



# **GENDER EQUALITY AND SURVIVAL OF CHILDREN UNDER FIVE YEARS OF AGE IN AFRICA**

CONSTITUTIONAL, REGULATORY, INSTITUTIONAL  
PROVISIONS AND THEIR IMPACT

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**PRAME**

PÔLE DE RECHERCHE  
SUR L'AFRIQUE  
ET LE MONDE  
ÉMERGENT



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## EXECUTIVE SUMMARY

A child born in sub-Saharan Africa is 14 times more likely to die before the age of five than a child born in Europe and North America. Similarly, a child born in sub-Saharan Africa is 10 times more likely to die in the first month than a child born in a high-income country. Huge gender and under-five mortality disparities persist particularly in Africa between and within countries, and many possible explanations have been put forward to account for these differences. However, the importance of constitutional, regulatory and institutional mechanisms related to gender equality in reducing these disparities has hardly been studied and/or considered for all African countries.

Identifying ways to eliminate these disparities is a central public health and development task for any government in any African country. The drivers of cross-national variation in under-five mortality in Africa are well documented, with the main explanations centering on the biological, demographic, economic and social determinants of health. Yet even taken together, these theories do not fully explain the differences in health between similar countries. In recent years, there has been a turning point in that governments around the world have taken steps to institutionalize health as a right, with national constitutions including a “right to health” provision. In this publication, we review constitutional, regulatory and institutional arrangements related to gender equality and examine their impact on the determinants of infant and child health and survival in Africa, recognizing that persistent gaps in policies limit efforts to end preventable infant and child deaths.

Achieving gender equality and empowering all women and girls is recognized in the Sustainable Development Goals (SDGs, Goal 5) and various United Nations commitments. Pervasive gender inequalities, unequal power dynamics and other interacting factors within society often leave women disempowered, destitute and vulnerable, and thus perpetuate health inequalities across the life course. Despite great progress in recent years in improving the health of all people at all ages, an estimated 16,000 children die every day from preventable diseases such as measles and tuberculosis, and hundreds of women die every day during pregnancy or from complications related to childbirth. However, these deaths can be avoided through prevention and treatment, education, vaccination campaigns and sexual and reproductive health care, which are often undermined by institutional gender inequalities.

By specifying constitutional rights related to gender equality, we sensitize stakeholders to the opportunities and gaps in the national constitutions of each of the African countries. National constitutional provisions relating to gender equality determine how these issues are addressed and the government’s responsibility for providing health services to children under five whose primary caregivers are usually their mothers.

This book covers all 54 sovereign states (or countries) in Africa that are United Nations (UN) members. There are 55 African countries (54 sovereign states, plus the territory of the Sahrawi Arab Democratic Republic which established itself in northwest Africa as a sovereign state recognized by the African Union and 47 UN members as the representative government of Western Sahara) that are

members of the African Union. The continent of Africa is divided into five regions: Northern Africa, Eastern Africa, Central or Middle Africa, Southern Africa, and Western Africa. These five regions constitute the five chapters of this book. This choice hinges on three reasons. First, this portrait is intended to be continental, by not falling into the usual but not very heuristic distinction between sub-Saharan Africa and the Maghreb. Second, a State not being limited to its legal existence, but having to have an empirical reality without which the implementation of legal mechanisms is impossible, the 54 countries include States combining empirical and legal statuses at the same time. Finally, this choice makes it possible to remain within the framework of the countries involved in the adoption and implementation of the SDGs, which are an essential starting point for this study. The work essentially takes into consideration the following variables generally associated with the health and survival of children under 5 years of age: sociocultural context in connection with the organization of the family; education; health system; economic, work and employment support; housing; natural environment. The analysis conveys a number of salient facts among which we chiefly retain five here:

1. There is a real diffusion of a culture of constitutionalizing gender equality issues and protection of children under five years of age. Thus, almost all African countries have constitutional or regulatory provisions on these issues, even if the insistence varies from one case to another;
2. There are a few countries which stand out either for their performance (case of Rwanda for gender equality) or for their difficulties (case of Somalia on the same subject in a context of war);
3. Depending on the quality of democratic institutions, countries have a more or less developed institutional system and non-governmental organizations dealing with the implementation or monitoring of gender equality and child protection issues;
4. In almost all countries, the constitutional and regulatory mechanisms and the implementing institutions are limited by the weight of socio-cultural values limiting the expected achievements;
5. Despite notable progress in several countries and depending on the area, achieving the internationally set targets remains a long-term task.

In conclusion, we suggest that the “right to health”, if enshrined in national constitutions with sufficient gender equality provisions, can have significant explanatory power in the African context. This line of thinking, which argues for a rights-based approach, challenges much of the literature on health and development that focuses primarily on the biological, demographic, economic, or social determinants of health.

# INTRODUCTION

Promoting gender equality and improving child health are of fundamental importance to the global community. The Sustainable Development Goals (SDGs), set in 2015 by the United Nations General Assembly, call on all countries to end preventable deaths of newborns and children under the age of 5 years (or children under-5), aiming to reduce the neonatal mortality to less than 12 per 1,000 live births and under-5 mortality to less than 25 per 1,000 live births by 2030. Investing in women's empowerment and child well-being is the one of the most important policies a society can do to build a better future.

In this publication, we review constitutional, regulatory and institutional provisions related to gender equality and examine their impact on the determinants of infant and child health and survival in Africa, recognizing that persistent gaps in policies limit efforts to end preventable infant and child deaths. Under-five mortality rates are a key outcome indicator for the health and well-being of children and, more broadly, for social and economic development. They are closely monitored public health indicators as they reflect children's and communities' access to basic health interventions such as immunization, medical treatment for infectious diseases, and adequate nutrition. Huge gender and under-five mortality disparities persist between and within countries, and many possible explanations have been put forward to account for these differences. However, the importance of constitutional, regulatory and institutional mechanisms related to gender equality in reducing these disparities has hardly been studied and/or considered for all African countries.

The “right to health” and the promotion of gender equality are increasingly enshrined in national constitutions around the world. Empirical evidence from 144 countries between 1970 and 2010 showed a positive role of the right to health in producing population health<sup>1</sup>. This finding highlights the “force of law” and its impact on health policy-making actors. Our hypothesis is that the constitutional, regulatory and institutional mechanisms related to gender equality have a positive impact on the health of individuals in general and children under five years of age in particular. This can be direct and/or indirect by improving the health sector or the access of mothers, their children and their communities to basic health interventions such as vaccinations, medical treatment of infectious diseases and adequate nutrition. However, these elements are the main drivers of infant and child mortality in Africa and the difference in their consideration in this context and depending on the country would significantly explain the disparities in infant and child mortality. In this context, the quality of the public health care sector and policies promoting gender equality are crucial variables in explaining the differences between countries.

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1 Kavanagh MM. The right to health: Institutional effects of constitutional provisions on health outcomes. *St Comp Int Dev* 2016; 51:328–364.

## Constitutional, regulatory and institutional arrangements related to gender equality

For a long time, many scholars working on Africa neglected the study of law in general and constitutions in particular, believing that they were empty shells with no grip on reality<sup>2</sup>. Since the wave of political openness in the 1990s, however, there has been a renewed interest in institutions, whose strength and structuring character we now recognize<sup>3</sup>. As a “fundamental law”, the constitution organizes public powers and determines the rights and freedoms guaranteed to citizens. It also imposes obligations on those in power by defining certain priorities that transcend partisan divisions and the time horizon of elective mandates. The constitutional provisions are then translated into laws and materialized by public or non-governmental institutions and organisations. In this sense, considering the constitutional aspects related to the promotion of gender equality and the health of preschool children very often depends on the possibility of implementing policies that contribute to reducing social inequalities and disparities in child health and survival in Africa.

By specifying constitutional rights related to gender equality, we aim to sensitize stakeholders to the opportunities and gaps in the national constitutions of each of the African countries. National constitutional provisions relating to gender equality determine how these issues are addressed and the government's responsibility for providing healthcare services to children under five years of age whose primary caregivers are usually their mothers.

### Gender inequality

Gender inequality remains one of the most widespread health inequalities that impede progress towards the global goal of health for all. Gender inequality and discrimination faced by women and girls puts their health and survival and that of their children at risk. Women and girls often face greater barriers than men and boys to accessing health information and services for themselves and their children. These barriers include mobility restrictions, lack of access to decision-making power, lower literacy rates, discriminatory attitudes of communities and health care providers, and lack of training and awareness among healthcare providers and health systems to the specific health needs and challenges of women and girls and their children. Consequently, women and girls are exposed to increased risks of health problems during their reproductive life and malnutrition which, in turn, have impacts on the health and survival of their children. Women and girls also face unacceptable levels of violence rooted in gender inequality and are at grave risk of harmful practices such as child or early marriage that affect their survival chances.

Yet, achieving gender equality and empowering all women and girls (goal 5 on gender equality) is recognized in the Sustainable Development Goals (SDGs)

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2 Nic Cheeseman (ed), *Institutions and Democracy in Africa: How the Rules of the Game Shape Political Developments*, Cambridge, Cambridge University Press, 2018.

3 Mamoudou Gazibo, « La force des institutions : la commission électorale nationale indépendante comme site d'institutionnalisation au Niger », dans Patrick Quantin, (dir), *Gouverner les sociétés africaines : acteurs et institutions*, Paris, Karthala, 2005, p 65-84.

and various United Nations commitments. Indeed, the 2019 Lancet series on gender equality and norms and health<sup>4</sup> brings to the forefront the urgency with which attention, resources, action and accountability must be combined and devoted to reducing gender inequalities in health. Norms reflect and interact with other social and structural aspects of gender inequality. Pervasive gender inequalities, unequal power dynamics and other interacting factors within society often leave women disempowered, destitute and vulnerable, and thus perpetuate health inequalities across the life course. Despite great progress in recent years in improving the health of all people at all ages, an estimated 16,000 children die every day from preventable diseases such as measles and tuberculosis, and hundreds of women die every day during pregnancy or from complications related to childbirth. However, these deaths can be avoided through prevention and treatment, education, vaccination campaigns and sexual and reproductive health care, which are often undermined by institutional gender inequalities.

## Infant and child mortality

Global progress in reducing deaths of children under five since 1990 has been significant, and more mothers and children are surviving today than ever before. In 2013, the world recommitted to child survival with A Promise Renewed, a global movement to end preventable child deaths<sup>5</sup>.

The total number of deaths of children under 5 worldwide has fallen from 12.6 million in 1990 to 5.0 million in 2020<sup>6</sup>. In 2019, an estimated 5.2 million children under the age of 5 died primarily from preventable and treatable causes: children aged 1 to 11 months accounted for 1.5 million of these deaths, children aged 1 to 4 years accounted for 1.3 million deaths and newborns (less than 28 days old) accounted for the remaining 2.4 million deaths<sup>7</sup>. Since 1990, the global under-5 mortality rate has fallen by 60%, from 93 deaths per 1,000 live births in 1990 to 37 in 2020. This equates to 1 in 11 children dying before reaching the age of 5 in 1990, compared

4 Heise L, Greene ME, Oppen N, et al. Gender inequality and restrictive gender norms: framing the challenges to health. Lancet 2019; published online May 30. [http://dx.doi.org/10.1016/S0140-6736\(19\)30652-X](http://dx.doi.org/10.1016/S0140-6736(19)30652-X); Weber A, Cislighi B, Meausoone V, et al. Gender norms and health: insights from global survey data. Lancet 2019; published online May 30. [http://dx.doi.org/10.1016/S0140-6736\(19\)30765-2](http://dx.doi.org/10.1016/S0140-6736(19)30765-2); Heymann J, Levy JK, Bose B, et al. Improving health with programmatic, legal, and policy approaches to reduce gender inequality and change restrictive gender norms. Lancet 2019; published online May 30. [http://dx.doi.org/10.1016/S0140-6736\(19\)30656-7](http://dx.doi.org/10.1016/S0140-6736(19)30656-7); Hay K, McDougal L, Percival V, et al. Disrupting gender norms in health systems: making the case for change. Lancet 2019; published online May 30. [http://dx.doi.org/10.1016/S0140-6736\(19\)30648-8](http://dx.doi.org/10.1016/S0140-6736(19)30648-8); Gupta GR, Oommen N, Grown C, et al. Gender equality and gender norms: framing the opportunities for health. Lancet 2019; published online May 30. [http://dx.doi.org/10.1016/S0140-6736\(19\)30651-8](http://dx.doi.org/10.1016/S0140-6736(19)30651-8)

5 <https://data.unicef.org/resources/committing-to-child-survival-a-promise-renewed-progress-report-2013/>, accessed on 10 février 2023.

6 [https://www.who.int/data/gho/data/themes/topics/sdg-target-3\\_2-newborn-and-child-mortality](https://www.who.int/data/gho/data/themes/topics/sdg-target-3_2-newborn-and-child-mortality), accessed on 10 février 2023.

7 <https://www.who.int/news-room/fact-sheets/detail/children-reducing-mortality>, accessed on 10 février 2023.

to 1 in 27 in 2020. Under-five mortality is disproportionately distributed, with 54% in sub-Saharan Africa where children continue to have the highest mortality rates in the world at 74 (68-86) deaths per 1000 live births. A child born in sub-Saharan Africa is 14 times more likely to die before the age of five than a child born in Europe and North America. Globally, infectious diseases, including pneumonia, diarrhea and malaria, as well as complications from preterm birth, birth asphyxia, trauma and birth defects remain the leading causes of death in children under five years of age.

Worldwide, the number of neonatal deaths has increased from 5 million in 1990 to 2.4 million in 2020, or 47% of all deaths of children under 5 years old, compared to 40% in 1990<sup>8</sup>. The neonatal period (i.e. the first 28 days of life) remains the most vulnerable period for child survival, and the decline in neonatal mortality from 1990 to 2020 has been slower than that post-neonatal under-5 mortality. In 2021, an estimated 2.3 million children died in the first month of life – that is about 6,400 babies every day, and children in sub-Saharan Africa continue to be at the greatest risk of dying during the neonatal period. A child born in sub-Saharan Africa is 10 times more likely to die in the first month than a child born in a high-income country. Most neonatal deaths (75%) occur in the first week of life, and in 2019 around 1 million newborns died within the first 24 hours. Premature births, birth complications (birth asphyxia or lack of breathing at birth), infections and birth defects caused most neonatal deaths. From the end of the neonatal period and during the first 5 years of life, the main causes of death are pneumonia, diarrhoea, congenital malformations and malaria. Malnutrition is the underlying contributing factor, making children even more vulnerable to serious illness leading to death. In Africa, most of these deaths were due to preventable communicable and infectious diseases such as pneumonia, diarrhea or malaria, as children were denied their basic right to quality health care, vaccinations, adequate food, clean water and sanitation. This unfair burden must be recognized, prioritized and addressed.

## Rationale for sample and focus areas

Although the African Union (AU) is made up of 55 Member States which represent all the countries on the African continent, this book covers 54 African countries which are also members of the United Nations (UN). The 54 Member States are divided into five geographic regions, which were defined by the OAU in 1976 (CM/Res.464QCXVI). This choice is based on three reasons. First, this portrait is intended to be continental, by not falling into the usual but not very heuristic distinction between sub-Saharan Africa and the Maghreb. Second, a State not being limited to its legal existence, but having to have an empirical reality without which the implementation of legal mechanisms is impossible, the countries include States combining empirical and legal statuses at the same time<sup>9</sup>. Finally, this choice makes it possible to remain within the framework of the countries involved in the adoption and implementation of the SDGs, which are an essential starting point for this study. It attempts to draw a comparative portrait of the constitutional,

8 [https://www.who.int/health-topics/newborn-health#tab=tab\\_1](https://www.who.int/health-topics/newborn-health#tab=tab_1), accessed on 10 février 2023.

9 Robert H. Jackson et Carl G. Rosberg, « Why Africa's Weak States Persist? the Empirical and the Juridical in Statehood », *World Politics* 35, n° 1, 1982.

regulatory and institutional mechanisms on gender equality in Africa and their links with the determinants of health and in particular the mortality of children under five. The work essentially takes into consideration the following variables generally associated with the health and survival of children under five years of age: sociocultural context in connection with the organization of the family; education; health system; economic, work and employment support; housing; natural environment. The structure of each chapter is in three sections:

1. Constitutional provision. Here, the focus is on identifying in the constitution of each of the 54 countries, all the relevant provisions in terms of promoting gender equality and protecting the health of children under five. The right to health (i.e., the standard for the human right to health) includes both freedoms and entitlements and extends beyond healthcare to the underlying determinants of health; it is particularly important here because as the Constitution of the World Health Organization (WHO) shows, the realization of the right to health is closely linked to the realization of other human rights, including but not limiting to the right to access to potable water, sanitation, adequate food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information including on sexual and reproductive health<sup>10</sup>.
2. Institutions involved in the implementation of the constitutional and regulatory mechanisms. This section attempts to identify the laws, public institutions and non-governmental organizations that ensure the concrete translation of constitutional provisions into policies in terms of gender equality and the reduction of mortality disparities among children under 5 years of age.
3. Impact on the determinants of health. This section is designed to give an assessment (with figures as much as possible) of the constitutional, regulatory and institutional mechanisms in terms of equality between men and women and their potential links with the determinants of health, including those specific to children under the age of five years.

Ultimately, this publication aims to provide an overview of the constitutional, regulatory and institutional anchoring of the actions carried out or in progress on the reduction of gender inequalities and improvements in the survival of children under five years of age in Africa.

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10 <https://www.who.int/news-room/fact-sheets/detail/human-rights-and-health>.



# NORTHERN AFRICA

## Algeria

### 1. Constitutional provision

In article 37 of its 2020 constitution, Algeria recognizes that “all citizens shall be equal before the law and shall be guaranteed the right to equal protection. There shall be no pretext for discrimination on the basis of birth, race, gender, opinion, or any other personal or social condition or situation”<sup>1</sup>. The Algerian State guarantees equal protection to all. Women constitute one of the vulnerable sections of the population. They find their protection in article 40 which stipulates that “the State shall protect women from all forms of violence in all places and situations in the public, professional, and private spheres. The law shall guarantee victims access to shelter and care facilities, appropriate appeal methods, and free legal assistance”. Any discriminatory text based on gender cannot be a source of law in Algeria. Indeed, the Algerian Labor Code confirms in its article 17 of Chapter II (Conditions and methods of recruitment) of title III (Individual labor relations) that “any provision provided for under a convention or a collective agreement, or an employment contract likely to establish any form of discrimination between workers in terms of employment, wage or working conditions, based on age, sex, social or marital status, family ties, political convictions, affiliation or not, to a trade union, is null and void”<sup>2</sup>.

Some institutions are responsible for implementing gender equity and equality issues in Algeria.

### 2. Institutions involved in implementation

In Algeria, to counter gender inequalities, institutions and actors are involved<sup>3</sup> at all levels through the implementation of a national policy to combat

1 <https://www.joradp.dz/TRV/FConsti.pdf>

2 [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---ilo\\_aids/documents/legaldocument/wcms\\_191113.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_191113.pdf)

3 [https://www1.undp.org/content/dam/algeria/docs/Autonomisationdesfemmes/UNDP-DZ-RAPPORT\\_base%20de%20donnee%20sexo-specifiques.pdf](https://www1.undp.org/content/dam/algeria/docs/Autonomisationdesfemmes/UNDP-DZ-RAPPORT_base%20de%20donnee%20sexo-specifiques.pdf) | [https://www.ilo.org/wcmsp5/groups/public/---ed\\_mas/---eval/documents/publication/wcms\\_230351.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_mas/---eval/documents/publication/wcms_230351.pdf)



discrimination based on gender. They are:

- Ministry of National Solidarity, family and women's conditions (MASSN; front runner);
- Ministry of Interior and Local Authorities (MILA);
- Ministry of Works, Employment and Social Security (MTESS);
- Ministry of Industrial development, and investment promotion;
- Ministry of Trade;
- Ministry of Tourism and Handicrafts;
- Ministry of Training and Professional Education;
- Ministry of Higher Education and Scientific Research;
- Ministry of Agriculture and Rural development;
- Ministry of Finance;
- Office for National Statistics (ONS);
- CREAD (Research Center for Applied Economics for Development);
- CRASC (Center of Research in Social and Cultural Anthropology) (Algeria, 2013).

These actors are involved in the “common program for gender equality and the empowerment of women in Algeria<sup>4</sup>, signed in February 2010 and operational in September 2010”.

The Joint Program aims to support national efforts for gender equality and the empowerment of women in order to contribute to accelerating the process of achieving the Millennium Development Goals and to support the Government in the implementation of the national program of structural reforms in response to the challenges of its sustainable development. It revolves around the following three axes:

- Capacity building of national institutions in terms of specific data, knowledge and analysis on gender;
- Strengthening women's employability and access to decent work, particularly for women living in rural areas;

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4 [https://www1.undp.org/content/dam/algeria/docs/Autonomisationdesfemmes/UNDP-DZ-RAPPORT\\_base%20de%20donnee%20sexo-specifiques.pdf](https://www1.undp.org/content/dam/algeria/docs/Autonomisationdesfemmes/UNDP-DZ-RAPPORT_base%20de%20donnee%20sexo-specifiques.pdf) | [https://www.ilo.org/wcmsp5/groups/public/---ed\\_mas/---eval/documents/publication/wcms\\_230351.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_mas/---eval/documents/publication/wcms_230351.pdf)

- The conduct and organization by national institutions, in partnership with civil society organizations and the media, of awareness campaigns around the values of equity and equality.

This program has positively impacted a number of sectors including education, employment and the workplace, socio-cultural, socio-economic, health system, housing, natural environment.

### 3. Impact of legal provisions on the determinants of health

#### *Sociocultural context*

Culture is an identity of citizens. It is therefore a fundamental right and a freedom to be protected. The Algerian constitution follows this logic: “The institutions of the Republic shall seek to ensure equality of rights and duties of all citizens by removing the obstacles impeding the development of the human personality and preventing the effectual participation of all in the political, economic, social and cultural life (article 35)”. All citizens must exercise this right and freedom without restriction based on sex. That is what article 37 stipulates in these terms: “All citizens shall be equal before the law and shall be guaranteed the right to equal protection. There shall be no pretext for discrimination on the basis of birth, race, gender, opinion, or any other personal or social condition or situation”. Women have full rights and are protected everywhere from violence and discrimination. This is a provision provided for in Article 40.

These provisions have not prevented the persistence of socio-cultural practices that harm the well-being of women. According to a survey conducted in 2006, it appears that among young women, “more than two out of three women accept that a husband beats his wife” (Algeria, 2013, p. 44). Among married women, “there is a significant generation effect beyond the age of 35, in the sense that this proportion increases to 71.2% among women aged 45 to 49” (Algeria, 2013, p. 44). Generally speaking, according to national data, “in Algeria, 59% of married women say that domestic violence by the husband is acceptable”<sup>5</sup>. According to the same source, the government is taking steps to ensure that by 2030, gender equality and equity are effective.

#### *Education*

Knowing how to read, write and calculate is a constitutional right in Algeria. To have a quality education without discrimination is guaranteed to all. This is what article 65 of the constitution stipulates: “The right to education and teaching is guaranteed. The State constantly strives to improve its quality. Public education is free under the conditions set by law. Primary and middle school education is compulsory. The State organizes the national education system. The State ensures the neutrality of educational institutions and the preservation of their educational and scientific vocation in order to protect them from any political or ideological influence. School is the basis of citizenship education. The State shall ensure equal access to education and vocational training”.

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5 <https://algeria.unfpa.org/fr/topics/violence-de-genre-et-implication-des-hommes>

The literacy rate for young people aged 15 to 24 is 92%, with a difference according to gender (89% for girls, against 94.5% for boys), while it stands at 73% in adults (Algeria & WHO, 2016)<sup>6</sup>.

In 2019, the population having at least started secondary education is 39.1% for girls and 38.9% for men (p. 6)<sup>7</sup>.

The following tables show the recorded rates of enrollment at level (UNESCO 2020, p. N/D)<sup>8</sup>:

Table 1 - Gross and net enrollment in Primary education, Algeria, 2011 to 2020

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	116.57	118.08	119.54	118.50	115.88	113.83	111.76	109.88	108.85	111.28
Female	112.79	114.64	116.31	115.47	112.99	110.84	108.90	107.30	106.47	109.51
Male	120.19	121.38	122.64	121.42	118.65	116.70	114.52	112.36	111.13	112.98
Net enrollment rate (%)										
Total	97.6	97.3	...	...	97.5	97.6	97.6	97.6	97.2	97.1
Female	...	...	...	...	...	...	...	...	...	...
Male	...	...	...	...	...	...	...	...	...	...

Table 2 - Gross enrollment in Higher education, Algeria, 2011 to 2020

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	31.2	32.2	33.9	34.5	36.8	42.6	47.6	51.4	52.6	52.5
Female	37.1	38.6	40.9	41.9	45.0	53.6	57.2	64.4	66.1	66.4
Male	25.5	26.0	27.1	27.3	28.8	32.0	38.4	38.8	39.7	39.2

### **Health system**

The citizen is a protected consumer. He cannot consume a product that would endanger his health. The State controls the quality of products for the benefit of Algerians of all kinds: “Public authorities shall guarantee the protection, security,

6 Algérie & OMS, 2016

7 [https://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/fr/DZA.pdf](https://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/fr/DZA.pdf)

8 UNESCO (2020) : <http://uis.unesco.org/fr/country/dz>

safety, health, and economic rights of the consumer” (article 62). What citizens drink should guarantee them good health. The State is responsible for “ensuring the citizen: access to drinking water and its preservation for future generations” (article 63).

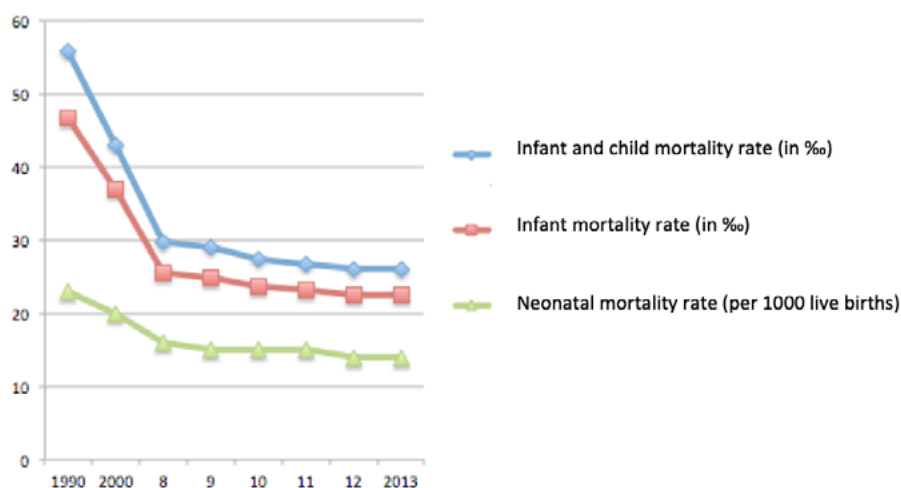
In September 2014, “the unemployment rate in Algeria was estimated by the ONS at 10.6%, reaching 9.2% among men and 17.1% among women. One out of four unemployed people is under 24 years old, and almost seven out of ten unemployed people are under 30 years old, which testifies to the greater vulnerability of this segment of the population both in terms of empowerment and in terms of access to health services and care” (Algeria & WHO, 2016).

In 2019, maternal mortality rate is 112 per 100,000 live births (p. 6)<sup>9</sup>.

Regarding HIV, in 2014, “a total of 845 cases of HIV were diagnosed, including 435 in men and 410 in women. The most affected age group is that of people in the 25 to 29 age group, with 13.2% and 16.3% of new cases respectively” (Algeria & WHO, 2016).

From 1990 to 2013, the diagram<sup>10</sup> below shows the infant and neonatal mortality rate<sup>11</sup> in Algeria:

Figure 1 - Evolution of mortality rates in children age under 5



<sup>9</sup> [https://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/fr/DZA.pdf](https://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/fr/DZA.pdf)

<sup>10</sup> Footnote (38) Office National des statistiques, Démographie Algérienne 2013 ; bulletin n° 658 ([http://www.ons.dz/IMG/pdf/demographie\\_algerienne2013.pdf](http://www.ons.dz/IMG/pdf/demographie_algerienne2013.pdf)) cité par Algérie et OMS (2016).

<sup>11</sup> Groupe inter-agences des Nations Unies (Banque mondiale, OMS, UNICEF, UN DESA Division Population); [www.childmortality.org](http://www.childmortality.org) 40 - <http://www.premier-minist> cité par Algérie et OMS (2016).

“The maternal mortality rate is estimated at 96.2 maternal deaths per 1000 live births, with approximately 700 women dying each year from complications during pregnancy or childbirth. And for each of these deaths, 30 to 100 women are victims of serious and debilitating complications that can cause permanent disabilities”<sup>12</sup>.

### *Economic context*

Algerian women have the same economic rights as men. Economic activity is guaranteed to all. The state ensures this by basing itself on article 35 of the constitution, which explicitly states that “fundamental rights and freedoms are guaranteed by the state. The institutions of the Republic shall seek to ensure equality of rights and duties of all citizens by removing the obstacles impeding the development of the human personality and preventing the effectual participation of all in the political, economic, social and cultural life”.

Women would earn less than men in general. But when it comes to equal pay, the public sector is the regime that makes some effort to guarantee “equal pay between women and men” (Lassassi & Muller, 2014, p.25).

The wage difference varies “between 18.4% and 18.9% compared to men, and this, whatever the scheme taken as a reference”. In the same logic, “the choice of the self-employment scheme makes women lose between 60% and 63.1% of the potential salary compared to men”. The rate of the “formal salaried plan decreases the potential salary of women from 41.9% to 42.6% compared to men”. Finally, “women who opt for the informal salaried system receive a lower salary (49.7%) compared to men” (Lassassi & Muller, 2014, p. 25).

These differences are represented in terms of points. Thus: “the lowest gap is recorded in the public sector (0.145 point), on the other hand the highest gap concerns the self-employed (0.713 point) followed by informal employees (0.542 point) and formal employees (0.390 points)” (Lassassi & Muller, 2014, p. 28).

In 2020, these inequalities persist. Because, “women are more likely than men to live on less than 50% of the median income” (Lamia, 2021).

### *Work and employment support*

Gender equity is practiced in Algeria in employment and the workplace. It is a provision of the Labor Code which stipulates that “female workers who have raised one or more children for at least nine years benefit from an age reduction of one year per child, within the limit of three years.” (Article 8 of Chapter I (direct pension) of Title II (retirement pensions)). The woman is protected “in the professional sphere”. In the event of a violation of their rights, “the law shall guarantee victims access to shelter and care facilities, appropriate appeal methods, and free legal assistance (article 40 of the constitution)”. Furthermore, parity and equal opportunity between women and men in terms of employment find their foundation in the constitution: “The State shall work towards promoting equity in terms of opportunities between

12 Plan national de réduction accélérée de la mortalité maternelle 2015-2019 cité par Algérie et OMS (2020)

men and women in the job market. The State shall encourage the promotion of women to positions of responsibility in public institutions and administrations, as well as in the enterprises” (article 68).

Table 3 - Distribution of placements by age groups and sex, Algeria, 2014

Age groups	Sex		Total	%	%, cumulative
	Men	Women			
16 to 19 years	7550	555	8105	3	3
20 to 24 years	44009	5023	49032	16	19
25 to 29 years	64156	7174	71330	23	42
30 to 35 years	64987	5649	70636	23	65
36 to 39 years	33575	3114	36689	12	77
40 to 49 years	44334	4127	48461	16	93
50 and more	18857	1273	20130	7	100
Total	277468	26915	304383	100%	...

Source: (Benhabib & Adair, 2014)

Data from 2019 indicates that 14.6% of women are active while among men the rate is 67.4%. (P.6)<sup>13</sup>. In addition, it should also be mentioned that “youth unemployment (16-24 years old) rose to an alarming rate of almost 30% in 2020 (compared to 11.4% of the working population). Young girls are particularly affected and a third of them (32.1%) aged 18 to 24 are Not in Education, Employment or Training (NEET), compared to 20.4% of young men in the same age group, based on 2019 data”<sup>14</sup>.

### *Housing*

The constitution guarantees every citizen the right to have a home. The poor population also benefits from this provision through article 63.

The available data show that men occupy a considerable place in public housing policy. In his master’s thesis, (Krideche, 2016, p. 81) “noted that all recipients of social housing are male”. Through a case study, he shows that a rate of 90% is reserved for men and 10% for women (Krideche, 2016).

<sup>13</sup> Idem.

<sup>14</sup> Confers UNDP: <https://www.dz.undp.org/content/algeria/fr/home/presscenter/articles/2022/les-femmes-et-la-protection-de-lenvironnement-en-algerie---lexem.html>

## *Natural environment*

Providing access to a healthy environment, to safe living conditions, ensuring the protection of the environment, and planning the development of the living environment and territory, are constitutional measures defined through articles 21, 64, and 139. To this end, article 209 provides for the establishment of a National Economic, Social and Environmental Council and a framework for dialogue that can bring together potential actors capable of taking appropriate decisions on environmental issues. However, there is no disaggregated data to establish the gender issue.

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## **Egypt**

### **1. Constitutional provision**

Although deeply inspired by Islamic law, the constitution guarantees gender equality between men and women. Indeed, according to article 53, “Citizens are equal before the law, possess equal rights and public duties, and may not be discriminated against on the basis of religion, belief, sex, origin, race, color, language, disability, social class, political or geographical affiliation, or for any other reason. Discrimination and incitement to hate are crimes punishable by law. The state shall take all necessary measures to eliminate all forms of discrimination, and the law shall regulate the establishment of an independent commission for this purpose”.

### **2. Institutions involved in implementation**

In Egypt, there are several institutions involved in the promotion of gender equality. These include the National Council for Human Rights, the National Council for Women, the National Council for Childhood and Motherhood, and the National Council for Persons with Disabilities. Women’s rights in Egypt made significant progress in 2001 when child marriage was made illegal, giving young girls a chance for a brighter future and a more equal chance in life at a younger age. Following the passage of this law, teenage pregnancy rates fell dramatically, with 17.4% of women aged 20-24 who were married or in a relationship before the age of 18<sup>15</sup>. However, there is still work to be done in Egypt to achieve gender equality.

While it is commendable and even salutary (from a gender equality perspective) for Egypt to have ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1981, the country is still lagging behind in ratifying the CEDAW Protocol. The same is true for the Protocol to the African Charter on Human and Peoples’ Rights relating to the Rights of Women. In addition, there is no unified Family Code, but the personal status code (based on Shari’a), which defines the rights of Muslim women within their family in their marriage and family. The personal status code authorizes polygamy, and allows the husband to divorce his wife without her consent, even though the latter is required by the code to continue financially supporting his former wife for two years.

15 <https://data.unwomen.org/country/egypt>

The 2015 Global Gender Gap Index<sup>16</sup>, which measures gender gaps across countries, ranks Egypt 136th out of 145 countries worldwide. Egypt has a GII value of 0.449, which ranks it 108 out of 162 countries in the 2019 index<sup>17</sup>. In February 2021, 27.4% of seats in parliament were held by women<sup>18</sup>.

### 3. Impact of legal provisions on the determinants of health

#### *Sociocultural context*

Article 53 of the constitution certainly enshrines the equality of citizens. However, the constitution falls short on the constitutional provisions on the marriage and the life of couple. Moreover, Egypt does not have a unified Family Code, except the Personal Status Code based on the Shari'a.

The 2015 Global Gender Gap Index, which measures the disparities between men and women from one country to another, ranks Egypt 136th out of 145 countries in the world. And as revealed by the Demographic and Health Survey in 2014, 92% of single women aged 15 to 49 surveyed have been circumcised<sup>19</sup>. Finally, even if the law requires the minimum age of 18 years before marriage, it is clear that child marriages is prevalent.

#### *Education*

According to article 19 of the Egyptian constitution, "Every citizen has the right to education with the aim of...developing talents, promoting innovation... and the notions of citizenship, tolerance and non-discrimination... Education is obligatory until the end of the secondary stage or its equivalent. The state grants free education in different stages in state educational institutions as per the law". Similarly, article 25 affirms that "The state commits to developing a comprehensive plan to eradicate alphabetical and digital illiteracy for all citizens from all age groups". Finally, article 80 guarantees the right to education for all children.

According to the World Bank report in 2017, the female literacy rate was 65.5%, compared to 43.6% in 1996<sup>20</sup>. During these decades, the literacy rate of Egyptian women has increased by almost 22% and if it continues to increase, it will promote their economic participation in the society, as mentioned above. According to a recent Human Development Report, 73.5 percent of adult women have attained at least secondary education, compared to 72.5 percent of their male counterparts<sup>21</sup>.

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16 USAID. (2021). Gender Equality and Women's Empowerment; <https://www.usaid.gov/egypt/gender-equality-and-womens-empowerment>

17 UNDP. (2020). Human Development Report 2020 (for Egypt); <http://hdr.undp.org/sites/default/files/Country-Profiles/EGY.pdf>

18 <https://data.unwomen.org/country/egypt>

19 Also see: USAID (2021). Gender Equality and Women's Empowerment; <https://www.usaid.gov/egypt/gender-equality-and-womens-empowerment>

20 <https://data.worldbank.org/indicator/SE.ADT.LITR.FE.ZS?locations=EG>

21 UNDP (2020); <http://hdr.undp.org/sites/default/files/Country-Profiles/EGY.pdf>



The female-to-male enrollment ratios have improved since 2006, reflecting the reduction in inequalities between the enrollment of girls and boys at all levels (primary, secondary and higher). In 2015, the female-male (girl-boy) enrollment ratio reached 97% at the primary level, 100% at the secondary level and 89% at the higher level. Despite these figures, the literacy rate for women (65% in 2015) remains lower than that for men (82% in 2015), and inequalities between rural and urban areas persist. At the higher level, this quasi-equality masks low absolute enrollment rates for both sexes; 31% of women and 35% of men are educated at this level<sup>22</sup>.

### *Health system*

According to article 18 of the fundamental law, “Every citizen is entitled to health and to comprehensive health care with quality criteria. [...] Denying any form of medical treatment to any human in emergency or life-threatening situations is a crime”. Moreover, the State undertakes to protect women against all forms of violence and ensures the empowerment of women to reconcile the duties of a woman towards her family and her professional demands. “The state ensures care and protection and care for motherhood and childhood, and for breadwinning, and elderly women, and women most in need” (Article 11).

However, there is still work to be done in Egypt to achieve gender equality in this key sector. First, remember that its GII ranks it 108th out of 162 countries. Moreover, for every 100,000 live births, 37 women die from pregnancy-related causes; and the teenage birth rate is 53.8 births per 1,000 women aged 15–19<sup>23</sup>. Also, 14% of women aged 15 to 49 reported having experienced physical and/or sexual violence by a current or former intimate partner in the past 12 months in 2014.

In 2014, 80% of women of reproductive age (15-49 years old) had their need for family planning met with modern methods. The adolescent birth rate is 51.8 per 1,000 women aged 15-19 in 2018, up from 59 per 1,000 in 2017<sup>24</sup>.

### *Economic context*

The Egyptian constitution is based on the principle of equality, justice and equal opportunity among citizens. By article 8, “the state commits to achieving social justice, providing the means to achieve social solidarity to ensure a decent life for all citizens, in the manner organized by law”. In addition, article 9 of the fundamental law confirms that “the state ensures equal opportunity for all citizens without discrimination”. Unfortunately, the reality on the ground is quite different, since according to the Global Gender Gap Report (2015), women’s salaries represent 75% of men’s salaries for similar work.

### *Work and employment support*

Constitutionally, articles 12 and 13 guarantee the right to work and

22 Global Gender Gap Report (2015); also see: Agence française de développement. (2016). Les « Profils Genre Egypte » : <https://www.afd.fr/fr/ressources/profil-genre-afrique>

23 UNDP (2020).

24 <https://data.unwomen.org/country/egypt>

employment for all. But already in article 11, the State “commits to achieving equality between women and men in all civil, political, economic, social, and cultural rights in accordance with the provisions of this Constitution. The state commits to taking the necessary measures to ensure appropriate representation of women in the houses of parliament, in the manner specified by law. It grants women the right to hold public posts and high management posts in the state, and to appointment in judicial bodies and entities without discrimination”.

However, according to the 2015 Global Gender Gap Report (GGGR), Egypt ranked 136th out of 145 countries in terms of gender equality. Only 24% of working-age women participated in the Egyptian labor economy, compared to 75% of working-age men<sup>25</sup>. It is essential that women are included in the labor force because the inclusion of women in the labor force of a country significantly increases the GDP of a country<sup>26</sup>. Unfortunately, the Global Economy<sup>27</sup> reports that in 2019, the female labor force participation rate in Egypt was 21.93%. Meanwhile, for men, the labor force participation rate was 70.86%. Women have significantly lower labor market participation than men (26% versus 79%) and lower literacy (65% literacy for women versus 82% for men). In addition, women and girls aged 10 and over spend 22.4% of their time on unpaid care and domestic work, compared to 2.4% for men<sup>28</sup>. And according to the Global Gender Gap Report (2015), women’s pay is 75% of that of men for similar work.

### *Housing*

Although gender-neutral, article 41 of the constitution calls for the state to “commits to the implementation of a housing program that aims at achieving balance between population growth rates and the resources available, maximizing investment in human energy, and improving its features, within the framework of achieving sustainable development”. And article 78 guarantees “citizens the right to decent, safe and healthy housing, in a way that preserves human dignity and achieves social justice”.

### *Natural environment*

We do not have data for this variable.

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25 UNDP (2020).

26 Wodon, Quentin; Onagoruwa, Adenike. (2019). Gender Inequality, Human Capital Wealth, and Development Outcomes in Uganda. The Cost of Gender Inequality. World Bank, Washington, DC. © World Bank. <https://openknowledge.worldbank.org/handle/10986/32787>  
License : CC BY 3.0 IGO.

27 [https://www.theglobaleconomy.com/Egypt/Female\\_labor\\_force\\_participation/](https://www.theglobaleconomy.com/Egypt/Female_labor_force_participation/)

28 <https://data.unwomen.org/country/egypt>

# Libya

## 1. Constitutional provision

Libya's 2011 constitution<sup>29</sup> highlights the issue of equality. Only article 8 is devoted to it. It states that "the state shall ensure equal opportunity and strive to guarantee a proper standard of living, the right to work, education medical care and social security to every citizen. The State shall guarantee individual and private property. It shall guarantee the just distribution of national wealth among citizens and among the different cities and regions of the State".

Most recently, the Libyan government suspended the implementation of the United Nations agreement (ratified in 2009)<sup>30</sup> on gender equality<sup>31</sup>; which testifies that the country has not yet truly committed to the advancement of women and the fight against gender-based violence.

## 2. Institutions involved in implementation

It should be noted that in its current composition, the government grants a place to women. For this purpose, there is the Minister of State for Women and Development. We see that five women are part of the government, that is 15% of the members of the government<sup>32</sup>.

Despite some progress in terms of women's rights, there is little political will to put in place concrete measures to promote gender equality. A general overview of the social determinants of health makes it possible to appreciate the gender issue in Libya.

## 3. Impact of legal provisions on the determinants of health

### *Sociocultural context*

It should be noted that Libya has ratified Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in order to combat violence against women. In Libya, women are generally victims of sexual violence, especially migrant women<sup>33</sup>.

29 Libye (2011), la constitution, [https://mjp.univ-perp.fr/constit/ly2011.htm#Amendement\\_n%B0\\_3](https://mjp.univ-perp.fr/constit/ly2011.htm#Amendement_n%B0_3).

30 ONU-FEMME (2009) : <https://www.ohchr.org/fr/press-releases/2009/10/committee-elimination-discrimination-against-women-considers-report-libya>

31 Africa News (2022), <https://fr.africanews.com/2022/03/08/libye-suspension-d-un-accord-sur-l-egalite-homme-femme/>

32 Jeune Afrique (2021) : <https://www.jeuneafrique.com/1136083/politique/libye-qui-sont-les-cinq-femmes-du-nouveau-gouvernement/>

33 Le Monde (2021), [https://www.lemonde.fr/afrique/article/2021/06/21/la-libye-enfer-pour-les-femmes-sur-le-chemin-de-l-europe\\_6085001\\_3212.html](https://www.lemonde.fr/afrique/article/2021/06/21/la-libye-enfer-pour-les-femmes-sur-le-chemin-de-l-europe_6085001_3212.html)

The socio-political conflict of 2011 caused violence of all kinds. In 2020, according to Amnesty International, EU countries “continue to implement policies trapping tens of thousands of men, women and children in a vicious cycle of abuse, showing a callous disregard for people’s lives and dignity”<sup>34</sup>.

### **Education**

In terms of education and according to article 8 of the constitution, the State has the responsibility to guarantee education to every citizen. The efforts of the State are commendable in this regard. Because, in 1994, the literacy rate among men aged 15 and over was estimated at 88% and 94% in 2004 (UNESCO, quoted by the World Bank 2004, p. N/D)<sup>35</sup>. Among women, this was 64% in 1994 and 78% in 2004 (UNESCO, quoted by the World Bank 2004, p. N/D)<sup>36</sup>. Regarding the enrollment rate, we were unable to access updated information. We just have the data for 1983: 99% as the completion rate for boys and 88% for girls (UNESCO quoted by the World Bank 1983, p. N/D)<sup>37</sup>.

### **Health system**

Article 8 refers to medical protection by the State. To this end, State interventions have reduced the infant and maternal mortality rate.

**Table 1 - Infant mortality rate (IMR) by sex and maternal death ratio, Libya, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
IMR - boys (1000 live births) <sup>38</sup>	16	14	14	13	13	12	12	11	11	11
IMR - girls (1000 live births)	13	11	11	11	10	10	9	9	9	9
Maternal death ratio (100 000 live births) <sup>39</sup>	56	55	58	63	70	73	72	...	...	...

34 Amnesty International (2020) <https://www.amnesty.org/en/latest/news/2020/09/libya-new-evidence-shows-refugees-and-migrants-trapped-in-horrific-cycle-of-abuses-2/>

35 <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.MA.ZS?locations=LY>

36 UNESCO (2004), <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.FE.ZS?locations=LY>

37 UNESCO (1983) : <https://donnees.banquemondiale.org/indicateur/SE.PRM.CMPT.FE.ZS?locations=LY>

38 UNICEF et al. (2020) <https://donnees.banquemondiale.org/indicateur/SP.DYN.IMRT.MA.IN?locations=LY>

39 OMS et al. (2020) <https://donnees.banquemondiale.org/indicateur/SH.STA.MMRT?locations=LY>

### *Economic context*

We do not have data for this variable.

### *Work and employment support*

The right to work is recognized by article 8 of the constitution. However, the data from 2011 to 2019 gives an overview of the government's efforts regarding professional integration.

Table 2 - Wage and salaried workers (% of employment) by sex, Libya, 2011 to 2019

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019
Male salaried workers <sup>40</sup>	62,6%	65,3%	63,7%	61,4%	59,5%	58,1%	59%	60,1%	60,2%
Female salaried workers <sup>41</sup>	66,2%	67,4%	66,4%	65,5%	64,8%	64,3%	64,4%	64,7%	64,7%

### *Housing*

The constitution has no provision for equal access to housing. Article 11 declares that “private homes and properties shall be inviolable”, except for legal process.

### *Natural environment*

We do not have data for this variable.

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## **Mauritania**

### **1. Constitutional provision**

The Mauritanian constitution is very laconic when it comes to gender equality issues. However, within its first article, it notes that “the [Mauritanian] Republic assures to all citizens without distinction of origin, of race, of sex, or of social condition, equality before the law”. Furthermore, the preamble to the constitution states that Mauritania proclaims “its attachment [...] to the principles of democracy as they have been defined by the Universal Declaration of the Rights of Man of 10 December 1948 and by the African Charter of the Rights of Man and of Peoples of 28 June 1981 as well as in the other international conventions to which

40 ILO (2019) <https://donnees.banquemondiale.org/indicateur/SL.EMP.WORK.MA.ZS?locations=LY>

41 ILO (2019) <https://donnees.banquemondiale.org/indicateur/SL.EMP.WORK.FE.ZS?locations=LY>

Mauritania has subscribed”. It also declares the intangible guarantee of rights and principles including the right to equality and the right to property.

Through its legal arsenal, Mauritania expresses a clear and gradual political will to eradicate the disparities suffered by women<sup>42</sup>. Indeed, this country is a signatory to several conventions relating to respect for human rights and those of women in particular, among which we can cite: The Convention on the elimination of all forms of discrimination against women (CEDAW), which was first ratified subject to a general reservation in relation to certain articles which contradict the prescriptions of Islam, more specifically articles 13 and 16<sup>43</sup>. However, in several countries which have Islam as their religion, the reservations did not relate to the same articles, which proves if need be, that it is the customary interpretation which dominates and not a legal and theological basis. However, the Mauritanian government recently lifted this general reservation and made specific reservations.

## 2. Institutions involved in implementation

Mauritania is striving to adopt policies, strategies, programs and action plans that take the gender perspective into account with a view to promoting gender equity and creating favorable conditions for the development of women at all levels. levels (political, economic and social)<sup>44</sup>. We can retain, in this regard, the Strategic Framework for the Fight against Poverty (2011-2015) where the gender dimension has been strengthened as the various updates have been made; the National Strategy for the Advancement of Women adopted in 1995 and updated in 2005, which aims to define and promote a coherent national approach to the advancement of women; the National Action Plan for Rural Women 2009-2012 to take into account the specific needs of rural women in the country's economic and social development; the National Gender Institutionalization Strategy (SNIG) which was developed in 2011 and aims to ensure the integration of gender in all development sectors of the country in order to guarantee the advancement of women and gender equity ; the National Strategy for the Abandonment of FGM adopted in 2007, the objective of which is to guarantee the abandonment of the practice of FGM; etc<sup>45</sup>. In 2007, the Ministry for the Advancement of Women, Children and the Family (MPFEF) was created. In October 2008, the latter was transformed into the Ministry of Social Affairs, Children and the Family (MASEF).

However, Mauritania is one of the poorest countries in the world, where almost half of the population lives on less than \$1 a day and almost a third (31%) is unemployed. But, as we will see, analyzes at the national level, although favoring

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42 Groupe de la Banque Africaine de Développement. (2015). PROFIL GENRE PAYS REPUBLIQUE ISLAMIQUE DE LA MAURITANIE ; [https://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/PROFIL\\_GENRE\\_MAUROITANIE-2015.pdf](https://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/PROFIL_GENRE_MAUROITANIE-2015.pdf)

43 Article 13 in its paragraph a, relating to rights concerning family benefits. Article 16: relating to the rights enshrined in equality in matrimonial life, the spacing of births, the contraction of marriage, the formalization of marriage, freedom to work, free access to education, taking into account obligatory of the interest of the children, etc.

44 Groupe de la Banque Africaine de Développement (2015).

45 Groupe de la Banque Africaine de Développement (2015).

more generalization, mask the feminization of poverty. In terms of decision-making, only 20.3% of seats in parliament were held by women in February 2021.

### 3. Impact of legal provisions on the determinants of health

#### *Sociocultural context*

In article 1, it is noted that “the Republic assures to all citizens without distinction of origin, of race, of sex, or of social condition, equality before the law”. However, the constitution remains strangely silent on the socio-cultural variable.

The Staff Regulations Code, adopted in 2001, fills this heavy void. It is the heart of the national legal system based on the principles of Islamic law which constitute the source of legislation in Mauritania. He deals with issues related to the private sphere (family, marriage, divorce, guardianship of children, inheritance, etc.). Even a cursory examination shows that despite its progressive aspect and its advances<sup>46</sup>, it remains a tool that reveals the powerful ideological and cultural patriarchal patterns that perpetuate the idea that women are eternal “minors”<sup>47</sup>. Therapeutic abortion is not envisaged, prohibited in the name of Islam by article 293 of the Penal Code.

#### *Education*

In terms of education, a text making the education of children compulsory, including that of girls aged 6 to 14, was adopted in 2002. This legal provision was added to the preamble of the Mauritanian Constitution which proclaims the “intangible guarantee” of social rights. Nevertheless, we quickly see that Mauritania is a long way from educational gender parity. More specifically, the data shows 46.3% illiteracy rate among women aged 15-19 compared to 32.7% of men in the same age group and 69.3% illiteracy rate among women aged 45-49 compared to 46.1% of men in the same age group. Therefore, it turns out that women are less educated: the literacy rate for women is 42% while it is 63% for men<sup>48</sup>.

With regard to literacy, data from the RGPH 2013<sup>49</sup> indicate an illiteracy rate of 36.3% (41.0% for women and 31.3% for men) in 2013 compared to 46.9% (54.2% for women and 39.2% for men) in 2000, i.e. a national decline of more than ten points. Moreover, in Mauritania, 12.7% of adult women have at least a secondary education level compared to 25% for men<sup>50</sup>. In 2015, the primary school enrollment

46 We can note: the age of marriage fixed at 18 years for boys and girls, the marriage contract, with the possibility for the wife to refuse polygamy, the authorization for the woman to pursue studies or professional activities, etc.

47 Groupe de la Banque Africaine de Développement (2015) ; Agence française de développement. (2016). Les « Profils Genre Mauritanie » ; <https://www.afd.fr/fr/ressources/profil-genre-afrique>

48 GGGR (2015).

49 Recensement général de la population et de l'habitat de 2013 ; <http://ansade.mr/index.php/publications/operations-statistiques/16-rgph-2013>

50 UNDP (2020).

rate for girls was 75% and for boys 71%. Enrollment at secondary and higher levels is low for the total population, with percentages of 20% in secondary and 3% in higher education for women compared to 23% and 7%, respectively, for men.

### ***Health system***

Beyond the general principle of equality, the constitution remains silent on the provisions concerning the health variable. But the challenges are immense. Thirty seven percent (37%) of women aged 20 to 24 are married or in union before the age of 18. “The adolescent birth rate is 84 per 1,000 women aged 15-19 as of 2014, up from 71 per 1,000 in 2011”<sup>51</sup>. Additionally, women of reproductive age (15-49) often face barriers to their sexual and reproductive health and rights. In 2015, only 30.4% of women had their need for family planning met with modern methods<sup>52</sup>.

Additionally, Mauritania has a GII value<sup>53</sup> of 0.634, ranking it 151 out of 162 countries in the 2019 index. For every 100,000 live births, 766.0 women die from pregnancy-related causes; and the teenage birth rate is 71.0 births per 1,000 women aged 15-19. Thus, access to prenatal and maternal care and to contraceptive methods is a major challenge for public health in Mauritania. In 2015, 65% of births were attended by qualified health personnel and only 11% of married women or women in union used any contraceptive method<sup>54</sup>. Similarly, access to maternal health services varies considerably by region (urban/rural) and education levels. While the maternal mortality rate has fallen by nearly 30% over the past 25 years, from 859 maternal deaths per 100,000 live births in 2005 to 602 in 2015, it remains high compared to the regional average (546/100 000)<sup>55</sup>.

### ***Economic context***

We do not have specific data for this variable. But the analysis of the “Work and employment support” variable below shows that discrimination is well and truly generated in the economic context in Mauritania. Women are not only less likely to have paid employment, but they also earn less money and are more affected by poverty.

### ***Work and employment support***

Article 3 of the constitution guarantees “equal access of women and of men to the electoral mandate and elective functions”, and, according to article 12, “All citizens may accede to public functions and employments, without other conditions than those established by the law”.

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51 <https://data.unwomen.org/country/mauritania>

52 <https://data.unwomen.org/country/mauritania>

53 UNDP. (2020). Human Development Report 2020 (for Mauritania); <http://hdr.undp.org/sites/default/files/Country-Profiles/MRT.pdf>

54 GGGR (2015) ; Agence française de développement. (2016). Les « Profils Genre Mauritanie » ; <https://www.afd.fr/fr/ressources/profil-genre-afrique>

55 Banque Mondiale (2015).



In reality, Mauritanian women hold only 27% of labor income compared to 73% held by men, which makes it difficult to reduce gender inequality, social inequality and poverty. In addition, the distribution by sex of the employed population shows a very strong disparity between men (70.59%) and women (22.41%): the participation of women in the labor market is 28.9% against 63.1% for men<sup>56</sup>. The activity rate of men in 2014 (69%) is much higher than that of women (27.4%)<sup>57</sup>. Less likely to have a paid job and earning less money, women are more affected by poverty.

### *Housing*

We do not have data for this variable.

### *Natural environment*

We do not have data for this variable.

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## **Morocco**

### **1. Constitutional provision**

In the Kingdom of Morocco, equality between men and women is recognized by the fundamental law through articles 6 and 19. Article 6 clearly emphasizes this gender equality in these terms: “The law is the supreme expression of the will of the Nation. All, physical or moral persons, and including the public powers, are equal before it and held to submit themselves to it”<sup>58</sup>. This constitutional recognition is further clarified through article 19 “the man and the woman enjoy, in equality, the rights and freedoms of civil, political, economic, social, cultural and environmental character”.

### **2. Institutions involved in implementation**

For the implementation of constitutional provisions on gender equity and equality, institutional measures have been put in place. These are the State Secretariat for the Family, Childhood and the Disabled (SEFEPH), the Ministry of Interministerial Consultation Network (RCI), Equality between women and men in the civil service (within the Ministry of Civil Service and Modernization of Administration). This ministry is responsible for overseeing the planning, coordination, support, monitoring and evaluation of actions relating to the institutionalization of equality between men and women in the civil service, mainly those relating to the management of human resources. There is also the Center of Excellence for Gender Responsive Budgeting, set up in 2013 in partnership with UN Women (for the period 2013-2016). This Center “aims to equip the various ministries

<sup>56</sup> UNDP (2020).

<sup>57</sup> Groupe de la Banque Africaine de Développement (2015).

<sup>58</sup> See the constitution of the Kingdom of Morocco (2011): [http://www.sgg.gov.ma/Portals/0/constitution/constitution\\_2011\\_Fr.pdf](http://www.sgg.gov.ma/Portals/0/constitution/constitution_2011_Fr.pdf)

at the sectoral level for gender-sensitive integration, planning and programming and to constitute a center of excellence for learning and sharing”<sup>59</sup>.

In addition, on the one hand, there is an interdepartmental partnership with the “Ministry of National Education and Vocational Training and the European Union and the Canadian International Development Agency with the objective of implementing the medium-term strategic action for the institutionalization of gender equality (PASMT/IES 2009-2012)”<sup>60</sup>. On the other hand, with the Ministry of Economy and Finance, the Ministry of Agriculture, the socio-economic promotion of rural women; emphasizing “one of the fundamental axes of its development policy, with the creation of an office for the socio-economic promotion of rural women within the Division responsible for agricultural extension”<sup>61</sup>.

It is therefore important to document the statistical data recorded concerning the variables selected.

### 3. Impact of legal provisions on the determinants of health

#### *Sociocultural context*

In 2010, a study carried out in Morocco highlights the finding that “62.8% of Moroccan women aged 18 to 64 have been victims of gender-based violence. Among these victims, 55% of them were abused in a marital context (by their spouse or conjugal partner). But only 3% of these women have denounced their spouse to the authorities” (Royaume du Maroc, 2011 quoted by, Massoui 2020 110)<sup>62</sup>. Just recently in 2019, another study carried out shows that 52.2% of women are victims of domestic violence<sup>63</sup>. In 2020, among the cases of violence suffered, it should be noted that 60.2% of women developed psychological disorders following physical violence and 79% following sexual violence<sup>64</sup>. Regarding early marriage, Radio Canada estimates that in 2018, at least 40,000 customary marriages were celebrated for adolescent children (minors)<sup>65</sup>. In certain regions such as the High Atlas, the same source indicates that “these customary marriages would affect up to 83% of girls, according to the Ytto Foundation, which fights for the rights of Moroccan

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59 <https://plateforme-elsa.org/wp-content/uploads/2014/02/Profil-Genre-Maroc.pdf>

60 idem

61 idem

62 Royaume du Maroc, (2011) cité par Massoui, Salima et Michaël Séguin (2020) « Enquêter sur la violence conjugale au Maroc : les défis d'un féminisme intersectionnel du positionnement. » Recherches qualitatives, volume 39, numéro 1, printemps 2020, p. 107–129. <https://doi.org/10.7202/1070018a>

63 See: Monde Afrique (2019) [https://www.lemonde.fr/afrique/article/2020/11/27/maroc-tres-peu-de-victimes-de-violences-conjugales-deposent-plainte\\_6061326\\_3212.html](https://www.lemonde.fr/afrique/article/2020/11/27/maroc-tres-peu-de-victimes-de-violences-conjugales-deposent-plainte_6061326_3212.html)

64 See: Haut-Commissariat au Plan (HCP) : <https://www.yabiladi.com/articles/details/102157/maroc-femmes-victimes-violence-conjugale.html>

65 See: Radio Canada (2019) : <https://ici.radio-canada.ca/ohdio/premiere/emissions/l-heure-du-monde/segments/reportage/140217/mariage-force-mineures-filles-maroc-hdm>

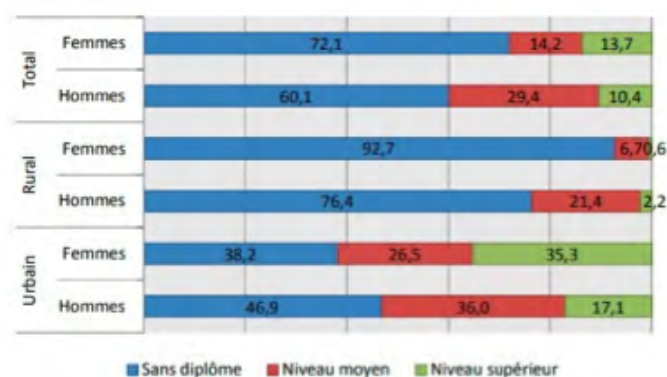
women”<sup>66</sup>.

## Education

In the Moroccan constitution, article 31 guarantees citizens fundamental rights. It stipulates that “The State, the public establishments and the territorial collectivities work for the mobilization of all the means available to facilitate the equal access of the citizens [feminine] and the citizens [masculine] to conditions that permit their enjoyment of the right: [...] to education concerning attachment to the Moroccan identity and to the immutable national constants”<sup>67</sup>.

In 2012, a study cited by the High Commission for Planning highlights some statistical data in relation to the educational situation in Morocco through the table below.

Figure 1 - Structure of employed workers according to level of education, by sex and place of residence, Morocco, 2012 (%)



Source: ENE, 2012

After implementing several programs related to education, these figures have seen an evolution in terms of literacy. Thus, according to a study carried out by UNESCO (UNESCO 2018, p. N/D)<sup>68</sup>, it appears that between:

- 15 to 24 years old: the literacy rate is 98% for men against 97.4 for women.
- 24 years and over, the literacy rate is 83.3% for men against 64.6 for women.
- 65 years and over, the literacy rate is 51.4% for men against 19% for women. These data indicate gender inequalities in literacy in Morocco.

<sup>66</sup> idem.

<sup>67</sup> See: la Constitution marocaine (2011) : [http://www.sgg.gov.ma/Portals/0/constitution/constitution\\_2011\\_Fr.pdf](http://www.sgg.gov.ma/Portals/0/constitution/constitution_2011_Fr.pdf)

<sup>68</sup> Unesco (2018) : <http://uis.unesco.org/fr/country/ma>

Compared to primary education, there is a clear evolution of the situation in general. The tables below illustrate the enrollment rates by study cycle (UNESCO 2018, p. N/D)<sup>69</sup>.

Table 1 - Gross and net enrollment rate in Primary education, Morocco, 2011 to 2020

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	110.74	110.72	110.30	109.96	109.52	110.40	112.40	113.88	114.76	115.15
Female	107.74	108.01	107.76	107.43	106.64	107.73	109.78	111.51	112.73	113.38
Male	113.60	113.29	112.73	112.36	112.26	112.92	114.88	116.11	116.69	116.83
Net enrollment rate (%)										
Total	93.2	92.5	93.2	93.3	...	94.6	96.9	99.1	99.5	99.2
Female	92.9	92.3	93.0	93.2	...	94.7	97.0	...	...	...
Male	93.5	92.7	93.4	93.3	...	94.6	96.8	...	...	...

Figure 2 - Gross enrollment ratio (%) in Secondary education by sex, Morocco, 2011 to 2020

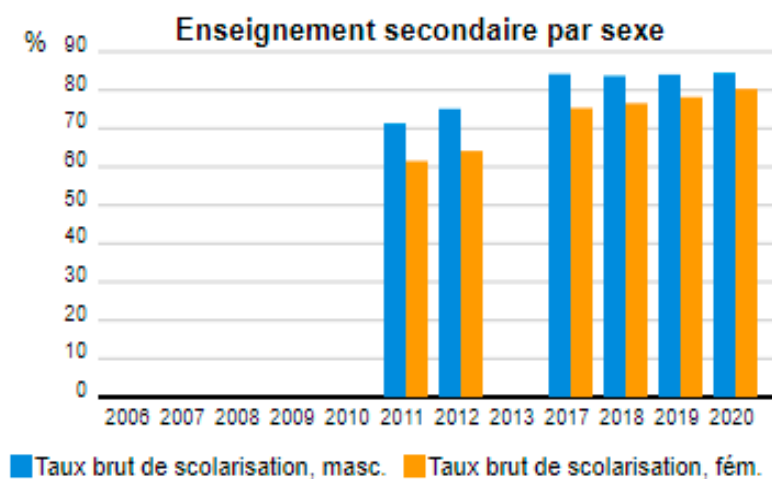


Table 2 - Gross enrollment in Higher education, Morocco, 2011 to 2020

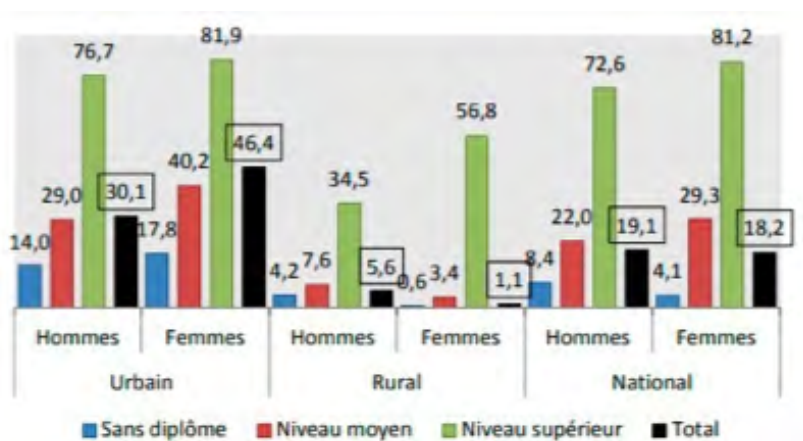
Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	16.4	19.5	22.6	25.3	28.4	32.0	33.8	35.9	38.5	40.6
Female	15.7	18.7	22.1	24.9	27.8	30.7	33.3	35.7	39.1	41.7
Male	17.0	20.2	23.2	25.8	29.0	33.2	34.3	36.2	38.1	39.6

### Health system

Constitutionally, the Moroccan government organizes itself through article 31 to make a significant contribution “to social protection, to medical coverage and to the mutual or organized joint and several liability of the State”.

Faced with this constitutional right, concrete measures taken by the government have contributed to the establishment of a medical coverage system since 2012. The data below provide information on the situation of gender inequality.

Figure 3 - Rate of affiliation (%) to a medical coverage system according to level of education, by sex and place of residence, Morocco, 2012 (%)



Source: ENE, 2012

Table 3 - Distribution of employed workers according to whether or not they are affiliated to a medical coverage system, by place of residence and sex, Morocco, 2012 (%)

	Urban			Rural		
	Men	Women	Total	Men	Women	Total
Affiliated	30.0	46.1	33.1	5.6	1.1	4.1
Non affiliated	69.6	53.3	66.4	94.2	98.8	95.7
Not reported	0.4	0.6	0.4	0.2	0.0	0.1
Total	100.0	100.0	100.0	100.0	100.0	100.0

Medical coverage has certainly played a role in the drop in the maternal mortality rate (maternal deaths per 100,000 live births). In 2010, Morocco went from 153 to 121 in 2015<sup>70</sup>.

### *Economic context*

The Moroccan constitution does not explicitly state equality between men and women in terms of salary.

However, several studies point to significant gender gaps in pay. According to HEM Research Center, “being female alone reduced a woman’s salary by 32.4% in 1991, 15.4% in 1999 and 14.0% in 2007”<sup>71</sup>. From 1990 to 2007, we can see a reduction in this gap. It should be noted that out of 157 countries, a 2019 ranking places Morocco in “101st place in the section relating to efforts made in the area of labor rights and wages”<sup>72</sup> in terms of gender. However, article 346 of the Labor Code “prohibits any discrimination in wages between the two sexes for work of equal value”<sup>73</sup>.

The following graph<sup>74</sup> establishes a link between hourly wages and employment according to gender and level of education.

70 See: l4OMS et al (1990-2015) [http://apps.who.int/iris/bitstream/handle/10665/204113/WHO\\_RHR\\_15.23\\_fre.pdf?sequence=1](http://apps.who.int/iris/bitstream/handle/10665/204113/WHO_RHR_15.23_fre.pdf?sequence=1)

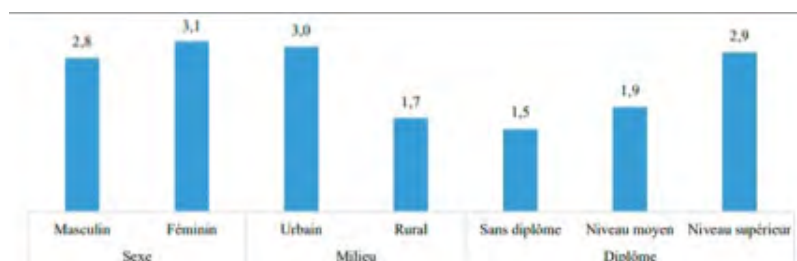
71 See: HEM research Center : <http://economia.ma/fr/Travaux-de-recherche/retomb%C3%A9es-des-in%C3%A9galit%C3%A9s-salariales-de-genre>

72 <https://lematin.ma/journal/2019/ecarts-se-reduisent-lentement/311918.html>

73 See: Code du Travail de 2003 : <https://www.ilo.org/dyn/travail/docs/447/Maroc%20-%20Code%20travail.pdf>

74 See: Haut-Commissariat au Plan et la Banque mondiale Novembre 2017 : file:///C:/Users/T450/Downloads/Le%20march%C3%A9%20du%20travail%20au%20Maroc%20\_%20

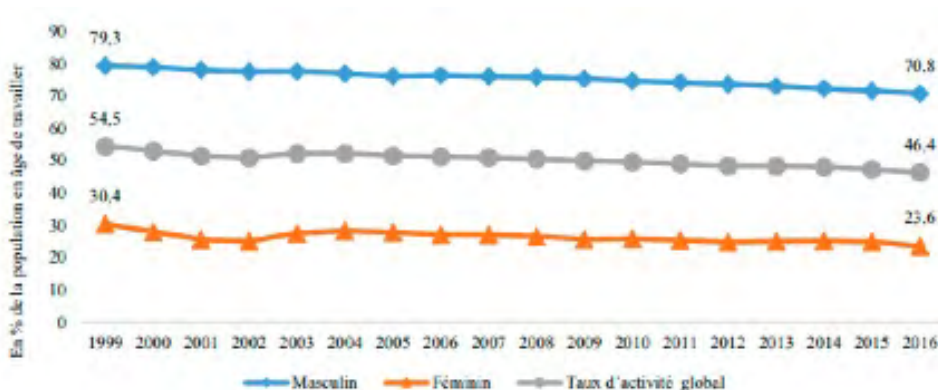
Figure 4 - Relationship between hourly wages in formal employment and informal employment according to different categories of population, Morocco, 2015



### Work and employment support

Article 9 (para. 1) of the Moroccan Labor Code recognizes the right of women to enter into an employment contract. Article 346 prohibits “any discrimination in pay between the two sexes for work of equal value”. In the same vein, article 478 prohibits private recruitment agencies from any form of discrimination based on sex. The data collected shows that “between 2000 and 2014, the Moroccan economy generated approximately 1.66 million jobs outside the agricultural sector”<sup>75</sup>. The same source highlights the number of women and men in activity from 1999 to 2016<sup>76</sup>.

Figure 5 - The activity rate is falling and women remain excluded from the labor market, Morocco, 1999 to 2016



In 2014 “housewives represented more than three quarters of the inactive (76.9%) and followed by pupils or students (12.8%)”.

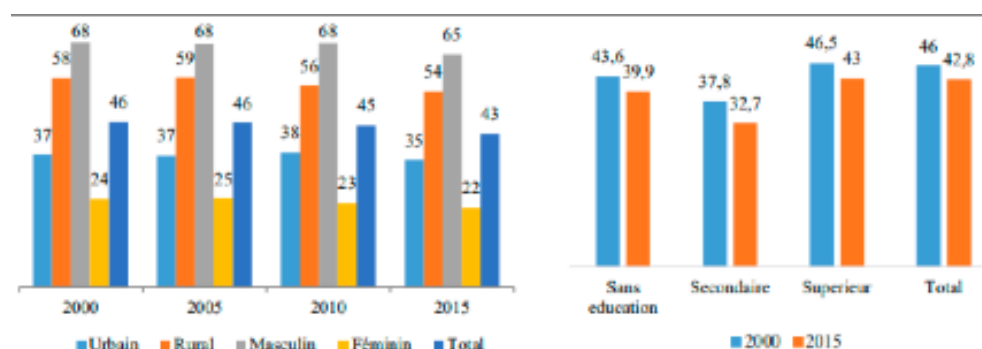
Among young people aged 15 and over, in relation to their level of education, the following graph shows the employment rate among men and women and according to their geographic environment.

