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## Appendix 1 *Commonwealth states parties to international treaties prohibiting discrimination on the basis of sex*

### **International Covenant on Civil and Political Rights, 1966, article 2 and 26**

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The following Commonwealth states are not parties: Antigua and Barbuda, Bahamas, Brunei Darussalem, Fiji, Kiribati, Malaysia, Maldives, \*Nauru, Papua New Guinea, Saint Kitts and Nevis, Saint Lucia, Samoa, Singapore, Solomon Islands, Swaziland, \*Tonga, \*Tuvalu and Vanuatu.

### **International Covenant on Economic, Social and Cultural Rights, 1966, article 3**

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The following Commonwealth states are not parties: Antigua and Barbuda; Bahamas; Botswana; Brunei Darussalam; Kiribati; Malaysia; Mozambique; \*Nauru; Pakistan, Papua New Guinea; Saint Kitts and Nevis; Saint Lucia; Singapore; South Africa; Swaziland; \*Tonga; \*Tuvalu; Vanuatu.

### **Convention on the Rights of the Child, 1989, article 2**

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All Commonwealth States are parties.

### **African Charter on Human and Peoples' Rights, 1981, article 2 and especially article 18 (3)**

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All African states members of the Commonwealth are parties.

### **European Convention on the Protection of Human Rights and Fundamental Freedoms, 1950, article 14**

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Cyprus, Malta and the United Kingdom are parties.

### **Convention on the Elimination of all forms of Discrimination Against Women, 1979**

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The vast majority of Commonwealth states are parties to the Women's Convention. The following Commonwealth member states are not: Brunei Darussalam, Kiribati, \*Nauru, Solomon Islands, Swaziland, \*Tonga, Western Samoa.

*Note* \*Non-member state of the United Nations.

## Appendix 2 *Equality clauses in Commonwealth constitutions*

Most Commonwealth states have a general guarantee of fundamental rights without discrimination, including non-discrimination on the grounds of sex or gender. Such guarantees are sometimes included in fundamental or guiding principles of state policy; sometimes under human rights, basic rights and fundamental freedoms; and sometimes both:

**ANTIGUA AND BARBUDA:** Chapter II, Fundamental rights and freedoms of the individual, Articles 3 and 4.

**THE BAHAMAS:** Chapter III, Fundamental rights and freedoms of the individual, Article 15. However, sex/gender not mentioned in Article 26 which deals specifically with discrimination.

**BANGLADESH:** Part II, Fundamentals of State policy, Articles 10 and 19; Part III, Fundamental rights, Articles 27 and 28. Article 29 also calls for non-discrimination in government employment or office.

**BARBADOS:** Chapter III, Fundamental rights and freedoms of the individual, Article 11. However, sex/gender not mentioned in Article 23 which deals specifically with discrimination.

**BELIZE:** Part II, Fundamental rights and freedoms, Articles 3 and 16.

**BOTSWANA:** Chapter II, Article 3.

**BRUNEI DARUSSALAM:** Fundamental rights and freedoms not mentioned.

**CANADA:** Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, Section 15 Section 28 which affirms that 'the rights and freedoms referred to in it [the Charter] are guaranteed equally to male and female persons'.

**CYPRUS:** Fundamental rights and liberties. Article 28: discrimination clause.

**DOMINICA:** Title II, Individual and social rights (section I), Article 15.

**THE GAMBIA:** Chapter IV, Article 17.

**GHANA:** 1992, Chapter V, Article 12 (2), 17, 27 (Women's rights to paid leave before and after childbirth; facilities for the care of below school age children, equal rights to training and promotion). Chapter VI, Article 35 (5).

**GRENADE:** Chapter 1, Protection of fundamental rights and freedoms, Articles 1 and 13.

**GUYANA:** Chapter II, Principles and bases of Political, Economic and Social system, Articles 22 and 29. Other articles includes equal access to academic, vocational and professional training, equal opportunities in employment, remuneration and promotion, and in social, political and cultural activity.

