

Achieving gender equality, women's empowerment and ending violence against women in Africa: A review of the role of family policy and social protection
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1. Introduction

Women play a central role in the family unit. They contribute to all the functions of the family: (a) family creation; (b) economic support; (c) childrearing; and (d) family care-giving. They keep their families together, undertake care work for those who are sick, play a key role in securing food and are in general the backbone of socio-economic activities. Literature indicates that the presence of a mother within the family is so important for family stability that it should be recognized and supported in every way. However there are many gender inequality challenges that they face including local customs and legal institutions that often discriminate against women owning and controlling land and resources; accessing employment, education and public services; and are disproportionately affected by domestic violence.

Given the centrality of the role of women in families, it is important that family policies and social protection recognize this and seek to strengthen their role. This paper reviews the major challenges experienced in their role and how family policies and social protection have tried to address these challenges; and suggests areas that family policies and social protection can play to effectively promote women's role in families. This paper does not seek to discredit the contribution of boys and men to the family unit, but seeks to find ways of strengthening the contribution of women and girls who have been disadvantaged because of their gender. The paper examines four key areas where there is need to use family policy and social protection to enhance the contribution of women to their families. These areas include land and property rights; food security; employment; and gender based violence. For each of the areas, the paper seeks to answer three key inter-related questions:

1. What are the gender related challenges that women and girls face?
2. What is the experience of family policies and social protection in addressing these challenges?
3. What are the outstanding critical gaps that family policies and social protection can address?

The document uses a variety of resources including the findings of the recently held Sixth African Development Forum (ADF VI) on the theme "*Action on Gender equality, women's empowerment and ending violence against women in Africa*"; the work on social protection undertaken by the African Union and Help Age International on social protection, the completed questionnaires of the 15th review of the Programme of Action of the International Conference on Population and Development (ICPD) and other available regional and national level literature.

The paper discusses each of the topics separately.

1. Land and property rights

Rights of access, use and control of land are central to securing the lives of rural women in countries where the main source of income and livelihood are derived from these natural resources. Widespread limits on the ability of African women to own land has serious repercussions on their effective engagement in economic activities. However the vast majority of African women are experiencing difficulties in owning and controlling land and property. Some of the root causes can be found in traditional land tenure systems, which might grant women access to land use while guardianship remains in the hands of men. On the other hand formal legislation, may guarantee equal opportunity to men and women in accessing land, but are in most cases, not effectively enforced due to gender inequalities prevailing in the implementation mechanism. A fundamental issue is that women face major obstacles in owning and controlling land as a result of customary law; some legal clauses that do not allow joint ownership of land by married couples under statutory tenure; and non-synchronization of the inheritance and marriage laws with the Land law. In situations where women can own and control land, such as where one can buy the land from the land market, women are constrained by several socio-economic factors, such as illiteracy, lack of capital and implements, lack of collateral, lack of farm management experience, training and advice.

Women also suffer disproportionately from the fact that in some countries, conflict, violence, and, especially, large-scale forced population movements have lead to a general decline in tenure security in rural areas. In some countries this problem is compounded by inequitable distribution of land, and an increasing scarcity of land due in part to environmental degradation and inadequate land management policies and in part to an ever growing population requiring increasing resources and land. It is clear that, in such countries, women will stand to benefit from development policies that center on addressing endemic tenure insecurity and the lack of access to land for parts of the population.

The major obstacles in women's land rights include:

- Modern land laws conflict with traditional and religious land regimes and do not reflect local realities
- Cultural norms and practices, as well as government policies that exclude or marginalize women in land allocation
- Gender-biased application of gender-neutral laws, which negatively impact on women's access to land and security of tenure
- Lack of knowledge and awareness about the existence of laws granting women rights to land
- Women's limited access to financial resources to purchase land and to optimally utilize it

Experience with Family Policy

Many countries have adopted legislation that provides for women's access to land and recognizing the equitable sharing of land between husbands and wives, as well as the granting of land titles with names of husbands and wives. In many countries the constitution confers equal rights to all citizens – men and women (eg. Swaziland, South Africa, Guinea, Zambia, Mozambique). However even though the constitution and the legislation is favourable, many forms of discrimination remain evident especially where customary law is applied. For example Guinean legislation on ownership rights is quite favourable to women. However, tradition prohibits women from having access to land even though the land law grants equal rights to women and men. Women are entitled to hold land only on a usufruct basis, which authorizes them to work family-owned land and draw a wage.

