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THE EAST AFRICAN COMMUNITY

THE EAST AFRICAN COMMUNITY
GENDER EQUALITY AND DEVELOPMENT BILL, 2016

MEMORANDUM

The object of this Bill is to make provision for gender equality, protection and development in the Community. The Partner States undertook, in Article 6(d) of the Treaty for the Establishment of 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 provisions of the African Charter on Human and People's Rights.

The Treaty for the Establishment of the East African Community in Article 121 recognizes the significant contribution that women make towards the process of socio-economic transformation and sustainable growth, and the importance of the full participation of women and men in the economic and social development of the Partner States. The Partner States in signing and ratifying or acceding to the various

declarations on human and people's rights demonstrated their commitment to gender equality and their conviction that gender equality is a fundamental human right.

The Partner States further appreciate the significance of women and men's participation in the integration process of the East African Community, the obligations of the Partner States to their commitments under the different instruments the Partner States are party to and the targets set under those instruments, and that the emerging threats resulting from HIV and AIDS, globalization, and human trafficking of women, men and children in particular, the feminization of poverty, and gender based violence amongst other things will impact negatively on their citizens.

The Bill contends that whereas the Partner States have over the period severally recognized the importance of gender equality and have developed programmes and enacted legislation in this pursuit, these efforts are at different levels and contain differences particular to each Partner State. As a result, gender initiatives affect women, men and children differently across the East African 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 uniformly promoted, realised and protected in order to enable them to equally and fully enjoy all their human rights on an equal basis with men.

HON. NANCY ABISAI,
Member, East African Legislative Assembly.

THE EAST AFRICAN COMMUNITY GENDER EQUALITY
AND DEVELOPMENT BILL, 2016

ARRANGEMENT OF CLAUSES

Clause

1. Short title and commencement.
2. Interpretation.
3. Principles of gender equality.
4. Objectives of Act.
5. Application.
6. Gender based violence.
7. The media.
8. Education.
9. Health.
10. Power and decision making.
11. Economic empowerment.
12. Agriculture and food security.
13. Land rights.
14. Trade.
15. Peace and security.
16. Environmental management.
17. Marginalised groups.
18. Financial provisions.
19. Institutional arrangements.
20. Regulations.

**THE EAST AFRICAN COMMUNITY GENDER
EQUALITY AND DEVELOPMENT BILL, 2016**

A Bill for an Act

ENTITLED

**THE EAST AFRICAN COMMUNITY GENDER
EQUALITY AND DEVELOPMENT ACT, 2016**

**An Act of the Community to make provision for gender
equality, protection and development and to provide for
other related matters.**

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

1. This Act may be cited as the East African Community Gender Equality and Development Act, 2016 and shall come into force on such date as the Council may, by notice published in the Gazette appoint.

Short title
and
commence-
ment.

2. In this Act, unless the context otherwise requires—
“African Charter” means the African Charter on
Human and Peoples’ Rights;

Inter-
pretation.

“Assembly” means the East African Legislative
Assembly established by Article 9 of the
Treaty;

“affirmative action” means policies, programmes or measures that take race, ethnicity, or sex into consideration in an attempt to promote equal opportunities;

“child” means a boy or girl under the age of eighteen;

“civil society” means a realm of organized social life that is voluntary, self-generating, self-supporting, autonomous from the state, and bound by a legal set of shared rules;

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

“co-operation” includes the undertaking by the Partner States in common, jointly undertaken in furtherance of the objectives of the Community, as provided for under the Treaty or under any commitment in relation to 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 time and in situations of armed or other forms of conflict;

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

“gender equity” means the just distribution of benefits, rewards and opportunities in which relations between women, 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 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;

“Partner States” means the Republic of Burundi, the Republic of Kenya, the Republic of Rwanda, The United Republic of Tanzania, the Republic of Uganda, and any other country granted membership to the Community under Article 3 of the Treaty;

“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 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 advance, sexually derogatory statement 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 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 or age, are the least capable of maintaining subsistence, and easily fall prey to violations of their human rights.

Principles
of gender
equality.

3. (1) The Partner 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 enshrined under Articles 6 and 7 of the Treaty.

