to exploitation by their employers, including sexual harassment and abuse as well as low wages. The prevalence of a patriarchal ideology with stereotypes and the persistence of gender-biased cultural norms mean that traditions including early and forced marriages, degrading widow treatment, levirate, the dowry system, polygamy and FGM are widespread in Mali. Young girls are sometimes pressured by their families to enter into customary marriages before they are 15 (which is formally illegal). Statistics collected by the Centre for Reproductive Legislation and policy state that 93 percent of girls are married before the age of 22. Moreover, a 2004 United Nations report estimated that 50 percent of girls are married by age 15. Polygamy is common, with 43 percent of women and 24 percent of men living in polygamous unions. This percentage is higher in rural areas than in urban society, and illiterate women are twice more likely to be affected than women who have received secondary education. Polygamy is legal and the decision rests with the husband, not the wife.

FGM is widespread with 94 percent of Malian women having experienced the procedure both in rural and urban areas. Moreover, 80 percent of Malian women support the practice according to a survey by the Centre for Reproductive Legislation and policy.

Inheritance is governed primarily by Islamic Shari’a law, which discriminates against women. Daughters, for example, are entitled to receive only half the share received by sons. A further discrimination is that women can inherit only poor quality land that is not very fertile. Certain ethnic groups view the wife as part of the inheritance, and oblige her to marry a brother of her deceased husband, who then receives all of the estate.

The existence of trafficking in children (and sometimes women) for labour exploitation is another grave problem in Mali. National and international traffickers often benefit from the parents’ complicity, especially the fathers’, since they are unaware of the fate awaiting their children. Traffickers promise to find work for the children, who are mostly minors, entrusted to them. In reality, however, the children end up doing forced labour or becoming domestic servants or sex slaves in large cities in Mali.

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472 Ibid.
473 Ibid.
479 Ibid.
neighbouring countries, or even in Europe.\textsuperscript{481} Most children are recruited by intermediaries and sold to plantation owners. Children are trafficked to rice fields in the central regions; boys are trafficked to mines in the south; and girls are trafficked for involuntary domestic servitude in Bamako.\textsuperscript{482} Women and girls are trafficked from Nigeria for sexual exploitation, mainly by Nigerian traffickers.

Prostitution is widespread and mostly driven by economic reasons. Women and children who enter into prostitution come from families with many children where economic support is scarce.

**Gender machinery (governmental and community-based)**

Mali has a Ministry for the Advancement of Women, Children and the Family and a National Advisory Commission on Human Rights. The Ministry for the Advancement of Women, Children and the Family produced a guide on violence against women for use by health care providers, police, lawyers, and judges. The guide provides definitions of the types of violence and guidelines on how each should be handled.

The Association pour le Progres et la Defense des Droits des Femmes encourages women to speak out against domestic violence. Two organisations, For the Defense and Promotion of Women Rights and Action for the Promotion of Household Maids, operate shelters in Mali. Several NGOs, including the Malian Association of Human Rights and the Malian Association of Women Lawyers, visit prisoners and work with female and juvenile prisoners to improve their conditions. A UNIFEM project in Mali, with support from the UN Trust Fund to Eliminate Violence against Women, is currently working to foster dialogue and build capacities among government ministries, parliamentarians, civil society and traditional and religious leaders that can lead to changes in harmful practices and attitudes.

**Legislation and policy**

**Constitution**
The Constitution proclaims, in its preamble, to defend the rights of women.

**International instruments**

International treaties are directly applicable in national law.

- CEDAW (signed 1985, ratified 1985)
- OP CEDAW (ratified 2000)
- Palermo Protocol (signed 2000, ratified 2002)
- ACHPR (signed 1981, ratified 1981)
- PACHPRRWA (signed 2003, ratified 2005)

**National legislation**

A draft Personal and Family Code proposes revisions to the Citizenship Code and Marriage and Guardianship Code.

There is no specific law prohibiting domestic violence. Assault is punishable by prison terms of one to five years and fines of up to US$1,000 (500,000 CFA francs) or if premeditated, up to 10 years’ imprisonment. Marital rape is not a crime. Rape is punishable with 5 to 20 years of “hard labour” and potentially can include exile from the community. The crime of rape is aggravated if it is committed by several people or if the victim is under 15 years of age.

\textsuperscript{481} Immigration and Refugee Board of Canada, Mali: Violence committed against minors by family members (parents, grandparents, stepparents, uncles, aunts); protection available from government authorities and from non-governmental organizations; possibility of adoption by a family member (September 2005), 13 September 2005. MLI100547.FE . UNHCR Refworld. Available at: http://www.unhcr.org/refworld/docid/45f1477e2f.html

\textsuperscript{482} Gender Equality and Social Institutions: Mali (2004). Available at: http://genderindex.org/country/mali
The Law of Nationality forbids a Malian woman who marries a foreigner to pass on her Malian nationality to children of the marriage.

The Civil Code grants husbands sole family and parental authority and women are obligated as wives to obey their husbands.

Malian law prohibits excision and early marriage. A person found guilty of instigating a forced marriage may be sentenced to a prison term of one to five years, whereas sentences in cases involving a girl younger than fifteen can be as long as twenty years imprisonment, including 10 years’ hard labour.

Child trafficking is punishable by five to 20 years' imprisonment. The law also prohibits the contractual use of persons without their consent. Penalties increase if a minor is involved and range from five to 20 years' imprisonment.

**Policies and strategies to address violence against women**

Under a four-year (2004-2008) national plan of action to promote the status of women, the government continued efforts to reduce inequalities between men and women and to create links between women within the Economic Community of West African States and throughout Africa.

In 2002 a national programme for the eradication of FGM was initiated which aimed at training personnel of health facilities in the harmful effects of FGM. The government continued its two-phased plan aimed at eliminating all forms of FGM by 2008. According to the local human rights organisations fighting FGM, the educational phase (workshops, videos, and theatre) continued in cities, and FGM reportedly decreased substantially among children of educated parents. In many instances, FGM practitioners agreed to stop the practice in exchange for other income-generating activities. The National Committee against Violence towards Women links all the NGOs active in FGM.

**Methodologies used for data collection on violence against women**

**Administrative data**

There is no information available.

**Statistical data and research**

The Mali Population Reference Bureau and Profi Demographique collect statistics on gender-disaggregated data on the age of marriage.

The Centre for Reproductive Legislation and policy has collected information on FGM, rape and polygamy. The Bamako-based non-profit organisation, Women in Law and Development in Africa, recently released results from a year-long study on women’s vulnerability to sexual violence.

**MAURITANIA**

**Country overview**

The Islamic Republic of Mauritania is a country in the northwest of Africa. It has a total surface area of approximately 1,030,700km² with an estimated population of 3,290,600, of which 1,622,100 are women and 1,668,500 are men. Religious affiliations are 99.84 percent Muslim, most of whom are Sunnis, and 0.16 percent Christians, mostly Roman Catholics. A majority of the population still

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483 See: http://www.prb.org/Countries/Mali.aspx
depends on agriculture and livestock for a livelihood. Mauritania has extensive deposits of iron ore, which account for almost 50 percent of total exports.

The civilian government of Mauritania was overthrown on 6 August 2008 in a military coup d’état led by General Mohamed Ould Abdel Aziz. On April 16, 2009, General Aziz resigned from the military to run for president in the July 19 elections, which he won.

Human development index (HDI) attempts to measure the general sense of wellbeing in a country by looking at the standard of living measured by life expectancy, income power and adult literacy. Mauritania is ranked 137 out of 177 countries. The Human Poverty Index (HPI) measures income deprivation looking at the same factors as the HDI and Mauritania comes 87 among 108 developing countries. The Gender-related Development Index (GDI) uses the same indicators has the HDI and explores the disparities in achievements between men and women. Out of the 156 countries with both HDI and GDI values, 96 countries have a better ratio than Mauritania’s.

Situation analysis of violence against women in the country

There is a strong patriarchal ideology in Mauritania with firmly entrenched stereotypes and discriminatory traditional practices and customs such as premature and forced marriages, polygamy where a woman is not allowed to refuse her husband’s wish for additional wives, FGM and force-feeding/gavage. Other forms of violence against women include, domestic violence, rape, including marital rape and all forms of sexual violence.

Patriarchal attitudes consider the physical chastisement of family members, including women, acceptable in Mauritania. Police rarely intervene in domestic disputes; women in traditional communities rely on family and ethnic group members to resolve domestic disputes.

In many instances, rape victims are seen as being responsible for what has happened to them. Women rape victims are unjustly accused by judges of “Zina” crimes (prohibited sexual relations) and find themselves condemned by the Criminal Court to suffer minimum 5 years imprisonment. Seven women were imprisoned in 2009 on charges of violating the no-sex between unmarried persons legal code after they had tried to denounce alleged offenders, according to the Mauritanian Association for Maternal and Child Health.

It is accepted under Islamic religion to marry a girl of six years old, but any physical contact has to wait for her biological maturity.

Gavage or the tradition of leblouh is only practiced among the Moor ethnic group in rural areas but the practice is said to be declining. Deep-rooted Arab traditions prize excess weight as an image of female beauty. Girls from rural families are taken for leblouh at special “fattening farms” where older women, or the children’s aunts or grandmothers, will administer pounded millet, camel’s milk and water in quantities that make them ill. It is reported that the practice of force-feeding young girls for

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484 Human Development Index Statistical update, 2008. Available at: http://hdrstats.undp.org/countries/country_fact_sheets/cty_fs_MUS.html
485 Ibid.
486 Ibid.
487 Ibid.
490 Coomaraswamy, R. (2003). “Integration of the Human rights of Women and the Gender Perspective: Violence against Women”, Economic and Social Council, Human Rights Commission. Available at: http://www.unhchr.ch/Huridocda/Huridoca.xsd/f0/0/ab5c1c6003e0f80038513e08openendocument pg 78
marriage is making a significant comeback since a military junta took over the West African country. 491

FGM is practiced among all ethnic groups except the Wolof. Despite government efforts to eradicate the practice by running campaigns and making it illegal for public hospitals to perform the procedure, an estimated 75 percent of women have undergone some form of FGM, most of them quite severe; less than one-sixth of cases are a “symbolic” single cut.

Trafficking is an on-going concern. Marrying off Mauritanian girls as young as six years old to men in Gulf States is turning into a profitable trafficking enterprise. 492

Slavery in the country was abolished in 1981. It is difficult in practice to distinguish slavery from forced labour, and some cases of slavery are still being officially presented as cases of economic dependence. Economic abuse and ill treatment of young girls employed as domestic servants in slavery-like conditions is an ongoing problem. 493

**Gender machinery (governmental and community-based)**

There are three government bodies addressing women’s rights:

- The Ministry for the Promotion of Women, Children and Family which aims to protect the family and children’s rights in accordance with Islam and the ‘the requirements of modern life’, and to guarantee the advancement of women and their participation in the public life. It monitors the implementation of CEDAW and tracks government’s policies regarding gender issues.
- The Ombudsman, established in 1993, is an independent body mandated to receive complaints, including complaints of discrimination from citizens.
- The Commission on Human Rights, Poverty Reduction and Integration is mandated to draft and implement a national human rights policy.

The Partners Network for the Promotion and Protection of Human Rights in Mauritania represent several NGOs. The Association of Women Jurists of Mauritania (AMAFEJ) follows up on the enforcement of women’s rights. Shelters have been established for female victims of violence, including marital violence, which are supported by the government but managed by NGOS.

**Legislation and policy**

**Constitution**

The Constitution established Mauritania as an Islamic republic and decrees that Islam is the religion of its citizens and the State, and the Government accordingly limits freedom of religion. The Constitution guarantees equality before the law to all citizens without distinction as to origin, race, sex or social condition, but there is no explicit definition of discrimination against women. The Constitution provides that any treaty to which Mauritania is a party has precedence over domestic legislation from the moment that the treaty in question is published.

**International instruments**

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491 Ibid.
• CEDAW (ratified 2001). Mauritania ratified CEDAW with the reservation that it would accede only to the extent that CEDAW did not conflict with Shari’a law
• Palermo Protocol (ratified 2005)
• ACHPR (signed 1982, ratified 1986)
• PACHPRRWA (signed 2003, ratified 2005)

Domestic legislation
By 2009 Mauritania did not have a law or government policy directed at rape. However, there is a law prohibiting sex between unmarried persons.

In 2007, a provision contained in the Code of Criminal Procedure bans female genital mutilation.

The legal age of marriage in Mauritania is 18 according to the national family code; however, many in the predominantly Muslim country observe a different religious code.

Law no. 025/2003 to Suppress Human Trafficking forbids practices or actions considered to be related to trafficking in persons — meaning the recruitment, transport, and transfer of persons by means of threat or use of force or other forms of coercion, of abduction, of deception, of abuse of power or of a position of vulnerability or of the giving or receiving of payment or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. The Act includes the creation of an inter-ministerial taskforce and a definition of trafficking.

When awarding indemnity to the family of a women who has been killed the courts only grant half that of a man’s death.

Policies and strategies to address violence against women
In 1996, an officially produced Guide to the Rights of Women in Mauritania (with religious endorsement) stressed that Islam does not require FGM. The government continued intensive media and educational campaigns against FGM in 2002.

In 2005-2008, a National Strategy for the Advancement of Women was established.

Methodologies for data collection on violence against women

Administrative data
There is no information available.

Statistical data and research
The National Office of Statistics provides gender-disaggregated data for employment in different sectors and population demographics.

MAURITIUS

Country overview
Mauritius is an island nation off the coast of the African continent in the southwest Indian Ocean, with a total surface area of 2,040 km² and a population of 1,296,600, of which 654,500 are women and 642,100 are men.

494 Available at: http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=10447&baseHREF=country&baseHREFId=850
Mauritius attained independence from the United Kingdom in 1968, and the country became a republic within the Commonwealth in 1992. Mauritius has been a stable democracy with regular elections based on religious beliefs or sectarian groups. It has a positive human rights record, and has attracted considerable foreign investment earning one of Africa's highest per capita incomes.

Mauritius ranks 65 out of 177 countries on the Human Development Index, 27 out of 108 developing countries on the Human Poverty Index, and 82 out of 156 countries on the Gender-related Development Index.496

Situation analysis of violence against women in the country

Patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and society still persist in Mauritius, whereby men are still considered main breadwinners and women’s primary responsibility is still the household chores.497 Mauritius offers equal opportunity and access to education, health, social services and employment for both men and women but low levels of representation for women in all facets of political and social life is a problem. Moreover, a report by CEDAW stated that the enforcement of labour laws by the Sex Discrimination Division of the Human Rights Commission is weak as they opt for education rather than referral of cases of noncompliance with the Sex Discrimination Act to the Director of Public Prosecutions.498

However, problems of domestic violence are still a challenge. There is still a social stigma surrounding the subject of domestic violence with the result that many women do not report cases. A study done by the medical college in Mauritius stated that low domestic violence levels could be attributed to the low unemployment rate, lack of obvious gender discrimination, high literacy rates and the nonexistence of a dowry system which encourages men to claim women as property.499

Prostitution linked to the tourism industry is a problem involving women and girls as young as 10 years of age. Prostitution is illegal but clients of prostitutes are not often prosecuted.500

Gender Machinery (governmental and community-based)

The Ministry of Women’s Rights, Child Development and Family Welfare frames and executes policies and programmes geared towards upgrading the status of women, children and family units, safeguarding their rights and ensuring their economic development and welfare within society. Under the Families in Distress Scheme, women victims of domestic violence who cannot return to their homes are temporarily placed at a shelter and given an allowance upon being discharged. The Family Welfare and Protection Unit (FWPU) was established in July 2003 to implement policies and programmes in favour of families and to enforce the Protection from Domestic Violence Act. The Unit operates through a network of six regional offices known as Family Support Bureaux, which provide family, psychological counselling and legal advice services as well as assistance to adults and children victims of domestic violence and abuse, in a holistic manner.501

498 Ibid.
501 Available at: http://webapps01.un.org/vawdatabase/countryInd.action?countryId=857
The Sex Discrimination Division of the Human Rights Commission receives and enquires into written complaints, following which it endeavours to bring conciliation and make recommendations as it deems appropriate.

Zero Tolerance Clubs and the “Men as partners programme” have increased the level of knowledge and awareness of men and women of health-related matters, family welfare and women’s empowerment. The MWRCDFW&CP and UNICEF commissioned a study on commercial Sexual Exploitation of Children in Mauritius in 2004 and initiated a National Action plan on the protection of children against sexual abuse.

Legislation and policy

Constitution
The Constitution grants all persons human rights and fundamental freedoms without discrimination by reason of race, place of origin, political opinions, colour, creed or sex. It should be noted that the Constitution was amended 1995 to include gender as a prohibited ground for discrimination when reference to “sex” was included.

International instruments
- CEDAW (ratified 1984)
- OP CEDAW (signed 2001, ratified 2008)
- Palermo Protocol (ratified 2003)
- ACHPR (signed and ratified 1992)
- PACHPRRWA (signed 2005)
- SADCDGD (signed 1997)
- Addendum to SADCDGD (signed 1998)

Domestic legislation
The Domestic Violence Act 1997 was amended in 2004 to include gender-based violence in the definition of discrimination. It provides protection to all members of a family sharing the same household and makes a provision for counselling of perpetrators of violence. However, the Act failed to criminalize marital rape. The Protection from Domestic Violence (Amendment) Act of 2007 introduced the following amendments: an increase in the penalty for the offence of wilfully failing to comply with any order made under the Act; in exceptional cases to order a person who has wilfully failed to comply with an order made under the Act, to attend counselling sessions instead of being sentenced; and an ancillary order under clause 5 to enable an aggrieved spouse and any child of the parties to whom a Protection Order has been granted to apply for alimony.

The Education Act was amended in 2005 to increase the age of free, compulsory education to 16.

The Sex Discrimination Act of 2002 protects women from discrimination on the basis of gender and covers direct and indirect discrimination.

The Sexual Offences Act of 2003 reinforces the sanctions associated with sexual offences. When cases of sexual assault are reported at the Police Department or Ministry of Health and Quality of Life, victims are referred to the Family Protection Unit of the Ministry.


Policies and strategies to address violence against women
A National Action Plan to combat domestic violence was launched in November 2007 and contains five strategic objectives: improving legislation on domestic violence and strengthening of the justice system and the agencies response; appropriate, accessible, timely, coordinated multi-agency responses and support to all victims and children who need it; sensitize and change attitudes to prevent domestic violence from happening in the first place; promote responsible reporting, advocacy, sensitization and promotion of a forum by media specialists to encourage the comments at large to discuss domestic violence; undertake research and studies on domestic violence, strengthen capacity building and set up appropriate mechanisms for monitoring and evaluation of the National Action Plan to combat domestic violence for the promotion of family welfare. In 2007, US$52,000 was allocated by the UNDP to the Ministry for the development of the National Action Plan to Combat Domestic Violence.\textsuperscript{502}

A new project launched in 2007 for “Capacity building for Gender Equality and Empowerment of Women”, was jointly implemented by the Ministry of Women’s Rights and the Ministry of Labour, Industrial Relations and Employment, under the UNDP.

A \textit{Protocol of Assistance for Victims of Sexual Assault} has been operational since March 2006 and mandates the provision of prompt and timely assistance to victims. The Protocol was established through collaboration between the Ministry of Women's Rights, Child Development and Family Welfare, the Ministry of Health and Quality of Life and the Police Department. Under the Protocol, the Ministry of Women’s Rights, Child Development and Family Welfare ensures psychological and legal assistance to victims of sexual assault.\textsuperscript{503}

Structures for the provision of a 24 hour service for free legal assistance and psychological counselling have been set up.

There are six Family Support Bureaux (FSBx) across the island which provide an integrated service to victims of domestic violence. The FSBx are serviced by Family Welfare & Protection Officers, Family Counselling Officers, Psychologists and Legal Resource Persons to address the problem of domestic violence.\textsuperscript{504}

There is one shelter run by the National Children’s Council, a parastatal body operating under the aegis of the Ministry, which provides temporary accommodation to victims of domestic violence and their children. The Shelter also caters for children victims of abuse and neglect. The Shelter is serviced by social workers and psychologists to meet the needs of the victims and to provide psychological counselling to enable them to overcome their trauma following problems related to domestic violence.

In addition, there are two shelters run by non-governmental organisations, which provide services for victims of domestic violence.\textsuperscript{505}

An empowerment fund to promote the economic empowerment of vulnerable groups by providing land for social housing and for small entrepreneurs and training for unemployed women has been created. The Trust Fund for the Social Integration of Vulnerable groups also provides access to economic resources for women living in poverty, and has launched microcredit and microenterprise schemes to enable women to become more self sufficient.

\textsuperscript{502} Available at: http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=29557&baseHREF=country&baseHREFId=857
\textsuperscript{503} Available at: http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=31724&baseHREF=country&baseHREFId=857
\textsuperscript{504} Available at: http://webapps01.un.org/vawdatabase/countryInd.action?countryId=857
\textsuperscript{505} Ibid.
Sexual assault has been widely condemned in sensitization campaigns through posters, talks on radio and TV in Women Centres. Ongoing sensitisation programmes are being conducted in collaboration with non-governmental organisations, community-based organisations and religious bodies to create awareness among the public on the issue of domestic violence and its consequences on children and the family. Between February to December 2008, 85 talks/workshops were organised and more than 5000 people were sensitised.506

Methodologies used to collect data/information on GBV/VAW

Administrative data
Data collected by the Domestic Violence Intervention Unit of the Ministry of Women's Rights, Child Development is available from 1997-2006.507

Statistical data and research
The Department of Forensic Medicine, Pathology and Physiology at the Medical College in Mauritius has done surveys which include 1510 cases of domestic violence in 1999 and 1235 cases in 2000, obtained from the records of the Domestic Violence International Unit in Mauritius.

In 1999, the Ministry of Women’s Rights, Child Development and Family Welfare commissioned a 2nd study entitled “Criminology Research on Domestic Violence” which was entrusted to KPMG consultancy after a public tender. The team consulted stakeholders and institutions with domestic violence.

MOZAMBIQUE

Country Overview

Mozambique is one of the largest countries of Southern Africa, with a surface area of 799,380km² and an estimated population of 23,405,700, of which 12,006,400 are women and 11,339,300 are men.509 Sixty-six percent of the population live in rural areas and subsist mainly on agriculture, a fact that poses enormous challenges in terms of infrastructure and service delivery.

The country gained independence from Portugal in 1975. However, a bloody civil war ensued and a peace agreement between the new Marxist government of the Front for the Liberation of Mozambique (FRELIMO) and the opposing rebel forces of the National Resistance of Mozambique (RENAMO) was only reached in 1992. Mozambique is a constitutional democracy and multi-party elections were held in 1994. FRELIMO has remained in power since independence.

Mozambique’s ranks 175th out of 179 countries on the Human Development Index (HDI), 127th among 135 developing countries on the Human Poverty index and 136 out of 156 countries on the Gender-related Development Index.511

Situation analysis of violence against women in the country

506 Ibid.
507 Available at: http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=28656&baseHREF=country&baseHREFId=857
508 Information provided by National Statistical Office of Mozambique.
In the framework of a major study to develop a strategic plan for the Mozambican Police, a victimisation survey was conducted in the year 2002 among 2,874 respondents in the provinces of Maputo, Nampula, Sofala and Zambezia. The survey reported that victimisation of women in Mozambique includes cases of domestic violence, violence at work and at school. Women are assaulted by single offenders rather than groups and they more frequently know their aggressor. A section of the survey was dedicated to sexual offences: of the total respondents interviewed, only 4.3 percent declared to have been victims of a sexual offence. Of the recorded sexual offences in the survey, 25.8 percent were rape, 48 percent attempted rape, 18 percent sexual harassment and 8 percent indecent assault. In a clear difference between urban and rural locations, in the city of Maputo the crimes happened far from the victims’ homes in 43.4 percent of cases and at home in 19.7 percent of cases, while in the Zambezia province, 68.4 percent of the crimes happened in the victims’ homes. Following the general trends on sexual violence, 52.4 percent of the respondents knew the perpetrators either by name or by sight. Even though 82.9 percent of respondents considered sexual offences a serious crime, only 24.8 percent of victims reported the offence to the police. The survey analysis indicate that – compared to other countries in the SADC region – sexual violence against women in Mozambique is lower, but the seriousness of the incidents is higher in rural areas, where most of the reported cases were rape.

Mozambique is a country of origin, transit and destination for human trafficking, but internal trafficking is also evident. Reports by Save the Children Mozambique confirmed the trends and indicated that the country has also become a destination, particularly for Zimbabwean citizens. The main destination country is South Africa, although no definitive statistics are available. The most recent data by the International Office for Migration suggests that up to 1000 women and children are trafficked every year to South Africa. A South African NGO – Molo Songololo – reported in 2000 that more than 20,000 child labourers, many from Mozambique, were working in South African farms for pitiful allowances and in miserable conditions.