Countries that have established legislation that supports equal inheritance and property rights

Country	Legislation
Gambia	Legislation have been made and Protocols for inheritance and property
Malawi	Inheritance Act (2005)
Mozambique	- Revision of the law of Inheritance - Land law 1997
Kenya	Tabling of Family protection Bill 2002
Tanzania	Reform in property inheritance traditions and laws
Swaziland	Review of the deeds registry act, 2007 (awaits approval)
Zimbabwe	Inheritance Act
Uganda	Domestic Relations bill in place
Guinea	Revision of the civil code to adapt it to the current preoccupations.
Tunisia	Law of the 9/11/1998
Benin	Code of the persons and family
Rwanda	- The Law on inheritance in 1999 giving women inheritance rights equal to those of males, overruling traditional norms by which only male children could inherit. This has enabled widows and female orphans of the 1994 genocide to secure land. - National Land 2004 and Land law, 2005. Stipulates that all Rwandans should enjoy equal rights of access to land without discrimination. Specifically men and women will enjoy equal rights, to land and households will be eligible for joint spousal land titles.
Sao Tome	Family law;
Togo	Code of the family and persons

Source: Responses to ICPD questionnaire

Establishing local land committees with equal representation of men and women. Countries such as Botswana and Mozambique have established land committees that have equal representation of men and women and have improved the rights of women to own land.

What else can be done by family policy and social protection?

Though almost all African countries have put in place progressive land policies and legal instruments to support the land rights of women, the implementation of these policies and legislation is hampered by socio-cultural and economic constraints discussed under challenges below. Women and their families would undoubtedly gain from policies that improve their rights over the land and property they use. It is important that family policy and social protection address the following recommendations:

- Enforce existing laws that provide for all aspects of women's access to land and property, as well as to secure tenure;
- Enact legislation that addresses women's rights and improve their access to justice in a holistic manner, including prevention, protection and prosecution;
- Legislation should take into account all categories of women, provide for education and sensitization on women's rights and should allow for litigation;
- Furthermore, sensitize or train judicial systems including judges, traditional and statutory land governance and delivery institutions on importance of women's land rights;
- Institute tax incentives for transfer of land from husband to wife;
- Affirmative action should be instituted to ensure that women retain their rights to land;
- Educate and sensitize women about existing opportunities, including land markets, as well as their rights regarding access to land;
- Legal measures alone do not suffice, they should be accompanied by economic and technical-skills enhancing measures that improve women farmers' productivity and livelihoods.

2. Food security

Significant differences in gender roles exist between women and men in securing food security and agricultural production in Africa. Women are the dominant agricultural producers, traders and nutrition providers in most countries. Women are involved in all the three pillars of food security that include food production, food access and food utilization (IFPRI, 2005). They work on small farms, the informal sector and in urban gardens to produce cash crops. In terms of access to food, women ensure that each family member receives an adequate share of food, and they are primarily responsible for providing food, to which they devote their time and their income. It is also women who are more involved in the way food is utilized, making sure that the family derives good nutrition from the food they grow, buy and prepare. In many cases, food preparation involves a substantial amount of time for collecting fuel and preparing ingredients. Yet gender bias and blindness persist: farmers are still generally perceived as "male" by policy makers, development planners and agricultural service deliveries. Policy-makers often ignore the gender dimensions of food security, assuming that food insecurity impacts on men and women equally, and therefore responsive policies are gender blind. Women generally lack access to farm inputs such as high-yielding seeds; organic and mineral fertilizers needed to

replenish depleted soils; tillage services; simple water management systems to allow farmers to deal with erratic rains; credit, information; and skills. Agricultural research, extension and credit services still do not fully meet the needs of women farmers. Women's effective participation is further constrained by limited access to capital, education and the HIV and AIDS epidemic.

