

# THE EAST AFRICAN COMMUNITY GENDER EQUALITY AND DEVELOPMENT BILL, 2015

## MEMORANDUM

The principal object of the East African Community Gender Equality and Development Bill is to make provision for the accelerated achievement of gender equity and equality, enhanced protection of human rights of those most affected by different forms of gender inequalities and for development in the Community. The Partner States undertook, in Article 6(d) of the Treaty that established the East African Community, not to discriminate against any person on grounds of sex or gender as one of the cornerstones of good governance, in addition to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as recognition, promotion and protection of human and people's rights in accordance with the African Charter on Human and People's Rights.

The Partner States through the Treaty for the Establishment of the East African Community in Article 121 recognize the significant contribution that women make towards the process of socio-economic transformation and sustainable growth within the Community. They further appreciate the significance of effective participation of women and men in the integration process for the East African Community, the urgent need to fulfill the commitments made by Partner States under different global and regional human rights instruments and in particular the gender equality targets set thereunder, and the need to take concrete actions to address emerging threats to achievement of gender equality in all spheres of life resulting from the HIV and AIDS epidemic, the process of globalization, human trafficking of women, men, and children in particular, the persistent feminization of poverty, and the increase in the number of gender based violence cases amongst other things, which all combine to impact negatively on rights observance and the quality of life of the citizens in the Community.

This Bill consequently seeks to consolidate and harmonise the various commitments on gender equality that have been made at regional, continental and international levels in the context of the East African Community, so as to ensure that the rights of women and men are promoted, realised and protected and fully enjoyed on an equal basis.

***Chairperson, Council of Ministers***

# THE EAST AFRICAN COMMUNITY GENDER EQUALITY AND DEVELOPMENT BILL, 2015

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# THE EAST AFRICAN COMMUNITY GENDER EQUALITY AND DEVELOPMENT BILL, 2015

## A Bill for an Act

### ENTITLED

## THE EAST AFRICAN COMMUNITY GENDER EQUALITY AND DEVELOPMENT ACT, 2015

**An Act of the Community to make provision for the achievement of gender equality, equal protection of the rights of women and men and secure their equal right to development.**

ENACTED by the East African Community and assented to by the Heads of State.

### 1. Short Title

This Act may be cited as the East African Community Gender Equality and Development Act, 2015.

### 2. Interpretation

In this Act, unless the context otherwise requires-

"African Charter" means the African Charter on Human and Peoples' Rights, which was adopted in Nairobi, Kenya in June, 1981 and entered into force in October, 1986;

"Assembly" means the East African Legislative Assembly as established by Article 9 of the Treaty;

"Affirmative action" means policies, programmes or measures that take race, ethnic, gender, age or disability issues into considerations in an attempt to promote equal opportunities;

"Child" means a boy or girl under the age of eighteen years;

"Civil society" means a realm of organized social life that is voluntary, self-regulating, self-supporting, and autonomous from the state, and bound by a legal set of shared rules, and have clearly defined values and aspirations;

"Community" means the East African Community established by Article 2 of the Treaty;

"Co-operation" includes the undertaking by the East Africa Community partner states in common or jointly in furtherance of the objectives of the Community, as provided for under the Treaty or under any commitment made thereunder in relation to the fulfillment of the objectives of the Community.

"Court" means the East African Court of Justice established by Article 9 of the Treaty;

"Discrimination against women" means any distinction, exclusion or restriction or any differential treatment based on sex and whose objectives or effects compromise or destroy the recognition, enjoyment or the exercise by women, regardless of their marital status, human rights and fundamental freedoms in all spheres of life;

"Environment" means the natural resources of air, soil, flora, fauna, ecosystems, the man made physical features, cultural heritage and the social economic interactions between the said factors and any living and non-living organisms;

"Female Genital Mutilation" means any procedure involving the partial or total removal of the external female genitalia or other injury to the female sexual organs whether for cultural, religious or other non-therapeutic reasons.

"Gender" means the roles, duties and responsibilities, which are culturally or socially ascribed to women and men, girls and boys;

"Gender Based Violence" means all acts perpetrated against women, men, girls and boys on the basis of their sex which cause or could cause them physical, sexual, psychological, or economic harm, including the threat to take such acts, or to undertake the imposition of arbitrary restrictions on, or deprivation of fundamental freedoms in private or public life during peaceful times and in situations of armed or other forms of conflict;

"Gender Empowerment" means the advancement of women and men, boys and girls through integrated strategies frameworks, programmes, plans, activities and budgets which aim to eliminate structural inequalities and to enable men and women gain power and control over decisions and resources that determine the quality of their lives in a substantive manner

"Gender equality" means the equal enjoyment of rights with dignity and access to opportunities and outcomes, including resources, by women and men, girls and boys in economic, social, political, cultural or civil life;

