**Girls & Women Participation in Political Life and Public Work: Achievements, Challenges & Opportunities**

**(Somalia - Ethiopia - South Sudan)**

**Written Contribution Presented by Elizka Relief Foundation**

**To the Working Group on Discrimination against Women and Girls** **within the work of the 50th session**

**Introduction**

The participation rates of girls and women in political life and public work vary from one country to another, which necessarily depends on the availability of a range of factors that prepare women to participate in societal culture, national legislation and infrastructure. By being able to participate in public life, women must clearly have their basic needs for adequate housing and security, quality education and an adequate level of health care. Naturally, hungry people, suffering from the horrors of war and displacement, cannot exercise their political rights or have a good opportunity to participate in public work.

Elizka Relief Foundation presents this written contribution to shed light on the achievements, challenges and opportunities for the participation of women in East Africa in political life and public work, and by finding out the answers to a range of questions on this subject, we can contribute to the creation of a specific article to support and enhance women's participation in accordance with the circumstances of each country, along with a number of recommendations to enhance and strengthen the place of women and girls in those countries.

**First: What is the normative (legal) framework related to the human rights environment, civic space, and the activism of girls and young women?**

Undoubtedly, constitutional and legal legislation have a significant impact on the extent to which women participate in their political life, the nature and intensity of participation and the ability to influence decision-making. National laws also affected women's participation in civil society institutions and public work. On the other hand, it is certain that the moral aspect and the pattern of customs and traditions that make up the collective awareness of each region control, in some ways beyond national legislation, the ability of women to participate in political life and public work.

In the East African region, we mention the State of Somalia. **In terms of international agreements**, Somalia has not signed the International Labor Organization (ILO) Convention No. 100, on equal pay for women and men. There is no doubt that financial need is one of the most important obstacles to women’s activity in public life.

 On the other hand, with regard to providing an appropriate environment that allows practicing activity, a culture of support for women is established. Somalia is among the countries that have not passed laws prohibiting domestic violence. Moreover, Somalia has not issued laws prohibiting child trafficking, which is naturally prepared to facilitate activities such as Forced prostitution, organ trafficking and other activities that destroy women's future before it even begins.

**With regard to the enactment of legislation for the education sector**, primary education is not considered compulsory in Somalia, and there are no laws or policies regarding the retention of pregnant girls in schools for an opportunity to complete their education[[1]](#footnote-1). In light of absence of a law that determines the age of marriage in Somalia, which is determined by the physical preparation of the girl, countless fatal violations may occur.[[2]](#footnote-2)

**In Ethiopia**, we find that national laws do not clearly prohibit child trafficking, and the impact of neglecting this legislation has exacerbated with the outbreak of war in Tigray, as gangs have been active smuggling people out of Ethiopia, in light of the massive violations of human rights that are witnessing it, and smugglers are not satisfied with much. They charge him for the trip, so they ask a lot again in exchange for stopping torturing the intruders, taking advantage of their panic and weakness to get additional money, and this is only a hint of the features of human trafficking that is spreading in the Horn of Africa, especially with neglect to codify its prohibition in national legislation.[[3]](#footnote-3)

**As to corporal punishment in Ethiopia**, Ethiopian laws allow beatings as a means of discipline, which led to serious psychological problems, which reduced enrolment rates and combined other factors that made continuing the educational process difficult for Ethiopian girls. In addition, there are no laws relating to the retention of pregnant children in school, and with girls forced into early marriage and abused by the husband, many of those who have married short or voluntary early marriages may not be able to complete their educational opportunities.[[4]](#footnote-4) Although primary education in Ethiopia is free, compulsory and inclusive, but free education does not include the rest of the school cycle, with high poverty rates in Ethiopia, many girls are reluctant to complete their education and to follow the path of early marriage or child labor, which can often involve hazardous work.[[5]](#footnote-5)

**As to the ratification of international and regional instruments related to children**, Ethiopia has not signed the 2014 ILO Protocol on the Forced Labor Convention, nor the International Labor Organization Convention No. (189) on decent work for domestic workers, and has not signed the African Union Convention as well. To protect and assist internally displaced persons in Africa, as well as the October 25, 1980 Convention on the Civil Aspects of International Child Abduction.[[6]](#footnote-6)

**Given a State such as Southern Sudan**, the nature of national legislation is not very different from Somalia and Ethiopia, and the legislative framework of the rights of women and girls may seem even worse. Sudan has not enacted laws prohibiting domestic violence, thus the phenomenon of female genital mutilation is also not addressed in national legislation.