D\%C3%A9fis%20et%20opportunit%C3%A9s%20(1).PDF

75 See: Étude sur l'évolution de la situation du marché du travail entre 2000 et 2014, HCP 2015 (file:///C:/Users/T450/Downloads/Le%20march%C3%A9%20du%20travail%20au%20Maroc%20\_%20D%C3%A9fis%20et%20opportunit%C3%A9s%20(1).PDF)

76 idem

Figure 6 - Employment rate of people aged 15 and over according to different categories of population (in % of the population of working age), Morocco, 2000 to 2015



### Housing

We do not have data for this variable.

### Natural environment

We do not have data for this variable.

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## Tunisia

### 1. Constitutional provision

In Tunisia, gender equality is one of the values promoted by the government. According to article 21, “All citizens, male and female, have equal rights and duties, and are equal before the law without any discrimination”. In the same logic, article 46 testifies to the importance given to gender equality. It stipulates that “the state commits to protect women’s accrued rights and work to strengthen and develop those rights. The state guarantees the equality of opportunities between women and men to have access to all levels of responsibility in all domains. The state works to attain parity between women and men in elected Assemblies. The state shall take all necessary measures in order to eradicate violence against women”.

CEDAW was also ratified in 1985 to strengthen the legal mechanisms and instruments necessary to guarantee gender equality in Tunisia. To implement these measures, political and institutional arrangements have been put in place.

### 2. Institutions involved in implementation

The Ministry of Women, Family and Children is the main administrative structure responsible for developing and implementing strategies to counter discrimination against women. In 2017, this structure designed a national strategy for the economic and social empowerment of women and girls. The strategy aims



to achieve two main objectives:

- The first is the improvement of women's employability by bringing together and diversifying vocational training, access to resources and means of production including land and facilitating the transition from the informal to the formal sector, the promotion of the social and solidarity economy and access to markets.
- The second is the fight against dropping out of school, access to decent work (equal pay, social coverage, protected work and transport), bringing together and improving basic health and maternal health services and of the child (Tunisia, 2017, p.3)<sup>77</sup>.

It should be noted that other stakeholders were actively involved in the process of developing this strategy. These are the Restricted Ministerial Council (CMR), UN Women, the International Labor Office and the Office of the High Commissioner for Human Rights.

### 3. Impact of legal provisions on the determinants of health

#### *Sociocultural context*

In reference to article 46, "Tunisia has enacted an integral law to eliminate violence against women, which is fundamental law n° 2017-58 of August 11, 2017"<sup>78</sup>. In order to allow the victims to break the silence, a toll-free number (1899) allows them to call and report the violence suffered. On the one hand, it appears that 75.5% of the calls mainly concern domestic violence. On the other hand, more than 66% of callers believe they have suffered physical violence and 39% are victims of economic violence. In addition, 82% of calls relate to moral, psychological and verbal aggression<sup>79</sup>.

#### *Education*

Constitutionally, every citizen has the right to education. This right is preserved through article 39 "Education shall be mandatory up to the age of sixteen years. The state guarantees the right to free public education at all levels and ensures provisions of the necessary resources to achieve a high quality of education, teaching, and training. It shall also work to consolidate the Arab-Muslim identity and national belonging in the young generations, and to strengthen, promote and generalize the use of the Arabic language and to openness to foreign languages, human civilizations and diffusion of the culture of human rights". Article 47 follows the same logic and stipulates that "children are guaranteed the rights to dignity, health, care and education from their parents and the state. The state must provide

77 Tunisie (2017, 3). [http://www.femmes.gov.tn/wp-content/uploads/2017/07/Presentation\\_Strategie\\_FR\\_2017-2020.pdf](http://www.femmes.gov.tn/wp-content/uploads/2017/07/Presentation_Strategie_FR_2017-2020.pdf)

78 République tunisienne (2017, p. 5), Rapport national sur la lutte contre la violence à l'encontre des femmes en Tunisie.

79 Tunisie (2021) : Les chiffres effrayants des violences à l'égard des femmes : <http://kapitalis.com/tunisie/2021/11/22/tunisie-les-chiffres-effrayants-des-violences-a-legard-des-femmes/>

all types of protection to all children without discrimination and in accordance with their best interest”.

This legal framework would have contributed to the increase in the rate of literacy and schooling in Tunisia. Literacy rates for women aged 15 and over are estimated at 71% in 2010, and at 72% from 2011 to 2014 (UNESCO, cited by the World Bank 2014, p. N/D)<sup>80</sup>. Among men, it is 88% in 2011, 88% in 2012, 86% in 2014 (UNESCO, quoted by the World Bank 2014, p. N/D)<sup>81</sup>.

With regard to enrollment rates (UNESCO 2017, p. N/D)<sup>82</sup>, the efforts made have led to the overall improvements shown in tables 1.6.1 to 1.6.4.

Table 1 - Gross and net enrollment rate in Pre-primary education, Tunisia, 2011 to 2020

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	...	...	41.3	42.8	43.7	44.6	...	...	...	...
Female	...	...	43.2	43.8	44.2	45.0	...	...	...	...
Male	...	...	39.6	41.9	43.2	44.2	...	...	...	...
Net enrollment rate (%)										
Total	...	...	...	...	...	...	...	...	...	...
Female	...	...	...	...	...	...	...	...	...	...
Male	...	...	...	...	...	...	...	...	...	...

80 <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.FE.ZS?locations=TN>

81 Unesco (2014) : <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.MA.ZS?locations=TN>

82 Unesco (2020) : <http://uis.unesco.org/fr/country/tn>

**Table 2 - Gross and net enrollment rate in Primary education, Tunisia, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	107.80	109.90	111.39	113.33	114.55	114.92	115.65	115.45	...	113.45
Female	107.71	110.17	111.30	113.38	114.58	115.08	115.39	114.93	...	112.54
Male	107.88	109.64	111.47	113.30	114.53	114.77	115.89	115.93	...	114.30
Net enrollment rate (%)										
Total	98.8	97.5	97.8	...	...	...	...	...	...	...
Female	...	...	...	...	...	...	...	...	...	...
Male	...	...	...	...	...	...	...	...	...	...

**Table 3 - Gross and net enrollment rate in Secondary education, Tunisia, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	91.82	...	90.08	87.66	88.23	92.87	...	...	...	...
Female	95.28	...	...	...	...	99.32	...	...	...	...
Male	88.63	...	...	...	...	86.90	...	...	...	...
Net enrollment rate (%)										
Total	...	...	...	...	...	...	...	...	...	...
Female	...	...	...	...	...	...	...	...	...	...
Male	...	...	...	...	...	...	...	...	...	...

Table 4 - Gross enrollment ratio in Higher education, Tunisia, 2011 to 2020

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	35.2	35.9	35.0	35.3	35.2	32.8	32.1	31.7	31.8	...
Female	43.8	44.0	43.2	44.1	44.1	41.8	41.7	41.2	41.7	...
Male	26.8	28.0	27.0	26.8	26.6	24.2	23.1	22.8	22.6	...

### Health system

The Tunisian constitution declares that “health is a right for every human being. The state shall guarantee preventative health care and treatment for every citizen and provide the means necessary to ensure the safety and quality of health services. The state shall ensure free health care for those without means and those with limited income. It shall guarantee the right to social assistance in accordance with the law” (article 38). Child health is important in Tunisia. The state and families are primarily responsible for child health (article 47).

The entire legal system has enabled the establishment of the public health system that can allow the improvement of health care and services (Sedrine & Amami, 2016). However, the governance of the system in Tunisia is a source of aggravation of health inequalities (Sedrine & Amami, 2016)<sup>83</sup>, particularly with regard to infant and maternal mortality.

Table 5 - Infant mortality rate (IMR) by sex, Tunisia, 2011 to 2020

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
IMR - boys (1000 live births) <sup>84</sup>	17	17	16	16	16	16	16	16	16	16
IMR - girls (1000 live births) <sup>85</sup>	14	14	14	14	13	13	13	13	13	13

Regarding maternal mortality, Chaouch believes that the recorded rate is too high (44.8 per 100,000 live births). Especially since 99% of pregnancies have

83 Sedrine & Amami, (2016), La gouvernance du système de santé publique aggrave l'inégalité sociale face au risque de la maladie en Tunisie, <https://library.fes.de/pdf-files/bueros/tunesien/14395.pdf>

84 UNICEF al. (2020): <https://donnees.banquemondiale.org/indicateur/SP.DYN.IMRT.MA.IN?locations=TN>

85 Idem : <https://donnees.banquemondiale.org/indicateur/SP.DYN.IMRT.FE.IN?locations=TN>

undergone at least one medical check-up and 99% of women give birth in health centres<sup>86</sup>.

### *Economic context*

Article 40 of the constitution guarantees pay equity. To this end, “all citizens, male and female, shall have the right to decent working conditions and to a fair wage”. This measure does not reflect reality even if, according to Business News, “the wage gap between men and women in Tunisia is 14.6%, the lowest in the Arab world”<sup>87</sup>. The ILO report (2018-2019)<sup>88</sup>, based on monthly earnings, estimates that the gap between men and women is 8.6.

### *Work and employment support*

The right to work is guaranteed by article 40. It stipulates that “every citizen has the right to work. The State takes the necessary measures to guarantee it on the basis of merit and equity. Every citizen has the right to work under favorable conditions and with fair wages”. To materialize these constitutional measures, the employment programs and policies developed and implemented have contributed to the increase in the employment rate among men and women<sup>89</sup>.

Table 6 - Wage and salaried workers (% of employment) by sex, Tunisia, 2011 to 2019

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019
Male salaried workers	68,7%	68,7%	69,1%	69,8%	70,5%	70,7%	71%	71,2%	71,4%
Female salaried workers <sup>90</sup>	79,5%	80,2%	81,4%	82,7%	84%	84,6%	85,1%	85,4%	85,7%

86 Mohamed Chaouch (2019), le taux de mortalité maternelle est très élevé en Tunisie. <https://www.leconomistemaghreb.com/2019/10/02/mohamed-chaouch-le-taux-de-mortalite-maternelle-est-tres-eleve-en-tunisie/>

87 Business News (2017); <https://www.businessnews.com.tn/egalite-salariale-homme-femme--bonne-annee-mesdames,519,70449,3#:~:text=Selon%20l'Enqu%C3%AAte%2C%20on%20apprend,plus%20bas%20du%20monde%20arabe>

88 International Labor Organization (2019): Global Wage Report 2018/19 What lies behind gender pay gaps. [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_650553.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_650553.pdf)

89 Zouari (2014), Les politiques de l'emploi et les programmes actifs du marché du travail en Tunisie. [https://www.etf.europa.eu/sites/default/files/m/021E98194EA70DABC1257D01004095E5\\_Employment%20policies\\_Tunisia\\_FR.pdf](https://www.etf.europa.eu/sites/default/files/m/021E98194EA70DABC1257D01004095E5_Employment%20policies_Tunisia_FR.pdf)

90 ILO (2019): <https://donnees.banquemondiale.org/indicateur/SL.EMP.WORK.FE.ZS?locations=TN>

## *Housing*

The Tunisian constitution declares that “Every citizen has the right to choose their place of residence, to free movement within the country, and the right to leave the country” (article 24). However, we did not find any data related to access to housing.

## *Natural environment*

The State, through article 45, “guarantees the right to a healthy and balanced environment and the right to participate in the protection of the climate. The state shall provide the necessary means to eradicate pollution of the environment”.

Despite these measures, the country faces natural disasters such as forest fires in 2017 and floods in 2018 by which 2,000 and 30,000 people were affected respectively<sup>91</sup>. But we do not have the number of women and men affected.

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91 Tunisie (2018) : Examen par les pairs ([https://civil-protection-humanitarian-aid.ec.europa.eu/system/files/2019-07/peer\\_review\\_-\\_report\\_tunisia\\_fr\\_v2.pdf](https://civil-protection-humanitarian-aid.ec.europa.eu/system/files/2019-07/peer_review_-_report_tunisia_fr_v2.pdf))



# WESTERN AFRICA

## Benin

### 1. Constitutional provision

The principle of gender equality is constitutionally guaranteed in Benin. According to article 26 of the fundamental law, “the State shall assure to everyone equality before the law without distinction of origin, of race, of sex, of religion, of political opinion or of social position. Men and women are equal under the law”. In addition, Article 8 stipulates that the State has an absolute obligation to ensure “equal access to health, education, culture, information, vocational training, and employment”.

Thus, the constitution reaffirms the commitment of the Beninese people to the principles of democracy and human rights, as defined by the United Nations Charter of 1945 and the Universal Declaration of Human Rights of 1948, and to the African Charter on Human and Peoples’ Rights adopted in 1981, ratified by Benin on January 20, 1986, the provisions of which are an integral part of the constitution and Beninese law and have a higher value than domestic law. In addition, Benin ratified the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women (Maputo Protocol) on September 30, 2005. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was ratified without reservations by Benin on March 12, 1992.

### 2. Institutions involved in implementation

As for legal provisions guaranteeing women’s rights, several laws have been adopted, such as Law No. 2003-04 of March 3, 2003 on sexual and reproductive health, Law No. 2003-03 of March 3, 2003 on the repression of the practice of female genital mutilation, and Law No. 2002-07 of August 24, 2004 on the Code of Persons and the Family (CPF) Law No. 2007-03 of 16 October 2007 on rural land tenure in the Republic of Benin, which explicitly guarantees women the right to inheritance from their ascendants or spouses on rural land, Law No. 2006-19 of 5 September 2006 on the repression of sexual harassment and the protection of victims in the Republic of Benin, etc.

In terms of important achievements from 2015-2016, it is worth mentioning

the “Insurance for the Reinforcement of Human Capital (ARCH)”, set up through the National Agency for Social Protection (ANPS) and its branches; the implementation of materials and equipment acquired under the Women’s Economic Empowerment and Gender Promotion Project (PAFE-PG2) and the Vulnerable Groups Protection Program (PPCV) in 2018 for the benefit of women’s groups and other targets; the implementation of the P20 initiative; the development of the National Development Plan (NDP 2018-2025) and the Growth Program for Sustainable Development (PC2D 2018 - 2021)<sup>1</sup>. It is also important to highlight the strengthening of women’s economic empowerment since 2015 through the implementation of the PPEA, PVM, BPC/WBPC and PANA projects; the establishment and launch in July 2018 of the compendium of women’s skills in Benin by the Minister of Social Affairs and Microfinance with the support of the UNDP as part of the improvement of women’s representativeness in the decision-making bodies; the development of the Gender and Social Integration Plan (PISG) in September 2015 to serve as a basis for project actions to promote gender equity and equality, as well as the inclusion of people in situations of poverty, vulnerability and social exclusion; the expanded school meals program in 2017 to improve access to primary education and increase the rate of continuation of studies, particularly among girls; the adoption of Law No. 2017-5 of August 10, 2017 amending and supplementing Law No. 2013-01 of August 14, 2013 on the Land and Property Code in the Republic of Benin; the development of the action plan to combat gender-based violence, the implementation of which underwent its first evaluation in December 2016; the development of the National Policy for the Promotion of Gender in Peace Operations accompanied by an action plan (PAN 1325); the development of the holistic social protection policy; the development of the standard operating procedures document (SOP) for the integrated management of victims of gender-based violence; the Government Action Program (GAP)<sup>2</sup> and, finally, the adoption of a new law authorizing abortion on October 21, 2021<sup>3</sup>.

### 3. Impact of legal provisions on the determinants of health

Despite these efforts, much remains to be done to achieve gender equality in Benin. For example, only 7.2% of parliamentary seats are held by women and the country has a GII value of 0.612, ranking it 148 out of 162 countries in the 2019 Human Development Index, according to the latest Human Development Report (2020)<sup>4</sup>.

#### *Sociocultural context*

Under article 15, the constitution guarantees that “each individual has the right to life, liberty, security and the integrity of his person”. And according to

1 [https://www.ngocsw.org/wp-content/uploads/2020/05/Benin-SWB\\_RAPPORT-BEIJING-25\\_VF.pdf](https://www.ngocsw.org/wp-content/uploads/2020/05/Benin-SWB_RAPPORT-BEIJING-25_VF.pdf)

2 [https://www.ngocsw.org/wp-content/uploads/2020/05/Benin-SWB\\_RAPPORT-BEIJING-25\\_VF.pdf](https://www.ngocsw.org/wp-content/uploads/2020/05/Benin-SWB_RAPPORT-BEIJING-25_VF.pdf)

3 <https://www.gouv.bj/actualite/1518/encadrement-avortement-benin-parlement-adopte-modificative/>

4 UNDP. (2020). Human Development Report 2020 (for Benin); <http://hdr.undp.org/sites/default/files/Country-Profiles/BEN.pdf>



article 26 of the constitution, “the State shall assure to everyone equality before the law without distinction of origin, of race, of sex, of religion, of political opinion or of social position. Men and women are equal under the law. The State shall protect the family and particularly the mother and child”. Benin has also just legalized abortion, making it one of the few countries in sub-Saharan Africa to have legalized this act<sup>5</sup>. In addition, the 2004 Personal and Family Code<sup>6</sup> gives men and women equal rights in marriage and sets the legal age of marriage at 18. Forced marriage is prohibited as stipulated in article 119 as follows: “Each spouse, even a minor, must personally consent to the marriage”. Despite this provision, forced marriage is present in almost all of Benin’s seventy-seven (77) communes. According to the results of a survey conducted by the Ministry of the Family, out of 2,745 women interviewed, 25.5% admitted that they did not freely choose their husbands. Moreover, the notion of head of the family has disappeared in the same law in article 155, “The spouses jointly ensure the moral and material management of the family. They ensure the education of their children and prepare their future”. In article 157, “each spouse has the right to exercise the profession of his or her choice”.

It should be noted, however, that inheritance rights to daughters and sons, or the 2012 law on violence against women, are not always (or for the most part) respected.

### ***Education***

Education for all is constitutionally guaranteed in Benin. Article 8 provides that the State “shall assure to its citizens equal access to health, education, culture, information, vocational training, and employment”. In article 12, the Constitution states that “the State and public authorities shall guarantee the education of children and shall create conditions favorable to this end”. And in article 13, “the State shall provide for the education of the youth by public schools. Primary education shall be obligatory. The State shall assure progressively free public education”.

In Benin, however, 18.3% of adult women have attained at least a secondary level of education compared to 33.9% of men<sup>7</sup>. And while there has been small progress at all levels in access to education in Benin, men benefit more. For example, the literacy rate for women is 27% while it is 50% for men<sup>8</sup>. It should also be noted that the literacy rate of Beninese women varies according to income level and place of residence. In 2012, the literacy rate for women living in urban areas was 77%, compared to 20% for rural women<sup>9</sup>.

In 2015, the primary school enrollment rate for girls was 88% and for boys

5 <https://www.gouv.bj/actualite/1518/encadrement-avortement-benin-parlement-adopte-modificative/>

6 Law L2002-07 - Loi N° 2002-07 portant code des personnes et de la famille ; <https://legis.cdij.bj/index.php/loi-n-2002-07-portant-code-des-personnes-et-de-la-famille>

7 UNDP (2020).

8 GGGR (2015).

9 INSAE, Enquête Démographique et de Santé (EDSB-IV) 2011-2012. (2013, p 133) ; <https://dhsprogram.com/pubs/pdf/FR270/FR270.pdf>

100%. Enrollment in secondary and higher education is low, especially for women, with percentages of 34% in secondary education and 5% in higher education, compared with 50% and 19%, respectively, for men<sup>10</sup>.

### *Health system*

According to article 15 of the constitution, “each individual has the right to life, liberty, security and the integrity of his person”. Furthermore, according to the basic text, all Beninese have the same rights and equal access to health care. This includes information on family planning and the right of access to the family. In addition, the promotion of the Universal Health Insurance Scheme (RAMU) in Benin entered its operational phase on June 21, 2013.

However, major challenges remain. Although health infrastructure coverage has improved, many women die during childbirth. To reduce maternal mortality, the government institutionalized free caesarean sections in 2009. This measure is only implemented in some hospitals, where there is often a shortage of kits to serve women. There is also a low level of birth planning among Beninese women, most of whom are illiterate and live below the poverty line. This is most often due to a lack of information and the fact that, for various reasons, some husbands refuse to allow their wives to use family planning methods<sup>11</sup>.

For every 100,000 live births, 397.0 women die from pregnancy-related causes; and the adolescent birth rate was 108 per 1,000 women aged 15-19 in 2016, compared to 94 per 1,000 in 2014<sup>12</sup>. Indeed, Benin has not met the MDG 5A target of reducing the maternal mortality ratio by 75% for the year 2015. Progress has been insufficient with a reduction of only 29.7%, from 576 maternal deaths per 100,000 live births in 1990 to 405 in 2015<sup>13</sup>. 30.6% of women aged 20-24 were married or in union before the age of 18. In addition, women of reproductive age (15-49) often face barriers to their sexual and reproductive health and rights. In 2018, only 28% of women had their need for family planning met with modern methods<sup>14</sup>.

Thus, access to health care remains limited for women, due in part to the failure to address their differentiated needs in this area and in part to limited opportunities to access information<sup>15</sup>. In 2015, 81% of deliveries were attended

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10 GGGR (2015).

11 [https://www.ngocsw.org/wp-content/uploads/2020/05/Benin-SWB-RAPPORT-BEIJING-25\\_VF.pdf](https://www.ngocsw.org/wp-content/uploads/2020/05/Benin-SWB-RAPPORT-BEIJING-25_VF.pdf)

12 UNDP (2020); et <https://data.unwomen.org/country/benin>

13 OMS (2015), Tendances de la mortalité maternelle : 1990-2015 ; [http://apps.who.int/iris/bitstream/handle/10665/204113/WHO\\_RHR\\_15.23\\_fre.pdf;jsessionid=5B89BD8DF8B4E68C9DCA8869B6BB0849?sequence=1](http://apps.who.int/iris/bitstream/handle/10665/204113/WHO_RHR_15.23_fre.pdf;jsessionid=5B89BD8DF8B4E68C9DCA8869B6BB0849?sequence=1)

14 <https://data.unwomen.org/country/benin>

15 INFP (2011) ; <https://plateforme-elsa.org/wp-content/uploads/2016/10/Profil-Genre-Benin.pdf>; et GGGR. (2015). The Global Gender Gap Report 2015; <https://www3.weforum.org/docs/GGGR2015/cover.pdf>

by skilled health personnel<sup>16</sup>. However, the national averages mask the particular situations of the female population affected by other exclusionary variables such as place of residence. The Demographic and Health Survey conducted in 2012 revealed that almost all women in urban areas (93%) gave birth in a health facility compared to 83% in rural areas. The differences by department are also significant, because while 99% of women in the department of Ouémé gave birth in a health facility, this proportion is only 58% in Alibori and 68% in Borgou<sup>17</sup>.

### *Economic context*

According to article 26 of the constitution, “the State shall assure to everyone equality before the law without distinction of origin, of race, of sex, of religion, of political opinion or of social position. Men and women are equal under the law”. Similarly, article 22 of the Basic Law states that “every person has the right to his property”.

Moreover, according to the Integrated Modular Survey on Household Living Conditions<sup>18</sup>, 85.1% of landowners are men (compared to 14.9% of women), and only 12% of women have inherited land (compared to 88% of men)<sup>19</sup>.

### *Work and employment support*

According to article 30 of the constitution, the State “shall recognize for all citizens the right to work and shall strive to create conditions which shall make the enjoyment of this right effective and shall guarantee to the worker just compensation for his services or for his production”. Women’s participation in the labor market is 68.8 percent compared to 73.0 percent for men<sup>20</sup>. However, women are the most affected by income poverty. Mostly illiterate and active in the informal economic sector, they face major problems in accessing finance, land, chemicals and expertise to improve their products, their markets and the movement of people and goods.

### *Housing*

We do not have data for this variable.

### *Natural environment*

We do not have data for this variable.

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16 GGGR (2015).

17 INSAE, Enquête Démographique et de Santé (EDSB-IV) 2011-2012. (2013. p, 133). <https://dhsprogram.com/pubs/pdf/FR270/FR270.pdf>

18 EMICOV (2015).

19 [https://www.afdb.org/sites/default/files/benin-tdrs\\_profil\\_genre\\_vf.pdf](https://www.afdb.org/sites/default/files/benin-tdrs_profil_genre_vf.pdf)

20 UNDP (2020).

# Burkina Faso

## 1. Constitutional provision

Since its independence on August 5, 1960, Burkina Faso has passed several constitutions. The current constitutional law was adopted on November 5, 2015<sup>21</sup>. This fundamental law fully recognizes “that the promotion of gender is a factor for realization of the equality of law between men and women of Burkina Faso” (Preamble). Article 101 also emphasizes the promotion of gender equality in Burkina Faso.

## 2. Institutions involved in implementation

Similarly, the Labor Code makes extensive reference to gender equality issues through Articles 4, 117 (point 8), 137, and 182, which respectively take into consideration non-discrimination on the basis of sex in employment; the “principles of equal remuneration for male and female workers for work of equal value”; equal working hours for both sexes; and equal remuneration for work performed under equal conditions<sup>22</sup>. In addition, there is non-discrimination and equal opportunity through the ratification of Convention No. 100 on Equal Remuneration on August 9, 1966; Article 62 of the Agrarian and Land Reorganization Act (RAF)<sup>23</sup> allows men and women to have access to rural land without any distinction based on gender; and the application of these institutional provisions is ensured at the national level by the Ministry of Women, National Solidarity, Family and Humanitarian Action. Considered the political-administrative structure, this ministry coordinates, in collaboration with other bodies, all issues related to gender equality and gender equity.

For all decisions related to gender, there are bodies set up for this purpose. These are: The National Council for Gender Promotion (CONAPGenre); the Regional Council for Gender Promotion (COREPGenre) and; the Communal Council for Gender Promotion (COCOPGenre). Their respective missions are, among others: to ensure a synergy of actions of all the actors involved in the promotion of gender; to carry out the missions of CONAPGenre at the regional level; and to serve as frameworks to ensure the follow-up of the implementation of the National Gender Policy<sup>24</sup>. In addition, there is also the National Committee for the Fight against the Practice of Excision (CNLP). These are the different actors who defined and implemented the National Gender Policy in 2009. The objective of this policy is to promote participatory and equitable development for men and women, by ensuring their equal and equitable access to and control over resources and decision-making spheres, while respecting their fundamental rights. We will therefore analyze the

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21 Burkina Faso (2015), [https://www.assembleenationale.bf/IMG/pdf/loi\\_072\\_portant\\_revision\\_de\\_la\\_constitution.pdf](https://www.assembleenationale.bf/IMG/pdf/loi_072_portant_revision_de_la_constitution.pdf)

22 <http://www.droit-afrique.com/upload/doc/burkina/Burkina-Code-travail-2008.pdf>

23 See RAF (1996) : <http://www.droit-afrique.com/upload/doc/burkina/Burkina-Loi-1996-14-reorganisation-agraire-fonciere.pdf>

24 See Ministère de la promotion de la femme (2009) : <https://burkinafaso.unfpa.org/sites/default/files/pub-pdf/PolitiqueNationaleGenre2009.pdf>

gender dimension through the social determinants of health in order to establish an association with child mortality.

### 3. Impact of legal provisions on the determinants of health

#### *Sociocultural context*

Gender equality in the sociocultural context has not been explicitly addressed in the Burkina Faso constitution. However, Chapter 5 of the constitution, entitled “Of social and cultural rights and duties”, confers constitutional rights on citizens. Article 21 states that “the freedom of association is guaranteed. Every person has the right to constitute associations and to participate freely in the activities of the associations created”. Articles 23 and 30 consider respectively that the family is the basic unit for life in society and that marriage must be based on consent without any discrimination. Every citizen has the right to initiate and join collective actions. Article 7 of the constitution of Burkina Faso recognizes freedom with respect to belief, custom and religion (cultural aspect).

The situation of women in Burkina Faso shows a weak application of these provisions. As an illustration, more than 52% of women have experienced marriage before the age of 18 and 10% before the age of 15 (UNICEF cited by Amnesty International, 2016)<sup>25</sup>. Yet, early marriage also leads to early pregnancies that can endanger the health of young women and the life of the fetus (Amnesty International, 2016). It should be noted that freedom of belief and custom, as a constitutional right has rather worsened the issue of female genital mutilation (FGM) in Burkina notwithstanding government efforts to address it. A 2018 study concludes that “two-thirds of women have been victims of FGM in Burkina Faso (63%), with more than three-quarters in the Centre-East (75%), North (76%), Central Plateau (77%), and Sahel regions (83%). The practice appears to be less common in the Center-West (25%) and Center (36%) regions. Similarly, FGC is more common in rural areas (68%) than in urban areas (48%)” (the OECD 2018)<sup>26</sup>.

As mentioned above, even though participation in sociocultural life is recognized as a determining factor for health and especially that of women, the factual realities related to early marriage and female genital mutilation are the challenges that the government must face.

#### *Education*

Articles 18 and 28 of the Constitution grant citizens the right to education. Education is recognized as a right (Article 18) and “every citizen has the right to instruction.” (Article 27). In order to implement these constitutional provisions, a Support Program for the Technical and Vocational Education and Training Sectoral Policy (PAPS/EFTP) has been put in place for the 2012-2018 period. This program takes gender equality into account by targeting “all young people without distinction

25 See Amnesty International (2016) : <https://www.amnesty.org/fr/latest/campaigns/2016/04/burkina-faso-forced-early-marriage-facts/>

26 See OCDE (2018, p.1) : <https://www.wikigender.org/fr/wiki/les-mutilations-genitales-feminines-au-burkina-faso/>

of gender, in terms of access to training”<sup>27</sup>. Of the 12,333 beneficiaries of the training programs, 6,336 are women, i.e. 51.4%<sup>28</sup>. In 2009 (the year the national gender policy was developed), the enrollment rate for boys was still higher than that of girls for the post-primary cycle: “25.9% for boys, compared to 19.5% for girls”. But after 5 years, we observe in 2014 the reversal of the trend: “the gross admission rate of girls was higher than that of boys: 36.7% for girls, against 32% for boys” (Gnoumou-Thiombiano & Kaboré, 2017, p. 34)<sup>29</sup>. The authors return to the post-primary completion rate and estimate that “boys are clearly more advantaged than girls”, because “the gross completion rate was 30% for boys and 26% for girls”<sup>30</sup>. It should be noted in this regard that gender equality in education is almost achieved in Burkina. A study carried out in 2015 with the support of UNICEF led to results according to which the schooling rate is 44.5% for young boys against 45.4% for young girls<sup>31</sup>. However, at the higher level, the disparity is still observable. The transition rate between secondary and higher education for the 2016-2017 academic year is 65.5% for women and 84.6% for men<sup>32</sup>. From 2010 to 2017, the gender inequality is relatively less noticeable at the higher level. The table below is illustrative<sup>33</sup>.

Table 1 - Evolution of student numbers in public higher education by gender, Burkina Faso, 2010-2011 to 2016-2017

Years	Men	Women	Total	% Women
2010-2011	33660	13944	47604	29.3
2011-2012	38173	15926	54099	29.4
2012-2013	41301	17265	58566	29.5
2013-2014	44685	19257	63942	30.1
2014-2015	44150	20327	64477	31.5
2015-2016	49248	22253	71501	31.1
2016-2017	56914	25673	82587	31.1

27 See Burkina Faso (2016, p.5) : [https://luxdev.lu/files/documents/BKF018\\_EP\\_FR.pdf](https://luxdev.lu/files/documents/BKF018_EP_FR.pdf)

28 Idem.

29 See Gnoumou-Thiombiano, B., & Kaboré, I. (2017). Inégalités dans l'éducation au post-primaire au Burkina Faso. *Autrepart*, 83(3), 25-49.

30 Idem.

31 See Institut national de la statistique et de la démographie (2015) : <https://www.allinschool.org/media/1891/file/Burkina-Faso-OOSCI-Country-Study-2015-en.pdf>

32 See MESRSI (2017, p.3) *Annuaire statistique de l'enseignement supérieur*(2016-2017). Ouagadougou.

33 See Kobiané, J.-F., Ouili, I., & Guissou, S. (2020). État des lieux des inégalités multidimensionnelles au Burkina Faso. In *État des lieux des inégalités multidimensionnelles au Burkina Faso* (p. 1-89). Agence française de développement; Cairn.info. <https://doi.org/10.3917/afd.zanfi.2020.01.0001>

## Health system

In the Burkinabe constitution, articles 18 and 26 make health a right that citizens must enjoy. Access to health is a right (article 18) recognized by the State and it works to promote it (article 26). As part of its efforts to promote health, the Burkinabe government has carried out an “ambitious health reform aimed at improving access to health services”<sup>34</sup>. According to the same source, “a survey of 1,604 households (1,775 people) in three regions of the country” (p. 198), shows inequality in access to health care. The results show that “two weeks after the onset of the disease, one out of two sick men went to a health facility for care, while less than one out of two women did so”<sup>35</sup>. To improve the situation, the government defined a health development plan in 2011<sup>36</sup>. This plan returns succinctly to the health situation, estimating that “surveys show a high crude mortality rate in the population of about 11.8‰ in 2006”<sup>37</sup>. After the development of the plan, it is noted that «in 2015, only 66% of births were attended by health personnel with the required qualification and 34% of women married or in union used any contraceptive method (GGGR 2015)<sup>38</sup>. Chronic diseases are a significant challenge. STEPS surveys provide a succinct profile in this regard (Burkina, 2013)<sup>39</sup>.

Table 2 - Chronic illnesses in people age 25 to 64 years by gender, Burkina Faso, 2013

Results for people aged 25 to 64 (including a 95% CI)	Total	Men	Women
Prevalence of obesity	4.5% [3.4-5.6]	2.9% [1.9-3.9]	6.0% [4.7-7.3]
Prevalence of high blood pressure	17.6% [3.8-19.4]	19.4% [17.2-21.6]	16.0% [13.8-18.3]
Prevalence of diabetes	4.9% [3.8-6.0]	5.2% [3.7-6.7]	4.7% [3.2-6.2]
Prevalence of total hypercholesterolemia	3.5% [2.8-4.2]	2.4% [1.6-3.1]	4.5% [3.4-5.6]
Frequency of combined risk factors (3-5 risk factors)	12.9% [10.8-14.9]	15.8% [13.0-18.5]	10.2 [7.9-12.5]

Source: STEPS Survey, 2013

34 See Haddad Slim, Nougata Adrien, Ridde Valéry. Les inégalités d'accès aux services de santé et leurs déterminants au Burkina Faso. In: Santé, Société et Solidarité, n°2, 2004. Inégalités sociales de santé. pp. 199-210

35 Idem, p. 198.

36 Burkina Faso (2011 à 2020) : [https://www.uhc2030.org/fileadmin/uploads/ihp/Documents/Country\\_Pages/Burkina\\_Faso/Burkina\\_Faso\\_National\\_Health\\_Strategy\\_2011-2020\\_French.pdf](https://www.uhc2030.org/fileadmin/uploads/ihp/Documents/Country_Pages/Burkina_Faso/Burkina_Faso_National_Health_Strategy_2011-2020_French.pdf)

37 Idem, p. 4.

38 The Global Gender Gap Report 2015 (<https://www3.weforum.org/docs/GGGR2015/cover.pdf>).

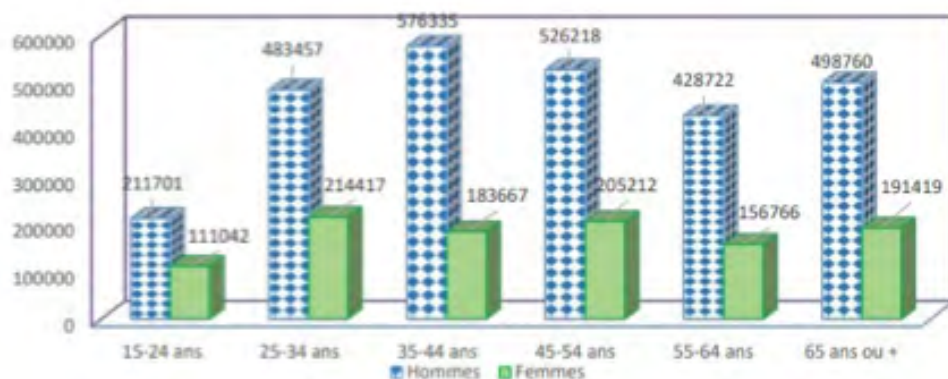
39 See Burkina (2013): [https://www.who.int/ncds/surveillance/steps/BurkinaFaso\\_2013\\_STEPS\\_FactSheet.pdf](https://www.who.int/ncds/surveillance/steps/BurkinaFaso_2013_STEPS_FactSheet.pdf)

Regarding child health, the Ministry of Health (2010) reveals that the causes of neonatal morbidity and mortality are mainly related to severe infections (32%), prematurity/low birth weight (22%), asphyxia (21%) and neonatal tetanus (12%). According to the same source, infant and child deaths are due to pneumonia (24%), malaria (20%), diarrhea (19%), neonatal causes (18%), HIV, AIDS (4%) and measles (3%). All of these deaths occur in malnutrition areas in 54% of cases<sup>40</sup>.

### *Economic context*

Article 19 of the constitution prohibits discrimination “in matters of employment and of remuneration founded notably on sex, color, social origin, ethnicity or political opinion”. This provision of the Basic Law has not prevented the gender wage gap. Although we did not find tangible data related to the gender wage gap, the survey conducted by INSD (2017)<sup>41</sup> allows us to appreciate the more or less imperceptible wage gap existing between the two sexes through income.

Figure 1 - Average annual income per employed worker, by age group and sex, Burkina Faso

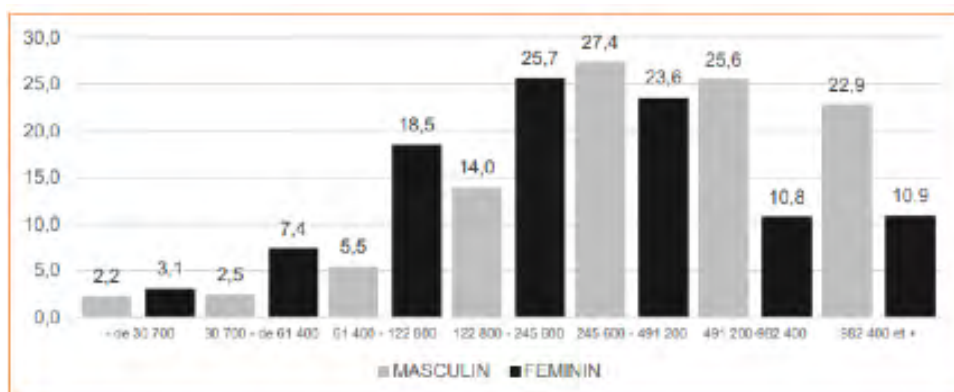


40 See Ministère de la santé (2010), cité par le Ministère de la santé (2011-2010) : [https://www.uhc2030.org/fileadmin/uploads/ihp/Documents/Country\\_Pages/Burkina\\_Faso/Burkina\\_Faso\\_National\\_Health\\_Strategy\\_2011-2020\\_French.pdf](https://www.uhc2030.org/fileadmin/uploads/ihp/Documents/Country_Pages/Burkina_Faso/Burkina_Faso_National_Health_Strategy_2011-2020_French.pdf)

41 Institut National de la Statistique et de la Démographie (INSD). (2018). Annuaire Statistique 2017. Ouagadougou, Burkina Faso. [http://www.insd.bf/n/contenu/pub\\_periodiques/annuaire\\_stat/Annuaire\\_stat\\_nationaux\\_BF/Annuaire\\_Statistique\\_National\\_2017.pdf](http://www.insd.bf/n/contenu/pub_periodiques/annuaire_stat/Annuaire_stat_nationaux_BF/Annuaire_Statistique_National_2017.pdf),



Figure 2 - Distribution of total household income by sex of head of household (%), Burkina Faso



Survey carried out the INSD (2017)<sup>42</sup>

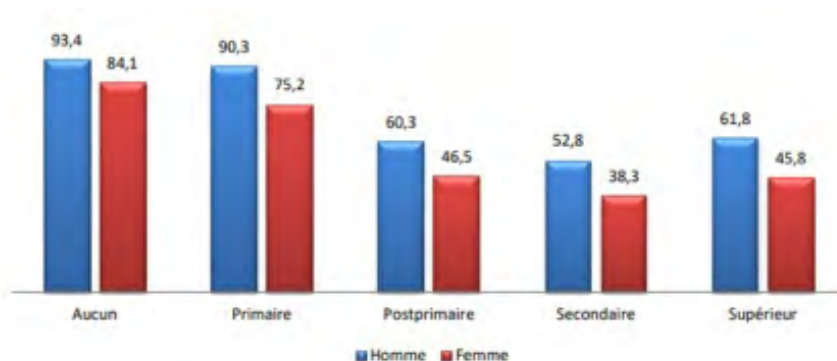
### *Work and employment support*

The right to employment and paid work is guaranteed by the Burkinabe constitution through articles 18, 19 and 20. Article 19 sets out the legal basis in the following terms: “The right to work is recognized and is equal for all”. It emphasizes non-discrimination and highlights the fact that it is forbidden “to discriminate in matters of employment and of remuneration founded notably on sex, color, social origin, ethnicity or political opinion”. The State shall ensure the protection of work and the improvement of working conditions (article 20). The Labor Code, through articles 4, 117, 8, 137, and 182 insisted on the prohibition of discrimination based on sex, and equal remuneration if conditions and skills are equal. A survey conducted in 2016 by the National Institute of Statistics and Demography (INSD, 2016)<sup>43</sup> shows disparities in employment rates by gender and educational level: male populations have higher rates than their female counterparts, regardless of educational levels.

42 Institut National de la Statistique et de la Démographie (INSD). (2018). Annuaire Statistique 2017. Ouagadougou, Burkina Faso. [http://www.insd.bf/n/contenu/pub\\_periodiques/annuaires\\_stat/Annuaires\\_stat\\_nationaux\\_BF/Annuaire\\_Statistique\\_National\\_2017.pdf](http://www.insd.bf/n/contenu/pub_periodiques/annuaires_stat/Annuaires_stat_nationaux_BF/Annuaire_Statistique_National_2017.pdf),

43 See Institut National de la Statistique et de la Démographie (INSD). (2016). Enquête nationale sur l'emploi et le secteur informel (ENESI-2015). Thème 6 : Condition de travail et dialogue social. Ouagadougou, Burkina Faso. [http://www.insd.bf/n/contenu/enquetes\\_recensements/ENESI/Conditions\\_De\\_Travail\\_et\\_Dialogue\\_Social.pdf](http://www.insd.bf/n/contenu/enquetes_recensements/ENESI/Conditions_De_Travail_et_Dialogue_Social.pdf); également Institut National de la Statistique et de la Démographie (INSD). (2016). Enquête nationale sur l'emploi et le secteur informel (ENESI-2015). Thème 4 : insertion sur le marché de l'emploi. Ouagadougou, Burkina Faso. [http://www.insd.bf/n/contenu/enquetes\\_recensements/ENESI/RapportENESI2015\\_Phase1\\_Theme4\\_Insertion\\_Sur\\_le\\_Marche\\_du\\_Travail.pdf](http://www.insd.bf/n/contenu/enquetes_recensements/ENESI/RapportENESI2015_Phase1_Theme4_Insertion_Sur_le_Marche_du_Travail.pdf)

Figure 3 - Employment rate by gender and level of education, Burkina Faso



## Housing

Article 18 of the constitution recognizes housing as a right. In 2008, the government of Burkina Faso established a program entitled “National housing and urban development policy”<sup>44</sup> with the objective of “creating the conditions for improving the living environment of the population by strengthening the contribution of cities to the fight against poverty”<sup>45</sup>. This policy emphasizes urban inclusion “or more simply, a quality of life that meets all individual, family and community aspirations, taking gender into account”<sup>46</sup>. A study conducted by the OECD presents the profiles of residential houses in Burkina Faso: “the housing landscape of Burkina Faso is dominated by single-family houses (66.5%), followed by multi-unit buildings (17%). Buildings or apartments and villas represent only 0.3% and 3.3% respectively. Also, single-family houses are more numerous in rural areas, where seven out of ten houses are of this type (69.4%). They are followed by traditional houses (16.7%). In urban areas, too, the landscape is dominated by single-family homes. More than half of the houses in the urban area are of the single-family type (58.4%), and three out of ten are *celibatarian* (28.4%)”<sup>47</sup>. According to the same source, 83.2% of housing considered as households are represented by men against 16.8% of women. In addition, the study also highlights the typology of the composition of households (family housing). It considers that “the typology of female-headed households is largely different from that of male-headed households. Households made up of 1 to 3 persons rank first in terms of numbers with a proportion of 46.9% for female heads of household. They are followed by households of 4 to 6 persons which represent 43.6%. On the other hand, among male-headed households, households of 4 to 6 persons and 7 persons or more occupy first and second place respectively with proportions of 39.2% and 36.1%”<sup>48</sup>.

44 Burkina Faso (2008) : [https://urbanlex.unhabitat.org/sites/default/files/bu\\_nup\\_politique\\_nationale\\_de\\_lhabitat\\_et\\_du\\_developpement\\_urbain\\_2008.pdf](https://urbanlex.unhabitat.org/sites/default/files/bu_nup_politique_nationale_de_lhabitat_et_du_developpement_urbain_2008.pdf)

45 Idem, p. 24

46 Idem, p. 24

47 See OECD (2016, 32): [https://www.oecd.org/fr/dev/d%C3%A9veloppement-genre/RAPPORT\\_ENQUETE\\_SIGI.pdf](https://www.oecd.org/fr/dev/d%C3%A9veloppement-genre/RAPPORT_ENQUETE_SIGI.pdf)

48 Idem 2016, p. 27.

## Natural environment

Article 29 of the constitution states that “the right to a healthy environment is recognized; the protection, the defense and the promotion of the environment are a duty for all”. Regarding the management of risks and natural disasters, the government of Burkina Faso adopted in 2014 the “law n° 012-2014/an on the orientation law relating to the prevention and management of risks, humanitarian crises and disasters”<sup>49</sup>. Among the key principles underlying the adoption of this law are: “gender principle: the principle that the interest and contributions of women and vulnerable groups in society must be taken into account in the prevention and management of risks and disasters and, more specifically, in policy formulation, planning, prevention, organization of relief operations, capacity development as well as reconstruction; - non-discrimination principle: The principle that measures and actions undertaken by public authorities in the prevention and management of risks and disasters are conducted without regard to race, gender, religion, political affiliation or any other reason. It implies impartiality and neutrality in the implementation of measures for the prevention and management of risks and disasters”<sup>50</sup>. In the same vein, article 42, paragraph 2 would like “any individual affected by a disaster to benefit from humanitarian assistance, without distinction of nationality, ethnicity, political, religious, cultural, social, gender or any other consideration”<sup>51</sup>. These provisions could bridge the gender gap in the context of climate change, which would be one of the disasters of the 21st century. Since, the situation that prevailed before the adoption of this law is the “predominance of projects oriented for men in the NAPA<sup>52</sup>: 67% of the projects particularly benefit men and the others, 33% benefit both men and women”<sup>53</sup>. To reduce this gap, the project set up by Oxfam is mainly aimed at women: “Of the 50 people trained in the first year in each village, more than 75% were women”<sup>54</sup>.

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## Cabo Verde

### 1. Constitutional provision

The principle of gender equality is constitutionally guaranteed in Cape Verde. Article 1, paragraph 2, states that “The Republic of Cape Verde recognizes the equality of all citizens before the law, without distinction as to social origin or economic situation, race, sex, religion, political or ideological convictions, and social conditions, and assures the full exercise by all citizens of fundamental

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49 See Burkina Faso (2014): <https://www.refworld.org/pdfid/5b2bc10d4.pdf>

50 Idem, p. 9.

51 Idem, p. 20.

52 Programme d'Action National d'Adaptation (projet d'adaptation est souvent consacré pour permettre aux victimes de s'adapter au changement climatique).

53 Oxfam (2011, p. 5) : [https://www-cdn.oxfam.org/s3fs-public/file\\_attachments/rr-climate-change-women-farmers-burkina-130711-fr\\_0\\_3.pdf](https://www-cdn.oxfam.org/s3fs-public/file_attachments/rr-climate-change-women-farmers-burkina-130711-fr_0_3.pdf)

54 Idem, 2011, p. 31.

liberties”. Article 24 adds that “All citizens shall have equal social status and shall be equal before the law, without privilege, benefit, or prejudice, and may not be deprived of any rights or exempt from any duty by reason of race, sex, ancestry, language, origin, religion, social and economic condition, or political or ideological conviction”.

Cape Verde is a signatory to regional and international conventions and protocols on human rights and gender, the provisions of which are automatically incorporated into national legislation in accordance with the Constitution.

## 2. Institutions involved in implementation

Institutionally, in Cape Verde, the lead agency on gender issues is the *Instituto Cabo-verdiano para a Igualdade e Equidade do Género* (ICIEG), which was created in 1994 (then the Institute for the Status of Women). ICIEG is responsible for advancing government policies for women’s equal rights and full participation of women in all spheres of national life. There is also a coordination function for gender issues within the National Agency for Water and Sanitation through the *Gabinete Ambiental e de Integração Social de Género* (GAISG).

In 2011, Cape Verde passed the Law against Gender-Based Violence and an enabling legal framework to guarantee women’s rights. Law 47/2017 eliminated discrimination against pregnant girls from the educational system. To this end, the Directorate for the Promotion of Citizenship and Inclusive Education has been mandated to promote gender equality and eliminate gender-based violence in schools. Similarly, the national plan to combat sexual violence against children and youth 2017-2019 is in place. Other achievements to advance the status of women include: efforts to implement gender mainstreaming and gender-responsive budgets; universal primary education that ensures more than 95% of children are in school; and a free, integrated, and gender-responsive health service that meets human rights standards<sup>55</sup>.

The Ministry of Finance and the Ministry of Family and Social Inclusion are responsible for monitoring the implementation of the national plan to combat sexual violence. The latter, created in 2016, is responsible for implementing policies to achieve gender equality and promote gender mainstreaming in sectoral programs and policies. In addition, the Inter-Ministerial Commission for Gender Mainstreaming has been in place since 2018. The latter was responsible, among other things, for drafting the gender strategy for the 2019-2021 horizon<sup>56</sup>.

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55 [https://sustainabledevelopment.un.org/content/documents/282392021\\_VNR\\_Report\\_Cabo\\_Verde.pdf](https://sustainabledevelopment.un.org/content/documents/282392021_VNR_Report_Cabo_Verde.pdf)

56 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24824&LangID=E>

### 3. Impact of legal provisions on the determinants of health

It must be acknowledged that Cape Verde has made remarkable progress in both sustainable development and gender equality<sup>57</sup>. In Cape Verde, women represent 49% of the population and have a longer life expectancy (80.7 years against 73.4 years for men). They are better educated, with an average of 8.7 years of schooling compared to 7.7 years for men, and have an average of 2.5 children during their lives<sup>58</sup>. The country's poverty rate has continued to decline steadily and data from the National Statistics Institute (INE) show a poverty rate of 24.2% in 2015 compared to 37% in 2001, although the rates for women and in rural areas remain higher<sup>59</sup>. GDP per capita in 2015 was US\$3,830 and Cape Verde met all of its Millennium Development Goals (MDGs) with two exceptions: the primary school enrollment rate for girls and boys of 0.92 (2012 data) was slightly below the target of 0.96, and the percentage of women in parliament was 20.8% compared to the target of 30%<sup>60</sup> (26.4% in February 2021)<sup>61</sup>. In addition, 83.3% of legal frameworks that promote, enforce and monitor gender equality, with a focus on violence against women, are in place.

However, much remains to be done to achieve ultimate gender parity. Cape Verde has a GII value of 0.397 according to the latest Human Development Report, ranking it 89 out of 162 countries in the 2019 index.

#### *Sociocultural context*

Article 47, paragraphs 1 and 3, of the constitution states that “Everyone shall have the right to marry in civil or religious ceremony. [...] Spouses shall have equal rights, civil duties, and responsibilities”. Article 82 paragraph 9 confirms that “The law punishes domestic violence and protects the rights of all family members”. However, there is still work to be done in Cape Verde to achieve gender equality. In 2015, 7.8% of women aged 15-49 reported experiencing physical and/or sexual violence from a current or former intimate partner in the previous 12 months<sup>62</sup>.

#### *Education*

Article 50 (1) and (2) of the constitution states that “1. Everyone shall have the freedom to learn, to educate, and to teach. 2. Freedom of learning, education, and

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57 [https://sustainabledevelopment.un.org/content/documents/282392021\\_VNR\\_Report\\_Cabo\\_Verde.pdf](https://sustainabledevelopment.un.org/content/documents/282392021_VNR_Report_Cabo_Verde.pdf)

58 [https://sustainabledevelopment.un.org/content/documents/282392021\\_VNR\\_Report\\_Cabo\\_Verde.pdf](https://sustainabledevelopment.un.org/content/documents/282392021_VNR_Report_Cabo_Verde.pdf)

59 <https://www.afdb.org/en/documents/cabo-verde-country-gender-profile-2018>

60 [https://sustainabledevelopment.un.org/content/documents/282392021\\_VNR\\_Report\\_Cabo\\_Verde.pdf](https://sustainabledevelopment.un.org/content/documents/282392021_VNR_Report_Cabo_Verde.pdf)

61 UNDP. (2020). Human Development Report 2020 (for Cabo Verde); <http://hdr.undp.org/sites/default/files/Country-Profiles/CPV.pdf>; and <https://data.unwomen.org/country/cabo-verde>

62 <https://data.unwomen.org/country/cabo-verde>

teaching shall include the following rights: a. To frequent educational establishments and to teach without discrimination, as provided by law; b. To choose subjects and courses [...]”. Furthermore, Article 78 (1) and (3) confirms that “everyone shall have the right to education and culture... In order to guarantee the right to education, the State has the responsibility, namely, to: (a) guarantee the right to equal opportunities for access to and success in education; and (b) guarantee compulsory, universal and free basic education, the duration of which shall be determined by law”.

Cape Verde has made significant progress in this regard. In 2020/2021, the net enrollment rate reached 92.4%, of which 61.2% in secondary and 23.5% in higher education. In 2019/2020, the Parity Index reached 0.98 in preschool and 0.93 in elementary education, 1.2 in secondary education and 1.5 in higher education<sup>63</sup>. The literacy rate reached 88.5% in 2019, 0.9 percentage points higher than in 2016. The literacy rate is higher for men (93.1%) than for women (83.9%), and almost all young people aged 15 to 24 can read and write, there is virtually no difference between men and women in this regard<sup>64</sup>.

### *Health system*

According to article 71, paragraphs 1 and 2 of the constitution, “Everyone has the right to health and the duty to defend and promote it, regardless of his or her economic situation... The right to health must be realized through an adequate network of health services and the creation of economic, social, cultural, and environmental conditions that promote and facilitate the improvement of the quality of life of the population”.

On the field, for every 100,000 live births, 58.0 women die of pregnancy-related causes; and the adolescent birth rate is 73.8 births per 1,000 women aged 15-19<sup>65</sup>. In addition, 18% of women aged 20-24 were married or in union before age 18. The teen birth rate was 12 per 1,000 women aged 15-19 in 2016, down from 80 per 1,000 in 2010<sup>66</sup>. In 2015, 73.2% of women of reproductive age (15-49) had their family planning needs met with modern methods.

### *Economic context*

Under article 24, the constitution states that “All citizens shall have equal social status and shall be equal before the law, without privilege, benefit, or prejudice, and may not be deprived of any rights or exempt from any duty by reason of race, sex, ancestry, language, origin, religion, social and economic condition, or political or ideological conviction”.

The Cape Verdean economy today has a greater capacity to generate

63 [https://sustainabledevelopment.un.org/content/documents/282392021\\_VNR\\_Report\\_Cabo\\_Verde.pdf](https://sustainabledevelopment.un.org/content/documents/282392021_VNR_Report_Cabo_Verde.pdf)

64 [https://sustainabledevelopment.un.org/content/documents/282392021\\_VNR\\_Report\\_Cabo\\_Verde.pdf](https://sustainabledevelopment.un.org/content/documents/282392021_VNR_Report_Cabo_Verde.pdf)

65 UNDP (2020).

66 <https://data.unwomen.org/country/cabo-verde>

employment for men than for women. Thus, the employment rate is 39% for women compared to 51% for men. Informality affects women less than men, since only 48% of employed women have an informal job compared to 55% of men<sup>67</sup>. In contrast, women constitute the majority of domestic workers, health, education, accommodation and food services, trade, and manufacturing, while men predominate in construction, public administration, agriculture and livestock, transportation and storage, and other economic activities. Women are rarely found in the technological and scientific fields, traditionally considered male-dominated. The private sector provides 4 out of 10 jobs and employs about 1 in 2 men and less than 1 in 3 women<sup>68</sup>.

### *Work and employment support*

According to article 42 paragraph 1 of the fundamental text, “Every citizen shall have the right to choose freely his work or profession or to have professional training [...] All citizens shall have the right to public office, under conditions of equality, as provided by law [...]”. Similarly, article 61 paragraphs 1 and 2 state that “all citizens shall have the right to work, and the State has the duty to create the conditions necessary for this right to be effective. [...] The obligation to work is inseparable from the right to work”. Finally, article 62 goes into more detail: “Everyone shall have the right to compensation in proportion to the quantity and quality of work and to security of employment. [...] . Men and women shall receive equal pay for equal work”. And article 63 states that “All workers shall have the right to dignified working conditions, to hygiene and security, to a limited working day, to rest, leisure, and weekly time off [...] Dismissal for political or ideological reasons shall be prohibited [...] The law shall establish special protection for minors, for the handicapped, and for women during pregnancy and after childbirth, and shall guarantee to women working conditions which permit them to carry out their family and maternal duties”. Women’s participation in the labor market is 53.3% compared to 67.6% for men<sup>69</sup>.

### *Housing*

In article 72 para. 1, the constitution states that “everyone shall have the right to proper housing; the State shall have the duty to achieve this by gradually promoting, according to national economic development, adequate institutional, regulatory, and infrastructural conditions to encourage and support initiatives of local communities to stimulate private construction and access to proper housing”. But we do not have the data for a detailed analysis.

### *Natural environment*

We do not have data for this variable.

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67 [https://sustainabledevelopment.un.org/content/documents/282392021\\_VNR\\_Report\\_Cabo\\_Verde.pdf](https://sustainabledevelopment.un.org/content/documents/282392021_VNR_Report_Cabo_Verde.pdf)

68 [https://sustainabledevelopment.un.org/content/documents/282392021\\_VNR\\_Report\\_Cabo\\_Verde.pdf](https://sustainabledevelopment.un.org/content/documents/282392021_VNR_Report_Cabo_Verde.pdf)

69 UNDP (2020).

# Côte d'Ivoire

## 1. Constitutional provision

Côte d'Ivoire, concerned with protecting its citizens from any form of gender discrimination, has provisions to this effect in its 2016 Constitution<sup>70</sup>. Thus, in its article 4, it is stipulated that “all Ivoirians are born and remain free and equal in rights” and “no one may be privileged or discriminated against by reason of [...] their sex”. These provisions are complemented by the Labor Code, published in 2007<sup>71</sup>. According to article 2, “every natural person is considered a worker or employee, regardless of sex, race or nationality”. The code protects women as well as men in Article 4 “with regard to hiring, the conduct and distribution of work, vocational training, advancement, promotion, remuneration, the granting of social benefits, discipline, or the termination of the employment contract”. Women may not be discriminated against because of their pregnancy (article 23, paragraphs 3, 4 and 5). For equal work, the salary is equal. Salary treatment cannot be based on gender. The contrary would be a gender discrimination. This is what the Côte d'Ivoire Labor Code reminds us in its article 31.2: “Under the conditions provided for in this title, every employer is obliged to ensure, for the same work or work of equal value, equal remuneration between employees, regardless of their sex”.

## 2. Institutions involved in implementation

From an operational perspective, these legal mechanisms are supported through the establishment of an institutional framework<sup>72</sup>. Thus, the Ministry of the Family, Women and Social Affairs was created with the Directorate for Equality and Gender Promotion (DEPG). There is also the Ministry for Solidarity, Family, Women and Children (MSFWC), established in 1976 (under the name of Ministry for Women's Affairs), which is responsible for promoting equality between women and men.

The Ministry has several directorates, including:

- Directorate for the Promotion of the Family, Women and Socio-Economic Activities: responsible for the protection of the family and the economic promotion of women.
- Directorate of Training Institutions and Female Education: in charge of extracurricular structures or alternative educational offers initiated to provide training or supervision to the female population that has dropped out of school.
- Directorate of Equality and Gender Promotion: design and implementation

70 Constitution de la Côte d'Ivoire (08 NOVEMBRE 2016 modifiée par la Loi constitutionnelle N° 2020-348 du 19 mars 2020) : <https://mjp.univ-perp.fr/constit/ci2020.htm>

71 <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/105179/128593/F776982909/Le-code-du-travail-ivoirien-13-05-17.pdf>

72 <https://projetliane.com/wp-content/uploads/2021/07/LE-GENRE-LEGALITE-ENTRE-LES-HOMMES-ET-LES-FEMMES-J.pdf>



of sensitization programs, national coordination of all gender-related interventions and the activity of gender focal points and sectoral cells.

Côte d'Ivoire has developed a national policy on equal opportunity, equity and gender<sup>73</sup>. The objective of this national policy is to work so that the national environment is favorable to taking gender into account in the sectors of the public and private life in view of an equitable and durable development profitable to each inhabitant of the Ivory Coast. The National Policy on Equal Opportunities, Equity and Gender aims to ensure a fair and equitable development allowing women and men to participate with equal opportunities in development and decision-making processes.

This includes:

- Promoting the participation of populations without discrimination in the equitable and sustainable development of Côte d'Ivoire;
- Increasing resources for the implementation of the national policy on equal opportunities, equity and gender;
- Reducing or eliminating gender disparities in all development sectors in terms of access to and control of resources;
- Improving institutionalized systems for the collection and use of gender-disaggregated data in statistical analysis;

Ensuring the institutionalization of gender units responsible for reducing social, economic and political disparities in their respective sectors.

Côte d'Ivoire has a national strategy to fight against gender-based violence (SNLVBG). It was implemented in July 2012 by the Ministry of Solidarity, Family, Women and Children, which is in charge of coordinating donors on GBV issues. It includes actions related to the management of victims of gender-based violence, the protection of orphans due to HIV/AIDS and the reintegration of victims of gender-based violence.

Côte d'Ivoire also has a National Development Plan (2012-2015). The objective of this strategy is that individuals can live in harmony in a society where good governance is guaranteed. In terms of social cohesion, the participation of women in local and national institutions is promoted; and in terms of “standpoint of justice”, the protection of vulnerable groups, especially women, is provided for.

Finally, Côte d'Ivoire has an Action Plan for the implementation of Security Council Resolution 1325 on Women, Peace and Security, adopted for the period 2008-2012.

In addition, several national and regional actors are involved in this policy,

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73 <https://plateforme-elsa.org/wp-content/uploads/2016/10/Profil-Genre-Cote-Ivoire.pdf> et <https://knowledge.uclga.org/IMG/pdf/resumedudocumentdepolitiquenationalesurlegalitedeschanceslequiteetlegenre.pdf>

namely:

- The National Committee for the Fight against Violence against Women and Children: an advisory body chaired by the Minister of Solidarity, Family, Women and Children
- The *Fonds d'Appui aux Femmes de Côte d'Ivoire* (FAFCI): an initiative of the First Lady aimed at the economic empowerment of the poorest women through microcredits for the creation or extension of income generating activities.
- The Institute of Training and Female Education: offers literacy courses and training for income-generating activities to young girls who have dropped out of school.
- The Ivorian Association for Women's Rights: created in 1992 on the initiative of women fighting against violence and for their rights.
- The NGO *Femme active de Côte d'Ivoire*: promotion and protection of women's rights, political, economic and social emancipation of young women, fight against illiteracy of young girls.
- *Côte d'Ivoire, femmes, environnement et développement*: NGO created in 1995, whose objective is the valorization of the products of women's work, notably through the training and schooling of young girls and the promotion of access to credit.
- The NGO Affokr: mobilization of women in rural areas.
- The *Association of Women for the Progress of Alépé*: rural development, education and health.
- The Association for the Economic and Social Promotion of Women in Côte d'Ivoire: assistance to women in difficulty.
- African Women Leaders in agriculture and environment: training of women.
- *Femmes en Côte d'Ivoire Expérience*: promotion and care of women in difficulty.
- The General Confederation of Enterprises of Côte d'Ivoire (CGECI)
- The Ivorian Association for Family Welfare (AIBEF)
- The NGO *Genre Parité et leadership féminin* (GEPALEF) created in 2012 with the objective of promoting women's leadership and raising awareness on the issue of GENDER in Côte d'Ivoire. It is a member of the Network of Gender Equality Observatories (ROEG).

- *Leadafricaines*: created in 2011, *Leadafricaines* is a regional NGO whose goal is to give women in French-speaking Africa the means to access leadership (socio-political, economic and media), decision-making spheres, to remain there and to realize their full potential by articulating the pursuit of a central objective of promoting leadership and the mobilization of responses to the needs, support measures, tools and skills at the service of women and adapted to real situations. Member of the Network of Gender Equality Observatories (ROEG).

The national policy on equal opportunities, equity and gender has produced tangible results in education, employment and salary, health and health insurance.

### 3. Impact of legal provisions on the determinants of health

#### *Sociocultural context*

According to the constitution, “all Ivoirians are born and remain free and equal in rights. No one may be privileged or discriminated against by reason of their race, their ethnicity, their clan, their tribe, their skin color, their sex, their region, their social origin, their religion or belief, their opinion, their fortune, their difference in culture or language, their social status or their physical or mental state” (Article 4). The state gives every citizen equal opportunity to enjoy culture in articles 24 and 32 of the constitution: “The State guarantees all citizens equal access to culture. The freedom of artistic and literary creation is guaranteed. Artistic, scientific and technical works of art are protected by law. The State promotes and protects the cultural heritage as well as the habits and customs that do not run counter to public order and the accepted standards of behavior”. In addition, “it is committed to guaranteeing the access of vulnerable persons to healthcare services, education, employment, culture, sports and leisure”. To ensure that every citizen can fully enjoy these rights and freedoms, the law passed in 1998 prohibits cultural practices related to female genital mutilation. In addition, articles 2, 4 and 5 of Law No. 2019-570 of June 26, 2019 prohibit early marriage<sup>74</sup>. Côte d’Ivoire has also ratified Law No. 19 adopted at the 11th session of the United Nations General Assembly in 1992, which prohibits all violence against women. However, these socio-cultural practices remain. The Human Rights Division (HRD) documented 1,129 cases of rape committed against 1,146 victims<sup>75</sup>. Sexual and physical violence continued in Côte d’Ivoire, “the rate of female victims of sexual violence was 41% in Man and 35% in Duekoué...and 26% in Korhogo”. The rate of female genital mutilation (FGM) was among the highest in West Africa, although the practice had been prohibited by law since 1998. The practice affects approximately 36 percent of women aged 15 to 49<sup>76</sup>. The government had not yet succeeded in completely eliminating child marriage. According to UNICEF cited by the Government of Canada, between 2010 and 2017,

74 <https://ayanawebzine.com/lois-contre-mariage-force-en-cote-divoire/>

75 Confer Côte d’Ivoire: Il faut renforcer la lutte contre les viols –rapport de l’ONU, Nation Unis Droits de l’Homme, Haut-Commissariat (1996-2018); cité par le rapport analytique disponible sur : [https://knowledge.uclga.org/IMG/pdf/africities\\_rapport\\_analytique\\_vef\\_23.11.2018\\_.pdf](https://knowledge.uclga.org/IMG/pdf/africities_rapport_analytique_vef_23.11.2018_.pdf)

76 Groupe de la Banque africaine de développement, Profil Genre Pays: République De La Côte D’ivoire, 2015, cité par AFD (2016).

“7% of girls marry before the age of 15 in Côte d’Ivoire and 27% marry before the age of 18”<sup>77</sup>.

## Education

Access to education is a right and a duty of all Ivorian children, regardless of their gender. It is a provision of the fundamental law. Article 9 states that “everyone is entitled to education and professional training”. In the same vein, article 10 reinforces the previous one in the following terms: “School attendance is compulsory for children of both sexes, under the conditions determined by law”. The indicators in education are encouraging in terms of gender.

Tables below provide the government’s efforts in the area of gender gap in education. It appears that inequalities between men and women have persisted since 2000. This can also be seen in the enrollment rate at all levels (UNESCO 2020, p. N/A)<sup>78</sup>.

Table 1 - Literacy rate according to UNESCO by gender, Côte d’Ivoire, 2000 to 2019

Year	2000	2012	2014	2019
Adults age 15 years or more				
Men <sup>79</sup>	61%	52%	51%	93%
Women <sup>80</sup>	39%	30%	37%	87%
Young adults age 15 to 24				
Men <sup>81</sup>	71%	58%	59%	93%
Women <sup>82</sup>	52%	39%	47%	76%

Source: data cited by the World Bank (2019, p. N/A)

77 [https://www.international.gc.ca/world-monde/stories-histoires/2018/cote-dlvoire-child-marriage\\_mariages-denfants.aspx?lang=fra](https://www.international.gc.ca/world-monde/stories-histoires/2018/cote-dlvoire-child-marriage_mariages-denfants.aspx?lang=fra)

78 <http://uis.unesco.org/fr/country/ci>

79 <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.MA.ZS?locations=CI>

80 <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.FE.ZS?end=2019&locations=CI&start=2000&view=chart>

81 <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.MA.ZS?end=2019&locations=CI&start=1999>

82 <https://donnees.banquemondiale.org/indicateur/SE.ADT.1524.LT.FE.ZS?locations=CI>

**Table 2 - Gross and net enrollment in Pre-primary education, Côte d'Ivoire, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	3.9	4.7	5.6	6.5	7.1	7.8	8.2	8.2	8.3	10.6
Female	3.9	4.7	5.5	6.5	7.1	7.8	8.2	8.3	8.5	11.0
Male	3.9	4.7	5.7	6.5	7.0	7.7	8.1	8.1	8.2	10.3
Net enrollment rate (%)										
Total	...	...	4.5	5.9	6.6	7.1	7.5	7.6	7.7	10.0
Female	...	...	4.5	5.9	6.6	7.2	7.6	7.6	7.8	10.4
Male	...	...	4.5	5.9	6.5	7.1	7.4	7.5	7.6	9.7

**Table 3 - Gross and net enrollment in Primary education, Côte d'Ivoire, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	76.69	82.73	83.99	86.80	90.66	95.89	98.37	99.80	100.32	100.46
Female	72.19	75.61	77.56	80.62	84.88	90.62	93.82	95.98	97.23	97.53
Male	87.20	89.86	90.41	92.97	96.42	101.12	102.89	103.60	103.37	103.36
Net enrollment rate (%)										
Total	...	...	66.9	72.3	76.7	83.2	85.6	90.3	91.1	91.6
Female	...	...	64.2	67.6	72.1	79.0	81.9	86.6	88.0	88.5
Male	...	...	69.7	77.0	81.4	87.3	89.2	94.0	94.3	94.8

**Table 4 - Gross and net enrollment in Secondary education, Côte d'Ivoire, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	...	...	...	38.94	42.45	45.04	48.45	51.03	54.61	57.42
Female	...	...	...	31.84	35.07	37.67	41.33	44.35	48.31	51.96
Male	...	...	...	46.08	49.88	52.43	55.58	57.71	60.91	62.87
Net enrollment rate (%)										
Total	...	...	...	30.2	...	34.7	38.0	40.2	43.4	45.6
Female	...	...	...	24.5	...	29.0	32.4	35.1	38.6	41.4
Male	...	...	...	35.9	...	40.4	43.6	45.3	48.2	49.7

**Table 5 - Gross enrollment in Higher education, Côte d'Ivoire, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	3.4	...	8.2	8.3	8.8	8.9	9.3	...	10.0	...
Female	2.7	...	6.2	6.0	6.9	7.2	7.6	...	8.5	...
Male	4.1	...	10.2	10.6	10.7	10.7	11.1	...	11.4	...

### ***Health system***

The productivity of a population depends on its level of mental and physical health. Every citizen has the right to adequate health care, regardless of gender. This right is guaranteed in Côte d'Ivoire in the Constitution in its article 9: “everyone is also entitled to access to healthcare services”. In addition, the Republic of Côte d'Ivoire is committed to protecting any person deemed vulnerable. This protection is stipulated in article 32 of the fundamental law in the following terms: “The State is committed to guaranteeing the specific needs of vulnerable persons. It takes the necessary measures to prevent the vulnerability of children, women, mothers, the elderly and persons with disabilities. It is committed to guaranteeing the access of vulnerable persons to healthcare services [...]”. Thus, health equality finds its legal basis here.

Here we focus more on maternal and child health.

Among women, the maternal mortality rate has decreased (13.4%) over the last 25 years. The number goes from 754 maternal deaths per 100,000 live births in

1990 to 645 in 2015 according to the World Bank report (2015). There are 16 women who die from complications related to pregnancy or childbirth in Côte d'Ivoire every day, "most often due to preventable or treatable medical conditions"<sup>83</sup>.

Among children, the mortality rate is unequal between girls and boys. The infant mortality rate for girls under age 5 (per 1,000 live births) was 42 in 2015; 39 in 2016; 38 in 2017; 37 in 2018; 36 in 2019; and 34 in 2020<sup>84</sup>.

