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WOMEN'S EQUALITY AND ECONOMIC RIGHTS

APPENDIX



APPENDIX

This appendix identifies constitutional provisions from Southern and Eastern Anglophone African countries relating to women's rights. The appendix is organized thematically by the following categories: equality rights, rights to equality within marriage and the family, property rights, and work rights. Within each category of rights, countries are listed alphabetically. Relevant constitutional instruments and provisions from each country are provided.

<i>Subject:</i>	EQUALITY RIGHTS
<i>Nation:</i>	Botswana
<i>Instrument:</i>	Constitution of Botswana
<i>Link:</i>	https://www.parliament.gov.bw/images/constitution.pdf
<i>Provision:</i>	<p>3. Fundamental rights and freedoms of the individual</p> <p>Whereas every person in Botswana is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his or her race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest to each and all of the following, namely—</p> <ol style="list-style-type: none"> 1. life, liberty, security of the person and the protection of the law; 2. freedom of conscience, of expression and of assembly and association; and 3. protection for the privacy of his or her home and other property and from deprivation of property without compensation, <p>the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.</p>
<i>Provision:</i>	<p>15. Protection from discrimination on the grounds of race, etc</p> <ol style="list-style-type: none"> 1. Subject to the provisions of subsections (4), (5) and (7) of this section, no law shall make any provision that is discriminatory either of itself or in its effect. 2. Subject to the provisions of subsections (6), (7) and (8) of this section, no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority. 3. In this section, the expression "discriminatory" means affording different treatment to different persons, attributable wholly or mainly to their respective descriptions by race, tribe, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description. 4. Subsection (1) of this section shall not apply to any law so far as that law makes provision— <ol style="list-style-type: none"> a. for the appropriation of public revenues or other public funds; b. with respect to persons who are not citizens of Botswana c. with respect to adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law d. for the application in the case of members of a particular race, community or tribe of customary law with respect to any matter whether to the exclusion of any law in respect to that matter which is applicable in the case of other persons or not; or e. whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any disability or restriction or may be accorded any privilege or advantage which, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonably justifiable in a democratic society. 5. Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that it makes reasonable provision with respect to

	<p>qualifications for service as a public officer or as a member of a disciplined force or for the service of a local government authority or a body corporate established directly by any law.</p> <p>6. Subsection (2) of this section shall not apply to anything which is expressly or by necessary implication authorized to be done by any such provision of law as is referred to in subsection (4) or (5) of this section.</p> <p>7. Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any restriction on the rights and freedoms guaranteed by sections 9, 11, 12, 13 and 14 of this Constitution, being such a restriction as is authorized by section 9(2), 11(5), 12(2) 13(2), or 14(3), as the case may be.</p> <p>8. Nothing in subsection (2) of this section shall affect any discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in any court that is vested in any person by or under this Constitution or any other law.</p> <p>9. Nothing contained in or done under the authority of any law shall be held to be inconsistent with the provisions of this section—</p> <p>a. if that law was in force immediately before the coming into operation of this Constitution and has continued in force at all times since the coming into operation of this Constitution; or</p> <p>b. to the extent that the law repeals and re-enacts any provision which has been contained in any written law at all times since immediately before the coming into operation of this Constitution.</p>
<i>Nation:</i>	Burundi
<i>Instrument:</i>	Constitution of Burundi
<i>Link:</i>	https://www.constituteproject.org/constitution/Burundi_2005?lang=en
<i>Provision:</i>	<p>Article 13.</p> <p>All Burundi people are equal in merit and dignity. All the citizens enjoy the same rights and have the right to the same legal protection. No Burundi citizen may be excluded from the social, economic, or political life of the nation due to his or her race, language, religion, gender or ethnic origin.</p>
<i>Provision:</i>	<p>Article 22.</p> <p>All citizens are equal before the law, which assures them equal protection.</p> <p>None may be the object of discrimination, particularly discrimination against their origin, race, ethnicity, sex, color, language, social situation, religious, philosophical or political convictions, physical or mental handicap, HIV/AIDS infection or any other incurable malady.</p>
<i>Provision:</i>	<p>Article 62.</p> <p>All persons have the responsibility to respect their compatriots and to show them consideration, without any discrimination.</p>
<i>Nation:</i>	Eswatini
<i>Instrument:</i>	The Constitution of the Kingdom of Swaziland Act 2005
<i>Link:</i>	https://www.wipo.int/edocs/lexdocs/laws/en/sz/sz010en.pdf
<i>Provision:</i>	<p>Fundamental rights and freedoms of the individual 14. (3).</p> <p>a person of whatever gender, race, place of origin, political opinion, colour, religion, creed, age or disability shall be entitled to the fundamental rights and freedoms of the individual contained in this Chapter but subject to respect for the rights and freedoms of others and for the public interest.</p>
<i>Provision:</i>	<p>Equality before the law. 20.</p> <p>(1) All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.</p>

	<p>(2) For the avoidance of any doubt, a person shall not be discriminated against on the grounds of gender, race, colour, ethnic origin, tribe, birth, creed or religion, or social or economic standing, political opinion, age or disability.</p> <p>(3) For the purposes of this section, “discriminate” means to give different treatment to different persons attributable only or mainly to their respective descriptions by gender, race, colour, ethnic origin, birth, tribe, creed or religion, or social or economic standing, political opinion, age or disability.</p> <p>(4) Subject to the provisions of subsection (5) Parliament shall not be competent to enact a law that is discriminatory either of itself or in its effect</p> <p>(5) Nothing in this section shall prevent Parliament from enacting laws that are necessary for implementing policies and programmes aimed at redressing social, economic or educational or other imbalances in society.</p>
<i>Provision:</i>	<p>Rights and freedoms of women 28.</p> <p>(1) Women have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities. (2) Subject to the availability of resources, the Government shall provide facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement. (3) A woman shall not be compelled to undergo or uphold any custom to which she is in conscience opposed.</p>
<i>Nation:</i>	Kenya
<i>Instrument:</i>	The Nairobi Forward-looking Strategies for the Advancement of Women
<i>Link:</i>	https://www.un.org/womenwatch/confer/nfls/Nairobi1985report.txt
<i>Provision:</i>	<p>Paragraph 14.</p> <p>The effective participation of women in development and in the strengthening of peace, as well as the promotion of the equality of women and men, require concerted multi-dimensional strategies and measures that should be people-oriented. Such strategies and measures will require continual upgrading and the productive utilization of human resources with a view to promoting equality and producing sustained, endogenous development of societies and groups of individuals.</p>
<i>Provision:</i>	<p>Paragraph 45.</p> <p>One of the fundamental obstacles to women's equality is that de facto discrimination and inequality in the status of women and men derive from larger social, economic, political and cultural factors that have been justified on the basis of physiological differences. Although there is no physiological basis for regarding the household and family as essentially the domain of women, for the devaluation of domestic work and for regarding the capacities of women as inferior to those of men, the belief that such a basis exists perpetuates inequality and inhibits the structural and attitudinal changes necessary to eliminate such inequality.</p>
<i>Provision:</i>	<p>Paragraph 52.</p> <p>Governments should take the relevant steps to ensure that both men and women enjoy equal rights, opportunities and responsibilities so as to guarantee the development of their individual aptitudes and capacities and enable women to participate as beneficiaries and active agents in development.</p>
<i>Provision:</i>	<p>Paragraph 68.</p> <p>Civil codes, particularly those pertaining to family law, should be revised to eliminate discriminatory practices where these exist and wherever women are considered minors. The legal capacity of married women should be reviewed in order to grant them equal rights and duties.</p>
<i>Instrument:</i>	The Constitution of Kenya
<i>Link:</i>	http://www.kenyalaw.org/lex//actview.xql?actid=Const2010
<i>Provision:</i>	<p>27. Equality and freedom from discrimination</p> <p>(1) Every person is equal before the law and has the right to equal protection and equal benefit of the law.</p> <p>(2) Equality includes the full and equal enjoyment of all rights and fundamental freedoms.</p>

	<p>(3) Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.</p> <p>(4) The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.</p> <p>(5) A person shall not discriminate directly or indirectly against another person on any of the grounds specified or contemplated in clause (4).</p> <p>(6) To give full effect to the realisation of the rights guaranteed under this Article, the State shall take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination.</p> <p>(7) Any measure taken under clause (6) shall adequately provide for any benefits to be on the basis of genuine need.</p> <p>(8) In addition to the measures contemplated in clause (6), the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.</p>
<i>Provision:</i>	<p>28. Human dignity</p> <p>Every person has inherent dignity and the right to have that dignity respected and protected.</p>
<i>Nation:</i>	Lesotho
<i>Instrument:</i>	Lesotho's Constitution of 1993
<i>Link:</i>	https://www.constituteproject.org/constitution/Lesotho_1998.pdf
<i>Provision:</i>	<p>4. Fundamental human rights and freedoms.</p> <p>1. Whereas every person in Lesotho is entitled, whatever his race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status to fundamental human rights and freedoms, that is to say, to each and all of the following-</p> <ul style="list-style-type: none"> a. the right to life b. the right to personal liberty n. freedom from discrimination o. the right to equality before the law and the equal protection of the law.
<i>Provision:</i>	<p>18. Freedom from discrimination.</p> <p>1. Subject to the provisions of subsections (4) and (5) no law shall make any provision that is discriminatory either of itself or in its effect.</p> <p>Subject to the provisions of subsection (6), no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority. In this section, the expression "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.</p> <p>Subsection (1) shall not apply to any law to the extent that that law makes provision—</p> <ul style="list-style-type: none"> a. with respect to persons who are not citizens of Lesotho; or b. for the application, in the case of persons of any such description as is mentioned in subsection (3) (or of persons connected with such persons), of the law with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters which is the personal law of persons of that description; or c. for the application of the customary law of Lesotho with respect to any matter in the case of persons who, under that law, are subject to that law; or d. for the appropriation of public revenues or other public funds; or