**One of the main problems facing women in Sudanese law is the problem of customary courts**, in which judges will condemn their judgements to unwritten, often biased, customary laws. A study conducted on customary law in South Sudan, which compared customary court cases in four regions of southern Sudan, found that there was a wide difference in court decisions between rural and urban areas, between different tribes and clans, depending on the attitude and education level of judges. Of course, these differences exclude any sense of trust in the law, which means that women cannot look to the courts for guaranteed or consistent protection. In this context, it should be noted that, in the event of a challenge to court decisions, the woman's case belongs to the authority of the tribesmen, who issue highly biased judgements to men. With regard to domestic violence, levels of domestic violence were very high in Southern Sudan, where customary law allowed a certain level of violence in the home and men were allowed to do so as "discipline" of their wife. This makes the customary courts condone certain physical abuses, and if it is established that the beating of the wife makes sense from the point of view of the court, the woman may be sentenced to more punishment than the man.[[7]](#footnote-7)

**In property laws**, according to customary laws, a woman cannot own property in her own capacity, retain her own income, or acquire her own property after divorce, but rather all become owned by the husband.

While sexual violence is prohibited by law in southern Sudan, most cases of sexual violence do not reach courts. Women are often forced to marry their rapists, an option that some prefer because it prevents men from entering prison and avoids the stigma of women known to have been raped.[[8]](#footnote-8)

**Second: What are the main characteristics of the activity of women and girls and the nature of their participation in political and public life?**

In fact, women's participation levels in East Africa are declining compared to those in North Africa. The nature of societies in many East African States is still very primitive, as ethnic or tribal domination grows in the face of the entrenched idea of a state. In some cases, women's activity in tribal systems often abates in exchange for the domination of tribesmen, or much harassment through their authority. On the other hand, due poverty, declining levels of infrastructure and the persistence of the idea of displacement for security or food, this is not an environment conducive to the effective participation of women in which they can exercise their political rights and engage in public action through parliaments, civil society organizations or other spheres of participation.

**As for Somalia**, specifically the gender inequality index, we find that working women represent only 21.8% of the Somali women’s population, in light of a situation in which terrorist movements’ control over Somali society is rising, such as the Somali Mujahideen Youth Movement, which is considered one of the biggest threats not only to women’s activism Somali, but rather for its entity in general in terms of (education - leaving the house - work - clothes...).

Because of the low percentage of women's employment, women's participation rates in the Somali parliament are necessarily expected to decrease, as the participation rate in the last country reached 24.3% [[9]](#footnote-9)of the total parliamentary seats in the Somali parliament. Perhaps one of the factors that leads to the low participation rate is the funding factor, as anyone running for a seat in the Somali parliament has to pay a registration fee ranging from €8,200 to €16,400. Women often find it difficult to obtain such amounts compared to men, who are more likely to receive funds from clan members and businesses. Also, the quota system, which is applied in voting within the Somali tribes, hinders the higher participation of women, as there is a voting rule known as the 4.5 rule, through which members of Parliament are not elected by the citizens directly, but by clan delegates, who have been chosen advance by the clan elders.

**With regard to the participation of Ethiopian women**, although the Constitution guaranteed women the right to participate in political life, such participation remained weak, owing to a range of cultural and economic challenges that prevented them from achieving a high participation rate. Women ranked 125th in the Gender Inequality Index - which in its nature focuses on women's political participation - receiving 517 worth of the Index.