**India:** Part III, Fundamental rights, Articles 14, 15 and 16. Part IV, Directive principles of State policy, Article 39.

**JAMAICA:** Chapter III, Fundamental rights and freedoms, Articles 13 and 20.

**KENYA:** Chapter V, Article 70. But in specific discrimination provision, Chapter V, Article 82, gender not included: 'race, tribe, place of origin or residence or other local connection, political opinions, colour or creed'.

**KIRIBATI:** Chapter II, Fundamental rights and freedoms of the individual, Articles 3 and 15.

**LESOTHO:** Chapter II, Article 4 (1), especially (1) (n), 18, 26, 30 (just and favourable conditions of work).

**MALAWI:** Chapter III, Article 13 (a): Specific provision on gender equality including social issues such as domestic violence, security of the person, lack of maternity benefits, economic exploitation and property rights. Article 20: Propagation of such practices may be criminally punishable). Article 24: Rights of women, including (2) any law that discriminates against women on the basis of gender or marital status shall be invalid and legislation shall be passed to eliminate customs and practices that discriminate against women, particularly practices such as: (a) sexual abuse, harassment and violence; (b) discrimination in work, business and public affairs; and (c) deprivation of property, including property obtained by inheritance.

**MALAYSIA:** Part II, Fundamental Liberties, Article 8 (but sex/gender not mentioned as grounds for discrimination).

**MALDIVES:** Article 5 states that 'Maldivians are equal before the law'.

**MALTA:** Chapter II, Declaration of Principles, Article 14 (re. promoting equal rights) and Chapter IV, Fundamental rights and freedoms of the individual, Articles 32 and 45.

**MAURITIUS:** Chapter II, Article 3. Article 16 (general discrimination clause) amended in 1995 to include sex.

**MOZAMBIQUE:** Chapter I Article 66: General non-discrimination clause. Also Article 6d (equality of citizens before the law); Article 57 (i) The State shall promote and support the emancipation of women, and shall provide incentives to increase the role of women in society . . . (3) The State recognises the value of, and shall encourage, the participation of women in the defence of the country and in all spheres of the country's political, economic, social and cultural activity; 67 (equality of men and women).

**NAMIBIA:** Chapter 3, Article 10.

**NAURU:** Part II, Fundamental rights and freedoms, Article 3. Also note 5 'In this Constitution, unless the context otherwise requires, words importing the masculine gender shall be taken to include females'.

**NEW ZEALAND:** Bill of Rights Act, Part I, Unlawful Discrimination, Article 19 and Part II, Civil and Political Rights Article 21: Prohibited grounds of discrimination.

**NIGERIA:** 1992, Chapter II, Article 16 (2), 41.

**PAPUA NEW GUINEA:** Basic Rights section refers to fundamental rights and freedoms of the individual 'whatever their race, tribe, places of origin, political opinion, colour, creed or sex'.

**ST KITTS AND NEVIS:** Chapter II, Protection of fundamental rights and freedoms, Articles 3 and 15.

**ST LUCIA:** Chapter I, Fundamental rights and freedoms, Articles 1 and 13.

**ST VINCENT AND THE GRENADINES:** Chapter I, Fundamental rights and freedoms, Articles 1 and 13.

**SEYCHELLES:** Chapter III, Article 27, 30 (right of working mothers – ‘unique status and natural maternal functions of women’).

**SIERRA LEONE:** Chapter II, Article 6(2) , Chapter III, Article 15, 27.

**SINGAPORE:** No provision for non-discrimination on the basis of sex. Article 12 (1): ‘All persons are equal before the law’; (2) ‘Except as expressly authorised by this Constitution, there shall be no discrimination against citizens of Singapore on the grounds only of religion, race, descent or place of birth’.

