

**Prognosis for the Inequality Virus:
Gender, Democracy, Reconstruction, and
HIV/AIDS in Southern Africa**



**Prognosis for the Inequality Virus:
Gender, Democracy, Reconstruction & HIV/AIDS in Southern Africa**

**Concept Paper for the Commonwealth Secretariat
Gender Section, Social Transformation Programmes Division**

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ABBREVIATIONS

| | |
|--------|--|
| AGDI | African Gender and Development Index |
| AIDS | Acquired Immunodeficiency Syndrome |
| ANC | African National Congress |
| ARV | Anti-retroviral |
| BPfA | Beijing Platform for Action |
| CBO | Community-based Organizations |
| CEDAW | Convention on the Elimination of All Forms of Discrimination Against Women |
| CHGA | Commission on HIV/AIDS and Governance in Africa |
| CW | Commonwealth Secretariat |
| FAO | Food and Agricultural Organization |
| GBA | Gender-based Analysis |
| GBV | Gender-based Violence |
| HEARD | Health Economics and HIV/AIDS Research Division |
| HDI | Human Development Index of the United Nations |
| HIV | Human Immunodeficiency Virus |
| IDASA | Institute for Democracy in South Africa |
| ILO | International Labour Organization |
| IMF | International Monetary Fund |
| MDGs | Millennium Development Goals for 2015 |
| MTCT | Mother-to-Child Transmission |
| NGM | National Gender Machineries |
| NGO | Non-Governmental Organization |
| NEPAD | New Partnership for Africa's Development |
| OUA | Organization for African Unity |
| PLWHA | People Living with HIV/AIDS |
| PMTCT | Prevention of mother-to-child transmission |
| PoA | Commonwealth Plan of Action for Gender Equality 2005-2015 |
| SADC | Southern African Development community |
| STDs | Sexually Transmitted Diseases |
| TB | Tuberculosis |
| UN | United Nations |
| UNAIDS | Joint United Nations Program on AIDS |
| UNDP | United Nations Development Programme |
| UNECA | United Nations Economic Commission for Africa |
| UNFPA | United Nations Population Fund |
| UNGA | United Nations General Assembly |
| UNHCR | United Nations High Commission for Refugees |
| UNICEF | United Nations Children's Fund |
| UNIFEM | United Nations Development Fund for Women |
| VAW | Violence Against Women |
| WFP | World Food Programme |
| WHO | World Health Organisation |

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EXECUTIVE SUMMARY

This concept paper reviews a range of literature and explores demonstrated and potential connections between HIV/AIDS, legal rights and political participation of women and girls, and democratic governance in four Southern African countries, selected by the Commonwealth Secretariat - Botswana, Mozambique, Swaziland, and South Africa. The paper examines the nexus between achieving representative democracy and addressing the gendered differential impact of the HIV/AIDS pandemic in Southern Africa, particularly on women and girls.

Findings - from all four countries

1. The roles of women and girls, and their participation, in social, economic and health policies, and other responses to HIV/AIDS, are often different from men;
2. Women are being excluded from much of the decision making related to HIV/AIDS;
3. There is a connection between women's vulnerability to HIV/AIDS and their limited opportunities for political participation;
4. Key conditions affecting women's political participation are identical to those affecting women's vulnerability to the impact of HIV/AIDS;
5. An iterative relationship exists between women's vulnerability to the impact of HIV/AIDS, which is not only shaped by structural conditions identified in the paper but also exerts an influence on these conditions;
6. The impacts of HIV/AIDS weaken the operational capacity of Civil Society;
7. The potential of catalytic laws that are gender responsive, such as constitutionalised principles of gender equality, is undermined by perpetuation of "on the ground" gender-based systemic discrimination and power imbalance in formal democratic institutions and processes- increasing democratic fragility;
8. More research is needed in order to determine the effects of excluding women from political processes, including the relationship between the deficit in women's political participation and increased vulnerability to HIV/AIDS.

Principal Challenges

- While there may be some beneficial effects arising out of post conflict processes, the actual impact of violence against women is horrific and, even in non-conflict states, presents tremendous challenges to their participation in public life. Violence against women has health, social, and economic implications, constituting severe and persistent deprivation of women's human rights that impedes democratic governance and the reduction of poverty and disease.
- A formalistic view of democracy, narrowly focused on "electoralism" consumes democratic efforts to the detriment of other systematic and meaningful transformations needed to increase opportunities for women and girls as agents for strengthening democracy to deliver tangible enhancements in daily living.

Principal Opportunities

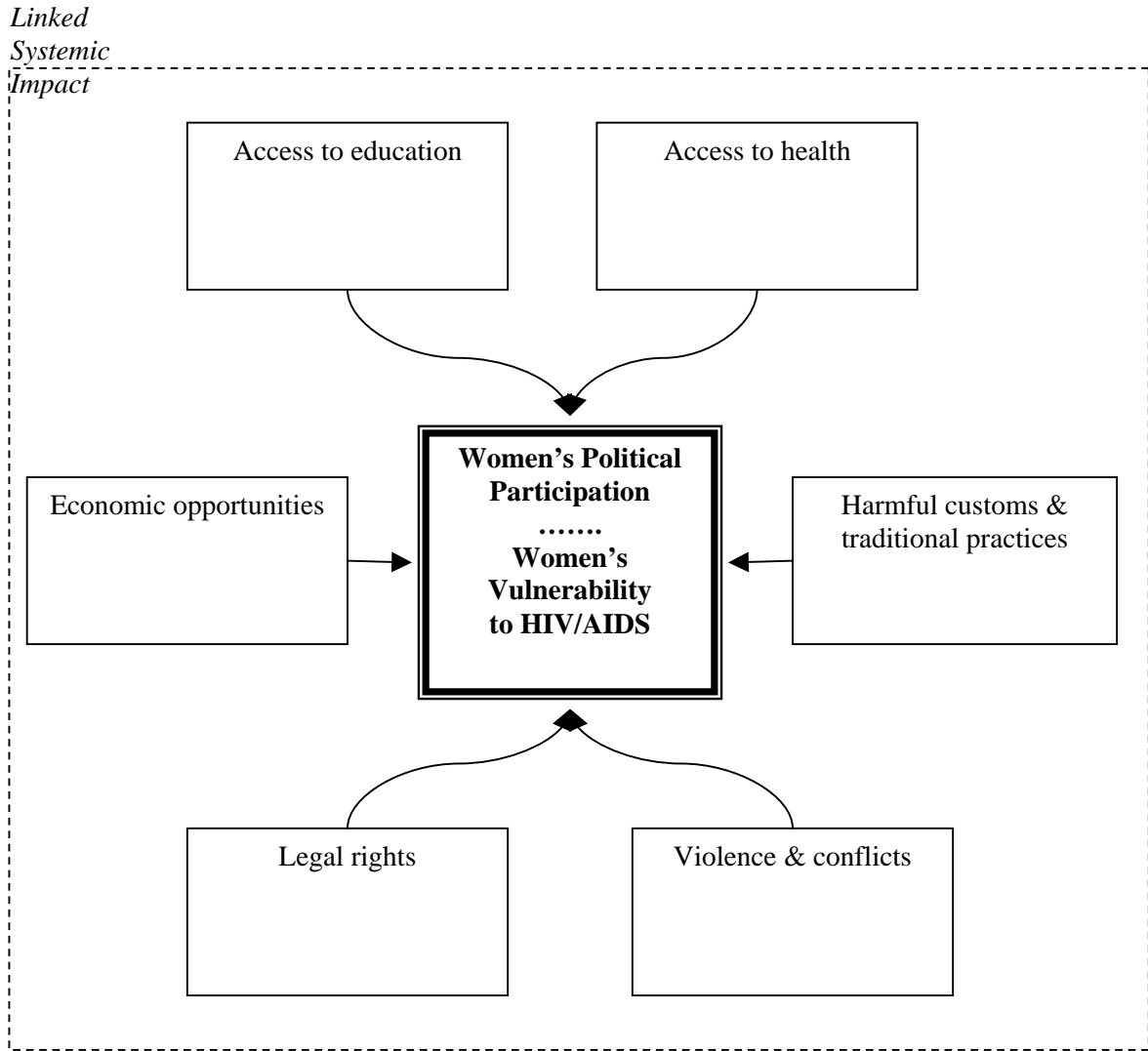
- Gender responsive laws and inclusive good practices are building the case for increased investments in gender equality due to effectiveness in outcomes;
- Catalytic policies and laws designed to eliminate women's dependence on men are essential aids for women to become effective political actors, - particularly those which

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deal with land, inheritance, and violence against women.

- Through disrupting gender roles, conflicts, in some instances, proffer opportunities for women to become involved in political movements that otherwise would not have arisen.

Systemic conditions impacting on women’s political participation and their vulnerability to HIV/AIDS can be delineated into 6 distinct themes, linked in the figure below:



Four Primary Conclusions

1. Women’s political participation and their vulnerability to the impact of HIV/AIDS are influenced by the same structural conditions
2. As women’s vulnerability to the impact of HIV/AIDS increases, their political participation will be affected - likely with negative results for democratic development in the region. This relationship is exemplified in the following scenario:

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A girl-child is orphaned as a result of HIV/AIDS. The girl becomes the head of her household and is forced to leave school in order to support her siblings. The girl and her siblings are no longer able to rely on adults for financial support and become more impoverished. The girl begins to engage in transactional sex in order to provide for herself and her family and a “sugar daddy” transmits the virus to her. In this situation, poverty, lack of educational opportunity, and the health issues resulting from her transactional sex combine to diminish and likely end the girl’s life. The increased prevalence of these three conditions *results* from her being affected by HIV/AIDS, and *impacts adversely* on her likelihood to engage politically.

3. There may well be a relationship between a lack of women’s political participation and women’s vulnerability to HIV/AIDS. More research is needed in this area.
4. The women impacted by HIV/AIDS can be divided into three categories:
 - A. Women infected by the disease,
 - B. Women personally affected by the disease, and
 - C. Women institutionally affected by the disease.

There is a link, between women’s vulnerability to the impact of HIV/AIDS and the ability and willingness of many women to participate politically, which merits further exploration.

Two Primary Recommendations

1. Develop a multi-sectoral five-year plan (2007-2012) to build on the Commonwealth’s areas of comparative advantage for addressing current and emerging challenges to democratic development and reconstruction, with a particular focus, through 18-month pilots in selected countries, on the political participation of women and girls in democratic governance in southern Africa as affected by the HIV/AIDS pandemic.
2. Launch the pilots and the five year project at the summit of the Commonwealth Ministers Responsible for Women and Gender Affairs in 2007 in Uganda, with cross sectoral invitations to colleagues responsible for Health, Education, Justice, the Millennium Development Goals, as well as other stakeholders, to focus on women and girls in relation to political participation and promoting sustainable and representative democracy, and good governance through specific measures to address gender inclusiveness in promoting democracy within the Commonwealth and its member countries. Set the date, at the beginning of the five-year project, for the mid-term reporting summit in early 2010, with reports from Commonwealth Ministers Responsible for Women and Gender Affairs, as part of the 10th year reporting on the MDGs. This mid-term summit of the project will provide for high level consideration of the challenges, gaps and lessons learned through the pilots, to be shared with other stakeholders in a timely fashion to allow for increased effectiveness in delivering the desired outcomes set for the end of the five-year project, in 2012.

INTRODUCTION

HIV/AIDS is a crosscutting policy issue. It affects voters, members of parliament, political parties, civic and voter education institutions, and the entire range of civil and political institutions. We cannot afford to close our eyes to the problem and simplistically wish it away.

- Hon. Esther Mcheka-Chilenje, Deputy Speaker of the Malawi Parliament ¹

The Female Face of HIV/AIDS

The global HIV/AIDS epidemic is driven in large part by gender inequality reflecting the increasing impact on women and girls. The HIV/AIDS pandemic is decimating populations around the world, in particular, the sub-Saharan region of Africa, and exacerbating poverty amongst Africa's people, particularly women. Almost two thirds (64 per cent) of the 2.8 billion people who live on under US\$2 are Commonwealth citizens and over two thirds of these are women.^{2 3} In sub-Saharan Africa, women account for almost sixty percent of those infected with HIV.⁴ Women also bear the brunt of the social and economic impact of HIV/AIDS. Women of all ages, but in particular older women, very young women, young married women and adolescent girls, bear unsustainable burdens of care for the sick and dying in their homes, face additional health-care costs for HIV-affected family members, and in many cases, cope with extra dependents such as orphans.⁵

Research questions and intervention strategies are beginning to take into consideration the multiple relationships between gender inequality and HIV/AIDS. This concept paper examines more closely a significant, logical link that is largely undocumented: the nexus between the HIV/AIDS epidemic, women's political participation and increasing fragility in southern African democracies. This paper provides a review of a range of literature and explores demonstrated and potential connections between HIV/AIDS, women's political participation, and democratic governance challenges. By looking at conditions and projections evident in four countries in

¹ Quoted in Kondwani, Chirambo, "AIDS and Electoral Democracy: Insights into impacts on Africa's democratic institutions." IDASA. August 2005, on back cover.

² Commonwealth Secretariat, "Commonwealth Plan of Action for Gender Equality 2005-2015" (London: Commonwealth Secretariat, 2005), at para 2.7. [Hereinafter referred to as the PoA] See excerpts in Annex I

³ The PoA includes areas of comparative advantage such as: democracy and good governance; respect for human rights and the Rule of Law; gender equality; sustainable development; poverty reduction; LDC issues; small states; HIV/AIDS pandemic.

⁴ UNAIDS, "2006 Report on the global AIDS epidemic" online:

http://www.unaids.org/en/HIV_data/2006GlobalReport/default.asp at 15 [UNAIDS, 2006 Report]. The absolute number is estimated to be 13.2 M [11.4 – 15.1 M]. Unless otherwise noted, the HIV/AIDS estimates used throughout this paper rely on UNAIDS/WHO data. For a discussion of the methodology used to calculate these estimates, see: UNAIDS Report, 2006 at 502-504. Also for a broader discussion around the methodologies for calculating HIV/AIDS estimates, and some of the accompanying debates on the accuracy of these estimates see: Tony Barnett and Alan Whiteside, *AIDS in the Twenty-First Century: Disease and Globalization*, 2nd ed. (New York: Palgrave Macmillan, 2006), at 56-67 [Barnett and Whiteside, 2006]; Hein Marais, *Buckling: The Impact of AIDS in South Africa*, (Pretoria: Centre for the Study of AIDS, University of Pretoria, 2005), at 27-29; P.D. Ghys et al., "The UNAIDS Estimation and Projection Package: a software package to estimate and project national HIV epidemics" (2004) *Sex. Transm. Inf.* 80 at 5-9; and N.C. Grassly et al, "Uncertainty in estimates of HIV/AIDS: the estimation and application of plausibility bounds" (2004) *Sex. Transm. Inf.* 80 at 31-36.

⁵ PoA, at para 3.42.

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Southern Africa, selected by the Commonwealth Secretariat for this paper - Botswana, Mozambique, Swaziland, and South Africa - the paper finds the nexus between achieving representative democracy and addressing the gendered differential impact of the HIV/AIDS pandemic in Southern Africa, particularly on women and girls.

The Commonwealth Secretariat (CW) has been an international leader in the promotion of gender equality and democracy, an approach consistent with the association's fundamental values and principles. It is hoped that this paper will add value to fostering Commonwealth strategies based on policy commitments, especially the most recent Commonwealth Plan of Action for Gender Equality 2005-2015. One of the four Critical Areas of Action in the PoA is "Gender and HIV/AIDS" building on the UN Declaration of Commitment on HIV/AIDS, which gave international recognition to the critical need to tackle gender inequality, which lies at the heart of vulnerability to and impact of HIV/AIDS.⁶ The PoA supports and works towards the attainment of the United Nations Millennium Development Goals (MDGs), the objectives of gender equality reflected in the Beijing Platform for Action⁷ (BPfA), and the goals of UN Security Council Resolution 1325 on the role of women in key aspects of prevention and transformation of conflicts. The CW has worked extensively to ensure that multi-sectoral approaches are adopted, particularly to address HIV/AIDS and gender-based violence.⁸

Given the slow progress and persistent challenges, the Commonwealth Ministers Responsible for Women and Gender Affairs, designated in the PoA, recognised that the target set in 1996, at the Commonwealth Women's Affairs Ministers Meeting (held in Trinidad and Tobago), to achieve 30 per cent of women in decision-making in the political, public and private sector in all Commonwealth countries by 2005 could not be achieved. Thus, the Ministers urged member countries to exercise the political will necessary to implement all frameworks designed to promote women's increased participation and representation in government and decision-making levels. Furthermore, the Ministers urged countries that had attained the 30 per cent target to strive for higher aspirations so as to achieve gender balance and representative democracy.

It is significant to note that while the heads of the Southern African Development Community (SADC) have committed to reaching the 30 per cent target called for in the PoA,⁹ the African Union has committed to being governed by a commission on which a minimum of 50% of representatives are women.¹⁰

⁶ Adopted at the UN General Assembly Special Session on HIV/AIDS, 25-27 June 2001, online:

http://data.unaids.org/publications/irc-pub03/aidsdeclaration_en.pdf

⁷ For more information on the Conference leading to the BPfA, the text of the BPfA, and statements by each participating Government see: Division for Advancement of Women, "Fourth World Conference on Women, Beijing 1995," online: <<http://www.un.org/womenwatch/daw/beijing/index.html>>.