Among boys under 5 (per 1000 live births), from 2015 to 2020: 45 in 2015; 43 in 2016; 42 in 2017; 41 in 2018; 40 in 2019; and 39 in 2020<sup>85</sup>.

### *Economic context*

The Constitution has not pronounced itself on equal pay. However, there are gaps in pay between men and women. When women "enter the labor market, Ivorian women earn on average barely half the salary of men"<sup>86</sup>.

In Côte d'Ivoire, the gap between men's and women's wages is wide. According to UN-WOMEN (2019) "the average salary of women is 33% lower than that of men in the Ivorian administration" (p. 16).

In addition, the "average monthly salary from salaried employment is estimated at 88,403 FCFA. It amounts to 93,829 FCFA for men and 68,801 FCFA for women, a gap of about 20%. While 43.8% of wage earners have a monthly income below the minimum wage, the proportion is higher among women (59.8%) than among men (39.4%)"<sup>87</sup>.

### *Work and employment support*

In a state governed by the rule of law, work cannot be considered as slavery. Women, just like men, are free to choose the work that suits them. This ideal is guaranteed in the Ivorian constitution: "Everyone has the right to choose their profession or employment freely. Everyone has equal access to public or private employment, according to qualities and skills. It is prohibited to discriminate in respect of access to employment or in the exercise thereof, on the basis of sex, ethnicity or political, religious or philosophical opinions" (article 14). Working conditions and remuneration must not be subject to any discrimination based on gender. This is provided for in article 15: "Every citizen has the right to decent working conditions and fair pay. No one may be deprived of their wages, by

83 Objectif du Millénaire pour le développement appelant à une réduction de trois-quarts, entre 1990 et 2015, du rapport de mortalité maternelle, cité par AFD (2016) : <https://plateforme-elsa.org/wp-content/uploads/2016/10/Profil-Genre-Cote-Ivoire.pdf>

84 <https://donnees.banquemondiale.org/indicateur/SH.DYN.MORT.FE>

85 <https://donnees.banquemondiale.org/indicateur/SH.DYN.MORT.MA>

86 Confers the World Bank (2017) : <https://blogs.worldbank.org/fr/nasikiliza/les-femmes-face-cachee-de-lemergence-en-cote-divoire#:~:text=Et%20lorsqu'elles%20parviennent%20sur,moiti%C3%A9%20de%20celui%20des%20hommes.>

87 ENSESI 2016, Tome 1, P41; cited by ONU-FEMMES (2019, p. 61).

reason of taxation, beyond a quota whose level is determined by law”. According to information published by the Ivorian government, there are jobs which are vulnerable. The national rate is 70.4%. This affects fewer men (64%) than women (78.9%). “The pluriactivity rate is 13.7%. The employment-to-population ratio is 65% for the entire active population, 70.1% for men and 59.2% for women. Depending on the area of residence, it is higher in rural areas (77.2%) than in urban areas (54.7%)”<sup>88</sup>. In the civil service, according to the 2009-2015 statistics yearbook of the Ministry of the Civil Service and Administrative Reforms, “the representation rate of women in the civil service is 30%... The majority of women are in subordinate positions. Women represent 22.4% of managers and only 14.5% of senior managers (grades A5 to A7)”<sup>89</sup>.

Table 6 - Distribution (%) of salaried jobs by branch of activity according to gender, Côte d’Ivoire, 2016

	Branch of activity (%)			
	Agriculture	Industry	Trade	Services
Men	19.5	17.1	14.7	48.7
Women	6.7	6.5	12.4	74.5
Total	16.7	14.8	14.2	54.3

Source: UN-WOMEN (2019)

### *Housing*

The State must be the guarantor of a healthy and decent living environment. To this end, Côte d’Ivoire builds social housing and makes it available to Ivorians of both sexes in order to implement article 38 of the constitution<sup>90</sup>, which stipulates that “the State promotes the access of citizens to housing, under the conditions prescribed by law”. However, we were unable to find data to analyze equal or unequal access to housing.

### *Natural environment*

According to article 40 of the constitution: “The protection of the environment and the promotion of the quality of life are a duty for the community and for each natural or legal person. The State is committed to protecting its maritime space, its waterways, its natural parks as well as its historic sites and

88 Confers the government of Côte d’Ivoire: [https://www.gouv.ci/\\_actualite-article.php?recordID=3689](https://www.gouv.ci/_actualite-article.php?recordID=3689)

89 Confers ONU\_FEMMES (2019) : <https://cotedivoire.un.org/sites/default/files/2021-02/Rapport%20Egalite%20Hommes-Femmes%20en%20C%C3%B4te%20d%27Ivoire%20Mars%202019.pdf>

90 <https://mjp.univ-perp.fr/constit/ci2020.htm>



monuments against any form of degradation. The State and public communities take the necessary measures to safeguard the fauna and flora. Where there may be a risk of harm that could seriously and irreversibly affect the environment, the State and public communities are required to assess the potential harm and to adopt the necessary preventive measures by applying the precautionary principle.”

The government is not able to tackle natural disasters completely. If we take the rains of 2018, “there are a total of thirty-three (33) deaths, including twenty-eight (28) in the Autonomous District of Abidjan distributed as follows: fifteen (15) men, six (06) women and seven (07) children. In addition to these deaths, fifteen (15) people were injured”<sup>91</sup>. The same source indicates that in the interior of the country, there are a total of “five (05) deaths, including three (03) men and two (02) children in the towns of Divo, Guibéroua, Tiassalé and San Pedro”.

Road accidents are also frequent: “there are six thousand one hundred and seventy-six (6176) victims including one hundred and twenty-six (126) deaths with ninety-six (96) men, seventeen (17) women and thirteen (13) cases whose sex has not been identified. In addition, there were six thousand fifty (6050) injured with four thousand two hundred and ten (4210) men, one thousand three hundred and sixty-five (1365) women and four hundred and seventy-five (475) cases whose gender was not identified” (p. 3).

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## Gambia

### 1. Constitutional provision

The Gambian constitution recognizes the principle of gender equality between men and women. Article 17 (2) states that “every person in The Gambia, whatever his or her race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth or other status, shall be entitled to the fundamental human rights and freedoms [...]”. More specifically, article 33 paragraph 1 states that “all persons shall be equal before the law”.

### 2. Institutions involved in implementation

The Gambia has a number of institutional and regulatory mechanisms to advance the principle of gender equality, such as the Ministry of Women’s Affairs (MWA), the National Women’s Council (NWC) and the Women’s Bureau (WB). These institutions are mandated to lead the formulation, implementation, coordination, monitoring and evaluation of gender policy. Furthermore, The Gambia enacted in April 2010 the Women’s Act 2010<sup>92</sup> to incorporate and implement CEDAW, the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in

91 Confers the journal Observateur de la cohésion sociale (2018, p.3) numéro 004-2018; accessible sur : [http://www.oscs.solidarite.gouv.ci/documents/BULLETIN\\_N4.pdf](http://www.oscs.solidarite.gouv.ci/documents/BULLETIN_N4.pdf)

92 Le Comité pour l’élimination de la discrimination à l’égard des femmes examine le rapport de la Gambie ; <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16222&LangID=F>

Africa and the Policy national for the advancement of Gambian women and girls. The objective is to demonstrate «the country's commitment to the inclusion of women in the judicial systems».

However, there is still work to be done in The Gambia to achieve gender equality. According to the latest Human Development Report, The Gambia has a GII value of 0.612, ranking it 148 out of 162 countries in the 2019 index<sup>93</sup>. In The Gambia, 8.6 percent of parliamentary seats are held by women as of February 2021<sup>94</sup>.

In 2019, the government of The Gambia launched a mapping and analysis of its national laws from a gender perspective. The process has been an essential element of its democratic and transitional justice and legislative reforms. The analysis reviews the 1997 Constitution, statutes and corresponding legislative and legal instruments in the form of regulations, ordinances, guidelines, directives as well as case law. The review was guided primarily by the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the African Charter on Human and Peoples' Rights, Charter of the Rights and Welfare of the Child, various conventions of the International Labor Organization and other instruments.

The report of this work, produced jointly by the Government of The Gambia, the Commonwealth Secretariat and UN Women<sup>95</sup>, reveals several discriminatory laws and loopholes that allow discrimination. Aiming to end discrimination in law, the report recommends amending 19 laws and repealing 10 in whole or in part. It also proposes to enact two new laws to ensure that The Gambia's legislative framework meets its international gender equality obligations.

### 3. Impact of legal provisions on the determinants of health

#### *Sociocultural context*

From articles 27 and 28 of the fundamental law, we learn that «men and women of full age and capacity shall have the right to marry and found a family. [...] Marriage shall be based on the free and full consent of the intended parties. [...] Women shall be accorded full and equal dignity of the person with men. [...] Women shall have the right to equal treatment with men, including equal opportunities in political, economic and social activities». However, even though the law requires a minimum age of 18 before marriage, 25.7% of women aged 20 to 24 were married or in union before the age of 18. The teenage birth rate was 67.5 per 1,000 women aged 15-19 in 2016, down from 86 per 1,000 in 2012<sup>96</sup>.

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93 UNDP. (2020). Human Development Report 2020 (for the Gambia); <http://hdr.undp.org/sites/default/files/Country-Profiles/GMB.pdf>

94 <https://data.unwomen.org/country/gambia>

95 Government of The Gambia, UN Women, and Commonwealth. (2020). 'Towards Reversing Discrimination in Law.' [https://thecommonwealth.org/sites/default/files/inline/gambia-report\\_layout\\_final\\_digital.pdf](https://thecommonwealth.org/sites/default/files/inline/gambia-report_layout_final_digital.pdf)

96 <https://data.unwomen.org/country/gambia>

## Education

Through article 30, the constitution guarantees equal access to education for all Gambians. Indeed, this article provides that «All persons shall have the right to equal educational opportunities and facilities and with a view to achieving the full realisation of that right: a. basic education shall be free, compulsory and available to all; b. secondary education, including technical and vocational education, shall be made generally available and accessible to all by every appropriate means, and in particular, by the progressive introduction of free education; c. higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular, by progressive introduction of free education[...]».

As a result, The Gambia has made great strides in this key area. Primary schools have achieved gender parity<sup>97</sup>. Hopes for girls' education in The Gambia are high, especially for the youngest. Since 2007, there have been equal numbers of Gambian boys and girls enrolled in primary school. A significant part of this success can be attributed to the Education for All initiative, which has been implemented by UNESCO since 2004. However, while the primary school enrollment gap has closed, the situation is different for primary school. For every 100 boys who complete their basic education, only 74 girls do the same. From 2009 to 2012, the primary school completion rate for girls increased from 82% to 70%. Moreover, of the girls who complete basic education, few will go on to secondary school. Secondary school enrollment is unequal between the sexes. In The Gambia, net secondary school enrollment is low, and girls make up only about 30 percent<sup>98</sup> of all students enrolled in secondary or vocational schools.

In September 2013, the Global Partnership for Education partnered with the World Bank and the Gambian government to eliminate primary school fees. For families who previously could not afford to send their daughters to school, primary school has become accessible. In September 2014, this was also extended to primary and upper secondary schools. Finally, 31.5 percent of Gambian adult women have attained at least secondary education compared to 44.4 percent for men<sup>99</sup>.

## Health system

Through its article 216 paragraph 4, the Gambian constitution reassures that “the State shall endeavour to facilitate equal access to clean and safe water, adequate health and medical services [...]”. However, the task still remains enormous. 25.7% of women aged 20 to 24 were married or in union before the age of 18. The adolescent birth rate was 67.5 per 1,000 women aged 15-19 in 2016, down from 86 per 1,000 in 2012. In 2013, 7.3% of women aged 15-49 reported have experienced physical and/or sexual violence from a current or former intimate partner in the past 12 months. Additionally, women of reproductive age (15-49) often face barriers in relation to their sexual and reproductive health and rights. In 2020, 39.7% of women had their

97 <https://borgenproject.org/tag/gender-equality-in-the-gambia/>; Gambia's Ministry of Women Affairs (2010).

98 Njie, H., Manion, C., & Badjie, M. (2015). Girls' Familial Responsibilities and Schooling in The Gambia. *International Education Studies*, 8(10), 48-62.

99 UNDP (2020).

need for family planning met with modern methods<sup>100</sup>. Finally, for every 100,000 live births, 597 women die from pregnancy-related causes<sup>101</sup>.

### *Economic context*

As a reminder, article 33 of the constitution provides that “All persons shall be equal before the law [...] [and] no law shall make any provision which is discriminatory either of itself or in its effect”. In The Gambia, agriculture is the mainstay of the economy. Studies show that about 50 percent of full-time farmers are women. In The Gambia, most societies practice the traditional land tenure system and therefore women do not have full control over land use and ownership. Men are mainly involved in the production of crops such as groundnuts and millet. Women produce 80 percent of the vegetables and 99 percent of the staple food, rice. Both men and women are involved in fish processing and farming. Women’s access to credit has improved, but remains lower than men’s. In some situations, especially in rural areas, a woman can access credit but does not control its use, indicating the existence of socio-cultural barriers<sup>102</sup>.

### *Work and employment support*

Article 220 of the constitution considers work as a right and duty for all. On the ground, the participation of women in the labor market is 51.2 percent against 68.0 for men<sup>103</sup>. There is an unequal gender distribution of the workforce in the public and private sectors. According to the National Population and Housing Census of 2003, 45 percent of the 482,439 economically active populations were women. The representation of women in the fishing industry was 16.40 percent, manufacturing 22.07 percent, hotels and restaurants 41.33 percent, financial services 2.66 percent, storage and communication 6.95 percent, business, social and personnel services 39.97 percent and wholesale and retail trade 43.49 percent. In the public sector, women made up about 25 percent of all civil servants<sup>104</sup>.

### *Housing*

In article 25 al. 2, the constitution affirms that “every person lawfully within The Gambia shall have the right to move freely throughout The Gambia, to chose his or her own place of residence within The Gambia [...]”. In addition, through its article 216 al. 4, the Gambian constitution reassures that “the State shall endeavour to facilitate equal access to [...] habitable shelter, sufficient food and security to all persons”.

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100 <https://data.unwomen.org/country/gambia>

101 UNDP (2020).

102 Gambia’s Ministry of Women Affairs (2010). THE GAMBIA NATIONAL GENDER POLICY 2010- 2020; <https://www.ilo.org/dyn/travail/docs/1958/Gambia%20national%20gender%20policy.pdf>; aussi voir the Gambia Population Data Bank (1995).

103 UNDP (2020).

104 Gambia’s Ministry of Women Affairs (2010). THE GAMBIA NATIONAL GENDER POLICY 2010- 2020; <https://www.ilo.org/dyn/travail/docs/1958/Gambia%20national%20gender%20policy.pdf>

## *Natural environment*

We do not have data for this variable.

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## **Ghana**

### **1. Constitutional provision**

In the Ghanaian constitution<sup>105</sup>, article 17 refers to equality, freedom and non-discrimination. Paragraphs 1 and 2 respectively emphasized the equality of citizens before the law; and therefore no one shall be discriminated against “on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status”. Article 36 highlights the State’s responsibility for gender equality. It stipulates that the State must offer equal economic opportunities to all citizens; and, in particular, the State shall take all necessary measures to ensure the full integration of women into the mainstream of economic development in Ghana. Article 37 falls within the same perspective: “the State shall direct its policy towards ensuring that every citizen has equality of rights, obligations and opportunities before the law”.

### **2. Institutions involved in implementation**

With a view to concretizing the constitutional measures, politico-institutional arrangements have been made. The first is the creation of the Ministry for the Protection of Women and Children. It is responsible for developing national gender policies and strategies. Then there is the creation of Departments of Women and Children at the level of each region. They are responsible for implementing the national policies defined to combat discrimination based on gender<sup>106</sup>. To strengthen the implementation of the measures taken, “women’s development officers (GDOs) have been appointed in all line ministries to help their institutions integrate the gender perspective in their respective areas of priority”<sup>107</sup>.

### **3. Impact of legal provisions on the determinants of health**

#### *Sociocultural context*

To eliminate violence against women, «Law No. 29 in relation to certain harmful traditional practices such as the practice called Trokosi (ritual slavery) and genital mutilation or excision (FGM)» was adopted. Also, to protect women against harmful socio-cultural practices, the government had adopted “the law on

105 Ghana (1992) <https://constitutionnet.org/sites/default/files/Ghana%20Constitution.pdf>

106 Confers the Fonds africain de Développement (2007) : [https://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Ghana-Projet\\_d%E2%80%99amelioration\\_des\\_competences\\_sensibles\\_au\\_genre\\_et\\_de\\_developpement\\_communautaire-Rapports\\_d%E2%80%99%C3%A9valuation.pdf](https://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Ghana-Projet_d%E2%80%99amelioration_des_competences_sensibles_au_genre_et_de_developpement_communautaire-Rapports_d%E2%80%99%C3%A9valuation.pdf)

107 Confers the Fonds africain de Développement (2007, p. 7) : <https://www.afdb.org/sites/default/files/documents/projects-and-operations/adf-bd-if-2008-237-fr-ghana-profil-de-genre-par-pays.pdf>

the matrimonial cause..., and the law of 1998 on childhood”. This law “criminalizes forced marriage and minors”<sup>108</sup>.

Despite all these measures, the UNICEF report<sup>109</sup> estimates that 4% of young girls still undergo practices of female genital mutilation. The report indicates that this percentage corresponds to 1.3 million. Women are victims of several types of violence: “according to statistics available at the Accra Regional Office of the Domestic Violence and Victims Support Unit (DOVVSU), in August 2020, 31.9% of Ghanaian women have experienced at least one form of domestic violence – physical, economic, psychological, social or sexual”<sup>110</sup>.

### *Education*

Access to education for all is a constitutional right. This right is enshrined in the constitution: every citizen has the right to equal opportunities and facilities in education. To do this, “basic education shall be free, compulsory and available to all” (article 25, a).

This equality does not necessarily translate into facts and the following data are illustrative examples. The literacy rate for young men aged 15 to 24 is 88% in 2010 and 93% in 2018 (UNESCO quoted by the World Bank 2018, p. N/D)<sup>111</sup>. Among young girls (15 to 24 years old), this rate was 83% in 2010 and 82 in 2018 (UNESCO quoted by the World Bank 2018, p. N/D)<sup>112</sup>. There remains a slight disparity between the two sexes. This disparity is also observable in terms of enrollment rates at all levels of study. The data presented below illustrates Ghana’s level of performance in gender equality (UNESCO 2020, p. N/D)<sup>113</sup>.

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108 Idem (p. 8).

109 Rapport UNICEF: Mutilations génitales féminines/excision : Bilan statistique et examen des dynamiques du changement, p. 1.

110 Statistiques du Bureau régional d’Accra cite par World Association of Girl guides and Girl Scouts (2020) : <https://www.waggs.org/en/blog/ending-gender-based-violence-ghana/#:~:text=According%20to%20the%20statistics%20available,%2C%20psychological%2C%20social%20or%20sexual.>

111 <https://donnees.banquemondiale.org/indicateur/SE.ADT.1524.LT.MA.ZS?locations=GH>

112 World Bank: <https://donnees.banquemondiale.org/indicateur/SE.ADT.1524.LT.FE.ZS?locations=GH>

113 Unesco: <http://uis.unesco.org/fr/country/gh>

**Table 1 - Gross and net enrollment in Pre-primary education, Ghana, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	110.8	112.3	114.3	114.8	120.9	119.0	116.8	114.5	117.0	116.1
Female	112.4	113.8	115.8	116.2	122.4	120.3	118.1	115.6	117.9	117.2
Male	109.2	110.8	112.8	113.5	119.4	117.8	115.6	113.6	116.1	115.1
Net enrollment rate (%)										
Total	71.5	72.5	75.2	...	...	...	74.5	73.4	75.0	74.7
Female	72.7	73.6	76.3	...	...	...	75.6	75.1	75.9	75.7
Male	70.4	71.4	74.1	...	...	...	73.5	71.9	74.2	73.8

**Table 2 - Gross and net enrollment in Primary education, Ghana, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	102.97	106.69	106.10	104.59	108.34	106.73	105.51	103.57	104.84	103.44
Female	102.48	106.58	106.06	104.56	108.32	107.40	106.05	104.21	105.58	104.36
Male	103.44	106.79	106.14	104.62	108.36	106.09	104.99	102.96	104.13	102.56
Net enrollment rate (%)										
Total	80.6	79.4	84.9	87.0	89.3	86.4	85.2	84.5	86.2	82.4
Female	80.7	...	85.1	87.2	89.5	87.1	85.8	85.1	86.6	83.3
Male	80.5	...	84.7	86.8	89.1	85.7	84.6	83.9	85.7	81.5

**Table 3 - Gross and net enrollment in Secondary education, Ghana, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	55.57	56.44	67.76	64.06	67.91	68.90	69.01	71.32	74.68	77.67
Female	52.64	53.44	64.60	62.03	66.10	67.75	68.07	70.79	74.63	77.84
Male	58.38	59.31	70.79	66.01	69.63	70.01	69.91	71.83	74.73	77.51
Net enrollment rate (%)										
Total	...	...	52.7	52.1	55.6	55.4	55.4	58.3	60.3	62.0
Female	...	...	51.3	51.4	55.0	55.5	55.8	58.8	51.1	62.9
Male	...	...	54.0	52.9	56.1	55.4	55.1	57.8	59.5	61.0

**Table 4 - Gross enrollment in Higher education, Ghana, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	11.8	11.9	13.8	15.4	15.7	15.5	16.0	15.7	17.2	18.7
Female	8.9	9.2	10.8	12.4	12.9	13.0	13.4	13.6	15.8	17.7
Male	14.5	14.6	16.7	18.3	18.4	18.0	18.5	17.7	18.6	19.6

### ***Health system***

The Ghanaian government has set out constitutionally recognized measures to ensure maternal and child health. Article 27 stipulates that “special care shall be accorded to mothers during a reasonable period before and after child-birth; and during those periods, working mothers shall be accorded paid leave”. In addition, with regard to children, “facilities shall be provided for the care of children below school-going Age to enable women, who have the traditional care for children, realise their full potential” (article 27). However, the number of deaths recorded in 2018 indicates that efforts remain to be made. In 2018, among boys, there are 38 deaths per 1,000 normal births, while among girls, there are 30.1 deaths per 1,000 normal births<sup>114</sup>. Maternal mortality (per 100,000) was 350 in 2008; 350 in 2010; 319 in 2015 and 308 in 2017<sup>115</sup>.

114 [https://www.indexmundi.com/fr/ghana/taux\\_de\\_mortalite\\_infantile.html](https://www.indexmundi.com/fr/ghana/taux_de_mortalite_infantile.html)

115 Confers Index Mundi : <https://www.indexmundi.com/g/g.aspx?c=gh&v=2223&l=fr>



## *Economic context*

Equal pay is recognized by the Ghanaian constitution. Article 24 provides that “every person has the right to work under satisfactory, safe and healthy conditions, and shall receive equal pay for equal work without distinction of any kind”. However, wealth inequality is quite problematic. In Ghana, “one of the richest men in the country earns more in a month than one of the poorest women in the country could earn in 1000 years. Between 2006 and 2016, the distribution of wealth generated 1,000 new millionaires (in dollars), but only 60 of them were women” (Oxfam, 2019, p. 4)<sup>116</sup>. Still in relation to inequalities linked to wealth, it should be noted that in Ghana, «men own 62% of household places of residence and 62% of agricultural land, while only 37% of property owners real estate are women”<sup>117</sup>.

## *Work and employment support*

According to World Bank data<sup>118</sup>, the activity rate of young men aged 15 and over is: 76.7% in 2000; 70.5% in 2006; 72.5% in 2010; 79% in 2013; 74.1% in 2015 and 58.8% in 2017. Among young women<sup>119</sup>, it is: 72.6% in 2000; 67.1% in 2006; 69.4% in 2010; 73.7% in 2013; 65.5% in 2015 and 55.3% in 2017.

## *Housing*

We do not have data for this variable.

## *Natural environment*

We do not have data for this variable.

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# Guinea

## 1. Constitutional provision

The principle of gender equality has a prominent place in the constitution of Guinea. Already, the preamble to the Guinean constitution proclaims its “proclaims its commitment to fundamental human rights, as enshrined in the Charter of the United Nations of 1945, the Universal Declaration of Human Rights of 1948, the

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116 OXFAM (2019), la crise des inégalités en Afrique de l'Ouest : quelles sont les solutions face à l'échec des pays de l'Afrique de l'Ouest à réduire les inégalités ? <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/620837/bp-west-africa-inequality-crisis-090719-fr.pdf>

117 A.D. Oduro, W. Baah-Boateng et L. Boakye-Yiadom (2011). Measuring the Gender Asset Gap. Université du Ghana; cited by Oxfam (2019, p. 13).

118 World Bank : <https://donnees.banquemondiale.org/indicateur/SL.TLF.CACT.MA.NE.ZS?locations=GH>

119 BM: <https://donnees.banquemondiale.org/indicateur/SL.TLF.CACT.FE.NE.ZS?locations=GH>

International Covenants of the United Nations of 1966, the African Charter on Human and Peoples' Rights of 1981 and its additional protocols, the Constitutive Act of the African Union of 2001, as well as those of Economic Community of West African States (ECOWAS) and the international texts on the subject ratified by the Republic of Guinea". In addition, in article 1, the constitution "assures the equality before the law of all citizens without distinction of origin, ethnicity, race, sex or religion". Abundant in the same direction, article 5 proclaims that "everyone has the right to respect for his dignity and to recognition of his personality". In addition, article 9 reassures once again "All individuals, men or women, are born free and remain equal before the law. No one may be discriminated against on the basis of his or her birth, race, ethnicity, sex, language, social status, or religious, philosophical or political convictions. The Republic affirms that parity between men and women is a political and social objective. The Government and the assemblies of the deliberative bodies may not be composed of more than two thirds (2/3) of the same gender".

Despite this constitutional will, however, there is still work to be done in Guinea to achieve gender equality. Indeed, rich in natural resources, but politically unstable, Guinea is one of the poorest countries in the world. 41.7% of legal frameworks that promote, enforce and monitor gender equality, with a focus on violence against women, are in place. In February 2021, only 16.7% of seats in parliament were held by women<sup>120</sup>.

## 2. Institutions involved in implementation

We do not have the data.

## 3. Impact of legal provisions on the determinants of health

### *Sociocultural context*

In article 23 of the fundamental law, we learn that "the family and marriage constitute the natural foundation of life in society. They are protected and promoted by the state. From the age of 18, men and women, without any restriction of ethnicity, race, nationality or religion, have the right to marry and found a family. They have equal rights with respect to marriage, during marriage and upon its dissolution. Marriage can only be concluded with the free and full consent of the spouses. Forced marriage is prohibited. Parents have the duty to ensure the education and the physical and moral health of their children. Parental authority is exercised by the father and mother or, failing that, by any other person in accordance with the law. Children must support and care for their parents".

However, in fact, 46.5% of women aged 20 to 24 were married or in union before the age of 18. The teenage birth rate was 120 per 1,000 women aged 15–19 in 2016, down from 132.6 per 1,000 in 2015<sup>121</sup>. In other words, about 47 percent of women aged 20 to 24 were first married before age 18, and 19 percent were married before age 15.

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120 <https://data.unwomen.org/country/guinea>

121 <https://data.unwomen.org/country/guinea>

Among West African countries, only Niger and Mali have a higher incidence of child marriage (62 percent and 72 percent, respectively). Child marriage is associated with a higher rate of early pregnancy and school dropout. Additionally, Guinea also has the second highest rate of female genital mutilation (FGM) in the world at 97 percent<sup>122</sup>. There is a strong association between child marriage, early childbearing and low educational attainment. FGM is culturally linked to the possibility of marriage, as it serves as a rite of passage from childhood to adulthood, making it difficult to separate from the practice of child marriage. Additionally, FGM is associated with higher maternal mortality<sup>123</sup>.

### *Education*

According to article 24 of the constitution, “school is compulsory and free for children of both (2) sexes up to the age of sixteen (16), under the conditions provided for by law”. However, Guinea is among the 10 countries with the lowest literacy rates<sup>124</sup>, with percentages of 23% for women and 38% for men<sup>125</sup>. Indeed, the availability and quality of Guinean education leave much to be desired. Girls are the ones who suffer the most from this educational deficit. There is, for example, a huge gap between the retention of boys in school and the retention of girls. Equitable access to education is an important pillar of a country’s progress. In 2012, the primary education completion rate for women was 61.5%. Net secondary school enrollment for males was 40.5%, while for females it fell to 25.9%<sup>126</sup>.

It should also be noted that Guinea’s overall education levels are well below the average for sub-Saharan Africa and the gender gaps are also greater. A recent analysis<sup>127</sup> reveals that only half of children of primary school age attend primary school. In addition, there is a statistically significant gap between boys and girls in net primary and secondary school attendance. Also, fewer girls than boys make the transition to higher levels of education, as illustrated by the female-to-male enrollment ratio. Gender gaps in education are more severe in rural areas of Guinea. The human capital index shows that a girl who starts school at the age of 4 should complete 6.2 years of school while a boy would complete 7.7 years<sup>128</sup>.

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122 Lopez Calix, J. R., Lemiere, C., & Moller, L. C. (2018). Disrupting the Gender Divide in Mali, Chad, Niger and Guinea (English). AFCW3 Economic Update. Washington, D.C. <http://documents.worldbank.org/curated/en/605471541607872022/Disrupting-theGender-Divide-in-Mali-Chad-Niger-and-Guinea>

123 Lopez et al. (2018).

124 Coleman, R. (2017). Gender and education in Guinea: increasing accessibility and maintaining girls in school. *Journal of International Women’s Studies*, 18(4), 266-277.

125 GGGR (2015).

126 UN. (2016) UN data; <https://data.un.org/CountryProfile.aspx?crName=GUINEA>

127 World Bank. (2019). Guinea: The Economic Benefits of a Gender Inclusive Society. <https://openknowledge.worldbank.org/bitstream/handle/10986/32507/Guinea-The-Economic-Benefits-of-a-Gender-Inclusive-Society.pdf?sequence=1&isAllowed=y>

128 World Bank (2019).

Finally, even if significant progress has been made in education, especially at the primary level and in technical and vocational education, much effort remains to be made. In Guinea, education is compulsory only at the primary school level, the enrollment rate at the primary level in 2015 was 81% for boys and 69% for young girls. Enrollment at secondary and higher levels is much lower, especially for women with percentages of 23% in secondary and 6% in higher compared to 37% and 14%, respectively, for men<sup>129</sup>.

### *Health system*

Article 21 of the constitution states that “Everyone has the right to physical and mental health and well-being. The State has the duty to promote health, to fight against epidemics and social evils”. However, in 2015, only 45% of births were attended by qualified health personnel and only 6% of married women or in union used any contraceptive method<sup>130</sup>. While the maternal mortality rate has fallen by almost 34.7% over the past 20 years, from 1,040 maternal deaths per 100,000 live births in 1990 to 679 in 2015, the maternal mortality rate in Guinea is one of highest in sub-Saharan Africa (546/100,000 regional average). In addition, one in 26 women is likely to die during childbirth in her lifetime<sup>131</sup>. The fertility rate is 4.9 children per woman and the teenage fertility rate is 154 per 1000 women aged 15-19<sup>132</sup>. According to the 2012 Demographic and Health Survey<sup>133</sup> and multiple indicators, «premature fertility varies by level of education. 48% of girls aged 15-19 with no education have already begun their reproductive life, compared to 17% among those with secondary education or more”. Additionally, women of reproductive age (15-49) often face barriers in relation to their sexual and reproductive health and rights. In 2018, 37.7% of women had their need for family planning met with modern methods<sup>134</sup>.

### *Economic context*

As we will discuss in the next section, Guinean women are less likely to join the formal labor force and work for pay. They also do not have access to the same work opportunities as men. Even when they do, they are more likely to work part-time or in the informal sector. Time constraints for women, including the burden of household chores where women spend an average of 22 hours per week compared to 4 hours per week for men, also play a role in limiting their ability to work and to

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129 GGGR (2015).

130 Agence française de développement (2016). Les « Profils Genre Guinée » ; <https://plateforme-elsa.org/wp-content/uploads/2014/02/Profil-Genre-Guinee.pdf>; GGGR (2015).

131 OMS (2015), Tendances de la mortalité maternelle : 1990-2015 ; [http://apps.who.int/iris/bitstream/handle/10665/204113/WHO\\_RHR\\_15.23\\_fre.pdf?jsessionid=864D6DC273066E52231EF8037E01EC12?sequence=1](http://apps.who.int/iris/bitstream/handle/10665/204113/WHO_RHR_15.23_fre.pdf?jsessionid=864D6DC273066E52231EF8037E01EC12?sequence=1)

132 GGGR (2015).

133 Enquête Démographique et de Santé et à Indicateurs Multiples (EDS-MICS). (2012) ; <https://www.dhsprogram.com/pubs/pdf/FR280/FR280.pdf>

134 <https://data.unwomen.org/country/guinea>

ensure their economic independence<sup>135</sup>. All of this leads to significant gender gaps in earnings and productivity, which in turn diminish women's bargaining power and voice, as well as their ability to negotiate their productive work.

### *Work and employment support*

For article 18 of the Guinean constitution, “Everyone has the right to work, to free choice of employment or profession and to free enterprise. Everyone has the right, without any discrimination, to just and favorable remuneration guaranteeing his subsistence. The State creates the necessary conditions for the exercise of this right”.

Some progress has been made on women's rights in this area. Indeed, unlike other countries with a similar per capita GDP, Guinea has achieved parity in its female-to-male labor force participation ratio. Women are, however, less likely to join the formal labor force and work for pay. They also do not have access to the same work opportunities as men. Even when they do, they are more likely to work part-time or in the informal sector. Time constraints for women, including the burden of household chores where women spend an average of 22 hours per week compared to 4 hours per week for men, also play a role in limiting their ability to work<sup>136</sup>. All of this leads to significant gender gaps in earnings and productivity, which in turn diminish women's bargaining power and voice, as well as their ability to negotiate their productive work.

### *Housing*

For article 15 of the constitution, “everyone has the right to move freely, freely leave the territory or return to it and to choose their residence in any part of the territory of the Republic”.

### *Natural environment*

We do not have data.

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## **Guinea-Bissau**

### **1. Constitutional provision**

The Republic of Guinea-Bissau has put in place political, constitutional and institutional provisions to ensure gender equality. These provisions have been taken into consideration since the 1984 constitution amended in 1993 and 1996<sup>137</sup>.

135 Bardasi, E., & Wodon, Q. (2010). Working long hours and having no choice: Time poverty in Guinea. *Feminist Economics*, 16(3), 45–78.

136 Bardasi, E., & Wodon, Q. (2010). Working long hours and having no choice: Time poverty in Guinea. *Feminist Economics*, 16(3), 45–78.

137 The new 2018 constitution is currently unavailable but the 1996 version is available at: [https://gw.ambafrance.org/IMG/pdf/constitution\\_gb\\_projet\\_traduction\\_-j1z\\_-fr\\_v10](https://gw.ambafrance.org/IMG/pdf/constitution_gb_projet_traduction_-j1z_-fr_v10).

Article 24 ensures gender equality. In addition, we are witnessing the adoption of other legal provisions. These include the 2011 law prohibiting the practice of female genital mutilation (FGM) and the law of July 2013 on the fight against domestic violence. There is also “an important provision in the 2013 Act to classify domestic violence as a public crime, so that even if a female victim of such violence does not file a complaint, other members of the household or neighbors can do it for him” (Mizrahi, 2015).

## 2. Institutions involved in implementation

To operationalize these provisions, the government has put in place institutions responsible for implementing government policies on gender. It is with this in mind that the Ministry of Women, Family and Social Protection was created. In 2015, six women were appointed to the government team and were «at the head of the Ministries of Defence, Education, Justice, Public Health, as well as the Ministry of Women, Family and Social Cohesion”<sup>138</sup> (Mizrahi, 2015).

## 3. Impact of legal provisions on the determinants of health

### *Sociocultural context*

Article 25 states that “men and women are equal before the law in all aspects of political, economic, social and cultural life”. This measure is supported by the establishment of a communication structure, an “independent body of which the composition and functioning shall be defined by law” (art. 56. al 4). Article 100 (paragraph 1b) considers the government team as the competent body to intervene on social and cultural issues through concrete policies and programs. There is also the National Committee for the Abandonment of Traditional Practices Harmful to the Health of Women and Girls (CNAPN).

Despite these provisions, violence against women, early marriage and female genital mutilation can be observed<sup>139</sup>. A study carried out in 2010<sup>140</sup> shows that among “the women questioned, 44% declare being victims of physical violence; 43% report being victims of sexual violence ; 80% were victims of acts of psychological violence (insults and threats); 11% said they had been threatened with a weapon other than a firearm and 6% with a firearm; 34% reported situations of deprivation of liberty, stating that at some point they were prevented from leaving their homes and talking with friends”.

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pdf?922/54372191231199772e5a9b5f8317b546bfe8c4c8

138 Accessible at: [https://www.afdb.org/fileadmin/uploads/afdb/Documents/Generic-Documents/Guinea-Bissau\\_-\\_Country\\_Gender\\_profile\\_-\\_Fr.pdf](https://www.afdb.org/fileadmin/uploads/afdb/Documents/Generic-Documents/Guinea-Bissau_-_Country_Gender_profile_-_Fr.pdf)

139 The data presented here are taken from this document available at: <https://documents1.worldbank.org/curated/en/130001597122105762/pdf/Training-Manual-on-Gender-Based-Violence-in-Guinea-Bissau.pdf>

140 A Portrait of Violence Against Women in Guinea-Bissau (“Um Retrato da violência Contra Mulheres na Guiné-Bissau”). Sílvia Roque. Investigation team: Sílvia Roque; Fodé Mane (INEP); Toneca Silá (RENLUV-GC/GB); Adulai Djau (RENLUV-GC/GB); Luís Peti (Assistant), June 8, 201

Practices related to excision are still present since “excision and circumcision are said to be practiced in Guinea-Bissau. According to the information available to the WHO, the average prevalence could be 50% and affects 100% of Muslim women. It would be 70 to 80% for the Fula and the Mandingos. In urban areas, 20 to 30% of girls and women are said to be mutilated”<sup>141</sup>.

As far as early marriage is concerned, the observable facts bear witness to their presence. Thus, according to the Bissau-Guinean League for Human Rights (LGDH), 41% are victims in Guinea-Bissau. The phenomenon is more observed in rural areas with a rate of 44%. In urban areas, it is 22%”<sup>142</sup>.

### *Education*

Article 49 of the constitution provides for equal access to education. Literacy data from 2014 shows that gender equality remains a challenge. To this end, “the literacy rate for men and women aged 15 to 24 was 66% and 70.4% respectively in 2014. The enrollment rate in secondary education was 20.4% while that in primary education it was 62.4% in 2014” (United Nations 2017)<sup>143</sup>. The disparity is also observable between rural and urban areas insofar as «in rural areas, only 25% of women and 54% of men knew how to read and write in 2014 against 73% of women and 86% of men in (MICS, 2014)”<sup>144</sup> (United Nations, 2017). In 2015, the enrollment rate for boys and girls was 44.8% (96,711 students) and; 23.2% (54,308 students) (p.24).

### *Health system*

Article 15 of the constitution entrusts public health institutions with the role of ensuring people holistic health (emphasizing mental, psychological and physical well-being). Thus, according to United Nations data, «life expectancy at birth was 54.1 years for women in 2015 compared to 51.2 years in 2009, while that of men was 51.5 years in 2015 against 49.1 years in 2009, in a context marked by the gradual decline in the mortality rate, from 15.7 deaths per thousand inhabitants in 2009 to 12.2 in 2015” (United Nations, 2017). The same source indicates that:

- The under-5 mortality rate is 93 per 1,000 in 2015 (p. 36)<sup>145</sup>.
- The Maternal Mortality Rate per 100,000 live births is 549 (2015).
- The prevalence of underweight in children under 5 is 16.5% in 2015.

141 <http://archive.ipu.org/wmn-f/fgm-prov-g.htm>

142 <https://www.afrik.com/guinee-bissau-les-jeunes-filles-de-plus-en-plus-victimes-de-mariages-forces>

143 [https://archive.uneca.org/sites/default/files/uploaded-documents/CountryProfiles/2018/guinee\\_bissau\\_french\\_cp.pdf](https://archive.uneca.org/sites/default/files/uploaded-documents/CountryProfiles/2018/guinee_bissau_french_cp.pdf) (p. viii).

144 MICS cited by the United Nations: [https://archive.uneca.org/sites/default/files/uploaded-documents/CountryProfiles/2018/guinee\\_bissau\\_french\\_cp.pdf](https://archive.uneca.org/sites/default/files/uploaded-documents/CountryProfiles/2018/guinee_bissau_french_cp.pdf) (p. 24).

145 There is an error in the report which presents the figure as a percentage.

- Infant mortality rate per 1,000 live births is 60% in 2015.
- Proportion of births attended by qualified medical personnel is 45.3% in 2015 (p.36)<sup>146</sup>.

### *Economic context*

In terms of the economy, the government adopted in 2013, convention number 100 on equal pay of the International Labor Organization (ILO). However, we did not find evidence that supports gender pay equity.

### *Work and employment support*

In 2020, the government adopted the convention on non-discrimination between men and women concerning employment and occupation of ILO<sup>147</sup>.

Data from 2009 show that “the unemployment rate was 10.5% in 2009, including 18.1% for men and 4.6% for women, in a context marked by significant underemployment”<sup>148</sup>. The programs set up from 1998 have created 5,000 jobs, 70% of them women (Guinea-Bissau, 2015). Recent data from 2015, with studies on the gender profile, showed that «men occupy 69% of jobs in the administration and are overrepresented in key ministries working in favor of women such as the ministries of ‘Agriculture and Education, in which women occupy respectively 14% and 26% of positions’ (Mizrahi, 2015).

### *Housing*

The available data do not allow us to draw up an inventory of the situation in terms of gender.

### *Natural environment*

We do not have data.

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## **Liberia**

### **1. Constitutional provision**

The Liberian constitution guarantees the principle of gender equality: “All persons, irrespective of ethnic background, race, sex, creed, place of origin or political opinion, are entitled to the fundamental rights and freedoms of the

146 INE (2016) Boletim Estatístico da Guiné-Bissau « Guiné-Bissau em números 2015 » Cité par les Nations-Unies (2017).

147 [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO::P13100\\_COMMENT\\_ID,P13100\\_LANG\\_CODE:4051420,fr:NO](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO::P13100_COMMENT_ID,P13100_LANG_CODE:4051420,fr:NO)

148 [https://archive.uneca.org/sites/default/files/uploaded-documents/CountryProfiles/2018/guinee\\_bissau\\_french\\_cp.pdf](https://archive.uneca.org/sites/default/files/uploaded-documents/CountryProfiles/2018/guinee_bissau_french_cp.pdf) (p. vii).



individual, subject to such qualifications as provided for in this Constitution. All persons are equal before the law and are therefore entitled to the equal protection of the law” (article 11).

Liberia ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1984, but has yet to ratify (as of 2021) the Optional Protocol on Violence against Women. The country ratified the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa in 2008. In 2001, the government created a Ministry of Gender and Development, and a National Gender Policy is in place<sup>149</sup>.

## 2. Institutions involved in implementation

The Gender and Development Act 2001 establishes the Ministry of Gender and Development and defines its institutional mandate which revolves around the promotion of gender equality, the advancement of women and the welfare of children in Liberia. In particular, the ministry is responsible for, among other things, advising the government on all matters affecting the development and well-being of women and children; coordinate government efforts on gender mainstreaming to ensure that the views of women and men are at the heart of policy formulation, legislation, resource allocation, planning and results of policies and programs, with a focus on gender equality, women’s empowerment and child development; monitor and report on the impact of national policies and programs on women and children and recommend appropriate measures to be taken to mobilize and integrate women as equal partners with men in economic, social, political and cultural development from the country ; ensure national compliance with the requirements of all international conventions on the elimination of all forms of discrimination against women and children<sup>150</sup>.

Thus, the National Gender Policy of the Ministry of Gender and Development (2010 – 2015) of 2009 aimed to demonstrate the political will of the government to eliminate all forms of discrimination based on gender in order to achieve gender equality. It serves as a framework for mainstreaming gender and empowering women and vulnerable groups in national development processes<sup>151</sup>.

Despite all these efforts, much remains to be done. For example, women participate less in the decision-making process, since in February 2021, only 11% of seats in parliament were held by women<sup>152</sup>. Additionally, Liberia has a GII value of

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149 <https://www.genderindex.org/country/liberia/>

150 [https://www.fao.org/gender-landrights-database/country-profiles/countries-list/national-legal-framework/policiesinstitutional-mechanisms-enforcing-or-preventing-womens-land-rights/en/?country\\_iso3=LBR](https://www.fao.org/gender-landrights-database/country-profiles/countries-list/national-legal-framework/policiesinstitutional-mechanisms-enforcing-or-preventing-womens-land-rights/en/?country_iso3=LBR)

151 [https://www.fao.org/gender-landrights-database/country-profiles/countries-list/national-legal-framework/policiesinstitutional-mechanisms-enforcing-or-preventing-womens-land-rights/en/?country\\_iso3=LBR](https://www.fao.org/gender-landrights-database/country-profiles/countries-list/national-legal-framework/policiesinstitutional-mechanisms-enforcing-or-preventing-womens-land-rights/en/?country_iso3=LBR)

152 <https://data.unwomen.org/country/liberia>

0.650, ranking it 156th out of 162 countries in the 2019 index<sup>153</sup>.

### 3. Impact of legal provisions on the determinants of health

#### *Sociocultural context*

Although silent on the specific case of marriage, the Liberian constitution guarantees the principle of gender equality. Additionally, civil law and customary law are both recognized in Liberia under Article 65 of the constitution. The law criminalizes acts of forced marriage. However, married women, under customary law, are considered legal minors and have little or no rights with regard to parental authority and inheritance, as well as a very limited ability to contribute to the taking of decision within the household<sup>154</sup>.

Under the Family Relations Act, the minimum legal age of marriage is 18 for women and 21 for men. But the Traditional Marriage Act of 1998 allows girls to marry at 16. In fact, we find that girls between the ages of 15 and 19 were married, divorced or even widowed<sup>155</sup>. Data on early marriages also reveal that among women aged 25-49 15.2% were married by age 15, 46.1% by age 18 and almost 75% by age 15. age 22, suggesting that traditional practices of early and forced marriage continue. In 2011, the Liberian Senate passed the Child Marriage Act, and in 2012 it was signed into law. This law provides that children under the age of 18 cannot be betrothed or promised in marriage, or enter into any kind of marriage<sup>156</sup>. However, the teenage birth rate remains at 128 per 1,000 women aged 15-19 in 2018, down from 150.3 per 1,000 in 2015<sup>157</sup>.

#### *Education*

According to article 6 of the constitutional text, “The Republic shall... provide equal access to educational opportunities and facilities for all citizens to the extent of available resources. Emphasis shall be placed on the mass education of the Liberian people and the elimination of illiteracy”. In Liberia, however, 18.5% of adult women have attained at least secondary education, compared to 40.1% for men<sup>158</sup>. In addition, women have significantly less access to education and a lower level of education (the literacy rate is 32% for women compared to 62% for men)<sup>159</sup>.

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153 UNDP. (2020). Human Development Report 2020 (for Liberia) ; <http://hdr.undp.org/sites/default/files/Country-Profiles/LBR.pdf>

154 <https://www.genderindex.org/wp-content/uploads/files/datasheets/LR.pdf>

155 <https://www.genderindex.org/wp-content/uploads/files/datasheets/LR.pdf>

156 <https://www.genderindex.org/wp-content/uploads/files/datasheets/LR.pdf>

157 <https://data.unwomen.org/country/liberia>

158 UNDP (2020).

159 <https://www.genderindex.org/wp-content/uploads/files/datasheets/LR.pdf>

## *Health system*

In 2007, 35% of women aged 15-49 reported having experienced physical and/or sexual violence from a current or former intimate partner in the previous 12 months. In addition, women of childbearing age (15-49) often face barriers when it comes to their sexual and reproductive health and rights. Despite progress<sup>160</sup>, in 2020, 41% of women had their need for family planning met with modern methods<sup>161</sup>. For every 100,000 live births, 661.0 women die from pregnancy-related causes; and the teenage birth rate is 136.0 births per 1,000 women aged 15–19<sup>162</sup>.

## *Economic context*

Article 7 guarantees equal ownership of natural resources in Liberia. Additionally, Title 29 of the Property Act and Section 23 of the Constitution grants equal ownership rights to men and women over land and non-land property. However, it should be noted that discriminatory practices persist. As we have just seen with regard to marriage, Liberia has a dual land tenure system, based on written law derived from statutes and case law, and on customary law. And in general, customary land tenure systems prevail. This often puts women at a disadvantage, as under customary law they can only access land through their husbands and cannot themselves inherit land. The Liberian context is also complicated by ongoing land tensions which partly contributed to the civil war and continue to create problems as refugees return, the population grows, etc.

Furthermore, women and men have, in principle, the same right to access financial services, including credit and banking services. In practice, however, it is often difficult for women to access credit due to low literacy rates and/or because they cannot qualify for a loan. But it should be noted that they are the main beneficiaries of microcredit programs provided by NGOs and the government<sup>163</sup>.

## *Work and employment support*

According to article 8 of the constitution, “the Republic shall direct its policy towards ensuring for all citizens, without discrimination, opportunities for employment and livelihood under just and humane conditions, and towards promoting safety, health and welfare facilities in employment”. But Article 18 further states that “all Liberian citizens shall have equal opportunity for work and employment regardless of sex, creed, religion, ethnic background, place of origin or political affiliation, and all shall be entitled to equal pay for equal work”.

The participation of women in the labor market is 72.1 percent against 80.6 for men. In addition, women and girls aged 15 and over spend 6.3% of their time

160 Murendo, C., & Murenje, G. (2018). Decomposing gender inequalities in self-assessed health status in Liberia. *Global health action*, 11(sup3), 1603515.

161 <https://data.unwomen.org/country/liberia>

162 UNDP (2020).

163 <https://www.genderindex.org/wp-content/uploads/files/datasheets/LR.pdf>

on unpaid care and domestic work, compared to 2.7% for men<sup>164</sup>. The country's employment law prohibits discrimination on the basis of sex and any discrimination against women in matters of work and wages. Thus, pregnant women are entitled to three months of paid maternity leave and employers are assumed to be responsible for paying 100% of maternity benefits.

But these regulations only apply to women working in the formal sector. However, according to the 2008 report submitted to the Committee on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 90% of women are employed in the informal sector<sup>165</sup>.

### *Housing*

Generally speaking, the constitution provides in article 13 that “every person lawfully within the Republic shall have the right to move freely throughout Liberia, to reside in any part thereof and to leave therefrom subject however to the safeguarding of public security, public order, public health or morals or the rights and freedoms of others”.

### *Natural environment*

We do not have data.

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## **Mali**

### **1. Constitutional provision**

Equality between men and women is recognized by the Malian constitution; first by the ratification of the Universal Declaration of Human Rights of December 10, 1948 and the African Charter on Human and Peoples' Rights of June 27, 1981, which recognize the equality of all individuals. Then, article 2 of the constitution recognizes gender equality. Also, the Labor Code its articles 1 and 95 requires equality between men and women in access to employment and remuneration.

### **2. Institutions involved in implementation**

The operationalization of these constitutional and regulatory provisions is ensured by the Minister for the Advancement of Women, Children and the Family (created in 1997) in collaboration with the other ministries at the national level. At the local level, decentralized bodies/deconcentrated structures have been put in place. This is the Higher Council of the National Gender Policy of Mali; Regional Councils of the National Gender Policy of Mali; the Permanent Secretariat of Mali's National Gender Policy; committees for the institutionalization of Mali's National Gender Policy and ten (10) targeted sectoral ministries: (justice, education, health, employment and vocational training, rural development, decentralization, state

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164 <https://data.unwomen.org/country/liberia>

165 <https://www.genderindex.org/wp-content/uploads/files/datasheets/LR.pdf>

reform, economy, budget reform and communication).

### 3. Impact of legal provisions on the determinants of health

#### *Sociocultural context*

Articles 2, 8, and 17 of the Malian constitution define the measures based respectively on gender equality; “freedom of artistic and cultural creation”<sup>166</sup>; and on social protection. These constitutional provisions have concretely resulted in the creation of several NGOs and associations. There were indeed 191 NGOs in 1992 compared to 1,600 in 2003, and there were nearly 8,000 associations whose status is different from that of NGOs (Richardier, 2018)<sup>167</sup>; through which citizens enjoy their socio-cultural rights. The promotion of non-discrimination based on sex is a means by which men and women each have the same right in the exercise of socio-cultural activities. In the political document entitled: Strategic Framework for Growth and Poverty Reduction (CSCR), one of the strategic orientations highlights “the issues related to inequalities between women and men in the various sectors while highlighting the socio-cultural factors that perpetuate these inequalities”<sup>168</sup>. Socio-cultural activities and values (linked to the family and Malian society) are an excellent means that allows the development, social cohesion and well-being of individuals (confers the CSCR). This could therefore lead to a reduction in maternal and neonatal mortality<sup>169</sup>. However, the issue of early marriage remains a challenge because the UNICEF report (2014)<sup>170</sup> estimates that the prevalence linked to early marriage in Mali is 61%.

#### *Education*

The Malian constitution does not define any provision in relation to gender equality in education. However, Articles 17 and 18 grant citizens the right of access to education. “Education and instruction” are rights recognized by the Malian state and “public education is compulsory and free”<sup>171</sup>. In 2011, the Malian government implemented a National Gender Policy for Mali (PNG-Mali). This national policy is in line with the Millennium Development Goals (MDGs) in order to: eliminate gender

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166 La Constitution du Mali, p. 3 (<http://www.courconstitutionnelle.ml/wp-content/uploads/2018/12/ConstitutionDuMali.pdf>)

167 Verena Richardier (2018) : « Les associations de solidarité au Mali, entre coopération et concurrence face à la fermeture d'un « marché » humanitaire ». [https://www.urdo.org/fr/revue\\_humanitaires/les-associations-de-solidarite-au-mali-entre-cooperation-et-concurrence-face-a-la-fermeture-dun-marche-humanitaire/#easy-footnote-bottom-6-59552](https://www.urdo.org/fr/revue_humanitaires/les-associations-de-solidarite-au-mali-entre-cooperation-et-concurrence-face-a-la-fermeture-dun-marche-humanitaire/#easy-footnote-bottom-6-59552)

168 Confers the politique nationale de genre, p. 8 ([http://www.passip.org/passip\\_intranet/pdf-intranet/Politique/9-41%20Politique%20Nationale%20Genre\\_2011.pdf](http://www.passip.org/passip_intranet/pdf-intranet/Politique/9-41%20Politique%20Nationale%20Genre_2011.pdf))

169 Centre de formation et de la recherche en santé de la reproduction (2001). Prévention de la mortalité maternelle par les soins obstétricaux d'urgence : Donner la vie et rester en vie. Étude régionale dans quatre pays Bénin, Burkina-Faso, Mali, Sénégal; Dakar 2001, p56

170 See UNICEF (2014) : La situation des enfants dans le monde : Chaque enfant compte, 116 p.

171 Confers article 18 of the constitution.

disparities in primary and secondary education and at all levels of education by 2015 at the latest; reduce gender disparities in economic and political life<sup>172</sup>. Education, a social determinant of health (Simar & Jourdan, 2010)<sup>173</sup>, is one of the important factors in neonatal mortality. As Alihonou et al. (1991), “maternal education is a factor which exerts the most decisive action on neonatal mortality, as well as the rise in the standard of living” (Alihonou et al., 1991, p. 751)<sup>174</sup>. So, after the development and implementation of this national policy, an evaluative study carried out in 2018 makes it possible to identify the impacts in terms of the schooling rate in a dynamic of gender equality.

Table 1 - Primary education enrollment and completion rate, Mali, from 2014 to 2017

First cycle				Second cycle			
Enrollment		Completion		Enrollment		Completion	
Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
2014-2015							
74,8%	63,4%	53,8%	45,7%	52,9%	47,8%	32%	24,2%
2015-2016							
75%	64,3%	49,4%	43%	55,5%	43,7%	32,1%	23,8%
2016-2017							
75,8%	64,4%	48,8%	41,3%	55,6%	46,8%	33,2%	26,9%

Source : Ministère de l'Éducation nationale du Mali, 2018<sup>175</sup>, quoted by Seydou Loua (2018).

In addition to these data, the World Bank through a study reveals that only 35% of girls aged 15 to 18 have reached primary school in Mali<sup>176</sup>.

172 Confers page 4 of the politique nationale de genre (Mali) [http://www.passip.org/passip\\_intranet/pdf-intranet/Politique/9-41%20Politique%20Nationale%20Genre\\_2011.pdf](http://www.passip.org/passip_intranet/pdf-intranet/Politique/9-41%20Politique%20Nationale%20Genre_2011.pdf)

173 See: Simar, C., & Jourdan, D. (2010). Éducation à la santé à l'école : Étude des déterminants des pratiques des enseignants du premier degré. *Revue des sciences de l'éducation*, 36(3), 739-760.

174 Alihonou, E. M., Dan, V., Ayivi, B., Sossou, E., Gandaho, T., & Koumakpai, S. (1991). Mortalité néonatale au Centre National hospitalier et universitaire de Cotonou : Incidence, causes et moyens de lutte.

175 See: <https://journals.openedition.org/ries/6571>

176 See: World Bank (2018), “Primary completion rate”, World Bank Indicators, <https://data.worldbank.org/indicator>.

## *Health system*

Access to health care is recognized for all citizens as a constitutional right (Article 17). However, it should be noted that the level of accessibility to care remains unequal between urban areas, particularly Bamako, and rural areas because of the unequal distribution of health professionals<sup>177</sup>. These inequalities inherent in the geographical situation, resulting in difficult access to health centers, illustrate “mobility constraints that affect women in particular”<sup>178</sup>. This disparity has implications for women’s health. In 2015, only 57% of births were attended by qualified health professionals and 26% of women did not have access to medical care services during their pregnancy (GGGR 2015)<sup>179</sup>. In addition, the maternal mortality rate has declined by 41.9% over the past 25 years, from 1,010 maternal deaths per 100,000 live births in 1990 to 587 in 2015 (World Bank 2015). This rate remains high and far from the results expected through the MDGs<sup>180</sup>.

## *Economic context*

The Labor Code, through its article 95, stipulates that: “In equal conditions of work, professional qualification and output, the salary is equal for all workers, whatever their origin, their sex, their age and their status” (Republic of Mali, 1992)<sup>181</sup>. This regulatory provision, dating from 1992, could have stamped the mark of equality between men and women in terms of remuneration at work. However, a study carried out in 2001 shows “extremely strong wage inequality” in Mali (Meurs, 2001, p. 8)<sup>182</sup>. The table below further shows the wage gap (expressed in CFA francs) between men and women in the same sector and confirms the non-application of this regulatory provision (Meurs 2001).

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177 See: Ministère de la Santé/SG/CPS « Annuaire 2009 SNIS », juin 2010 (source : annuaire 2009 du SLIS).

178 See: BAD (2011), p. 5 ([https://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Mali\\_-\\_2012\\_-\\_Profil\\_du\\_genre\\_pays.pdf](https://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Mali_-_2012_-_Profil_du_genre_pays.pdf)).

179 See: The Global Gender Gap Report 2015 (<https://www3.weforum.org/docs/GGGR2015/cover.pdf>).

180 Voir : Objectif du Millénaire pour le développement appelant à une réduction de trois-quarts, entre 1990 et 2015, du rapport de mortalité Maternelle ; cité par Agence française de développement (Profil genre mali : Enjeux de genre et indicateurs clés en lien avec les secteurs d'intervention de l'AFD).

181 Confers the Code du travail de la République du Mali, p. 21 (<https://www.ilo.org/dyn/travail/docs/1328/Mali%20-%20Code%20du%20Travail.pdf>)

182 Dominique Meurs (2001), voir : [http://ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_decl\\_wp\\_5\\_fr.pdf](http://ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_decl_wp_5_fr.pdf)

Table 2 - Average salaries for men and women in the whole sample, Mali

	Total	Average salary	Standard deviation	Median	Ratio D9/D1	Minimum	Maximum	Average salary W/ salary M
Men	608	141 511	141 511	100 000	9.2	15 000	1 800 885	
Women	446	119 552	120 100	90 264	6.5	12 500	1 211 143	84.5%

Source: OEF, survey of modern sector enterprises, Jan. 2001. Field: Permanent employees, excluding apprentices

This wage disparity could further impoverish women and make them more socioeconomically vulnerable. However, vulnerability and especially poverty have negative impacts on child health (Beaumi re et al. 2008)<sup>183</sup>.

### *Work and employment support*

Articles 17 and 19 of the constitution of Mali consider work and employment to be a constitutional right. Article 19 states that “the right to work and rest is recognized and is equal for all. Work is a duty for every citizen, but no one can be compelled to do specific work except in the case of accomplishment of an exceptional service of general interest, equal for all under the conditions determined by law. Article 95 of the Labor Code requires fair remuneration for equal skills. However, the studies carried out by Dominique Meurs, mentioned above, have proven the non-application of this regulation. It should be noted that in the constitution and in the Labor Code, no institutional provision has been made to guarantee gender equality and equity in the workplace. However, the national employment policy framework document emphasizes “equity in access to employment”<sup>184</sup>. Despite this, gender equality in employment in Mali remains a major challenge insofar as the studies carried out by Par  in 2016, which focused on the composition of the staff of eight Malian NGOs, show that 34% of staff are women while 66% are men, which demonstrates a fairly significant imbalance in terms of parity” (Par , 2016)<sup>185</sup>.

The table 2.10.3 provides further details highlighting the disparities in working conditions in the labor market by selected characteristics in Mali in 2017<sup>186</sup>.

183 See: Beaumi re, A., & Flori ( ), Y.-A. (2008). Pauvret  des conditions de vie et mortalit  infantile-juv nile en Ha ti. Sciences sociales et sant , 26(2), 39-69.

184 R publique du mali (2012, p. 51), voir : [https://edmsp1.ilo.org/edmsp1/groups/public/documents/6008/cdff/mtc4/~edisp/edmsp1\\_178204.pdf](https://edmsp1.ilo.org/edmsp1/groups/public/documents/6008/cdff/mtc4/~edisp/edmsp1_178204.pdf)

185 See Par  2016 (r sum ) : [https://papyrus.bib.umontreal.ca/xmlui/bitstream/handle/1866/16000/Pare\\_Christine\\_2016\\_these.pdf?sequence=2&isAllowed=y](https://papyrus.bib.umontreal.ca/xmlui/bitstream/handle/1866/16000/Pare_Christine_2016_these.pdf?sequence=2&isAllowed=y)

186 See: [http://www.uemoa.int/sites/default/files/bibliotheque/rapport\\_final\\_mali\\_0.pdf](http://www.uemoa.int/sites/default/files/bibliotheque/rapport_final_mali_0.pdf), p. 63



Table 3 - Indicators of working conditions in the labor market by region, place of residence, sex and age group, Mali, 2017

	Excessive working hours (more than 48 hours per week)	Unionization rate	% active employed employees contributing to a pension plan	% employed workers affiliated to a health insurance organization	% employed workers having benefited from an advanced training course	Physical abuse	Sexual harassment	Work or commuting accident	Physical problem
Sex									
Male	50.7	60.9	24.1	7.7	4.0	2.4	0.3	4.9	6.7
Female	31.4	46.7	29.3	6.0	1.8	1.8	0.5	1.8	3.5
Age group (in years)									
15-24	45.6	22.4	3.9	1.6	0.9	1.4	0.7	2.7	3.9
25-34	41.0	50.8	28.4	7.4	3.4	2.7	0.2	3.3	5.5
35-44	44.6	63.1	27.9	9.1	4.3	1.7	0.5	3.9	5.4
45-54	42.3	59.2	33.5	8.3	3.5	2.4	0.1	4.2	6.1
55-64	42.6	63.5	34.2	8.1	2.7	2.2	0.3	4.3	6.1
65 or more	46.1	85.6	21.0	3.8	2.0	3.4	0.0	4.9	7.7
Area of residence									
Bamako	52.5	45.9	27.8	18.2	4.9	0.6	0.6	1.0	1.9
Other urban	39.3	62.2	33.6	9.6	5.3	2.7	0.5	4.2	6.3
Total urban	47.3	53.9	29.7	14.8	5.0	1.4	0.5	2.3	3.7
Rural	41.1	59.6	19.3	3.1	2.1	2.6	0.2	4.4	6.4
Region									
Kayes	42.5	71.9	12.9	3.8	2.0	0.7	0.1	3.1	3.7
Koulikoro	46.9	71.9	37.2	8.6	2.8	0.7	0.2	6.1	6.8
Sikasso	44.5	46.5	23.9	2.9	3.1	5.8	0.6	5.5	9.6
Ségou	33.9	65.4	30.5	3.6	2.1	2.1	0.1	3.2	5.0
Mopti	34.2	86.4	18.6	3.3	3.0	1.5	0.2	3.7	5.2
Tombouctou	51.1	73.9	13.4	4.0	2.3	1.1	0.0	0.4	1.3
Gao	39.2	55.7	20.9	3.0	5.3	1.0	0.2	9.8	10.5
Mali	43.2	57.2	25.3	7.0	3.1	2.2	0.3	3.7	5.5

Source : Enquête régionale intégrée sur l'emploi et le secteur informel, 2017, INSTAT

## Housing

In Mali, housing is a constitutional right (article 17). After the national gender promotion policy mentioned above, a regional survey allows us to see gender disparities in housing.

Table 4 - Distribution of households by type of housing, occupancy status by [...] sex of head of household, Mali, 2017

	Type of housing			Occupancy status		
	Villa	Apartments	House for rent	Owner	Tenant	Free accommodation and other
Sex of head of household						
Men	14.9	12.9	59.7	84.0	10.7	5.3
Women	19.2	17.3	53.4	75.5	16.0	8.5

Source : Enquête régionale intégrée sur l'emploi et le secteur informel, 2017, INST

In short, despite the politico-institutional measures taken to promote equality between men and women, women are still victims of considerations based on sex, which affects not only their well-being and development, but also the health of children. In 2019, the United Nations Interagency Group for Child Mortality Estimation (UNICEF, WHO, World Bank and Population Division of the United Nations Department of Economic and Social Affairs) reveals that the mortality rate of children under of 5 years in Mali is 94/1000 (99.4/1000 for boys and 88.4/1000 for girls)<sup>187</sup>.

### *Natural environment*

The constitution of Mali in its article 15 gives the right to all citizens to benefit from a healthy environment. The article provides that: “everyone has the right to a healthy environment. The protection and defense of the environment and the promotion of the quality of life are a duty for everyone and for the State”. Environmental risks and issues affect many women in Mali. According to the African Development Bank “women are victims of the harmful effects of climate change”<sup>188</sup>. If environmental risks affect women more in Mali, this is more observable in the agricultural sector where almost 40% of women practice agricultural crops<sup>189</sup>. However, Malian agriculture is essentially rainfed and, by extension, largely depends on climatic conditions<sup>190</sup>.

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187 See the World Bank: <https://donnees.banquemondiale.org/indicateur/SH.DYN.MORT?locations=ML>

188 See: BAD 2011, p. 8 : [https://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Mali\\_-\\_2012\\_-\\_Profil\\_du\\_genre\\_pays.pdf](https://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Mali_-_2012_-_Profil_du_genre_pays.pdf).

189 See: Bouchama, N. et al. (2018), “Gender Inequality in West African Social Institutions”, West African Papers, No. 13, OECD Publishing, Paris. <https://doi.org/10.1787/fe5ea0ca-en>

190 See: Makougoum, C. (2018). Changement climatique au Mali : Impact de la secheresse sur l'agriculture et stratégies d'adaptation.

# Niger

## 1. Constitutional provision

The preamble to the constitution proclaims the attachment of the people of Niger to the principles of pluralist democracy and human rights as defined by the Universal Declaration of Human Rights of 1948, the International Covenant on Civil and Political Rights of 1966, the International Covenant on Economic, Social and Cultural Rights of 1966, the African Charter on Human and Peoples' Rights of 1981. In article 8, the constitution indicates that "The Republic of Niger is a State of law. It ensures equality for all before the law without distinction of sex, social, racial, ethnic or religious origin".

Thus, the constitution of Niger recognizes the same rights for men and women with regard to access to services and resources. For example, article 10 of the fundamental text stipulates that "All citizens of Niger are born and remain free and equal in rights and duties". Article 22 stipulates that: "The State ensures the elimination of all forms of discrimination against women, girls or persons with disabilities; public policies in all areas must ensure the full participation of women in national development; and the State shall take measures to combat violence against women and children in public and private life".

In addition to the fundamental law, other laws and regulations grant equal rights to men and women. In May 2011, for example, the National Charter for the Improvement of the Image of Women in the Media was signed<sup>191</sup>. In 2000, Niger passed Bill no. 2000-008 instituting a transitional quota system of 10 percent in elected positions and 25 percent in government and other public services<sup>192</sup>. This law was revised in 2014, increasing the quota for elected positions from 10 to 15 percent. Currently, the law requires that 15 percent of representatives in parliament and local government be women<sup>193</sup>. Moreover, although the representation of women in decision-making bodies is still low, the political participation of women has made good progress in recent years. For example, in the 2016 legislative elections, 27 women were elected MPs out of 171, or 15.8%.

Article 5 of Bill no. 2012-45 of 2012 prohibits discrimination based on gender, age, race, religion, disability or HIV/AIDS status by employers. Finally, in December 2017, Niger passed a decree to keep girls in school longer with a view to delaying marriage and childbearing, and a vigorous campaign for its implementation is underway<sup>194</sup>.

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191 <https://renjedniger.org/2021/04/02/872/>

192 <https://tsep.africa.ufl.edu/femmes-representation/niger/?lang=fr>

193 <http://www.promotionfemme.gouv.ne/event-details/119>

194 [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/NER/CRC\\_C\\_NER\\_Q-3-5\\_Add-1\\_31793\\_F.docx](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/NER/CRC_C_NER_Q-3-5_Add-1_31793_F.docx)

## 2. Institutions involved in implementation

At the institutional level, remarkable progress has also been made towards gender equality. After the creation of the Ministry of Gender, the Government created the Directorate of Women Economic Empowerment in the same ministry to implement the strategic objectives related to women empowerment. In addition to its desire to ensure equity and social justice, Decree No. 2015-524/PRN/MP/PF/PE of October 2, 2015 set up a gender monitoring and analysis structure called “National Observatory for the Promotion of Gender” (ONPG)<sup>195</sup>. This unit encourages institutions to pay particular attention to gender statistics and integrate them into their reports. This institution is of paramount importance for the control and monitoring of the operationality and effectiveness of the implementation of national, regional and international commitments in the field of gender. It is autonomous and attached to the Prime Minister’s Office by Decree no. 2017-428/PRN/PM of May 24, 2017.

At the international level, Niger has ratified international conventions promoting equal opportunities between men and women, including the Convention on the Elimination of Discrimination against Women (CEDAW) and the 2004 optional protocol on violence against women. towards women. At the regional and sub-regional levels, significant commitments have been made by Niger. These include, among others, the Charter of the African Union, which states that it is the responsibility of the State «to ensure the elimination of all discrimination against women and to ensure the protection of women’s rights as stated in declarations and conventions»; Complementary Bill A/SA.02/05/15 and its roadmap on equal rights of women and men for sustainable development in the ECOWAS region adopted on May 19, 2015 in Accra; and the WAEMU Common Gender Policy adopted in March 2016.

## 3. Impact of legal provisions on the determinants of health

However, despite all these efforts, the legislative arsenal still has several shortcomings. The Family Code has never seen the light of day for socio-cultural and religious reasons. The Civil Code stipulates that men are heads of households and decide where to live, makes the opening of a bank account and the exercise of a trade or profession subject to the husband’s authorization and sets the age of marriage for girls at only 15 years old against 18 years old for boys. Custom and Islamic law are part of the sources of law, and with them a whole series of unequal provisions such as the obedience of the woman to her husband, the absence of status and all the consequences that this can have for the second wives and subsequent wives within the framework of polygamy, an inferiorization of the status of women in matters of inheritance, divorce (repudiation), custody of children and property<sup>196</sup>. Niger has a GII value of 0.642, ranking it 154th out of 162 countries in the 2019 index<sup>197</sup>. In Niger,

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<sup>195</sup> <http://www.promotionfemme.gouv.ne/uploads/documents/5c79193989b63.pdf>

<sup>196</sup> [https://www.fao.org/gender-landrights-database/country-profiles/listcountries/customarylaw/fr/?country\\_iso3=NER](https://www.fao.org/gender-landrights-database/country-profiles/listcountries/customarylaw/fr/?country_iso3=NER)

<sup>197</sup> UNDP. (2020). Human Development Report 2020 (for Niger); <http://hdr.undp.org/sites/default/files/Country-Profiles/NER.pdf>

in February 2021, 25.9% of seats in parliament were held by women<sup>198</sup>.

### *Sociocultural context*

According to article 10 of the constitution, “All Nigeriens are born and remain free and equal in rights and duties”. With regard to marriage, article 21 states that “Marriage and the family constitute the natural and moral basis of the human community. They are placed under the protection of the State. The State and public authorities have the duty to ensure the physical, mental and moral health of the family, particularly of the mother and the child.

