Mainstreaming Gender in Key E-Commerce Policy Areas

Possible Lessons for AfCFTA



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Abstract

This study examines opportunities that e-commerce growth can bring to support women economic and social empowerment in Africa. E-commerce potential to promote trade, integration and development in Africa, is increasingly getting recognised. African Governments have been active in developing strategies and policies to harness this potential. At the same time, challenges faced by women entrepreneurs are multi-layered and formidable.

After a substantive introduction, this study, therefore, starts by exploring key ecommerce gender related challenges in Africa. The main aim is to reveal how mainstreaming gender lens into key ecommerce related policies can contribute to eliminating barriers to the establishment and growth of women-led digital businesses across the continent. The study then gives an overview of existing gender normative frameworks at the continental and regional levels and attempts to analyse the extent to which those contributed gender mainstreaming in policy making.

A key finding of the study is the recently adopted gender and e-commerce related policies and strategies by the African Union and a number of African Regional Economic Communities (RECs), particularly SADC. Through these policies and strategies, the gender mainstreaming ambition has been significantly raised, moving from gender neutral policies to gender transformative and holistic policies.

Finally, the study looks at key national level interventions to address e-commerce related challenges and brings examples of how those have been implemented in various African countries. With this panoramic approach the study contributes to promoting synergies across continental. regional national and interventions and highlights key success stories and lessons learned in gender mainstreaming in e-commerce terms. The concludes with some recommendations, particularly directed at African policy makers and negotiators as they prepare for the third phase of AfCFTA which will include an E-Commerce Protocol.

Table of Contents

Ac	Acknowledgements7					
ΑŁ	brevi	ations	8			
In	trodu	ction, Context and Ambition	11			
	1.1	E-Commerce: Potential and Challenges, particularly for Women	11			
	1.2	Mainstreaming Gender in Key Areas of Digital Ecosystem	12			
	1.3	Raising the Level of Ambition of Gender Mainstreaming	13			
	1.4	Gender Mainstreaming in E-commerce under AfCFTA	14			
	1.5	About this Study	15			
		Challenges of E-commerce related Policy Framework in African sing and Least Developed Countries	16			
	2.1 Acces	Gender-biased IT related Laws and Regulations: A Barrier for Women Internet s 16				
	2.2 for a 0	Absence of Legal Framework to Protect Online Traders and Consumers: A Barri Gender-Balanced E-commerce				
	2.3 comm	Lack of Inclusive Financial Frameworks: Impediment to Women Joining E- erce	19			
	2.4 up the	Lack of Gender Consideration of Trade Facilitation Laws and Agreements: Scali Costs of Doing Business for Women				
	2.5	Cross Cutting Gender-Related Barriers to E-commerce	23			
	2.6	Summary Conclusions	24			
		Ambitious Gender Mainstreaming Efforts in African Continental and E-commerce related Strategies and Policies				
	3.1 From '	AU Strategy for Gender Equality & Women's Empowerment (GEWE) 2018-2028: 'Gender Sensitive" to "Gender Responsive"				

	3.2	The Digital Transformation Strategy (DTS) for Africa 2020-2030	. 29
	3.3 Digital	Regional Economic Communities: Promoting Gender Responsive Policies in th	
	3.4	Southern African Development Community (SADC)	. 31
	3.5	Common Market for Eastern and Southern Africa (COMESA)	. 35
	3.6	Summary Conclusions	. 38
		ing the Gender Challenges of E-commerce: Some National Best	
P	ractice	es from African Countries	.39
	4.1 Acces	M-PESA and Mobile Money Development in Kenya: A Game-Changer in Promots to Finance and Mobile Payments	
	4.2 Govern	Promoting Women Access to Mobile phones: Tigo - CELIAF and Chad nment Initiative	. 41
	4.3 and Di	Promoting ICT and E-commerce Skills among Women and Girls: Nigeria's G-WI gital Girls Club	
	4.4 Bank \	Support Women Entrepreneurs and Women-led SMEs in E-commerce: The Wor Virtual Market Place Pilot in Tunisia	
	4.5 Agains	Promoting Women Online Safety: National Plan Of Action To End Violence st Women And Children (NPAVAWC) in Tanzania	. 43
	4.6	Summary Conclusions	. 43
C	onclus	ion and Key Recommendations	.44
R	eferen	ces	.46

Figures

- Figure 1: Traffic Light Scale for Gender Sensitive Policies
- Figure 2: GEWE ToC for Pillar 1: Maximizing (economic) Outcomes, Opportunities and Tech E Dividends
- Figure 3: Gender-related Priority D cross-cuts with SADC new RISDP 2015-2020 Priority Areas
- Figure 4: E-commerce Related Policy Tools and Actionable Interventions to Promote Gender Equality

Tables

- Table 1: Key Normative Frameworks for Achieving Gender Equality in AU
- Table 2: Key Normative Frameworks for Achieving Gender Equality in RECs

Boxes

- Box 1. Agenda 2063: The Africa We Want Aspiration 6 and Goal 17
- Box. 2: Key e-commerce relevant gender equality objectives under section 4.7 of SADC Gender Policy of 2003
- Box 3 Objectives for SMEs, Women and Youth Empowerment in the SADC Industrialization Strategy and Roadmap 2015-2063
- Box. 4 Box 4 Article 155 of the COMESA Founding Treaty
- Box 5 COMESA Medium Term Strategy 2016-2020, Strategic Objective 7: Foster Gender Equality & Social Development

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Abbreviations

50 MAWSP The 50 Million African Women Speak Platform

A4AI Alliance for Affordable Internet

AfCFTA African Continental Free Trade Area

AU African Union

AUC African Union Commission

ASEAN Association of South-East Asian Nations

CBK Central Bank of Kenya

CEDAW Convention on the Elimination of All Forms of Discrimination

CGAP The Consultative Group to Assist the Poor

COMESA Common Market for Eastern and Southern Africa

CRC Cybersecurity Response Committee

DFS Digital Financial Services

DFTA Digital Free Trade Area

DTS Digital Transformation Strategy

EAC East African Community

EALA East African Legislative Assembly

ECOWAS Economic Community of Western African States

FEMCOM Federation of the National Associations of Women in Business in Eastern and Southern

Africa

FMCT Nigeria's Federal Ministry of Technology

G-WIN The Girls and Women in Nigeria

GAFI General Authority for Investment

GBV Gender Based Violence

GEWE Gender Equality

GSMA Groupe Special Mobile Association

ILO International Labour Organisation

LLDCs Landlocked Developing Countries

MCIT Ministry of Information Communications Technology

MENA Middle Eastern and Northern Africa

M&E Monitoring and Evaluation

MFS Mobile Financial Systems

MNOs Mobile Network Operators

MSMEs Micro, Small and Medium Sized Enterprises

NPAVAWC National Plan of Action to end Violence Against Women and Children

OAU Organisation of the African Union

OECD Organisation for Economic Cooperation and Development

OWIT Organisation of Women in International Trade

PGA Participatory Gender Adult

POPI ACT The Protection of Personal Information Act

RECs Regional Economic Communities

RISDP Regional Indicative Strategic Development Plan

SADC Southern African Development Community

SDM Single Digital Market

SGP SADC Gender Policy

SME Small and Medium sized Enterprises

SRH Sexual Reproductive Health

TFA Trade Facilitation Agreement

TOC Theory of Change

UN United Nations

UNECA United Nations Economic Commission for Africa

UNCTAD United Nations Conference for Trade and Development

UNIDO United Nations Industrial Development Organisation

WATRA The Western African Telecommunications Regulatory Assembly

WB World Bank

WBL Women, Business and Law (Report)

WEF World Economic Forum

WHO World Health Organisation

WSMEs Women-Led SME's

W20 Women 20

SECTION 1

Introduction, Context and Ambition

Around the world, Micro, Small and Mediumsized Enterprises (MSMEs) account for almost 50% of jobs in their respective economies (Kumar, 2017). Their integration into global markets, particularly taking advantage of cross-border e-commerce, can therefore be a powerful force for sustainable development. This will however require adopting genderinclusive approaches at the national, regional and international levels, taking into account the fact that close to 10 million of the world's MSMEs are owned by women (Kumar, 2017). The importance of women in development is emphasised across Agenda for Sustainable Development. particularly SDG5 on achieving gender equality.

1.1 E-Commerce: Potential and Challenges, particularly for Women

In recognition of the significant potential of e-commerce for trade integration and development, governments have over the past years taken an increasing interest in adapting their policies and strategies to harness its potential. For instance, 158 countries have adopted E-transactions legislation including 68 developing or transition economies and 30 Least Developed Countries (LDCs).¹

Beyond national policies, they have also sought greater international convergence bilateral and regional agreements, including in Africa where an ecommerce protocol is to be considered under the African Continental Free Trade Area (AfCFTA). At the global level, discussions on e-commerce have seen revived interest over the past few years, and negotiations under the Joint Statement Initiative (JSI) on E-Commerce² are fast progressing. A dedicated WTO Work Programme (launched in 1998) also continues exploring the matter, where ecommerce is defined as the 'production, distribution, marketing, sale or delivery of goods and services by electronic means'3.

However, women often face inequalities and special challenges in tapping into e-commerce potential. For instance, gender-specific challenges may exist in areas such as: (i) access to finance, where women may lack collateral or bank account ownership; (ii) education, where they may have less access to ICT or business training; (iii) cultural biases and stereotypes preventing women from venturing into e-entrepreneurship or be taken seriously when they do; (iv) discrimination in the legal system, whereby women's activities may be subject to her husband's approval etc.

https://www.wto.org/english/tratop_e/ecom_e/ecom_e.htm #:~:text=Definition%20of%20electronic%20commerce%3A %20The,of%20goods%20and%20services%20by

¹ UNCTAD Cyberlaw Tracker, https://unctad.org/en/Pages/DTL/STI_and_ICTs/ICT4D-Legislation/eCom-Transactions-Laws.aspx

² The JSI was launched at the 11th Ministerial Conference of the WTO, held in Buenos Aires, Argentine, in December 2017

³ See WTO webpage: https://www.wto.org/english/trato

1.2 Mainstreaming Gender in Key Areas of Digital Ecosystem

Against this backdrop, ensuring inclusive national policies and regional frameworks for e-commerce development will require mainstreaming gender. Gender mainstreaming is a strategy that the Fourth World Conference on Women, held at Beijing in 1995 called for and was later interpreted in 1997 by the ECOSOC Agreed conclusions 1997/2 as follows: 'Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension in the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality."4.

