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**Chalimbana University**

**Integrity. Service. Excellence**

**SCHOOL OF LEADERSHIP AND BUSINESS MANAGEMENT**

**DEPARTMENT OF TRADITIONAL LEADERSHIP AND GOVERNANCE**

**DTL 1200: GENDER AND SOCIAL INCLUSION**

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# Acknowledgements

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Table of Contents

Acknowledgements iii

Module Overview v

Introduction v

Rationale v

Aim v

Learning Outcomes vi

Summary vi

Study Skills vi

Timeframe vii

Need Help vii

Assessment vii

References viii

Unit 1: The Conceptual Shifts in the Gender and Development Discourse 9

1.1 Introduction 9

1.2 Learning Outcomes 9

Unit 2: Gender Concepts and Social Relations 17

Unit 3. Approaches to Gender and Social Inclusion 25

Unit 4: The Human Rights and Legal Framework 33

*1.1* *Human Rights Standards* 40

*1.1* *The Human Rights Principles* 40

4.3.6 Violation of Human Rights 41

4.3.7. Human Rights and Gender In Development 42

Unit 5: Gender Based Violence 48

Unit 6: Sexual Reproductive Health and Rights 55

6.7 Sexual and reproductive health services 62

# Module Overview

**Pre-requisite: None**

## Introduction

Welcome to the course ‘Gender and Social Inclusion’. The course intends to bring to you the basic knowledge of socially constructed identity of gender and how it relates to power structures**.** It also introduces you tohow institutional change relates to change in power relations and is key to addressing exclusion, gender inequality and discrimination. This course introduces you to the gender and social inclusion framework and to gender equality and human rights frameworks; both frameworks that will help you to understand the social constructs of unequal relationships and power and the analysis key institutions and barriers where power relationships and social exclusion are perpetuated. The course will speak to the issues of your every day life and some of the issues you may relate to them personally and it will help you to think through what can be done to bring about positive change. I hope you will enjoy the course and contribute positively to the social development of the country.

## Rationale

Social relationships affect the wellbeing of individuals mentally and physically and evidence show that there is a strong social relationships and development outcomes. Social relationships vary, shaped by a number of factors such as gender, age, status etc that have implications for policy and programming. Understanding social relations will help the learners to develop the understanding of gender dynamics of relationships and the power and influence that they have on individual and society’s wellbeing.

## Aim

The aim of this course is to help learners understand gender and social exclusion/inclusion concepts and apply the understanding to the social development contexts of their communities. The course will also help the learners understand gender equality and discrimination in the context of the human rights framework and its effect on the social development of communities.

## Learning Outcomes

At the end of this course, students should be able to:

* Analyse and understand the social dynamics from the gender perspective.
* To understand and evaluate the gender equality situation in their country context and the impact on the socio-economic development of their countries.

## Summary

The module looks at gender and social inclusion

## Study Skills

As an adult learner, your approach to learning will be different to that of your school days: you will choose when you want to study, you will have professional and/or personal motivation for doing so and you will most likely be fitting your study activities around other professional or domestic responsibilities. Essentially you will be taking control of your learning environment. As a consequence, you will need to consider performance issues related to time management, goal setting, stress management, etc. Perhaps you will also need to acquaint yourself with areas such as essay planning, searching for information, writing, coping with examinations and using the internet as a learning resource.

Your most significant considerations will be *time* and *space* i.e. the time you dedicate to your learning and the environment in which you engage in that learning. It is recommended that you take time now before starting your self-study to familiarise yourself with these issues. There are a number of excellent resources on the web. A few suggested links are:

<http://www.how-to-study.com/>

The “How to study” website is dedicated to study skills resources. You will find links to study preparation (a list of nine essentials for a good study place), taking notes, strategies for reading text books, using reference sources, test anxiety.

<http://www.ucc.vt.edu/stdysk/stdyhlp.html>

This is the website of the Virginia Tech, Division of Student Affairs. You will find links to time scheduling (including a “where does time go?” link), a study skill checklist, basic concentration techniques, control of the study environment, note taking, how to read essays for analysis, memory skills (“remembering”).

## Timeframe

You are expected to spend at least 18 hours of study time on this module. In addition, there shall be arranged contact sessions with lecturers from the University during residential possibly in April, August and December. You are requested to spend your time judiciously so that you reap maximum benefit from the course.

## Need Help

In case you have difficulties during the duration of the course, please get in touch with your lecturer for routine enquiries during working days **(Monday-Friday)** from 08:00 to 17:00 hours on Cell: +260963804004**; E-mail:** **adsikalumbi@gmail.com****; website:** [**www.chau.ac.zm**](http://www.chau.ac.zm)**.**You can also see your lecturer at the office during working hours as stated above.

You are free to utilise the services of the University Library which opens from 07:00 hours to 20:00 hours every working day.

It will be important for you to carry your student identity card for you to access the library and let alone borrow books.

## Assessment

In this module you will be assessed on the basis of your performance as follows:

**Continuous Assessment 70%**

Assignment 15%

Field Project 25%

Tests during residential sessions 15%

Case studies 15%

**Final Written Examination 30%**

**Total 100%**

## References

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# Unit 1: The Conceptual Shifts in the Gender and Development Discourse

### Introduction

Welcome to the first unit of gender and social Inclusion module. In this unit I will begin by looking at the issue of gender and development and how this relationship has progressed over time or otherwise to its current stage.

###  Learning Outcomes



After studying this unit, you should be able to;

* Define the patriarchal society
* Understand the models of gender and development and distinguish the models
* Explain the benefits of the models and the limitations



Time Frame: In this unit you are expected to spend approximately

* 2 hour 30 minutes’ study time
* 2 hours in class

**1.3 Content**

**1.3.1 Models of Gender and Development - From WID to WAD to GAD**

It must be acknowledged from the outset that this module recognises the importance of men and women working together to improve their lives and the lives of their families. That said, however, comparisons will be made between the progression of men and the progression of women to draw attention to just how successful gender equality and empowerment of women in particular has been or currently is.

It must also be acknowledged that there are many commentators who argue that taking a separate gender focused view to development is wrong in that development is all encompassing and by its nature benefits all equally (or not as may be the case). To date, however, development has impacted differently on women and, generally speaking, they have not benefited as much as men. Development commentators and practitioners have also been forced to recognise that dealing with the relations between women and men in a development context is an integral and vital element in ‘getting development right’.

**Facts on Women’s Status**

* 66% of the world’s illiterate people are women, in Zambia 54% of women are illiterate
* Women provide 70% of the unpaid time spent in caring for family members. This unpaid work provided by women is estimated at US $11 trillion per year – one third of the global GDP
* Women own 1% of the land in the world
* Women’s participation in managerial and administrative posts is around 33% in the developed world, 15% in Africa and 13% in Asia and the Pacific
* There are only 5 female Chief Executives in the ‘Fortune 500’ corporations, the most valuable publicly owned companies in the US
* Worldwide, only about 14% of members of parliament are women. 7% of the world’s cabinet ministers are women
* In the UN System, women hold 9% of the top management jobs and 21% of senior management positions, but 48% of the junior professional civil service slots.

*Source - UNIFEM Statistics on Women and Development; UN Statistics Division*

To start with, lets discuss the approaches have been taken in relation to men’s and women’s involvement in and with development over the past three decades. These models or approaches have set out to explain how development affects women and men and why women do not experience development in the same way as men do. These models are:

* The Women in Development (WID) approach
* The Women and Development (WAD) approach
* The Gender and Development (GAD) approach

**1.3.2. The Women In Development (WID) Approach**

The WID approach dates back to the 1970s when the belief was that women had not only been left out of development but had also become even more disadvantaged as a result. The absence and exclusion of women from development programmes was the central issue for the Women In Development approach. They believed that women played a central role in the life  of their community and particularly within their family as mothers, educators, care providers and as workers. This approach supported the solution of integrating women into development programmes in order to improve women’s access to resources and their participation in development.

***Limitations of the WID approach***

Despite increasing the visibility of women in development issues, the WID approach had a number of limitations. This approach made demands for women’s inclusion in development, but it did not call for changes in the overall social structure or economic system in which women were to be included. The WID approach concentrated very narrowly on the inequalities between men and women and ignored the social, cultural, legal and economic factors that give rise to those inequalities in society. WID focused on women almost exclusively and assumed that women were outside the mainstream of development.

**1.3.3 The Women And Development (WAD) Approach**

The WAD approach arose in opposition to WID in the latter part of the 1970s. Its argument was that the work women undertook both inside and outside the household was vital to the survival and continuance of society women and as such had always been part of the development process. WAD saw both women and men as being disadvantaged by the global economic structures; including class issues and the way wealth was distributed. WAD therefore argued that the integration of women into development was to their disadvantage and only worsened their chances of equality.

***Limitations of the WAD approach***

The approach was criticized for assuming that the position of women would improve if and when international structures became more equitable, thereby underplaying the role of patriarchy and not adequately addressing the question of social relations between men and women and their impact on development.

**1.3.4. The Gender and Development (GAD) Approach**

The GAD approach came about in the 1980s and represents a coming together of many feminist ideas. It looks at the impact of development on both men and women – supporting the equal participation of both women and men in development and emphasizing equality of benefit and control in everyday events. The GAD proponents are not concerned with women exclusively, but with the way in which gender relations assign specific roles, responsibilities and expectations between men and women, often to the detriment of women. For much of this course the discussion will focuses on GAD and the social or gender relations (division of labour etc) between men and women in society. It is important that you understand that GAD seeks to address issues of access and control over resources and power. It emphasizes both the reproductive and productive role of women and argues that it is the state’s responsibility to support the social reproduction role (mostly played by women) for caring and nurturing of children. GAD treats development as a complex process that is influenced by political, social and economic factors rather than as a state or stage of development. This approach is about empowering those who are disadvantaged in a community and enhancing and changing their lives for the better.

***Benefits of the GAD approach***

The GAD approach has brought about positive changes in gender relations and more respectful social attitudes towards women. Am sure you have seen that increasingly there are more women getting in decision-making and political participation by women in the community has improved. Women have become more aware of their rights and society is more aware of issues of violence against women. In terms of education, the importance is girls education is now being recognised. There are also some shifts in attention about shared roles and responsibilities between men and women in childrearing, labor, and reproductive health issues. What other changes have you observed in your chiefdom?

*Note:* Recently the GAD approach includes a focus on law, which takes a rights-based approach to development and brings law and development together to support a more equal access to resources and equal rights in law. We will discuss this more in the unit on human rights.