In Niger, child marriage and early pregnancy are major problems for adolescent girls. On average, in the 21 countries of West and Central Africa (WCA), the prevalence of child marriage has decreased by 8.0 percentage points in two and a half decades. Yet in Niger there have been very few declines, with three out of four girls still married before age 18, as was the case more than two decades ago<sup>199</sup>. Nearly one in two girls still have their first child before the age of 18, while across the region, the proportion is just under a third. Trends in early childbearing in Niger are even more concerning than those observed for child marriage, as there are indications that the prevalence may have increased over time. Analysis of the timing of first marriage and childbirth for women suggests that early childbearing is largely driven by child marriage. 76.3% of women aged 20 to 24 were married or in union before the age of 18. The teenage birth rate was 154 per 1,000 women aged 15-19 in 2016, down from 146 per 1,000 in 2015<sup>200</sup>.

Education plays an important role in child marriages in Niger, as lack of knowledge makes a woman more vulnerable to risky decisions. According to UNICEF, “The link between education and the prevalence of child marriage is particularly evident in Niger: 81% of women aged 20-24 with no education and 63% with only primary education were married or in union. at the age of 18”<sup>201</sup>. Lack of schooling is one of the main obstacles to the fight against child marriage in Niger.

### *Education*

Article 23 of the constitution stipulates that “Parents have the right and the duty to bring up and educate their children... The State and other public authorities shall ensure, through their public policies and their actions, the promotion and access to public, free and quality education”. The female-to-male (f-m) enrollment ratios are improving, although unevenly depending on the level of education. While the f-m enrollment ratio in primary rose from 73.4% in 2006 to 84.5% in 2012, progress in terms of secondary school enrollment (f-m ratio of 66.8% in 2012) and

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198 <https://data.unwomen.org/country/niger>

199 [https://www.unicef.org/wca/sites/unicef.org.wca/files/2018-11/UNFPA-WCARO-UNICEF\\_FR\\_final.pdf](https://www.unicef.org/wca/sites/unicef.org.wca/files/2018-11/UNFPA-WCARO-UNICEF_FR_final.pdf); <https://www.bbc.com/afrique/region-41723953>

200 <https://data.unwomen.org/country/niger>

201 [https://www.unicef.org/wca/sites/unicef.org.wca/files/2018-11/UNFPA-WCARO-UNICEF\\_FR\\_final.pdf](https://www.unicef.org/wca/sites/unicef.org.wca/files/2018-11/UNFPA-WCARO-UNICEF_FR_final.pdf)

higher education (f-m ratio of 34.3% in 2012) are more moderate<sup>202</sup>. It should be noted that inequalities in access to schooling vary according to geographical areas, environment (urban/rural) and family standard of living<sup>203</sup>.

In addition, several factors hinder the education of girls, in particular: early marriages, poverty, etc. The indicators measuring the situation of women and children are particularly alarming<sup>204</sup>. Only 14% of women (compared to 42% of men) can read and write, and education indicators are among the lowest in the world, with a gross enrollment rate of 72% for girls and 83% for boys at primary school. On the other hand, impressive progress has been observed in the enrollment of girls in primary education since 2000. Overall, the gross enrollment rate (GER) for girls in primary education rose from 27% in 2000 to 65% in 2014<sup>205</sup>.

Despite some progress towards a higher level of education, girls in Niger continue to perform poorly in terms of primary and secondary school completion compared to boys<sup>206</sup>. In 2016, the primary school completion rate is estimated at only 26.5% for girls aged 15 to 18 against 41.4% for boys, while for lower secondary school completion rates are estimated at 6.2% for girls aged 18 to 20 against 15.6% for boys. For upper secondary education, completion rates also remain extremely low, at 2.4% for girls aged 21 to 24 compared to 6.5% for boys. Finally, 4.7 percent of Nigerien adult women have attained at least a secondary level of education against 9.0 percent for men and, in 2015, the female literacy rate was 11% whereas it is 27% for men, according to World Bank data<sup>207</sup>. Niger lags considerably behind other West and Central African countries in these measures.

### *Health system*

In article 12 of the constitution, we read that «Everyone has the right to life, to health, to physical and moral integrity, to healthy and sufficient food, to drinking water, to education and education under the conditions defined by law”. In addition, article 13 confirms that “Everyone has the right to enjoy the highest state of physical and moral health. The State sees to the creation of conditions suitable for ensuring medical services and medical aid in the event of illness for all.

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202 Agence française de développement. (2016).

203 Politique Nationale Genre Niger (2007).

204 Juan Haro & Sleem B. (2020). Girls' education strengthens economies and reduces inequality in Niger; <https://www.unicef.org/niger/stories/girls-education-strengthens-economies-and-reduces-inequality-niger>

205 UNESCO (2016). Tackling Gender Inequality in Niger's Educational System. <http://www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Dakar/pdf/TacklingGenderInequalitiesNigerEducationalSystem.pdf>

206 World Bank. 2019. Economic Impacts of Gender Inequality in Niger. World Bank, Washington, DC. © World Bank. <https://openknowledge.worldbank.org/handle/10986/33093>. License: CC BY 3.0 IGO. ; Profil Genre du Niger (2017) : <https://pnin-niger.org/pnin-doc/web/uploads/documents/136/Doc-20191022-093007.pdf>; and Niger - Profil Genre Pays – 2020 (2021) : <https://www.afdb.org/fr/documents/niger-profil-genre-pays-2020>

207 UNDP (2020).

Niger has the second highest birth rate in the world, with an equally high infant mortality rate. According to the United Nations Children's Fund (UNICEF), the current infant mortality rate is 80.4 per 1,000 live births. Malnutrition plays a crucial role in children's health and the lack of adequate food and clean water contributes to the death rate. According to the United Nations Human Development Index, Niger is ranked lowest at 189 out of 189 countries. More than 50% of Niger's population is under 15 years old and about 89% of young girls marry before reaching the age of 18. Less than 30% of these children receive an education, which is an even more prevalent problem among girls<sup>208</sup>.

Additionally, women of reproductive age (15-49) often face barriers in relation to their sexual and reproductive health and rights. In 2018, 45.5% of women had their need for family planning met with modern methods<sup>209</sup>. For every 100,000 live births, 509.0 women die from pregnancy-related causes; and the teenage birth rate is 186.5 births per 1,000 women aged 15-19<sup>210</sup>.

Women's health is affected by limited access to information and education, influencing their decision-making power regarding their reproductive health. In 2014, the fertility rate was among the highest in the world, 7.6 children per woman and the rate of adolescent girls aged 15-19 pregnant or already mothers was 203.6 births per 1000 women. In addition, only 13% of married women or in union used any contraceptive method in 2012 according to a study by the World Bank. The maternal mortality rate also remains high (553 per 100,000 live births in 2015), although it has seen a slight decrease of 36.6% since 1990. In 2012, only 29% of births took place with assistance from a trained health provider, mainly nurses or midwives (28% versus 1% for doctors). In urban areas where 80% of women gave birth in a health facility, childbirth took place with the assistance of a trained health provider in 83% of cases compared to only 21% of cases in rural areas. From 1998 to 2012, the proportion of women who received antenatal care from a trained provider, i.e. a doctor, nurse or midwife, rose sharply, from 39% in 1998 to 46 % in 2006 and 83% in 2012<sup>211</sup>.

### *Economic context*

For article 28 of the constitution, "Everyone has the right to property. No one may be deprived of his property except for reasons of public utility, subject to fair and prior compensation». However, there is unequal economic power and a feminization of poverty in Niger as elsewhere. Poverty affects 63% of the population and disproportionately women (3 out of 4 poor are women in 2006/8). In 2012, 40% of women aged 15-64 were economically active (compared to 90% of men).

208 <http://www.promotionfemme.gouv.ne/uploads/documents/5c79193989b63.pdf>

209 <https://data.unwomen.org/country/niger>

210 UNDP (2020).

211 Agence française de développement. (2016). Les « Profils Genre Niger » : <https://www.afd.fr/fr/ressources/profil-genre-afrique>

## *Work and employment support*

The constitution of Niger recognizes the same rights for men and women with regard to access to services and resources (cf. article 22). In addition, article 33 affirms that «The State recognizes the right of all citizens to work and strives to create the conditions which make the enjoyment of this right effective and which guarantee the worker fair remuneration for his services or of its production. No one may be the victim of discrimination in the context of their work”.

The participation of women in the labor market is 60.6% against 83.7% for men<sup>212</sup>. The female-to-male labor market participation ratio was 0.44 in 2012, which corresponds to nearly half the average in Sub-Saharan Africa. 40% of working women have a formal activity (compared to 65% of men). However, having a low level of education, they are less competitive on the market and therefore under-represented<sup>213</sup>.

## *Housing*

We do not have data.

## *Natural environment*

We do not have data.

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# **Nigeria**

## **1. Constitutional provision**

The Nigerian constitution of 1999<sup>214</sup> provides that the social order of the state is based on the principles of liberty, equality and justice. Articles 16 and 17 emphasized equality of rights, obligations and opportunities.

In addition to these constitutional measures, Nigeria has ratified regional and international conventions, including the one on the elimination of discrimination against women. In addition, the central government and the States have adopted several laws in favor of gender equality<sup>215</sup>, including:

- Anambra State Equal Gender and Opportunity Act (2007);
- Anambra State Women's Reproductive Health Rights Act (2005);

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212 UNDP (2020).

213 <http://www.promotionfemme.gouv.ne/uploads/documents/5c79193989b63.pdf>

214 <https://wipo.lex.wipo.int/fr/text/179202>

215 Confers the United Nations (2015, p. 12-13) (Comité pour l'élimination de la discrimination à l'égard des femmes) <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/004/07/PDF/N1600407.pdf?OpenElement>



- Bauchi State Law Against Withdrawal of Girls from School for the Purpose of Marriage (Law No. 17 of 1985);
- Bayelsa State Law Prohibiting Female Genital Mutilation, 2000;
- Cross River State Law Prohibiting Marriage of Girls and Female Genital Cutting or Mutilation (2009);
- Cross River State Law Prohibiting Domestic Violence Against Women and Abuse (Law No. 10 of 2004);
- Ekiti State Prohibiting Gender Based Violence Act (2011);
- Implementation framework and strategic plan of the National Gender Equality Policy (2008).

## 2. Institutions involved in implementation

Apart from the legal provisions, institutional measures are also taken to achieve gender equality in Nigeria, including the Federal Ministry of Women which has the role of promoting women's rights. With a view to gender equality, a public policy has been put in place to this effect.

Concretely, the National Gender Policy for Nigeria aims among others to:

- Contribute to the empowerment of women and the eradication of unequal gender power relations in the workplace and in the economy, in trade unions and in society in general;
- Increase the participation of women in leadership and decision-making;
- Increase gender awareness and sensitivity in all sectors;
- Defend and advance women's rights;
- Ensure that, through labor legislation and collective bargaining, the particular situation of women is accounted for, and that measures are promoted to eliminate gender-based discrimination;
- Fight against gender-based stereotypes in the workplace;
- Ensure that there is a gender perspective in all development sectors.

Several structures participated in the development and implementation of this policy<sup>216</sup>. They are:

- Federal Ministry of Women's Affairs,
- Women's ministry,
- National Guidance Agency,
- Different Ministries of Information to ensure gender awareness at all levels.
- Media which must play an important role in the promotion of gender at all levels.

### 3. Impact of legal provisions on the determinants of health

#### *Sociocultural context*

The political and legal provisions mentioned above have not completely eradicated violence against women.

According to Amnesty International (2021)<sup>217</sup>, 11,200 cases of rape were reported last year. Regarding female genital mutilation, the rate of mutilated women remains alarming if we focus on the different states or communities of the country. For example, if we take the Akwa-Ibo communities, the rate is between 60 and 70%<sup>218</sup>. According to the UNICEF report (2013), approximately 27% of women are mutilated in Nigeria<sup>219</sup>. This rate corresponds to 19.9 million mutilated girls. According to the same report, 62% of the population believe that this practice should be stopped. However, the UNFPA report (2018) estimates that 20 million Nigerian women and girls have undergone female genital mutilation (FGM), representing approximately 10% of the world total<sup>220</sup>. The problem is also important in relation to early marriage: "in Nigeria, it is estimated that 44% of girls are married before their 18th birthday and the country has the 11th highest rate of early marriage (UNICEF 2013)"<sup>221</sup>.

216 Confers the National gender policy (federal Republic of Nigia) : <https://nigerianwomentrustfund.org/wp-content/uploads/National-Gender-PolicySituation-Analysis.pdf>

217 Amnesty International (2021) : <https://www.amnesty.org/fr/latest/news/2021/11/nigeria-failure-to-tackle-rape-crisis-emboldens-perpetrators-and-silences-survivors-2/>

218 Confers Nigéria (2015) : Mutilations génitales féminines (MGF) chez les femmes Urhobo

219 Confers UNFPA (2018): [file:///Users/kossiandandjesso/Downloads/FGMC\\_French-low\\_26%20\(1\).pdf](file:///Users/kossiandandjesso/Downloads/FGMC_French-low_26%20(1).pdf)

220 Confers UNICEF (2018) : [https://www.unicef.org/sites/default/files/2019-02/2017%20FGM%20Annual%20Report\\_%20Putting%20It%20All%20Together.pdf](https://www.unicef.org/sites/default/files/2019-02/2017%20FGM%20Annual%20Report_%20Putting%20It%20All%20Together.pdf)

221 [https://blogs.worldbank.org/fr/youth-transforming-africa/au-nigeria-il-faut-attaquer-le-probleme-du-mariage-des-enfants-la-racine#:~:text=D%C3%A9fini%20comme%20une%20union%20contract%C3%A9e,mariages%20pr%C3%A9coces%20\(UNICEF%202013\).](https://blogs.worldbank.org/fr/youth-transforming-africa/au-nigeria-il-faut-attaquer-le-probleme-du-mariage-des-enfants-la-racine#:~:text=D%C3%A9fini%20comme%20une%20union%20contract%C3%A9e,mariages%20pr%C3%A9coces%20(UNICEF%202013).)

## Education

Article 18 of the constitution highlights the government's role in equality with respect to education at the primary, secondary and university levels.

It should be noted that the literacy rate of young men and women aged 15 to 24 in Nigeria is relatively mixed. In 1991, it was 81% and 44%. It rose to 78% and 43% in 2003 then to 83% and 64% in 2006 and returned to 76% and 41% in 2008. In 2018, it was 82% and 53% (UNESCO quoted by the World Bank 2018, p. N/A)<sup>222</sup>. Among young women, we observe 44% in 1991; 43% in 2003; 64% in 2006; 41% in 2008 and 53% in 2018 (UNESCO quoted by the World Bank, p. N/D)<sup>223</sup>.

In the same way, we can also note inequalities in the level of schooling rates at the pre-primary, primary and secondary level (UNESCO, 2018, p. N/D)<sup>224</sup>.

Table 1 - Gross and net enrollment in Pre-primary education, Nigeria, 2011 to 2020

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	...	...	...	15.0	24.0	15.9	19.7	23.5	...	...
Female	...	...	...	14.8	24.2	16.1	19.9	22.5	...	...
Male	...	...	...	15.3	23.8	15.7	19.5	24.4	...	...
Net enrollment rate (%)										
Total	...	...	...	...	...	...	...	...	...	...
Female	...	...	...	...	...	...	...	...	...	...
Male	...	...	...	...	...	...	...	...	...	...

222 <https://donnees.banquemondiale.org/indicateur/SE.ADT.1524.LT.MA.ZS?locations=NG>

223 <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.FE.ZS?locations=NG>

224 <https://uis.unesco.org/fr/country/ng>

**Table 2 - Gross and net enrollment in Primary education, Nigeria, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	90.67	92.09	94.12	90.10	...	84.73	...	87.45	...	...
Female	87.46	90.86	92.90	89.43	...	82.18	...	86.46	...	...
Male	93.76	93.27	95.29	90.75	...	87.17	...	88.41	...	...
Net enrollment rate (%)										
Total	...	...	...	...	...	...	...	...	...	...
Female	...	...	...	...	...	...	...	...	...	...
Male	...	...	...	...	...	...	...	...	...	...

**Table 3 - Gross and net enrollment in Secondary education, Nigeria, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	45.56	47.18	56.21	45.62	46.78	42.00	...	43.51	...	...
Female	41.89	44.95	53.51	43.01	44.67	39.83	...	42.41	...	...
Male	49.11	49.34	58.81	48.16	48.82	44.10	...	44.57	...	...
Net enrollment rate (%)										
Total	...	...	...	...	...	...	...	...	...	...
Female	...	...	...	...	...	...	...	...	...	...
Male	...	...	...	...	...	...	...	...	...	...

At the university level, it is 8.3% for women and 12% for men.

### ***Health system***

Health services and care are constitutional rights recognized through articles 17, 44, 45. All the measures taken have not fully contributed to solving health problems among children and women.

According to data from Index mundi (2018)<sup>225</sup> in relation to infant mortality, we have:

- In total: 63.3 deaths/1,000 normal births,
- Men: 69.1 deaths/1,000 normal births,
- Women: 57.3 deaths/1,000 normal births.

In 2015, according to the Government of Canada<sup>226</sup>, the maternal mortality rate was 814 per 100,000 live births; and less than 20% of health facilities provide emergency obstetric care. The same source indicates that only 35% of deliveries took place in the presence of midwives with proven qualifications. Government actions have contributed to reducing the number of child deaths according to the World Bank<sup>227</sup>. The same source indicates that from 2015 to 2020, infant mortality (under 5 years old) among boys is respectively: 133; 131; 129; 123; 120 (per 1000 live births). Among girls: 119; 118; 113; 110; 107 (per 1000 live births)<sup>228</sup>.

### *Economic context*

Article 17, paragraph 3 (e) of the constitution states that: “there is equal pay for equal work without discrimination on account of sex, or on any other ground whatsoever”. However, we did not find any data to analyze pay equity.

### *Work and employment support*

Work for all is a constitutional right in Nigeria. But we can see unequal access to employment for men and women: “in 2011, the National Directorate of Employment provided employment for 182,797 women and young people, including 75,301 (41.19%) were female and 107,496 (58.81%) were male”<sup>229</sup>. These differences are more perceptible through the diagram<sup>230</sup> below:

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225 [https://www.indexmundi.com/fr/nigeria/taux\\_de\\_mortalite\\_infantile.html#:~:text=total%3A%2063%2C3%20d%C3%A9c%C3%A8s%2F,naissances%20normales%20\(2018%20est.\)](https://www.indexmundi.com/fr/nigeria/taux_de_mortalite_infantile.html#:~:text=total%3A%2063%2C3%20d%C3%A9c%C3%A8s%2F,naissances%20normales%20(2018%20est.))

226 <https://www.international.gc.ca/gac-amc/publications/odaaa-lrmado/nigeria.aspx?lang=fra>

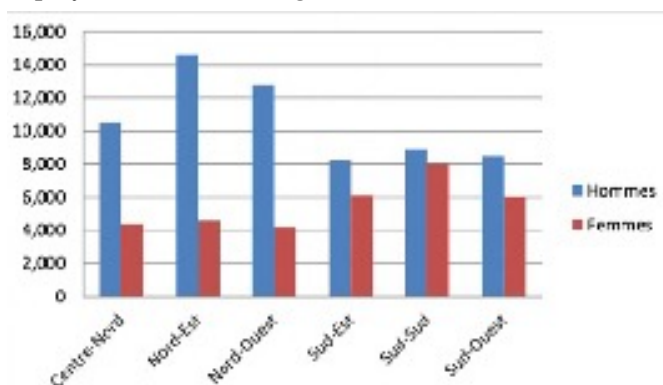
227 Confers the World Bank: <https://donnees.banquemondiale.org/indicateur/SH.DYN.MORT?locations=NG>

228 Confers the World Bank: <https://donnees.banquemondiale.org/indicateur/SH.DYN.MORT.FE?locations=NG>

229 Rapport annuel 2011 de la Direction nationale de l'emploi cité par les Nations-Unies (2015, p. 53)

230 Gouvernement fédéral du Nigéria, SURE-P (2013) cité par les Nations-Unies (2015, p. 54).

Figure 1 - Employment Project SURE-P for Women and Youth: Beneficiaries of Community Employment Services, Nigeria, 2012



Source : Gouvernement fédéral du Nigéria, SURE-P (2013) cité par les Nations-Unies (2015, p. 54).

An ILO report indicates that the unemployment rate has been increasing over the past six years. Among women<sup>231</sup>, for example, the unemployment rate is estimated at 5.1% in 2015; 8.1% in 2016 and 9.3% in 2017. In 2018, it dropped to 7.5% before rising to 8.6% in 2020 and 8.8% in 2021. Among men<sup>232</sup>, from 2015 to 2021, we note respectively: 3.6%; 6.2%; 7.7%; 8.5%; 9.4%; 10.6% and 10.6%.

### *Housing*

We do not have data for this variable.

### *Natural environment*

We do not have data for this variable.

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## Senegal

### 1. Constitutional provision

Like other constitutions, that of Senegal affirms its adherence to the Declaration of the Rights of Man and of the Citizen of 1789 and to the international instruments adopted by the United Nations and the Organization of African Unity, in particular the Universal Declaration of Human Rights of 10 December 1948, the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979, the Convention on the Rights of the Child of 20 November 1989 and the African Charter on Human and Peoples' Rights of June 27, 1981. Indeed, Senegal ratified the Convention on the Elimination of All Forms of Discrimination against

231 ILO cited by the World Bank: <https://donnees.banquemondiale.org/indicateur/SL.UEM.TOTL.FE.ZS?locations=NG>

232 <https://donnees.banquemondiale.org/indicateur/SL.UEM.TOTL.MA.ZS?locations=NG>

Women in 1985 (but the country has not reported to the CEDAW committee since 1994); the Optional Protocol on violence against women (in 2000); the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa in 2005. In addition, article 7 of the fundamental law states that "All human beings are equal before the law. Men and women are equal in rights". This means that the principle of gender equality is indeed rooted in the constitutional text of Senegal and the country has a diversified arsenal for the implementation of its constitutional, institutional and regulatory provisions on the issue of gender equality. equality and teamwork between woman and man.

## 2. Institutions involved in implementation

In fact, in addition to the constitutional guarantee, Senegal has adopted the National Strategy for Gender Equity and Equality (2016-2026) to ensure that women, girls, men and boys have the same opportunities for participate and benefit equally from development<sup>233</sup>. The strategy also mandates gender responsive budgeting at the national level. Also, we also note that the Senegalese government has made significant progress in promoting a gender-sensitive environment, through the adoption of the law on parity, standard operating procedures on GBV, a plan National Action Plan on GBV/Human Rights and Women's Empowerment, and validation of the new National Strategy for Gender Equality and Equity. These measures were developed and implemented under the technical direction of the Ministry of Women, Family and Children.

In addition, a national strategy for gender equality and equity (SNEEG)<sup>234</sup> has been developed with the support of the UN Women Program in Senegal. The SNEEG, updated in 2016 and aligned with the *Plan Sénégal Emergent* (PSE)<sup>235</sup>, ensures that women, girls, men and boys have the same opportunities. As mentioned above, these strategies also require gender-responsive budgeting at the national level. The axes of the Priority Action Plan (2019-2023) of the Emerging Senegal Plan (PSE) integrate gender for inclusive, equitable or egalitarian participation of actors in the development process.

Also, important to note is the elective parity law in Senegal. Indeed, adopted on May 14, 2010, the Senegalese law on gender parity establishes "absolute parity" in elected office, by providing that women and men must be represented equally on the lists of candidates. Following the adoption of the law, the proportion of women parliamentarians for the period 2012-2017 rose to 42.7%, placing Senegal in 6th position in the "Women in Parliament" ranking established by the Parliamentary

233 [https://luxdev.lu/files/documents/Genre\\_SEN\\_vF.pdf](https://luxdev.lu/files/documents/Genre_SEN_vF.pdf)

234 <https://www.fao.org/faolex/results/details/fr/c/LEX-FAOC163892/#:~:text=La%20Strat%C3%A9gie%20Nationale%20pour%20l,jouer%20des%20b%C3%A9n%C3%A9fices%20de%20sa>

235 Adopted in 2014, the Emerging Senegal Plan (PSE) is the new development strategy and reference framework for economic policies. It is based on three strategic pillars: (i) structural transformation of the economy and growth; (ii) human capital, social protection and sustainable development; and (iii) governance, institutions, peace and security. See: <https://www.sec.gouv.sn/dossiers/plan-s%C3%A9n%C3%A9gal-emergent-pse>

Union<sup>236</sup>. The 2012 national elections saw an increase in the number of women representatives from 22.7% to 42.7% in the National Assembly, and from 16% to 47% in local legislatures in the 2014 local elections. In February 2021, 43% of seats in parliament were held by women<sup>237</sup>.

### 3. Impact of legal provisions on the determinants of health

However, despite all these important advances, major obstacles persist. For example, while the 1972 Family Code grants men and women equal access to land, traditional custom prevents equality in practice, with women often unable to inherit land and husbands often opposing the acquisition of land by their wives. Moreover, while child, early and forced marriages are prohibited under Article 108 of the Family Code, they are still widespread. By the way, at least 29% of girls in Senegal are married before their 18th birthday and 8% are married before the age of 15 while 1% of Senegalese boys are married before the age of 18<sup>238</sup>. As a result, the Family Code adopted in 1972 constitutes the basis of legislative and regulatory texts that discriminate against women. Moreover, in Senegal, the GII gender inequality index remains high with a value of 0.523, ranking it 125th out of 162 countries in 2018<sup>239</sup>, and 130th out of 162 with a GII value of 0.533 in the 2019 index<sup>240</sup>.

#### *Sociocultural context*

As a reminder, article 7 of the constitution affirms that “All human beings are equal before the law. Men and women are equal in rights”. Article 17 specifies that “The State guarantees families in general and those living in rural areas in particular access to health services and well-being. It also guarantees women in general, and those living in rural areas in particular, the right to the alleviation of their living conditions”. In addition, it is noted in article 18 that “Forced marriage is a violation of individual liberty. It is prohibited and punished under the conditions set by law. Finally, in article 19 to conclude that “The woman has the right to have her own patrimony like the husband. She has the right to personal management of her property.

However, as noted above, the Family Code adopted in 1972 constitutes the basis of legislative and regulatory texts that discriminate against women. In addition, the prevalence of child marriage in Senegal is 31% before the age of 18 and 8.5% before the age of 15, this concerns 42,905 girls per year, including 11,764 married before the age of 15. In other words, 30.5% of women between the ages of 20 and 24 were married or in union before the age of 18. The teenage birth rate is 68

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236 <https://blogs.worldbank.org/fr/nasikiliza/femmes-parlementaires-des-avancees-historiques-en-afrique>

237 <https://data.unwomen.org/country/senegal>

238 <https://atlas.girlsnotbrides.org/map/senegal/>

239 [https://luxdev.lu/files/documents/Genre\\_SEN\\_vF.pdf](https://luxdev.lu/files/documents/Genre_SEN_vF.pdf)

240 UNDP. (2020). Human Development Report 2020 (for Senegal); <http://hdr.undp.org/sites/default/files/Country-Profiles/SEN.pdf>



per 1,000 women aged 15-19 in 2017, down from 77.5 per 1,000 in 2016<sup>241</sup>.

### *Education*

In article 22, the constitution guarantees that “All children, boys and girls, everywhere in the national territory, have the right of access to school”. On the ground, however, access to education remains very unequal. In Senegal, 10.3 percent of adult women have at least secondary education compared to 26.5 percent for men<sup>242</sup>.

In terms of education in Senegal, men benefit more. The literacy rate for women is 47% while it is 70% for men<sup>243</sup>. The proportions of literate women and men aged 15-49 vary significantly according to place of residence. In urban areas, 59% of women and 71% of men are literate compared to 27% and 44% respectively in rural areas. In 2015, the primary school enrollment rate for girls was 84% and for boys 87%. Enrollment at secondary and higher levels is lower, especially for women with percentages of 46% in secondary and 24% in higher education compared to 54% and 26%, respectively, for men<sup>244</sup>.

### *Health system*

By article 8, the constitution “... guarantees to all citizens... the right to education, the right to know how to read and write, the right to property, the right to work, the right to health...”. However, many problems persist. 30.5% of women aged 20 to 24 were married or in union before the age of 18. The adolescent birth rate was 68 per 1,000 women aged 15-19 in 2017, down from 77.5 per 1,000 in 2016. In 2017, 12.2% of women aged 15-49 reported have experienced physical and/or sexual violence from a current or former intimate partner in the past 12 months. Additionally, women of reproductive age (15-49) often face barriers in relation to their sexual and reproductive health and rights. Despite progress, in 2019, 53.2% of women had their need for family planning met with modern methods<sup>245</sup>.

In addition, only 26% of women aged 15-49 use a modern method of contraception. The number of children per woman is highly variable with an average for the country of 4.6 children per woman, and a rate of 5.9 children per woman in rural areas and 3.4 in urban areas. However, access to prenatal and maternal care in Senegal is relatively good compared to the averages for the sub-region. Indeed, 78% of births take place in a health facility and 21% take place at home. 97% of women aged 15-49 who have had a live birth since 2015 received at least one prenatal visit by a qualified provider (doctor, midwife, or nurse); 77% of mothers received postnatal care in the first two days after birth; and maternal mortality is estimated at 236

241 <https://data.unwomen.org/country/senegal>

242 UNDP (2020).

243 GGGR (2015).

244 Agence française de développement. (2016).

245 <https://data.unwomen.org/country/senegal>

maternal deaths per 100,000 live births<sup>246</sup>.

Finally, we also note that access to prenatal and maternal care as well as to modern contraceptive methods is still a major challenge for public health in Senegal. In 2015, only 51% of births were attended by qualified health personnel and only 18% of married women or women in union used any contraceptive method<sup>247</sup>. And, while the maternal mortality rate has fallen by nearly 41.7% over the past 25 years, from 540 maternal deaths per 100,000 live births in 2005 to 315 in 2015<sup>248</sup>, it has remained high and far from the target set in MDG 5A2, aiming to reduce maternal mortality by 75% by 2015<sup>249</sup>.

### *Economic context*

For article 15 of the fundamental law, “The right to property is guaranteed by ... the Constitution. Men and women also have the right to access the possession and ownership of land under the conditions determined by law. Article 19 concludes that “The wife has the right to have her own patrimony like the husband. She has the right to personal management of her property.

However, many discriminatory practices generated persist. For example, while the 1972 Family Code grants men and women equal access to land, traditional custom prevents equality in practice. As a result, women are often unable to inherit land and husbands often oppose the acquisition of land by their wives.

### *Work and employment support*

According to article 25 of the constitution, “Everyone has the right to work and the right to seek employment. No one may be harmed in their work because of their origins, sex, opinions, political choices or beliefs. Any discrimination between men and women with regard to employment, salary and tax is prohibited. It emerges from this, however, that the participation of women in the labor market in Senegal is 35.2% against 58.6% for men<sup>250</sup>.

But, the share of female labor in the total labor force has grown over the past two decades at a faster rate in Senegal than in the rest of sub-Saharan Africa. The growth was particularly notable between 2006 and 2011, when the share of women in the total labor force participation rate increased from 35% to 38%, and the ratio of men to women increased by 14 percentage points. But, despite this progress, the participation of women in the labor market in Senegal is still below the average for

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246 Ngom, N. F. (2016). L'assistance médicale à l'accouchement au Sénégal (Doctoral dissertation, Bordeaux) : <https://tel.archives-ouvertes.fr/tel-01524668/document>; UNDP (2020).

247 GGGR (2015).

248 Banque Mondiale (2015).

249 Agence française de développement. (2016). Les « Profils Genre Sénégal » : <https://www.afd.fr/fr/ressources/profil-genre-afrique>

250 UNDP (2020).

sub-Saharan Africa<sup>251</sup>.

### *Housing*

In article 14, the constitution affirms that “All citizens of the Republic have the right to move and settle freely both throughout the national territory and abroad. These freedoms are exercised under the conditions provided for by law.

### *Natural environment*

We do not have data for this variable.

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## **Sierra-Leone**

### **1. Constitutional provision**

The principle of gender equality is guaranteed by the Basic Law in Sierra Leone. In article 6 paragraph 2, “the State shall promote national integration and unity and discourage discrimination on the grounds of place of origin, circumstance of birth, sex, religion, status, ethnic or linguistic association or ties”. In addition, article 8 affirms that “The Social Order of the State shall be founded on the ideals of Freedom, Equality and Justice... In furtherance of the Social Order... every citizen shall have equality of rights, obligations, and opportunities before the law, and the State shall ensure that every citizen has an equal right and access to all opportunities and benefits based on merit...and...on the basis of equal opportunity”.

### **2. Institutions involved in implementation**

The government demonstrates its commitment to the cause of gender equality through the development of policies, plans and the enactment of laws for the protection, welfare and advancement of women and girls in Sierra Leone<sup>252</sup>. Indeed, in 2000, the government developed twin policies, namely the national policy on the advancement of women and the national gender mainstreaming policy. As a commitment to the advancement of women, the government of Sierra Leone signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on September 21 and November 11, 1988, respectively. In 2007, landmark legislation of “Gender Justice Laws”<sup>253</sup> gave birth to the Domestic Violence Act; the Customary Marriage and Divorce Registration Act; the Devolution of Estates Act and the Sexual Offenses Act 2012.

251 Malta, V., Martinez, A., & Tavares, M. M. M. (2019). A Quantitative Analysis of Female Employment in Senegal. International Monetary Fund.

252 Ministry of Social Welfare, Gender and Children's Affairs. (2014). Country Report by Sierra Leone on Implementation of the Beijing Platform for Action (1995) and the Outcome of the Twenty-Third Special Session of the General Assembly (2000). [https://sustainabledevelopment.un.org/content/documents/13190Sierra\\_Leone\\_review\\_Beijing20.pdf](https://sustainabledevelopment.un.org/content/documents/13190Sierra_Leone_review_Beijing20.pdf)

253 <https://www.usaid.gov/sierra-leone/gender-equality-and-womens-empowerment>

In addition, we can also note, among others, the strategic plan of the Ministry of Social Protection, Gender and Child Affairs (2013-2018); Sierra Leone's national action on resolutions 1325 and 1820 (2010-2014); National GBV Action Plan (2012) and National GBV Baseline Protocol (2012).

In addition, new laws passed in Sierra Leone aim to empower women and ensure gender equality, including through increased protections against acts of domestic and sexual violence. Gender equality and the empowerment of women are at the heart of the national agenda for prosperity. Recognizing the key role of education, Sierra Leone has emphasized free education for girls in primary and secondary education, which has helped achieve gender parity in primary education<sup>254</sup>. In addition, the government has established gender-sensitive school curricula and distributed free scholarships for tertiary education, thus encouraging girls to choose science subjects. To ensure universal reproductive health, pregnant and breastfeeding women or women with children under 5 can access free services<sup>255</sup>. Finally, we must recognize Sierra Leone's commitment to fully implement the provisions of the African Charter on Human and Peoples' Rights relating to the rights of women in Africa (Maputo Protocol), which provide for against practices such as female genital mutilation/cutting.

### 3. Impact of legal provisions on the determinants of health

However, while some progress has been made in areas such as legal reforms and increased gender awareness and activism, entrenched cultural beliefs and practices that discriminate against women and girls, and stereotypical perceptions of women and girls remain an obstacle to achieving gender equality and women's empowerment in Sierra Leone. Indeed, Sierra Leone has a GII value of 0.644, ranking it 155 out of 162 countries in the 2019 index. And in Sierra Leone, only 12.3 percent of parliamentary seats are held by women<sup>256</sup>.

#### *Sociocultural context*

Despite the general principle of gender equality, the constitution is silent on issues of marriage, male and female relationships in the home. On the ground, the stakes remain high: 29.6% of women aged 20 to 24 were married or in union before the age of 18 and the birth rate among adolescents is 102 per 1,000 elderly women, aged 15 to 19 in 2018, compared to 139.4 per 1,000 in 2015<sup>257</sup>. Still alarming, Sierra Leone has 800,000 child brides. Among them, 400,000 were married before

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254 UNESCO. (2021). Gender equality in education: Digging beyond the obvious; <http://www.iiep.unesco.org/en/gender-equality-education-digging-beyond-obvious-13854>

255 [https://www.who.int/woman\\_child\\_accountability/ierg/reports/25\\_Pieterella.pdf?ua=1#:~:text=In%202010%2C%20the%20Government%20of,mothers%20and%20children%20under%20five1.](https://www.who.int/woman_child_accountability/ierg/reports/25_Pieterella.pdf?ua=1#:~:text=In%202010%2C%20the%20Government%20of,mothers%20and%20children%20under%20five1.)

256 UNDP. (2020). Human Development Report 2020 (Sierra Leone); [http://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/SLE.pdf](http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/SLE.pdf); voir aussi <https://data.unwomen.org/country/sierra-leone>

257 <https://data.unwomen.org/country/sierra-leone>

the age of 15<sup>258</sup>.

### *Education*

Like the other areas of our analysis, the principle of gender equality is constitutionally guaranteed in the education sector in Sierra Leone. In article 9 paragraphs 1 and 2, it is noted that “the Government shall direct its policy towards ensuring that there are equal rights and adequate educational opportunities for all citizens at all levels...The Government shall strive to eradicate illiteracy, and to this end shall direct its educational policy towards achieving— a. free adult literacy programmes; b. free compulsory basic education at primary and junior secondary school levels; and c. free senior secondary education as and when practicable”. But in this impoverished country, only 20.1% of adult women have reached at least a secondary level of education, compared to 33.0% for men<sup>259</sup>.

Also, as noted in one of the latest World Bank economic updates on Sierra Leone<sup>260</sup>, girls remain more likely than boys to drop out of secondary school. This is partly due to child marriage, with almost 3 in 10 girls marrying before the age of 18. The prevalence of early childbearing is also high, with nearly 3 in 10 girls<sup>261</sup>.

### *Health system*

In the area of public health, the Sierra Leonean constitution requires the State to direct its policy towards ensuring that “...every citizen, without discrimination on any grounds whatsoever, shall have the opportunity for securing adequate means of livelihood as well as adequate opportunities to secure suitable employment; b. conditions of service and work are fair, just and humane and that there are adequate facilities for leisure and for social, religious and cultural life; c. the health, safety and welfare of all persons in employment are safeguarded and not endangered or abused, and in particular that special provisions be made for working women with children...”.

Sadly, in fact, Sierra Leone has one of the highest maternal mortality rates in the world. For every 100,000 live births, 890 women die during childbirth. But other data still estimate that for every 100,000 live births, 1120.0 women die from pregnancy-related causes; and the teenage birth rate is 112.8 births per 1,000 women aged 15–19<sup>262</sup>.

Additionally, in 2013, 28.7% of women aged 15-49 reported having experienced physical and/or sexual violence from a current or former intimate

258 <https://www.unicef.org/media/88841/file/Child-marriage-Sierra-Leone-profile-2019.pdf>

259 UNDP (2020).

260 <https://www.worldbank.org/en/news/press-release/2020/07/30/covid-19-hinders-sierra-leones-growth-and-girls-education-prospects-as-government-implements-quick-response-program>

261 The power of investing in girls in Sierra Leone: <https://www.brookings.edu/blog/future-development/2020/09/15/the-power-of-investing-in-girls-in-sierra-leone/>

262 UNDP (2020).

partner in the previous 12 months. Also, women of childbearing age (15-49 years old) often face obstacles with regard to their sexual and reproductive health and rights. In 2019, 53% of women had their need for family planning met with modern methods<sup>263</sup>.

### *Economic context*

Article 8 affirms that “the Social Order of the State shall be founded on the ideals of Freedom, Equality and Justice... In furtherance of the Social Order... every citizen shall have equality of rights, obligations, and opportunities before the law, and the State shall ensure that every citizen has an equal right and access to all opportunities and benefits based on merit...and...on the basis of equal opportunity”. But the inequalities generated still persist in Sierra Leone, especially to the detriment of women.

### *Work and employment support*

It will be recalled that the Sierra Leonean constitution requires the state to direct its policy towards ensuring that “...a. every citizen, without discrimination on any grounds whatsoever, shall have the opportunity for securing adequate means of livelihood as well as adequate opportunities to secure suitable employment; b. conditions of service and work are fair, just and humane and that there are adequate facilities for leisure and for social, religious and cultural life; c. the health, safety and welfare of all persons in employment are safeguarded and not endangered or abused, and in particular that special provisions be made for working women with children... e. there is equal pay for equal work without discrimination on account of sex, and that adequate and satisfactory remuneration is paid to all persons in employment” (article 8). Similarly, article 7 adds that “The State shall... protect the right of any citizen to engage in any economic activity without prejudice to the rights of any other person to participate in areas of the economy”. Women’s participation in the labor market in Sierra Leone is 57.3% compared to 58.5% for men.

### *Housing*

Article 18 paragraph 1 of the Basic Law provides that “no person shall be deprived of his freedom of movement... the right to move freely throughout Sierra Leone, the right to reside in any part of Sierra Leone, the right to enter or leave Sierra Leone...”. But we do not have more data to make a detailed analysis.

### *Natural environment*

We do not have data for this variable.

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263 <https://data.unwomen.org/country/sierra-leone>

# Togo

## 1. Constitutional provision

The Togolese constitution<sup>264</sup> of 1992, revised in 2002, 2007 and 2019, stipulates in article 2 that “the Togolese Republic ensures equality before the law of all citizens without distinction” of sex. This principle of equality applies to the fundamental rights of citizens. In this regard, Article 11 declares that “all human beings are equal in dignity and rights”. The constitution requires the state to take the necessary and appropriate measures to ensure “equal opportunities for every citizen” (article 37). In addition to these national provisions, the State ratifies at the regional and international level other legal instruments in order to guarantee equality to each citizen at all levels. Article 50 specifies that “the rights and duties, set out in the Universal Declaration of Human Rights and in the international instruments relating to human rights, ratified by Togo, form an integral part of this Constitution”.

## 2. Institutions involved in implementation

To translate legal measures into public policies, in 2011 the government developed a national policy<sup>265</sup> for gender equity and equality. It has two objectives:

- Establish an institutional, socio-cultural, legal and economic environment conducive to the achievement of gender equity and equality in Togo.
- Ensure the effective integration of gender in development interventions in all sectors of economic and social life (p. 25)<sup>266</sup>.

Several institutions took part in the development of this policy. It is:

- MASPF: Ministry of Social Action and Promotion of Women and Literacy;
- DGGPF: Directorate General for Gender and the Advancement of Women;
- DGPF: Directorate General for the Advancement of Women;
- CIGD: Interministerial Council on Gender and Development (provides the program)
- Parliament: Parliamentarians, through their internal structures and networks, are the privileged partners for voting on texts and appropriate measures that will guarantee gender equality,
- Technical and financial partners: bilateral and multilateral cooperation

264 Constitution de la République Togolaise (2019), [https://www.ilo.org/dyn/natlex/docs/electronic/38025/110367/f-1481961433/tgo-38025%20\(version%20consolidee\).pdf](https://www.ilo.org/dyn/natlex/docs/electronic/38025/110367/f-1481961433/tgo-38025%20(version%20consolidee).pdf)

265 Ministère de la promotion de la Femme (2011) <https://www.ilo.org/dyn/natlex/docs/MONOGRAPH/95069/111789/F-47188773/TGO-95069.pdf>

266 Ministère de la promotion de la Femme (2011. P. 24)

institutions are essential partners in the implementation of the PNEEG.

- Local authorities: Local authorities are decentralized institutions, represented by regions, prefectures, communes and cantons.

### 3. Impact of legal provisions on the determinants of health

Has the implementation of this policy made it possible to reduce inequalities in relation to the determinants of health?

#### *Sociocultural context*

In 1983, Togo acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). In 1995, he took part in the Beijing conference demanding gender equality.

But in 2014, data from the World Bank indicates that 12.7% of women aged 15 to 49 are victims of physical and/or sexual violence<sup>267</sup>. According to the United Nations, child marriage is a phenomenon that reduces equality of opportunity between men and women in Togo. The data informs that “7% of women aged 15 to 49 were married or in union before the age of 15, and 29% of women aged 20 to 49 were in marriage before the age of 18 years old”<sup>268</sup>. The UNICEF report (2016) also mentions early marriages in Togo. The report highlights that “6% of girls are married by age 15 and 22% by age 18”<sup>269</sup>. The same report specifies “that 13% of adolescents are currently married or in union and that 15% of births take place at the age of 18”.

#### *Education*

Access to education is a constitutional right. Article 35 emphasizes that “the State recognizes the right to education of children and creates favorable conditions for this purpose. School is compulsory for children of both sexes up to the age of 15. The State is gradually ensuring free public education.

According to UNESCO statistics cited by the World Bank (2019, p. N/D)<sup>270</sup>, the literacy rate for young men aged 15 and over was 74% in 2011. It rose to 77% in 2015 and 80% in 2019. We note that among women (aged 15 and over) the rates were 48% in 2011; 51% in 2015 and 55% in 2019 (UNESCO quoted by the World Bank 2019, p. N/D)<sup>271</sup>. This testifies to a significant inequality between men and women in terms of literacy among citizens.

267 Confers Banque Mondiale et al (2014). <https://donnees.banquemondiale.org/indicateur/SG.VAW.1549.ZS?locations=TG>

268 Nations-Unies (2018, p. 2) : <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/HumanitarianSettings/BureauCatholiqueEnfanceTogo.pdf>

269 La situation des enfants dans le monde en 2016, UNICEF, tableau 9 (protection de l'enfant). The period considered is from 2008 to 2014; cited by United Nations (2018, p. 2).

270 Institut des statistiques de l'Unesco, <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.MA.ZS?locations=TG>

271 <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.FE.ZS?locations=TG>



At the level of schooling, data from UNESCO (2020, p. N/D)<sup>272</sup> indicate that gender-based inequalities persist.

**Table 1 - Gross and net enrollment in Pre-primary education, Togo, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	9.1	10.7	13.7	15.0	17.6	20.0	21.3	22.8	25.0	29.8
Female	9.2	10.8	14	15.3	17.8	...	21.8	23.2	25.4	30.3
Male	9.0	10.5	13.4	14.8	17.3	...	20.9	22.5	24.6	29.2
Net enrollment rate (%)										
Total	9.1	10.7	...	...	...	...	...	22.8	25.0	29.8
Female	9.2	10.8	...	...	...	...	...	23.2	25.4	30.3
Male	9.0	10.5	...	...	...	...	...	22.5	24.6	29.2

**Table 2 - Gross and net enrollment in Primary education, Togo, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	127.71	127.21	127.43	123.95	128.04	125.11	124.35	123.76	124.32	126.27
Female	118.84	122.16	123.19	120.26	124.86	122.00	121.41	121.52	122.19	124.42
Male	130.56	132.25	131.65	127.61	131.21	128.20	127.27	126.00	126.44	128.11
Net enrollment rate (%)										
Total	...	...	...	90.3	92.0	89.9	90.9	90.7	92.7	94.5
Female	...	...	...	87.2	88.9	86.9	88.0	88.3	91.8	...
Male	...	...	...	93.4	95.0	92.8	93.8	93.1	93.6	...

272 UNESCO (2020) : <http://uis.unesco.org/fr/country/tg>

**Table 3 - Gross and net enrollment in Secondary education, Togo, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	55.76	...	...	...	...	...	61.85	...	...	...
Female	...	...	...	...	...	...	52.06	...	...	...
Male	...	...	...	...	...	...	71.56	...	...	...
Net enrollment rate (%)										
Total	...	...	...	...	...	...	41.0	...	...	...
Female	...	...	...	...	...	...	33.5	...	...	...
Male	...	...	...	...	...	...	48.5	...	...	...

**Table 4 - Gross enrollment in Higher education, Togo, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	10.2	11.4	11.6	11.3	11.6	12.9	13.0	13.5	13.7	15.4
Female	5.2	5.9	6.5	6.7	6.9	7.9	8.2	8.9	9.4	11.1
Male	15.2	16.9	16.6	15.9	16.2	17.8	17.8	18.1	17.9	19.7

At pre-primary and primary level, the gaps are relatively small. However, inequalities are significant at the university level. If we take the period 2011-2020, the rate of young boys having access to university education is well over twice that of young girls.

### ***Health system***

According to article 34 of the constitution, “the State recognizes the right of citizens to health. He works to promote it. To do this, “the law sets the rules concerning...the health” of the populations.

On the political level, “two National Health Development Plans (PNDS 2002-2006 and 2009-2013) and various national strategies specific to priority public health problems supported the implementation of the 1998 PNS”. This plan fundamentally targets children and women because the objective “was to reduce the mortality and morbidity rates linked to communicable and non-communicable diseases through

a reorganization and better management of the health system and a continuous improvement of the accessibility of all, particularly the most vulnerable, including the mother-child couple, to good quality health services”<sup>273</sup>. The question would be to know whether this policy has been able to contribute to the reduction of the maternal and infant mortality rate in Togo.

Table 15.3.5 provides a general overview of the infant and maternal mortality rate in Togo<sup>274</sup>.

Table 5 - Infant mortality rate (IMR) by sex, Togo, 2011 to 2020

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
IMR - boys (1000 live births)	62	60	59	57	56	54	53	51	50	49
IMR - girls (1000 live births)	51	50	49	47	46	45	43	42	41	40

Regarding maternal mortality, Togo recorded 350 per 100,000 live births in 2008; 300 in 2010, 368 in 2015 and 396 in 2017<sup>275</sup>.

### *Economic context*

Pay equity is recognized by the Togolese constitution. According to article 37 “the State recognizes the right to work for each citizen and strives to create the conditions for the effective enjoyment of this right. It provides every citizen with equal employment opportunities and guarantees every worker fair and equitable remuneration. No one may be prejudiced in their work because of their gender, origins, beliefs or opinions”. The Labor Code<sup>276</sup> also emphasizes equal pay. Article 155 provides that “every employer is required to ensure, for the same work or work of equal value, equal pay between workers, regardless of their nationality, sex, age or status”.

However, we did not find any data to assess equal pay in Togo.

273 OMS : Politique Nationale de Santé, Togo : <https://www.afro.who.int/fr/publications/politique-nationale-de-sante-togo#:~:text=Afin%20d'am%C3%A9liorer%20l%C3%A9tat,de%20l'Initiative%20de%20Bamako>.

274 Source: Les données de la Banque Mondiale : <https://donnees.banquemondiale.org/indicator/SP.DYN.IMRT.FE.IN?locations=TG>

275 Index Mundi : <https://www.indexmundi.com/g/g.aspx?c=to&v=2223&l=fr>

276 Togo (2021), Cadre du travail; Loi n°2021-012 du 18 juin 2021 portant Code du travail (JO 2021-26 ter) <https://www.droit-afrique.com/uploads/Togo-Code-2021-travail.pdf>

## *Work and employment support*

Article 37 of the constitution recognizes citizens the right to work. According to article 5 of the Labor Code, “measures aimed at promoting the professional integration of young people, women, disabled persons, persons considered vulnerable or residing in certain geographical areas do not constitute discrimination within the meaning of this Code”.

Data from UN institutions indicate the rate of women and men with access to employment.

Table 6 - Wage and salaried workers (% of employment) by sex, Togo, 2011 to 2019

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019
Male salaried workers <sup>277</sup>	23%	24,6%	26,6%	28,5%	30,4%	32,4%	34,3%	35,2%	35,8%
Female salaried workers <sup>278</sup>	6,5%	7,5%	8,2%	8,6%	9,1%	9,9%	10,5%	11%	11,2%

## *Housing*

According to article 22 of the constitution, “every Togolese citizen has the right to move freely and to settle on the national territory at any point of his choice under the conditions defined by local law or custom”. But we did not find data on equal access to housing.

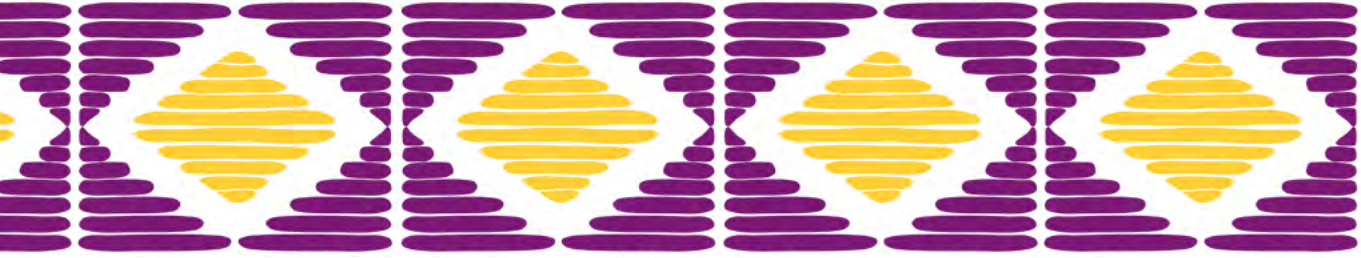
## *Natural environment*

Article 41 of the constitution recognizes that “everyone has the right to a healthy environment. The State ensures the protection of the environment. To do this, it takes measures to preserve the environment. According to article 84 the State, through legal rules, defines the measures of “protection and promotion of the environment and the conservation of natural resources”.

We did not find data for any other analyses.

277 Banque Mondiale: <https://donnees.banquemondiale.org/indicateur/SL.EMP.WORK.MA.ZS?locations=TG>

278 Banque Mondiale: <https://donnees.banquemondiale.org/indicateur/SL.EMP.WORK.FE.ZS?locations=TG>



# CENTRAL AFRICA

## Burundi

### 1. Constitutional provision

Gender equality and equity is an institutionalized issue in Burundi through its constitution<sup>1</sup>. This constitutional provision, through its article 22, affirms that “All citizens are equal before the law, which assures them equal protection. None may be the object of discrimination, particularly discrimination based on their... sex...”.

In terms of women’s rights in general, Burundi is home to a diversified legal arsenal<sup>2</sup>, namely the Constitution and international conventions, in particular the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) , the International Conference on Population and Development (ICPD) Program of Action, the Beijing Platform for Action for the Advancement of Women, the Millennium Development Goals (MDGs), the Sustainable Development Goals (SDG), United Nations Security Council Resolution 1325, etc.

Similarly, the 2005 Constitution, based on democracy and multiparty system, enshrines, in its articles 13, 19 and 22, the principle of equality of men and women, in terms of human, social, economic, cultural, civics and politics<sup>3</sup>. It explicitly refers to the Convention on the Elimination of All Forms of Discrimination against Women as well as to all other international instruments for the protection of human rights. Also, in its articles 4, 51, 129 and 164, it ensures positive discrimination in favor of

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1 However, it is important to note that the Burundian constitution places special emphasis on the balance of the structures of public institutions in ethnic, regional and gender terms as a means of maintaining social cohesion and inclusion, given its long history of instability and fragmentation.

2 Ministère de la Solidarité Nationale, des Droits de la Personne Humaine et du Genre. (2012). Politique Nationale genre au Burundi 2012-2025 ; [http://www.presidence.gov.bi/wp-content/uploads/2017/04/politique\\_nationale\\_genre\\_png\\_2012-2025.pdf](http://www.presidence.gov.bi/wp-content/uploads/2017/04/politique_nationale_genre_png_2012-2025.pdf)

3 Ministère de la Solidarité Nationale, des Droits de la Personne Humaine et du Genre (2012).

women to promote their access to decision-making bodies<sup>4</sup>.

## 2. Institutions involved in implementation

Several institutional structures ensure the implementation of these constitutional and regulatory measures. These include the Ministry of National Solidarity, Human Rights and Gender; sector ministries; parliamentarians<sup>5</sup>; the national women's forum; civil society organizations; the permanent secretariat for monitoring economic and social reforms (SP/REFSS); etc.

In its efforts to make gender equality a reality, the Burundian government is updating its 2003-2008 National Gender Policy (PNG) for the 2012-2025 horizon. The PNG “is a means of promoting equity and equality between women and men, and beyond this achievement, as a guarantee of success in achieving sustainable development in Burundi. To this end, it serves as an orientation framework for all development actors”<sup>6</sup>. The main objective is that by 2025 and in accordance with the “Burundi 2025” Vision, the Second Generation Strategic Framework for Growth and Poverty Reduction (CSLP II) and the Sustainable Development Goals (SDGs), the country will gradually lead to behavioral changes and structural changes that are essential for the effectiveness of gender equity and equality in Burundi.

In 2011, Burundi also adopted a National Action Plan for the implementation of United Nations Security Council Resolution 1325 on Women, Peace and Security (PAN 2012-2016)<sup>7</sup>. In addition, Burundi's Second Generation Strategic Framework for Growth and Poverty Reduction (2010-2025) further integrates gender and emphasizes the promotion of gender equality.

In addition, some ministries are integrating gender into their current strategic approaches. Examples include Ministry of Justice<sup>8</sup>, Ministry of Civil Service<sup>9</sup>, Ministry of Agriculture and Livestock<sup>10</sup>, Ministry of Public Health and

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4 Ministère de la Solidarité Nationale, des Droits de la Personne Humaine et du Genre (2012).

5 Both chambers of parliament have a committee dealing with gender issues.

6 Ministère de la Solidarité Nationale, des Droits de la Personne Humaine et du Genre (2012, p 2).

7 According to USAID/Burundi (2017), there are gender units in seven ministries, each comprising five people. One of the tasks of the units is to act as an intermediary between the Ministry of Human Rights, Social Affairs and Gender and their respective ministries to promote gender mainstreaming, coordinate gender activities and collect gender data in their ministries. See: USAID/Burundi. (2017). Burundi Gender Analysis; <https://banyanglobal.com/resource/usaid-burundi-gender-analysis/>

8 République du Burundi, Politique Sectorielle de la Justice du Burundi 2011-2015 (Burundi: République du Burundi, 2011).

9 République du Burundi, Ministère de la Fonction Publique, du Travail et de la Sécurité Sociale, Document de Politique Nationale de l'Emploi (Bujumbura : République du Burundi, 2014).

10 République du Burundi, Ministère de l'Agriculture et de l'Elevage, Plan National

HIV/AIDS Control<sup>11</sup>, Ministry of National Defense and Veterans Affairs<sup>12</sup>, and the Department of Public Safety<sup>13</sup>.

### 3. Impact of legal provisions on the determinants of health

#### *Sociocultural context*

We do not have data for this variable.

#### *Education*

We find no constitutional provision for the “education” variable. However, it should be noted that free basic education has helped Burundi to improve equality between boys and girls. Burundi, which ranks 11th in the African Development Bank’s report on gender equality in Africa, has passed a new law specifically targeting sexual violence against women and has prioritized the development of a national policy and action plan on gender equality. These efforts by the Government have made it possible to reduce the disparity between girls and boys in education, allowing girls to represent more than 50 percent of total pupils in 2013, compared to 46 percent in 2004<sup>14</sup>. In addition, 7.5 percent of adult women have at least secondary education compared to 11.4 percent for men<sup>15</sup>. The lower secondary completion rate is 17% for girls compared to 23.9% for boys, while at the secondary level, these rates are reduced to 9.1% and 17.1% respectively. Thus, despite the appreciable progress in terms of parity during the primary cycle, schooling remains inequitable both at the level of secondary and higher education<sup>16</sup>.

#### *Health system*

The Burundian constitution does not have texts specific to health in relation to gender issues. However, article 22 stipulates that all Burundian citizens are equal before the law, which guarantees them equal protection. As a result, no one may be discriminated against based on their sex, “physical or mental handicap, HIV/AIDs

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d’Investissement Agricole 2012– 2017 (Bujumbura : République du Burundi, 2011).

11 République du Burundi, Ministère la Santé Publique et de la Lutte contre le Sida, Politique Nationale de Santé 2005– 2015 (Bujumbura : République du Burundi, 2004).

12 Ministère de la Sécurité Publique, Intégration de la Dimension Genre dans les Missions de la Police Nationale du Burundi. Stratégie & Plan d’Action Biennal 2011–2013 (Ministère de la Sécurité Publique)

13 Ministère de la Défense Nationale et des Anciens Combattants, Stratégie d’Intégration du Genre au Sein de la Force de Défense Nationale 2011–2015 (Bujumbura : Ministère de la Défense Nationale et des Anciens Combattants, 2011)

14 UN Women. (2016). Burundi commits to reinforcing gains and advancing gender equality under the 2030 Agenda for Sustainable Development (updated): <https://www.unwomen.org/en/get-involved/step-it-up/commitments/burundi>

15 UNDP (2020).

16 Ministère de la Solidarité Nationale, des Droits de la Personne Humaine et du Genre (2012, p 12).

infection or any other incurable malady” (article 22). In addition, the Government of Burundi has developed a National Health Policy (PNS) which is part of the Poverty Reduction Strategy and contribution to the achievement of the MDGs by 2015. To implement the PNS, Burundi drew up and adopted in April 2005, a National Plan for improving the quality of basic and comprehensive Emergency Obstetric and Neonatal Care (SONUB/SONUC) and Reproductive Health (RH) services followed, in 2007, by the development of the National RH Policy.

But major challenges remain to be overcome to make health equitable in Burundi. According to the 2020 Human Development Report, for every 100,000 live births, 548.0 women die from pregnancy-related causes; and the teenage birth rate is 55.6 births per 1,000 women aged 15–19<sup>17</sup>. In addition, according to the report of the ministry responsible for gender, health coverage is still insufficient (80%) and the distribution unequal. This situation affects the state of health of the population in general and that of the mother in particular. By way of illustration, the morbidity rate for women, estimated at 25%, is higher than the national average which is 23.1%. About 49% of women aged 35 to 44 suffer from severe anemia while the HIV/AIDS prevalence rate among adults aged 15 to 49 is 4.2% among women while this rate is 3, 3% in men. This observation is largely linked to gender inequalities<sup>18</sup>.

### *Economic context*

Through its article 13, the constitution ensures that “all Burundi people are equal in merit and dignity. All the citizens enjoy the same rights and have the right to the same legal protection. No Burundi citizen may be excluded from the social, economic, or political life of the nation due to his or her race, language, religion, gender or ethnic origin”.

### *Work and employment support*

There are no specific constitutional provisions regarding work support and employment. As we have seen, however, article 22 of the constitution provides for gender equality in Burundi and article 135 calls on members of the Government to make or propose appointments of public administration and diplomatic posts, bearing in mind the need to maintain an ethnic, regional, political and gender balance. In addition, article 143 requires that the Burundian administration be representative of the nation and must reflect its diversity so that the practices it observes in terms of employment are based on objective and equitable aptitude criteria as well as on the need to redress inequalities and ensure broad ethnic, regional and gender representation. Finally, article 145 prohibits any form of favouritism.

In Burundi, 38.8 percent of parliamentary seats are held by women, and women’s participation in the labor market is 80.4 percent compared to 77.8 percent

17 UNDP. (2020). Human Development Report 2020 (for Burundi); [http://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/BDI.pdf](http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/BDI.pdf)

18 Ministère de la Solidarité Nationale, des Droits de la Personne Humaine et du Genre (2012).



for men<sup>19</sup>. The activity rate of women is estimated at 59.4% with variations according to age. The age group of 45-49 years is that for which the female activity rate is the highest, it is equivalent to 87.2%. The female labor force is poorly qualified. Indeed, 67% of women with an occupation have no level of education. The few women who have attended an educational institution have mainly the primary level and, to a lesser extent, the secondary level<sup>20</sup>.

### *Housing*

We do not have data for this variable.

### *Natural environment*

We do not have data for this variable.

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## Cameroon

### 1. Constitutional provision

Article 1 of the Cameroonian constitution<sup>21</sup> “ensure the equality of all citizens before the law”. The preamble provides for the protection of women and states that all Cameroonians have inalienable rights and freedoms regardless of gender. Also, in the preamble, it is written that “all persons shall have equal rights and obligations”. In addition to these constitutional provisions, there are international conventions<sup>22</sup>, including:

- The Declaration on the Protection of Women and Children in Times of Emergency and Armed Conflict adopted in December 1974, which prohibits all forms of repression and cruel and inhuman treatment of women and children, including imprisonment, torture, shootings, mass arrests, collective punishments;
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) adopted on December 18, 1979 and its additional protocol of October 6, 1999 which recommends that States promote women in all areas: political, legal, economic, social and cultural;
- The Declaration on the Elimination of Violence against Women of December 20, 1993, which commits countries or State Parties to take all

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19 UNDP (2020).

20 Ministère de la Solidarité Nationale, des Droits de la Personne Humaine et du Genre (2012).

21 <http://ndhcam.org/wp-content/uploads/2015/03/constitution-de-la-republique-du-cameroun.pdf>

22 Confers the Politique Nationale Genre <https://cameroon.un.org/sites/default/files/2020-03/JIF2020.pdf> (p. 9)

kinds of measures likely to eliminate all forms of violence against women;

- United Nations Security Council Resolution 1325, which offers women the opportunity to participate in the preservation of peace and conflict resolution, supplemented by Resolution 1820 of June 19, 2008, which recognizes rape as a crime against humanity whose perpetrators are liable to prosecution at the level of the International Criminal Court (ICC).

At the regional level, Cameroon has ratified several conventions<sup>23</sup>. We can cite in particular:

- The Constitutive Act of the African Union of 2001 which advocates parity at the level of representation in the various elective positions of the Union;
- The Maputo Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women (2003) protects the specific rights of women to inheritance, succession, reproductive health, and insists on the need to eliminate all forms of traditional practices harmful to women;
- The Declaration of African Heads of State on Equality between Men and Women (2004), which emphasizes the equal rights of men and women in all areas.

## 2. Institutions involved in implementation

The Ministry for the Advancement of Women and the Family is the main institution responsible for the advancement of women. Its main functions are:

- Ensure the disappearance of all discrimination against women;
- Ensure increased guarantees of equality for women in the political, economic, social and cultural fields;
- Study and submit to the Government the conditions facilitating the employment of women in administration, agriculture, commerce and industry;
- Liaise with national and international political organizations for the advancement of women;
- Ensure the supervision of women's training organizations, excluding educational establishments, Ministries responsible for education;
- Study and propose strategies and measures aimed at strengthening harmony in families.

Between 2010 and 2020, the national gender policy (PNG)<sup>24</sup> put in place and

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<sup>23</sup> Idem (p. 9-10).

<sup>24</sup> Confers page 11: <https://cameroon.un.org/sites/default/files/2020-03/JIF2020.pdf>

updated in 2015, “is based on values such as equality, equity, social justice and good governance and has the following principles:”

- Gender equality should be a building block of all policies, programs and projects;
- Achieving gender equality does not imply that women and men are the same;
- Empowering women is key to achieving gender equality;
- Promoting the participation of women as agents of change in economic, social and political processes is essential to the achievement of gender equality;
- Partnership between men and women as well as measures to eliminate gender and discrimination contribute to achieving equality between women and men.

Other structures have also been put in place:

- The Centers for the Advancement of Women (CPF), which are structures offering a multifaceted framework. There were ninety-two (92) across the national territory in 2014;
- The pilot reception center for women in distress in Yaoundé;
- The Appropriate Technology Center (CTA) based in Maroua, in the Far North Region (inaugurated in 1992), whose mission is to reduce the hardship of women’s work and popularize appropriate technologies;
- Socio-legal clinics organized with a view to educating women and families on their rights and offering legal assistance to women in distress or vulnerable, such as widows or «free girls»;
- The gender focal points installed within other ministerial departments, and public and semi-public companies which are interfaces with the mission of promoting women’s rights and educating them.

### 3. Impact of legal provisions on the determinants of health

#### *Sociocultural context*

The Cameroonian constitution recognizes the right of citizens to create associations. Articles 55 and 56 emphasized social, cultural and sports development. Concerning the social and cultural practices that harm the health of women, the Penal Code of Cameroon supplements the constitution by providing penal measures that apply to all without distinction of sex. Several provisions protect women and young girls in various respects against:

- Genital mutilation (articles 277-1),
- Pimping (article 294);
- Private contempt of modesty (article 295)
- Sexual abuse such as rape or incest (article 296)
- Forced or early marriage (article 297)
- Sexual Harassment (Section 302)
- Abortion (article 337),
- Rape of a minor (article 347)
- Physical violence (article 350 and article 356);
- Adultery (article 361)<sup>25</sup>.

In 2014, the study commissioned by the Association for the Fight against Violence against Women (ALVF) in Cameroon was carried out throughout the territory. The results reveal “that 62% of the women surveyed were confronted at least once directly or indirectly” with early and forced marriages in Cameroon (p. 2)<sup>26</sup>. It should be noted that “70% of cases of early and forced marriage involved girls aged 13-15, which makes them the most affected category”<sup>27</sup>.

These problems are even more common in rural areas. Concerning female genital mutilation, for example, “according to the Demographic and Health Survey and Multiple Indicators (EDM-MICS) of 2011, the prevalence rate of the phenomenon is 1.4% throughout the national territory and 20% in rural areas”<sup>28</sup>.

The media France 24 reports that according to the National Commission on Human Rights and Freedoms, violence against women is still current in Cameroon: “between 2019 and 2020, at least 130 women died under the blows of their spouses and 60% of women are victims of domestic violence”<sup>29</sup>. Women are not the only victims of violence. There is also violence against men by women. The results of a study carried out in 2008 are quite illustrative:

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25 <https://cameroon.un.org/sites/default/files/2020-03/JIF2020.pdf> (confère p. 12)

26 This document is available at: <https://www.girlsnotbrides.org/documents/411/Les-Mariages-pr%C3%A9coces-et-forc%C3%A9s-au-Cameroun-ALVF-and-IWHC.pdf>

27 Idem (p. 2)

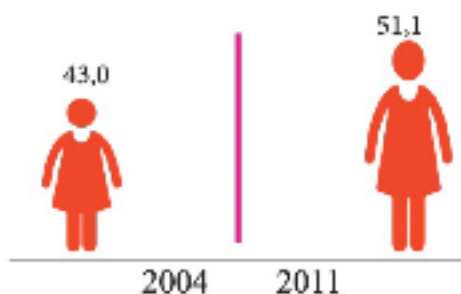
28 <https://www.allodocteurs.africa/cameroun-stop-aux-mutilations-genitales-feminines-2597.html>

29 <https://www.france24.com/fr/%C3%A9missions/focus/20220503-cameroun-l-impunit%C3%A9-perdure-malgr%C3%A9-une-forte-hausse-du-nombre-de-f%C3%A9minicides>

- Verbal abuse (47.4%)
- Economic violence (28.5%)
- Physical violence (27.4%)
- Psychological and moral violence (25.1%)
- Sexual violence (17.48%)
- Ritual violence (8.8%)
- Assassinations (8.4%)
- Other Violence (2.2%) (Bell, 2008)<sup>30</sup>.

For their part, women suffer from other forms of violence according to the PNG (p. 19):

Figure 1 - Evolution of the proportion (%) of women aged 15-49 years who were victims of violence, Cameroon, 2004 and 2011



Source: Cameroon Demographic and Health Surveys, 2004, 2011.

These inequalities between men and women are also present in education.

### ***Education***

Through article 26 of the constitution, access to education is a constitutional right in Cameroon. Through articles 55 and 56, councils of decentralized territorial communities have been set up; and one of their missions is the promotion of education.

At the international level, the Beijing Declaration and Platform for Action, adopted unanimously by 189 countries, aims at the empowerment of women and gender equality in several areas (12 areas) including education and training of

30 [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/CMR/INT\\_CEDAW\\_NGO\\_CMR\\_43\\_8387\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/CMR/INT_CEDAW_NGO_CMR_43_8387_E.pdf)

women.

With reference to UNESCO data cited by the World Bank (2018, p, N/D)<sup>31</sup>, the literacy rates of young men aged 15 to 24 in Cameroon in 2000, 2007 and 2018 are respectively 88%; 89% and 88%. We see that between 2000 and 2018, there is no significant change. However, for young girls aged 15 and over, the rates were 59% in 2000; 63% in 2007 and 65% in 2010 (UNESCO quoted by the World Bank (2018, p, N/D)<sup>32</sup>. The ratio of literate girls to boys (15 to 24 years old) is 0.88% in 2000; 0, 87% in 2007 and 0.89 in 2010<sup>33</sup>. The diagram below gives more information on the school situation in Cameroon (UNESCO 2019, p. N/D)<sup>34</sup>:

Figure 2 - Number of out-of-school children and out-of-school adolescents, Cameroon, 2011-2020

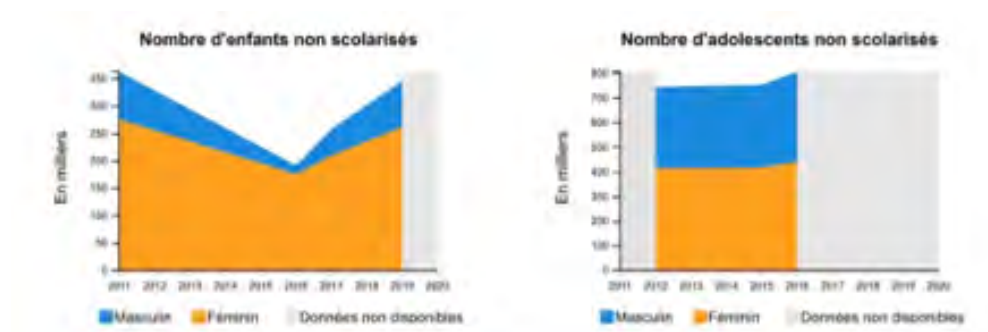


Table 1 - Number of out of school children and adolescents, Cameroon, 2011 to 2020

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Out-of-school children										
Total	363235	187344	...	174485	164168	192130	258823	...	346513	...
Female	276427	...	...	...	...	176603	210143	...	262532	...
Male	86808	...	...	...	...	15527	48680	...	83981	...
Out-of-school adolescents										
Total	...	746525	...	752416	755290	808212	...	...	...	...
Female	...	415400	...	417898	419093	441965	...	...	...	...
Male	...	331125	...	334518	336197	366247	...	...	...	...