As we are getting closer to a digital era, where some parts in the developing world could arguably be said to be in more advanced stages than others, and as e-commerce increasingly becomes the new form of trade it is imperative that the specific challenges that women face across e-commerce policy and development strategies get the attention they rightfully deserve. Such e-commerce related policy areas, as further elaborated below, range from ICT infrastructure and services to

trade facilitation, payments, financing and skills development.⁵

ICT infrastructure and services

Affordable and reliable ICT infrastructure is of key importance to e-commerce, and to ensuring the Internet is accessible to all including and especially women. There should be universal coverage of high-speed broadband, with regular upgrading of infrastructure, and reduced or eliminated barriers to service providers wishing to access the network or other services.

Trade logistics and trade facilitation

An effective, competitive national and international trade logistics environment is vital for achieving e-commerce success, domestically and internationally. Traders, including women, would benefit from access to single window systems, a global standardized *de minimis* regime, full tracking of all shipments, predictable delivery times, fully transparent procedures and duties via websites and enquiry points, warehouse consolidation for MSMEs in the export market and the possibility to make electronic payments to customs authorities.

Payment solutions

For e-commerce exporters - many of which being women in developing countries -,access to competitive payment solutions is a critical facilitator. Payment systems are rapidly evolving, but in many developing countries, cash-on-delivery remains the preferred option.

⁴ ECOSOC Agreed Conclusions 1997/2, available at: <u>https://www.un.org/womenwatch/osagi/pdf/ECOSOCAC19</u> 97.2.PDF

⁵ UNCTAD eTrade for All

E-commerce players, including women, should benefit from an environment where payments can be made easily and confidently, using effective solutions involving both bank and non-bank actors that are applicable to all regions and countries, and with universal connectivity and interoperability.

Legal and regulatory frameworks

Security and trust are fundamental to e-commerce because they reassure both consumers and businesses. These dimensions are particularly relevant to vulnerable categories such as women. It is essential for countries to establish laws and regulations related to electronic transactions, consumer protection, data protection and cybercrime to build the necessary trust for the inclusive development of e-commerce.

E-commerce skills development

E-commerce can only be effective if the people managing and engaging with it, including women, have the right skills. In many countries, there is a need to enhance women's awareness and understanding of e-commerce and its implications, as well as their skills to engage in it. This may require overcoming structural barriers by promoting women education in the ICTs field, enhancing women access to finance and technologies, supporting women entrepreneurship and spreading relevant information on how to be active in e-commerce for women.

Access to financing

Financial integration is essential to foster greater national and international trade and investment. It is important to facilitate the evolution of a robust financial architecture that funds innovation and entrepreneurship in the e-commerce value chain, including for

women. In spite of progress, several economies do not provide reliable financial services or early stage capital/debt to start-ups and growth-oriented businesses in the ecommerce ecosystem, where women may face specific challenges.

1.3 Raising the Level of Ambition of Gender Mainstreaming

Work on gender planning attempted to define a hierarchy of level of ambition with which policies address and respond to gender equality objectives (Joekes & Al., 2020). Based on Joekes & Al. (2020) and WHO (2011), this study adopts the following scheme of four levels to assess the evolution and level of ambition of gender mainstreaming in e-commerce related strategies and policies:

- Gender blind/neutral: these are policies or programmes that do not acknowledge or attempt to address gender and social inequalities. They ignore gender norms, roles and relations and the differences in opportunities and resource allocation for women and men. They usually revolve around "fairness" and 'assume that "people" refer to all people - women and men, boys and girls. This is a reasonable assumption, but in reality could lead to a perpetuation of the status quo in the absence of deliberate measures to ensure the views and needs of women, men, boys and girls are incorporated into planning' (AU, 2018a).
- Gender Sensitive/ Accommodating: these consider gender norms, roles and relations and indicates gender awareness. However, often no remedial action is developed.

- Equitable (responsive)/Gender Specific: these are policies or programmes that attempt to address specific forms of gender discrimination in the economic sphere. They consider needs that are specific to women and intentionally aim to empower a specific group of women to achieve equality in certain policies and maximize on the achievement of policies' intended goals and benefits.
- Transformative (strategic): finally, at the highest level of ambition are the policies and strategies that seek to 'transform' economic structures by promoting shared control of resources and decision-making across the genders and socially excluded groups. They go further to address the

causes of gender-based inequities and aim to promote change in norms, roles and relations that are causing structural and long-term harm. They usually take the form of strategies that promote gender equality and ensure synergies between various policy areas.

The four levels are presented in Figure 1 below and accorded traffic light colours to reflect the probability of leading to gender unequal results. The idea is to ensure going beyond 'stock catchphrases "special attention will be given to women" or "gender equality activities will be considered" to policies, programmes or projects' (UNIDO, 2015).

FIGURE 1: TRAFFIC LIGHT SCALE FOR GENDER SENSITIVE POLICIES



Source: Authors, inspired by Joekes & Al, 2020; WHO, 2015 and (AU, 2018a)

1.4 Gender Mainstreaming in Ecommerce under AfCFTA

The complexity of e-commerce stems from how many different policy areas it cuts across. This means that the fruits of a carefully designed gender responsive policy in one area, can be nullified by another gender blind or gender-neutral policy in another area. Policy makers are therefore tasked with the mammoth task of ensuring in preparing and developing e-commerce related strategies, legislations, policies and agreements, that there are synergies amongst these, that they

are gender responsive and ultimately raise the level of gender mainstreaming ambition.

The advancement of the digital economy and e-commerce in the last decade brings new opportunities for women in Africa and invites policy makers to raise their level of ambition of gender mainstreaming. Two main reasons support this argument: First, according to OECD (2018) e-commerce and online platform-based businesses engender facilitate ecosystem that can the establishment of businesses by women and their reaching out to local and international markets. For instance, online-based jobs offer unique opportunities for women to access new sectors, have flexible working hours and continue to provide the care needed for their families. They also allow women to transcend constraints and risks of face to face interactions (i.e. gender-based violence) (OECD, 2018). A second reason is the fact that e-commerce rise coincides with African leaders renewing their determination to achieve the continent's integration and structural development, by adopting the AU Agenda 2063 in 2013 and the launching of AfCFTA negotiations in 2015 which led to the successful conclusion of the first phase and the launching of its operations on 30th of May 2019. The second phase for AfCFTA negotiations is scheduled to conclude by the end of 2020, that would lead to the launch of third phase including a Protocol on ecommerce. Thus, momentum is created for adopting new transformative norms, strategies and policies and encouraging the review and reform of existing ones.

This is an opportunity for African leaders to review their gender equality and empowerment strategies, adopt new targeted gender policies and promote gender mainstreaming, at the continental, regional and national levels.

1.5 About this Study

This research study aims to identify different options and best practices to mainstream gender in key policy areas relevant to ecommerce development in Africa, both in national policies as well as in regional and continental frameworks. This will help acquaint African stakeholders, trade negotiators and policy makers with suitable options through which they can enhance gender equality and promote women empowerment through better gender inclusion in e-commerce.

In particular, the study aims to: (i) outline key policy areas for the promotion of e-commerce,

where gender mainstreaming has an important role to play; (ii) analyse how these policy areas can impact gender inclusiveness in e-commerce; and (iii) identify good practices for mainstreaming gender in continental, regional and national strategies, policies and frameworks in relation to e-commerce; and (iv) highlight best practices of implemented programmes and projects at the national and regional levels that maximise participation by women and women-owned enterprises in cross-border e-commerce.

After this introduction, the study unfolds over three more chapters. Chapter two reviews gender challenges relevant to key e-commerce related policy areas in Africa. Chapter three then outlines the continental and regional gender normative frameworks, norms and standards that countries have committed to and that should feed in their national legislations, policies and programmes. It also highlights recently adopted e-commerce related strategies and policies at the level of the African Union and the Regional Economic Communities, considered the building blocks of the African integration and the accelerating Continental Free Trade Area (CFTA). This is to examine their level of gender mainstreaming ambition and identify best practices and scalable opportunities. The fourth chapter sheds light on policies, initiatives and projects which have been deployed by some African countries to address gender specific challenges of e-commerce and to create an ecommerce ecosystem that supports women entrepreneurship and promotes women-led ecommerce businesses. Finally, the study concludes highlighting lessons and takeaways for African stakeholders, trade negotiators and policy makers on suitable options through which they can enhance women's inclusion in e-commerce throughout the continent going forward, particularly in the context of Ecommerce Protocol of AfCFTA.

SECTION 2

Gender-Challenges of E-commerce related Policy Framework in African Developing and Least Developed Countries

In recognition of the significant potential of ecommerce for trade integration development, governments have over the past years taken an increasing interest in adapting their policies and strategies to harness its potential. Beyond national policies, they have also sought greater international convergence bilateral and regional agreements (e.g. the Association of South-East Asian Nations (ASEAN) Agreement on Electronic Commerce), as well as in WTO discussions. However, despite some of these efforts, and as outlined in the introduction chapter, women often face inequalities and special challenges in tapping into e-commerce potential. These may include: (i) access to finance, where women may lack collateral or bank account ownership; (ii) education, where they may have less access to ICT or business training; (iii) cultural biases and stereotypes preventing women to venture in eentrepreneurship or be taken seriously: (iv) discrimination in legal system, whereby women's activities may be subject to her husband's approval etc.

Moreover, without explicit attention to gender in policy, gender issues are not considered in trade and e-commerce implementation (Hafkin, 2002). Context becomes critical for

this as cultural issues and attitudes permeate political domains in the developing countries' context, making it even more challenging to integrate gender into policy. The result therefore is that the covert and overt patriarchal approaches and attitudes reflected in policy fuel the digital gender divide.

2.1 Gender-biased IT related Laws and Regulations: A Barrier for Women Internet Access

Most people in Africa use mobile Internet to get online. Yet sub-Saharan African nations have some of the lowest mobile connectivity index scores in the world, as measured by the Groupe Special Mobile Association (GSMA). The number of subscribers has quadrupled since the start of this decade, but, as pointed out by Marcelle (2002), around 800 million people will still not be connected, mainly women and those in underserved rural and low-income populations by 2025. In sub-Saharan Africa, women are 15 percent less likely to own a mobile phone and 41 percent

less likely to use mobile Internet than men.⁶ Moreover, very few policy makers are trained to think from a gender perspective and unless they are educated on how to do so at all steps of the process, they simply do not get gender integrated into policies.

The availability of relevant infrastructure refers to the physical unavailability or inadequacy of infrastructure, including network coverage and the electricity required to power devices. Women who live in poor and remote areas often find the internet particularly difficult to access because of limited connectivity or lack of energy. Public access facilities can offer an alternative solution; however, such facilities may only be available in locations that women find unsafe or inaccessible, or where social norms and safety concerns curtail freedom of movement. In some societies, women also experience difficulties in obtaining proof of identification which is required to open accounts or register SIM cards (GSMA, 2015b).