At this point in time, I’m of the impression that we have fully understood the evolution of gender of gender in development. However, before we proceed to define the concepts, let’s look at the role played by the patriarchal society in shaping unequal society.

**1.3.5. The Patriarchal Society**

***Definition***

Different scholars of feminism have defined patriarchal (adj.) as describing a general structure of society in which men have power over women. **Society** is the entirety of relations of a community. A **patriarchal society** therefore consists of a male-dominated power structure throughout organized society and in individual relationships. They have gone further to acknowledge that because power is related to privilege, in a patriarchal system where men have more power than women, men have some level of privilege to which women are not entitled. When we analyse this definition, you understand that the concept of patriarchy explains the stratification of power and privilege by gender that can be observed by many objective measures.

A patriarchy, from the ancient Greek patriarches, was a society where power was held by and passed down through the elder males. When modern historians and sociologists describe a "patriarchal society," they mean that men hold the positions of power and have more privilege: head of the family unit, leaders of social groups, boss in the workplace, and heads of government.

Is this any different from what you have in your society/chiefdom?

In patriarchy, there is also a hierarchy among the men. In traditional patriarchy, the elder men have power over the younger generations of men. The term comes from pater or father. Father or father figure holds the authority in a patriarchy. In modern patriarchy, some men hold more power (and privilege) by virtue of the position of authority, and this hierarchy of power (and privilege) is considered acceptable. An example here is the position of chief, headman. It does not matter what your age is you hold power. Traditional patriarchal societies are, usually, also patrilineal — titles and property are inherited through male lines but even in matrilineal societies the father or male figure hold power.

**1.3.6. The Feminist Theory of Patriarchy**

Feminist theorists have expanded the definition of patriarchal society to describe a systemic bias against women. As second-wave feminists examined society during the 1960s, and observed households headed by women and female leaders. They were, of course, concerned with whether this was uncommon. More significant, however, was the way society perceived women in power as an exception to a collectively held view of women's "role" in society. Rather than saying that individual men oppressed women, most feminists saw that oppression of women came from the underlying bias of a patriarchal society.

**1.3.7. Gerda Lerner's Analysis of Patriarchy**

Gerda Lerner's 1986 history classic, The Creation of Patriarchy, traces the development of the patriarchy to the second millennium B.C.E. in the Middle East, putting gender relations at the center of the story of civilization's history. She argues that before this development, male dominance was not a feature of human society in general. Women were key to the maintenance of human society and community, but with a few exceptions, social and legal power was wielded by men. Women could gain some status and privilege in patriarchy by limiting her child-bearing capacity to just one man so that he could depend on her children being his children.

**The case of Sarah Longwe and the Hotel**

Sarah Longwe, a Zambian woman was denied entry to an international hotel in Lusaka on the ground that unaccompanied women were not allowed into the hotel because the hotel residents and male patrons did not want to be disturbed. Apparently this ban on all unaccompanied women entering the hotel bar had been implemented because ‘women not accompanied by a male used to fight amongst themselves for men’. The assumption here was that Longwe had violated male space and, more importantly, that all women on their own were potentially prostitutes. No evidence was ever produced to prove this. Sued for sex discrimination, the defendant hotel contended that the barring of Longwe had nothing to do with the fact that she was a woman, rather it was because she was unaccompanied by a man! The defendant then went on to contend that, as a hotel, it was a private enterprise not subject to constitutional provisions, including those guaranteeing freedom of movement, freedom of association and proscribing discrimination including that based on sex. The court rejected the argument that as a private company the hotel was above national law, noting that the constitution was the supreme law of the country governing both public and private enterprises. The court ruled that Longwe’s freedom of movement guaranteed by the Zambian Constitution had been violated. The judge further ruled that Sarah Longwe had been discriminated against because of her sex.

***Source -*** *F. Banda, Women, Law and Human Rights: An African Perspective, 2005: 284*

From the Sarah Longwe case above it is important to highlight to you that we are living in a patriarchal society and hence the GAD approach is important. The case just demonstrates to you why men as fathers, husbands, teachers, politicians, chiefs, ministers, heads of state, religious leaders, should become involved in addressing the social institutions that hinder the equal opportunity and development for women as a way to bring about change that can improve the situation for everyone. The case also proves that its predominantly men holding the power and using it to disadvantage women men involvement addressing in addressing gender discrimination is critical.



*Activity 1.1*

The Women In Development and the Women And Development approaches of the 1970s took a separate gender focused view, focused on women argued for the inclusion and empowerment of women. Discuss the merits and demerits of the approach today?



**1.4 Summary**

Congratulations, you have reached the end of this unit. In this unit you have learnt the evolution of gender in development, the three (3) models and the limitations and benefits. Am sure you have also appreciated the evolution of the issue in the context of a patriarchal society. In the next unit, I will further the discussion to look at the gender concepts and the social relations. But before doing so, discuss the questions below.



**1.5 Review Assessment**

*Activity 1.2*

|  |
| --- |
| 1. Discuss the GAD approach in the context of a patriarchal society. What are the challenges with power sharing?
2. Discuss how a patriarchal society disadvantages both men and women?
 |
| Unit 2: Gender Concepts and Social Relations **2.1 Introduction** I welcome you to unit two (2). In this unit you will learn about the gender concepts and social relations and how these social relations shape beliefs and behavior. I am confident you will find the unit very interesting as I take you through the concepts that I know you have heard about but probably not thought through exactly what they mean. Lets me start by asking you, what comes to mind when you hear ‘gender’?**2.2 Learning Outcome**

|  |
| --- |
| OutcomesAfter studying this unit, you should be able to;* Define gender concepts and explain what they mean.
* Define social exclusion and inclusion
* Discuss social relations and how they shape gender relationships and lead to gender inequality.
* Explain the patterns of inequality.
 |

TimeTime Frame: In this unit you are expected to spend approximately1 hour 30 minutes’ study time2 hours in class**2.3. Defining Gender Roles**What is gender? How is it different from sex? When you hear someone say gender often what comes to mind is women but gender is not synonymous to women, on the contrary *Gender* refers to the socially constructed roles and responsibilities that society has assigned to a woman or man. These roles shapes how you relate between a woman and a man hence gender s about the relationships between men and women and how these relationships are socially constructed or defined by society and creates that separation between roles for women and those for men. Let me pick one role here, cooking. This role is often assigned to women. How is this assigning of cooking done? When a child is born and pronounced to be a girl, you immediately start nurturing the child to become a girl or woman. From the color of clothes you choose, play you allow and eventually the roles that the girl play in the house. This process is called socialization and what you are doing is building the social construct and creates the roles of a woman and a man. A woman and man are then defined based on their roles. When you say cooking, immediately you associate it with a woman or if you say hunting immediately you associate it with a man. The way you socialize a girl or boy maybe common but is not the same for every culture and society. So you find that the construction of the roles and responsibilities is different in different societies. Because these roles are determined by society, they are dynamic, specific to one culture of a particular society and can and do change and evolve over time. Coming back to the cooking example, you may be familiar with the role being for women but over time we you have observed that men too are cooking. Gender roles can be deeply rooted, in social values and norms but these values are not static. Things that were taboo for a woman to do years back in your culture are now acceptable. For instance it was a taboo for a woman to go out to look for food for the family but now you have seen that a lot of women are doing that. Let’s pose here and ask, when you to look back what social values or norms have changed? And why do you think they have changed? **2.4 Defining Sex Roles**Gender is different from *Sex*that is defined by the biological make up of a girl or boy and identifies the biological differences between women and men. The *sex roles* are biologically specific to a certain sex, for example, falling pregnant or giving birth is specific to women and sperm production are specific to men. Unlike gender, sex roles are universal, meaning they are the same across all cultures and societies and they never change. **2.5 The Social Relations** The socially determined gender identities assign values to roles and define rights, entitlements and responsibilities. For instance family care is a role assigned to women by society yet despite being an important role the value assigned to it is low. Making decisions largely is a role assigned to a man and carries a lot of weight in terms of value. This often results in women and men being valued differently and reinforces the idea that women are inferior and subordinate to men. How did this happen? The power relations borne out of the social construct – that is how it happened. The socialisation process assigns roles, creates beliefs and sets the norm and entitlements. It apportions greater social, economic and political power to men than women and apportions great restrictions of the same to women more than men. The result is an unequal social relation between women and men that manifest itself in the form of discrimination or inequality. *Unequal social relations* and *power* dictate unequal access to resources, claims, responsibilities, decision making etc. This is called *gender inequality*. **2.6 Gender Equality** When you have the social condition for men and women (or girls and boys) are such that they both can experience a balance of power, opportunities and rewards and equal prospects for realizing their human rights and potential to contribute and benefit from all spheres of society (social, cultural, economic and political) you have attained gender equality. What would you then say Gender equalityis? It is the absence of discrimination in access to rights and opportunities on the basis of gender. It is achieved when you allow women and men to enjoy the same rights and opportunities across all sectors of society, including economic participation and decision-making, and when the different behaviors, aspirations and needs of women and men are equally valued and favored by development actors. *An example of gender equality*A family has limited finances, and both daughter and son need school fees the new school year, but only one can be paid for this term while they continue looking for money. If the family decides (and who in the family decides?) which child will get school fees paid first based on other factors other than and the child’s sex, then that is an example of gender equality. But should the family think of paying for the boy because the girl will fall pregnant and not continue with school then that is gender inequality. You may want to argue then that gender equality is about women being equal to men. That is a very simplistic view that discounted because of equity. The fact that women and men do not enjoy the rights and opportunities means fairness should be looked into if gender equality is to be achieved. **2.7. Gender Equity** Gender equityis the process of being fair to women and men to achieve gender equality – or bring the gender gap. The *gender gap* is the difference created over time in any area between women and men in terms of levels of participation, access to resources, rights, power and influence, remuneration and benefits. Gender equity calls for differential treatment between women and men to address gender inequalities. It is about justice and fairness in the treatment of women and men in order to eventually achieve gender equality, of women and men in order to compensate for the historical and social disadvantages that prevent women and men from sharing a level playing field. It requests you to come up with specific measures that address the imbalance. For example, an affirmative action – coming up with a school re entry policy that allows girls to continue with education is gender equitable because it leads to ensure gender parity in education. *An example of gender equity*If the your Chiefdom decided to train your women in leadership training and established quotas for women to stand for position on the Village Action Group (VAG) to increase women in decision - making in your communities in order to achieve the state of gender equality, that is gender equity. You recognise that women are not at the same level of advantage as men to stand and wine elections, so you come up with measure that will help women also to be at an advantage. Note: Equity leads to equality!! Equity means that there is a need to continue taking differential actions to address historical inequality among men and women and achieve gender equality!! **2.8 Gender Analysis**To promote gender equity you need to understand needs and how addressing those needs can bring about gender equality and this requires you to do some analysis. This is called *gender analysis*. Gender analysis is a method of identifying, analyzing and understanding the different activities that women, men, boys and girls (gender roles) play, the existing relations between men and women (gender relations) and the patterns of women's and men's access to and control of resources. You will use gender analysis when you want to plan for gender responsive actions. It helps you to collect gender-disaggregated data. But most importantly it will help you understand gender relations, as a basis for you to determine whether it is necessary to include explicit strategies to involve women and whether what needs to be addressed are *practical*or *strategic* *needs* of women. **2.9 Gender Practical and Strategic Needs or Interests**The needs of women are classified into two sets. There are practical needs and strategic needs. Practical needs are those needs that address immediate *2.9.1. Practical Gender Needs**Practical gender needs* relate to physical conditions and immediate needs of women or men such as food, shelter, work, water, and so forth. They are the needs of women or men that need immediate attention that needs to be addressed and relate to the responsibilities and tasks associated with their traditional gender roles or to immediate perceived necessity. When you respond to women or men’s practical needs you can improve the quality of life but this will not *change the gender divisions or men and women's position in society.* You will merely help women or men have access basic needs. You have probably seen many organisations that come in the community to provide food or clothes or any need and after nothing changes in terms of social relations.*2.9.2. Strategic Gender Interests**Strategic gender needs or interests* on the other hand relate to status of women or men in society - for instance in terms of access to employment, inheritance, rights, political or social participation. Gender interests generally involve issues of position, control, and power*.* These needs relate to the position of women and men in relation to each other in a given society. Examples of these can be involving women in decision-making power or control over land or other resources. When you address strategic gender interests you assist women and men to achieve greater equality and to change existing gender roles and stereotypes. **2.10 Social Exclusion and Inclusion** *2.10.1. Exclusion* Unequal relations between women and men and the failure to address practical and strategic needs of women results in one group being excluded from the economic, social, cultural and political life. For instance many women are excluded from key positions in the traditional leadership. This is a form of social exclusion. Though there is no universally agreed definition or benchmark for social exclusion, lack of participation in society is at the heart of nearly all definitions put forth by scholars, government bodies, non-governmental organizations and others. Overall, social exclusion describes a state in which individuals are unable to participate fully in economic, social, political and cultural life. It occurs when people are wholly or partially excluded based on them belonging to a certain social class, category or group. In Zambia, social exclusion occurs on the basis of gender, poverty status, age and disability. Sometimes exclusion is deliberate and explicit – for example, when men deny women access to a particular facility that is social exclusion practiced deliberately. But sometimes it can be implicit and unintentional, and is simply a result of people adhering to the cultural ingrained norms and values, and established forms of social interaction.Social exclusion as a concept has three distinguishable features:1. It involves socially -defined categories, associated with cultural perceptions, values and norms that shape social interaction. The people who are disadvantaged could be on the basis of age, sex, disability, race, ethnicity, origin, or economic or other status for two reasons
2. It is embedded in social relations.
3. It affects people’s rights and entitlements, denying them the opportunities they need to attain and maintain a universally acceptable standard of living and to fulfil their potential.

