The Supplementary Act

on Equality of Rights between Women and Men for Sustainable Development in the ECOWAS Region 2015
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Glossary

**EAYCP** - East Africa Community Youth Policy
**CSO** - Civil Society Organisations
**GAA** - Girls Advocacy Alliance
**AU** - Africa Union
**EE** - Economic Empowerment
**GBV** - Gender based Violence
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Background</td>
<td>3</td>
</tr>
<tr>
<td>Summary of the content</td>
<td>4</td>
</tr>
<tr>
<td>Implementation Monitoring &amp; Reporting</td>
<td>4</td>
</tr>
<tr>
<td>Relevance to GBV Prevention</td>
<td>5</td>
</tr>
<tr>
<td>Relevance to EE</td>
<td>5</td>
</tr>
<tr>
<td>Ratification</td>
<td>6</td>
</tr>
<tr>
<td>Gaps</td>
<td>6</td>
</tr>
</tbody>
</table>
About FAWE

FAWE is a pan-African non-government organisation founded in 1992 by five women ministers of education to empower girls and women through gender-responsive education in sub-Saharan Africa. The organisation's members include female ministers of education, university vice-chancellors, education policy-makers, researchers, gender specialists and human rights activists. FAWE Headquartered in Nairobi, Kenya is a network of 34 National Chapters in 33 countries.

FAWE’s vision is a world in which all African girls have access to education, perform well and complete their studies and gender disparities in education are eliminated. FAWE’s mission is to promote gender equity and equality in education in Africa by fostering positive policies, practices and attitudes towards girls’ education.

FAWE works hand in hand with communities, schools, NGOs, Ministries of Education to ensure that African girls receive equal education and life chances so that they grow into women who have the knowledge, skills and opportunity to contribute to the economic, social and democratic development of their societies.

FAWE believes education is a human right and that all citizens, including women and girls must enjoy that right. Educating girls and women reduces fertility rates, child and infant mortality rates, improves nutrition and health, protects girls and women from abuse, exploitation and HIV/AIDS, increases economic productivity and growth and improves governance and democratic processes.

PURPOSE OF THE DOCUMENT

FAWE acts as a watchdog on the implementation of national and continental education policies and strategies to ensure that they do not discriminate against girls and women. In 2017, FAWE conducted an assessment on existing key policies, laws, protocols and treaties that denounce Gender Based Violence (GBV) and promote Economic Empowerment among girls, women and the youth at the regional (AU) and sub-regional (EAC and ECOWAS) level.

In line with its objectives; FAWE is implementing a Girls advocacy Alliance Programme in partnership Plan international African Union Liaison Office, Addis Ababa, Ethiopia to specifically enhance the capacity of selected regional and sub-regional CSOs network/alliance to influence regional policy-making and monitoring bodies on Gender-based Violence and Economic Empowerment of the youth at the East African Community (EAC) and the Economic Community of West Africa States (ECOWAS) regional blocks. The goal of the Programme is;

"Girls and Young women in Africa, and their civil-society organisations use regional monitoring accountability mechanism to hold their governments to the fulfillment of their protection and rights."

The information in this document is packaged for selected CSOs under the Girls Advocacy Alliance Programme to enable them play a critical role in pushing African governments to commit and report on these regional instruments.

This summarized version of The Supplementary Act on Equality of Rights between Women and Men for Sustainable Development in the ECOWAS Region 2015 is therefore developed to:

• Enable selected CSOs better understand the existing AU, ECOWAS, EAC protocols and policies especially the clauses that relate to issues of Gender Based Violence and Economic Empowerment of girls and young women.
• Serve as reference points for selected youth led CSOs to engage, lobby and hold their governments accountable to fulfill their protection and rights at national, sub regional and regional level.

This document can however be used by any other organization advocating for ratification of policies. It should be noted that the original version of the Supplementary Act on Equality of Rights between Women and Men for Sustainable Development in the ECOWAS Region 2015 was the main reference document for this work.
The Supplementary Act on Equality of Rights between Women and Men for Sustainable Development in the ECOWAS Region that was adopted by the 47th Ordinary Session of the Conference of the Heads of State and Government held in Accra, Ghana, on May 19, 2015. It is annexed to the Revised ECOWAS Treaty, of which it is an integral part.