"Gender equity" means the just/ fair distribution of benefits, rewards and opportunities in which relations between women and men, girls and boys are based on respect for differences;

“Gender mainstreaming” means the process of identifying gender gaps and making women’s, men’s, girls’ and boys’ concerns and experiences integral to the design, implementation, monitoring and evaluation of policies and programmes in all spheres so that they benefit equally;

“Gender stereotypes” means the beliefs held about characteristics, traits and activity domains that are deemed appropriate for males and females based on the conventional roles of men and women both domestically and socially;

“Gender sensitive” means acknowledging and taking into account the specific/different gender needs of both women and men at all levels of planning, implementation, monitoring and evaluation;

“Health” means a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity;

“Harmful practices” means all behavior, attitudes and/or practices which negatively affect the fundamental rights of women, men, girls and boys, such as their right to life, health, dignity, education and physical integrity;

“HIV/AIDS” means Human Immunodeficiency Virus and its advanced stages the Acquired Immune Deficiency Syndrome;

“Human trafficking” means the recruitment, transportation, harbouring or receipt of persons, by means of threat, abuse of power, position of vulnerability, force or other forms of coercion, abduction, fraud or deception to achieve the consent of a person having control over another person for the purpose of amongst other things, sexual and financial exploitation;

“Marginalized groups” means community groups that are negatively perceived as socially and/ or physically outside the larger community structure, and are prevented from, or are unable to, participate in, or interact with, the mainstream community groups;

“Member States” means countries granted membership to the East African Community under Article 3 of the Treaty which currently include the Republic of Burundi, the Republic of Kenya, the Republic of Rwanda, The United Republic of Tanzania, the Republic of Uganda;

“Partner State” means a State that has signed, ratified or acceded to the East African Community Gender and Development Protocol once adopted;

“Public service” means government ministries, government departments and government agencies providing services to the public in a Partner State;

“Secretariat” means the secretariat of the Community established by Article 9 of the Treaty;

“Secretary General” means the Secretary General of the East African Community provided for under Article 67 of the Treaty;

“Sex” means the biological differences between females and males;

“Sexual harassment” means any unwanted, unsolicited, or repeated verbal or sexual advances, sexually derogatory statements or sexually discriminatory remark;

“Sexual and reproductive rights” means the universal human rights relating to sexuality and reproduction, including the right to sexual autonomy, sexual integrity and safety of the person, the right to sexual privacy, the right to make free and responsible reproductive choices, the right to sexual information based on scientific enquiry, and the right to sexual and reproductive health care;

“Trader” means an adult person engaged in commercial transactions involving sale and purchase of goods, services and information.

“Treaty” means the Treaty for the Establishment of the East African Community and annexes and protocols thereto;

“Violence against Women” means all acts perpetrated against women and girls which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war;

“Vulnerable groups” means population groups which, as a result of having the least access to public, economic and other resources, or as a result of their sex, physical ability, migrant status, race, ethnicity or age, are the least capable of maintaining subsistence, and easily fall prey to violations of their human rights.

### 3. Principles of Gender Equality

- 1) Member States shall uphold the principles of gender equality and gender equity as prerequisites and important elements of the regional integration processes and governance structures of the Community as enshrined in Article 6 and 7 of the Treaty.
- 2) Member States shall recognize the importance of nationality and citizenship as fundamental components of the regional integration processes and shall grant rights to women and men on the basis of equality and non-discrimination;
- 3) Member States shall prohibit discrimination and violence in all forms on the basis of gender or nationality and shall pursue by all appropriate means and without delay, a policy of eliminating gender based discrimination and violence by-
  - (i) embodying the principle of equality of men and women in their national legislations to ensure, through law, the practical realization of this principle;
  - (ii) adopting appropriate legislative and other measures, including sanctions where appropriate, prohibiting gender based discrimination and violence and in particular protecting the sexual and reproductive health rights of women and men;
  - (iii) Establishing legal protection of rights and access to justice for women on an equal basis with men and to ensure, through competent national tribunals and other public institutions administrative measures, the effective protection of women and men against any acts of discrimination;
  - (iv) Maintaining the age of majority at eighteen years and to accord such corresponding rights to girls and boys as to women and men, that uphold the principles of equality and non-discrimination in all spheres of life; and
  - (v) Taking all appropriate measures to harmonize national, regional and international policies, strategies and programmes to ensure gender equality, equity and the empowerment of women, men, boys and girls in the areas provided for under this Act through the modification or abolition of existing laws, regulations, customs and practices that contravene this Act.
- 4) Member States shall adopt the necessary strategies and programmes, and shall develop human, technical and financial capacity, for the implementation of this Act.
- 5) Member States shall share information in a timely manner that is deemed necessary to facilitate the implementation of this Act.