The percentage of women’s participation in parliament was 37.3%, and although this percentage is high for East African women (average 24.1%), they face unique forms of attacks both online and in fact, deliberate actions to discourage their participation in public life by both rival parties and various ethnic militias in Ethiopia.[[10]](#footnote-10) The high percentage is due to a voluntary gender quota for the ruling party, and not due to a codified gender quota in the legal or regulatory framework.[[11]](#footnote-11)

**As for South Sudan**, national legislation guarantees the right of women’s participation in political life, and women were able to obtain the right of representation in the South Sudanese parliament, at a rate of 26.6% of the total parliamentary seats, despite the fact that the prescribed percentage of women’s seats in accordance with the conflict settlement agreement the active substance reached 35%, which is considered by some as a violation of women's rights in South Sudan. However, this provision is difficult to implement due to the high illiteracy rate in South Sudan of 84% of South Sudanese women. On the bright side, we find that the South Sudanese woman was able to become the head of the newly reconstituted parliament, becoming the first woman to hold this position.[[12]](#footnote-12) On the other hand, candidate fees represent an obstacle for female candidates because many of them may not have the required amount of money due to their low economic status.[[13]](#footnote-13)

**Third: What kind of gender and age-specific barriers or challenges that restrict the participation/activity of girls and young women?**

 The de facto inequalities and informal barriers are the most common factors that hamper women’s participation in the public sphere in East Africa, which can be observed in statistics of several issues:

1. **Early marriage and female genital mutilation (FGM)**

Early marriage is the biggest barrier to women’s activity in Africa. Given the tribal customs, poverty and the fear of girls being raped or due to some ideological issues, puberty has become the legal age for marriage. Moreover, this early marriage is preceded by genital mutilations under the name of (female circumcision) that lead to serious health and psychological complications, sometimes death.

In Somalia, FGM is considered as a vital prelude to marriage and is a part of the upbringing of all girls. A case study was conducted in Sudan concluded that about 45% of girls are married before the age of 18, while 8% are married before the age of 15[[14]](#footnote-14). Furthermore, other studies confirm that girls mostly drop out of school and get married at the age between 11-12 often after being circumcised, since there is no minimum age for marriage. As a result, teenage girls undergo 100 out of every 1000 childbirths[[15]](#footnote-15), which lead to major health complications that may cause death.

Notably, Somalia and Ethiopia suffer from a very serious problem, which is the fact that their rate of birth registration is at its lowest levels worldwide with only 3% of the total births in the two countries, leading to child marriage because of the unknown legal age for marriage (Ethiopia has a law that defines the legal age for marriage). This low rate of birth registration also leads to the loss of physical rights of married girls who are sexually abused under the pretext of exceeding the legal age for marriage[[16]](#footnote-16).

In Ethiopia, the prevalence of FGM is more than 90%, which is performed at individual and community levels[[17]](#footnote-17). Given the deteriorating health services provided to women, these women suffer from serious complications, such as contamination during the operations, psychological burdens and genital mutilation. Furthermore, 40% of Ethiopian girls are married before the age of 18 and 14% are married before the age of 15[[18]](#footnote-18).

In South Sudan, girls also suffer from the problem of early marriage, as the proportion of early marriages among Sudanese girls is up to 52%. In addition, 28% of Sudanese girls give birth before the age of 18[[19]](#footnote-19).

1. **Access to quality education**

The educational system in Somalia was destroyed over the years of conflict, resulting in only 20% of the Sudanese children having access to primary education. Women were mostly affected by such situation, as more than 72% of women in rural areas have never attended school[[20]](#footnote-20).

There are educational problems in all rural and urban areas in Somalia. Nevertheless, access to education is more limited in the rural ones. Nomadic herders account for 65% of Somali people and only 22% of child herders have access to formal education, less than half of whom are girls.

South Sudan, where the government spends only 1% of the total GDP on girls’ education, has the highest illiteracy rates in East Africa, as the rate of girls’ completion of school has decreased to 18%. Although the national laws stipulate that primary education is free and mandatory, South Sudan has the world’s highest proportion of out-of-school children in the world[[21]](#footnote-21), with 80% of girls having no access to high education. These terrifying numbers are largely caused by poverty, frequent displacements and traditions that encourage early marriage and female circumcision, in addition to the neglect that affected all aspects of life in South Sudan prior to its independence[[22]](#footnote-22).

With regard to Ethiopia, the enrolment rates in primary education have increased from 29% in 1989 to 86% in the present time. Nevertheless, such increase alone cannot solve the widespread gender disparities in education and in society as a whole. Only 53% of Ethiopian girls complete their education and only one quarter of them go to high school[[23]](#footnote-23).

In this context, several Ethiopian girls say that the lack of hygiene is perhaps the reason why they do not go to school, since less than 25% of school have programs that support menstrual hygiene. Notably, also 40% of Ethiopian girls work in hazardous labor for a living instead of going to school.