The regulation of ICT in developing countries has direct implications on the cost of being on the internet, the availability of broadband as well as the accessibility thereof. The maturity of regulation in the telecoms sectors differs in developed and developing countries quite extensively and the impacts, particularly on women, are experienced differently. According to a report compiled by the Women 20 (W20) Group, investment in hard infrastructure to support the acceleration of women in ecommerce is needed in developing countries.⁷ Further, according to the UNCTAD eTrade Assessments of Landlocked Readiness Developing Countries (LLDCs), only 32% of

the population of LLDCs are using the internet.

A study commissioned by Hootsuite in 2019 aggregating data from various reputable sources online shows that internet penetration in developing countries is far below penetration rates in most regions of the developed world⁸. According to the study, in certain parts of Middle Africa, internet penetration is as low as 12% whilst the lowest penetration rates in the developed economies sits at around 60%. This is in line with lessons shared at the 2019 UNCTAD Ecommerce Week that overall, 12% fewer women use the internet than men globally. 25% in Sub Saharan Africa, and a staggering 33% in LDCs. Hafkin (2012) agrees that women tend to have less access than men to ICT facilities that do exist. These statistics are layered and resulted in a number of issues ranging from inadequate infrastructures (including ICT legal framework) in developing and least developed countries, incomparable literacy levels in developing and developed countries as well as high data costs that make it prohibitive to access and use the internet as a means of economic activity, exchange and development.

In fact, certain African regions pay up to 30 or 40 times more for Internet access than their peers in developed countries (Alliance for Affordable Internet, 2017). This is due to a combination of issues ranging from poor ICT infrastructure, absent or irrelevant ICT laws, red tape and regulatory authorities loading charges to ICT service providers who then pass on this charge to end users, and in some cases ICT service providers who operate as

⁶ Gates Foundation (July 2019). A G7 partnership for Women's Digital Financial Inclusion in Africa. Retrieved from:

https://docs.gatesfoundation.org/Documents/WomensDigitalFinancialInclusioninAfrica_English.pdf

World Economic Forum (March 2020). How women in developing countries can harness e-commerce. Retrieved

from: https://www.weforum.org/agenda/2020/03/womenecommerce-developing-countries/

⁸ Study is available at:

https://datareportal.com/reports/digital-2019-global-digital-overview

monopolies in the regions that they operate in. Cost of device and cost of connectivity and usage can have a significant effect on women's ability to benefit from the internet. Cost, for instance, remains the greatest barrier to mobile phone ownership for many men and women. Cost typically affects women more than men because women's income is generally lower. In addition, women often have less financial independence and find it more difficult to access capital than men. Women are therefore more sensitive to price when buying devices, and often choose those with poorer quality and connectivity, enabling lesser access to the internet and other information sources.

South Africa promulgated the National Integrated ICT Policy White Paper in 2016, replacing all other ICT policy papers preceding it. The primary reason for the change was realising that ICT could play a key role in objectives facilitating the development outlined in the 2030 National Development Plan. As stipulated in the White Paper, 'the plan is that everyone in South Africa, regardless of who they are, can improve their lives through accessing the benefits of participating in the digital society'. Chapters 5 and 10 in the White Paper touch on inclusion and universal service and access. Although Chapter 5 on Universal Access is underpinned on the principles of availability, affordability, accessibility, awareness, ability, quality of service and explicitly talks of increasing coverage to rural, remote and underserved areas and digital inclusion by all segments of society; there is no explicit mention of women in these chapters. This dilutes the priority element of women as a group for consideration when it comes to the efforts towards women inclusive infrastructure to be pursued at a national level.

2.2 Absence of Legal Framework to Protect Online Traders and Consumers: A Barrier for a GenderBalanced E-commerce

Cybercrime is a threat and can affect anyone on the internet. Those most at risk however, are women, who may possibly be less aware and astute when it comes to spotting peculiar behaviours as they have been reported to spend less time on the internet. The inexperience resulting from a limited use of the web increases the risk of women being victims to cybercrimes. Women, especially those in developing countries and LDCs may not be able to spot unusual business behaviour online – also because they are not familiar with business processes in general.

Digital technologies can both empower women and foster abuse that disempowers them. It is increasingly recognised that online abuse should be considered an aspect of gender-based violence that limits women's freedoms and human rights, and violates the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Online harassment, abuse and violence can represent significant barriers to access for many women. Those women who live in poor and remote areas may only be able to access the internet at schools, where privacy is limited, or public access facilities, which may be unsafe or inaccessible. Those women who own or wish to own devices often feel vulnerable to theft, online harassment, surveillance, illegal data retention and fraud. In many countries, women have experienced online abuse - from petty harassment and trolling to stalking and sexual intimidation. Social media platforms have often been lax in addressing sexism and misogyny. Recent events have also highlighted concerns over the use of personal data - unethical/ illegal data practices can discriminate against women and privacy concerns have been expressed in relation to women's health related data. Nevertheless, studies also show that women can use mobile-related services to protect and enhance their personal security.⁹

Despite the importance of consumer confidence for business-to-consumer ecommerce, many developing and transition economies still lack laws to protect consumers online. In as many as 57 countries, it was not possible to obtain data, suggesting that online consumer protection is not being fully addressed. Out Of 134 countries for which data are available, 110 have adopted legislation on consumer protection related to e-commerce. That share varies from 73% in Europe to 46% in Africa and 72% in the Americas. 10 This has fuelled apprehensiveness of most and has as a result kept people offline. There is a growing mistrust from women using online platforms and fear of falling victim to cybercrimes in various forms. Women are open to dangers phishing, identity through theft Depending on the 'savviness' of the women on the Internet, they can either protect themselves by not engaging at all or being alert to scammers when they do engage. As stated, one needs to possess a level of digital savviness to be able to navigate her way through the online arena effectively, which is often not the case especially in developing countries and LDCs.

This security challenge can also be related to the fact that the design of digital technologies impacts on women's ability to use them. Unfortunately, because too few women are involved in the design and development of digital technologies, women's needs and priorities are insufficiently considered in the development of devices and services (GSMA (2015b)).

2.3 Lack of Inclusive Financial Frameworks: Impediment to Women Joining E-commerce

Women accessing finance in traditional forms has been reported as a key challenge for women owned enterprises. According to various Women, Business and Law (WBL) Reports of the World Bank (WB), in many countries, law prohibits women to access capital (finance, land and other property, through purchase or inheritance) on the same terms as men. For example, in some countries in the Middle East and North Africa (MENA). women have no independent right to set up a bank account or take out a loan, own property or open a business on their own account (WBL Reports, various years). The Bill & Melinda Gates Foundation in 2019 reports that 4 in 10 women in the developing world do not have a financial account of any kind. With nearly a billion women globally lacking access to formal financial services, this has an impact on the e-commerce sector where women have been reported to be struggling to access finance for their ventures at different stages. This has also been the major driving

⁹ W20 Argentina (2018). Concept note _ Digital Inclusion. Retrieved from: http://w20argentina.com/wp-content/uploads/2018/07/CN Digital Inclusion v2.pdf

¹⁰ UNCTAD. Online Consumer Protection Legislation Worldwide. Retrieved from: https://unctad.org/en/Pages/DTL/STI and ICTs/ICT4D-Legislation/eCom-Consumer-Protection-Laws.aspx

force in the growth of informal economies where women can trade and operate their businesses outside traditional/formal economies where the arduous rules and red tape make it cumbersome for them to meaningfully participate.

The World Economic Forum (WEF) reports that despite positive advances in financial inclusion on the continent, 95% of all consumer payments in Africa are still made in cash. Whilst this is not entirely all that gloom. the consequences of this reality are that it becomes harder for local women owned businesses to participate in formal cross border transactions and therefore grow their businesses outside of their immediate localities into more global businesses and entities. For the women and women owned micro-enterprises who are trapped in cashonly systems, it is much harder to grow a business, much less safe to save, and more difficult to forge a path into the middle class. Cash is fuelling the invisible/second economy, limiting productivity and growth of vibrant sectors such as small and microenterprises, and making it infinitely more difficult to include these economic activities in any form of official statistics, oversight, taxation and regulation - all critical for the participation of women in e-commerce. What would typically happen is that transactions would then occur in the informal e-commerce spaces through platforms like WhatsApp/Facebook/Instagram etc where there are no secure payment gateways etc. It becomes harder to track the female owned activities of micro entrepreneurs and makes it a lot more challenging to integrate them into the formal economy. Because the majority of the players in the informal economy are women who participate in survivalist entrepreneurial pursuits to feed themselves and their families - by extension this phenomenon in the ecommerce sector is also felt by women entrepreneurs the most. This also fuels the culture of dependency

According to the Bill and Melinda Gates Foundation, Visa and Suominen, it is reported that accessing capital is more challenging for women than it is for men and this phenomenon is no different in the ecommerce sector. The International Finance Corporation (IFC) estimates that worldwide gap in financing for formal, women-owned small and medium-sized enterprises (SMEs) is close to \$300 billion. Because women mostly play in the 'informal' sector, this challenge worsens as women do not have the financial and behavioural track record to enable them to access capital as easily as their male counterparts for growth. In developing countries, this is heightened because of deeply entrenched cultural and social norms that prevail, especially around women having their own financial identity that is not shared with their male counterparts husbands/partners etc. In a recently published UNCTAD (2018) report, it was noted that the private sector and investors need to take up the cause of growing the number of women digital entrepreneurs. Cameroonian-born tech entrepreneur, Rebecca Enonchong. emphasized that something must be done in the procurement process to allow women to access funding, as she admitted 'We can grow without funding, but we can't scale without funding'.

It is also worth noting that women, especially in the developing world, are still subject to cultural and social practices that take away their independence and control of their financial well-being. Many women in developing countries are still subject to the practice of handing over income they earn in cash to their husbands or parents and therefore giving them very little control of how

to spend and save their money. This takes away agency from them and is also discouraging in the sense that they have no money to control and so are not incentivized to get into formal financial activities. With nothing to transact, there is no incentive for them to get onto formal financial platforms. Being financially unaccounted for therefore means that women are not fully able to take advantage of the opportunities that are presented in e-commerce.

Finally, African nations have been global leaders in innovative regulatory and policy approaches to digital financial services. However, in many countries, policy has not kept up with practice, entrenching inequitable access and use of financial services. The Consultative Group to Assist the Poor (CGAP), a global think tank dedicated to financial inclusion, has identified four basic regulatory enablers of digital financial services: 1) allowing for the safe entry of new non-bank players; 2) permitting the use of agents as distribution channels; 3) introducing tiered ID requirements; and 4) developing strategies to protect consumers.¹¹

2.4 Lack of Gender Consideration of Trade Facilitation Laws and Agreements: Scaling up the Costs of Doing Business for Women

Many of the major challenges around trade logistics and facilitation are not uniquely

gendered, however women-owned SMEs tend to face additional social and cultural issues such as lower educational and skill levels. inability to tap into the networks of established large traders via organised social capital structures and negotiating parties to take advantage of their cost competitiveness, and the dominant patriarchal forces that may permeate the e-commerce sector, thus making it harder for women to break through the barriers. What is also important to note is that the challenges around trade and trade facilitation. especially from a gender perspective, extend far beyond businesses on the web but rather are a reflection of broader disparities in the economy that continue to disadvantage women and make it harder for women to participate in business and by extension business on the web. In other words, it is a microcosm of gender challenges in the global economy.