The rising food prices will adversely affect women and female-headed families more than other groups in society. Many studies have revealed that female- and child-headed families are often the poorest in Africa¹. They have very little income and often do not own land and other assets. Consequently, when food becomes expensive, they fall deeper into poverty. However, policy makers in Africa often lack information on the gender impacts of food insecurity, the likely effects of global food crises on their country and gender, and capacity to identify, design, and implement policy actions that can best avoid risks and take advantage of opportunities. The deficiencies in information and analysis can lead to over and under reactions, resulting in policy and market failures.

Women's empowerment is central to raising levels of nutrition for their families. Policies and strategies that promote gender equality in smallholder agriculture which specifically target both men and women in agricultural technology dissemination, accessing credit and agricultural inputs can have a greater impact on poverty compared to those that only target men.

Experience with Family Policy and social protection

The empowerment of women engaged in farming has been enhanced through various initiatives including training; literacy activities; provision of subsidized inputs; and improved access to market information, credit, and extension services. Policies that focus on strengthening these activities specifically targeting on poor women can help strengthen their role in meeting household food security.

Social protection measures such as food transfers, and food for work, child support grant, and food security packs have been reported to improve the role of women in assuring food security especially when they are targeted.

Recommendations

- Improve agricultural technology dissemination, access to credit and agricultural inputs for women farmers in order to strengthen their role in securing food for their families.
- Social protection should address the gender issues in family food security by ensuring that women are targeted.

3. Employment

¹ Review of the implementation of the Beijing Platform for Action concluded that the number of women living in poverty was increasing some African countries, especially where women headed families.

Women in general continue to face major barriers to finding decent jobs and becoming entrepreneurs. With respect to the latter, women experience major hurdles including difficulties in accessing credit, market information, technology, and infrastructure. There is a great diversity in the needs and challenges facing women (rural versus urban, educated versus non-education, young versus old, disabled versus non-disabled, etc.) and this must be taken into consideration when developing policy responses. Women with disabilities face more challenges in the labour market as a result of such factors as lack of physical access to the work place and discrimination.

Women in Africa are over represented in the informal economy, where they work on low productivity jobs, earning low wages and are exposed to dangerous working conditions. They are also dominant in the subsistence agriculture sector. Informal jobs are characterised as highly vulnerable because they do not offer the security required for a decent job. The benefits of women accessing decent employment by women are both economic and social and go beyond allowing families to have access to a decent standard of living to contributing to poverty eradication and economic development.

An Extraordinary AU Summit was held in Ouagadougou, Burkina Faso, in September 2004, to address the challenges of poverty, unemployment and underemployment. During this Extraordinary Summit, a Declaration, Plan of Action and Follow-up Mechanism were adopted, calling upon Member States to place employment at the centre of their economic and social policies. In particular, the Plan of Action provides key objectives and guidelines for Member States to formulate their own mechanisms based on their national needs and specificities. One of the key priority areas of the Plan of Action is the empowerment of women by integrating them into labour markets and offering them opportunities to participate in development of national policies.

The Seventh African Regional Conference on Women (Beijing + 10) also identified the issue of women's empowerment as one of the continent's priorities. To this end, it put forward recommendations for increasing and improving women's access to the labour market, for giving greater recognition of their economic contribution (market and non-market), including in macro-economic policies, and for ensuring them a greater participation in economic decision-making.

Women experience particular difficulties in finding decent jobs. Discrimination in education and training, hiring and remuneration as well as inflexible working conditions, lack of access to productive resources and inadequate sharing of family responsibility continue to restrict both opportunities for African women in finding a decent job or setting up a business. There are many intersecting factors that are behind these barriers, which are exacerbated by discrimination based on gender and other attitudes about women in the workplace. These include issues under two main areas: (i) inadequate or inappropriate skills that are not demanded by employers, which stems from inequalities in education and training; and (ii) Lack of access to credit and inadequate business skills, which are required when setting up a business.

Experiences

To address these barriers, some African governments have developed employment policies, plans and programmes to overcome gender inequalities in the labour market. For example, countries such as Kenya have established a youth entrepreneurship fund to help young women set up their own businesses. Despite these attempts, considerable efforts are still required to develop, and more importantly, implement interventions that target women and assist them in gaining decent employment.

