

**COMMUNAUTE ECONOMIQUE DES
ETATS DE L'AFRIQUE DE L'OUEST**



**ECONOMIC COMMUNITY OF
WEST AFRICAN STATES**

**SUPPLEMENTARY ACT RELATING TO
EQUALITY OF RIGHTS BETWEEN WOMEN AND
MEN FOR SUSTAINABLE DEVELOPMENT IN THE
ECOWAS REGION**

May 2015



FOREWORD

The Vision formulated by ECOWAS Heads of State in 2007 to move the Community from an ECOWAS of States to an ECOWAS of the People, was a timely intervention meant to engineer a paradigm shift of the regional integration process and to reposition the ECOWAS Region to be more competitive and to take advantage of emerging global trends.

As a commitment that encapsulated the strategic and practical needs and aspirations of the West African People, the ECOWAS Vision 2020 transcends the entire spectrum of development dimensions of the regional integration process and offers viable alternatives that are in consonance with the socio-cultural, political and economic realities of the ECOWAS Region.

The will of ECOWAS leaders to actualise this Vision has over the years translated into the adoption of quite a number of concrete instruments and mechanisms that have materialized into concrete programmes and projects at different levels of implementation in ECOWAS Member states.

One of such instruments is the Supplementary Act on Equality of Rights between Women and Men for Sustainable Development in the ECOWAS Region that was adopted by the 47th Ordinary Session of the Conference of the Heads of State and Government held in Accra, Ghana, on May 19, 2015.

The adoption of this instrument epitomizes the people-centred credentials of the ECOWAS Vision 2020 and is indicative of the priority that ECOWAS leaders accord to gender equality and women's empowerment in the scheme of the regional integration process.

The Supplementary Act on Equality of Rights between Women and Men for Sustainable Development in the ECOWAS Region commits all ECOWAS Member states to the promotion of gender equality and equity in all sectors through appropriate policy and legislative formulation and reviews as well as strategy alignment. All stakeholders in the public, private and civil society domains have specific roles to play in the implementation of the Supplementary Act.



The effective implementation of this Supplementary Act will add substantial value to the regional integration process and thus propel the journey towards the attainment of the ECOWAS Vision 2020, in several ways:

It has been estimated, for instance, that women constitute an average of 53% of the Population of ECOWAS. In effect, the effective implementation of the Supplementary Act will not only provide for the social, political and economic inclusion of all segments of the ECOWAS People, it will also ensure that the majority of our people are effectively involved in the development process of our Community.

The effective implementation of the Supplementary will also make it possible for the ECOWAS region to maximize its human and material resource potential through the effective deployment of the different capacities and competences and that our Community is blessed with.

There is empirical evidence about the great role that women are playing in several sectors of the West African economy, notably in agriculture and the agricultural value chain, cross-border and retail trade and peace and security, which are critical to the sustainable development of the ECOWAS economy. Climate change and access to energy are also issues that can undermine the invaluable role of women in the agricultural sector and thus impact negatively on the development prospects of the region. The lack of gender equality in access to energy services, particularly for rural and peri-urban populations, will not only perpetuate deforestation, it will also further destroy women's sources of livelihoods and compound their poverty levels. Similarly, the impact of the climate change phenomenon on rainfall and weather patterns, agricultural activities and ultimately food security and sustainable livelihoods. The dispensation of gender equality and equity envisaged by the Supplementary Act will therefore strengthen the participation of women in these sectors and thus consolidate our journey towards growth and prosperity.

As you all aware, the strength of the ECOWAS region is in its diversity. And it is important for us to translate this diversity, particularly the gender diversity, into real opportunities for cohesion and inclusive development. I have no doubts in my mind that the effective implementation of the Supplementary Act will crystalize our diversity into a concrete recipe for the sustainable development and growth of the ECOWAS region.

The ECOWAS Commission will commit the human and financial resources necessary for the effective implementation of the Supplementary Act on Gender Equality between



Women and Men for Sustainable Development in the ECOWAS Region, and it is my fervent hope and wish that all actors in the different segments of our body politic will rally around this initiative and be an inalienable part of this drive to make our Community a just and secure society, in which men and women have equal opportunities to participate, decide, control and benefit from all development initiatives.

HE Alain Marcel de Souza
President of the ECOWAS Commission



PREFACE

In the words of Section 63 in the Revised ECOWAS Treaty, Member States have agreed to phrase, harmonize, coordinate and put in place the appropriate policies and mechanisms in order to improve the social, economic and cultural circumstances of women.

In this light, the said Member States have been urged to identify and assess the factors impeding women's contribution to regional development efforts, as well as to determine a framework likely to allow finding a solution to these problems and take into consideration women's concerns and needs in the working of society. As a result, the mandate entrusted to ECOWAS in the Treaty is unambiguous: to phrase policies and develop programs allowing women to meet their needs in the economic, social and cultural fields.

ECOWAS Heads of State and Government, out of the concern to foster women's involvement in activities relating to regional integration and cooperation, have willingly adopted, during their 47th Ordinary Session held on May 19th, 2015 in Accra, in the Republic of Ghana, the « Supplementary Act A/SA.02/05/15 Relating to Equality of Rights Between Women and Men for Sustainable Development within the ECOWAS Region ».

The Supplementary Act A/SA.02/05/15 Relating to Equality of Rights Between Women and Men for Sustainable Development within the ECOWAS Region falls in line with various international commitments such as the Nairobi 1985 Prospective Strategy; the Dakar 1994 Action Plan, the Beijing Declaration and its 1995 Action Plan, the UNSC Resolution 1325 on Women, Peace and Security in 2000 and its subsequent resolutions, the ECOWAS 2004 Gender Policy, the 2004 Heads of State and Government's Declaration on Equality of Rights Between Women and Men and the AU 2008 Gender Policy, Section 63 of the Revised ECOWAS Treaty, the AU 2063 Agenda in 2015, the United Nations 2015 Sustainable Development Goals (SDGs), amongst others.