**SOLOMON ISLANDS:** Chapter II, Fundamental rights and freedoms, Articles 3 and 15.

**SOUTH AFRICA:** Chapter 3, Article 8 (No person shall be unfairly discriminated against, directly or indirectly, and, without derogating from the generality of this provision, on one or more of the following grounds in particular: race, gender, sex, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture or language. (Only one to be written in language of ‘his or her’). Schedule 4, Constitutional Principles, I (achieving equality between men and women). III (racial and gender equality). V (amelioration of the conditions of the disadvantaged, including on grounds of race, colour or gender). Other relevant provisions that might be of specific importance: right to hold property.

**SRI LANKA:** Chapter III, Article 12.

**SWAZILAND:** Chapter II, Article 3.

**TANZANIA:** Section Two, Article 9 (1) (g); Section Three, Article 13 (1) prohibits discrimination of any kind, but in the interpretation of discrimination in (5) sex is not listed, only nationality, tribe, origin, political affiliation, colour, religion, lifestyle.

**TONGA:** No provisions

**TRINIDAD AND TOBAGO:** Chapter I, Recognition and protection of fundamental rights and freedoms Part 1, Article 4.

**TUVALU:** Part 2, Bill of Rights, Article 11. No mention of sex/gender as grounds of discrimination in Article 27.

**UGANDA:** National objectives and directive principles of state policy. Chapter IV, Article 20: ‘a person shall not be discriminated against on the grounds of sex, race, colour, ethnic origin, tribe, birth, creed or religion, or social or economic standing, political opinion or disability’. Part VI of the General Objectives states that “The state shall ensure gender balance and fair representation of marginalised groups on all constitutional and other bodies; Part XV states that ‘The state shall recognise the significant role that women play in society’. Other articles deal with the right to education (30); equality in and during marriage and at its dissolution (31); and the rights of women (33). Of particular interest is 33 (6): ‘Laws, customs or traditions

which are against the dignity, welfare or interest of women or which undermine their status are prohibited by this Constitution’.

**VANUATU:** Chapter II, Fundamental rights and freedoms, Part 1, Article 5.

**WESTERN SAMOA:** Article 15 (2): ‘Except as expressly authorised under the provisions of this Constitution, no law and no executive or administrative action of the State shall, either expressly or in its practical application, subject any person or persons to any disability or restriction or confer on any person or persons any privilege or advantage on grounds only of descent, sex, language, religion, political or other opinion, social origin, place of birth, family status, or any of them’.

**ZAMBIA:** 1991, Part III, Article 11, 23.

**ZIMBABWE:** 1980, chapter III, Article 11, 23 (but does not include sex – discrimination on grounds of race, tribe, place of origin, political opinions, colour or creed). Constitution amended in 1997 and now explicitly prohibits discrimination based on gender. Sex Discrimination Removal Act prohibits sex-based discrimination.

## Appendix 3 *Glossary of terms*

### ***Gender***

Gender can be defined as the set of characteristics, roles and behaviour patterns that distinguish women from men. These characteristics are constructed not biologically but socially and culturally. The sex of an individual is biologically determined, whereas gender characteristics are socially constructed: a product of nurturing, conditioning and socio-cultural norms and expectations. These characteristics change over time and vary from one culture to another. Gender also refers to the web of cultural symbols, normative concepts, institutional structures and internalised self-images which, through a process of social construction, define masculine and feminine roles and articulate these roles within power relationships.

### ***Gender analysis***

Quantitative gender analysis is the collection and analysis of sex-disaggregated data which reveals the differential impact of development activities on women and men, and the effect gender roles and responsibilities have on development efforts. Qualitative gender analysis is the tracing of historical, political, economic, social and cultural forces in order to clarify how and why these differential impacts, roles and responsibilities have come about.

### ***Gender-aware/redistributive/transformational policies***

Gender-aware/redistributive/transformational policies seek to transform existing gender relations by changing the distribution of resources and responsibilities to make it more equitable. These policies involve altering the existing balance of power between men and women, addressing not only practical gender needs but strategic gender interests as well.