	<p>e. whereby persons of any such description as is mentioned in subsection (3) may be made subject to any disability or restriction or may be accorded any privilege or advantage which, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonably justifiable in a democratic society.</p> <p>Nothing in this subsection shall prevent the making of laws in pursuance of the principle of State Policy of promoting a society based on equality and justice for all the citizens of Lesotho and thereby removing any discriminatory law.</p> <p>5.Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) to the extent that it makes provision with respect to standards of qualifications (not being standards of qualifications specifically relating to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status) to be required of any person who is appointed to any office in the public service, any office in a disciplined force, any office in the service of a local government authority or any office in a body corporate established by law for public purposes.</p> <p>6.Subsection (2) shall not apply to anything which is expressly or by necessary implication authorised to be done by any such provision of law as is referred to in subsection (4) or (5).</p> <p>7.No person shall be treated in a discriminatory manner in respect of access to shops, hotels, lodging houses, public restaurants, eating houses, beer halls or places of public entertainment or in respect of access to places of public resort maintained wholly or partly out of public funds or dedicated to the use of the general public.</p> <p>8.The provisions of this section shall be without prejudice to the generality of section 19 of this Constitution</p>
<i>Provision:</i>	<p>19. Right to equality before the law and the equal protection of the law.</p> <p>Every person shall be entitled to equality before the law and to the equal protection of the law.</p>
<i>Nation:</i>	Malawi
<i>Instrument:</i>	Constitution of the Republic of Malawi
<i>Link:</i>	https://www.constituteproject.org/constitution/Malawi_2017.pdf?lang=en
<i>Provision:</i>	<p>14. Principles of national policy.</p> <p>The State shall actively promote the welfare and development of the people of Malawi by progressively adopting and implementing policies and legislation aimed at achieving the following goals—</p> <p>a. Gender Equality obtain gender equality through—</p> <p>i. full participation of women in all spheres of Malawian society on the basis of equal opportunities with men;</p> <p>ii. the implementation of the principles of nondiscrimination and such other measures as may be required.</p>
<i>Provision:</i>	<p>20. Equality.</p> <p>1. Discrimination of persons in any form is prohibited and all persons are, under any law, guaranteed equal and effective protection against discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, disability, property, birth or other status or condition</p> <p>2. Legislation may be passed addressing inequalities in society and prohibiting discriminatory practices and the propagation of such practices and may render such practices criminally punishable by the courts</p>
<i>Provision:</i>	<p>24. Rights of Women.</p> <p>1. Women have the right to full and equal protection by the law, and have the right not to be discriminated against on the basis of their gender or marital status which includes the right—</p> <p>2. Any law that discriminates against women on the basis of gender or marital status shall be invalid and legislation shall be passed to eliminate customs and practices that discriminate against women, particularly practices such as—</p>

	<p>a. sexual abuse, harassment and violence;</p> <p>b. discrimination in work, business and public affairs; and</p> <p>c. deprivation of property, including property obtained by inheritance.</p>
<i>Nation:</i>	Mauritius
<i>Instrument:</i>	The Constitution of the Republic of Mauritius
<i>Link:</i>	https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_126778.pdf
<i>Provision</i>	<p>Article 3. Fundamental rights and freedoms of the individual</p> <p>It is hereby recognised and declared that in Mauritius there have existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, each and all of the following human rights and fundamental freedoms -</p> <p>(a) the right of the individual to life, liberty, security of the person and the protection of the law;</p> <p>(b) freedom of conscience, of expression, of assembly and association and freedom to establish schools.</p>
<i>Provision</i>	<p>Article 16. Protection from discrimination</p> <p>(1) Subject to subsection (4), (5) and (7), no law shall make any provision that is discriminatory either of itself or in its effect.</p> <p>(2) Subject to subsections (6), (7) and (8), no person shall be treated in a discriminatory manner by any person acting in the performance of any public function conferred by any law or otherwise in the performance of the functions of any public office or any public authority.</p> <p>(3) In this section, "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages that are not accorded to persons of another such description.</p>
<i>Nation:</i>	Namibia
<i>Instrument:</i>	The Constitution of the Republic of Namibia
<i>Link:</i>	https://www.constituteproject.org/constitution/Namibia_2010.pdf
<i>Provision:</i>	<p>Article 23: Apartheid and Affirmative Action.</p> <p>3. In the enactment of legislation and the application of any policies and practices contemplated by Sub-Article (2) hereof, it shall be permissible to have regard to the fact that women in Namibia have traditionally suffered special discrimination and that they need to be encouraged and enabled to play a full, equal and effective role in the political, social, economic and cultural life of the nation.</p>
<i>Provision:</i>	<p>Article 95: Promotion of the Welfare of the People.</p> <p>The State shall actively promote and maintain the welfare of the people by adopting, inter alia, policies aimed at the following:</p> <p>a. enactment of legislation to ensure that the health and strength of the workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter vocations unsuited to their age and strength.</p>
<i>Nation:</i>	South Africa
<i>Instrument:</i>	The Constitution of the Republic of South Africa
<i>Link:</i>	http://www.justice.gov.za/legislation/constitution/SACConstitution-web-eng.pdf
<i>Provision:</i>	<p>Equality 9.</p> <p>(1) Everyone is equal before the law and has the right to equal protection and benefit of the law.</p>

	<p>(2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.</p> <p>(3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.</p> <p>(4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.</p> <p>(5) Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.</p>
<i>Provision:</i>	<p>Functions of Commission for Gender Equality 187.</p> <p>(1) The Commission for Gender Equality must promote respect for gender equality and the protection, development and attainment of gender equality. (2) The Commission for Gender Equality has the power, as regulated by national legislation, necessary to perform its functions, including the power to monitor, investigate, research, educate, lobby, advise and report on issues concerning gender equality.</p> <p>(3) The Commission for Gender Equality has the additional powers and functions prescribed by national legislation.</p>
<i>Nation:</i>	Tanzania
<i>Instrument:</i>	The Constitution of the United Republic of Tanzania
<i>Link:</i>	https://www.refworld.org/docid/3ae6b50c4.html
<i>Provision:</i>	<p>12. Human rights</p> <p>(1) All human beings are born free and all are equal</p> <p>(2) Everyone deserves the respect of recognition and his life to be valued.</p>
<i>Provision:</i>	<p>13. Equality before the law</p> <p>(1) All people are equal before the law, and have the right, without discrimination of any kind, to be protected and to be accorded equal justice before the law.</p> <p>(2) It is forbidden for any law enacted by any Authority in the Union Republic to impose any condition which is of a discriminatory nature or which is obviously to one's disadvantage.</p> <p>(3) The rights of the people, the well-being and interests of everyone and the society will be protected and arbitrated by the courts and other instruments of authority laid down by the Law and in accordance with the Law.</p> <p>(4) It is forbidden for anyone to be discriminated against by anyone or any authority which is exercising its powers under any law or in carrying out any duty or function of the Authority of the State of the Party and its instruments.</p> <p>(5) For the purpose of interpreting the conditions in this paragraph, the word "discrimination" means meeting the needs, rights or other requirements of different people based on their nationality, tribe, their origin, their political affiliation, color, religion or their lifestyles in such a way that certain people are made or considered inferior and subjected to restrictions or conditions of restrictions whereas other people are treated differently or are given opportunities or benefits that are outside the conditions or compulsory restrictions.</p>
<i>Nation:</i>	Uganda
<i>Instrument:</i>	Constitution of the Republic of Uganda
<i>Link:</i>	http://statehouse.go.ug/sites/default/files/attachments/Constitution_1995.pdf

<i>Provision:</i>	XV. Recognition of the role of women in society. The State shall recognise the significant role that women play in society.
<i>Provision:</i>	21. Equality and freedom from discrimination. (1) All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law. (2) Without prejudice to clause (1) of this article, a person shall not be discriminated against on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability. (3) For the purposes of this article, “discriminate” means to give different treatment to different persons attributable only or mainly to the irrespective descriptions by sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability. (4) Nothing in this article shall prevent Parliament from enacting laws that are necessary for— (a) implementing policies and programmes aimed at redressing social, economic, educational or other imbalance in society; or (b) making such provision as is required or authorised to be made under this Constitution; or (c) providing for any matter acceptable and demonstrably justified in a free and democratic society. (5) Nothing shall be taken to be inconsistent with this article which
<i>Provision:</i>	<i>Provision</i> 33. Rights of Women. (1) Women shall be accorded full and equal dignity of the person with men. (2) The State shall provide the facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement. (3) The State shall protect women and their rights, taking into account their unique status and natural maternal functions in society. (4) Women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities. (5) Without prejudice to article 32 of this Constitution, women shall have the right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom. (6) Laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status, are prohibited by this Constitution.
<i>Nation:</i>	Zambia
<i>Instrument:</i>	Constitution of Zambia
<i>Link:</i>	https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/26620/90492/F735047973/ZMB26620.pdf
<i>Provision</i>	PREAMBLE WE, THE PEOPLE OF ZAMBIA by our representatives, assembled in our Parliament, having solemnly resolved to maintain Zambia as a Sovereign Democratic Republic . . . RECOGNISE the equal worth of men and women in their rights to participate, and freely determine and build a political, economic and social system of their own free choice.
	Article 23. [Protection from discrimination on the ground of race, etc.] (1) Subject to clauses (4), (5) and (7), no law shall make any provision that is discriminatory either of itself or in its effect. (2) Subject to clauses (6), (7) and (8), no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority. (3) In this Article the expression "discriminatory" mean, affording different treatment to different persons attributable, wholly or mainly to their respective descriptions by race, tribe, sex, place of origin, marital status, political opinions colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

<i>Provision</i>	Article 139. [Interpretation] In this Constitution, unless the context otherwise requires, words and expressions importing the masculine gender include females
<i>Nation:</i>	Zimbabwe
<i>Instrument:</i>	Constitution of Zimbabwe
<i>Link:</i>	https://www.constituteproject.org/constitution/Zimbabwe_2013.pdf
<i>Provision:</i>	13. National development. 1.The State and all institutions and agencies of government at every level must endeavour to facilitate rapid and equitable development, and in particular must take measures to— a. promote private initiative and self-reliance; b. foster agricultural, commercial, industrial, technological and scientific development; c. foster the development of industrial and commercial enterprises in order to empower Zimbabwean citizens; and d. bring about balanced development of the different areas of Zimbabwe, in particular a proper balance in the development of rural and urban areas. 2.Measures referred to in this section must involve the people in the formulation and implementation of development plans and programmes that affect them. 3.Measures referred to in this section must protect and enhance the right of the people, particularly women, to equal opportunities in development. 4.The State must ensure that local communities benefit from the resources in their areas.
<i>Provision:</i>	17. Gender balance. 1.The State must promote full gender balance in Zimbabwean society, and in particular— a. the State must promote the full participation of women in all spheres of Zimbabwean society on the basis of equality with men; b. the State must take all measures, including legislative measures, needed to ensure that— i. both genders are equally represented in all institutions and agencies of government at every level; and ii. women constitute at least half the membership of all Commissions and other elective and appointed governmental bodies established by or under this Constitution or any Act of Parliament; the State and all institutions and agencies of government at every level must take practical measures to ensure that women have access to resources, including land, on the basis of equality with men. 2.The State must take positive measures to rectify gender discrimination and imbalances resulting from past practices and policies.
<i>Provision:</i>	56. Equality and non-discrimination. 1. All persons are equal before the law and have the right to equal protection and benefit of the law. 2.Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres. 3.Every person has the right not to be treated in an unfairly discriminatory manner on such grounds as their nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious belief, political affiliation, opinion, custom, culture, sex, gender, marital status, age, pregnancy, disability or economic or social status, or whether they were born in or out of wedlock. 4.A person is treated in a discriminatory manner for the purpose of subsection (3)if— a. they are subjected directly or indirectly to a condition, restriction or disability to which other people are not subjected; or b. other people are accorded directly or indirectly a privilege or advantage which they are not accorded. 5.Discrimination on any of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair, reasonable and justifiable in a democratic society based on openness, justice, human dignity, equality and freedom.