MSMEs, including and especially those owned by women, complain that the rates charged by large express companies for individual Business to Consumers (B2C) packages are not competitive for their business model (World Economic Forum, 2018). As smaller businesses -who in most instances do not have the luxury of numbers and therefore economies of scale - the costs to deliver their items using reliable and traceable methods of distribution result in higher end pricing, killing their business model and profitability. On the other end, postal operators offer better prices, but are lacking a range of important service offerings such as traceability and support for customs clearance. ITC's **MSMF** Global Competitiveness Survey states that "Women tend to use postal services more often than men (27% vs. 13%)". This therefore means

https://docs.gatesfoundation.org/Documents/WomensDigitalFinancialInclusioninAfrica_English.pdf

¹¹ Gates Foundation (July 2019). A G7 Partnership for Women's Digital Financial Inclusion in Africa. Retrieved from:

that women have limited service provider options and are constrained to use the limited options available to them.

Although some companies are developing specific logistics services (both upstream and down) for MSMEs, many existing solutions were never established with smaller e-retailers in mind. (WEF. 2018). This then affects their ability to compete on price, efficiency of delivery and access to customers in outlying areas. Whilst these challenges are not unique to women owned businesses, they affect women more pronouncedly. In pursuit of economic opportunities and livelihoods, the inability of women to compete fairly on price due to logistics and trade facilitation cost makes it harder for women owned businesses to penetrate markets dominated by men. Further, in instances where women have to carry this cost upfront, this may also affect their ability to participate meaningfully in entrepreneurial pursuits on the web.

Most trade agreements have been 'gender blind', that is, they make no reference to gender inequality. They have been expected to be 'gender neutral' in their effect. But they can never be so as they operate in a terrain where societal forces produce gender differentiated outcomes in the economic sphere. Economies are 'gendered structures', driven by gender discriminatory forces that permeate all social activities. While these put limitations and special expectations on both genders, the discrimination is unequivocally to the disadvantage of women in the economic sphere. The effects are most severe and damaging in lower income countries.

In 2017, the WTO Trade Facilitation Agreement (TFA) came into effect with the aim of implementing measures to facilitate import, export and transit. The focus of this Agreement being on the reduction of costs and

time of cross-border trade, it can by extension support e-commerce. However, there are no explicit gender targets outlined in the Agreement, even if by virtue of the measures being introduced aimed at various cost and time efficiencies, women in e-commerce would benefit. This approach though is not optimum and will not achieve rapidly the levels of participation of women in e-commerce.

Padideh Ala'l & Renata Vargas Amaral (2019) enumerates the major reasons behind the limited progress on gender mainstreaming in trade and e-commerce agreements as the following:

- 'First, the commitments made to address gender in trade agreements are not bold enough. This is especially evident in the context of trade agreements involving developing countries. Reasons for that include lack of understanding of the importance of addressing the disparate impact of trade policy on women. It could also be said that this presents an unconscious bias in trade agreements that has adverse effects on gender mainstreaming efforts.
- Second, gender-related provisions are often tied to other cross-cutting (and also aspirational) issues such as the environment and labour. Many, if not all, gender-related provisions are couched in best endeavour and cooperation language; they appear in a variety of places in text and are not enforceable.'

2.5 Cross Cutting Gender-Related Barriers to E-commerce

The barriers to women's digital access and use are interrelated and are often deeply rooted in social and economic barriers that constrain women's ability to benefit from accessing and using digital technologies. While men also experience structural inequalities, such as those in income, education and employment opportunities as well as social norms, on average, women are likely to experience them more severely. Cultural and social norms in developing countries have kept women on the periphery of economies through the denial of education and with the advent of the web and e-commerce this has been intimidating and resulted to some extent to their limited presence online. Although there is no clear data supporting this it would follow that with low literacy levels, the advanced levels of literacy required to meaningfully engage in complex e-commerce platforms would be a perceived mammoth task and so it becomes essential to demystify the world of ecommerce through skills development programmes that address all these issues. A holistic approach is required if the digital gender gap is to be effectively addressed. Improved gender-disaggregated data on internet access and use is also critical for understanding and measuring the digital gender gap and informing policy and strategies for addressing it.

In developing countries, many women are unsure or unaware of the potential of communication services to benefit their lives. Many internet users, particularly in developing

countries, equate the internet with social media services like Facebook rather than the more diverse services it offers. Women with little disposable income, time, literacy or awareness of the internet have little incentive to spend time and money to gain access. The lack of relevant content also exacerbates this problem. ICT services and applications are sometimes criticised for focusing mostly on men's priorities or paying too little attention to women's needs - for example, private access to information on reproductive health. These biases are also present in the production of digital and software content. For instance, women accounted for 8%-16% of Wikipedia content editors 12 (Wikimedia Foundation Wikipedia editor surveys, 2011).

This lack of awareness coupled with variations in literacy levels amongst men and women in developing countries widens the digital gender divide. According to the UNESCO Institute of Statistics Global 2019, young women accounted for 59% of the total illiterate population. This statistic has great implications on the ability of women to be able to participate in the e-commerce sector at all levels. Lower levels of literacy fuel the barriers to effective participation and mainstreaming of gender in the e-commerce sector. It is therefore critical that the focus per region is mapped directly with the level of industry maturity and literacy levels of a particular region. If these are not taken into account there is a potential danger that the gender digital divide will persist, and possibly even worsen if structural issues such as e-literacy are not adequately and timely addressed.

Digital skills are also an essential in the e-commerce skills suite – for both women and men. Digital skills attract more girls than boys,

¹² The Survey is available at: https://meta.wikimedia.org/wiki/Women and Wikimedia Survey 2011

according to an article by Nathalia Gjersoe published in the Guardian in 2018. This phenomenon is largely due to social norms and has very little to no difference in boys' and girls' average ability to perform well on these subjects.

The web can be daunting to a woman in a rural village, who has had very little interaction with technology over the years, and who has been accustomed to running her micro business in her village with no requirement to engage with consumers outside of the immediate environment. Survivalist and small-scale entrepreneurship requires skills sets that are different to the skills sets required to operate an online business. Business skills are important but business skills with an online overlay are crucial for the successful participation of women in the e-commerce sector. This concerns a wide range of skills from understanding how marketing online and lead generation online looks versus their traditional knowledge of how to market and generate leads when operating a brick and mortar business.

2.6 Summary Conclusions

In conclusion, women in Africa generally face multiple layers of challenges when engaging in e-commerce. The primary layer consists of the challenges that are common to the traditional brick and mortar businesses also. particularly for MSMEs in developing and least-developed countries. On top of that would be a layer specific to e-commerce in Africa, mainly due to the comparatively lower levels of internet penetration, payment systems etc on the continent. Both these layers affect women disproportionately due to lower levels of financial independence/inclusion, skills sets, and business experience. As if these were not formidable enough, a final layer of challenges for African women e-entrepreneurs can be ascribed to the specific nature of e-commerce that requires certain specific skills, internet savviness, and adequate privacy protection, to name a few. African stakeholders, including AfCFTA negotiators need to be fully aware of these layers of challenges to be able to effectively address them.

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SECTION 3

Recent Ambitious Gender Mainstreaming Efforts in African Continental and Regional Ecommerce related Strategies and Policies

At the continental level, the constitutive act of the African Union (AU) recognises gender equality as one of its founding principles and an integral part of the pursuit of African integration (OAU, 2000, Article 4L). The AU also recognises that the eight Regional Economic Communities (RECs) 13, resulting from the Abuja Treaty of 1991, are 'the pillars of the AU'14 and the building blocks for the African Integration (Ibid, Article 3L). The Abuja treaty, together with the founding treaties of a number of the RECs, includes specific articles to promote the formulation, harmonisation and coordination of policies for the development of African women, their integration in economic activities and the improvement of their conditions (OAU, 2000; OAU, 1991; SOAW Report, 2018). This demonstrates that the commitment to promoting gender equality is rooted in Africa at the continental, regional and national levels. This has been translated into a series of strategies, policies, action plans, programmes and projects

with the aim to address challenges faced by women across different sectors.

This chapter gives an overview of the normative frameworks adopted by the RECs and the African Union (AU) to promote gender equality (See Tables 1 and 2 below). These frameworks represent the continental and regional norms and standards that countries have committed to and that continue to feed in their national legislations, policies and programmes. The particularly focusses on recent strategies, policies and initiatives that aim to promote women inclusion in the digital era and e-commerce businesses. The objective is to identify lessons learned, best practices and initiatives that can be promoted and upscaled in different e-commerce related policy areas and sectors.

States (ECCAS); Arab Maghreb Union (UMA) and Community of Sahel–Saharan States (CEN-SAD)

¹³ The eight recognised African RECs are: Economic Community of West African States (ECOWAS); East African Community (EAC); Intergovernmental Authority on Development (IGAD); Southern African Development Community (SADC); Common Market for Eastern and Southern Africa (COMESA); Economic Community of Central African

¹⁴ AU. (N.A.). Regional Economic Communities. Available at: https://au.int/en/recs

Table 1: Key Normative Frameworks for Achieving Gender Equality in AU

AU Normative Framework	Key Objectives		
Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (the Maputo Protocol) - adopted in 2003 and in force since 2005	 Introduces and enshrines the principle of non-discrimination on any grounds, including on the basis of sex Calls for the elimination of discrimination against women and girls and the protection of their rights Provides a comprehensive framework on women and girls' economic, social and cultural as well as civic and political rights Provides an explicit definition of discrimination against women and girls 		
The Solemn Declaration on Gender Equality in Africa - adopted in 2004 and in force since 2005.	 Expresses the commitment to sign and ratify the landmark Maputo Protocol, for it to enter into force by 2005 Supports and continues sensitisation campaigns to expand and to accelerate efforts to promote gender equality at all levels Emphasises the commitments of AU states: to fighting HIV and AIDS; to enabling women's full participation in peace processes; to launching a campaign to end Gender-Based Violence (GBV); to expanding and promoting gender parity; to ensuring the education of girls and literacy of women; to promoting and protecting all human rights for women, especially with respect to land, property and inheritance 		
AU Gender Policy (2009)	 Aims to: Accelerate gender mainstreaming at decision—making level Establish an institutional framework for implementing the diverse commitments related to gender equality and empowerment of women Develop guidelines and enforcement of standards favouring the creation of a gender responsive environment Establish standards and criteria required to monitor, evaluate and ensure the follow up of progress realised in mainstreaming gender equality and women's empowerment Promote equitable access for both women and men to resources, knowledge, information and services Facilitate the implementation of corrective measures to address existing inequalities with regard to access to and control over resources as well as other empowerment opportunities 		
Agenda 2063 (2013)	Aspiration 6		