The development of the Supplementary Act A/SA.02/05/15 Relating to Equality of Rights Between Women and Men for Sustainable Development within the ECOWAS Region is an initiative by the Coalitions for Women's Rights and Citizenship (CDCF) in Member States and Canadian Cooperation through its CECI / Uniterra program. Both entities took the initiative in 2008 to take stock of women's rights in West Africa and find strategies in order to contribute to the solution of the challenges observed and which are the following:



- The ineffectiveness of women's rights in spite of the existence of legal instruments at all levels;
- The challenge of ensuring an effective and actual monitoring of the commitments taken by governments through legal instruments by want of measurement indicators;
- The emergence of new stakes and challenges in countries which do not always take into consideration the rights of African women;
- The need to boost the female associative movement in Africa with the involvement of the younger generation ...

This observation of the blatant inequalities between the international and regional commitments signed and ratified by ECOWAS Member States. In spite of some progress made, women do not fully enjoy the same rights and opportunities as men. To this, one should add the increasing feminization of poverty and the permanent impunity against the perpetrators of gender-based violence. These gaps account for West Africa not reaching the expected levels in the implementation of the SDGs and the Beijing Platform's Plan of Action, twenty years after its adoption. See-saw shaped results are very often to be found, reflecting sometimes progress, and some other times regressions according to the political context, the security situation or others, in the Member Countries.

Today, our States are being offered opportunities to reverse the current trend and shift from commitments to action. We just have to seize it. The Additional Act A/SA.02/05/15 Relating to Equality of Rights Between Women and Men for Sustainable Development within the ECOWAS Region is the instrument suggested by ECOWAS as a support measure in order to remedy this situation. Far from being **just another** document for ECOWAS Member States, this is about:

- Having a binding instrument available for the harmonization of national legislations with the regional and international protection and promotion of women's rights in West Africa for their effective implementation,
- Harmonizing, across the ECOWAS Region, the texts and policies already put in place in several Member States in a single document,
- Putting in place a planning mechanism unraveling in time at the national level,
- Monitoring and highlighting on a periodical basis the status of implementation of the Additional Act A/SA.02/05/15 Relating to Equality of Rights Between Women and Men for Sustainable Development within the ECOWAS Region in each Member State,
- Putting in place an operational watch and alert mechanism gathering all of the ECOWAS Region stakeholders,



- Taking into consideration the emerging issues and strengthening gender mainstreaming in the ECOWAS Community development programs and policies.

The Additional Act A/SA.02/05/15 Relating to Equality of Rights Between Women and Men for Sustainable Development within the ECOWAS Region was developed for the benefit of all 15 Member States. As a result, one should underline the crucial role West African civil society organizations have to play in the framework of the attainment of the goals and objectives of this instrument. After being adopted by the ECOWAS Heads of State and Government, the Additional Act Relating to Equality of Rights Between Women and Men for Sustainable Development within the ECOWAS Region should be popularized with West African populations. This is an unprecedented opportunity for the West African civil society and the national mechanisms for gender promotion in Member States to work together and identify the appropriate measures to solve yesterday and today's development problems women are facing and which are of primary interest for ECOWAS.

**SO LET US ALL COMMIT OURSELVES TOGETHER TO THE EFFECTIVE IMPLEMENTATION OF THE ADDITIONAL
ACT A/SA.02/05/15 RELATING TO EQUALITY OF RIGHTS BETWEEN WOMEN AND MEN FOR SUSTAINABLE
DEVELOPMENT WITHIN THE ECOWAS REGION FOR THE EMERGENCE OF WOMEN-MEN EQUALITY WITHIN
AN ECOWAS OF THE PEOPLES !**

Dr. Fatimata DIA SOW

Commissioner for Social Affairs and Gender



THE HIGH CONTRACTING PARTIES

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty, as amended, establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of article 63 of the Revised ECOWAS Treaty entitled "*Women and Development*" committing Member States" to formulate, harmonize, coordinate and establish appropriate policies and mechanisms for the enhancement of the economic, social and cultural conditions of women ";

MINDFUL of ECOWAS Supplementary Protocol on Democracy and Good Governance;

MINDFUL of Protocol A/P3/1/03 on Education and Training;

MINDFUL of Supplementary Act A/SA.4/12/08 of 19 December 2008 relating to the ECOWAS environmental policy;

MINDFUL of Supplementary Act A.SA.13/02/12 of 17 February, 2012 on the imposition of sanctions against Member States that do not honor their obligations towards ECOWAS;

MINDFUL of Supplementary Act A.SA.16/02/12 of February 17, 2012 adopting the ECOWAS policy on the development of mineral resources;

MINDFUL of Supplementary Act A.SA.2/06/12 adopting the ECOWAS Policy on Science, Technology and Innovation and its action plan;

MINDFUL of the Regional Policy for the protection and assistance of victims of human trafficking in West Africa;

MINDFUL of Decision A/DEC.16/01/03 transforming the West African Women's Association (WAWA) into the ECOWAS Gender Development Centre (EGDC), a decision taken within the framework of the process of developing the ECOWAS Gender Policy, whose primary mission is to work towards the mainstreaming of gender into the Community's integration process ;

MINDFUL of Decision A/DEC. of 7/12/03 establishing a gender technical commission in charge of gender equality issues;

MINDFUL of Decision A/DEC. of 01/01/05 adopting the ECOWAS Gender Policy and all the tools necessary for its implementation;



MINDFUL of Decision A/DEC.2/01/05 establishing an ECOWAS gender management system;

MINDFUL of Decision A/DEC.11/01/05 of 19th January 2005 adopting the ECOWAS Agricultural Policy (ECOWAP / CAADP);

MINDFUL of Regulation C/REG.14/12/03 establishing a unit on gender, child and youth issues within the ECOWAS Department of Human Development;

CONSIDERING that ECOWAS' vision with respect to the Gender Policy is to ensure the emergence of a West African society where justice and security thrive and in which women and men can participate, decide, control and benefit from all development activities;

CONSIDERING that its mission is to engage West African citizens in the formulation and implementation of sustainable socio-economic development activities liable to contribute to the eradication of poverty and the promotion of gender equality, good governance and the creation of the necessary conditions for peace through cooperation and integration;

CONSIDERING that as part of ECOWAS integration objectives, a gender policy will strengthen the participation and contribution of all segments of the population, including women and key socio-economic development partners, by promoting social justice and equitable living standards;

CONVINCED that the development and advancement of women is imperative for development, progress and peace in any society, as expressly stipulated in Article 40, Section VIII of the ECOWAS Supplementary Protocol on Democracy and Good Governance;