#### **4. Objectives of the Act**

- 1) 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, programmes and projects at national and regional levels.
- 2) The specific objectives of this Act are to:-
  - a) harmonise the national laws of the EAC Member States with regional and international standards of protection and promotion of gender and human rights, on the basis of the principles provided for under Section 3, and in accordance with the commitments of the Member States to the standards through the signature, ratification or accession to the various gender-related instruments;
  - b) enhance the level of implementation of the gender instruments through the incorporation of emerging development issues and gender concerns;
  - c) promote non-discrimination and gender equality in the processes of governance as a means of strengthening regional integration and sustainable development of the Community;
  - d) provide a participatory framework for strengthening, monitoring and evaluating the level of adherence to regional and international standards on gender equality and equity through a reporting mechanism based on realistic, measurable targets, time frames and indicators supported by the allocation of the necessary resources for achieving them; and
  - e) promote the equal participation of women and men in each Member State to take up the opportunities for increasing regional trade by entrenching enabling policies and macro-economic frameworks that are gender sensitive and responsive.
- 3) In order to achieve the objectives of this Act, the EAC Member States shall co-operate in the advancement of gender equality and development.

#### **5. Application**

- 1) This Act shall apply to any activity undertaken in co-operation with the Member States to achieve gender equality and development within the Community.
- 2) For purposes of Section 5 (1) , and in pursuant of Section 3(2), Member States shall-
  - a) eliminate discrimination based on gender and have clear sanctions for perpetrators;

- b) promote respect for women's rights as human rights in all spheres of life;
  - c) observe and respect the gender equality principle in order to achieve the fifty to fifty percent representation in all elective bodies and on all government appointed commissions and committees assigned with accountability, advisory or oversight responsibilities;
  - d) ensure gender mainstreaming and responsiveness in the integration process; and
  - e) enhance the equal participation of women and men in regional trade for sustainable economic growth.
- 3) Member States shall ensure the implementation of this Act at the national and regional level and in particular, they shall -
- (a) harmonise existing legislations, policies and programmes with the provisions of the Act;
  - (b) Eliminate all provisions, laws and practices that hinder or compromise the achievement of gender equality and equity and the advancement of women and girls;
  - (c) ensure the availability of gender disaggregated data on all aspects of life;
  - (d) report periodically on progress made through the relevant organs of the EAC including the Summit;
  - (e) adopt all necessary measures and in particular provide adequate budgetary allocations and other resources for the full and effective implementation of the Act.

## **6. Legal and State Obligations to Protect Human Rights**

- 1) 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.
- 2) Member States shall prohibit all forms of exploitation, cruel, inhuman or degrading punishment and treatment of women and men in all areas of life.
- 3) Member States shall take appropriate and effective measures to establish, harmonise or reform the legislative framework in order to address different forms of gender based violence, and in particular to-
  - a) prohibit all forms of sexual and gender based violence, including harmful traditional practices such as female genital mutilation, early and forced marriages, dangerous dietary practices, widow inheritance, albino and child sacrifices;
  - b) prohibit human trafficking within national, regional and international boundaries;
  - c) prohibit pornography and sexual exploitation, for commercial or other gain by any person including those in state and non- state institutions;

- d) define rape and defilement during war or armed conflicts or political upheavals as crimes against humanity;
  - e) harmonise the penal laws in the Member States to provide for uniform punishments for sexual and other forms of gender based violence and ensure that perpetrators can be apprehended and brought to trial in any of the EAC Member state depending on where the crime is committed;
  - f) take measures to ratify, domesticate and implement the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and fulfill the reporting requirements on the progress made to the relevant Community organs as well as to the African Commission on Human and People's Rights.
- 4) Member States shall take appropriate and effective measures to protect women and men from sexual and gender based violence and in particular shall -
- a) create public awareness in all sectors of society regarding sexual and gender based violence through provision of information in appropriate and accessible formats, formal and informal education and outreach programmes;
  - b) provide adequate and accessible law enforcement services that are equally responsive to the needs of women and men, boys and girls;
  - c) provide or enhance the knowledge of law enforcement agents on human rights and gender, to enable them eliminate gender bias and stereotypes in their work processes in order to achieve effective protection against sexual and gender based violence;
  - d) provide effective access by women and men to judicial and legal services, including access to legal aid;
  - e) establish mechanisms for action-oriented research aimed at the eradication of sexual and gender based violence;
  - f) adopt and enforce legislative and administrative measures which are sufficiently a deterrent to discourage gender based violence in educational institutions;
- 5) Member States shall take appropriate and effective measures to provide the necessary support and facilities to survivors of sexual and gender based violence including provision of quality health care services, safe shelter or rehabilitation services, responsive services for persons affected or infected with HIV/AIDS, legal and judicial support, emotional and psychosocial counseling as well as vocational training for self-support.