(2) The Partner 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) The Partner States shall prohibit discrimination and violence on the basis of gender or nationality in all its forms and shall pursue by all appropriate means and without delay, a policy of eliminating gender based discrimination by—

(a) embodying the principle of equality of men and women in their national legislations to ensure, through law, the practical realization of this principle;

(b) adopting appropriate legislative and other measures, including sanctions where appropriate, prohibiting gender based discrimination and violence and in particular protecting the reproductive rights of women and men and their respective rights in marriage;

(c) 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, the effective protection of women against any act of discrimination;

(d) maintaining the age of majority at eighteen and to accord such corresponding rights to girls and boys; and to women and men on the basis of equality and non-discrimination;

(e) taking all appropriate measures to harmonize national, regional and international policies, strategies and programmes to ensure gender

equality, equity and the empowerment of women and girls in the areas provided under this Act through the modification or abolition of existing laws, regulations, customs and practices that contravene the principles under this Act in order to eliminate discrimination against women and men by any person.

(4) The Partner States shall adopt the necessary strategies and programmes, and shall develop human, technical and financial capacity, for the implementation of this Act.

(5) The Partner States shall share the information which the Partner States deem necessary for the implementation of this Act.

Objectives
of Act.

4. (1) The principle objective of this Act is to advance gender equality in the Partner States in the economic, political, social and cultural aspects.

(2) The specific objectives of this Act are to—

(a) harmonise the national laws of the Partner States with the regional and international standards of protection and promotion of human rights, on the basis of the principles provided for under section 3, and in accordance with the commitments of the Partner States to these standards through the signature and ratification of the various human rights instruments;

(b) enhance the level of implementation of these instruments through the incorporation of emerging 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 of human rights protection through a reporting mechanism based on realistic, measurable targets, time frames and indicators supported by the allocation of the necessary resources for achieving them;
- (e) promote the participation of women and men in regional trade and sustainable economic growth by entrenching enabling gender policies and macro-economic frameworks.

(3) In order to achieve the objectives of this Act, the Partner States shall co-operate in the advancement of regional gender equality through the national gender mechanisms and in such other areas as the Council may determine.

5. (1) This Act shall apply to any activity undertaken in co-operation by the Partner States to achieve gender equality and human rights within the Community. Application.

(2) For purposes of subsection (1) , and in pursuant to section 3 (2), the Partner States shall—

- (a) eliminate discrimination based on gender;
- (b) promote respect for women's rights as human rights;

- (c) observe respect of gender equality levels in the Partner States by fifty to fifty percent;
 - (d) ensure gender mainstreaming in the integration process; and
 - (e) enhance the participation of women and men in regional trade for sustainable economic growth.
- (3) For purposes of facilitating the implementation of this Act, the Partner States shall—
- (a) harmonise existing legislations, policies and programmes; and
 - (b) ensure the availability of gender desegregated data.

Gender
based
violence

6. (1) The Partner States shall protect and uphold the right of every woman and man to life, dignity, integrity and security of person at all levels.

(2) The Partner States shall prohibit all forms of exploitation, cruel, inhuman or degrading punishment and treatment of women and men at all levels.

(3) The Partner States shall take appropriate and effective measures to establish, harmonise or reform the legislative framework in addressing 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) enact laws and develop policies to prohibit human trafficking within national, regional and international boundaries;
 - (c) enact laws to prohibit pornography and sexual exploitation, for commercial or other gain by any person;
 - (d) enact penal laws against rape during war or armed conflict or political upheaval as a crime against humanity;
 - (e) harmonise the penal laws in the Partner States to provide a uniform punishment for sexual and gender based violence.
- (4) The Partner States shall 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.
- (5) The Partner 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 information, formal and informal education and outreach programmes;
 - (b) provide adequate and accessible law enforcement services, including information, education and communication programmes to women and men;
 - (c) provide or enhance the knowledge of law enforcement agents on human rights and gender, to enable them promote human rights and provide protection against sexual and gender based violence;