NOTING that Member States have committed themselves, through the adoption of a number of legal texts, including the United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW);

RECALLING ILO Conventions 100, 111, 156 and 183, relating respectively to equal pay, to discrimination in employment and occupation, to workers with family responsibilities and to the protection of mothers in the work place;

EQUALLY NOTING that all Member States have reaffirmed their commitment to the 1985 Forward-looking Strategies of Nairobi, the 1994 Dakar Program of Action, the Beijing Declaration and Platform for Action of 1995, the ECOWAS Gender Policy (2002), the Decision on gender equality taken at the Inaugural Session of the Conference of Heads of State and Government of the African Union (AU) in Durban (South Africa) in July 2002, the Protocol of the African Charter on Human and Peoples' rights on the Rights of women in Africa (2003), the Solemn Declaration of the Heads of State and



Government on equality between men and women in Africa (2004), the Paris Declaration of 2005, the Gender Policy of the African Union (2008), the United Nations Security Council Resolution 1325 (2000) on women, peace and security and related resolutions 1820 (2008) 1888 and 1889 (2009).

REAFFIRMING their firm commitment to the obligations contained in the sub-regional, regional and international legal instruments, which consider gender equality and equity, the elimination of discrimination and violence against girls and women, and the protection of human rights as essential for the achievement of the legitimate aspirations of the people of the West African Community;

RECOGNIZING the need to honor the commitments and objectives in these instruments, and that the progress made, which is still fragile, is faced with new threats such as HIV/AIDS, globalization, human trafficking, especially women and children, the feminization of poverty, violence against women and girls, climate change, food insecurity and armed conflicts.

RECOGNIZING in addition that social, cultural and religious practices, attitudes and opinions continue to militate against the achievement of gender equality and equity, which are essential to democracy and development;

DETERMINED to create and strengthen synergy between the various commitments on gender equality and equity at regional, continental and international levels and to harmonise them into a comprehensive regional instrument that will improve the ability to implement all the instruments, while taking on new challenges;

AWARE that in conflict and crisis situations, women and children, who are already vulnerable in normal times, become even more vulnerable;

CONVINCED that it is imperative, in this context, for ECOWAS Member States to formulate and adopt a legal instrument that responds to the needs and specific context of the West African region;

DESIROUS of adopting a legal framework for achieving equality of rights between women and men in the ECOWAS region;

AFTER THE OPINION of the ECOWAS Parliament on the 13th May 2015;

UPON RECOMMENDATION by the Seventy Sixth Ordinary Session of the ECOWAS Council of Ministers held in Accra (Republic of Ghana) from the 15th to 16th May 2015;

DO HEREBY AGREE AS FOLLOWS:



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CHAPTER I

DEFINITIONS, GENERAL PRINCIPLES AND OBJECTIVES

Article 1: Definitions and List of Abbreviations and Acronyms

1. Definitions

The terms and expressions used in this Supplementary Act have the meanings defined below, unless otherwise indicated by the context:

Climate Change: refers to all the variations of climatic characteristics in a given location over time: warming or cooling, as well as some forms of air pollution resulting from human activities that threaten to significantly alter the climate, leading to global warming.

Gender Stereotypes: refers to the relationships that are maintained in respect of the characteristics, features and areas of activities which are considered to be suitable for women and men as well as girls and boys, in reference to the traditional roles that women and men usually play, whether at home or in society.

Discrimination: means any type of distinction, exclusion or restriction that is aimed at impairing or nullifying the recognition of human rights and fundamental political, economic, social, cultural or civil or other freedoms, or at threatening the enjoyment or exercise of human rights and freedoms by any individual.

Affirmative Action: means a program or a measure of orientation that seeks to correct past or current discriminations by adopting active measures, to ensure equal of opportunity in all spheres of life.

Sexual and reproductive rights: Sexual and reproductive rights include access to sexual and reproductive health care and information, as well as autonomy in sexual and reproductive decision-making

Gender Equality: refers to the equal enjoyment of rights and access to resources by women, men, girls and boys in all spheres of life.

Gender Equity: means the fair distribution of benefits, rewards and all opportunities between men and women, girls and boys, based upon respect for their differences.

Member State: means a Member State of ECOWAS.

Gender: refers to the roles, duties and responsibilities culture and society assign to women, men, girls and boys, which change over time and space.



Sexual Harassment: means any action (verbal, physical, gestural, psychological) exerted on a person who is under the authority of another, for the purpose of obtaining sexual favors, and without the consent of the victim.

Gender Mainstreaming: A process of identifying gender gaps with the view to ensuring that the concerns and experiences of women, men, girls and boys are, as a whole, taken into account in the design, implementation, monitoring and evaluation of policies and programmes in all spheres in order to guarantee equal benefits for all.

Parity: refers to all measures aimed at ensuring the equal participation of women in the political sphere, in the area of employment (access to a profession, equal recruitment opportunities, employment and equal grading, equal pay) and in terms of representation at the top leadership levels of companies and institutions.

Health Care Provider: refers to any person who provides care and support services of an emotional, psychological, physical, economic, spiritual or social nature to another person.

Women's Multiple Roles: refers to the responsibilities that women take on, namely those related to reproduction, production and community management.

Sex: refers to the biological differences between men and women.

Health: is defined as a state of complete physical, mental, spiritual and social well being of an individual and not merely the absence of disease or infirmity.

Informal sector: means the aspect of a country's economy that is outside of the formal and regular environment.

National Gender Machinery: means the national structures in charge of addressing gender or women's issues with a mandate to execute the policies, programmes and related projects.

Decent work: is the availability of employment in conditions of freedom, equity, human security and dignity.

Human Trafficking: means any operation or action that aims to recruit, transport, transfer, house or receive people, through the use or threat of the use of force or other forms of coercion by abduction, fraud, deceit, abuse of power or a position of vulnerability; or by the offer or receipt of payments or benefits to obtain the consent of a person having control over another person for the purpose of exploitation, such as prostitution, sexual exploitation, forced labor, organ extraction and trafficking, slavery or similar practices.



Gender-based Violence: means all kinds of acts perpetrated against women, men, girls and boys based on their sex, causing or capable of causing physical, sexual, psychological or economic damage, including the threat to use such acts or the fact of imposing arbitrary restrictions or deprivation of fundamental freedoms in private or public life in peace time and during periods of armed or unarmed conflicts.