- 6) Member States shall ensure they adopt necessary measures including budgetary and other resources, to promote the rights of women and men, preventing violation of human rights, as well as protecting women and men from all forms of sexual and gender based violence.
- 7) Member States shall prevent human trafficking and provide holistic services to survivors, with the aim of re-integrating them into society.
- 8) Member States shall put in place mechanisms through which the relevant law enforcement authorities and institutions are able to combat national, regional and international human trafficking networks.

## **7. The Media**

- 1) Member States shall take appropriate measures to mainstream gender in all communication, information materials, media policies, programmes and laws and shall –
  - a) eliminate all forms of discrimination against women and men while guaranteeing equal opportunity and access to women and men in decision making processes in the new and traditional media;
  - b) eliminate all stereotypes in all the forms of contemporary and traditional media;
  - c) protect women and children, especially the girl-child, through legislation, from all forms of abuse, including sexual harassment and pornography in advertising;
  - d) ensure that media related bodies mainstream gender in their codes of conduct, policies and procedures and adopt and implement gender sensitive ethical principles, codes of practice and policies.
  - e) Develop and implement policies and laws to create an enabling environment that prevents the use of social and other forms of new media as instruments that violate the rights of women and girls, and promote exploitation of women and girls, and cyber crime.
  - f) promote education and training for journalists on human rights and gender to facilitate investigative journalism and gender sensitive reporting;
  - g) establish and strengthen the information, communication and technology infrastructure, and training, and set up tele-centers at the local levels to encourage the use of the media in the promotion of gender equality and equity and the protection of human rights;
  - h) develop mechanisms for the collection of gender disaggregated data and undertake gender analysis in order to achieve gender responsive planning, budgeting and implementation of media programmes and projects.

- 2) Member States shall take positive measures to regulate the use of the media and in particular discourage the media from-
  - a) promoting pornography, sexual exploitation and violence against all persons, especially women and children;
  - b) depicting women as helpless victims of violence and abuse;
  - c) degrading or exploiting women, especially in the area of entertainment and advertising and undermining their rightful role and position in society as well as their contribution to development within the Community;
  - d) reinforcing gender oppressions, biases and stereotypes.
3. The media shall be use by state and non- state actors to disseminate information in appropriate formats accessible to different categories of people that promotes advancement and increased productivity in the agricultural sector, generally development trends within the Community and on proper and progressive land use and management.

## **8. Education**

Member States recognize that education is a fundamental right for all people in the Community, women and men, of all ages and shall -

- a) Meet the basic learning needs of every person- child, youth and adults- and these shall comprise both essential learning tools (such as literacy, oral expression, numeracy, and problem solving) and the basic learning content (such as knowledge, skills, values, and attitudes) required by human beings to survive, develop their full capacities, live and work in dignity, participate fully in development, improve the quality of their lives, make informed decisions, and continue learning, and these shall be promoted through the formal and informal education systems.
- b) Ensure that quality primary and secondary education is accessible, compulsory and free for all.
- c) consider gender equality and equity issues in education including the teacher/ pupil ratios, and the appropriate measures needed to address gender disparities in enrolment and completion ratios at each level of the education system;
- d) Ensure that boys and girls have access to age appropriate sexually education to enable them manage their natural body changes from a point of knowledge and self-awareness and this is particularly essential for adolescent girls and boys.
- e) encourage the development of different forms of post primary education, including general and vocational education and make them available and accessible to every person;

- f) make higher education equally accessible to all by ensuring that the education system is gender responsive and is addressing the gaps and special needs of boys and girls, and women and men;
- g) take all appropriate measures to ensure regular attendance at schools of girls and boys and adopt strategies for the reduction of drop-out rates especially of the girl child;
- h) incorporate in the educational curriculum lessons on gender and human rights and remove all forms of gender stereotypes and biases in school curriculum and training programmes at all levels;
- i) take all appropriate measures to ensure that school discipline is administered in a manner consistent with the right to human dignity, bodily integrity and personal safety;
- j) make educational and vocational training information and opportunities in the different Member States available and accessible to all persons within the Community;
- k) ensure that adult literacy is strengthened at all levels for the empowerment of men and women and their communities and Member states commit to achieve a 50% increase in the levels of literacy among women and men in the Community by 2025;
- l) ensure that steps are taken to provide equal access to education to every category of persons with mental or physical disability as an integral part of the education system and that children have free access to appropriate and assistive devices and facilities;
- m) promote and encourage international cooperation in matters relating to the promotion of education, with a view of contributing to the elimination of ignorance, illiteracy and facilitating access to scientific and technical knowledge and modern teaching methods as well as accelerated development within the Community.