Social exclusion has an undeniable impact on the community or chiefdom. Because social exclusion locks people out of the benefits of development, denying them opportunities, choices and a voice to claim their rights, it causes greater levels of poverty. *2.10.2. Inclusion* On the other hand, social inclusion means the act of making all groups of people within a society feel valued and important. Social inclusion is defined as the process of improving the terms of participation in society, particularly for people who are disadvantaged, through enhancing opportunities, access to resources, voice and respect for rights. The concept of social inclusion is enshrined in the 2030 Agenda is the principle that every person should reap the benefits of prosperity and enjoy minimum standards of well-being. This is also captured in the 17 Sustainable Development Goals that are aimed at freeing all nations and people and all segments of society from poverty and hunger and in Zambia’s Seventh National Development Plan on not leaving anyone behind. **Note:** Promoting gender equality is one way that you deal with social exclusion and promote inclusion.**Patterns of Inequalities*** *Inequalities in political power and representation*: Women are often underrepresented in formal decision - making structures, including committees at the chiefdom level, community governance structures such as VAGs, CRBs or cooperatives and many others.
* *Inequalities in economic participation and opportunities*: In most countries, women and men are distributed differently across the sectors.. Women often receive lower wages for similar work and are more likely to be in low - paid jobs and are likely to have less access than men to productive assets such as education, skills, property and credit.
* *Educational attainment:* In most countries women have lower literacy rate, lower level of enrolment in primary, secondary and tertiary education..
* *Sexual and domestic violence*: Women tend to be more often victims in a form a domestic violence by woman’s intimate partner.
* *Differences in status and entitlements*: There are many instances in which equal rights to personal status, security, land, inheritance and employment opportunities are denied to women by cultural practice.

Discussion 2

|  |
| --- |
| * Achieving greater equality between women and men will require changes at many levels, including changes in attitudes and relationships, changes in institutions and legal frameworks, changes in economic institutions, and changes in political decision -making structures. Discuss.
* Gender equality mean social inclusion. Discuss in what ways this statement is true or false.
* To achieve gender equality you first have to ensure gender equity. Explain why you think this is important.
 |
| summary**2.11 Summary** |

Well done, you have reached the end of unit 2. In this unit you have learnt the gender concepts and you are now able to explain the differences between them. Having achieved that, it is now time to move to the next unit and discuss an approach to ensuring gender inclusion. **2.12 Review Assessment** *Activity 2.1** Identify the patterns of inequality that you see in your community/chiefdom?
* Who is mostly affected by these inequalities?
* Discuss the reasons for the inequalities.
* Identify the possible solutions to reduce the inequality in your community.

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| Unit 3. Approaches to Gender and Social Inclusion**3.1 Introduction** As you noted from the discussion above *social exclusion* is a term use in social policy to generally describe the phenomenon where particular people or groups of people have no recognition, by voice or stake in, the society in which they live. The causes of social exclusion are multiple and usually are connected with factors affecting person’s social or economic circumstances, where the effects prevent individuals from participating fully in community or society and this is the major problem of concern because without everyone participating fully, there can be no development. In this unit you will be able to examine your social set up, identify the causes and types of exclusion, who is excluded and why. You will also be able to understand why gender equality becomes import for social inclusion.  |

**3.2 Learning Outcome**OutcomesAfter studying this unit, you should be able to;* Define social barriers to gender and social inclusion
* Explain models for analyzing gender inequalities of social exclusion.
* Explain how to design interventions to promote gender equality and inclusion
* Discuss the domains of change.

TimeTime Frame: In this unit you are expected to spend approximately1 hour 30 minutes’ study time2 hours in class**3.3 Content** **3.3.1 Causes and Types of Exclusion**There are a number of factors that cause social exclusion in Zambia and the Zambia National Social Protection Policy (NSSP) approved by the Government of the Republic of Zambia in 2014, lists some of the factors as;* Poverty- financial and economic status.
* Age – youth, old age
* Ill health, HIV and AIDS
* Disability
* Low education level – illiteracy
* Marital status – widowed, single headed household
* **Gender**

At this point, I want us to focus the discussion on *gender* as one of the major factors for social exclusion and the social and cultural barriers to gender inclusion. Women are particularly at high risk of exclusion because of the social relations that disadvantage them. But before I address the barriers to gender or women inclusion, let me present to you the symptoms of exclusion **Symptoms of Exclusion****3.3.2 Barriers to Gender Equality** ***Social barriers***Social barriers relate to the conditions in which people are born, grow, live, learn, work and age – or social determinants. These social determinants contribute to unequal relations between women and men and make it difficult for the inclusion of women. Marginalisation too often exclude women from institutions of power and decision-making and from the very processes that affect their lives. Here are examples of social barriers:* *Fear.* Fear is most common social barrier, and obstacle of inclusion. We are often afraid of people we see as different, so we choose not to make them part or have an equal share. How often have you heard of statements like “ women can’t be trusted”!
* *Stereotyping.* Gender stereotyping is common and refers to the practice of ascribing to an individual woman or man specific attributes, characteristics, or roles by reason only of her or his being woman or man. What makes gender stereotype wrong is because it has potential to result in violation of human rights and fundamental freedoms and to women it perpetuates discrimination. You are probably aware of statements like “the place of a woman is in a kitchen”!
* *Multiple roles of women.* Many studies show that the pushback women experience in trying to balance the different gender and sex roles is a barrier to inclusion particularly in leadership, with traditional assumptions that a women are less competent, less committed, and less available to function outside of their domestic confines.
* *Traditional biases favoring men.* People tend to associate leadership with more masculine traits such as strength, assertiveness, and confidence and don't judge the same traits in a woman as positively. A strong, assertive or confident woman tends to be viewed negatively; *bossy, bitter* and sometimes even labeled negatively. You have heard of comments such as “as if she is not a woman!” meaning a woman should show opposite traits. This kind of remark is rarely made for men that exhibit the same traits. At the same time, when a woman exhibits typically feminine traits like being more collaborative, asking more questions rather than giving orders, she is to be considered too “soft” and usually discounted for instance for a leadership role.
* *Lack of support for gender equality.* Men and women don’t share the same vision of gender equality. Overall, men tend to underestimate the difficulties faced by women and the benefits of having gender inclusion. Even when men are aware of the barriers faced by women, and convinced of the benefits to promote gender balance, often they don’t know what to do.
* *Lack of knowledge and awareness of the existing laws and policies* on gender equality.