2. List of abbreviations and Acronyms

AIDS:	Acquired Immune Deficiency Syndrome
AU:	African Union
BCC:	Behaviour Change Communication
CECI:	Centre for International Studies and Cooperation
CEDAW:	Convention on the Elimination of All Forms of Discrimination against Women
CET:	Common External Tariff
ECOWAP:	ECOWAS Common Agricultural Policy
ECOWAS:	Economic Community of West African States
EFH:	Equality of Rights between Women and Men
HIV:	Human Immuno-Deficiency Virus
ICT:	Information and Communication Technology
IEC:	Information, Education and Communication
ILO:	International Labour Organization
MFI:	Micro-Finance Institutions
SADC:	Southern African Development Community
STD:	Sexually Transmissible Diseases
STI:	Sexually Transmissible Infections
WAWA:	West African Women's Association



Article 2 : General Provisions

1. This Supplementary Act is governed by the following principles:

(a) Member states shall conform to the rules of international law in general and the principles of good faith in particular, and shall undertake to implement this Supplementary Act and to align their national laws, policies, strategies and programmes to the provisions of the Act to ensure gender equality and equity as well as strengthen the empowerment of women and girls.

(b) Member states shall cooperate to facilitate the development of the human, technical and financial capacity necessary for the implementation of this Supplementary Act.

2. Member States shall adopt the necessary policies, strategies and programmes, such as affirmative action, to facilitate the implementation of this Supplementary Act. Affirmative action will be implemented for the benefit of women and girls to remove all obstacles to their effective participation in the economic and social development of their communities.

Article 3: Objectives

This Supplementary Act has the following objectives:

- to provide a legal document that harnesses all synergies for the harmonization of national legislations with international commitments to protect and promote women's rights in West Africa;
- to harmonize existing legislation and policies in the ECOWAS region into a single regional instrument that will provide a basis and a common reference for all Member States;
- to establish, within the framework of the implementation of the commitments made in this Supplementary Act, an agenda and a mechanism for periodic evaluation at both national and regional levels;
- to strive to strengthen the economic activities of women, eliminate discrimination and achieve gender equality and equity through the development and effective implementation of laws and policies;
- to improve the living conditions of vulnerable groups, mainly women, girls and boys, the elderly and persons living with disabilities, in line with the demands of sustainable development;



- to increase the rate of women's participation at all levels of decision-making in the different sectors, particularly in the political sphere, notably the processes of conflict prevention and management and the restoration of peace and security;
- to ensure a greater role for women in early warning mechanisms within the ECOWAS region;
- to consolidate regional integration and sustainable development through the effective participation of women in the regional integration process.

CHAPTER II

GUARANTEED INDIVIDUAL RIGHTS

Article 4 : Constitutional and Policy Measures

1. Member States shall ensure the effective implementation of the constitutional provisions on gender equality and equity and ensure thereafter that no law, rule or practice infringes these principles of equality and gender equity.
2. Member States shall ensure that women have an increased role in public dialogue processes. To this end, they will ensure that the principle of parity between women and men is applied in the composition of government and in the private sector, especially with regard to positioning women to contest elective positions such as the Parliament and local decision making bodies.

Article 5 : Economic, Social and Cultural Rights

1. Member States shall implement legislative and regulatory measures to eliminate all practices which negatively impact on human rights, particularly those of women, girls and boys, such as the right to life, to participation, health, dignity, education and integrity.
2. Member States shall support women's economic empowerment.
3. Member States shall support and enhance the contribution of women in the search for solutions against food insecurity, environmental management and all initiatives aimed at mitigating the negative effects of climate change on the lives of women and girls.

Article 6: Access to Justice

Member States shall ensure the equitable and non-discriminatory treatment of women with regard to access to justice. They shall in particular :



- (a) ensure equal treatment in all judicial and quasi-judicial proceedings, including in the process of national reconciliation;
- (b) ensure equality of status and capacity in civil rights, notably contractual rights, the right to acquire and hold property, and the right of access to credit;
- (c) ensure equity with regard to inheritance ;
- (d) put in place all necessary measures to ensure compensation for damages suffered by women and girls in all instances, both public and private, as well as in the movement of goods and services;
- (e) develop educational programmes to eliminate discrimination and gender stereotyping and to promote the participation of women in the legal system ;
- (f) ensure the equal representation and participation of women in all international, national and traditional courts, as well as in alternative dispute resolution mechanisms;
- (g) provide women with accessible and affordable legal and judicial aid services, particularly those that earn low incomes.

Article 7 : Matrimonial and Family Rights

1. Member States shall enact and adopt, in accordance with their constitutions, appropriate legislative, administrative and regulatory measures to ensure that women and men enjoy equal rights and are regarded as equal partners in marriage.
2. Laws on marriage shall:
 - (a) guarantee that every marriage is contracted with the free and full consent of both the man and woman involved;
 - (b) set the minimum age for marriage at 18 years;
 - (c) guarantee that all marriages, be they customary, religious or civil, are registered in accordance with national laws;
 - (d) guarantee that during their marriage, the couple have reciprocal rights and obligations towards their children, whose interest it is always primordial to take due account of;



3. Member States shall adopt all appropriate measures to ensure that, in the event of separation, divorce or annulment of marriage:
 - (a) parents shall have reciprocal rights and obligations towards their children;
 - (b) property acquired during the marriage is shared equitably between both parties,
 - (c) parents shall meet their obligations to care for their children and respect court orders to pay alimony;
4. Member States shall put in place the necessary legislation for married people to have the right to retain their nationality or acquire that of their spouses.
5. Member States shall grant women equal rights with men with respect to the acquisition, change or retention of their nationality.
6. Member States shall grant women the right to pass on their nationality to their children in the same way as men.

Article 8 : Social protection of people with disabilities

Member States shall adopt the laws and measures necessary for the social protection of persons with disabilities, taking into account the particular vulnerabilities of women and girls who are in this situation in all spheres of life.