In an impoverished country such as Mozambique, sex work is a viable option for women, many of whom are the head of their households. Prostitution is not criminalised in Mozambique – except in the case of minors – and a number of abuses at the hand of clients and also law enforcement agents have been reported.

Although outlawed by the Family Act of 2004, which bans marriage before the age of 18, the practice of early marriage is still prevalent, particularly in rural areas. According to a 2003 Demographic Health Survey, 18 percent of girls aged 20-24 had been married before the age of 15 and 56 percent before the age of 18.

HelpAge International Mozambique reports that older women are very unlikely to have received any education and in 2003 94.3 percent of women over 60 were illiterate (compared to 64 percent of men over 60). The vast majority of older women do not speak any Portuguese, the official national

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515 Interview with Ms. Paula Simbine, Save the Children Child Protection Program Coordinator and Ms. Salome Francisco, Save the Children Project Officer in the Migration and Anti-Trafficking Programme, Maputo, 24 February 2009.


517 Interview with Superintendent Odette Ibraimo Amade, head of the Beira Assistance Centre for Victims of Domestic Violence, on 22 February 2009.

language, which limits their access to services and to denounce violence. The available date shows that 4 percent of all reported cases of violence against women in Maputo City, Sofala, Maputo and Inhambane provinces between 2004 and 2005 were committed against older women. Furthermore, data collected in a survey conducted by HelpAge International showed that ‘older women are subject to accusations of witchcraft which often lead to physical attacks, psychological abuse, loss of their property and expulsion from their homes or community’. 519

Many of the manifestations of violence against women described above are apparently pervasive in a society still very patriarchal, and they could be linked to ancient and traditional practices, which have become harmful in current times. Some of these practices include: payment of lobolo (which in the southern region of Mozambique means the payment of a sum of money, jewellery or clothes to the bride’s family, allowing men to choose a younger sister-in-law to replace his wife if she does not please him); kupita kufa, from the central region of Mozambique, which requires a widow to sleep with her brother-in-law to gain acceptance for her and her children; loss of property inheritance rights for widows and children when the husband/father has died of AIDS, as the widow is accused of witchcraft or of neglecting her husband; unyago, an initiation ritual from the Niassa province, which entails girls as young as 11 years being taken to the bush and having eggs inserted in their vaginas to prepare them for sexual activity. Newly developed customs include okaka, which entails young girls sleeping with older men to cure sexually transmitted diseases. 520 In relation to property rights and inheritance, women and girls still forfeit their rights to the husband’s family, although the practice was outlawed in 1997. Furthermore, the Family Law of 2004 gives property rights to divorced women, but very few of them know about the right or are empowered enough to demand it. 521

Gender Machinery (governmental and community-based)

The Ministry of Women and Coordination of Social Action (Ministério da Mulher e da Acção Social) was established in the year 2000 to replace the Ministry for Coordinating Social Action, and entrusted with developing, executing and coordinating public policies aimed at the emancipation, development and well-being of women.

The Directorate General for Women’s Affairs serves as the implementing organism of the Ministry of Women Coordination of Social Action.

The National Council for the Advancement of Women was created in 2004 under the umbrella of the Ministry of Women and Social Action. This consultative body coordinates and promotes the implementation of the Mozambican government plans and policies in the gender equality and women fields. This body includes official organisms, such as Ministry of Finance, Ministry of Planning and Development, Ministry of Health, Ministry of Education and Culture, Ministry of Agriculture, Ministry of Public Administration, Ministry of Youth and Sports, Ministry of Labour, as well as non-governmental organizations, private sector, trade unions and religious entities representatives. 522 Furthermore, each ministry should have gender units in place, to facilitate the coordination with other ministries. However, it is not clear if these gender units are in fact present in every ministry and are playing an effective role.

Advances have been made in the arena of formal political representation: 37.2 percent of the National Parliament is held by women, the Prime-Minister is a woman, 25.9 percent of Ministers are women and 31.5 percent of Vice-Ministers.\footnote{UNDP (2009). Report on the Millennium Development Goals Mozambique. available at: http://www.undp.org.mz/en/destaques/left/report_on_the_millennium_development_goals_2008.}

Besides the government’s plans and policies, international bilateral and multilateral donors have either initiated or supported the initiatives of a very active and engaged civil society, to create awareness on violence against women and children.

**Legislation and policy**

**Constitution**

The Constitution adopted in 1990 is the highest law in the republic and guarantees the separation of powers. Chapter 3 enshrines the basic rights and duties of individuals, protecting the right to life, liberty, human dignity, and freedom from slavery and forced labour, equality before the law and freedom from discrimination based on sex, race, colour, ethnic origin, religion, creed, nationality, and social or economic status. Article 36 establishes the principle of gender equality and provides that men and women are equal in all political, economic, social and cultural areas. The family is seen as the natural and basic social group of society and therefore deserving of protection, and marriage is seen as the institution that better promotes family objectives. The Constitution acknowledges the juridical pluralism present in the Mozambican society and protects cultural rights to the extent that they are not contrary to the constitutional values. Children’s rights are also specially protected in the Constitution.

**International instruments**

- CEDAW (ratified 1997)
- OP CEDAW (ratified 2008)
- Palermo Protocol (signed 2000, ratified 2006)
- ACHPR (ratified 1989)
- PACHPRRWA (signed 2003, ratified 2005)
- SADCDDG (signed 1997)
- Addendum to SADCDDG (signed 1998)

**Domestic Legislation**

The most important piece of legislation passed in recent years in Mozambique is the Family Code of 2004. Gender activists praised the legislation, although indicated that many women are still not aware of its provisions. The Code establishes total gender equality in the family, marriage, divorce, children upbringing and sharing of family assets. The law bans discrimination against women whether it is through polygamy, inheritance, age of consent for marriage, choice of children, and status of widows among others. Paternal authority has been replaced with parental authority, as men are no longer considered automatically the heads of households. The law also provides for gender equality in property ownership, the obligation to register customary or religious marriages with civil authorities, equality for all children, whether born in marriage or out of wedlock, including inheritance rights, and recognition of de-facto unions.\footnote{International Federation for Human Rights, *Women's Rights in Mozambique: Duty to end illegal practices*, May 2007, n° 474/2. UNHCR Refworld. Available at: http://www.unhcr.org/refworld/docid/46f146890.html.}

Domestic violence is not penalised in Mozambique and a Domestic Violence bill is still being discussed in parliament. The current Mozambican legislation applicable to different forms of violence against women can be found in criminal as well as civil law. The Family Code passed in 2004 contains specific sections applicable to different forms of domestic violence. Section 181 prescribes that a
spouse can file for divorce on the grounds of domestic violence. The code also states that a spouse can file for divorce arguing offensive and indecorous practices by one of the spouses. In this line of argument, rape and other indecent sexual practices could be cause to end a marriage. Section 181 also provides for divorce on the grounds of abandonment of the family home for a period exceeding a year.

Different degrees of physical violence are penalised by a number of criminal offences, including: common assault, assault with actual bodily harm, assault with intent to commit grievous bodily harm; mistreatment (direct physical violence or by endangering the victims’ health in other ways) of children and youngsters under 21 years of age by their natural or adoptive parents or guardians; and culpable homicide, murder and attempted murder.

In the sphere of sexual violence, criminal offences include different acts of sexual abuse or sexual degradation. The Mozambican legislation penalises different manifestations of indecent assault, such as using lewd language, exposing a person or child to pornographic materials, forcing a person to undress; as well as statutory rape, rape, and the corruption and or prostitution of children by their parents or guardians. In Mozambique rape is defined as non-consensual vaginal intercourse and it is not gender neutral, as only men can be accused of rape and marital rape is not criminalised. Statutory rape and rape are punished with very low sentences of between two to 8 years in prison.

Economic violence – in the form of neglecting family’s needs, destruction of family property and others – is punished under the criminal offence of refusal to pay alimony. This crime is normally linked to the abandonment of the family. Act 2053 of 1952 on Family Abandonment prescribes imprisonment of up to 2 years for parents, guardians and spouses who leave the family home for a certain period and/or do not provide for the economic needs of the family, particularly when minors are at risk.

Mozambique is the first country of the SADC region that has passed anti-trafficking legislation. Act 6 was gazetted on 9 July 2008; hence its contents are still not widely known or applied by law enforcement agencies and citizens alike. The Act punishes both internal as well as cross-border trafficking, and place a duty on all citizens to denounce any of the criminal offences established by the law. Aggravating circumstances include the trafficking of women and children; perpetrators being parents or legal guardians of victims; perpetrators being public servants; perpetrators belonging to an organised crime syndicate; when as a result of the crime the victim experience psychological damage, mutilation or contracts HIV or other sexually transmitted diseases. The Act prescribes severe penalties, ranging from 2 to 20 years in prison. A special section deals with protection and rehabilitation of victims of trafficking and the protection of state witnesses.

Act 7 of 2008 on the Protection of the Rights of the Child was gazetted on 9 July 2008. The Act established a number of rights and duties for children. Chapter IV deals with the rape, selling and trafficking of children. Chapter V deals with the exploitation of children in prostitution and other illegal sexual practices. Chapter VI addresses mal treatment or negligence towards minors. Chapter VII addresses the economic exploitation of children. In general terms the Act establishes the duty of the state to take legal and administrative measures to protect children.

**Policies and strategies to address violence against women**

The National Plan for the Prevention and Combating of Violence against Women (2008 – 2012) provides an overview of violence against women in Mozambique. It details both general and specific objectives. It then identifies the institutions responsible for contributing to the elimination of violence against women, strategies for action, how the plan will be financed, mechanisms of implementation and evaluation. Finally, the Plan contains a matrix of strategic actions.

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525 Interview with Mr Albachir Macassar, head of the Human Rights Department at the Ministry of Justice, 19 February 2009.
526 Available at: http://webapps01.un.org/vawdatabase/countryInd.action?countryId=913
The National Gender Policy acknowledges the existence of gender inequality in Mozambique and promotes the idea of affirmative action to advance women’s rights. The policy is rather poor with regards to violence against women and it only states as an objective the need to contribute to the improvement of services for victims of gender-based violence and the implementation of measures to combat domestic violence.\textsuperscript{527}

The latest National Plan for the Advancement of Women (2007-2009) states as one of its focus areas work around women’s rights and violence. The key objectives of the focus area include: revision and promotion of legislation to address discrimination against women; promotion of the implementation of coordinated measures to prevent and eliminate violence against women and children; promotion of the participation of women in the administration of justice; promotion of the access to services of victims of violence; promotion of access to services to victims of prostitution; and promotion of research on the causes of violence against women and children in order to evaluate the efficacy of prevention measures. The plan then provides a detailed list of strategies, responsible bodies, partners, goals and deadlines.\textsuperscript{528}

\textbf{Methodologies for data collection on violence against women}

\textbf{Administrative data}
The Gabinetes de Atendimento da Mulher e da Criança (Assistance Centres for Women and Children) of the Mozambican Police, under the Minister of Interior collect statistics on violence against children, violence against women and violence against children.

\textbf{Statistical data and research}
The United Nations Interregional Crime and Justice Research Initiative (UNICRI) carried out a victimisation survey in 2003 that included sections on domestic and sexual violence.\textsuperscript{529} In the framework of an International Violence against Women Survey (IVWS), a national survey was conducted in 2006 in six sites with high population density on physical and sexual violence.\textsuperscript{530}

\textbf{MOROCCO}

\textbf{Country overview}
The Kingdom of Morocco is located in North Africa with a total surface area of approximately 447,000km\textsuperscript{2} and an estimated population of 31,992,600, of which 16,280,400 are women and 15,712,200 are men.\textsuperscript{531} Islam is the official state religion and almost the entire population is Muslim Sunni; the monarch is the supreme Muslim authority. Only about 1 percent of the population is Christian and 0.2 percent Jewish. Morocco’s main economic activities centre around agriculture, phosphates and tourism. Morocco is the only country in Africa not currently a member of the African Union. However, it is a member of the Arab league, Arab Maghreb Union, Francophone, Organization of the Islamic Conference and the Mediterranean Dialogue Group.


\textsuperscript{528} National Plan for the Advancement of Women forwarded electronically by Ms Agueda Nhantumbo, Head of the National Council for the Advancement of Women.


\textsuperscript{531} World Health Organization Country Profiles: Morocco. Available at: \url{http://www.who.int/countries/mar/en/}.
In November 2006, Morocco celebrated the 50th anniversary of independence from France. Through agreements with Spain in 1958, Moroccan control over certain Spanish-ruled areas was restored. The Kingdom of Morocco is currently a constitutional monarchy and is ruled by His Majesty King Muhammed VI. During his rule he has worked to improve the law surrounding women’s rights. Primarily this reform is found in the 2004 revisions of the penal code also known as Moudawana.\textsuperscript{532} Morocco ranks 126 out of 177 countries on the Human Development Index, 68 out of 108 developing countries on the Human Poverty Index, 147 out of 156 countries on the Gender-related Development Index, and 88 out of 93 countries in the Gender-empowerment Measure, which measures the degree of economic and political participation of women in the country.\textsuperscript{533} The illiteracy rate amongst women is 57 percent.

**Situation analysis of violence against women in the country**

Three Maghreb countries (Algeria, Morocco and Tunisia) share a common history, language and civilization.\textsuperscript{534} The patriarchal family structure is reinforced by traditional Muslim law, the *fiqh* being the only law applicable to family law.\textsuperscript{535} The immutability of *fiqh*, i.e. the principles of Muslim jurisprudence, has hindered jurists and legislatures from adapting the law to suit the changing circumstances of modern times. Although the King is committed to human rights reforms, some obstacles remain deeply entrenched within Moroccan society. The family law system is based on Islamic law that until recently provided rights in marriage and divorce to men and excluded women. Another obstacle is highlighted by law enforcement’s unwillingness to interfere in disputes considered family matters which has left many women without protection.

According to a study conducted in 2007 by the Moroccan Secretariat for the Family, in collaboration with the United Nations Population Fund, nearly 28,000 acts of violence were called into a free hotline set up to give legal help and counselling to women; just over 75 percent of reported assaults were committed by husbands.\textsuperscript{536}

A report by the World Organisation against Torture found that although domestic violence is little documented and seldom reported in Morocco, it appears to be a serious problem. There are several barriers that prevent women and girls from lodging complaints in relation to domestic violence. These include: traditional social beliefs concerning the inferiority of women; the social unacceptability of denouncing your husband; the lack of specific legislation on violence against women in the family; and the lack of sensitivity on the part of law enforcement officials. Furthermore, there is a lack of adequate structures to shelter and help battered women and women face difficulties in obtaining a judicial divorce on the grounds of harm and proving physical assault in the domestic sphere as this requires a medical certificate as well as the testimony of a witness. The report explains that these obstacles perpetuate the message that domestic violence is to a certain degree acceptable and allow the perpetrators of domestic violence to enjoy impunity.\textsuperscript{537}

Rape also appears to be heavily underreported due to the social stigma attached to the loss of virginity and the difficulties women face in proving that they have been raped due to the lack of a witness to the


\textsuperscript{534} Collectif Maghreb 95 Egalite (2003). One Hundred Steps, One Hundred Provisions. Available at: www.wluml.org/english/pubs/rtf/misc/100-steps.rtf

\textsuperscript{535} Ibid.

\textsuperscript{536} Available at: http://allafrica.com/stories/200903180002.html

\textsuperscript{537} Available at: http://www.omct.org/index.php?id=EQL&lang=eng&articleSet=Press&articleId=4706
crime. Another fact that may discourage women from filing a complaint is the risk of being charged with having had unlawful sex in cases when she is pregnant and cannot prove that she was raped. Morrocco is also a source for women trafficked to Italy, Spain and other parts of Europe and the Middle East for sexual exploitation and labour (as child maids).

Gender machinery (governmental and community-based)

The Ministry of Social Development, Families and Solidarity deals with gender-related issues.

The establishment of support units within hospitals and penal courts for women and girls survivors of violence is helping to strengthen the response to violence against women.

Legislation and policy

Constitution

The most recent amendments to the Moroccan Constitution provide that all Moroccan citizens are equal before the law and all citizens have equal rights in seeking education and employment. It also establishes Islam as the national religion and establishes the King as the Commander of the Faithful.

International instruments

- CEDAW (ratified 1993). Ratified with reservations based on perceived conflicts between the Convention and Shari’a law.

Domestic legislation

A report by the US Department of State Country Report of Human Right Practices in 2009 stated that there were no laws in the Moroccan civil, penal or family codes that specifically prohibited domestic violence against women, though it is possible that general provisions of the criminal code could apply in such circumstances.

The Islamic Penal Code criminalizes extra-marital sex including rape. Women are much more likely to be charged with having violated Penal Code prohibitions on sexual relations outside marriage than men. With regard to spousal abuse the law is more lenient toward men with respect to crimes against their wives; for example, a suspended sentence may be accorded to a man who murders his wife after catching her cheating.

The family code (Mudawana), promulgated in 1957 and amended in 1993, presents itself as a codification of the fiqh. In 2004, there were major revisions of the family code including major legislative initiatives granting mutual rights and duties to both husband and wife, where previously the code required the woman to obey her husband and use a male guardian to conclude her marriage. The new code includes joint protection and management of household affairs and the education of children. It also requires that a man seeking to take more than one wife proves in a court of law that he can treat both equally, and allows the court to make sure the first wife has consented. Under the new law, a wife may petition for divorce on the grounds that he has broken one of the conditions of the marriage contract – these include harm, non-maintenance, absence, latent defect, and abandonment.

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538 Ibid.
(Moudawana Book 1 Article 98). Moreover, while physical abuse is a legal ground for a divorce, a court will only grant a divorce if the woman is able to provide two witnesses to the abuse (medical certificates are insufficient). If the courts find against her, she is returned to her husband.  

Article 1-503 of the Penal Code provides for one to two years’ imprisonment for sexual harassment offenders together with a 5,000 to 50,000 dirham fine.

The Moroccan penal code prohibits forced prostitution and prostitution of a child. Trafficking in persons is prosecuted through a variety of laws including the Immigration Law of 2003 and laws against kidnapping, fraud and coercion. The anti-trafficking statutes punish both trafficker and complicit public official. However, Morocco has done little to protect the victims of trafficking and fails to properly punish perpetrators.

**Policies and strategies to address violence against women**

In 1998, the government invited women’s groups to help write the National Action Plan for Women’s Integration into Sustainable Development—the basis for empowering women in Morocco.  

The Ministry of Social Development, Families and Solidarity has initiated an action plan to increase centres for women who have been victims of violence.

The Ministry of Finance and Privatization has launched a nationwide pilot for gender-responsive budgeting supported by UNIFEM.

Specific strategies on gender-based violence include the Gender Equity and Equality Strategy. The Ministry of Justice has participated in the design of the gender-based strategy, which includes a module to be integrated into the curricula of the High Institute of Magistrates as well as the Royal Academy of Police. The involvement of both criminal justice and police bodies indicates realistic approaches that are universally based on a commitment to reducing gender-based violence.

Several initiatives to address violence against women have been established through inter-institutional partnerships. Among these are, the Gender Equity and Equality Strategy, the National Strategy to Combat Gender-based Violence, the establishment of a toll-free number, a draft bill on violence, another on domestic work, the charter on the image of women in the media, the establishment of support units within hospitals, and the establishment of penal courts for women and girl survivors of violence.

**Methodologies for data collection on violence against women**

**Administrative data**

There is no information available.

**Statistical data and research**


544 Available at: http://gender.pogar.org/countries/country.asp/cid=12.


The Ministry of Planning has support from UNIFEM and UNDP for the development of a national strategy for the collection of gender statistics and indicators.

The Moroccan National Budget includes a Gender Report.

Women’s organizations, such as Agence De Rechercheh D’information Et Formation Pour Les Femmes and Association Democratique Des Femmes Du Maroc, are involved in on-the-ground data collection.

**NAMIBIA**

**Country Overview**

The Republic of Namibia is a vast and sparsely populated land covering over 824,268km$^2$ with a population of 1,830,330, of whom 53 percent are female. About 67 percent of the population live in rural areas.

Namibia gained independence from South Africa on 11 March 1990 inheriting all the South African laws then in force. Apartheid laws have been repealed and Namibia has adopted a Constitution embodying fundamental freedoms and human rights. However, some of its old laws are still applicable, unless amended or repealed. Namibia has enacted a range of new laws particularly in respect of women and children, and in keeping with its regional and international obligations. The country has a multi-party democracy and holds elections every five years, with 2009 being an election year for Namibia.

Namibia ranks low in terms of the Human Development Index (HDI), at 125 out of 177 countries. The Human Poverty Index, which measures income deprivation by looking at factors associated with human development, ranks Namibia at 58 in the world. Looking at the Gender Development Index (GDI), which uses the same indicators as the HDI but explores the disparities in achievements between men and women, Namibia is ranked at 107 out of 152 countries, but 36 in respect of its Gender Empowerment Measure (GEM).

**Situation analysis of violence against women in the country**

The number of reported rapes in Namibia rose from 608 in 2000 to 944 in 2005 according to a study by the Legal Assistance Centre (LAC). In 2008, the police recorded 939 cases of rape and 222 of attempted rape, amounting to a per capita ratio of 48 incidents of reported rape per 100,000 of the population. One factor contributing to the increase in reported cases is the increase in the number of police stations since independence, as well as the establishment of 15 specialised Women and Child Protection Units since 1993. Another possible factor is the changes in the rape law in 2000 which expands the definition of rape, and which now also includes rape of males within the definition. A 2001 survey by the Ministry of Health and Social Service with a representative sample of women found that 16 percent had suffered sexual violence at the hands of their partners in their lifetimes, and 9

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548 Namibia Ministry and Health and Social Services (MoHSS). (2008). *Namibia Demographic and Health Survey 2006/2007 (NDHS).*
550 Ibid.
554 The LAC study found in its docket analysis that 13% of reported cases would not have constituted a sexual act prior to the Combating of Rape Act. These included sodomy, insertion of a finger into anus or vagina, and stimulation of genitals. p. 189.
percent in the 12 months preceding the survey.\footnote{555} A 2002 survey by the University of Namibia with youth between 14 and 24 years found that 14 percent of females who had engaged in sexual intercourse in the past 12 months had been forced by their partners to have sex.\footnote{556}

A World Health Organisation multi-country study was conducted with a sample of 1,500 women in Windhoek between the ages of 15 and 49 years. Of respondents who had ever married, lived with or had a regular sexual partner, 17 percent reported ever having experienced sexual violence at the hands of an intimate partner. Six percent of their sample of women reported experiencing sexual violence by a non-partner. Twenty-one percent of the sample reported sexual abuse before the age of 15 years. Of those who reported their first sexual experience before the age of 15 years, 33 percent of the women stated that they had been physically forced. Among non-partnered women, the most commonly reported perpetrators of sexual violence were boyfriends (55 percent).\footnote{557} The SIAPAC study conducted in 2008 found that 14.3 percent of female respondents reported being forced to have sex against their will.\footnote{558}

In 2007 the Ministry of Gender Equality and Child Welfare (MGECW) commissioned a study on Knowledge, Attitudes and Practices towards Gender Based Violence in four northern and north-eastern regions of Namibia Here, 48 percent of male and female respondents felt it was acceptable for a man to slap or hit his wife or partner if she was unfaithful, if she insists on a condom during sex (13 percent), if she refuses sex without good reason (16 percent), if she drinks too much (38 percent), if she misuses money (31 percent), if she practices witchcraft (27 percent), if he feels she is being argumentative (29 percent), and if he feels she is neglecting the children (32 percent). There was some, but more limited support for hitting a woman hard so that she bruises or breaks something in relation to these same situations.\footnote{559} Over one third of men and one quarter of women felt that a woman could be hit hard for being unfaithful. Conversely, respondents were less likely to feel it was justified for a woman to hit her male partner.

**Gender Machinery (governmental and community-based)**

A Women’s Desk was established in 1990, which was upgraded in 1997 to the Women’s Desk in the Office of the President. In 2000 it was given its own Ministry of Women’s Affairs and Child Welfare (MWACW). It is now called the Ministry for Gender Equality and Child Welfare.\footnote{560} The Ministry’s directive is to eradicate the persistent and increasing burden of poverty on women, remove all obstacles that impede women’s full participation in public life and decision-making at all levels, eliminate all forms of violence against women, ensure equal access for girl-children and women to education and health services, and promote economic autonomy for women and ensure their access to productive resources.\footnote{561} It was mandated to establish Gender Focal points in all government ministries and institutions. Its function is to develop, monitor, coordinate and advocate for the implementation of policies and programmes at national and regional level, and to establish facilities to render specific services to the target group and community. It is tasked with legal literacy training and to promote participatory strategies for community development.

\footnote{559} Ibid, pp 64 – 65.
The Ministry’s Directorate for Gender Equality is the lead organisation for coordinating national gender initiatives, supported by other government institutions, NGOs, donors, parastatals, political parties and civil society. The Directorate is also tasked with conducting studies and collecting data on women and children on diverse topics.