***Cultural barriers**** Traditional norms and beliefs. Deep-rooted cultural norms and beliefs make it difficult for women to come out of the norm and act differently.
* The cultural mind-set and attitudes: Societal norms often are the biggest barrier to inclusion. The cultural mind-set regards a woman subservient to a man. Old attitudes die hard, and this obstacle make it harder for women to get on an equal footing with men and act as barrier.
* Restrictive institutions. Cultural institutions have remained restrictive and un willing to change acts as a barrier to women

From what you have been explained so far it is clear that people can be present in your community without being socially included. Being socially included means that a number of things are present in women’s lives in your chiefdom. It means women:* Experience a sense of belonging
* Are accepted (for who they are) within their communities
* Are valued and have roles that are valued in the community
* Are actively participating in the community
* Are involved in activities based on their personal preferences
* Have social relationships with others whom they chose and share common interests
* Have friends

When women experience some or all of these conditions in their lives they are more likely to be happier and make meaningful contribution to your community. In fact, social inclusion is an important “determinant of development”. **3.3.3 The Approaches to Gender and Social Inclusion** The traditional approach to ensuring gender inclusion or social inclusion generally, requires you to analyse the barriers that excludes women or any other excluded group, plan interventions to respond to address barriers at all levels and monitor progress and outcomes. And for you to be able to do that you need the institutional capacity. **3.3.4 The Gender and Social Inclusion Framework**What capacity exists in your institutions to analyse gender and social exclusion in your communities? How can you work to build the capacity for your institution? **3.3.5. The Beall and Piron Exclusion/Inclusion Analysis**The Beall and Piron model states that social exclusion is when individuals or groups are unable to participate in the economic, social, political and cultural life of their society that happens when marginalized groups become ‘stuck’ in the cycle of exile, excluded from each domain of society. They suggest that to promote gender and social inclusion requires analysis of exclusion in terms of participation, power, economics and social domains and that responding in these areas results in gender and social inclusion From both analysis models, it is evident that there are primarily three domains of change (policies, voice & participation and improving access to livelihoods and services) that you should analyse and respond to, to promote social inclusion. When strategies in the three domains of change are effectively implemented, it will result in gender and social inclusion. **3.3.6 The domains of change** |



Discussion 1

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| * Discuss the gender and social inclusion framework for analyzing barriers to gender and social exclusion and planning interventions to ensure inclusion. What do you see are the strengths of the model? What are the weaknesses?
* Discuss the Beall and Piron model for social inclusion/exclusion analysis. What do see are the strengths? What are the weaknesses?
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**3.4. Summary**

Well done, you have reached we have come to the end of unit 2. In this unit you have learnt of the barriers to gender and social inclusion and about the models for analyzing gender inequalities or social exclusion and for planning interventions to address these inequalities of exclusion. I believe you have also understood the domains of change for which planned activities should respond to if gender equality and social inclusion are to be addressed. Now that we have reached this level, it is time to discuss the next unit, which about the human rights framework in which gender equality and social inclusion is anchored.



**3.5 Review Assessment**

*Activity 1*

Using either 1) the Gender and social inclusion framework or 2) the Beall and Piron model discuss each of the three domains of change and;

* Analyse the social and cultural barriers in your community/chiefdom?
* Plan the interventions under each domain of change
* Develop the M and E plan for each of the actions

# Unit 4: The Human Rights and Legal Framework

**4.1. Introduction**

When you wake up every morning, you decide where you want to be and go there. Imagine life, if for some reason, you cant do that! There are many women in this world whose right to free movement is restricted not because of war and insecurity but because they live in social and cultural conditions that makes it difficult to enjoy this and many other rights! In this unit you are going to learn what human rights are, the entitlements and violations. You will also be able to explain the human rights violations and the provisions of the international and national human rights frameworks and the link to development and gender equality. I am sure you will find this unit very interesting and relate it with the context in the community where you live.

**4.2 Learning Outcome**



After studying this unit, you should be able to;

* Describe the human rights framework underpinning gender equality
* Define human rights are.
* Explain the international and national human rights framework
* Explain the link between human rights and gender equality
* Explain the human rights standards and principles
* Discuss violations of human rights
* Link human rights and gender in development
* Explain the application of human rights based approach

 

Time Frame: In this unit you are expected to spend approximately

2 hours study time

2 hours in class

**4.3. Content**

**4.3.1. What are human rights?**

Human rights are rights inherent to all human beings, regardless of race, sex or gender, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more.  Everyone is entitled to these rights, without discrimination. This means all human beings, including you and me, mothers and fathers and children are equally entitled to human rights and there should be no discrimination in the enjoyment of these rights. These rights can be grouped as economic, social and cultural as well as civil and political.

***Economic, Social and Cultural Right*s**

Lets start with the economic, social and cultural rights - these are rights that entitle you and everyone else to live in conditions in which they are able to meet the needs for their living. An Example of an economic right is the right to decent work or social right is the right to health. A cultural right can be, for instance, the right to belong to a group with similar values or language. The economic, social and cultural rights are contained in the Universal Declaration on Human Rights of 1948, the International Covenant on Economic, Social and Cultural rights (ICESCR) of 1966. Others are the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) of 1979 and the Convention on the Rights of the Child (CRC) of 1989 that recognise and protect many of the economic, social and cultural rights recognised in the ICESCR in relation to children and women. The Convention on the Elimination of all forms of Racial Discrimination (ICERD) of 1969 prohibits discrimination on the basis of racial or ethnic origin and the Convention on the Rights of Persons with Disabilities (CRPD) of 2006 prohibits discrimination on the basis of disability.

***Civil and Political Rights***

The civil and political rights are rights that permit people to live in freedom and liberty. Civil and political rights are there to ensure that individuals participate in the affairs of their society as well as in the political life without any form of discrimination. Examples of civil rights can be right to equality and self-determination and a political right can be right to participate in public life. These civil and political rights are enshrined in the international treaties, such as the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (ICCPR) of 1966.

**Most Important Conventions and Declarations on Women**

**The Universal Declaration of Human Rights issued by the United Nations General Assembly, 10 December 1948**

The Universal Declaration of Human Rights has become a standard through which the respect of international human rights criteria is measured. It represents an advanced moral centre in the development of public freedoms throughout the generations. The Declaration has the moral force to condemn the countries that do not respect human rights.  Article 2 of the Universal Declaration of Human Rights stipulates “The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to ... sex”

**The International Covenant on Economic, Social and Cultural Rights, 16 December 1966**

The International Covenant on Economic, Social and Cultural rights reaffirms the principle of equality, declaring in Article 3 that “The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.” Some of these are: the right to work,  the right to form associations and the right to join the association,  the right of every person to a sufficient standard of living for him / her and his /her family,  the right of every individual to education,  and the right of every citizen to participate in cultural life and to enjoy the benefits of scientific  progress and its applications.

**International Covenant on Civil and Political Rights, 16 December 1966**

It recognizes in Article 3 that the state parties undertake to guarantee equality between men and women in the right to enjoy all civil and political rights enunciated in this Covenant. Some of these are:  the right to life as a right of every person, the prohibition of slavery, servitude and slave-trade,  the right of every individual to freedom and security of person,  the right of every person to humanitarian treatment when denied freedom,  equality of all people before the judiciary,  the right of every person to be protected by law from interference in private affairs or the  affairs of the family,  the right of every person to freedom of intellect, conscience and religion,  the right to freedom of expression,   the right of the family to enjoy protection from society and the state. The right of every citizen to participate in the management of public affairs, elections and  the assumption of public office in his country,  the right of men and women to marry and form a family freely,  the right of every child to take measures of protection required as a minor and to acquire  the name and nationality protected by the family, society and the state,  the right to have religious rites respected.

**4.3.2. The International Human Rights Framework**

Let me now remind you about the United Nations, which is the creation of a comprehensive body of International human rights law—a universal and internationally protected code to which all nations subscribe and all people aspire. The United Nations has defined a broad range of internationally accepted rights (including civil, cultural, economic, political and social rights). It has established mechanisms to promote and protect these rights and to assist states in carrying out their responsibilities. The human rights law lays down the obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups. The foundations of this body of law are the Charter of the United Nations and the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1945 and 1948, respectively.  Since then, the United Nations has gradually expanded human rights law to encompass specific standards for *women, children, persons with disabilities,* minorities and other vulnerable groups, who now possess rights that protect them from discrimination that had long been common in many societies. We will share more about the provisions of these international agreements in the subsequent sections.

**SUMMARY OF Conventions and Documents Directly Relevant to Status of Women**

**Convention on the Political Rights of Women, presented by the United Nations General Assembly for ratification, 20 December 1952**

 It sets out the principle of male and female equality in the rights of the United Nations Convention. It recognizes that every person has the right to participate in the management of the public affairs of his / her country, whether directly or through freely chosen representatives, and the right to be allowed opportunities on an equal footing with others in assuming public office. It aims to ensure men and women are equal in the enjoyment and practice of political rights, pursuant to the provisions of the United Nations Convention and the Universal Declaration of Human Rights.

**CEDAW Convention to Eliminate All Forms of Discrimination against Women 1979**

CEDAW drafted in November 1967 and was adopted by the General Assembly in 1979 to enhance the contents of the international covenants and eliminate discrimination against women. It outlines several specific areas where known and clear discrimination was found against women. For example, with regard to political rights, marriage, family and work, and in these areas or others, the Convention sets clear goals and measures that must be taken to facilitate the establishment of a global community where women enjoy equality with men, and therefore the full guarantee of their human rights.

The Committee to Eliminate All Forms of Discrimination against Women was formed in article 17 of this Convention. The majority of basic principles in CEDAW carry commitments and duties to be undertaken by the signatories. The provisions addressed many rights guaranteed by this Convention, including civil, cultural, economic and political rights. This Convention also provided a comprehensive definition of discrimination.

*Definition of Discrimination*

Article 1 of this Convention stipulates that discrimination against women shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality between men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

This article provides a comprehensive definition that applies to all provisions of the Convention. This discrimination includes any difference in treatment on the basis of gender that causes harm to women, whether intentional or unintentional, and prevents society as a whole from recognizing women’s rights in the family and public spheres, and that may also prevent women from practicing their basic human rights and freedoms. In many countries around the world, women are denied their basic legal rights, including the right to vote and the right to private ownership. They also suffer from gender-based violence.

**THE BEIJING PLATFORM OF ACTION**

**Strategic Objectives**

***Women and poverty***

* Revise laws and administrative practices to ensure women’s equal rights and access to economic resources.
* Provide women with access to savings and credit mechanisms and institutions.

***Women and the economy***

* Promote women’s economic rights and independence, including access to employment and appropriate working conditions and control over economic resources.
* Facilitate women’s equal access to resources, employment, markets and trade.
* Provide business services, training and access to markets, information and technology, particularly to low - income women.
* Strengthen women’s economic capacity and commercial networks, and eliminate all forms of employment discrimination.
* Promote harmonisation of work and family responsibilities for women and men.