	 Build "an Africa where development is people driven, relying upon the potential offered by people, especially its women and youth and caring for children"
AU Strategy for Gender Equality & Women's Empowerment 2018-2028	 Reaffirms AU commitment to advancing gender equality Contributes to attaining Agenda 2063 visions for gender equality Describes in detail the specific actions and interventions the AU and its partners will carry out and explains how and why they will generate the intended outcomes

Source: Authors, based on SOAW, 2018 and AU, 2018a

Table 2: Key Normative Frameworks for Achieving Gender Equality in RECs

Africa Regional Economic Communities	Gender Normative Frameworks
East African Community (EAC)	EAC Equity Bill (2015); EAC Gender Policy (2018).
Southern African Development Community (SADC)	SADC Protocol on Gender and Development (2008; amended and updated in 2016)
The Economic Community of West African States (ECOWAS)	ECOWAS Gender Policy (2004); The Supplementary Act on Equality of Rights between Women and Men for Sustainable Development in the ECOWAS Region (2015)
Common Market for Eastern and Southern Africa (COMESA)	COMESA Gender Policy
Intergovernmental Authority for Development (IGAD)	IGAD Gender Strategy and Implementation Plan (2016-2020)

Source: Authors, based on SOAW, 2018 and AU, 2018a

As outlined in Table 1 above, the AU has a well-developed normative framework to advance gender equality and rights in Africa's development and integration processes. However, the evaluation of the AU Gender Policy in 2017-2018, showed that when it comes to implementation, a gap is evident between the rhetoric and the reality (AU, 2018a and 2018b). According to AU (2018a): 'Women in Africa remain the majority of the poor, the dispossessed, the landless, the unemployed, those working in the informal sector, and those shouldering the burden of care, especially where war, hunger and

disease have weakened state capacity and responses. Women own less than 10% of the land, eke minimal earnings from cross border trade and still struggle to access credit as well as other support to run various sectors and has been calling for gender mainstreaming in businesses. (...) Women constitute less than 5% of CEOs in Africa'.

Agenda 2063 adopted by the AU in 2013 and Agenda 2030 adopted in 2015 and the evaluation of the AU Gender Policy of 2009 in 2017/2018, offered a timely opportunity for the

AU to rethink its gender strategy and to adapt it to better respond to the requirements of a digitalising economy.

3.1 AU Strategy for Gender Equality & Women's Empowerment (GEWE): From "Gender Sensitive" to "Gender Responsive"

This new 10-year strategy was adopted at the 31st Summit of Heads of State and Government in July 2018 in Nouakchott, Mauritania. It builds on the lessons learned and recommendations resulting from the 2009 Policy 15 and aims to guide and lead the continent's efforts to achieve Aspiration 6 and Goal 17 of Agenda 2063 (see box 1. below).

Box 1. Agenda 2063: The Africa We Want — Aspiration 6 and Goal 17

Aspiration 6: An Africa whose development is people driven, relying on the potential offered by people, especially its women and youth and caring for children

Goal 17: Full gender equality in all spheres of life.

Priority area 1: Women empowerment

Priority area 2: Violence and discrimination against women and girls.

Source: AUC, 2015.

Both the 2009 Strategy and GEWE Strategy aim to promote gender mainstreaming across sectors

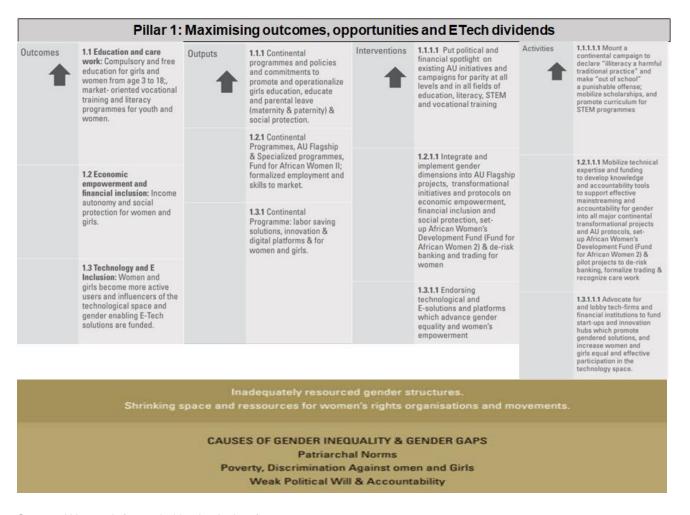
and policies (AU, 2009; AU, 2018b). But unlike the 2009 Strategy, the GEWE developed a theory of change (ToC) that ensures policies, actions and interventions at all levels are creating a pathway for positive change in focused and targeted outcomes (AU, 2009; AU, 2018b). The ToC approach is based on a backward mapping that connects the root causes of the current context of gender inequality with the necessary preconditions and steps to incur long term sustainable changes. It allows identifying the key gaps and priority areas to address to achieve that goal.

Another difference between the 2009 Strategy and the GEWE of 2018, is the fact that the latter identified four strategic pillars and policy areas where long-term positive change is desired. This is based on AU's comparative advantages where interventions are scalable, creating synergies at the regional and national levels, thus, leading to higher impact. The four strategic pillars are: i) Maximizing (economic) Outcomes, Opportunities and Tech E Dividends; ii) Dignity, Security and Resilience; iii) Effective Laws, Policies and Institutions and iv) Leadership, Voice and Visibility.

While the four pillars are interconnected, Pillar 1 is of particular interest to this study as it visibly pairs gender with key digital economy and ecommerce related policies, namely: lack of financial access, lack of access to ICT and esolutions, and lack of digital skills. Those challenges are translated into three key outcomes envisaged under this pillar: 1.1 Education and care work; 1.2 Economic empowerment and financial inclusion; 1.3 Technology and Einclusion (AU, 2018b). Figure 2 below is a simplified illustration of the GEWE ToC for pillar 1.

¹⁵ The AU 2009 Gender Policy is available via this link: https://www.un.org/en/africa/osaa/pdf/au/gender_policy_2009.p
df

FIGURE 2: GEWE TOC FOR PILLAR 1: MAXIMIZING (ECONOMIC) OUTCOMES, OPPORTUNITIES AND TECH E DIVIDENDS



Source: AU, 2018b (amended by the Authors).

This new strategy takes the AU's gender mainstreaming ambition to the transformative level, as it establishes a stronger link between normative commitments and implementation; targets strategic entry points and gaps; and identifies focused and realistic interventions. Most importantly it is informed by the assessment of existing gender commitments at the various levels and aims to change structural conditions causing gender inequalities.

3.2 The DigitalTransformation Strategy(DTS) for Africa 2020-2030

This is another strategy that has been in the process of development in the past few years, and is closely linked to e-commerce development. The first draft was released in February 2019 and the final draft was published in May 2020¹⁶. The overall objective of this strategy is to 'harness

¹⁶ The publishing date on the AU website is 18th May 2020, https://au.int/en/documents/20200518/digital-transformationstrategy-africa-2020-2030

digital technologies and innovation to transform African societies and economies to promote Africa's integration, generate inclusive economic growth, stimulate job creation, break the digital divide, and eradicate poverty for the continent's socio-economic development and ensure Africa's ownership of modern tools of digital management' (AU, 2020). A key element of the strategy is to promote regulations and policies that promote a digital economy ecosystem and society at the continental, regional and the national level.

Stress has been put on policies that promote "affordable" and "inclusive" access to ICT infrastructure, financial inclusion but also regulations that foster trust in the digital economy. These include: open standards interoperability for cross-border trust framework, personal data protection and privacy; creating awareness and counterbalancing issues of cyber security and personal data protection and privacy. As mentioned in Chapter two, such policies reassure women, who are more vulnerable to fraud and abuse, and encourage them to conduct online transactions and online businesses. The DTS also emphasised that when designing and harmonising such policies, 'Special attention should be given to women, people living in remote areas. people with disabilities. disadvantaged and marginalized communities due to lack of digital experience'. It also promotes gender specific interventions across various sectors to address women specific challenges and needs. This is particularly visible with regard to promoting financial inclusion and ICT awareness and literacy. It also promotes synergies between efforts at the national, regional and continental level.

African negotiators are currently preparing for AfCFTA negotiations for an e-commerce Protocol and deliberating about measures to accelerate inclusive digitalisation in the aftermath of the Covid-19 crisis. In such a context, these two AU recent strategies together can form a solid core for

future agreements, frameworks and policies to promote inclusive and gender sensitive ecommerce growth (Ismail, 2020).

3.3 Regional Economic Communities: Promoting Gender Responsive Policies in the Digital Era

As observed in table 2, EAC, SADC, ECOWAS, COMESA and IGAD, are the ones among the eight RECs that have developed normative frameworks specific to gender equality and/or women and girls' rights (AU, 2018a; SOAW, 2018). They have also institutional frameworks for gender in the form of committees, departments, gender research and development centres, monitoring units etc. (SOAW, 2018). This explains why those five particular RECs were the more involved in the process of developing the AU Gender Strategy previously described. The five identified RECs are active in developing and implementing strategies, policies, programmes and projects to promote gender equality and empower women across different sectors. They act as drivers and promoter for '(1) harmonisation of legal and policy frameworks in the respective regions, (2) regional coordination of policies, and (3) monitoring and accountability on REC commitments' (Ibid, 2018).

Two among those five RECs, namely SADC and COMESA, have recently developed e-commerce related strategies and programmes or have been active in reviewing e-commerce relates policies to make them fit for the digital era. They also have been active in reviewing their gender strategies and policies to establish a suitable trade and entrepreneurship environment for women.

3.4 Southern African Development Community (SADC)

Closing the gap between Gender Normative Frameworks' and Gender Mainstreaming in Policies and Implementation of Programmes

According to the SOAW 2018, SADC enjoys comprehensive and binding normative and institutional frameworks for women and girls' rights and gender equality. The SADC Founding Treaty acknowledges girls' rights and gender equality as part of its integration and development agenda. This is done through the following articles: Art. 1 includes gender mainstreaming in

the process of community building as an objective; Art. 6.2 prohibits discrimination on the basis of sex or gender, among others; and, Art. 12 establishes a Gender and Social Affairs Committee.