⁸ Margaret Oguli-Oumo et al., Promoting an Integrated Approach to Combat Gender Based Violence (Commonwealth Secretariat, 2002); Gender Mainstreaming in HIV/AIDS: Taking a Multisectoral Approach (Commonwealth Secretariat, 2002) and Guidelines for Implementing a Multi-Sectoral Approach to HIV/AIDS in Commonwealth Countries, revised (Commonwealth Secretariat, March 2003).

⁹ "Gender and Development - A Declaration by Heads of State or Government of the Southern African Development Community, 1997" Part H, online: http://www.sardc.net/widsaa/wid_genderdec.htm

¹⁰ "Statutes of the Commission of the African Union," Assembly of the African Union, July 2002 (Doc: ASS/AU/2(I) – d), online at:

http://www.iss.co.za/AF/RegOrg/unity_to_union/pdfs/pdf_eng/oau/StatCommission.pdf. Members of the

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Data Constraints, Knowledge and Action Gaps

The data to provide the full picture on the relationship between women's political participation and HIV/AIDS is sorely lacking. For example, sex disaggregated statistics are not available for many of the criteria that merit examination. Our conclusions rely on the range of quantitative, qualitative, and anecdotal materials available. Our recommendations for further research and action are concrete and specific. There is an increasing sense of urgency to reduce the spread of this entrenched epidemic. Empowerment of women and girls, to reduce their risk due to negative social, economic, and health factors, is a viable option. Increasing women's and girls' political participation in resource allocations and democratic structures - as a means to health through good governance - is an outcome that has strong potential in contributing to the prevention of HIV infection.

Planning for the impact of HIV/AIDS on political systems has yet to focus on the implications of how disproportionate burdens on women and girls will bring particular challenges and opportunities to fragile and emerging democracies in Southern Africa. Any means of increasing capacity, power, engagement and training among southern African women can have an HIV/AIDS component. This concept paper seeks to build on the Commonwealth commitments to gender equality and good governance¹¹ by setting the stage for future work to address knowledge and action gaps in the area of promoting inclusive democracy, through analysis and evaluation of women's contributions and the impact of HIV/AIDS on women and girls, who constitute the majority of those affected and infected by the pandemic.

Democracy and Governance

While there are many definitions of democracy and governance, the majority of authors tend to agree on the essential components. IDASA¹², arguably the leader in the field of researching the impact of HIV/AIDS on democracy in southern Africa, defines governance as: "a set of values, policies and institutions by which a society manages its economic, political and social processes at all levels through interaction among government, civil society and private sector".¹³

The African Union's New Partnership for Africa's Development (Nepad) delineates the criteria for good governance as transparency, accountability, integrity, respect for human rights and

AU have also committed to "extending the gender equality principle" adopted regarding the Commission of the African Union to "national and local levels" but no member state has formally adopted a 50 per cent quota.

¹¹ "The Commonwealth is convinced that development and democracy are inextricably bound together, and that the health of a democracy can be measured by its separation of powers, its transparency and openness, and its access to decision-making at all levels by individual citizens." Letter from the Secretary General of the Commonwealth Secretariat to the G8 leaders, July 14, 2006. Accessed online July 15, 2006: http://www.thecommonwealth.org/news/152526/secretary_general_calls_on_g8_leaders.htm

NOTE: Gender equality is not mentioned in this letter.

¹² IDASA's Governance and AIDS Program (GAP) work focuses on electoral systems, political parties, parliaments and electoral commissions. Their current research is being conducted in Namibia, Malawi, Zambia, Tanzania, Botswana and Senegal.

¹³ *Aids and Governance in Southern Africa; Emerging Theories and Perspectives*, Cape Town, IDASA, as cited in Ann Strode and Kitty Grant, "Understanding the institutional dynamics of South Africa's response to the HIV/AIDS pandemic," IDASA, 2004 at 1. Original cite attributed to Cheema GS, "Good governance: A pathway to poverty eradication," UNDP.

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promotion of the rule of law, and states that these components are essential to strengthening political and economic governance, leading to development and the eradication of poverty.¹⁴

Democracy and good governance are fundamental values of the Commonwealth. As the Commonwealth Heads of Government recognized in the Fancourt Declaration, part of what governance and 'good governance' mean is inclusiveness and participation.¹⁵ The Commonwealth conceptualisation of good governance includes the rule of law, respect for human rights, an absence of corruption, transparency, accountability, efficient and effective public management systems and processes.¹⁶

Latimer House Principles & Aso Rock Declaration

The Commonwealth Latimer House Guidelines enunciate issues such as the harmonious balancing of power and the interaction between parliament, the executive and the judiciary in democratic societies. They set out in detail the consensus arrived at by representatives of the three branches of government in the Commonwealth on how each of their national institutions should interrelate in the exercise of their institutional responsibility. They specify restraint in the exercise of power within their respective constitutional spheres so that the legitimate discharge of constitutional functions by other institutions is not encroached on.¹⁷

The Commonwealth Principles have been distilled from the Latimer House Guidelines on Parliamentary Sovereignty and Judicial Independence, and were finalised by Commonwealth law ministers and endorsed by Commonwealth Heads of Government at their summit in Abuja, Nigeria, in December 2003.

Speaking at the launch, Commonwealth Secretary-General Don McKinnon said, "These principles will strengthen democracy and adherence to the Commonwealth's fundamental values in member states by outlining the limits of power in the three branches of government, enabling them to interact better in the promotion of good governance and the rule of law. These principles are about securing trust: trust among the branches of government and gaining the confidence and respect of the people in their leadership."¹⁸

The Commonwealth Aso Rock Declaration on Development and Democracy Partnerships for Peace and Prosperity states:

... we commit ourselves to make democracy work better for pro-poor development by implementing sustainable development programmes and enhancing democratic institutions and processes in all human endeavours. We recognise that building democracy is a constantly evolving process. It must also be uncomplicated and take into account national circumstances. Among the objectives we seek to promote are the

¹⁴ New Partnership for Africa's Development (Nepad), "Political Governance," online: www.nepad.org/political_governance.htm.

¹⁵ "The Fancourt Commonwealth Declaration on Globalisation and People-Centred Development" (1999) online: http://www.thecommonwealth.org/shared_asp_files/uploadedfiles/{2913B70B-9206-46D2-89AA-98B75CC26788}_FancourtCommonwealthDeclaration.pdf.

¹⁶ Commonwealth Foundation "Citizens and Governance Toolkit" (Publication date not available).

¹⁷ Commonwealth Secretariat, "Commonwealth (Latimer House) Principles on the Three Branches of Government Launched," online:

www.thecommonwealth.org/Templates/System/LatestNews.asp?NodeID=37729.

¹⁸ *Ibid.*

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following:

- i. a participatory democracy characterised by free and fair elections and representative legislatures
- ii. an independent judiciary
- iii. a well-trained public service
- iv. a transparent and accountable public accounts system
- v. machinery to protect human rights
- vi. the right to information
- vii. active participation of civil society, including women and youth
- viii. substantially increased and more effective financial resources
- ix. adherence to the internationally agreed targets of 0.7 percent of GNP for development assistance
- x. financing and realisation of the Millennium Development Goals (MDGs)
- xi. increased democracy at the global level, including enhanced participation and transparency in international institutions ¹⁹

Overcoming the democratic deficit for women

As noted in the PofA, women's full participation in democracy and in peace processes is crucial for the achievement of sustainable development. But as the PofA further notes, the challenge remains to demonstrate the impact of women's contribution to democracy, peace and conflict.²⁰ Overcoming this *democratic deficit*²¹ is the intention of the PofA.

Democracy and governance provide a framework through which government responses to HIV/AIDS policy and implementation must be improved through a multi-sectoral approach to the epidemic. By focusing on the institutions of democratic governance, the rights of citizens to engage in the decisions that affect their lives must be upheld. Strong political cultures and institutions, combined with the principles of gender equality, mean that not only must women's political participation be increased, but, that increasing women's political participation will strengthen democratic governance. And the HIV/AIDS epidemic not only decimates the citizenry, but the quality of governance and the very confidence that citizens may place in governing institutions.

Leadership

Good governance and leadership are inextricably linked.

The one breeds the other: the lack of one means a lack of the other.²²

The link between governance, political leadership and the epidemic is clear. It has been widely reported that the spread of HIV/AIDS in Africa would have been slowed down if African leaders

¹⁹ Commonwealth Secretariat, "Aso Rock Commonwealth Declaration," online: <http://www.thecommonwealth.org/Templates/Internal.asp?NodeID=36175>

²⁰ PofA, Executive Summary at 10.

²¹ Jane Foster and Kumi Naidoo (eds), *Young People at the Centre, Participation and Social Change*, Commonwealth Secretariat and CIVICUS, 2001 at 11.

²² S-G Remarks by Rt Hon Don McKinnon, Commonwealth Secretary-General, at Conférence de Montréal, Canada, 5 June 2006, on 'Governance & Leadership in Africa' Accessed online July 13, 2006: Remarks by Rt Hon Don McKinnon, Commonwealth Secretary-General, at Conférence de Montréal, Canada, 5 June 2006, on 'Governance & Leadership in Africa' Accessed online July 13, 2006: http://www.thecommonwealth.org/news/151648/corporate_social_responsibility_good_governance_a.htm

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had been more engaged and outspoken in the earlier phase of the epidemic. President Museveni of Uganda is the notable exception, who acknowledged publicly his personal use of condoms and showed the political will and leadership to make HIV/AIDS eradication a priority. President Mbeki of South Africa is on the record denying that HIV causes AIDS, as well as questioning the effectiveness of AIDS medication in the prevention of mother-to-child transmission.²³ The correlation between indigenous commitment of resources and HIV/AIDS prevalence is crucial. The countries that have made the biggest commitment of their *own* resources, as exemplified by Uganda, that have managed to turn the tide of the epidemic, even though the actual fiscal amount was very small.²⁴

There is a serious concern about the “remedicalization” of the epidemic, as treatment is beginning to be rolled out.²⁵ Even in the worst affected countries, such as the four featured in this paper, the majority of people are *not yet* HIV positive, and the new cohorts at risk every day must be protected. It is crucial to understand where the money is coming from, where it is going, and why it is being spent that way. Prevention must remain a priority and good governance is an essential component of staying the course.

Mattes and Manning have noted that none of Southern Africa’s democracies can be considered consolidated, meaning that there is little to no probability of breakdown or reversal to some authoritarian regime.²⁶ South Africa and Botswana are described as emerging ‘liberal democracies’ for their combination of genuine political competition with a full range of political freedoms and civil rights.²⁷ Mozambique is described as an ‘electoral democracy’ wherein there is genuine political participation with insufficient protection of rights.²⁸ According to this typology, Swaziland does not qualify as a ‘pseudo-democracy’.

Political institutions, the attitudes of rulers and citizens and economics are cited as main factors necessary for sustaining and consolidating democratic rule.²⁹ Research on the link between national wealth and democracy has indicated a simple fact: wealthy democracies do not die.³⁰ This link between politics and socio-economics poses yet another challenge for the countries in this paper - facing gender inequalities, rampant like a virus fed by poverty and violence.

²³ Debra Meyer, "HIV/AIDS and Education in Africa - A SENCER Backgrounder for Discussion at SSI 2002 with 2003 Update Included" (July 2003, Rand Afrikaans University, AWSE), online: <http://www.sencer.net/pdfs/Backgrounders/HIV-AIDSandEducationinAfrica.pdf>

²⁴ Teresa Guthrie and Alison Hickey, eds., *Funding the Fight: Budgeting for HIV/AIDS in Developing Countries*, (IDASA, November 2004)

²⁵ *Ibid.*

²⁶ Robert Mattes and Ryan Manning, “The Impact of HIV/AIDS on Democracy in Southern Africa: What Do We Know, What Do We Need to Know, and Why?” in Nana K. Poku and Alan Whiteside, eds. *The Political Economy of HIV/AIDS in Africa* (Aldershot: Ashgate Publishing Ltd., 2004), at 192. [Mattes and Manning, 2004]

²⁷ *Ibid.* Here, Mattes and Manning adopted Larry Diamond’s typology of democracies for Southern Africa.

²⁸ *Ibid.*

²⁹ Robert Mattes, “Institutional Mandates and the Challenges of HIV and AIDS: The Potential Impact of AIDS on Democracy in Southern Africa” in Kondwani Chirambo and Mary Caesar, eds. *AIDS and Governance in Southern Africa: Emerging Theories and Perspectives – A Report on the IDASA/UNDP Regional Governance and AIDS Forum, April 2-4, 2003*. (IDASA, 2003), at 78. [Mattes, 2003]

³⁰ *Ibid.*, at 79.

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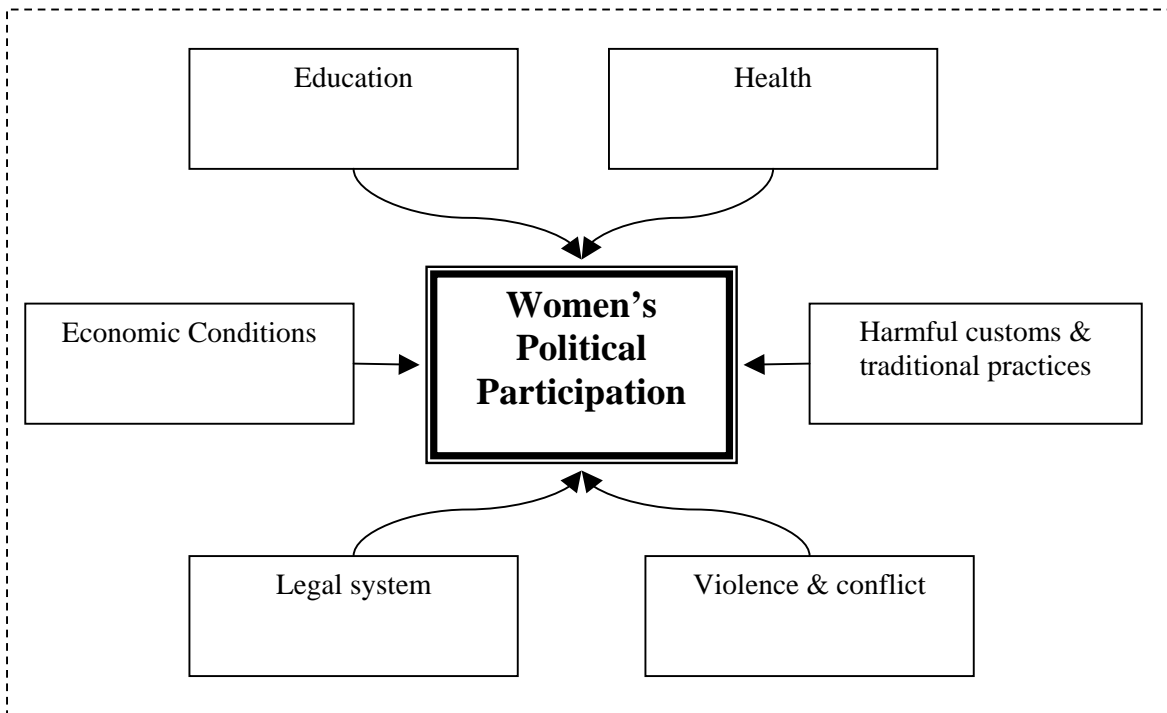
HIV/AIDS & DEMOCRACY

HIV/AIDS in Southern Africa

The crisis created by the HIV/AIDS epidemic is difficult to overstate, and UN Secretary General Kofi Annan has called it a “global emergency – an unprecedented threat to human development.”³¹ Currently there are an estimated 38.6 M people worldwide living with HIV.³² More than 60 percent of these are in Sub-Saharan Africa, a region which has just over 10 percent of the world’s population.³³ Stephen Lewis, the UN Secretary-General’s Special Envoy for HIV/AIDS in Africa writes that “every goal in Africa...is put in jeopardy by AIDS.”³⁴ UNAIDS refers to the Southern African region as the “epicentre of the epidemic.”³⁵

Accessing healthcare remains a major challenge for those living with HIV/AIDS in Southern

Figure 1



Africa, and about one in six people in need of anti-retroviral therapy in Southern Africa now receive it.³⁶ Stephen Lewis describes over-crowded hospitals with two patients per bed and others

³¹ UNAIDS, “Report on the global AIDS epidemic” (July 2004), online: http://www.unaids.org/bangkok2004/GAR2004_html/GAR2004_00_en.htm, at 7. [UNAIDS, 2004 Report]

³² Falls in the range between 33.4 – 46.0 M people. UNAIDS, 2006 Report, at 8.

³³ *Ibid.*, at 15.

³⁴ Stephen Lewis, *Race Against Time* (Toronto: House of Anansi Press, 2005), at 45.

³⁵ UNAIDS/WHO, “AIDS Epidemic Update” (December 2005, Geneva), online: http://www.unaids.org/epi/2005/doc/EPIupdate2005_pdf_en/epi-update2005_en.pdf, at 20. [UNAIDS, 2005 Update]

³⁶ UNAIDS, 2006 Report, at 15.