***Women in power and decision - making***

* Take measures to ensure women’s equal access to and full participation in power structures and decision - making.
* Increase women’s capacity to participate in decision - making and leadership.
* Institutionalise mechanisms for the advancement of women.
* Create or strengthen national machineries and other government bodies.
* Integrate gender perspectives in legislation, public policies, programmes and projects.
* Generate and disseminate gender - disaggregated data and information for planning and evaluation.

*Source: UNDP, 2014*

All states are bound by the international laws, norms and commit to respect, protect, and fully comply with these human rights. And to come into effect, nations have to ratify these agreements, meaning approve for their country to adopt and implement the provisions of these agreements. Once ratified, the nation has a duty and is obliged to take steps and to proactively protect rights of every citizen. These obligations are to **respect,** **protect,** and **fulfill** the enjoyment of human rights for all citizens.

The obligation to ***respect*** means that the Government must refrain from interfering with or curtailing the enjoyment of human rights of any individual. The obligation to ***protect*** requires the Government to protect individuals and groups against human rights abuses and the obligation to ***fulfill*** means that Government must take positive action to facilitate the enjoyment of basic human rights. At the individual level, while every individual is entitled his or her rights, he or she has the obligation to respect the rights of others.

***Zambia’s Status on the Ratification of Conventions and the Associated Protocols***

As a member of the UN, Zambia has signed and ratified a number of human rights treaties and conventions that have played a part in shaping the country’s laws, policies and actions in gender equality and social inclusion and to contribute to attaining sustainable socio economic development as follows;

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| **Conventions ratified by the Government of Zambia** |  |
| **Human Rights Conventions** | Ratification  |
| * International Convention on the Elimination of All Forms of Racial Discrimination, 1969
* International Covenant on Civil and Political Rights, 1976
* **International Covenant on Economic, Social and Cultural Rights, 1976**
* **Convention on the Elimination of All Forms of Discrimination Against Women, 1981**
* Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987
* **Convention on the Rights of the Child, 1990**
* International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 2003
* International Convention on the Protection of all Persons form Enforced Disappearance, 2010
* **Convention on the Rights of Persons with Disabilities, 2008**
* The African Charter on Human and Peoples’ Rights (ACHPR), 1983
 | 197219841984198519981991-201120101984 |
| **Environment and Natural resource Conventions** |  |
| * Geneva Convention on Long-range Trans boundary Air Pollution,1979
* Vienna Convention for the Protection of the Ozone Layer, 1985
* Montreal Protocol on Substances that Deplete the Ozone Layer, 1987
* The United Nations Framework Convention on Climate Change (UNFCCC or FCCC), 1992
* Kyoto Protocol, 1997
* UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, 1998
* Movements of Hazardous Wastes and their Disposal,1989
* Convention on Biological Diversity, 1992
* The United Nations Convention to Combat Desertification (UNCCD)

*Source: http://indicators.ohchr.org/* | -1990199019932006-201119931996 |

**4.3.3. The Human Rights and Gender Equality Policy Framework for Zambia**

Zambia’s policy framework for human rights is guided by the 2016 Amended Constitution, together with the 1996 Bill of Rights. Among the key conventions Zambia has ratified on gender equality and social inclusion include the 1981 Convention on the Elimination of Discrimination Against Women (CEDAW), the 1990 Convention on the Rights of the Child and the 2008 Convention on the Rights of Persons with Disabilities. As mentioned earlier by ratifying these international frameworks, government has made a political commitment to advance the implementation of their provisions. These commitments have also translated into policy development that feeds into the five (5) years cycle of the national development planning. These conventions have been domesticated in some of the laws such as the Gender policy, the Gender Equity and Equality Act of 2016, the Anti GBV Act, the Disability Act, the child policy and the social protection policy, among others. In addition to policies, the government of Zambia has put in place an institutional framework to respond to gender equality.

**4.3.4. Institutions/Systems Reinforcing Gender Inequalities**

Institutions and systems existing in your communities often reinforce gender inequalities. These are institutions such as families, schools, churches, traditional groups etc. By targeting these institutions for awareness on human rights you are likely to make progress in gender equality.



Discuss 3

List the institutions and systems in your community that create and maintain gender inequalities.

Discuss how understanding of human rights and Zambia’s commitment make changes to the way these institutions and systems operate towards a gender equitable society?

**4.3.5. The Human Rights Standards and Principles**

### *Human Rights Standards*

Human rights standards are the desired or aspired for results; they represent a minimum acceptable level or benchmark of a desired outcome. For instance, the desired outcome for the right to water & sanitation is universal access to water and sanitation services. ***Universal*** because every individual is entitled to clean water or decent sanitation simply by virtue of being human and the aspiration (which is the standard) for this human right is that it be enjoyed by everyone, without any exception. Sustainable Development Goals reflect a typical example of standard human rights. The achievement of these goals is the desirable outcome. The only exception can be in specific situations and by following a due process. For instance, a right to freedom can be restricted where a person is found guilty of crime by courts of law and jailed. In this case he cannot enjoy freedom of movement. Human rights are also desired to be ***indivisible*** which means all the rights are important for everyone e.g. right to clean water is just as important as the right to life for everyone. It means no one human right is inferior to the other and human rights must therefore be afforded in totality. For example violating the right to clean water can affect other rights such as the right to life. This also explains the ***Interdependent and interrelatedness***of human rights. So by having access to clean water, the right to life is being enjoyed as well. No one human right is therefore guaranteed without the other rights and improvement of one right facilitates advancement of the others. This means in order to guarantee civil and political rights of individual, economic, social and cultural rights must be ensured (and vise versa). Standards of human rights therefore aspire for universal enjoyment of all rights. *Universality, indivisible* & *interdependent* of human rights is also called the **fundamental principles of human rights**.

### *The Human Rights Principles*

Human rights principles, on the other hand, are conditions for an acceptable process so as to enjoy the human rights. They specify a standard or a minimum conduct that is required for an acceptable process that will promote, protect and fulfil human rights. These principles are **equality and non-discrimination, participation, accountability** and **transparency**. The human rights principles are overlapping and mutually reinforcing.

***Defining Human Rights Principles***

1. **Equality and non-discrimination:**means all human beings must be entitled to their human rights without discrimination of any kind. Discrimination manifest in many ways and gender is among the most common form of discrimination. Other are color, religion, ethnicity, age, language, religion, political belief, social status, disability etc.
2. **Participation:** means all people have a right to participate in decision regarding protection of their rights. This means people should be involved and have input on decisions that affect them.
3. **Accountability:** means duty bearers (government, Chiefs or any other institutional leader) must enforce human rights by putting sufficient measures to respect, protect, and fulfil the rights of individuals. The section below will explain to you the duty bearer and rights holder obligations.
4. **Transparency:** means that duty bearers must be open about all information and decision-making processes related to people’s rights. People (rights holders) must be able to know and understand how major decisions affecting their rights are made.

## 4.3.6 Violation of Human Rights

Violating human rights is failing on a commitment to respect, protect and fulfil people’s rights. This occurs when those with a duty (Chiefs or government or any other actor that acts in a position of a duty bearer), knowingly or unknowingly, fail on their obligation to respect, protect or fulfil the human rights. There are many examples of violation of rights in Zambia such as a mining firm contaminating a river with toxic waste from mining activity thereby violating people’s right to clean and safe drinking water. Or in the case in Cote d’Ivoire protected forest of Goin-Débé, where the Government of Cote d’Ivoire effected evictions of poor villagers without notice or compensation.[[1]](#endnote-1) In the case of violation, individuals have the right to access justice. An example of access to justice is a case of pollution by Indeni Petroleum Company limited of Ndola of 1995. The Environmental Council of Zambia (ECZ) acting on behalf of the local community, took Indeni Petroleum Company limited to court with criminal charges of discharging pollutants (oil containing affluent) into the aquatic environment in excess of standards prescribed in Kaloko and Mukulungwe stream of Ndola between the years 1994 and 1998, contrary to sub section(1) of section 91 of the Environmental protection and Pollution Control Act No 12 of 1990. The Magistrate Court, appealed to the high court, convicted the company but the conviction was upheld.[[2]](#endnote-2)

While it is not only organisations or governments that can violate rights, individual action can also lead to the violation of other people’s rights. Along with the rights comes a responsibility to act in a way that is in keeping with own rights and those of others. As an individual you are responsible for own actions and for not infringing on the rights of others e.g. indiscriminate burning of refuse polluting air and affecting the health of other people. By failing to claim your rights, as a right-holder you can also fail on your duty to ensure that your rights are respected, protected and fulfilled e.g. for instance a water source being contaminated and as user not taking interest to hold WARMA accountable for failing to secure the premises and provide safe drinking water, which is your human right entitlement. Or where as a woman your husband batters you but you fail to act against the abuse.

There are a number of factors that impede access to justice in Zambia such as logistical challenges to access points of service provision e.g. traditional courts or courts of law, the lack of awareness on rights or the lack of understanding of human rights violations issues by law enforcement officers or judicial workers. Lack of confidence in the traditional or judicial system where the public thinks it is not possible to get justice from the courts or administrative systems or that there is corruption in the systems to get far with any demand for justice.

## 4.3.7. Human Rights and Gender In Development

The right to development is one of the fundamental rights of individuals and nations as provided for under the International Covenant on Economic, Social and Cultural Rights (ICESCR). The right to development guaratees protection and respect for human rights, transparancy, accountability, participation of everyone in deceison making and gender equality and equity in the sharing of development resources. This therefore means that, though often seen as separate agendas, human rights and gender in development are two sides of the same coin. The aims of human rights and gender in development are not only complementary but also reinforcing in terms of enhancing individual freedoms and opportunities and ensuring that everyone contributes to the development process. Human rights are considered a vital ingredient for safe guarding the sustainability of development efforts. The United Nations Sustainable Development Goals (SDGs) explicitly place human rights commitments at the center of the international development or global agenda, and are an important milestone for the realisation of political, social and economic rights. Development efforts do contribute to the building of accountable institutions, structures and processes in which human rights can be realised.

**Rights within the Sustainable Development Goals**

End poverty, end hunger, achieve food security and improved nutrition, promote sustainable agriculture, ensure healthy lives & promote well-being for all, inclusive and equitable quality education, gender equality & empowerment, sustainable management of water & sanitation, affordable, reliable, sustainable energy, inclusive economic growth & decent work for all, combat climate, reduced inequality, climate sustainability, peace justice, strong institutions, conserve water & land resources.