31 Confers the World Bank/Banque Mondiale: <https://donnees.banquemondiale.org/indicateur/SE.ADT.1524.LT.MA.ZS?locations=CM>

32 <https://donnees.banquemondiale.org/indicateur/SE.ADT.1524.LT.FM.ZS?locations=CM>

33 Idem.

34 Confers UNESCO : <http://uis.unesco.org/fr/country/cm>

**Table 2 - Gross and net enrollment in Primary education, Cameroon, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	107.23	111.67	...	113.28	116.21	116.12	110.32	103.40	105.75	...
Female	99.69	104.26	...	106.7	109.94	109.99	104.51	98.01	100.21	...
Male	114.66	118.97	...	119.77	122.39	122.16	116.05	108.71	111.20	...
Net enrollment rate (%)										
Total	88.7	91.4	...	91.7	92.1	94.5	92.9	...	91.2	...
Female	82.9	...	...	...	...	90.3	88.7	...	86.8	...
Male	94.5	...	...	...	...	98.7	97.0	...	95.6	...

**Table 3 - Gross and net enrollment in Secondary education, Cameroon, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	48.32	51.59	53.41	57.51	59.03	60.06	...	...	...	...
Female	44.23	47.53	49.21	52.83	54.40	55.44	...	...	...	...
Male	52.37	55.6	57.56	62.14	63.62	64.62	...	...	...	...
Net enrollment rate (%)										
Total	...	39.7	41.0	44.0	45.0	46.0	...	...	...	...
Female	...	37.0	38.2	40.9	42.1	43.0	...	...	...	...
Male	...	42.3	43.8	47.0	47.9	48.9	...	...	...	...

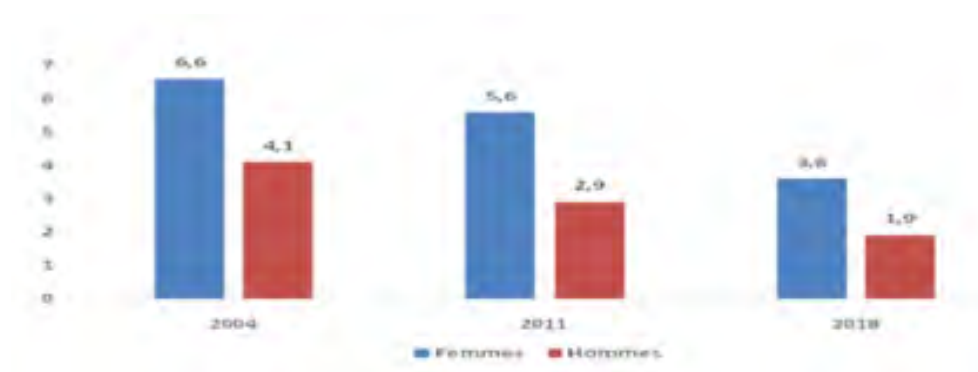
Table 4 - Gross enrollment in Higher education, Cameroon, 2011 to 2020

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	12.1	13.1	15.3	16.3	17.0	12.5	12.8	14.3	...	...
Female	10.2	11.4	13.3	14.3	15.1	11.7	11.4	13.4	...	...
Male	13.9	14.8	17.2	18.3	18.8	13.3	14.1	15.1	...	...

### Health system

The Cameroonian constitution has not pronounced on population health. But the Beijing Declaration and Platform for Action mentioned above provides for gender equality in physical, social and mental health. Through the MDG, all the signatory governments, in particular Cameroon, promise through the objective of improving maternal health. Similarly, through the SDG the government decides to ensure “access for all to sexual and reproductive health care and to ensure that everyone can exercise their reproductive rights” (5.6 of the SDG).

Despite these politico-legal provisions, inequalities remain. The National Gender Program indicates that: “between 2004 and 2018, the prevalence of HIV/AIDS is higher among women than among men, although decreasing” (p. 20). The following diagram illustrates this assertion:



Source: Cameroon Demographic and Health Surveys, 2004, 2011, 2018.

The same source indicates that maternal mortality is constantly changing. The number of deaths per 100,000 people is 511 in 1998; 669 in 2004 and 782 in 2011. (p. 20).



According to Index Mundi<sup>35</sup>, infant mortality is a health problem in Cameroon.

It is stated that in 2018:

- Total: 49.8 deaths/1,000 normal births
- Boys: 53.4 deaths/1,000 normal births
- Girls: 46.2 deaths/1,000 normal births.

### *Economic context*

The creation of the Economic and Social Council (article 54 of the constitution) and the objective of economic development (article 55 and 56) in Cameroon are constitutional provisions.

The Labor Code recognizes the right to work for all citizens as a fundamental right. Its article 61(2) sets equal pay for all workers on equal terms of working conditions, professional aptitude, regardless of origin, sex, age, status and religious denomination<sup>36</sup>.

According to data from the INS (2012)<sup>37</sup> cited by Ekamena Ntsama (2014), “men’s salaries are thus 1.5 to 2 times higher than those of women”. Studies carried out in 2014 show that:

“Indeed, the estimated average log salary for men is 10.4791, while that for women is 9.9555, giving a gender pay gap of 0.5236. The breakdown of this gap shows that the explained part linked to the differences recorded in terms of individual characteristics is 49.4% of the total gap. The unexplained share associated with differences in returns to individual characteristics and attributed to wage discrimination is 50.6%. Our decomposition results thus support the hypothesis of discrimination against women in Cameroon” (Ekamena Ntsama, 2014, p. 135)<sup>38</sup>.

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35 [https://www.indexmundi.com/fr/cameroun/taux\\_de\\_mortalite\\_infantile.html#google\\_vignette](https://www.indexmundi.com/fr/cameroun/taux_de_mortalite_infantile.html#google_vignette)

36 Confers the PNG (p. 12) : <https://cameroon.un.org/sites/default/files/2020-03/JIF2020.pdf>

37 Institut national de la statistique. 2012. Autonomiser les femmes rurales pour éradiquer la faim et la pauvreté. Que révèlent les indicateurs ? 27e Journée internationale de la femme.

38 Ekamena Ntsama, Sabine N. « Les écarts salariaux de genre au Cameroun. » Revue multidisciplinaire sur l'emploi, le syndicalisme et le travail, volume 9, numéro 2, 2014, p. 124–146. <https://doi.org/10.7202/1036261ar>

## Work and employment support

In Cameroon, “every man has the right and the duty to work” (preamble of the constitution). Thus, the right to work is guaranteed by article 26. In addition, the Labor Code recognizes the right to work for all citizens as a fundamental right.

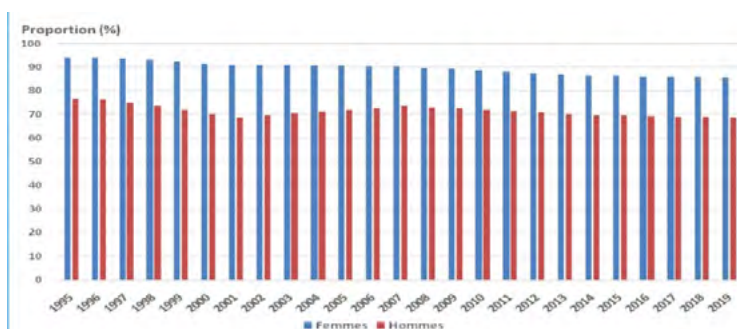
To this end, the Appropriate Technology Center (CTA) based in Maroua, in the Far North Region (inaugurated in 1992) has the mission of reducing the hardship of women's work and popularizing appropriate technologies (p. 10 of the PNG).

These provisions have not been able to bridge the inequalities between men and women. According to the ILO quoted by PNG (p. 16):

The gap between male and female salaried workers has remained wide since 1995 when it was 17 points to stand in 2019 at 16 points. However, it should be noted that there has been a steady increase over time in the percentage of female salaried workers. Indeed, between 1995 and 2019, we went from around 6% to 14% of women who work and receive a monthly salary. This indicates an improvement in the economic situation of women, even if much remains to be done to achieve gender equality.

According to ILO (2019) quoted by PNG, “ILO statistics show that from 1995 to 2019, the proportions of self-employed women are always higher than those of men. The gaps between the two sexes are constant and are around 15 points. These are generally precarious jobs”.

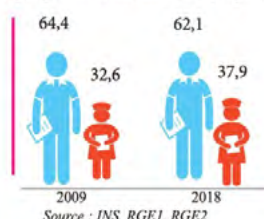
Figure 4 - Evolution of the proportion (%) of self-employed workers by gender



Source : Organisation Internationale du Travail (OIT), Septembre 2019.

### ● Promoteurs d'entreprises

Graphique 11: Evolution de la proportion (%) de promoteurs d'entreprises par sexe



Source : INS, RGE1, RGE2

L'évolution du nombre de promoteurs d'entreprises montre qu'entre 2009 et 2018, la proportion des femmes promoteurs d'entreprise est restée inférieure à celle des hommes. Toutefois, les écarts se sont rétrécis entre les deux périodes, passant ainsi de 32 à 24 points.

## *Housing*

We do not have data for this variable.

## *Natural environment*

The constitution's preamble states that «every person shall have a right to a healthy environment. The protection of the environment shall be the duty of every citizen. The State shall ensure the protection and improvement of the environment”. According to PGN, to reduce inequalities, it is necessary to intervene on “the promotion of a protective environment for girls and women against gender discrimination and violence within communities” (p. 22).

From 2014 to 2016 in Cameroon, flood-related disasters significantly affected children and women. To this end, “the number of people in need of nutritional care has been set at 186,633 cases of acute malnutrition in expected children under 5 and 41,064 cases for pregnant and breastfeeding women”<sup>39</sup>. According to the same source, natural disasters (floods) affect 136,620 women and 133,380 men.

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## **Central African Republic**

### **1. Constitutional provision**

Equality between men and women is guaranteed by the Central African constitution. The preamble to the Central African Constitution (of 2016) reaffirms its adherence to all duly ratified international conventions, in particular those relating to the prohibition of all forms of discrimination against women and the protection of the rights of the child.

According to article 6 of the fundamental law, “All human beings are equal before the law without distinction of... sex...”. The same article stipulates that the State ensures the enhanced protection of the rights of minorities, indigenous peoples, and persons with disabilities. In addition, the law “guarantees equal rights to men and women in all areas”.

According to a report published in 2017<sup>40</sup>, the various laws, ordinances and decrees below confirm equality between men and women: Law No. 09.004 of January 29, 2009 on the Labor Code of the Central African Republic; Law No. 10.001 of January 6, 2010 on the Central African Penal Code; Law No. 10.002 of January 6, 2010 on the Central African Criminal Procedure Code; Law No. 91.016 of December 27, 1991 on the Central African Civil Procedure Code; Law No. 99.016 of July 16, 1999 on the General Statutes of the Public Service; etc.

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39 Confers the Plan de réponses stratégiques 2014-2016 : Cameroun (p. 2-3).

40 Réseau francophone pour l'égalité Femme-Homme et l'Organisation internationale de la francophonie. (2017). Pour l'Egalité Femme - Homme en Centrafrique ; <https://rf-efh.org/carte/fiche/cf.pdf>

More specifically, Law No. 10.001 of January 6, 2010 on the Central African Penal Code made provisions to specifically protect women, children and particularly vulnerable persons in Title III, Chapters V and VII. Law No. 09.004 of January 29, 2009 on the Labor Code of the Central African Republic reaffirms equality between men and women from the point of view of remuneration<sup>41</sup>. The right of women to decide freely on the number of births is guaranteed by Law No. 06.005 of June 20, 2006, known as the Bangayassi Law on Reproductive Health.

## 2. Institutions involved in implementation

To effectively implement these texts aimed at gender equality, the country has set up several institutional mechanisms, as well as programs for implementing and evaluating the capacities of women to get involved in the management aid and decisions relating to social expenditure. Among others, there is the Ministry of Family, Social Affairs and National Solidarity; the Mixed Rapid Intervention and Repression Unit (UMIRR) for violence against women and children (Decree No. 15.007 of January 8, 2015, establishing); the Special Criminal Court (Law No. 15.003 of March 3, 2015, establishing and operating); The system on parity between men and women in public, parapublic and private jobs (Law No. 16.004 of November 24, 2016); and the national education sector strategy (SNSE) for the period 2008-2020<sup>42</sup>.

The Central African Republic also benefits from international support in its efforts to achieve gender equality. Indeed, through the 2012-2016 UNDAF Action Plan<sup>43</sup>, the United Nations system has supported and accompanied the government in the fields of education and literacy, in particular by creating bridging classes, second-chance schools, the implementation of the non-formal education program for young people who have not attended school and who have dropped out of school, as well as adults, and in particular women.

## 3. Impact of legal provisions on the determinants of health

It should be noted, however, that the Central African population has been affected by long years of conflict and instability and an upsurge in violence and insecurity since 2012. In this context, violence (particularly sexual and domestic) mainly affects women and girls and have experienced a very strong increase. Access to health, education, counseling and livelihood services remains very limited. The situation is coupled with the deterioration of the already wobbly judicial system. These factors particularly affect women, who represent the majority of the hundreds of thousands of people displaced by the conflict.

### *Sociocultural context*

In the socio-cultural context, article 7 of the constitution provides that “The protection of women and children against violence, insecurity, exploitation

41 Titre Premier, Section 5, Article 11

42 Réseau francophone pour l'égalité Femme-Homme et l'Organisation internationale de la francophonie (2017).

43 Plan Cadre des Nations Unies pour la Consolidation de la Paix et l'Aide au Développement de la République Centrafricaine.

and moral, intellectual and physical abandonment is an obligation for the State and other public authorities". It is in this sense that Law No. 10.001 of January 6, 2010 on the Central African Penal Code made provisions to specifically protect women, children and particularly vulnerable persons in Title III, Chapters V and VII<sup>44</sup>. Thus, the violence done to widows on the basis of tradition such as the deprivation of meals, the confiscation of their property by the in-laws, etc. are now sanctioned.

But Law No. 97.013 of November 11, 1997 on the Family Code authorizes polygamy and recommends a symbolic dowry, whereas dowry and polygamy were prohibited in 1966 by presidential order<sup>45</sup>. Similarly, women are much more likely to undergo forced marriage (10.2%) than men (4.5%). And while the minimum age of marriage is 18, for both women and men, the Central African Republic has one of the highest early marriage rates in the world, with 60% of women aged 20-29 in 2013 having been married before they turned 18<sup>46</sup>.

### *Education*

Article 9 of the fundamental law provides that "Everyone has the right of access to sources of knowledge. The State guarantees all citizens access to education, culture and vocational training. There must be provision for the education and instruction of youth by public or private establishments. To achieve this ambition, the country is developing a National Education Sector Strategy (SNSE) for the period 2008-2020. In addition, through the UNDAF Action Plan 2012-2016<sup>47</sup>, the United Nations system has supported and accompanied the government in the areas of education and literacy, in particular by creating bridging classes, second-chance schools, the implementation of the non-formal education program in favor of young people who have not attended school and who have dropped out of school as well as adults and in particular women<sup>48</sup>. Similarly, the National Recovery and Peacebuilding Plan (2017-2021) initiated in 2016 highlighted the government's commitment to providing basic services to the population throughout the territory in the area of education.

However, despite these efforts, many challenges persist. For example, the literacy rate in the Central African Republic is low among young women aged 15 to 24 (27%) compared to young men in the same age group (51.1%)<sup>49</sup>. It should also be noted that the net secondary school enrollment rate for girls is 14.6%, significantly lower than that of boys at 22.1%. In the Central African Republic, 13.4 percent of

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44 See: [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=fr&p\\_isn=88116&p\\_classification=01.04](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=fr&p_isn=88116&p_classification=01.04)

45 Réseau francophone pour l'égalité Femme-Homme et l'Organisation internationale de la francophonie (2017, p 17).

46 UNICEF (2014).

47 Plan Cadre des Nations Unies pour la Consolidation de la Paix et l'Aide au Développement de la République Centrafricaine.

48 Réseau francophone pour l'égalité Femme-Homme et l'Organisation internationale de la francophonie (2017).

49 Enquête MICS (2010).

adult women have at least secondary education compared to 31.3 percent for adult men. In addition, problems related to insecurity make it imperative for teachers to stay in Bangui, resulting in huge shortages of teachers in rural areas and hotspots. Added to this is a problem of union training and salary arrears.

According to a study carried out by UNICEF, since 2012, 70% of children of primary school age have dropped out of school. It is estimated that the number of child soldiers doubled or even quadrupled during this period. In addition, the net enrollment ratios are very low, especially for girls: 81.3% of girls are enrolled at the primary level, and only 12.1% at the secondary level and 1.5% at the higher level. At the primary level, the female-to-male enrollment ratio is 74.3%. The gap increases at secondary level (51.3%) and higher (36%). The female illiteracy rate is very high with 68% for women compared to 46.2% for men<sup>50</sup>.

### *Health system*

The Central African Republic has several specific measures for the implementation of the right to health. The Constitution, in its article 8, provides that “The State guarantees to all the right of access to public health care establishments as well as the benefit of adequate medical treatment provided by trained professionals and equipped with the necessary equipment”. The National Health Development Plan (PNDS 2: 2006-2015) is the crucial instrument for implementing health policy, as is the National Recovery and Peacebuilding Plan (2017-2021). In addition, we can cite as other important measures the development and implementation of the Program for the Prevention of Parent/Child Transmission of HIV/AIDS and the development of the National Policy Document on Reproductive and Child Health. Implementation plan.

Thanks to all these efforts, now in the Central African Republic, family planning, which began to be dispensed illegally several years ago, is becoming legal. However, under the weight of customs, the woman is still discriminated against if she only gives birth to girls or worse, if the couple is infertile.

In terms of health and violence against women, two laws were adopted in 2006, namely: (1) law 06.005 on reproductive health which «guarantees equality in rights and in dignity of all individuals in terms of reproductive health, without any discrimination based on sex...” and (2) law 06.032 which defines and punishes the different forms of violence against women, including “mistreatment during widowhood, confiscation of property of the woman during widowhood, levirate and sororate». Excision has also been prohibited since 1966, but continues to be practiced and affects a quarter of women aged 15 to 49<sup>51</sup>. The Central African Republic has a GII value of 0.680, ranking it 159 out of 162 countries in the 2019 index. Only 8.6 percent of parliamentary seats are held by women<sup>52</sup>, while for every 100,000 live births, 829 women die from causes related to pregnancy. Finally, the

50 Agence française de développement. (2014). « Profils Genre Centrafrique » ; <https://plateforme-elsa.org/wp-content/uploads/2014/02/Profil-Genre-RCA.pdf>

51 Banque Mondiale (2010).

52 UNDP. (2020). Human Development Report 2020 (for the Central African Republic); [http://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/CAF.pdf](http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/CAF.pdf)

teenage birth rate is 129.1 births per 1000 women aged 15-19.

The maternal mortality rate is very high with 880 deaths per 100,000 live births, which is double the average observed in Sub-Saharan Africa, which is 440/100,000<sup>53</sup>. According to the World Bank, births attended by skilled personnel were estimated at 94.33% in 2008, while the MICS dating from 2006 rather indicates 53%. But this percentage hides significant differences between urban and rural areas, since 83% of women residing in urban areas would have been assisted by qualified personnel against 36% in rural areas.

### *Economic context*

Apart from the emphasis placed on the general principle of gender equality, the Central African constitution remains entirely silent with regard to the variable “economic context”. However, Law No. 09.004 of January 29, 2009 on the Labor Code of the Central African Republic reaffirms equality between men and women from the point of view of remuneration<sup>54</sup>.

### *Work and employment support*

Through article 11, the constitution of the Central African Republic “guarantees to each citizen the right to work, to a healthy environment, to rest and to leisure under the conditions established by law. All citizens are equal in employment. No one may be harmed in their work or employment because of their origins, sex, opinions or beliefs”.

Thus, the different professions can be exercised indifferently by men and women and they are individually responsible for their actions before the law. Law No. 09.004 of January 29, 2009 on the Labor Code of the Central African Republic reaffirms equality between men and women from the point of view of remuneration in these terms «The various elements of remuneration must be established according to standards identical for men and women. This law marks significant progress in terms of gender. By way of illustration, Chapter 3 of Title 5 is devoted entirely to the specific provisions which protect the work of women, Chapters 4 and 5 respectively to the work of children and persons with disabilities. This law also specifically protects the right to procreate for an active woman. Indeed, women encounter great difficulties in the workplace due to the fatigue of pregnancy and especially absences related to the necessary care of babies if they fall ill, which often happens. These delays or absences are sometimes grounds for dismissal, especially in the private sector.

It should also be noted that only 11% of women work in formal economic units against 89% of men<sup>55</sup> and the participation of women in the labor market is 64.4% against 79.8 for men.

<sup>53</sup> Banque Mondiale (2012).

<sup>54</sup> <http://www.droit-afrique.com/upload/doc/rca/RCA-Code-2009-du-travail.pdf>

<sup>55</sup> <https://rf-efh.org/carte/fiche/cf.pdf>

## *Housing*

We do not have data for this variable.

## *Natural environment*

According to article 20 of the constitution, “All (Central African) citizens are equal before public charges and in particular before taxes which only the law can...create and distribute. They support, in full solidarity, the costs resulting from natural disasters or endemic, epidemic or incurable diseases”.

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## **Chad**

### **1. Constitutional provision**

Promulgated on May 4, 2018 and revised by Constitutional Law N°017/PR/2020 of December 14, 2020, the Chadian constitution<sup>56</sup> through arts. 13 and 14 guarantee Chadians equality before the law. Article 13 declares that “Chadians of the sexes have the same rights and duties and the same duties. They are equal before the law”. In the same perspective, “the State ensures equality before the law for all without distinction of sex...it has the duty to see to the elimination of all forms of discrimination against women and to ensure the protection of his rights in all areas of private and public life” (Article 14).

There are other legal provisions that protect women. These include Decree No. 58/PR-MTJS-DTMOPS of 8 February 1969 relating to the work of women and pregnant women, which aims not only at equal opportunities and treatment, but also at the protection of maternity<sup>57</sup>.

### **2. Institutions involved in implementation**

In 2007, the government issued Decree No. 414/PR/PM/MEN/2007 of 17/05/07 establishing the directorate for the promotion of girls' education. Four years later, we are witnessing the development of a national gender policy (2011). Its vision is: “by 2020, Chad is a country rid of all forms of gender inequalities and inequities, of all forms of violence, where men and women have the same chance of access and control over resources and participate equitably in decision-making bodies with a view to sustainable development”<sup>58</sup>. PNG's goal is to “promote equality and equity between men and women for sustainable development”<sup>59</sup>. This policy mobilizes the following players:

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56 Constitution du Tchad (2020) : <https://www.letchadanthropus-tribune.com/wp-content/uploads/2020/12/Constitution-du-Tchad-revise%CC%81e.pdf>

57 Confers ILO : [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_isn=36944&p\\_lang=fr](https://www.ilo.org/dyn/natlex/natlex4.detail?p_isn=36944&p_lang=fr)

58 Confers the République du Tchad (2011, p. 9), Politique nation genre : <https://www.prb.org/wp-content/uploads/2020/06/Tchad-Politique-Nationale-Genre-2011.pdf>

59 Idem.



- The Ministry of Social Action, Family and National Solidarity “ensures the establishment of bodies for the coordination of the implementation and monitoring of evaluation of the PNG. It will arbitrate, in collaboration with the Ministry of Finance and Budget, the allocation of resources necessary for the effective and efficient implementation of the PNG” (p. 10).
- The State/Partners Steering Committee (COEP) is made up of ministers from key sectors, representatives/Heads of Mission of technical and financial partners, the Secretary General of the Presidency, the Secretary General of the Prime Minister’s Office, a representative of the National Assembly; a representative of the Economic, Social and Cultural Council. There are also other actors involved at all levels of PNG implementation, monitoring and evaluation.

### 3. Impact of legal provisions on the determinants of health

#### *Sociocultural context*

Despite the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (1979), Law 006/PR/02 on the Promotion of Reproductive Health, prohibiting, among other things, FGM, child marriages children, genital mutilation and violence against women are still present in Chad. As can be seen with data from the UN (2019) “30% of Chadian women aged 20 to 24 were married before the age of 15. About 14% of them also give birth before the age of 15. Female genital mutilation, practiced in most regions of Chad, affects 44% of women<sup>60</sup>.

In 2020, “about 67% of women were first married before the age of 18 (30% before the age of 15). This figure contrasts with the 8% of Chadian boys married before the age of 18”<sup>61</sup>.

#### *Education*

Articles 38, 39, 40 of the Chadian constitution consider education as a right for all. Article 40 specifically promotes gender in education: “the State and the Autonomous Communities create the conditions and institutions that ensure and guarantee the education of children, the promotion of gender and of people with disabilities”.

The data shows that the government is making efforts, but the challenges remain to be met if we refer to the literacy and schooling rates.

Literacy rates for young women aged 15-24 are 26% in 2015 and 22% in 2017

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60 Confers the United Nations (2019) : <https://news.un.org/fr/story/2019/03/1037672#:~:text=Les%20mutilations%20g%C3%A9nitaless%20f%C3%A9minines%20touchent,l'%C3%A2ge%20de%2015%20ans.>

61 Rapport de la BM (2020) : Tchad Les avantages économiques d’une société post COVID-19 soucieuse de l’égalité des genres (p. iii).

(UNESCO, cited by World Bank 2016, p. N/D)<sup>62</sup>. On the other hand, among young boys of the same age, the rate was 52% in 2015 and 41% in 2016 (UNESCO, quoted by the World Bank 2016, p. N/D)<sup>63</sup>.

This disparity is also observable in the schooling of young girls and boys at all levels. The following data from UNESCO (2019, p. N/D)<sup>64</sup> gives us more details.

**Table 1 - Gross and net enrollment in Pre-primary education, Chad, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	1.7	1.4	...	...	0.8	1.0	0.7	1.1	1.1	...
Female	1.6	1.4	...	...	0.8	0.9	0.7	1.1	1.1	...
Male	1.9	1.5	...	...	0.8	1.0	0.8	1.1	1.1	...
Net enrollment rate (%)										
Total	1.6	1.3	...	...	0.8	0.9	0.7	1.0	1.0	...
Female	1.5	1.2	...	...	0.8	0.8	0.7	1.0	1.0	...
Male	1.7	1.3	...	...	0.8	0.9	0.7	1.0	1.0	...

**Table 2 - Gross and net enrollment in Primary education, Chad, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	88.65	92.90	100.13	101.58	91.58	86.85	78.57	89.73	89.19	...
Female	75.73	79.80	86.32	87.31	79.45	75.47	67.69	78.50	78.04	...
Male	101.49	105.93	113.89	115.80	103.67	98.18	89.41	100.92	100.28	...
Net enrollment rate (%)										
Total	61.7	...	78.1	...	79.1	73.2	67.6	73.9	73.5	...
Female	53.5	...	67.4	...	69.1	64.1	58.4	65.0	64.7	...
Male	69.8	...	88.8	...	89.0	82.2	76.7	82.8	82.3	...

62 <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.FE.ZS?locations=TD>

63 <https://donnees.banquemondiale.org/indicateur/SE.ADT.1524.LT.MA.ZS?locations=TD>

64 <https://uis.unesco.org/fr/country/td>

**Table 3 - Gross and net enrollment in Secondary education, Chad, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	23.07	22.32	24.68	23.04	22.42	22.56	20.68	20.21	20.56	...
Female	14.01	13.97	15.50	14.28	13.86	14.16	13.93	13.89	14.28	...
Male	32.03	30.59	33.76	31.72	30.90	30.89	27.39	26.50	26.81	...
Net enrollment rate (%)										
Total	...	...	...	...	18.4	18.9	17.6	17.8	17.6	...
Female	...	...	...	...	12.0	12.3	12.2	12.3	12.5	...
Male	...	...	...	...	24.9	25.4	23.0	23.1	22.6	...

**Table 4 - Gross enrollment in Higher education, Chad, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	2.2	...	...	3.4	3.3	...	...	...	...	...
Female	0.9	...	...	1.1	1.5	...	...	...	...	...
Male	3.6	...	...	5.7	5.0	...	...	...	...	...

### **Health system**

According to article 3 of law 006/PR/02 on the Promotion of Reproductive Health “all individuals are equal in rights and dignity in matters of reproductive health without discrimination, none based on age, sex, wealth, religion. Ethnicity, marital status or any other situation”<sup>65</sup>. Article 13 defines reproductive health care and services as “...all family planning services; services related to prenatal care, safe delivery and postnatal care, including breastfeeding, neonatal care”. There is also law 019/PR/2007 on the fight against HIV/AIDS.

We note that in 2017, Chad is the 2nd country with the highest maternal mortality rate: 1,140 deaths/100,000 live births)<sup>66</sup>. Among children, from 2011 to

65 Tchad (2002) : [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---ilo\\_aids/documents/legaldocument/wcms\\_140821.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_140821.pdf)

66 Confers Index Mundi (2017) <https://www.indexmundi.com/g/r.aspx?v=2223&l=fr>

2020, we recorded:

Table 5 - Mortality rate of children under-5 (per 1000 live births) by sex, Chad, 2011 to 2020

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Boys	151	147	143	140	136	132	128	124	120	117
Girls	136	132	128	125	121	118	114	110	107	103

Source: World Bank data - <https://data.worldbank.org/indicator/SH.DYN.MORT.FE?locations=TD>

### *Economic context*

Article 35 of the constitution declares that “the State recognizes the right to work for all citizens. It guarantees the worker fair compensation for his services or production. No one may be harmed in their work because of their origins, opinions, beliefs, sex or marital status”. This article implies equal pay.

### *Work and employment support*

In addition to Article 35, Article 246 of the Labor Code of 1996 (Law No. 38/PR/96 of December 11, 1996 on the Labor Code) makes work a right for all. Data from the World Bank (2020) gives more details on the employment of men and women by sector of activity.

**Table 6 - Characteristics of workers in formal employment, by gender, Chad**

Variable	Men	Women	Gap
Total annual salary in thousands of CFA francs	1274.30	1046.94	227352**
Hourly wage in thousands of CFA francs	1319	1680	-362*
Number of hours worked annually	1653.21	1387.42	265.8***
Rural areas	57%	65%	-0.080**
Age in number of years	36.274	35.997	0.277
Marital status			
Single (never married)	16%	17%	-1%
Married (monogamous union)	69%	44%	25.1%***
Married (polygamous union)	12%	6%	6.8%***
Cohabiting/widowed/divorced/separated	3%	34%	-31%***
Able to read and write	74%	69%	5%
No formal education	46%	42%	4%
Primary education	12%	6%	6.6%***
Secondary education	7%	10%	-3.3%*
Higher education	19%	21%	-2%
Sector			
Agriculture	22%	15%	7%**
Livestock/Fishing	3%	0%	2.7%**
Mining industry	1%	0%	1%
Other industry	5%	5%	-1%
Construction	8%	1%	7.3%***
Trade	6%	4%	2%
Restaurant/Hotel	2%	4%	-1.7%*
Transportation and Communication	8%	2%	5.5%***
Education/Health	17%	33%	-15.8%***
Services to individuals	6%	14%	-7.8%***
Other services	24%	23%	2%

Values shown for t tests are differences in means between groups. \*\*\*, \*\*, and \* indicate significance at the 1%, 5%, and 10% critical levels.

Source: World Bank, 2020

In addition, women are 9% less likely to confirm that they are in formal employment than men (p. 20)<sup>67</sup>, showing the disparity between Chadian men and women.

### *Housing*

We do not have data for this variable.

### *Natural environment*

Articles 52 and 57 of the constitution require the protection of the environment. But the natural environment is often affected by certain plagues. Note that Chad experienced 10 natural disasters from 1969 to 2013.

The table below provides a summary (Republic of Chad, 2014)<sup>68</sup>.

Table 7 - Top 10 natural disasters, Chad, 1969 to 2013

Disaster	Date	People affected
Drought	December 2009	2 400 000
Drought	June 2012	1 600 000
Drought	November 1981	1 500 000
Drought	October 1969	900 000
Drought	January 2001	800 000
Flood	July-September 2012	466 423
Drought	1997	300 000
Drought	December 1993	300 000
Flood	19 August 2001	175 763
Flood	1 August 1999	173 506

These aggregated data do not make it possible to quantify the inherent reality of women and men.

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67 Banque Mondiale (2020, p. 21) : <https://documents1.worldbank.org/curated/en/289821634652153328/pdf/Chad-The-Economic-Benefits-of-a-Post-COVID-19-Gender-Equitable-Society.pdf>

68 République du Tchad (2014, p. 11) <https://www.cadri.net/system/files/2021-06/CHAD-Rapport-d-Evaluation-des-Capacites-en-RRR.pdf>

# Congo Republic

## 1. Constitutional provision

Gender equality is constitutionally guaranteed in Congo-Brazzaville. According to article 15 of the fundamental text, “All Congolese citizens are equal before the law and are entitled to the protection of the State. No one may be favored or disadvantaged by reason of his family or ethnic origin, his social condition, his political, religious, philosophical or other convictions. In addition, in its article 17, the fundamental law affirms that “Women have the same rights as men. The law guarantees parity and ensures the promotion as well as the representativeness of women in all political, elective and administrative functions”. Along the same lines, article 232 provides for the establishment of an “Advisory Council for Women responsible for issuing opinions on the status of women and making suggestions to the Government aimed at promoting the integration of women”. development, while article 233 specifies that an organic law determines the organization, composition and functioning of the Women’s Advisory Council.

Beyond the constitution, the Congo adheres to a number of international conventions, as shown by the ratification of the Protocol on the Rights of Women in Africa of the African Charter on Human and Peoples’ Rights in 2007<sup>69</sup>. In addition, the principle of equality between men and women was taken up by law no. 1-2016 of January 23, 2016 modifying and supplementing certain provisions of laws no. 9-2012 of May 23, 2012 and n°40-2014 of September 1, 2014 amending and supplementing certain provisions of the electoral law<sup>70</sup>. With regard to local elections, the new law provides in its article 67 that: “the presentation of candidatures for local elections must take into account the representation of women at the rate of at least 30% for each list of candidates, on the one hand, and the positioning of women, respecting the rigorous alternation in the upper third, in the communes on the other hand”. In this sense, the 2016 electoral law not only ensures the representation of women at 30% as in the 2014 law, but also guarantees the positioning of women on the electoral lists. As a result, it offers more chances for women to be elected. By way of illustration, in the Departmental and Municipal Councils, the percentage of women rose from 15.69% in 2014 to 22.02% in 2017. In the Senate, the percentage of women rose from 19.44% of the legislature from 2012-2017 to 20.83% to that from 2017 to 2022 and in the National Assembly, from the 13th to the 14th legislature, the percentage of women increased from 8.75% to 11.25%<sup>71</sup>.

Another important provision for the achievement of gender equality in Congo Brazzaville concerns the development and validation of the new National Gender Policy in 2016 accompanied by an action plan for its implementation 2017-2021 with related programs, namely: the National Program for the Promotion of

69 On the other hand, Congo has not ratified the Protocol on the elimination of all forms of discrimination against women (CEDAW); [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=48&Lang=FR](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=48&Lang=FR)

70 République du Congo. (2019). Rapport national d’évaluation de la déclaration et du programme d’action de Beijing + 25, République du Congo ; [https://archive.uneca.org/sites/default/files/uploaded-documents/Beijing25/congo-beijing25\\_report.pdf](https://archive.uneca.org/sites/default/files/uploaded-documents/Beijing25/congo-beijing25_report.pdf)

71 République du Congo (2019).

Female Leadership in Politics and Public Life in the Republic of Congo (2017-2021), the Action Plan for Improving the Protection of the Rights of Women Living with HIV (2017-2021), etc.

## 2. Institutions involved in implementation

At the institutional level, Congo Brazza has the Ministry for the Advancement of Women and the Integration of Women in Development. Created as a ministry in its own right in 2005, its main missions are: to ensure government policy on the advancement of women and the integration of women in development; provide support for the financing of activities relating to the advancement of women; to ensure the collection, publication and dissemination of all gender-disaggregated statistics; to promote, coordinate and enhance activities related to the advancement of women and the integration of women in development; to ensure that the gender component is taken into account in the programs of other ministerial departments; and popularize conventions, treaties and agreements on women's rights<sup>72</sup>. Finally, Congo Brazzaville has also adopted the National Development Program (PND) 2012-2016. Gender parity appears as one of the objectives of the development program. To achieve this, a review of the legal framework, the establishment of "empowerment and inclusion strategies" and the strengthening of gender policies are mentioned. Thus, gender is considered in the analysis of the challenges to be met and the persistent disparities in the country. It should also be noted that the Congo has ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1982 and the Protocol on the Rights of Women in Africa of the African Charter on Human Rights and Peoples in 2007.

## 3. Impact of legal provisions on the determinants of health

Despite these advances, there are many gaps in these regulatory and institutional arrangements. There is, for example, no specific legislation prohibiting domestic violence. In 2012, a Committee on the Elimination of Discrimination against Women concluded that it was concerned about the absence of legal provisions prohibiting and criminalizing sexual harassment, marital rape and female genital mutilation as well as the lack of appropriate penalties for domestic violence<sup>73</sup>. According to the 2020 Human Development Report, Congo has a GII value of 0.617, ranking it 150 out of 162 countries in the 2019 index. In Congo, 12% of parliamentary seats are held by women<sup>74</sup>.

### *Sociocultural context*

The constitution provides for assisting Congolese couples for the well-being of the family. Indeed, article 37 affirms that "the State has the obligation to assist the family in its mission of guardian of morals and values compatible with the

72 See: [https://www.ceredgl.org/autre\\_textes/texte\\_brazza/politique\\_nationale\\_genre\\_brazza.pdf](https://www.ceredgl.org/autre_textes/texte_brazza/politique_nationale_genre_brazza.pdf)

73 <https://reliefweb.int/report/democratic-republic-congo/le-comit%C3%A9-pour-l%C3%A9limination-de-la-discrimination-%C3%A0-l%C3%A9gard-des-0>

74 UNDP. (2020). Human Development Report 2020 (for Congo Brazzaville); [http://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/COD.pdf](http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/COD.pdf)



republican order”. The same constitutional article ensures that the “rights of the mother and the child are guaranteed” and in article 38 to specify that the “parents have, with regard to their children born in wedlock or outside wedlock, the same obligations and the same duties. However, it should be noted that almost a very significant number of households are headed by a woman, namely almost a quarter in 2012, according to a study by the World Bank<sup>75</sup>.

The Congolese Family Code<sup>76</sup> guarantees women the right to open a bank account (article 76) and establishes that “spouses contribute to family expenses in proportion to their respective abilities”. However, article 175 makes a reservation: «each spouse may exercise the profession of his choice unless the other spouse asks the People’s Court of Village-Centre or district to prohibit him in the interest of the family. exercise of this profession”.

### *Education*

In its article 29, the constitution obliges the State to ensure the development of youth. As such, the constitution, through the same article, guarantees the right to education and equal access to education and training. Thus, the right to education, recognized for all people by article 26 of the Universal Declaration of Human Rights (UDHR), is guaranteed by the Congolese constitution.

Taking into account certain forms of discrimination suffered by young girls at school, the following actions have been taken: the development and implementation of the education sector strategy (2015-2025), which is an educational policy inclusive dealing comprehensively with the problems of the entire national education system; and the development, in partnership with UNICEF, of the national strategy for the education of girls, validated during a workshop held in Brazzaville from 19 to 23 December 2017. This targets specific issues of improving school coverage in favor of girls and tends to correct the disparities between girls and boys at all levels of the education system<sup>77</sup>.

In 2016, the French Development Agency found that at the primary level, the enrollment rate for girls (95.5%) is higher than that for boys (87.7%). Enrollment rates drop considerably, particularly for girls, at secondary (49.8% girls, 57.5% boys) and higher (8% girls and 12.7% boys) levels<sup>78</sup>. Early marriages and pregnancies, gender-based violence in schools, as well as the opportunity cost of educating girls for poor households, are some of the factors that explain the dropout of girls from secondary school. These differences in access to education are reflected in the literacy rate of adult women aged 15 and over (72.9%), which remains far below that of men (86.4%). The latest Human Development Report shows that in 2019, 36.7% of adult women reached at least secondary education compared to 65.8% for

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75 Agence française de développement (2016).

76 [https://www.droitcongolais.info/files/2.1.-Code-de-la-famille\\_Livre-III\\_De-la-famille.pdf](https://www.droitcongolais.info/files/2.1.-Code-de-la-famille_Livre-III_De-la-famille.pdf)

77 [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/COG/INT\\_CEDAW\\_STA\\_COG\\_32843\\_F.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/COG/INT_CEDAW_STA_COG_32843_F.pdf)

78 Agence française de développement (2016). « Profils Genre Congo Brazzaville » ; <https://plateforme-elsa.org/wp-content/uploads/2014/02/Profil-Genre-Congo.pdf>

Congolese men<sup>79</sup>.

### ***Health system***

Article 8 of the constitution recognizes that every citizen has the right to the full development of his person with respect for the rights of others, public order, morals and good customs. Despite this general principle, there is a crying lack in Congo-Brazzaville of provisions and mechanisms specific to the health system, especially in relation to gender issues.

In 2012, 92% of births were attended by qualified health personnel and 44% of married women or women in union used some contraceptive method<sup>80</sup>. On the other hand, while the maternal mortality rate has fallen by nearly 26.7% over the past 25 years, from 603 maternal deaths per 100,000 live births in 1990 to 442 in 2015, it remains high and far from the target. set in MDG 5A aiming at a reduction of at least 75% in maternal deaths<sup>81</sup>. We also note that in Congo, the fertility rate is high, the average number of children per woman being 4.9 and the rate of adolescent girls aged 15-19 who are pregnant or already mothers being 119.2 births per 1000 women<sup>82</sup>. For the year 2019, the 2020 Human Development Report<sup>83</sup> shows that for every 100,000 live births, 473.0 women die from pregnancy-related causes; and the teenage birth rate is 124.2 births per 1,000 women aged 15-19, showing a slight increase from 2014.

### ***Economic context***

Although not strictly related to the economic context, article 15 of the constitution declares that “All Congolese citizens are equal before the law and are entitled to the protection of the State. No one may be favored or disadvantaged because of his family or ethnic origin, his social condition, his political, religious, philosophical or other convictions”.

### ***Work and employment support***

The Congolese constitution does not provide specific provisions to support labor and employment. However, according to the World Bank (2013)<sup>84</sup>, the participation of women in the labor market (69.9% of the female population aged 15-64) is slightly lower than that of men (74% of the male population aged 15 to 64 years old). Globally, less than half of young women and men (aged 15-24) participate in the labor market (44.4% and 44.8% respectively), a figure that reflects high youth

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79 UNDP (2020).

80 See: Agence française de développement. (2016). « Profils Genre Congo Brazzaville » ; <https://plateforme-elsa.org/wp-content/uploads/2014/02/Profil-Genre-Congo.pdf> et Banque Mondiale (2012).

81 Banque Mondiale (2015).

82 Banque mondiale (2014).

83 UNDP (2020).

84 See: Agence française de développement (2016).

unemployment, equivalent for young men and young women<sup>85</sup>. The latest UNDP report on human development, the participation of women in the labor market is 60.7% against 66.3% for men.

### *Housing*

We do not have data for this variable.

### *Natural environment*

Although article 41 of the constitution affirms that every citizen has the right to a healthy, satisfying and sustainable environment, we did not find any provisions on the natural environment.

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## **Democratic Republic of Congo**

### **1. Constitutional provision**

The constitution of the DRC advocates the elimination of violence against women. According to article 14, “the public authorities ensure the elimination of all forms of discrimination against women and ensure the protection and promotion of their rights. They take, in all fields, particularly in the civil, political, economic, social and cultural fields, all appropriate measures to ensure the total development and full participation of women in the development of the nation. They take measures to combat all forms of violence against women in public and private life. Women have the right to fair representation in national, provincial and local institutions. The State guarantees the implementation of gender parity in the said institutions. The law establishes the methods of application of these rights”. It is in this perspective that “the current constitution introduces a major innovation by formalizing gender parity” (p.80)<sup>86</sup>.

In addition, the DRC ratified CEDAW in 1987. In 2009, “the DRC ratified the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women”<sup>87</sup>.

### **2. Institutions involved in implementation**

To implement the constitutional measures, public institutions have been put in place. Created in 2008, the Ministry of Gender, Family and Children aims to develop a “legal and institutional framework to ensure the participation of women in the development of the Nation and a significant representation within national, provincial and local and of the effective integration of women in the various public

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85 Agence française de développement (2016).

86 République Démocratique du Congo (2011), la constitution.

87 Agence française du développement (2016), profil genre de la RDC : <https://plateforme-elsa.org/wp-content/uploads/2014/02/Profil-Genre-RDC.pdf>

policies in the Democratic Republic of Congo”<sup>88</sup>. Well before the creation of this ministry, the DRC had set up a National Program for the Advancement of Congolese Women (PNPFC) in 1999. Associations and NGOs were actively involved in order to carry out actions for the advancement of women. There is also the establishment of 42 gender focal points in the ministries who are responsible for the implementation of activities that contribute to gender equality. In addition, the Parity Observatory defines indicators to ensure permanent monitoring of progress made in relation to parity in the DRC<sup>89</sup>.

### 3. Impact of legal provisions on the determinants of health

#### *Sociocultural context*

Apart from the ratification of CEDAW, the constitution invites public authorities to take “measures to combat all forms of violence against women in public and private life” (article 14).

In the DRC, sexual violence is very frequent and often observable in conflict zones. In 2020, only one in four victims has access to medical care and services and 5% of them have been able to benefit from psychosocial assistance according to United Nations data<sup>90</sup>.

#### *Education*

Article 13 of the constitution stipulates that in matters of education, no Congolese may be discriminated against. Article 43 states that “everyone has the right to school education. It is provided for by national education”. It is up to the public authorities to protect children against any interference with their education (article 42).

These measures lead the State to build an education system made up of policies for schooling and literacy training.

Regarding literacy, the rates recorded among men aged 15 and over are 88% in 2012 and 89% in 2016 (UNESCO, cited by La Manque Mondiale 2016, p. N/D)<sup>91</sup>. Among women (aged 15 and over) we have 63% in 2012 and 66% (UNESCO quoted by the World Bank 2016, p. N/D)<sup>92</sup>. The data concerning the schooling of young girls

88 AFD (2016, 3): <https://plateforme-elsa.org/wp-content/uploads/2014/02/Profil-Genre-RDC.pdf>

89 Idem.

90 <https://www.nationalgeographic.fr/histoire/en-republique-democratique-du-congo-la-double-peine-des-femmes-violettes#:~:text=En%20RDC%2C%20les%20violences%20sexuelles,une%20fatalit%C3%A9%20de%20la%20guerre.>

91 <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.MA.ZS?locations=CD>

92 UNESCO (2016) : <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.FE.ZS?locations=CD>

and boys at all levels comes from UNESCO (2018, p. N/D)<sup>93</sup>, and is recorded in the following tables:

**Table 1 - Gross and net enrollment in Pre-primary education, Democratic Republic of Congo, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	3.7	4.0	4.0	4.2	4.4	...	...	5.7	...	...
Female	3.8	4.1	4.1	4.3	4.6	...	...	5.8	...	...
Male	3.6	3.8	3.8	4.0	4.3	...	...	5.5	...	...
Net enrollment rate (%)										
Total	3.7	...	4.0	...	...	...	...	...	...	...
Female	3.8	...	4.1	...	...	...	...	...	...	...
Male	3.6	...	3.8	...	...	...	...	...	...	...

**Table 2 - Gross and net enrollment in Primary education, Democratic Republic of Congo, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	101.16	105.49	106.55	110.18	107.98	...	...	118.46	...	...
Female	94.12	98.85	101.28	104.90	107.58	...	...	114.68	...	...
Male	108.13	112.05	111.76	115.39	108.37	...	...	122.19	...	...
Net enrollment rate (%)										
Total	...	...	...	...	...	...	...	...	...	...
Female	...	...	...	...	...	...	...	...	...	...
Male	...	...	...	...	...	...	...	...	...	...

<sup>93</sup> UNESCO (2018) : <http://uis.unesco.org/fr/country/cd>

**Table 3 - Gross and net enrollment in Secondary education, Democratic Republic of Congo, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	43.32	43.23	42.91	45.50	46.17	...	...	...	...	...
Female	32.04	32.12	32.82	34.86	35.98	...	...	...	...	...
Male	54.51	54.25	52.92	56.06	56.26	...	...	...	...	...
Net enrollment rate (%)										
Total	...	...	...	...	...	...	...	...	...	...
Female	...	...	...	...	...	...	...	...	...	...
Male	...	...	...	...	...	...	...	...	...	...

**Table 4 - Gross enrollment in Higher education, Democratic Republic of Congo, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	8.1	8.3	6.9	...	...	6.6	...	...	...	...
Female	5.0	5.9	4.3	...	...	4.7	...	...	...	...
Male	11.2	10.6	9.5	...	...	8.5	...	...	...	...

### ***Health system***

Article 47 of the constitution says that the “right to health and food security is guaranteed”. The law establishes the fundamental principles and rules for the organization of public health and food safety. And it is up to the State to ensure the “health of populations” (article 53).

In 2004, the DRC authorized the development and implementation of “the national research policy on health systems in the Democratic Republic of Congo”. It aimed to promote “the state of health of the entire population, by providing quality, comprehensive, integrated and continuous health care with community participation in the global context of the fight against poverty”<sup>94</sup>. Also, in 2019, a

<sup>94</sup> Ministère de la Santé (2004, p. 2), la politique nationale de recherche sur les systèmes de sante en République Démocratique du Congo.

policy entitled “National policy on the strategic purchase of health care and services in the Democratic Republic of Congo” was developed and implemented. This policy is part of the guideline of the Ministry of Health which aims to “contribute to the improvement of the state of health of the entire Congolese population by organizing quality and equitable health services for the restoration of the health of people and the promotion of the highest possible health status in all communities”<sup>95</sup>. These policies would have contributed to the reduction of infant and maternal mortality rates.

Table 5 - Infant mortality rate (IMR) by sex and maternal death ratio, Democratic Republic of Congo, 2011 to 2020

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
IMR - boys (1000 live births) <sup>96</sup>	88	86	84	82	79	77	75	73	71	70
IMR - girls (1000 live births) <sup>97</sup>	74	72	70	68	66	65	63	61	59	58
Maternal death ratio (100 000 live births) <sup>98</sup>	532	524	514	500	490	481	473			

### *Economic context*

Article 36 of the constitution considers work as “a sacred right and duty for every Congolese”. The State guarantees the right to work, protection against unemployment and fair and satisfactory remuneration ensuring the worker and his family an existence worthy of human dignity, supplemented by all other means of social protection, in particular, retirement pension and life annuity. No one may be discriminated against because of their sex.

We did not find data related to equal pay.

95 Ministère de la Santé (2019, p. 8) : <https://s3-eu-west-1.amazonaws.com/front-office-resources/production/uploads/publication/attachment/736d1a58-88a2-4d5d-ae37-9621f2c97eaf/2d2f3c5e-f0cd-4e4a-8153-dfd3f0ee2a0e.pdf>

96 UNESCO (2020) : <https://donnees.banquemondiale.org/indicateur/SP.DYN.IMRT.MA.IN?locations=CD>

97 UNESCO (2020) : <https://donnees.banquemondiale.org/indicateur/SP.DYN.IMRT.FE.IN?locations=CD>

98 WHO (2017) : <https://donnees.banquemondiale.org/indicateur/SH.STA.MMRT?locations=CD>

### *Work and employment support*

Section 36 also applies here. Between 2013 and 2016, a National Decent Work Program was developed. The objective is «to contribute to the consolidation of peace and reconstruction by promoting decent work which integrates, for Congolese men and women, (self)-employment and social protection in a climate of broader social dialogue and compliance with national and international standards»<sup>99</sup>.

The table below shows the evolution of employment in the DRC.

Table 6 - Wage and salaried workers (% of employment) by sex, Democratic Republic of Congo, 2011 to 2019

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019
Male salaried workers	24,9%	26,3%	27,4%	28,6%	29,1%	29,1%	29,3%	30,2%	30%
Female salaried workers <sup>100</sup>	7,5%	8,2%	8,9%	9,8%	9,9%	9,8%	10,3%	11%	10,5%

This table shows the inequality between men and women in terms of access to employment.

### *Housing*

According to article 48, every citizen has “the right to decent housing. The law establishes the procedures for exercising these rights”.

We do not have data for this variable.

### *Natural environment*

The constitution recognizes that “everyone has the right to a healthy environment conducive to their full development. She has a duty to defend him. The State sees to the protection of the environment and the health of the populations” (article 53).

According to the flood reports of December 2015, 716 affected people were assessed, including 33 pregnant women 184 affected households in Mongala. In South Kivu, 3 people died, including two men and a woman<sup>101</sup>.

99 RDC (2013, p. 10) : Programme pays pour un travail décent (PPTD) 2013 – 2016; [https://www.ilo.org/wcmsp5/groups/public/@africa/@ro-abidjan/@ilo-kinshasa/documents/genericdocument/wcms\\_445888.pdf](https://www.ilo.org/wcmsp5/groups/public/@africa/@ro-abidjan/@ilo-kinshasa/documents/genericdocument/wcms_445888.pdf)

100 ILO (2019) : <https://donnees.banquemondiale.org/indicateur/SL.EMP.WORK.FE.ZS?locations=CD>

101 BAD et RDC (2016, p. IV), <https://www.afdb.org/fileadmin/uploads/afdb/Documents/>



# Equatorial Guinea

## 1. Constitutional provision

The constitution defends and protects gender equality in Equatorial Guinea. More specifically, the right to equality is anchored in articles 5, 13 and 15 of the constitution. To this end, article 13 stipulates that “...A woman, whatever her marital status, has the same rights and the same opportunities as men at all levels of public, private and family, political, economic life, social and cultural...”. In addition, Article 15 states that “Any act of bias or discrimination committed on tribal, sexual, religious, social, political, corruption or similar grounds is punishable by law”.

## 2. Institutions involved in implementation

For the implementation of texts aimed at gender equality, Equatorial Guinea has established several institutional and sectoral mechanisms, including institutional mechanisms on gender issues and sustainable development; the Rural Women’s Self-Employment Project (PRAMUR); the project to strengthen the overall framework for the advancement of women and gender issues; the Women’s Capacity Building Project in Equatorial Guinea (FOCAMGE); the national economic and social development plan, HORIZONTE 2020; the national education program for adult women, young people and adolescents; the national policy for the advancement of women, adopted by presidential decree 79/2002 which produced an operational action plan drawn up in 2004; the national committee for the integration of women in development; and the national multisectoral action plan for the advancement of women and equality between men and women 2005-2015, etc. This multisectoral national action plan for the promotion of the status of women and gender equality was the subject of an evaluation, in December 2016, in order to measure the progress made in terms of gender equity<sup>102</sup>. The evolution of one of the indicators examined, namely the improvement of the legal framework relating to the protection of equality between women and men, inspired a bill relating to gender-based violence, which the Senate was seized at its first ordinary session of 2018. The proposal was then forwarded to the executive for its consideration and to take all necessary measures for its adoption by Parliament and its promulgation.

## 3. Impact of legal provisions on the determinants of health

### *Sociocultural context*

In addition to the articles of the constitution, gender equality cited above, article 24 provides “The State shall protect responsible fatherhood and appropriate education for the promotion of the family”. And in accordance with the case law of the Supreme Court of Justice, the judicial practice of imprisoning a wife or a member of her family for dowry debt is no longer valid. Another important provision, the

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Boards-Documents/RDC\_Aide\_d\_urgence\_Amendement\_SRF\_vf.pdf

102 Réseau francophone pour l'égalité Femme-Homme et l'Organisation internationales de la francophonie. (2019). Pour l'Egalité Femme - Homme en Guinée Equatoriale ; <https://rf-efh.org/carte/fiche/gq.pdf>

law grants women the same rights as men to enter into marriage<sup>103</sup>, making forced marriage a null and void act<sup>104</sup>.

However, while national legislation does not discriminate against women, the traditional structure of society hampers measures taken to end customary stereotypes<sup>105</sup>.

### *Education*

In its article 23, the constitution guarantees education to everyone. Indeed, education is a primary duty of the State and every citizen has the right to primary education which is compulsory, free and guaranteed. However, many obstacles stand in the way of the small oil state in its efforts to achieve parity in the education sector and achieve gender equality. Indeed, school enrollment (57%) and literacy rates remain quite low in the country and a recent UNESCO study notes that 9% of girls were married before the age of 15 and 30% before the age of 18, which has a direct effect on their education, as they are then more likely to drop out of school. In fact, a diagnosis dating back to 1990 showed that the rate of schooling for girls decreased from the secondary cycle. This phenomenon is largely attributable to early pregnancy and marriage: 57% of Equatorial Guinean mothers are in fact between the ages of 13 and 17; as well as the obligations traditionally assigned to women, particularly in the agricultural sector where they represent 80.7%<sup>106</sup>.

To address this problem, the international institution encouraged the Equatoguinean State to take measures to eliminate early marriages and reduce the number of children who did not go to school<sup>107</sup>.

### *Health system*

Article 5 of the constitution enshrines equality between women and men in all areas of social and family life. Article 15 makes discrimination based on gender an offense and Article 13 paragraph 2 requires the public authorities to put in place legislative measures and mechanisms to promote the adequate representation of women in State institutions, as well as their participation in public offices and functions.

Equatorial Guinea has made progress in the health sector in relation to

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103 Code civil, art. 43-48.

104 Code civil, art. 101 ; voir aussi : <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/GQ.pdf>

105 Nations unies (2004). La lutte contre la discrimination à l'égard des femmes de Guinée Equatoriale Passe par l'élimination des stéréotypes traditionnels ; <https://www.un.org/press/fr/2004/FEM1289.doc.htm>

106 Nations unies (2004). La lutte contre la discrimination à l'égard des femmes de Guinée Equatoriale Passe par l'élimination des stéréotypes traditionnels ; <https://www.un.org/press/fr/2004/FEM1289.doc.htm>

107 Réseau francophone pour l'égalité Femme-Homme et l'Organisation internationales de la francophonie (2019).

gender issues. Indeed, Decree No. 41/2016 of 11 March 2016 relating to the action plan for the implementation of short and medium-term social measures established free maternal, neonatal and child health care, including caesarean delivery, as well as care for women in poor health, women with obstetric fistula and the elderly<sup>108</sup>. As a result, Equatorial Guinea is relatively well provided with health services relative to its size. It has 18 public hospitals (5 provincial hospitals, 2 regional hospitals), 42 public and private health centers and 161 health posts<sup>109</sup>.

As a result, the country reduced its maternal mortality rate by more than 75% between 1990 and 2013<sup>110</sup>. Likewise, thanks to the “health for all” programme, based on improving the delivery of health services since 2015, more than 60% of the population live within 5 km of a health centre. However, morbidity and mortality are still high, especially among girls and women, due to communicable diseases. For example, the HIV prevalence rate in the 15-49 age group is 6.2%, the highest in the region, and women bear the heaviest burden at 8.3% compared to 3.7% for men<sup>111</sup>.

### *Economic context*

Article 13 of the constitution provides that every citizen enjoys labor rights and freedoms.

### *Work and employment support*

As mentioned above, article 5 of the constitution enshrines equality between women and men in all areas of social and family life; article 15 makes discrimination based on gender an offence; and Article 13 paragraph 2 requires the public authorities to put in place legislative measures and mechanisms to promote the adequate representation of women in State institutions, as well as their participation in public offices and functions. Also, article 25 recognizes that “work is a right and a social duty. The State recognizes its constructive character for the improvement of well-being and the development of national wealth. The State promotes economic and social conditions to eradicate poverty, misery, and fairly ensure to the citizens of the Republic of Equatorial Guinea an occupation that allows them not to be overwhelmed”.

Paragraph 3 of article 1 of the 2012 law on the reform of the general organization of work guarantees equal opportunities and equal treatment in

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108 Réseau francophone pour l'égalité Femme-Homme et l'Organisation internationales de la francophonie (2019).

109 Réseau francophone pour l'égalité Femme-Homme et l'Organisation internationales de la francophonie (2019).

110 [https://www.afdb.org/fileadmin/uploads/afdb/Documents/Generic-Documents/country\\_notes/Guinee\\_equatoriale\\_note\\_pays.pdf](https://www.afdb.org/fileadmin/uploads/afdb/Documents/Generic-Documents/country_notes/Guinee_equatoriale_note_pays.pdf)

111 Kanga, M. (2013), Directeur de Département régional Centre (ORCE), REPUBLIQUE DE GUINEE EQUATORIALE DOCUMENT DE STRATEGIE-PAYS 2013-2017 (cité dans Réseau francophone pour l'égalité Femme-Homme et l'Organisation internationale de la francophonie, 2019, p 09).

matters of employment and occupation and provides that no one may be subject to discrimination and that, according to Article 15 of the Basic Law of 2012, any duly proven act of partiality or discrimination based on tribal or ethnic affiliation, gender, religion or social condition or committed for political motives or for any other similar reason was punishable<sup>112</sup>.

### *Housing*

We do not have data for this variable.

### *Natural environment*

We do not have data for this variable.

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## **Gabon**

### **1. Constitutional provision**

The Gabonese constitution<sup>113</sup> of 2011, slightly amended in 2018, recognizes equality between men and women. According to article 2 “the Gabonese Republic ensures the equality of all citizens before the law, without distinction of origin, race, sex, opinion or religion”. Gender equality is not just a right. It is also a duty, since article 20 declares that “the Nation proclaims the solidarity and equality of all before public charges”.

Gabon has also made a commitment to respect the recommendations of the Convention on the Elimination of Discrimination against Women (CEDAW), and has ratified the African Charter on the Rights of Women known as the Maputo Protocol.

### **2. Institutions involved in implementation**

From 2015 to 2025, the ministry in charge of the decade of women, equal opportunities and human investment (the main institution), developed a national policy aimed at empowering women. The objective is to “contribute to the significant improvement of the living conditions of Gabonese women and girls by 2025, by promoting their equitable access to the rights, resources and factors of production necessary for their full empowerment through policies and programs implemented within the framework of national development”<sup>114</sup>. This policy is in line with the National Strategy for Equality, Equity and Gender (SNEEG) developed in 2010. The administrative structures set up work for the application of constitutional

112 Compilation concernant la Guinée équatoriale, Rapport du Haut-Commissariat aux droits de l'homme, Conseil des droits de l'homme Groupe de travail sur l'Examen périodique universel Trente-troisième session 6-17 mai 2019, A/HRC/WG.6/33/GNQ/2.

113 Gabon (2011), la constitution gabonaise : <http://www.dgi.ga/object.getObject.do?id=1120>

114 Gabon (2015), trois domaines prioritaires, 10 défis pour autonomiser la femme gabonaise. [https://gabon.unfpa.org/sites/default/files/pub-pdf/Brochure%20Auto%20femme%20Gab%20-%20FINALISATION\\_0.pdf](https://gabon.unfpa.org/sites/default/files/pub-pdf/Brochure%20Auto%20femme%20Gab%20-%20FINALISATION_0.pdf)

and political provisions. These are the Ministry of the Family in charge of child protection and the advancement of women; the ministry in charge of the decade of women, equal opportunities and human investment and an observatory of women's rights and parity (ODEFPA) whose objectives are the defense of the rights of the woman, the family and the child<sup>115</sup>.

### 3. Impact of legal provisions on the determinants of health

#### *Sociocultural context*

Although Gabon has made a commitment to eliminate all violence against women, socio-cultural constraints still compromise the development of some women in Gabon. For example, according to 2012 surveys, 18% of children were married before the age of 18<sup>116</sup>. UNICEF data confirms this information: among women aged 15 to 24, 11.3% experienced marriage before the age of 15; 21.32 before age 18<sup>117</sup>.

#### *Education*

The first paragraph of article 16 of the constitution makes parents primarily responsible for the education of children. He declares that “the care to be given to children and their education constitute, for parents, a natural right and a duty which they exercise under the supervision and with the help of the State and of public authorities. Parents have the right, within the framework of compulsory schooling, to decide on the moral and religious education of their children. Children have the same rights vis-à-vis the State with regard to both assistance and their physical, intellectual and moral development. According to UNESCO, the literacy rate among women aged 15 and over is 80% in 2012 and 83% in 2018 (UNESCO, quoted by World Bank, p. N/D)<sup>118</sup>. Among men, it was 85% in 2012 and 86% in 2018 (UNESCO, quoted by the World Bank 2018, p. N/D)<sup>119</sup>.

The figures indicate that more men have access to the literacy program than women. This inequality is also perceptible at the level of schooling at all levels according to UNESCO data. At pre-primary level: the net enrollment rate is 35.9 for girls and 34.6 for boys. In 2019, Gabon recorded 43.7% as a gross rate for girls and 42.3% for boys. At the primary level: in 2011 the gross enrollment rate was 137.69% for girls and 142.15% for boys. At the university level, the gross rate is 23.4% and

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115 Gabon (2017), Rapport général sur la situation de la femme gabonaise, <https://gabon.unfpa.org/sites/default/files/pub-pdf/Rapport%20d%C3%A9cennie%20de%20la%20femme-version%20finale%201.pdf>

116 Gabon (2017), les mariages précoces et forcés au Gabon, [https://www.ofpra.gouv.fr/sites/default/files/atoms/files/29\\_gab\\_mariages\\_forces.pdf](https://www.ofpra.gouv.fr/sites/default/files/atoms/files/29_gab_mariages_forces.pdf)

117 UNICEF (2015), mariage d'enfants, grossesses précoces et formation de la famille en Afrique de l'Ouest et du Centre, schéma, tendances et facteurs de changement.

118 <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.FE.ZS?locations=GA>

119 UNESCO (2018) : <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.MA.ZS?locations=GA>

18.8% for boys (UNESCO 2019, p. N/D)<sup>120</sup>.

### **Health system**

Article 1 paragraph 8 of the Constitution declares that “the State, according to its possibilities, guarantees to all, in particular to the child, to the mother, to the handicapped, to old workers and to the elderly, the protection of health, social security, a preserved natural environment, rest and leisure”. Article 47 gives the State the possibility of determining the founding principles of health. These are the constitutional provisions that guide the Gabonese health system. Thus, Law No. 12/95 of January 14, 1995 sets the main guidelines for public health policies based on the protection of mothers and children; strengthening the prevention system and on “preventive medicine”<sup>121</sup>.

Reports on the infant and maternal mortality rate in Gabon:

**Table 1 - Infant mortality rate (IMR) by sex and maternal death ratio, Gabon, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
IMR - boys (1000 live births)	45	44	42	41	40	39	38	36	35	34
IMR - girls (1000 live births) <sup>122</sup>	34	36	33	33	32	30	30	29	28	27
Maternal death ratio (100 000 live births) <sup>123</sup>	304	292	277	267	261	256	252	...	...	...

### **Economic context**

According to article 1 para. 7 of the constitution, “every citizen has the duty to work and the right to obtain employment. No one may be harmed in their work because of their origins, sex, race, opinions”. This implies non-discrimination at work. And the labor code provides for equal pay in its article 9.

But, according to information from the Sylvia Bongo Ondimba Foundation entitled “Strategy for the promotion of women’s rights and the reduction of gender

120 UNESCO (2019) <https://uis.unesco.org/fr/country/ga>

121 Assemblée générale de la Francophonie (sd, p. 11), système de santé dans l’espace francophone. [http://apf.francophonie.org/IMG/pdf/6b.\\_ccd\\_2017-les\\_systemes\\_de\\_sante.pdf](http://apf.francophonie.org/IMG/pdf/6b._ccd_2017-les_systemes_de_sante.pdf)

122 OMS et al (2020) : <https://donnees.banquemondiale.org/indicateur/SP.DYN.IMRT.FE.IN?locations=GA>

123 OMS et al (2020) : <https://donnees.banquemondiale.org/indicateur/SH.STA.MMRT?locations=GA>

inequalities in Gabon”, 83% of women in Gabon are victims of economic violence<sup>124</sup>. This violence would reduce the economic development of Gabonese women.

### *Work and employment support*

As mentioned above, the right to work is recognized by the Gabonese constitution and the State must define the founding principles of the right to work. The Labor Code supplements the constitution and declares that “all workers are equal before the law and enjoy the same protection and the same guarantees. Any discrimination in terms of job offers, selection, recruitment, working conditions, remuneration, professional career management and dismissal based in particular on race, color, sex” (article 9)<sup>125</sup>. The rate of women and men in activity testifies to the effort of the government.

Table 2 - Wage and salaried workers (% of employment) by sex, Gabon, 2011 to 2019

Année	2011	2012	2013	2014	2015	2016	2017	2018	2019
Male salaried workers <sup>126</sup>	69,4%	69,8%	70,2%	70,6%	70,9%	70,9%	70,2%	69,2%	68,8%
Female salaried workers <sup>127</sup>	60%	61%	61,8%	62,6%	63,4%	63,4%	63,8%	63,6%	63,6%

### *Housing*

The constitution has not explicitly pronounced on equal access to housing in Gabon. However, we understand that discrimination is prohibited on all fronts.

Data from 2004<sup>128</sup> show gender inequalities in access to housing:

124 Nouvelle Gabon (2021) : Travail : le Gabon souhaite réduire les inégalités homme-femme et les discriminations et <https://www.lenouveaugabon.com/fr/gestion-publique/2602-16516-travail-le-gabon-souhaite-reduire-les-inegalites-homme-femme-et-les-discriminations>

125 Gabon (2021), code du travail (Loi n°022/2021 du 19 novembre 2021), <http://www.droit-afrique.com/uploads/Gabon-Code-2021-travail.pdf>

126 ILO (2019) : <https://donnees.banquemondiale.org/indicateur/SL.EMP.WORK.MA.ZS?locations=GA>

127 ILO (2019), <https://donnees.banquemondiale.org/indicateur/SL.EMP.WORK.FE.ZS?locations=GA>

128 Annuaire statistique du Gabon cité par Gabon (2015), Rapport National Habitat. [https://habitat3.org/wp-content/uploads/NATIONAL\\_REPORTS\\_GABON.pdf](https://habitat3.org/wp-content/uploads/NATIONAL_REPORTS_GABON.pdf)

Table 3 - Housing occupancy status by sex, Gabon, 2005

Occupancy status	Sex of the head of household		
	Male	Female	Total
Owner with deed	66.5	33.5	100.0
Owner without deed	67.9	32.1	100.0
Tenant	78.6	21.4	100.0
Free accomodation	77.3	22.7	100.0

Source: Annuaire Statistique du Gabon, 2004-2008

### *Natural environment*

Article 47 requires “the protection of nature and the environment”. We did not find any concrete data.

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## São Tomé and Príncipe

### 1. Constitutional provision

Made up of two islands located off the coast of Africa in the Gulf of Guinea, Sao Tome and Principe is one of the poorest African countries with half of its population living on less than two dollars a day. In this environment, the empowerment of women has long taken a back seat. Constitutionally, women in Sao Tome and Principe have equal rights in politics, education, business, and government positions. Through article 15 al. 1 and 2, the constitution assures that “All citizens are equal before the law, enjoy the same rights and are subject to the same duties, without distinction... of sex”<sup>129</sup>. More specifically, “women are equal to men in rights and duties”, with the guarantee of full participation in political, economic, social and cultural life.

In June 2003, Sao Tome and Principe gave its formal agreement to the convention on the elimination of all forms of discrimination against women (CEDAW). In February 2010, the small African archipelago signed the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol). Article 12 of the constitution recalls that the Democratic Republic of São Tomé and Príncipe proclaims its adherence to the Universal Declaration of Human Rights and to the principles and objectives of the African Union and the United Nations.

129 UNDP. (2020). Human Development Report 2020 (for Sao Tome and Principe); [http://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/STP.pdf](http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/STP.pdf)



## 2. Institutions involved in implementation

We do not have data for this variable.

## 3. Impact of legal provisions on the determinants of health

However, despite these provisions and the stated desire to eradicate gender discrimination, gender inequality is predominant throughout the country. Likewise, domestic violence and abuse against women is widespread. But since society is extremely traditional, women often do not speak out about the injustices committed against them. With only 14.5% of parliamentary seats held by women<sup>130</sup> (even if this value has changed in 2021 with 23.6% of seats<sup>131</sup>), it is not surprising that gender issues and especially the well-being of women be relegated to the background.

### *Sociocultural context*

The constitution guarantees gender equality in the home. According to article 26 al. 1, “Everyone has the right to found a family and to enter into marriage in full equality”. Furthermore, according to al. 3. From the same article, “the spouses have equal rights and duties with regard to civil and political responsibility as well as the maintenance and education of their children”. Furthermore, with a population of approximately 200,000 inhabitants, Sao Tome and Principe has a high adolescent fertility rate, with 93 births per 1,000 women aged 15 to 19 (compared, for example, to 68 in South Africa, or 61 in Sudan). This means that 86% of adolescent girls are at risk of or drop out of school, exacerbating existing gender inequalities<sup>132</sup>.

### *Education*

The constitution guarantees the right to learn and the freedom to teach<sup>133</sup>. In addition, article 55 al. 1, 3, and 4 states that “education, as a recognized right of all citizens, must aim at the total development of each person and their active participation in society. Therefore, the State must make basic education compulsory and free and gradually promote equal access to all other levels of education. Despite all these constitutional measures, only 31.5% of adult women have attained at least secondary education compared to 45.8% for men<sup>134</sup>.

