



Gender – AII Findings

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The Gender subcategory assesses the legal framework supporting gender equality, as well as gender representation in the government. The first six of these indicators (77-82) focus on gender equality in the legal framework – assessing equality in the national laws, as well as within customary law, where applicable. The next two indicators (83-84) assess the employment rights of women. The following three indicators (85-87) assess female representation in the cabinet, legislature and judiciary. A final indicator (88) assesses government action to bridge the digital divide.

Gender Representation Findings

- **Equitable gender representation in the cabinet is not common.** In 2015, only four countries reported women comprising at least 33% of their cabinet (Cape Verde, Kenya, Rwanda, and South Africa, with Cape Verde reporting the highest representation at 50% of the cabinet). Only one country (Libya) reported zero female representation (down from a reported 6% in the previous round), and half of the countries reported less than 18% representation, earning scores of 50 or below.
- **Female representation in the legislature remains disproportionately low.** While nine countries reported over 33% representation, 31 reported less than 18% representation (about half of them less than 13%). Notably, Rwanda is a standout here: while requiring a minimum 30% female representation, they have a reported 64% representation.
- **Female representation in the judiciary is higher than in the executive cabinet or the legislature.** In one third of the countries female judges hold at least 33% of the positions in the country’s highest court. However, 30% of countries scored under 25 – nine countries (17%) reported less than 5% representation, and five reported no female representation at the highest court (Comoros, Equatorial Guinea, Mauritania, Somalia, and South Sudan).

Gender Indicators
77. In law, women have equal land ownership rights to men.
78. In law, women have equal non-land property rights to men.
79. In law, women have equal inheritance rights to men.
80. In law, women have equal divorce petition rights to men.
81. In law, men don't have precedence over women in the custody of children.
82. In law, women have the right to independent travel.
83. In law, women have equal access to employment opportunities and benefits in the workplace.
84. In practice, women have equal access to employment opportunities and benefits in the workplace.
85. In practice, appointments to the national cabinet take gender into consideration.
86. In practice, women are significantly represented in the highest branch of the judiciary (Constitutional Court/Supreme Court).
87. In practice, women are significantly represented in the legislature.
88. In practice, the government takes action to close the gender digital divide.



Legal Equality Findings

- **In about half of the countries (56%), customary legal frameworks infringe on gender rights, even where the national laws provide for gender equality.** Seven in law indicators assess women’s legal equality, covering land ownership rights, non-land property rights, equal inheritance rights, divorce petition rights, child custody rights, independent travel rights, and employment rights and protections. In each of these indicators, both the national legal framework and customary law are assessed, with an added ‘mixed’ score being earned where national laws support legal equality, while enforced customary laws contradict this for some portion of the country. In Swaziland, although the 2005 constitution prohibits gender discrimination, women do not have the same land ownership rights as men. In fact, women are cast as legal minors for the entirety of their existence, who could not own property without the consent of her husband or closest male relative. The same precedent covers non-land property as well, and there is no law guaranteeing inheritance rights for women. Additionally, the constitution does not mention divorce, reflecting Swazi society’s dislike of divorce, and further exemplifying how women are marginalized. Furthermore, men determine which partner has custody of the children if a couple separates, though in the cases of abandonment or adultery women can be awarded physical custody (with legal guardianship still given to the father). Freedom of movement is a right granted to all Swazis, but “as a legal minor under Swazi Law and Custom a woman cannot assume to have the right of independent travel”.
- **The right to independent travel is the least restricted, with an average score of 82.** More than half of the countries (67%) guarantee this right and direct restrictions exist only in a small number. One such case is Sudan, where the Muslim Personal Matters Act of 1991 requires married women to obtain their husband’s permission for visiting family or working outside the house. It is important to note that while even if the national laws provide such a right in some countries local customary laws restrict it in some regions. For instance, in Nigeria locally enforced customary laws may occasionally restrict female independence of movement, depending on location and time of year, such as for holiday traditions.
- **Land ownership rights are more often restricted than non-land property rights, with 35% of the countries guaranteeing full land ownership rights, and 48% granting full non-land property rights to all citizens.** Here, 19 countries earned a maximum score, while most of the remainder had some provisions within customary laws that restricted land ownership. For instance, while in Malawi the Constitution explicitly allows for women to acquire and maintain property rights regardless of marital status, the research notes, “The majority of Malawians - about 80 percent - live in rural areas where various customary laws are largely in effect. For example, women who live in patrilineal communities in the north of Malawi can only access customary land through their husbands and brothers-in-law.” For instance, in Congo-Brazzaville the law gives everyone the power to manage land, but that is not always what happens in practice, as the society remains patriarchal and customary provisions restrict women’s access to land.