On the other hand, by addressing issues such as equality and equity, participation, transparancy, and accountability that are often at the root of poverty and development failure, human rights strengthen efforts to achieve sustainable development goals. Human rights and gender in development therefore are closely linked and it’s therefore imperative that you give human rights sufficient attention in implementing social and economic interventions in your community or chiefdom to achieve sustainable development.

**4.3.8. The Human Rights Based Approach**

In addition to the gender and social inclusion models presented in the last unit, the Human Rights Based Approach (HRBA) is another development model that you can use to take into consideration human rights to address gender and social inclusion problems or challenges. It encompasses the human rights principles of equality & non-discrimination, participation, accountability and transparency. HRBA approach seeks to analyse inequalities, which lie at the heart of development problems and re-dress discriminatory practices or unjust distribution of power that hinders development progress. For instance, in order to design a project using HRBA, you will not only seek to understand the problem and identify interventions but will analyse e.g. the problem, if the rights of certain groups have been violated, neglected or ignored, the reason behind, and who has the duty to do something about it. With HRBA, its not enough for the organisation to just hand out development interventions no matter how right they may have worked in some places. Your analysis, design, planning and implementation of policies, plans and your processes should be anchored on human rights and on your duty, as a duty bearer, as established under the International Human Rights Framework.

By analyzing inequalities using the Human Rights Based Approach, you will identify who is being marginalized in the development process, how you empower them and hold accountable those that have a duty to act and ensure that all people enjoy their rights. In this sense you are able to identify *rights holders* and their entitlements and the corresponding *duty bearers* and their obligations, and work to strengthen the capacity of right holders to claim and exercise their rights and duty bearers to comply with their obligations. Rights holders are individual citizens of a country and that includes women, who are entitled to enjoy the rights and to claim these rights just by virtue of being human beings. As an individual rights holder however you have a ***responsibility to respect the rights of others***. For example, an individual cannot act to stop the other from realizing the right to water by blocking the other from drawing water from a common source just because they so wish.

Duty bearers have the obligation to respect, protect and fulfill the rights of individuals. Though the government, as signatory to a number of human rights treaties, is the primary duty bearer of human rights obligations an Institution (traditional authorities, private company or NGOs) have an equal obligation to respect, protect and fulfill the rights of individuals. It is important to, however, note that even where a private company or NGO steps into a position of a duty bearer, government does still not get exempted from the human rights obligations.

***The Obligation to Respect Human Rights***

The *obligation to respect* means as a duty bearer you must not interfere with access to human rights. For example if you want to construct a hydro-electric power plant on a river that is a water source for a community, you cannot do so without an impartial social and environmental impact assessment study that will determine how the project will impact on the right to water for individuals of the community and to consider the findings of the report and not just ignore it.

***The Obligation to Protect Human Rights***

The *obligation to protect* means as a duty bearer you must prevent any institution or company from interfering negatively with the individual enjoyment of human rights. In this regard, it’s important for you to assess the actual and potential impact of your activities on the realisation of any of the human right related to your work before and while undertaking your activities. This could be through context analysis, social and environmental impact assessment, or due diligence exercise so as to become aware of, prevent and address adverse human rights impact.

***The Obligation to Fulfill Human Rights***

The *obligation to fulfill* means as a duty bearer you must adopt the necessary measures to enable and assist individual to enjoy their human rights. To fulfill the rights of individuals, you as duty bearers must adopt measures and develop, implement and monitor projects in accordance with the realisation of human rights principles. In this respect, human rights should be taken as your goal and guiding principle in the development efforts facilitated in the community.

When it comes to application of HRBA, there is no one formula you need to follow. You however, have to meet a minimum, common and essential elements that should be part of every work for it to be said that you are operating within the HRBA conceptual framework. These are;

1. The formulated institutional policies, plans and programmes should have an objective of promoting, promoting and fulfilling human rights.
2. In advancing the work of your institution, the rights holders and their entitlements and the corresponding duty bearers and their obligations should be identified. The organisation should work towards strengthening the capacities of the right holders to make their claims and of the duty bearers to meet their obligations.
3. The principles of human rights should guide all the phases of the programming process of an organisation (Project Cycle Management) i.e. design and planning, implementation and, monitoring and evaluation.



Discussion

Discuss each of the Human Rights Principles (equality and non-discrimination, participation, accountability and transparency) in the context of your community. Have you observed any progress in the past 10 -20 years. Discuss the progress and what more needs to be done to ensure human rights principles.



**4. 4. Summary**

Congratulations for completing unit 4. At this point you have learnt what human rights are, the international and national frameworks and you are now able to make a link between human rights and gender equality. You now realize that without promoting human rights, development cannot be attained. You have learnt how these human rights are violated. In terms of gender one of the most common violation of human rights is gender-based violence! In the next unit, we discuss this subject in detail.



**4.5. Review Assessment**

*Activity 1*

*The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* commits state parties that a re signatories to take all appropriate measures,, including legislation and temporary special measures,, so that women can enjoy all their human rights and fundamental freedoms. Countries that have ratified or acceded to the Convention are legally bound to put their provisions into practice. *The Beijing Declaration and Platform for Action*: The outcome document of the Fourth World Conference on Women in September 1995 is considered as blueprint for improving position of women and advancing women’s rights.

Read the document the CEDAW and the Platform for Action.

* Who is responsible to uphold such documents and how?
* Why are these documents important for the national level? And for community level?
* How are they integrated and included at the national level? (e.g. specify different legal frameworks, mechanism, policies, programmes, projects and other initiatives that you are aware of that have a focus on these documents).

# Unit 5: Gender Based Violence

**5.1. Introduction**

You probably have witnessed or heard of incidences of gender-based violence in your community! This unit will help you to learn more about the problem of GBV. Gender based violence is a phenomenon common to all communities in various forms. It is passed from one generation to the next due to social and cultural factors that influence social upbringing.   Although violence affects both males and females, generally the percentage of women affected by it far exceeds the percentage of men.  The concern is that if you don't address gender-based violence, it has serious impact on the victims and on gender equality. This unit will help you to define GBV, explain the causes and discuss the types and nature of GBV.

**5.2 Learning Outcome**



After studying this unit, you should be able to;

* Define gender based violence,
* Discuss the causes of Gender Based Violence
* Explain the forms of Gender Based Violence
* Describe the types of Gender Based Violence
* Describe the effects of Gender Based Violence



Time Frame: In this unit you are expected to spend approximately

1 hour 30 minutes’ study time

2 hours in class

**5.3. Content**

**5.3.1 Defining Gender Based Violence**

Gender Based Violence (GBV) also sometimes referred to, as Violence Against Women is any act of violence directed at women because they are women. The 1993 Universal Declaration on the Elimination of Violence Against Women includes the threat to commit GBV and arbitrary deprivation, whether in public or private life. This means  Gender Based Violence by definition includes is any act of violence which leads to, or may lead to, physical, sexual or psychological harm, against a person on the basis of gender or social role in a society or culture, including threats, beatings, violence related to dowry, non-marital violence, rape, sexual violence related to exploitation, sexual harassment and intimidation in the workplace or school, any abuse of women, sexual exploitation and forced prostitution.  In many cases, as a victim of GBV, the person does not have the choice to refuse or resort to other options without severe economic, physical, psychological or social repercussions.

Note:   The terms “gender based violence” and “violence against women” are often used interchangeably. The adoption of “gender based violence” aims to respect the fact that violence against women arises from power hierarchies based on gender, and may be committed against boys and men.  Although women are usually the survivors of violence, while men are the perpetrators; the term “gender based violence” recognizes that it is possible for males to be survivors and for women to be perpetrators of violence. It also recognizes that both men and women have a potentially effective role in eliminating violence.

**5.3.2 Factors Affecting Gender Based Violence**

Gender based violence is a complex and multi-faceted problem, entrenched in social, economic, political and cultural frameworks. Traditional practices however aggravate it. Violence is often a means used to force mostly women back into the stereotypical social role specified by society. For example, women are prompted to work due to economic factors (i.e. in addition to other factors) and over time this has changed their reproductive role to a more productive role in society and effected change in the social role of males. However, traditional attitudes may have not responded quickly to changes in these roles, leading to gender based violence.  Studies have referred to economic factors as well as other factors to gender based violence, which either increase the possibilities of violence or assist in entrenching discrimination between men and women and prompt individuals to become either survivors or perpetrators.  It is important to stress that these factors are not causes or justifications for violence but their identification assists in identifying violence.

***Personal level factors***

Includes biological and social factors of individuals that increase chances of becoming a victim or perpetrator.

*Biological factors include;*Biological factors include sex, age and disability.

* Sex: females are more susceptible to violence than males
* Age: children are more susceptible to violence that adults
* Disability: Special needs are a factor that increase chances of being subject to violence

*Psychological, behavioral and social factors: Social factors include;*

* Being subject to mistreatment, violence or negligence in childhood
* Low educational level, weak communication skills
* Traditional positions on gender roles: hostility towards the other sex
* History of violence in the family
* Economic difficulties / poverty
* Social exclusion

***Family level factors***

The factors that affect the individual’s relationship with the persons within their closest social circle ( i.e. family members ) include:

* Family dysfunction
* Rigidity in family role distribution, there may also be a conflict in the roles
* Inter-generational violence in the family generations, bad practices of fathers and mothers
* Ties with persons who support, accept or practice gender based violence
* Disputes over power and authority within the intimate relationships
* Weak communication among the individuals
* Male privilege and dominance in relationships and families, preference for males
* Role model in the family implies violent behavior or authoritarianism

***Factors at society level***

These factors lead to weakening barriers against violence or creating differences and inequality in gender, and they include:

* Poverty
* Lack of economic or social equity
* Historic and social patterns that allow and justify gender violence
* Lack of information and enhancement of human and women rights
* Historic and societal patterns that glorify discrimination and violence against minorities, migrant workers and homosexuals.
* Traditional norms that support male dominance

**5.3.3. Forms of Gender Based Violence**

Form of gender Based Violence is classified based on the context in which they occur (within family, community, state). The Universal Declaration on the Elimination of Violence against Women (1993) lists some forms of gender based violence, as follows:

* Physical, sexual and psychological violence that takes place within the family including rape,  harmful beatings, sexual assault against the family’s children, male and female, non-marital violence, violence tied to exploitation, and other traditional practices that are harmful to women.
* Physical, sexual and psychological violence that takes place within the sphere of society including rape, sexual assault, sexual harassment (in the workplace, educational institutions, or any other place), trafficking in women and forced prostitution.
* Physical, sexual and psychological violence perpetrated by the state or condoned by it, wherever it may take place. For example, preventing women from voting, participating in public work, or driving a car can be some of the examples of violence perpetrated by the state.