	<p>6. The State must take reasonable legislative and other measures to promote the achievement of equality and to protect or advance people or classes of people who have been disadvantaged by unfair discrimination, and—</p> <p>a. such measures must be taken to redress circumstances of genuine need;</p> <p>b. no such measure is to be regarded as unfair for the purposes of subsection (3).</p>
<i>Provision:</i>	<p>80. Rights of women.</p> <p>1. Every woman has full and equal dignity of the person with men and this includes equal opportunities in political, economic and social activities</p> <p>2. Women have the same rights as men regarding the custody and guardianship of children, but an Act of Parliament may regulate how those rights are to be exercised</p> <p>3. All laws, customs, traditions and cultural practices that infringe the rights of women conferred by this Constitution are void to the extent of the infringement.</p>

<i>Subject:</i>	RIGHTS TO EQUALITY WITHIN MARRIAGE AND THE FAMILY
<i>Nation:</i>	Burundi
<i>Instrument:</i>	Constitution of Burundi
<i>Link:</i>	https://www.constituteproject.org/constitution/Burundi_2005?lang=en
<i>Provision:</i>	Article 28 All women and men have the right to the respect of their private and family life, their domicile and their personal communications.
<i>Provision:</i>	Article 30 The family is the natural, cellular base of society. Marriage is its legitimate foundation. The family and marriage are under the State's particular protection of the State. The parents have the natural right and duty to educate and raise their children. The State and its public collectivities support this responsibility. All children have the right, from their families and the state, to measures of special protection due to their status as minors.
<i>Nation:</i>	Eswatini
<i>Instrument:</i>	The Constitution of the Kingdom of Swaziland Act 2005
<i>Link:</i>	https://www.wipo.int/edocs/lexdocs/laws/en/sz/sz010en.pdf
<i>Provision:</i>	14. Fundamental rights and freedoms of the individual. (f) respect for rights of the family, women, children, workers and persons with disabilities.
<i>Provision:</i>	27. Rights and protection of the family. Men and women of marriageable age have a right to marry and found a family. (2) Marriage shall be entered into only with the free and full consent of the intending spouses. (3) The family is the natural and fundamental unit of society and is entitled to protection by the State. (4) Motherhood and childhood are entitled to special care and assistance by society and the State. (5) Society and the State have the duty to preserve and sustain the harmonious development, cohesion and respect for the family and family values. (6) Subject to the availability of resources, the Government shall provide facilities and opportunities necessary to enhance the welfare of the needy and the elderly.
<i>Provision:</i>	60. Social Objectives (5) The State shall make reasonable provision for the welfare and maintenance of the aged and shall protect the family and recognise the significant role of the family in society
<i>Nation:</i>	Kenya
<i>Instrument:</i>	The Nairobi Forward-looking Strategies for the Advancement of Women
<i>Link:</i>	https://www.un.org/womenwatch/confer/nfls/Nairobi1985report.txt
<i>Provision:</i>	Paragraph 50. In some countries, discriminatory legislative provisions in the social, economic and political spheres still exist, including civil, penal and commercial codes and certain administrative rules and regulations. Civil codes in some instances have not yet been adequately studied to determine action for repealing those laws that still discriminate against women and for determining, on the basis of equality, the legal capacity and status of women, married women in particular, in terms of nationality, inheritance, ownership and control of property, freedom of movement and the custody and nationality of children. Above all, there is still a deeply rooted resistance on the part of conservative

	elements in society to the change in attitude necessary for a total ban on discriminatory practices against women at the family, local, national and international levels.
<i>Provision:</i>	Paragraph 68. Civil codes, particularly those pertaining to family law, should be revised to eliminate discriminatory practices where these exist and wherever women are considered minors. The legal capacity of married women should be reviewed in order to grant them equal rights and duties.
<i>Provision:</i>	Paragraph 74. The right of all women, in particular married women, to own, administer, sell or buy property independently should be guaranteed as an aspect of their equality and freedom under the law. The right to divorce should be granted equally to both partners under the same conditions, and custody of children decided in a non-discriminatory manner with full awareness of the importance of the input from both parents in the maintenance, rearing and socialization of children. Women should not forfeit their right to custody of their children or to any other benefits and freedoms simply because they have initiated a divorce. Without prejudice to the religious and cultural traditions of countries, and taking into account the de facto situations, legal or other appropriate provisions should be made to eliminate discrimination against single mothers and their children.
<i>Provision:</i>	Paragraph 231. Governments should undertake effective measures, including mobilizing community resources to identify, prevent and eliminate all violence, including family violence, against women and children and to provide shelter, support and reorientation services for abused women and children. These measures should notably be aimed at making women conscious that maltreatment is not an incurable phenomenon, but a blow to their physical and moral integrity, against which they have the right (and the duty) to fight, whether they are themselves the victims or the witnesses. Beyond these urgent protective measures for maltreated women and children, as well as repressive measures for the authors of this maltreatment, it would be proper to set in motion long-term supportive machineries of aid and guidance for maltreated women and children, as well as the people, often men, who maltreat them.
<i>Provision:</i>	Paragraph 258. Violence against women exists in various forms in everyday life in all societies. Women are beaten, mutilated, burned, sexually abused and raped. Such violence is a major obstacle to the achievement of peace and the other objectives of the Decade and should be given special attention. Women victims of violence should be given particular attention and comprehensive assistance. To this end, legal measures should be formulated to prevent violence and to assist women victims. National machinery should be established in order to deal with the question of violence against women within the family and society. Preventive policies should be elaborated, and institutionalized forms of assistance to women victims provided.
<i>Provision:</i>	Paragraph 272. Governments, non-governmental organizations, women's groups and the mass media should encourage women to engage in efforts to promote education for peace in the family, neighbourhood and community. Special attention should be given to the contribution of women's grass-roots organizations. The multiple skills and talents of women artists, journalists, writers, educators and civic leaders can contribute to promoting ideas of peace if encouraged, facilitated and supported.
<i>Instrument:</i>	The Constitution of Kenya
<i>Link:</i>	http://www.kenyalaw.org/lex//actview.xql?actid=Const2010
<i>Provision:</i>	45. Family (1) The family is the natural and fundamental unit of society and the necessary basis of social order, and shall enjoy the recognition and protection of the State. (2) Every adult has the right to marry a person of the opposite sex, based on the free consent of the parties.

	<p>(3) Parties to a marriage are entitled to equal rights at the time of the marriage, during the marriage and at the dissolution of the marriage.</p> <p>(4) Parliament shall enact legislation that recognises—</p> <p>(a) marriages concluded under any tradition, or system of religious, personal or family law; and</p> <p>(b) any system of personal and family law under any tradition, or adhered to by persons professing a particular religion, to the extent that any such marriages or systems of law are consistent with this Constitution.</p>
<i>Nation:</i>	Lesotho
<i>Instrument:</i>	Lesotho's Constitution of 1993
<i>Link:</i>	https://www.constituteproject.org/constitution/Lesotho_1998.pdf
<i>Provision:</i>	<p>4. Fundamental human rights and freedoms.</p> <p>1. Whereas every person in Lesotho is entitled, whatever his race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status to fundamental human rights and freedoms, that is to say, to each and all of the following-</p> <p>g. right to respect for private and family life.</p>
<i>Provision:</i>	<p>11. Right to respect for private and family life.</p> <p>1. Every person shall be entitled to respect for his private and family life and his home.</p>
<i>Nation:</i>	Malawi
<i>Instrument:</i>	Constitution of the Republic of Malawi
<i>Link:</i>	https://www.constituteproject.org/constitution/Malawi_2017.pdf?lang=en
<i>Provision:</i>	<p>12. Constitutional principles.</p> <p>Every individual shall have duties towards other individuals, his or her family and society, the State and other legally recognized communities and the international community and these duties shall include the duty to respect his or her fellow beings without discrimination and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance; and in recognition of these duties, individual rights and freedoms shall be exercised with due regard for the rights of others, collective security, morality and the common interest.</p>
<i>Provision:</i>	<p>14. Principles of national policy.</p> <p>The State shall actively promote the welfare and development of the people of Malawi by progressively adopting and implementing policies and legislation aimed at achieving the following goals— i. the family. To protect the family as a fundamental and vital social unit.</p>
<i>Provision:</i>	<p>22. Family and marriage.</p> <p>1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State</p> <p>2. Each member of the family shall enjoy full and equal respect and shall be protected by law against all forms of neglect, cruelty or exploitation</p> <p>3. All men and women have the right to marry and found a family</p> <p>4. No person shall be forced to enter into marriage.</p> <p>5. Subsections (3) and (4) shall apply to all marriages at law, custom and marriages by repute or by permanent cohabitation.</p> <p>6. No person over the age of eighteen years shall be prevented from entering into marriage</p>
<i>Nation:</i>	Mauritius
<i>Instrument:</i>	The Constitution of the Republic of Mauritius
<i>Link:</i>	https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_126778.pdf
<i>Provision</i>	Article 24. Marriage to a citizen of Mauritius

	Any woman who, after 11 March 1968, marries a person who is or becomes a citizen of Mauritius shall be entitled, upon making application in such manner as may be prescribed and, if she is a British protected person or an alien, upon taking the oath of allegiance, to be registered as a citizen of Mauritius: Provided that the right to be registered as a citizen of Mauritius under this section shall be subject to such exceptions or qualifications as may be prescribed in the interests of national security or public policy.
<i>Nation:</i>	Namibia
<i>Instrument:</i>	The Constitution of the Republic of Namibia
<i>Link:</i>	https://www.constituteproject.org/constitution/Namibia_2010.pdf
<i>Provision:</i>	Article 14: Family <ol style="list-style-type: none"> (1) Men and women of full age, without any limitation due to race, colour, ethnic origin, nationality, religion, creed or social or economic status shall have the right to marry and to found a family. They shall be entitled to equal rights as to marriage, during marriage and at its dissolution. (2) Marriage shall be entered into only with the free and full consent of the intending spouses. (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
<i>Nation:</i>	South Africa
<i>Instrument:</i>	The Constitution of the Republic of South Africa
<i>Link:</i>	http://www.justice.gov.za/legislation/constitution/SACConstitution-web-eng.pdf
<i>Provision:</i>	Freedom of religion, belief and opinion 15. <ol style="list-style-type: none"> (1) Everyone has the right to freedom of conscience, religion, thought, belief and opinion. (2) Religious observances may be conducted at state or state-aided institutions, provided that—(a) those observances follow rules made by the appropriate public authorities;(b) they are conducted on an equitable basis; and (c) attendance at them is free and voluntary. (3) (a) This section does not prevent legislation recognising—(i) marriages concluded under any tradition, or a system of religious, personal or family law; or (ii) systems of personal and family law under any tradition, or adhered to by persons professing a particular religion. (b) Recognition in terms of paragraph (a) must be consistent with this section and the other provisions of the Constitution.
<i>Nation:</i>	Tanzania
<i>Instrument:</i>	The Constitution of the United Republic of Tanzania
<i>Link:</i>	https://www.refworld.org/docid/3ae6b50c4.html
<i>Provision:</i>	16. <ol style="list-style-type: none"> (1) Everyone deserves the respect and protection of his life, his individual right and that of his family and household, also respect and protection of his abode and his personal communication. (2) For the purposes of maintaining individual rights in accordance with this paragraph, the governing Authority will lay down legal guidelines in respect of circumstances of how and to the extent in which private rights of a person and of his well-being, his property and his abode may be infringed upon without jeopardising this paragraph.
<i>Nation:</i>	Uganda
<i>Instrument:</i>	Constitution of the Republic of Uganda
<i>Link:</i>	http://statehouse.go.ug/sites/default/files/attachments/Constitution_1995.pdf
<i>Provision:</i>	XIX. Protection of the family. <p>The family is the natural and basic unit of society and is entitled to protection by society and the State.</p>