- (d) provide effective access by women and men to judicial and legal services, including legal aid;
 - (e) establish mechanisms for research aimed at eradicating sexual and gender based violence;
 - (f) adopt and enforce legislative and administrative measures which are sufficiently deterrent to discourage gender based violence in educational institutions.
- (6) The Partner States shall take appropriate and effective measures to provide necessary support and facilities to victims of sexual and gender based violence through basic services such as health services, safe shelter or rehabilitation centers including those linked to HIV and AIDS, legal and judicial support, emotional and psychological counseling as well as vocational training for self-support.
- (7) The Partner States shall adopt necessary measures including budgetary and other resources, to cover the cost of promoting the rights of women and men, preventing violation of human rights, as well as protecting women and men from sexual and gender based violence.
- (8) The Partner States shall enact and adopt legislative provisions to prevent human trafficking and provide holistic services to the victims, with the aim of re-integrating victims into society.
- (9) The Partner States shall put in place mechanisms by which all relevant law enforcement authorities and institutions may eradicate national, regional and international human trafficking networks.

7. (1) The Partner States shall take appropriate measures to mainstream gender in all communication, information, media policies, programmes and laws and shall— The media.

- (a) eliminate all forms of discrimination against women and men while guaranteeing equal opportunity and access to women in decision making processes in the 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) promote education and training for journalists on human rights and gender to facilitate investigative journalism and gender sensitive reporting ;
- (e) 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 and protection of human rights and gender equality;
- (f) develop mechanisms for the collection and analysis of disaggregated data on the basis of sex and gender.

(2) The Partner 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 role and position in society; and
- (d) reinforcing gender oppressions and stereotypes.

Education.

8. (1) The Partner States recognise the right of the child to quality education and shall—

- (a) make primary and secondary education compulsory and available for free to all considering the student pupil ratios;
- (b) encourage the development of different forms of post primary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and the offering of financial assistance to all those in need;
- (c) make higher education accessible to all on the basis of capacity by all appropriate means to address gender parity;
- (d) make educational and vocational information and guidance available and accessible to all children;

- (e) take measures to encourage regular attendance at schools and develop strategies for the reduction of drop-out rates especially for the girl child;
- (f) incorporate in the educational curriculum, lessons on gender and rights at all levels and remove all forms of stereotypes in school curriculum and training programmes at all levels;
- (g) take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity;
- (h) ensure that adult literacy is strengthened at all levels for empowerment of communities;
- (i) ensure that children with physical and mental challenges receive access to suitable facilities and quality education and training free of charge; and
- (j) promote and encourage international cooperation in matters relating to education, with a view of contributing to the elimination of ignorance, illiteracy and facilitating access to scientific and technical knowledge and modern teaching methods.

9. (1) The Partner 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 health. Health.

(2) The Partner States shall implement legislative frameworks, policies and services to enhance gender sensitive, appropriate and affordable quality healthcare, and in particular undertake to—

- (a) reduce maternal mortality ratios;
- (b) develop and implement policies and programmes to address the primary health needs of women and men including mental, sexual and reproductive health;
- (c) adopt or strengthen existing legislation on mental health, taking into account the gender considerations and healthcare of patients with mental disabilities;
- (d) adopt adequate budgetary allocations, with appropriate gender considerations, at the national level for health care, and in particular invest in information for the prevention and care of illnesses such as cancer;
- (e) ensure the provision of hygiene and sanitary facilities and nutritional needs of women, including women in prisons, women with disabilities, women in conflict situations and girls of school going age;
- (f) ensure through the establishment of appropriate facilities and infrastructure, the provision of health care services and information especially in remote and rural areas, in conformity with the World Health Organization recommendation on access to health facilities within a radius of 10 kilometers; and in this regard collaborate with the private sector and development partners to enlarge the geographical reach of health services at all levels;

- (g) provide training for health personnel including traditional birth attendants;
- (h) 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; and
- (i) establish social welfare benefits and safety nets for elderly women and men to address their special needs.

(3) The Partner 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 vulnerability of women and men, girls and boys regarding their right to health;

(4) The Partner 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 community responsibility for orphans.
- (e) encourage national budgetary allocation to reproductive health; ensure women's access to health services at all levels and harmonise national health policies in conformity with regional and international instruments on maternal health.

Power and
decision
making.

10. (1) The Partner States shall protect and uphold the right of every woman and man to equal access to public service and to take part in the governance of his or her country, directly or through freely chosen representatives.