## **9. Health**

- 1) 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.
- 2) Member States shall implement legislative frameworks and policies, and provide services to enhance gender sensitive, appropriate and affordable quality healthcare, and in particular undertake to-
  - a) reduce child and maternal mortality ratios by at least 5% every five years;
  - b) develop and implement policies and programmes to address the primary health care needs of women and men including mental, sexual and reproductive health so that by the year 2025 fully harmonized and integrated primary health care systems are in place in the Community;

- c) adopt or strengthen existing legislation on mental health, taking into account the gender considerations and healthcare of patients with mental disabilities;
  - d) make adequate budgetary allocations, with appropriate gender considerations, at all levels of health care, and in prevention ensure the provision of hygiene and sanitary facilities and nutritional needs of women, including women in prisons, women with disabilities, girls of school going age and women in conflict situations;
  - e) ensure, through the establishment of appropriate facilities and infrastructure, the provision of quality health care services and appropriate information for different age groups especially in remote and rural areas and at all levels, in conformity with the World Health Organization recommendation of access to health facilities within a radius of 10 kilometers, and in this regard collaborate where appropriate with the private sector, faith-based organizations working in the health sector and development partners to enlarge the geographical reach of health services;
  - f) provide quality training including periodic refresher training for health personnel and address the knowledge and skills needs of traditional birth attendants;
  - g) undertake to enact appropriate gender policies and legal frameworks that take advantage of trade related intellectual property rights in order to protect public health and address public health concerns especially those that address the specific gender needs of men and women;
  - h) ensure adequate national budgetary allocation for securing sexual and reproductive health rights of men and women;
  - i) establish social welfare benefits and safety nets for elderly women and men to address their special needs.
- 3) Member States shall adopt a common regional policy to facilitate the domestication of the International Conference on Population and Development Programme of Action and shall take into account the particular vulnerabilities of women and men, girls and boys regarding their right to health;
- 4) Member States shall adopt 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 and in particular -
- a) develop gender sensitive strategies to prevent new infections of HIV and AIDS as well as other sexually transmitted diseases;

- b) ensure universal access to appropriate and quality health care, information, treatment and related services for HIV and AIDS for women, men, girls and boys infected with the virus;
- c) develop and implement policies and programmes to ensure the appropriate recognition of the work carried out by care givers, the allocation of resources and the psychosocial support for care givers and to promote the involvement of men in the care and support of people living with HIV and AIDS;
- d) establish appropriate and effective mechanisms to ensure men's increased involvement and community responsibility for the care and development of orphans;
- e) harmonise national health policies in conformity with regional and international standards on maternal health by the year 2020 and put in place a mechanism to monitor progress and level of implementation generally in the Community and by each Member State.

## **10. Power and Decision Making**

- 1) 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 of his or her country, directly or through freely chosen representatives.
- 2) Member States shall take appropriate and effective measures to enhance the capacity and resources of women and men to influence policies for their advancement, and put in place measures to eliminate all barriers which prevent or hinder women's equal participation in all spheres of life including appropriate affirmative action measures that will ensure achievement of equal representation and participation of women and men in national level and Community governance bodies;
- 3) Member States shall create an environment that enables progressive achievement of equal gender representation and participation in national level and Community representative bodies by 2025.
- 4) Member States shall -
  - a) develop transparent criteria for leadership appointments to different decision-making positions and ensure that the selecting bodies have a gender balanced composition;
  - b) develop mechanisms and training to ensure equal opportunity for women and men to participate in the electoral processes, political activities and other leadership positions at Community and national levels;
  - c) ensure that the national gender machineries are well resourced and equipped at all levels to support mobilization and information dissemination to men and women on governance and leadership issues.

- d) put in place legislative provisions which ensure that political party structures and policies are gender sensitive and responsive and are harmonized to secure the right to equal representation and participation of men and women in party structures at all levels;
- e) Ensure that they adopt legislative and regulatory frameworks that secure the right of access to government funding for political parties' organizing and shall ensure that the resources are distributed equally to support gender equality and equity.
- f) establish and strengthen structures to enhance gender mainstreaming in planning, programmes design and implementation as an appropriate strategy for achieving women's equal participation in leadership and decision making at all governance levels;

## **11. Economic Empowerment**

- 1) 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, old age, and shall in particular-
  - a) identify the gaps, and barriers to economic empowerment of women and men and adopt appropriate and effective measures to enhance the economic capacity and resources available to women and men;
  - b) recognize the role and contribution of women and men when determining the Gross Domestic Product of each Member State and incorporate such contributions as an integral part of the budgetary, planning and governance processes on the basis of equality;
  - c) develop gender inclusive policies and laws on production and trade, in order to ensure the equal participation of women and men in regional trade and enterprise development;
  - d) include macro-economic policies that equitably address the horizontal and vertical poverty gender relations as a fundamental concept in the national budgetary processes.
- 2) Member States shall adopt policies and enact laws which ensure that women and men have access to credit and other resources including information, to establish and sustain their enterprises.
- 3) Member states undertake to ensure that the right to social security is promoted and upheld for all persons working in the formal and informal sector and shall provide information on different social security schemes in line with Section 7 of this Act and ensure that the benefits are equally accessible to men and women within the Community.