Article 9 : Protection of the Rights of Widows and Widowers

1. Member States, shall take, in respect of widows and widowers, all necessary measures to:
 - (a) prevent them from suffering inhuman, humiliating or degrading treatment;
 - (b) ensure that, after the death of the husband or the wife, the surviving spouse is automatically granted custody of the children, save otherwise decided by the courts;
 - (c) grant the surviving spouse decent living conditions, particularly the right to continue living in the matrimonial home, to inherit the property of the deceased, to continue working and to avail themselves of all opportunities to improve their living conditions;
 - (d) grant to the widow or widower the right to marry any person of their choice;



- (e) protect the widow or widower from all forms of violence and discrimination they may suffer as a result of their condition;
- (f) provide assistance to widows engaged in income generating activities.

2. Member States shall take legislative and regulatory measures to ensure that, in appropriate circumstances, widowers and widows enjoy the same rights.

Article 10: Child Protection

1. Member States shall adopt the laws, policies and programmes necessary to ensure the development and protection of the child, by:

- (a) eliminating all forms of discrimination against the child, especially the girl child, within the family and the community, and in institutional and state frameworks;
- (b) ensuring that children have equal access to education and health care, and that they are not subject to treatment likely to develop in them a negative image;
- (c) ensuring that children have the same rights and are protected against negative attitudes and cultural practices, such as female genital mutilation and early or forced marriage as stipulated in the ECOWAS Child Policy, the UN Convention on the Rights of the Child, and the African Charter on the Rights and Welfare of Children;
- (d) protecting children from economic exploitation, trafficking and all forms of violence, particularly refugee and migrant children and those afflicted by disabilities or other forms of vulnerability;
- (e) protecting children against sexual and physical abuse such as prostitution, pornography and pedophilia; the forced recruitment of children as soldiers in armed groups; and their involvement in crime, sects and gangs;
- (f) ensuring the prevention, protection, recovery and rehabilitation of children in conflict with the law;
- (g) protecting children against begging, living on the streets and child labour, especially the worst forms of child labour;
- (h) ensuring that children have equal access to information on family life education.



CHAPTER III

GOVERNANCE AND DECISION-MAKING

Article 11: Representation

1. Member States shall institute affirmative action to ensure effective gender equality in decision-making positions in public and private sectors.
2. Member States shall take all necessary measures at all levels to establish the critical link between gender-balanced representation, good governance, democracy and sustainable development.

Article 12: Participation in electoral processes

1. Member States shall adopt legislative measures and other strategies to ensure equal participation of women and men in all electoral processes, including the administration of elections and voting;
2. Member States shall ensure equal participation of women and men in the appointment of political representatives and decision-making through the adoption of laws and implementation of policies, strategies and programmes aimed at:
 - (a) Strengthening women's capacity to participate effectively through training, leadership mentoring and awareness creation on gender issues;
 - (b) Strengthening the capacity of young people through training, leadership mentoring and civic engagement;
 - (c) Setting up structures to improve gender mainstreaming in civic education.

CHAPTER IV

EDUCATION AND TRAINING

Article 13 : Access to Education

1. Member States shall adopt and implement gender-sensitive policies and educational programmes that address issues relating to gender stereotypes and gender-based violence.
2. Member States shall undertake to make a special budgetary allocation to the education of girls and other vulnerable groups and to put in place a mechanism to ensure the proper use of these funds;



3. Member States shall undertake to promote literacy and community participation in the deployment of human, material and financial resources;
4. Member States shall encourage the participation of women in education systems especially in Science, Technology and Mathematics; in order to serve as education models for communities;
5. Member States shall comply with the new holistic vision of education by enacting laws that promote equal access to primary, secondary, tertiary, vocational and non-formal education, prevent school dropouts, and ensure school retention and completion at all levels of the educational cycle.

Article 14: Access to Training

Member States shall jointly implement well defined programmes that:

- (a) address issues relating to gender stereotypes in the field of training of trainers,
- (b) ensure gender capacity building for all stakeholders;
- (c) facilitate advocacy with producers of educational materials, policy makers and school system administrators,
- (d) ensure gender mainstreaming in the development and review of school curricula and textbooks.

CHAPTER V

ACCESS OF WOMEN TO RESOURCES AND EMPLOYMENT

Article 15: Economic Empowerment of Women

1. Member States shall adopt all necessary legislative and regulatory measures to ensure women's equal access to all economic and profit-making opportunities in the areas of trade and entrepreneurship, including access to public markets, while taking due account of their contributions to the formal and informal sectors.
2. Member States shall review their national trade and entrepreneurship policies in line with the principles of gender equality.



3. Member States shall undertake to strengthen the entrepreneurial capacity of women with a view to empowering them through:

- (a) The establishment of support and follow-up mechanisms on access to employment and the creation and management of enterprises;
- (b) The provision of technical means and instruments to promote the inclusion of women's unpaid work in the national accounts system and the promotion of appropriate technologies for the reduction of domestic tasks;
- (c) The organization of advocacy campaigns for the establishment of collateral funds to enable women to access credit from banking and microfinance institutions;
- (d) The capacity building for women to effectively utilize the resources available within specific support programmes for grassroots initiatives;
- (e) The provision of support to access appropriate technologies and to engage in cost-effective processing and the preservation of local products, and in the creation of opportunities and income generating activities;
- (f) The provision of financial support to NGOs and other specialized microfinance institutions (MFIs) to increase the level of women's access to credit;
- (g) The provision of support for the promotion of community projects and access to local production, agro-forestry, small-scale livestock farming, handicrafts, fish farming and food processing.

Article 16: Awareness creation on Intra-regional trade in the ECOWAS Region

Member States shall train and sensitise women and men on trade policy instruments, particularly the mechanisms of the ECOWAS Trade Liberalization Scheme (ETLS) and the Common External Tariff (CET) by:

- (a) training and sensitizing women on their rights and duties with regard to the free movement of products of ECOWAS origin;
- (b) organizing special awareness creation session for women on the Common External Tariff.

Article 17: Participation in the Formulation of Economic and Social Policies

1. Member States shall ensure the equal participation of women and men in the formulation and implementation of economic and social policies.



2. Member States shall ensure that gender equality objectives are taken into account in all planning, programming and budgeting processes at all levels.

Article 18: Access to Property and Resources

1. The Member States shall undertake to:

- (a) Put in place mechanisms to ensure the competitiveness of women-owned or managed businesses;
- (b) Facilitate women's access to property and to encourage their participation in land reform processes.