To further elaborate and guide gender equality objective, the SADC adopted the Declaration on Gender and Development in 1997 and the SADC Gender Policy in 2003. The SADC Gender Policy provides strategic sectoral objectives to achieve gender equality. It has dedicated section 4.7 to Gender, Trade and Economic Empowerment. Many of section 4.7 objectives relate to trade and entrepreneurial policies that may be needed to support gender inclusion in e-commerce development nowadays. Box. 2 below pinpoints those specific objectives, which closely relate to gender specific challenges in e-commerce previously examined under Chapter 2.

Box. 2: Key E-commerce Relevant Gender Equality Objectives under Section 4.7 of SADC Gender Policy of 2003

- b) Facilitate review of trade, economic and customs, immigration policies, laws, procedures, regulations and rules to make them gender responsive and to promote women's ownership and control over productive resources such as land, credit and financial resources;
- e) Promote the establishment of women's programmes that promote economic literacy and entrepreneurial skills in order to increase understanding and critical thinking about business, trade and economic policies;
- f) Enhance collaboration with and strengthen the gender capacities of financial institutions and identify appropriate mechanisms including the identification of innovative collateral systems, customer education programmes, creating linkages between credit provision and savings schemes, and marketing and storage programmes to progressively remove the barriers that limit women entrepreneurs' access to credit;
- g) Enhance and promote participation of women in small, medium and large enterprise development and cross border trade:
- h) Increase women's access to markets, including international trade fairs and specific women's trade fairs;
- j) Eliminate discriminatory practices towards female workers in formal and informal employment in relation to international and national labour markets and ensure equitable application of health and safety codes and regulations, rights and sexual harassment codes;
- k) Facilitate women's access to safe and affordable public infrastructure such as rural appropriate transport services, water, electricity and energy in order to reduce drudgery and enhance economic empowerment;
- I) Develop gender capacity skills of statistical, economic planning, budgeting institutions and all sectors responsible for economic development;

Source: SADC, 2003.

However, it is important to note that it is the SADC Protocol on Gender and Development adopted in 2008, which is legally binding to the ratifying countries (SOAW, 2018). It entered into force in 2013. It aims to ensure closing the gap between SADC women and girls' rights and gender equality rights and objectives set in the Declaration, and the Strategy implementation. It translated those rights into 28 concrete target actions and commitments to be reached by 2015 and established a monitoring and evaluation framework to review its results.

The Protocol on Gender and Development was revised in 2016, in light of the SADC New Regional Indicative Strategic Development Plan (RISDP) 2015 - 2020 to align the region's development targets with the 2030 Global

Agenda for Sustainable Development and the 2063 continental agenda for sustainable development. What is significant in the SADC new RISDP 2015 – 2020, is that it identified four key priority areas for development; quoting : 'Priority A: Industrial development and market integration; Priority B: Infrastructure in support of regional integration; Priority C: Peace and security cooperation; (as a pre-requisite for achieving the Regional Integration Agenda) and Priority D: Special programmes of regional dimension (human development and special programmes including health, gender and labour) (SADC, 2017). Figure 3 below shows how the new SADC RISDP of 2015 has placed Priority D as cross cutting with other priorities and policy objectives, many of which are relevant to e-commerce development.

FIGURE 3: GENDER-RELATED PRIORITY D CROSS-CUTS WITH SADC NEW RISDP 2015-2020 PRIORITY AREAS



Source: SADC, 2017.

Priority D specific objective has been defined as: 'Improved human capacities for socio-economic development' (SADC, 2017). It considers gender mainstreaming and promoting gender equality across the various policies as a pre-requisite for

this new plan to achieve its goals. One of its key envisaged interventions is to ensure the domestication and implementation of regional and international gender normative commitments, as well as ensuring gender mainstreaming in all SADC strategies, policies, structures and institutions (Ibid, 2017).

From Gender Neutral to Gender Responsive E-commerce Related Policies

The reconfiguration of the gender positioning in SADC RISDP is reflected in the evolution of strategies and policies adopted by SADC during the past decade, from being "gender neutral" to "gender responsive". For the purpose of this study, it is useful to shed light over strategies and policies of relevance to e-commerce development.

By adopting a Framework Strategy that is e-commerce specific in 2012, SADC is at the frontline of Africa RECs in this area (Ismail, 2020). The SADC E-commerce Framework Strategy is developed as per the recommendation of the E-SADC Strategy adopted in 2010. The latter 'focuses on the harmonisation of ICT infrastructure, services and indicators and promotes ICT usage for regional economic integration, enhancement of connectivity and access to ICT services among and within the Member States... (it) stipulates as one of its objectives the deployment of e-commerce to empower SADC Member States to be part of the global marketplace'¹⁷.

By examining both strategies - UNECA & SADC (2010a) and (2010b) - one can observe that they identified promoting socio-economic development as part of the strategic vision. On the other hand, they did not explicitly acknowledge the specific needs of women and men. Furthermore, they did not refer to any of the SADC developed gender norms or adopt a visible gender mainstreaming approach. They referred instead to their vision of an Information Society based on "social justice" among "SADC People" and where "disadvantaged

communities" are supported. As previously mentioned, while those terms may reflect a hidden acknowledgement of different gender relations and roles, they remain "neutral". Their interpretation is dependent on existing assumptions and perceptions of gender roles and relations, which even in best-case scenarios often lead to maintaining the status-quo.

Accordingly, those two key e-commerce related strategies of 2010 missed on the opportunity of becoming catalysers for gender mainstreaming across many resulting strategies and regulatory frameworks at the regional and national levels. However, it can be argued that the crafting of those e-commerce related strategies ten years ago has given SADC the privilege of early promotion for an e-commerce enabling environment and regulatory frameworks. The E-commerce Framework Strategy identified four key pillars to promote e-commerce at the national and regional levels. namely: enabling e-commerce environment; developing capacity for e-commerce in each member state: strengthening e-commerce regional and sub-regional infrastructure; and establishing an institutional and governance structure to undertake capacity building and support data collection and setup a data base. Under those pillars, specific activities were planned, among those: harmonizing cyber legislation; development E-government; of promoting confidence and trust; capacity and awareness building for SMEs and individuals... etc (UNECA & SADC, 2010b).

It is hard to deny that such early efforts, even if missing gender specific considerations, have led to early facilitation for e-commerce business growth, and have provided new horizons and opportunities for women. The objective now should be to ensure women are enabled to harness such opportunities.

Framework%20focuses%20on%20the%20harmonisation%20of and%20within%20the%20Member%20States.

¹⁷ SADC, Information & Communication, https://www.sadc.int/issues/information-communication/#:~:text=The%20e%2DSADC%20Strategic%20

The SADC Regional Infrastructure Development Master Plan targeting the ICT sector was developed in 2012. This Masterplan can be considered the turning point considering visible gender mainstreaming in e-commerce related strategies. One of its envisaged results is the 'Social and cultural inclusion – the end of isolation and discrimination'. One of its key objectives is to develop e-services and applications that take on board "women" specific need for 'awareness-raising and training programmes to ensure ..., (they) are familiar with the use of available digital services, as well as their wealth creation and employment potential' (SADC, 2012).

The SADC Industrialization Strategy and Roadmap 2015-2063, went further in making gender mainstreaming visible and in promoting gender responsive strategies and programmes. This Strategy includes a variety of policies closely related to promoting e-commerce growth. For example, it promotes the manufacturing of electronic goods and the growth of a homegrown

ITC sector. It has identified key areas of interventions and considered them as the fast trackers for industrialisation. Mainstreaming gender and youth issues (area 3.7) and Small and Medium strengthening Scale Enterprises (area 3.8) are two of them. What is also significant in this strategy is that it recognised that SMEs are 'a domain where the majority of women and youth are concentrated, make important contributions to the growth and development of the SADC countries in terms of output, employment, and the supply of consumer products and services'. It also pointed to women and youth specific needs in order to grow their businesses, quoting from the Strategy: 'existing laws, policies and practices in accessing finance are not sufficiently geared towards making credit more easily accessible for women and youth. An SME strategy should therefore ameliorate these limitations'. Box. 3 below quotes the objectives listed for the envisaged SME Strategy under SADC (2015).

Box 3 Objectives for SMEs, Women and Youth Empowerment in the SADC Industrialization Strategy and Roadmap 2015-2063

- (i) 'Clear policy focusing on graduation and greater sophistication of SMEs allied to their integration into the mainstream economy.
- (ii) Addressing gender inequalities in access to credit, capital, land and other means of economic empowerment as specified in the SADC Gender Protocol and Policy.
- (iii) A deliberate capacity development and upgrading programme: entrepreneurial and technical skills training, incubation and nurturing youth innovation, technological upgrading, study tours, skills development in such important areas as accounting, marketing and management. The formalized programme should establish accreditation levels that could permit small business mobility across SADC countries.
- (iv) A procurement policy that gives priority to local SMEs, especially those owned by women and youth, without compromising quality.
- (v) Measures to foster linkages between large firms and SMEs especially in respect of inputs of goods and services.
- (vi) Financing mechanisms more responsive to the needs and scale of operations of the SMEs going beyond short-term commercial bank or microfinance lending to the provision of medium and long-term funding.
- (vii) Business support mechanisms should in particular support new SMEs with better technological readiness and export potential through the timely provision of information on market opportunities at home and abroad.

- (viii) Simplification of the fiscal and regulatory framework and the tailoring of specific incentives for SME development and growth.
- (ix) Establish a database of the size and structure of the SME sector, including output, product range, employment and exports and a competitiveness observatory for the development of SMEs...'

Source: SADC, 2015.

According to SADC (2019) the Strategy on Financial Inclusion Small-Medium and Enterprises (SMEs)' Access to Finance Implementation Plan was approved by Ministers in July 2018. Thus, the Strategy activities have entered the implementation phase and support is on-going for SADC countries to develop their own SMEs, women and youth empowerment and access to finance.

states to eliminate regulations and customs that are discriminatory against women and girls.

3.5 Common Market for Eastern and Southern Africa (COMESA)

Early Focus on Women-Specific Needs and Role in Business and SMEs

What is particularly remarkable in COMESA, is the fact that it has focused on women's participation in business and SMEs across sectors: agriculture, industry and trade (SOAW, 2018). This is reflected in Art. 155 of the founding treaty quoted in Box. 4 below. The article identified policy interventions to foster that role that revolve around raising their awareness and skills in business, creating an enabling environment to promote their participation in cross-border trade, committing Member Countries to eliminate laws and regulations that stands against women access to financing and credit for establishing their businesses. Also Art. 154 of the Treaty acknowledges the significant contribution of women in socioeconomic transformation and sustainable growth. It further calls on member

Box 4 Article 155 of the COMESA Founding Treaty

'ARTICLE 155: Role of Women in Business

- 1. Having recognised the importance of women as a vital economic link within the chain of agriculture, industry and trade, the Member States agree to:
- (a) increase the awareness of Women in Business issues at the policy level;
- (b) create an enabling environment for the effective participation of women in Common Market trade and development activities;
- (c) promote special programmes for women in small and medium-size enterprises;
- (d) eliminate such laws and regulations that hinder women's access to credit;
- (e) initiate changes in educational and training strategies to enable women to improve their technical and industrial employment levels through the acquisition of transferable skills offered by various forms of vocational and on-the-job training schemes; and
- (f) recognise and support the Federation of National Associations of Women in Business established to promote the effective participation of women in the Common Market trade and development activities.
- 2. The Federation of National Associations of Women in Business shall be represented at the Consultative Committee and be represented at the meetings of the Technical Committees of the Common Market'.