The Women’s Action for Development (WAD) runs outreach programmes for men and women with the aim of socio-economic and socio-political upliftment. It has recently completed research looking at the causes of gender-based violence from the perspective of perpetrators. It aims to disseminate the findings of this study and the recommendations through its Community Voices Project. This consists of 107 trained community members situated in the 107 political constituencies of Namibia. They will hold workshops in each community. The aim is to collectively find solutions to gender-based violence.

Legislation and policy

Constitution
The Namibian Constitution adopted in 1990 enshrines the basic rights of individuals, protecting the right to life, liberty, human dignity, freedom from slavery and forced labour, and equality before the law and freedom from discrimination based on sex, race, colour, ethnic origin, religion, creed, and social or economic status (Chapter 3). Article 14 provides that men and women of full age shall be able to marry and have children, and have equal rights in marriage and on its dissolution.

International Instruments
- CEDAW (ratified 1992)
- OP CEDAW (signed and ratified 2000)
- Palermo Protocol (signed 2000, ratified 2002)
- ACHPR (ratified 1992)
- PACHPRRW (signed 2003, ratified 2004)
- SADCDGD (signed 1997)
- Addendum to SADCDGD (signed 1998)

Domestic Legislation
A range of new laws have been introduced in the last 10 years to protect women and decrease violation of women’s rights.

- Married Persons’ Equality Act (No. 1 of 1996): creates equality of persons within marriage. Provides women married in community of property with equal access to bank loans and requires immovable property to be registered in both spouses’ names. However, the Act only covers civil marriages, and its purpose and nature is not well understood by many, especially in the rural areas. Customary marriages are automatically out of community of property, and these marriages are only referred to in the Act to the extent that it gives men and women equal powers of guardianship in respect of children of the marriage, whether married in terms of civil or customary law.

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563 Interview with Veronica de Klerk, Executive Director, Women’s Action for Development, 5 March 2009.

564 This Act was fiercely debated in Parliament with many contesting the notion that women and men could be equal in marriage on the basis that it contrary to tradition, culture, and even to nature. See Dianne Hubbard (2007). Gender and Sexuality: the Law Reform landscape. In Suzanne LeFont and Dianne Hubbard (eds). Unraveling Taboos: Gender and Sexuality in Namibia. Windhoek: Legal Assistance Centre. p. 103.
Combating of Domestic Violence Act (No. 4 of 2003): domestic violence is defined broadly to include physical abuse, sexual, economic abuse, intimidation, harassment, trespassing and emotional or verbal abuse (which requires a pattern of degrading or humiliating conduct). The Act includes both civil and customary marriages in its definition of ‘domestic relationship’, as well as former marriage partners, cohabiting partners, parents of a child, parents and children, family members, and any two people of different sex who are or were in an intimate relationship. The law does not apply to same sex relationships. The lifespan of a domestic relationship is deemed to persist for one year after the relationship is terminated, or until a minor child born of the relationship has reached the age of majority. The Act simplifies the procedure for obtaining a Protection Order.

The Combating of Immoral Practices Act Amendment Act (No. 7 of 2000) gave improved protection to boys and girls. In terms of this Act, sexual contact with boys or girls under age 16 by someone at least three years older is against the law.

Combating of Rape Act (No. 8 of 2000): in terms of the Act, anyone who commits, or causes another person to commit a sexual act under coercive circumstances commits an offence (S 2(1)). Coercive circumstances include physical force; threats of force; circumstances where the complainant is unlawfully detained; or affected by physical disability or helplessness, mental incapacity or other inability, or by intoxicating drugs or alcohol which mentally incapacitates the complainant, or by sleep (S 2(2)) to such an extent that the complainant is rendered incapable of understanding the nature of the sexual act, or is unable to communicate unwillingness to submit to or commit the sexual act. It also includes circumstances where the complainant is under the age of 14 years, and the perpetrator is more than three years older than the complainant (S 2(2)(d)). A ‘sexual act’ is defined as the insertion (even to the slightest degree) of a penis of a person into the vagina or anus of a person; or the insertion of any person’s body part, or any animal body part into the vagina or anus of a person; or cunnilingus or other form of genital stimulation.

A number of laws have been introduced to promote gender equality, such as:

- The Traditional Authorities Act (No.25 of 2000) which promotes gender equality with regard to positions of leadership.
- The Co-operatives Act (No.23 of 1996) which requires that any cooperative which has a substantial number of women members must ensure that there is at least one woman on the board.
- The Affirmative Action (Employment) Act (No.29 of 1998) encourages the representations of blacks, women and disabled persons by requiring organisations to prepare affirmative action plans in respect of designated groups.
- The Labour Act (No.6 of 1992) which prohibits discrimination of employment on the basis of sex, marital status, family responsibility and sexual orientation.
- The Communal Land Reform Act (No.5 of 2002) tackles customary law and provides that a widow is entitled to stay on her husband’s land if she wishes, and is entitled to keep the land even if she re-marries. However, the law does not resolve the disposition of land in the case of polygamous marriages.
- The Children’s Status Act (No.6 of 2006) takes a gender neutral approach to custody of a child. It also provides that in the case of a child born of a rape, a children’s court must decide whether the father has any parental rights over the child.

There are a number of laws currently under review in Namibia, including:

- Laws relating to inheritance: presently whites and Africans are dealt with differently under the law. This law seeks to harmonise the system for all Namibians.
• Amendments to the law regarding divorce are also required and divorce is still only granted on the basis of fault, rather than irreconcilable differences.

**Policies and strategies to address violence against women**

Namibia has two national gender policies: the National Gender Policy (NGP, adopted by Parliament in 1999) and the National Gender Plan of Action (NGPA, adopted in 1998 – 2003). The National Gender Policy (NGP) outlines the framework and sets out principles for the implementation, coordination and monitoring of gender sensitive issues, towards enhancing effective and continued management and planning of the developmental process in the different cultural, social and economic sectors of Namibia. The Policy further affirmed the principle of gender equality between men and women, power relation access and control over resources. One of the critical areas of this policy is Gender Based Violence (GBV). This policy was revised and adopted by the Cabinet in 2010. The new policy includes new emerging issues such as Gender Conflict Resolution. Significant progress has been made in the drafting of a Multi-Sectoral National Strategy to address Gender-Based Violence including Human Trafficking, as well as a five year National Plan of Action, including a Monitoring and Evaluation Plan, to combat Gender-Based Violence, including Human Trafficking.\(^565\)

The Ministry of Gender is responsible for awareness raising and training in different sectors, including the police, prosecution and magistrates. It also does training with Parliamentarians and community groups. This occurs through training workshops, conferences and seminars.\(^566\)

Because of the high rate of gender based violence (GBV) in the country, Namibia held a National Conference on Gender-Based Violence in 2007. About 300 delegates attended the country's first ever National Conference on Gender-Based Violence. The Conference was attended by various stakeholders: Politicians, Judiciary, Police, Medical Personnel, Forensic Services, Social Workers, Prisons Personnel, Traditional Authorities, Church, Media, Community and Civil Society. Action-oriented recommendations came out of the Conference to be implemented by the above mentioned stakeholders.\(^567\)

The Zero Tolerance Campaign for GBV was launched by Rt. Hon. Nahas Angula, Prime Minister of the Republic of Namibia on 3 August 2009. The campaign focuses on three main issues: baby dumping, human trafficking and passion killing. Different materials were produced: radio drama series in different local languages, television adverts, newspaper advertisements, posters and bill boards.\(^568\)

**Methodologies for data collection on violence against women**

**Administrative data**

The National Gender Machinery established a National Database on gender-based violence in 2006. This is to consist of data collected from the police Women and Child Protection Units (WCPU) country wide.\(^569\) National crime statistics, compiled by the Ministry of Safety and Security, contain statistics on rape and attempted rape.

**Statistical data and research**

\(^565\) Available at: http://webapps01.un.org/vawdatabase/countryInd.action?countryId=927

\(^566\) Interview with Veronica Theron.

\(^567\) Available at: http://webapps01.un.org/vawdatabase/countryInd.action?countryId=927

\(^568\) Ibid.

\(^569\) However, this data base contains only statistics on violent crime and gender based crime for the years 2002 - 2005. The database is also not easy to find on the website. http://www.mgecw.gov.na/
The Ministry of Gender Equality and Child Welfare conducted a study entitled “A Baseline Assessment of Human Trafficking in Namibia: A Nationally Representative Qualitative Assessment” in 2009. In the key findings of the “Knowledge, Attitude, and Practices on traditional practices that may perpetuate or protect Namibia from gender-based violence and discrimination” study conducted by the Ministry of Gender Equality and Child Welfare in 2008, it was found that gender-based violence is still generally tolerated in most communities in Namibia. The study revealed that the percentage of those ever subjected to physical abuse was 34% (40.5% females, 27.6% males) while those subjected to mental abuse was 59% (59.5% females, 58.5% males), and those who have experienced both physical and mental abuse was 69.3% (69.7% females, 68.9% males). Among those interviewed married women are significantly more likely to have been subjected to gender-based violence than single women, regardless of age.\footnote{570}

A Demographic and Health Survey was conducted in 2006/2007 and contained questions on gender equality.\footnote{571} Namibia was one of the country’s studied by the World Health Organisation in their \textit{Multi-country Study on Women’s Health and Domestic Violence against Women}.\footnote{572} The Women’s Action for Development (WAD) has recently completed research looking at the causes of gender-based violence from the perspective of perpetrators.\footnote{573}

**NIGER**

**Country overview**

The Republic of Niger is a landlocked country in Western Africa, with a total surface area of 1,267,000km$^2$ and an estimated population of 15,290,100, of which 7,633,000 are women and 7,657,100 are men. The economy is concentrated around subsistence and some export agriculture clustered in the more fertile south, and the export of raw materials — especially uranium ore.

Niger became an autonomous state within the French Community in 1958 and full independence followed on August 3, 1960. During the 1970s, the country’s economy flourished from uranium production, but when uranium prices fell in the 1980s, its brief period of prosperity ended. The drought of 1968–1975 devastated the country. Niger has had a number of military coups, followed by multiparty elections. In 2005, Niger faced its worst locust infestation in 15 years as well as a severe drought. The UN reported that 3.6 million citizens were suffering from malnutrition. Most recently, Prime Minister Hama Amadou resigned in June 2007, after a no-confidence vote against his government passed in parliament. Former trade minister Seyni Oumarou was appointed to succeed Amadou.

Niger ranks 174 out of 177 countries on the Human Development Index, 104 out of 108 developing countries on the Human Poverty Index, and 155 out of 156 countries on the Gender-related Development Index.\footnote{574}

**Situation analysis of violence against women in the country**

\footnote{570} Available at: http://webapps01.un.org/vawdatabase/countryInd.action?countryId=927
In 2007, the Niger Police published a report which stated that 70 percent of women found it normal that their husbands, fathers and brothers regularly beat, rape and humiliate them. The Oxfam gender-violence advisor stated that the frequency of gender-related violence and impunity granted to attackers can be traced back to the broad social acceptance of it. Beatings, as well as mental and physical abuse, are part of typical life in Nigerien polygamous families. Women are often made destitute overnight when their polygamous husbands throw them out.

Violence remains taboo where women cannot go to the police as they will turn her away and even talking to families is frowned upon, especially in arranged marriages. Charges stemming from family disputes are often dropped in favour of traditional dispute resolution mechanisms.

Discrimination against women in marriage and family relations is pervasive, with men hoarding resources and even cutting off family members from external sources of assistance. Niger automatically provides social benefits to male heads of household, but women are required to initiate court proceedings to prove that they qualify as heads. Women’s property rights predominantly derive from their status as wives, mothers, and wards rather than individuals. A patriarchal ideology persists in deep-rooted cultural norms, customs and traditions, including forced and early marriages, polygamy, FGM and repudiation, which discriminate against women.

In 2003 UNFPA estimated that 76 percent of the poorest young women would marry before the age of 18. Polygamy is authorized by Islamic law and more than one third of married women in Niger are in polygamous unions. Under the Penal Code women are not allowed to marry foreigners with the option to transmit their nationality to their spouse.

FGM is only practiced within certain ethnic groups, predominantly the Fulani and Zarma in the western region of the country. Approximately 20 percent of women in Niger have undergone FGM. Also, within these ethnic groups women are cloistered and rarely allowed to leave their homes without a male escort.

Slavery of young girls and women is a big problem in Niger. Anti-Slavery International says up to 43,000 people are enslaved in Niger despite the practice being officially outlawed in 2003.

Niger is a transit country for trafficking of women often disguised as “forced temporary marriages”. Porous borders between Niger and Nigeria are being used for human trafficking, especially of young girls. Traffickers convince the girls and their parents that lucrative jobs await them, but then force them into prostitution once they are in Europe, withholding their passports from them.

Gender Machinery (governmental and community-based)

Niger has a Ministry for the Advancement of Women and Protection of Children with the designation of Advisors on Gender and Development to the President and the Prime Minister. A National Institute
for Monitoring the Advancement of Women works together with 8 regional institutions and 36 departmental institutes.\textsuperscript{582}

The UN Trust Fund grant to Association of Women Lawyers in Niger helps implement laws that protect women. The organization collaborates with national and local organizations working in the same field. They educate lawyers and community advisors on VAW legal parameters, they also empower women by informing them of their legal rights and the means to claim and defend these rights. They also held workshops for the security forces (magistrates and police officers) to foster an understanding of Niger’s laws that protect women’s rights. Radio and television are used to reach a wider public audience to inform women and the community about the rights of women and ways in which to defend these rights.

SOS, a women’s NGO, and a consortium of other Nigerien NGOs focus on providing made-to-measure assistance to women, ranging from legal advice to medical care. They have also set up an information point at one of the main markets in the capital of Niamey. CONIPRAT, Comité Nigerien sur les Pratiques Traditionelles, aims to protect the health of women and children.

\textbf{Legislation and policy}

\textbf{Constitution}

The Constitution of Niger proclaims that all citizens are equal without distinction as to sex, social status, race or religion. But there is no legal definition of discrimination. It grants equal rights for spouses in all areas of family life, including parental authority. It also prohibits slavery.

\textbf{International instruments}

- CEDAW (ratified 1999). Reservations on key articles including those governing a married women’s right to choose her own place of residence and to divorce.
- OP CEDAW (ratified 2004)
- ACHPR (signed 1986, ratified 1986)
- PACHPRRWA (signed 2004)

\textbf{Domestic legislation}

Niger’s internal legal system is a three-pronged system based on the French Napoleonic Code, Islamic law and customary law. The legal system gives precedence to customary law, which clearly favours men. Customary law can be avoided if parties mutually agree to “opt out” but mutual agreement is difficult as men are unwilling to give up their advantage.

The law does not explicitly prohibit domestic violence; however, a woman can sue her husband or lodge criminal charges for battery, penalties for which range from two months in prison and a fine to 30 years’ imprisonment. The government tries with limited success to enforce these laws.\textsuperscript{583}

Rape is a crime punishable by 10 to 30 years imprisonment, depending on the circumstances and the age of victims. The law does not specifically recognize spousal rape, but appears to cover it in practice.

Sexual harassment is a crime punishable by prison sentences from 3 to 6 months and fines. If the violator is in a position of authority, the prison sentence increases from 3 months to 1 year, and an increased fine.


\textsuperscript{583} Available at: http://www.state.gov/g/drl/rls/hrrpt/2006/78750.htm
Act no. 2000-008 introduced a quota system for positions reserved for women in decision-making bodies.

Reforms to the penal code in 2004 prohibited FGM; despite the fact that it is punishable, there have been no prosecutions against practitioners or family member accomplices.

The Penal Code of 2003 criminalizes slavery but the state acknowledged that women continue to be sold as slaves.

Regional courts enforce rights. For example, a West African regional court of justice convicted the state of Niger in 2008 for failing to protect a 12-year-old girl from being sold into slavery at the age of 16.

Policies and strategies to address violence against women
A National Policy for the Advancement of Women addresses social, economic, political, legal and cultural issues. There was a successful initiative distributing free, solar-powered radios in the rural areas as part of awareness-raising campaigns concerning stereotypes. Moreover, projects distributing brochures, circulating awareness caravans, and providing theatrical skits have been initiated.

On July 31, 2008, Niger adopted a national gender policy to: contribute to the establishment of a legal environment conducive to fair and equal access of men and women; ensure implementation of women’s rights under the Constitution and the CEDAW; contribute to reducing gender-based violence; and provide women and men at all levels the ability to exercise their civil and political rights.

Methodologies used to collect data/information on GBV/VAW

Administrative data
Hospitals and health centres keep a record of injured people and what they are treated for but not whether the injuries were caused by violence. The Ministry for the Advancement of Women and Protection of Children has a database dedicated to violence against women and children. The Ministry started collecting data in 2006 and continues to update the database.

Statistical data and research
In 2009, the Ministry for the Advancement of Women and Protection of Children undertook a situation analysis of women and children in Niger. In March 2009, the Ministry conducted a survey of all violence and gender relations between men and women. A total of 3,000 men and women, married or not, 15 to 60 years were interviewed. The scope of the study was national, with the exception of the Agadez region for reasons of insecurity. Data were disaggregated by region and area of residence (urban/rural). The survey was carried out in collaboration with the National Institute of Statistics.

RWANDA

Country overview

Rwanda is a small landlocked country in the Great Lakes region of east-central Africa, with a total surface area of 26,798km² and an estimated population of 9,997,600, of which 5,155,500 are women and 4,842,100 are men.

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584 Available at: http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=35323&baseHREF=country&baseHREFId=969
585 Available at: http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=35423&baseHREF=country&baseHREFId=969
586 Available at: http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=35403&baseHREF=country&baseHREFId=969
Rwanda gained its independence from Belgium in 1962, but the decades following independence were marred by ethnic tensions and conflict. A civil war, which culminated in genocide in 1994, led to the deaths of more than 1 million people, a flow of refugees and internally displaced persons, a collapsed state and economy. Today, Rwanda is a one-party state and is struggling to heal and rebuild, but shows signs of rapid development.

Rwanda ranks 161 out of 177 countries on the Human Development Index, 78 out of 108 developing countries on the Human Poverty Index, and 32 out of 156 countries on the Gender-related Development Index.587

**Situation analysis of violence against women in the country**

Despite the fact that Rwanda is one of the most gender-equitable countries when it comes to official positions, gender disparities and violence are still problems.588 Elements of gender disparities still exist as demonstrated by the following: about 31 percent of women reported to have been victims of violence; adult literacy rate from the 2001 household survey indicates that females are disadvantaged (47.8 percent of females and 58.1 percent of males are literate); the proportion of females with secondary education and above was estimated at only 5.3 percent; and about 62 percent of female headed households were below the poverty line compared to 54 percent of male headed households.589

At least one-fifth of Rwandan women are victims of domestic violence perpetrated by their male partners.590 A National University of Rwanda survey found that out of 6000 pregnant women attending antenatal clinics, 35 percent reported having experienced intimate partner violence in the last 12 months.591 The forms of violence reported included pulling hair (44 percent), slapping (15 percent) and kicking (19 percent). Moreover, the report found that physical intimate partner violence included sexual abuse before the age of 14 years, having a partner who drinks alcohol, and having a male partner with other sexual partners.

A report by the Rwandan police pointed out that from 2007 to 2009, 259 wives were murdered by their husbands, over 2,000 cases of rape were reported to the police, and there were almost 10,000 cases of defilement of children below the age of 18.592

Women and girls were victims of sexual violence, including rape and sexual torture, during the 1994 genocide. During this period, rape was used as a weapon of war and as a means of inflicting pain and humiliation on the victims.593 The rapes committed during that time were accompanied by torture of indescribable savagery. According to a UN report cited by Amnesty International, at least 250,000 women were raped during the genocide, a large number of whom were subsequently killed.594 Moreover, Rwandan women who were deliberately or unintentionally infected with HIV during the genocide are now dying in large numbers, leaving their children motherless.595

Post-conflict gender-based violence occurs and has its roots within traditional patriarchal stereotypes regarding the role of women and men in the family and in the wider community. Several progressive

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588 Available at: http://www.ifuw.org/rwanda/media/mr-2009-01-10.shtml
589 Available at: http://rwanda.unfpa.org/?reports=1379
593 Available at: http://allfrica.com/stories/200902110118.html
laws have been passed, including one that gives female children the right to inherit their parents' land and property, a right that was traditionally reserved for males. Polygamy is illegal in Rwanda, but still affects one woman in ten; there is little difference in its prevalence between rural and urban areas.596

Refugee and women returnees, displaced by violence and conflict, and living in precarious conditions in camps, are at risk of sexual and other forms of violence and lack access to health care and economic opportunities.597

There is sexual harassment at work places.598

**Gender machinery (governmental and community-based)**

The Minister of Family and Gender Promotion (MIGEPROF) has established a number of gender-related mechanisms including the National Structure for the follow-up to the Beijing Conference, and the National Women's Council, which helps to ensure that the governmental mandates regarding gender equality and rights are appropriately implemented. The National Women's Council works hand in hand with other government institutions, such as the National Institute of Statistics, to ensure that gender is mainstreamed at all levels and gender disaggregated data is collected to inform policy processes.599

MIGEPROF has facilitated the process of mainstreaming gender into the Economic Development and Poverty Reduction Strategy, such that it is globally recognized as one of the most gender-sensitive poverty reduction strategies, with gender being one of the four cross cutting issues.600

Gender is a cross-cutting issue solidified in the country’s Vision 2020.

The government has enforced successful quotas in political and public life. As the result of strong political commitment, women’s representation in decision-making positions has improved: women make up 48.8 percent of Parliament, 32 percent of Ministers, 42 percent of Local Government, 36 percent of Gacaca Judges and 33 percent of Supreme Court Judges. The President of the Supreme Court is a woman.601

Gender desks within the police are staffed mostly by trained women who help victims of sexual and other violence. They investigate cases and ensure that evidence is available for court proceedings.

The Rwanda Women Network (RWN) is a humanitarian NGO formed in 1997 to promote the social and economic well-being of women in Rwanda by supporting their efforts to meet their basic needs. RWN works with survivors of sexual and gender-based violence throughout the country.602 The Association de Solidarite des Femmes Rwandaises (ASOFERWA), a Rwandan NGO advancing women’s economic empowerment, was heavily involved in the resettlement programme aimed at resettling displaced people, widow and returnees.

**Legislation and policy**

596 Available at: http://genderindex.org/country/rwanda
599 Available at: http://www.migeprof.gov.rw/index.php?option=com_content&task=view&id=118&Itemid=173&limit=1&limitstart=0
600 Ibid.
601 Available at: http://rwanda.unfpa.org/?reports=1379
602 Available at: http://www.refugee-rights.org/NGODirectory/RWN-Rwanda.htm
Constitution
The 2003 Constitution enshrines the gender non-discrimination norm and principle of gender equality.

International instruments
Once ratified, international treaties become a part of domestic law.
- CEDAW (signed 1980, ratified 1981)
- OP CEDAW (ratified 2008)
- ACHPR (signed 1981, ratified 1983)
- PACHPRRWA (signed 2003, ratified 2004)

Domestic legislation
Several laws were adopted to address the issue of sexual violence during the genocide. On October 2nd, 1998, at the International Criminal Tribunal for Rwanda (ICTR), rape was officially recognised as a crime of genocide. The legislation recognises the exceptional nature of sexual violence committed during the 1994 genocide. Thus, persons found guilty of rape or sexual torture incur the death penalty, life imprisonment, or imprisonment of 25 to 30 years.

For sexual violence committed against female adults subsequent to the genocide the Criminal Code provides the following punishment: imprisonment of 5 to 10 years for rape or the death penalty if the rape resulted in the death of the victim.

Law No 59/2008 of 10/09/2008 on the Prevention and Punishment of Gender-Based Violence deals with domestic violence, marital rape, sexual harassment, sexual violence and trafficking. This Law introduces a range of new provisions with regard to gender-based violence. It criminalizes marital rape, stating that "it is forbidden to have sex with one’s spouse without their consent." Only monogamous marriage is recognized, with polygamy being outlawed.

UNIFEM worked with the government to create a law requiring all political parties to field equal numbers of male and female candidates in parliamentary elections. In 2007, 49 percent of Rwanda’s legislators were women, the highest rate in the world.

Women’s rights are also protected through: the law on Matrimonial Regimes Liberalities and Succession (1999), the law regarding Children Rights and Protection from Violence (2001), and the Organic Land Law (2005).

Polices and strategies to address violence against women
In 2008, the Ministry collaborated with the Gender Task force, co-chaired by UNIFEM and UNFPA and joined by civil society organizations, for the “National 16 Days of Activism against Gender Violence”. The campaign included a candlelight vigil to launch the campaign, country-wide sensitization seminars, participatory drama workshops on the effects of violence against women in communities, solidarity visits to survivors of violence, gender-based violence workshops in refugee and returnee camps, and a national media campaign. The Rwandan National Police were also actively involved.