**5.3.4 Types of Gender Based Violence**

The type of violence is classified by the means that is used to impose some level of control. The are 5 main types of gender based violence defined as; 1) physical violence, 2) moral / psychological violence, 3) sexual violence, 4) harmful traditional practices and 5) social and economic violence. The table below provides a summary of examples of each type.

|  |  |  |
| --- | --- | --- |
| Type | Examples | Likely Perpetrators  |
| ***1. Physical violence*** |
| Physical assault | Beating, punching, kicking, burning, killing, shooting | Husband, intimate partner, family member, friend, acquaintance, stranger, any person in a position of power, parties to a conflict  |
| ***2. Moral and psychological violence*** |
| Abuse  | Non-sexual verbal abuse such as insults, forcing the other to act in a certain way outside of their will, intimidation or threats  | Any person in a position of power or control, this act is usually perpetrated by husbands, intimate partners or family members in a position of power  |
| Confinement  | Separating a person from friends/ family, restricting movement, denying freedom, restricting/ obstructing the right to move freely  | Any person in a position of power or control, this act is usually perpetrated by husbands, intimate partners, or family members in a position of power  |
| ***3. Sexual violence*** |
| Rape/ Attempted rape | Entering any part of the victim’s body with a sexual organ or object, by force, the threat of force, coercion, hateful environment exploitation or against a person unable to give consentAttempted coerced / forced intercourse, without penetration | Any person in a position of power, influence and control, including the husband, intimate partner or caregiver |
| Sexual abuse of children/ Incest  | Any act in which a child is used to attain sexual satisfaction. Every sexual relationship / sexual interaction with a child within or outside the family | Someone the child trusts, including the parents, siblings, member of the larger family, friend or stranger, teacher, elderly person, leader or any other caregiver, and any person with power, influence and authority over the child  |
| Sexual abuse | Physical penetration or attempted physical penetration of a sexual nature, including inappropriate touching by force, through unequal terms, or coercion  | Any person in a position of power, influence and authority, family members / local community, colleagues at work, including supervisors, strangers  |
| Sexual exploitation  | Any exploitation of a position of weakness, variance in power, or confidence, for sexual purposes. This includes financial, political or social benefit of the sexual exploitation of another person | Any person in a position of power, influence and authority, including humanitarian aid workers, soldiers / officers at checkpoints, teachers, smugglers and trafficking rings  |
| ***4. Harmful and traditional practices***  |
| Early marriage | Arranged marriage for children below the legal age (intercourse in such relationships is considered rape of a minor since the girls do not enjoy legal capacity to approve this marriage) | Parents, family members and local community |
| Forced marriage | Arranged marriage against the will of the victim/survivor, in most cases financial gain through paying of lobola (dowry)  is to the family is the motive.  | Parents and family members |
| Initiation ceremonies | Ceremonies arranged at puberty that results in confining a girl or boy and performing rituals of violence in nature e.g. sexual trials | Parents, family members and local community |
| Property grabbing  | Grabbing of property e.g. land, house etc. after death of spouse of divorce | Family members and local community |
| Widow inheritance  | The practice of inheriting a woman against her will upon death of husband  | Family members, local community |
| Witchcraft  | The practice of alleging someone is a witch with the aim to force them to act or be treated in an abusive way, often based on age of status | Family members, local community |
| ***5. Social and economic violence*** |
| Denying girls of education | Taking the girls out of school, preventing or hindering access of girls and women to technical, professional or basic academic knowledge | Parents, family members, local community |
| Discrimination and / or denial of opportunities and services for women | Exclusion, denial of access to opportunities/services such as education, medical assistance, paid employment, property rights | Family members, local community, institutions and organizations, government entities  |
| Social Exclusion of women | Denial of access to civil, social, economic, cultural and political rights and their enjoyment, imposing discriminatory practices or physical and psychological harm, acceptance of discriminatory practices in the name of culture | Family members, local community, institutions and organizations, government entities  |
| *Source: UNHCR’s Report on Sexual Violence and Gender Based Violence* |

Gender based violence is entrenched in various levels of our social environment and affects everyone, albeit in varying degrees (generally women are more affected than men) in various frameworks. Gender based violence exists horizontally:

* Among family members multiple types of violence are used (psychological / physical / sexual  / economic) in their various cycles of communication, taking on forms of domestic violence / family violence / violence against women / violence against children / marital violence / bilateral violence or violence within the framework of dating (acquaintance phase or within a transient relationship) / violence related to dowry.
* Among community members we see types of violence such as sexual discrimination / entrenching gender stereotypes / violence in the work place / inheritance favouritism / concept of family honour related to the behaviour of women
* There is political violence within state practices: within election laws / restricted senior positions / marriage / divorce / polygamy / nationality law / absence of laws criminalizing domestic violence.

**Note:** The words “forms” and “types” of gender-based violence (or abuse) are often used interchangeably, even in social work literature. It is best to use “form” to indicate the framework in which the violence takes place, and “type” to indicate the means used to impose power.

# Unit 6: Sexual Reproductive Health and Rights

**6.1 Introduction**

Now that you have learned about human rights and the fundamental challenges of inequality and GBV, we then can now proceed to look at the specific gender issues affecting our development, which will open our eyes to see and realize how these issues impact on the health and socio-economic development of nations. Yes, am talking about social health issues that we see everyday.

**6.2 Learning Outcome**

|  |
| --- |
| OutcomesAfter studying this unit, you should be able to;* Define sexual reproductive health and rights.
* Discuss the effects of social reproductive health issues
* Describe how they affect the well being of society and contribute to poverty.
* Explain issues pertaining to teenage pregnancies and early child marriages
* Determine the solution to these reproductive health issues.
 |



Time Frame: In this unit you are expected to spend approximately

* 1 hour 30 minutes’ study time
* 2 hours in class

**6.3 Overview**

Good sexual and reproductive health is a state of complete physical, mental and social well-being in all matters relating to the reproductive system. It implies that people are able to have a satisfying and safe sex life, the capability to reproduce, and the freedom to decide if, when, and how often to do so. To maintain one’s sexual and reproductive health, people need access to accurate information and the safe, effective, affordable and acceptable contraception method of their choice. They must be informed and empowered to protect themselves from sexually transmitted infections and unwanted pregnancies, they must decide when to have children, women must have access to services that can help them have a fit pregnancy, safe delivery and healthy baby. Sexual and reproductive health and rights encompass efforts to eliminate preventable maternal and neonatal mortality and morbidity to ensure quality sexual and reproductive health services, including contraceptive services, and to address sexually transmitted infections (STI) and cervical cancer, violence against women and girls, and sexual and reproductive health needs of adolescents. Now it is important to know that every individual has the right to make their own choices about their sexual and reproductive health but this is not often the case leading to problems such unwanted pregnancies, HIV/AIDS, gender inequalities, maternal deaths etc. Lets us now consider this subject in more detail and Let us begin with the definitions.

**6.4 Definitions of Sexual and Reproductive Health and Rights**

Sexual and reproductive health and rights (*SRHR)* is the concept of human rights that is applied to a combination of issues or rights related to sexuality and reproduction. Sexual reproductive health is fundamental to the physical and emotional health and well-being of individuals, couples and families, and ultimately to the social and economic development of communities

So, these are sexual health, sexual rights, reproductive health and reproductive rights. In some contexts these are more or less distinct issues from each other, but in many contexts this is less so. We will note why this is so later, for now let us try to under how the definition of SRHR have evolved in the development discourse;

The World Health Organization (WHO) in its publication on Sexual health, human rights and law[[3]](#endnote-3) reports that sexual health was first defined by in 1975 as “*the integration of the somatic, emotional, intellectual and social aspects of sexual being, in ways that are positively enriching and that enhance personality, communication and love”*. Twenty years later, the International Conference on Population and Development (Cairo, 1994) included sexual health under the definition of reproductive health, indicating that its purpose “*is the enhancement of life and personal relations, and not merely counselling and care related to reproduction and sexually transmitted diseases”.* Subsuming it under reproductive health meant that all the dimensions of sexuality and sexual health that go beyond reproduction were given less attention. The HIV pandemic of the early 1990s played a major role in this, but it was not the only factor. The toll taken on people’s health by other sexually transmitted infections (STIs), unwanted pregnancies, unsafe abortion, infertility, sexual violence and sexual dysfunction has been amply documented and highlighted in national and international studies and declarations. During the same period, there was a rapid increase in the documentation and understanding of the nature of discrimination and inequality related to sexuality and sexual health that included information about the marginalization, stigmatization and abuse of those perceived as having socially unacceptable sexual practices or characteristics (e.g. being HIV-positive, being a sexually active adolescent, a sex worker), and the toll that such discrimination was taking on people’s health. Many documented cases involved violations of human rights, such as the rights to health, life, equality and non-discrimination, privacy, and to be free from inhuman and degrading treatment, among others hence the close association of the achievement of sexual health with the protection of human rights. Over the past three decades there has been a rapid expansion of the application of human rights to sexuality and sexual health matters, particularly relating to protection from discrimination and violence, and protection of freedom of expression and association, privacy and other rights, for women, men, transgender and intersex people, adolescents and other population groups. This has resulted in the prominence of sexual health and human rights, producing an important body of human rights standards promoting sexual health and human rights. Spurred by public health evidence, scientific and social progress, as well as a growing body of international standards, the World Health Organisation have developed working definitions of sexual health and sexuality as;

***Sexual health*** is a state of physical, emotional, mental and social well-being in relation to sexuality; it is not merely the absence of disease, dysfunction or infirmity. Sexual health requires a positive and respectful approach to sexuality and sexual relationships, as well as the possibility of having pleasurable and safe sexual experiences, free of coercion, discrimination and violence. For sexual health to be attained and maintained, the sexual rights of all persons must be respected, protected and fulfilled.