### ***Gender-inclusive language***

This is language which challenges the assumption/tradition that masculine nouns, pronouns and adjectives include both male and female. Examples of gender-inclusive language are 'staff-hours' (rather than 'man-hours'), 'chairperson' (rather than 'chairman') and 'he or she' (rather than 'he'). Gender-exclusive language, by subsuming the female in the male, acts as both a cause and an effect of the invisibility of women's contribution.

### ***Gender mainstreaming***

This term may be conceptualised in two different ways: on the one hand it is an integrationist strategy which implies that gender issues are addressed within the existing development policy, strategies and priorities. Hence, throughout a project cycle, gender concerns are integrated where applicable. On the other hand, mainstreaming also means agenda-setting, which implies the transformation of existing development agenda using a gendered perspective. These two concepts are not exclusive and actually work best in combination.

### ***Gender-neutral policies***

These are policies that are seen as having no significant gender dimension. However, government policies seldom if ever have the same effect on women as they do on men,



even if at first sight they may appear to exist in a context where gender is irrelevant. Thus, policies which may appear to be 'gender-neutral' are often in fact 'gender-blind', and are biased in favour of males because they presuppose that those involved in and affected by the policy are males, with male needs and interests. An example would be

### ***Gender perspective***

Gender perspective is a way of (a) analysing and interpreting situations from a viewpoint that takes into consideration the gender constructions in society (for women and men) and (b) searching for solutions to overcome the gaps.

### ***Gender-sensitive indicators***

An indicator is a statistical measurement that shows the change in a particular context over a given period of time. A gender-sensitive indicator is therefore a measurement of gender-related change over time. For example, a gender-sensitive indicator could show the change in the number of women studying agriculture, relative to men and over a period of, say, a decade. Gender-sensitive indicators can therefore be used to measure the effectiveness or success of a GMS.

### ***Gender sensitivity***

Gender sensitivity refers to perceptiveness and responsiveness concerning differences in gender roles, responsibilities, challenges and opportunities.

### ***Gender-specific policies***

These policies take into account gender differentials, and target women or men specifically, but leave the current distribution of resources and responsibilities intact.

### ***Gender training***

Gender training is a systematic approach to sharing information and experiences on gender issues and gender analysis, aimed at increasing understanding of the structures of inequality and the relative position of men and women in society. It goes beyond awareness-building to actually providing people with the knowledge and skills that they need in order to change personal behaviour and societal structures.

### ***National Women's Machinery***

This is a single body or complex organised system of bodies, often under different authorities, that is recognised by the government as the institution dealing with the promotion of the status of women.

### ***Practical gender needs***

These emanate from the actual conditions women and men experience due to the roles ascribed to them by society. Often, women's practical gender needs are related to their roles as mothers, home-makers and providers of basic needs. Meeting the practical gender needs of women and men does not necessarily change their relative position in society.

### ***Sex-disaggregated data***

This is data collected – via questionnaires, observation or other techniques – that reveal the different roles and responsibilities of men and women. Having data

disaggregated by sex is extremely important to being able to assess the impact of a project on women separately from its impact on men.

***Strategic gender needs***

These relate to women's empowerment and to what is required to overcome the subordinate position of women to men in society. Such needs vary according to the economic, political, social and cultural context. Most governments now acknowledge the need to create opportunities which enable women to address their strategic needs.

***Women's triple roles***

Analysis of the gender division of labour has revealed that women typically take on three types of roles in terms of paid and unpaid labour. These roles are: the *productive* role, i.e., market production and home/subsistence production undertaken by women which generates an income; the *reproductive* role, i.e., the child-bearing and child-rearing responsibilities borne by women, which are essential to the reproduction of the workforce; and the *community management* role, i.e. activities undertaken by women to ensure the provision of resources at the community level, as an extension of their reproductive role (Razavi and Miller, 1997: 14).