### *Health system*

The right to health care is constitutionally guaranteed. According to article 50 al. 1, “Everyone has the right to health care and the duty to defend it”. Article 44, for its part, specifies that “the State guarantees to every citizen, through the social

130 UNDP. (2020). Human Development Report 2020 (for Sao Tome and Principe); [http://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/STP.pdf](http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/STP.pdf)

131 <https://data.unwomen.org/country/sao-tome-and-principe>

132 GPE. (2020). Keeping pregnant girls in school in Sao Tome and Principe; <https://www.globalpartnership.org/blog/keeping-pregnant-girls-school-sao-tome-and-principe>

133 Article 31 al. 1.

134 UNDP (2020).

security system, the right to protection in the event of illness, invalidity, old age, widowhood, orphan and in other cases provided for by law.

However, despite these constitutional provisions, the discrimination generated in terms of access to health care is still rampant. According to the Human Development Report 2020, São Tomé and Príncipe has a GII value of 0.537, ranking it 133 out of 162 countries in the 2019 index. Additionally, for every 100,000 live births, 130.0 women die from causes related to the pregnancy; and the teenage birth rate is 94.6 births per 1,000 women aged 15–19<sup>135</sup>.

### *Economic context*

Apart from the general constitutional principles on equality and equity, we do not find data on this variable for the country. However, we can remember article 43 which provides that “Every worker has the right: a) To remuneration for work, according to the quantity, nature and quality, when the principle of equal pay for work equality is observed in order to guarantee a dignified existence”.

### *Work and employment support*

The right to work is constitutionally guaranteed. Article 32 of the constitution specifies that “Everyone has the right to freely choose a profession or a type of work, except restrictions imposed by law because of the collective interest or inherent in the profession itself”, then the Article 42 emphasizes the right and the duty to work. Thus, “Everyone has the right to work; but, the obligation to work is inseparable from the right to work”. Furthermore, it is the responsibility of the State to ensure equal opportunities in the choice of profession or type of work and the conditions so that access is not blocked or limited on the basis of sex, access to any position, job or professional category. Article 43 provides that “Every worker has the right: (a) to remuneration for work, according to quantity, kind and quality, when the principle of equal pay for equal work is observed in such a way as to guarantee dignified existence”. Finally, article 59 recalls that “Every citizen has the right to access public office, under conditions of equality and freedom”. In this small archipelago, the participation of women in the labor market is 41.4% against 74.4 for men<sup>136</sup>.

### *Housing*

From its article 33 al. 1, the constitution guarantees every citizen the right to settle and establish themselves freely in any part of the national territory. Similarly, article 49 al. 1 specifies that everyone “has the right to housing and a humane living environment and the duty to defend it”. However, we did not find data to assess these constitutional measures, especially as they relate to gender issues and gender equality.

### *Natural environment*

We do not have data for this variable.

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135 UNDP (2020).

136 UNDP (2020).



# EASTERN AFRICA

## Comoros

### 1. Constitutional provision

According to article 2 of the constitution, which has been amended several times, “the Union of the Comoros recognizes the equality of all citizens before the law, without distinction of race, sex, religion, political conviction, and ensures the full enjoyment of fundamental freedoms for all citizens”<sup>1</sup>. This equality is recognized at the politico-administrative level. Article 34 emphasizes to this effect that “all citizens have the right to access the administration of the public service under conditions of equality, in accordance with the provisions provided for by law”. This system is strengthened in terms of freedom to political and public functions. Thus, article 33 stipulates that “all citizens have the right of access, under conditions of equality and freedom, to public functions and elective offices, under the conditions established by law”. To implement these constitutional measures, the State put in place a national gender equity and equality policy in 2007.

### 2. Institutions involved in implementation

The main objective of the national gender equity and equality policy was to promote the participation of women in positions of responsibility in several areas, particularly in agriculture, commerce, tourism and especially with regard to the employment of women. Several political and administrative structures support the promotion of gender equality. These include the ministry in the service of women (created in 1991); the High Commission for the Status of Women, the Ministry of Social Affairs and the Status of Women. Public institutions responsible for gender issues have evolved. From 1999 to 2006, there was the “General Directorate of Social Affairs and the Status of Women, attached to the Ministry of Health as well as the Delegation of Human Rights, attached to the Vice-Presidency in charge of Justice”. And from 2006, “a National Directorate for the Promotion of Gender was created”<sup>2</sup>. It

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1 L'Union des Comores (2018), la constitution; <https://alwatwan.net/politique/lint%C3%A9gralit%C3%A9-du-projet-de-r%C3%A9vision-de-la-constitution-de-lunion-des-comores.html>

2 Union des Comores (2007, p. 32) : Politique nationale d'équité et d'égalité de genre. <http://www.comores-droit.com/wp-content/dossier/politique/PNEEG%20version%20finale%20.pdf>

should be emphasized that the main vision “is to develop national gender policies” (p. 33).

In 2014, the country experienced new provisions which are the results of the efforts of the government and civil society organizations. This is setting up:

- A Directorate General for Women's Entrepreneurship;
- The creation of NGOs and Associations (Indian Ocean Women's Entrepreneurship, Women in Development Network);
- From the National Platform of Women in Politics, Women on the Move
- From the National Network of Women Politicians,
- From the National Network of Gender Advocates<sup>3</sup>.

### 3. Impact of legal provisions on the determinants of health

#### *Sociocultural context*

According to article 30 of the constitution, “the State guarantees the rights of women, children, young people and people living with a disability, to be protected by the public authorities against any form of abandonment, of exploitation and violence”.

The country made commitments at the Beijing conference in 1995 in order to take all the measures allowing “the integration of women in development”<sup>4</sup>. There is also the law of June 3, 2005 on the Family Code which requires that the age of marriage be 18 years old (article 8)<sup>5</sup>. However, 10% of children marry at age 15 and 32% at age 18<sup>6</sup>.

#### *Education*

In terms of education, article 29 of the constitution, in accordance with the provisions of which “the State guarantees to all citizens the right to instruction, education, teaching and culture”, makes the State the main actor and guarantor having to work to ensure the education of the citizens. Thus, the education system is one of the key sectors where the State is stepping up its actions.

The literacy rate among women aged 15 and over is estimated at 43% in

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3 Goulam (2014, p. 7), HIFADHU de lutte contre les violences faites aux femmes et aux enfants - soumission conjointe EPU - Comores - Janvier 2014. file:///Users/kossiadanjesso/Downloads/JS1\_UPR18\_COM\_F\_Main.pdf

4 Union des Comores (2007, p. 60.)

5 Comores (2005) Act No. 05-008 (3 June 2005)

6 Comores (2018). <https://www.fillespasepouses.org/apprentissage-ressources/atlas-du-mariage-des-enfants/r%C3%A9gions-et-pays/comores/>

2012 and 53% in 2018 (UNESCO, quoted by the World Bank 2018, p. N/D)<sup>7</sup>. Among men (aged 15 and over) it was 56% in 2012 and 65% in 2018 (UNESCO, quoted by the World Bank 2018, p. N/D)<sup>8</sup>. It can therefore be seen that men are more literate than women. It would be interesting to know the type of literacy training received: is it initial literacy (reading, writing, understanding and speaking), awareness-raising (becoming aware of their health) or professionalising (allowing professional integration)? This makes it possible to know whether the literacy training received would enable the beneficiaries to be primarily responsible for their own health.

Regarding schooling, statistical data from UNESCO (2018, p. N/D)<sup>9</sup> makes it possible to compare gender equality in education from pre-primary to university level. They are presented as through the following tables:

Table 1 - Gross and net enrollment in Pre-primary education, Union of the Comoros, 2011 to 2020

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	...	...	23.5	20.9	...	...	20.4	21.8	...	...
Female	...	...	24.1	21.6	...	...	20.8	22.2	...	...
Male	...	...	22.9	20.2	...	...	20.1	21.5	...	...
Net enrollment rate (%)										
Total	...	...	...	13.9	...	...	17.9	21.5	...	...
Female	...	...	...	14.4	...	...	18.2	21.9	...	...
Male	...	...	...	13.5	...	...	17.5	21.1	...	...

7 UNESCO (2018), <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.FE.ZS?locations=KM>

8 UNESCO (2018), <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.MA.ZS?locations=KM>

9 <https://uis.unesco.org/fr/country/km>

**Table 2 - Gross and net enrollment in Primary education, Union of the Comoros, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	108.02	...	107.03	104.97	...	...	99.45	99.51	...	...
Female	98.88	...	103.78	101.20	...	...	97.24	99.42	...	...
Male	116.86	...	110.17	108.62	...	...	101.58	99.59	...	...
Net enrollment rate (%)										
Total	...	...	84.6	80.9	...	...	79.8	80.8	...	...
Female	...	...	82.2	79.2	...	...	78.9	80.7	...	...
Male	...	...	86.9	82.4	...	...	80.7	80.8	...	...

**Table 3 - Gross and net enrollment in Secondary education, Union of the Comoros, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	...	...	59.98	61.09	...	...	55.51	59.47	...	...
Female	...	...	61.11	63.14	...	...	57.21	61.41	...	...
Male	...	...	58.89	59.10	...	...	53.87	57.59	...	...
Net enrollment rate (%)										
Total	...	...	44.4	44.8	...	...	43.0	50.4	...	...
Female	...	...	46.0	46.6	...	...	44.8	51.7	...	...
Male	...	...	42.9	43.0	...	...	41.2	49.1	...	...

Table 4 - Gross enrollment in Higher education, Union of the Comoros, 2011 to 2020

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	8.0	8.7	8.8	9.0	...	...	...	...	...	...
Female	7.0	8.1	8.1	8.0	...	...	...	...	...	...
Male	9.0	9.3	9.4	9.9	...	...	...	...	...	...

### *Health system*

According to article 42 of the constitution, “all citizens have the right to health. In particular, it is the responsibility of the State: to ensure a generalized and hierarchical national health service, to encourage and support the participation of the community at the various levels of the health services as well as public and private initiatives in the field of health.

In 2015, the Comorian State implemented a national health policy<sup>10</sup>. It runs until 2024 and has the general objective of “improving the state of health of the Comorian population through an efficient and equitable health system”. The first strategic objective is to “ensure universal access to comprehensive health and nutrition services and care” (p. 24). The question is whether this policy has contributed to the reduction of infant and maternal mortality rates.

10 Comores (2015, p. 23), politique nationale de santé, [http://www.africanchildforum.org/cfr/policy%20per%20country/2018%20Update/Comoros/comoros\\_healthpolicy\\_\\_2015-2024\\_fr.pdf](http://www.africanchildforum.org/cfr/policy%20per%20country/2018%20Update/Comoros/comoros_healthpolicy__2015-2024_fr.pdf)

**Table 5 - Infant mortality rate (IMR) by sex and maternal death ratio, Union of the Comoros, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
IMR - boys (1000 live births) <sup>11</sup>	66	64	62	61	59	58	56	55	53	52
IMR - boys (1000 live births) <sup>12</sup>	53	53	52	51	49	48	46	45	44	43
Maternal death ratio (100 000 live births) <sup>13</sup>	326	313	302	293	285	279	273	...	...	...

### ***Economic context***

Equal pay is a constitutional right. To this end, article 38 declares that “all citizens have the right to job security and to receive remuneration commensurate with the quantity and quality of the work performed. Men and women receive the same pay for equal work”.

We did not find any data related to equal or unequal pay between men and women.

### ***Work and employment support***

Even if article 38 recognizes the right to work for all, article 17 considers that “the law may provide for restrictions on the exercise of political rights and accession to certain public functions or jobs for Comorian citizens of ‘foreign origin’”. The table below provides an overview of the evolution of the employment rate for men and women.

11 UNICEF (2020) <https://donnees.banquemondiale.org/indicateur/SP.DYN.IMRT.MA.IN?locations=KM>

12 Idem : <https://donnees.banquemondiale.org/indicateur/SP.DYN.IMRT.FE.IN?locations=KM>

13 OMS (2017), <https://donnees.banquemondiale.org/indicateur/SH.STA.MMRT?locations=KM>



Table 6 - Wage and salaried workers (% of employment) by sex, Union of the Comoros, 2011 to 2019

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019
Male salaried workers <sup>14</sup>	46,6%	47,4%	48,3%	49%	49%	49%	49,1%	48,9%	48,9%
Female salaried workers <sup>15</sup>	25,9%	27,3%	28,9%	30,2%	30,3%	30,6%	30,9%	31%	31,2%

### *Housing*

We do not have data for this variable.

### *Natural environment*

One of the requirements of article 8 of the constitution is “to protect the landscape, nature, natural resources and the environment, as well as the historical, cultural and artistic heritage of the Nation”. Article 43 reinforces this provision by stating that “all citizens have the right to a healthy and ecologically balanced environment, as well as the duty to protect and conserve it. The State and communities must adopt policies for the defense and protection of the environment with the collaboration of environmental defense associations, and ensure the rational use of all natural resources”.

We did not find any additional data.

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## **Djibouti**

### **1. Constitutional provision**

The Djiboutian constitution guarantees equality to all citizens. We read from article 1 of the fundamental law that the State “ensures equality for all before the law without distinction of language, origin, race, sex or religion”. Inspired by Islamic law (Shari’a), this fundamental text does not give more details on almost any of the variables considered. Also, if the constitution of the Republic of Djibouti also recognizes the principle of equality between women and men in its article 7 stipulating that “all humans are equal before the law and are entitled without distinction to equal protection of the law”; several provisions that discriminate against women still exist and customary law, essentially based on the Shari’a, continues to be applied in many regions, particularly with regard to inheritance,

14 ILO (2019), <https://donnees.banquemondiale.org/indicateur/SL.EMP.WORK.MA.ZS?locations=KM>

15 Idem : <https://donnees.banquemondiale.org/indicateur/SL.EMP.WORK.FE.ZS?locations=KM>

divorce and freedom of movement. For example, according to customary law, women are not allowed to leave the country without permission from an adult male relative.

Nevertheless, the country has made some progress on gender issues. For example, Djibouti ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1998 without reservation. But long before that, in 1992, the country ratified the African Charter on the Rights and Welfare of the Child. Similarly, in 2005, Djibouti extended its list of ratifications by acceding to the Protocol to the Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol).

## 2. Institutions involved in implementation

At the institutional level, the efforts of the government have led to the creation since 1999 of a ministry in charge of the promotion of women, family well-being and social affairs<sup>16</sup>. With regard to laws and policies for the empowerment of women, Djibouti has made considerable progress in recent years, both in the creation of specific laws and the inclusion of gender issues in more general laws. The most significant advance in legislation is the law of June 30, 2002 on the Family Code<sup>17</sup>, which fills a legal void and guarantees women and children, especially girls, the assurance of certain rights. For example, it sets the minimum age for marriage at 18, thus prohibiting the marriage of minors.

## 3. Impact of legal provisions on the determinants of health

### *Sociocultural context*

The constitution is entirely silent on this variable. On the other hand, through its article 7, the Family Code of 2002 encourages mutual respect, but requires the obedience of wives to their husbands. Thus, spouses owe each other respect, fidelity, help and assistance. The husband must bear the expenses of the marriage and provide for the needs of the wife and their children. The woman can voluntarily contribute to household expenses if she has the means. The wife must respect the prerogatives of the husband as head of the family and must obey him in the interest of the family. Through articles 13 and 14 of the family code, polygamy is authorized, subject to economic guarantees for the first wife. The husband must observe justice and equal treatment of his wives, and a wife can go to court to assess the damages caused by a new marriage. However, under article 39 paragraph 2, the husband can request a divorce without having to provide justification. On the other hand, the wife must provide proof of the damages suffered as a ground for divorce.

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16 <https://evaw-global-database.unwomen.org/en/countries/africa/djibouti/2008/ministere-de-la-promotion-de-la-femme-du-bien-etre-familial-et-des-affaires-sociales>

17 <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/75293/78258/F145881385/DJI-75293.pdf>

## *Education*

In Djibouti, 60.5% of women are illiterate<sup>18</sup> despite government efforts such as free schooling and the implementation of measures guaranteeing free meals, the distribution of school materials, etc. In 2013, at the primary level, net enrollment rates were 54.4% for girls and 61.2% for boys<sup>19</sup>. While the girl-boy enrollment ratio at primary and secondary levels (combined) was 86% in 2011, the literacy rate among young women (15-24 years) is only 48%<sup>20</sup>. Moreover, according to the World Bank (2011), the female-to-male enrollment ratios (91% in primary, 80% in secondary and 68% in higher education) show an increase in gender gaps with the years of study.

## *Health system*

We do not find a provision on this crucial variable with regard to gender equality and the well-being of mother and children. The available data show that the fertility rate is 3.5 children per woman on average<sup>21</sup>, a high figure which can be partly explained by a very low contraceptive prevalence rate: less than a quarter of women use a method of contraception in 2008 according to the World Bank (2008). The maternal mortality rate is high (230 deaths per 100,000 live births); a figure twice as high as the regional average (78/100,000)<sup>22</sup>. On the other hand, as far as young girls are concerned, the teenage pregnancy rate is low (18.6 pregnancies per 1000 women aged 15 to 19) and two times lower than the regional average (37/1000)<sup>23</sup>.

The HIV/AIDS prevalence rate is 1.2% for the population aged 15 to 49. Women and girls are much more affected by this virus than men and boys. In 2013, the World Bank estimated that women represented 59% of the population (aged over 15) living with HIV. In the 15-24 age group, it is estimated that 1.9% of young girls are carriers, compared to 0.8% of boys according to UNICEF in 2011.

## *Economic context*

The constitution also remains a crumb on this issue. Nevertheless, and as seen above, Article 137 of the Labor Code and Law No. 133 of 2006 guarantee the right to equal pay without any discrimination. However, according to USAID (2020)<sup>24</sup>, only 19% of women are employed compared to 81% of men, thus increasing the number of Djiboutian women who suffer from the effects of poverty<sup>25</sup>.

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18 USAID (2020).

19 Agence française de développement. (2014). Les « Profils Genre » pour Djibouti ; <https://www.afd.fr/fr/ressources/profil-genre-afrique>

20 UNICEF (2011).

21 Banque Mondiale (2012).

22 Banque Mondiale (2013).

23 Banque Mondiale (2012).

24 USAID. (2020). GENDER EQUALITY AND WOMEN'S EMPOWERMENT; <https://www.usaid.gov/djibouti/our-work/gender-equality-and-womens-empowerment>

25 USAID (2020).

## *Work and employment support*

As we just pointed out, the constitution states that all people are equal before the law regardless of gender, among others. Nevertheless, large gaps exist between men and women, which is particularly evident within the workforce. Only 19% of women are employed, compared to 81% of men<sup>26</sup>. According to the Labor Code and the Penal Code, everyone is protected against discrimination when looking for a job. It is illegal for employers to consider one's gender when hiring and is punishable by imprisonment and fines. In addition, employers are required to pay men and women equally for equal work. Article 137 of the Labor Code, Law No. 133 of 2006, guarantees the right to equal remuneration without any discrimination. Similarly, Article 114 of the Labor Code provides that it is illegal to dismiss a woman because of her pregnancy. Article 113 of the Labor Code provides that women are entitled to 14 weeks of maternity leave on full pay, half paid by the government and half by the employer. Despite these legal protections, work restrictions still exist for women. For example, article 112 of the Labor Code provides that women cannot perform work recognized as being beyond their strength and that female workers must be assigned suitable work for a person of their strength. This frequently excludes women from jobs that include any manual labor<sup>27</sup>.

Only 36% of women are part of the active population (which constitutes a lower activity rate than the regional average) while this is the case for 67.3% of men<sup>28</sup>. Similarly, according to UNICEF (2011), women more often than men have unstable and vulnerable jobs; and they are particularly present in the informal sector. Finally, data from the EDAM-IS (2002) show that unemployment affects women (68.8%) much more than men (54.6%). In addition, households headed by a woman have an unemployment rate of 68.6% (INDS).

## *Housing*

Article 14 of the constitution provides that “All citizens of the Republic have the right to move and settle freely throughout the entire extent of the Republic” without giving specifications with regard to questions on the gender equality.

## *Natural environment*

We do not have data for this variable.

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26 Djibouti Gender Justice & The Law. (2018); [https://archive.unescwa.org/sites/www.unescwa.org/files/events/files/djibouti-adjusted\\_0.pdf](https://archive.unescwa.org/sites/www.unescwa.org/files/events/files/djibouti-adjusted_0.pdf)

27 Djibouti Gender Justice & The Law (2018).

28 Banque Mondiale (2012).

# Eritrea

## 1. Constitutional provision

Adopted in 1997, the constitution of Eritrea gives an important place to the question of equality between men and women. Article 5 gives the signal in these terms: “without consideration to the wording of any provision in this Constitution with reference to gender, all of its articles shall apply equally to both genders”<sup>29</sup>. Article 14 (paragraph 2) prohibits any form of discrimination, in particular based on sex. Similarly, the Civil Code of Eritrea 2015 advocates non-discrimination based on sex (Article 7, paragraph 2) and Article 2780 requires gender mainstreaming in institutional arrangements<sup>30</sup>. All colonial laws that discriminated against women were repealed and amended to establish the principle of gender equality by the government of Eritrea after independence<sup>31</sup>.

## 2. Institutions involved in implementation

To ensure the implementation of these provisions, the National Union of Eritrean Women has been established. Its creation was “aimed at empowering Eritrean women and encouraging their participation in the struggle”. Today, this Union has “become an autonomous grassroots women’s organization with the mission to work as a women’s institution to promote gender equality”<sup>32</sup>. Always with the aim of implementing the above-mentioned provisions, we are witnessing the creation of gender focal points in most ministries and other public bodies<sup>33</sup>; and 74 gender committees have been created in middle and secondary schools<sup>34</sup>.

The following proclamations also guarantee gender equality<sup>35</sup>:

- Citizenship Proclamation No. 21/1992;
- Land Tenure Proclamation No. 58/1994;
- Labor Proclamation No. 118/2001;
- Law No. 82/1995 on national service;

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29 See: The constitution of Eritrea : [https://www.constituteproject.org/constitution/Eritrea\\_1997.pdf?lang=en](https://www.constituteproject.org/constitution/Eritrea_1997.pdf?lang=en)

30 See: Civil Code of the State of Eritrea : <http://rodra.co.za/images/countries/eritrea/legislation/Eritrea-CivilCode2015.pdf>

31 <https://tinyurl.com/mryh6tbs>

32 See: Rapport national initial de l'érythrée (1999-2016, p. 95) [https://www.achpr.org/public/Document/file/French/achpr\\_eritrea\\_initial\\_report\\_1999\\_2016\\_fre.pdf](https://www.achpr.org/public/Document/file/French/achpr_eritrea_initial_report_1999_2016_fre.pdf)

33 See: Rapport national initial de l'érythrée (1999-2016) [https://www.achpr.org/public/Document/file/French/achpr\\_eritrea\\_initial\\_report\\_1999\\_2016\\_fre.pdf](https://www.achpr.org/public/Document/file/French/achpr_eritrea_initial_report_1999_2016_fre.pdf)

34 Idem, p. 93

35 [https://www.upr-info.org/sites/default/files/document/eritrea/session\\_32\\_-\\_january\\_2019/f.pdf](https://www.upr-info.org/sites/default/files/document/eritrea/session_32_-_january_2019/f.pdf)

- Proclamation No. 58/2007.

In addition to these provisions, there is a percentage granted to women in socio-political functions: «Under paragraph 2 of article 10 of Proclamation No. 86/1996, women are entitled to 30% of the seats in the assemblies, at all levels and in public life<sup>36</sup>.

### 3. Impact of legal provisions on the determinants of health

#### *Sociocultural context*

The socio-cultural context considers the different social and cultural practices that hinder the development of women. It should be noted in this regard that “female genital mutilation, which affected 89% of girls under 5 in 1995, fell to 12.9% in 2014. Monitoring of the issue by available means has also been strengthened. Over the past decade, a total of 147 cases including 128 from two regions (Anseba – 83 and Gash Barka 45) have been prosecuted”<sup>37</sup>. It should be noted that this result is the result of the efforts of 548 committees for the “fight against female genital mutilation (FGM) created throughout the country and at all levels (down to the villages) and which also work to combat the early marriage. “The composition of these committees takes gender into account to a moderate extent; since they are made up of more men than women. There are 460 committees at “village level (1404 women and 2262 men), 82 at sub-regional level (211 women and 587 men) and 6 at regional level (12 women and 58 men)”<sup>38</sup>. Marriage set at 18 is authorized through articles 518, 519 of the Civil Code. To establish equality between men and women, article 526 prohibits polygamy. At the associative level, the constitution authorizes each citizen to join associations in order to participate fully in socio-cultural life (article 23).

#### *Education*

Constitutionally, Article 21 establishes the right to education for all citizens. Article 58 provides for civic education related to citizenship and politics. To implement these measures, efforts have been made to ensure gender equality in the education of children. Parity between boys and girls is a concern in the education system. Through educational programs “the enrollment rate for girls amounted to 41% in the intermediate and secondary cycle, and 26% in the higher education sub-sector in 2008/2009” (AfDB 2009, p. N/A)<sup>39</sup>. From 2009 to 2019, there is not a big change in the school enrollment rate for girls. There is progress in terms of the schooling of children; because, “In just four years, between 2013 and 2017, the number of children who have completed primary school has increased from 40 to

36 See: Rapport national (2018, p.8) [https://www.upr.info/sites/default/files/document/eritrea/session\\_32\\_-\\_january\\_2019/f.pdf](https://www.upr.info/sites/default/files/document/eritrea/session_32_-_january_2019/f.pdf)

37 See: Rapport national initial de l'Érythrée (1999-2016, p.92) [https://www.achpr.org/public/Document/file/French/achpr\\_eritrea\\_initial\\_report\\_1999\\_2016\\_fre.pdf](https://www.achpr.org/public/Document/file/French/achpr_eritrea_initial_report_1999_2016_fre.pdf)

38 Idem, p.92

39 See BAD (2009) : [https://www.afdb.org/sites/default/files/documents/projects-and-operations/erythree\\_-\\_document\\_interiminaire\\_de\\_strategie\\_pays\\_2009-11.pdf](https://www.afdb.org/sites/default/files/documents/projects-and-operations/erythree_-_document_interiminaire_de_strategie_pays_2009-11.pdf)

45%. For girls, it went from 37 to 43%” (Eritrea 2019, p. N/D)<sup>40</sup>.

### *Health system*

Article 21 grants citizens the right to health without discrimination based on sex.

The development programs put in place by the government have contributed to improving health indicators, namely: mortality of children under 5, maternal mortality and life expectancy<sup>41</sup>. Regarding maternal mortality, “the number of maternal deaths, per 100,000 live births, fell from 1,590 in 1991 to 501 in 2015, which represents a reduction of 69%”. Child mortality per 1,000 live births fell from 33 in 1991 to 17.7 in 2016, resulting in a 46% reduction. The death of children under the age of 5, per 1,000 live births, also fell, from 151 in 1991 to 44.5 in 2016, a drop of 70.5%. Regarding life expectancy, there is an increase from 48 years in 1990 to 65 years in 2016 (62.9 years for men and 67.1 years for women)<sup>42</sup>. To facilitate childbirth for women, 43 shelters have been set up. The stay of 2,725 women enabled them to give birth in better and safer conditions. With regard to malaria, health professionals have undergone training enabling them to treat all related cases. It is in this dynamic that “33,395 patients with malaria have already been treated (i.e. 40% of all sick subjects)”<sup>43</sup>.

### *Economic context*

In Eritrea, no constitutional provision has been made to guarantee equal pay between men and women. However, Article 65 (paragraph 1) of the Labor Code stipulates that “women may not be discriminated against in terms of opportunities or treatment in matters of employment and remuneration, on the basis of their sex”<sup>44</sup>. Despite this regulatory measure, there is a relatively large gap in salary between men and women. Thus, in the context of sustainable human development, the United Nations Statistical Office has published a report on the wage gap between men and women. In 2017, in Eritrea, this difference is 1411 expressed in gross national income (GNI) per capita in PPP dollars (purchasing power parity); i.e. 1451 for women and 2048 for men<sup>45</sup>.

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40 ee Érythrée (2019) : [https://www.globalpartnership.org/sites/default/files/document/file/Erytree-relever-defis-education-pour-enfants-plus-defavorises-A4\\_web.pdf](https://www.globalpartnership.org/sites/default/files/document/file/Erytree-relever-defis-education-pour-enfants-plus-defavorises-A4_web.pdf)

41 [https://www.upr-info.org/sites/default/files/document/eritrea/session\\_32\\_-\\_january\\_2019/f.pdf](https://www.upr-info.org/sites/default/files/document/eritrea/session_32_-_january_2019/f.pdf)

42 See Rapport national (2018) : [https://www.upr-info.org/sites/default/files/document/eritrea/session\\_32\\_-\\_january\\_2019/f.pdf](https://www.upr-info.org/sites/default/files/document/eritrea/session_32_-_january_2019/f.pdf)

43 See Rapport national (2018, p. 11) : [https://www.uprinfo.org/sites/default/files/document/eritrea/session\\_32\\_-\\_january\\_2019/f.pdf](https://www.uprinfo.org/sites/default/files/document/eritrea/session_32_-_january_2019/f.pdf)

44 See Labour Code: [http://www.africanchildforum.org/clr/Legislation%20Per%20Country/eritrea/eritrea\\_labour\\_2001\\_en.pdf](http://www.africanchildforum.org/clr/Legislation%20Per%20Country/eritrea/eritrea_labour_2001_en.pdf)

45 [https://fr.wikipedia.org/wiki/Liste\\_des\\_pays\\_selon\\_l%27%C3%A9cart\\_de\\_revenus\\_entre\\_hommes\\_et\\_femmes](https://fr.wikipedia.org/wiki/Liste_des_pays_selon_l%27%C3%A9cart_de_revenus_entre_hommes_et_femmes)

With regard to land, Land Tenure Proclamation No. 58/1994 grants equal access for men and women. This is how “the right of citizens (18 years and over) to access agricultural and residential plots and investment plots is respected, and equity between women and men is taken into account”<sup>46</sup>.

Regarding access to bank credit, “the savings and microcredit program has 69,000 beneficiaries (66% of whom are women)”<sup>47</sup>.

### *Work and employment support*

Article 9 of the constitution requires the state to promote employment and improve working conditions and article 57 makes the administration responsible for the recruitment of employees, their rights and duties. Article 65 of the Labor Code of 2001 prohibits discrimination based on sex in employment and remuneration. These provisions mean that “thirty-four percent of village chiefs are women; as well as 22.5% of community judges”<sup>48</sup>. We did not find any other data to analyze the employment situation.

### *Housing*

We found no constitutional or regulatory provision on gender equality in housing. However, according to the WCO report (2015) quoted by a national report (2017): “a total of 103,801 dwellings have been built”<sup>49</sup>. Regarding households (family dwellings), it should be noted that “women constitute 55% of the population and head 47.2% of households”<sup>50</sup>.

### *Natural environment*

Constitutionally, Articles 8 (paragraph 3) and 9 (paragraph 3) make the State of Eritrea responsible for the protection and promotion of the environment. Article 8 provides that “in the interest of present and future generations, the State is responsible for the management of all terrestrial, aquatic, atmospheric and natural resources and for ensuring their management in a balanced and sustainable manner; and to create conditions conducive to the participation of the population in safeguarding the environment”<sup>51</sup>. We did not find comparative data on gender equality in the management of natural disasters.

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46 Rapport national (2018, p.3) : [https://www.upr-info.org/sites/default/files/document/eritrea/session\\_32\\_-\\_january\\_2019/f.pdf](https://www.upr-info.org/sites/default/files/document/eritrea/session_32_-_january_2019/f.pdf)

47 Idem, p. 4

48 Haut-Commissariat des Nations-Unies pour les droits de l'Homme (2015) : <https://www.ohchr.org/fr/NewsEvents/Pages/DisplayNews.aspx?NewsID=15617&LangID=F>

49 Rapport national (2017) : [https://www.achpr.org/public/Document/file/French/achpr\\_eritrea\\_initial\\_report\\_1999\\_2016\\_fre.pdf](https://www.achpr.org/public/Document/file/French/achpr_eritrea_initial_report_1999_2016_fre.pdf)

50 See Enquête démographique et sanitaire en Érythrée, 2010 ; cité par FIDA (2020, p. 2) : <https://webapps.ifad.org/members/eb/129/docs/french/EB-2020-129-R-12.pdf>

51 See Eritrea (1997) : [https://www.constituteproject.org/constitution/Eritrea\\_1997.pdf?lang=en](https://www.constituteproject.org/constitution/Eritrea_1997.pdf?lang=en)



# Ethiopia

## 1. Constitutional provision

Gender equality is constitutionally guaranteed and a fundamental right in Ethiopia. Already the preamble of the fundamental text calls for “living together on the basis of equality and without any sexual, religious or cultural discrimination”. In addition, Articles 14 and 15 state that everyone has the inviolable and inalienable right to life, security of person and liberty and Article 25 provides more details, since “All persons are equal before law and are entitled without any discrimination to the equal protection of the law. In this respect, the law guarantees to all persons equal and effective protection without discrimination based on race, nation, nationality or any other social origin, color, sex, language, religion, political opinion or otherwise, fortune, birth or any other status”. Article 35 further elaborates on the rights of women in all sectors to ensure gender equality.

## 2. Institutions involved in implementation

Ethiopia has made significant progress in promoting gender equality and women’s empowerment on various fronts. These include the ratification of the Convention on the Elimination of All Forms of Discrimination against Women in 1981 and the adoption of the Protocol on the Rights of Women in Africa of the African Charter on Human Rights in 2004. Similarly, we note the adoption of amendments to the Family Code in 2001 which raised the minimum legal age to 18 for girls and boys while abolishing the provision conferring on the husband the authority of the head of the family and adds that relating to divorce by mutual consent of the spouses. We also note that several practices are now criminalized in the Penal Code adopted in 2005<sup>52</sup>. However, the Constitution recognizes the application of religious and customary law alongside written law and in practice, many forms of discrimination against women still exist. Significant progress has also been made in promoting women’s political participation. Women occupy 50% of the Cabinet of Ministers and 38.8% of the seats in the House of Peoples’ Representatives<sup>53</sup>. In addition, the national poverty reduction strategy included “the fight against gender inequalities” as one of its eight pillars<sup>54</sup>.

## 3. Impact of legal provisions on the determinants of health

### *Sociocultural context*

Constitutionally (article 34 paragraphs 1 and 2), men and women, having reached marriageable age as defined by law, have the right to marry and found a family. They have equal rights at the time of contracting, during marriage and at

52 These include kidnapping, female genital mutilation (which has a national prevalence rate of 74.3%), early and/or forced marriage, widow inheritance, polygamy as well as domestic violence.

53 Breuning, M., & Okundaye, G. (2021). Half of the Cabinet: Explaining Ethiopia’s Move to Gender Parity in the Government. *Journal of Asian and African Studies*, 56(5), 1064-1078 ; voir aussi UN Women: <https://data.unwomen.org/country/ethiopia>.

54 [https://www.unwomen.org/mdgf/B/Ethiopia\\_B.html#\\_ftn1](https://www.unwomen.org/mdgf/B/Ethiopia_B.html#_ftn1)

the time of divorce. Furthermore, marriage can only be concluded with the free and full consent of the future spouses. Article 35 para. 2 and 3 ensure that women have the same rights as men in marriage. But given the historical legacy of inequality and discrimination suffered by women in the country, they are entitled to positive measures to address this legacy. In addition, the state must uphold the right of women to eliminate the influences of harmful customs. Laws, customs and practices that oppress or cause bodily or mental harm to women are prohibited.

To make these provisions effective, reforms have been carried out, in particular the Family Code, which was revised in 2000 with new developments. The revised version of the Family Code stipulates that women have equal rights throughout marriage. This is for the entire duration of their marriage, the duration of the divorce, and after the divorce is finalized. The second reform to note is community land registration, which was launched in 2003. The Ethiopian population has strong gender norms that tend to favor men at the expense of women who are subordinated in power roles. This reform emphasizes the implementation of property rights for married women by creating a “joint certification”<sup>55</sup>.

### *Education*

Generally speaking, article 90 paragraphs 1 and 2 of the constitution guarantees policies aimed at ensuring that all Ethiopians have access to public health and education, drinking water, housing, food and social security. Education for this purpose must be provided in a manner free from religious, partisan, political or cultural bias. And according to article 35 paragraph 9 of the basic text, to “prevent damage resulting from pregnancy and childbirth and in order to protect their health, women have the right to access education, information and capacity for family planning”.

Despite these important constitutional provisions, major obstacles remain. Less than one in five girls are likely to enroll in secondary education as around 41% of women marry before the age of 18 and around 49% of Ethiopian women experience physical/domestic violence. Similarly, 11.5 percent of adult women have at least secondary education, compared to 22.6 percent for men<sup>56</sup>. In other words, although the primary school enrollment rate for girls in Ethiopia has increased from 21% to 91% over the past three decades, the majority are unable to progress to secondary and higher school. As girls get older, attending school becomes increasingly difficult, as it takes time away from essential income-generating activities. Only 35 percent of undergraduate university students are women, and five percent drop out the first year. At the same time, female-led education at university level is extremely low, at just 11%<sup>57</sup>. According to the 2016 Ethiopian Demographic and Health Survey, 30 percent of Ethiopian women do not make decisions on individual and family matters. Instead, their husbands make decisions for them about choices, including whether to use birth control methods, and whether to give birth in a health facility

55 Kumar, N., & Quisumbing, A. R. (2015). Policy reform toward gender equality in Ethiopia: Little by little the egg begins to walk. *World Development*, 67, 406-423.

56 <https://rainbowfff.ngo/destitute-people/gender-inequality-discrimination-ethiopia/>

57 USAID. (2021). GENDER EQUALITY AND WOMEN'S EMPOWERMENT; <https://www.usaid.gov/ethiopia/gender-equality-and-womens-empowerment>

or seek help from a qualified provider.

Although there has been progress at all levels in access to education in Ethiopia, men are benefiting the most. The literacy rate for women is 41% while it is 57% for men<sup>58</sup>. In 2015, the primary school enrollment rate for girls was 63% and for boys 68%. Enrollment at secondary and higher levels is low, especially since women are at 11% in secondary and 1% in higher education against 18% and 4%, respectively, for men.

### *Health system*

Access to health care is a constitutional right in Ethiopia. Article 35 paragraph 5. a) states that “Women have the right to maternity leave with full pay. The duration of maternity leave is determined by law considering the nature of the work, the health, the mother and the well-being of the child and the family. (b) Maternity leave may, in accordance with the provisions of the law, include prenatal leave with full pay”.

In 2018, 63.6% of women of reproductive age (15-49) had their need for family planning met with modern methods<sup>59</sup>. However, it should be kept in mind that access to antenatal and maternal care and contraceptive methods still remains a major public health challenge in Ethiopia. In 2015, only 16% of births were attended by qualified health personnel and only 34% of married women or women in union used any contraceptive method<sup>60</sup>. However, improvements are underway, given that the number of births attended by qualified personnel has increased from 6% to 16% over the past fifteen years; the percentage of women who received prenatal care increased by 52% during the same period; in 2014, 41% of women did not receive medical attention during pregnancy, compared to 73% in the 2000s<sup>61</sup>. While the maternal mortality rate has fallen by nearly 52.5% over the past 10 years, from 734 maternal deaths per 100,000 live births in 2005 to 353 in 2015, it remains high<sup>62</sup>.

In addition, the morbidity rate of 75.5% for women, compared to 25.5% for men; maternal mortality of 401.2/100,000 live births<sup>63</sup>; and adult HIV prevalence of 1.9% for women, compared to 1.0% for men, are indicators of the persistence of gender inequalities in health and life expectancy<sup>64</sup>. Additionally, 28% of women of childbearing age are chronically malnourished<sup>65</sup>, with the problem particularly

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58 GGGR (2015).

59 <https://data.unwomen.org/country/ethiopia>

60 The Global Gender Gap Report 2015 (GGGR, 2015).

61 Federal Democratic Republic of Ethiopia Central Statistical Agency 2014, Ethiopia: Mini Demographic and Health Survey (2014).

62 Banque Mondiale (2015).

63 See UNDP (2020) report for Ethiopia: <http://hdr.undp.org/sites/default/files/Country-Profiles/ETH.pdf>

64 [https://www.unwomen.org/mdgf/B/Ethiopia\\_B.html#\\_ftn1](https://www.unwomen.org/mdgf/B/Ethiopia_B.html#_ftn1)

65 [https://www.unwomen.org/mdgf/B/Ethiopia\\_B.html#\\_ftn1](https://www.unwomen.org/mdgf/B/Ethiopia_B.html#_ftn1); <https://dhsprogram.com/>

acute in rural areas.

### *Economic context*

From article 35 paragraph 7, the Ethiopian constitution ensures that women have “the right to acquire, administer, control, use and transfer property. In particular, they have the same rights as men with regard to the use, transfer, administration and control of land. They also enjoy equal treatment in the inheritance of property”. Article 41 recalls that “Every Ethiopian has the right freely to engage in economic activity and to pursue the means of existence of his choice anywhere in the national territory...Every Ethiopian has the right to choose his means of subsistence, his occupation and profession...Every Ethiopian national is entitled to equal access to social services funded by the State...The State has an obligation to allocate ever-increasing resources to provide public health, education and other social services”. In addition, according to article 42, “women workers have the right to equal pay for equal work”. In article 89 paragraph 7, the constitution calls on the government to ensure the participation of women on an equal footing with men in all economic and social development efforts.

### *Work and employment support*

The constitution guarantees the right to work and employment. With regard to women more specifically, article 35 provides that women, in the enjoyment of the rights and protections provided by the constitution, have the same rights as men. Moreover, given the historical legacy of inequality and discrimination suffered by women in Ethiopia, they are entitled to positive measures to redress this legacy. The purpose of these measures is to pay particular attention to women in order to enable them to compete and participate on an equal basis with men in political, social and economic life as well as in public and private institutions. In this sense, the article specifies that “women have the right to equality in employment, promotion, remuneration and transfer of pension rights”. Along the same lines, article 41 recalls that “Every Ethiopian has the right freely to exercise an economic activity and to pursue the means of existence of his choice anywhere in the national territory... Every Ethiopian has the right to choose livelihood, occupation and profession... Every Ethiopian national is entitled to equal access to state-funded social services... The state has an obligation to allocate ever-increasing resources to provide public health, to education and other social services.

Ethiopian women have one of the highest economic participation rates in the world. According to the Global Competitiveness Index, in 2014-15 the country ranked 33rd out of 144 countries in the percentage of women participating in the labor market<sup>66</sup>. However, while the economic participation of women across the country is high, it remains lower than that of men. In 2015, the labor market participation rate for women was 78.2% compared to 89.3% for men. In addition, women are more numerous in the informal sector, 36.5% of them occupy informal jobs compared to 18.1% of men and significant inequalities affect women, in particular wage inequalities. In 2019, the participation of women in the labor market

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pubs/pdf/FR255/FR255.pdf; etc.

66 See: <http://reports.weforum.org/global-competitiveness-report-2014-2015/rankings/>

is 73.4% against 85.8 for men<sup>67</sup>.

### *Housing*

According to article 32 al. 1 of the constitution, “Any Ethiopian national or foreigner lawfully in Ethiopia has, within the national territory, the right to move freely and freely choose his residence, as well as the freedom to leave the country at any time”. Indeed, Article 90 guarantees housing for all citizens of the country. However, we do not find any provisions specific to gender issues.

### *Natural environment*

Article 44 paragraph 1 and 2 reassures that “Everyone has the right to a clean and healthy environment... All persons who have been displaced or whose means of subsistence have been affected by State programs have the right to receive monetary or alternative compensation, including resettlement with adequate State assistance”. Article 89 gives us more details and requires the government to take measures to avoid any natural or man-made disaster and in the event of a disaster, to provide prompt assistance to the victims.

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## **Kenya**

### **1. Constitutional provision**

Kenya's constitution<sup>68</sup> has defined values that govern the functioning of government and society at large. Article 10 (2-b) mentions some of these values namely “human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised”. In this logic, article 20 (para. 4-a) highlights the values that underpin an open and democratic society: “human dignity, equality, equity and freedom”. It is with a view to building an egalitarian society that article 27 (para. 1-3) provides that every citizen has the right to equal protection before the law; and equality includes the full enjoyment of all fundamental rights and freedoms. Paragraph 3 states that “women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres”.

Kenya has also signed conventions on gender equality and made commitments to combat discrimination against women. The country has also adhered to “the Beijing Platform for Action (BPFA)”<sup>69</sup>. To implement these measures, politico-institutional arrangements have been put in place.

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67 See UNDP (2020): <http://hdr.undp.org/sites/default/files/Country-Profiles/ETH.pdf>

68 Kenya, Constitution (2010) : <http://www.kenyalaw.org/kl/fileadmin/pdfdownloads/Constitution/HistoryoftheConstitutionofKenya/Constitution/TheConstitutionofKenya,2010.pdf>

69 BAD (2007, p. 6), Kenya : profil sexospécifique <https://www.afdb.org/sites/default/files/documents/projects-and-operations/adb-bd-if-2008-16-fr-kenya-profil-sexospécifique.pdf>

## 2. Institutions involved in implementation

In 1976, Kenya set up the Women's Desk in the Ministry of Culture and Social Services. The creation of this Office was intended to «ensure the promotion of women's rights in the formulation, implementation, monitoring and evaluation of policies, as well as the coordination of government projects and programs concerning women, collecting and analyzing sex-disaggregated data and information, and liaising with NGOs, women's organizations and other interested stakeholders”<sup>70</sup>.

With a view to strengthening administrative mechanisms, a National Commission on Gender and Development has been set up. The Women's Bureau was transformed into the Department for the Promotion of Gender Equality in December 2004<sup>71</sup>. Three years later, there was another administrative reorganization with a merger between the Department for the Promotion of Gender Equality and the Department of Social Services (AfDB, 2007). From this merger was born “the Department for the Promotion of Gender Equality and Social Services with a Division of Gender Equality” (AfDB, 2007, p.7). The objective of these administrative reforms is to better consider gender issues in all interventions and socio-political and cultural dimensions; which could certainly have an impact on the determinants of health.

## 3. Impact of legal provisions on the determinants of health

### *Sociocultural context*

Despite all the measures taken for gender equality, women still suffer from violence in Kenya. According to data from the interagency group, 25.5% of women experienced physical and/or sexual violence in 2014. According to UNFPA (United Nations Population Fund), female genital mutilation is a traditional practice in Kenya. UNFPA points out that almost 50% of women aged 45 to 49 have undergone this practice. The government's efforts are a significant game-changer in that today, only 15% of young girls aged 15 to 19 are circumcised<sup>72</sup>.

### *Education*

Access to education is a constitutional right in Kenya. Article 43 (paragraph 1-f) stipulates that every citizen has the right to education. According to the constitution, every child has the right to basic education; it is free and compulsory (article 53 paragraph 1-b).

These measures would certainly have positive effects insofar as the literacy and school enrollment rates are relatively encouraging. For literacy, Kenya recorded 74% in 2014 and 18% in 2018 among women (UNESCO, quoted by the World Bank

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<sup>70</sup> Idem, p. 7

<sup>71</sup> Idem

<sup>72</sup> UNFPA (2010) : <https://www.unfpa.org/fr/news/eliminer-les-mutilations-genitales-feminines-et-lexcision-de-la-mosaïque-culturelle-du-kenya>

2018, p. N/D)<sup>73</sup>. Among men, the rate achieved was 84% in 2014 and 85% in 2018 (UNESCO, quoted by the World Bank 2018, p. N/D)<sup>74</sup>.

Regarding enrollment rates, the data produced by UNESCO and recorded in the following tables indicate Kenya's level of education based on gender equality (UNESCO 2019, p. N/D)<sup>75</sup>.

**Table 1 - Gross and net enrollment in Pre-primary education, Kenya, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	...	58.9	...	72.1	75.1	75.8	78.1	80.7	65.1	...
Female	...	59.6	...	71.1	74.7	74.7	...	...	64.4	...
Male	...	58.1	...	73.0	75.6	76.8	...	...	65.8	...
Net enrollment rate (%)										
Total	...	...	...	...	...	...	...	...	...	...
Female	...	...	...	...	...	...	...	...	...	...
Male	...	...	...	...	...	...	...	...	...	...

**Table 2 - Gross and net enrollment in Primary education, Kenya, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	...	109.42	...	105.75	103.66	103.21	...	...	...	...
Female	...	109.87	...	106.15	103.63	103.40	...	...	...	...
Male	...	108.97	...	105.37	103.69	103.02	...	...	...	...
Net enrollment rate (%)										
Total	...	80.0	...	...	...	...	...	...	...	...
Female	...	81.7	...	...	...	...	...	...	...	...
Male	...	78.3	...	...	...	...	...	...	...	...

73 UNESCO (2018) : <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.FE.ZS?locations=KE>

74 <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.MA.ZS?locations=KE>

75 UNESCO (2019) : <http://uis.unesco.org/fr/country/ke>

**Table 3 - Gross and net enrollment in Secondary education, Kenya, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	...	...	...	...	...	...	...	...	...	...
Female	...	...	...	...	...	...	...	...	...	...
Male	...	...	...	...	...	...	...	...	...	...
Net enrollment rate (%)										
Total	...	...	...	...	...	...	...	...	...	...
Female	...	...	...	...	...	...	...	...	...	...
Male	...	...	...	...	...	...	...	...	...	...

**Table 4 - Gross enrollment in Higher education, Kenya, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	...	...	...	...	9.2	11.4	11.5	...	10.0	...
Female	...	...	...	...	7.7	9.4	9.7	...	...	...
Male	...	...	...	...	10.8	13.5	13.2	...	...	...

### ***Health system***

The constitution recognizes each citizen's right to a better state of health, including the right to health services and care (article 43 paragraph 1-a). Children have the right to necessary health care (article 53 paragraph 1-c). It is therefore important to know whether these measures have contributed to the reduction of infant and maternal mortality rates in Kenya.



**Table 5 - Infant mortality rate (IMR) by sex and maternal death ratio, Kenya, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
IMR - boys (1000 live births) <sup>76</sup>	42	42	41	40	39	38	37	36	35	34
IMR - girls (1000 live births) <sup>77</sup>	35	34	34	33	32	31	30	29	29	28
Maternal death ratio (100 000 live births) <sup>78</sup>	398	373	364	358	353	346	342	...	...	...

### ***Economic context***

Like article 41 paragraph 2 (a), the Labor Code emphasizes equal pay. Article 5 paragraph 5 stipulates that “the employer must pay his employees equal remuneration for equal work”.

We did not find any data to analyze equal pay.

### ***Work and employment support***

The constitution and the labor code recognize the right of every citizen to work. Article 5<sup>79</sup> of the labor code requires administrative authorities to promote equal opportunities in employment in order to eliminate all forms of discrimination.

**Table 6 - Wage and salaried workers (% of employment) by sex, Kenya, 2011 to 2019**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019
Male salaried workers	51,2%	52%	52,4%	52,8%	53,2%	53,6%	53,9%	54,3%	54,6%
Female salaried workers	49,6%	50,3%	50,8%	51,2%	51,6%	51,9%	52,2%	52,6%	53%

**Source: Data from the International Labour Organization (ILO)<sup>80</sup>.**

76 UNICEF et al. (2020) : <https://donnees.banquemondiale.org/indicateur/SP.DYN.IMRT.MA.IN?locations=KE>

77 Idem <https://donnees.banquemondiale.org/indicateur/SP.DYN.IMRT.FE.IN?locations=KE>

78 <https://data.worldbank.org/indicator/SH.STA.MMRT?end=2017&locations=KE&start=2011>

79 République du Kenya (2012) : <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/77502/83538/F285466231/KEN77502%202012.pdf>

80 ILO (2019) : <https://donnees.banquemondiale.org/indicateur/SL.EMP.WORK.MA.ZS>

## *Housing*

The constitution, through article 43 paragraph 1 (b), gives every citizen the right to “accessible and adequate housing, and to reasonable standards of sanitation”. To do this, a national housing policy was developed and implemented in 2005 to achieve “the right to housing for all”<sup>81</sup>. But we did not find any data regarding access to housing in Kenya.

## *Natural environment*

Article 42 recognizes the right of every citizen to healthy intoxication. Its paragraph 1 requires the protection of the environment for the benefit of all. Land is part of the physical environment. Land must be owned, used and managed in an equitable, efficient, productive and sustainable manner, and in accordance with the principle of equity (article 60 n paragraph 1 -a).

We do not find data for further analysis.

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## **Madagascar**

### **1. Constitutional provision**

Equality between men and women is constitutionally guaranteed in Madagascar. The preamble declares the total elimination of all forms of injustice, corruption, inequality and discrimination. Article 6, on the other hand, provides that “the law is the expression of the general will. It is the same for all, whether it protects, obliges or punishes. All individuals are equal before the law and enjoy the same fundamental freedoms protected by law without discrimination based on sex, level of education, wealth, origin, religious belief or opinion. The law promotes equal access and participation of women and men in public employment and functions in the field of political, economic and social life.

Madagascar adheres to the International Charter of Human Rights and the Conventions relating to the rights of the child, the rights of women, the protection of the environment, social, economic, political, civil and cultural rights. These include the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDEF/CEDAW) in 1988 and the CEDAW Protocol in 2000. In addition to its adherence to the Declaration of Beijing and the Southern African Development Community Protocol on Gender and Development, Madagascar signed the Protocol on the Rights of Women in Africa to the African Charter on Human and Peoples’ Rights in 2004 even s he has not yet ratified it<sup>82</sup>.

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81 Habitat Woldmap, Kenya (2019), <https://habitat-worldmap.org/pays/afrique/kenya/#~:text=En%202005%2C%20le%20gouvernement%20kenyan,et%20abordables%20%C3%A0%20des%20millions.>

82 Jane Kellum, Holitiana Randrianarimanana, Landy Miary Andrianavosoa, and Sue Telingator. (2020). USAID/Madagascar Gender Analysis Report. Prepared by Banyan Global; <https://banyanglobal.com/wp-content/uploads/2020/08/>

## 2. Institutions involved in implementation

However, although a number of laws address the rights of women and children within the family, there is no overall policy or strategy to promote gender equality in the country. The National Action Plan for Gender and Development (National Gender and Development Action Plan) 2004-2008 is outdated. A new gender equality policy, however, is being drafted under the auspices of the Ministry of Population, Social Protection and Promotion of Women (MPPSPF)<sup>83</sup>.

## 3. Impact of legal provisions on the determinants of health

### *Sociocultural context*

We find no constitutional provisions on this variable. But, although the minimum legal age for marriage is 18 for both men and women, the prevalence of child, early and forced marriage is high. The latest data shows that 48% of women between the ages of 20 and 24 were married by the age of 18<sup>84</sup>. In 2018, 37% of women aged 20 to 49 were married before the age of 18.

Under Law 2007-002 on Marriage and Matrimonial Regimes, married men and women in civil relationships have the same right to own property, even in the event of divorce<sup>85</sup>. In practice, however, when women divorce, they lose access to their husband's land. In addition, in customary marriages, husbands receive two-thirds of the property in the event of divorce. Inheritance laws put wives at a disadvantage by placing them eighth in property brought into marriage, but sons and daughters legally have equal property rights.

### *Education*

From article 22 of the fundamental law, the State undertakes to take the necessary measures to ensure the intellectual development of every individual without any other limitation than the aptitudes of each one. In addition, article 23 specifies that "Every child has the right to instruction and education under the responsibility of the parents, while respecting their freedom of choice. The State undertakes to develop vocational training". Finally, the constitution, by article 24, provides that the State "organizes public education, free and accessible to all. Primary education is compulsory for all.

The efforts led to an increase in literacy rates in Madagascar, from 59.2 percent in 2004 to 71.6 percent in 2012. Women, however, still lag behind men: 27.6 percent of women against 22.7% of men are illiterate. But, despite the difficulties encountered by the African island, the disparities in schooling between girls and boys at the primary and secondary levels are low in Madagascar, particularly compared to what is observed on average in the countries of Sub-Saharan Africa.

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USAID-Madagascar-Gender-Analysis-for-the-2020-2025-CDGS.pdf

83 Jane Kellum et al. (2020).

84 OECD. (2019). SIGI Country Report: Madagascar.

85 USAID. (2020). Madagascar-Land Tenure and Property Rights Profile.

The apparent good news, however, is that at the primary and secondary level, Madagascar has almost achieved parity: the primary school enrollment rate for girls and boys is 77%<sup>86</sup>. According to the “SADC Barometer» (2012), the main challenge in Madagascar “lies in school retention, particularly that of girls, and in the academic success of children of both sexes”. At the higher level, the situation is deteriorating to the detriment of girls, but remains more balanced than in other countries with a female-to-male enrollment ratio of 94%. Enrollment at secondary and higher levels is low for the entire population with percentages for women of 31% in secondary and 4% in higher education against 30% and 4% for men, respectively<sup>87</sup>.

The urban-rural divide is also remarkable as 93.3% of the urban population is literate compared to only 66.2% in rural areas. Unlike the majority of African countries, girls have as much access to school as boys at the national level. The net primary attendance rate is 79% of girls against 74% of boys. And the primary completion rate is 60% for girls against 52% for boys. Parity was achieved largely through an enrollment and retention campaign that the United Nations Children's Fund (UNICEF) and the Ministry of National Education co-sponsored in 2014<sup>88</sup>.

### *Health system*

According to article 19 of the constitution, the State «recognizes and organizes for every individual the right to the protection of health from conception through the organization of free public care, the freeness of which results from the capacity of national solidarity. “Nevertheless, access to maternal and reproductive health is still very insufficient. And while the maternal mortality rate has dropped nearly 54.6% over the past 25 years, from 778 maternal deaths per 100,000 live births in 2005 to 353 in 2015, it remains high<sup>89</sup>. In 2015, the rate of births attended by medical personnel was still low (44%), the use of contraception, especially among young women, was derisory, while recourse to clandestine abortion remains common, in particular by its illegality<sup>90</sup>.

Among women who are married or in union, only 40% used any contraceptive method. These data seem to have evolved. In 2018, 65.9% of women of reproductive age (15-49 years old) had their need for family planning met with modern methods. However, only 33.3% of legal frameworks that promote, enforce and monitor gender equality, with a focus on violence against women, are in place. 40.3% of women aged 20 to 24 who were married or in union before the age of 18. The teenage birth rate is 150.8 per 1,000 women aged 15-19 in 2017, down from 152 per 1,000 in 2014. In February 2021, only 17.9% of seats in parliament were held by women. Additionally, women and girls aged 5 and over spend 14.6% of

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86 Agence française de développement (2016).

87 GGGR (2015).

88 Agence française de développement (2016).

89 Banque Mondiale (2015) ; Agence française de développement. (2016). Les « Profils Genre Madagascar » ; <https://www.afd.fr/fr/ressources/profil-genre-afrique>

90 Agence française de développement (2016).

their time on unpaid care and domestic work, compared to 2.8% for men<sup>91</sup>. Gender-based violence, particularly against young girls, appears to have increased. One of the solutions found by some parents is early marriage, which remains the norm in several districts despite the passage of a law in 2007 setting the minimum age of marriage at 18. Sex tourism (punished since 2008) also remains an important issue in the country<sup>92</sup>.

### *Economic context*

As mentioned above, article 6 of the constitution provides that “...The law promotes equal access and participation of women and men in public employment and functions in the field of political, economic and social life”. However, although 59.4% of women participate in economic life<sup>93</sup>, 7.1% are involved in unpaid work and 28% received non-monetary compensation when working outside the home. And data is lacking when it comes to gender-based violence, unpaid care work, domestic work and gender pay gaps.

### *Work and employment support*

In its article 27, the fundamental law affirms that “work and vocational training are, for every citizen, a right and a duty. Access to public functions is open to any citizen without other conditions than those of capacity and aptitude. Furthermore, article 28 emphasizes that no one may be prejudiced in his work or employment because of sex, age, religion, opinions, origins, membership of a trade union organization or political beliefs. Finally, article 29 reassures that “Every citizen has the right to a fair remuneration for his work ensuring him, as well as his family, an existence in keeping with human dignity”.

But much remains to be done to achieve gender equality in the country. For example, despite relatively equal education and literacy, women’s work is generally undervalued compared to men’s<sup>94</sup>, as evidenced by the lower level of integration of women into the labor force (59.4% vs. 61.8%)<sup>95</sup>. The participation of women in economic activities is however higher in rural areas (61.5%) compared to urban areas (51.2%). The time that women devote to household chores prevents them from engaging in economic activities outside the home<sup>96</sup>. Additionally, some employers

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91 <https://data.unwomen.org/country/madagascar>

92 <https://www.afd.fr/fr/actualites/madagascar-combattre-le-tourisme-sexuel>; <https://www.linio.re/ocean-indien/madagascar/724334-tourisme-sexuel-a-madagascar-70-des-clients-seraient-des-malgaches>

93 Institut National de la Statistique. (2012). INSTAT Enquête Nationale sur le Suivi des Objectifs du Millénaire pour le Développement à Madagascar- Objectif 3. 2012-2013.

94 Mahmud, Rachel, and Malanto Rabary. (2019). USAID/Madagascar IMPACT Program Gender Equality and Social Inclusion Analysis and Action Plan, Banyan Global.

95 Institut National de la Statistique. (2012). INSTAT Enquête Nationale sur le Suivi des Objectifs du Millénaire pour le développement à Madagascar-Objectif 1.

96 USAID. (2016). CRS Fararano Project Gender Analysis.

prefer to recruit men due to maternity leave and perceived absenteeism of women<sup>97</sup>.

According to the Global Gender Gap Report 2015, 88% of Malagasy women are economically active, compared to 91% of men. If the situation is balanced in terms of participation in the labor force, wage inequalities are significant and women are more affected by unemployment than men, as evidenced by a percentage of 4.8% against 2.9, respectively.

### *Housing*

According to article 12 of the constitution “Every individual has the right to circulate and settle freely throughout the territory of the Republic in compliance with the rights of others and the prescriptions of the law” and article 35 recommends that the State “facilitates citizens’ access to housing through appropriate financing mechanisms”.

### *Natural environment*

We do not have data for this variable.

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## **Mauritius**

### **1. Constitutional provision**

The Mauritian constitution of 1968, amended in 2016<sup>98</sup>, prohibits discrimination based on sex (article 3). The concept of discrimination based on sex is considered as differential treatment based on sex (article 16, paragraph 3). The involvement of women in political activities at the local and regional level is strongly recommended by the constitution through an adequate representation of women and men in municipal elections (article 16, paragraph 3 aa).

### **2. Institutions involved in implementation**

To implement the constitutional provisions, several politico-administrative institutions have been put in place. These are mainly the Ministry of Gender Equality and Family Welfare and the National Women’s Council created in 2016 whose role is to promote women’s empowerment and gender equality. In order to cover the entire territory of Mauritius, the government has instituted “proximity services” intended in particular for women living in rural areas of the country. It has also set up networks of “157 community centers and fifteen centers for the empowerment of women”<sup>99</sup>. It is therefore important to note the impacts of these

97 Rakotoarison Bodolalao A., and Rakotoarisoa Hajavonjiniaina. (2005). Madagascar Country Gender Profile, JICA.

98 See the constitution of Mauritius: [https://www.constituteproject.org/constitution/Mauritius\\_2016.pdf?lang=en](https://www.constituteproject.org/constitution/Mauritius_2016.pdf?lang=en)

99 See Haut commissariat des Nations-Unies (2018) <https://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=23801&LangID=F>

legal and administrative measures at the level of the predefined variables.

### 3. Impact of legal provisions on the determinants of health

#### *Sociocultural context*

The sub-variables related to the socio-cultural context are essentially based on marriage and more specifically questions related to female genital mutilation, forced and early marriage and domestic violence. Regarding early marriage, it should be noted that the position of the Republic of Mauritius by refusing in 2016 to sign the Southern African Development Community protocol on gender and development which aims “to combat the marriage of minors from under the age of 18”<sup>100</sup>, suggests that the government is promoting early marriage. The same source reports the marriages of “805 young people aged 15 to 19 celebrated in Mauritius in 2014”<sup>101</sup>. This position can be justified by article 145 of the Mauritian Civil Code: “a minor aged 18, but over 16 years of age, may contract marriage with the consent of his father and mother or of that of the two who exclusively exercises parental authority”<sup>102</sup>. In addition, “young girls find themselves pregnant at the age of 14 or 15”<sup>103</sup>. In 2013, regarding gender-based violence, “about 25% of women admitted to having been the subject of some form of gender-based violence”<sup>104</sup>. Statistical data shows that “there were 1974 reported cases of domestic violence in 2012, 1786 in 2013 and 1680 in 2014”<sup>105</sup>.

#### *Education*

The constitution has no constitutional provision to ensure gender equality in education. However, associations and any legally formed group have the right to create a school (article 14). In general, it should be mentioned that the recorded education rate is “very high compared to the African continent: 97% for primary school, 72% in secondary school”, and 50% in higher education<sup>106</sup>. We did not find recent data for the schooling of young girls and young boys. However, data from 2010 indicates that the enrollment rate is 72% for girls and 65% for boys (United

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100 <http://www.lemauricien.com/actualites/societe/mariage-d-enfants-maurice-refuse-s-aligner-sur-combat-la-sadc/144443/>

101 Idem.

102 See Code civil mauricien : <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/88152/114145/F-172904586/MUS88152%20Fre.pdf>

103 <https://newsarchive.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=11477&LangID=F>

104 Gender Links (2012), War @ home- Gender Based Violence Indicators Study- Mauritius Country Report ; cited by AFD: <https://plateforme-elsa.org/wp-content/uploads/2014/02/Profil-Genre-Maurice.pdf>

105 <https://plateforme-elsa.org/wp-content/uploads/2014/02/Profil-Genre-Maurice.pdf>

106 Thot Cursus (2018) <https://fr.cursus.edu/11961/le-systeme-educatif-de-lile-maurice-reflet-de-son-economie-performante>

Nations 2010, p. N/D)<sup>107</sup>. The country has had a successful rate in terms of literacy and the 2018 data from UNESCO (2018, N/D)<sup>108</sup> below are quite illustrative in this regard and show the reduction in gender inequalities in terms of adult literacy:

- Between 15 and 24: the country records 98.7% for men against 99.4% for women;
- Between 15 years and over: 93.4 for men and 89.4% for women,
- Between 65 and over: 93.4% for men versus 64.4 for women.

### ***Health system***

The Mauritian constitution does not contain any provision to ensure equality between men and women in terms of access to health care and services. However, articles 11 (paragraph 5); 12 (paragraph 2.a) make the State responsible for population health. The maternal mortality rate is low compared to the regional average<sup>109</sup>. The country has seen an increase over the “last ten years from about 39 maternal deaths per 100,000 live births in 2005 to 53 in 2015<sup>110</sup>.”

### ***Economic context***

We did not find any provision on pay equity and equal pay for men and women. There is a minimum wage calculated according to the number of hours worked each week by employees (part, 1, 2 and 3)<sup>111</sup>. Moreover, the gender pay gap remains an undeniable reality. According to the World Bank (WB), “on average, the hourly wage of Mauritian women working in the private sector is paid by the hour, 30% less than that of men”<sup>112</sup>. According to the same source, two reasons explain this discrepancy. On the one hand, women are less productive than men and on the other hand, the wage system favors men.

### ***Work and employment support***

Article 5 (paragraph 1) of the Labor Code recognizes equal opportunities in employment and opportunities for both sexes. Despite this provision, statistical

107 <https://newsarchive.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=11477&LangID=F>

108 See UNESCO (2018), Browse by country : <http://uis.unesco.org/fr/country/mu>

109 <https://plateforme-elsa.org/wp-content/uploads/2014/02/Profil-Genre-Maurice.pdf>

110 See: Estimations de l’OMS, l’UNICEF, l’UNFPA, le Groupe de la Banque mondiale et la Division de la population des Nations Unies ; [http://apps.who.int/iris/bitstream/handle/10665/204113/WHO\\_RHR\\_15.23\\_fre.pdf?sequence=1](http://apps.who.int/iris/bitstream/handle/10665/204113/WHO_RHR_15.23_fre.pdf?sequence=1)

111 See The national wage consultative Council act (2016 ; p. 5-7): <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/109421/135735/F-500032222/MUS109421%20National%20Minimum%20Wage%20Regulations%202017.pdf>

112 See: BM (2018) <https://www.banquemonddiale.org/fr/country/mauritius/publication/mauritius-addressing-inequality-through-more-equitable-labor-markets>



data demonstrate unequal access to employment. In 2010, the proportion of the country's total female workforce stood at 44.2% in 2010, down from 42.6% the previous year<sup>113</sup>. The same source reveals that the unemployment rate for women was 13%, against 4.6% for men. Access to employment is not always equal for both sexes since in 2016, the rate of access to employment is always higher for men with 89% against only 56% for women<sup>114</sup>. From 2011 to 2019<sup>115</sup>, a study carried out by the World Bank gives a perception of the rate of access to employment compared to uneducated people.

Table 1 - Wage and salaried workers (% of employment) by sex, Mauritius, 2011 to 2019

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019
Male salaried workers <sup>116</sup>	78,2%	77,3%	76,1%	76,5%	76,2%	76,2%	75,9%	76,6%	76,8%
Female salaried workers <sup>117</sup>	85%	83,7%	84,5%	84,1%	83,9%	84,8%	85,2%	86,8%	86, 5%

### *Housing*

We do not have data for this variable.

### *Natural environment*

Article 4 (a) of the Mauritian constitution advocates the conservation of natural resources. But we did not find data in relation to disaster management.

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113 See Haut-Commissariat des Nations-Unies : <https://newsarchive.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=11477&LangID=F>

114 See Banque Mondiale (2019) : Maurice : comprendre la mobilité des salaires et l'inégalité des chances sur le marché du travail en quatre graphiques ; <https://www.banquemondiale.org/fr/country/mauritius/publication/mauritius-earnings-mobility-and-inequality-of-opportunity-in-the-labor-market-in-four-charts>

115 ILO (2019) : <https://donnees.banquemondiale.org/indicateur/SL.EMP.WORK.FE.ZS?locations=MU>

116 ILO (2019) <https://donnees.banquemondiale.org/indicateur/SL.EMP.WORK.MA.ZS?locations=ZA>

117 ILO (2019), <https://donnees.banquemondiale.org/indicateur/SL.EMP.WORK.FE.ZS?locations=ZA>

# Rwanda

## 1. Constitutional provision

Gender equality and equity is an institutionalized issue in Rwanda through its constitution<sup>118</sup>. This constitutional provision provides for “equality of all Rwandans and between men and women...” and the fight against all forms of discrimination based on sex. More specifically, article 10 paragraphs 4 and 5 emphasizes that the Rwandan State undertakes to comply with and ensure respect for the fundamental principles both on “building a State governed by the rule of law, a pluralistic democratic Government, equality of all Rwandans and between men and women which is affirmed by women occupying at least thirty percent (30%) of positions in decision-making organs”; and “building a State committed to promoting social welfare and establishing appropriate mechanisms for equal opportunity to social justice”. Similarly, article 16 specifies that “All Rwandans are born and remain equal in rights and freedoms. Discrimination of any kind or its propaganda based on, inter alia, ... sex, ...or any other form of discrimination are prohibited and punishable by law”. The operationalization of these measures taken in the fundamental law was done by the establishment of several administrative organizations whose purpose is to ensure the concrete application of the constitutional provisions in the field of equality between men and women by fighting against gender discrimination.

## 2. Institutions involved in implementation

In Rwanda, administrative organizations and working committees have been set up for the effective implementation of gender dimensions in government actions and interventions<sup>119</sup>. First of all, it concerns in particular the Ministry in charge of Gender and the Promotion of the Family (MIGEPROF)<sup>120</sup> whose mission is to ensure the promotion of “equality and equity between men and women and achieve the empowerment of women and their effective participation in the development process”<sup>121</sup>. Then there is the National Women’s Council (CNF) responsible for the effective participation of women in all political and administrative bodies; the National Gender Observatory responsible for gender mainstreaming at all public and private levels and in all economic sectors, with access to disaggregated evidence on gender equality<sup>122</sup>. In addition, there are gender focal points and “Gender clusters” responsible for integrating the gender equality dimension into all sectoral policies and developing indicators to measure the effectiveness of gender mainstreaming. gender in public actions. Finally, the Committees for the fight against gender-based violence, responsible for collaborating not only with the authorities of the decentralized administrations, but also for assisting people “victims of violence

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118 Rwanda. (2015). The constitution of the Republic of Rwanda of 2003 revised in 2015 (Official Gazette n° Special of 24/12/2015). Rwanda Republic.

119 Rutabagaya, E. (2012). L'égalité hommes-femmes et le dialogue social au Rwanda (Document de travail no 45). Bureau international du Travail.

120 See: <https://www.migeprof.gov.rw/>

121 Rutabagaya (2012, p. 6-7).

122 Rutabagaya (2012).

based on gender and the rights of children”<sup>123</sup>.

If in terms of gender equality, the Scandinavian countries are the most often cited as examples, there is also one in Africa which records better performances and rises to the best rankings on the world level. That is Rwanda<sup>124</sup>. Rwanda has a Gender Inequality Index (GII)<sup>125</sup> value of 0.402, ranking it 92 out of 162 countries in the 2019 Human Development Index<sup>126</sup>. In Rwanda, 55.7% of parliamentary seats are held by women, and 10.9% of adult women have at least secondary education compared to 15.8% of their male counterparts. For every 100,000 live births, 248 women die from pregnancy-related causes; and the teenage birth rate is 39.1 births per 1,000 women aged 15-19. The participation of women in the labor market is 83.9% against 83.4 for men.