There are several employment frameworks that are being explored for empowering women which include rural employment; ICTs; micro-credit and entrepreneurship development; skills acquisition, literacy and numeracy training and enterprise development for women. Major bottlenecks that need to be addressed to improve the women's participation in decent self employment include entitlement and access to productive resources, in particular credit, land and equal inheritance rights; and access to markets in order to find better and more remunerative business opportunities. Affirmative action programmes in self-employment, entrepreneurial skills development and small and medium enterprise development are strongly recommended because they are significant for at least three related reasons: they represent a potentially viable alternative to wage employment; sometimes such employment better enables women to combine work with their reproductive role especially family responsibilities; and because the successful development of self employment and micro enterprises will determine whether the informal sector is a sector of last resort or might be a viable source of decent employment for women.

Social protection has played a major role in improving access to credit for women. Most micro-finance and income generating projects are targeted to women who have a higher rate of paying back loans.

Recommendations

- Governments should promote access of women to entrepreneurship and vocational training through the use of vocational training centres, and financial incentives such as prizes;
- Governments should direct investment, including foreign direct investment, to sectors with higher impact on creation of decent employment for women;
- Governments should establish and strengthen women entrepreneurship funds and equip women entrepreneurs with the skills to add value and increase productivity;
- Governments together with partners should promote disability-friendly working environments through increasing access to the workplace, tackling discrimination and implementing a quota for employment of women with disabilities;

- Governments should collect and disseminate gender-disaggregated employment data, also disaggregated by age and region; and
- Governments should establish and extend social protection schemes to rural areas and the informal economy.

4. Gender based violence

The major types of gender based violence that affect families include domestic violence; childhood sexual abuse especially of girls; harmful traditional practices such as early marriage, son preference and female genital mutilation; and trafficking in women and forced prostitution. Gender based violence in Africa disproportionately affects more women than men. The factors attributing to violence against women include economic factors related to poverty; socio-cultural factors; and conflict and insecurity. Lack of economic autonomy, denial of property rights, lack of access to shelter, illiteracy and fear of losing their children restrict women's ability to escape domestic violence to obtain protection and access the criminal justice system. Poverty also forces women and girls to stay in violence based sexual alliances as a survival strategy thereby increasing their vulnerability to HIV infection. Social and cultural practices manifested in unequal power relations between men and women such as patriarchy, and traditional and harmful practices result in different forms of violence against women.

Violence against women has several health, human rights and socio economic impacts on affected women and their families. Abused women are more likely to suffer from mental health problems such as depression, anxiety, psychosomatic symptoms, eating problems, and sexual dysfunctions. Women who have been sexually abused as children are at greater risk of having unprotected sex as adolescents and adults and therefore at risk for contracting HIV/AIDS. Affected women may suffer from different reproductive health problems such as STDs, including HIV/AIDS, gynecological problems and unplanned pregnancies. The effects of violence may also be fatal as a result of intentional homicide, severe injury or suicide. Sexual abuse for school going children lead to the affected girls dropping out of school. The traditional practice of early marriage also leads to many girl children dropping out of school. Overall, if gender based violence remains unchecked, there is a perpetuation of gender inequality.

Family policy experience on initiatives to curb gender based violence

In order to address gender based violence, African Governments and civil society stakeholders have taken several actions, including; setting up supportive legislation; training police in women's rights and assistance to the victims of violence; creating counselling services to assist the victims; creating a database on domestic violence; establishment of centres for abused women and children; and installing "SOS" lines. The wide array of responses to the ICPD questionnaire on GBV is presented in annex 2.

Some remaining challenges and recommendations on areas that family policy and social protection can play a role²

Change in attitude - Despite the many efforts that have been employed to combat gender based violence; negative customary norms persist in contradiction to the provisions of CEDAW and UN basic human rights. One of the biggest challenges is attitudinal change on the part of communities that hold on to cultural practices that form violence to girls and women such as early marriage or wife beating. Governments have a major responsibility to spearhead attitudinal change towards culture and traditions that foster subordination of women by men, gender discrimination and practices that are harmful to the health and welfare of women and girls. Public awareness campaigns on the value of girl children, through public education, promoting equal treatment of girls and boys is critical. Respect for girls and women must be instilled in boys from early age. Male responsibilities in the family life must be included in the education of children from the earliest age with special emphasis on the prevention of violence against women and children. Sensitization and awareness creation should be done especially through community leaders such as traditional and religious leaders on the importance of valuing each other's rights.