Concerning sex workers, the Government has organized workshops for them, organized them into economic associations and cooperatives, and given funds to help them start their own businesses to bring them out of prostitution.

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Available at: http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=10596&baseHREF=country&baseHREFId=1088
Available at: http://rwanda.unfpa.org/?reports=1379
The National Gender Policy, revised in 2010, includes the principal guidelines that national policies and programmes have to consider, when they integrate gender issues in their social, cultural, economic and political planning and programming. Concerning measures to address gender-based violence, Gender National Policy mandates that “adequate measures for effective prevention of and response to gender-based violence are undertaken”. The revised National Gender Policy and its strategic plan for implementation were approved by cabinet on 03\textsuperscript{rd} September 2010.\textsuperscript{606}

The National Action Plan on UN Security Council Resolution 1325 (2009 – 2012) has five priorities, including prevention of gender-based violence. The National Action Plan suggests specific activities to be implemented in the next three years, and long-term activities which will have to be planned at later stages of the NAP. The National Action Plan was approved by the Cabinet in July 2010. The Economic Development and Poverty Reduction Strategy (2008-2012) also includes measures to address violence against women.\textsuperscript{607}

Gender-based Violence Committees are decentralized structures from grassroots to national level to deal with issues related to gender-based violence (GBV). These Committees consist of stakeholders from various institutions dealing with gender-based violence, including security forces (Police and Army), the National Women Council, the National Youth Council, actors of civil society, people with integrity, religious, community and local leaders. The GBV committees were established according to guidelines to fight against GBV and for the protection of children’s rights, by the Ministry of Gender and Family Promotion (MIGEPROF).\textsuperscript{608}

In Rwanda, the first "One Stop" Centre was established in June 2009, at Kacyiru Police Hospital, Gasabo District, Kigali. The centre was named Isange Centre, which means "Feel free/Feel welcome", communicating a message of security and openness for the survivors.

Methodologies for data collection on violence against women

Administrative data
Administrative statistics are provided by different institutions dealing with cases of gender-based violence (GBV). The National Police provides statistics on GBV cases on a monthly basis. The National Prosecution Authority provides statistics on the number of GBV cases that the National Police brought before them, as well as statistics on the number of GBV cases brought to courts and statistics on the ones that are not brought to court. Courts also provide statistics, on a yearly basis, on the cases already trialled and on the progress of the pending ones.\textsuperscript{609}

A report covering cases of GBV from 2005 to 2008 by the Rwanda National Police revealed alarming cases of attacks against women including rape, defilement, corporal punishment as well as murder by their husbands.\textsuperscript{610}

In 2010, the Gender Monitoring Office conducted an assessment study of programmes which address prevention of and response to gender-based violence (GBV). Following the study, a GBV database was established to facilitate the monitoring and sharing of information on GBV.\textsuperscript{611}
Statistical data and research

The National Women’s Council works to ensure that gender disaggregated data is collected to inform policy processes.

A study carried out in 2000 by the Association of the Widows of the Genocide (AVEGA), an association for widows who survived the 1994 genocide, found that two thirds of 1125 women who survived rape during the genocide were HIV-positive. According to a UN report cited by Amnesty International, at least 250,000 women were raped during the genocide, a large number of whom were subsequently killed. Of the survivors, 70 percent are estimated to have been infected with HIV.

In 2006, trained research staff from the School of Public Health at the National University of Rwanda administered a survey to a sample of 300 HIV(+) and 300 HIV (-) pregnant women attending prenatal care services in two urban antenatal clinics in Kigali and two rural antenatal clinics (one in South Province and another in North Province). Consecutive antenatal clinic attendees from urban and rural areas were recruited into the study. A sample of 600 pregnant women attending antenatal clinics were administered a questionnaire which included items on demographics, HIV status, IPV, and alcohol use by their male partners. Mean age and proportions of IPV in different groups were assessed. Odds of IPV were estimated using logistic regression analysis.

In 2008, the Task Force on violence against women of the United Nations Inter-Agency Network on Women and Gender Equality commenced a joint pilot programming initiative on violence against women in 10 pilot countries including Rwanda. The Rwanda country assessment on VAW will emphasize the nature and extent of following issues: the forms of violence that exist, who the victims and perpetrators are, and what the consequences entail; the relevant policies and laws that exist; the stakeholders involved and their respective capacities; challenges and gaps in addressing violence against women; and, the identification of priorities for interventions.

In 2009, the CEDAW report noted their concern about the lack of information and statistical data specifically regarding trafficking in women and children.

A gender-based violence (GBV) mapping study was conducted in 2008 by the National Institute of Statistics of Rwanda, in collaboration with the Ministry of Gender and Family Promotion, and funded by UNFPA. The GBV mapping was conducted in all districts of Rwanda, covering all forms of violence. In addition, the National Institute of Statistics of Rwanda also conducted, with the support of UNIFEM, a baseline survey on gender-based violence in Rwanda, in 2009. The survey was conducted in 6 districts of the country out of 30 in total and it covered all forms of violence. The information collected was disaggregated by sex, age and marital status. A Gender Profile Study (2005-2007) was conducted by the Ministry of Gender and Family Promotion, including a special chapter on gender-based violence.

SÃO TOMÉ AND PRINCIPE

Country overview

The Democratic Republic of São Tomé and Principe is an island nation in the Gulf of Guinea, off the Western equatorial coast of Africa. It consists of two islands: São Tomé which is approximately 250km² and Principe which is approximately 225km². They have an estimated population if 162,800.


613 Available at: http://webapps01.un.org/vawdatabase/countryInd.action?countryId=1088
of which 82,100 are women and 80,600 are men. The main crop on São Tomé is cocoa, representing about 95 percent of exports. Other export crops include copra, palm kernels, and coffee.

After 500 years of colonization, São Tomé and Principe achieved independence from Portugal in 1975 and established a one party state until 1990 when a new democratic constitution and multiparty system was adopted. The chief of state is President Fradique De Menezes, and the head of government, chosen by the National Assembly and approved by the president, is Prime Minister Joachim Rafael Branco. International observers deemed presidential and legislative elections, held in 2006, to have been free and fair. Civilian authorities generally maintained effective control of the security forces.

The Human Development Index (HDI) attempts to measure the general sense of wellbeing in a country by looking at the standard of living measured by life expectancy, income power and adult literacy. São Tomé and Principe are ranked 123 out of 177 countries. The Human Poverty Index (HPI) measures income deprivation looking at the same factors as the HDI and São Tomé ranks 39 among 108 developing countries. The Gender-Related Development Index (GDI) uses the same indicators as the HDI and explores the disparities in achievements between men and women. Out of the 156 countries with both HDI and GDI values, 134 countries have a better ratio than São Tomé and Principe.

**Situation analysis of violence against women in the country**

In practice there are no gender gaps in access to education and health and not a big poverty gap between male and female headed households. The official discourse encourages gender equality, promoting women occupying high decision-making positions and legal equality between the sexes. There are, however, very few women occupying high positions in local decision-making structures, and cultural attitudes relegate women to stereotypical and low-status roles in the family and informal sectors of the economy.

A common form of violence is physical violence that occurs within the family where the victims are frequently women and children. Although women have the right to legal recourse –including against spouses – many are reluctant to bring legal action or are ignorant of their rights under the law. Tradition inhibits women from taking domestic disputes outside the family, while police and judicial authorities are largely indifferent to the situation.

There is a common occurrence of ‘de facto unions’ of multiple partners which leave women and children vulnerable to poverty, exclusion and disease. Children born under ‘de facto’ unions stay with the mother and hence a father may have children born to several different women. These unwed women are not protected with legal rights such as child support and inheritance.

**Gender machinery (governmental and community-based)**

The Office for Women and Family aims to study and analyze the position of women in the country with the goal of promoting equal rights and opportunities in all fields relating to women and the family.

A National Commission on Gender and Population was created within the Ministry of Planning and Finance to coordinate gender-related initiatives.

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614 Human Development Index Statistical update, 2008. Available at: http://hdrstats.undp.org/countries/country_fact_sheets/cty_fs_STP.html
615 Ibid.
616 Ibid.
617 Ibid.
The São Tomé and Principe Women’s Organization was created to promote the integration of women in all areas of national life by means of awareness-raising campaigns.

**Legislation and policy**

**Constitution**
The Constitution guarantees equal rights to all citizens without distinction and recognizes equal rights within the family. It states that women have equal rights and duties with men, and are assured full participation in the political, economic, social and cultural life of the country.

**International instruments**
- CEDAW (signed 1995, ratified 2003)
- OP CEDAW (signed 2000)
- Palermo Protocol (ratified 2006)
- ACHPR (ratified 1986)

**Domestic legislation**
The Family Law regulates marriage and legally recognizes ‘de facto’ unions. It decrees equality of rights and duties between spouses in matters of administration of property and the education of children.

The Penal Code condemns offences against personal freedom or safety, and offences against virtue (sexual crimes).

Rape, including spousal rape, is illegal and punishable by 2 to 12 years imprisonment.

**Policies and strategies to address violence against women**
The Office of Women’s Affairs maintains a counselling centre with a hot line.

In 2009, the initial phase of a government programme, coordinated by the Reproductive Health Programme (known by the Portuguese-language acronym PSR) and the National Programme for the Fight Against AIDS (PNLS), began distributing 3,500 free female condoms. The United Nations Population Fund (UNFPA) donated a limited number of female condoms for the first phase of the campaign.

**Methodologies for data collection on violence against women**

**Administrative data**
There is no information available.

**Statistical data and research**
The National Institute for Statistics provides much gender-disaggregated data, including information on unemployment, heads of household, education, access to health services, literacy, and government participation.

The World Bank’s Country Gender Assessment in 2004 analysed gender-related indices in São Tomé and Principe. 619

In 2000 UNICEF commissioned a study on the number of cases of violence against women and children and the most common types of violence.

619 Ibid.
SENEGAL

Country overview

The Republic of Senegal has a total surface area of 196,723 km² and a population of approximately 12,534,200, of which 6,319,900 are women and 6,214,300 are men. The principal religion is Islam with 94 percent of the population practising the religion.

Senegal is one of the most stable countries in Africa and has a long history of involvement in international peacekeeping. Senegal gained independence from the French in 1960, and has since had two peaceful transitions of power.

Senegal ranks 156 out of 177 countries on the Human Development Index, 97 out of 108 developing countries on the Human Poverty Index, and 113 out of 156 countries on the Gender-related Development Index.

Situation analysis of violence against women in the country

Despite constitutional protections, women still face a male-dominated society, especially in rural areas where there are traditional customs such as polygamy and Islamic rules of inheritance.621

Violence against women in the home is common as there are many reports of wife beating.622 The police are reluctant to interfere as they see this type of violence as domestic disputes that should be addressed by the family.

Women are generally confined to traditional roles within society: they usually get married at a young age and more than half live in polygamous marriages.623 Before entering into a civil marriage, the husband must state whether it will be monogamous or polygamous and his choice is final. Many men prefer polygamy because taking a second wife is easier than obtaining a divorce.

In urban areas, women experience less discrimination and are active in the political, legal and social life of society. Urban women are more likely to take advantage of the Government’s efforts to increase respect for women’s rights to divorce and child support, and to seek education and employment.

FGM is not practiced by the country’s largest ethnic group but it is performed on up to 28 percent of Senegalese girls.624

In a country where prostitution is legal, NGOs working with prostitutes claim that the police target prostitutes for abuse and extortion.625 There is evidence to suggest that the entry of illegal foreign prostitutes into the country is professionally organized and that this is linked to human trafficking. Senegal is believed to be a transit point for women en route to Europe or Asia for sexual purposes.626

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621 AFROL Gender Profile Senegal. Available at: http://www.afrol.com/Categories/Women/profiles/senegal_women.htm
622 Preventing Gender-Based Violence in Senegal. Available at: http://www.oxfamamerica.org/workspaces/where_we_work/west_africa/news_publications/art601.html
623 Ibid.
624 The Female Genital Cutting Education and Networking Project. Available at: http://www.fgmnetwork.org/intro/world.php
Although there has been external support for the combating of trafficking, such as the establishment of a trafficking-in-persons database, the government has no programmes to protect trafficked women.

Conflict within the southern region of Senegal has caused widespread social devastation and women experience rape, mutilation, torture, forced displacement, kidnapping, trafficking and other discriminatory violence as a result of the conflict.

**Gender machinery (governmental and community-based)**

In 1998, the Ministry of Family, Social Action and National Solidarity called for the creation of a National Centre for Women’s Rights. They sponsored the construction of shelters for women and children having difficulties at home. In 2005, they adopted a National Plan for the Elimination of FGM.

The African Assembly for Human Rights (RADDHO) promotes gender equality and women’s leadership in preventing gender-based violence.

Usorforal, a women’s organization in Casemance, Southern Senegal, is organized by community women to combat the continual violence since independence. They inform and train women to act for the establishment of peace and also for more equality between the sexes. They use, among other means, strikes, prayers, dances and libations processions to draw attention to their issues. The Comite de Lutte contre Les Violences Faites aux Femmes provides counselling for children. The NGO, Ginndi Centre, also provides shelter to abused women and girls and provides a hotline.

**Legislation and policy**

**Constitution**

The Constitution of Senegal states that “men and women shall be equal in law” and prohibits discrimination based on race, religion, sex, class or language. However discrimination against women is prevalent in the rural areas with the government not enforcing anti-discrimination laws.

**International instruments**

- CEDAW (signed 1980; ratified 1985)
- OP CEDAW (signed 1999; ratified 2000)
- Palermo Protocol (signed 2000; ratified 2003)
- ACHPR (signed 1981; ratified 1982)
- PACHPRRWA (signed 2003; ratified 2004)

**Domestic legislation**

By law, women may marry whom they choose; however, in some rural areas this right is limited if not completely redundant. A woman’s approval is required for a polygamous union, but once she is in such a union, a woman need not be notified nor given prior consent for her husband’s subsequent marriage(s).

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627 AFROL Gender Profile Senegal. Available at: http://www.afrol.com/Categories/Women/profiles/senegal_women.htm
The Family Code’s definition of parental rights considers men the head of the household and women cannot take legal responsibility of their children. Women may only become the legal head of the family when the father formally renounces his authority before the administration.

The National Assembly passed a law in 1999 ending fiscal discrimination against women, which resulted in women paying higher taxes on the same salary and which allowed employers to pay child allowances to men only.

In 1999, the Government passed legislation banning the practice of female genital cutting. The law makes it a criminal offense, carrying jail terms from 6 months to 5 years. However, a few women’s rights activists have criticised the law claiming it was simply in response to pressure from Western donors.

Domestic violence is punished under Article 297 of the Penal Code (amended in 1999), by imprisonment of one to five years. According to criminal law, sexual harassment is a crime punishable by up to 3 years in prison and a fine. The law stipulates that a person convicted of rape may be imprisoned for up to 10 years.633

Prostitution is legal if individuals are over the age of 21, register with the police, carry a valid sanitary card, and test negative for sexually transmitted infections; however, soliciting customers is illegal.634

Policies and strategies to address violence against women
Senegal has adopted several policies in the area of reproductive rights, including the 2001 National Reproductive Health Programme to promote reproductive health by reducing morbidity and mortality. It also seeks to reduce FGM and other forms of gender-based violence by 50 percent. The government has sponsored programmes to educate women regarding the dangers of female genital cutting.635

Methodologies for data collection on violence against women

Administrative data
There is no information available.

Statistical data and research
The National Agency of Statistics and Demographics carries out gender sensitive data collection under the Society Health Data of violence against women.

SEYCHELLES

Country overview
The Republic of the Seychelles is an archipelago nation of 115 islands in the Indian Ocean, some 1,500 kilometres east of mainland Africa. The Seychelles has a total surface area of 451km$^2$ and an estimated population of 85,000, of which 41,900 are women and 43,200 are men.

Independence was granted to the Seychelles by Britain in 1976, as a republic within the Commonwealth. In 1977, a coup d’état ousted the first president of the republic, James Mancham, replacing him with France Albert René. The 1979 constitution declared a socialist one-party state, which lasted until 1991. The first draft of a new constitution failed to receive the requisite 60 percent of voters in 1992, but an amended version was approved in 1993.

633 AFROL Gender Profile Senegal. Available at: http://www.afrol.com/Categories/Women/profiles/senegal_women.htm
635 AFROL Gender Profile Senegal. Available at: http://www.afrol.com/Categories/Women/profiles/senegal_women.htm
The Seychelles ranks 50 out of 177 countries on the Human Development Index, and is not ranked on the Human Poverty Index or the Gender-related Development Index.636

**Situation analysis of violence against women in the country**

Women enjoy the same rights as men. Society in the Seychelles is largely matriarchal and unwed mothers are the societal norm. Women constitute 29.4 percent of Parliament, one of the highest percentages in Africa, despite the lack of a quota system.637

Research carried out by the Gender Secretariat in the Ministry for Health and Social Development indicates that at least 31 percent of women have been victim to physical or sexual violence by an intimate partner.638 The study also revealed that 11 percent admitted to being coerced into sex with 21 percent becoming pregnant. With cases of domestic violence, police rarely intervene in domestic disputes unless it involves a weapon or major assault.

**Gender machinery (governmental and community-based)**

The Ministry of Health and Social Development Department launched a new Gender Management System (GMS) structure, the National Gender Management Team (NGMT), in June 2009. The Team is chaired by the Principal Secretary for Social Development, with the Gender Secretariat acting as the secretary. A website, Gender Seychelles (http://www.genderseychelles.gov.sc/) has been launched.

The Social Services Division of the Ministry of Health and Social Development, and Women in Action and Solidarity Organization, a local NGO, provide counselling services to rape victims.

The National Family Tribunal, which was set up in 1998, is considered an important step in dealing with domestic violence and the rights of women and children, especially in the areas of maintenance.

A local NGO, GEMSA Plus Seychelles, carried out three information sessions with over 30 civil society and government representatives on the National Strategy Plan on Domestic Violence in order to raise awareness of the issue. An NGO called the Alliance of Solidarity for the Family has produced TV programmes, as well as organized panel discussions and debates, on issues of domestic violence. It has also produced numerous articles for the “Nation” and organized exhibitions showing the harmful consequences of violence on women and children. In 2001, the ASF organized a UNIFEM sponsored workshop on the development of information education and communication materials and, in 2003, held a workshop on domestic violence.

**Legislation and policy**

**Constitution**

Generally speaking the Constitution of the Seychelles is gender blind. The equality clause of the Constitution (1993, Article 27.1) guarantees formal equality of all people before the law and prohibits discrimination, but qualifies this in Article 27.2 so as to ensure that it does not hamper attempts to

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638 Report by Ministry of Health and Social Affairs at the Official address for the launching of The National Strategy on Domestic Violence and Gender Seychelles Website (2008). Available at: www.genderseychelles.gov.sc/pages/NewsArchive/Minister's percent20Speech percent20domestic percent20violence percent20website.pdf
attain substantive equality: "Clause (1) shall not preclude any law, programme or activity which has as its object the amelioration of the conditions of disadvantaged persons or groups". 639

**International instruments**

- CEDAW (ratified 1992)
- OP CEDAW (signed 2002)
- Palermo Protocol (signed 2002; ratified 2004)
- ACHPR (ratified 1992)
- PACHPRRWA (signed 2006; ratified 2006)
- SADCDGD (signed 1997)

**Domestic legislation**

The Family Violence (Protection of Victims) Act of 2000 provides greater protection to relieve women and children of some of the traumas associated with domestic violence. The Act provides for protection against family violence. Section 3 sets forth the conditions under which an application for a protection order may be made, and section 4 regulates the effects of such an order. 640

The Penal Code prohibits trafficking in terms of inducing a woman to leave her place of abode to become an inmate in a brothel. It also criminalizes the use of threats, intimidation, false pretences, false representation, or drugs to procure a women or girl. The Penal Code also criminalizes the abduction of a girl younger than 18 for the purpose of sexual gratification. Rape, spousal rape, and domestic abuse are criminal offences punishable by a maximum of 20 years imprisonment.

Specific regulations within the legislative framework that protect the civil and human rights of women are:

- the right to pass on their nationality to their children born in Seychelles even if the husband is a foreigner;
- the right to own property and to inherit; and
- the right to claim alimony from a defaulting partner, whether married or common-law.

**Policies and strategies to address violence against women**

A two year National Plan of Action (2010-2011) has been formulated, which includes the goal of monitoring and evaluating the implementation of the National Strategy on Domestic Violence. The National Strategy on Domestic Violence (2008 – 2012) was launched by the Ministry of Health and Social Development.

In 2005, the 16 Days Campaign was themed around “For the Health of Women, For the Health of the World: No More Violence”, emphasizing the connections between women’s human rights, violence against women and women’s health, and the detrimental consequences of violence against women has on the well-being of the world as a whole. In 2006, the Ministry of Employment and Social Affairs hosted the 16 Days Campaign, with the theme of “Celebrating 16 Years of 16 Days: Advance Human Rights – End Violence against Women”.

In 2002, the Seychelles Women’s Commission organized a workshop for women parliamentarians from Seychelles and Mauritius to empower them so that they would become effective in lobbying policy changes for the development of women.

**Methodologies for data collection on violence against women**

639 Available at: http://www.eisa.org.za/WEP/seyquotas.htm

640 Available at: http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=10610&baseHREF=country&baseHREFId=1158
Administrative data
There is no information available.

Statistical data and research
The Government’s Gender Website has a direct link to sex-disaggregated data for effective evidence based planning to identify gender issues and gaps, including GBV.\(^{641}\) Data on GBV was collected through a nationwide survey from a random sample of the population aged above 15 years old.

A national report entitled “Prevention and Eradication of Violence against Women and Children” was published by the Seychelles Institute of Management in 2002, funded by SADC.

SIERRA LEONE

Country overview
The Republic of Sierra Leone is a country in West Africa, with a total surface area of 71,740km\(^2\) and an estimated population of 5,696,500, of which 2,922,200 are women and 2,774,300 are men.

Independence was granted to Sierra Leone by Britain in 1961. Following over two decades of government neglect of the interior and the spilling over of the Liberian conflict into its borders, the Sierra Leone Civil War began in 1991. The civil war was resolved in 2000 after the United Nations, led by Nigeria, defeated the rebel forces and restored the civilian government elected in 1998 to Freetown. Since then, almost 72,500 former combatants have been disarmed and the country has re-established a functioning democracy. The Special Court for Sierra Leone was set up in 2002 to deal with war crimes and crimes against humanity committed since 1996.

Sierra Leone ranks 179 out of 179 countries on the Human Development Index, 129 out of 135 developing countries on the Human Poverty Index, and 154 out of 157 countries on the Gender-related Development Index.\(^{642}\)

Situation analysis of violence against women in the country
The conflict of Sierra Leone has a history of severe violence against women. Civilians became the primary targets of groups who used terror as a war tactic. A survey completed by UNIFEM found that 94 percent of displaced households surveyed had experienced sexual assaults, including rape, torture, amputation, forced pregnancy, forced miscarriage and sexual slavery.\(^{643}\) The largest number of atrocities was committed by fighters of the Revolutionary United Front (RUF), the rebel movement that started the war. The RUF was the primary perpetrator of human rights violations against women and girls,” the Truth and Reconciliation Commission reported, and “pursued a deliberate strategy of violating women.” More than 66 percent of the 2,058 abductions of women and girls were carried out by the RUF, as well as 73 percent of the reported cases of sexual slavery.\(^{644}\)

Women were raped as a way to humiliate their male relatives, who were often forced to watch the assault. The most common violence against women and girls included individual and gang rape, sexual

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\(^{641}\) Available at: http://www.genderseychelles.gov.sc/pages/programmes/SexDisaggreadedData.aspx
\(^{642}\) Available at: http://hdrstats.undp.org/2008/countries/country_fact_sheets/cys_fs_UGA.html
assault with objects, sexual slavery, and abduction where girls and women were forced in slavery-like conditions to marry male combatants.

Women were abducted by armed groups and forced into marriage in order to protect their families. The TRC found that “many women suffer a double victimization, in that they were compelled against their will to join the armed forces, and today they are victimized by society for having played a combative role in the conflict”. 645 Mothers of child soldiers are blamed and victimized for their children’s voluntary conscription in armed groups. Some mothers were labelled “mothers of rebels” and stigmatized while others were beaten and abused by government soldiers. 646

There is widespread domestic violence, even in peacetime. Women are subjected to gender-based persecution, discrimination and oppression, including sexual violence and slavery. Under customary law men have the right to discipline their wives as they see fit. The right of a husband to beat or physically discipline his wife is a well-known belief in the community. At least one in three women have been beaten, coerced into sex, or abused, usually by an intimate partner or family member, according to the UNFPA. 647 Women remain silent about the systematic violence against them for fear of being stigmatized in their communities if they were to report the abuse.