- **Equal non-land property rights are also relatively common in both national and customary law, with 26 countries (48%) earning a full score and only four countries (7%) scoring a zero.** Non-land property was generally less restricted than land ownership, with 26 countries earning maximum score. For instance, in Ivory Coast, the Ivorian Constitution recognizes “that property is guaranteed for all,” without distinction or restriction based on gender. However, in four countries, both the national and customary law restrict female non-land property rights. As an example, in Swaziland, when a woman marries in a traditional setting, her property is possessed by her husband, but if she marries in a civil ceremony all property is placed into a common pool, which is then administered by the husband.
- **Equality in divorce petition rights is also often lacking, as evidenced by a 65% of countries where rights are unequal.** Only about a third of the countries earned maximum score and 17% earned the lowest score. The majority of countries fell in between, with civil marriages allowing for gender equality in divorce petitions, and yet discriminatory bias persist in marriages governed by customary law. For instance, “For most Gambian women (about 90 percent), matters of marriage and divorce are governed by their personal law, which is Sharia law, regardless of the Women's Act. Under Sharia law, women do not have the same right as men to divorce their spouses at will.”
- **Only 10 countries guarantee equality in inheritance.** In many countries, such as Lesotho, male children are given precedence in inheritance, while in some Sharia Law governs inheritance and females are allowed lesser inheritance rights.

Access to Employment Findings

- **In law, women generally have equal access to employment opportunities and benefits.** In 34 countries, the legal framework forbids discrimination based on gender and provides some degree of legal protection from actions taken as a result of pregnancy.
- **However, in practice, women are often discriminated in the workplace.** In practically all the countries women are paid much lower wages for the same work, particularly in certain sectors. For example, in Equatorial Guinea there have been instances of payroll officials deducting amounts from female employees and keeping the money for themselves, and women who complain about this are often ignored. In Uganda, discrimination against women happens more often in the private sector: there is a lack of equal benefits and opportunities for women, and employers are notorious for giving men more opportunities for promotion. In Mozambique as in several other countries, the legal framework is fairly solid, yet women receive lower pay for equal work and report sexual harassment and firings for refusing to do sexual favors.



Observations

- In 2015, the highest scoring countries in this category were Rwanda, Cape Verde, Lesotho, Seychelles, and Mauritius. There was limited change between the last two rounds of research, Rwanda and Lesotho both experienced small improvements, while the Seychelles and Mauritius minor deteriorations. The lowest scoring countries were Sudan, Egypt, Equatorial Guinea, Swaziland, and Libya.

Regional Trends¹

- Regional scores remained relatively consistent between the two most recent research rounds, showing little overall improvement – but no deterioration – in the elements assessed. Among the small improvements between the two rounds, the improvement in North Africa was most pronounced.

2.2 Gender	2014 Ave	2015 Ave	Change
Overall	57.99	58.91	0.93
East Africa	60.76	61.63	0.87
Central Africa	50.46	50.46	0.00
North Africa	38.02	39.84	1.82
Southern Africa	65.63	66.67	1.04
West Africa	61.25	62.08	0.83

- The gender category exhibits a substantial gap between the highest and lowest performing regions. The difference between the highest scoring region (Southern Africa) and the lowest scoring region (Northern Africa) is 26.82.

It is important to note that aggregate scores mask very substantial - and very informative – country-level differences that can be found in the disaggregated data. An interested user benefits from exploring the data in detail, focusing on individual indicators and the country context described in the researcher’s comment and sources. The indicators are designed to be granular in order to provide actionable information for each country covered, so should be viewed individually for the clearest view of each country’s performance - and opportunities for improvement.