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on the floor,³⁷ and UNAIDS notes that major shortages of nurses, midwives, and doctors are having a significant impact.³⁸ In many countries, the significant stigma associated with HIV/AIDS also leads to reluctance to access HIV testing, to use condoms, or to seek necessary medical treatment.³⁹

Figure 1 - Conditions Affecting Women's Political Participation

In sub-Saharan Africa, an estimated 12 M children have lost one or both parents to AIDS, and this number is expected to rise to 18 M by 2010.⁴⁰ In Swaziland, it is expected that by 2010, 15 percent of the entire population will be orphans.⁴¹ These children not only face the trauma of having lost one or both parents, but are frequently heavily stigmatized and face discrimination. The result is decreased access to education, social services, and community support.⁴² In addition, orphaned children often face extreme poverty, social dislocation, and increased risk of violence, exploitation and abuse.⁴³

HIV/AIDS and Democratic Governance

Although HIV/AIDS epidemic appears as both a crisis and long-term, systemic condition, policy responses have focused primarily on addressing only the former manifestation.⁴⁴ There are a variety of explanations for the pre-eminence of crisis interventions,⁴⁵ but exacerbating the situation is the lack of a substantive body of evidence about the long-term implications of the disease. "Theoretically informed speculation" dominates the literature on HIV/AIDS impact on democratic governance.⁴⁶ This need for conjecture is largely due to a series of data issues – including, *inter alia*, a lack of collection, an inability to statistically verify results, and inappropriate sampling techniques – and has resulted in a dearth of accurate information on which to base analysis. Of the four countries being reviewed in this study, the most reliable data comes from South Africa, although even figures from this country are far from complete. An additional challenge is created by the way that HIV infection, followed by AIDS illness, moves through a population means that the full and cumulative social and economic impacts are not observed until a late stage in the epidemic's lifecycle.⁴⁷ The long-wave nature of the epidemic means by the

³⁷ Lewis, 2005, at 46

³⁸ UNAIDS, 2004 Report, at 16.

³⁹ *Ibid.*, at 17.

⁴⁰ *Ibid.*, at 61

⁴¹ Lewis, 2005, at 51

⁴² UNAIDS, 2004 Report, at 62

⁴³ *Ibid.*, at 63.

⁴⁴ Nana K. Poku and Alan Whiteside, eds. "Introduction" in *The Political Economy of AIDS in Africa* (Aldershot: Ashgate Publishing Ltd., 2004), at xvii. [Poku and Whiteside, eds., 2004]

⁴⁵ See for example: Alan Whiteside, Robert Mattes, Samantha Willan and Ryann Manning, "What People Really Believe About HIV/AIDS in Southern Africa" in Poku and Whiteside, eds., 2004, at 127-150.

⁴⁶ Mattes and Manning, 2004, at 191.

⁴⁷ Tony Barnett, "A long wave event. HIV/AIDS, politics, governance and 'security': sundering the intergenerational bond?" (2006) 82:2 *International Affairs* at 310.

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time the “right” data are available, it is possible it will be too late to produce appropriate policy responses.⁴⁸

HIV/AIDS is exerting and will continue to exert its effects on a variety of factors upon which democratic governance relies, both in terms of institutional capacity and political participation.⁴⁹ AIDS attrition and loss of skills, institutional knowledge and continuity affect the institutions of public administration (including parliament, armed forces, judiciary, prisons, police and electoral commissions), economic and financial institutions, political parties, families, community-based organisations, cultural institutions and more.⁵⁰ The nature of the epidemic and its concomitant requirements for health and social spending mean that demands placed on the government are ever-increasing in a time when its capacity is being compromised.⁵¹

The Institute for Democracy in South Africa (IDASA) has undertaken a comprehensive research project in Africa to test its hypothesis to interrogate the extent to which the AIDS epidemic can or does destabilise political processes, if at all. Their first groundbreaking studies took place in Lesotho, Zambia and Zimbabwe, and have now been extended to Namibia, Malawi, Zambia, Tanzania, Botswana and Senegal.⁵²

IDASA describes four elements of elections as likely to be affected by HIV/AIDS: electoral systems, electoral management, political institutions and voter participation.⁵³ Some of the effects include the recognition that First-Past-the-Post (FPTP) electoral systems are more vulnerable to HIV/AIDS than Proportional Representation systems and face higher costs owing to by-elections, of which there are more in because of death or illness affecting incumbents.⁵⁴ Electoral commissions suffer from the institutional effects noted above, and it is possible that the institutional handicaps will arise at the very time where more by-elections need to be held.

There are both indirect and direct effects on voter participation. Critical segments of the South African electorate are dying in large numbers that reflect the mortality profiles predicted for AIDS.⁵⁵ Between 1998 and 2003, there was a 66 percent increase in the number of deaths among the South African electorate and the mortality between 30-49 years increased at the highest rate.⁵⁶ Women between the ages of 30-39 years experienced a 129 percent increase in the relative number of deaths as compared with the general population,⁵⁷ and later studies put this figure as

⁴⁸ *Ibid.*, at 297-313

⁴⁹ Alex de Waal, “How will HIV/AIDS Transform African Governance?” (2003) 102 *African Affairs* at 11.

⁵⁰ Dominique Moran, “HIV/AIDS, Governance and Development: The Public Administration Factor” (2004) 24 *Public Admin Dev* 7-18.

⁵¹ Barnett and Whiteside, 2006, at 319-326.

⁵² Kondwani, Chirambo, “AIDS and Electoral Democracy: Insights into impacts on Africa’s democratic institutions.” IDASA. August 2005, at 11. Also see above, note 7.

⁵³ Kondwani Chirambo, “AIDS and Electoral Democracy: Applying a new lens to election coverage” (IDASA, June 2004), online: www.idasa.org.za

⁵⁴ Per Strand, Khabele Matlosa, Ann Strobe, and Kondwani Chirambo, *HIV/AIDS and Democratic Governance in South Africa - Illustrating the Impact on Electoral Processes* (IDASA, 2004). In FPTP a new by-election must be held when an incumbent, for reason of death or illness, is no longer able to hold office. In most PR systems, the party itself replaces the individual with the next person on its list, thus avoiding the need for a by-election.

⁵⁵ Barnett and Whiteside, 2006, at 15.

⁵⁶ Barnett and Whiteside, 2006, at 186.

⁵⁷ Barnett and Whiteside, 2006, at 192.

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high as 200 per cent.⁵⁸ Stigma and discrimination contribute to lack of participation in elections by PLWHAs and their caregivers.⁵⁹ Findings in South Africa seem to clearly indicate that stigma and discrimination, especially in the rural areas, resulted in the ostracisation and marginalisation of those infected and affected that would increase if they exposed themselves to large public events such as standing in election queues.⁶⁰ It is axiomatic that this then only compounds discrimination already impacting adversely on women in rural areas.

There is some support for the argument that the higher the impact of HIV prevalence in a region, the more likely it is that those in the more vulnerable ages (18-49 years) will be unlikely to register to vote. This may represent a worrying tendency of alienation.⁶¹ In April 2006, Botswana's principal IEC officer expressed grave concerns about the impact of HIV/AIDS on elections.⁶² He expressed concerns about the number of by-elections (and thus costs) increasing, loss of voters to care giving and illness, and noted that voter apathy, particularly among women, was likely to increase.⁶³

Early indications show that responsibility for providing home-based care (HBC) did not interfere with people's ability or undermine their willingness to perform civic duties and made people more likely to attend community meetings, but less likely to discuss politics.⁶⁴ Note, however, that these data may no longer be accurate because of the changes in the nature of the epidemic since 2002 in South Africa.⁶⁵ For example, IDASA has found that illness (both mental and physical) had a real impact on voting and other forms of campaign participation in 2004 in South Africa, but only amongst those who did not have any campaign identification. Apparently, those who were excited about the campaign by a close loyalty to a specific party were able to overcome any difficulties created by severe illness.⁶⁶ Alternatively, preliminary research in Mozambique has shown that women who are busier with providing HBC are less likely to discuss politics, to raise an issue in the community

***GOOD PRACTICE:
Supporting Caregivers***

In Mozambique the Provincial Union of Small Farmers and HelpAge International have partnered to support the development of a network of *Conselhos dos Idosos*.¹ This programme focuses on older people caring for PLWHAs and sets up older people's committees that use profits from small businesses, financed by a community credit arrangement, to pay into a social fund. The committees run the fund and use it to pay for transport to HIV testing centres and clinics with ARV treatment.

-Source: UNAIDS, 2006 Report

⁵⁸ Kondwani, Chirambo, "AIDS and Electoral Democracy: Insights into impacts on Africa's democratic institutions." IDASA. August 2005, at 17.

⁵⁹ Barnett and Whiteside, 2006, at 18.

⁶⁰ Kondwani, Chirambo, "AIDS and Electoral Democracy: Insights into impacts on Africa's democratic institutions." IDASA. August 2005, at 17.

⁶¹ *Ibid.*, Barnett and Whiteside, 2006, at 319-326. at 178.

⁶² Botswana Daily News, "HIV/AIDS impacts negatively on elections" (5 April 2006), online: http://www.gov.bw/cgi-bin/news.cgi?d=20060405&i=HIVAIDS_impacts_negatively_on_elections

⁶³ *Ibid.* Barnett and Whiteside, 2006, at 319-326.

⁶⁴ *Ibid.* at 167-168.

⁶⁵ *Ibid.*, at 169.

⁶⁶ Email to the authors from Robert Mattes, IDASA, May 23, 2006.

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and to join a demonstration.⁶⁷ A similar anecdotal finding was made by the authors in interviews conducted in South Africa with a group of grandmothers providing HBC and caring for AIDS orphans.⁶⁸

There is a profound effect on families and communities that has implications for political socialisation.⁶⁹ In societies where infection and mortality are high, there may be a loss of a “sense of future” which produces changes in priority-setting and respect for formal institutions, especially where there are significant numbers of orphans and vulnerable children.⁷⁰

Civil society organizations are typically small and employ or rely on younger individuals for their human resource needs, making them vulnerable to the impacts of HIV/AIDS on their operational abilities. Indeed, in a study conducted in South Africa, community-based organizations (CBOs) and NGOs reported increases in absenteeism and decreases in community participation.⁷¹ The difficulty in obtaining data from civil society organizations as well as the heterogeneous nature of the sector makes drawing conclusions regarding the effects of HIV/AIDS on them next to impossible. There remains the possibility that for some organizations, high prevalence of HIV in the community may lead to increased community activism as people become engaged on an issue that is directly affecting them. The high profile of the Treatment Action Campaign in South Africa is an example of this phenomenon, however it is exceptional in the region.⁷²

IDASA is continuing its research in this area, but as of the writing of this paper there are no other definitive findings that illustrate further correlations. It is the intent of this concept paper to build on the work of IDASA by magnifying the gender lens to focus in on the impact on women’s political participation. However, it is imperative that the “elucidation of the direct and/or indirect impacts of the epidemic on electoral systems” be part of the larger agenda of electoral reform in all of its manifestations.⁷³

⁶⁷ *Ibid.*

⁶⁸ Interview conducted by Susan Bazilli with a group of 40 “Go-Gos” [Zulu word for grandmothers, East Bank Clinic, Alexandra Township, South Africa, June 13, 2006.

⁶⁹ Amy Patterson, “AIDS, Orphans, and the Future of Democracy in Africa” in Arvind Singhal and W. Stephen Howard, eds., *The Children of Africa Confront AIDS* (OH: Center for International Studies, Ohio University, 2003).

⁷⁰ Lee-Nah Hsu, “Building Dynamic Democratic Governance and HIV-Resilient Societies” (UNDP, February 2004), online: [http://www.undp.org/hiv/docs/alldocs/Asia_percent20-percent20Building_percent20Dynamic_percent20Democratic_percent20Governance_percent20and_percent20HIV-Resilient_percent20percent20Societies_percent20\(2004\).pdf](http://www.undp.org/hiv/docs/alldocs/Asia_percent20-percent20Building_percent20Dynamic_percent20Democratic_percent20Governance_percent20and_percent20HIV-Resilient_percent20percent20Societies_percent20(2004).pdf)

⁷¹ Ryann Manning, “The Impact of HIV/AIDS On Civil Society: Assessing and Mitigating Impact: Tools & Models for NGOs and CBOs” (HEARD, October 2002), online: http://www.heard.org.za/research/ResearchReports/2002/NGO_percent20Report_percent20percent20Toolkit.pdf, at 10-12.

⁷² For a discussion of the Treatment Action Campaign and its engagement on the issue of HIV/AIDS see: Suzanne Leclerc-Madlala, “Popular Responses to HIV/AIDS and Policy” (2005) 31:4 *Journal of Southern African Studies* 845-856 and Steven Friedman and Shauna Mottiar, “A Rewarding Engagement? The Treatment Action Campaign and the Politics of HIV/AIDS” (2005) 33:4 *Politics and Society* 511-565.

⁷³ Kondwani, Chirambo, “AIDS and Electoral Democracy: Insights into impacts on Africa’s democratic institutions.” IDASA. August 2005, at 18

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***Social, Health & Economic Conditions Affecting
Women's Vulnerability to HIV/AIDS***

In 2005, approximately 59 percent of the individuals living with HIV/AIDS in Sub-Saharan Africa were women.⁷⁴ Among young people (aged 15-24 years), there are three HIV positive young women for every one HIV positive young man.⁷⁵ A confluence of individual and structural factors lead to women's enhanced vulnerability to the disease.⁷⁶

Physiologically, women are more susceptible to the disease: male to female transmission during sexual intercourse is about twice as likely as female to male transmission.⁷⁷ The presence of sexually transmitted diseases (STDs) enhances the odds of transmission.⁷⁸ In sexual relationships, male partners frequently hold more power, leaving women less able to control the risk of transmission. This power imbalance has grave consequences, and for many married women the most significant HIV-risk factor they face is the behaviour of their male partners.⁷⁹ Intergenerational sex, between older men and younger women being the norm, exposes young women and girls to an elevated risk of infection.⁸⁰ The lack of female-controlled methods of prevention means that women are often unable to mitigate these inequalities in personal sexual relationships.⁸¹ HIV compromises individuals' immune systems making them more vulnerable to co-infection with other illnesses. In countries where there is already a dearth of adequate medical services and personnel the prevalence of HIV/AIDS with diseases such as

**GOOD PRACTICE:
*Building Women's Capacity for
Leadership***

The Southern Africa Women's Leadership Project (SAWLP)¹ works both on HIV/AIDS education and leadership development for women with the goal of increasing the number of women candidates standing for election. The International Women's Democracy Center (IWDC) has been working in partnership in countries to promote this programme. In Botswana IWDC has recently launched, along with Emang Basadi (the National Women's Association of Botswana), a one-year project to strengthen the practice of democracy in civil society to address the issue of HIV/AIDS through the public deliberation process in an effort to strengthen the civil society infrastructure. It facilitated the first of what will hopefully become annual community forums around the country that addressed a series of questions including the role of women in the deliberative process around the issue of HIV/AIDS.

-Source: <http://www.iwdc.org>

⁷⁴ UNAIDS, 2006 Report, at 15. The absolute number is estimated to be 13.2 M [11.4 – 15.1 M]

⁷⁵ *Ibid.*, at 8.

⁷⁶ See generally: Paul Farmer, *Infections and Inequalities: The Modern Plagues*, (Berkeley: University of California Press, 1999), Chapter 3: "Invisible Women: Class, Gender, and HIV", at 59-93; "Women and HIV/AIDS: Confronting the Crisis – A Joint Report by UNAIDS/UNFPA/UNIFEM" <http://www.unfpa.org/hiv/women/report/index.htm>; "Gendering AIDS: Women, Men, Empowerment, Mobilisation" (Voluntary Services Overseas, 2003), online: www.vso.org.uk/advocacy/gendering_aids.pdf

⁷⁷ UNAIDS, 2004 Report, at 10.

⁷⁸ Barnett and Whiteside, 2006, at 42.

⁷⁹ UNAIDS, 2004 Report, at 10.

⁸⁰ UN, "Facing the Future Together: Report of the Secretary General's Task Force on Women, Girls and HIV/AIDS" (Geneva: UNAIDS, 2004), online: <http://womenandaids.unaids.org/regional/docs/Report%20of%20SG%27s%20Task%20Force.pdf>, at 13. [Facing the Future Together, 2004]

⁸¹ The Communiqué from Commonwealth Health Ministers to CHOGM in Abuja in 2003 emphasised the need for women-controlled methods of prevention. PoA, at para 3.48.

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Tuberculosis and Malaria present challenges for individuals and their communities. Currently, only 7.9 percent of pregnant women in low and middle income countries have access to prevention of mother-to-child transmission treatment.⁸²

GOOD PRACTICE: *Transforming Gender Roles in S. Africa*

Engender Health's Men as Partners (MAP) Programme encouraging men to reduce risk-taking behaviours, oppose domestic and sexual violence and to become actively involved in reducing the spread and impact of HIV/AIDS.¹ Programme evaluations have found increased knowledge and positive attitudes among service providers and community members towards men's involvement in reproductive health; increased access by men and their partners to reproductive health and family planning services; and an increased range of services offered at facilities.¹ Increasing the role of men in providing home-based care is one of the focus areas of the Programme and it has generated a list of suggestions and recommendations for enhancing this practice in South Africa.

-Source: Dean Peacock, "With HIV/AIDS", presentation at "Expert Group meeting on "The role of men and boys in achieving gender equality" (21-24 October 2003).

Gender-based violence is a key driver of women's increased risk and vulnerability to HIV infection.⁸³ For example, transmission of the disease is increased in violent or forced-sex situations, as the abrasions caused by forced penetration facilitate infection.⁸⁴ Studies have shown that women living in poverty are at a high risk of infection.⁸⁵ HIV infection or care for an infected family member can reinforce poverty as families lose income-earning abilities and savings to cover the costs of treatment, medical services and burial costs. Facing the need to support themselves and/or their families, women and girls often engage in sex work or transactional sex, which makes them more vulnerable to infection.⁸⁶ Space does not permit in this paper to illustrate all the aspects of the ways in which violence against women exacerbates HIV/AIDS, but the most recent World Health Organisation study demonstrates many of the causal relationships.⁸⁷

State failure to adequately address gender-based violence through its legal

institutions, through a lack of effective legislation, failures in implementation, or by non-enforcement, sustains the heightened risk women face of HIV/AIDS.

