Replication Data for:
"Women's Rights and Critical Junctures in Constitutional Reform in Africa (1951-2019)"

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Data Structure

The data are formatted by country-year.

Analysis Period

1951-2019

Sample Size

129 constitutions coded from 54 countries:

Algeria	Djibouti	Libya	Senegal
Angola	Egypt	Madagascar	Seychelles
Benin	Equatorial Guinea	Malawi	Sierra Leone
Botswana	Eritrea	Mali	Somalia
Burkina Faso	Ethiopia	Mauritania	South Africa
Burundi	Gabon	Mauritius	South Sudan
Cameroon	Gambia	Morocco	Sudan
Cape Verde	Ghana	Mozambique	Swaziland
CAR	Guinea	Namibia	Tanzania
Chad	Guinea Bissau	Niger	Togo
Comoros	Ivory Coast	Nigeria	Tunisia
Congo (Republic of)	Kenya	Rwanda	Uganda
Democratic Republic of Congo	Lesotho	Sao Tome and Principe	Zambia
	Liberia		Zimbabwe

Description of Data

We created an original dataset of women's reforms in 129 constitutions that were passed or amended throughout seventy years in 54 African countries. In doing so, we drew on such sources as Constitute, UN Women's Global Database of Constitutions, and other websites with archived texts of old constitutions, and then coded them for twelve issue areas related to women's rights. In our dataset, we also include independent variables such as whether each African country experienced conflict, Freedom House democratic rating, region, former colonial power, whether a country is predominantly Muslim, and regional associations or unions in which countries hold membership. We grouped provisions that especially affect women and girls under the four broad themes of economic rights, political and legal rights including customary and family law, social

rights and violence against women, and international treaties. These are selected based on how women's rights activists in Africa have generally defined women's rights. We recognize that this categorization may blur the many differences and nuances among those who identify as women. We also looked for gender-inclusive language. We searched the text of constitutions for relevant keywords in specific areas of provisions that fell into these categories and coded for the presence or absence of each type of provision. We then analyzed the data for patterns of when and which African countries were incorporating what types of provisions relating to women's rights.

Coding Protocol

Begin by searching for these gendered keywords that may yield results for the main themes that we are interested in. This part of the search should lead to most of the relevant gender-specific provisions; however, the specific thematic keywords below may also lead to key gender-specific provisions that may not have these gendered words, so all keywords should be searched for in order to perform a comprehensive review of each constitution. Even if you have found a provision relating to one of the main themes through a gender keyword search (e.g., if a search for "woman" yields a provision related to family rights), you should still go through each set of thematic and sub-thematic keywords (e.g., "marriage," "family," etc.) to at least double check that you have found all of the relevant provisions in that category.

- Gender
- Woman/women/girl
- Female/feminine
- Sex
- She/her

Economic rights

Economic rights is a slightly harder category to conduct a search for because the terms, "property," "land," "labor," and "work" can in some cases lead to dozens of provisions that would take a long time to read and sort through. This is why it is useful to begin the overall search by looking for the first gendered words listed above and keeping the eye attuned to provisions related to economic rights. If an economic provision does not specifically mention gender (e.g., if property rights claim to be protected for "all" but women are not specifically named), then do not code the presence of property rights for women. This stricter inclusion criterion will ensure that our search is as rigorous as possible, especially because as we have seen since the introduction of constitutions, women have not always been considered full persons or citizens legally entitled to the same rights as men. Therefore, "all people" or "all citizens" has not always historically truly included everyone, namely, women or other marginalized populations.

- Property and land rights
    - Property/land

- Labor and work: Include all provisions that guarantee equal pay for women, promote affirmative action in hiring practices, provide maternity care and leave, and prohibit discrimination based on gender in hiring practices.
    - Labor/work

Political and legal rights

- Quotas and representation: This is a broad category of search terms that usually yields many results unrelated to women. Most of the relevant measures will likely come up in the first search for feminine-related words. However, some constitutions have provisions that call for a quota or percentage of seats that should be allocated to women politicians, while others have language that prevents political parties from discriminating based on gender. Only code for these specific representation provisions if women or gender is specifically mentioned. Sometimes provisions may be included if they at least state an intention of fairly representing women in elected bodies.
    - Quota/seats/reserve
    - Parties
    - Complementarity

- Customary law: These search terms may yield results that significantly impact women without explicitly mentioning women (e.g., the recognition of marriages under customary law, inheritance of land, or granting of citizenship through marriage). There may also be provisions related to customary law in the constitution that refer back to the country's laws or that recognize traditional leadership as a customary authority. Because of the many different ways customary law is mentioned (or not mentioned) in constitutions, some discernment and interpretation is required in coding for the presence of a customary law provision that counts as a women's rights reform. Code for the presence of a customary law reform if the constitution includes any of the following provisions: the constitution has supreme authority over customary law; customary law is overridden by the constitution or state/legislative law in cases of inconsistency or contradiction; customary law is only applicable if it is in accordance with the constitution or state's law; and/or customary laws or customs that harm women or limit their rights or equality are overridden by the constitution. Some constitutions specify that customary law should be recognized "in addition" to the constitution, or that customary law should operate alongside it in communities where it applies (e.g., Gambia's 1996 Constitution). These more ambiguous cases should be coded as rigorously as possible, so if there is uncertainty about whether the constitution would overrule customary law, code for the absence of a customary law reform in that particular constitution.
    - Customary/traditional

