



# East African Community (EAC) Gender Equality and Development Bill

## AN ABRIDGED VERSION

### ARTICLES OF THE BILL (Simplified)



**Article 1:** Short Title-East African Community Gender Equality and Development Act.

**Article 2:** Interpretation-Defines the key terms used in this East African Community Gender Equality and Development Act.

**Article 3:** Principles of Gender Equality- Indicates that member states shall uphold- Gender equality and gender equity; recognize nationality and citizenship as fundamental components; prohibition of all forms of violence on the basis of gender and nationality; implementation and information sharing on the Act.

**Article 4:** Objectives of the Act - Indicates that the principle objective of this Act is to advance gender equality and equity among the EAC Member States in the economic, political, socio-economic and cultural aspects through the development and implementation of gender responsive legislation, policies, programme and projects at national and regional levels.

**Article 5:** Application- Entails guidelines to implementation of the Act at the National and Regional level to achieve gender equality and development within the Community through harmonizing existing legislations, policies and programme.

**Article 6:** Legal and State Obligations to Protect Human Rights -Member States shall protect and uphold the right of every woman and man to life, personal dignity and integrity, and security of person at all levels including in their public and private life; prohibit all forms of exploitation, cruel, inhuman or degrading punishment and treatment of women and men in all areas of life and take appropriate and effective measures to establish, Harmonise or reform the legislative framework in order to address different forms of gender based violence including enhancing support mechanisms for the survivors. They shall also take appropriate and effective measures to protect women and men from sexual and gender based violence, provide necessary support and facilities to survivors of sexual and gender based violence and prevent human trafficking.

**Article 7:** Media-Member States shall take appropriate measures to mainstream gender in all communication, information materials, media policies, programmes and laws while eliminating all gender based stereotypes, promoting training for journalists on human rights and gender and legislating against cyber-crime.

**Article 8:** Education- Member States recognize that education is a fundamental right for all people in the Community and will; meet the basic learning needs of every person, ensure access to education by all at all levels, ensure gender equality and equity in teacher pupil ratios, ensure elimination of all gender stereo types and biases in all school curriculum, strengthen adult literacy and promote international cooperation in education.

**Article 9:** Health- Member States shall incorporate the standards of protection set out in the 1994 Programme of Action of the International Conference on Population and Development, and other regional and international instruments on issues relating to gender and health. They shall implement legislative frameworks, policies and programmes that enhance gender sensitive, appropriate and affordable health care, reduce child and maternal mortality ratios by at least 5% every five years, address primary health care needs of all, strengthen existing legislation on mental health, make adequate budget provisions with appropriate gender considerations and; implement gender sensitive policies and programmes and enact legislation for prevention, treatment, care and support of persons with HIV and AIDS, while taking into account the conditions, practices and biological factors that predispose women and girls to HIV and AIDS.

**Article 10.** Power and Decision Making- Member States shall protect and uphold the right of every woman and man to have equal access to public service and to take part in the governance, enhance the capacity and resources of women and men to influence policies, eliminate all barriers to women's equal participation including appropriate affirmative action at all levels of governance.

**Article 11.** Economic Empowerment- Member States shall promote and protect the right of every person in the Community to employment and an adequate standard of living for the health and well-being of every woman and man and their families, including access to food and necessary social services, the right to security in the event of unemployment, sickness, disability, widowhood and old age. They shall ensure access to credit by women and men, a right to security for all persons working in the formal and informal sector and develop subsidized programmes for creation and sustainability of women's entrepreneurial skills.