Discriminatory laws, either statutory or customary, that restrict property inheritance and sustain unequal marital relations are common. These laws, along with certain traditional practices such as the payment of "bride price", polygynous unions, and widow inheritance may expose women to

⁸² UNAIDS, 2006 Report, at 288.

⁸³ *The Johannesburg Position on HIV/AIDS and Women's and Girls' Rights in Africa*, April 2006, online: http://www.sarpn.org.za/documents/d0002000/Women_Aids_April2006.pdf

⁸⁴ UNAIDS Interagency Task Team, "Fact Sheets," online: [http://www.genderandaids.org/downloads/events/Fact percent20Sheets.pdf](http://www.genderandaids.org/downloads/events/Fact%20Sheets.pdf)

⁸⁵ UNAIDS, 2005 Update, at 9. See also: JM Wojcicki, "Socioeconomic status as a risk factor for HIV infection in women in East, Central and Southern Africa: a systematic review" (2005) 37:1 *J. Biosoc. Sci* 1-36.

⁸⁶ PoA, at para 3.41.

⁸⁷ WHO Multi-country Study on Women's Health and Domestic Violence Against Women, (2005), online: http://www.who.int/gender/violence/who_multicountry_study/en/index.html.

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heightened risk of HIV infection both through poverty-induced vulnerability and directly through unprotected and unwanted sex with potentially HIV-positive partners.⁸⁸

Education is a powerful vehicle for addressing some of the root causes that predispose people to HIV infection.⁸⁹ Even when not receiving AIDS education in the classroom, completion at least of primary education directly correlates with lower HIV infection rates.⁹⁰ When HIV/AIDS hits a family however, it is most often girls who begin to care for sick adults and take on income-generating activities.⁹¹ The result is that the protective effects of education are denied to those who arguably would benefit most from it in light of how the HIV/AIDS pandemic is exerting its effects.

The HIV/AIDS crisis has increased the responsibilities of women and girls within and outside the home.⁹² Women make up the majority of health-care professionals, home-carers and community volunteers and in all these roles, HIV/AIDS is demanding more while eroding support.⁹³ Home-based care falls almost exclusively on women and girls, leading to decreased opportunities for them to pursue education and paid employment while significantly burdening them emotionally and physically.⁹⁴

In spite of the gendered impact, women remain under-represented in policy and decision-making on AIDS. A recent UNAIDS assessment of country-level activities on HIV/AIDS found women's participation in decision-making was non-existent in 10 percent of countries and inadequate in more than 80 percent of them.⁹⁵

The foregoing research demonstrates that the same six conditions affecting women's political participation (discussed above) also affect women's vulnerability to infection and shape the unique burdens they face as part of the HIV/AIDS-affected population.

This congruence of systemic conditions allows for development of policy and laws that take an integrated approach to empowering women through increased political participation as a means of countering HIV/AIDS, illustrated by the examples that follow.

⁸⁸ Human Rights Watch, "Policy Paralysis: A Call for Action on HIV/AIDS-Related Human Rights Abuses Against Women and Girls in Africa" (December 2003), online:

<http://www.hrw.org/reports/2003/africa1203/africa1203.pdf>, at 6.

⁸⁹ Tania Boler and Anne Jellema, "Deadly Inertia: A cross-country study of educational responses to HIV/AIDS" (Global Campaign for Education, November 2005), online:

<http://www.campaignforeducation.org/resources/Nov2005/ENGLISHdeadlyinertia.pdf>, at 11.

⁹⁰ *Ibid.*

⁹¹ *Ibid.*, at 14.

⁹² Facing the Future Together, 2004, at 18.

⁹³ *Ibid.*, at 18-20.

⁹⁴ The Global Coalition on Women and AIDS "Backgrounder: Care, Women and AIDS" online: http://data.unaids.org/GCWA/GCWA_BG_Care_en.pdf

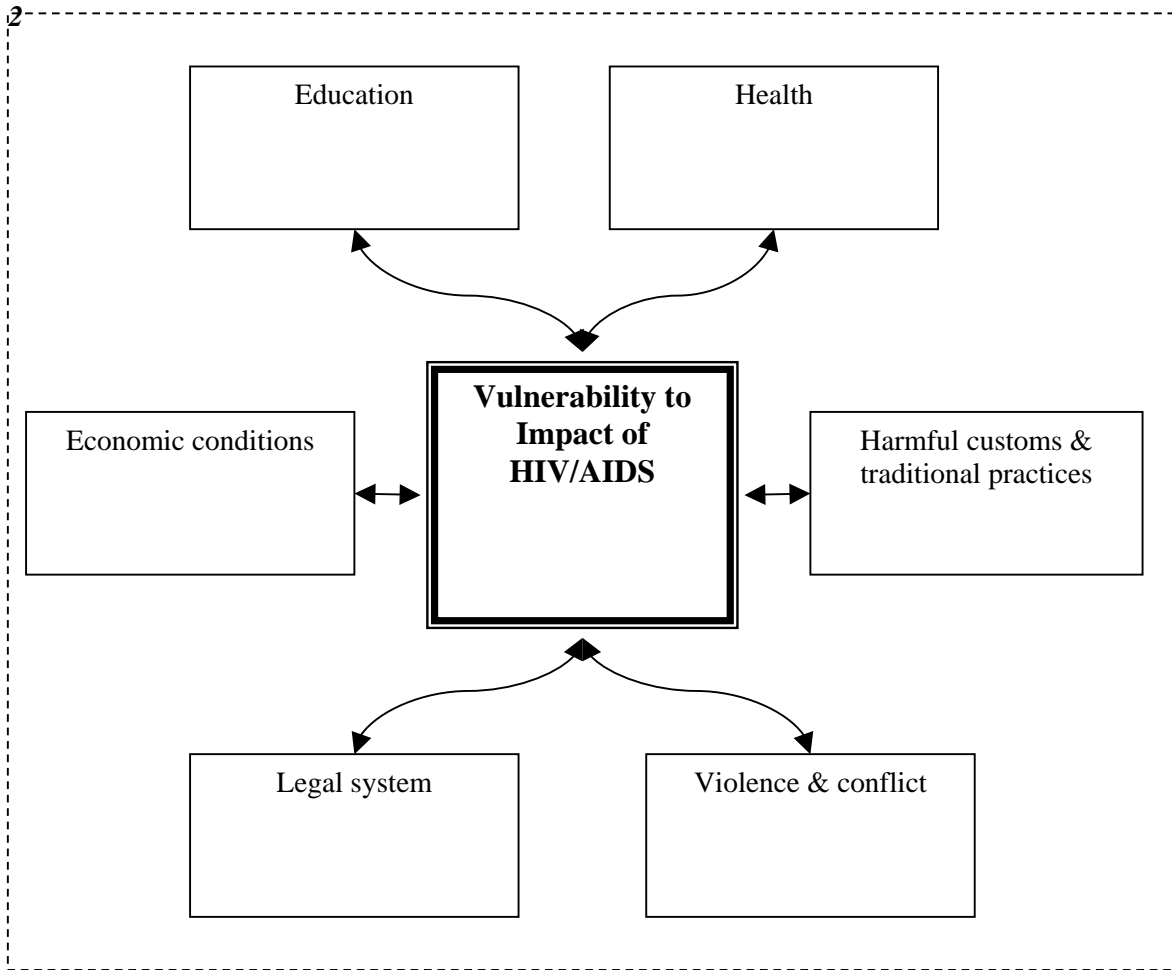
⁹⁵ UNAIDS, 2006 Report, at 286.

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Figure 2 - Women's Vulnerability to HIV/AIDS

It is significant to note that unlike the one-way relationships between these conditions and women's political participation (depicted in Figure 1), the relationship between women's vulnerability to the impact of HIV/AIDS and each of the six structural conditions is in fact a two-way cycle, as the six conditions not only impact on women's vulnerability to HIV/AIDS, but are also impacted by that factor. This two-way relationship is reflected in Figure 2.

FIGURE



**Prognosis for the Inequality Virus:
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GOOD PRACTICE:

***Recognizing Men as Equal Partners - Initiatives
in Botswana***

Gender related HIV/AIDS efforts need to avoid focusing solely on women; a more holistic gender mainstreaming approach is needed. Men have often been marginalized over their own and their partners sexual and reproductive health matters, but often it is the men who determine the health status of their communities and families. Promoting male involvement in sexual and reproductive health, to reduce the HIV/AIDS and gender based violence prevalence for both policy and programmatic efforts to involve men as equal partners. The Botswana Minister of Health, Dr. Sheila Tlou, explains that “at the village level, the male, the chief, regarded as the role model for all men in a village – is able to convince the whole village to work toward preventing HIV/AIDS, then it is definitely a plus to have men especially those at decision making levels.” One example was to have men gather at the *kgotla* to be tested.

-Source: Botswana Government Daily News Service, "Services marginalise men" (31 January 2006).

**INCREASING WOMEN'S
POLITICAL PARTICIPATION**

Women's representation in decision-making positions and political office is one aspect of an overall approach to achieving broader involvement of women and girls in the overall democratic governance,⁹⁶ and an important step towards gender parity. Studies indicate that women parliamentarians frequently have different policy perspectives than do their male counterparts, and may decrease national corruption⁹⁷. However, more analysis on the impacts of increasing women's political participation is needed before firm conclusions can be drawn.

Discussion of participation in democratic governance in this paper includes attention to the role of individuals as citizens, voters, participants in election campaigns, and as candidates for political office. This approach encompasses the variety of roles people play in their families, communities, and civil society, as well as in informal and formal political processes.⁹⁸

⁹⁶ See for example Shireen Hassim's discussion of the difference between mere participation in political representation and effective participation in "The Virtuous Circle of Representation: Women in African Parliaments" in Gretchen Bauer and Hannah E. Britton, eds., *Women in African Parliaments* (London, Boulder: Lynne Rienner Publishers, 2006), at 172-174. [Hassim, 2006] See also: Shireen Hassim, *Women's Organizations and Democracy in South Africa: Contesting Authority* (University of Kwa Zulu Natal Press, 2006).

⁹⁷ Omar Azfar, Steve Knack, Young Lee, and Anand Swamy, "Gender and Corruption," Centre for Institutional Reform and the Informal Sector (1999), Department of Economics, University of Maryland and David Dollar, Raymond Fisman, Roberta Gatti "Are Women Really the Fairer Sex? Corruption and Women in Government," The World Bank Development and Research Fund (1999).

⁹⁸ This approach may also lessen concerns about an over-emphasis in earlier literature on democracy and democratic governance as elite processes, which often excluded consideration of the role women played in their societies. See for example: Hassim, 2002, at 696 and Judith Van Allen, "Women's Rights Movements as a Measure of African Democracy" (2001) 36 *JAAS* at 40.

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Electoral processes, and women's participation in them, are crucial for building and sustaining peace and democracy.⁹⁹ Elections have been found to have a significant positive impact on human freedom and democratic values.¹⁰⁰ For democratic governance to be writ large, it is imperative that institutions and practices beyond elections are attended to as well. This broader view of democracy ensures that electoralism will not consume the entirety of democratic efforts to the detriment of other systematic and meaningful transformations.¹⁰¹

Efforts at judicial reform, political party development, parliamentary strengthening, civil society assistance, civic education, media work and electoral programs have traditionally formed the backbone of a sort of "institutional checklist" for democratic political aid.¹⁰² These efforts should not be viewed as exhaustive, however: although at times programs focused on political processes may be approached as distinct from social and economic reforms, this is not a tenable separation. Women's meaningful political participation cannot be secured through the implementation of a pre-determined set of programmes narrowly focused on politics. Political participation is both a measure of civic engagement generally and a proxy measure of the broader concept of social capital.¹⁰³ Attention must be had to the specific history of the country in question, as well as the socio-economic, legal, cultural and political barriers to participation that exist within it. There are few direct cause and effect relationships – instead we find complex interrelationships and associations among factors. This web of inter-relativity challenges a "checklist approach" to democracy. It necessitates innovative and country specific initiatives that address:

- features of political systems themselves,
- strength of the civil society movements surrounding the democratic institutions, and
- underlying economic, social and health conditions that influence political participation.

1. Features of Political Systems Affecting Women's Political Participation

A) National Initiatives: Electoral Systems, Quotas, Political Parties

Three main features of political systems have been consistently noted as presenting opportunities for increasing women's political participation: electoral systems, quotas and the political parties.¹⁰⁴ There are strong indications that the more proportional (as compared with majoritarian)

⁹⁹ UN, "Women and Elections: Guide to Promoting the Participation of Women in Elections" (OSAGI, March 2005), online: <http://www.un.org/womenwatch/osagi/wps/publication/WomenAndElections.pdf>, at 5.

¹⁰⁰ Staffan I. Lindberg, "The Surprising Significance of African Elections" (2006) 17:1 *Journal of Democracy* at 139. In *August and Another v. Electoral Commission and Others*, South Africa's Constitutional Court underscored the importance of elections in paragraph 17, stating "[t]he vote of each and every citizen is a badge of dignity and of personhood. Quite literally, it says that everybody counts. In a country of great disparities of wealth and power it declares that whoever we are, whether rich or poor, exalted or disgraced, we all belong to the same democratic South African nation; that our destinies are intertwined in a single interactive polity." Online:

<http://www.constitutionalcourt.org.za/uhtbin/cgiisirs/JYPRJjUUuS/139520011/5/0#top>

¹⁰¹ Richard Joseph, "Africa: States in Crisis" (July 2003) 14:3 *Journal of Democracy*, at 160.

¹⁰² Thomas Carothers, "The End of the Transition Paradigm" (January 2002) 13:1 *Journal of Democracy*, at 18.

¹⁰³ Tony A. Blakely et al, "Socioeconomic Inequality in Voting Participation and Self-Rated Health" (2001) 91 *American Journal of Public Health*, at 99.

¹⁰⁴ Gretchen Bauer and Hannah E. Britton, "Introduction," in Gretchen Bauer and Hannah E. Britton, eds., *Women in African Parliaments* (London, Boulder: Lynne Rienner Publishers, 2006), at 6-9.

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an electoral system is, the larger the share of electoral seats that will be held by women.¹⁰⁵ Quotas, adopted nationally, provincially or locally, by either governments or political parties, are significant factors in determining women's representation in elected positions.¹⁰⁶ The combination of a proportional representation system with a quota, along with closed party lists, higher district magnitude, and high electoral thresholds have produced high numbers of women in elected office.¹⁰⁷ The use of proportional representation has also been cited as a reason for having higher numbers of women turn out to vote, as the perception is that their vote will be more likely to matter.¹⁰⁸

Leaders of governments and of political parties, who display a commitment to gender equality within their ranks, have significant influence.¹⁰⁹ The accumulated experience of women who have entered the political sphere and who remain engaged in politics also exerts a positive influence on other women, making them more likely to participate.¹¹⁰

Overarching political conditions that facilitate women's political participation include respect for the rule of law and constitution, independence of the judiciary, a free press, rights to free speech and political organization, checks on corruption, and clear legitimacy of a civilian government.¹¹¹ Overcoming barriers within political institutions not only helps address the democratic deficit directly, but also helps lay the foundation for women's participation, a key element of any true democracy. Key challenges in this arena are the gendered workload encountered by women who are called to take on "gender issues" work in addition to their regular work as elected officials, exclusion from informal political spaces, and the "double workday" elected women face.¹¹² Women also tend to be appointed to less powerful ministries and thus have fewer resources to dispense to constituents to maintain support, which has implications for re-election and their long-term involvement.¹¹³

B) Local Initiatives: Good Governance and HIV/AIDS

Local government is increasingly seen in the Commonwealth as a central element of creating and sustaining a democratic climate. Indeed, free local government elections can often be a first step for Commonwealth countries with emerging democracies.

¹⁰⁵ Staffan I. Lindberg, "Women's Empowerment and Democratization: The Effects of Electoral Systems, Participation and Experience in Africa" (2004) 39:1 *Studies in Comparative International Development*, at 42 [Lindberg, 2004]; Hannah E. Britton, "Coalition Building, Election Rules, and Party Politics: South African Women's Path to Parliament" (2002) *Africa Today* [Britton, 2002].

¹⁰⁶ IDEA, "Global Databases of Quotas for Women", online: <http://www.quotaproject.org/>

¹⁰⁷ Bauer and Britton, 2006, at 6-7.

¹⁰⁸ Lindberg, 2004, at 42.

¹⁰⁹ Aili Mari Tripp, "Women and Democracy: The New Political Activism in Africa" (2001) 12:3 *Journal of Democracy*, at 144 [Tripp, 2001].

¹¹⁰ Lindberg, 2004, at 45.

¹¹¹ Van Allen, 2001.

¹¹² Hannah E. Britton, "South Africa: Mainstreaming Gender in a New Democracy" in Gretchen Bauer and Hannah E. Britton, eds., *Women in African Parliaments* (London, Boulder: Lynne Rienner Publishers, 2006), at 76.

¹¹³ Patricia Siplon, "AIDS and Patriarchy: Ideological Obstacles to Effective Policy Making", in Amy S. Patterson, ed., *The African State and the AIDS Crisis* (Aldershot: Ashgate Publishing Ltd., 2005), at 20. [Siplon, 2005]

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Effective local government helps to strengthen and support the state as a whole, and many fundamental social problems can only begin to be addressed at this level. Local government often provides the basic services that are fundamental to reducing poverty and improving the quality of life for its citizens. It is the level at which most people interact directly with their government day-to-day and the level at which many basic services are provided.

