

CONSULTATION REPORT: GENDER-BASED VIOLENCE

Undertaken as part of the preparation for the 'Strengthening Parliamentary Oversight and Effectiveness in Tackling Gender-Based Violence and Modern Slavery in Supply Chains' Workshop
Nairobi, Kenya - November 2023



Contents

Abbreviations	1
Consultation Overview	2
Participating Legislatures	3
Prevalent forms & existing legislation	4
Issues with implementation	5
Navigating cultural & religious practices	5
Lack of resources	6
Covid-19 pandemic	6
Lack of political will	6
Gender-specific parliamentary bodies	7
Meaningful male engagement	8
Looking ahead...	8
ABOUT CPA UK	9

Abbreviations

GBV	Gender Based Violence
VAWG	Violence Against Women & Girls
FGM	Female Genital Mutilation
CSO	Civil Society Organisation

CONSULTATION OVERVIEW

Between May and September 2023 CPA UK conducted a series of consultations with representatives from African legislatures across the Commonwealth, civil society organisations and subject experts based within region. The United Kingdom also took part in the consultation process. The consultations provided an opportunity for CPA UK to learn more about the current legislation in place addressing gender-based violence in some Commonwealth legislatures as well as the gaps and barriers legislatures face in tackling GBV. The responses were analysed and used to directly inform the design of the gender-based violence elements of the upcoming 'Strengthening Parliamentary Oversight and Effectiveness in Tackling Gender-Based Violence and Modern Slavery in Supply Chains' workshop being held in partnership with the Parliament of Kenya in Nairobi, November 2023.

Carried out through a combination of online surveys and meetings, CPA UK received 17 responses in total. These responses can be split into two consultation groups. The first made up of 12 responses from parliamentary officials or members from 11 Commonwealth legislatures. The second made up of 5 responses from non-government & civil society organisations based within the Africa region. The complete list of legislatures can be found on page 3.

Those that participated in the consultations were able to provide responses based on their individual experience within their respective parliaments or organisation and therefore, this report acts as a summary of these conversations. Whilst this report aims to highlight common challenges across the legislatures who participated, it does not act as a complete representation of the complex and multifaceted nature of issues relating to GBV across the Commonwealth. The key themes are explored in further detail below, including the common barriers that legislatures are facing in combating GBV.

CPA UK would like to extend thanks to all those who took part in the consultations. In particular CPA UK would like to thank the following individuals for their continued support in the planning and delivery of the gender-based violence programme in Nairobi:

Mr Fallu Sowe, National Coordinator, Network Against Gender-Based Violence
Mercy Mwangi, Executive Director, Kenya Women Parliamentary Association (KEWOPA)
Elize Prins, Programme Manager, LifeLine/ChildLine Namibia
Nicolette Bessinger, Director, LifeLine/ChildLine Namibia

Participating Legislatures

Members / Parliamentary Staff



Botswana



The Gambia



Ghana



Kenya (KEWOPA)



Malawi



Nigeria



The Seychelles



Sierra Leone



United Kingdom



Uganda



Zambia

Organisations



Cameroon

Women in Action Against Gender Based Violence (WACameroon)



The Gambia

Network Against Gender-Based Violence



Kenya

UN Women



Namibia

LifeLine/ChildLine Namibia



Nigeria

Westminster Foundation for Democracy (WFD) Nigeria

Prevalent forms of GBV & existing legislation

Gender-based violence (GBV), in particular violence against women and girls (VAWG), remains prevalent across the globe, and whilst legislatures face their own unique challenges in combating GBV, almost all that took part in the consultation process specifically highlighted intimate partner violence, domestic abuse, and sexual assault as the most prevalent forms of GBV in their respective legislature. 4 of the 12 responses from parliamentary staff directly referenced female genital mutilation (FGM) as a prevalent form of GBV.

Subsequently, the existing legislation in place within the legislatures consulted directly targets the above mentioned prevalent forms of GBV also, for example:



In the Gambia both the Domestic Violence Act and Sexual Offences Act were passed in 2013. More recently, FGM was criminalised through a 2015 amendment to the women's act of 2010.



Malawi introduced a Prevention of Domestic Violence Act in 2006 and more recently the Marriage, Divorce and Family Relations Bill 2015 which raises the age of marriage to 18, and prosecutes any parent found guilty of marrying off their child below the age of 18, as well as protecting women and girls from emotional and physical violence.



The Violence Against Persons (Prohibition) Act (VAPP Act) 2015 passed in Nigeria aims to eliminate GBV within both public and private life, in particular domestic violence.



The Seychelles and the United Kingdom introduced the Domestic Abuse Act in 2020 and 2021 respectively.



In 2012 Sierra Leone introduced the Sexual Offences Act. Initiation rite FGM was also criminalised in 2019; however, there is no law banning all FGM.

Outside of these examples, each legislature could state with confidence at least one form of legislation that addresses GBV. However, nine out of the twelve parliamentary representatives and all non-government organisations reported that the challenge came not in resistance to the drafting and passing of legislation but with the implementation of these laws, as will be discussed in more depth below.

