**Annexure ‘A’**

**Study on the Right to Equal Participation in Political and Public Affairs in Africa**

**The UN Human Rights Committee: Concluding observations and views on the right to political participation under the ICCPR in African States**

**Concluding Observations**

|  |  |
| --- | --- |
| CCPR/C/BFA/CO/12016Burkina Faso  | 39.While recognizing that, in particular situations, a country’s legislation may make it impossible for certain citizens or organizations to accede to elected office, and while noting that article 135 of the State party’s Electoral Code, which renders ineligible anyone who “supported an unconstitutional change in violation of the principle of the democratic rotation of power”, is applicable only to the elections in 2015, the Committee is concerned about the sweeping and ill-defined exclusion of several candidates from the 2015 parliamentary and presidential elections, which constitutes a violation of the right to take part freely in elections (art. 25).40. **The State party should guarantee the right to vote and run for election to all its citizens without distinction, including on grounds of political opinion, in accordance with article 25 of the Covenant.**  |
| CCPR/C/RWA/CO/42016Rwanda | Rights of indigenous peoples47. While noting the State party’s policy of recognizing some vulnerable populations, such as the Batwa, under the category of “historically marginalized groups”, the Committee is concerned that this classification is insufficient to ensure that such groups are recognized as indigenous and benefit from the protection of their right to enjoy their culture in their communities. With reference to its previous concluding observations (see CCPR/C/RWA/CO/3, para. 22), the Committee remains concerned at the continuing discriminationof the Batwa in all areas and their limited participation in public affairs (arts. 26-27).**48. The State party should take the steps necessary to guarantee the recognition of minorities and indigenous peoples and ensure the effective legal protection of indigenous peoples’ rights to their ancestral lands and natural resources. It should also ensure access to effective remedies for members of indigenous groups for any violations of their rights. The State party should strengthen its programmes to promote equal opportunity and access to services for the Batwa community and increase its members’ participation in decision-making processes and decisions that affect them.**  |
| [CCPR/C/BEN/CO/2](http://uhri.ohchr.org/document/index/24F47F4E-EDB3-47AA-B0DC-F72D746AED78)2015Benin | Equality between men and women10.While noting the legislative and institutional measures taken by the State party to promote equality between men and women, the Committee is concerned that women in the country, especially in rural areas, continue to suffer discrimination. The Committee is also concerned by the low level of representation of women in both public service and the private sector, especially in positions of responsibility. It is also concerned by the small number of women in political life and finds it regrettable that the Act providing for quotas to boost their participation in political life has not yet been adopted (arts. 3 and 25).**11. The State party should continue and strengthen its efforts to ensure that the legal provisions governing equality between men and women are effectively applied by publicizing the relevant laws among the general public and the judiciary. The State party should adopt special temporary measures to increase women’s participation in all aspects of public and political life.** |
| CCPR/C/SLE/CO/12014Sierra Leone  | **Non-discrimination and equality between men and women**10. While welcoming the adoption of the National Action Plan for the full implementation of Security Council resolutions 1325 (2000) and 1820 (2008), the Committee notes with concern that women remain underrepresented in both the public and private sectors, particularly in decision-making positions. The Committee further expresses its concern at the persistence of deep-rooted and negative patriarchal stereotypes regarding the roles of women and men in the family and in society at large. The Committee is also concerned at the discriminatory statutory provisions against women regarding the acquisition and transmission of nationality with respect to children who are born outside of the State party (arts. 2, 3 and 26).**The State party should enhance its efforts to eliminate existing patriarchal and gender stereotypes on the roles and responsibilities of women and men in the family and in society by, inter alia, adopting programmes that seek to raise awareness in society of gender equality. The State party should strengthen its efforts to increase the participation of women in the public and private sectors. The State party should take immediate measures to ensure equal rights for women and men to acquire and transfer nationality.** |
| CCPR/C/DJI/CO/12013Djibouti  | *Participation in public affairs* 18.The Committee expresses its concern about allegations that the State party has arrested, harassed and threatened opposition leaders, many of whom have been accused of “participation in illegal demonstration or in an insurrectionary movement” and imprisoned (arts. 9, 19, 21, 22 and 25).**The State party should promote the right for all Djiboutian citizens to participate in public life and exercise their political rights without any intimidation or harassment.**  |