The Commonwealth Local Government Forum (CLGF) is the Commonwealth body that represents local governments. Neither central government nor regional/local government can work alone. Effective partnerships among the local, provincial/regional and central spheres of government are the building blocks of good governance. This was recognised at the 1999 CHOGM.¹¹⁴

Women are most active at the local government level. This has been formally recognized now in South Africa by the newly mandated ANC fifty percent quota. Strengthening women's participation in local government is also one of the best ways to provide women with the training, skills and capacity for serving in provincial and national

governments, as well as the constituency for electing them. The CLGF is described as the voice of local government within the Commonwealth, and is ideally placed to advocate for increasing women's political participation, thereby bringing together partnerships across spheres of government to develop democracy and extend good practice.

The CLGF works in partnership with the Commonwealth Secretariat, the Commonwealth Foundation and a number of Commonwealth professional bodies as a member of the Commonwealth Consultative Group on Human Settlements. It is also closely involved in the implementation of the UNCHS (Habitat) Global Campaign on Urban Governance which brings together key partners from local government. The CLGF provides support on pre-election work, elections monitoring, post-elections work, and shares learnings on good practices.

In addition, there are several extremely innovative ways that local governments in Southern Africa are working to address HIV/AIDS. The newly formed United Cities and Local governments of Africa (UCLGA), launched in 2005 in South Africa, is striving to assist local

**GOOD PRACTICE:
Supporting Local Government's Response to
HIV/AIDS**

The Alliance of Mayors' for Community Action on AIDS at the Local Level (AMICAALL) programme seeks to bridge the "implementation gap" between national HIV/AIDS strategies and actual implementation at the local level.¹ The UN AMICAALL Partnership Programme was launched in April 2001 to support the Alliance. AMICAAL Swaziland has been involved in attempting to broaden the country's HIV/AIDS efforts beyond a public health focus and integrate issues of HIV/AIDS impact on governance and government structures at the local level.¹ The Swaziland AMICAALL programme has now been delegated to co-ordinate HIV/AIDS activities in urban areas.

-Source: www.amicaall.org

¹¹⁴ See <http://www.clgf.org.uk/pages/pdf/HLRsubmissionJune2001.pdf>. This forum was held in Durban, South Africa in 1999.

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governments to implement the MDGs at the local level.¹¹⁵ As well, the Alliance of Mayors' Initiative for Community Action on AIDS at the Local Level (AMICAALL), reflects the importance of locally led, multisectoral action which complements supportive national policies. The AMICAALL strategy is inclusive (involving a broad range of stakeholders); responsive (reacting to locally articulated needs and brokering dialogue among local people, municipalities, policy-makers and decision-makers); gender sensitive (responding to the different experiences of men and women in terms of vulnerability, response and impact); and dynamic (local action informs national policy which in turn supports a more enabling environment for sustained responses; strengthened management and financial systems at the local level provide the foundations for scaling up responses to the epidemic).¹¹⁶

2. Civil Society Support Affecting Women's Political Participation

Generally, supporting institutions that encourage a grassroots culture of citizenship and meaningful political participation will produce beneficial effects for women, as this population tends to be more represented in informal networks.¹¹⁷ The role and importance of women's movements and organizations is difficult to overemphasize in terms of their historical involvement in democratic movements and in providing platforms for many women to gain access to, and become, decision-makers in government. Having autonomous and independent women's organizations is a vital component to enhancing democratic governance and women's role within it.¹¹⁸

3. Political and Social Conditions Affecting Women's Political Participation

The following delineates some of the conditions that *likely* affect women's political participation. However, the following factors must be taken at a certain level of abstraction and viewed as generalizations. It is noted at the outset that patriarchy is a cross-cutting influence which both reinforces, and is reinforced by, many of the other factors under discussion. Patriarchy can be defined as a "system of interrelations social structures which allow men to exploit women."¹¹⁹ Women's oppression in the spheres of home and family, especially in domestic labour, reproductive rights and domestic violence, are the products of patriarchal beliefs and practices.¹²⁰ Women who are involved in broader struggles for social change often have to adopt a "double militancy" whereby they first work with men in their identity group to gain democracy and then work against patriarchal control within their own identity group.¹²¹ Eliminating and/or mitigating the effects of patriarchal systems paves the way to remedy many of the other systemic factors we have identified, and would allow women greater access to political fora. Finally, we wish to note that the particular conditions for enhancing women's political participation cited below must be read within the context of southern African governments that are not considered to be consolidated democracies – which pose their own set of challenges to meaningful political participation by both women and men.

¹¹⁵ Fr. Smangaliso Mkhathshwa, UCLGA Corporate Strategy, Draft, released at the World Urban Forum, Vancouver, June 2006.

¹¹⁶ See www.amicaall.org

¹¹⁷ For further discussion on supporting grassroots culture of citizenship see: Robert Mattes, "South Africa: Democracy without the People?" (2002) 13:1 *Journal of Democracy*, at 34.

¹¹⁸ Van Allen, 2001, at 51; Hassim, 2002, at 694; Tripp, 2001, at 142; Britton, 2002, at 34.

¹¹⁹ Siplon, 2005, at 18.

¹²⁰ Leigh Disney, 2006, at 32.

¹²¹ Britton, 2002, at 35.

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In many countries, normal bureaucratic institutions of governance coexist with governance based on informal and traditional networks, resulting in a situation that presents both challenges and opportunities.¹²² Informal institutions, systems and relations of power, can exert profound influences on women's access to political fora and positions of decision-making.¹²³

In addition to an overarching interface with informal networks and practices, there are also particular customary and traditional practices that may present barriers to women's political participation. Tensions between customary, statutory, and constitutional laws often create particular challenges.¹²⁴

Colonialism produced distortions in customary law, reducing customary practices to rigid legal rules, often reflecting colonial interpretations and beliefs over indigenous ones.¹²⁵ The intersection between customary "law" and HIV/AIDS deaths, reveals a profound and adverse impact on women's property and inheritance rights, where women more often than not are losing their right and access to real property, land, housing and means to livelihoods.¹²⁶

Legislation that does not reflect gender-bias and which seeks to eliminate women's dependence on men will assist women in being able to become effective political actors. This applies especially to laws, which deal with land, inheritance, and violence against women.¹²⁷ Similarly, constitutions that are respected and adopted through

**GOOD PRACTICE:
IMPROVING THE EDUCATION
SECTOR'S RESPONSE TO HIV/AIDS**

Given the importance of education as a 'social vaccine', initiatives focused on ensuring equitable access to education are necessary. The Accelerate the Education Sector Response to HIV/AIDS in Africa Initiative is a working group that brings together education, health and AIDS teams at the sub regional and national levels to share good practices and develop strategies to ensure their implementation.¹ It seeks to ensure that the objectives set in the Education for All and the Millennium Development Goals are achieved. Thus far, 33 countries in sub-Saharan Africa have participated and 19 of these are engaged in accelerated national programs.¹ As part of this Initiative Mozambique held a seminar in 2004 that provided action plans to support a multidimensional response.¹

-Source: www.schoolsandhealth.org

¹²² Amy S. Patterson, "Introduction" in Amy S. Patterson, ed. *The African State and the AIDS Crisis* (Aldershot: Ashgate Publishing Ltd., 2005), at 7.

¹²³ Jo Beal, "Decentralizing Government and Decentering Gender: Lessons from Local Government Reform in South Africa" (2006) 33:2 *Politics and Society*, at 257.

¹²⁴ Leigh Disney, 2006, at 35.

¹²⁵ See generally: Ericka Curran and Elsje Bonthuys, "Customary law and Domestic Violence in Rural South African Communities" (Centre for the Study of Violence and Reconciliation, October 2004), online: <http://www.wits.ac.za/csvr/papers/papclaw.htm#introduction>.

¹²⁶ For one of the most comprehensive reviews of this issue, see Richard Strickland, "To Have and To Hold – Women's Property and Inheritance Rights in the Context of HIV/AIDS in Sub-Saharan Africa." ICRW in collaboration with the Global Coalition on Women and AIDS. June 2004 : http://www.icrw.org/docs/2004_into_haveandhold.pdf

¹²⁷ Siplon, 2005, at 20.

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legitimate processes will help establish environments where women face fewer barriers to accessing decision-making positions.¹²⁸

Law enforcement and implementation remain the crucial steps that must be taken if women are to benefit from progressive legislation.

War or violent political conflict often has a paradoxical effect for women in that it may produce burdens that are uniquely borne by women, and yet the post conflict environment frequently offers potential openings for women to become involved in governance.¹²⁹ Through disrupting gender roles, conflicts have in some instances proffered opportunities for women to become involved in political movements that otherwise would not have arisen. However, while there may be some beneficial effects arising out of the post conflict process, the actual impact of violence against women is horrific and even in non-conflict states, presents tremendous challenges to their participation in public life. Violence against women has health, social, and economic implications and constitutes a severe and persistent deprivation of women's human rights.¹³⁰

Increased educational opportunities for girls and women lead to a larger pool of women who are in a position to more effectively vie for political power.¹³¹ Education also provides a way of addressing the economic disadvantage women face, as it provides them with the skills and training to contribute to the achievement of economic autonomy discussed above. There is some indication, however, that low levels of literacy may not have a significant effect on women's political representation as voters, although literature in this area recognizes that studies to date are not comprehensive or conclusive.¹³²

Poverty, both absolute and relative, can have a significant impact on political participation.¹³³ The growing proportion of women among the world's poor is the result of many cultural, economic, legal and political factors, including discrimination in the formal labour market, the persistent gender wage gap, and unequal access to productive resources, capital, education and training.¹³⁴ In the formal economy, women must overcome what are generally lower educational levels and more domestic responsibilities than men.¹³⁵ Health is also a direct precondition to political

¹²⁸ On African constitutional processes and legitimacy see: Muna Ndulo, "The Democratization Process and Structural Adjustment in Africa" (2003) 10 *Indiana Journal of Global Legal Studies* 315.

¹²⁹ Bauer and Britton, 2006, at 11.

¹³⁰ Michelle Govender "Domestic Violence: Is South Africa Meeting its Obligations in Terms of the Women's Convention?" (2003) 19 *S. Afr. J. on Hum. Rts.* 663 at 665-666 [Govender, 2003]. See also: WHO, "Multi-country Study on Women's Health and Domestic Violence against Women, Initial results on prevalence, health outcomes and women's responses" (WHO, 2005), online: http://www.who.int/gender/violence/who_multicountry_study/en/index.html

¹³¹ Tripp, 2001, at 144.

¹³² Lindberg, 2004, at 41; "Asian Development Bank on Gender Action Plans in South Asia," online: <http://www.adb.org/Documents/Books/Gender-Equality-Results/Pakistan/default.asp?p=gender>

¹³³ See for example: Sally Baden, "Gender, Governance and the Feminization of Poverty" in *Women's Political Participation and Good Governance: 21st Century Challenges* (UNDP, 2000), online: http://magnet.undp.org/new/pdf/gender/wpp/women_book.pdf, at 27.

¹³⁴ UN Secretary General, "Review of the implementation of the Beijing Platform for Action and the outcome documents of the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century" E/CN.6/2005/2 (6 December 2004), online: <http://daccessdds.un.org/doc/UNDOC/GEN/N04/636/83/PDF/N0463683.pdf?OpenElement>, at para 106.

¹³⁵ Siplon, 2005, at 24.

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participation, but achieving good health is itself heavily determined by socio-economic status.¹³⁶ People in poor health are often mired in poverty and must struggle to overcome both their lower socio-economic status as well as its manifestations in their personal health status. Reports indicate that there is a direct correlation between low health status amongst women and low rates of political participation.¹³⁷

Ownership and control over economic assets, such as housing and land, can protect women who are affected by HIV/AIDS from destitution. In-depth research is being documented by the International Centre for Research on Women (ICRW) on the association between property rights and women's vulnerability in the context of the HIV/AIDS epidemic in Southern Africa and analyzing legislation, policies and customary practices that can restrict women's property rights. A lack of secure property rights exacerbates women's vulnerabilities to HIV/AIDS and may be a risk factor for gender-based violence. Evidence from the research will be used to inform local, municipal and national governments of the benefits associated with securing women's property rights as part of broader land reform measures.¹³⁸

Figure 1, earlier in this paper, represents the broad systemic conditions affecting women's political participation by delineating 6 distinct themes: legal systems, violence and conflict, health, education and economic opportunities.

ASSESSING SYSTEMIC CONDITIONS IN SOUTHERN AFRICA

Although women in Botswana, Mozambique, South Africa, and Swaziland each face their own country-specific challenges, many key elements are consistent across these countries. In particular, each of these countries is characterized by high rates of poverty, increasingly low life expectancy, high HIV/AIDS prevalence, and a lack of gender equality. Table 1 in the section that follows provides some basic statistical information about each of the four countries. Table 2 consists of composite indicators used by the United Nations Development Fund (UNDP), described as "powerful alternatives to income as a summary measure of human well-being."¹³⁹ However, the UNDP has expressed some reservations about indicators generally, observing, "...many, if not most, of the indicator systems are almost exclusively used as country ranking instruments, intended to inform investors, donors, or civil society advocates. UNDP has noted a conspicuous lack of indicators pertinent to pro-gender and pro-poor dimensions of governance."¹⁴⁰

¹³⁶ See: Heymann et al, *Healthier Societies: From Analysis to Action* (New York, NY: Oxford University Press, 2006); Ichiro Kawachi et al., "Social Capital, Income Inequality, and Mortality" (1997) 87 *American Journal of Public Health*, 1491-1498.

¹³⁷ Tony A. Blakely et al, "Socioeconomic Inequality in Voting Participation and Self-Rated Health" (2001) 91 *American Journal of Public Health*, at 99.

¹³⁸ International Centre for Research on Women, generally see www.icrw.org

¹³⁹ UNDP Website, Human Development Reports, "Composite Indices," online at: <http://hdr.undp.org/statistics/indices/>. This website also provides information on the calculation and meaning of these figures.

¹⁴⁰ UNDP, "Sources for Democratic Governance Indicators" (2003), online: http://www.undp.org/governance/publications.htm#pubs_gender

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Table 1: Four Country Profiles

| Indicators ¹⁴¹ | South Africa | Botswana | Swaziland | Mozambique | |
|--|--------------------------|-----------|-----------|------------|---------|
| Total population (millions) | 1975 | 25.9 | 0.9 | 0.5 | 10.6 |
| | 2003 | 46.9 | 1.8 | 1 | 19.1 |
| | 2015 ¹⁴² | 47.9 | 1.7 | 1 | 23.5 |
| Annual population growth rate (%) | 1975-2003 | 2.1 | 2.5 | 2.4 | 2.1 |
| | 2003-2015 ¹⁴³ | 0.2 | -0.4 | -0.3 | 1.8 |
| Geographic Size (sq km) ¹⁴⁴ | .. | 1,219,912 | 600,370 | 17,363 | 801,590 |
| GDP (US\$ billions) ¹⁴⁵ | 2003 | 159.9 | 7.5 | 1.8 | 4.3 |
| GDP per capita (US\$) ¹⁴⁶ | 2003 | 3489 | 4372 | 1669 | 230 |
| Life expectancy at birth, female (years) | 2003 | 50.2 | 36.7 | 32.9 | 42.7 |
| Life expectancy at birth, male (years) | 2003 | 46.8 | 35.9 | 32.1 | 41.1 |

¹⁴¹ Unless otherwise noted, all data presented rely on the figures in the “UNDP Human Development Report 2005” online: UNDP, <http://hdr.undp.org/reports/global/2005/>

¹⁴² Data refer to medium-variant projections.

¹⁴³ Data refer to medium-variant projections.

¹⁴⁴ CIA, “World Fact Book, 2006”, online: <http://www.cia.gov/cia/publications/factbook/index.html>.

¹⁴⁵ World Bank, *World Development Indicators 2005*, (Washington, DC, 2005); aggregates calculated for the Human Development Report Office by the World Bank.

¹⁴⁶ Calculated on the basis of GDP and population data from *ibid.*; aggregates calculated for the Human Development Report Office by the World Bank.

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Table 2: Composite Indicators for the Four Countries

| Indicators ¹⁴⁷ | South Africa | z | Botswana | z | Swaziland | z | Mozambique | z |
|---|-----------------|-------|----------|---|-----------|---|------------|---|
| Human development index (HDI) rank | 2003 | 120 | 131 | | 147 | | 168 | |
| Human development index (HDI) value | 2003 | 0.658 | 0.565 | | 0.498 | | 0.379 | |
| Human poverty index (HPI-1) rank | | 56 | 94 | | 97 | | 96 | |
| Human Poverty index (HPI-1) value (%) | | 30.9 | 48.4 | | 52.9 | | 49.1 | |
| Gender-related development index (GDI) rank | 2003 | 92 | 100 | | 115 | | 133 | |
| Gender-related development index (GDI) value | 2003 | 0.652 | 0.559 | | 0.485 | | 0.365 | |
| Gender empowerment measure (GEM) rank | | .. | 49 | | 54 | | .. | |
| Gender empowerment measure (GEM) value | | .. | 0.505 | | 0.492 | | .. | |

¹⁴⁷ All data presented rely on the figures in the “UNDP Human Development Report 2005” online: <http://hdr.undp.org/reports/global/2005/>

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The African Gender and Development Index

The African Gender and Development Index (AGDI) is a composite index recently developed by the African Center for Gender and Development of the UN Economic Commission on Africa. This Index relies on the Gender Status Index (GSI), which measures relative gender inequalities based on quantitative indicators, and the African Women's Progress Scoreboard (AWPS), which measures progress in women's empowerment and advancement.¹⁴⁸ The AGDI is meant to assist in streamlining reporting on various instruments on gender equality such as CEDAW, the BPfA, and the MDGs.¹⁴⁹ Its regional specificity is emphasized by its inclusion of the major African charters and documents dealing with gender relations; its identification of gender gaps in social, economic and political power blocks; and that its findings will be based on nationally available statistics.¹⁵⁰ The Index is being piloted in twelve countries and the results of this are expected shortly, with the hopes that it will provide an accurate measure of progress towards gender equality in the region. At the time of writing, AGDI data was not available for the four countries considered in this paper.¹⁵¹

Profound Gender Implications

All of the SADC member states have ratified, signed, and adopted one or more gender equality instruments, including The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)¹⁵², African and Beijing Platforms for Action and the SADC Declaration on Gender and Development and its Addendum on the Prevention and Eradication of Violence against Women and Children, which condemns all norms of violence against women, and commits governments to ensure that appropriate legal, cultural, social, economic, political, educational, and financial steps be taken to address the continued increase in such violence.¹⁵³

¹⁴⁸ UNECA, "The African Gender and Development Index" (September 2004), online: http://www.uneca.org/acgd/Publications/AGDI_book_final.pdf, at 2-3.