Source: COMESA Treaty, https://www.comesa.int/comesa-treaty/

COMESA Medium Term Strategy 2016-2020¹⁸

As outlined in Chapter two, the above-mentioned areas of intervention remain very relevant with the rise of e-commerce and the digital economy. COMESA also launched its Medium-Term Strategy 2016 -2020 to meet the goals of the COMESA treaty. It identified Strategic Objective 7 for fostering gender equality and social

development - where the bar has been raised following the adoption of Agenda 2030 and Agenda 2063 (See Box. 5 below) – and also to promote informed policies that respond to women specific needs in a fast-changing economy and technology. Focus is particularly prominent in the area of gender analytical work, data collection and analysis, periodic gender audits and assessment, etc and other areas that can provide knowledge of women's roles and needs for empowerment.

Box5 COMESA Medium Term Strategy 2016-2020, Strategic Objective 7: Foster Gender Equality & Social Development

Initiatives

- 1. Conducting periodic research, gender audits and assessments in order to strengthen gender responsive knowledge base at regional level
- 2. Facilitating establishment of an oversight and accountability system for gender mainstreaming at programme management level within the Secretariat and in the Member States in order to ensure ownership across sectors

¹⁸ Available at https://www.comesa.int/comesa-medium-term-strategy-2016-2020/

- 3. Undertaking gender analytical work including data collection and analysis, preparing working documents and facilitating meetings of stakeholders
- 4. Promoting pre-programme/project design gender assessment to determine the gender dimension and the status of disadvantaged groups such as women and youth whenever applicable
- 5. Facilitating information exchange and business linkages for women and youth in business through various forums and communication platforms and products
- 6. Promoting the delivery of gender sensitive services including security and relevant infrastructure and technology to support women's economic activities
- 7. Addressing trade related security and cross border trading issues affecting women traders and build their capacity in line with entrepreneurial skill and access to finance so as to advance their economic performance at all levels
- 8. Promoting youth empowerment through skills development, creation of job opportunities, internship and mentorship schemes, advocacy to participate in governance, increased access to information, technology and recreation facilities
- 9. Promoting access to basic services including youth friendly health services particularly sexual and reproductive health services, and advocate for the elimination of harmful traditional practices
- 10. Popularizing the COMESA Gender Policy, Social Charter and other mechanisms aimed at empowering and protecting women and youth among stakeholders to ensure implementation.
- 11. Facilitating consolidation of regional gender disaggregated and social data for knowledge documentation, and easy monitoring of progress and impact
- 12. Increasing awareness among stakeholders in order to improve utilization of available opportunities and instruments.
- 13. Engaging various stakeholders to create an enabling policy and legal environment for the economic participation of women and youth
- 14. Popularizing the COMESA Economic Empowerment Fund across the region

Source: COMESA Secretariat, 2016. COMESA Medium Term Strategy 2016-2020. Available at: https://www.comesa.int/download/31518/

Digital Economic Integration Ambition and Gender-Specific Interventions

According to Ismail (2020), the theme for the COMESA for 2018/19 was declared "COMESA: Towards Digital Economic Integration". COMESA is implementing the Digital Free Trade Area (DFTA) concept and is aiming to empower traders to engage in cross-border trade using ICT to minimise physical barriers and providing them with the necessary digital tools for the enhancement of internal and global trade. COMESA's DFTA concept comprises three trusts,

namely: e-Trade: a platform for online trade, an e-payment gateway and mobile apps for smallscale cross-border traders; e-Logistics: the use of ICT to improve logistics; and, e-Legislation: legislation which allows countries in the region to carry out e-transactions and e-payments. This means ensuring the regulatory environment supports paperless trading and e-signatures, but also that the government itself is digital, making trade laws, procedures and regulations governing trade available online. According to Ismail (2020), the DFTA's focus on digital trade facilitation provides issues an enabling environment for SMEs in digital business to sale goods cross borders. As previously mentioned in the present study, developing e-commerce facilitation regulatory frameworks creates new opportunities for women.

The launching of the 50 Million African Women Speak Platform (50MAWSP) is the most significant recent intervention by COMESA in partnership with EAC and ECOWAS. The 50MAWSP is an initiative of the three RECs supported by the African Development Bank. The inaugural national launch was conducted in Zambia, in February 2020 and is planned to be rolled out in 38 countries that are members of the COMESA, the EAC and the ECOWAS 19. The strategic objective of the Platform is: 'to contribute to the economic empowerment of women by providing a networking platform that will enable women in business to access information and financial services. Specifically, the platform aims to improve the ability of women entrepreneurs to network and share information as well as to access information on financial and non-financial services'20.

The platform provides information on business services, processes and procedure and financial services providers and their products targeting women to promote women-led businesses' access to markets. It also promotes capacity building and provide learning modules for entrepreneurship and mentorship²¹.

Despite being in its early stages, 50MAWSP can be considered a model for scaling up interventions and promoting synergies and harmonisation between RECs.

3.6 Summary Conclusions

In conclusion, there are significant examples of strategies, plans and policies in Africa – both at the level of several RECs as well as at the level - that target women continental empowerment as well as e-commerce promotion. In many cases, however, these were initiated on separate tracks and hence may lack explicit synergies. Still these provide useful and relevant examples of best practices to address genderrelated challenges in the era of digitalisations. Moreover, these separate tracks are being synthesised in many cases thus leading to a more synergetic approach to identifying and targeting challenges that women face in the digital era. Together, they present a substantial basis to draw lessons from for appropriate incorporation in the AfCFTA envisaged e-commerce Protocol.

¹⁹ https://www.comesa.int/wp-content/uploads/2020/03/eCOMESA-Issue-613.pdf

²⁰ https://www.womenconnect.org/objectives

²¹ https://www.womenconnect.org/features

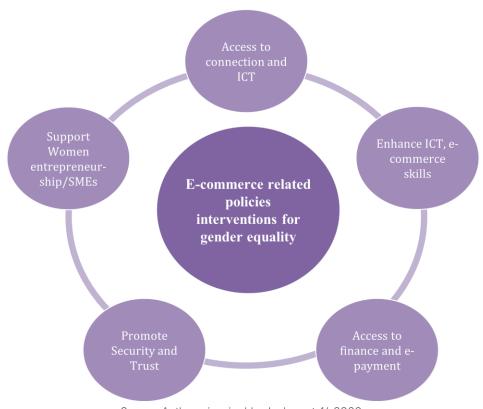
SECTION 4

Addressing the Gender Challenges of E-commerce: Some National Best Practices from African Countries

As observed earlier, development of e-commerce can be dependent on closing the gender gaps in access to capital, resources, finances and skills development. But at the same time, e-commerce can be a catalyser for gender equality as it brings new means and opportunities for women to grow their businesses and contributes to a regulatory environment that promotes safety and trust. To maximize gender equality enhancing benefits of

e-commerce, gender normative commitments must be regenerated and translated into actionable interventions across many e-commerce related sectors. Figure 4 below, illustrates a set of tools and actionable interventions at the national level. These address e-commerce challenges outlined in chapter two, and build upon gender responsive regional norms and strategies presented in chapter three.

FIGURE 4: E-COMMERCE RELATED POLICY TOOLS AND ACTIONABLE INTERVENTIONS TO PROMOTE GENDER EQUALITY



Source: Authors, inspired by Joekes et Al, 2020.

Some examples of relevant interventions of the above in some African countries are presented in the sections that follow.

4.1 M-PESA and Mobile Money Development in Kenya: A Game-Changer in Promoting Access to Finance and Mobile Payments

According to Ismail (2020), mobile money solutions have been a game changer particularly in the context of Africa as it allowed connectivity and remote noncash money exchange without requiring a bank account. Thus, it allowed bringing populations traditionally excluded from the formal financial system into economic activity, notably: the rural poor, women and displaced person. E-money is deemed more convenient to store, cheaper to send across borders and a relatively safer way to make payments. They help women micro-entrepreneurs who are trapped in cash only transactions due to their inability to have bank accounts, break out of that vicious cycle. Thus, it enables them to have more autonomy with their capital/transactions and access to finance while feeling safe doing so.

Kenya is recognised as the world leader in Mobile Money, thanks to the launch of M-PESA back in 2007, estimated to have reached 17 million Kenyan users in 2015²². M-PESA is a mobile money service launched by Safaricom, the leading mobile phone operator in Kenya. The Kenyan government owns 35% of Safaricom Company, which allowed regulatory facilitation for its development. Significantly, the Central

Bank of Kenya (CBK) which enjoys a broad mandate over payment systems, insures M-Pesa deposits in the banking system under its Deposit Protection Fund (Centre of Public Impact, 2016).

Kenya, like many developing countries had a low rate of financial inclusion, prior to the launch of M-PESA as only 18.5% of the population used formal services (Dubus & Hove, 2017). M-PESA has shown positive impact for women, for instance a study done on the fishing industry in Lake Victoria of Migori County in Kenya, shows how the adoption of M-Pesa has brought significant positive changes for the women in these communities (Ndiaye, 2014). Women now have the ability to save their money in a safe place, whilst traditionally they would do so at home. Women have also mentioned that they are less likely to spend their money when saved through M-PESA rather than in their homes (White, 2012). Moreover, according to Kenya's National Policy on Gender and Development of 2019, the additional expenses such as transportation costs were cut down drastically meaning that women could save since they would otherwise have to stop working for a period of time to physically transport their money themselves. It adds that women can also now use their savings and time to expand their businesses and profits.

According to a study by Morawczynski and Pickens (2009), improvement in women's independence was able to happen thanks to more regular and immediate remittances. The explanation would seem to be that, 'in patriarchal households, the privacy offered by M-PESA as a store of value allows women to manage household liquidity with less control by the male head' (Ndiaye, 2014).

According to Jack and Suri (2011): 'The number of MPESA users increased dramatically between

²² The Economist, https://www.economist.com/the-economist-explains/2015/03/02/why-does-kenya-lead-the-world-in-mobile-money

the two survey rounds: while in 2008 less than half the households surveyed were M-PESA users (43 percent), by 2009 nearly 70 percent of households were M-PESA users'. Additionally, according to FinAccess National Survey (2013), cited by Ondiege (2015), financial inclusion, and access to a formal financial service, improved from 19 % in 2006 to 67 % in 2013, coinciding with the rise of M-PESA in Kenya. Furthermore, according to Yeoman (2014), 27% of M-PESA's original customers were women at its launch, which later increased at 51 % in 2014.