2. Member States shall review and amend laws and policies governing women's access to, ownership and control of productive resources in order to:

- (a) put an end to discrimination against women and children in terms of access to water, housing and the right to own land, as well as discrimination and suffering associated with climate change;
- (b) ensure women's equal access and right to credit, capital, mortgage and training;
- (c) ensure women's access to appropriate modern information and communication technology (ICT) services and support.

Article 19 : Equal Access to Decent Employment and Related Benefits

1. Member States shall review, amend and adopt laws and policies to ensure that women and men have equal access to decent and paid employment in all sectors of the economy, in accordance with ILO employment and labour standards.

2. Member state shall revise and adopt appropriate measures to:

- (a) ensure equal pay to both women and men for work of equal value;
- (b) eliminate occupational segregation and all forms of employment-related discrimination;
- (c) recognize and protect the economic value of the work done by women in the agricultural and domestic sectors.

3. Member states shall adopt and enforce legislation and regulatory measures prohibiting dismissal or refusal to recruit women on the basis of pregnancy or maternity leave.



4. Member States shall make provisions for women and men to enjoy maternity and paternity leave and other social benefits.
5. Member States shall ensure equal employment and retirement benefits, for women and men, irrespective of their marital status.
6. Member States shall ensure that when a female dies, the surviving husband and children benefit from the wife's pension.

Article 20: Access of Women to Decent Work

1. Member States shall ensure equal access of salaried or self-employed women to decent work in the formal or informal economy, or domestic work.
2. Member States shall ensure enhanced organization of work to:
 - (a) increase the ability of women to achieve a balance between the demands of work and family life and promote life-long learning.
 - (b) ensure full involvement of social partners in efforts to achieve decent work and to develop social dialogue mechanisms while ensuring that initiatives devoted to the promotion of the Decent Work Agenda are sustained;
 - (c) develop and implement programmes to promote the creation of productive jobs in accordance with international labor standards in order to ensure and extend social protection to all workers.

CHAPTER VI

YOUTH AND DEVELOPMENT

Article 21 : Youth and Citizen Participation

1. Member States shall undertake to define a gender-sensitive vision for the youth in the political, economic, social and cultural spheres.
2. Member States shall adopt gender-sensitive legislative and regulatory measures, policies and programmes to protect the youth against crime, drugs, truancy and all forms of deviance in order to ensure their effective integration into society.
3. Member States shall ensure the active and effective participation of young people in national, community, regional and international decision-making bodies on the basis of gender equity and equality.



4. Member States shall create a framework for the youth to exchange and share ideas on youth issues, with the support and supervision of the authorities of their countries.

Article 22: Youth and Employment

Member States shall take the necessary measures to:

- (a) put in place training and job-creation programmes and projects based on gender equity and equality;
- (b) encourage the promotion of youth self-employment schemes in all sectors of the economy, by facilitating their access to productive resources and credit;
- (c) eliminate all forms of discrimination against the youth in terms of access to the factors of production;
- (d) promote youth access to decent employment.

CHAPTER VII

GENDER-BASED VIOLENCE

Article 23: Prohibition and Support for Victims

1 Member States shall:

- (a) adopt laws prohibiting all forms of gender-based violence, and ensure their enforcement;
- (b) ensure that the perpetrators of gender-based violence, including domestic violence, sexual harassment, female genital mutilation and all other forms of gender-based violence are brought before a court of competent jurisdiction and punished accordingly.

2. Member States shall adopt laws on gender-based violence that provide for testing, treatment and care of victims of sexual offenses. Victims of sexual offences shall have access, in particular, to:

- (a) emergency medical care and treatment;
- (b) post-exposure treatment/prophylaxis in all health centers so as to reduce any risk of contracting HIV and other opportunistic infections;



- (c) treatment for the prevention of sexually transmitted infections;
- (d) justice, through the enforcement of criminal laws on gender-based violence and the provision of the appropriate remedies.

3. Member States shall establish the necessary mechanisms for social and psychological rehabilitation of victims of gender-based violence.

Article 24: Support Services for Victims of Gender Based Violence

1. Member States shall:

- (a) develop a standardized procedure and guidelines to support victims of violence through the establishment of one-stop centres;
- (b) provide accessible, free or affordable, effective and responsive services to ensure the social and psychological well-being of victims of gender-based violence as well as well-coordinated and harmonized health systems;

2. Member States shall put in place or strengthen funds for the provision of legal assistance to victims of gender-based violence.

3. Member States shall take measures to ensure compensation by the perpetrators, co-perpetrators, sponsors and accomplices of violence suffered by the victims.

Section 25: Human Trafficking

Member States shall:

- (a) adopt specific legislative measures aimed at preventing human trafficking and providing comprehensive services to survivors of trafficking as well as ensure their social reintegration;
- (b) put in place appropriate mechanisms to equip the police and the judiciary with the means to eradicate human trafficking networks at the national, regional and international levels;
- (c) put in place harmonized mechanisms for data collection and reporting on the types and modes of trafficking in order to ensure effective programming, monitoring and evaluation;



(d) conclude bilateral and multilateral agreements to ensure better border management and carry out joint and concerted action against human trafficking in relation to countries of origin, transit and destination;

(e) carry out capacity building activities for the police force and the judiciary;

(f) intensify national efforts in the fight against the factors that make people vulnerable to human trafficking, including :

- the creation or revitalization of national structures to fight against trafficking;
- the establishment of a regional structure on the fight against trafficking;
- the development of projects and programmes for victims of trafficking, especially women and children;
- The conduct of a regional study on the trafficking of women and girls in line with national and sub-regional strategies on the fight against this scourge;
- the monitoring and evaluation of cooperation agreements among Member states or signed with third countries in the fight against trafficking.

Article 26: Social, Economic, Cultural and Political Practices

1. Member States shall take appropriate measures to review customary norms, including social, economic, cultural and political practices and religious beliefs that legitimize and exacerbate the persistence and tolerance of gender-based violence, in order to punish such practices, and to denounce their negative impact on society, through awareness campaigns.

2. Member States shall introduce in all segments of society, public information and awareness creation programmes on gender equality issues in order to ensure behaviour change and the eradication of gender-based violence.

Article 27 : Sexual Crimes and Offences

1. Member States shall adopt laws and regulations for the implementation of policies, strategies and programmes that define, prohibit and penalize sexual harassment and rape in all areas.