Its first place as the country with the highest proportion of women parliamentarians in the world with 64%, ahead of Scandinavian countries<sup>127</sup>, and also the low infant mortality rate recorded (5th place)<sup>128</sup> among African countries make Rwanda an exceptional case in this study.

### 3. Impact of legal provisions on the determinants of health

All these constitutional and institutional provisions reflect significant progress in several state sectors affecting maternal and child health.

#### *Sociocultural context*

The socio-cultural variable essentially takes marriage and the organization of conjugal relations between the spouses into account. Marrying and founding a family is a constitutional right in Rwanda through article 17. Only “a civil monogamous marriage between a man and a woman” is recognized by law. The functioning of the matrimonial home is governed by the code and laws of Rwanda<sup>129</sup>.

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123 Rutabagaya (2012, p. 8).

124 Radio-Canada (2017).

125 The 2010 Human Development Report introduced the GII, which reflects gender-based inequalities in three dimensions, including reproductive health, empowerment and economic activity. Reproductive health is measured by maternal mortality and adolescent birth rates; empowerment is measured by the share of parliamentary seats held by women and the level of education in secondary and higher education by gender; and economic activity is measured by the labor market participation rate of women and men. Thus, the GII can be interpreted as the loss of human development due to the inequality between the achievements of women and men in the three dimensions. When available, we will provide the GII value for each of the countries along with their corresponding ranking and other related indicators.

126 UNDP. (2020). Human Development Report 2020 (for Rwanda); <http://hdr.undp.org/sites/default/files/Country-Profiles/RWA.pdf>

127 World Economic Forum. (2016, p. 391). The Global Gender Gap Insight Report.

128 Groupes Interinstitutions des Nations-Unies (2021).

129 Codes et Lois du Rwanda -Volume 4 : Droit Civil et Social ->Droit Civil ->Des Personnes

Article 197 of the Constitution defines equally the responsibilities of the spouses to maintain and educate the children. Any kind of irresponsibility on the part of one party in relation to the satisfaction of the children's needs entitles the other to take legal action to compel them to do so. Thus, Articles 198 to 204 make parents responsible for the feeding of children. Articles 207 to 216 regulate the relations and interactions between the spouses, particularly with regard to fidelity, cohabitation, an equal contribution to household expenses and their professional relationship.

These measures, which soften or even annihilate patriarchal domination, contribute to the mental and psychological health of women and to reducing infant mortality<sup>130</sup>.

### *Education*

Rwanda has made great strides in terms of institutional arrangements supporting gender equality and gender equality in education. Through its article 40, the constitution affirms that everyone has the right to education.

In the field of education, gender parity has been achieved at the level of primary and secondary schooling, where 85% of girls and 84% of boys are enrolled<sup>131</sup>. In addition, Organic Law No. 02/2011/OL of July 27, 2011, on the organization of education, provides that the education of Rwandan citizens must not be characterized by any form of discrimination.

### *Health system*

Articles 21, 45 and 169 of the Rwandan constitution institutionalize the government's responsibility to ensure a better state of health for all, without distinction. Access to health care being an inalienable right for all Rwandans, additional politico-legal provisions are defined in the Labor Code<sup>132</sup> to contribute to maternal health especially at work. Taking an intersectional approach, article 12 of the code stipulates that a "previous, current or future pregnancy" cannot be the ground for discrimination. Articles 64 to 69 give every woman the right to maternity leave. These measures are likely to ensure better maternal and child health; which in turn would contribute to reducing infant mortality.

The objective of the health policy developed and implemented from 2005 to 2015 was "to accelerate the reduction of maternal and neonatal mortality and

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->Titre préliminaire et personne et famille ->Texte de loi > 27 OCTOBRE 1988 - LOI n° 42/1988. Titre préliminaire et livre premier du code civil (J.O., 1989, p. 9).

130 uyon, L., & Nadeau, L. (1990). Le mouvement féministe et la santé mentale : Que reste-t-il de nos amours ? Santé mentale au Québec, 15(1), 7 28. Érudit. <https://doi.org/10.7202/031539ar>

131 UNDP Rwanda (2018, p.6) ; Schwab, Klaus, et al. (2017). «The global gender gap report 2017.» World Economic Forum.

132 In May 2009, the New Labor Code (Law n° 13/2009 of May 27, 2009 governing labor in Rwanda, hereinafter "Code").

achieve the Millennium Development Goals (MDGs) in Rwanda”<sup>133</sup> through “the improvement of gender-related conditions that maintain women’s vulnerability”<sup>134</sup>. The policy and its implementation are part of the dynamic of considering certain values and principles such as: the integration of health services, highlighting “maternal and neonatal health care at all levels”; equity and accessibility with respect for gender; justice and relevance allowing to have exact knowledge on the situation of “maternal and neonatal health”<sup>135</sup>. The implementation of the policy and its values have been ensured by state actors (Ministry of Health), social actors (Rwanda Medical Association; National Association of Nurses of Rwanda) and international actors (WHO).

All of these efforts have borne fruit, as the country is making significant progress in many gender-related issues. Unlike other countries in Africa, for example, only 6.8% of Rwandan women between the ages of 20 and 24 were married or in a union before the age of 18 and the teenage birth rate is 41 to 1,000 women aged 15-19 in 2016, compared to 45 per 1,000 in 2014. In 2015, 62.9% of women of reproductive age (15-49) had their need for family planning met with modern methods<sup>136</sup>.

### *Economic context*

Gender equality in the economic context is governed by the Rwandan constitution through articles 9 paragraphs 4; 11 and 37 which stipulate that, among other things, any discrimination based in particular on sex is prohibited and punishable by law. In addition, everyone has the right to free choice of employment and to “equal competence and ability, everyone has the right, without any discrimination, to equal pay for equal work”<sup>137</sup>. In addition, and as mentioned a little above, many women benefit from paid maternity leave (up to three months per birth), which makes participation in the labor market increasingly possible for women who are considering to become mothers.

On the economic front, the UNDP Rwanda report (2018) highlights that the activity rate of Rwandan women (86%)<sup>138</sup> is one of the highest in the world. Moreover,

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133 Ministère de la Santé. (2007, p. 19). Plan stratégique pour accélérer la réduction de la morbidité et mortalité maternelle et néonatale 2005- 2015. République du Rwanda.

134 Ministère de la Santé (2007, p. 6)

135 Ministère de la Santé (2007, p. 18)

136 UN Women: <https://data.unwomen.org/country/rwanda>

137 Despite this constitutional provision, it is important to note that the gender pay gap in Rwanda is still a persistent phenomenon. See The Labor Force Survey (2019 and 2020) of the National Institute of Statistics of Rwanda (NISR).

138 But, according to survey results by The Labor Force Survey (2019 and 2020). “Thematic Report on Gender” carried out by the National Institute of Statistics of Rwanda (NISR), 91.2% of women in the active population have an informal job against 88.3% among men. The results also show that the majority of the working population was employed on the basis of a daily wage employment contract and that women were overrepresented in this category with 60.9% of women having a daily wage employment contract against 52.6% in

the same report estimates that the wage gap between women and men is smaller in Rwanda than in many industrialized countries. In Rwanda, women earn 88% for every dollar men earn<sup>139</sup>. However, it must be noted that this high rate of participation of women in the labor market is partly due to necessity and has its roots in the devastating genocide that the country experienced. Following these horrific events, women comprised between 60% and 70% of the surviving population. They had little choice but to fill the roles once held by men.

### *Work and employment support*

Gender equality in matters of work and employment is constitutionally governed by article 27 which gives the right to all Rwandans “to participate in the Government of the country, either directly or through their freely chosen representatives, in accordance with the law”. This constitutional provision is preceded by the ratification of Convention No. 100 concerning equal remuneration (1951) and Convention No. 111 concerning discrimination in respect of employment and occupation (1958); all relating to gender equality at work. To support and implement these provisions, a national employment policy was drawn up in 2007 with a vision extending from 2007 to 2020. The objective is to “enable the hundreds of thousands of people, currently unemployed or paid so little that neither they nor their families can escape poverty, gain access to productive employment and thus see their lives improve”<sup>140</sup>. It specifically emphasizes “equal opportunities for young girls and young boys”<sup>141</sup>. The design and implementation of this policy fall within the perspective of the fundamental principles enshrined in the constitution: non-discrimination in all its forms, equity and gender equality and equal opportunity for all on the one hand. On the other hand, they involve national public actors (Ministry of the Civil Service and Labor; the National Office of Populations); organizations (International Labor Office; International Labor Organization) and social partners (NGOs, associations, etc.).

### *Housing*

In terms of housing, there are almost no institutional arrangements made in terms of gender equality. However, in 2015, the government had developed a national policy aimed at “access to housing for all”<sup>142</sup>. It aims to ensure decent housing for all Rwandans. Several policies and strategic plans are in place to achieve this objective; and “since December 2015, public infrastructure and equipment for affordable housing projects are funded by the government, this is the subject of

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men.

139 UNDP Rwanda. (2018). Gender Equality Strategy: UNDP Rwanda (2019-2022). United Nations Development Programme Rwanda Country Office; Thomson, S. (2017). “How Rwanda beats the United States and France in gender equality”. World Economic Forum; <https://www.weforum.org/agenda/2017/05/how-rwanda-beats-almost-every-other-country-in-gender-equality/>.

140 Rwanda. (2007). Politique nationale de l’Emploi. République du Rwanda.

141 Rwanda. (2007, p. 24).

142 Republic Of Rwanda. (2015). The National Housing Policy.

a Prime Minister's decree"<sup>143</sup>. In the same perspective, the vision of the national housing policy is centered on "social housing<sup>144</sup> intended for households earning less than 35,000 FRw per month (38.4 US dollars)<sup>15</sup>, affordable housing intended for households earning less than 200 000 FRw per month (220 US dollars); intermediate housing for households earning up to FRw 900,000 per month (US\$988) and luxury housing for those earning more than FRw 900,000 per month"<sup>145</sup>. These measures, which guarantee at least social and affordable housing for all, will have a positive impact on the development, well-being and health of spouses and children<sup>146</sup>.

### *Natural environment*

We did not obtain tangible data related to institutional measures supporting gender equality in relation to natural disasters in Rwanda. However, the constitution undertakes to ensure equality of rights between Rwandans "and between men and women", without prejudice to the principle of the "gender" approach; and article 10 paragraph 5 calls for "building a State committed to promoting social welfare and establishing appropriate mechanisms for equal opportunity to social justice".

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## Seychelles

### 1. Constitutional provision

The preamble to the constitution<sup>147</sup> of the Republic of Seychelles emphasizes "equal opportunities". Article 30 recognizes women's importance in society. It stipulates that "the State recognises the unique status and natural maternal functions of women in society and undertakes as a result to take appropriate measures to ensure that a working mother is afforded special protection with regard to paid leave and her conditions at work during such reasonable period as provided by law before and after childbirth".

Internationally, the country has ratified several agreements to ensure gender equality<sup>148</sup>:

- Convention on the Elimination of All Forms of Discrimination against

<sup>143</sup> Rwanda. (2017, p. 3).

<sup>144</sup> Social housing is provided for people who are poor and unable to provide dignified and decent housing.

<sup>145</sup> Mwesigye, J. (2019). Rwanda : Chiffres clés.

<sup>146</sup> Dunn, J. R., Hayes, M. V., Hulchanski, J. D., Hwang, S. W., & Potvin, L. (2006). Le logement en tant que déterminant socio-économique de la santé : Résultats d'une évaluation des besoins, des lacunes et des possibilités (EBLP) de recherche à l'échelle nationale. Canadian Journal of Public Health / Revue Canadienne de Santé Publique, 97, S12 S17. JSTOR.

<sup>147</sup> <https://mjp.univ-perp.fr/constit/sc1993.htm>

<sup>148</sup> Confer Seychelles (2019) : <https://rf-efh.org/carte/fiche/sc.pdf>

Women in May 1992;

- Resolution 1325 and following allow the active involvement of women in the decision-making process concerning conflict resolution and peace
- Rome Statute, particularly in relation to crimes of aggression.
- Beijing Declaration and Platform for Action of the Fourth World Conference on Women (acceded),
- Maputo Protocol to the African Charter on Human and Peoples' Rights (Maputo Protocol) to guarantee the rights of women.

## 2. Institutions involved in implementation

At the institutional level, administrative structures have been put in place. These are the Ministry of Women, the National Gender Secretariat at the level of the Ministry of Family and a national Gender Management team. These structures have contributed to the development of the National Action Plan for Gender Equality (2019-2023). This strategic document takes into consideration «legal rights, constitutional rights, peace, security, social and economic development, health, education, HIV and AIDS, gender-based violence, protection and conservation of the environment, including measures to 'climate change adaptation and mitigation, and the media'»<sup>149</sup>.

In 2018, the Ministry for Women had set up “a shelter center for women victims of violence” with the support of the European Union. This initiative aims to participate “favorably in the fight against physical violence against women insofar as it could allow victims to have the audacity to denounce what they previously suffered in silence”<sup>150</sup>.

## 3. Impact of legal provisions on the determinants of health

### *Sociocultural context*

Despite the measures taken to eliminate discrimination against women, Seychellois women and girls still suffer from violence. Studies have shown from 2006 to 2009 that 55% of women filed “complaints of violence perpetrated by other family members” (UN and Seychelles, 2019, p. 8). In addition, «in 92% of cases, it is women and girls who are victims of domestic violence in Seychelles. According to the latest statistics from 2016 at least 58% of women in Seychelles experience some form of intimate partner violence in their lifetime” (p. 9).

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149 Confer UN et Seychelles (2019, p. 5-6), Recueil textes et lois tome 1 : zone Afrique : file:///Users/kossiadanjesso/Downloads/N1926221.pdf

150 UN et Seychelles (2019, p. 8).



## *Education*

Every citizen has the right to education. To do this, article 33 obliges the State to undertake “to provide compulsory education, which shall be free in State schools, for such minimum period, which shall not be less than ten years, as may be prescribed by law” (33, a); “to ensure that the educational programmes in all schools are aimed at the complete development of the person” (33, b); and “to afford, on the basis of intellectual capability, every citizen equal access to educational opportunities and facilities beyond the period of compulsory education” (33, c). If equality between men and women is one of the values defended, it should be noted that this is not actually translated into practice.

The government of Seychelles has made great strides in getting children into school. As an example, if we take from 2015 to 2020, the lower (secondary) cycle completion rates are 105.2% respectively; 107.5%; 107.2%; 104.6%; 110.1% and 103.8% (UNESCO cited by World Bank 2020, p. N/D)<sup>151</sup>.

Among young girls, the results are also impressive. From 2015 to 2020, we note respectively: 116%; 114.4%; 107.3%; 112.4%, 110.2% and 99.1% in 2020 (UNESCO cited by World Bank 2020, p. N/D)<sup>152</sup>.

## *Health system*

The Seychelles constitution recognizes health as a right. In this regard, article 29 stipulates that “the State recognises the right of every citizen to protection of health and to the enjoyment of attainable standard of physical and mental health”. The same article (a) provides for free primary care for every citizen.

Do these measures reduce infant and maternal mortality? It should be noted that the government is making commendable efforts to significantly reduce the infant mortality rate. According to statistics from the United Nations Interagency Group, from 2015 to 2020, infant mortality rates (under 5, per 1,000) among boys are estimated at 16, 16, 16, 16, 15, 15. Among girls<sup>153</sup> (per 1000 live births) we record: 14; 14; 14; 13; 13. The number of maternal deaths is trending towards zero. Because, from 2000 to 2017, the number of maternal deaths is estimated at 1<sup>154</sup>.

## *Economic context*

Section 35(d), requires employers “to make and enforce statutory provisions for safe, healthy and fair conditions of work, including reasonable rest, leisure, paid

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151 Unesco cité par la Banque Mondiale (2020), disponible sur : <https://donnees.banquemondiale.org/indicateur/SE.SEC.CMPT.LO.MA.ZS?locations=SC>

152 Unesco cité par la Banque Mondiale (2020); <https://donnees.banquemondiale.org/indicateur/SE.SEC.CMPT.LO.FE.ZS?locations=SC>

153 Banque Mondiale et al. (2020). <https://donnees.banquemondiale.org/indicateur/SH.DYN.MORT.FE?locations=SC>

154 Banque Mondiale et al. 2020 : <https://donnees.banquemondiale.org/indicateur/SH.MMR.DTHS?locations=SC>

holidays, remuneration which guarantees, as a minimum, dignified and decent living conditions for the workers and their families, fair and equal wages for work of equal value without distinction and stability of employment”.

The legal measures taken contribute to the integration of women into the economic life of the country. According to the AfDB, “women are an integral part of the Seychelles economy, as nearly 51% of the Seychelles workforce is employed by women. Measures to protect jobs such as the wage guarantee will therefore benefit women the most. The rate of work in the informal sector in the Seychelles is higher among men (22.1%) compared to women (9%)<sup>155</sup>. The AfDB believes that there is income inequality, but we did not find disaggregated data to assess equal pay.

### *Work and employment support*

While article 31 sets the working age at a minimum of 14 years, article 35 defines the conditions deemed favorable for a decent life for employees. Using data from the World Bank, we can analyze the employment rate through the table below.

Table 1 - Employment to population ratio (%), ages 15-24, Seychelles, 2014 to 2020

Year	2014	2015	2016	2017	2018	2019	2020
Male	51.7	52.5	53.2	54.6	49.7	47.3	42.0
Female	47.3	43.7	44.3	43.3	47.2	38.9	45.9

Source: World Bank - <https://donnees.banquemondiale.org/indicateur/SL.EMP.1524.SP.MA.NE.ZS?locations=SC>

### *Housing*

Constitutionally, every citizen has the right to housing. According to article 34, “the State recognises the right of every citizen to adequate and decent shelter conducive to health and well-being and undertakes either directly or through or with the co-operation of public or private organizations to facilitate the effective realization of this right”. However, we do not have data available to examine the gender dimension and access to housing.

### *Natural environment*

The Seychellois constitution makes provisions for an enabling environment for the well-being of citizens. Article 20 refers to the preservation of the environment. While the 38 recognizes the right of every citizen “to live in and enjoy a clean, healthy and ecologically balanced environment”. In addition, Article 40 makes the State responsible for the protection, conservation and improvement of the environment. But we did not find any data for a detailed analysis.

<sup>155</sup> BAD (2020, p. 8), Seychelles : programme d’appui budgétaire en réponse à la crise de la covid-19

# Somalia

## 1. Constitutional provision

The Somali constitution<sup>156</sup> guarantees equality between women and men. According to article 11 paragraph 1, “all citizens, regardless of sex... shall have equal rights and duties before the law”. However, the challenges related both to the general impoverishment of the Somali population, and to the chronic insecurity due to the civil war; and the virtual absence of a legitimate government, make the ambitious constitutional will on gender equality elusive.

## 2. Institutions involved in implementation

On May 27, 2016, the Somali Council of Ministers approved a national gender and policy plan to improve the education, employment and political status of women and girls. This ministerial decision was quick to generate strong outrages<sup>157</sup> to the point where the Minister for Women, Human Rights and Social Development was threatened with death. The Union of Somali Islamic Scholars has even called the policy anti-Islamic and out of step with the country’s social order.

The National Gender and Politics Plan requires that at least 30% of seats in parliament be for women. But the access of women and girls to services such as health care and education is disproportionately low. According to Freedom House, only 14% of parliamentary seats were held by women in 2016<sup>158</sup>. However, this percentage evolved to 24.4% in February 2021<sup>159</sup>.

## 3. Impact of legal provisions on the determinants of health

Nonetheless, common issues that perpetuate gender inequality in Somalia include female genital mutilation, child marriage, maternal mortality rates, and lack of access to basic tools for success, such as education, health care, credit, etc<sup>160</sup>. According to the US State Department<sup>161</sup>, women are discriminated against in credit, education, politics and housing. The law requires equal pay for equal work, but this is not always respected in practice. Women are under-represented in formal sector employment and are kept in lower-level positions in large corporations<sup>162</sup>.

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156 We analyze the officially signed and stamped version of the provisional constitution as submitted to the House of the People of the Federal Parliament on September 7, 2012. This document should go through a referendum to become final if approved, but the security situation still poses a major challenge.

157 U.S. Department of State. (2016).

158 Freedom House. (2016). Freedom in the World 2016: Somalia. <https://freedomhouse.org/report/freedom-world/2016/somalia>

159 <https://data.unwomen.org/country/somalia>

160 <https://borgenproject.org/womens-rights-in-somalia/>

161 <https://www.verite.org/wp-content/uploads/2018/01/SSA-Verite-Country-Report-Somalia.pdf>

162 U.S. Department of State. (2017). 2016 Country Reports on Human Rights Practices:

## *Sociocultural context*

Article 15 paragraph 2 of the constitutional text determines that “every person has the right to personal security, which shall be safeguarded through the prohibition of illegal detention, all forms of violence, including any form of violence against women, torture, or inhumane treatment”. Moreover, in paragraph 4, the article specifies that the “Circumcision of girls is a cruel and degrading customary practice, and is tantamount to torture. The circumcision of girls is prohibited”. In paragraph 5, article 15 judges that “is contrary to Shari’ah and is prohibited except in cases of necessity, especially to save the life of the mother”. Finally, article 28 requires mutual consent to obtain the legality of a marriage, because no marriage, we learn, “shall be legal without the free consent of both the man and the woman, or if one or both of them have not reached the age of maturity”.

Once again, the field shows a completely different reality: more than 35% of women aged 20 to 24 were married or in union before the age of 18. Female genital mutilation (FGM)<sup>163</sup> persists with a prevalence of 98%; while the prevalence of child marriage remains high with 45% of women aged 20-24 married before the age of 18. Finally, women in Somalia experience higher unemployment rates than men: 74% for women and 61% for men.

## *Education*

Education is guaranteed for all Somalis. In article 30 paragraphs 1 and 2, we learn that “education is a basic right for all Somali citizens... . Every citizen shall have the right to free education up to secondary school”.

However, in Somalia, there is a lack of women involved in political and social leadership roles. One of the reasons is the lack of education they receive. In Somalia, primary schools have one of the lowest enrollment rates, with only 30% of children enrolled<sup>164</sup>. Of the children in school, less than half are girls. For girls living in rural areas, these figures are even lower. Compared to men, Somali women have much lower levels of literacy. In Somalia, only 26% of women can read, compared to 36% of men<sup>165</sup>.

## *Health system*

Article 27 para. 2 and 4 of the constitution states that “every person has the right to healthcare, and no one may be denied emergency healthcare for any reason, including lack of economic capability”. Furthermore, “every person has the right to full social security”. On the other hand, it should be noted that these constitutional provisions have little impact on the reality on the ground.

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Somalia. <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

163 [https://unsom.unmissions.org/sites/default/files/un\\_somalia\\_gender\\_equality\\_strategy2\\_0.pdf](https://unsom.unmissions.org/sites/default/files/un_somalia_gender_equality_strategy2_0.pdf); <https://www.unfpa.org/resources/somalia-funding-gender-equality-and-empowerment-women-and-girls-humanitarian-programming>

164 <https://borgenproject.org/facts-about-girls-education-in-somalia/>

165 <https://borgenproject.org/facts-about-girls-education-in-somalia/>

By way of illustration, the birth rate among adolescents is 118 per 1,000 women aged 15-19 in 2017, compared to 123 per 1,000 in 2005. In addition, women of childbearing age (15-49 years) often face barriers in relation to their sexual and reproductive health and rights. In 2019, 2.1% of women had their need for family planning met with modern methods<sup>166</sup>.

Additionally, Somalia's maternal mortality rate is the highest in the world, at 1,600 per 100,000 live births. Somali women suffer from these high maternal mortality rates due to the poor health infrastructure in the country and lack of access to adequate services. For Somali children, four out of every 100 infants die within the first month of life according to UNICEF<sup>167</sup>.

### *Economic context*

We have not found specific provisions for this variable beyond the general principle of equality between the sexes.

We do not have data for this variable.

### *Work and employment support*

Article 3 para. 5 of the constitution calls for women to be included in all national institutions, effectively, especially in all elected and appointed positions of government and in independent national commissions. Articles 22 and 23 specify that every citizen has the right to take part in public affairs and the right to freely choose his trade, occupation or profession and article 24 paragraph 1, that “every person has the right to fair labour relations”. Similarly, paragraph 5 of the same article 24 provides that all “workers, particularly women, shall have a special right of protection from sexual abuse, segregation and discrimination in the work place. Every labour law and practice shall comply with gender equality in the work place”. In article 27 paragraph 5, we read that it must be ensured that women, older people, people with disabilities and minorities who have long suffered from discrimination receive the necessary support to realize their socio-economic rights.

Unfortunately, the effective implementation of these constitutional provisions is one of the major challenges for the country. First, women's participation in leadership and decision-making roles in public and political spheres at all levels - national, state, local - remains low, with most women in these roles not having the ability to engage fully (as the example of the Minister for Women in 2016 shows). The law requires equal pay for equal work, but this is not always respected in practice. Women are under-represented in formal sector employment and are kept in lower-level positions in large corporations<sup>168</sup>.

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166 <https://data.unwomen.org/country/somalia>

167 <https://www.unicef.org/somalia/health>

168 U.S. Department of State. (2017). 2016 Country Reports on Human Rights Practices: Somalia. <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

## *Housing*

Article 21 paragraph 1 asserts that “every person lawfully residing within the territory of the Federal Republic of Somalia has the right to freedom of movement, freedom to choose their residence, and freedom to leave the country”.

## *Natural environment*

We have not found specific provisions for this variable beyond the general principle of equality between the sexes.

We do not have data for this variable.

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# South Sudan

## 1. Constitutional provision

The question of equality is at the heart of the constitution<sup>169</sup> of the Republic of South Sudan. In the preamble, it is written that “South Sudan is founded on justice, equality, respect for human dignity and the promotion of human rights and fundamental freedoms”. Article 14 upholds this equality: all citizens are equal “before the law and are entitled to the equal protection of the law without discrimination” on the basis of sex. Also, the constitution declares that services should be “provided to all persons impartially, fairly, equitably and without bias or discrimination on the basis of religion, ethnicity, region, gender, health status or physical disability” (section 139.d). In addition, the constitution provides that the distribution of national wealth must be based on the gender approach (article 168.6). These provisions imply the creation of an institutional and administrative framework to enable the implementation of gender-based policies.

## 2. Institutions involved in implementation

There are several institutions involved in the implementation of gender provisions, including:

- The Ministry of Women, Children and Social Protection which leads the national mechanism for promoting gender equality in the country and sits on the Council of Ministers.
- The Gender Advisor to the Office of the President who provides strategic advice to the President and the Office of the President on human rights and gender equality. The Cabinet supports the Government’s action in favor of gender equality and plays a leading role in the integration of gender issues.
- Referent persons in charge of gender issues in all public institutions. They are in charge of gender issues support the measures taken by the

169 Confers the constitution of South Sudan (2011) : [http://www.africanchildforum.org/clr/Legislation%20Per%20Country/South%20Sudan/ssudan\\_constitution\\_2011\\_en.pdf](http://www.africanchildforum.org/clr/Legislation%20Per%20Country/South%20Sudan/ssudan_constitution_2011_en.pdf)

institutions to which they belong to systematically mainstream gender issues in their respective areas of action. They meet regularly and support interministerial action.

- The Special Committee on Women, Children, Social Welfare, Youth and Sport (parliamentary committees). Its mission is to monitor and promote measures aimed at achieving equal opportunities and improving the quality of life and condition of women and groups marginalized because of their gender, age (elderly, young people and children), their disability or any other factor related to history, traditions or customs, in order to remedy these inequalities.
- The National Women Parliamentarians Caucus, which plays a key role in ensuring that women legislators can make their voices heard in parliament and in advocating and promoting gender-responsive legislation to all parliamentary committees<sup>170</sup>.

This system has led the government and partners to put in place public policies and programs to integrate gender into aspects of social, economic, political and cultural life, in particular:

- National Gender Policy, 2011
- The “Girls’ Education South Sudan” program which aims to increase the proportion “of South Sudanese women having received an education by giving a greater number of them access to quality education”. Among the components of the Girls’ Education South Sudan program is a radio program called «Our School», which aims to raise awareness among listeners of the «difficulties and obstacles faced by girls in access to education”.
- The Community Girls’ Schools program, one of the public alternative education programs targeting girls, offers a condensed version of the primary school curriculum, which covers in three years the content taught during the first four years of primary school. It aims to promote the autonomy of young girls from poor backgrounds.
- The policy entitled “Government National Health Policy, 2016-2026” which makes it possible to “strengthen the national health system and consolidate partnerships to remove obstacles to the effective provision of all basic health and nutrition” .
- The national policy on gender equality, which “for its part gave priority to the fight against maternal mortality by advocating a review of all health legislation, policies and programs in order to take into account issues related to gender equality”<sup>171</sup>.

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170 Confer Armée populaire de libération du Soudan, les Fonds des Nations Unies pour la population et al. <https://tinyurl.com/3fsb5tpu>

171 idem.

It is then important to determine the measures on the variables favorable to health.

### 3. Impact of legal provisions on the determinants of health

#### *Sociocultural context*

Article 15 of the constitution prohibits child marriage and insists on consent. In addition, article 16 requires the government to enact laws to combat harmful customs and traditions that undermine the dignity and status of women. In addition, it should be noted that the government has ratified the International Convention on the Elimination of All Forms of Discrimination. However, “according to government statistics, almost half (48%) of South Sudanese girls aged 15 to 19 are married, some even as young as 12”<sup>172</sup>. Women suffer all kinds of violence: “cases of sexual assault and gender-based violence increased by 64% in 2016 compared to the previous year”<sup>173</sup>. This means that legal policy measures do not have a significant impact on the reality of South Sudanese women and girls.

#### *Education*

Education is a constitutional right. Article 29 specifies that education is a “right for every citizen and all levels of government shall provide access to education without discrimination”. Article 38 (a) adds to this provision: the government must promote education at all levels in order to create qualified cadres for development.

The following data indicates the efforts made by the South Sudanese government in the area of education for all.

The literacy rate for adult women aged 15 and over in 2008 is 19% and 29% in 2018 (UNESCO, quoted by the World Bank 2018, p. N/D)<sup>174</sup>. Among men aged 15 to 24, the rate was 44% in 2008 and 48% in 2018 (UNESCO, quoted by the World Bank 2018, p. N/D)<sup>175</sup>.

At the level of schooling, the data are presented in the tables below (UNESCO 2018, p. N/D)<sup>176</sup>:

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172 Confers Human Right Watch (2013), Soudan du Sud: Halte aux mariages forcés de jeunes filles : Le gouvernement devrait protéger et soutenir les filles qui refusent d'être mariées de force, accessible sur <https://www.hrw.org/fr/news/2013/03/07/soudan-du-sud-halte-aux-mariages-forces-de-jeunes-filles>

173 South Sudan : UN warns women and girls face very high risk of sexual assault. <https://news.un.org/fr/story/2017/04/356082-soudan-du-sud-lonu-avertit-que-les-femmes-et-les-filles-sont-confrontees-un>

174 <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.FE.ZS?locations=SS>

175 <https://donnees.banquemondiale.org/indicateur/SE.ADT.1524.LT.MA.ZS?locations=SS>

176 <https://uis.unesco.org/fr/country/ss>



**Table 1 - Gross and net enrollment in Pre-primary education, South Sudan, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	6.1	...	...	...	11.3	10.3	...	11.6	...	...
Female	5.9	...	...	...	10.9	10.0	...	10.8	...	...
Male	6.3	...	...	...	11.6	10.7	...	12.3	...	...
Net enrollment rate (%)										
Total	4.0	...	...	...	6.5	...	...	...	...	...
Female	3.9	...	...	...	6.4	...	...	...	...	...
Male	4.1	...	...	...	6.6	...	...	...	...	...

**Table 2 - Gross and net enrollment in Primary education, South Sudan, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	90.05	...	...	...	72.99	...	...	...	...	...
Female	71.59	...	...	...	60.38	...	...	...	...	...
Male	108.12	...	...	...	85.31	...	...	...	...	...
Net enrollment rate (%)										
Total	43.4	...	...	...	35.2	...	...	...	...	...
Female	36.0	...	...	...	30.4	...	...	...	...	...
Male	50.6	...	...	...	39.9	...	...	...	...	...

**Table 3 - Gross and net enrollment in Secondary education, South Sudan, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	9.69	...	...	...	11.01	...	...	...	...	...
Female	6.54	...	...	...	7.67	...	...	...	...	...
Male	12.78	...	...	...	14.29	...	...	...	...	...
Net enrollment rate (%)										
Total	5.1	...	...	...	5.5	...	...	...	...	...
Female	4.1	...	...	...	4.5	...	...	...	...	...
Male	6.0	...	...	...	6.5	...	...	...	...	...

**Table 4 - Gross enrollment in Higher education, South Sudan, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	...	...	...	...	...	0.6	...	0.7	...	...
Female	...	...	...	...	...	0.5	...	0.3	...	...
Male	...	...	...	...	...	0.7	...	1.2	...	...

### ***Health system***

Article 31 of the constitution stipulates that “All levels of government shall promote public health, establish, rehabilitate and develop basic medical and diagnostic institutions and provide free primary health care and emergency services for all citizens”.

The problem of child health is worrying in southern Sudan. The infant mortality rate (under 5 per 1000) is 98% from 2015 to 2020. According to data from the United Nations Population Fund (UNFPA) and the World Health Organization (WHO), “the maternal mortality rate in South Sudan stood at 789 per 100,000 live births in 2019”<sup>177</sup>.

177 <https://www.un.org/africarenewal/fr/magazine/octobre-2020/soudan-du-sud-des-agents-de-sant%C3%A9-communautaires-apportent-des-services#:~:text=Les%20donn%C3%A9es%20du%20Fonds%20des,de%20cinq%20ans%20s'%C3%A9levaient>

### *Economic context*

Section 16(2) provides for equal pay. But we have no data to analyze salary situations.

### *Work and employment support*

According to article 16, all citizens have the right to work. Many jobs in South Sudan are not secure. According to World Bank data, from 2014 to 2019, the rates of vulnerable employment held by women are: 96% in 2014; 96% in 2015; 96% in 2016; 96% in 2017. In 2018 and 2019, the rate is estimated at 95%. For men, the rates are respectively estimated at: 83%, 84%, 86%, 86%, 87%, 86%<sup>178</sup>.

### *Housing*

According to article 27 (1), every citizen has the right to freedom of movement and freedom to choose his residence except for reasons of public health and safety. The government's concern is to reduce informal housing which accounts for about 20% of housing in Khartoum<sup>179</sup>. But the data available do not allow us to assess gender equality in South Sudan.

### *Natural environment*

In South Sudan, natural disasters affect children the most. According to the UN, “nearly 4 million South Sudanese are currently at risk of hunger. For its part, UNICEF says that some 250,000 children are at risk of severe malnutrition by the end of the year and that 50,000 could die from it”<sup>180</sup>.

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## **Sudan**

### **1. Constitutional provision**

The Sudanese constitution<sup>181</sup> guarantees equality between women and men. In its article 4 paragraph 1, it declares that the Republic of Sudan is a State “where rights and duties are based on citizenship without discrimination due to race, religion, culture, sex, ... or any other cause”. The constitution in article 39 paragraph 4 (g) provides for the establishment of a Women and Gender Equality Commission. According to article 49 paragraph 1, the State “protects women's rights

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178 <https://donnees.banquemondiale.org/indicateur/SL.EMP.VULN.FE.ZS?locations=SS>

179 Hamid, 4th Scientific and Professional Conference: Towards Sustainable Urban Development, Khartoum, Sudanese Institute of Architects (SIA), 16 avril 2016.

180 Comité de solidarité Trois-Rivière : Catastrophe au soudan du sud ([http://www.cs3r.org/1699-catastrophe\\_au\\_soudan\\_du\\_sud](http://www.cs3r.org/1699-catastrophe_au_soudan_du_sud))

181 In reality, the de facto provisional constitution of Sudan is the draft constitutional declaration, which was signed by representatives of the Transitional Military Council and the Forces of Freedom and Change alliance on August 4, 2019, following the popular uprisings that have overthrown Omar El-Bashir.

as provided in international and regional agreements ratified by Sudan”.

## 2. Institutions involved in implementation

In Sudan, 27.5 percent of parliamentary seats are held by women according to the latest UN Human Development Report<sup>182</sup>, but as of February 2021, there were no women in parliament<sup>183</sup>. Unfortunately, Sudan has virtually no institutional mechanisms available to promote gender equality under the El-Bashir dictatorship. But given the predominant role played by women in the overthrow of his regime, one would expect Sudan to become a more favorable environment for women and gender equality despite the rocky road leading to transitional government. Already, following the fall of El-Bashir, Sudan's Council of Ministers has ratified the 1979 United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), with certain reservations<sup>184</sup>.

## 3. Impact of legal provisions on the determinants of health

### *Sociocultural context*

Although the law requires a minimum age of 18 before marriage, 34.2% of women aged 20 to 24 were married or in union before the age of 18. Additionally, the adolescent birth rate is 86.8 per 1,000 women aged 15-19 in 2013, down from 64.9 per 1,000 in 2007. Nationally, about 38% of girls are marry before their eighteenth birthday<sup>185</sup>, but recent figures from the Simple Spatial Survey Method (S3M, 2018) show that 64% of women with children under five were married when they were still children. In addition, one-fifth of women aged 20-24 in Sudan had their first child before they reached the age of eighteen. The adoption of new legislative frameworks, strategies, and action plans on FGM has laid the groundwork for significant policy change. Efforts to raise awareness about the harmful consequences of FGM have helped reduce the number of women aged 20 to 24 circumcised before the age of 14 from 31 to 28%. Additionally, through collective efforts, the abandonment of female genital mutilation (FGM) has been criminalized, and a significant decrease in the practice among children under 15 has been observed.

### *Education*

For article 62 paragraphs 1 and 2, “education n is a right for every citizen. The state guarantees access thereto without discrimination on the basis of religion, race, ethnicity, gender or disability. Education at the general level is compulsory, and the state shall provide it free of charge”.

Decades of efforts to educate girls in Sudan have resulted in near parity in

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182 UNDP. (2020). Human Development Report 2020 (for Sudan); <http://hdr.undp.org/sites/default/files/Country-Profiles/SDN.pdf>

183 <https://data.unwomen.org/country/sudan>

184 [https://www.voanews.com/a/africa\\_sudan-ratifies-womens-rights-convention-exceptions/6205220.html](https://www.voanews.com/a/africa_sudan-ratifies-womens-rights-convention-exceptions/6205220.html)

185 [https://www.unicef.org/sudan/media/6131/file/Gender .pdf](https://www.unicef.org/sudan/media/6131/file/Gender.pdf)

access to primary education. However, this quasi-parity hides serious and persistent disparities that mainly affect families living in poverty in rural areas. This is further compounded by limited investment in education. The relative disadvantage of girls in education in Sudan lies in the complex interrelationships between global factors (i) economic and political (ii) family and socio-cultural factors aggravated by poverty, and (iii) factors related to educational attainment. All of these factors interact and work against girls in each specific context<sup>186</sup>.

According to UNICEF<sup>187</sup>, 49% of girls do not attend primary school. In 2017, a total of three million children were excluded from the Sudanese education system, half of whom are girls and only 15.4% of adult women have reached at least a secondary level of education, compared to 19.5% for men<sup>188</sup>.

### *Health system*

Under article 49 paragraphs 1, 4 and 5, the constitution requires the state to protect “women’s rights as provided in international and regional agreements ratified by Sudan ... [to guarantee] to both men and women the equal right to enjoy all civil, political, social, cultural, and economic rights, including the right to equal pay for equal work, and other professional benefits ... to combat harmful customs and traditions that reduce the dignity and status of women ...[to provide] free healthcare for motherhood, childhood and pregnant women”. Likewise, through article 65, the State “undertakes to provide primary health care and emergency services free of charge for all citizens, to develop public health, and establish, develop and rehabilitate health and basic diagnostic institutions”.

Nevertheless, these constitutional advances come up against, to say the least, a very complex health reality. In Sudan, for every 100,000 live births, 295 women die from pregnancy-related causes; and the teenage birth rate is 64 births per 1,000 women aged 15–19<sup>189</sup>. Additionally, women of reproductive age (15-49) often face barriers in relation to their sexual and reproductive health and rights. In 2014, 30.1% of women had their need for family planning met with modern methods<sup>190</sup>.

### *Economic context*

According to article 8 paragraphs 7 and 8 of the constitutional text, the State has the obligation to guarantee and promote “women’s rights in Sudan in all social, political, and economic fields, and combat all forms of discrimination against women, taking into account provisional preferential measures in both war and peace circumstances... strengthen the role of young people of both sexes and expand their opportunities in all social, political and economic fields”.

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186 <https://www.unicef.org/sudan/media/6131/file/Gender%20.pdf>

187 <https://borgenproject.org/tag/gender-inequality-in-sudan/>

188 UNDP (2020).

189 UNDP (2020).

190 <https://data.unwomen.org/country/sudan>

The labor force participation rate of women aged 15 and above in Sudan was 24.46 in 2019. Its highest value over the past 29 years was 28.51 in 1996, while its lowest value was from 22.91 in 2009<sup>191</sup>. For other sources, the average value of female participation in the labor market for Sudan during the period 1990 - 2019 was 27.82% with a minimum of 23.45% in 1990 and a maximum of 29.36% in 2019. The last value of 2019 is 29.36%. For comparison, the global average in 2019 based on 181 countries is 51.96%<sup>192</sup>.

### *Work and employment support*

Article 24 paragraph 2 of the constitution recommends that the participation of women in the Legislative Council of the Transition must not be less than 40% of the members of the Legislative Council of the Transition; and article 43 adds, for its part, that the State “undertakes to protect and strengthen the rights contained in this Charter and to guarantee them for all without discrimination on the basis of race, color, gender, language, religion, political opinion, social status, or other reason”.

In Sudan, the participation of women in the labor market is 29.1% against 68.2% for men<sup>193</sup>.

### *Housing*

According to article 60 paragraph 1 of the constitutional text, “every citizen has the right to freedom of travel and freedom to choose his place of residence, except for reasons required by public health or safety, in accordance with what is regulated by law”.

### *Natural environment*

We do not have data for this variable.

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## **Tanzania**

### **1. Constitutional provision**

The Basic Law of the Republic of Tanzania<sup>194</sup> recognizes that men and women are equal. Article 12 paragraph 1 declares that “all human beings are born free, and are all equal”. Discrimination in all its forms is prohibited by law. Article 13 paragraph 1 stipulates that “all persons are equal before the law and are entitled, without any discrimination, to protection and equality before the law”. Paragraph

191 <https://www.indexmundi.com/facts/sudan/indicator/SL.TLF.CACT.FE.ZS>

192 [https://www.theglobaleconomy.com/Sudan/Female\\_labor\\_force\\_participation/](https://www.theglobaleconomy.com/Sudan/Female_labor_force_participation/)

193 UNDP (2020).

194 The constitution of the United Republic of Tanzania: <https://rsf.org/sites/default/files/constitution.pdf>

2 specifies that no law of the Republic may promote discrimination. Paragraph 6 makes the State responsible for the measures to be taken for the effective guarantee of equality between men and women.

## 2. Institutions involved in implementation

The will of the government concerning the application of the constitutional measures resulted in 2000, by the elaboration and the implementation of the policy of development putting before the gender and the conditions of the women. This policy was piloted by the Ministry of Community Development, Women's Affairs and Children. The objective of this policy is to ensure that the gender approach is integrated into all policies, programs and strategies. To achieve this objective, the national mechanism has begun to set up gender focal points within ministries, autonomous administrations and local authorities<sup>195</sup>. Recently, a new strategic plan (National strategy for gender development) was put in place. The objective is first to consolidate and accelerate the implementation of the policy for the development of women and gender, in order to correct the gaps between the sexes and the inequalities between men and women. This plan then serves to guide implementers to integrate gender issues into their policies, plans, strategies and programs to implement commitments at the international, regional and national level. The goal of the National Gender Development Strategy is to achieve gender equality and equity in Tanzania. It is therefore a question of guiding and involving all stakeholders in order to achieve gender equality in a more harmonized way<sup>196</sup>.

## 3. Impact of legal provisions on the determinants of health

If the strategy aims for gender integration in all areas, what effects can be observed on the determinants favorable to health?

### *Sociocultural context*

Recall that Tanzania ratified the Convention on all forms of violence against women in 1985<sup>197</sup>. For example, female genital mutilation (FGM) “has been considered a crime in Tanzania since 1998, and is punishable by 15 years in prison or a fine of up to US\$223”<sup>198</sup>. But violence against women persists. A 2015 UN-WOMEN survey in Mara reveals that the prevalence rate of FGM is 32%, which is higher than the national average<sup>199</sup>. The same source indicates that in 2016, 5621 girls from the Kurya clan were registered for the practice of genital mutilation; and

195 Tanzania (sd) : National strategy for gender development [https://www.tanzania.go.tz/egov\\_uploads/documents/tanzania\\_-\\_national\\_strategy\\_for\\_gender\\_development\\_sw.pdf](https://www.tanzania.go.tz/egov_uploads/documents/tanzania_-_national_strategy_for_gender_development_sw.pdf)

196 Tanzania (sd) : National strategy for gender development (sd, p. 3).

197 Bases de données des Nations-Unies relatives aux organes conventionnels : [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CEDAW&Lang=fr](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CEDAW&Lang=fr)

198 ONU-FEMME (2017); <https://www.unwomen.org/fr/news/stories/2017/11/feature-tanzania--women-and-girls-see-refugee-from-female-genital-mutilation#:~:text=Les%20MGF%20sont%20consid%C3%A9%C3%A9es%20comme,jusqu'%C3%A0%20223%20dollars%20US.>

199 Idem

among them, 41% have been circumcised. FGM is not the only violence against women in Tanzania. There is also child marriage. According to a demographic survey conducted in 2015 and 2016, two out of five girls were married before the age of 18. The prevalence rate is estimated at 37%. Moreover, in 2018, according to the UNICEF ranking, “Tanzania is the 11th country in the world with the highest number of child marriages”<sup>200</sup>.

## Education

Article 11 of the constitution gives every citizen the right to access education. Its paragraphs 2 and 3 specify that everyone has the right of access to education and to freely choose their training.

The various education policies put in place in the 2000s have contributed to improving the rate of literacy and schooling of children. Among men aged 15 and over, Tanzania recorded a rate of 78% in 2002; 75% in 2010 and 83% in 2012 and 2015 (UNESCO, quoted by the World Bank 2015, p. N/D)<sup>201</sup>. Among women of the same age group, the literacy rate is 62% in 2002, 61% in 2010 and 73% in 2012 and 2015 (UNESCO, quoted by the World Bank 2015, p. N/ D)<sup>202</sup>. This demonstrates gender inequality.

Enrollment rates at all levels are presented through the following tables (UNESCO 2020, p. N/D)<sup>203</sup>:

Table 1 - Gross and net enrollment in Pre-primary education, Tanzania, 2011 to 2020

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	35.8	35.5	33.4	33.2	33.1	47.2	45.0	41.4	40.9	78.1
Female	35.3	35.1	33.9	33.6	33.5	47.4	45.1	41.4	40.9	78.0
Male	36.3	36.0	33.0	32.8	32.7	46.9	44.8	41.4	40.8	78.3
Net enrollment rate (%)										
Total	...	33.1	31.8	...	...	38.9	36.8	33.3	32.9	28.2
Female	...	32.5	32.2	...	...	38.8	36.6	33.0	32.6	27.1
Male	...	33.8	31.5	...	...	38.9	36.9	33.7	33.2	29.2

200 Plan International (2019) : <https://www.plan-international.fr/news/2019-10-24-journee-historique-en-tanzanie-les-mariages-denfants-sont-interdits-par-la-justice>

201 Unesco (2015) : <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.MA.ZS?locations=TZ>

202 <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.FE.ZS?locations=TZ>

203 Unesco (2020) : <http://uis.unesco.org/fr/country/tz>



**Table 2 - Gross and net enrollment in Primary education, Tanzania, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	97.21	94.18	90.04	86.79	84.68	85.30	89.22	94.17	96.27	96.91
Female	98.88	95.29	91.95	88.97	86.95	87.26	90.76	95.39	97.41	98.37
Male	95.56	93.08	88.17	84.65	82.45	83.38	87.71	92.97	95.17	95.49
Net enrollment rate (%)										
Total	...	87.5	84.0	83.3	...	83.5	83.6	81.3	83.3	83.9
Female	...	88.8	85.4	85.4	...	85.4	85.2	82.8	84.7	85.5
Male	...	86.2	82.5	81.3	...	81.7	82.0	79.8	81.9	82.4

**Table 3 - Gross and net enrollment in Secondary education, Tanzania, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	...	...	...	30.75	27.14	26.71	27.35	29.44	30.83	31.42
Female	...	...	...	30.16	27.01	26.80	27.67	30.13	32.02	32.89
Male	...	...	...	31.33	27.27	26.63	27.03	28.75	29.66	29.97
Net enrollment rate (%)										
Total	...	...	...	...	...	23.9	24.6	26.5	27.9	28.3
Female	...	...	...	...	...	24.2	25.0	27.3	29.0	29.9
Male	...	...	...	...	...	23.7	24.1	25.8	26.7	26.8

**Table 4 - Gross enrollment in Higher education, Tanzania, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	...	4.0	3.7	4.8	4.0	4.1	...	...	3.1	7.8
Female	...	2.8	2.6	3.5	2.8	2.9	...	...	2.5	7.1
Male	...	5.1	4.8	6.2	5.2	5.2	...	...	3.7	8.5

### **Health system**

The constitution declares that no legal measure can be taken to compromise the health of populations (art. 30 paragraph 2-b). To complement the constitution, other laws including the HIV/AIDS Prevention Act 2008 have been passed. It prohibits discrimination against people affected by HIV/AIDS and their stigmatization<sup>204</sup>. In 2003, the Ministry of Health had developed a health policy which aimed to provide direction in relation to the improvement and sustainability of the health status of all, by reducing disabilities, morbidity, and mortality, improving nutritional status and increasing life expectancy<sup>205</sup>.

From 2011 to 2020, the evolution of infant and maternal mortality rates (2011 to 2017) provides a general overview of the effect of this health policy.

**Table 5 - Infant mortality rate (IMR) by sex and maternal death ratio, Tanzania, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
IMR - boys (1000 live births) <sup>206</sup>	49	47	46	45	44	43	41	40	39	38
IMR - girls (1000 live births) <sup>207</sup>	42	40	39	38	38	36	35	34	33	32
Maternal death ratio (100 000 live births) <sup>208</sup>	628	615	593	574	556	539	524	...	...	...

204 Nations-Unies (2012, p. 9), document de base faisant partie intégrante des rapports présentés par les États.

205 Ministère de la Santé (2003), politique publique de santé.

206 UNICEF et OMS (2020) : <https://donnees.banquemondiale.org/indicateur/SP.DYN.IMRT.MA.IN?locations=TZ>

207 Idem : <https://donnees.banquemondiale.org/indicateur/SP.DYN.IMRT.FE.IN?locations=TZ>

208 Idem : <https://donnees.banquemondiale.org/indicateur/SH.STA.MMRT?locations=TZ>

### *Economic context*

Article 23 paragraph 1 states that everyone, without discrimination, “has the right to remuneration commensurate with his work, and all persons working according to their abilities shall be remunerated according to the measure and qualification for the work”. Paragraph 2 specifies that every citizen “who works is entitled to just remuneration”. Regarding access to land, the Land Tenure Act No. 12 (1992) of Zanzibar guarantees equality between men and women<sup>209</sup>.

It is however necessary to underline the wage inequalities between men and women in Tanzania. Based on hourly wages, the pay gap is estimated at 2.4. It is 12.2 compared to the monthly salary according to the ILO (2018)<sup>210</sup>.

### *Work and employment support*

The right to work is recognized by article 22 of the constitution and by the Labor Relations Act No. 6 passed in 2004. There is also the Employment Act (2005) of Zanzibar which prohibits discrimination in work. The following data indicates the rate of women and men in employment.

Table 6 - Wage and salaried workers (% of employment) by sex, Kenya, 2011 to 2019

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019
Male salaried workers	17,5%	17,3%	17,4%	17,3%	17,6%	18,1%	18,5%	19,3%	19,7%
Female salaried workers <sup>211</sup>	7,6%	7,9%	8,6%	9,2%	9,6%	10,3%	10,9%	11,9%	12,6%

This table shows that men are more dominant in the labor market than women.

### *Housing*

We do not have data for this variable.

### *Natural environment*

We do not have data for this variable.

<sup>209</sup> Nations-Unies (2012).

<sup>210</sup> ILO (2018). [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_650553.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_650553.pdf)

<sup>211</sup> ILO (2019) : <https://donnees.banquemondiale.org/indicateur/SL.EMP.WORK.FE.ZS?locations=TZ>

# Uganda

## 1. Constitutional provision

Constitutionally, the State guarantees gender balance and fair representation in all constitutional bodies. Among other things, article 33 paragraph 1 emphasizes that “women shall be accorded full and equal dignity of the person with men”. To this end, the State also recognizes that gender equality is not only a fundamental human right, but a prerequisite for sustainable development, since providing women and girls with equitable access to quality education, health care, decent work, and property rights over property and technology, as well as equal participation in political and economic decision-making processes will lead to social, economic, and environmental sustainability in the country<sup>212</sup>.

## 2. Institutions involved in implementation

Uganda has many instruments to improve the situation of women. Some of the instruments at the international level include the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1985), the Protocol on the Rights of Women in Africa to the African Charter on Human Rights and Peoples (2010), the Beijing Platform for Action (BPfA) and the most recent, the Sustainable Development Goals (SDGs) of the Global Agenda 2030<sup>213</sup>. At the national level, gender issues are encompassed in the Uganda National Gender Policy of 2006. These policies have enabled Uganda to register progress in reducing gender inequalities and vulnerabilities through gender programs. social protection such as Uganda Women Entrepreneurship Program (UWEP), Youth Livelihood Program (YLP), Labor Works Program and Social Assistance Grant for Empowerment (SAGE), among others<sup>214</sup>.

Uganda has made significant progress in promoting gender equality and empowerment of women in the political, economic and social spheres. We can note the adoption in 2009 of a law prohibiting female genital mutilation and a law against domestic violence and the development of a national policy on gender (PNG) in 1997, and its revision in 2007 confirms the unequivocal commitment of the Government of the Republic of Uganda to take measures that will lead to more equal relations between the sexes. The policy ensures that all government policies and programs, in all areas and at all levels, are consistent with the long-term goal of eliminating gender inequalities. The policy also gives a clear mandate to the Ministry of Gender, Labor and Social Development and other line ministries to mainstream gender across all sectors. It sets priority areas for action at national, sector, district and community levels with all levels of planning, resource allocation and implementation of development programs addressing gender imbalances and

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212 UNDP Uganda. (2016). Gender Equality & Women's Empowerment; [https://www.ug.undp.org/content/uganda/en/home/operations/projects/womens\\_empowerment.html](https://www.ug.undp.org/content/uganda/en/home/operations/projects/womens_empowerment.html)

213 Uganda Bureau of Statistics and Ministry of Gender, Labor, and Social Development. (2019). “Gender Issues in Uganda.” [https://www.ubos.org/wp-content/uploads/publications/03\\_2019UBOS\\_Gender\\_Issues\\_Report\\_2019.pdf](https://www.ubos.org/wp-content/uploads/publications/03_2019UBOS_Gender_Issues_Report_2019.pdf)

214 Ministry of Gender, Labor & Social Development. (2018).

acting from a gender perspective<sup>215</sup>.

### 3. Impact of legal provisions on the determinants of health

However, while these policies and programs have increased opportunities to achieve gender equity and equality, gender biases persist. For example, the Gender Inequality Index (GII)<sup>216</sup> for Uganda of around 0.535 shows a loss of human development between female and male achievements across education, reproductive health and empowerment dimensions<sup>217</sup>. Gender inequalities limit the ability of women and girls to fully participate in and benefit from the country's development programs. Similarly, formal and informal institutions, such as patriarchy, religion, family, marriage as well as social and cultural practices play a major role in perpetuating gender inequalities in Uganda, as evidenced by the stark differences in asset ownership and employment opportunities for women and men as well as gender-based violence (GBV) (this is higher among women)<sup>218</sup>. That is, while Uganda has made considerable progress in gender equality, most evident in the proportion of women national legislators at 34.9%<sup>219</sup> — above the global average of 19.47% — there remains a challenge to the empowerment of women at the national level<sup>220</sup>.

#### *Sociocultural context*

Article 31 of the constitution provides that “a man and a woman are entitled to marry only if they are each of the age of eighteen years and above and are entitled at that age: a. to found a family; and b. to equal rights at and in marriage, during marriage, and at its dissolution”. Furthermore, “marriage shall be entered into with the free consent of the man and woman intending to marry”. Furthermore, article 32 recalls that «the State shall take affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them”.

Unfortunately, the realities on the ground are very far from reflecting these constitutional provisions. Among other things, 34% of women aged 20 to 24

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215 Ministry of Gender, Labor, and Social Development.

216 UNDP. (2020). Human Development Report 2020 (for Uganda); <http://hdr.undp.org/sites/default/files/Country-Profiles/UGA.pdf>

217 UNDP, (2015). Human Development Report: Unlocking the development potential of Northern Uganda. UNDP Uganda; Wodon, Quentin; Onagoruwa, Adenike. (2019). Gender Inequality, Human Capital Wealth, and Development Outcomes in Uganda. The Cost of Gender Inequality. World Bank, Washington, DC. © World Bank. <https://openknowledge.worldbank.org/handle/10986/32787> License : CC BY 3.0 IGO.

218 Uganda Bureau of Statistics and Ministry of Gender, Labor, and Social Development (2019).

219 <https://data.unwomen.org/country/uganda>

220 UNDP Uganda. (2016). Gender Equality & Women's Empowerment; [https://www.ug.undp.org/content/uganda/en/home/operations/projects/womens\\_empowerment.html](https://www.ug.undp.org/content/uganda/en/home/operations/projects/womens_empowerment.html)

were married or in union before the age of 18. The adolescent birth rate was 111.4 per 1,000 women aged 15-19 in 2017, compared to 131.5 per 1,000 in 2015. In 2016, 29.9% of women aged 15-49 reported experiencing physical and/or sexual violence from a current or former intimate partner in the past 12 months<sup>221</sup>. Finally, under the Marriage Act, widows have the right to inherit 15% of the deceased husband's property. However, customary law stipulates that women do not have the right to inherit.

### *Education*

All Ugandans enjoy rights and opportunities and access to education (article 30 of the Basic Text), health services, clean water and work. Indeed, the constitution requires the state to promote free and compulsory basic education. The State also takes appropriate measures to provide every citizen with equal opportunities to attain the highest possible level of education. Article 34 guarantees every child the right to education, which must be provided by the State and the parents.

On the ground, major challenges remain. As a reminder, Uganda has a GII value of 0.535, ranking it 131 out of 162 countries in the 2019 index. 27.5 percent of adult women have attained at least secondary education, compared to 35.1 percent at men's<sup>222</sup>. In addition, the literacy rate for women is 71% while it is 85% for men<sup>223</sup>. In 2015, the primary school enrollment rate for girls was 93% and for boys 90%. Enrollment at secondary and higher levels is low, all the more so for women with percentages of 22% in secondary and 4% in higher education compared to 23% and 5%, respectively, for men.

### *Health system*

Discrimination against women in the country is embodied in traditional rules and practices that explicitly exclude them or give preference to men, which lastingly hinders women's empowerment and health as well as economic progress. Maternal mortality rates are still high, with approximately 16 women dying in childbirth each day, as women of reproductive age (15-49) often face barriers to their health and rights sexual and reproductive. In 2018, 55.1% of women had their need for family planning met with modern methods<sup>224</sup>. For every 100,000 live births, 375 women die from pregnancy-related causes; and the teenage birth rate is 118.8 births per 1,000 women aged 15-19.

With an average of 5.9 children per woman, Uganda is one of the five countries in the world with the highest fertility rate<sup>225</sup>. Access to prenatal and maternal care is a major public health challenge. In 2015, only 58% of births were attended by qualified health personnel and only 27% of married women or women in

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221 <https://data.unwomen.org/country/uganda>

222 UNDP (2020).

223 GGGR (2015).

224 <https://data.unwomen.org/country/uganda>

225 GGGR (2015).

union used any contraceptive method<sup>226</sup>. As a result, the level of maternal mortality remains high, although declining, falling from 687 maternal deaths per 100,000 live births in 1999 to 343 in 2015.

In Uganda, teenage pregnancies account for a significant proportion of maternal deaths. It is estimated that 44% of the 7,200 annual maternal deaths occur among adolescents and women aged 15 to 24. At the same time, 47% of the 297,000 unsafe abortions annually occur among girls aged 15 to 24. This underscores the need for interventions to reduce maternal mortality, teenage pregnancy, and early marriage<sup>227</sup>. Finally, it should be remembered that abortion is illegal in the country and is punishable by 14 years in prison for the woman who has an abortion.

### *Economic context*

In article 21, the constitution advocates equality and non-discrimination. As a reminder, it provides that “all persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law”. As a result, no one should be discriminated against based on, among other things, sex.

### *Work and employment support*

According to article 33 paragraphs 2, 3, 4 of the constitution, the State “shall provide the facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement”. Moreover, the state protects “women and their rights, taking into account their unique status and natural maternal functions in society”. Furthermore, the constitution determines that women have the right to “equal treatment with men and that right shall include equal opportunities in political, economic and social activities”. As such, they have the right to “affirmative action for the purpose of redressing the imbalances created by history, tradition or custom”. Section 40 requires the State to enact laws “to ensure equal payment for equal work without discrimination” and requires the employer of every female worker to “accord her protection during pregnancy and after birth, in accordance with the law”.

Under section 3 of the Employment Act (2006), women are entitled to sixty working days of maternity leave paid at 100% of the salary paid by their employer, although the leave can be extended by case of illness of the mother or the child.

In 2015, the labor market participation rate for women was 77% compared to 80% for men<sup>228</sup>, but in 2019, the participation of women in the labor market fell from 10% to 67% compared to 73.9% for men<sup>229</sup>. However, these figures should not hide

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226 GGGR (2015).

227 UNDP. (2015). Uganda Country Gender Assessment; [https://www.ug.undp.org/content/uganda/en/home/library/womens\\_empowerment/UGANDACOUNTRYGENDERASSESSMENT.html](https://www.ug.undp.org/content/uganda/en/home/library/womens_empowerment/UGANDACOUNTRYGENDERASSESSMENT.html)

228 GGGR (2015).

229 UNDP (2020).

the fact that women are more numerous in the informal sector, 86% of them occupy vulnerable jobs compared to 72% of men<sup>230</sup>. In addition, 42% of women in the labor market are unpaid family workers. Uganda is one of the most rural societies in the world, with 88% of its population living in rural areas. Among working women, 83% work in the agricultural sector (mainly in subsistence farming and horticulture). Traditionally, women are in charge of primary production and men are responsible for marketing the product, which means that the latter retain control of resources. Women hold only 5% of the land although they provide the majority of agricultural production<sup>231</sup>.

### *Housing*

In addition to the right to adequate housing for all, article 29 paragraph 2 of the constitution informs us that «every Ugandan shall have the right... to move freely throughout Uganda and to reside and settle in any part of Uganda”.

We did not find data on this variable.

### *Natural environment*

We do not have data for this variable.

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230 Banque mondiale (2013).

231 UNDP (2016).





# SOUTHERN AFRICA

## Angola

### 1. Constitutional provision

The Angolan constitution guarantees the equality of all citizens without any discrimination through article 23 paragraphs 1 and 2, which stipulates that “All citizens are equal before the law... No one may be disadvantaged, privileged, deprived of a right or exempted from any duty on account of descent, sex, race, ethnicity, color, disability, language, territory of origin, religion, political or ideological opinions or philosophical, education, economic, social or professional situation”. In addition, Article 21 lists the fundamental missions of the State, which consist in particular of “... gradually creating the conditions necessary to make the economic, social and cultural rights of citizens effective; promote the well-being, social solidarity and improvement of the quality of life of the Angolan people, especially disadvantaged social groups; promote policies aimed at making primary health care universal and free; stimulate policies that guarantee universal, compulsory and free education, in accordance with the law; h) promote equal rights and opportunities among Angolans, without prejudice based on origin, race, political affiliation, sex, color, age and all other forms of discrimination; promote equality between men and women...”.

### 2. Institutions involved in implementation

Angola has a number of institutional instruments to advance gender parity. For example, there is a State Secretariat for the Family and the Advancement of Women, a Ministry of Social Action, the Family and the Advancement of Women, created in 2017 to promote the integration of actions in which the woman and the family are fundamental pillars<sup>1</sup>. In addition, the National Gender Equality Policy has been in place since 2013, which has resulted in increased representation of women in decision-making positions. It is noted that in 2019, women represent 30.5% of deputies (but in February 2021, 29.6% of seats in parliament were held by women<sup>2</sup>),

1 The Committee on the Elimination of Discrimination against Women (2019). Committee on the Elimination of Discrimination against Women considers Angola's report; <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24225&LangID=E>

2 <https://data.unwomen.org/country/angola>

19.5% of ministers, 16.4% of secretaries of state, 11% of governors, and 40% of foreign service personnel<sup>3</sup>.

In a similar vein, Angola had approved a national gender equality policy in 2013, approved the legal regime for cohabiting couples in 2015, adopted legislation for domestic work and social protection in 2016. The new Penal Code instituted in January 2019 prohibited discrimination based on race, gender, orientation and religion, and increased penalties for crimes committed against women. Also, the National Development Plan of Angola 2018-2022 contained specific actions for the promotion of women's rights, including the program for the promotion of gender and the empowerment of women, support for victims of violence gender-based and women-centred community restructuring<sup>4</sup>.

In addition to national instruments, Angola adheres to a number of regional and international mechanisms, CEDAW, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the SADC Protocol on Gender and Development, the Solemn Declaration on Gender Equality in Africa, the UN Convention on the Rights of the Child and the Beijing Declaration and Platform for Action.

### 3. Impact of legal provisions on the determinants of health

However, despite all these efforts, there is still work to be done in Angola to achieve gender equality. According to the 2020 Human Development Report, Angola has a GII value of 0.536, ranking it 132 out of 162 countries in the 2019 index<sup>5</sup>.

#### *Sociocultural context*

The Angolan constitution is clear on the principle of equality in couples. Article 35 paragraph 3 affirms that "Men and women are equal within the family, society and the State, enjoy the same rights and have the same duties". Unfortunately, 30.3% of women aged 20-24 were married or in union before the age of 18 and the teenage birth rate was 163 per 1000 women aged 15-19 in 2014, compared to 190.9 per 1,000 in 2009<sup>6</sup>.

#### *Education*

In addition to the general principles established by article 21 (cited above), article 79 paragraph 1 provides that "The State promotes access for all to literacy, education, culture and sport, while stimulating the participation of the various private agents in its realization, under the terms of the law".

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3 The Committee on the Elimination of Discrimination against Women (2019).

4 The Committee on the Elimination of Discrimination against Women (2019).

5 UNDP. (2020). Human Development Report 2020 (for Angola); <http://hdr.undp.org/sites/default/files/Country-Profiles/AGO.pdf>

6 <https://data.unwomen.org/country/angola>

Since primary education is free in almost all African countries, including Angola, there has been a drastic increase in the number of children enrolled in school. Angola has one of the highest improvement rates<sup>7</sup>. In particular, the number of young girls enrolled in schools has more than doubled compared to the total of 10 years ago. Between the years 2000 and 2011, there was an increase in girls' education in Angola from 35% to 78%. In addition, the overall literacy rate for girls in Angola aged 15-24 increased from 63% to 71% from 2001 to 2014<sup>8</sup>. The primary school completion rate for girls in Angola increased from 40% in 2011 to 54% in 2014. However, only 23.1% of adult women have attained at least secondary education, compared to 38.1% in men<sup>9</sup>.

### *Health system*

As mentioned previously, Article 21 lists the fundamental missions of the State... Article 77 paragraph 1 adds that "The State promotes and guarantees the measures necessary to ensure the right to medical assistance for all". and health, as well as the right to assistance for children, maternity, disability, the disabled, old age, and any other situation of incapacity for work, under the terms of the law.

But the health situation on the ground shows that much remains to be done. 30.3% of women aged 20-24 were married or in union before the age of 18 and the teenage birth rate was 163 per 1,000 women aged 15-19 in 2014, up from 190.9 per 1,000 in 2009. In 2016, 25.9% of women aged 15-49 reported experiencing physical and/or sexual violence from a current or former intimate partner in the past 12 months previous ones. Additionally, women of reproductive age (15-49) often face barriers in relation to their sexual and reproductive health and rights. In 2016, for example, 29.8% of women had their need for family planning met with modern methods<sup>10</sup>. Finally, for every 100,000 live births, 241 women die from pregnancy-related causes and the teenage birth rate is 150.5 births per 1,000 women aged 15-19.

### *Economic context*

Apart from the general principle of gender equality, the Angolan constitution does not provide for gender-specific measures for the economic variable. However, the Gender gap index for Angola (2016-2021) shows that the Gender Gap Index<sup>11</sup> score in Angola remained stable at 0.66 in 2021, meaning women were 34% less likely to have the same opportunities as men in the country. Stronger gender disparities were measured in the Economic Participation and Opportunity and Political Empowerment categories. Moreover, Angola ranked among the weakest

7 Reuters. (2013). Ethiopia and Angola double number of girls in school in 10 years. <https://news.trust.org/item/20131117183905-ueksn>

8 <http://uis.unesco.org/country/AO>

9 UNDP (2020).

10 <https://data.unwomen.org/country/angola>

11 The Global Gender Gap Index measures gender gaps based on four dimensions, namely economic participation and opportunity, educational attainment, health and survival, and political empowerment. The highest possible score is one, which means full equality between women and men.

performers in Sub-Saharan Africa. The country ranks 25th out of 35 nations in the region<sup>12</sup>.

### *Work and employment support*

According to article 76 paragraphs 1 and 2 of the constitution, “Work is a right and a duty of all... Every worker has the right to professional training, to fair remuneration, to rest, to holidays, to protection, health and safety at work, in accordance with the law”. Paragraph 3 of the same constitutional article adds that «To guarantee the right to work, the State is responsible for promoting: a) the implementation of employment-generating policies; b) equality of opportunity in the choice of profession or type of work, and the conditions for avoiding any impediment or limitation based on any type of discrimination”. However, the participation of women in the labor market is 76.1 percent against 78.9 percent for men<sup>13</sup>.

### *Housing*

Article 46 paragraph 1 provides that “any citizen who legally resides in Angola may freely settle, move and reside anywhere in the national territory, except in cases provided for in the Constitution or restrictions imposed by law, including access and permanence, aimed at protecting the environment or vital national interests”. In addition, article 85 specifies that «Everyone has the right to housing and quality of life”.

### *Natural environment*

We do not have data for this variable.

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## **Botswana**

### **1. Constitutional provision**

Chapter 2 (point 3) of the constitution of Botswana recognizes the fundamental rights of the individual. Article 15 highlights the fight against all forms of discrimination. Regarding gender equality, the constitution of Botswana has not really addressed this issue. This would justify the fact that Botswana has not signed the SADC Gender Protocol. But it acceded to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on August 13, 1996<sup>14</sup>. The Convention provides a legal framework allowing signatory countries to eliminate discrimination based on gender on the one hand and to promote equality between men and women on the other.

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12 <https://www.statista.com/statistics/1220535/gender-gap-index-in-angola/>

13 UNDP (2020).

14 Gender links for equality and Justice : GL Botswana 2016-2020

In addition, the country has passed laws to promote gender:

- The Abolition of Marital Authority Act 2004, ensuring equal rights and status of women and men in marriage, including equal responsibilities as guardians and caregivers of their minor children.
- The Employment Act (1996 as amended) which provides that women, who were incapacitated, can work in mines without legal impediment.
- The Public Service Act (2000 as amended) which provides penalties for sexual harassment, in public administration and beyond.
- The Domestic Violence Act (2007) which provides legal recourse for men and women in the event of any form of violence perpetrated in the home<sup>15</sup>.

## 2. Institutions involved in implementation

To put the defined legal provisions into practice, the government set up the Gender Affairs Department (GAD) in 1996/1997. Its responsibility is to ensure the implementation of the gender promotion program in a transversal dynamic (at all levels of government and also in non-state spheres). For national coverage (the entire territory), focal points for gender equality have also been set up in all ministries. There is also the Botswana National Council of Women (BNCW) which has been set up to support and implement the measures taken.

After the institutional arrangements made in 1996/97, the Government of Botswana established the National Gender Program in 1998.

## 3. Impact of legal provisions on the determinants of health

### *Sociocultural context*

As highlighted above, the laws of 1996, 2000, and 2007 are measures taken to guarantee gender equality. However, “in terms of socio-economic development, women and girls still face many challenges in accessing their human rights due to the fact that there are many discriminatory laws, policies, socio-cultural practices and customs in the regard to women”<sup>16</sup>. Regarding domestic violence, “only 1.2% of women file complaints against domestic violence according to the Women’s Affairs Department of Botswana”<sup>17</sup>.

### *Education*

In Botswana, the literacy rate for young men aged 15 to 24 in 2003 was 94% and 97% in 2013 (UNESCO quoted by the World Bank 2013, p. N/D)<sup>18</sup>. For young girls

<sup>15</sup> Idem.

<sup>16</sup> Gender links for equality and Justice : GL Botswana 2016 -2020

<sup>17</sup> <https://world-of-women.com/portfolio/botswana-le-b-a-ba/>

<sup>18</sup> <https://donnees.banquemondiale.org/indicateur/SE.ADT.1524.LT.MA.ZS?locations=BW>

aged 15 and over, the rate was 82% in 2003 and 87% in 2013 (UNESCO quoted by the World Bank 2013, p. N/D)<sup>19</sup>.