- Equality: Some constitutions have equality measures incorporated into other provisions, or even a standalone provision for equality. However, if this provision does not specifically mention women or equality between both sexes/genders, then it should not be coded as present. Equality and antidiscrimination provisions include

universality measures. If there is a universal suffrage provision, this can usually be coded as a case of an equality or antidiscrimination measure.
    - Equal/equality/parity

- Antidiscrimination provisions: Similar to the "equality" sub-theme, some constitutions have antidiscrimination measures incorporated into other provisions, or even a standalone provision for preventing discrimination. However, if this provision does not specifically mention discrimination against women or sexism, then it should not be coded as present. Equality and antidiscrimination provisions include universality measures. If there is a universal suffrage provision, this can usually be coded as a case of an equality or antidiscrimination measure.
    - Discrimination/discriminate

Social rights

- Violence against women: Some constitutions have general measures that protect people against violence or abuse; however, only code for the presence of these provisions if they specifically state the protection of women against violence. There may be instances in which a constitution will mention combatting harmful customs and traditions that undermine women, and this can generally be read as a provision preventing physical harm toward women and therefore should be included.
    - Violence/mutilation
    - Harass/harassment

- Citizenship of children: The main thing we are looking for with these search terms is not the presence of any provision related to the rules of obtaining citizenship and nationality; rather, we are looking for a specific mention of citizenship being passed onto children through mothers and/or fathers. Some countries have very detailed provisions on how citizenship can be transferred, and we want to know if women or mothers are being named in this transfer of rights or if they are being excluded. Only mark the presence of this type of provision if it specific to the gender of parents, lineage, or descendants in some way.
    - Citizenship
    - Nationality

- Marriage, motherhood, and family: This is a broad category of search terms that may yield results that are not relevant to our topic. Only code for the presence of a provision relating to these terms if it specifically mentions the rights of women (e.g., women and men being equal in the family, or the family and mothers being protected by the constitution).
    - Marriage/matrimonial
    - Family
    - Sexuality/homosexual/same sex
    - Maternal/mother/matriarch
    - Father/patriarch
    - Abortion

- Positive rights (e.g., re development of country): Positive rights can include the integration of women in the political/social/economic spheres of the country, the inclusion of women in the national development plan, and affirmative action provisions related to encouraging, enabling, or supporting groups (specifically mentioning women) that were previously discriminated against (e.g., under apartheid and colonialism). Gender mainstreaming and promotion of gender equality and inclusiveness can also be included under this category.

Other details

- Implementation agency or international convention mentioned: Some constitutions call for the creation of a commission of human rights or cite participation in certain international or regional human rights charters. Unlike all of the other themes related to this topic included in this codebook, this presence of this category can be coded for even if the provision around the agencies or conventions mentioned do not specifically mention women or gender. Instead, look for the mention of any agency or international convention that deals broadly with human rights. If the constitution only says it will take into consideration international human rights conventions but does not specifically list at least one that the country is a member of or has signed on to, do not code for the presence of this category.

- Code whether the constitution consistently uses both masculine and feminine pronouns, or whether there is a provision which states that all parts of the constitution apply to both men and women.

Original Variables in Dataset

Women's constitutional reforms

The following twelve dichotomous variables indicate whether a country's constitution for that year includes a provision for women's rights in that area (see above descriptions under coding protocol). A "1" indicates the presence of a provision in that area, while a "0" indicates the absence of a provision in that area.

Property/land	Violence
Labor/work	Children citizenship
Quotas/representation	Marriage/motherhood/family
Customary law	Positive rights
Equality	Convention/agency
Antidiscrimination	Mention of fem pronouns

Variables for analysis include:

Sum of country

The total number of women's provisions coded for that constitution.

Proportion for country

The percentage of women's provisions coded for that constitution out of the above twelve possible areas of reform.

Additional Variables

Year

The year a country adopted a new constitution or passed new amendments.

Decades

The decade in which a new constitution or constitutional amendment was passed.

Freedom House

Level of freedom, by year under review: Free ("F"), Partly Free ("PF"), and Not Free ("NF"). A "0" indicates that the year was not available.

Source:

Freedom House. 2018. "Country and Territory Ratings and Statuses, 1973-2018." *Freedom in the World.* Accessed at https://freedomhouse.org/report/freedom-world (March 22, 2019).

Postconflict

Binary variable indicating whether that country experienced a major conflict ("1" for yes; "0" for no).

Region

Geographic region where country is located on the African continent:

C: Central
E: Eastern
N: Northern
S: Southern
W: Western

Colonial power

Former colonial power:

Bel: Belgium
Bri: Britain
F: French
O: Other or none
P: Portuguese

Predominantly Muslim

Binary variable indicating whether that country has a population that is at least 50% Muslim ("1" for yes; "0" for no). The variable does not vary over time.

SADC

Binary variable indicating whether that country is a member of the Southern African Development Community ("1" for yes; "0" for no).

ECCA

Binary variable indicating whether that country is a member of the Economic Community of Central African States ("1" for yes; "0" for no).

Arab League

Binary variable indicating whether that country is a member of the Arab League ("1" for yes; "0" for no).

Arab Maghreb Union

Binary variable indicating whether that country is a member of the Arab Maghreb Union ("1" for yes; "0" for no).

EAC

Binary variable indicating whether that country is a member of the East African Community ("1" for yes; "0" for no).

ECOWAS

Binary variable indicating whether that country is a member of the Economic Community of West African States ("1" for yes; "0" for no).