Even after the end of the conflict, according to the Family Support Unit, Sierra Leone Police Division, 65 percent of rape cases in 2006 were girls under the age of 18, while a report by the United States Department found that rape was underreported, and indictments rare. 648 Most cases of violence against women, particularly those cases perpetrated by a husband or other family member, are “dealt with” within families. Outside of families, Chiefs are traditionally the first point of contact. Although there is a system within the formal sector through the Local Courts which officially adjudicates on these matters, Chiefs often perform these judicial functions.

Traditional practices that are widespread in Sierra Leone include multiple mothering, bride price, bride inheritance, polygamy and FGM. Multiple mothering occurs when underage children are sent to relatives in the cities or towns with the view that the relatives will raise them, but the children often end up in situations of child labour and sometimes sexual exploitation. Husbands pay a bride price as part of customary marriages and this leads them to regard their wives as their property. The husband assumes responsibility to look after the wife and there can be negative consequences as a result of this role of authority. Under customary law there is no limit to the number of wives a man may marry and there is no fixed minimum age for marriage.

FGM is widely practiced especially by secret societies like the Sande and the Bando. It is generally practiced across all classes. The secret societies have rituals where girls must go through purity rites and are taught to be submissive. It is reported that 85 percent of women and girls in Sierra Leone are members of these societies. 649

The breakdown of law and order, police functions and border control during the long conflict resulted in women and girls being trafficked and used as sexual slaves.

**Gender machinery (governmental and community-based)**

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645 Ibid.
647 Ibid.
648 Ibid.
649 Ibid.
Sierra Leone has a Ministry of Social Welfare, Gender and Children’s Affairs. The Ministry held a mass demonstration on gender-based violence in 2007, with more than 30 women’s rights organizations.

The National Committee on Gender-Based Violence is composed of government institutions, UN agencies, national and international organizations working on the prevention and response to gender-based violence. The Committee meets regularly and is chaired by the Minister of Social Welfare, Gender and Children’s Affairs and co-chaired by the Assistant Inspector General of police in charge of crime services. A Programme Officer (a civil servant) serves as the Coordinator for the Committee. The Programme Officer is in charge of gender policy issues and legislations aimed at promoting the rights of women and girls in country and coordinates all partner organizations working on the prevention and response to gender-based violence across the country.650

The Ministry of Social Welfare, Gender and Children’s Affairs has established Regional Gender-Based Violence Committees/Taskforces on the National Action Plan for the Full Implementation of UN Security Council Resolutions (UNSCR) 1325 (2000) and 1820 (2008) (SiLNAP). These Committees/Taskforces are composed of civil society organizations, traditional and religious leaders from around the country.651

Sierra Leone’s Truth and Reconciliation Commission is mandated to establish an impartial record of abuses that occurred in the war, as a step toward national reconciliation. UNIFEM and the Nairobi-based Urgent Action Fund for Women’s Human Rights conducted a training workshop on gender-based human rights violations at the time of the TRC hearings in 2003. The workshop focused on the impact of armed conflict on women and children, promoting gender sensitivity in handling female victims’ testimonies and building the skills necessary to deal with victims and witnesses. In 2009, the Special Court for Sierra Leone convicted three former leaders of the RUF, marking the first time a court has convicted on the charge of "forced marriage".

In 2006, there were 34 Family Support Units countrywide, whose primary responsibilities include provision of legal and psychological counselling as well as emergency health and other services for survivors of GBV.

The 50:50 Group is a women’s organisation that advocates for women’s participation in politics and government. The Forum for African Women Educationalist (FAWE) supports education for girls.

Legislation and policy

Constitution
The Constitution guarantees that customary law must be carried out with equality before the law, but issues such as adoption, marriage, divorce, inheritance and property are not included in this guarantee.

International instruments

- CEDAW (signed 1988, ratified 1988)
- OP CEDAW (signed 2000)
- Palermo Protocol (ratified 2001)
- ACHPR (signed 1981, ratified 1983)
- PACHPRRWA (signed 2003)

650 Available at: http://webapps01.un.org/vawdatabase/countryInd.action?countryId=1165
651 Available at: http://webapps01.un.org/vawdatabase/countryInd.action?countryId=1165
**Domestic legislation**
A wife is eligible for support only if her husband deserts her, and the amount prescribed by law is minimal: 20,000 leones (US$6) per month.

The Matrimonial Causes Act of 1960 provides for divorce on the grounds of cruelty, adultery, or desertion for either party. In customary law, divorce is considered difficult to obtain because of the multiple variations in the law. However, either party to the marriage can initiate divorce proceedings in the Local Court.

The Child Rights Act of 2007 prohibits early and forced marriage, setting the minimum age of marriage at 18 years of age.

The Domestic Violence Act of 2007 introduces the crime of domestic violence that covers violence occurring in a domestic relationship, that is, between couples, partners, parents, children and other family members. It seeks to address the high incidence of domestic violence in Sierra Leone which sometimes results in death. Some of these acts of violence can be prosecuted under the general law, but the existing law does not provide mechanisms such as a protection order to prevent repetition of the abuse.652


**Policies and strategies to address violence against women**
The Sierra Leone National Action Plan (SiLNAP) for the Full Implementation of UN Security Council Resolutions (UNSCR) 1325 (2000) and 1820 (2008) was adopted in September 2009 at a National Consultative Conference, attended by line Ministries, civil society organizations and UN Agencies, with support from Cordaid, Netherlands.653

The government developed and adopted a National Gender Strategic Plan in 2010. The development of the Strategic Plan involved extensive regional and rural consultations to ensure a broad-based ownership. There was consultation also with the Parliamentarians to ensure their support in moving forward with resolutions. The Strategic Plan provides a framework for the implementation of all gender-related programmes in Sierra Leone with special focus on women’s advancement and gender equality.

The priority areas/issues of the Strategic Plan are as follows: Capacity Building, Management and Oversight; Women’s participation in Governance; Sexual and Reproductive Health Rights; Research, Documentation and ICT; Women’s Empowerment; and Gender Budgeting and accountability.654

Family Support Units (FSUs) are specialised units attached to police stations across Sierra Leone, with a mandate to investigate all forms of child abuse and violence against children (sexual and physical abuse, exploitation, including commercial exploitation, as well as internal and cross-border trafficking). The Family Support Units also have a mandate to investigate allegations of sexual and domestic violence, as well as commercial and other forms of exploitation against women and vulnerable members of society.

In 2008, the UN Integrated Office in Sierra Leone (UNIOSIL) and the UN Development Fund for Women (UNIFEM), together with the Grassroots Empowerment for Self Reliance (GEMS), ran a three-day workshop targeting over 150 men and women in three communities in the capital Freetown.

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652 Available at: http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=10612&baseHREF=country&baseHREFId=1165
653 Available at: http://webapps01.un.org/vawdatabase/countryInd.action?countryId=1165
654 Ibid.
The Voice of Women’s radio programme was organized in Moyama Town on the 7th of July 2008. Participants were drawn from three civil society organizations and a male participant from the Gender Awareness Program in Moyamba. The topic for discussion was “the role of women in development, and promoting the rights of women to participate in decision making positions”.

Methodologies for data collection on violence against women

Administrative data
There is no information available.

Statistical data and research
Statistics Sierra Leone compiles and disseminates data disaggregated by sex.\(^655\)

The final report for the National Strategy for the Development of Statistics in Sierra Leone outlined disaggregated gender data aims for the Ministry of Social Welfare, Gender and Children’s Affairs including a National Vulnerable Survey that incorporates data on women and children; employment; student enrolment; and lecturer involvement.

Gender statistics by the World Bank Group include contraceptive prevalence, fertility rate and ratio of girls to boys in education.

The 2005 Sierra Leone Multiple Indicator Cluster Survey (MICS3) is a nationally representative survey of households, women and children. The main objectives of the survey are: (i) to provide current information for assessing the present situation of women and children in Sierra Leone; (ii) to produce data to monitor progress toward the achievement of targets and goals that include the Millennium Development Goals (MDGs); and, (iii) to contribute to the improvement of data and monitoring systems in Sierra Leone. Interviews were successfully completed in 7,078 households drawn from all districts of Sierra Leone. The survey also provides information on population size, age and sex structure, housing situation and characteristics, education and literacy, marriage and fertility.\(^656\)

In 2008, the Demographic and Health Survey conducted a survey which included a module on violence against women. The survey report contains two chapters, namely Chapters 15 and 16, which are related to violence against women, i.e. domestic violence, sexual violence, female genital mutilation.\(^657\)

SOMALIA

Country overview

The Republic of Somalia is located in the Horn of Africa, with a total surface area of 637,661 km\(^2\) and an estimated population of 9,133,100, of which 4,604,000 are women and 4,529,100 are men. Agriculture is the most important sector, with livestock accounting for about 40 percent of GDP and about 65 percent of export earnings. Nomads and semi-nomads, who are dependent upon livestock for their livelihood, make up a large portion of the population. After livestock, bananas are the principal export; sugar, sorghum, maize and fish are products for the domestic market.

Italy controlled Somalia from 1927 until 1941, when a British military administration took over. Northern Somalia remained a protectorate while southern Somalia became a trusteeship. The Union of

\(^{655}\) See: http://www.statistics.sl/
\(^{656}\) Available at: http://www.childinfo.org/mics3_surveys.html
\(^{657}\) Available at: http://webapps01.un.org/vawdatabase/countryInd.action?countryId=1165
the two regions in 1960 formed the Somali Democratic Republic. After the breakdown of Somalia's central government in 1991, the former area of British Somaliland declared independence in May 1991 as the Republic of Somaliland, which regards itself as a successor to the briefly independent State of Somaliland. Somalia has had no effective national government since 1991. In the northwest and northeast, Somaliland and Puntland are breakaway regions. In the rest of the country there are various warlords. In 2000, the international community recognised the Transitional National Government, originally headed by Abdulkassim Salat Hassan, as the government for the entire country. The government has not even been able to enter the capital because of the violence. Somalia is the quintessential failed state. Peace has been established in some regions, but Somalia has only a limited government in the Northwest and no recognized government in the South. In 2007 there were a number of new developments that indicated that that the dire human rights situation has worsened as there were reports of extrajudicial killings, arbitrary detention and forced disappearances. In addition, threats to media and human rights defenders remain a problem. Unresolved land and property rights issues, which are often root causes of clan-based conflicts, also remain unaddressed.

Somalia is not ranked on the Human Development Index, the Human Poverty Index, or the Gender-related Development Index.658

Situation analysis of violence against women in the country

Male dominance is an accepted norm in Somalia, and women are consistently undermined within society.

The patriarchal Somali culture regards violence against women at a family level to be a private matter. Research conducted by UNICEF highlights the alarming reality that the physical punishment of women within family homes is not considered to be a violation by Somali communities.559 Having asked a number of citizens 'How common is violence in your family?', the results show that the majority of people believe that violence is a rare to non-existent occurrence within Somali family life, and 75 percent of those questioned believe that sexual assault does not happen in Somalia.660

Sexual harassment is prevalent throughout all sectors of society, but women continue to hide these abuses to prevent hostility or shame. Rape is common, and fear is widespread, but due to the impunity created by male dominance, perpetrators of sexual harassment are rarely punished. To safeguard the family's honour, some girls are forced to marry the men who raped them. In other cases, 'blood compensation' is given to the family of the victim (usually in the form of livestock or money). This never reaches the girl, but instead is handed to the male elders of the family, most commonly the father.

Of a total 694 cases of violations of women’s rights carried out during 6 months in 2006, only 36 cases were fully investigated. All the rest remain pending and no investigation has been done.661 Research was conducted into the victims of sexual assault in Somalia, and of those involved in the research, 60 percent were physically harmed, 20 percent died as a result of the assault, and a further 10 percent committed suicide.662 More than half of the perpetrators were never found, and of those charged, many suffered no consequences.

660 Ibid.
661 Ibid.
662 Ibid.
Escalating fighting between Ethiopian and Somali Transitional Federal Government (TFG) forces on
the one side, and insurgent groups on the other, has had a drastic effect on women and girls who face
rape and other forms of sexual and gender based violence (SGBV) and limited or no access to essential
healthcare or justice. Somali women face considerable risk of sexual violence from a range of military
organisations including the Somali Transitional Government, Ethiopian troops, and local militias.
Internally displaced women in camps and others fleeing Mogadishu in public vehicles are also raped,
particularly women from minority communities.

There is increasing evidence of a high prevalence of SGBV in south-central Somalia, despite the
stigma and silence that usually surrounds rape and sexual assault. Women are raped almost daily on the
isolated outskirts of their towns. Since young Somali women are genitaly mutilated and infibulated,
rapists always use a knife to rip their vagina open. There are reports of girls being stoned to death for
reporting rape.

In a report gathered by UNIFEM, the process by which GBV issues are traditionally resolved is
through the cultural systems practiced in Somalia. Typically, when a woman is raped, the "problem"
is settled by a meeting between traditional leaders, the woman's husband or family, and the
perpetrator's family. They proceed to negotiate the monetary value of the "damage" done to the victim's
husband/family's honour, whereupon compensation is paid accordingly. If the victim is married, the
rapist can sometimes be jailed if her husband refuses to accept compensation. In cases where the victim
is unmarried, marriage of the victim by her rapist is the accepted solution. At no time is the victim
consulted or even present at these meetings. This is a reaction to the deep stigma attached to sexual
violence because of the dishonour it is supposed to bring on the victim's family. It is also a reaction to
the lack of an effective justice system in the country and poor law enforcement structures that allow
impunity to persist unchecked.

Access to land is governed by Shari'a law and patriarchal ideology. Women are largely excluded from
owning land: it is the collective property of the family and is passed from father to son. Customary
laws also restrict women's freedom of dress: the Islamic courts have applied Shari'a law very strictly,
obliging women to wear the veil. Many women opt to veil themselves as a protection against rape.

Polygamy is permitted under Somalia's customary and religious systems. Under the civil system, men
who wish to take a second (or subsequent) wife must obtain authorisation from a district court of
justice.

FGM is almost universal in Somalia and infibulation, the most dangerous form of FGM, is still
practised, especially in Somaliland, which ignores existing regulations.

Human trafficking from Somalia to Yemen remains a major concern. UNHCR reports that since 2007,
7,144 people have been trafficked across the Gulf of Aden.

Gender machinery (governmental and community-based)

The Coalition for Grassroots Women Organizations (COGWO) is an umbrella organization composed
of 30 local women’s NGOs, drawn from different clans in Somalia. It was established in 1996 with the
intention of protecting the human rights of Somali women. Under the Women’s Rights Promotion and

663 AllAfrica (30 November 2007). “Somalia - Horrendous Violence Against Women Enabled by Culture of Impunity”. Available at:
666 Ibid.
667 Available at: http://genderindex.org/country/somalia
Education programme supported by Oxfam Novib, COGWO has produced booklets on family law that are based exclusively on Shari’a law. Other booklets on the law, the state, and the International Bill of Human Rights have aimed to empower COGWO members and other women activists as change agents. COGWO’s immediate objective in this programme is to have its members focus on women’s rights while taking into account Somali culture and Shari’a law. COGWO has been able to provide rapid medical and financial assistance to the victims. They are later given legal assistance and counselling to reintegrate them into their community. In a bid to improve the skills of its members in documenting the violations of human rights, the organization held two workshops, attended by over 100 participants, under the Disarmament, Demobilization and Reintegration programme.

Strategic Initiatives for Women in the Horn of Africa (SIHA), which means 'The Outcry’ in Arabic, is a network of civil society organisations from North and South Sudan, Eritrea, Ethiopia, Djibouti, Somalia and Somaliland. Founded in 1995 by a collection of women’s groups with the view of strengthening their capacity, SIHA has grown over the years and is now comprised of 28 member organisations. SIHA is advocating for social change and gender equality for women in the Horn of Africa, insisting that violence against women in all its forms must be stopped.

Save Somali Women and Children (SSWC) was founded in 1992 by a group of Somali women from all sections of the community, as an urgent imperative to address the needs of Somalia’s women and children, regardless of ethnic and geopolitical divisions. Based in Kenya, they work as a non-governmental humanitarian and development organisation with a focus on improving women’s rights and promoting their participation in building peace. They run training workshops on Conflict Management as well as organising an annual literacy programme. In addition, they provide practical support to some of the country’s most vulnerable and marginalised women through rights awareness workshops and campaigns to end FGM and early and forced marriages.

**Legislation and policy**

**Constitution**
The 1997 Somaliland Constitution contains provisions that prohibit discrimination on the basis of sex and national origin. The constitution is partly based on the Muslim Shari’a laws.

**International instruments**
- Somali has not signed or ratified CEDAW
- ACHPR (signed 1982, ratified 1985)
- PACHPRRWA (signed 2006)

**Domestic legislation**
There is no national judicial system in Somalia. The judiciary in most regions relies on some combination of traditional and customary law, Shari’a law, the penal code of the pre-1991 Siad Barre government, or some combination of the three. In the Transitional Federal Parliament, women were still denied their full representation set by the Transitional Federal Charter in 2004.

According to the 1975 Family Code, the legal minimum age for marriage is 18 years for both men and women, but women can marry at the age of 16 years with parental authorisation.

According to civil legislation, men head their families and have sole parental authority. If a couple divorces or separates, the mother is typically granted custody of boys up to the age of 10 years and girls up to the age of 15 years.

**Policies and strategies to address violence against women**
USAID, through UNDP, has held training workshops for senior judges and custodial officers at medium and senior levels aimed at refreshing knowledge of penal and civil codes and criminal procedure with an emphasis on human rights standards and requirements. Several hundred women in the Gebo region received training to enable them to play an active role in reconciliation processes and the formation of local governmental structures.

UNICEF supplied 100 maternal and child care facilities and 15 hospitals throughout Somalia in 2007. The “women-to-women” initiative has benefited over 1000 girls and 3150 women in six regions through peer education or outreach activities. UNICEF has also targeted 60 leaders among vulnerable populations.668

Methodologies for data collection on violence against women

Administrative data
There is no information available.

Statistical data and research
The main source of gender-disaggregated data is from international institutions and international NGOs.

SOUTH AFRICA

Country Overview

The Republic of South Africa has a total surface area of 1,221,037km$^2$ and an estimated population of 50,109,800, of which 25,404,600 are women and 24,705,200 are men.669

In 1931 the union was effectively granted independence from the United Kingdom. In 1948, the National Party was elected to power and intensified the implementation of racial segregation begun under Dutch and British colonial rule: this system of segregation became known collectively as Apartheid. South Africa held its first multi-racial elections in 1994, which the ANC won by an overwhelming majority. It has been in power ever since.

South Africa ranks 121 out of 177 countries on the Human Development Index, 55 out of 108 developing countries on the Human Poverty Index, and 86 out of 156 countries on the Gender-related Development Index.

Situation analysis of violence against women in the country

Gender based violence in South Africa takes a number of different forms. Domestic violence and sexual violence are the most prevalent forms, but there is also violence perpetrated towards sex workers, and harmful cultural practices, and some instances of human trafficking have also been reported.

It is extremely difficult to quantify the extent of domestic and intimate partner violence as the police do not have a separate crime category for this. Domestic violence is a pattern of abuse often over a sustained period of time involving a number of different potential crimes. The National Prosecuting Authority charge perpetrators of domestic violence with a range of common law and statutory offences, including assault, assault with intent to commit Grievous Bodily Harm, attempted murder and

Domestic violence unfortunately frequently extends to the murder of the male or female partner. A policy brief published by the Medical Research Council in 2004 concluded that: ‘A woman is killed by her intimate partner in South Africa every six hours. This is the highest rate (8.8 per 100 000 female population 14 years and more) that has ever been reported in research anywhere in the world’. A study conducted by CSVR of 1,900 SAPS murder dockets opened in the period 2001 to 2005 in six areas of South Africa with high rates of murder, found that 31 percent of all female homicide victims were victims of intimate partner violence.

South Africa has the highest number and rate of reported rape and indecent assault in the SADC region. Between April 2006 and March 2007, 52,617 rapes were reported and 9,367 cases of indecent assault, a decline by four percent in reported rapes from the previous year. Per capita this translates to 111 reported rapes per 100,000 of the population. In the 2005/2006 year there were 54,926 rapes (117 per 100,000 of the population) and 9,805 cases of indecent assault reported to the police. In January 2008 the South African Police Service (SAPS) started applying the new definition of rape according to the Sexual Offences Act, so the latest available statistics are for the 9 month period from April to December 2007 using the old definition and showing that there were 36,190 rapes reported – a 9 percent reduction from the same period for the previous year.

General victimisation studies are poor at obtaining data on victim experiences of rape and indecent assault, however, a number of smaller and location-specific studies give us an indication of the extent of sexual violence in South Africa. A study conducted by CSVR of 1,900 SAPS murder dockets opened in the period 2001 to 2005 in six areas of South Africa with high rates of murder, found that 31 percent of all female homicide victims were victims of intimate partner violence.

A 2005 study of sexual violence among men and women in Cape Town reported that over 40 percent had at least one experience of sexual violence, and one in five men acknowledged having perpetrated a sexual assault against a woman. A study of women in antenatal clinics in Soweto found that 9.7 percent of women disclosed rape by an intimate partner in the year preceding the study, and 20 percent had experienced rape in their life time. Perhaps the most extensive study was one conducted by CERSA (Women's Health) Medical Research Council, in three of South Africa’s provinces, in 1999 among women ages 18 to 49 years. The study reported that 4.5 percent of women in the Eastern Cape, 7.2 percent in Mpumalanga and 4.8 percent in Northern

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Province reported ever having been raped. Twenty three percent of the rapes were said to have occurred in the year prior to the study.

There are no official statistics on the number of women and children trafficked, and very limited research has been conducted on the topic, but it has been acknowledged as an emerging crime in the country. Available reports indicate that South Africa is both a destination for trafficked persons as well as a source country for the exporting of women and children. As the most stable political and economic country in the region, and situated at the tip of the continent, with easy access to ports, South Africa has become an attractive location. Women and girls are often lured with the promises of jobs and security, or are pushed into coming to the country by war, destabilisation, poverty and unemployment. Previous research showed that women often arrive in South Africa from such refugee producing countries in the region, as well as Lesotho, Mozambique, Thailand and China.

No one knows the size of the sex work industry as limited studies have been done. It involves men and women, as well as children and the transgendered. Sex work is illegal in South Africa in terms of the Sexual Offences Act No. 23 of 1957. This criminalises having ‘unlawful carnal intercourse’ for reward, as well as keeping a brothel, participating in the management of a brothel, pimping, convincing or persuading someone to become a sex worker, soliciting, selling sex and living off the earnings of a sex worker. Sex workers, like others who work in the informal labour market are vulnerable to exploitative working conditions. Those who work for agencies are often subject to long hours of work, cannot decide on what kind of work they will do, and have no labour rights.

Poverty increases a woman’s vulnerability to forced marriages, and may be more prevalent in some African and Indian communities. These are likely to occur where the family seeks to protect the family name against disgrace arising from premarital relationships of pregnancy, or where a girl is forced to marry into a specific caste, tribe or ethnic group. Such marriages may also be used to ensure economic stability, or a woman may be given to a Chief to secure status for the family.

In some parts of the country witchcraft or allegations of witchcraft are more prevalent, but women are more frequently the victims of allegations of witchcraft than men.

**Gender Machinery (governmental and community-based)**

South Africa has established a comprehensive National Gender Machinery, which comprises structures within government and civil society that promote gender equality. Whilst many countries use the term gender machinery to refer to a national ministry responsible for women/gender affairs, in South Africa the term national gender machinery refers to ‘an integrated package’ of structures located at various levels of state, civil society and within the statutory bodies.

The South African Gender Machinery consists of:

- The Executive: the Office on the Status of Women (OSW) and Gender Focal Points (GFP) in National Departments. The national OSW, located in The Presidency, plays a vital role as the principal coordinating structure for the National Machinery on gender equality. It has been constructed as the nerve centre for developing and maintaining a national gender programme. It is

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681 The point to note is that the function of gender mainstreaming in South Africa is that of all government, civil society and NGO bodies. The components of the gender machinery are facilitators of the gender programme, and primarily all have coordination and monitoring roles.

responsible for developing national action plans or frameworks for mainstreaming gender within
government structures, to advance women’s empowerment and gender equality; as well as to monitor the implementation and progress in this regard. As part of its mandate, the Office also plays a pivotal role in liaison with civil society organisations to advance the national gender programme. At an operational level, the main responsibility for ensuring the effective implementation of the National Gender Policy rests with individual government departments at national level, through the establishment of GFP or Gender Units. The key function of GFP, as identified in the National Policy Framework document, is to assist in the formulation and implementation of effective action plans to promote women’s empowerment and gender equality in all policies, programmes and projects by national departments.