2. Member States shall take measures to punish sexual crimes and offences committed by the military during peacekeeping missions in the ECOWAS region.

Article 28: Training of Service Providers involved in Support of Victims of Gender-based Violence

Member States shall introduce and promote:

- (a) education and training on equality of rights between women and men for judiciary and extra-judiciary actors involved in the provision of support to victims of gender-based violence;
- (b) community information and awareness creation programmes on the services and resources available for victims of gender-based violence.

CHAPTER VIII

HEALTH AND HIV / AIDS

Article 29: Health

Member States shall, In conformity with the provisions set out in regional and international legal instruments on health, adopt and implement frameworks, policies and programmes for the provision of adequate, affordable and gender-sensitive health care services, in order to:

- (a) substantially reduce the rate of maternal and child mortality;
- (b) develop and implement policies and programmes aimed at responding to the reproductive, mental and sexual health needs of women and men;
- (c) implement accessible and free health programmes for children, pregnant women, mothers and elderly people;
- (d) make available information, advisory services and guidance to improve the management of family health and well-being issues;
- (e) ensure the provision of adequate hygiene and health services to women, especially women in detention, as well as their nutritional needs and those of their children;



- (f) increase budgetary allocations to emergency and primary health care (maternity and nursery) to improve the health of women and newborns.

Article 30: Reproductive Health of Women

Member States shall:

- (a) take appropriate measures to protect and support women suffering from reproductive health-related conditions, such as obstetric fistula, female-related cancers, uterine prolapse, early pregnancy and infertility;
- (b) develop and implement policies and programmes aimed at ensuring the proper recognition of work done by female health care providers in order to ensure that they receive the appropriate resources and psychological support;
- (c) encourage men to become health care service providers;
- (d) provide support to women living with HIV/AIDS.

Article 31: HIV/AIDS, STIs

1. Member States shall take all necessary measures to implement gender-sensitive policies and programmes aimed at providing services for the prevention, treatment, care and support in respect of STIs and HIV/AIDS.
2. Member States shall ensure that the policies and programmes referred to in paragraph one (1) of this Article take account of the unequal status of women as well as the harmful practices and biological factors that make them the majority of people infected and affected by STIs, HIV and AIDS.
3. Member States shall:
 - (a) develop gender-sensitive strategies to prevent new infections;
 - (b) ensure that women, men and children infected with HIV and STIs or suffering from prostate, prolapse, obstetrics fistula and AIDS have access to treatment.



CHAPTER IX

CONFLICT PREVENTION AND MANAGEMENT, PEACE AND SECURITY

Article 32: Participation in Decision-Making and the Promotion of a Culture of Peace.

1. Member States shall adopt the necessary measures to ensure women's equal representation and participation in key decision-making positions on conflict prevention and management, peace building and security in accordance with:

- The ECOWAS Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and security;
- The ECOWAS Supplementary Protocol on Democracy and Good Governance
- United Nations Security Council resolutions 1325, 1820, 1888 and 1889 on Women, Peace and Security.

2. During periods of armed conflict or crisis of any kind, Member States shall take all necessary measures to prevent and eliminate all incidences of human rights violations, especially those of women and children, and ensure that the perpetrators of these violations are brought to justice before a court of competent jurisdiction.

3. For the purpose of the prevention of conflicts and the maintenance of peace and security, Member states shall take all necessary measures to promote a culture of peace, taking into account early childhood.

4. Member States shall ensure the protection of women and children from all forms of violence in conflict zones and refugee camps.

CHAPTER X

MEDIA, INFORMATION AND COMMUNICATION

Article 33: General Principles

1. Member States shall ensure that equality of rights between men and women is taken into account in all media-related legislation, policies, programmes, training and recruitment.



2. Member States shall take measures to ensure that the media and organizations associated with them mainstream gender in their policies and procedures.
3. Member States shall take all necessary measures to promote equal representation of women in media practice and in media-related decision-making structures.
4. Member States shall take the necessary measures to ensure that regulatory mechanisms on the audiovisual sector are in place in all ECOWAS countries.

Article 34 : Equality of Rights Between Women and Men in Media Content

1. Member states shall ensure that media organizations, the press, regulatory institutions and training centers take account of the principle of equality of rights between women and men in their codes of conduct, procedures and policies as enshrined in the regional and international legal instruments;
2. Member States shall prohibit:
 - (a) pornography and portrayal of violence in the media (traditional and modern media such as internet and social networks), particularly with respect to women and children;
 - (b) the publication of pictures and articles that demean women;
 - (c) the degradation and exploitation of women for advertising purposes.
3. Member States shall encourage the media to give equal opportunities to women and men in all aspects of media coverage, by increasing the number of programmes on women or produced by women, or programmes that fight against gender stereotypes.
4. Member States shall take measures to encourage the media to play a constructive role in the eradication of gender-based violence by adopting gender-sensitive programmes.

Article 35: Access to Information, Communication and to Information and Communication Technology

Member States shall adopt policies and laws on information and communication technology in the area of social, cultural and economic development, with the view to building the capacity and competence of women and girls by ensuring their access to information, communication and information and communication technology, regardless of race, age, religion or social class.



CHAPTER XI

ENVIRONMENT, WATER, SANITATION AND CLIMATE CHANGE

Article 36: Access to Water and Sanitation

1. Member States shall take the necessary measures for the improvement of sanitation and access of people to safe drinking water through:
 - (a) the establishment of infrastructure and the provision of adequate equipment and materials that are adapted to household usage;
 - (b) the improvement of renewable energy (use of solar) and rural electrification in a bid to reduce the burden of work on women and to improve the competitiveness of businesses managed by women;
 - (c) the improvement of household waste management; the banning of the use of inappropriate bags, particularly plastic bags that have adverse effects on biodiversity; and the improvement of the quality of life;
2. Member States shall ensure a respectful and rational exploitation of fishery and agricultural resources and handicraft for better conservation of biodiversity and sustainable development in the ECOWAS region.

Article 37: Environmental Management

(1) Participation

Member States shall undertake to adopt measures for the equitable participation of women and men in decision making bodies on the management of the environment and natural resources, and to implement plans on land use and the integrated management of natural resources and fisheries, taking into account equality of rights between women and men.