(2) The Partner 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 for affirmative action to eliminate barriers which prevent women from participating in all spheres of life and to create a conducive environment for such participation, and in particular shall —

- (a) develop transparent criteria for decision-making positions and ensure that the selecting bodies have a gender balanced composition ;
- (b) develop mechanisms and training to encourage women to participate in the electoral process, political activities and other leadership areas ;

- (c) establish and strengthen structures to enhance gender mainstreaming; and
- (d) put in place legislative provisions which ensure that political party structures and policies are gender sensitive.

11. (1) The Partner States shall promote and protect the right of every person to employment and a standard of living adequate 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—

Economic
empower-
ment.

- (a) identify the gaps, and barriers in the economic empowerment of women and men to take 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 to the determination of the Gross Domestic Product of the Partner States including trade and agriculture; and incorporate such contributions as an integral part of budgetary, planning and governance processes in the Partner States on the basis of equality;
- (c) develop gender inclusive policies and laws on trade, in order to encourage the participation of women and men in the regional trade; and
- (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) The Partner States shall adopt policies and enact laws which ensure that women and men have access to credit to establish and sustain enterprises.

(3) The Partner 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; and
- (c) opportunities to enhance the production, marketing and exporting of quality products by women.

Agriculture
and food
security.

12. (1) The Partner States shall incorporate gender considerations to the overall objectives of achieving food security and rational agricultural production in the Community, and in particular shall—

- (a) harmonise the agricultural and food security policies of the Partner States to recognise and strengthen the role of women and men in agriculture;
- (b) exchange information on demand and supply, surpluses and deficits, trade, forecasting, state of food nutrition and market prices, taking into consideration the varied levels of educational attainment of the women and men engaging in regional trade;
- (c) harmonise the quality and standards of inputs and products including food additives and their effects on men and women;

- (d) initiate and maintain strategic food reserves in consultation with the women and men as a means of harnessing the traditional knowledge of women and men, who have been engaged in ensuring food security for the local communities;
- (e) develop alternative sources of food production taking into consideration the role and knowledge of the men and women in the different communities in the region;
- (f) ensure environmental assessments of proposed projects or activities which may significantly affect the environment or use of natural resources in trans-boundary ecosystems;
- (g) ensure that environmental awareness on trans-boundary ecosystems is treated as an integral part of education in the Community at all levels;
- (h) promote international cooperation between the Community and other regional organisations in the management of trans boundary ecosystems;
- (i) encourage increased agricultural productivity by supporting effective agricultural markets and agro processing in regional trade;
- (j) initiate and maintain strategic food reserves at national and regional level;
- (k) ensure the adoption of internationally accepted quality standards for food processing; and
- (l) undertake joint regional effort to combat drought and desertification.

Land rights.

13. The Partner States shall ensure that access to and use of land is governed by the national laws and policies of each Partner State and shall in particular—

- (a) ensure that ownership, access to and control of land is void of any cultural barriers that inhibit women from ownership of land;
- (b) enact 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; and
- (c) ensure the protection of women and men from unfair treatment in administration of land matters in the administration of justice.

Trade.

14. (1) The Partner States shall promote the participation of women and men in regional trade and sustainable economic growth, taking into consideration the gender dimensions to personal safety in cross border trade.

(2) In the process of engendering trade in the region, the Partner States shall—

- (a) support the national and regional associations of women in business;
- (b) address the gender and non-tariff trade barriers through engagement of relevant stake holders;
- (c) address the institutional bottlenecks that infringe on the rights of the poor and marginalized to access social services and empower them to participate in community development;

- (d) scale up efforts to address gender constraints such as access to credit and other financial services, technology and market information;
- (e) facilitate entry of women, men, boys and girls in the trade and services sector by providing training on information and communications technology, e-commerce as well as their participation in cross-border, regional, and international trade;
- (f) ensure gender analysis in diagnostic trade integration studies and other trade impact assessments;
- (g) institutionalise a gender-aware public private dialogue mechanism that actively involves women and men 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; and
- (h) establish and institutionalize regional integrated women trade and enterprise development frameworks that include, but not limited to, trade-related capacity building, networking and information exchange, support centres 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) The Partner 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) The Partner States shall ensure that women and men in the informal sector have 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, security and training as men.