¹⁴⁹ Thokozile Ruzvido and Hanna N. Tiagha, "The African Gender and Development Index: An African response to the decade review of the Beijing Platform for Action" in Christi van der Westhuizen, ed., *Gender Instruments in Africa: Critical Perspectives, future strategies* (Midrand, SA: Institute for Global Dialogue, 2005), at 27.

¹⁵⁰ *Ibid.*, at 38-39.

¹⁵¹ The first of these pilot reports for South Africa is, as of yet, unpublished but on file with the authors: "African Gender and Development Index – South African Report" (Centre for Applied Legal Studies, University of the Witwatersand, March 2005). The remaining pilot reports are expected out by the end of 2006.

¹⁵² The four countries ratified as of: South Africa, 1995; Botswana, 1996; Mozambique, 1997; Swaziland, 2004. However, the only reports received by the CEDAW Committee to date are Mozambique, Initial and Second report, November 2005 (see <http://daccessdds.un.org/doc/UNDOC/GEN/N05/605/40/PDF/N0560540.pdf?OpenElement>) and South Africa, Initial report, February 1998 (see <http://daccessdds.un.org/doc/UNDOC/GEN/N98/065/49/IMG/N9806549.pdf?OpenElement>)

¹⁵³ SADC, "The Prevention and Eradication of Violence Against Women and Children – An Addendum to the 1997 Declaration on Gender and Development by SADC Heads of State or Government, 1998" online: http://www.sardc.net/widsaa/sgm/1999/sgm_eradviol.html. For a brief discussion on the most relevant international commitments – including the Millennium Development Goals – see Annex II.

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Despite these promising public steps, however, “Southern Africa [remains] characterized with gender disparities in all areas including in the social, economic, political, and cultural spheres.”¹⁵⁴ The United Nations Development Programme (UNDP) reports that deepening poverty and political instability in Africa have had “profound gender implications” and notes that African women constitute the world’s population with the highest rate of illiteracy and the lowest life expectancy.¹⁵⁵ In addition, women in the region occupy a generally “subordinate legal status, limited access to productive resources such as land, technology, credit, education and training, formal employment, as well as [increased] susceptibility to HIV and AIDS.”¹⁵⁶ Translating paper commitments on promoting the equal rights of women and girls into tangible results remains a significant challenge in many spheres, and there continue to be major barriers to women’s political participation throughout southern Africa, including in our four profile countries.

**POLITICAL PARTICIPATION
OF WOMEN & GIRLS IN
SOUTHERN AFRICA**

Sex-disaggregated information on voter turnout is unavailable for the countries studied; accessing information, especially on the role of women, for many of the political parties is difficult; and many civil society organizations simply do not keep accurate statistics or reports of the various levels of engagement of their constituents and members. Women’s organizations in particular are under funded and thus much of their institutional practices and commitments go unrecorded. The scarcity of data and enormity of the practices make even qualitative descriptions of women’s political participation difficult. Nonetheless, Table 3 is a summary of various aspects of women’s political participation in each of the countries for which there is supporting information, as follows.

**GOOD PRACTICE:
*Engaging Youth - Empowering Africa’s Young People***

With half of all new HIV/AIDS cases occurring among 15- to 24-year-olds, International Youth Foundation is partnering with a coalition of global youth movements to enhance health education and services targeting youth in Sub-Saharan Africa. The new initiative, "Empowering Africa's Young People: A Holistic Approach to Countering the HIV/AIDS Pandemic," seeks to expand outreach to youth through a continuum of services in prevention, care, and support. The Initiative is supported by the seven largest youth organizations in the world: the World Association of Girl Guides and Girl Scouts, the World Organization of the Scout Movement, the World Alliance of YMCAs, the World YWCA, the International Federation of Red Cross and Red Crescent Societies, the International Award Association, and IYF. Together, they represent a global network of more than 100 million young people -- including 20 million in Africa.

Source: www.ifynet.org

¹⁵⁴ Barbara Lopi, “Gender & Poverty In the context of Human Development, Health, Education and the MDG’s” (Commission for Africa, December 2004), online:

http://www.sarpn.org.za/documents/d0001002/papers/Gender_and_Poverty-WIDSAA.pdf, at 3.

¹⁵⁵ UNDP, “UNDP in Africa: Supporting Africa as it Meets the Challenges of the 21st Century” (May 2004), online: http://www.undp.org/rba/pubs/UNDP_percent20in_percent20Africa_percent202004.pdf, at 22.

¹⁵⁶ Lopi, at 6.

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Table 3: Women's Representation

| Indicators ¹⁵⁷ | South Africa | Botswana | Swaziland | Mozambique |
|--|---------------------|----------|-----------|------------|
| Seats in parliament held by women (% of total) ¹⁵⁸ | 32.8 ¹⁵⁹ | 11.1 | 16.8 | 34.8 |
| Female legislators, senior officials and managers (% of total) ¹⁶⁰ | .. | 31 | 24 | .. |
| Seats in upper house or senate held by women (as % of total) ¹⁶¹ | 33.3 ¹⁶² | .. | 30 | .. |

Country Specific Political Conditions

South Africa

Since 1994, South Africa's new political order is enshrined in a constitutional democracy. South Africa has a quasi-federal system, with legislative power shared between the National Assembly, National Council of Provinces and provincial legislatures.¹⁶³ At the national level, South Africa uses a proportional representation electoral system. While South Africa has a vibrant multiparty political system, with 16 parties represented in Parliament, only the majority party, the African National Congress, has adopted a 30 percent quota for women at the national level,¹⁶⁴ and a 50

¹⁵⁷ Unless otherwise noted, data are adopted from UNDP "Human Development Report 2005," online: <http://hdr.undp.org/reports/global/2005/>

¹⁵⁸ Data are as of 1 March 2005. Where there are lower and upper houses, data refer to the weighted average of women's shares of seats in both houses.

¹⁵⁹ This does not include the 36 upper house special rotation delegates appointed on an ad hoc basis. The shares given are therefore calculated on the basis of lower house seats and the 54 permanent seats in the upper house.

¹⁶⁰ Data refer to the most recent year available during the period 1992-2003. Estimates for countries that have implemented the recent International Standard Classification of Occupations (ISCO-88) are not strictly comparable with those for countries using the previous classification (ISCO-68).

¹⁶¹ Data are as of 1 March 2005 unless otherwise specified. The percentage was calculated using as a reference the number of total seats filled in parliament at that time.

¹⁶² Data on the distribution of seats do not include the 36 special rotating delegates appointed on an ad hoc basis, and the percentages given are therefore calculated on the basis of the 54 permanent seats.

¹⁶³ Ann Strode and Kitty Barrett Grant, *Understanding the institutional dynamics of South Africa's response to the HIV/AIDS pandemic* (IDASA, 2004), at 6.

¹⁶⁴ The African National Congress (ANC) adopted a 30% quota for women on political party lists and in the 1999 and 2004 elections women were placed in every third position on the national party list. At the local level, which used a mixed electoral system, the ANC adopted a 50 percent quota for women on the party

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percent quota for women in local government elections as of March 2006. This makes them the only country in the SADC region to implement a 50 per cent quota.

In the 1999 National Assembly Elections voter turnout was nearly 90 percent; in the 2004 elections it was nearly 77 percent.¹⁶⁵ As of January 2006, there were 11,574,118 registered female voters and only 9,480,839 registered male voters.¹⁶⁶ South Africa's IEC accredited about 300 NGOs for voter education leading up to the 1999 elections, but admitted they had not been adequately funded.¹⁶⁷

The "special vote" system allows people who are physically disabled, infirm, or pregnant, to arrange to have someone come to their homes or to go to a special voting facility so they may cast their votes.¹⁶⁸ In the 2004 elections, over 650,000 people used the special vote.¹⁶⁹ The special vote is currently not available for use during local government elections.¹⁷⁰

South Africa's democratic development was significantly influenced by a strong women's movement.¹⁷¹ The Women's National Coalition was involved in the constitutional process and is credited with contributing heavily to the progressive non-discrimination clauses of South Africa's post-Apartheid Constitution.¹⁷² However, there is no cohesive women's movement functioning at this time, with CSO's working mostly in sector specific areas; and no Women's National Convention has been held in over a decade. Planning is underway to hold one in 2007 to redress this gap.¹⁷³

By South Africa currently having a woman Deputy-President, twelve women cabinet ministers, and four out of nine women Premiers, South Africa ranks fourteenth in the world for women's representation in national parliament.¹⁷⁴ Now in 2006, half of all ANC local government councillors and Mayors are now women. It is worth noting that the current ANC succession battle

lists. See: Global Database of Quotas for Women, IDEA, "Political Party Quotas by Country: Regional Breakdown", online: http://www.quotaproject.org/systemParty_region.cfm?quotaSection=Africa

¹⁶⁵ African Elections Database, "Elections in South Africa", online:

http://africanelections.tripod.com/za.html#1999_National_Assembly_Election

¹⁶⁶ Independent Electoral Commission of South Africa, "Registration Statistics as of 16 January 2006," online: <http://www.elections.org.za/Statistics1.asp>

¹⁶⁷ The Commonwealth Secretariat, "The National and Provincial Elections in South Africa (2 June 1999), The Report of the Commonwealth Observer Group," online:

http://www.thecommonwealth.org/shared_asp_files/uploadedfiles/%7B45F3EBEE-DF35-4EEC-B9B8-7371CD45D0DD%7D_South%20Africa%201999.pdf, at 21.

¹⁶⁸ *Ibid.*, at 19.

¹⁶⁹ Per Strand, Khabele Matlosa, Ann Strode, and Kondwani Chirambo, "HIV/AIDS and Democratic Governance in South Africa - Illustrating the Impact on Electoral Processes (IDASA, 2004) www.idasa.org.za/gbOutputFiles.asp?WriteContent=Y&RID=1176, at 129.

¹⁷⁰ *Ibid.*, at 19.

¹⁷¹ For a more detailed analysis see: Britton, 2006, at 59-84 and Hassim, 2002, at 693-732.

¹⁷² Tripp, 2001, at 149.

¹⁷³ One of the authors, Susan Bazilli, is on the planning committee for this event – the primary obstacle to holding a WNC in 2007 is a lack of funding.

¹⁷⁴ Inter-Parliamentary Union, "Women in National Parliaments" (accurate to 31 May 2006), online: <http://www.ipu.org/wmn-e/classif.htm#1>

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for a presidential candidate to succeed President Mbeki has uncovered deep-seated antagonism to women in government, with vociferous public discussion and dissent both for and against.

Botswana

While two of Botswana's political parties introduced 30 percent quotas for women in 1999, neither has been able to consistently meet these targets. Botswana's ruling party, the Botswana Democratic Party, has not implemented any form of gender quota.¹⁷⁵ Botswana utilizes the single member plurality, first-past-the-post electoral system.¹⁷⁶ Turnout in Botswana's 2004 elections was 76.20 percent.¹⁷⁷ This was up from the 42 percent voter turnout in 1999.¹⁷⁸ This improvement followed a major voter education project implemented by Botswana's Independent Electoral Commission (IEC) based on findings of a commissioned study of voter apathy. In the 2004 elections there were 230,000 women registered voters compared to 200,000 men.¹⁷⁹

***GOOD PRACTICE:
Involving Political Leadership:
Parliamentarians for Women's Health***

This initiative in East and Southern Africa brings together parliamentarians from Botswana, Kenya, Namibia and Tanzania to:

- Increase links between parliamentarians and civil society
- Convene national and regional workshops to increase parliamentarians' awareness of women's health care needs and economic and political barriers
- Provide technical assistance for capacity building in working with the media, devising budgets that support women's health, and researching health-related legislation nationally, regionally and internationally

The Project's partners include: the International Center for Research on Women (ICRW); European Parliamentarians for Africa (AWEPA), Centre for the Study of AIDS at University of Pretoria (CSA), International Community of Women Living with HIV/AIDS (ICW), and Realizing Rights: The Ethical Globalization Initiative (EGI).

Source: www.womens-healthcare.org

¹⁷⁵ See: Global Database of Quotas for Women, IDEA, "Political Party Quotas by Country: Regional Breakdown", online: http://www.quotaproject.org/systemParty_region.cfm?quotaSection=Africa. While the Botswana Democratic Party has not adopted a quota, it did yield to pressures to increase the number of women fielded as candidates in 1999 and subsequently. See: Bookie Monica Kethusegile-Juru, "Intra-Party Democracy and the Inclusion of Women" SADC Secretariat, (n.d) online: http://www.eisa.org.za/PDF/Conference_DRC_Juru_eng.pdf

¹⁷⁶ The Electoral Institute for Southern Africa, "Botswana – Electoral System" online: <http://www.eisa.org.za/WEP/bot4.htm>.

¹⁷⁷ Botswana Independent Electoral Commission, "IEC 2004 Elections Report", online: <http://www.gov.bw/elections04/iecreport.pdf>, at 12

¹⁷⁸ African Elections Database, "Elections in Botswana", online: <http://africanelections.tripod.com/bw.html>

¹⁷⁹ David Sebudubudu and Bertha Z. Osei-Hwedie, "Democratic Consolidation in SADC: Botswana's 2004 Elections" (EISA, 2005), online: <http://www.eisa.org.za/PDF/rr11.pdf>, at 21

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Women and youth remain under-represented in electoral contests.¹⁸⁰ The 1999 elections saw the voting age drop from 21 to 18 but youth did not participate in large numbers.¹⁸¹ The 2004 elections saw a decline in the number of women and youth candidates,¹⁸² which is striking given that more women were registered voters. Women also performed poorly in the council elections, winning only 74 of the 490 council seats.¹⁸³ Despite being represented in lower numbers, the 2004 cabinet appointments brought more women into these positions than after any previous election.¹⁸⁴ Two factors cited as significant barriers for women's participation in politics in Botswana are the patriarchal culture, with male domination of political power, as well as a lack of resources.¹⁸⁵

While women have never held executive power in Botswana's government, in 2004 President Festus Mogae appointed Dr. Sheila Tlou, the founding President of the Society for Women and AIDS in Africa (SWAABO), as Minister of Health. Providing an opportunity for political leadership to such a known feminist activist can be seen as paving the way for significant policy implementation on addressing both the separated and combined issues of gender inequality and HIV/AIDS.

Botswana ranks number ninetyeth¹⁸⁶ in the world for representation in national parliament, with seven of the sixty-three seats held by women, representing 11 percent.

Swaziland

An absolute monarch, the hereditary King, who governs with a Prime Minister, rules Swaziland, sometimes described as a monarchical, or emerging, democracy.¹⁸⁷ The Prime Minister has limited executive powers and is chosen by the King. The successor to the throne is chosen in relation to the status of the mother. The balance of power lies between the King and the Queen Mother.

The executive has a quota system whereby appointments must include specified numbers of women, but there are no quotas for elected positions.¹⁸⁸ Political parties remain outlawed in Swaziland and thus do not play a role in elections. In the 2003 elections, of the approximately 400,000 eligible voters, a total of 228,950 registered and of those, 119,535 were women.¹⁸⁹ While

¹⁸⁰ *Ibid.*, at 22.

¹⁸¹ *Ibid.*, at 23.

¹⁸² *Ibid.*

¹⁸³ *Ibid.*, at 37.