Issues with implementation

Considering all 17 consultation responses, 82% suggested that part of the reason why GBV remains the prevalent humanitarian issue that it is, relates not to a lack of suitable legislation but due to difficulties in implementation. This statistic raises wider questions as to why implementing these laws has become such a significant sticking point.

“Legislation alone is not enough”

Reasons for this ranged from the impact of cultural and religious beliefs, budgetary constraints and a lack of resources, the impact of the Covid-19 pandemic, and a lack of political will.

Navigating cultural & religious practices

There was resounding sentiment amongst both consultations groups that cultural and religious factors play the most significant role in limiting the successful implementation of laws addressing GBV. Those legislatures that pinpointed cultural and religious factors as a barrier highlighted how religious leaders continue to perpetuate harmful traditional practices, particularly female genital mutilation; however, due to the influence and standing they have in their communities it is difficult for parliamentarians to override these sentiments and fully implement the laws that have been passed.

Legislatures expressed the difficulty of navigating these cultural and religious beliefs and placed significant emphasis on this being a key barrier to the implementation of laws against GBV more broadly, not just in relation to FGM. For example, a parliamentary representative from Uganda noted that cultural understanding sees significant resistance to the condemnation of marital rape, where the notion that marriage automatically translates to consent to any sexual act remains rooted.

Many parliamentary representatives expressed anxiety over how far members could go with legislating against GBV when they have to consider religion, culture and government and how to keep them all in harmony. Responses from the Network Against Gender-Based Violence (the Gambia) and ChildLine/LifeLine Namibia provided an initial response to this concern, with both organisations emphasising that it is paramount for parliamentarians to engage with the religious leaders perpetrating these practices to ensure both go through a process of education to highlight the harm they do. In the run up to the workshop, LifeLine/ChildLine Namibia undertook a training for religious leaders to demystify these harmful traditional practices, the success of which will be shared at the Nairobi workshop.

It is clear that legislatures recognise the existence and impact of religious and cultural factors; however, require further training to address these directly. Parliamentarians need to be empowered to speak out against these issues and not only note their existence.

Lack of resources

A quarter of responses from parliamentary officials cited a lack of resources as a significant barrier to the implementation of existing laws tackling gender-based violence. A parliamentary representative from Ghana suggested that members need increased human, financial, and material resources to assist in combating GBV in order to see successful implementation. They also suggested that an increase in these resources would specifically help members to create stronger media campaigns and communications to better educate their constituents on issues relating to GBV and thereby better implement the laws.

In some cases, responses wished to highlight the procedural difficulties of implementing the law. For example, WFD Nigeria provided the example of the Violence Against Persons (Prohibition) Act (VAPP Act) 2015, which whilst has been drafted and passed at a national level, is now going through the process of being adopted in the 36 Nigerian states which in itself takes time and due process, irrespective of other issues of political will or the influence of cultural and religious beliefs.

Covid-19 pandemic

Furthermore, the impact of the Covid-19 pandemic continues to be felt, with a representative from the Seychelles highlighting that whilst the Domestic Violence Law was passed unanimously in 2020; delays in its implementation continue due to the pandemic. Similarly, LifeLine/ChildLine Namibia, an organisation tackling child protection, social and mental health issues highlighted how the pandemic not only exacerbated cases of domestic violence, but placed significant strain on the resources and ability of organisations like theirs to provide effective assistance. We continue to feel these aftershocks to date.

Lack of political will

Non-government organisations placed greater emphasis on a lack of political will to implement legislation addressing GBV. WA Cameroon expressed frustration at limited focus from parliamentarians to enforce legislation suggesting that laws and conventions are signed to promote the image of supporting the fight to end GBV, but then there is limited follow-up to make this a reality. They also cited failures within the judicial system, specifically that it is too expensive, there are many adjournments and issues of corruption, meaning laws are not enforced. A representative from the UK Parliament also expressed concerns with the judiciary's capacity to address GBV, with some rape trials being delayed for years.

The Network Against Gender-Based Violence in the Gambia noted that the lack of funds committed to issues relating to GBV or the institutions that should be leading the national response to GBV, such as the Ministry of Gender, Children and Social Welfare and the National Agency Against Trafficking in Persons (NAATIP), highlights a lack of political will to address these issues.

The term 'lack of political will' remains charged and is not a straightforward one to untangle. Responses from parliamentary officials and members does highlight a desire to address these criticisms of a lack of political will with responses directly asking that the Nairobi workshop provide technical support in capacity building and gender-sensitive legislative scrutiny to assist members in acquiring the skill sets needed to address issues of implementation. It is clear that whilst there are differences in the exact reasoning, there is an almost unanimous consensus that a lack of implementation of GBV legislation remains critical.

Gender-specific parliamentary bodies

A common theme through the consultation process was that of the role of female parliamentarians and gender-specific parliamentary bodies in addressing GBV.