- 4) Member States shall develop and integrate subsidized training programmes that facilitate –
  - a) the creation and sustainability of women’s entrepreneurial opportunities;
  - b) the development or enhancement of women’s entrepreneurial skills;
  - c) opportunities to enhance the production, marketing and exporting of quality products by women both active in the formal and informal sectors..

## **12. Agriculture and Food Security**

- 1) Member States shall -
  - a) incorporate gender considerations to the overall objectives of achieving food security and rational agricultural production in the Community;
  - b) harmonise their agricultural and food security laws and policies by 2020 to recognize and strengthen the role of women and men, particularly youth participation in the agricultural sector;
  - c) create a Community system that effectively provides information on demand and supply, surpluses and deficits, trade opportunities and procedures, scientific research findings and the state of food nutrition and market prices;
  - d) put in place laws and policies to guide the choice of priority considerations for each Member State for the investment opportunities within the agricultural sector.
  - e) provide extension services and appropriate information to farmers, taking into consideration the varied levels of educational attainment of women and men engaging in agriculture;
  - f) harmonise the quality and standards of inputs and products including food additives and their effects on the health of men and women;
  - g) initiate and maintain strategic food reserves at national and regional levels and efficient mechanisms to access nutritious foods to the most needy populations within the Community and population groups that are most vulnerable during emergency situations;
  - h) develop alternative sources of food production taking into consideration the role of traditional knowledge of the men and women in the different communities within the Community;
  - i) 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;
  - j) ensure that environmental awareness on trans-boundary ecosystems is treated as an integral part of education in the Community at all levels;

- k) promote international cooperation between the Community and other regional organisations in the management of trans boundary ecosystems;
- l) encourage increased agricultural productivity by supporting effective agricultural markets and agro processing in regional trade;
- m) initiate and maintain strategic food reserves at national and regional level;
- n) ensure the adoption of internationally accepted quality standards for food processing;
- o) undertake joint regional effort to combat drought and desertification.

### **13. Land Rights**

Member States shall ensure that access to and use of land is governed by the national laws and policies that are aligned with international and regional standards set on land use and management and in particular shall -

- 1) ensure that 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;
- 2) enact or review laws and policies that determine access to control of productive resources including land tenure and use, to provide for equality between men and women and enable beneficial use of land by both women and men;
- 3) ensure the protection of women and men from unfair treatment in administration of justice on land matters.

### **14. Trade**

- 1) 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.
- 2) Member States shall take all appropriate measures to engender trade in the Community by -
  - a) supporting the national and regional associations of women and those of men in business;
  - b) eliminating the gender and non-tariff trade barriers through adoption of appropriate regulations or guidelines and administrative practices that secure the rights of men and women engaged in cross-border trade and investment ventures;
  - c) addressing the institutional bottlenecks that infringe on the rights of the poor and marginalized individuals and groups, to access trade-related information and social services which would empower them to participate effectively in community development.

- d) scaling up efforts to address gender constraints such as access to credit and other financial services, technology and market information;
  - e) facilitating entry of women and men, boys and girls in the trade and services sector by providing training on ICT, e-commerce as well as their participation in cross-border, regional, and international trade;
  - f) ensuring gender analysis in diagnostic trade integration studies and other trade impact assessments;
  - g) institutionalising a gender-aware public/ private dialogue mechanism that actively involves women and men small traders and entrepreneurs in the negotiations, formulation and harmonisation of gender-aware policies, laws and procedures relevant in regional trade and macroeconomic policies and legislation;
  - h) establishing and institutionalizing regional integrated women trade and enterprise development frameworks that include, but not limited to, trade-related capacity building, networking and information exchange, support centers and business development services, access to financing, systematic research and data collection on the state of women in trade and entrepreneurship, and mechanisms to recognise and promote women in trade.
- 3) Member States shall review their trade policies to make them gender responsive and take steps to minimize the negative impacts of free trade agreements through-
- a) inclusion of regional women's and men's networks in trade policy structures;
  - b) create gender quotas in all trade missions; and
  - c) ensure equal access by women and men to financial and other markets, including trade negotiation processes.
- 4) Member States shall 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.

**15. Peace and Security:**

- 1) Member States shall -
- a) promote peace, security and stability in the Community, in order to guarantee the protection and preservation of life and property, and the well-being of the people and their environment.