Legislation, regulation and enforcement. Where supportive laws do not exist, laws and policies to address VAW should be put in place, effectively implemented and monitored. In situations where supportive laws exist they must be disseminated and enforced. Out-dated laws need to be reviewed.

Inadequate legal aid and psychosocial services in support of survivors of violence. More counseling and rehabilitation facilities should be established for victims of violence. There is need to allocate resources towards improving access to legal aid and psychosocial services.

Lack of accurate and comparable data on violence against women that is essential for monitoring and policy-making purposes. The availability of data on gender based violence is a cornerstone to formulate a strategy and a holistic approach towards addressing gender based violence.

Limited linkage of gender based violence with other themes such as economic empowerment of women; Economic empowerment is still the single most important intervention for changing the status of women. In a state of poverty women cannot afford to take the risks of rattling the cage that is their safety nets. This is why harmful traditional practices such as early marriages are still prevalent in the poorest communities. Poverty reduction strategies should include programmes to address the special needs of all women to economically empower them. Women's empowerment has to go beyond micro-finance to include skills development, ownership of land and other productive resources including

² Based on the recently held Sixth African Development Forum (ADF VI) on the theme "*Action on Gender equality, women's empowerment and ending violence against women in Africa*"

finance, access to markets, removal of market barriers and trade, value-addition and processing, facilitating movement of women traders with their goods and services – within and between countries,

Strengthening of institutions that handle gender based violence so that they are more accessible and usable by women, well-equipped to handle victims of violence in a timely manner.

Formal and informal education: There is need to emphasize education of the girl child, address enrollment, retention and put in place re-entry policies for girls including reinforcing early childhood education. The education curriculum needs to be reviewed to include VAW and human rights. Education of women and men on changing of the mind-set vis-à-vis cultural, traditional, religious beliefs, norms, values and practices that is harmful to women through adult education and awareness raising campaigns that incorporate VAW.

Promote measures to sensitize and create awareness on VAW specifically targeting law-enforcement agencies, religious leaders, traditional and cultural leaders and institutions and schools.

Political will and commitment – Commitment by leaders to critical and open advocacy by leaders at the highest level to end VAW is the key to mobilizing leaders at all levels and in all sectors.

Research and documentation – Strengthen collection of sex-and gender disaggregated data on VAW and undertake quantitative and qualitative research

Financing programmes and policies against VAW – Governments should commit to finance and implement programmes and policies on VAW.

Women with disabilities - The special needs of women with disabilities need to be addressed because of the multiple challenges and double-burden they face.

References

- HelpAge International and African Union, 2008, Investing in Social Protection in Africa: Summary report of national consultations held in Burkina Faso, Cameroon, Mozambique, Rwanda, Sierra Leone and Tunisia, London.
- Holmes R and A. Jackson, 2008, Cash transfers in Sierra Leone: Are they feasible? ODI Project Briefing Number 8, London.
- UNFPA, 2001, A Practical Approach to Gender-Based Violence: A Programme Guide for Health Care Providers and Managers, New York.