<i>Provision:</i>	18. Registration of births, marriages and deaths. The State shall register every birth, marriage and death occurring in Uganda
<i>Provision:</i>	31. Rights of the family. (1)Men and women of the age of eighteen years and above have the right to marry and to found a family and are entitled to equal rights in marriage, during marriage and at its dissolution.(2)Parliament shall make appropriate laws for the protection of the rights of widows and widowers to inherit the property of their deceased spouses and to enjoy parental rights over their children.(3)Marriage shall be entered into with the free consent of the man and woman intending to marry.(4)It is the right and duty of parents to care for and bring up their children.(5)Children may not be separated from their families or the persons entitled to bring them up against the will of their families or of those persons, except in accordance with the law
<i>Nation:</i>	Zambia
<i>Instrument:</i>	Constitution of Zambia
<i>Link:</i>	https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/26620/90492/F735047973/ZMB26620.pdf
<i>Provision</i>	PREAMBLE WE, THE PEOPLE OF ZAMBIA by our representatives, assembled in our Parliament, having solemnly resolved to maintain Zambia as a Sovereign Democratic Republic . . . RECOGNISE the equal worth of men and women in their rights to participate, and freely determine and build a political, economic and social system of their own free choice.
<i>Provision</i>	Article 11. [Fundamental rights and freedoms] It is recognised and declared that every person in Zambia has been and shall continue to be entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed, sex or marital status, but subject to the limitations contained in this Part, to each and all of the following, namely: (a) life, liberty, security of the person and the protection of the law; (b) freedom of conscience, expression, assembly, movement and association; (c) protection of young persons from exploitation; (d) protection for the privacy of his home and other property and from deprivation of property without compensation; and the provisions of this Part shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.
<i>Provision</i>	Article 23. [Protection from discrimination on the ground of race,etc.] (3) In this Article the expression "discriminatory" mean, affording different treatment to different persons attributable, wholly or mainly to their respective descriptions by race, tribe, sex, place of origin, marital status, political opinions colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.
<i>Nation:</i>	Zimbabwe
<i>Instrument:</i>	Constitution of Zimbabwe
<i>Link:</i>	https://www.constituteproject.org/constitution/Zimbabwe_2013.pdf
<i>Provision:</i>	25. Protection of the family. The State and all institutions and agencies of government at every level must protect and foster the institution of the family and in particular must endeavour, within the limits of the resources available to them, to adopt measures for— a. the provision of care and assistance to mothers, fathers and other family members who have charge of children; and b .the prevention of domestic violence.

<i>Provision:</i>	<p>26. Marriage.</p> <p>State must take appropriate measures to ensure that—</p> <ul style="list-style-type: none"> a.no marriage is entered into without the free and full consent of the intending spouses; b. children are not pledged in marriage; c. there is equality of rights and obligations of spouses during marriage and at its dissolution; and d.in the event of dissolution of a marriage, whether through death or divorce, provision is made for the necessary protection of any children and spouses
<i>Provision:</i>	<p>78. Marriage rights.</p> <ul style="list-style-type: none"> 1.Every person who has attained the age of eighteen years has the right to found a family. 2.No person may be compelled to enter into marriage against their will. 3.Persons of the same sex are prohibited from marrying each other.
<i>Provision:</i>	<p>282. Functions of traditional leaders.</p> <ul style="list-style-type: none"> 1.Traditional leaders have the following functions within their areas of jurisdiction— a.to promote and uphold cultural values of their communities and, in particular, to promote sound family values; b.to take measures to preserve the culture, traditions, history and heritage of their communities, including sacred shrines; c.to facilitate development; d.in accordance with an Act of Parliament, to administer Communal Land and to protect the environment; e.to resolve disputes amongst people in their communities in accordance with customary law; and f.to exercise any other functions conferred or imposed on them by an Act of Parliament

<i>Subject:</i>	PROPERTY RIGHTS
<i>Nation:</i>	Botswana
<i>Instrument:</i>	Constitution of Botswana
<i>Link:</i>	https://www.parliament.gov.bw/images/constitution.pdf
<i>Provision:</i>	<p>CHAPTER II: Protection of Fundamental Rights and Freedoms of the Individual</p> <p>3. Fundamental rights and freedoms of the individual</p> <p>Whereas every person in Botswana is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his or her race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest to each and all of the following, namely-</p> <ul style="list-style-type: none"> (a) life, liberty, security of the person and the protection of the law; (b) freedom of conscience, of expression and of assembly and association; and (c) protection for the privacy of his or her home and other property and from deprivation of property without compensation, <p>the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.</p>
<i>Provision:</i>	<p>8. Protection from deprivation of property</p> <p>(1) No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where the following conditions are satisfied, that is to say-</p> <ul style="list-style-type: none"> (a) the taking of possession or acquisition is necessary or expedient- (i) in the interests of defence, public safety, public order, public morality, public health, town and country planning or land settlement; (ii) in order to secure the development or utilization of that, or other, property for a purpose beneficial to the community; or (iii) in order to secure the development or utilization of the mineral resources of Botswana; and (b) provision is made by a law applicable to that taking of possession or acquisition- <ul style="list-style-type: none"> (i) for the prompt payment of adequate compensation; and (ii) securing to any person having an interest in or right over the property a right of access to the High Court, either direct or on appeal from any other authority, for the determination of his or her interest or right, the legality of the taking of possession or acquisition of the property, interest or right, and the amount of any compensation to which he or she is entitled, and for the purpose of obtaining prompt payment of that compensation. <p>(2) No person who is entitled to compensation under this section shall be prevented from remitting, within a reasonable time after he or she has received any amount of that compensation, the whole of that amount (free from any deduction, charge or tax made or levied in respect of its remission) to any country of his or her choice outside Botswana.</p> <p>(3) Subsection (1)(b)(i) of this section shall be deemed to be satisfied in relation to any Law applicable to the taking of possession of minerals or the acquisition of rights to minerals if that law makes provision for the payment at reasonable intervals of adequate royalties.</p> <p>(4) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (2) of this section to the extent that the law in question authorizes-</p>

- (a) the attachment, by order of a court, of any amount of compensation to which a person is entitled in satisfaction of the judgment of a court or pending the determination of civil proceedings to which he or she is a party; or
- (b) the imposition of reasonable restrictions on the manner in which any amount of Copyright Government of Botswana compensation is to be remitted.

(5) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (1) of this section-

- (a) to the extent that the law in question makes provision for the taking of possession or acquisition of any property-
 - (i) in satisfaction of any tax, rate or due;
 - (ii) by way of penalty for breach of the law whether under civil process or after conviction of a criminal offence under the law in force in Botswana;
 - (iii) as an incident of a lease, tenancy, mortgage, charge, bill of sale, pledge or contract;
 - (iv) in the execution of judgments or orders of a court in proceedings for the determination of civil rights or obligations;
 - (v) in circumstances where it is reasonably necessary to do so because the property is in a dangerous state or injurious to the health of human beings, animals or plants;
 - (vi) in consequence of any law with respect to the limitation of actions; or
 - (vii) for so long only as may be necessary for the purposes of any examination, investigation, trial or inquiry or, in the case of land, for the purposes of the carrying out thereon of work of soil conservation or the conservation of other natural resources or work relating to agricultural development or improvement (being work relating to such development or improvement that the owner or occupier of the land has been required, and has without reasonable excuse refused or failed, to carry out), and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society; or
- (b) to the extent that the law in question makes provision for the taking of possession or acquisition of-
 - (i) enemy property;
 - (ii) property of a deceased person, a person of unsound mind, a person who has not attained the age of 21 years, a prodigal, or a person who is absent from Botswana, for the purpose of its administration for the benefit of the persons entitled to the beneficial interest therein;
 - (iii) property of a person declared to be insolvent or a body corporate in liquidation, for the purpose of its administration for the benefit of the creditors of the insolvent or body corporate and, subject thereto, for the benefit of other persons entitled to the beneficial interest in the property; or
 - (iv) property subject to a trust, for the purpose of vesting the property in persons appointed as trustees under the instrument creating the trust or by a court, or by order of a court, for the purpose of giving effect to the trust.