- b) through co-operation and consultations promote the prevention, better management and resolution of disputes and conflicts within and between the Member States and ensure to take into account all relevant gender considerations and dimensions of the impact of such disputes and conflicts.
- c) ensure that they all sign onto the African Charter on Democracy, Elections and Governance as an appropriate strategy for prevention of conflicts that arise from the conduct of elections and secure common and harmonized standards for the promotion of democratic practices, good governance, the rule of law, protection of human rights and fundamental freedoms, the sanctity of human life and those included in international humanitarian law, as part of anticipating and preventing conflicts;
- d) take all appropriate measures and actions where conflicts have occurred or during times of armed conflict or other forms of escalated conflicts to eliminate incidences of human rights abuses especially against women and children.
- e) respect the rights of women and men to equal justice for violations suffered during armed conflicts and adequate protection against further victimization during the judicial and reconciliation processes through the provision of psychosocial support and where necessary, a safe place of abode;
- f) reinstate those affected by the conflict, especially women and children, to their pre-conflict situations in the shortest time possible and secure their protection from further human rights abuses in refugee or internally displaced persons' camps pending resettlement and repatriation as provided by regional and international human rights instruments and humanitarian laws;
- g) put in place measures to 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;
- h) renounce the use of force in resolving conflict in order to protect women and men, boys and girls from participating in conflict, being subjected to forceful recruitment into different warring parties and to sexual slavery;
- i) establish common communication facilities for cross border security;
- j) ensure the implementation of the United Nations Council Resolutions on peace building, peacemaking and peace keeping;
- k) protect asylum seeking persons, refugees, returnees, and internally displaced persons against all forms of gender based violence and ensure that justice is served where their rights are violated.

## **16. Environmental Management**

1. Member States shall enact laws and policies to reverse the negative effects of climate change and ensure sustainable environmental management.
2. The national laws and policies shall take cognizance of the roles men and women in different communities undertake in environmental management and preservation and shall provide to further enhance their contributions and capacities.
3. Member States shall promote sustainable environmental conservation taking into consideration the appropriate gender dimensions of access to alternative energy sources to reduce dependence on wood-fuel and enhance access to clean and safe water, and in particular shall-
  - a) promote research and investment in new and renewable energy sources and appropriate technologies, including information technologies;
  - b) establish mechanisms to reduce the time spent by women and girls in search of water and firewood at the expense of their security, welfare, and development related activities such as education and training opportunities;
  - c) protect and enable the development of women and men's indigenous knowledge systems to equally protect women and men from exposure to hazardous waste through the establishment of proper standards for the management, processing, storage, transportation and disposal of toxic waste including domestic waste;
  - d) take appropriate measures to reverse the effect of climate change and ensure sustainable use of the natural resources;
  - e) develop and promote capacity building programmes for men and women to integrate sustainable management of natural resources in their daily lives.

## **17. Extractive Industries**

- 1) Member States shall cooperate to ensure proper and beneficial exploitation and use of the proceeds from the extraction of natural resources that exist within the EAC area and the extractive industries shall include mining, quarrying, oil and gas extraction and dredging industries.
- 2) Member States shall develop and harmonize their laws and policies on the management of extractive industries and ensure that they take into account gender consideration and dimension to secure the right to equally benefit from the opportunities arising from these industries.
- 3) Member States shall ensure that there are mechanisms to effectively protect the rights of indigenous communities including land and property rights in areas where extractive industries are established.

- 4) Member States shall ensure the implementation of appropriate measures including affirmative action measures to ensure that women and men equally participate in the decision making structure of different extractive industries and have access to different employment opportunities.
- 5) Member States shall ensure that men and women have access to education and training opportunities to develop and acquire skills appropriate for engagement in different extractive industries in the Community
- 6) Member States shall harmonize their labour laws at the national level to ensure that –
  - a. highly skills labour has access to employment opportunities in different extractive industries in the Community area:
  - b. women and men working at different levels in the extractive industries for work of equal value receive equal pay ;
  - c. female and male workers are safe while working in different extractive industries and gender considerations and needs are taken into account to secure the right of personal security at the work place.
  - d. persons with disabilities can have access to employment opportunities in different extractive industries and are provided with the necessary training and protective or assistive devices as required under the Convention on the Rights of Persons with Disability.
- 7) Member States shall ensure that contracts with foreign investors to exploit or process natural resources within the Community area shall take into account gender considerations and shall include clauses that guarantee the protection of the rights of the citizens and where their land is compulsorily acquired, those affected shall be entitled to adequate compensation prior to displacement.
- 8) Member States shall include in their laws and policies rights of nationals to have priority in the process of awarding contracts within different extractive industries once they fulfill all procedures and pre-qualification requirements and where appropriate foreign investors shall be required to partner with national or regional companies to facilitate training, transfer of skills and building national capacities to engage in the extraction of natural resources within the Community area.
- 9) Member states shall ensure that the national laws adequately -
  - a. protect children from harmful labour and employment in different extractive industries and all contract holders are closely monitored to ensure that these laws are not violated.
  - b. provide for environmental protection and ensure that investors contribute to the development of the communities affected by the work of the extractive industry or where the industry or value addition facilities are established.