The data below shows the enrollment rate at all levels (UNESCO 2020, p. N/D)<sup>20</sup>.

**Table 1 - Gross and net enrollment in Pre-primary education, Botswana, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	14.6	17.5	20.0	21.4	...	...	...	...	...	...
Female	14.7	17.4	20.4	21.8	...	...	...	...	...	...
Male	14.6	17.6	19.6	21.1	...	...	...	...	...	...
Net enrollment rate (%)										
Total	13.2	16.2	18.2	...	...	...	...	...	...	...
Female	13.3	16.1	18.6	...	...	...	...	...	...	...
Male	13.1	16.2	17.9	...	...	...	...	...	...	...

**Table 2 - Gross and net enrollment in Primary education, Botswana, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	105.67	105.08	105.00	103.72	103.24	...	103.87	...	...	...
Female	104.40	104.10	103.65	102.14	102.06	...	102.85	...	...	...
Male	106.92	106.04	106.33	105.26	104.39	...	104.87	...	...	...
Net enrollment rate (%)										
Total	...	88.95	88.99	88.95	88.49	...	91.06	...	...	...
Female	...	89.95	89.76	89.54	89.38	...	91.92	...	...	...
Male	...	87.97	88.24	88.38	87.62	...	90.21	...	...	...

19 <https://donnees.banquemondiale.org/indicateur/SE.ADT.1524.LT.FM.ZS?locations=BW>

20 <http://uis.unesco.org/fr/country/bw>

Table 3 - Gross enrollment in Higher education, Botswana, 2011 to 2020

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	18.5	22.8	28.2	27.3	30.2	25.9	24.9	26.7	25.1	26.1
Female	...	...	...	30.0	34.6	30.4	29.2	31.3	29.9	31.9
Male	...	...	...	24.6	25.8	21.5	20.5	22.2	20.3	20.3

### *Health system*

In terms of health, it should be noted that the rate of people with HIV-AIDS increased between 2010 and 2017. This is illustrated, according to UNAIDS, by the fact that: “in terms of treatment, the evidence shows that it saw a 4% increase in new HIV infections between 2010 and 2017, which rose from 13,000 to 14,000”<sup>21</sup>. This increase affects women more than men: “in 2017, there were 1,500 new HIV infections among adolescent girls aged 10 to 19, compared to less than 500 among their male counterparts of the same age”<sup>22</sup>. The infant mortality rate of 8.6‰<sup>23</sup> and life expectancy was 56.9 years in 2013 for men and 54.3 years for women<sup>24</sup>. There are no practices of genital mutilation in Botswana.

### *Economic context*

We do not have data for this variable.

### *Work and employment support*

Regarding the legal measures, they are mentioned above. Unemployment in Botswana is a significant problem, with a high female unemployment rate of 19.9%, compared to 15.5% for males<sup>25</sup>. Women play an important role in economic change in Botswana: 34.5% of entrepreneurs are women<sup>26</sup>.

21 Confer l'ONU-SIDA (2018) : <https://www.unaids.org/fr/resources/presscentre/featurestories/2018/december/first-lady-botswana-champions-hiv-prevention>

22 Idem.

23 Rapport analytique de CGLU et du réseau des femmes élues locales d'Afrique (REFELA) (2018, p. 77) [https://knowledge.uclga.org/IMG/pdf/africities\\_rapport\\_analytique\\_vf\\_23.11.2018\\_.pdf](https://knowledge.uclga.org/IMG/pdf/africities_rapport_analytique_vf_23.11.2018_.pdf)

24 Idem.

25 Gender links for equality and Justice : GL Botswana 2016 -2020

26 <https://world-of-women.com/portfolio/botswana-le-b-a-ba/>

## *Housing*

We do not have data for this variable.

## *Natural environment*

We do not have data for this variable.

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# Eswatini

## 1. Constitutional provision

Although constitutionally guaranteed, gender equality is still a major challenge. In article 20 paragraphs 1 and 2, the constitution of the last African monarchy stipulates that “all persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law ...a person shall not be discriminated against on the grounds of gender, race, colour, ethnic origin, tribe, birth, creed or religion, or social or economic standing, political opinion, age or disability”. Further, article 60 paragraph 4 specifies that “the State shall ensure gender balance and fair representation of marginalized groups in all constitutional and other bodies”. In addition to constitutional measures, Eswatini is committed to a number of regional and international instruments aimed at promoting gender equality, including the Convention on the Elimination of All Forms of Discrimination against (CEDAW), which Eswatini has ratified without reservation, and the Southern African Development Community (SADC) Declaration on Gender and Development. However, the fact that there is a dual legal system in Eswatini, where Roman-Dutch common law and Eswatini customary law operate side by side, generates conflicts resulting in numerous violations of women’s and girls’ rights over the years. Thus, despite constitutional and regulatory provisions, women are practically unprotected due to cultural gender norms that marginalize them in society.

## 2. Institutions involved in implementation

But, in a significant move for women’s rights, the Eswatini High Court ruled<sup>27</sup> on August 30, 2019 that the common law doctrine of marital power<sup>28</sup> is unconstitutional as it discriminates against women and denies their constitutional right to equality. The progressive decision builds on Eswatini’s ongoing law reform process to promote and protect the rights of women and girls, including the passage of the Sexual Offences and Domestic Violence Act 2018, which provides a framework to address sexual and gender-based violence in the kingdom.

In 2018, progressive legislative reforms were launched to promote the promotion and protection of the rights of women and girls, including amendments

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27 <https://www.southernafricalitigationcentre.org/wp-content/uploads/2019/08/SACOLO-V-SACOLO-JUDGMENT.pdf>

28 Giving the husband ultimate decision-making power over his wife and marital property.



to the Marriage Act 1964, prohibiting child marriage, and the adoption of the sexual offenses and domestic violence, which provides the framework for reducing sexual and gender-based violence<sup>29</sup>.

Unfortunately, the significant under-representation of women in leadership and decision-making positions in the public and private sectors persists despite the existence of the Women's Election Act 2018, designed to meet the constitutional requirement of quotas for the representation of women and marginalized groups in parliament. Eswatini has a GII value of 0.567, ranking it 143 out of 162 countries in the 2019 index<sup>30</sup> and 9.6 percent of parliamentary seats are held by women<sup>31</sup>.

### 3. Impact of legal provisions on the determinants of health

#### *Sociocultural context*

The constitution recognizes the importance of marriage and the family even if it tells us nothing about the relationship between men and women in the home. It should be noted, however, that article 27 paragraphs 1, 2 and 4 emphasizes that “Men and women of marriageable age have a right to marry and found a family... Marriage shall be entered into only with the free and full consent of the intending spouses... Motherhood and childhood are entitled to special care and assistance by society and the State”. Similarly, according to article 60 paragraph 5, “the State shall make reasonable provision for the welfare and maintenance of the aged and shall protect the family and recognise the significant role of the family in society”. Article 28 paragraph 3 also provides that “A woman shall not be compelled to undergo or uphold any custom to which she is in conscience opposed”.

Moreover, like many African countries, article 15 paragraph 5 of the fundamental text prohibits abortion. More precisely, “Abortion is unlawful but may be allowed – a. on medical or therapeutic grounds including where a doctor certifies that – i. continued pregnancy will endanger the life or constitute a serious threat to the physical health of the woman; ii. continued pregnancy will constitute a serious threat to the mental health of the woman; iii. there is serious risk that the child will suffer from physical or mental defect of such a nature that the child will be irreparably seriously handicapped; b. where the pregnancy resulted from rape, incest or unlawful sexual intercourse with a mentally retarded female; or c. on such other grounds as Parliament may prescribe”.

#### *Education*

Education is constitutionally guaranteed for everyone. According to article 29 paragraphs 1 and 6, “A child has the right to be protected from engaging in work that constitutes a threat to the health, education or development of that child... Every Swazi child shall within three years of the commencement of this Constitution have the right to free education in public schools at least up to the end of primary

29 <https://www.hrw.org/world-report/2020/country-chapters/eswatini-formerly-swaziland>

30 UNDP. (2020). Human Development Report 2020 (for Eswatini); [http://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/SWZ.pdf](http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/SWZ.pdf)

31 <https://data.unwomen.org/country/eswatini>

school, beginning with the first grade”. Similarly, article 60 paragraph 8 provides that “Without compromising quality the State shall promote free and compulsory basic education for all and shall take all practical measures to ensure the provision of basic health care services to the population”.

Unfortunately, these provisions do not so far reflect the daily reality on the ground. In Eswatini, only 31.3 percent of adult women have at least secondary education compared to 33.9 percent of men.

### *Health system*

There is still work to be done in Eswatini to achieve gender equality. According to a 2018 national study<sup>32</sup>, 48% of girls and women aged 13-24 said they had experienced some form of sexual violence, with 1 in 3 girls having experienced some form of sexual violence before the age of 18. Indeed, in the country with the highest HIV/AIDS prevalence in the world (with 26 percent of the adult population infected)<sup>33</sup>, sexual and gender-based violence is one of the main factors contributing to new HIV infections. Women are disproportionately affected, with 35 percent living with HIV compared to 19 percent of men. More than 46 percent of the population is under 20 and 58 percent of children under 17 are orphans and vulnerable due to AIDS<sup>34</sup>.

Additionally, in Eswatini, 5.3% of women between the ages of 20 and 24 are married or in a union before the age of 18. In 2014, 82.9% of women of reproductive age (15-49 years old) had their need for family planning met with modern methods. Also, for every 100,000 live births, 437 women die from pregnancy-related causes and the adolescent birth rate was 87.1 per 1,000 women aged 15-19 in 2013, compared to 88.6 per 1,000 in 2009<sup>35</sup>.

### *Economic context*

As mentioned above, article 20 paragraph 1 and 2 provides that “all persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law... a person shall not be discriminated against on the grounds of gender, race, colour, ethnic origin, tribe, birth, creed or religion, or social or economic standing, political opinion, age or disability”.

However, women in Eswatini have relatively low participation in the labor

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32 <https://www.cdc.gov/violenceprevention/childabuseandneglect/vacs/1in3girls-swaziland.html>

33 Avert (2019). HIV and AIDS in Eswatini; <https://www.avert.org/professionals/hiv-around-world/sub-saharan-africa/swaziland>; UNICEF (2021). Country programme document Eswatini. [https://www.unicef.org/executiveboard/media/3126/file/2021-PL2-Eswatini\\_CPD-EN-ODS.pdf](https://www.unicef.org/executiveboard/media/3126/file/2021-PL2-Eswatini_CPD-EN-ODS.pdf)

34 Eswatini Country Strategic Plan (2020-2025); <https://www.wfp.org/operations/sz02-eswatini-country-strategic-plan-2020-2025>

35 <https://data.unwomen.org/country/eswatini>

market and less access to economic resources and opportunities than men<sup>36</sup>. The long duration of unemployment is another feature of the Eswatini labor market, especially among women. Women's labor market outcomes are also lower than other countries in the Southern African Development Community (SADC) sub-region, according to the SADC Gender Protocol Barometer 2018 Eswatini had the lowest participation of women in the labor market. In 2018, the country also recorded the largest gender gap in labor market participation in SADC, highlighting the specific barriers for women to labor market participation given that it has 43% participation in the labor market. labor market for women compared to 67% for men<sup>37</sup>.

### *Work and employment support*

Work is a right and a constitutional duty in Eswatini. Article 28 paragraphs 1 and 2 provides that “women have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities... Subject to the availability of resources, the Government shall provide facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement”. In addition, article 32 paragraphs 1, 3 and 4 determines that “...A person has the right to practise a profession and to carry on any lawful occupation, trade or business... The employer of a female worker shall accord that worker protection before and after child birth in accordance with law... Parliament shall enact laws to - a. provide for the right of persons to work under satisfactory, safe and healthy conditions; b. ensure equal payment for equal work without discrimination; c. ensure that every worker is accorded rest and reasonable working hours and periods of holidays with pay as well as remuneration for public holidays; and d. protect employees from victimisation and unfair dismissal or treatment”.

However, the available data indicate that the participation of women in the labor market is 48.5% against 56.8 for men<sup>38</sup>. Similarly, in 2010, 59% of women of working age were available to work for more than two years<sup>39</sup>.

### *Housing*

Under article 26 paragraph 1, the constitution guarantees that “a person shall not be deprived of the freedom of movement, that is to say, the right to move freely throughout Swaziland”.

### *Natural environment*

We do not have data on this variable even if article 60 paragraph 9 of

36 Brixiová Schwidrowski, Z., Imai, S., Kangoye, T., & Yameogo, N. D. (2021). Assessing gender gaps in employment and earnings in Africa: The case of Eswatini. *Development Southern Africa*, 38(4), 643-663.

37 Brixiová et al. (2021).

38 UNDP (2020).

39 Eswatini Ministry of Labor (2008, 2011, and 2014), Labor Force Survey 2007, 2010, and 2013/14, Mbabane, Eswatini.

the constitution affirms that “The State shall institute an effective machinery for dealing with any hazard or disaster arising out of natural calamities or any situation resulting in general displacement of people or serious disruption of their normal life”.

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## Lesotho

### 1. Constitutional provision

Chapter 2 of the 2011 constitution<sup>40</sup> advocates the equality of every citizen before the law. Section 19 reinforces this equality provision. According to article 26 paragraphs 1 and 2: “Lesotho shall adopt policies aimed at promoting a society based on equality and justice for all its citizens regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (paragraph 1). “In particular, the State shall take appropriate measures in order to promote equality of opportunity for the disadvantaged groups in the society to enable them to participate fully in all spheres of public life” (paragraph 2). The country has ratified almost all the international conventions that promote women and gender equality.

### 2. Institutions involved in implementation

In 2018, Lesotho developed a vision titled “Gender and Development Policy” (2018-2030)<sup>41</sup>. This vision considers the realities of women and other vulnerable groups. It aims to help eliminate inequalities and promote an equitable distribution of resources, by addressing and considering the gender dimension. The vision defined, advocates: “a nation of women, men, girls, boys and other marginalized groups who are equal contributors and beneficiaries of national development”<sup>42</sup>. This vision “will be implemented through multi-sectoral approaches including all ministries, local authorities, civil society organizations, faith-based organizations, academic institutions, the private sector and development agencies” (p. 17-18).

### 3. Impact of legal provisions on the determinants of health

#### *Sociocultural context*

The law on marriage (act number 10 of July 04, 1974) only authorizes marriage at the age of 21. But with the authorization of the minister, girls can marry at 16 and men at 18. According to a United Nations report, 2% of boys marry at 15; 19% of girls before the age of 18<sup>43</sup>.

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40 Lesotho (2011) [https://adsdatabase.ohchr.org/IssueLibrary/LESOTHO\\_Constitution.pdf](https://adsdatabase.ohchr.org/IssueLibrary/LESOTHO_Constitution.pdf)

41 Lesotho (2018), <https://genderlinks.org.za/wp-content/uploads/2020/03/Gender-and-Development-Policy-2018-2030.pdf>

42 Lesotho (2018, p. 21).

43 United Nations (2016), World vision.

## Education

In Lesotho, access to education is a constitutional right. Lesotho will strive to make education accessible to all and adopt policies to ensure access to primary, secondary and tertiary education (article 28). The new vision is fully in line with this dynamic. Thus, Goal 4 of the vision is to «increase access of women, men, girls, boys and other marginalized groups to quality gender-responsive education and training programs in order to build a productive workforce that can sustain the country's economy»<sup>44</sup>.

The literacy rate is 66% among men aged 15 and over in 2009; and 68% in 2014 (UNESCO, quoted by World Bank 2014, p. N/D)<sup>45</sup>. Among women, it was 85% in 2009 and 2014<sup>46</sup>. The tables below show enrollment rates at all levels (UNESCO 2018, p. N/D)<sup>47</sup>:

Table 1 - Gross and net enrollment in Pre-primary education, Lesotho, 2011 to 2020

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	42.1	43.1	40.0	35.2	39.3	38.9	...	35.0	...	...
Female	42.8	43.9	40.7	35.8	39.8	39.8	...	35.4	...	...
Male	41.3	42.3	39.3	34.6	38.9	38.1	...	34.5	...	...
Net enrollment rate (%)										
Total	...	...	27.9	24.5	28.0	27.2	...	...	...	...
Female	...	...	28.6	25.0	28.3	27.9	...	...	...	...
Male	...	...	27.2	24.0	27.7	26.6	...	...	...	...

<sup>44</sup> Lesotho (2018, p. 22).

<sup>45</sup> <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.MA.ZS?locations=LS>

<sup>46</sup> UNESCO (2014), <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.FE.ZS?locations=LS>

<sup>47</sup> UNESCO (2018), <http://uis.unesco.org/fr/country/ls>

**Table 2 - Gross and net enrollment in Primary education, Lesotho, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	123.10	121.29	117.20	116.59	116.63	117.70	120.90	112.10	108.43	...
Female	119.99	118.53	114.90	114.04	113.66	114.70	117.76	109.26	105.73	...
Male	126.22	124.06	119.51	119.15	119.63	120.72	124.05	114.97	111.14	...
Net enrollment rate (%)										
Total	89.42	89.66	90.64	90.88	92.38	94.66	97.57	93.18	91.64	...
Female	90.20	90.59	91.83	91.89	93.04	95.39	97.96	94.02	92.18	...
Male	88.64	88.72	89.45	89.87	91.72	93.94	97.16	92.33	91.10	...

**Table 3 - Gross and net enrollment in Secondary education, Lesotho, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	59.76	62.18	60.41	60.22	60.68	58.52	62.01	...	...	...
Female	69.30	71.95	69.28	69.36	69.66	67.23	71.26	...	...	...
Male	50.22	52.42	51.60	51.16	51.78	49.86	52.80	...	...	...
Net enrollment rate (%)										
Total	39.0	40.2	40.6	40.6	41.9	41.4	...	...	...	...
Female	48.0	49.0	49.4	49.5	50.8	50.0	...	...	...	...
Male	30.0	31.4	31.9	31.8	33.0	32.7	...	...	...	...

Table 4 - Gross enrollment in Higher education, Botswana, 2011 to 2020

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	...	11.5	11.0	11.0	10.2	10.2	10.8	10.2	...	...
Female	...	13.6	13.0	12.9	12.2	12.4	13.3	12.4	...	...
Male	...	9.3	9.1	9.1	8.2	8.0	8.2	8.0	...	...

### Health system

Being a constitutional right, the state takes responsibility for ensuring the best state of physical and mental health. It is therefore its responsibility to define policies aimed at reducing the rate of birth mortality and infant mortality (article 27 paragraph 1-a) and to “b. improve environmental and industrial hygiene; c. provide for the prevention, treatment and control of epidemic, endemic, occupational and other diseases; d. create conditions which would assure to all, medical service and medical attention in the event of sickness; and e. improve public health”.

Despite this constitutional measure, the infant mortality rate remained worrying.

Table 5 - Infant mortality rate (IMR) by sex and maternal death ratio, Lesotho, 2011 to 2020

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
IMR - boys (1000 live births) <sup>48</sup>	76	77	78	79	80	80	80	79	78	77
IMR - girls (1000 live births) <sup>49</sup>	62	63	64	65	65	66	66	65	64	63
Maternal death ratio (100 000 live births) <sup>50</sup>	585	586	583	579	574	559	544			

48 UNICEF (2019), <https://donnees.banquemondiale.org/indicateur/SP.DYN.IMRT.MA.IN?locations=LS>

49 Idem, <https://donnees.banquemondiale.org/indicateur/SP.DYN.IMRT.FE.IN?locations=LS>

50 WHO (2017), <https://donnees.banquemondiale.org/indicateur/SH.STA.MMRT?locations=LS>

### *Economic context*

According to the constitution, Lesotho shall adopt policies aimed at ensuring just and favorable conditions of work and, in particular, policies aimed at realizing fair wages and equal remuneration for work of equal value without distinction of any kind (article 30).

We did not find disaggregated data on salaries.

### *Work and employment support*

According to article 29 of the constitution, “Lesotho shall endeavour to ensure that every person has the opportunity to gain his living by work which he freely chooses or accepts”, and to enable all to achieve and maintain “as high and stable a level of employment as possible”.

Table 6 - Wage and salaried workers (% of employment) by sex, Lesotho, 2011 to 2019

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019
Male salaried workers <sup>51</sup>	54,8%	55,9%	56,7%	57,7%	58,4%	59,3%	59,3%	59,4%	54,6%
Female salaried workers <sup>52</sup>	37,8%	38,5%	39,4%	40,5%	41,3%	42,3%	43%	43,5%	44%

### *Housing*

Article 4 of the constitution grants each citizen freedom of movement and residence. We do not have data on access to housing.

### *Natural environment*

Article 36 of the constitution states: “Lesotho shall adopt policies designed to protect and enhance the natural and cultural environment of Lesotho for the benefit of both present and future generations and shall endeavour to assure to all citizens a sound and safe environment adequate for their health and well-being”. But for the rest, we did not find any data.

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51 ILO (2019) <https://donnees.banquemondiale.org/indicateur/SL.EMP.WORK.MA.ZS?locations=LS>

52 Idem <https://donnees.banquemondiale.org/indicateur/SL.EMP.WORK.FE.ZS?locations=LS>



# Malawi

## 1. Constitutional provision

Gender equality is a constitutional principle in Malawi. According to article 20 paragraph 1 of the basic text, “Discrimination of persons in any form is prohibited and all persons are, under any law, guaranteed equal and effective protection against discrimination on grounds of race, colour, sex, language, religion, political or other opinion...”. Article 24 comes to give more details on the principle of equality in Malawi. Thus, in paragraphs 1 and 2, this article provides that women have “the right to full and equal protection by the law, and have the right not to be discriminated against on the basis of their gender or marital status which includes the right— a. to be accorded the same rights as men in civil law, including equal capacity — i. to enter into contracts; ii. to acquire and maintain rights in property, independently or in association with others, regardless of their marital status; iii. to acquire and retain custody, guardianship and care of children and to have an equal right in the making of decisions that affect their upbringing... Any law that discriminates against women on the basis of gender or marital status shall be invalid and legislation shall be passed to eliminate customs and practices that discriminate against women, particularly practices such as— a. sexual abuse, harassment and violence; b. discrimination in work, business and public affairs...”.

## 2. Institutions involved in implementation

Gender equality is enshrined as one of the fundamental principles of the country’s national policies<sup>53</sup>. In 2013, the Gender Equality Act was passed to “promote gender equality, equal inclusion, influence, empowerment, dignity and opportunity, for men and women in all functions of society, to prohibit and provide remedies for gender discrimination, harmful practices and sexual harassment, to educate the public in the promotion of gender equality and to take charge of related issues”<sup>54</sup>. Similarly, the National Gender Policy (2015) aims to reduce inequalities, including those related to gender, through its 7 fundamental objectives. The gender policy aims to provide “guidelines for gender mainstreaming in various sectors of the economy” and to “enhance gender mainstreaming and women’s empowerment at all levels to facilitate the achievement of Gender Equality and Equity in Malawi”<sup>55</sup>.

In addition to this national policy, we can also cite, among others, the national social protection policy for the promotion of social inclusion and human dignity (2018), the national sexual and reproductive health and rights policy (2017-2022 ), National Education Policy (2016), National Aging Policy (2016), National Gender Policy (2015), National Action Plan for Vulnerable Children in Malawi (2015), national cultural policy (2015), the national action plan to prevent gender-based violence (2014-2020), the national youth policy (2013), the national population policy (2013), the national gender equality policy opportunities for people with disabilities (2006), etc.

53 Lovell, E. (2021). Gender equality, social inclusion and resilience in Malawi. <https://reliefweb.int/report/malawi/gender-equality-social-inclusion-and-resilience-malawi>

54 Lovell (2021).

55 Lovell (2021).

To mainstream gender into all these policies and promote gender equality and equity in the national development system, the current gender institutional framework and coordination mechanisms include at the top a Cabinet, a Ministerial Committee for Community and Social Affairs, a Parliamentary Committee for Social and Community Affairs and a Parliamentary Women's Caucus. There is also a Gender Advisory Committee (GAC), the Ministry of Gender, Child Development and Community Development (MoGCDCD) and Technical Working Groups (TWGs) to handle specific technical issues<sup>56</sup>.

Despite all these efforts, Malawi still faces high levels of gender inequality. For example, it is ranked 115 out of 156 countries in the 2021 Global Gender Gap Index, 22.9 percent of parliamentary seats are held by women, and according to the recent Human Development Report<sup>57</sup>, the Malawi has a GII value of 0.565, ranking it 142 out of 162 countries in the 2019 index. This highlights the relative performance of women and men across a range of measures of health, education, economy and participation policy<sup>58</sup>.

### 3. Impact of legal provisions on the determinants of health

#### *Sociocultural context*

The principle of equality is guaranteed by the constitution in its article 4 which affirms that “...all the peoples of Malawi are entitled to the equal protection”. According to article 22 paragraphs 1, 2, 3 and 4: “The family is the natural and fundamental group unit of society and is entitled to protection by society and the State... . Each member of the family shall enjoy full and equal respect and shall be protected by law against all forms of neglect, cruelty or exploitation... All men and women have the right to marry and found a family... No person shall be forced to enter into marriage.” At the household level, although men continue to dominate decision-making, women are increasingly participating<sup>59</sup>.

#### *Education*

In Malawi, the constitution guarantees education for all in its article 25 paragraph 1. Indeed, “all persons are entitled to education”. But, only 17.6% of adult women have attained at least a secondary level of education, compared to 26.1% of their male counterparts<sup>60</sup>. Literacy rates are higher among men than women, at 71.6% and 65.9%, respectively. The low literacy rate of women means that they face difficulties in accessing social services such as financial products, which require

56 GOM, Groupe de la Banque africaine de développement et ONU Femmes. (2021). Profil genre pays (PGP) pour le Malawi ; <https://www.afdb.org/fr/documents/malawi-profil-genre-pays-2020>

57 UNDP. (2020). Human Development Report 2020 (for Malawi); <http://hdr.undp.org/sites/default/files/Country-Profiles/MWI.pdf>

58 Lovell (2021).

59 GOM, Groupe de la Banque africaine de développement et ONU Femmes (2021).

60 UNDP (2020).

written application forms<sup>61</sup>.

### *Health system*

According to article 19 paragraph 1, “The dignity of all persons shall be inviolable”. And according to article 30 paragraph 2, “The State shall take all necessary measures for the realization of the right to development. Such measures shall include, amongst other things, equality of opportunity for all in their access to basic resources, education, health services, food, shelter, employment and infrastructure”.

On the ground, the challenges are daunting. First, it should be noted that at the end of December 2020, less than 42% of the indicators needed to achieve the gender-related UN Sustainable Development Goals were achieved in Malawi. In addition, almost 70% of women in Malawi live below the poverty line and one in four Malawian women (15-49 years old) have experienced physical and/or sexual violence from a current or former partner in during the previous 12 months. Furthermore, 42% of Malawian women aged 20 to 24 were married before their 18th birthday and 9% were married before they were 15. Only 47% of Malawian women have autonomy over bodily and reproductive health<sup>62</sup>.

In 2016, 73.9% of women of childbearing age (15-49) had their need for family planning met with modern methods<sup>63</sup>. The adolescent birth rate was 137.6 per 1,000 women aged 15-19 in 2015, down from 135.9 per 1,000 in 2014.

### *Economic context*

Article 20 paragraph 1 of the basic text reiterates that “Discrimination of persons in any form is prohibited and all persons are, under any law, guaranteed equal and effective protection against discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, disability, property, birth or other status or condition”.

However, when it comes to economic opportunities, access to resources and economic assets is a big challenge for women in Malawi. Laws guaranteeing women inheritance rights and land ownership are often flouted by traditional and cultural beliefs and customs. It is estimated that women constitute 70% of the labor force in the agricultural sector, but they have less access to agricultural inputs and credit than men. Only 11% of agricultural extension workers are women, which means gender-specific issues are not always addressed<sup>64</sup>. In Malawi, women produce 80% of the food, which is sold at low prices due to limited access to markets<sup>65</sup>.

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61 GOM, Groupe de la Banque africaine de développement et ONU Femmes (2021, p 14).

62 <https://www.unfpa.org/data/world-population/MW>; <https://data.unwomen.org/country/malawi>

63 <https://data.unwomen.org/country/malawi>

64 UNDP (2015).

65 GOM, Groupe de la Banque africaine de développement et ONU Femmes (2021).

## *Work and employment support*

Article 29 of the constitution provides that “Every person shall have the right freely to engage in economic activity, to work and to pursue a livelihood anywhere in Malawi”. In the same vein, article 31 paragraphs 1 and 3 adds that “Every person shall have the right to fair and safe labour practices and to fair remuneration... Every person shall be entitled to fair wages and equal remuneration for work of equal value without distinction or discrimination of any kind, in particular on basis of gender, disability or race”.

Once again, on the ground, the challenges are no less. The participation of women in the labor market is 72.6% against 81.1% for men<sup>66</sup>. In terms of job opportunities, 89% of those employed in Malawi are engaged in the informal sector. Informal employment is more prevalent in rural areas than in urban areas. Women are more likely than men to be in informal employment<sup>67</sup>. Women account for 30% of all wage employment in the non-agricultural sector in Malawi<sup>68</sup>. Even more concerning, women are much more likely than men to not be paid for their work. Specifically, 59% of women said they don't get paid for their work, compared to 26% of men<sup>69</sup>. In addition, women and girls aged 15 and over spend 8.7% of their time on unpaid care and domestic work, compared to 1.3% for men<sup>70</sup>.

## *Housing*

In its article 39 paragraph 1, the constitution ensures that “Every person shall have the right of freedom of movement and residence within the borders of Malawi”. But we do not have the data to allow us to make a detailed analysis.

## *Natural environment*

We do not have data for this variable.

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66 UNDP (2020).

67 ONS (2013).

68 ONS (2017).

69 ONS (2017) ; GOM, Groupe de la Banque africaine de développement et ONU Femmes (2021).

70 <https://data.unwomen.org/country/malawi>

# Mozambique

## 1. Constitutional provision

The Mozambican constitution<sup>71</sup> of 2007 gives real importance to women and the State is committed to the advancement of women. Article 36 recognizes gender equality and stipulates that in all areas (sociopolitical, economic, cultural), men and women are equal before the law. Article 122 paragraph 1 makes the State responsible, which “must promote, support and enhance the development of women and encourage their growing role in society, in all spheres of the political, economic, social and cultural life of the country”. To implement these mechanisms, a political and institutional framework has been put in place.

## 2. Institutions involved in implementation

The Ministry of Women and Social Action is the main politico-administrative structure responsible for developing policies and strategies to guarantee gender equality. In 2015, this structure defined a gender strategy specifically in relation to the agricultural sector (by the Ministry of Agriculture). The focus on this sector is based on the idea that “women play a major role in the country’s food security and agricultural production, but that they are only 25% at the head of a farm”. This is how strategies have been defined “so that access to resources is more equal, that women benefit from more opportunities and that they improve their productivity”<sup>72</sup>. In addition, there is the establishment of a National Action Plan against violence against women (2008-2012) and the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1997<sup>73</sup>. The main actors mobilized to ensure gender equality are in particular the Ministry of Gender, Children and Social Action, the sectoral ministries, the Ministry of the Interior which works through its “Domestic Violence” unit, the Ministry of Health and that of Mining Resources and Energy, each with its Gender Focal Point<sup>74</sup>.

## 3. Impact of legal provisions on the determinants of health

### *Sociocultural context*

Even though Mozambique ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1997, cases of violence against women are still reported. In Mozambique, approximately 50% of young girls marry before the age of 18 and 22% are victims of violence<sup>75</sup>; and 60% of married women

71 Mozambique (2007), la constitution : [https://www.constituteproject.org/constitution/Mozambique\\_2007.pdf?lang=en](https://www.constituteproject.org/constitution/Mozambique_2007.pdf?lang=en)

72 Agence française de développement (2016, p. 2)

73 Agence française de développement (2016), profil genre Mozambique. <https://mediatheque.agencemicroprojets.org/wp-content/uploads/Profil-Genre-Mozambique.pdf>

74 Idem.

75 TV5 Monde (2022) : <https://information.tv5monde.com/terriennes/mozambique-une-brigade-feminine-contre-les-violences-sur-les-femmes-459804>

are victims of domestic violence<sup>76</sup>.

## Education

According to article 88 paragraph 1, “education is a right and a duty of all citizens” and according to paragraph 2 “the State must promote the extension of education to vocational and continuing training, as well as the equal access to the enjoyment of this right by all citizens”.

In the 2000s, the reforms of the professional study system undertaken by Mozambique (Homerin, 2018)<sup>77</sup> would have relatively contributed to the increase in literacy and schooling rates.

Among women aged 15 and over, the literacy rate is 43% in 2015 and 50% in 2017 (UNESCO quoted by the World Bank 2017, p. N/D)<sup>78</sup> while among men, it is 71% in 2015 and 73% in 2017 (UNESCO quoted by the World Bank 2017, p. N/D)<sup>79</sup>.

Primary, secondary and university enrollment rates are as follows (UNESCO 2020, p. N/D)<sup>80</sup>:

Table 1 - Gross and net enrollment in Primary education, Mozambique, 2011 to 2020

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	108.22	106.90	107.86	107.60	108.63	108.65	107.81	112.60	116.38	118.42
Female	102.28	101.23	102.39	102.50	103.43	104.14	103.63	108.41	112.37	114.93
Male	114.20	112.62	113.35	112.72	113.84	113.16	112.00	116.79	120.38	121.90
Net enrollment rate (%)										
Total	87.5	87.7	88.9	89.9	91.5	90.8	89.9	93.9	97.6	99.1
Female	84.7	85.0	86.2	87.3	88.8	88.7	88.2	92.5	96.3	...
Male	90.3	90.5	91.6	92.5	94.3	92.8	91.5	95.4	98.9	...

76 Nations-Unies (2020), Mozambique : <https://www.ohchr.org/fr/taxonomy/term/1065?page=1>

77 Pierre Homerin (2017), Mozambique : la réforme du système d’éducation professionnelle, Revue internationale d’éducation de Sèvres.

78 UNESCO (2017): <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.FE.ZS?locations=MZ>

79 <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.MA.ZS?locations=MZ>

80 <https://uis.unesco.org/fr/country/mz>

**Table 2 - Gross and net enrollment in Secondary education, Mozambique, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	26.00	25.51	34.09	33.38	33.57	...	35.41	...	...	...
Female	23.94	23.85	32.11	31.54	31.95	...	33.45	...	...	...
Male	28.09	27.19	36.11	35.25	35.22	...	37.39	...	...	...
Net enrollment rate (%)										
Total	17.1	17.5	19.9	20.2	19.3	...	...	...	...	...
Female	16.4	16.9	19.4	19.9	19.3	...	...	...	...	...
Male	17.8	18.0	20.5	20.6	19.2	...	...	...	...	...

**Table 3 - Gross enrollment in Higher education, Mozambique, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	4.9	5.2	5.6	6.2	6.7	7.2	7.1	7.3	...	...
Female	3.8	4.1	4.4	5.1	5.6	6.3	6.3	6.5	...	...
Male	6.1	6.4	6.8	7.3	7.8	8.2	7.9	8.1	...	...

### ***Health system***

Access to better health is a right recognized by the constitution. Article 88 declares to this effect that all citizens have the right to medical and health care and have the duty to contribute to the promotion of health. In this logic, the efforts made by the government would have contributed to the reduction of infant and maternal mortality.

**Table 4 - Infant mortality rate (IMR) by sex and maternal death ratio, Mozambique, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
IMR - boys (1000 live births) <sup>81</sup>	73	71	69	67	65	64	62	60	58	57
IMR - girls (1000 live births) <sup>82</sup>	64	62	60	59	57	55	53	52	50	49
Maternal death ratio (100 000 live births) <sup>83</sup>	389	371	356	339	318	301	289			

### ***Economic context***

In Mozambique, equal pay is recognized by the constitution. Article 85 paragraph 1 stipulates that all workers have the right to fair remuneration. This equity must be applied in accordance with the law during times of rest, vacation and retirement. Paragraphs 2 and 3 respectively stipulate that workers have the right to protection, health and safety at work; and may only be dismissed in the cases and in the manner provided by law. However, we do not find data on equal pay between men and women.

### ***Work and employment support***

According to article 84 paragraphs 1-3, work is a right and a duty of every citizen; the latter have the right to freely choose their profession and all forced labor is prohibited, except if the work is carried out within the framework of criminal legislation.

The following data summarizes the employment situation for men and women in Mozambique.

81 <https://donnees.banquemondiale.org/indicateur/SP.DYN.IMRT.MA.IN?locations=MZ>

82 <https://donnees.banquemondiale.org/indicateur/SP.DYN.IMRT.FE.IN?locations=MZ>

83 OMS et al. (2017) : <https://donnees.banquemondiale.org/indicateur/SH.STA.MMRT?locations=MZ>



Table 5 - Wage and salaried workers (% of employment) by sex, Mozambique, 2011 to 2019

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019
Male salaried workers <sup>84</sup>	19,9%	20,6%	21,4%	22,4%	23,1%	24,1%	25,1%	25,4%	25,4%
Female salaried workers <sup>85</sup>	4,6%	4,9%	5,1%	5,3%	5,6%	6%	6,7%	7%	6,8%

### *Housing*

Article 55 paragraph 1 of the constitution gives all citizens the right to establish their residence in any part of the national territory. We did not find any data on this point.

### *Natural environment*

Section 45(f) provides for the protection of the environment and its conservation. But the actions of the government are limited and do not make it possible to reduce the disasters and their effects on the populations.

In 2019, the country was hit by two cyclones and a tropical storm. To this end, in 2020 we are witnessing the displacement of 530,000 people. More than 50% of the displaced are women and approximately 15,000 of them are pregnant. Among pregnant women, nearly 1,660 have health care in order to give birth in the right conditions. However, 36% of health centers in the province have been damaged or destroyed<sup>86</sup>.

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## **Namibia**

### **1. Constitutional provision**

Constitutionally, all Namibians are equal in rights and duties. Indeed, article 10 paragraphs 1 and 2 affirms that “All persons shall be equal before the law... No persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status”. The Constitution, in its article 23 paragraph 3, also stipulates that “it shall be permissible to have regard to the fact

84 ILO (2019) : <https://donnees.banquemondiale.org/indicateur/SL.EMP.WORK.MA.ZS?locations=MZ>

85 Idem : <https://donnees.banquemondiale.org/indicateur/SL.EMP.WORK.FE.ZS?locations=MZ>

86 Anabanjo (2021), Changer la donne pour les femmes et les filles victimes de la crise de Cabo Delgado au Mozambique, <https://www.un.org/africarenewal/fr/magazine/mars-2021/changer-la-donne-pour-les-femmes-et-les-filles-victimes-de-la-crise-de-cabo>

that women in Namibia have traditionally suffered special discrimination and that they need to be encouraged and enabled to play a full, equal and effective role in the political, social, economic and cultural life of the nation”, and that the State should actively promote the “enactment of legislation to ensure equality of opportunity for women, to enable them to participate fully in all spheres of Namibian society”<sup>87</sup>.

## 2. Institutions involved in implementation

The priority for gender equality in Namibia is reiterated, among other national policy documents, in the National Development Plan 3 (2007-2012), and again in the National Gender Policy for 2010-2020. According to the National Gender Policy 2010-2020, the government is committed to achieving the target of 50% representation of women in decision-making positions by 2015, a target set by the countries that have signed the SADC Protocol. on gender and equitable development<sup>88</sup>.

Institutionally, gender issues are under the purview of the Ministry of Gender Equality and Child Welfare, which is mandated to ensure gender equality and equitable socio-economic development of women and of men and the well-being of children. Namibia can be proud of its few achievements<sup>89</sup> on many gender equality indicators, including gender representation in governance. Indeed, according to the Inter-Parliamentary Union (2017), Namibia ranks 12th in the world and fourth in the African continent for the proportion of women in Parliament. However, the 37.0 percent of parliamentary seats held by Namibian women<sup>90</sup> (according to another source, however, as of February 2021, 44.2 percent of seats in parliament were held by women<sup>91</sup>) is a clear fall short of her commitment to the parity. Achieving this level of gender representation requires a number of important changes, including effective implementation in adopted commitments and policies.

## 3. Impact of legal provisions on the determinants of health

### *Sociocultural context*

According to article 7 of the fundamental text, “The dignity of all persons shall be inviolable... No persons shall be subject to torture or to cruel, inhuman or degrading treatment or punishment”. But with regard to marriage and life as a couple, article 14 specifies that “Men and women of full age, without any limitation due to race, colour, ethnic origin, nationality, religion, creed or social or economic status shall have the right to marry and to found a family. They shall be entitled to equal rights as to marriage, during marriage and at its dissolution... Marriage shall be entered into only with the free and full consent of the intending spouses”.

87 Article 95 (a).

88 Gender Links (2014b).

89 <https://afrobarometer.org/publications/ad224-though-leader-gender-representation-namibia-still-has-work-ensure-full-equality>

90 UNDP. (2020). Human Development Report 2020 (for Namibia); <http://hdr.undp.org/sites/default/files/Country-Profiles/NAM.pdf>

91 <https://data.unwomen.org/country/namibia>

Unfortunately, we have just seen that 6.9% of women between the ages of 20 and 24 are married or in a union before the age of 18<sup>92</sup>, and, although this proportion is relatively small, the percentage shows that there are many more to do to achieve gender parity in Namibia.

### *Education*

Education is in principle and constitutionally guaranteed for everyone in Namibia. As a result, article 20 paragraphs 1, 2 and 3 specifies that “All persons shall have the right to education... Primary education shall be compulsory and the State shall provide reasonable facilities to render effective this right for every resident within Namibia, by establishing and maintaining State schools at which primary education will be provided free of charge... Children shall not be allowed to leave school until they have completed their primary education or have attained the age of sixteen (16) years, whichever is the sooner, save in so far as this may be authorised by Act of Parliament on grounds of health or other considerations pertaining to the public interest”. This is reflected on the ground, as in Namibia, 40.6% of adult women have attained at least secondary education, compared to 42% for men<sup>93</sup>.

### *Health system*

According to article 95 of the constitution, “The State shall actively promote and maintain the welfare of the people by adopting, inter alia, policies aimed at... the implementation of the principle of non-discrimination in remuneration of men and women; further, the Government shall seek... to provide maternity and related benefits for women ... to ensure that the health and strength of the workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter vocations unsuited to their age and strength”.

It should, however, be noted that Namibia has a GII value of 0.440, which ranks it 106 out of 162 countries in the 2019 index. For every 100,000 live births, 195 women die from pregnancy-related causes; and the teenage birth rate is 63.6 births per 1,000 women aged 15–19<sup>94</sup>. Additionally, in Namibia, 91.7% of legal frameworks that promote, enforce and monitor gender equality, with a focus on violence against women, are in place. 6.9% of women aged 20 to 24 are married or in a relationship before the age of 18<sup>95</sup>. In 2013, 80.4% of women of reproductive age (15-49) had their need for family planning met with modern methods<sup>96</sup>.

Furthermore, the birth rate of adolescent girls was 63.9 per 1,000 women aged 15 to 19 in 2016, compared to 82 per 1,000 in 2012. In 2013, 20.2% of women aged 15 to 49 reported experiencing physical and/or sexual violence by a current or

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92 <https://data.unwomen.org/country/namibia>

93 UNDP (2020).

94 UNDP (2020).

95 <https://data.unwomen.org/country/namibia>

96 <https://data.unwomen.org/country/namibia>

former intimate partner in the past 12 months<sup>97</sup>.

### *Economic context*

The constitution guarantees the right to property through article 16 paragraph 1. Indeed, “All persons shall have the right in any part of Namibia to acquire, own and dispose of all forms of immovable and movable property individually or in association with others”. Even more interesting for what concerns us here, article 23 paragraph 3 envisages positive discrimination for women in order to redress historical inequalities. Specifically, “In the enactment of legislation and the application of any policies and practices contemplated... it shall be permissible to have regard to the fact that women in Namibia have traditionally suffered special discrimination and that they need to be encouraged and enabled to play a full, equal and effective role in the political, social, economic and cultural life of the nation”.

### *Work and employment support*

As we have just seen, article 10 provides that all Namibians are equal before the law and that no one shall be discriminated against on the basis of, *inter alia*, sex. But, since the participation of women in the labor market is 56.1 percent compared to 63.3 percent for men, it is obvious that the principle of equality is still far from becoming a reality.

### *Housing*

From article 21 paragraph 1 of the constitution, we retain that “All persons shall have the right to... reside and settle in any part of Namibia”. But we don’t have more data for a detailed analysis.

### *Natural environment*

We do not have data for this variable.

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## South-Africa

### 1. Constitutional provision

Equality between men and women is a value advocated in South Africa (article 1-a). According to article 9 paragraph 1 of the 2005 constitution<sup>98</sup>, “Everyone is equal before the law and has the right to equal protection and benefit of the law”. Equality is defined as “the full and equal enjoyment of all rights and freedoms”. In order to promote equality between men and women, the constitution requires that legislative and other measures aimed at protecting or promoting persons or categories of persons disadvantaged by unfair discrimination be taken (para. 2). Paragraphs 3 and 4 provide that no one may discriminate or be discriminated

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97 <https://data.unwomen.org/country/namibia>

98 South Africa (2005), constitution, <https://wipolex.wipo.int/fr/text/182082>

against on one or more grounds, including sex. There is a political and intentional device that accompanies these constitutional measures.

## 2. Institutions involved in implementation

In 2009, the South African State defined a framework entitled “South Africa’s National Policy Framework for Women’s Empowerment and Gender Equality”. This framework aims to create an enabling environment and enable the government to develop mechanisms that will contribute to the achievement of the national goal of gender equality<sup>99</sup>. The framework also aims, among other things:

- The achievement of equality for women as active citizens, decision-makers and beneficiaries in the spheres of political, economic, social and cultural life. Women who most need social elevation must be given priority;
- The development and implementation of mechanisms through which South Africa can meet its constitutional, sub-regional, regional and international commitments to gender equality, human rights and social justice<sup>100</sup>.

The main structures involved are, among others: The Office for the Status of Women (OSW), the Gender Focal Points (GFP), the Commission for Gender Equality (CGE) and various civil society bodies (viii).

## 3. Impact of legal provisions on the determinants of health

### *Sociocultural context*

The country has ratified CEDAW in order to combat violence against women. However, the level of violence against women is very high and the country is renowned in this area. Rape is one of the forms of violence against women and more than 100 cases of rape are reported every day. And every three hours, a woman is murdered according to official figures. Last year, between July and September, rape cases increased by 7.1%, with 9,556 complaints recorded<sup>101</sup>.

### *Education*

Recognized as a constitutional right through article 29, every citizen has the right to basic education, including adult literacy (a) and continuing education. The State, the main guarantor, must gradually make education available and accessible (b).

The literacy rate for people aged 15 and over is: 94% (2011), 95%; (in 2014

99 Kornegay (n.d.), South Africa’s National Policy Framework for Women’s Empowerment and Gender Equality [https://www.gov.za/sites/default/files/gcis\\_document/201409/gender0.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/gender0.pdf)

100 Idem.

101 Le Monde Afrique (2021), [https://www.lemonde.fr/afrique/article/2021/12/20/au-lieu-de-s-ameliorer-ca-empire-en-afrique-du-sud-le-fleau-des-violences-contre-les-femmes\\_6106772\\_3212.html](https://www.lemonde.fr/afrique/article/2021/12/20/au-lieu-de-s-ameliorer-ca-empire-en-afrique-du-sud-le-fleau-des-violences-contre-les-femmes_6106772_3212.html)

and 2015); 88% (2017) and 96% (2019) (UNESCO cited by World Bank 2019, p. N/D)<sup>102</sup> for men. Among women it was 92% in 2011; 93% in 2012; 93% in 2014 and 2015; 86% in 2017 and 95% in 2019 (UNESCO quoted by the World Bank 2019, p. N/D)<sup>103</sup>. These data indicate inequalities in basic education for adults.

At the level of schooling, the data presented in the tables below illustrate the efforts of the South African government regarding gender equality in education at all levels (UNESCO, 2019, p. N/D)<sup>104</sup>.

Table 1 - Gross and net enrollment in Pre-primary education, South-Africa, 2011 to 2020

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	18.7	18.8	18.3	18.8	18.7	18.2	18.4	17.6	17.8	...
Female	18.8	18.9	18.5	19.0	18.7	18.2	18.5	17.7	17.9	...
Male	18.5	18.7	18.2	18.7	18.7	18.2	18.4	17.6	17.8	...
Net enrollment rate (%)										
Total	...	...	...	...	12.2	...	...	17.3	17.5	...
Female	...	...	...	...	6.1	...	...	17.4	17.6	...
Male	...	...	...	...	18.3	...	...	17.2	17.4	...

102 UNESCO (2019) <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.MA.ZS?locations=ZA>

103 <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.FE.ZS?locations=ZA>

104 <https://uis.unesco.org/fr/country/za>

**Table 2 - Gross and net enrollment in Primary education, South-Africa, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	103.42	103.23	102.67	102.70	105.57	103.18	100.86	98.54	98.37	...
Female	101.27	101.01	100.44	100.66	101.90	101.49	99.14	96.59	96.62	...
Male	105.54	105.41	104.86	104.72	109.17	104.84	102.56	100.45	100.10	...
Net enrollment rate (%)										
Total	...	...	...	...	84.4	...	87	86.6	86.7	...
Female	...	...	...	...	...	...	86.7	86.9	87.0	...
Male	...	...	...	...	...	...	87.3	86.4	86.3	...

**Table 3 - Gross and net enrollment in Secondary education, South-Africa, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	96.18	98.83	...	107.80	109.44	107.18	104.70	100.51	102.56	...
Female	98.88	101.68	...	112.82	108.75	112.09	109.03	103.97	105.67	...
Male	93.52	96.02	...	102.86	110.13	102.34	100.42	97.10	99.49	...
Net enrollment rate (%)										
Total	...	...	...	...	90.5	...	71.9	68.4	70.3	...
Female	...	...	...	...	89.9	...	78.5	72.5	73.8	...
Male	...	...	...	...	91.2	...	65.4	64.4	66.8	...

**Table 4 - Gross enrollment in Higher education, South-Africa, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	19.6	19.1	19.9	19.8	22.3	20.9	22.4	23.8	23.9	...
Female	...	22.4	23.4	23.2	...	24.5	26.4	28.3	28.6	...
Male	...	15.9	16.5	16.5	...	17.4	18.4	19.4	19.2	...

### ***Health system***

According to the constitution, every South African has the right to have access to health care services, including reproductive health care (article 27 paragraph 1-a).

The health programs put in place have contributed to reducing the infant and maternal mortality rate.

**Table 5 - Infant mortality rate (IMR) by sex and maternal death ratio, South-Africa, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
IMR - boys (1000 live births) <sup>105</sup>	34	33	32	32	31	30	30	29	28	28
IMR - girls (1000 live births)	30	29	28	27	26	26	25	25	24	24
Maternal death ratio (100 000 live births) <sup>106</sup>	161	143	133	128	125	122	119			

### ***Economic context***

The constitution recognizes the right to work for every citizen (article 23). Paragraph 2-a, gives citizens without exception the right to form and join any trade union organization. The constitution is unclear when it comes to equal pay. Article

<sup>105</sup> UNICEF (2020), <https://donnees.banquemondiale.org/indicateur/SP.DYN.IMRT.MA.IN?locations=ZA>

<sup>106</sup> <https://donnees.banquemondiale.org/indicateur/SH.STA.MMRT?locations=ZA>



47 of the labor code<sup>107</sup> states that “Many employees receive variable payments that depend on their performance, such as commissions or bonuses based on productivity, attendance or other factors. The receipt of variable payments in this form is not inconsistent with an employment relationship”. But we do not have detailed data on pay equity in South Africa.

### *Work and employment support*

Article 23 of the constitution recognizes the right to work for all. To implement this measure, the government has implemented measures to improve the employment rate.

ILO data shows that South Africa is among the countries with high employment rates.

Table 6 - Wage and salaried workers (% of employment) by sex, South-Africa, 2011 to 2019

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019
Male salaried workers <sup>108</sup>	83,2%	82,8%	83,7%	84,1%	83,5%	82,8%	82,6%	82,1%	81,3%
Female salaried workers <sup>109</sup>	85,9%	86,9%	87,1%	88,2%	87,9%	87,7%	87%	87,5%	86,7%

From 2011 to 2019, the rate of women in employment is higher than that of men.

### *Housing*

Article 26 (paragraphs 1 and 2) states that “Everyone has the right to have access to adequate housing” and “the State must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right”.

We did not find any additional data.

### *Natural environment*

Article 24 and its paragraphs place particular emphasis on the environment and its protection. It states that “Everyone has the right: a. to an environment that is

107 South Africa (2006), Code of Good Practice. [https://www.gov.za/sites/default/files/gcis\\_document/201409/294450.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/294450.pdf)

108 ILO (2019) <https://donnees.banquemondiale.org/indicateur/SL.EMP.WORK.MA.ZS?locations=ZA>

109 ILO (2019), <https://donnees.banquemondiale.org/indicateur/SL.EMP.WORK.FE.ZS?locations=ZA>

not harmful to their health or well-being; and b. to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that: i. prevent pollution and ecological degradation; ii. promote conservation; and iii. secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development”.

For the rest, we did not find any data.

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## Zambia

### 1. Constitutional provision

Already in the preamble, the constitution confirms the equal value of women and men and their right to freely participate, determine and build a sustainable political, legal, economic and social order. Article 11 makes explicit the guarantee of equality without distinction of sex. As for article 15, “No person shall be subjected to torture, or to inhuman or degrading punishment or other like treatment”. Article 23 provides a general guarantee of equality, including equality without distinction of sex.

### 2. Institutions involved in implementation

At the institutional and regulatory level, Zambia is making significant progress in promoting the rights of girls and women. To this end, several measures have been put in place to promote the empowerment of women. These include the Gender Equity and Equality Act No. 22 of 2015, aimed at domesticating international human rights instruments such as the Convention on the Elimination of All forms of discrimination against women (CEDAW) (adopted in 1979); the SADC Protocol on Gender and Development (2008); and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (2003). The Gender Equity and Equality Act gives effect to CEDAW and aims to implement the women empowerment goals that meet the international standards of the SDGs, as well as the Zambia Vision 2030<sup>110</sup>. Additionally, in 2016, the Zambian Constitution was amended to include progressive articles on gender equality issues. The amended Constitution recognizes that every citizen, man or woman, has the same rights to participate, determine and freely build the sustainable political, legal and socio-economic order. It further provides for human dignity, equity, social justice, equality and non-discrimination among national values and principles<sup>111</sup>.

In addition, the Commission for Gender Equity and Equality has been established to further strengthen the protection of women’s rights<sup>112</sup>. The mandate of this commission is to promote gender mainstreaming and the achievement of gender equality. To increase the participation of men and women in national governance and decision-making, the Constitution provides that appointments to

110 [https://www.mndp.gov.zm/wp-content/uploads/filebase/vision\\_2030/Vision-2030.pdf](https://www.mndp.gov.zm/wp-content/uploads/filebase/vision_2030/Vision-2030.pdf)

111 Article 8 of the Constitution of the Laws of Zambia.

112 Article 231 of the Constitution of the Laws of Zambia.

public office must guarantee 50% representation of each gender category<sup>113</sup>. The Constitution further mandated the Commission on Human Rights to take necessary measures to appropriately redress the rights of all persons, including women, children and persons with disabilities<sup>114</sup>.

In addition to the constitutional rights and privileges and policies discussed above, other policies and strategies have also been developed to promote gender mainstreaming to achieve equality and equity. The National Childhood Policy aims to promote and protect the rights of children, while the Reintegration Policy allows girls to be re-admitted to school after childbirth. Other policies and strategies include the adolescent sexual and reproductive health policy, comprehensive sex education programs for in-school and out-of-school adolescents, and the strategy to end child marriage.

Zambia has also made progress in ensuring that institutional capacity is developed and strengthened for effective implementation of various policies and programs related to gender equality. The government's efforts at the institutional level include the establishment of fast-track courts that deal with gender-based violence (GBV) issues; creating space for civil society organizations to also promote gender equality; and support for the development of the capacities of key staff in the Ministry of Gender and line ministries in terms of gender mainstreaming and analysis of issues related to gender issues.

In 2012, the government established the Ministry of Gender and Child Development (MGCD). The latter has since revised the gender policy, which was first adopted in 2000, and published the National Gender Policy in 2014. The Ministry of Gender is committed to protecting and promoting women's rights, combat gender-based violence and reduce gender inequalities by making progressive legislative changes to strengthen the protective environment. It aims to prioritize the advancement of women and build their capacity to influence decision-making at the highest level on issues relating to gender equity and equality<sup>115</sup>.

Unfortunately, despite notable improvements, Zambia remains in the bottom 38 countries with the highest levels of gender inequality. So far, the participation of women in decision-making at all levels is significantly low despite the ambitious national policy aiming for 50/50. In Zambia, the proportion of women in parliament is not even 20% yet (less than 12% in 2015; 18% in 2019 and 16.8% in 2021)<sup>116</sup>.

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113 Article 259(1)(b) of the Constitution of the Laws of Zambia.

114 Article 230 of the Constitution of the Laws of Zambia.

115 <https://www.gender.gov.zm/>

116 <https://www.dandc.eu/en/article/zambia-shows-schools-are-good-place-start-fighting-gender-inequality>; UNDP (2020); <https://data.unwomen.org/country/zambia>

### 3. Impact of legal provisions on the determinants of health

#### *Sociocultural context*

According to article 11 of the constitution, equality without distinction of sex is guaranteed, while article 15 guarantees that “No person shall be subjected to torture, or to inhuman or degrading punishment or other like treatment”.

#### *Education*

The Zambian constitution guarantees education for everyone regardless of gender. However, illiteracy is more common among women than among men. Just over a quarter of Zambian women (25.7%) have attained secondary education. The share of men is almost twice as high (44.2%)<sup>117</sup>. In Zambia, 38.5% of adult women have at least secondary education, compared to 54.1% for men<sup>118</sup>.

#### *Health system*

Zambia has a GII value of 0.539, ranking it 137 out of 162 countries in the 2019 index. labor markets, in the number of women parliamentarians, in the attainment of secondary and higher education by both men and women, and in terms of falling birth rates among adolescent girls<sup>119</sup>. For every 100,000 live births, 213 women die from pregnancy-related causes; The teenage birth rate was 135 per 1000 women aged 15-19 in 2017, down from 141.2 per 1000 in 2012. In 2014, 26.7% of women aged 15-49 said they had suffered physical and/or sexual abuse by a current or former intimate partner in the past 12 months<sup>120</sup>.

Despite notable efforts, Zambia remains in the bottom 38 countries with the highest levels of gender inequality. The recent Zambian government report illustrates this<sup>121</sup>:

- Since the previous Gender Status Report for the period 2015-2016, the Maternal Mortality Rate (MMR) fell from 111 deaths per 100,000 live births to 252 deaths per 100,000 live births in 2018, while the mortality rate pregnancy-related was 278 deaths per 100,000 women.
- Although infant mortality was reduced to 42 deaths per 1000 live births in 2018, overall infant mortality increased from 31% to 69%<sup>122</sup>.

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117 Ministry of Gender (2019).

118 UNDP (2020).

119 Ministry of Gender. (2019). Gender Status Report 2017-19; [https://www.giz.de/en/downloads/giz2021\\_en\\_Zambia\\_Gender\\_Report\\_2017-2019.pdf](https://www.giz.de/en/downloads/giz2021_en_Zambia_Gender_Report_2017-2019.pdf)

120 <https://data.unwomen.org/country/zambia>

121 Ministry of Gender (2019).

122 Zambia Statistics Agency (ZamStats). (2016). Zambia Demographic and Health Survey 2013–2014

- Teen pregnancies decreased from 1% to 29.2%.
- Family planning use is low at 35.4%, with unmet need at 20%.
- Adolescent access to sexual and reproductive health services is extremely low, at 12.1%. Etc.

### *Economic context*

According to the recent Zambian government report<sup>123</sup>, women's access to economic resources, such as finance, is meaningless if they are unable to control how these resources are used. In Zambia, among married people, there has been an increasing shift from men having ultimate control over women's earnings to joint control of resources. However, the percentage of women (31%) who independently control their own resources is lower than that of men (34.5%). In addition, 18% of women with access to income ask their husband to determine how the money is used, compared to 8.4% of men whose use of income is determined by their wife<sup>124</sup>. Joint control of one's income among married people in Zambia can be seen as a stepping stone to wealth creation for households. Indeed, 69.1% and 70% of the richest men and women, respectively, decide jointly on the use of their individual income. It is also interesting to note that the decision to jointly control income is more pronounced among people in higher income brackets, with a high level of education and living in urban areas<sup>125</sup>.

### *Work and employment support*

Through article 23, the constitution provides a general guarantee of equality, including equality without distinction of sex. Nevertheless, the participation of women in the labor market seems to be decreasing, from 77.7% in 2016 to 35.3% in 2019<sup>126</sup>. Moreover, only 26.7% of women participate in the labor market, compared to 44.8% of men. The employment-to-population ratio decreased by 44 percentage points, from 71.9% in 2016 to 30.9% in 2019. The female employment ratio fell from 73.1% to 23.2%, while that the male employment ratio also fell from 70.6% to 39.4% during the same period. Finally, women's participation in traditionally male-dominated industries remains particularly low at 20%<sup>127</sup>.

### *Housing*

Article 22 guarantees "the right to reside in any part of Zambia", but we found nothing specific on gender.

123 Ministry of Gender (2019).

124 Zambia Statistics Agency (ZamStats). (2019). Ministry of Health, and ICF. Zambia Demographic and Health Survey 2018. Lusaka and Rockville, MD.

125 Ministry of Gender (2019).

126 <https://www.dandc.eu/en/article/zambia-shows-schools-are-good-place-start-fighting-gender-inequality>; et Ministry of Gender (2019).

127 <https://www.dandc.eu/en/article/zambia-shows-schools-are-good-place-start-fighting-gender-inequality>; et Ministry of Gender (2019).

## *Natural environment*

We do not have data for this variable.

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# Zimbabwe

## 1. Constitutional provision

In Zimbabwe, gender equality is a republican value (article 3 paragraph 1-g). Article 17 places particular emphasis on gender and gender equality. Its paragraph 1 empowers the State, which must, on the one hand, “promote the full participation of women in all spheres of Zimbabwean society on the basis of equality with men” (1-a). On the other hand, it must take all necessary measures, including legislative ones, to ensure (1-b) that: both sexes are represented in all government institutions and agencies at all levels (i), and that women constitute at least half of the members of all elected and appointed commissions and other government bodies (ii). Governments should take the necessary steps to guarantee women access to resources, including land, on an equal basis with men (c). Paragraph 2 stipulates that the State must take “positive measures to rectify gender discrimination and imbalances resulting from past practices and policies”. With regard to marriage, the State must take measures to ensure the equality of rights and obligations of the spouses (article 26). In short, all citizens are equal before the law (article 56 paragraph 1)<sup>128</sup>.

## 2. Institutions involved in implementation

Zimbabwe adopted a national gender policy in 2004. The vision of this policy is to have a society where there is economic, political, religious and social equality and equity between women and men in all spheres of life and at all levels. From this vision, it is apparent that the objective of the government is to mainstream gender issues in all sectors in order to eliminate all negative economic, social and cultural practices that hinder gender equality and equity<sup>129</sup>. Implementation is ensured by the Department responsible for gender issues and the gender focal points set up in all ministries. These different structures work for the design, implementation, sensitization and awareness-raising in relation to violence against women.

## 3. Impact of legal provisions on the determinants of health

### *Sociocultural context*

Through its constitution and the ratification of CEDAW, Zimbabwe has made a strong commitment to eliminating violence against women. However, according to UN-WOMEN Zimbabwe is among the countries with the highest child marriage

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128 Zimbabwe (2018), Constitution : [https://www.veritaszim.net/sites/veritas\\_d/files/Constitution%20Consolidated%20%282018%29.pdf](https://www.veritaszim.net/sites/veritas_d/files/Constitution%20Consolidated%20%282018%29.pdf)

129 Republic of Zimbabwe (2004, p. 3), National Gender Policy, <https://evaw-global-database.unwomen.org/-/media/files/un%20women/vaw/full%20text/africa/national%20gender%20policy.pdf?vs=4745>

rates with 50% of young girls who have not reached the age of consent in rural areas. In urban areas, this rate is 10%, especially in Bulawayo<sup>130</sup>.

In addition, 47% of women have already suffered physical or sexual violence. One (01) out of 3 girls is already a victim of sexual violence before the age of 18. Among them, the majority are between 14 and 17 years old. Less than 3% of victims received professional assistance<sup>131</sup>. This situation could have an impact on the schooling of young girls.

### *Education*

According to the Constitution, the State must take all practical measures (article 27 paragraph 1) to promote “a. free and compulsory basic education for children; and b. higher and tertiary education”. It is the responsibility of the State to take measures to guarantee girls the same opportunities as boys to access education at all levels (article 27 paragraph 2). These measures are translated into public policies aimed at facilitating access to primary, secondary and higher education<sup>132</sup> followed by a literacy program to enable people who have missed out on basic education to be able to catch up.

Regarding literacy, the rate was 88% in 2011 and 89% in 2014 among men aged 15 and over (UNESCO, Quoted by the World Bank 2015, p. N/D)<sup>133</sup>. While among women, 80% and 88% are recorded respectively (UNESCO, quoted by the World Bank 2015, p. N/D)<sup>134</sup>.

At the level of initial education, the results of studies conducted by UNESCO (2020) have provided figures on the evolution of the enrollment rate of young girls and boys. Thus, the tables below illustrate this evolution at the pre-primary, primary, secondary and university level. They also highlight the gender gap (UNESCO 2020, p. N/D)<sup>135</sup>.

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130 UN-Women (2022), <https://africa.unwomen.org/fr/where-we-are/eastern-and-southern-africa/zimbabwe>

131 Idem.

132 UNESCO (2015) : <https://uil.unesco.org/fr/document/zimbabwe-plan-daction-national-du-zimbabwe-leducation-tous-dici-2015-publie-2005>

133 <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.MA.ZS?locations=ZW>

134 <https://donnees.banquemondiale.org/indicateur/SE.ADT.LITR.FE.ZS?locations=ZW>

135 <https://uis.unesco.org/fr/country/zw>

**Table 1 - Gross and net enrollment in Pre-primary education, Zimbabwe, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	...	45.8	47.0	52.1	61.7	67.3	70.5	69.7	71.7	72.5
Female	...	46.2	47.5	52.3	61.9	67.5	70.5	69.6	71.5	72.6
Male	...	45.4	46.4	52.0	61.5	67.1	70.5	69.8	71.9	72.4
Net enrollment rate (%)										
Total	...	30.9	28.1	...	...	...	...	...	...	...
Female	...	31.5	28.7	...	...	...	...	...	...	...
Male	...	30.4	27.5	...	...	...	...	...	...	...

**Table 2 - Gross and net enrollment in Primary education, Zimbabwe, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	...	112.52	109.89	...	103.83	101.31	98.93	97.75	97.14	97.30
Female	...	111.39	108.71	...	102.77	100.46	98.55	97.59	97.10	97.55
Male	...	113.65	111.08	...	104.90	102.16	99.32	97.91	97.18	97.06
Net enrollment rate (%)										
Total	...	94.2	94.1	...	86.5	86.8	84.2	84.4	84.5	86.0
Female	...	...	...	...	87.3	87.2	85.2	85.4	85.6	86.8
Male	...	...	...	...	85.7	86.3	83.2	83.4	83.4	85.2



**Table 3 - Gross and net enrollment in Secondary education, Zimbabwe, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	...	51.55	52.41	...	...	...	...	...	...	...
Female	...	50.15	51.35	...	...	...	...	...	...	...
Male	...	52.99	53.49	...	...	...	...	...	...	...
Net enrollment rate (%)										
Total	...	47.9	48.7	...	...	...	...	...	...	...
Female	...	47.4	48.5	...	...	...	...	...	...	...
Male	...	48.4	49.0	...	...	...	...	...	...	...

**Table 4 - Gross enrollment in Higher education, Zimbabwe, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Gross enrollment ratio (%)										
Total	6.7	6.9	6.9	...	10.0	8.2	8.9	...	...	...
Female	5.6	5.7	6.1	...	9.2	8.5	9.7	...	...	...
Male	8.0	8.1	7.9	...	10.9	7.8	8.0	...	...	...

***Health system***

Article 29 paragraphs 1-3 stipulates that the State must take all practical measures to make basic health care accessible to all; it must make appropriate, fair and reasonable arrangements to ensure that “no person is refused emergency medical treatment at any health institution”; finally, it must take “all preventive measures within the limits of the resources available to it, including education and public awareness programmes, against the spread of disease”.

The efforts made through the implementation of the MDGs have contributed to the reduction of infant and maternal mortality rates.

**Table 5 - Infant mortality rate (IMR) by sex and maternal death ratio, Zimbabwe, 2011 to 2020**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
IMR - boys (1000 live births) <sup>136</sup>	56	51	49	47	47	45	44	43	42	42
IMR - girls (1000 live births) <sup>137</sup>	45	41	40	38	37	36	35	34	34	34
Maternal death ratio (100 000 live births) <sup>138</sup>	557	528	509	494	480	468	458	...	...	...

### ***Economic context***

Article 65 (paragraph 6) recognizes equal pay and stipulates that for the same work, women and men are entitled to equal pay. But we did not find any data on equal pay.

### ***Work and employment support***

The constitution through article 24 (paragraph 1) stipulates that “the State and all institutions and agencies of government at every level must adopt reasonable policies and measures, within the limits of the resources available to them, to provide everyone with an opportunity to work in a freely chosen activity, in order to secure a decent living for themselves and their families”. Paragraph 2-a promotes full employment.

The following results reflect the political arrangements made for this purpose.

136 UNECEF (2020) : <https://donnees.banquemondiale.org/indicateur/SP.DYN.IMRT.MA.IN?locations=ZW>

137 UNESCO (2020) : <https://donnees.banquemondiale.org/indicateur/SP.DYN.IMRT.FE.IN?locations=CD>

138 WHO (2017) : <https://donnees.banquemondiale.org/indicateur/SH.STA.MMRT?locations=ZW>

Table 6 - Wage and salaried workers (% of employment) by sex, Zimbabwe, 2011 to 2019

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019
Male salaried workers	44%	43,5%	43,2%	43,3%	42,9%	42,5%	42,8%	43%	42,4%
Female salaried workers	24%	24,7%	24,6%	24,4%	24%	23,7%	23,1%	22,6%	20,4%

### *Housing*

We do not have data for this variable.

### *Natural environment*

Article 73 (1) states that “Every person has the right-- a. to an environment that is not harmful to their health or well-being; and b. to have the environment protected for the benefit of present and future generations, through reasonable legislative and other measures that-- i. prevent pollution and ecological degradation; ii. promote conservation; and iii. secure ecologically sustainable development and use of natural resources while promoting economic and social development”.

We did not find any data.

## CONCLUSION

Gender equality and child survival and protection remain challenges in Africa as a whole. A child born in sub-Saharan Africa is 14 times more likely to die before the age of five than a child born in Europe and North America. Similarly, a child born in sub-Saharan Africa is 10 times more likely to die in the first month than a child born in a high-income country. In addition, with few exceptions, gender equality is significantly less advanced in Africa than elsewhere in the world.

Identifying ways to eliminate these disparities is a central public health and development task for any government in any African country. The drivers of cross-national variation in under-five mortality in Africa are well documented, with key explanations focusing on biological, demographic, economic, and social determinants of health (Kuate Defo, 2014). Others have suggested that democracy can lead to better health. Yet even taken together, these theories do not fully explain differences in health between similar countries. In recent years, a turning point has occurred in that governments around the world have taken steps to institutionalize health as a right, with national constitutions including a “right to health” provision.

The analysis of the 54 countries reveals a large number of salient facts, of which we highlight five here:

1. There is a real diffusion of a culture of constitutionalizing gender equality issues and protection of children under five. Thus, almost all African countries have constitutional or regulatory provisions on these issues, even if the emphasis varies from one case to another;
2. There are a few countries that stand out either for their performance (Rwanda for gender equality) or for their difficulties (Somalia on the same subject in a war context);
3. Depending on the quality of democratic institutions, countries have more or less developed institutional arrangements and non-governmental organizations dealing with the implementation or monitoring of gender equality and child protection issues;
4. In almost all countries, constitutional and regulatory frameworks and implementing institutions are constrained by prevailing socio-cultural values that limit what can be achieved;
5. Despite significant progress in several countries and areas, achieving the internationally agreed-upon targets remains a long-term task.

In this publication, we suggest that even controlling for the dominant theories used to explain cross-national variation in lifelong mortality in general and infant and child mortality in particular, the “right to health,” if enshrined in national constitutions with sufficient gender equality provisions, is very likely to yield significant explanatory power in the African context. This line of thinking challenges much of the health and development literature that focuses primarily on biological, demographic, economic, or social determinants of health. It argues

for an approach that focuses on the place of law in the field of health and considers national constitutions and institutions alongside the constitution of the World Health Organization, the Universal Declaration of Human Rights or the International Covenant on Economic, Social and Cultural Rights.

Kuate Defo B. Demographic, epidemiological, and health transitions: are they relevant to population health patterns in Africa? *Global Health Action* 2014; 7: 10.3402/gha.v7.22443.

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