(6) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection

- (1) of this section to the extent that the law in question makes provision for the compulsory taking of possession in the public interest of any property, or the compulsory acquisition in the public interest in or right over property, where that property, interest or right is held by a body corporate established by law for public purposes in which no moneys have been invested other than moneys provided by Parliament

<i>Provision:</i>	<p>15. Protection from discrimination on the grounds of race, etc.</p> <p>(1) Subject to the provisions of subsections (4), (5) and (7) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.</p> <p>(2) Subject to the provisions of subsections (6), (7) and (8) of this section, no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.</p> <p>(3) In this section, the expression "discriminatory" means affording different treatment to different persons, attributable wholly or mainly to their respective descriptions by race, tribe, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.</p> <p>(4) Subsection (1) of this section shall not apply to any law so far as that law makes provision-</p> <ul style="list-style-type: none"> (a) for the appropriation of public revenues or other public funds; (b) with respect to persons who are not citizens of Botswana; (c) with respect to adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law.
<i>Nation:</i>	Burundi
<i>Instrument:</i>	Constitution of Burundi
<i>Link:</i>	https://www.constituteproject.org/constitution/Burundi_2005?lang=en
<i>Provision:</i>	<p>Article 36: All persons have the right to property.</p> <p>No one may be deprived of his or her property except for the public's benefit, in the cases and manner established by the law and subject to a fair and prior indemnification, or in the execution of a final judicial decision.</p>
<i>Nation:</i>	Eswatini
<i>Instrument:</i>	The Constitution of the Kingdom of Swaziland Act 2005
<i>Link:</i>	https://www.wipo.int/edocs/lexdocs/laws/en/sz/sz010en.pdf
<i>Provision:</i>	<p>CHAPTER III PROTECTION AND PROMOTION OF FUNDAMENTAL RIGHTS AND FREEDOMS</p> <p>(1) The fundamental human rights and freedoms of the individual enshrined in this Chapter are hereby declared and guaranteed, namely –</p> <ul style="list-style-type: none"> (c) protection of the privacy of the home and other property rights of the individual; (d) protection from deprivation of property without compensation
<i>Provision:</i>	<p>Protection of right to life 15.</p> <p>(1) A person shall not be deprived of life intentionally save in the execution of the sentence of a court in respect of a criminal offence under the law of Swaziland of which that person has been convicted.</p> <p>(4) Without prejudice to any liability for a contravention of any other law with respect to the use of force in such cases as are mentioned in this subsection, a person shall not be regarded as having been deprived of life in contravention of this section if death results from use of force to such extent as is reasonably justifiable and proportionate in the circumstances of the case</p> <ul style="list-style-type: none"> (a) for the defence of any person from violence or for the defence of property.
<i>Provision:</i>	<p>Protection from deprivation of property 19.</p> <p>(1) A person has a right to own property either alone or in association with others. (2) A person shall not be compulsorily deprived of property or any interest in or right over property of any description except where the following conditions are satisfied (a) the taking of possession or acquisition is necessary for public use or in the interest of defence, public safety, public order, public morality or public health; (b) the compulsory taking of possession or acquisition of the property is made under a law which makes provision for (i) prompt payment of fair and adequate compensation; and (ii) a right of access to a court of law by any person who has</p>

	an interest in or right over the property; (c) the taking of possession or the acquisition is made under a court order.
<i>Provision:</i>	Protection against arbitrary search or entry. 22. (1) A person shall not be subjected – (a) to the search of the person or the property of that person;
<i>Provision:</i>	Property rights of spouses 34. (1) A surviving spouse is entitled to a reasonable provision out of the estate of the other spouse whether the other spouse died having made a valid will or not and whether the spouses were married by civil or customary rites. (2) Parliament shall, as soon as practicable after the commencement of this Constitution, enact legislation regulating the property rights of spouses including common-law husband and wife.
<i>Nation:</i>	Kenya
<i>Instrument:</i>	The Nairobi Forward-looking Strategies for the Advancement of Women
<i>Link:</i>	https://www.un.org/womenwatch/confer/nfls/Nairobi1985report.txt
<i>Provision:</i>	Paragraph 50 In some countries, discriminatory legislative provisions in the social, economic and political spheres still exist, including civil, penal and commercial codes and certain administrative rules and regulations. Civil codes in some instances have not yet been adequately studied to determine action for repealing those laws that still discriminate against women and for determining, on the basis of equality, the legal capacity and status of women, married women in particular, in terms of nationality, inheritance, ownership and control of property, freedom of movement and the custody and nationality of children. Above all, there is still a deeply rooted resistance on the part of conservative elements in society to the change in attitude necessary for a total ban on discriminatory practices against women at the family, local, national and international levels.
<i>Provision:</i>	Paragraph 74 The right of all women, in particular married women, to own, administer, sell or buy property independently should be guaranteed as an aspect of their equality and freedom under the law. The right to divorce should be granted equally to both partners under the same conditions, and custody of children decided in a non-discriminatory manner with full awareness of the importance of the input from both parents in the maintenance, rearing and socialization of children. Women should not forfeit their right to custody of their children or to any other benefits and freedoms simply because they have initiated a divorce. Without prejudice to the religious and cultural traditions of countries, and taking into account the de facto situations, legal or other appropriate provisions should be made to eliminate discrimination against single mothers and their children.
<i>Provision:</i>	Paragraph 182 Rural women's access to land, capital, technology, know-how and other productive resources should be secured. Women should be given full and effective rights to land ownership, registration of land titles and allocation of tenancies on irrigation or settlement schemes and should also benefit from land reform. Women's customary land and inheritance rights under conditions of land shortage, land improvement or shifts into cash-cropping should be protected. Implementation of inheritance laws should be modified so that women can inherit a fair share of livestock, agricultural machinery and other property. Women's access to investment finance to increase their productivity and income should be supported by removing legal and institutional restrictions and by promoting women's savings groups and co-operatives and intermediary institutions, as well as training in and assistance with financial management, savings and investments and reallocation of land resources, with priority placed on production, especially of staple foods.
<i>Instrument:</i>	The Constitution of Kenya
<i>Link:</i>	http://www.kenyalaw.org/lex//actview.xql?actid=Const2010

<i>Provision:</i>	40. Protection of right to property (1) Subject to Article 65, every person has the right, either individually or in association with others, to acquire and own property— (a) of any description; and (b) In any part of Kenya.
<i>Nation:</i>	Lesotho
<i>Instrument:</i>	Lesotho's Constitution of 1993
<i>Link:</i>	https://www.constituteproject.org/constitution/Lesotho_1998.pdf
<i>Provision:</i>	17. Freedom from arbitrary seizure of property 1. No property, movable or immovable, shall be taken possession of compulsorily, and no interest in or right over any such property shall be compulsorily acquired, except where the following conditions are satisfied, that is to say-- a. the taking of possession or acquisition is necessary in the interests of defence, public safety, public order, public morality, public health, town and country planning or the development or utilisation of any property in such manner as to promote the public benefit; and b. the necessity therefor is such as to afford reasonable justification for the causing of any hardship that may result to any person having an interest in or right over the property; and c. provision is made by a law applicable to that taking of possession or acquisition for the prompt payment of full compensation.
<i>Nation:</i>	Malawi
<i>Instrument:</i>	Constitution of the Republic of Malawi
<i>Link:</i>	https://www.constituteproject.org/constitution/Malawi_2017.pdf?lang=en
<i>Provision:</i>	28. Property 1. Every person shall be able to acquire property alone or in association with others. 2. No person shall be arbitrarily deprived of property
<i>Provision:</i>	209. Continuation of rights of persons in property 1. All persons who have rights in property at the date of the commencement of this Constitution shall continue to have such rights under this Constitution and any other law. 2. This section shall not apply in respect of rights in property that have been acquired or vested by or on behalf of the Government where that property was acquired or vested at any time since 6th July, 1964, and where that right in property was obtained from citizens or permanent residents of Malawi— a. unlawfully according to the laws then in force in Malawi; b. by virtue of any law not being a penal law passed during that time that did not provide for adequate compensation; or c. through abandonment by reason of duress of circumstances. 3. For the purposes of this section “Government” shall mean the President, the Cabinet, the Ministries, other organs of the President and Cabinet and their agents, including individuals and bodies under the authority of the President, the Cabinet or the Ministries. 4. Rights in property which are not recognized by virtue of this section shall be vested in the National Compensation Fund and shall be disposed of in accordance with the principles, procedures and rules of the National Compensation Tribunal. 5. Persons occupying or using property vested in the National Compensation Fund shall continue to occupy and use that property, as if they retained full legal and equitable title until such time as the National Compensation Tribunal otherwise orders
<i>Nation:</i>	Mauritius
<i>Instrument:</i>	The Constitution of the Republic of Mauritius

<i>Link:</i>	https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_126778.pdf
<i>Provision</i>	<p>Article 3. Fundamental rights and freedoms of the individual</p> <p>It is hereby recognised and declared that in Mauritius there have existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, each and all of the following human rights and fundamental freedoms -</p> <p>the right of the individual to protection for the privacy of his home and other property and from deprivation of property without compensation, and the provisions of this chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of those rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.</p>
<i>Provision</i>	<p>Article 8. Protection from deprivation of property</p> <p>(1) No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where –</p> <p>(a) the taking of possession or acquisition is necessary or expedient in the interests of the defence, public safety, public morality, public health, town and country planning, the development or utilisation of any property in such a manner as to promote the public benefit or the social and economic well-being of the people of Mauritius; and</p> <p>(b) there is reasonable justifications for the causing of any hardship that may result to any person having an interest in or right over the property; and</p> <p>(c) provision is made by a law applicable to that taking of possession or acquisition –</p> <p>(i) for the payment of adequate compensations; and</p> <p>(ii) securing to any person having an interest in or right over the property a right of access to the Supreme Court, whether direct or on appeal from any other authority, for the determination of his interest or right, the legality of the taking of possession or acquisition of the property, interest or right, and the amount of any compensation to which he is entitled, and for the purpose of obtaining payment of that compensation.</p> <p>(b) to the extent that the law in question makes provision for the taking of possession or acquisition of –</p> <p>(i) enemy property;</p> <p>(ii) property of a person who has died or is unable, by reason of legal incapacity, to administer himself, for the purpose of its administration for the benefit of the persons entitled to the beneficial interest in it;</p> <p>(iii) property of a person adjudged bankrupt or a body corporate in liquidation, for the purpose of its administration for the benefit of the creditors of the bankrupt or body corporate and, subject thereto, for the benefit of other persons entitled to the beneficial interest in the property; or</p> <p>(iv) property subject to a trust, for the purpose of vesting the property in persons appointed as trustees under the instrument creating the trust or by a court or, by order of a court, for the purpose of giving effect to the trust; or</p>
<i>Provision</i>	<p>Article 9. Protection of privacy of home and other property</p> <p>(1) Except with his own consent, no person shall be subjected to the search of his own person or his property or the entry by others on his premises.</p> <p>(2) Nothing contained in or done under the authority of any law shall be held to be consistent with or in contravention of this section to the extent that the law in question makes provision –</p> <p>(a) in the interests of defence, public safety, public order, public morality, public health, town and country planning, the development or utilisation of mineral resources or the development or utilisation of any other property in such a manner as to promote the public benefit;</p> <p>(b) for the purpose of protecting the rights or freedoms of other persons;</p> <p>(c) to enable an officer or agent of the government or a local authority, or a body corporate established by law for public purpose, to enter on the premises of any person in order to value those</p>