However, according to Kenya's FinAccess National Survey (2013), although the beneficial effects of M-PESA are pronounced for female-headed households, many women are still left behind. In order for M-PESA to be widely adopted, the primary issue of access to devices (i.e., mobile phones) needs to be looked at. The survey added that access to free or affordable phones would not only help the poorest to overcome the first hurdle toward mobile financial systems (MFS)-induced financial inclusion, but should also increase the M-PESA adoption by women.

4.2 Promoting Women Access to Mobile phones: Tigo - CELIAF and Chad Government Initiative

This recent initiative in Chad is an example of Private Sector, NGO and Government partnerships in promoting women access to ICT hardware and connectivity. According to GSMA 2017 ²³ Report on accelerating affordable smartphone ownership in emerging markets, Cellule de Liaison et d'Information des Associations Féminines du Tchad (CELIAF), a

network of over 450 non-governmental organisations (NGOs) dedicated to promoting women's rights in Chad, is leading negotiation with the Ministère Des Femmes in Chad to remove taxes on mobile phones, specifically targeting the women on their network. Following the removal of VAT, Tigo Chad, a mobile carrier operating company will subsidise 20,000 smartphones over 3 years for Chadian women, with pre-set features (Tigo Paare, beauty app, health app etc).

According to the GSMA report, CELIAF 'has an established customer base of 16,000 female micro-entrepreneurs from 700 organisations that can benefit from this intervention'.

4.3 Promoting ICT and Ecommerce Skills among Women and Girls: Nigeria's G-WIN and Digital Girls Club

As outlined by the Federal Ministry of Women Affairs and Social Development (2014), the Girls and Women Initiative Nigeria (G-WIN) is a project that is initiated by the Federal Government of Nigeria in 2013, and has the 'ambition of empowering excluded women and girls within the country'. It consists of the support of 5 Ministries, which are the Ministry of Water Resources, Ministry of Agriculture, Ministry of Works, Ministry of Health and the CommuTech Ministry. Together they 'seek out innovative approaches to reach out to the poorest girls and women by enhancing the already existing opportunities and opening more support and increase the number of girls and women gainfully employed `. G-WIN initiative promotes targeted interventions to benefit women and girls across the sectors,

²³ Available at : https://www.gsma.com/mobilefordevelopment/wp-

among these are the provision of ICT training to young women and girls.

Digital Girls Club web platform²⁴ is one of the very significant applications and interventions under the umbrella of the G-WIN. This Platform is a 'technology-education initiative aimed at closing the gender digital divide that has been spearheaded by the CommTech Ministry of the Federal Government of Nigeria. This initiative is being implemented across the country in secondary schools." According to the same source, 'The Digital Girls Club would greatly reduce the gender gap in computing in Nigeria, thereby increasing the number of women in the field in the nearest future'. Through the modules on the web platform, girls are exposed to technology concepts and lessons for the realworld applications, among those: internet safety, digital products design, web development and the use of ICT for productive goals²⁵.

4.4 Support Women Entrepreneurs and Womenled SMEs in E-commerce: The World Bank Virtual Market Place Pilot in Tunisia

As part of a larger World Bank piloted approach to help women and youth owned SMEs in the MENA region increase their exports through ecommerce platforms, the 'Virtual Market Place' project had two goals: (1) increase the volume of exports by SMEs through virtual market places (VMPs); and (2) create a business-enabling environment for e-commerce. The project was piloted in Jordan, Morocco, and Tunisia.

According to the World Bank's December 2019 report on the project 26, the pilot was quite successful in Tunisia. The positive results in Tunisia were rendered to several factors, on top of these are: the strong commitment to the project by several successive ministers of trade and a preexisting export conducive culture in Tunisia. According to the report, 42 percent of participating SMEs were led by women and the project helped them export products to over 20 new destinations through e-commerce platforms such as Etsy, eBay, TradeKey, Alibaba, and Amazon. According to the same source, womenled SMEs generated over 471,500 Tunisian Dinar (approximately US \$165,350) in revenue as a result of the project advisory support.

The Tunisian experience was quite informative for the World Bank as it helped identify barriers preventing SMEs in MENA from engaging in ecommerce. For example, it showed that a majority of SMEs lacked the knowledge and capacity to market their products or conduct market research and foreign buyers lacked information about SMEs' trustworthiness in the region. Developing e-commerce export-related value chains in the region is therefore an essential area for development, especially in terms of: marketing, packaging, logistics, insurance, finance, and translation²⁷.

²⁴ http://digitalgirls.org.ng/dgcc/portal/about-dgc/

²⁵ http://digitalgirls.org.ng/dgcc/#

²⁶ Available at:

http://documents.worldbank.org/curated/en/3004315831357840

4.5 Promoting Women Online Safety: National Plan Of Action To End Violence Against Women And Children (NPAVAWC) in Tanzania

Tanzania adopted a Cybercrime Act in 2015. The main objectives behind the Act are to protect sensitive infrastructures, reduce vulnerability and cyberbullying, and minimize the damage that cyber-attacks may cause. "It criminalises offenses related to computer systems and communication technologies by investigating and collecting electronic evidence of matters related within". However, the Act did not explicitly and comprehensively address online violence against women.

As previously explained, cybersecurity regulatory frameworks help increase women trust and openness for establishing and lead online-based businesses and take advantage of opportunities offered by e-commerce. Many of the traditional forms of violence against women, like sexual harassment can also happen online., Some of the forms of cyber violence that takes place in digital space include harassment, stalking and defamation of character and sexual abuse. Ensuring cybersecurity laws are gendersensitive and responsive creates a safe environment for women and vulnerable groups of people to benefit from the digital space.

A year later after adopting the Cybercrime Act, Tanzania adopted the National Plan of Action to End Violence Against Women and Children (NPAVAWC) in 2016. The Plan included Women and Child Protection Programme as one of its priority programmes. It also calls to review existing related regulatory frameworks to ensure women and children specific violence acts are addressed²⁹.

4.6 Summary Conclusions

In conclusion, there are a number of plans, programmes and projects in many African countries that are playing an important role in addressing specific aspects of gender challenges in the digital sphere. The experience of and lessons learnt from these provide valuable insights for their further refinement as well as appropriate replication in other African countries. They are also useful case studies to examine and strengthen the link of policies and regulations with actual outcomes on the ground. The AfCFTA should therefore take this experience and lessons into account as it prepares for e-commerce Protocol negotiations.

https://www.unicef.org/tanzania/media/496/file/tanzania-2016-NPA-VAWC.pdf

 ²⁸ Tanzania Cybercrime Supplementary Act:
 https://rsf.org/sites/default/files/the_cyber_crime_act_2015.pdf
 ²⁹ National Plan of Action to End Violence Against Women and Children was developed in 2016:

Conclusion and Key Recommendations

Digitalisation is a reality, including for Africa. African stakeholders including policy makers and negotiators are conscious of the opportunities and challenges presented by the 4th Industrial Revolution and striving to harness its full potential through policies and plans at the national, regional and continental levels. The decision to include a Protocol on E-commerce in the third phase of AfCFTA - after the scheduled conclusion of the second phase later this year – is a timely step in the right direction. This should also be the opportunity to integrate gender dimension explicitly and comprehensively. As outlined in this study, this is not only desirable, but also eminently possible.

The need and benefits of mainstreaming gender into e-commerce in African cannot be overstated. There is substantial and growing potential for women in e-commerce. Maximising e-commerce contribution to African growth and development and to the achievement of both Global Agenda 2030 and African Agenda 2063 is dependent on gender mainstreaming. Finally, and in a dynamic, two-way relationship, promoting e-commerce can be a catalyser for gender equality.

On the other hand, women face myriad challenges when engaging in e-commerce. These include: the challenges that are common to the traditional brick and mortar businesses also, particularly for MSME, e.g. access to finance, and the challenges specific to e-commerce in Africa, e.g. lower levels of internet penetration, payment systems etc. Both these sets of challenges affect women disproportionately due to their lower levels of financial independence/inclusion, skills sets, and business experience. In addition,

women in Africa face another set of challenges that are both gender- and e-commerce-specific, e.g. online sexual harassment. The policy and programmatic efforts under AfCFTA should be fully cognizant of all these challenges and their overlap.

It is encouraging to note that AfCFTA negotiators have a wealth of knowledge and experience related to gender and e-commerce to draw upon as they prepare for the third phase and e-commerce Protocol. First and foremost are the relevant continental Agendas and Strategies, particularly Aspiration 6 and Goal 17 of AU Agenda 2063, AU Strategy for Gender Equality and Women's Empowerment 2018-28, and the Digital Transformation Strategy for Africa 2020-30. These should be viewed holistically to synergise digital and gender aspects.

Many policies and protocols concluded by several RECs can be utilised to appropriately support, strengthen and supplement continental Agendas and Strategies. Some examples of REC initiatives in the areas of gender empowerment and ecommerce include: SADC Protocol on Gender and Development, SADC New Regional Indicative Strategic Development Plan 2015-20, SADC Ecommerce Framework Strategy 2012, SADC Industrialisation Strategy and Roadmap 2015-63, COMESA Medium Term Strategy 2016-20, COMESA Digital Free Trade Area, EAC Gender Policy 2018, ECOWAS Gender Policy and the 50 Million African Women Speak Platform of COMESA in partnership with EAC and ECOWAS.

There are also a number of national level plans, programmes and projects that have specifically

targeted women empowerment in the digital space. These range from infrastructure and access support to finance and logistics to education and skills development, to name a few key aspects. The lessons learnt from the implementation of these plans, programmes and projects and the best practices that can be gleaned from the experience can be invaluable tools for their refinement and replication at the continental level, including through AfCFTA.

Most crucial however will be the level of ambition. Instead of adopting a business-as-usual gender-neutral approach to AfCFTA E-commerce Protocol, the ambition should be to aim for a strategic/transformative approach. The strategic/transformative approach will explicitly seek to transform relevant economic structures by promoting shared control of resources and decision-making across genders and socially excluded groups.

Four key recommendations are offered to work towards this goal:

- African policy makers should consider ambitious gender mainstreaming as an important element of the E-commerce Protocol right from the start of the process;
- AfCFTA negotiators should strive to synergise and build upon the useful work and progress in the areas of e-commerce and gender in various RECs as well as at the national level in many Africa countries; and
- All relevant stakeholders, particularly women groups and women e-entrepreneurs should be appropriately involved in all stages of the process.
- Development partners should provide comprehensive, need-based and sustained technical and financial support throughout the process.

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