Annex 1. Social protection strategies implemented by some African countries

Social protection	Strategy	Countries implementing
Social assistance to the vulnerable-protection and mitigation	Cash transfers	Mozambique National Institute of Social action, Ethiopia's Productive Safety Nets Programme Kenya - Cash Transfer Program for Orphans and Vulnerable Children Zambia- Kalomo pilot Sierra Leone
	Food transfers to the destitute	Ethiopia Gambia – Child Survival Project and the Sesame Growers' Association Institutional Strengthening Project Liberia – Internally Displaced People Relief Assistance Project Malawi – North-Central Food Response
	Food security packs	Zambia, Malawi, Ethiopia
	Social pension for older persons	Botswana – Old-age pension (universal) Lesotho – Non-contributory old-age pension scheme Liberia – Old-age assistance Mauritius – Old-age pension (universal) Namibia – Old-age pension South Africa – Old-age pension (means tested)
	Child support grant	Botswana – Orphan care benefit system Mozambique – Minimum Income for School Attendance South Africa – Child Support Grant, Care dependency grant
	Disability Grant	Liberia – Disability assistance Mauritius – Basic disability pension South Africa – Disability grant (means tested)
Promotive and transformational social assistance	Targeted free health care for pregnant women, children under 6 years and the poor	South Africa, Tunisia
	Targeted free school (no fees) for the very poor.	South Africa
	Access to low cost housing	South Africa
	Free targeted quota of municipal services to the poor for electricity, water and sanitation.	South Africa
	Social services and residential care for children, older persons and persons with disabilities	South Africa
Labour market	Micro-credit schemes	Zambia, Mozambique

Social protection	Strategy	Countries implementing
programs	Public works programme	Zambia, Ethiopia's Productive Safety Nets Programme, Sierra Leone – Youth employment scheme Ethiopia – Cash for Work (CFW), Meket Livelihoods Development Programme (MLDP), Productive Safety Net Program (PSNP) Malawi – Improving Livelihood through Public Works Programmes South Africa – Zibambele
Social insurance programmes	Occupational / contributory Pension	South Africa, Tunisia
	Mutual Health insurance	Burkina Faso
	Unemployment benefits	South Africa (contributory but the government and employer also contribute). Tunisia (through contributions to the National Social Security Fund) Mauritius – Unemployment hardship relief
	Disability pension	South Africa, Tunisia (through contributions to the National Social Security Fund)

Source: HelpAge International and AU, 2008; Holmes R and A. Jackson, 2008; United States Social Security Administration, 2007.

Note: The table is not exhaustive.

Annex 2. Responses to the ICPD questions on gender-based violence

Policy and legal framework on GBV since 2004

Country	Activities
Ethiopia	Revised Criminal Code
Mozambique	A draft bill on domestic violence is under consideration
Sudan	2005 revision of the criminal law
Kenya	Sexual offence Act
Sierra Leone	Domestic violence policy under review
Swaziland	Sexual Offences and Domestic violence act reviewed but still awaits approval 2007, Marriage act reviewed and awaits approval 2007
Zimbabwe	Enactment of the Domestic Violence Act (2007)
Chad	Elaboration of the national gender policy taking into account the GBV and a strategy of prevention and response
Morocco	National strategy of fight against violence with regard to the women.
Benin	Laws on the Female Genital Mutilation and reproductive health
Algeria	The national strategy to fight against the GBV
Lesotho	Drafting the GBV Action Plan
Uganda	Sexual offences & Domestic Violence Bill in 2008 but not yet law

Provision of services for victims

Country	Activities
Ethiopia	Counselling service; Treatment at health institutions Legal advice
Gambia	Social Welfare and Police support services
Mauritius	Family Support Bureau
Tanzania	Legal Services provided
Lesotho	Police Unit that protects women and children experiencing GBV
Swaziland	Setting up of Police Domestic Violence, child Protections and Sexual Offences Unit, which provide counselling, and prompt actions. Special civil society Organisation (SWAAGA) & other NGOs provide counselling and legal advice.
Zimbabwe	Recruitment of community based anti-domestic violence counsellors.
Chad	In the current context of the humanitarian crisis, the services are furnished to the victims especially in the refugee zones
Algeria	Establishment with the collaboration of the NGOS of the centers of listen and of welcome for the victims and medical services. Set up of a body of police of proximity

Setting up of institutional mechanisms to monitor/report on gender-based violence

Country	Activities
Ethiopia	Report on gender based violence and legal measure taken by police
Gambia	Gambia Police Force Gender Unit established in 2008
Sudan	Unit for GBV was established in the Ministry of Justice.
Kenya	National Commission on Gender and Development, GBV sub-cluster
Tanzania	Ministry of gender, Police force established GBV department
Lesotho	The GBV Coordination Plan has been drafted
Swaziland	Gender based violence unit within the Police force, NGO have developed a data base to monitor trends, The Ministry Of health and social welfare integrated GBV in its plan