	<p>premises for the purpose of any tax, rate or due, or in order to carry out work connected with any property that is lawfully on those premises and that belongs to the government, the local authority or that body corporate, as the case may be; or</p> <p>(d) to authorise, for the purpose of enforcing the judgement or order of a court in any civil proceedings, the search of any person or property by order of a court or the entry upon any premises by such order,</p> <p>Except so far as that provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society</p>
<i>Nation:</i>	Namibia
<i>Instrument:</i>	The Constitution of the Republic of Namibia
<i>Link:</i>	https://www.constituteproject.org/constitution/Namibia_2010.pdf
<i>Provision:</i>	<p>Article 16: Property</p> <p>1. All persons shall have the right in any part of Namibia to acquire, own and dispose of all forms of immovable and movable property individually or in association with others and to bequeath their property to their heirs or legatees: provided that Parliament may by legislation prohibit or regulate as it deems expedient the right to acquire property by persons who are not Namibian citizens.</p> <p>2. The State or a competent body or organ authorised by law may expropriate property in the public interest subject to the payment of just compensation, in accordance with requirements and procedures to be determined by Act of Parliament.</p>
<i>Nation:</i>	South Africa
<i>Instrument:</i>	The Constitution of the Republic of South Africa
<i>Link:</i>	http://www.justice.gov.za/legislation/constitution/SACConstitution-web-eng.pdf
<i>Provision:</i>	<p>Section 9 -Equality</p> <p>"(3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, color, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth." The prohibition of discrimination on the grounds of gender, sex, pregnancy and marital status is clearly intended to protect women. The grounds "sex", which is a biological feature, and "gender", a social artefact, are both included - perhaps unnecessarily. But the result is that this section leaves no doubt that no unfair discrimination based on any feature of being a woman will be tolerated.</p>
<i>Provision:</i>	<p>Section 25—Property</p> <p>(1) No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.</p> <p>(2) Property may be expropriated only in terms of law of general application—</p> <ul style="list-style-type: none"> (a) for a public purpose or in the public interest; and (b) subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court. <p>(3) The amount of the compensation and the time and manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances, including—</p> <ul style="list-style-type: none"> (a) the current use of the property; (b) the history of the acquisition and use of the property; (c) the market value of the property; (d) the extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property; and (e) the purpose of the expropriation. <p>(4) For the purposes of this section—</p> <ul style="list-style-type: none"> (a) the public interest includes the nation's commitment to land reform, and to reforms to bring about equitable access to all South Africa's natural resources; and

	<p>(b) property is not limited to land. (5) The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis.</p> <p>(6) A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress.</p> <p>(7) A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress.</p> <p>(8) No provision of this section may impede the state from taking legislative and other measures to achieve land, water and related reform, in order to redress the results of past racial discrimination, provided that any departure from the provisions of this section is in accordance with the provisions of section 36(1).</p> <p>(9) Parliament must enact the legislation referred to in subsection (6).</p>
<i>Provision:</i>	<p>Section 26—Housing</p> <p>1. Everyone has the right to have access to adequate housing.</p> <p>2. The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of this right.</p> <p>3. No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.</p>
<i>Nation:</i>	Tanzania
<i>Instrument:</i>	The Constitution of the United Republic of Tanzania
<i>Link:</i>	https://www.refworld.org/docid/3ae6b50c4.html
<i>Provision:</i>	<p>24.- Right to own property</p> <p>(1) Every person is entitled to own property, and has a right to the protection of his property held in accordance with the law.</p> <p>(2) Subject to the provisions of subarticle (1), it shall be unlawful for any person to be deprived of his property for the purposes of nationalization or any other purposes without the authority of law which makes provision for fair and adequate compensation.</p>
<i>Nation:</i>	Uganda
<i>Instrument:</i>	Constitution of the Republic of Uganda
<i>Link:</i>	http://statehouse.go.ug/sites/default/files/attachments/Constitution_1995.pdf
<i>Provision:</i>	<p>26. Protection from deprivation of property.</p> <p>(1) Every person has a right to own property either individually or in association with others.</p> <p>(2) No person shall be compulsorily deprived of property or an interest in or right over property of any description except where the following conditions are satisfied—</p> <p>(a) the taking of possession or acquisition is necessary for public use or in the interest of defence, public safety, public order, public morality or public health; and</p> <p>(b) the compulsory taking of possession or acquisition of property is made under a law which makes provision for—</p> <p>(i) prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of the property; and</p> <p>(ii) a right of access to a court of law by any person who has an interest or right over the property.</p>
<i>Provision:</i>	<p>27. Right to privacy of person, home and other property</p> <p>(1) No person shall be subjected to—</p> <p>(a) unlawful search of the person, home or other property of that person; or (b) unlawful entry by others of the premises of that person.</p> <p>(2) No person shall be subjected to interference with the privacy of that person's home, correspondence, communication or other property.</p>

<i>Provision:</i>	31. Rights of the family. (2) Parliament shall make appropriate laws for the protection of the rights of widows and widowers to inherit the property of their deceased spouses and to enjoy parental rights over their children.
<i>Nation:</i>	Zambia
<i>Instrument:</i>	Constitution of Zambia
<i>Link:</i>	https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/26620/90492/F735047973/ZMB26620.pdf
<i>Provision</i>	Article 11. [Fundamental rights and freedoms] It is recognised and declared that every person in Zambia has been and shall continue to be entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed, sex or marital status, but subject to the limitations contained in this Part, to each and all of the following, namely: (d) protection for the privacy of his home and other property and from deprivation of property without compensation; and the provisions of this Part shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.
<i>Provision</i>	Article 16. [Protection from deprivation of property] (1) Except as provided in this Article, no property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, unless by or under the authority of an Act of Parliament which provides for payment of adequate compensation for the property or interest or right to be taken possession of or acquired. (2) (2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of clause (1) to the extent that it is shown that such law provides for the taking possession or acquisition of any property or interest therein or right thereover-- (a) in satisfaction of any tax, rate or due; (b) by way of penalty for breach of any law, whether under civil process or after conviction of an offence; (c) in execution of judgements or orders of courts; (d) upon the attempted removal of the property in question out of or into Zambia in contravention of any law; (e) as an incident of a contract including a lease, tenancy, mortgage, charge, pledge or bill of sale or of a title deed to land; (f) for the purpose of its administration, care or custody on behalf of and for the benefit of the person entitled to the beneficial interest therein; (g) by way of the vesting of enemy property or for the purpose of the administration of such property; (h) for the purpose of – (i) the administration of the property of a deceased person, a person of unsound mind or a person who has not attained the age of eighteen years, for the benefit of the persons entitled to the beneficial interest therein; (ii) the administration of the property of a person adjudged bankrupt or a body corporate in liquidation, for the benefit of the creditors of such bankrupt or body corporate and, subject thereto, for the benefit of other persons entitled to the beneficial interest in the property; (iii) the administration of the property of a person who has entered into a deed of arrangement for the benefit of his creditors; or (iv) vesting any property subject to a trust in persons appointed as trustees under the instrument creating the trust or by a court or, by order of a court, for the purpose of giving effect to the trust; (i) in consequence of any law relating to the limitation of actions; (j) in terms of any law relating to abandoned, unoccupied, unutilised or undeveloped land, as defined in such law; (k) in terms of any law relating to absent or non-resident owners, as defined in such law, of any property; (l) in terms of any law relating to trusts or settlements; (m) by reason of the property in question being in a dangerous state or prejudicial to the health or safety of human beings, animals or plants; (n) as a condition in connection with the granting of permission for the utilisation of that or other property in any particular manner; (o) for the purpose of or in connection with the prospecting for, or exploitation of, minerals belonging to the Republic on terms which provide for the respective

	<p>interests of the persons affected; (p) in pursuance of a provision of the marketing of property of that description in the common interests of the various persons otherwise entitled to dispose of that property; (q) by way of the taking of a sample for the purposes of any law; (r) by way of acquisition of the shares, or a class of shares, in a body corporate on terms agreed to by the holders of not less than nine-tenths in value of those shares or that class of shares; (s) where the property consists of an animal, upon its being found trespassing or straying; (t) for so long as may be necessary for the purpose of any examination, investigation, trial or inquiry or, in the case of the land, the carrying out thereon -- (i) of work for the purpose of the conservation of natural resources or any description; or (ii) of agricultural development or improvement which the owner or occupier of the land has been required, and has without reasonable and lawful excuse refused or failed, to carry out; (u) where the property consists of any licence or permit; (v) where the property consists of wild animals existing in their natural habitat or the carcasses of wild animals; (w) where the property is held by a body corporate established by law for public purposes and in which no moneys have been invested other than moneys provided by Parliament; (x) where the property is any mineral, mineral oil or natural gases or any rights accruing by virtue of any title or licence for the purpose of searching for or mining any mineral, mineral oil or natural gases -- (i) upon failure to comply with any provision of such law relating to the title or licence or to the exercise of the rights accruing or to the development or exploitation of any mineral, mineral oil or natural gases; or (ii) in terms of any law vesting any such property or rights in the President; (y) for the purpose of the administration or disposition of such property or interest or right by the President in implementation of a comprehensive land policy or of a policy designed to ensure that the statute law, the Common Law and the doctrines of equity relating to or affecting the interest in or rights over land, or any other interests or right enjoyed by Chiefs and persons claiming through and under them, shall apply with substantial uniformity throughout Zambia; (z) in terms of any law providing for the conversion of titles to land from freehold to leasehold and the imposition of any restriction on subdivision, assignment or sub-letting; (aa) in terms of any law relating to -- (i) the forfeiture or confiscation of the property of a person who has left Zambia for the purpose or apparent purpose, of defeating the ends of justice; (ii) the imposition of a fine on, and the forfeiture or confiscation of the property of, a person who admits a contravention of any law relating to the imposition or collection of any duty or tax or to the prohibition or control of dealing or transactions in gold, currencies, or securities.</p> <p>(3) An Act of Parliament such as is referred to in clause (1) shall provide that in default of agreement, the amount of compensation shall be determined by a court of competent jurisdiction.</p>
<i>Provision</i>	<p>Article 17. [Protection for privacy of home and other property]</p> <p>(1) Except with his own consent, no person shall be subjected to the search of his person or his property or the entry by others on his premises. (2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this Article to the extent that it is shown that the law in question makes provision -- (a) that is reasonably required in the interests of defence, public safety, public order, public morality, public health, town and country planning, the development and utilisation of mineral resources, or in order to secure the development or utilisation of any property for a purpose beneficial to the community; (b) that is reasonably required for the purpose of protecting the rights or freedoms of other persons; (c) that authorises an officer or agent of the Government, a local government authority or a body corporate established by law for a public purpose to enter on the premises or anything thereon for the purpose of any tax, rate or due or in order to carry out work connected with any property that is lawfully on those premises and that belongs to that Government, authority, or body corporate, as the case may be; or (d) that authorises, for the purpose of enforcing the judgement or order of a court in any civil proceedings, the search of any person or property by order of a court or entry upon any premises by such order; and except so far as that provision or, as the case may be, anything done under the authority thereof is shown not to be reasonably justified in a democratic society.</p>
<i>Nation:</i>	Zimbabwe
<i>Instrument:</i>	Constitution of Zimbabwe