- The Commission on Gender Equality (CGE). The CGE, established in 1997, is provided for in terms of Chapter Nine of the Constitution, and is an integral part of the National Gender Machinery. It is an independent, statutory, advisory, and research body. The key functions include monitoring and evaluating of policies and practices of government, the private sector and other organisations to ensure that they promote and protect gender equality; review existing and upcoming legislation from a gender perspective; provide public education; investigate inequality and complaints on gender related issues; monitor and report on compliance with international conventions.

- The Joint Parliamentary Committee on the Improvement of the Quality of Life and Status of Women. The Committee’s principal responsibility is to monitor progress in the advancement of the status and improvement of the quality of life for South African women. The committee also monitors and assesses whether government policy implements national and international commitments with respect to the Constitution of South Africa, National Gender Equality Framework, CEDAW, Beijing and Dakar Platforms for Action. It also monitors gender mainstreaming in government policies and programmes, including the national budget and fiscal framework.

- Civil society organisations and NGOs. Within Civil Society gender co-ordination remains a challenge as there is no umbrella body co-coordinating women’s or gender-issue focused organisations at the national level. Currently there are almost sixty NGOs participating in the National Gender Machinery meetings. The strongest and most organised sector amongst NGO’s attending the gender machinery meetings are those working in the area of gender based violence. However, even these NGOs do not have a coordination point.

In addition to the facilitative structures, the South African Government considers gender mainstreaming the responsibility of all Cabinet Ministers, public sector officials and government agencies, whilst all human rights institutions established under the South African Bill of Rights, Chapter 9, have the responsibility to promote women’s rights. This includes the Human Rights Commission as well as all Portfolio Committees within the Legislative.

Legislation and policy

Constitution
As part of South Africa’s transition to democracy in 1994 it adopted firstly a new interim and later the final Constitution (in 2006) embracing a comprehensive Bill of Rights and Fundamental Freedoms. Included in the Bill of Rights are the rights to equality, human dignity, life, freedom and security of person and the rights of children. South Africa has one of the most expansive constitutions in the world. It guarantees the rights to equality (regardless of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth), human dignity, life, freedom, and security of the person.

683 Civil society organisations that attend national gender machinery meetings comprises national NGOs, Community based organisations, Faith Based organisations, Trade Unions and Women’s groups of political parties.
International Human Rights instruments

- CEDAW (signed 1993, ratified 1995)
- OP CEDAW (ratified 2005)
- ACHPR (signed 1996, ratified 1996)
- PACHPRRWA (signed 2004, ratified 2004)
- SADCDGD (signed 1997)
- Addendum to SADCDGD (signed 1998)

Domestic legislation

Within the framework of the Constitution, South Africa has a range of gender equitable laws that deal with the issue of violence against women. A few of the important ones are listed below:

The Domestic Violence Act No 116 of 1998 aims to provide a holistic law enforcement response to addressing domestic violence. In terms of the Act domestic violence includes physical abuse; sexual abuse; emotional, verbal and psychological abuse; economic abuse; intimidation; harassment; stalking; damage to property; entry into the complainant’s residence without consent, where the parties do not share the same residence; or any other controlling or abusive behaviour towards a complainant, where such conduct harms, or may cause imminent harm to, the safety, health or wellbeing of the complainant (S 1 viii). Domestic relationships are also defined very broadly and include civil and customary marriage partners or former marriage partners, current of former cohabiting partners, the parents of a child or people who have had parental responsibility for that child, family members, engaged, dating or customary relationships, sexual relationships of any duration, and people who share the same residence (S 1 (vii)).

The Criminal Law Amendment Act (The Sexual Offences Act) No. 32 of 2007 broadened definition of rape to include all acts of non-consensual penetration committed by one person on another. Rape is now gender neutral and includes the penetration of the vagina, mouth or anus with a penis, body part or any object (including an animal’s body part or object resembling the genital organs of a person or animal). In addition to rape, the SOA codifies the crimes of: compelled rape; sexual assault, compelled sexual assault and compelled self-sexual assault; compelling or causing persons 18 years or older to witness sexual offences, sexual acts or self-masturbation; exposure or display of or causing exposure or display of genital organs, anus or female breasts (‘flashing’), and child pornography to persons 18 years or older; engaging sexual services of persons 18 years or older; incest; bestiality; and sexual acts with a corpse. In addition, the Act makes provision for sexual offences against children, sexual exploitation of children, services for victims of sexual offences, compulsory HIV testing of alleged sexual offenders, a national policy framework, and rules of evidence and procedure. The Act provides for the establishment of a national register for sex offenders for the protection of children and mentally disabled persons (Chapter 6).

Minimum sentences for Rape are provided for in the minimum sentencing legislation, the Criminal Law Amendment Act of 1997 and the Criminal Law (Sentencing) Amendment Act No. 38 of 2007.

Recognition of Customary Marriages Act no. 120 of 1998 recognises customary marriages, and gives the wife of a customary marriage equal status and legal capacity as her husband, in addition to any capacity she may have had under customary law (S 6). Any marriage entered into after the commencement of the Act is deemed to be a marriage in community of property unless the parties provide otherwise (S 7). Customary marriages are to be dissolved through a legal order of divorce, on the grounds of irretrievable breakdown of the marriage, as in all civil forms of marriage.

A number of measures have been introduced to promote equality of women before the law. Law reform has seen that women married under customary law now have full equal status in terms of the Recognition of Customary Marriages Act (No. 120 of 1998). The Reform of Customary Law of Succession and Regulations of Related Matters Bill has been introduced into Parliament to give effect to the principle that women and girls have the same right to inherit from the deceased estates of their spouses or parents as men and boys. Other legislation includes: The Children’s Act No 38 of 2005 and Children’s Amendments Act No 41 of 2007; The Choice on Termination of Pregnancy Act (No. 92 of 1996); the Employment Equity Act (No. 55 of 1998); the Maintenance Act (No. 99 of 1998); the Promotion of Equality and Prevention of Unfair Discrimination Act (No.4 of 2000); and the National Health Act (61 of 2003).

**Policies and strategies to address violence against women**

The 365 Day Action Plan to End Gender-Based Violence was developed in follow-up to the May 2006 365 Days of Action to End Gender Violence Conference that adopted the Kopanong Declaration in which a broad cross section of South Africans committed to a joint campaign for eradicating this gross human rights violation. The Kopanong Declaration envisaged that each year the Sixteen Day campaign on gender violence would become a platform both to heighten awareness and take stock of gaps and achievements, to ensure sustained, measurable efforts to end gender violence. A task team comprising representatives of government and civil society met to elaborate on the first action plan to stretch the Sixteen Day campaign into a yearlong campaign addressing all aspects of gender violence: prevention, response and support. The plan was being launched on 8 March, International Women’s Day, 2007.685

The National Anti-Rape Strategy is spearheaded by the Sexual Offences and Community Affairs Unit (SOCA) of the National Prosecuting Authority (NPA). It is intended to be an interdepartmental strategy to develop a tri-pillar plan, focusing on prevention, responses and support interventions, but the anti-rape strategy has effectively been embargoed by the NPA since its inception: there has never been any clarity as to what the strategy entails, what its objectives and indicators are, and how it is being implemented. Research especially conducted to inform the anti-rape strategy has not been released for public consumption.686

The HIV and AIDS and STI Strategic Plan for South Africa 2007-2011 flows from the National Strategic Plan (NSP) on HIV and AIDS of 2000-2005 as well as the Operational Plan for Comprehensive HIV and AIDS Care, Management, and Treatment. It represents the country’s multi-sectoral response to the challenge of HIV infection and the wide-ranging impacts of AIDS. Women’s issues and the intersection between violence against women and HIV and AIDS are highlighted by the NSP, which contains the following objectives: to decrease HIV and AIDS related maternal mortality through women-specific programmes; to provide a comprehensive package of services that includes wellness care and ARVs to HIV-affected, -infected and -exposed women, children and adolescents.

**Methodologies for data collection on violence against women**

**Administrative data**

Information on sexual offences is kept by the South African Police Service. However, the data is not disaggregated by type of sexual offence. Although SAPS does not have a separate crime category for domestic violence, police stations are supposed to keep a Domestic Violence Register in which to

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685 Available at: http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=31630&baseHREF=country&baseHREFId=1207
record domestic violence incidents. The courts keep records of protection orders applied for under the Domestic Violence Act.

**Statistical data and research**

Statistics South Africa collects gender disaggregated data on a number of issues, including education, poverty, employment, health and general equality.

Government as well as local and international NGOs conduct research into all forms of gender-based violence in South Africa.

**SUDAN**

**Country overview**

The Republic of Sudan is the largest country in Africa and the Arab World and the tenth largest in the world by area. It has a total surface area of approximately 39,379,358km$^2$ and an estimated population on 42,272,400, of which 20,987,100 are women and 21,285,300 are men. An estimated 70 percent of the population adheres to Islam. The remainder of the population follows either animist and indigenous beliefs (25 percent) or Christianity (5 percent). Sudan’s main export is crude oil. Rich mineral resources are available in the country, including: petroleum, natural gas, gold, silver, chrome, asbestos, manganese, gypsum, mica, zinc, iron, lead, uranium, copper, kaolin, cobalt, granite, nickel and tin. Agriculture production remains Sudan's most important sector, employing 80% of the workforce and contributing 39% of GDP.

Sudan is (as of 2010) ranked as the third most politically unstable country in the world according to the Failed States Index, for its military dictatorship and the ongoing humanitarian crisis in Darfur. In April 2007, the International Criminal Court issued arrest warrants for Sudanese government minister Ahmed Haroun and janjaweed militia leader Ali Kosheib, charging them with multiple counts of war crimes and crimes against humanity. The ICC accused both men of targeting civilians with a systematic campaign of rape and sexual violence (neither has been arrested).

The Human Development Index (HDI) attempts to measure the general sense of wellbeing in a country by looking at the standard of living measured by life expectancy, income power and adult literacy. Sudan is ranked 147 out of 177 countries.\(^{687}\) The Human Poverty Index (HPI) measures income deprivation looking at the same factors as the HDI and Sudan ranks 69 among 108 developing countries.\(^{688}\) The Gender-related Development (GDI) uses the same indicators has the HDI and explores the disparities in achievements between men and women. Out of the 156 countries with both HDI and GDI values, 149 countries have a better ratio than Sudan's.\(^{689}\)

**Situation analysis of violence against women in the country**

High levels of poverty, 21 years of war, and a confluence of culture, religion and tradition have resulted in the violations of women’s rights, women’s low social status and continued gender based discrimination in Southern Sudan. Many traditional and customary practices discriminate against women and children.

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\(^{687}\) Human Development Index Statistical update, 2008. Available at: http://hdrstats.undp.org/countries/country_fact_sheets/cty_fs_SDN.html

\(^{688}\) Ibid.

\(^{689}\) Ibid.
Domestic violence is a problem but many women are reluctant to file complaints against such abuse, although it is legal grounds for divorce. Police do not interfere with domestic abuse as it is seen as a family problem.

Rape is the most common form of violence against women in Sudan. Women and girls are unlikely to report instances of rape for fear of the reflection it might have on their families, and the reputation that they might acquire if anyone finds out. In addition the social stigma that is attached to rape, the laws relating to rape do not encourage women to denounce perpetrators. The victim may also run the risk of being accused of adultery if she fails to prove rape. Adultery is considered a Hudood offence, a crime of honour, repudiation and public morality. Traditional courts settle many cases of violence against women, but these are male-dominated and closely tied to traditional values, which rarely promote the best interests of women.

Various government bodies have decreed that women must dress according to modest Islamic standards, including wearing a head covering. Although a Muslim man may marry a non-Muslim, a Muslim woman cannot marry a non-Muslim unless he converts to Islam. Women cannot travel abroad without the permission of their husbands or male guardians.

FGM is widespread with approximately 90 percent of the population having undergone FGM and 82 percent having undergone infibulation, the most severe form of FGM.

Thousands have been killed and millions more displaced from their homes during the fighting in southern Sudan. The UN estimates that 1.8 million individuals, mostly women and children, have been displaced from southern Sudan to refugee camps in the North and surrounding countries. The recent civil war in the western province of Darfur has also resulted in the displacement of approximately one million people. Women and girls living in displaced persons camps remain at risk for sexual assault. Women are targeted, harassed, and raped when they leave the camp, both by Sudanese police and military and Janjawid militiamen. In many cases, women have been publicly raped in front of their husbands, relatives or the wider community. Pregnant women have not been spared and those who have resisted rapes were reportedly beaten, stabbed or killed. Women and girls as young as eight years old have been abducted during attacks and forced into sexual slavery in the Janjawid military camps. The strong cultural, social, and religious taboos against rape in Darfur make women reluctant to speak out and often cause them and their children to be ostracized by their community.

Abduction is a major problem where women and children are abducted for slavery. Sudan is a country of destination for internationally trafficked persons, as well as a country with widespread internal trafficking. Thousands of Ugandan men, women and children have been abducted by rebel groups to be used as domestic slaves, sex workers, child soldiers and forcibly conscripted soldiers. The taking of slaves, particularly in war zones, and their transport to parts of central and northern Sudan, continues. Credible reports persist of practices such as the sale and purchase of children, some in alleged slave markets. Libyans have been implicated in the purchase of Sudanese slaves, particularly women and children who were captured by government troops. Abduction by government-affiliated militia as a form of remuneration for military services, are reportedly a strategy for destabilization on rebel-controlled areas.

Gender machinery (governmental and community-based)

690 Available at: http://wow.gm/africa/sudan/bor/article/2008/11/17/sudan-southern-women-march-for-end-to-gbv
692 UN Development Programme Gender and Citizenship Initiative. Available at: gender.pogar.org/countries/country.asp?cid=18
693 Available at: http://www.savedarfur.org/pages/one_night_one_voice_fact_sheet/
694 Available at: http://www.afrol.com/Category/Women/profiles/sudan_women.htm
In 1996 the government established the Special Commission to Investigate Slavery and Disappearances in response to a resolution passed by the General Assembly in 1995.

The National Commission on Violence against Women and Children was established under the aegis of the Ministry of Justice in November 2005. The role of the National Commission is to confront violence against women and children. It is composed of representatives of Government bodies, institutions and civil society organizations active in the field of violence, and it is headed by the Vice-President. 695

The Child and Family Protection Unit was established in 2005 and is able to take numerous measures in all provinces to protect women and children victims of violence throughout the court process (e.g. physical separation of the victim/survivor and perpetrator in courtrooms, separate entrances to courtrooms), from the making of a complaint, to notifying the police and the investigation and court case. Fifteen units have been established in all states of Northern Sudan. 696

The National Council for Child Welfare (NCCW) was established in 2008. The NCCW is comprised of representatives of every institution, ministry and civil society organization that operates in the field of the child. The NCCW’s mandate is to devise plans and strategies on child-related issues, including violence. 697

The Unit for the Suppression of Violence against Women and Children was established within the Ministry of Justice. The Unit specializes in combating violence against women. It has been working on the preparation of a guide for clinical treatment of rape cases, training physicians and other medical staff with a view to documenting the medical status of victims of violence, and providing victims of violence with all medication necessary for the treatment and prevention free of charge in medical institutions. 698

At the states level, an agreement was reached with the United Nations to form committees to combat violence in Darfur, in coordination with international organizations for the protection of women, to work with family services on the resolution of conflicts in Darfur, in particular in camps, and to facilitate legal, health and social procedures for women victims of violence. 699

In 2001 the Government announced the establishment of special civilian tribunals, under the Ministry of Justice, in the border regions separating the south and north of the country to prosecute persons involved in abduction, transport, holding and selling or exchanging of women and children from war zones.

In South Sudan a centre known as Diara Yath Duer centre was officially commissioned by the State Director of the Southern Sudan Rehabilitation and Reintegration Commission, as a forum for discussing issues that affect women in their communities. UNFPA supports four women's centres in IDP camps in North Darfur. The centres offer skills training and income-generating activities. They also serve as neutral meeting places where discussion groups on GBV issues, celebrations, and health awareness and education sessions can take place. A women's organization, DRDA, is based in Mayo/Mandela IDP camp. The Sudanese Women’s General Union executes social programs through

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695 Available at: http://webapps01.un.org/vawdatabase/countryInd.action?countryId=1228
696 Ibid.
697 Ibid.
698 Ibid.
699 Ibid.
numerous local chapters. The Democratic Women’s Alliance is one of the main women’s opposition groups in the North. Women’s groups are also active in pushing for peace and an end to the civil war.

Legislation and policy

Constitution
The new Constitution prohibits discrimination based on sex.

International instruments
- ACHPR (signed 1982, ratified 1986)
- PACHPPRRWA (signed 2008)

Domestic legislation
Article 149 of the Penal Code 1991 provides that rape occurs when there is no consent to the act and/or when consent was given to someone who has guardianship or power over the victim. The Penal Code of 1991 was amended in 2009 to involve all parties concerned, civil society organizations and the United Nations. The amendment addresses crimes against humanity and genocide, and makes the penalty for rape more severe.700

An entire chapter of the Law on the Armed Forced 2007 is devoted to the protection of civilians and, in particular, women and children, during military operations.701

The Law on the Child 2010 contains provisions on rape of children and on its repression.702

Decree No. 48 (2005) issued by the General Director of Police Forces to establish a committee for the formation of a child protection unit within the police had a significant influence on the establishment of the Family and Child Protection Unit. The goal of the Decree is to provide psychological, welfare and legal support for victims of violence in all provinces.703

In November 2000, the President decreed that women would receive two years paid maternity leave.704

The draft adultery law of 2009 states that punishment for adultery is death by stoning if the women is married and 100 lashes if she is not married.

Prostitution is illegal.

Infibulation (a form of FGM) is forbidden under health law. Pursuant to Sudanese Medical Council Decision No. 366, doctors may not carry out any procedure that is known or suspected to be injurious to the person, including all forms of female genital mutilation.

Policies and strategies to address violence against women

With the support of the United Nations Population Fund, the National Plan to Suppress Violence against women and Children in the 2010-2011 period has been jointly devised by the relevant Government bodies, civil society organizations and international organizations. It has been referred to

700 Available at: http://webapps01.un.org/vawdatabase/countryInd.action?countryId=1228
701 Ibid.
702 Ibid.
703 Ibid.
704 Report by UN Development Programme Gender and Citizenship Initiative. Available at: gender.pogar.org/countries/country.asp?cid=18
the Minister of Justice for consideration and approval. The aim of the Plan is to afford women and children psychological and economic protection and help victims to report acts of violence.\textsuperscript{705}

The National Strategy for Combating Violence against Women has been developed by the Unit for the Suppression of Violence against Women and Children of the Ministry of Justice. It has been devised for a two-year period and referred to the Minister of Justice for consideration and approval.\textsuperscript{706}

The National Strategy to Combat Female Genital Mutilation 2008-2018 involves the participation of different parts of Government and civil society organizations. In February 2008, it was officially adopted as State policy by the National Council for Strategic Planning.\textsuperscript{707}

The National Policy on the Empowerment of Women was approved by the Council of Ministers in 2007. The policy focuses on safeguarding women’s rights and empowering women to carry out their roles as mothers, producers and effective partners in development, the establishment of peace and resolution of conflicts.\textsuperscript{708}

The National Action Plan to Combat Violence against Women and Children in Darfur was put in place in 2005 by a supreme technical committee headed by the Deputy Minister for Foreign Affairs. The Minister of Justice used a media forum to announce the legal measures to be instated, in line with the recommendations of Security Council resolution 1325 (2000), in order to combat violence against women and children and penalize perpetrators of such crimes in Darfur.\textsuperscript{709}

The National Commission on Violence against Women and Children was established under the aegis of the Ministry of Justice in November 2005, pursuant to Republican Decree No. 537. The role of the National Commission is to confront violence against women and children. It is composed of representatives of Government bodies, institutions and civil society organizations active in the field of violence, and it is headed by the Vice-President.\textsuperscript{710}

**Methodologies for data collection on violence against women**

**Administrative data**
There is no information available.

**Statistical data and research**
The Central Bureau of Statistics provides gender-disaggregated data on population, fertility, and reproductive health survey.

In 2009, in coordination with the Central Bureau of Statistics, the Unit for the Suppression of Violence against Women and Children of the Ministry of Justice conducted a survey on understanding of violence against women and children. The questionnaire elicited respondents' views on various aspects of the concept of violence against women and children. The target number of respondents was 800, of which 509 replied, including representatives of the following social groups: schoolchildren, university students, staff of certain ministries, leaders, media, organizations, and the general population. Respondents ranked the following eight types of violence: beating, use of force,
cruelty, ill treatment, deprivation of rights, coercion, oppression, and rape. Beating and the deprivation of rights were considered the most serious.\footnote{Ibid.}

In 2002, the National Council for Childhood conducted a survey on female genital mutilation.\footnote{Ibid.}

Most gender data is collected by international organisations such as the UNHCR, UNICEF, USAID and others.

**TANZANIA**

**Country overview**

The United Republic of Tanzania is a unitary country in central East Africa composed of 26 regions, 21 on the mainland and 5 in Zanzibar. Tanzania has a population of approximately 43,739,100, of which 21,932,400 are women and 21,806,600 are men. Thirty-five percent of the population is Muslim, 30 percent is Christian and the other 35 percent is distributed among various indigenous religions.\footnote{CIA World Fact Sheet. Available at: https://www.cia.gov/library/publications/the-world-factbook/geos/tz.html#People}

Independence was gained from the United Kingdom in 1962 with a relatively peaceful transition, and in 1963 the island of Zanzibar merged with the mainland Tanganyika to form the nation of Tanzania. The economy is mostly based on agriculture and provides 85 percent of exports and employs approx 80 percent of the workforce.

Tanzania ranks 159 out of 177 countries on the Human Development Index, 67 out of 108 developing countries on the Human Poverty Index, and 62 out of 156 countries on the Gender-related Development Index.\footnote{Human Development Index Statistical update, 2008. Available at: http://hdrstats.undp.org/2008/countries/country_fact_sheets/cty_fs_UGA.html}

**Situation analysis of violence against women in the country**

In a report compiled by the USAID Health Policy Initiative in 2008, it was found that many forms of gender-based violence, including domestic violence, are seen as normal in Tanzania.\footnote{USAID Health Policy Initiative (2008). “Gender-based Violence in Tanzania: An Assessment of Policies, Services and promising Interventions” Task Order 1, p. v.} Within Tanzanian society many girls are taken out of school to assist with domestic responsibilities or to marry.\footnote{Ibid, p. 8} The inequities in access to education and within social norms leave women economically dependent upon their male counterparts. It was noted that women’s economic dependence on men may be a factor in women’s vulnerability to gender-based violence as they may not have the financial resources to leave an abusive situation and still provide for their families. In most cases, women are ashamed and do not admit or report the abuse.

Spousal violence is highly prevalent in Tanzania. It is accepted for a husband to treat his wife as he wishes, and wife beating occurs at all levels of society. A study in Zanzibar found that 67 percent of respondents indicated that physical violence is often used to coerce others or make them submissive.\footnote{Salma Maoulidi (2009). “Tanzania: Reduce Executive Incompetence Not Sopa Sentences”. Available at: http://allafrica.com/stories/200903200812.html} A large number of women are killed by their husbands or commit suicide as a result of domestic battery.\footnote{AFROL gender profile. Available at: http://www.afrol.com/Categories/Women/profiles/tanzania_women.htm} A study by the WTO in 2002 found that 41 percent of partnered women in Dar es Salaam and 87 percent in the Mbeya District had experienced sexual or physical violence at the hands of their
partner. Many in Tanzania view rape as acceptable behaviour, with 15 percent of women reporting that their first sexual experience was forced.\footnote{USAID Health Policy Initiative (2008).” Gender-based Violence in Tanzania: An Assessment of Policies, Services and promising Interventions” Task Order 1, p. 10} Moreover, although some doctors ask women about abuse if it is suspected that violence may have been the cause of the injury, there is no protocol to screen women for domestic violence.\footnote{Ibid, p. 20}

The overall situation for women is less favourable in Zanzibar, which has a majority Muslim population. Women there, and on many parts of the mainland, face discriminatory restrictions on inheritance and ownership of property because of concessions by the Government and courts to customary and Islamic law.\footnote{Ibid.} Female genital cuttings are illegal in Tanzania; however, 15 percent of women between the ages of 15-49 had experienced FGM in 2005.\footnote{Ibid, p. 16} There are a number of groups involved in the education and eradication of FGM, such as the Anti-FGM Network (AFNET) and the Christian Council of Tanzania.

Another cultural practice is early child marriages, where girls are deemed mature as soon as they begin menstruating and may get married as early as 12. Women are also forced into so-called same-sex marriages whereby an infertile or older women pays a bride price for a girl and forces her to become a surrogate mother.\footnote{Ibid.} Moreover, harmful practices occur after marriage whereby a woman can be ‘inherited’ by her husband’s family upon his death, and a widow is urged to have sex with a man to cleanse herself of evil spirits, a practice known as widow cleansing.\footnote{Ibid.} It is not clear how prevalent these practices are in modern day Tanzanian society, but the social mores that underlie these practices remain.