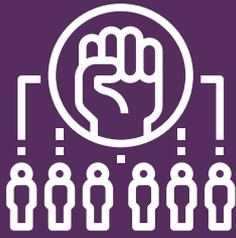
Of the legislatures that participated in the consultation, all but one have an operational women's parliamentary caucus. This is great testament to the desire and importance of these gender-specific parliamentary bodies and the consistent platform they provide to female members. However, whilst gender-specific parliamentary bodies seem to be a consistent feature in the parliaments of the legislatures consulted, further investigation into the role of gender-specific parliamentary bodies, highlights that it is largely these caucuses, and their female members more specifically, who are ensuring that matters of GBV are scrutinised and considered within their respective legislatures.

Several responses noted that issues considered 'women's issues' were almost exclusively addressed by gender-specific parliamentary caucuses, including that of GBV. A representative from the Kenya Women Parliamentary Association (KEWOPA) noted that it is largely KEWOPA members who are driving government responses to issues of FGM and traditional harmful practices. They are also actively trying to lobby male members to engage more widely with these issues. Similarly, a representative from Zambia noted that whilst there were annual programmes relating to gender-based violence outside of these networks, limited efforts were being implemented by parliament more widely to address GBV.

Furthermore, the lack of female representation within parliaments across the legislatures consulted speaks to wider difficulties that gender-specific parliamentary caucuses face. In the Gambia, there are five female members of the national assembly, and there are fears that this number may decrease. In Botswana, there are seven women in a parliament of sixty-one. During the consultation, a member from Botswana highlighted how within the women's parliamentary caucus, six of the seven members are part of the executive, and as a result, the caucus does not sit as often as needed due to other government commitments. The combination of limited capacity due to wider patriarchal structures limiting the involvement of women in politics with the expectation mentioned above that female parliamentarians will work almost exclusively to address issues disproportionately affecting women leaves female parliamentarians burdened with the responsibility of addressing these complex issues with limited resources or capacity to do so.



An all-female UK delegation meet with representatives of KEWOPA, including chair Hon. Leah Sankaire in July 2023



Male Champions

Gender equity will not be possible without male champions stepping up to the fight also.

Male champions are men raising awareness of the barriers inhibiting women's empowerment and who work to dismantle them

Important steps that male parliamentarians could take as male champions:

Join your legislature's gender committee

Speak out on matters of GBV & VAWG

Be open to listen to and learn from female colleagues' experiences

Attend education events and workshop that sensitize on female empowerment

Meaningful male engagement

In relation to the role of gender-specific parliamentary bodies, conversations also centred on the role male parliamentarians have to play in advocating for increased attention on matters related to GBV and for the empowerment of their female colleagues. Critically, the focus from consultations was that engagement was not just increased but meaningful. A member from Botswana commented that male engagement in matters related to GBV tended to feel performative and was restricted to commemorative events such as International Women's Day and the 16 Days of Activism. The engagement of male members, or lack of, was a consistent theme throughout the consultation process and spoke to the difficulty female parliamentarians face in both fighting for greater representation within parliament so that they can advocate for these issues within male-dominated parliaments also consistently engaging male members so that these important issues do not become the sole responsibility of female members and in particular their gender-specific parliamentary caucuses, to address.

Many of those participating in the consultation should be spotlighted as male champions, working to educate others on female representation within parliament and issues relating to GBV. However, the fight continues to see meaningful male engagement to combat GBV.

Looking ahead...

It is clear that there is great drive and concern to tackle GBV in the respective legislatures consulted; however, the question of how this can be achieved in practice is much less straightforward. The consultations highlight anxiety over implementing the laws that have been put in place and suggest that legislation alone is not enough.

Through the consultation process, CPA UK can better tailor the workshop programme directly to the needs of parliamentarians to ensure that parliamentarians return to their constituencies with not only the knowledge but the skill set to speak out and educate on matters related to GBV including navigating cultural and religious beliefs, practising gender-sensitive legislative scrutiny and meaningfully engaging male stakeholders. It is apparent that the workshop needs to provide the space for the trained to become trainers so that legislation has an impact beyond the law.

Please see the 'Strengthening Parliamentary Oversight and Effectiveness in Tackling Gender-Based Violence and Modern Slavery in Supply Chains' Workshop Report for further details regarding the workshop content and lessons learned.

ABOUT CPA UK

**Supporting
and strengthening
parliamentary
democracy
throughout the
Commonwealth**

CPA UK supports and strengthens parliamentary democracy throughout the Commonwealth. It focuses on key priority themes including women in parliament, modern slavery, financial oversight, security and trade.

CPA UK brings together UK and Commonwealth parliamentarians and officials to share knowledge and experience through peer to peer learning. It aims to improve parliamentary oversight, scrutiny and representation and is located in, and funded by, the UK Parliament. .

**Building Stronger
Parliaments and
Advancing
Democracy**

CPA UK's core work is to build relationships with parliaments across the Commonwealth. This is achieved through a programme of parliamentary strengthening and capacity building activities.

CPA UK undertakes work at the request of other parliaments around the Commonwealth, and our tailored programmes include both individual country activities, and large scale projects and activities that bring together Commonwealth parliamentarians and clerks.

**For more information about our work
and activities, please visit our website:
uk-cpa.org**

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