1. **Healthcare**

In Somalia, where about 90% of people live on less than $2 a day and is struck by famine, terrorism, fragile security and most recently COVID-19 virus, girls cannot have access to an adequate health care. The average life expectancy is 56 years and the fertility rate is among the highest in the world with 6.9 children per woman. Furthermore, the weak health-service delivery underlines the poor health outcomes[[24]](#footnote-24). In a country where 98% of girls are subjected to genital mutilation, women do not receive the necessary care in order to deal with the impacts of such operation, which affects gait, childbirth, ovulation, urination and other disabilities resulting from this physical assault as well as the severe psychological impacts[[25]](#footnote-25).

Throughout this year, Somalia has been facing a triple threat posed by locust infestation, floods and COVID-19, which constituted a major challenge for the poor health system. Such triple threat resulted in an increase in the numbers of maternal and newborn moralities[[26]](#footnote-26). On the other hand, Ethiopia ranks 46th in the "Gendered Fitness Interests" (GFI), and ranks 38 in Africa, which indicates that it pays little attention to the interests of girls in the country.

Women living in rural areas suffer from high mortality rates due to lack of access to healthcare. Pregnant women are particularly affected by such lack of services, as many of them have to travel long distances to receive maternity care. In some cases, these pregnant women are forced to choose between using their money to pay for healthcare or to feed their children. As a result, some women choose home delivery, which might lead to several obstetric complications and ultimately aggravates their financial situation and social burden. Women with low socio-economic status tend to experience issues, such as stress, anxiety and depression. In addition, they are less likely to undergo a screening for breast and cervical cancer[[27]](#footnote-27).

**In South Sudan,** the current maternal mortality rate is 730 deaths per 100,000 live births, which is a high rate even among low-income countries. Moreover, South Sudan has also experienced increased complications of childbirth due to the reduced access to primary health services, hospitals and maternity clinics.

Despite the major health challenges, South Sudan spends only 2% of the total GDP on health. Women were more vulnerable to the COVID-19 virus that struck the country, since women are often the care providers for children and the elderly. The majority of health care workers in South Sudan are women. In the same context, the rates of early marriage among Sudanese girls have also increased because of their need for financial support and food, given the poor economic conditions created by the COVID-19 virus. Naturally, these afore-mentioned poor health factors cannot be an incentive for more activities of women in East Africa that would qualify them to make accomplishments in public and political life.

**Recommendations**

 Undoubtedly, women and girls are among the most vulnerable and marginalized groups, particularly in Africa and in countries that have been affected by conflicts and wars for long periods. In this written contribution, Elizka Relief Foundation highlights a number of challenges faced by girls and women in some East African states, namely: Ethiopia, Somalia and South Sudan. This written contribution also includes the legal aspects and challenges as well as the de facto reality faced by these groups within a national framework. Finally, Elizka concludes this contribution with a set of recommendations to the countries in question and the international community in general in order to improve the situation of women and girls, in accordance with the national and global frameworks and plans.

1. Elizka recommends all the African governments to respect the bodies of women and girls, to work on criminalizing the phenomenon of female genital mutilation, known as female circumcision, and to enact deterrent penalties that prevent such phenomenon at the individual and community levels, in addition to enforcing these penalties at all levels;
2. Elizka calls upon the members of the Working Group on Discrimination against Women and Girls to draw the attention of the state governments under study to provide universal free education at all pre-secondary school levels and to work on allocating adequate proportions of the national budget for education;
3. Elizka stresses the need for the countries under study to explicitly specify the age of marriage in all their national legislations in a manner that does not prevent girls from exercising their activities, particularly in public work;
4. Elizka recommends the missions of the international organizations in the countries under study to raise the level of awareness of girls on the importance of civil and political work.
5. Elizka requests the world aid organizations to pay more attention to the level of healthcare inside the countries under study, particularly given their exposure to the outbreaks of COVID-19, internal conflicts or poverty;
6. Elizka emphasizes the need for the members of the Working Group on Discrimination against Women and Girls to draw the attention of the governments under study to issue all the national legislations that would prevent all practices of human trafficking.
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15. <https://www.undp.org/content/dam/southsudan/library/Rule%20of%20Law/Legal%20Provisions%20Relating%20to%20SGBV.pdf> [↑](#footnote-ref-15)
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