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¹ Regions are here defined as:

- **Central Africa:** Cameroon, Central African Republic, Chad, Republic of Congo, Democratic Republic of Congo, Equatorial Guinea, Gabon, Sao Tome and Principe
- **East Africa:** Burundi, Comoros, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Seychelles, Somalia, South Sudan, Tanzania, and Uganda
- **North Africa:** Algeria, Egypt, Libya, Mauritania, Morocco, Sudan, and Tunisia
- **Southern Africa:** Angola, Botswana, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Zambia, and Zimbabwe
- **West Africa:** Benin, Burkina Faso, Cape Verde, Cote d’Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo



2.2 Gender	2014 Score		2015 Score		2014-15 Change	
	Score	Rank	Score	Rank	Score Change	Rank Change
Rwanda	85.4	2	87.5	1	+2.1	+1
Cape Verde	85.4	2	85.4	2	+0.0	+0
Lesotho	79.2	7	83.3	3	+4.2	+4
Seychelles	87.5	1	83.3	3	-4.2	-2
Mauritius	83.3	4	81.3	5	-2.1	-1
Tunisia	77.1	9	79.2	6	+2.1	+3
Sao Tome and Principe	79.2	7	79.2	6	+0.0	+1
Senegal	81.3	5	79.2	6	-2.1	-1
Benin	81.3	5	79.2	6	-2.1	-1
Angola	72.9	11	79.2	6	+6.3	+5
Madagascar	75.0	10	77.1	11	+2.1	-1
Mozambique	72.9	11	72.9	12	+0.0	-1
Liberia	68.8	14	70.8	13	+2.1	+1
Ghana	68.8	14	70.8	13	+2.1	+1
Uganda	70.8	13	70.8	13	+0.0	+0
Zimbabwe	68.8	14	70.8	13	+2.1	+1
Burundi	64.6	18	70.8	13	+6.3	+5
South Africa	66.7	17	66.7	18	+0.0	-1
Namibia	58.3	25	64.6	19	+6.2	+6
Ethiopia	58.3	25	64.6	19	+6.2	+6
Republic of Cote d'Ivoire	62.5	20	62.5	21	+0.0	-1
Zambia	64.6	18	62.5	21	-2.1	-3
Burkina Faso	62.5	20	62.5	21	+0.0	-1
Togo	58.3	25	62.5	21	+4.2	+4
Tanzania	60.4	24	60.4	25	+0.0	-1
Comoros	62.5	20	60.4	25	-2.1	-5
The Gambia	62.5	20	60.4	25	-2.1	-5
Sierra Leone	58.3	25	58.3	28	+0.0	-3
Botswana	56.3	31	56.3	29	+0.0	+2
Malawi	58.3	25	56.3	29	-2.1	-4
CAR	58.3	25	56.3	29	-2.1	-4
Morocco	54.2	33	56.3	29	+2.1	+4
Kenya	50.0	36	54.2	33	+4.2	+3
Algeria	47.9	41	54.2	33	+6.3	+8
Guinea	56.3	31	52.1	35	-4.2	-4
Djibouti	50.0	36	52.1	35	+2.1	+1
Mauritania	50.0	36	52.1	35	+2.1	+1
Nigeria	50.0	36	50.0	38	+0.0	-2
Gabon	50.0	36	50.0	38	+0.0	-2
Eritrea	52.1	34	50.0	38	-2.1	-4
Mali	52.1	34	47.9	41	-4.2	-7
Congo Brazzaville	45.8	43	47.9	41	+2.1	+2
Guinea-Bissau	35.4	48	45.8	43	+10.4	+5
Chad	41.7	46	45.8	43	+4.2	+3
Somalia	47.9	41	45.8	43	-2.1	-2
Niger	35.4	48	43.8	46	+8.3	+2
Congo DRC	45.8	43	43.8	46	-2.1	-3
Cameroon	43.8	45	43.8	46	+0.0	-1
South Sudan	39.6	47	39.6	49	+0.0	-2
Libya	35.4	48	35.4	50	+0.0	-2
Swaziland	31.3	51	29.2	51	-2.1	+0
Equatorial Guinea	27.1	52	25.0	52	-2.1	+0
Egypt	20.8	53	20.8	53	+0.0	+0
Sudan	18.8	54	20.8	53	+2.1	+1