***Sexuality*** is a central aspect of being human throughout life; it encompasses sex, gender identities and roles, sexual orientation, eroticism, pleasure, intimacy and reproduction. Sexuality is experienced and expressed in thoughts, fantasies, desires, beliefs, attitudes, values, behaviours, practices, roles and relationships. While sexuality can include all of these dimensions, not all of them are always experienced or expressed. Sexuality is influenced by the interaction of biological, psychological, social, economic, political, cultural, legal, historical, religious and spiritual factors.

Women’s sexual and reproductive health is related to multiple human rights, including the right to life, the right to be free from torture, the right to health, the right to privacy, the right to education, and the prohibition of discrimination. The Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women (CEDAW) have both clearly indicated that women’s right to health includes their sexual and reproductive health. This means that States have obligations to respect, protect and fulfill rights related to women’s sexual and reproductive health. Now you will realise that despite these obligations, women’s sexual and reproductive health rights are frequent violated. These violations often take many forms such denial of access to services required by women, poor quality sexual and reproductive health services, asking other for women’s access to services, and performance of procedures related to women’s reproductive and sexual health without the woman’s consent. The women’s sexual and reproductive health rights also are at risk because of early marriage.



Discuss

1. Examples of these violations of women’s sexual and reproductive health rights in your community
2. What do you see?
3. Is there a way these violations can be stopped?

Now you can ask how do these violations come about? Violations of women’s sexual and reproductive health rights are often deeply engrained in societal values pertaining to women’s sexuality. In patriarchal societies, concepts of women’s roles within the family mean that women are often valued based on their ability to have children. Hence, in such context you find women end up in early marriages or teenage pregnancies, older women end up in repeated pregnancies spaced too closely together, often as the result of efforts to produce male offspring because of the preference for sons. This however has a devastating impact on women’s health and sometimes have fatal consequences. In situations where a woman is not able to bear children, she is often blamed for infertility, ostracized and subjected various human rights violations such as GBV.

All forms of sexual and sexuality-related violence have multiple negative effects on health and well-being particularly of women and girls. Women living in violent relationships, for example, may be unable to make sexual and reproductive choices, either through direct exposure to forced or coerced sex or because they are unable to control or negotiate regular use of contraception and condoms. This puts them at risk of unwanted pregnancy (for women), and STIs including HIV. Intimate partner violence in pregnancy increases the likelihood of abortion, miscarriage, stillbirth, preterm delivery and low birth weight.

What is important for you to know is that women have the right to even decide if they don't want to have children. They also have the right to education on reproductive health matters. Because of cultural norms and beliefs, young girls and boys are often denied information about their reproductive health and denied access to reproductive health services. These practices are a violation of human rights.

**Global Commitments of Nations on Sexual and Reproductive Rights**

* *CEDAW Article 16* - guarantees women equal rights in deciding “freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights.”
* *CEDAW Article 10* - also specifies that women’s right to education includes “access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.”
* *The Beijing Platform for Action* - states, “The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence.
* *The CEDAW Committee’s General Recommendation 24* - recommends that States prioritise the “prevention of unwanted pregnancy through family planning and sex education.”
* *The CESCR General Comment 14* -states have to the immediate obligation to take deliberate, concrete, and targeted steps towards fulfilling the right to health in the context of pregnancy and childbirth

[*https://www.ohchr.org/en/issues/women/wrgs/pages/healthrights.aspx*](https://www.ohchr.org/en/issues/women/wrgs/pages/healthrights.aspx)

**6.6 Sexual and reproductive health and development**

Sexual and reproductive health and rights are at the very center of development. It has been agreed internationally that there is a clear connection between reproductive health, human rights and sustainable development. How is this? When sexual and reproductive health needs are not met, individuals are deprived of the right to make crucial choices about their own bodies and futures, with a cascading impact on their families’ welfare and future generations. And because women bear children, and also often bear the responsibility for nurturing them, sexual and reproductive health and rights issues cannot be separated from gender equality. Cumulatively, the denial of these rights exacerbates poverty and gender inequality. You have seen this in communities where reproductive health problems are a leading cause of ill health and death for women and girls of childbearing age. Women and girls suffer disproportionately from unintended pregnancies, unsafe abortion, maternal death and disability, sexually transmitted infections (STIs), gender-based violence, and other related problems. Young women and men

are also extremely vulnerable, often facing barriers to sexual and reproductive health information and care. Hence young people are more affected by HIV, girls particularly in communities face unintended pregnancies, exposing them to risks during childbirth or unsafe abortions and interfering with their ability to go to school. Let us discuss this more as we look at child marriages.

Note: National laws, policies at national and chiefdom level and the traditional norms and practices related to the provision of health services play a key role in fostering or hindering sexual health, and in promoting and protecting the sexual and reproductive health of individuals.



*Activity 1*

Discuss the following

1. How can sexual and reproductive health services be improved in your country? What needs to be done?
2. At chiefdom level, what traditions and practices have been a hindering access to sexual and reproductive health services
3. In what ways can national laws and policies hinder provision of health services?

 **6.8 Child marriages and early pregnancies**

Child marriage, also referred to as early marriage, is any marriage where at least one of the parties is under 18 years of age. The overwhelming majority of child marriages, both formal and informal, involve girls under 18 years old, although at times their spouses are also underage. A child marriage is considered as a form of forced marriage given that one or both parties have not expressed their full, free and informed consent (Joint General Recommendation/General Comment No. 31 of the Committee on the Elimination of Discrimination against Women (definition as adapted under (CEDAW) No. 18 of the Committee on the Rights of the Child (CRC) on Harmful Practices (2014), paragraph 19).

The challenge of early marriage and teenage pregnancy is real n many parts of the world. Africa has experienced high levels of child marriage associated with high levels of poverty; hence seen as a rural phenomenon, although there are some reported cases of child marriages taking place in urban areas as well. The connection between early child marriage is that poverty leads many parents to withdraw their daughters' from school and offer them for marriage in exchange for payment of 'lobola' (a dowry for the bride) or to provide family labour. Early marriage and teenage pregnancies predisposes girls to sexually transmitted infections and even HIV/AIDS and complications of early motherhood affect the social wellbeing of girls who go through child, early and forced marriage and deny them the right to enjoy their childhood including the right to education. The 2013 MDG Progress report points to child marriage as one of the triggers of maternal mortality. It is estimated that 38 mothers die each month due to complications relating to pregnancy and childbirth in Zambia. These conditions are disproportionately pronounced among teen mothers. Thus, maternal mortality is still high and only declining at a very slow rate from 649 deaths/per 100,000 live births in 1997 to 483 (UNFPA 440) in 2010. Although strides have been made in the fight against child marriage, one of the major challenges is the lack of a specific policy and law on child, early and forced marriage which could go a long way in ensuring that it supports the activities that are currently being undertaken by civil society, government, traditional leaders and other stakeholders.

**6.9 Laws and policies on child marriage and teenage pregnancy**

Laws and policies are important to address the problem of child marriage and teenage pregnancies. The laws and policies can be both at national level and at community (chiefdom) level. Currently, in many contexts early marriage is commonly contracted under customary laws and because it is often not criminalised the practice is happening without regard to the sexual and reproductive health of those affected.

# 6.7 Sexual and reproductive health services

Reproductive health is a lifetime concern for both women and men, from infancy to old age. Evidence shows that reproductive health in any of these life stages has a profound effect on one's health later in life. To support reproductive health throughout the life cycle, services across a variety of sectors must be strengthened, health systems, education systems, social services, transport systems etc. which are necessary to ensure that sexual and reproductive health care available and accessible. However, the ability of individuals to achieve sexual health and wellbeing depends on them having: access to comprehensive information about sexuality; knowledge about the risks they face and their vulnerability to the adverse consequences of sexual activity; access to good quality sexual health care; and an environment that affirms and promotes sexual health.

One way policy can respond to sexual and reproductive health issues is by breaking the barriers that make it difficult for those affected to enjoy their rights. Take for instance, 15 years old Jane and 16 years John, both in school engage in a sexual activity. They have no information and they use no protection, which results in a pregnancy. While Jane finds it difficult to continue school in that state, John is able to continue but decides to stop to marry Jane. Pregnancy becomes a barrier for them to enjoy the right to education. By putting in place laws that bar children to marry at such an early age or laws that allows Jane to continue with school after nursing the child, Jane and John can better their lives by continuing with their education and not allow the social pressures to distract their education. Nations have responded to such challenges by introducing sexual reproductive health services in schools and communities for teenagers and adolescents and introducing education systems that allow continuation of education for affected individuals such as the school re entry policy.

**The challenge of early marriage in Zambia**

Zambia has one of the highest child marriage rates in the world with 42% of women aged 20-24 years married by the age of 18, posing a serious developmental challenge. Ranked 16th amongst countries with the highest rate of child marriage in the world Zambia is among the top 20 of the early child marriage hotspots. The challenge is that although the Marriage Act establishes a legal age for marriage, and the Penal Code makes sex with a girl under 16 an offence in Zambia, these provisions rarely apply in customary law. Under statutory marriage however, child marriages are illegal, and considered a form of child abuse. The legal age for marriage under statutory law is 18 for females and 21 for males. On the other hand, under traditional law, marriage can take place at puberty, and it is common for girls to be married or have sexual relations under the age of 16. To respond to the challenge of early marriage, Zambia launched the campaign against child marriage in 2013,which is being spearheaded by the Ministry of Chiefs and Traditional Affairs in close collaboration with Ministries of Health, Ministry of Community Development and Social Services and Ministry of Gender. In 1997, the Zambian Government also through the Ministry of Education introduced the school Re-Entry Policy to ensure the right to education for girls who fell pregnant while in school could go back and complete their education.



**4.5. Review Assessment**

*Activity 4*

1. List the institutions and systems in your community that are contributing to the problem of early child marriage and teenage pregnancies.

Discuss how from your understanding of human rights and sexual and reproductive health how the problem can be addressed. List the appropriate interventions required in terms of policy and programmes.

* Who is responsible to formulate such policies at chiefdom level and why is such a chiefdom policy necessary and important?
* How can you ensure that such local policies be supported by all stakeholders? Describe the benefits of stakeholder involvement in such programmes.

2. One way in which Zambia has responded to the problem of early marriage and child pregnancies is through the re-entry policy of the education system. Discuss the benefits and challenges of the re entry policy.

**2.9 Summary**

We have come to the end of the unit and it is my hope that we have understood the subject of sexual and reproductive health including the impact of development. This unit concludes your study on gender and social inclusion. Congratulations, I know by now have been enlighten and best wishes now as you became a part to championing gender equality in your family, community and in society at large. Change starts with you.

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