- c. secure the right of access to information and awareness for men and women in the area where an extractive industry is to operate and that men and women equally benefit and are aware of the opportunities for training and employment that exist within the sector.
- d. provide for taxation of the proceeds made from extractive industries and the proceeds are allocated to development programmes and projects that benefit the citizens of the Member States and the Community as whole.
- e. cater for specialized training and education of nationals both women and men, to enhance knowledge and skills appropriate for engagement in the extractive industries, the negotiation processing, valuation of bids, and establishment of industries to promote value addition to the minerals and products extracted.
- f. provide for equitable allocation of the proceeds from different extractive industries to meet the differentiated needs and interests for men and women, girls and boys

## **18. Marginalized Groups**

- 1) Member States shall protect and uphold the right of persons in situations of vulnerability due to geographical, physical or mental reasons.
- 2) Member States in particular shall -
  - a) protect persons with disabilities against all forms of violation of their rights including sexual abuse and discrimination, and ensure that they have access, commensurate with their disabilities, to all the civil, political, social, economic and cultural rights available to all persons;
  - b) develop policies, strategies and programmes to ensure that socially excluded groups such as pastoralist communities, minorities and indigenous people are protected against discrimination and have access to the existing justice mechanisms;
  - c) adopt laws, policies and programmes to ensure the development and protection of boys and girls by eliminating all forms of discrimination against children;
  - d) enact and enforce legislation to ensure that widows and widowers are not subjected to inhuman, humiliating or degrading treatment and in particular that-
    - i. a widow or a widower automatically becomes the guardian and custodian of the child or children upon the death of the other spouse;
    - ii. a widow or a widower has the right to continue to live in the matrimonial house after the death of the other spouse;

- iii. a widow or a widower has access to employment and other opportunities to enable her or him to take care of his or her family and make a meaningful contribution to society;
  - iv. a widow or a widower has the right to inherit the property acquired jointly or in common during the subsistence of the marriage;
  - v. a widow or widower may remarry any person of her or his choice after the death of the other spouse; and
  - vi. a widow or a widower has protection against all forms of violence and discrimination based on gender or status;
- e) enact and enforce legislative measures to ensure that elderly persons are treated with dignity, protected against all forms of violence and discrimination based on their age, and have access to essential social services and social protection benefits;
  - f) promote the rights of older persons and adopt innovative policies and programmes to mainstream the gender issues of older persons;

## **19. Financial Provisions**

- 1) Member States shall incorporate gender considerations into the planning and allocation of resources and in particular shall-
  - a) include specific budget allocations for enhancing the empowerment of women and men, boys and girls to live to their full potential;
  - b) Adopt appropriate policies to ensure gender mainstreaming is achieved in and between all sectors plans and budgets and at all levels of government.
- 2) All sector ministries in each of the Member States shall, in their annual budgetary submissions and assessments, state their efforts in achieving gender equality and equity and their impact and shall include promotion of gender awareness in the processes of allocation of resources.
- 3) Member States shall allocate the necessary financial resources to ensure the implementation and sustainability of the programmes under this Act.

## **20. Institutional Arrangements**

- 1) The Institutional mechanisms for the implementation of this protocol shall comprise of :
  - a. Council ministers responsible for gender and women affairs.
  - b. Gender Experts responsible for gender and women affairs.

c. EAC Secretariat.

2) Member States shall -

- a. Reinforce the institutionalization of gender machineries by enforcing their mandate to monitor and evaluate the achievement agreed upon on gender equality and clearly set targets and indicators, including by equipping these mechanisms with the requisite staff and financial resources to drive, convene and coordinate policies, programs and interventions.
- b. Implement measures including capacity building measures to ensure that all ministries and other institution systematically integrate gender into their work.
- c. Establish and strengthen accountability mechanisms such as gender markers, gender audit and integrated reporting applicable to all public structures and private sector in order to track programs and resources allocated to the promotion of gender equality and women empowerment.
- d. Submit reports to the EAC secretariat once every two years indicating the progress achieved in the implementation of the measures agreed in this Bill.
- e. Ensure national action plan with measurable time frames are put in place developed and implemented to facilitate the monitoring and evaluation.
- f. Provide adequate resources and mobilize domestic financing including private sector partnership and financing for national and regional gender and women machinery.
- g. 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.

**21. Regulations**

- 1) 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.