**Article 12.** Agriculture and Food Security- Member States shall - incorporate gender considerations to the overall objectives of achieving food security and rational agricultural production, harmonise sectoral laws to recognize and strengthen the role of women and men and create a Community system that effectively provides relevant information for Investment opportunities within the agricultural sector. They shall initiate and maintain strategic food reserves at national and regional levels and efficient mechanisms to access nutritious foods to the most needy populations and population groups that are most vulnerable during emergency situations; develop alternative sources of food production taking into consideration the role of traditional knowledge of the men and women; ensure environmental assessments of proposed projects or activities which may significantly affect the environment or use of natural resources in trans-boundary ecosystems and ensure that such projects uphold the principles of gender equality and equity and human rights protection of all persons affected; ensure that environmental awareness on trans-boundary ecosystems is treated as an integral part of education at all levels and support increased agricultural productivity by supporting effective agricultural markets and agro processing in regional trade

**Article 13:** Land Rights- Member states shall ensure that land ownership, access to and control of land is void of any cultural barriers that inhibit women to have access to and from ownership of land, enact or review laws and policies that determine access to control of productive resources including land tenure and use to promote gender equality and ensure protection of women and men from unfair treatment in administration of justice on land matters.

**Article 14:** Trade- Member States shall promote the equal participation of women and men in regional trade, taking into consideration gender dimensions and the right to personal safety when engaging in cross border trade, review their trade policies to make them gender responsive and ensure that

women and men in the informal sector have equal access to financial resources, legal aid and other resources on terms commensurate with their financial circumstances, and that women have equal access and rights to credit, capital, mortgages and security.

**Article 15:** Peace and Security- Member States shall - promote peace, security and stability in order to guarantee the protection and preservation of life and property, and the well-being of the people and their environment, take all appropriate measures and actions to eliminate incidences of human rights abuses especially against women and children in conflict affected areas, reinstate those affected by the conflict, especially women and children and ensure that women and men have equal representation and participation opportunities in key decision making levels in conflict resolution and peace building processes as required by the United Nations Council Resolutions 1325 and 1820

**Article 16:** Environmental Management- Member States shall enact laws and policies to reverse the negative effects of climate change and ensure sustainable environmental management and implement laws, policies and programmes that take cognizance of the roles men and women in environmental management and preservation and shall provide to further enhance their contributions and capacities.

**Article 17:** Extractive Industries- Member States shall co-operate to ensure proper and beneficial exploitation and use of the proceeds from the extraction of natural resources, ensure that there are mechanisms to effectively protect the rights of indigenous communities especially women including land and property rights in areas where extractive industries are established and ensure that contracts for exploitation are awarded and implemented in a gender responsive manner.

**Article 18:** Marginalized Groups- Member States shall protect and uphold the right of persons in situations of vulnerability due to geographical, physical or mental reasons. Marginalised groups will also include minorities and indigenous people, children, widows and widowers and elderly persons whom the partner states shall protect against all forms of violation of their rights including sexual abuse and discrimination, and ensure that they have access, commensurate with their specific needs, to all the civil, political, social, economic and cultural rights available to all persons.

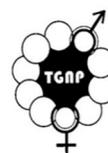
**Article 19:** Financial Provisions- Member States shall incorporate gender considerations into the planning and allocation of resources. They shall include specific budget allocations for enhancing the empowerment of women and men, boys and girls to live to their full potential and adopt appropriate policies to ensure gender mainstreaming is achieved in and between all sectors plans and budgets and at all levels of government. They shall also allocate the necessary financial resources to ensure the implementation and sustainability of the programmes under this Act.

**Article 20:** Institutional Arrangements- Defines the Institutional mechanisms for the implementation of this Act which shall comprise of ; Council ministers responsible for gender and women affairs, Gender Experts responsible for gender and women affairs and EAC Secretariat. Member States shall- Reinforce the institutionalization of gender machineries, build capacities to ensure that all ministries and other institution systematically integrate gender into their work and strengthen the collection and analysis of gender disaggregated and gender responsive data within all sectors to ensure effective integration of gender indicators, targets and actions in all other sector ministries policies programs and budgets.

**Article 21:** Regulations- The Council may make regulations providing for any matter which by this Act is required to be prescribed or which the Council considers necessary for giving effect to the purposes of this Act.



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