The growing number of cases of albino killings in Tanzania has provoked heightened concerns among the international community.

Tanzanian girls from rural areas are trafficked to urban centres for domestic servitude and commercial sexual exploitation.\footnote{Ibid.} There is one civil society initiative, developed by the Kiota Women’s Health and Development Organization, which sets up structures in communities to identify, and/or report sexual abuse and child trafficking.\footnote{Ibid, p. 20}

**Gender machinery (governmental and community-based)**

Institutional reforms in government have been developed with each ministry having a gender focal point and the Ministry of Community Development, Gender and Children has initiated training within departments to better allocate resources with regard to gender issues. The Ministry also worked to ensure that the National Strategy for Growth and Poverty reduction had strong gender components, in particular on the elimination of sexual abuse and sexual violence.\footnote{Ibid, p. 14}

The Police Force has also implemented reforms to make the police more accessible to the community and this initiative led to the birth of the Tanzania Police Female Network (TPFNet) and the creation of gender desks to respond to specific gender-based violence cases.

\footnotesize{\begin{itemize}
\item[719] USAID Health Policy Initiative (2008).” Gender-based Violence in Tanzania: An Assessment of Policies, Services and promising Interventions” Task Order 1, p. 10
\item[720] Ibid, p. 16
\item[721] AFROL gender profile. Available at: http://www.afrol.com/Categories/Women/profiles/tanzania_women.htm
\item[723] Ibid.
\item[724] Ibid.
\item[726] Ibid, p. 20
\item[727] Ibid, p. 14
\end{itemize}}
The role of the National Commission on Human Rights and Good Governance (CHRAGG) has been very visible in promoting women’s rights.

The number and quality of services and resources available to survivors of gender based violence is still minimal. There are two known shelters for survivors - the Young Women Christian Association and House of Peace - both located in Dar es Salaam.\(^{728}\) NGOs get involved in interventions: for example, the International Rescue Committee provides services such as medical treatment and counselling, while Kivulimi, an NGO in Mwanza, conducts awareness campaigns and community mobilization.

In the NGO sector, Chama Cha Uzazi na Malezi Bora Tanzania (UMATI), a family planning association in Dar es Salaam, implemented a small 6 month initiative to sensitize board-members, staff, service providers, and select community members on gender-based violence, with a special focus on sexual violence.\(^{729}\) They aim to train health providers and police on the health needs of survivors. There are also projects held by Women Wake Up that use traditional arts to advocate gender change and provoke discussion. In 2008, an initiative was established by the Mennonite Church aimed at counselling perpetrators so they can become non-violent.

**Legislation and policy**

**Constitution**
The Constitution prohibits discrimination based on nationality, tribe, origin, political affiliation, colour, or religion. Discrimination based on sex, age, or disability is not prohibited specifically by law but is discouraged publicly in official statements.\(^{730}\) The Tanzanian constitution stipulates that women and men have equal property rights, but customary legal provisions and common cultural practice tend to undermine women’s ability to access these legal rights.\(^{731}\)

**International instruments**
- CEDAW (signed 1980, ratified 1985)
- OP CEDAW (ratified 2006)
- Palermo Protocol (signed 2000, ratified 2006)
- ACHPR (signed 1982, ratified 1984)
- PACHPRRWA (signed 2003, ratified 2007)
- SADCDGD (signed 1997)
- Addendum to SADCDGD (ratified 1998)

**Domestic legislation**
The Law of Marriage of 1971 prohibits a spouse from inflicting corporal punishment on his/her spouse. This law has little impact as it does not protect unmarried partners from abuse and it does not define corporal punishment therefore excluding many forms of domestic violence such as economic deprivation.\(^{732}\)

The Sexual Offence (Special Provisions) Act of 1998 criminalizes various forms of gender-based violence including rape, sexual assault and harassment, FGM, and sex trafficking. It also implements harsh penalties for perpetrators of sexual violence, but the weaknesses of this Act can be seen in the

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\(^{728}\) Ibid, p. v
\(^{729}\) Ibid, p. 18
\(^{730}\) AFROL gender profile. Available at: [http://www.afrol.com/Categories/Women/profiles/tanzania_women.htm](http://www.afrol.com/Categories/Women/profiles/tanzania_women.htm)
\(^{732}\) Ibid, p. 13.
exclusion of marital rape, the failure to define other forms of sexual harassment (outside of rape) and the lack of resources to prove the necessary requirement of penetration.

The Land Act of 1999 provides for equal property rights and inheritance rights, but the customary laws and traditional courts often restrict the realization of these rights.

The penal codes for general violence and assault set out penalties for sexual violence offenders but there is no law against domestic violence specifically.

**Policies and strategies to address violence against women**
The National Plan of Action to prevent and eradicate violence against women and children (2001-2015) addresses the prevention and eradication of all forms of violence against women through eliminating legal, social, economic, cultural and political discrimination and exploitation, which perpetuates acts of violence. The vision of the National Plan of Action is to have a society free of physical, psychological, emotional and sexual violence against women and children by the year 2015. The goal is to achieve sustainable equality and equity between women and men in Tanzania and to provide a framework of actions to be undertaken by stakeholders to prevent and eradicate violence against women and children. The National Plan of Action also contains a Matrix, which indicates the subject area; objective; expected output; strategies; activities; indicators of success; actors; and time frame, for each of the activities to be undertaken.\(^{733}\)

The 2005 National Strategy for Gender Development requires that the Tanzanian legal system be reviewed to take into account women's rights as human rights, and that laws be translated into Kiswahili and into popular versions and be made available to communities and other stakeholders. It also requires the review and repeal of discriminatory laws, including through amending the Marriage Act no 5 (1971) and laws related to succession, inheritance, child rights, and other discriminatory laws.\(^{734}\)

Tanzania has a National Plan of Action to Combat FGM (2001 to 2015).\(^{735}\)

The Poverty Reduction Strategy Papers list violence against women as one of the indicators of poverty (which is rare among PRSPs in other countries).\(^{736}\)

**Methodologies for data collection on violence against women**

**Administrative data**
There is no information available.

**Statistical data and research**
The National Bureau of Statistics in Tanzania has gender indicators and specific gender demographic data, such as the characteristics of persons in marriage and the dissolution of marriages.

**TUNISIA**

**Country overview**

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\(^{733}\) Available at: http://webapps01.un.org/vawdatabase/countryInd.action?countryId=1375

\(^{734}\) Ibid.

\(^{735}\) Ibid.

The Republic of Tunisia is located in North Africa and has an area of 163,610km² with 40 percent being the Sahara desert. Tunisia has a population of 10,271,500, of which 5,106,100 are women and 5,165,400 are men. Ninety-eight percent of the population are Muslim and 1 percent Christian. The economy of Tunisia has been dependant on oil, phosphates, car-parts and tourism. It was ranked first in Africa for competitiveness by the World Economic Forum 2008/2009 Global Competitiveness Reports.

Tunisia achieved independence from France in 1956. President Bourguiba established a strict one party state dominating the country for 31 years, repressing Islamic fundamentalism and establishing the rights of women more so than any other Arab Muslim country. Recently, Tunisia has taken a more moderate stance in international relations but is still criticized for its lack of civil and political rights.

The Human Development Index (HDI) attempts to measure the general sense of wellbeing in a country by looking at the standard of living measured by life expectancy, income power and adult literacy. Tunisia ranks 95 out of 179 counties which is statistically the best African development ranking. The Human Poverty Index (HPI) measures income deprivation by looking at the same factors as the HDI: Tunisia is ranked 66 among 135 developing countries. Tunisia ranks low (121 out of 157 countries) in the Gender-related Development (GDI), which uses the same indicators as the HDI and explores the disparities in achievements between men and women. The Gender Empowerment Measure shows the degree of economic and political participation by women in the country and Tunisia ranks 91 out of 177 countries.

Situation analysis of violence against women in the country

Three Maghreb countries (Algeria, Morocco and Tunisia) have a common history, language and civilization. However, in comparison to other countries in the region the position of women in Tunisia is one of the best. The Tunisian government has strongly emphasized gender equality in all spheres and has promoted social development that has led to the upliftment of women. In the rural areas, however, the traditional customs are still quite prevalent and the patriarchal heritage hinders the process.

Amendments to the Personal Status Code and the Nationality code has improved the legal discrimination against women but still does not fully address the underlying societal issues of women in the matters of marriage, divorce, child custody and guardianship as well as inheritance and nationality. Though it has provided for significant changes to the charges of assault by a spouse this is severely weakened by provisions which allow for the immediate termination of any proceeding, trial or enforcement penalty, where the spouse, victim of the assault, withdraws their complaint.

In family and inheritance cases the courts mostly rule by Shari’a law that maintains a patriarchal leaning thus discriminating against women. Also, Muslim Shari’a law still provides for some discrimination in matters of family law where in inheritance law daughters receive only half the amount left to the sons and Muslim women are not permitted to marry outside their religion.

Violence against women has been poorly studied with very few statistics. The Tunisian authorities hold that it is not a major concern but looking at the situation in neighbouring countries (where it is better

738 Ibid.
739 Ibid.
740 Ibid.
741 Collectif Maghreb 95 Egalite. One Hundred Steps, One Hundred Provisions. Available at: www.wluml.org/english/pubs/rtf/misc/100-steps.rtf
Domestic violence is viewed as a private issue and the police generally refuse to intervene in such cases. Civil society groups claim the law is too vague on the issue of domestic violence and therefore women who have to convince a judge find their cases difficult to prove.

Female genital mutilation is not generally practised in Tunisia.

**Gender machinery (governmental and community-based)**

Tunisia has a Ministry of Women Affairs, Family, Children and the Elderly (MAFFEPA).

A special National Commission to coordinate and monitor the implementation of the national strategy to fight against gender-based violence has been established involving various national partners, government and civil society representatives (including the media).

The National Union of Tunisian Women (UNFT), a government sponsored organization, and the Tunisian Democratic Women’s Association run centres that seek to assist women and children in difficulty. The Tunisian Association of Democratic Women has a helpline that offers for women victims of violence.

The State has established a public fund to provide temporary financial aid to married women who leave abusive husbands. The fund provides help and support until the court decides on proper compensation to be paid by their husbands.

**Legislation and policy**

**Constitution**

The Constitution states that men and women have equal rights to enjoy civil and political rights (article 3) and it also recognizes that all people are equal before the law and should be protected against discrimination on any ground (article 26).

**International instruments**

- CEDAW (signed 1980, ratified 1985)
- OP CEDAW (ratified 2008)
- ACHPR (ratified 1983)

**Domestic legislation**

In the Maghreb today, the question of equality between women and men in all areas is linked to the fundamental issue of secularizing family law, which currently depends on traditional Muslim law.

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743 AFROL Tunisia Gender profile (2004). Available at: http://www.afrol.com/features/13250
748 Organization for Economic Co-operation and Development. *Gender Equality and Social Institutions in Tunisia*. Available at: http://genderindex.org/country/tunisia
Tunisia is the only Maghreb country that has adopted transformative gender-based legislation. Tunisian legislatures have upheld this tendency through several successive reforms reinforcing women’s rights within the family. Notably, the legislature has always taken great care to present reforms in the framework of a rereading of Shari’a law. This allows jurisprudence to revert to a patriarchal and conservative view of the family, justified by the claim of respect for Islamic principles. However, while the Code makes no explicit reference to Islam, it nevertheless remains silent on a number of questions (such as intercommunity marriage, obstacles to inheritance between Muslims and non-Muslims); is conservative on other questions (such as triple divorce, dowry, breast-feeding as an impediment to marriage); and upholds traditional interpretations concerning inheritance.

The Personal Status Code amended the minimum age of marriage of both men and women to 18 years and entrenched that a wife no longer has a legal obligation to obey her husband but set up an equal set of duties for both spouses. Moreover, the PSC allows equal rights of guardianship.

The Penal Code has increased the penalties for assault where the victim is the spouse of the assailant and explicitly criminalizes sexual harassment. It prohibits rape, including spousal rape, and the penalty for rape with the use of a deadly weapon is death. For all other rape convictions the penalty is life imprisonment.

In 2006 there was a call by authorities for a strict implementation of the 1980s ministerial decree banning women from wearing Hijab at educational institutions and when working in government.

In 2008 an agreement was reached between the Ministry of Interior and Ministry of Public Health for the grant of a special leave policy for women victims of violence, enabling them to benefit from free medical care in emergencies.

Act No. 93-72 of 12 July 1993 amending certain articles of the Penal Code made the existence of a marital bond an aggravating circumstance in criminal cases; it also repealed former article 207 of the Penal Code which had granted the benefit of attenuating circumstances to a husband who murdered his wife or her accomplice caught in flagrante delicto of adultery in as much as the crime of voluntary manslaughter was regarded as a simple misdemeanour.

Policies and strategies to address violence against women

In 2008 a National Strategy to Combat Violence against Women was adopted. The implementation of the strategy has prompted the mobilization of various sectors and especially those directly related to the care of abused women and service providers (hosting, support, legal advice, medical care etc). Members who take part in the implementation of the strategy consist of representatives of civil society, governmental sectors, lawyers and judges as well as academics and experts on gender. The action plan adopted provides for the implementation of regional action plans based on existing indicators and gender statistics in order to focus on regional and local media where women are most affected.

There is a joint project of between UNFPA, the Ministry of Affairs, Women, Family, Children and the Elderly (MAFFEPA) and the National Office for Family and Population (ONFP) entitled "Gender mainstreaming and the fight against gender-based violence", which proposes to look into equality

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749 Collectif Maghreb 95 Egalite. One Hundred Steps, One Hundred Provisions. Available at: www.wluml.org/english/pubs/rtf/misc/100-steps.rtf
752 Available at: http://webapps01.un.org/vawdatabase/countryInd.action?countryId=1319
753 Ibid.
754 Ibid.
issues and gender equity and to develop activities that contribute to the prevention and treatment of women victims of violence.755

Methodologies for data collection on violence against women

Administrative data
The Ministry of Justice collects data on reports of domestic violence. In 2006, of the 6000 complaints it received, less than 20 percent of cases made it to the courts; the others were withdrawn by the victim.

Statistical data and research
The National Statistics Institute under the Ministry of Development and International Cooperation offers gender disaggregated data on population demographics, marriage, age, education, salaries and employment.

In June 2007, ONFP conducted a study into the legal, social and health care provided to women victims of violence in Tunisia and the sectors and NGOs providing support services to these women.756

In 2004, a study conducted by MAFFEPA aimed to conduct a preliminary investigation into the phenomenon of violence primarily against women and the family. The study identified the major causes and forms of violence, as well as a number of problems encountered in the management of violent situations.757

In 2004, S. Ben Zineb and S. Douki attempted to provide a status report on gender violence in Tunisia. The statistics are mostly from studies covering the period 1992-2004. The authors complain, and rightly so, of the lack of studies in the general population on violence against women. Studies to which they were referred are based on data collected from women attending the first line of care. This suggests that a number of women subjected to violence, if not most, are not taken into account in these statistics.758

In 2003, A. Bouasker conducted an epidemiological investigation of 424 cases of women consulting primary care centres. The survey revealed that 33.4% of women interviewed had been beaten at least once during their married life.759

UGANDA

Country overview

Uganda is a landlocked country in East Africa with a total surface area of 236,040km$^2$. It has a population of approximately 32,709,900, of which 16,327,200 are women and 16,382,700 are men. Eighty-five percent of the population are Christian, 12 percent are Muslim and the other 2 percent a mixture of other beliefs.760 Uganda has significant potential in the economic trade market as it is endowed with ample fertile land, mineral deposits and coffee (Uganda is Africa’s second leading producer of coffee).761

Uganda gained its independence from the United Kingdom in 1962 and has since had a volatile history, the latest conflict of which is the long-running civil war with the Lord’s Resistance Army in northern

755 Ibid.
756 Ibid.
757 Ibid.
758 Ibid.
759 Ibid.
760 Ibid.
761 Ibid.
Uganda, which has been ongoing since 1987. Since 2006, there has been a cession of hostilities between the Lord’s Resistance Army (LRA) and government forces.

Uganda ranks 156 out of 177 countries on the Human Development Index, 94 out of 108 developing countries on the Human Poverty Index, 78 out of 156 countries on the Gender-related Development Index, and 51 out of 108 countries on the Gender Empowerment Measure.\(^{62}\)

**Situation analysis of violence against women in the country**

Many women and girls in Uganda suffer from sexual and gender-based violence committed by state actors, military services and rebel armies, as well as non-state actors within the family and the community. The persistence of patriarchal patterns of behaviour and the existence of stereotypes relating to the role of women perpetuate the discrimination of women within Ugandan society.\(^{63}\) The difficulties women face are not only due to intimidation, hostility and ridicule from the community, but also due to the state’s inaction in ensuring redress.\(^{64}\)

Research by the Coalition Against Gender Violence was done within two of Uganda’s major districts and it was found that domestic violence was the most common form of violence in the community (67 percent) and wife beating was considered normal practice in accordance with cultural beliefs (26 percent).\(^{65}\) In the Baisu culture, a husband is supposed to beat his wife before they have three children, and should he fail to perform this ritual he must pay a fine of a goat. According to the research, some ethnic groups believe that the practice of wife beating expresses physical affection and commitment to the relationship as well as instilling discipline.\(^{66}\)

Domestically abused women are often encouraged by clan leaders to report the matter to clan courts, even if the case is capital or criminal, while cases of sexual violence such as rape and indecent assault are settled informally.\(^{67}\) In one cultural practice, if a man has sex with a virgin girl he must pay a fine, which often develops into a marriage proposal.

The prevalence of culture-driven forms of gender violence can be seen in traditional practices such as forced marriages, widow inheritance, polygamy and traditional rituals that include ’stripping’ and forced circumcision. The Coalition Against Gender Violence survey found that 11 percent of women are forced into marriage; within marriages, 31 percent of all marriages are customary and 42 percent are polygamous.\(^{68}\) Community members still associate polygamy with wealth and believe that men with many wives can pay high bride prices. Women are ‘bought, kept and controlled like property… they are treated as Opii, literally meaning slaves’.\(^{69}\) Widow inheritance is common in Ugandan communities and is encouraged primarily to guard against the refunding of the bride. Widows that reject remarriages within the clan can be punished by confiscation of land, children, shelter and household property.\(^{70}\) Other forms of gender violence occur during traditional purification, for example, ’stripping’ occurs in some provinces where women have to strip off all their clothes and run around a well while being chased by their in-laws.\(^{71}\) However, these kinds of rituals are declining

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\(^{64}\) Ibid, p. 1


\(^{66}\) Ibid.

\(^{67}\) Ibid, p. 6

\(^{68}\) Ibid, p. 38

\(^{69}\) Ibid.

\(^{70}\) Ibid, p. 40

\(^{71}\) Ibid, p. 43
especially in educated communities, where some councils have enacted by-laws against traditional rituals that may be harmful to women and children.

The Coalition Against Gender Violence survey explored the perceptions of communities with regards to institutions and their handling of cases of gender violence. Results indicated that community members perceived the police as the most effective institution in tackling cases of child abuse, sex deprivation and defilement, while the clan is the most effective in tackling cases of incest.\textsuperscript{772}

Another problem that has been experienced in Uganda is that of gender-based violence in armed conflict situations. The conflict has been characterized by gender-based violence where mass rapes are common and women and girls are used as tools against the opposition. More than 32,000 children have been abducted to be used as child combatants and sex slaves.\textsuperscript{773} It is interesting to note that except for sexual abuse, more male than female respondents reported different forms of gender abuses such as battery, injury, deprivation of necessities, confinement and forced sodomy.\textsuperscript{774} Women, who are usually restricted to the home, are susceptible to rape, defilement and other sexual abuses. Up to 27 percent of women have encountered rape during the armed conflict.\textsuperscript{775}

**Gender machinery (governmental and community-based)**

In order to scale up efforts to curb gender-based violence in the country, a Gender Based Violence Reference (GBV) group was established in 2006. This is a technical advisory group that coordinates and provides oversight to the implementation of GBV interventions. The reference group consists of representation from Justice, Law and Order, Health and Social Development Sectors as well as Civil Society Organisations and Development Partners. The Reference Group has had a number of achievements such as establishment of training standards, advocating and inclusion of domestic violence module in the UDHS (2005) and the National Household Surveys, coordinating legal, health and psychosocial support responses to gender-based violence. Currently the Group is providing oversight to the national survey on GBV which will furnish the necessary information on the magnitude types and manifestations of GBV in the country. The group has also played an important role in advocating for enactment of gender related bills such as the Marriage and Divorce Bill, Domestic Violence Bill, Trafficking in Persons Bill and the Bill on Prohibition of Female Genital Mutilation.\textsuperscript{776}

The Ugandan Police established the Family Protection Unit and there are selected officers who have been trained to handle cases of child and sexual abuse.\textsuperscript{777} However, the cases rely heavily on physical and documented evidence, which is hard to produce especially by those from the rural areas. This discourages victims to report cases. Moreover, the FPU is not widespread and where they do exist they are grossly understaffed.\textsuperscript{778}

The Federation of Uganda Women Lawyers Association (FIDA) provides legal assistance to both victims and perpetrators of gender violence in the Mbale district and other adjacent areas. However, being an NGO, it has not been able to spread legal aid service to all areas due to lack of countrywide

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\textsuperscript{772} Ibid, p.56
\textsuperscript{775} Ibid
\textsuperscript{776} Available at: http://webapps01.un.org/vawdatabase/countryInd.action?countryId=1347
structures. FIDA claims that men’s attitudes inhibit the effective implementation of legal services because many deter their wives from reporting domestic violence cases. Other NGOs have also set up shelters for women fleeing violence. The Young Women’s Christian Association has set up shelters in 19 Ugandan districts.

**Legislation and policy**

**Constitution**
The 1995 Constitution of Uganda provides that “women shall be accorded full and equal dignity of the person with men” (Article 33(1)) and further provides that “the state shall provide the facilities and opportunities necessary to enhance the welfare of the women to enable them to realize their full potential” (Article 33(2)).

Moreover, the Constitution provides that “laws, cultures, customs or tradition against the dignity, welfare or interest of women are prohibited by the Constitution” (Article 33(6)). But as noted above there are many cultural practices still in place which conflict with the Constitution.

**International instruments**
- CEDAW (signed 1980, ratified 1985)
- Palermo Protocol (signed 2000)
- ACHPR (signed 1986, ratified 1986)
- PACHPRRWA (signed 2003)

The International Criminal Court has also issued indictments against the LRA commanders who were indicted for crimes against humanity including sexual enslavement, rape, mutilation, and abduction of girls.

**Domestic legislation**
Most forms of gender violence are covered by the Penal Code but the Code does not stipulate specific acts of gender-based violence. The maximum penalty for the conviction of rape is death.

However the lacunae left by the penal code have recently been filled by the Domestic Violence Bill, which was approved by Cabinet in March 2009. The Bill seeks to criminalize the different forms of domestic violence and to make provisions for appropriate penalties and civil remedies, has been prepared by the Ugandan Law Reform Commission and forwarded to the Attorney General for consideration. Once passed into law this bill provides for any person who commits an offense to be liable on conviction to a fine or imprisonment not exceeding two years.

The draft Sexual Offences (Miscellaneous Amendments) Bill 2004 would recognize the criminal offence of marital sexual assault and provides that a person convicted of marital sexual assault shall, in addition to a sentence of imprisonment or a fine, be ordered to compensate a victim. Such amount of compensation shall take into account factors such as medical and other expenses incurred by the victim.

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780 Ibid.
783 Ibid, p. 8
784 Available at: http://webapps01.un.org/vawdatabase/countryInd.action?countryId=1347
785 Ibid.
Most child abuse issues are covered by the Children’s Statute, which is readily available to guide all actions. The penal code provides that defilement - sex with a girl under 18 - is a felony and is liable for life imprisonment. Implementation is difficult to enforce as people’s attitudes toward sexual activity is in variance to statutory law.

As of September 2009, the Government was in the process of developing a Bill for the Prohibition of Female Genital Mutilation through a consultative process with Civil Society Organisations and other stakeholders.

The Prevention of Trafficking in Persons Act (2008) criminalizes human trafficking and provides for protection, assistance and support to victims of trafficking with full respect of their human rights.

Section 7 of the Employment Act of 2006 defines sexual harassment and requires every employer who employs more than 25 people to have in place measures to prevent sexual harassment in the workplace.

Policies and strategies to address violence against women
The National Peace, Recovery and Development Plan for Northern Uganda aims to enhance police and judicial services in order to provide more protection for women and girls suffering from gender-based violence.

As of September 2009, a National Strategy for the Elimination of Female Genital Mutilation was being finalised.