The Supplementary Act on Equality of Rights between Women and Men for Sustainable Development in the ECOWAS Region commits all ECOWAS Member states to the promotion of gender equality and equity in all sectors through appropriate policy and legislative formulation and reviews, as well as strategy alignment. All stakeholders in the public, private and civil society domains have specific roles to play in the implementation of the Supplementary Act.

It falls in line with various international commitments such as the Nairobi 1985 Prospective Strategy; the Dakar 1994 Action Plan, the Beijing Declaration and its 1995 Action Plan, the UNSC Resolution 1325 on Women, Peace and Security in 2000 and its subsequent resolutions, the ECOWAS 2004 Gender Policy, the 2004 Heads of State and Government’s Declaration on Equality of Rights Between Women and Men and the AU 2008 Gender Policy, Section 63 of the Revised ECOWAS Treaty, the AU 2063 Agenda in 2015, the United Nations 2015 Sustainable Development Goals (SDGs), amongst others.

The objectives of the supplementary act as outlined in article 3 are;- 

- to provide a legal document that harnesses all synergies for the harmonization of national legislations with international commitments to protect and promote women’s rights in West Africa;
- to strive to strengthen the economic activities of women, eliminate discrimination and achieve gender equality and equity through the development and effective implementation of laws and policies;

Having been adopted by the ECOWAS community, the supplementary act is already in effect.
The Supplementary Act on Equality of Rights between Women and Men for Sustainable Development in West Africa (2015) is the most elaborate law on GBV and EE in ECOWAS. The act covers various issues such as women access to employment and financial resources; economic empowerment; capacity building of women on the ECOWAS legal tests relating to rules on inter-regional trade; access to property and resources; equal access to decent employment and related work benefits; youth and development; and GBV.

The GBV thematic area covers issues such as repression and support to victims, human trafficking, sexual harassment, rape, training of service providers in support of victims of GBV, and HIV and AIDS.

**IMPLEMENTATION, MONITORING AND REPORTING MECHANISMS**

An Ad hoc Committee was to be set up to monitor the implementation of this Supplementary Act through an enabling Regulation of the President of the Commission upon recommendation of the Commissioner for Social Affairs and Gender; spelling out in detail its composition, mandate and operational modalities.

The ECOWAS Gender Development Centre is to provide the secretariat.

**Article 49: Implementation, Monitoring and Evaluation further clarifies implementation as follows:**

1. Member States shall ensure the implementation of this Supplementary Act at the national and regional levels.
2. Member States shall ensure, through appropriate national and regional structures, that national and regional action plans with concise objectives and timelines are developed, and that appropriate monitoring and evaluation mechanisms are put in place and implemented accordingly.
3. Each Member State shall collect and analyze data that will be used to assess progress made in the achievement of the objectives set out in this Supplementary Act.
Article 5: Economic, Social and Cultural Rights
1. Member States shall implement legislative and regulatory measures to eliminate all practices which negatively impact on human rights, particularly those of women, girls and boys, such as the right to life, to participation, health, dignity, education and integrity.
2. Member States shall support women’s economic empowerment.

Article 6: Access to Justice
(e) Develop educational programmes to eliminate discrimination and gender stereotyping and to promote the participation of women in the legal system.

Article 7: Matrimonial and Family Rights
(b) Set the minimum age for marriage at 18 years; This criminalized child marriage

Article 10: Child Protection
Member States shall adopt the laws, policies and programmes necessary to ensure the development and protection of the child, by:
(a) eliminating all forms of discrimination against the child, especially the girl child, within the family and the community, and in institutional and state frameworks;

Gender-Based Violence
Article 23: Prohibition and Support for Victims
1. Member States shall:
(a) adopt laws prohibiting all forms of gender-based violence, and ensure their enforcement;
(b) ensure that the perpetrators of gender-based violence, including domestic violence, sexual harassment, female genital mutilation and all other forms of gender-based violence are brought before a court of competent jurisdiction and punished accordingly.
2. Member States shall adopt laws on gender-based violence that provide for testing, treatment and care of victims of sexual offenses. Victims of sexual offences shall have access, in particular, to:
(a) emergency medical care and treatment;
(b) post-exposure treatment/prophylaxis in all health centers so as to reduce any risk of contracting HIV and other opportunistic infections;

Article 27: Sexual Crimes and Offences
1. Member States shall adopt laws and regulations for the implementation of policies, strategies and programmes that define, prohibit and penalize sexual harassment and rape in all areas.
2. Member States shall take measures to punish sexual crimes and offences committed by the military during peacekeeping missions in the ECOWAS region.