| CCPR/C/KEN/CO/32012Kenya  | 6.While welcoming the establishment of the National Gender and Equality Commission and the inclusion of the principle in article 27(8) of the Constitution that requires that “no more than two-thirds of members of elective and appointive bodies shall be of the same gender”, the Committee notes with concern that women remain underrepresented in the public sector and other elected and appointed bodies. The Committee is also concerned at the lack of data on the representation of women in the private sector (arts. 2, 3 and 26). **The State party should strengthen its efforts to increase the participation of women in the public and private sectors, and where necessary, through appropriate temporary special measures to give effect to the provisions of the Covenant. In this regard, the Committee recommends that the State party ensure that the two-thirds rule enunciated by the new Constitution is implemented as a matter of priority. Furthermore, the Committee urges the State party to include in its next periodic report, disaggregated statistical data on the representation of women in the private sector.** |
| CCPR/C/ETH/CO/12011Ethiopia  | 26. The Committee notes the recognition of the rights of ethnic and linguistic communities to self-determination at the level of the regional State according to the “ethnic federalism” established by the Constitution, but is concerned about the lack of recognition and participation in public life of the ethnic and linguistic minorities living outside their designated “ethnic regions” (arts. 1, 2, 25, 26, 27). **The State party should recognize the existence of the various ethnic and linguistic minorities in each regional State and ensure their adequate political representation and participation at regional State and federal levels.** |
| CCPR/C/BWA/CO/12008Botswana  | 5.  The Committee welcomes the increased participation of women in Parliament, at the cabinet level and in the public service, and encourages the State party to strengthen its efforts to promote the participation of women in all walks of public life as well as in the private sector. **The State party should ensure the full participation of women in the review of customary laws and practices. It should outlaw polygamy, which violates the dignity of women, and take effective steps to discourage the persistence of customary practices that are highly detrimental to women’s rights.** |
| CCPR/C/ZMB/CO/32007Zambia | 7.  The Committee welcomes the increased participation of women in Parliament, at the ministerial level and in the public service, and encourages the State party to strengthen its efforts in this matter.**The State party should strengthen its efforts to ensure compliance of customary laws and practices with the rights provided for in the Covenant, and consider this issue as a high priority. It should pay particular attention to ensuring the full participation of women in the ongoing review and codification process of customary laws and practices. It should adopt immediate and concrete steps to discourage the persistence of customary practices that are highly detrimental to women’s rights.**  |
| CCPR/C/MDG/CO/32007Madagascar  | 9.       The Committee notes that despite the progress made in equality between men and women, women’s employment in managerial positions in both the public and private sectors remains low. It is also concerned by the pay disparities between men and women. The participation of women in political life also remains insufficient (arts. 3 and 26).**The State party should develop specific programmes and targeted measures to allow women to enjoy equal access to the job market in the public and private sectors, including managerial positions, and equal pay for work of equal value. The participation of women in political life should also be encouraged and strengthened by means of measures effectively applied.** |
| CCPR/C/SDN/CO/32007Sudan  | 13.  While noting the State party’s willingness to implement legislative reform  and give thought to the condition of women in the Sudan, the Committee notes with concern a persistent pattern of discrimination against women in legislation, particularly in the area of marriage and divorce (arts. 3, 23, 25 and 26 of the Covenant).**The State party should: (b)       Step up its efforts to raise popular awareness of women’s rights, promote further women’s participation in public affairs and ensure their education and access to employment.  In its next report, the State party should inform the Committee what action it has taken in this area and what results it has achieved.** |
| CCPR/C/RWA/CO/32009Rwanda | 6. The Committee welcomes the progress made in implementing article 3 of the Covenant, particularly in respect of the representation of women in Parliament and the invocation of this article by the Supreme Court. The Committee calls on the State party to redouble its efforts to further promote the participation of women in public life and in the private sector. |
| CCPR/C/TZA/CO/42009Tanzania  | 9.  While noting the State party’s willingness to take steps to achieve equality between men and women, the Committee reiterates its concern about the persistent pattern of discrimination against women in the area of personal and family laws, relating to marriage, succession and inheritance, and the continuing existence of inequalities between women and men. It also regrets the lack of information on the measures taken by the State party to overcome customary attitudes preventing women from fully pursuing their education. (arts. 2, 3, 17, 23, 25 and 26)   **(b) The State party should step up its efforts to raise popular awareness of, and change, customary attitudes detrimental to women’s rights. It should also further promote women’s participation in public affairs and ensure their access to education and employment;**  |