¹⁸⁴ *Ibid.*, at 39

¹⁸⁵ *Ibid.*, at 37

¹⁸⁶ Inter-Parliamentary Union, "Women in National Parliaments" (accurate to 31 May 2006), online: <http://www.ipu.org/wmn-e/classif.htm#1>

¹⁸⁷ Commonwealth Secretariat, "Swaziland", online: <http://www.thecommonwealth.org/Templates/YearbookHomeInternal.asp?NodeID=139453>

¹⁸⁸ IRINNEWS.ORG, "Swaziland: Good News for Women" (6 June 2003), online: http://www.irinnews.org/s_report.asp?ReportID=34586

¹⁸⁹ The Commonwealth Secretariat, "Swaziland National Elections (18 October 2003), Report of the Commonwealth Expert Team," online: http://www.thecommonwealth.org/shared_asp_files/uploadedfiles/{9C9C4FF0-8E15-40E4-98B1-138FE7A81FF9}.SwazilandNationalElections_report.pdf, at 10. [Swaziland National Elections, 2003]

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there was no official record of voter turnout, it was estimated to be approximately 50 percent.¹⁹⁰ The Commonwealth Secretariat (CW) monitors noted that women's turnout was "impressive"¹⁹¹ but the lack of sex-disaggregated data makes quantification of this observation impossible. Swaziland's Chief Electoral Officer said there had been 1500 nominations for the House of Assembly, 300 of which were for women. This was then reduced to 333 candidates in the primary elections, only 30 of whom were women.¹⁹²

There was a "Vote for a Woman, Vote for Change" campaign organized by some civil society organizations, including the Leadership Regional Network.¹⁹³ CW monitors however, did not observe any tangible evidence of the campaign.¹⁹⁴ This lack of evidence may in part be explained by the constraints felt by many civil society organizations operating in Swaziland, a lack of training of the CW monitors to identify gender issues, and/or a failure of the campaign itself to reach all locales. Women's groups noted that female candidates were disadvantaged as they had fewer resources to dispense as compared with their male counterparts.¹⁹⁵ Barriers to participation also included, among others, the passage of a new law before the election that prohibited women in mourning from voting.¹⁹⁶

Anecdotally, during the process of "consultation" on the Swazi draft constitution at the King's *kraal*, women from the rural areas "testified" in large numbers that they did not feel that a new Constitution was required, as they had the King to protect their "rights".¹⁹⁷ Further, when the Swaziland government ratified CEDAW, it took several months for the women's organizations in the country to actually confirm that this had happened.¹⁹⁸

Swaziland ranks number ninety-two in the world with seven women out of sixty-five seats, representing 10 percent.¹⁹⁹

Mozambique

Mozambique uses a system of proportional representation and the main ruling party, FRELIMO, has adopted a quota requiring that 30 percent of its candidates for the National Assembly are women.²⁰⁰ It has also committed to balancing the distribution of women and men through the

¹⁹⁰ *Ibid.*, at 14.

¹⁹¹ *Ibid.*, at 16.

¹⁹² *Ibid.*, at 8-9.

¹⁹³ Nokuthula Lucas, "The Women's Movement in Swaziland: Look how far we've come!", *Open Space* (April 2005) online: http://www2.soros.org/osisa/drupal/files/openspace/1_1_p62_nokuthula_lucas.pdf, at 63.

¹⁹⁴ Swaziland National Elections, 2003, at 11.

¹⁹⁵ *Ibid.* at 12.

¹⁹⁶ Lucas, 2005, at 63.

¹⁹⁷ Communication by the authors with Mary Doo Aphane, WLSA, Swaziland, July 2004.

¹⁹⁸ *Ibid.*

¹⁹⁹ Inter-Parliamentary Union, "Women in National Parliaments" (accurate to 31 May 2006), online: <http://www.ipu.org/wmn-e/classif.htm#1>. Note these figures are from the 2003 elections.

²⁰⁰ In 1999, 43 percent of FRELIMO MPs were women. See: Jennifer Leigh Disney, "Mozambique: Empowering Women Through Family Law" in Gretchen Bauer and Hannah E. Britton, eds., *Women in African Parliaments* (London, Boulder: Lynne Rienner Publishers, 2006), at 38. See: Global Database of Quotas for Women, IDEA, "Political Party Quotas by Country: Regional Breakdown", online: http://www.quotaproject.org/systemParty_region.cfm?quotaSection=Africa

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party list. Voter turnout in the 1999 Parliamentary and Presidential elections neared 70 percent.²⁰¹ The CW Observer Group noted that women voters were “present in large numbers ... often outnumbering men.”²⁰² In the 2004 elections there was a marked drop in turnout, reaching approximately 36 percent for both Parliamentary and Presidential ballots cast.²⁰³ The number of registered voters has been a matter of some dispute, as registration records have been described as “chaotic” and the estimates of the actual number of eligible voters vary across institutions.²⁰⁴

During the 2004 elections, the CW Observer Group stated that they “came across no obstacles to the participation of women” and noted that at many stations the majority of voters and polling staff were women.²⁰⁵ However, in a CW report on Mozambique’s local elections, the Expert Team reported on conversations with Mozambican women’s groups who expressed concern about the subservience of women in their society and the perception among women themselves that they did not enjoy the same status as men in the political arena.²⁰⁶ The same sources reported that there was a lack of civic education, a failure to understand the significance of the right to vote, and a small number of women candidates and polling station staff.

Luísa Dias Diogo became Mozambique’s first female Prime Minister in 2004. Evidence is yet to be published to indicate what impact this may be having on policy development or good governance practices.²⁰⁷

Mozambique ranks tenth, higher than South Africa, with women elected in eighty-seven out of 250 seats in 2004, representing almost 30 percent women.²⁰⁸

An Integrated Country Level Strategy

The Commonwealth Plan of Action for Gender Equality supports and strengthens implementation of the UN Declaration of Commitment on HIV/AIDS through empowerment of women. All the featured countries have made the following commitments under CEDAW:

Article 7. States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

²⁰¹ International Institute for Democracy and Electoral Assistance, “Country View: Mozambique”, online: http://www.idea.int/vt/country_view.cfm?CountryCode=MZ

²⁰² The Commonwealth Secretariat, *The Parliamentary and Presidential Elections in Mozambique (3-5 December 1999) The Report of the Commonwealth Observer Group* (London: Commonwealth Secretariat, 1999), at 19.

²⁰³ African Elections Database, “Elections in Mozambique” online: <http://africanelections.tripod.com/mz.html>

²⁰⁴ Inge Ruigrok, “Situation report: Mozambique’s 2004 General Elections” (Institute for Security Studies, February 2005), online: <http://www.issafrica.org/AF/current/2005/050203Moz.pdf>, at 6-7.

²⁰⁵ The Commonwealth Secretariat, “The Parliamentary and Presidential Elections in Mozambique 1-2 December 2004, The Report of the Commonwealth Observer Group,” at 37.

²⁰⁶ The Commonwealth Secretariat “Mozambique Local Elections (19 November 2003) Report of the Commonwealth Expert Team,” online: <http://www.thecommonwealth.org/Templates/System/LatestNews.asp?NodeID=36109>, at 11.

²⁰⁷ However, it is worthwhile noting that in the brief time that Ellen Sirleaf Johnson has been in power as President of Liberia, significant ‘woman-friendly’ legislation has already been passed.

²⁰⁸ Inter-Parliamentary Union, “Women in National Parliaments” (accurate to 31 May 2006), online: <http://www.ipu.org/wmn-e/classif.htm#1>

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(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8. States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

These commitments made to Commonwealth women, and to the international community, are the foundation of the conclusions and recommendations that follow.

CONCLUSIONS

1. Women's political participation and their vulnerability to the impact of HIV/AIDS are influenced by the same structural conditions

This paper has demonstrated that the key conditions affecting women's political participation are identical to those affecting women's vulnerability to the impact of HIV/AIDS. The result is that these two components are linked by the commonality of these underlying conditions, and that attempts to address these underlying conditions will have positive impacts on both spheres.

2. As women's vulnerability to the impact of HIV/AIDS increases, their political participation will be affected - likely with negative results for democratic development in the region.

This paper has demonstrated that women's vulnerability to the impact of HIV/AIDS is not only shaped *by* the six structural conditions we have identified but also exerts an influence *on* these conditions. The result is that an iterative relationship exists between HIV/AIDS and women's political participation: an increase in women's vulnerability to HIV/AIDS will affect the six conditions which in turn will affect women's political participation.

This relationship is exemplified in the following scenario:

A girl-child is orphaned as a result of HIV/AIDS. The girl becomes the head of her household and is forced to leave school in order to support her siblings. The girl and her siblings are no longer able to rely on adults for financial support and become more impoverished. The girl begins to engage in transactional sex in order to provide for herself and her family and a "sugar daddy" transmits the virus to her. In this situation, poverty, lack of educational opportunity, and the health issues resulting from her transactional sex combine to diminish and likely end the girl's life. The increased prevalence of these three conditions *results* from her being affected by HIV/AIDS, and *impacts adversely* on her likelihood to engage politically.

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3. There is a link between women's vulnerability to the impact of HIV/AIDS and the ability and willingness of many women to participate politically.

The women impacted by HIV/AIDS can be roughly divided into three categories of those:

- infected by the disease,
- personally affected by the disease, and
- institutionally affected by the disease.

Although there are as yet no studies confirming this, it is logical to develop programs that explore a direct relationship between the impact of HIV/AIDS on women's political participation. This is an area worthy of further investment into research and policy development, with potential for some catalytic legal reform. Some manifestations of this connection, in the three categories, are provided in the following examples, drawn from "real-life" situations.

A. Women infected with HIV/AIDS may be unable or unwilling to participate politically due to:

- An inability to engage due to the physical symptoms of their illness (an example would be a woman living with HIV/AIDS who is too ill to stand in line to vote on election day)
- A lack of awareness about how to access special voting measures
- An unwillingness to engage in any public activities – including political ones – due to the stigma associated with the disease
- A shortened life expectancy and a loss-of-a sense of future resulting in a failure to prioritize political engagement.

B. Women personally affected by HIV/AIDS may be unable or unwilling to participate politically due to:

- Increased economic responsibilities due to loss of parents or spouse
- Increased domestic responsibilities for young women as heads-of-households
- Increased responsibilities for women (including grandmothers) as primary care-givers
- An unwillingness to engage in any public activities – including political ones – due to the stigma associated with the disease
- A high likelihood of future infection meaning a short life-expectancy which may result in a loss-of-sense-of-future resulting and a concomitant failure to prioritize political engagement

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C. Women affected by the institutional impacts of HIV/AIDS may be unable or unwilling to participate politically due to:

- A lack of senior women in public office (to serve as role-models and mentors) due to increased death rates
- Increased loss of institutional capacity and memory, which are likely to result in an inability to remedy the marginalization of women
- Skill and staff shortages, which are likely to result in a failure to address the specific needs of women
- Increased training needs, which are likely to result in a failure to address the specific needs of women
- A lack of democratic infrastructure (including voting registration), which is likely to disproportionately impact on women

4. There may be a direct relationship between a lack of women's political participation and women's vulnerability to HIV/AIDS. More research is needed in this area.

Despite findings that women are being excluded from decision making relating to HIV/AIDS, there is no definitive research to date that concludes whether or not there is a direct relationship between a deficit in women's political participation and an increased vulnerability to the disease. More research is needed on the negative impacts of excluding women from political processes before such a link can be conclusively drawn.

Efforts to address HIV/AIDS, gender equality, and democratic governance need to be integrated to allow the development of mutually beneficial research, programming and catalytic law reform. The CW Secretariat can undertake this process in its own policy and programmes as well as facilitate and encourage this collaboration amongst its members, since Commonwealth areas of comparative advantage embrace strategic actions for HIV/AIDS reduction, gender equality, and democratic governance

Stakeholders from each of these three sectors need to be brought together to explore where synergies exist and how potential interventions may be made that would work towards the achievement of mutually reinforcing objectives. The CW could encourage this process by providing multi-donor institutional support and identifying critical priority areas for exploration.

Some of these areas are:

- Test the direct relationship between women and girls' empowerment as a strategy for reducing their vulnerability to HIV/AIDS.
- Identify and document the key components of good practices, such as the Ugandan Youth Parliamentarian Structure where there is a quota for youth to be elected. A CW research

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programme could support other countries' emulation of youth quotas, with integrated gender quotas.

- People living with disabilities encompass those living with HIV/AIDS; this community of concern merits more attention.
- National AIDS councils should ensure equal representation of women in decision-making.
- Within the comparative advantage of the CW, there are 3 local government institutions AMICAALL (Alliance of Mayors' Initiative for Community Action on AIDS at the Local Level), which reflects the importance of locally led, multisectoral actions which complements supportive national policies; UCLG (United Cities and Local Governments); and the Commonwealth Local Government Forum - representing untapped potential for cost effective collaborations.

The options summarised above are not exhaustive. These, and others, can be further developed and addressed most effectively through two primary recommendations, which could be supported by a CW-led consortium of funding agencies.

TWO PRIMARY RECOMMENDATIONS

1. Develop a multi-sectoral five-year plan (2007-2012) to build on the Commonwealth's areas of comparative advantage for addressing current and emerging challenges to democratic development and reconstruction, with a particular focus, through 18-month pilots in selected countries, on the political participation of women and girls in democratic governance in southern Africa as affected by the HIV/AIDS pandemic.
2. Launch the pilots and the five year project at the summit of the Commonwealth Ministers Responsible for Women and Gender Affairs in 2007 in Uganda, with cross sectoral invitations to colleagues responsible for Health, Education, Justice, the Millennium Development Goals, as well as other stakeholders, to focus on women and girls in relation to political participation and promoting sustainable and representative democracy, and good governance through specific measures to address gender inclusiveness in promoting democracy within the Commonwealth and its member countries.

Set the date, at the beginning of the five-year project, for the mid-term reporting summit in early 2010, with reports from Commonwealth Ministers Responsible for Women and Gender Affairs, as part of the 10th year reporting on the MDGs. This mid-term summit of the project will provide for high level consideration of the challenges, gaps and lessons learned through the pilots, to be shared with other stakeholders in a timely fashion to allow for increased effectiveness in delivering the desired outcomes set for the end of the five-year project, in 2012.

ANNEX I - NOTES ON COMMONWEALTH DECLARATIONS & THE POA

Commonwealth Declarations and Agreements

Members of the Commonwealth have made a broad set of commitments on promoting democratic practices. The Millbrook Commonwealth Action Programme on the Harare Declaration, 1995²⁰⁹ forms the basis for the operationalization of the Harare Declaration. The Latimer House Principles, endorsed in 2003, give detailed consideration to a set of Guidelines on good practices regarding the relationship between the three branches of government.²¹⁰ At this same meeting the Heads of Government issued the Aso Rock Commonwealth Declaration on Development and Democracy: Partnership for Peace and Prosperity, highlighting the need to build on the previous Declarations made in Singapore, Harare and Fancourt.²¹¹

Southern Africa Development Community Commitments

All SADC member states have created national bodies responsible for the “facilitation, coordination and monitoring” of gender policies.²¹² Each of the four countries has also signed a declaration recognizing with “deep concern” that in the region “disparities between women and men still exist in the areas of legal rights, power sharing and decision making, access to and control over productive resources, education and health...” and that “women constitute the majority of the [region’s] poor.”²¹³ The declaration goes on to re-affirm government commitments to fully protecting the human rights of women, including increasing access to productive resources, employment, and health services. The statement echoed the CW target of having a minimum of 30 percent of political and decision-making positions filled by women by the year 2005.²¹⁴ Finally, all of the SADC countries have also issued a specific declaration condemning all forms of violence against women, and resolving to ensure that appropriate legal, cultural, social, economic, political, educational, and financial steps be taken to address the continued increase in such violence.²¹⁵

At the recent PEPFAR meeting in Durban that ended on June 16 2006, topics covered almost every aspect of the disease, including voluntary testing, rapid scale up of ARV access; the burden carried by AIDS health care workers; integrating HIV testing into basic health care facilities and TB treatment systems; HIV and drug use in sub-Saharan Africa; early infant diagnosis; family planning; pain relief; building community capacity; and perception about condom use. Noticeably absent in the discussions about the gaps in resource allocation was a substantive discussion of issues of governance.

²⁰⁹ Issued by Heads of Government at Millbrook, NZ, on 12 November 1995.

²¹⁰ “Commonwealth (Latimer House) Principles on the Three Branches of Government”, as agreed by law Ministers and endorsed by the Commonwealth Heads of Government Meeting, Abuja, Nigeria, 2003.

²¹¹ “Aso Rock Commonwealth Declaration on Development and Democracy: Partnership for Peace and Prosperity” (8 December 2003).

²¹² Christine Warioba, “The role of national mechanisms in promoting gender equality and the empowerment of women: SADC experience” (United Nations Division for the Advancement of Women, January 2005), online: <http://www.un.org/womenwatch/daw/egm/nationalm2004/docs/EP.8-Warioba percent20rev.pdf>.

²¹³ SADC, “Gender and Development - A Declaration by Heads of State or Government of the Southern African Development Community, 1997” Part C, online: http://www.sardc.net/widsaa/wid_genderdec.htm.

²¹⁴ “Gender and Development - A Declaration by Heads of State or Government of the Southern African Development Community, 1997” Part H, online: http://www.sardc.net/widsaa/wid_genderdec.htm

²¹⁵ SADC, “The Prevention and Eradication of Violence Against Women and Children – An Addendum to the 1997 Declaration on Gender and Development by SADC Heads of State or Government, 1998” online: http://www.sardc.net/widsaa/sgm/1999/sgm_eradviol.html

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Commonwealth Plan of Action for Gender Equality 2005 - 2015

For ease of reference, strategic actions in the four critical areas set out in the PoA, which are particularly relevant to the recommendations in this paper are summarised (unofficially) below:

I. Gender, democracy, peace and conflict;

- The 30% target now set for 2015; countries w/ prop rep systems have marked increases in women's representation (NZ, SA - 11)
- Some CW members have begun using quotas to ensure and increase women's political participation, based on models implemented with some success in India; (para 12)
- A 30% target by 2005 for women's participation in peace initiatives was set at 6WAMM in 2000; (para 12)
- Activities in this area will focus on (para 3.12, 13):

i. Supporting the adoption, accession, ratification, implementation and monitoring of legal instruments and frameworks related to democracy, peace and conflict.

ii. Strengthening democratic and political systems through achievement of the Commonwealth target of at least 30 per cent of women in decision-making in the political, public and private sectors. This will require a strengthening of institutional capacity. Countries which have already reached 30 per cent should continue to strive for a higher target.

iii. Supporting the development and mainstreaming of gender equality into early warning mechanisms, conflict prevention and resolution, peace agreements, peace-building, reconciliation, post-conflict reconstruction, and disarmament, demobilisation and reintegration processes.

iv. Promoting capacity building and strengthening partnerships between governments, NWMs, civil society, media, schools, institutions of higher education, religious organisations and other social institutions, regional and international bodies in the promotion of gender equality and tolerance of diversity.

v. Ensuring the collection and dissemination of sex-disaggregated data and integrating gender analysis into policy-making, planning and programme implementation in conflict and post-conflict situations.

vi. Documenting and disseminating good practice in gender equality initiatives in the area of democracy, peace and conflict.

vii. Promoting the funding of programmes that will facilitate the gender-sensitive leadership of young people.

viii. Promoting attention to democracy, good governance, peace, security and the importance of gender issues in the school curriculum.