Peace and
security.

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

(2) In particular, the Partner States shall, through co-operation and consultations for prevention, better management and resolution of disputes and conflicts within and between the Partner States—

- (a) promote and encourage democratic practices, good governance, the rule of law, protection of human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law, as part of efforts for anticipating and preventing conflicts;
- (b) in circumstances where conflicts have occurred, and in times of armed and other conflict, take such steps as are necessary to prevent and eliminate incidences of human rights abuses especially of women, men and children, and ensure that—

- (i) the rights of women and men to equal justice for violations suffered and protection during the judicial and reconciliation processes are respected through the provision of psychosocial support;
- (ii) those affected by the conflict, especially women and children are reinstated to their pre conflict situations in the shortest time possible and protected from human rights abuses in refugee camps and in the internally displaced persons camps, pending resettlement and repatriation as provided by the regional and international instruments on refugee rights;
- (c) put in place measures to ensure that women and men have equal representation and participation in key decision making levels in conflict resolution and peace building processes;
- (d) renounce the use of force in resolving conflict in order to protect women and men, boys and girls from participating in conflict, forceful recruitment into conflict and sexual slavery;
- (e) establish common communication facilities for cross border security;
- (f) ensure the implementation of the United Nations Security Council Resolution on peace building, peacemaking and peace keeping; and

- (g) protect asylum seeking persons, refugees, returnees, and internally displaced persons against all forms of gender based violence and ensure that the perpetrators of those acts are brought to justice before a court of competent jurisdiction.

Environ-
mental
manage-
ment.

16. (1) The Partner States shall enact laws and policies to reverse the negative effects of climate change and ensure sustainable environmental management.

(2) The Partner States shall promote the sustainable use of the environment taking into consideration the appropriate gender dimensions of access to alternative energy sources and environmental conservation in order to reduce dependence on wood-fuel and 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, and facilitate women and men's access to, and participation in their control;
- (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 and use of appropriate technologies especially in the agricultural sector;

- (d) 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;
- (e) address the diverse effect and impact of climate change on the environment by ensuring and taking appropriate measures to reverse the effect of climate change and sustainable use of the natural resources; and
- (f) develop and promote capacity building programmes for the sustainable management of natural resources.

17. (1) The Partner States shall protect and uphold the right of persons in situations of vulnerability due to geographical, physical or mental reasons.

Marginalised
groups.

(2) The Partner States in particular shall—

- (a) protect persons with disability against all forms of violation of their rights including sexual abuse and discrimination, and ensure that they have access, commensurate with their disability, to all the civil, political, social, economic and cultural rights available to all persons;
- (b) 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) ensure the development and protection of boys and girls by eliminating all forms of discrimination against the children;

- (d) ensure that widows and widowers are not subjected to inhuman, humiliating or degrading treatment and in particular that a widow or widower—
 - (i) automatically becomes the guardian and custodian of the children upon the death of the other spouse;
 - (ii) has the right to continue to live in the matrimonial house after the death of the other spouse;
 - (iii) has access to employment and other opportunities to enable her or him to make a meaningful contribution to society;
 - (iv) has the right to inheritance of the property in a joint estate within a marriage;
 - (v) may remarry any person of her or his choice after the death of the other spouse; and
 - (vi) has protection against all forms of violence and discrimination based on his or her status;
- (e) enact and enforce legislative measures to ensure that elderly persons are treated with dignity; protected against 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 issue of older persons; and

- (g) support older persons by effectively addressing their needs through specific programmes that are incorporated into national development plans and strategies including social protection.

18. (1) The Partner States shall incorporate gender considerations into the planning and allocation of resources and shall— Financial provisions.

- (a) include specific initiatives to empower women and men, boys and girls;
- (b) ensure equality in employment; and
- (c) observe gender within and between all sectors, spheres and levels of government.

(2) All Ministries shall, in their budgetary submissions, state their efforts in achieving gender equality and shall include gender awareness in the allocation of resources.

(3) The Partner States shall allocate the necessary financial resources to ensure the implementation and sustainability of the programmes under this Act.

19. The Council shall establish and confer powers and authority upon such institutions as the Council may deem necessary for the implementation of this Act. Institutional arrangements.

20. 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. Regulations.