The National Action Plan on UN Security Council Resolutions 1325 & 1820 and the GOMA Declaration (Commitments to address sexual violence against women in armed conflict) 2008 focuses: the mandate of the different instruments; actions to address the existing gaps and challenges in accessing justice for victims of GBV; possible actions for implementation; monitoring, systems of collecting information and reporting mechanisms; and agency, department or individual responsible for implementation.

The National Action Plan on Women 2006 – 2010 (NAPW) identifies five critical areas for action: legal and policy framework and leadership; social and economic empowerment of women; reproductive health, rights and responsibilities; girl child education; peace building conflict resolution and freedom from violence.

Methodologies for data collection on violence against women

Administrative data
The police and court records of domestic violence provide an increasing number of statistics on violence against women, with more women reporting to authorities.

788 Available at: http://webapps01.un.org/vawdatabase/countryInd.action?countryId=1347
789 Ibid.
790 Ibid.
791 Ibid.
792 Ibid.
793 Ibid.
Statistical data and research
The Uganda Bureau of Statistics looks at violence and gender in the Population and Health Gender Census.

The Uganda Demographic and Health Survey (2005) included a domestic violence module, as did the National Household Survey, coordinating legal, health and psychosocial support responses to gender-based violence. A national survey on GBV, which will furnish the necessary information on the magnitude types and manifestations of GBV in the country, is currently underway.

The Women Uganda Network brings together information from different women’s organizations to address issues collectively. Information from both rural and urban areas is collected and shared.

ZAMBIA

Country overview
The Republic of Zambia is a landlocked country in Southern Africa. It has a total surface area of 752,618km² with a population of 12,935,400, of which 6,482,700 are women and 6,452,700 are men. Zambia is officially a Christian nation, and denominations include: Roman Catholic, Anglican, Pentecostal, New Apostolic Church, Lutheran, Seventh-day Adventist, Jehovah's Witnesses and a variety of Evangelical denominations. Zambia's economy has been traditionally dominated by the copper mining industry; however, the government has recently been pursuing an economic diversification programme to reduce the economy's reliance on the copper industry. This initiative seeks to exploit other components of Zambia's rich resource base by promoting agriculture, tourism, gemstone mining, and hydropower.

Zambia was gradually claimed and occupied by the British as a protectorate of Northern Rhodesia towards the end of the nineteenth century. On 24 October 1964, the protectorate gained independence with the new name of Zambia, derived from the Zambezi River which flows through the country. After independence the country moved towards a system of one party rule with Kenneth Kaunda as president. Kaunda dominated Zambian politics until multiparty elections were held in 1991.

In the global picture one can look at the Human Development Index (HDI) which attempts to measure the general sense of wellbeing in a country by looking at the standard of living measured by life expectancy, income power and adult literacy: Zambia is ranked 165 out of 177 countries. The Human Poverty Index (HPI) measures income deprivation looking at the same factors as the HDI and Zambia ranks 96 among 108 developing countries. In addition, the Gender-related Development Index (GDI) uses the same indicators has the HDI and explores the disparities in achievements between men and women. Out of the 156 countries with both HDI and GDI values, 127 countries have a better ratio than Zambia's.

Situation analysis of violence against women in the country
Zambian society is characterized by deeply-embedded patriarchal cultural values, widespread discrimination and a virtual absence of women in positions of power within economic and political spheres.

The structural adjustment programmes undertaken in Zambia at the instigation of international financial institutions have had a detrimental impact on women who have borne the brunt of rising

794 Human Development Index Statistical update, 2008. Available at: http://hdrstats.undp.org/countries/country_fact_sheets/cty_fs_ZMB.html
795 Ibid.
796 Ibid.
poverty and unemployment. Married women who are employed often suffer from discriminatory conditions of service. Women have little independent access to credit facilities; in most cases, they remain dependent on their husbands, who were required to co-sign for loans.

Violence against women is a serious problem and most of this violence occurs in the domestic sphere. A survey on domestic violence in 1998 by the World Health Organization found that 40 percent of women interviewed reported having been subjected to physical abuse by their husband or partners in the last year. A study by the Young Women’s Christian Association in 1999 on gender-based violence found that GBV was a common occurrence in the form of rape, beating, stabbing, burning, murder and threats of murder.

Women are expected to silently suffer any violence that their husbands inflict upon them. There are strong societal pressures for women to endure violence at the hands of male family members and women are unlikely to report family-based violence.

Police, magistrates and other state officials often encourage women to withdraw complaints and to reconcile with their abusers.

According to studies conducted by the Young Women’s Christian Association, incest is a pervasive problem. Many victims are afraid of the consequences of reporting perpetrators and frequently there is unwillingness among other family members to take action. Moreover the fact that the person committing incest is often the economic provider serves as an additional disincentive.

Child rape has increased by up to 60 percent with teachers being the largest group of perpetrators. Moreover, although rape is criminally punishable, most perpetrators get off with a fine reinforcing the idea that the rape of women and girls is an offense against family status rather than a criminal offence against the victim herself.

Traditional practices and customs that are discriminatory toward women include early marriages, which expose women to an increased risk of violence and teenage pregnancy; bride price; and widow purification, where a widow is forced to have sexual intercourse with a relation of the deceased in order to appease the spirit of the dead.

CEDAW reported that the practice of most of Zambia’s seven tribes to bar women in rural areas from eating food such as eggs, milk and the fatty parts of chicken and beef is due to the belief that eating these products will turn women into “bad people”.

The continued administration of customary law by Local Courts throughout Zambia has wide-ranging implications for the status of women. Local courts are charged with the application of customary laws in relation to polygamous/non-statutory marriages, divorce, reconciliation, child custody, payment of lobola, pregnancy suits, and compensation for adultery and distribution of the deceased person’s estate. There have been reports of local courts making orders for corporal punishment of persons convicted under customary law. These punishments include whipping, beating and sexual abuse. Moreover, because Traditional Courts run by traditional leaders in rural areas are not acknowledged as part of the

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798 Ibid.
799 Ibid.
800 Ibid.
801 Ibid.
804 Ibid.
judicial system in the Zambian Constitution, they do not have to comply with the legal or constitutional requirements of the state.

The alarming rate of HIV/AIDS transmission and the government’s increasingly strict regulation of prostitution have forced many Zambian women to migrate to neighbouring countries to find work in the sex industry. Zambia also has one of the highest levels of child prostitution in Africa. There are reports of police abuse and sexual violence against illegal prostitutes.

Trafficking is a problem with Zambia being a country of origin and destination for trafficked women and children. Zambian women and children are trafficked to Botswana, the Far East, the Middle East and South Africa; Zambian children are also trafficked to Angola and DRC. Women and children are forced into prostitution or labour.

The Mwange Refugee Camp near the northern border of Zambia, which was established in 1999 for people who fled the often fierce fighting between government and rebel forces in the Democratic Republic of Congo, has been especially important to women and their children. As recently as 2007, reports of terrible sex-crime atrocities against women inside the Democratic Republic of Congo continue. Zambia was hosting approximately 113,000 refugees in 2008. Facing the ongoing challenges of Congolese child-brides, sexual and gender-based violence has been an issue for discussion at the Zambian refugee camps.

**Gender machinery (governmental and community-based)**

In 2000 the government created a Division for Gender Development within the cabinet, which committed itself to gender mainstreaming in all sectors of society. A “Gender violence tribunal” was held to sensitize the public, policy-makers and law enforcement officials to the issue.

A Child Labour Unit under the Ministry of Labour and Social Services coordinates efforts to eliminate child labour and sexual exploitations.

A Victim Support Unit in the police service was formed in 1994 in all police stations to deal with property grabbing, spouse battering and sexual abuse. The Sex Crimes Unit was established in 2006 within the Victim Support Unit to deal with cases of sexual assault, defilement and rape. In 1999, the Police Public Complaints Authority was established with the mandate to address complaints of abuse of authority, unlawful detentions, brutality or torture, unprofessional conduct, death in custody and debt collection by police officers.

In 2004, Government established an Inter-ministerial Committee on Trafficking under the Ministry of Home Affairs. The mandate of the Committee is to respond to the problem of human trafficking and to develop a preliminary national plan of action which has been completed. It is also mandated to inform individuals about the vices of trafficking and against engaging in trafficking.

In 1996, the Zambian Human Rights Commission was established with the mandate to promote and protect human rights.

CARE Zambia’s Sexual and Gender Based Violence Program (SGBV) has initiated long term community programs for GBV. There is a programme called “A Safer Zambia”, which is an expansion

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803 Ibid.
805 Available at: http://webapps01.un.org/vawdatabase/countryInd.action\?countryId=1431
of the SGBV pilot and is funded by the EU and the USG under the Presidential Women’s Justice and Empowerment Initiative. Zambia National Women’s Lobby (ZNWL) and NGOCC launched a Yellow Ribbon campaign in 2008 to increase awareness about gender-based violence (GBV) in the country. The campaign is aimed at improving women’s rights by lobbying government to reform and strengthen national legislation on gender violence. The Young Women’s Christian Association operates a crisis centre for victims of sexual abuse. It also conducts sensitization workshops to educate people on child sexual abuse. Major local human rights NGOs include the Legal Resources Foundation, Justice for Widows and Orphans, Women for Change, the NGO Coordinating Council, and Civil Society for Poverty Reduction and the Southern Africa Centre for Constructive Resolution of Disputes. A hospital-based crisis centre was opened in Kabwe in 2008 to address the complex needs of women survivors of sexual and gender-based violence.

Legislation and policy

Constitution
The Constitution guarantees the formal equality of women and men. It prohibits discrimination based on race, tribe, gender, place of origin, marital status, political opinion, colour, disability, language, social status, or creed. But it has a reservation article 23, which states that the equality clause does not include “adoption, marriage, divorce, burial, devolution of property on death and other matters of family law”.

International instruments
- CEDAW (signed 1980, ratified 1985)
- OP CEDAW (signed 2008)
- Palermo Protocol (ratified 2005)
- ACHPR (signed 1983, ratified 1984)
- PACHPRRWA (signed 2005, ratified 2006)
- SADCDGD (signed 1997)
- Addendum to SADCDGD (signed 1998)

Domestic legislation
The death penalty is applicable in Zambia.

Same-sex relationships are illegal.

The Anti-Human Trafficking Act (No. 11 of 2008) enables the prosecution of human traffickers and commits the government to providing protection services to victims of the crime.

The Sexual Offences and Gender Violence Bill was drafted in 2006 to address sexual and gender-based violence and provide for protective remedies for victims of gender-based violence. The most recent draft of the bill still does not criminalize marital rape. Multi-sectoral guidelines for gender-based violence survivors have been drafted by the Gender in Development Division (GIDD) with support from the United Nations Children’s Fund (UNICEF), the United Nations Population Fund (UNFPA), Care International and Population Council.

The Penal Code provides for indecent assault, including bodily harm and sexual harassment. Women who have suffered physical injury as a result of domestic violence may sue their husbands for damages in the civil court. The Penal Code criminalizes sexual violence including rape (but not marital rape) and defilement. A sentence of life imprisonment is applicable for persons found guilty of rape or attempted rape. The Penal Code (Amendment) Act No. 15 of 2005 introduced a number of important
amendments to the Penal Code, including with regard to sexual harassment, harmful practices and trafficking in children.\textsuperscript{806}

Prostitution is prohibited as well as soliciting and brothel owning.

**Policies and strategies to address violence against women**

A National Gender Policy was adopted in 2000 with the aim of achieving full participation of men and women in the decision-making processes of the country at all levels. The Policy outlines the following Policy Measures to be taken: promote awareness through campaigns to change harmful and negative cultural practices of society especially health and media personnel, the police and other security and defence agencies toward gender issues; encourage victims, through appropriate mechanisms, to report cases of all forms of violence and sexual abuse to the relevant law enforcement agencies; establish a mechanism to co-ordinate the effort of the police, social welfare workers and legal personnel in dealing with cases of gender based violence; expand and strengthen the operations of the Police Victim Support Units to effectively cover the entire country; build capacity among law enforcement agencies to handle cases of gender based violence by increasing their skills in counselling, psychology, social work, gender and human rights; establish and encourage institutions dealing with rehabilitation of victims of gender violence; promote and conduct awareness campaigns targeted at women and men on the existence of legal provisions in the penal code, Intestate Succession Act and other laws protecting women and those with disabilities against violence, sexual harassment and abuse; and improve women’s participation in law enforcement and crime prevention.\textsuperscript{807} A Strategic Plan of Action (2004-2008) was created in order to ensure the systematic implementation of the Gender Policy.

The Fifth National Development Plan 2006-2010 recognizes that "Gender based violence is a critical area of concern particularly in cases relating to girls' and women's rights and its contribution to the spread of HIV" (p.282). Its objectives include strengthening the Penal Code in relation to gender-based violence, and facilitating the enactment of a gender-based violence bill.\textsuperscript{808}

In 2003, the Government established the Gender Consultative Forum aimed at advising the government on emerging issues and ensuring that polices being formulated were implemented.

The government launched a Campaign to protect children from trafficking in 2000.

Zambia has established one stop centres to coordinate the responses of police, social workers and legal personnel in cases of gender-based violence.\textsuperscript{809}

Zambia has also made creative use of information materials. Two books were disseminated in high schools and other appropriate places. The first, "Woman Know Your Place", is a gender analysis of the messages conveyed by popular Zambian songs. The second, "Women in Politics", presents profiles of famous Zambian women who can serve as role models for girls.

**Methodologies for data collection on violence against women**

**Administrative data**

There is no information available.

\textsuperscript{806} Ibid.
\textsuperscript{807} Ibid.
\textsuperscript{808} Ibid.
\textsuperscript{809} Ibid.
Statistical data and research
There is a Zambian Association for Research and Development.

A survey on domestic violence was published in 1998 by the World Health Organization.810

A study by the Young Women’s Christian Association was released in 1999 on gender-based violence. 811

There is currently a Government initiative into researching illicit cross-border activities including human trafficking. The government conducted research and data analysis of trafficking in children in 2000.

ZIMBABWE

Country Overview

Zimbabwe is a landlocked country covering an area of 390,757km² with a population of 12,644,000, of which 6,526,400 are women and 6,117,600 are men. Just less than two-thirds of the population and 86 percent of women live in the rural areas.812 Literacy rates in the country are very high, with 91 percent of women and 95 percent of men being able to read and write.813 Zimbabwe has one of the highest HIV and AIDS prevalence rates in the world, with 20.1 percent of the population infected with the disease. Women are more affected by HIV than men, with 36 percent of women in the 30-34 year age group being infected.

Zimbabwe has had a long history of conflict and repressive rule. A British colony from 1888, white minority rule continued after Ian Smith’s government declared a Unilateral Declaration of Independence from Britain in 1965. The liberation struggle of the 1960s and 70s ended in a temporary internal settlement in 1979. In the country’s first free and fair elections in 1980, the Zimbabwe African National Union-Patriotic Front (ZANU-PF) won a landslide victory. From 1982 to 1985 uprisings by disenchanted Zimbabwe African People’s Union (ZAPU) ex-combatants were brutally crushed by the ZANU-PF government in what has become known as the Gukurahundi (Shona for ‘the early rain which washes away the chaff before the spring rains’) or the Matabeleland Massacre. It has been estimated that 20,000 Ndebele people were murdered during this period. There was relative peace in Zimbabwe from 1987 to 2000 when, in a referendum on constitutional change, ZANU PF lost the ballot for the first time since coming into power. The years since 2000 have been characterised by severe political oppression, political violence and an ever deepening economic crisis.

Zimbabwe ranks 169th out of 169 countries on the latest Human Development Index and 105 out of 169 countries on the Gender Inequality Index.814 Zimbabwe’s GDP per capita has dropped to US$2,038 with 83 percent of the population living below US$2 per day.815

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811 Ibid.
Situation analysis of violence against women in the country

Despite recent advancements in the law and national campaigns to address women’s issues, women in Zimbabwe are still subject to societal discrimination and violence due to the fact that their ‘subordinate position within the home is deeply entrenched in both traditional and current legal, religious and social structures.’

Across all sectors of society, entrenched social and cultural norms that perpetuate the gender inequalities between the sexes continue to play a major force in fuelling the spread of discrimination of women based on their sex. Illiteracy, economic dependency and prevailing social norms prevent women, rural women and girls in particular, from combating societal discrimination.

Sexual violence is widespread in Zimbabwe, with a quarter of women reporting having experienced sexual violence at some point in their lives in a household survey. Divorced and separated women reported the highest percentage of sexual violence (44 percent), married women reported 29 percent, widows reported 27 percent, and never married women reported 10 percent. A study conducted by the Musasa Project from 1995 – 1997 found that 46 percent of the respondents had been the victims of sexual abuse, with 25 percent of the victims reporting that their intimate partner had forced them to have sex (in the year prior to the study). The study revealed that the highest proportion of women reporting forced sex were in the most formal types of union (33 percent for women with a magistrate’s wedding) and had their own income or knew their partner had a girlfriend. The study argues that ‘a woman who has an income, or who has some legal entitlements within her marriage may feel that she has the right at times to refuse sex. The same may hold for women who know that their partners has other girlfriends, or when a partner is drunk or on drugs’ – in other words, those women who may feel that they have the right to refuse sex in certain incidences are most at risk of forced sex (an potentially physical violence) by their intimate partners. In 2004, the Girl Child Network (a Zimbabwean NGO) reported that they were dealing with the following cases of sexual abuse of girls: 1700 cases of rape and 480 cases of incest in 2002; 1050 cases of rape and 455 cases of incest in 2003; and 3000 cases of rape and 940 cases of incest in 2004. The Girl Child Network goes on to give a snapshot of the gravity of girl child sexual abuse in Zimbabwe: the youngest rape victim in Zimbabwe was a two-week old baby in Shamva together with her two and three year old sisters; the youngest married girl was aged 11 from Muchekabwe village; the oldest rapist was an 83 yrs old man from Nyamaropa in Nyanga; and at least about 2000 rape victims have died as a result of the rapist to child transmission of HIV and AIDS between 1998-2004.

However, the rate of reported rapes is much lower than this, with only 4997 rapes reported nationwide in 2004 (39.08 per 100,000 of the population). The reason for such low rates of reporting may be that ‘the majority (65 percent) of women reported that their current or former husband, partner, or boyfriend committed the act of sexual violence. It is important to highlight that among women who were less than 15 years old when their first experience of sexual violence occurred, 7 percent reported that the perpetrators were a relative, 7 percent reported that the person was a family friend, and 4

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820 Ibid, p. 61.
percent reported that the person was a stepfather. Overall, 18 percent of the sexual violence against children is perpetrated by people who are probably trusted by the child’s family. The Girl Child Network explains that girls do not report sexual violence because ‘the father as a bread winner factor has perpetuated a culture of silence on rape within families and in most instances this comes out when the girl becomes terminally ill.’ They add that girl children are often abused by school heads, teachers and general school staff (such as security guards, caretakers, drivers, boarding masters and matrons, bursars etc), but these incidents are not reported because of the abusers’ command of authority in the schools.

Domestic violence is by far the most common form of violence against women in Zimbabwe according to official statistics and the members of the police interviewed for this study. All the forms of domestic violence – physical, psychological, economic and verbal – have been reported as being widespread in the country. A number of different studies have been conducted into the incidence and prevalence of domestic violence in Zimbabwe. According to Women in Law and Development in Africa, domestic violence accounted for more than 60 percent of murder cases tried in the Harare High Court in 1998. In 2002, a study conducted on the prevalence of domestic violence in the Midlands Province of Zimbabwe found that ‘one in every three women has experienced domestic violence in one of its many forms at some point in life and more particularly in intimate relationships’.

The 2005/2006 Demographic and Health Surveys (DHS 2005/2006) study on intimate partner violence among couples found that 36 percent of Zimbabwean women aged 15-49 had experienced violence by anyone; and 38 percent of Zimbabwean women aged 15-49 who were at the time married and divorced or separated had experienced physical or sexual violence by their husband or partner.

Gender Machinery (governmental and community-based)

The Ministry of Women’s Affairs, Gender and Community Development was established in 2005. There are also gender desks within each government ministry (amounting to 189 gender focal persons) and departments and within parastatals.

A Public Service Commission (PSC) introduced Affirmative action in the recruitment of staff where, for each post advertised, 30 percent of candidates to be considered for the post must be women. In addition, from 2000 there has been an increase in women elected or appointed to decision-making positions in Zimbabwe. This has included the appointment of the first ever female Vice President, Juvenal Mujuru, in 2004, the appointment of a female President of Senate, and the appointment of a female head of the High Court and the Judge President.

An Anti-Domestic Violence Council was established in 2006 consisting of representatives from relevant government ministries and departments, private voluntary organisations, Zimbabwe’s Council of Chiefs and a group representing Zimbabwe’s churches. The Anti-Domestic Violence Council constantly reviews the problem of domestic violence in the country as well as monitors the Domestic Violence Act and ensures the consistent application of the new law.

Legislation and policy

Constitution

826 Ibid.
827 AFROL Gender Profiles: Zimbabwe. Available at: [http://www.afrol.com/](http://www.afrol.com/)
Zimbabwe has a dual legal framework whereby the Constitution provides for the administration of both African customary law and general law following the Roman-Dutch common law tradition. The Constitution, which is the supreme law of Zimbabwe, includes a Declaration of Rights that guarantees the fundamental rights and freedoms of the individual and Section 23 (3) prohibits discrimination based on race, tribe, place of origin, political opinion, colour, creed or gender. However, Section 23 (3) lists grounds under customary law that are seen not in contravention of the non-discriminatory clause. These include customary laws relating to: adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law; the application of customary law between Africans and a non-African if the parties have agreed; and laws which accord rights and privileges relating to communal land to tribes people, to the exclusion of others. The recognition of the operation of general law alongside customary law is endorsed by section 89 of the Constitution.

**International Instruments**
- CEDAW (ratified 1991)
- ACHPR (signed and ratified 1986)
- PACHPRRWA (signed 2003, ratified 2008)
- SADCDGD (signed 1997)
- Addendum to SADCDGD (signed 1998)

**Domestic Legislation**
Legislation dealing with sexual offences now falls under the Criminal Law Codification and Reform Act. Rape is defined as a male person who knowingly has sexual intercourse or anal sexual intercourse with a female person without her consent, and is therefore neither gender neutral nor does it allow for penetration with a body part other than a penis. Marital relations cannot be used as a defence against rape. Sexual crimes as defined in the Act also include: aggravated indecent assault; indecent assault; and prostitution. The deliberate infection of another with a sexually transmitted disease and/or HIV has been criminalised in the Act.

The Domestic Violence Act (2007) aims to protect women and criminalizes domestic violence and such acts as abuse derived from any cultural or customary rites or practices that discriminate or degrade women. Examples include virginity testing, female genital mutilation, pledging of women and girls for purposes of appeasing spirits, abduction, child marriages, forced marriages, forced wife inheritance and such other practices. In addition, the DVA requires police stations to have at least one officer on duty with expertise in domestic violence at all times and it empowers police officers to arrest alleged perpetrators without warrant in cases where harm is imminent.

Zimbabwe does not currently have any legislation that covers the trafficking of women and children.

**Policies and strategies to address violence against women**
A Public Sector Gender Policy was established in 2004.

A National Gender Based Violence Prevention Strategy was put in place in March 2005 by the Ministry of Women Affairs, Gender and Community Development, in collaboration with the United Nations Population Fund (UNFPA). The Strategy focuses on prevention, service provision, research, documentation and advocacy in the area of gender based violence. A National Behaviour Change Strategy has also been put in place to change how people in Zimbabwe perceive and put in practice healthier relations that do not condone domestic violence or any other form of violence.

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830 Available at: http://webapps01.un.org/vawdatabase/countryInd.action?countryId=1438
831 Ibid.
A Public Service Commission (PSC) introduced Affirmative Action in the recruitment of staff, where for each post advertised, 30 percent of candidates to be considered for the post must be women.832

A one-stop centre for victims of sexual and domestic violence has recently been opened at the Parirenyatwa General Hospital in Harare. This one-stop centre is named the ‘Victim Friendly Clinic’ and, along the lines of the Thuthuzela Care Centres (TCCs) in South Africa, offers medical, counselling and police services to victims of sexual and domestic violence under one roof. The Victim Friendly Clinic became operational in March 2009.

Methodologies for data collection on violence against women

Administrative data
The Victim Friendly Units of the Zimbabwe Republic Police collect data on the number of domestic violence and sexual assault cases reported to them each month.

Statistical data and research
The Zimbabwe Central Statistical Office collects data on gender in relation to: population composition; household and family; health status; education; access to agricultural productive resources; activities in economic activities; power and participation in decision making; and violence.833

The Zimbabwe Demographic and Health Survey was conducted in 2005-2006.

The Girl Child Network conducted research into sexual violence against girl children in 2004. Amnesty International and the Zimbabwe Human Rights NGO Forum have conducted research into politically motivated gender-based violence and sexual violence by the militia in Zimbabwe.


833 See: http://www.zimstat.co.zw/index.php?option=com_content&view=article&id=58&Itemid=57