| CCPR/C/TCD/CO/12009Chad  | 17.     While noting the State party’s willingness to undertake a process of reflection on the status of women and, in particular, its intention to review and codify customary law in accordance with its Constitution, the Committee remains concerned that the implementation of rights under the Covenant is not guaranteed in the State party, in part because of customary practices and rules that violate the Covenant and are extremely detrimental to women, in particular, in matters such as inheritance and property. The Committee is also concerned about the low level of women’s representation in public life (articles 3, 25 and 26 of the Covenant).**The State party should:****(a)     Redouble its efforts to bring customary law and customary practices into line with the rights laid down in the Covenant, attaching high priority to this issue;****(b)     Pay special attention to the full participation of women in the current process of reviewing and codifying customary law and customary practices; and****(c)     Make further efforts to promote women’s participation in public life, improve their education and guarantee their access to employment.** |
| CCPR/C/AGO/CO/12013Angola | 9.The Committee notes with concern that women remain underrepresented in public and political affairs, in particular in the Government and the judiciary. The Committee regrets the lack of information on representation of women in the private sector (arts. 2 and 3). **The State party should strengthen efforts to increase the participation of women in political and public affairs as well as in the private sector, if necessary, through temporary special measures to give effect to the provisions of the Covenant. The Committee urges the State party to include in its next periodic report, disaggregated statistical data on the representation of women in the private sector.** |
| CCPR/C/BDI/CO/22014Burundi  | 10. While welcoming that the State party has established a 30 per cent minimum quota for women in elected political posts, the Committee is concerned by the fact that there are so few women representatives in public affairs at the provincial and local levels and in all other spheres (arts. 3 and 25). **The State party should continue its efforts to ensure increased representation of women in public affairs by, inter alia, ensuring the enforcement of the applicable legislation and encouraging women to run for elective office. It should also take measures to increase the number of women in decision-making positions in all other areas.** |
| CCPR/C/CPV/CO/12012Cabo Verde  | 8.While welcoming the efforts that are being made by the State party with respect to gender equality, particularly at high levels of Government, the Committee notes the lack of information on the existence of plans and programmes to promote gender equality once the National Gender Equality and Equity Plan for the period 2005 to 2009 ends. The Committee also expresses concern at the slow progress to promote women’s representation in decision-making positions, particularly in the private sector and the legislature. The Committee further expresses its concern at the persistence of deep-rooted and negative patriarchal stereotypes regarding the roles of women and men in the family and in society at large (arts. 3 and 26).**The Committee urges the State party to adopt a comprehensive and integrated approach to its policies to ensure that gender mainstreaming is practised at all levels. The Committee further recommends that the State party take special measures to increase the number of women in decision-making positions in all spheres, particularly in the private sector. Furthermore, the State party should enhance its efforts to eliminate existing patriarchal and gender stereotypes on the roles and responsibilities of women and men in the family and in society by, inter alia, adopting programmes that seek to raise awareness in society of gender equality.** |
| CCPR/C/SYC/CO/12015Seychelles | 20. The Committee expresses concern at allegations that decisions to recruit people into the public service of the State party are commonly based on political affiliation, which has the effect of excluding eligible and qualified candidates who do not subscribe to the political views of the current government (arts. 2 and 25). **The State party should take appropriate measures to eradicate the discrimination on the basis of political affiliation during recruitment into the public service. The State party should thoroughly investigate these allegations and hold accountable those who are responsible.**  |
| CCPR/CO/83/MUS2005Mauritius | 8. While the Committee welcomes the progress achieved with respect to gender parity in the public sector, it notes with concern that few women are employed in the private sector and in executive positions. It also remains concerned over the wage gap between men and women. Finally, the participation of women in political life remains inadequate (Covenant, arts. 3 and 26).**The State party should pursue and strengthen its measures to ensure that women enjoy equal access to the private sector labour market, including executive positions, and to equal pay for work of equal value. Women’s participation in political life should also be enhanced through effectively applied positive measures.** |