Supporting the adoption, accession, ratification, implementation and monitoring of legal instruments and frameworks related to democracy, peace and conflict.

ii. Strengthening democratic and political systems through achievement of the Commonwealth target of at least 30 per cent of women in decision-making in the political, public and private sectors. This will require a strengthening of institutional capacity. Countries which have already reached 30 per cent should continue to strive for a higher target.

iii. Supporting the development and mainstreaming of gender equality into early warning mechanisms, conflict prevention and resolution, peace agreements, peace-building,

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reconciliation, post-conflict reconstruction, and disarmament, demobilisation and reintegration processes.

iv. Promoting capacity building and strengthening partnerships between governments, national women's machineries (NWMs), civil society, media, schools, institutions of higher education, religious organisations and other social institutions, regional and international bodies in the promotion of gender equality and tolerance of diversity.

v. Ensuring the collection and dissemination of sex-disaggregated data and integrating gender analysis into policy-making, planning and programme implementation in conflict and post-conflict situations.

vi. Documenting and disseminating good practice in gender equality initiatives in the area of democracy, peace and conflict.

vii. Promoting the funding of programmes that will facilitate the gender-sensitive leadership of young people.

viii. Promoting attention to democracy, good governance, peace, security and the importance of gender issues in the school curriculum.

II. Gender, human rights and law

- Strategies needed to increase implementation on international treaties and the lack of responsiveness, for example, to gender based violence and trafficking, in the administration of the law (15, 3.16)

III. Gender, poverty eradication and economic empowerment

- Trade, socio-economic conditions, GRB.

IV. Gender and HIV/AIDS

- HIV/AIDS should be considered within the framework of sexual and reproductive health as part of an integrated approach that recognizes broader issues and goes beyond health interventions to reduce gender inequality – need to recognize the impact of broader social and economic policy on HIV/AIDS and its impact on national productivity (3.39, 24)
- Abuja 2003 made the link between HIV/AIDS in goal in the MDGs (3.40)
- Women's unequal political and legal status perpetuates poverty, discrimination and lack of opportunity in social, economic and cultural spheres reflected in transactional sex and sex work leading to higher infection rates among women and girls, mobile labour (3.41, 24)
- Disproportionate burden of care on women and girls (3.42, 24)
- Child/orphan headed households (3.43, 24)

3.49 Consequently, activities in this critical area will focus on:

i. Mainstreaming gender equality into multisectoral, national, regional and international programmes on HIV/AIDS. Including the World Health Organisation "3 by 5" Initiative that aims to have 3 million people in developing countries on treatment by 2005.

ii. Promoting reproductive and sexual health and rights as agreed in the Programme of Action of the International Conference on Population and Development and the Platform for Action of the Fourth World Conference on Women and their Five-Year Reviews, as a means to achieving the MDGs.

iii. Promoting partnerships between women and men, boys and girls to reduce the

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prevalence and impact of HIV/AIDS.

iv. Strengthening institutional partnerships to support the implementation of effective strategies to halt the spread of HIV/AIDS and address the social and economic impact of the pandemic, in particular on women and girls.

v. Increasing the emphasis on provision of women-friendly health services for the prevention of HIV/AIDS, and for the treatment, care and support of People Living with HIV/AIDS (PLHAs), in partnership with their families.

vi. Preventing new HIV infections among young people, particularly girls and young women, through support and promotion of the adolescent reproductive health programme and to the Commonwealth Youth Ambassadors for Positive Living Initiative and through Commonwealth sport and development programmes that promote healthy living.

vii. Highlighting the role of men and boys in promoting gender equality and healthy sexuality.

viii. Promote the recognition of the role that HIV positive women have to play both in society and in fighting HIV/AIDS and protecting property rights of HIV positive women.

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ANNEX II - INTERNATIONAL LAW & WOMEN'S PARTICIPATION

There are a large number of international and regional instruments, declarations, and agreements recognizing the need to increase gender equality and improve the living conditions and political participation of women and girls.²¹⁶ A comprehensive review of all of these instruments is beyond the scope of this study, but the most relevant commitments will be briefly referenced here. Please see the extensive listing in Appendix IV of the literature reviewed for this paper, including analysis of international law.

Commonwealth Declarations and Agreements

The Commonwealth Plan of Action for Gender Equality 2005 -2015 (PoA)

The PoA takes a rights-based approach grounded in the framework of international and regional human rights conventions and other instruments.

Please see Appendix I for more detail on the relevant Commonwealth declarations and agreements.

Key Instruments in the United Nations Treaty System

CEDAW and the Platforms for Action

All four countries examined here have ratified, signed, and/or endorsed multiple gender equality instruments, including the Convention on the Elimination of all forms of Discrimination against Women²¹⁷ (CEDAW), the BPfA, and the Dakar and African Platforms for Action.²¹⁸ Both CEDAW and the BPfA emphasize the importance of increasing the involvement of women in political decision-making,²¹⁹ and CEDAW specifies that state parties have the positive obligation to actively ensure full gender equality:

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, *all appropriate measures*, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.²²⁰

The UN MDGs

On 18 September 2000 the UN General Assembly (UNGA) adopted the UN Millennium Declaration which formed the basis for what are now known as the Millennium Development

²¹⁶ For a list of the most significant international and African agreements and declarations, see the United Nations Population Fund, "Promoting Gender Equality: International and Regional Agreements," online: <<http://www.unfpa.org/gender/rights2.htm>>.

²¹⁷ *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, 1249 U.N.T.S. 13, 19 I.L.M. 33, (entered into force 3 September 1981) [CEDAW]. Division for Advancement of Women, "CEDAW: State Parties" (as of March 2006), online: <<http://www.un.org/womenwatch/daw/cedaw/states.htm>>.

²¹⁸ "The African Plan of Action" was formulated within the framework of the mid-decade review of the implementation of the Dakar and Beijing Platforms for Action, online:

http://www.uneca.org/fr/acgd/en/1024x768/en_gender/en_tool/en_99_ap.htm

²¹⁹ BPfA, Critical Area G and CEDAW, Article 7.

²²⁰ CEDAW, Article 3 [emphasis added].

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Goals (MDGs).²²¹ The MDGs, which were set to be attained by 2015, provide a framework for the entire UN system to work towards a common end and are monitored in reports produced at the country-level and by the UN Secretary General.²²² The Commonwealth's PoA is designed in part to support and work towards the attainment of the MDGs.²²³ The MDGs were reaffirmed at the 2005 World Summit held in September.²²⁴ Goal 3 speaks to promoting gender equality and the empowerment of women and Goal 6 to combating HIV/AIDS, malaria and other diseases.²²⁵ In a 2005 UN-commissioned global review of progress towards the MDGs, it was noted that Sub-Saharan Africa was off track for meeting each of the eight goals.²²⁶

Resolution 1325 of the UN Security Council (2000)

Since the passage of Resolution 1325²²⁷ by the UN Security Council on October 31, 2000, it has had the status of international law. The month of October has become a time when annual reporting on SCR 1325 provides occasions for the notion of gender inclusive security to resurface before the UN Security Council.²²⁸ The Security Council attempted in SCR 1325 to remedy the exclusion of women by "urging" Member States to ensure increased representation of women at all decision-making levels in national, regional, and international institutions; encouraging the UNSG to implement his strategic plan of action²²⁹ to increase the number of women in decision-making levels in conflict resolution and peace processes; and further to expand the role and contribution of women in UN field operations.

²²¹ UNGA "United Nations Millennium Declaration", A/RES/55/2 (18 September 2000), 55th Session <http://www.un.org/millennium/declaration/ares552e.pdf>

²²² UN, "The Millennium Development Goals and the United Nations Role", UN Fact Sheet <http://www.un.org/millenniumgoals/MDGs-FACTSHEET1.pdf>

²²³ PoA, at para 2.

²²⁴ UNGA, "2005 World Summit Outcome", A/RES/60/1 (24 October 2005), at para 17.

²²⁵ UN Millennium Development Goals, online: <http://www.un.org/millenniumgoals/#>

²²⁶ Jeffrey Sachs, ed. *Investing in Development: A Practical Plan to Achieve the Millennium Development Goals*, UN Millennium Project (UNDP, 2005), at 19.

²²⁷ United Nations Security Council Resolution 1325 (2000), S/RES/1325 (31 October 2000).

²²⁸ UNSC, "Statement by the President of the Security Council", S/PRST/2002/32, (29 October 2002) Proceedings of the SC Meeting.

²²⁹ For the Plan of Action of the UNSG, see: "Improvement in the Status of Women in the Secretariat: Report of the Secretary General" A/49/587 (1 November 1994).

Annex III: HIV Estimates Botswana, Mozambique, South Africa & Swaziland

| Country ¹ | Year | Adults (15+) and children living with HIV/AIDS | Adults (15+) | Children (0-14) | Adult rate (15-49) | Women (15+) | Prevalence among 15-24 year olds, men | Prevalence among 15-24 year olds, women | Deaths, adults and children | Current living orphans |
|----------------------|------|--|--------------------------------------|----------------------------|--------------------|--------------------------------------|---------------------------------------|---|--------------------------------|------------------------------------|
| Botswana | 2005 | 270 000 [260 000 - 350 000] | 260 000 [250 - 330 000] | 14 000 [6 100 - 32 000] | 24.1 [23 - 32] | 140 000 [130 000 - 190 000] | 5.7 [5.6 - 7.5] | 15.3 [15.2 - 20.3] | 18 000 [17 000 - 25 000] | 120 000 [110 000 - 150 000] |
| Botswana | 2003 | 260 000 [250 000 - 340 000] | 250 000 [240 000 - 320 000] | 13 000 [5100 - 31 000] | 24 [23 - 31.6] | 140 000 [130 000 - 180 000] | | | 18 000 [16 000 - 23 000] | 100 000 [95 000 - 140 000] |
| Mozambique | 2005 | 1 800 000 [1 400 000 - 2 200 000] | 1 600 000 [1 300 000 - 2 000 000] | 140 000 [57 000 - 310 000] | 16.1 [12.5 - 20] | 960 000 [590 000 - 1 300 000] | 3.6 [2 - 5.3] | 10.7 [6 - 15.8] | 140 000 [100 000 - 200 000] | 510 000 [390 000 - 670 000] |
| Mozambique | 2003 | 1 700 000 [1 300 000 - 2 000 000] | 1 600 000 [1 200 000 - 1900 000] | 120 000 [45 000 - 270 000] | 16 [12.5 - 19.7] | 920 000 [560 000 - 1 300 000] | | | 120 000 [81 000 - 160 000] | 330 000 [240 000 - 450 000] |
| South Africa | 2005 | 5 500 000 [4 900 000 - 6 100 000] | 5 300 000 [4 800 000 - 5 800 000] | 240 000 [93 000 - 500 000] | 18.8 [16.8 - 20.7] | 3 100 000 [2 800 000 - 3 400 000] | 4.5 [4 - 4.9] | 14.8 [13.2 - 16.3] | 320 000 [270 000 - 380 000] | 1 200 000 [970 000 - 1 400 000] |
| South Africa | 2003 | 5 300 000 [4 800 000 - 5 800 000] | 5 100 000 [4 600 000 - 5 600 000] | 200 000 [76 000 - 450 000] | 18.6 [16.6 - 20.5] | 2 900 000 [2 600 000 - 3 200 000] | | | 290 000 [230 000 - 350 000] | 780 000 [620 000 - 950 000] |
| Swaziland | 2005 | 220 000 [150 000 - 290 000] | 210 000 [140 000 - 270 000] | 15 000 [5500 - 32 000] | 33.4 [21.2 - 45.3] | 120 000 [70 000 - 180 000] | 7.7 [3.9 - 12.1] | 22.7 [11.5 - 35.9] | 16 000 [10 000 - 23 000] | 63 000 [45 000 - 77 000] |
| Swaziland | 2003 | 210 000 [140 000 - 270 000] | 190 000 [130 000 - 250 000] | 12 000 [4300 - 28 000] | 32.4 [20.7 - 44.1] | 120 000 [65 000 - 170 000] | | | 12 000 [7800 - 18 000] | 46 000 [32 000 - 59 000] |

¹ All data taken from the 2006 UNAIDS Report

ANNEX IV_ SOURCES REVIEWED FOR THIS CONCEPT PAPER

International Law & Commitments.....45 - 46

Reports & Online Sources.....47 - 66

Journal Articles.....67 - 69

Books.....70

| | A | B |
|----|---|---|
| 1 | Convention/Declaration | Cite |
| 2 | 2006 High-Level Meeting on AIDS Uniting the world against AIDS Draft resolution submitted by the President of the General Assembly | http://www.un.org/ga/aidsmeeting2006/declaration.htm |
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| 4 | African (Banjul) Charter on Human and People's Rights | 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force 21 October 1986 |
| 5 | African Charter Protocol on the Rights of Women In Africa | 11 July 2003, entry into force 25 November 2005 |
| 6 | Commonwealth (Latimer House) Principles on the Three Branches of Government | http://www.thecommonwealth.org/shared_asp_files/uploadedfiles/{ACC9270A-E929-4AE0-AEF9-4AAFEC68479C}_Latimer%20House%20Booklet%20130504.pdf |
| 7 | Commonwealth Secretariat, "Aso Rock Commonwealth Declaration on Development and Democracy: Partnership for Peace and Prosperity" (8 December 2003). | http://www.thecommonwealth.org/Templates/Internal.asp?NodeID=35774 |
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| 12 | Convention on the Rights of the Child | 20 November 1989, G.A. Res. 44/25, U.N. GAOR, 44th Sess., Supp. No. 49, U.N. Doc. A/44/49 (1989), 28 I.L.M. 1448 (1989) (entered into force 2 September 1990). |
| 13 | <i>Declaration issued by the Commission on the Status of Women at its forty-ninth session</i> | 3 March 2005, E/CN.6/2005/L.1, |
| 14 | Declaration on the Elimination of Violence Against Women 1993 | United Nations General Assembly Resolution 48/104. 20 December 1993. |
| 15 | Declaration on the Elimination of Violence Against Women 1993 | U.N. GA, A/RES/48/104, 23 February 1994) |
| 16 | International Convention on the Elimination of All Forms of Racial Discrimination | 21 December 1965, 660 U.N.T.S. 195, 5 I.L.M. 352 (1966) (entered into force 4 January 1969) |
| 17 | International Covenant on Civil and Political Rights | 16 December 1966, UNGA 2200A (XXI) 999 U.N.T.S. 171, (entered into force 23 March 1976) |
| 18 | International Covenant on Economic, Social and Cultural Rights | 16 December 1966, G.A. Res. 2200 (XXI), U.N. GAOR, 21st Sess., Supp. No. 16, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3 (entered into force 3 January 1976). |

| | A | B |
|----|--|---|
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| 21 | Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women | 6 October 1999, A/RES/54/4 (entered into force 22 December 2000) |
| 22 | Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict | 25 May 2000, A/RES/54/263 (entry into force 12 February 2002) |
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| 26 | The Fancourt Commonwealth Declaration on Globalisation and People-Centred Development" | " issued by Heads of Government in Fancourt George, South Africa, 14 November 1999 http://www.thecommonwealth.org/shared_asp_files/uploaddedfiles/{2913B70B-9206-46D2-89AA-98B75CC26788}_FancourtCommonwealthDeclaration.pdf |
| 27 | The Johannesburg Position on HIV/AIDS and Women's and Girls' Rights in African, April 2006 | Available from SARNP: http://www.sarpn.org.za/documents/d0002000/Women_Aids_April2006.pdf |
| 28 | The Millennium Development Goals | http://www.un.org/millenniumgoals/ |
| 29 | The Nairobi Forward-looking Strategies for the Advancement of Women from the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace. | Held in Nairobi from 15 to 26 July 1985. A/Conf.116/28/Rev.1,1986 |
| 30 | The New Partnership for African Development | 2001 October |
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| 32 | The Treaty of the Southern African Development Community, As Amended | http://www.sadc.int/english/documents/legal/treaties/amended_declaration_and_treaty_of_sadc.php |
| 33 | UN Security Council Resolution 1325 (2000) | S/RES/1325. 31 October 2000 |
| 34 | Universal Declaration on Human Rights | GA Res. 217(III), UN GAOR, 3d Sess., Supp. No. 13, UN Doc. A/810 (1948) |
| 35 | Vienna Declaration and Programme of Action | U.N. GAOR, World Conf. on Hum. Rts., 48 th Sess. 22d plen mtg., part I, para 5, U.N. Doc. A/CONF.157/23 (1993), reprinted in 32 I.L.M. 1667 (1993). |

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| ADB | Gender, Poverty and Environmental Indicators on African Countries 2006 | | http://www.afdb.org/portal/page?_pageid=473,970723&_dad=portal&_schema=PORTAL |
| Africa Action | Ten African Nations Declare AIDS a National Disaster (September 1999) | | http://www.africaaction.org/docs99/hiv9909.htm |
| African Elections Database | | | http://africanelections.tripod.com/ |
| Afrobarometer | Afrobarometer Surveys on Botswana, Mozambique, South Africa | | http://www.afrobarometer.org/topics.html |
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