(2) Protection

Member States shall take measures to promote the use of alternative energy for domestic purposes in order to mitigate the negative impact of firewood use, such as the disappearance of certain plant and animal species, the degradation of forest resources, soil impoverishment, and the occurrence of bushfires.



Article 38: Protection against the Negative Effects of Climate Change

Member States shall implement policies and programmes to reduce the negative impacts of climate change on the population in general, and women in particular, by:

- (a) putting in place mechanisms for the management of the ecosystem and the prevention of natural disasters, taking into account equality of rights between women and men;
- (b) the adoption of common gender-sensitive regional plans and programmes to protect the environment and natural resources;
- (c) support for Information, Education and Communication (IEC) and Behaviour Change Communication (BCC) campaigns on the preservation of the environment, natural resources and the effects of climate change.

CHAPTER XII

AGRICULTURE AND SUSTAINABLE DEVELOPMENT

Article 39: Access to Land

Member States shall take all necessary measures to ensure equitable access, right of ownership and control of land and land resources.

Article 40: Access to Water and Factors of Production

Member States shall take measures to improve the management of water, including the promotion of irrigation and the integrated management of water resources.

Article 41: Productivity and Competitiveness of Agricultural Products

Member States shall take all necessary measures to promote national, regional and international trade in products through:

- (a) strengthening the competitiveness of women in the agricultural sector, including the food production, food crops, organic crops, livestock, cash crops, small-scale fisheries, aquaculture and the development and processing of agricultural products;
- (b) the strengthening of support services (inputs, equipment, transportation, micro finance structures, etc.) and market access for women.



Article 42: Concerted and Harmonized Management of Crisis and Disasters

Member States shall undertake to mainstream gender in the system of coordinated and harmonized management of food crises and other natural disasters (fires, floods, insect and pest infestation, drought, etc.).

Article 43: Participation of Women in Decision-Making

Member States shall undertake to promote the active participation of women in the formulation of agricultural policies, strategies, programmes and projects.

CHAPTER XIII

INFRASTRUCTURE, ENERGY AND MINING

Article 44: Access to Infrastructure

Member States shall take measures to ensure the regulation and equal access of women and men to infrastructure, by improving their access to alternative infrastructure (ICT and air, rail, river and road transport).

Article 45: Access to Energy Services

Member States shall undertake to promote access to energy services for all, and particularly to increase access to energy services for rural and peri-urban populations in an equitable manner and without gender-related discrimination.

Article 46: Access to the Mining Sector

Member States shall undertake to institute the necessary measures to:

- a) facilitate the involvement of women in the mining sector value chain;
- b) facilitate equal access of women and men to funding for mining sector investments;
- c) increase the level of involvement of women in the mining industry;
- d) facilitate women access to investments funds in the mining sector;
- e) strengthen the institutional, technical and financial capacity of women in the mining sector;



- f) encourage the establishment of women's cooperatives in the mining sector.
- g) put in place mechanisms for the support and protection of women and children exposed to sex work and illegal work respectively.

CHAPTER XIV

FINAL PROVISIONS

Article 47: Remedies

Member States shall:

- (a) provide in their legislation the appropriate corrective measures for any person whose rights or freedoms guaranteed by this Supplementary Act are violated;
- (b) ensure that such remedies are determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the law.

Article 48: Financial Provisions

1. Member States shall ensure the mainstreaming of gender in planning and resource allocation processes, as well as capacity building for women and girls.
2. Member States shall mobilise and make available the necessary human, technical financial resources for the successful implementation of this Supplementary Act.

Article 49 : Implementation, Monitoring and Evaluation

1. Member States shall ensure the implementation of this Supplementary Act at the national and regional levels.
2. Member States shall ensure, through appropriate national and regional structures, that national and regional action plans with concise objectives and timelines are developed, and that appropriate monitoring and evaluation mechanisms are put in place and implemented accordingly.
3. Each Member State shall collect and analyze data that will be used to assess progress made in the achievement of the objectives set out in this Supplementary Act.



4. An Ad hoc committee shall be set up to monitor the implementation of this Supplementary Act through an Enabling Regulation of the President of the Commission upon recommendation of the Commissioner for Social Affairs and Gender; spelling out in detail its composition, mandate and operational modalities. The ECOWAS Gender Development Centre shall provide the secretariat.

5. Sanctions for non-compliance with the provisions of this Supplementary Act are those laid down by Article 77 of the Revised ECOWAS Treaty as well as those of the Supplementary Act A.SA. 13/02/12 of 17th February 2012, laying down rules on sanctions against Member States not honoring their obligations vis- à-vis ECOWAS.

Article 50: Settlement of Disputes

1. Member States shall endeavor to amicably settle any dispute concerning the application, interpretation or implementation of the provisions of this Supplementary Act.

2. The disputes involving the interpretation or application of this Supplementary Act that cannot be settled amicably shall be brought before the ECOWAS Community Court of Justice, in accordance with Article 16 of the Revised Treaty.

3. The citizens of any Member State have the right to resort to the Community Court of Justice, ECOWAS when they believe that they have suffered any harm as a result of the violation of the rights set forth therein. The conditions under which this course of action can be taken are stipulated in the texts relating to the organization and functioning of the Community Court of Justice.

Article 51: Publication

The ECOWAS Commission shall publish this Supplementary Act in the Official Journal of the Community within thirty (30) days of its signing by the Heads of State and Government. It shall also be published in the Official Gazette of each Member State within thirty (30) days of notification by the Commission.

Article 52 : Entry into Force

1. This Supplementary Act shall enter into force upon its publication. Accordingly, Member States shall undertake to commence its implementation on its entry into force.

2. This Supplementary Act is annexed to the Revised ECOWAS Treaty, of which it is an integral part.



Article 53: Depository Authority

This Supplementary Act shall be deposited with the Commission, which shall in turn forward truly certified copies to all Member States and shall cause it to be registered at the African Union, the United Nations and all other organizations designated by the Council.

**IN WITNESS WHEREOF, WE, THE HEADS OF STATE AND
GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN
STATES, HAVE SIGNED THIS SUPPLEMENTARY ACT.**

DONE IN ACCRA ON THE NINETEENTH DAY OF MAY 2015

**IN ONE ORIGINAL ONLY, IN FRENCH, ENGLISH AND PORTUGUESE.
THE THREE (3) TEXTS ARE EQUALLY AUTHENTIC.**