| CCPR/C/COD/CO/32006DRC  | 11.The Committee notes with concern the persistent practice of discrimination against women with regard to education, equal rights of both spouses within marriage and the management of family assets. The Committee reminds the Democratic Republic of the Congo, in particular, of its general comment No. 28 (2000), on equality of rights between men and women. The Committee expresses its concern at the State party’s admission (paragraphs 51, 54 and 55 of the report) that women do not enjoy equal rights with men in the areas of political participation and access to education and employment (articles 3, 25 and 26 of the Covenant) and at the legislation on forced marriage, which is incompatible with the Covenant (articles 3, 25 and 26 of the Covenant). |
| CCPR/C/CAF/CO/22006Central African Republic | 9.The Committee notes with concern a persistent pattern of discrimination against women, both in the exercise of their political rights and in the area of education.**(b) The State party should step up its efforts to raise women’s awareness of their rights and to promote women’s participation in political affairs and their access to education and employment. In its next report, the State party should inform the Committee of any relevant actions taken and results achieved.** |
| CCPR/C/MDG/CO/32007Madagascar | 9.The Committee notes that despite the progress made in equality between men and women, women’s employment in managerial positions in both the public and private sectors remains low. It is also concerned by the pay disparities between men and women. The participation of women in political life also remains insufficient (arts. 3 and 26).**The State party should develop specific programmes and targeted measures to allow women to enjoy equal access to the job market in the public and private sectors, including managerial positions, and equal pay for work of equal value. The participation of women in political life should also be encouraged and strengthened by means of measures effectively applied.** |
| CCPR/C/SDN/CO/32007Sudan  | 13. **(b) Step up its efforts to raise popular awareness of women’s rights, promote further women’s participation in public affairs and ensure their education and access to employment. In its next report, the State party should inform the Committee what action it has taken in this area and what results it has achieved.**  |
| CCPR/C/BWA/CO/12008Botswana  | 11. **The State party should ensure the full participation of women in the review of customary laws and practices. It should outlaw polygamy, which violates the dignity of women, and take effective steps to discourage the persistence of customary practices that are highly detrimental to women’s rights.** |
| CCPR/C/RWA/CO/32009Rwanda | 6.The Committee welcomes the progress made in implementing article 3 of the Covenant, particularly in respect of the representation of women in Parliament and the invocation of this article by the Supreme Court. The Committee calls on the State party to redouble its efforts to further promote the participation of women in public life and in the private sector. |
| CCPR/C/TZA/CO/42009Tanzania  | 9. **(b) The State party should step up its efforts to raise popular awareness of, and change, customary attitudes detrimental to women’s rights. It should also further promote women’s participation in public affairs and ensure their access to education and employment;**  |

**Communications (individual complaints)**

|  |
| --- |
| **Mauritius: Communication No. 1744/2007, Views adopted by the Committee at its 105th session (9-27 July 2012) CCPR/C/105/D/1744/2007**The complaint involved the invalidation of a candidate’s nomination as a candidate to a general election because he failed to declare to which of the Hindu, Muslim, Sino-Mauritian or General Population communities he allegedly belonged.Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation. The continued maintenance of the requirement of mandatory classification of a candidate for general elections would appear to be arbitrary and therefore violates article 25 (b) of the Covenant. |
| **Cameroon: Communication No. 1134/2002, Views adopted by the Committee at its 83rd session (14 March – 1 April 2005) CCPR/C/83/D/1134/2002**The complaint involved the removal of arrested and detained persons’ names from the voters’ registry. Persons who are deprived of liberty but who have not been convicted should not be excluded from exercising the right to vote. In the absence of any objective and reasonable grounds to justify the deprivation of the right to vote and to be elected, the removal of the author’s name from the voters’ register amounts to a violation of his rights under article 25 (b) of the Covenant. |
| **Democratic Republic of Congo: Communication No. 933/2000, Views adopted at the Committee’s 78th session (14 July – 8 August 2003) CCPR/C/78/D/933/2000**The complaint concerned the dismissal of three judges from their position by way of a Presidential decree. Following their dismissal, the complainants were denied access to the Supreme Court on the grounds of inadmissibility. A dismissal is not a justification for the failure to respect the established procedures and guarantees that all citizens must be able to enjoy on general terms of equality. Declaring an appeal inadmissible on the grounds that a Presidential decree constituted an act of Government violates article 25 (c) of the Covenant. |