<i>Link:</i>	https://www.constituteproject.org/constitution/Zimbabwe_2013.pdf
<i>Provision:</i>	<p>71. Property rights</p> <p>1. In this section-- "pension benefit" means a pension, annuity, gratuity or similar allowance which is payable--</p> <ul style="list-style-type: none"> a. to any person from the Consolidated Revenue Fund; b. in respect of a person's service with an employer; c. in respect of a person's ill-health or injury; or d. in respect of a person's retirement through age or ill-health or any other reason; and includes a commutation of such a pension, annuity, gratuity or allowance and a refund of contributions paid towards such a pension, annuity, gratuity or allowance; <p>"property" means property of any description and any right or interest in property.</p> <p>2. Subject to section 72, every person has the right, in any part of Zimbabwe, to acquire, hold, occupy, use, transfer, hypothecate, lease or dispose of all forms of property, either individually or in association with others. • Right to transfer property</p> <p>3. Subject to this section and to section 72, no person may be compulsorily deprived of their property except where the following conditions are satisfied--</p> <ul style="list-style-type: none"> a. the deprivation is in terms of a law of general application; b. the deprivation is necessary for any of the following reasons-- <ul style="list-style-type: none"> i. in the interests of defence, public safety, public order, public morality, public health or town and country planning; or ii. in order to develop or use that or any other property for a purpose beneficial to the community; c. the law requires the acquiring authority-- <ul style="list-style-type: none"> i. to give reasonable notice of the intention to acquire the property to everyone whose interest or right in the property would be affected by the acquisition; ii. to pay fair and adequate compensation for the acquisition before acquiring the property or within a reasonable time after the acquisition; and iii. if the acquisition is contested, to apply to a competent court before acquiring the property, or not later than thirty days after the acquisition, for an order confirming the acquisition; d. the law entitles any person whose property has been acquired to apply to a competent court for the prompt return of the property if the court does not confirm the acquisition; and e. the law entitles any claimant for compensation to apply to a competent court for the determination of-- <ul style="list-style-type: none"> i. the existence, nature and value of their interest in the property concerned; ii. the legality of the deprivation; and iii. the amount of compensation to which they are entitled; and to apply to the court for an order directing the prompt payment of any compensation. <p>4. Where a person has a vested or contingent right to the payment of a pension benefit, a law which provides for the extinction or diminution of that right is regarded, for the purposes of subsection (3), as a law providing for the compulsory acquisition of property</p>

<i>Subject:</i>	WORK RIGHTS
<i>Nation:</i>	Burundi
<i>Instrument:</i>	Constitution of Burundi
<i>Link:</i>	https://www.constituteproject.org/constitution/Burundi_2005?lang=en
<i>Provision:</i>	<p>Article 54.</p> <p>The state recognizes to all citizens the right to work and endeavors to create the conditions that render effective the enjoyment of this right. It recognizes the right of all persons to enjoy proper and satisfying work conditions and guarantees to the laborer the just compensation for his or her services or production.</p>
<i>Provision:</i>	<p>Article 57.</p> <p>All people at equal competence, without any discrimination, have the right to an equal salary for equal work done.</p>
<i>Nation:</i>	Eswatini
<i>Instrument:</i>	The Constitution of the Kingdom of Swaziland Act 2005
<i>Link:</i>	https://www.wipo.int/edocs/lexdocs/laws/en/sz/sz010en.pdf
<i>Provision:</i>	<p>Rights of workers 32.</p> <p>(1) A person has the right to practise a profession and to carry on any lawful occupation, trade or business. (2) A worker has a right to – (a) freely form, join or not to join a trade union for the promotion and protection of the economic interests of that worker; and (b) collective bargaining and representation. (3) The employer of a female worker shall accord that worker protection before and after child birth in accordance with law. (4) Parliament shall enact laws to (a) provide for the right of persons to work under satisfactory, safe and healthy conditions; (b) ensure equal payment for equal work without discrimination; (c) ensure that every worker is accorded rest and reasonable working hours and periods of holidays with pay as well as remuneration for public holidays; and 27 (d) protect employees from victimisation and unfair dismissal or treatment.</p>
<i>Nation:</i>	Kenya
<i>Instrument:</i>	The Nairobi Forward-looking Strategies for the Advancement of Women
<i>Link:</i>	https://www.un.org/womenwatch/confer/nfls/Nairobi1985report.txt
<i>Provision:</i>	<p>Paragraph 69 10b.</p> <p>Such social and economic development should be encouraged as would secure the participation of women as equal partners with men in all fields of work, equal access to all positions of employment, equal pay for work of equal value and equal opportunities for education and vocational training, and would co-ordinate the legislation on the protection of women at work with the need for women to work and be highly productive producers and managers of all political, economic and social affairs and would develop branches of the social services to make domestic duties easier for women and men.</p>
<i>Provision:</i>	<p>Paragraph 70.</p> <p>Measures for the implementation of legislation relating to working conditions for women must be taken.</p>
<i>Provision:</i>	<p>Paragraph 71.</p> <p>Legislative and/or other measures should be adopted and implemented to secure for men and women the same right to work and to unemployment benefits, as well as to prohibit, through, inter alia, the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the grounds of marital status. Legislative and other measures</p>

	should be adopted and implemented to facilitate the return to the labour market of women who have left it for family reasons and to guarantee the right of women to return to work after maternity leave.
<i>Provision:</i>	<p>Paragraph 72.</p> <p>Governments should continue to take special action to institute programmes that would inform women workers of their rights under legislation and other remedial measures. The importance of freedom of association and the protection of the right to organize should be emphasized, this being particularly relevant to the position of women in employment. Special measures should be taken to ratify and implement in national legislation the relevant conventions and recommendations of the International Labour Organisation concerning the rights of women as regards access to equal employment opportunities, equal pay for work of equal value, equal working conditions, job security and maternity protection.</p>
<i>Provision:</i>	<p>Paragraph 136.</p> <p>Flexible working hours for all are strongly recommended as a measure for encouraging the sharing of parental and domestic responsibilities by women and men, provided that such measures are not used against the interests of employees. Re-entry programmes, complete with training and stipends, should be provided for women who have been out of the labour force for some time. Tax structures should be revised so that the tax liability on the combined earnings of married couples does not constitute a disincentive to women's employment.</p>
<i>Provision:</i>	<p>Paragraph 137.</p> <p>Eliminating all forms of employment discrimination, inter alia through legislative measures, especially wage differentials between women and men carrying out work of equal value, is strongly recommended to all parties concerned. Additional programmes should help to overcome still existing disparities in wages between women and men. Differences in the legal conditions of work of women and men should also be eliminated, where there are disadvantages to women, and privileges should be accorded to male and female parents. Occupational desegregation of women and men should be promoted.</p>
<i>Provision:</i>	<p>Paragraph 138.</p> <p>The public and private sectors should make concerted efforts to diversify and create new employment opportunities for women in the traditional, non-traditional and high productivity areas and sectors in both rural and urban areas through the design and implementation of incentive schemes for both employers and women employees and through widespread dissemination of information. Gender stereotyping in all areas should be avoided and the occupational prospects of women should be enhanced.</p>
<i>Provision:</i>	<p>Paragraph 139.</p> <p>The working conditions of women should be improved in all formal and informal areas by the public and private sectors. Occupational health and safety and job security should be enhanced and protective measures against work-related health hazards effectively implemented for women and men. Appropriate measures should be taken to prevent sexual harassment on the job or sexual exploitation in specific jobs, such as domestic service. Appropriate measures for redress should be provided by Governments and legislative measures guaranteeing these rights should be enforced. In addition, Governments and the private sector should put in place mechanisms to identify and correct harmful working conditions.</p>
<i>Provision:</i>	<p>Paragraph 140.</p> <p>National planning should give urgent consideration to the development and strengthening of social security and health schemes and maternity protection schemes in keeping with the principles laid down in the ILO maternity protection convention and maternity protection recommendation and other relevant ILO conventions and recommendations as a prerequisite to the hastening of women's effective participation in production, and all business and trade unions should seek to promote the rights and compensations of working women and to ensure that appropriate infrastructures are provided. Parental leave following the birth of a child should be available to both women and men</p>

	and preferably shared between them. Provision should be made for accessible child-care facilities for working parents.
<i>Instrument:</i>	The Constitution of Kenya
<i>Link:</i>	http://www.kenyalaw.org/lex//actview.xql?actid=Const2010
<i>Provision:</i>	<p>41. Labour relations</p> <p>(1) Every person has the right to fair labour practices.</p> <p>(2) Every worker has the right—</p> <ul style="list-style-type: none"> (a) to fair remuneration; (b) to reasonable working conditions; (c) to form, join or participate in the activities and programmes of a trade union; and (d) to go on strike. <p>(3) Every employer has the right—</p> <ul style="list-style-type: none"> (a) to form and join an employers organisation; and (b) to participate in the activities and programmes of an employers organisation. <p>(4) Every trade union and every employers' organisation has the right—</p> <ul style="list-style-type: none"> (a) to determine its own administration, programmes and activities; (b) to organise; and (c) to form and join a federation. <p>(5) Every trade union, employers' organisation and employer has the right to engage in collective bargaining.</p>
<i>Nation:</i>	Lesotho
<i>Instrument:</i>	Lesotho's Constitution of 1993
<i>Link:</i>	https://www.constituteproject.org/constitution/Lesotho_1998.pdf
<i>Provision:</i>	<p>29. Opportunity to work.</p> <p>1. Lesotho shall endeavour to ensure that every person has the opportunity to gain his living by work which he freely chooses or accepts.</p> <p>2. Lesotho shall adopt policies aimed at--</p> <ul style="list-style-type: none"> a. achieving and maintaining as high and stable a level of employment as possible; b. providing technical and vocational guidance and training programmes; and c. achieving steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.
<i>Provision:</i>	<p>30. Just and favourable conditions of work.</p> <p>Lesotho shall adopt policies aimed at securing just and favourable conditions of work and in particular policies directed to achieving—</p> <ul style="list-style-type: none"> a. remuneration which provides all workers, as a minimum with— <ul style="list-style-type: none"> i. fair wages and equal remuneration for work of equal value without distinction of any kind, and in particular, women being guaranteed conditions of work, including pension or retirement benefits, not inferior to those enjoyed by men, with equal pay for equal work; and ii. a decent living for themselves and their families; b. safe and healthy working conditions;