Article 13: Access to Education
1. Member States shall adopt and implement gender-sensitive policies and educational programmes that address issues relating to gender stereotypes and gender-based violence.
2. Member States shall undertake to make a special budgetary allocation to the education of girls and other vulnerable groups and to put in place a mechanism to ensure the proper use of these funds;

Sub section 5. Member States shall comply with the new holistic vision of education by enacting laws that promote equal access to primary, secondary, tertiary, vocational and non-formal education, prevent school dropouts, and ensure school retention and completion at all levels of the educational cycle.

Article 15: Economic Empowerment of Women
1. Member States shall adopt all necessary legislative and regulatory measures to ensure women’s equal access to all economic and profit-making opportunities in the areas of trade and entrepreneurship, including access to public markets, while taking due account of their contributions to the formal and informal sectors.
Sub section 3. Member States shall undertake to strengthen the entrepreneurial capacity of women with a view to empowering them through:

a) The establishment of support and follow-up mechanisms on access to employment and the creation and management of enterprises;
b) The provision of technical means and instruments to promote the inclusion of women’s unpaid work in the national accounts system and the promotion of appropriate technologies for the reduction of domestic tasks;
c) The organization of advocacy campaigns for the establishment of collateral funds to enable women to access credit from banking and microfinance institutions;
d) The capacity building for women to effectively utilize the resources available within specific support programmes for grassroots initiatives;
e) The provision of support to access appropriate technologies and to engage in cost-effective processing and the preservation of local products, and in the creation of opportunities and income generating activities;

Article 18: Access to Property and Resources
2. Member States shall review and amend laws and policies governing women’s access to, ownership and control of productive resources in order to:
a. Put an end to discrimination against women and children in terms of access to water, housing and the right to own land, as well as discrimination and suffering associated with climate change;
b. Ensure women’s equal access and right to credit, capital, mortgage and training;
c. Ensure women’s access to appropriate modern information and communication technology (ICT) services and support.

**Article 19: Equal Access to Decent Employment and Related Benefits**

1. Member States shall review, amend and adopt laws and policies to ensure that women and men have equal access to decent and paid employment in all sectors of the economy, in accordance with ILO employment and labour standards.

2. Member States shall revise and adopt appropriate measures to:
   a. ensure equal pay to both women and men for work of equal value;
   b. eliminate occupational segregation and all forms of employment-related discrimination;
   c. recognize and protect the economic value of the work done by women in the agricultural and domestic sectors.

3. Member states shall adopt and enforce legislation and regulatory measures prohibiting dismissal or refusal to recruit women on the basis of pregnancy or maternity leave.

**Article 20: Access of Women to Decent Work**

1. Member States shall ensure equal access of salaried or self-employed women to decent work in the formal or informal economy, or domestic work.

2. Member States shall ensure enhanced organization of work to:
   a) increase the ability of women to achieve a balance between the demands of work and family life and promote life-long learning.
   b) ensure full involvement of social partners in efforts to achieve decent work and to develop social dialogue mechanisms while ensuring that initiatives devoted to the promotion of the Decent Work Agenda are sustained;
   c) develop and implement programmes to promote the creation of productive jobs in accordance with international labor standards in order to ensure and extend social protection to all workers.

**Article 22: Youth and Employment**

Member States shall take the necessary measures to:
(a) put in place training and job-creation programmes and projects based on gender equity and equality;
(b) encourage the promotion of youth self-employment schemes in all sectors of the economy, by facilitating their access to productive resources and credit;
(c) eliminate all forms of discrimination against the youth in terms of access to the factors of production;
(d) promote youth access to decent employment.

**RATIFICATION**

Under the new legal regime, the laws of the community are the Supplementary Acts passed by the Authority to supplement the ECOWAS treaty, Regulations, Directives, Decisions and Recommendations. Supplementary Acts are binding on Member States and the institutions of the Community and do not undergo the ratification process.

**ALL COUNTRIES SIGNED**

GAA RATIFICATION

This supplementary act is binding to all the GAA Countries in West African Region.

**GAPS/RECOMMENDATIONS**

This act is a very comprehensive legal instrument and has great potential in yielding positive advocacy results.

It is quite new having been adopted in 2015, thus requires a lot of publicity and community education for all stakeholders to effectively put it to use.

Resources are also required to actualize the desired effect, thus CSO’s should lobby for; awareness, resources allocation and implementation of the act.