	<p>c. equal opportunity for men and women to be promoted in their employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;</p> <p>d. the protection of women who are in employment during a reasonable period before and after childbirth; and</p> <p>e. rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.</p>
<i>Provision:</i>	<p>31. Protection of workers' rights and interests.</p> <p>Lesotho shall take appropriate steps in order to encourage the formation of independent trade unions to protect workers' rights and interests and to promote sound labour relations and fair employment practices.</p>
<i>Nation:</i>	Malawi
<i>Instrument:</i>	Constitution of the Republic of Malawi
<i>Link:</i>	https://www.constituteproject.org/constitution/Malawi_2017.pdf?lang=en
<i>Provision:</i>	<p>24. Rights of women.</p> <p>2. Any law that discriminates against women on the basis of gender or marital status shall be invalid and legislation shall be passed to eliminate customs and practices that discriminate against women, particularly practices such as—</p> <p>a. sexual abuse, harassment and violence;</p> <p>b. discrimination in work, business and public affairs.</p>
<i>Provision:</i>	<p>31. Labour.</p> <ol style="list-style-type: none"> 1. Every person shall have the right to fair and safe labour practices and to fair remuneration. 2. All persons shall have the right to form and join trade unions or not to form or join trade unions 3. Every person shall be entitled to fair wages and equal remuneration for work of equal value without distinction or discrimination of any kind, in particular on basis of gender, disability or race 4. The State shall take measures to ensure the right to withdraw labour.
<i>Nation:</i>	Mauritius
<i>Instrument:</i>	The Constitution of the Republic of Mauritius
<i>Link:</i>	https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_126778.pdf
<i>Provision</i>	<p>Article 6. Protection from slavery and forced labour</p> <ol style="list-style-type: none"> (1) No person shall be held in slavery or servitude. (2) No person shall be required to perform forced labour. (3) For the purposes of this section, the expression "forced labour" does not include <ol style="list-style-type: none"> (a) any labour required in consequence of the sentence or order of a court; (b) labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained; (c) any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service; or (d) any labour required during a period of public emergency or in the event of any other emergency or calamity that threatens the life or well-being of the community, to the extent that the requiring of such labour is reasonably justifiable, in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation.
<i>Nation:</i>	Namibia

<i>Instrument:</i>	The Constitution of the Republic of Namibia
<i>Link:</i>	https://www.constituteproject.org/constitution/Namibia_2010.pdf
<i>Provision:</i>	<p>Article 95: Promotion of the Welfare of the People.</p> <p>The State shall actively promote and maintain the welfare of the people by adopting, inter alia, policies aimed at the following:</p> <ul style="list-style-type: none"> b. enactment of legislation to ensure that the health and strength of the workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter vocations unsuited to their age and strength c. active encouragement of the formation of independent trade unions to protect workers' rights and interests, and to promote sound labour relations and fair employment practices; d. membership of the International Labour Organisation (ILO) and, where possible, adherence to and action in accordance with the international Conventions and Recommendations of the ILO.
<i>Nation:</i>	South Africa
<i>Instrument:</i>	The Constitution of the Republic of South Africa
<i>Link:</i>	http://www.justice.gov.za/legislation/constitution/SACConstitution-web-eng.pdf
<i>Provision:</i>	<p>Labour relations 23.</p> <ul style="list-style-type: none"> (1) Everyone has the right to fair labour practices. (2) Every worker has the right—(a) to form and join a trade union; (b) to participate in the activities and programmes of a trade union; and(c) to strike. (3) Every employer has the right—(a) to form and join an employers’ organisation; and (b) to participate in the activities and programmes of an employers’ organisation. (4) Every trade union and every employers’ organisation has the right—(a) to determine its own administration, programmes and activities;(b) to organise; and(c) to form and join a federation. (5) Every trade union, employers’ organisation and employer has the right to engage in collective bargaining. National legislation may be enacted to regulate collective bargaining. To the extent that the legislation may limit a right in this Chapter, the limitation must comply with section 36(1). (6) National legislation may recognise union security arrangements contained in collective agreements. To the extent that the legislation may limit a right in this Chapter, the limitation must comply with section 36(1).
<i>Nation:</i>	Tanzania
<i>Instrument:</i>	The Constitution of the United Republic of Tanzania
<i>Link:</i>	https://www.refworld.org/docid/3ae6b50c4.html
<i>Provision:</i>	<p>11. The right to work, education and other rights.</p> <ul style="list-style-type: none"> (1) The governing Authority will spell out appropriate procedures for the purposes of ensuring the existence of individual rights to work, to education and the right to receive assistance from the society at old age, when sick and disabled, or whenever a situation arises that will render one disabled. Without undermining those rights, the governing Authority will spell out a procedure to ensure that every individual earns a living through his own sweat. (2) Everyone has the right to educate himself, and every citizen will be free to earn an education in any field desired and reach any limits depending on his merit and capability. (3) The Government will endeavor to ensure that all people get equal and enough opportunity to enable them to secure an education and technical training in all levels in schools and other institutions of learning.
<i>Provision:</i>	<p>22. The right to work.</p> <ul style="list-style-type: none"> (1) Everyone has the right to work

	(2) Every citizen deserves equal opportunity and rights under the conditions of equality, of holding any position of employment or activity under the authority of the State.
<i>Provision:</i>	<p>25. Obligation to work.</p> <p>(1) Labor alone is the source of wealth of property in the community, is the foundation of prosperity for the people and the barometer for humanhood. Everyone has the obligation:-</p> <p>(a) to engage willfully and honestly in legal productive labor; and</p> <p>(b) to maintain labor relations and endeavor to reach production goals on a personal basis and on collective basis as required and as laid down by the law.</p> <p>(2) Without regard to sub-paragraph (1), there will be no forced labor in the Union Republic.</p> <p>(3) For the purposes of this paragraph, and in this Constitution as a whole, let it be understood that no work will be considered forced, crew or humiliating if that work, in accordance with the law, is:-</p> <p>(a) work required to be done as a result of judgement or court order</p> <p>(b) work that must be done by the armed forces of any kind in fulfilling their responsibilities;</p> <p>(c) work that anyone is required to do as a result of an emergency situation or any conflict that threatens the survival or prosperity of the society;</p> <p>(d) any relief work that is part of -</p> <p>(i) normal responsibilities to ensure development of the society</p> <p>(ii) compulsory nation building initiatives, in accordance with the law;</p> <p>(iii) national efforts in harnessing the contribution of everyone in the work of developing the society and national economy and ensuring success in development.</p>
<i>Nation:</i>	Uganda
<i>Instrument:</i>	Constitution of the Republic of Uganda
<i>Link:</i>	http://statehouse.go.ug/sites/default/files/attachments/Constitution_1995.pdf
<i>Provision:</i>	<p>XIV. General social and economic objectives.</p> <p>The State shall endeavour to fulfill the fundamental rights of all Ugandans to social justice and economic development and shall, in particular, ensure that—</p> <p>(a) all developmental efforts are directed at ensuring the maximum social and cultural well-being of the people; and</p> <p>(b) all Ugandans enjoy rights and opportunities and access to education, health services, clean and safe water, work, decent shelter, adequate clothing, food security and pension and retirement benefits.</p>
<i>Provision:</i>	<p>XXIX. Duties of a citizen.</p> <p>The exercise and enjoyment of rights and freedoms is inseparable from the performance of duties and obligations; and, accordingly, it shall be the duty of every citizen—</p> <p>(b) to engage in gainful work for the good of that citizen, the family and the common good and to contribute to national development;</p>
<i>Provision:</i>	<p>40. Economic rights.</p> <p>(1) Parliament shall enact laws—</p> <p>(a) to provide for the right of persons to work under satisfactory, safe and healthy conditions;</p> <p>(b) to ensure equal payment for equal work without discrimination; and</p> <p>(c) to ensure that every worker is accorded rest and reasonable working hours and periods of holidays with pay, as well as remuneration for public holidays.</p> <p>(2) Every person in Uganda has the right to practise his or her profession and to carry on any lawful occupation, trade or business.</p> <p>(3) Every worker has a right—</p>

	<p>(a) to form or join a trade union of his or her choice for the promotion and protection of his or her economic and social interests;</p> <p>(b) to collective bargaining and representation; and</p> <p>(c) to withdraw his or her labour according to law.</p> <p>(4) The employer of every woman worker shall accord her protection during pregnancy and after birth, in accordance with the law.</p>
<i>Nation:</i>	Zambia
<i>Instrument:</i>	Constitution of Zambia
<i>Link:</i>	https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/26620/90492/F735047973/ZMB26620.pdf
<i>Provision</i>	<p>Article 14. [Protection from slavery and forced labour]</p> <p>(1) No person shall be held in slavery or servitude. (2) No person shall be required to perform forced labour. (3) For the purpose of this Article, the expression "force labour" does not include-- (a) any labour required in consequence of a sentence or order of a court; (b) labour required of any person while he is lawfully detained that, though not required in consequence of a sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained; (c) any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service; (d) any labour required during any period when the Republic is at war or a declaration under Article 30 or 31 is in force or in the event of any other emergency or calamity that threatens the life and well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period, or as a result of that other emergency or calamity, for the purpose of dealing with that situation; or (e) any labour reasonably required as part of reasonable and normal communal or other civic obligation.</p>
<i>Provision</i>	<p>Article 112. [Directive Principles of State Policy]</p> <p>The following Directives shall be the Principles of State Policy for the purposes of this Part:</p> <p>(c) the State shall endeavour to create conditions under which all citizens shall be able to secure adequate means of livelihood and opportunity to obtain employment;</p> <p>j) the State shall recognise the right of every person to fair labour practices and safe and healthy working conditions.</p>
<i>Nation:</i>	Zimbabwe
<i>Instrument:</i>	Constitution of Zimbabwe
<i>Link:</i>	https://www.constituteproject.org/constitution/Zimbabwe_2013.pdf
<i>Provision:</i>	<p>14. Empowerment and employment creation.</p> <p>1. The State and all institutions and agencies of government at every level must endeavour to facilitate and take measures to empower, through appropriate, transparent, fair and just affirmative action, all marginalised persons, groups and communities in Zimbabwe.</p> <p>2. At all times the State and all institutions and agencies of government at every level must ensure that appropriate and adequate measures are undertaken to create employment for all Zimbabweans, especially women and youths.</p>
<i>Provision:</i>	<p>24. Work and labour relations</p> <p>1. The State and all institutions and agencies of government at every level must adopt reasonable policies and measures, within the limits of the resources available to them, to provide everyone with an opportunity to work in a freely chosen activity, in order to secure a decent living for themselves and their families.</p> <p>2. The State and all institutions and agencies of government at every level must endeavour to secure—</p>

	<ul style="list-style-type: none"> a. full employment; b. the removal of restrictions that unnecessarily inhibit or prevent people from working and otherwise engaging in gainful economic activities; c. vocational guidance and the development of vocational and training programmes, including those for persons with disabilities; and d. the implementation of measures such as family care that enable women to enjoy a real opportunity to work
<i>Provision:</i>	<p>65. Labour rights.</p> <ul style="list-style-type: none"> 1. Every person has the right to fair and safe labour practices and standards and to be paid a fair and reasonable wage 2. Except for members of the security services, every person has the right to form and join trade unions and employee or employers' organisations of their choice, and to participate in the lawful activities of those unions and organisations 3. Except for members of the security services, every employee has the right to participate in collective job action, including the right to strike, sit in, withdraw their labour and to take other similar concerted action, but a law may restrict the exercise of this right in order to maintain essential services 4. Every employee is entitled to just, equitable and satisfactory conditions of work 5. Except for members of the security services, every employee, employer, trade union, and employee or employer's organisation has the right to-- <ul style="list-style-type: none"> a. engage in collective bargaining b. organise; and c. form and join federations of such unions and organisations. 6. Women and men have a right to equal remuneration for similar work 7. Women employees have a right to fully paid maternity leave for a period of at least three months.