

# **RATIONALE FOR A SADC PROTOCOL ON ACCELERATING GENDER EQUALITY**

## **SYNOPSIS**

This paper provides a brief overview of the findings of an audit commissioned by the SADC Gender Unit (GU) and SADC Parliamentary Forum (PF)<sup>1</sup> on the provisions for gender equality in key regional and international instruments for advancing gender equality and the extent to which these have been implemented. The papers were prepared as background to the SADC Heads of State Summit in August 2005 as well as for a Roundtable Review of the SADC Declaration on Gender and Development (SDGD) being convened by SADC PF and the SADC GU in Angola this September.

### **Context**

2005 is a significant year for several reasons:

- It is the 25<sup>th</sup> anniversary of SADC.
- It is the tenth anniversary of the Fourth World Conference on Women in Beijing.
- It is the deadline set in the SDGD for the achievement of 30 % women in all areas of decision-making.
- In September, leaders from around the world will review progress towards the implementation of the Millennium Development Goals (MDGs) five years after their adoption. There is need to ensure that gender concerns are firmly embedded in this global process that has become the main focus of UN efforts following the various global conferences.

### **Key findings**

The key findings from the audit are that progress towards achieving gender equality in the region is, at best, mixed:

- Despite several elections in SADC countries over the past two years, the average representation of women in the parliaments of the region stands at 20 percent. Only two countries (South Africa and Mozambique) have achieved the thirty percent target and only one other (Tanzania) is likely to achieve the target before the end of the year.
- Laws, systems and services for addressing gender violence are inadequate. New forms of gender violence, such as trafficking, are on the rise.
- In virtually every country there are contradictions between customary law and codified law when it comes to women's rights. These contradictions are not addressed in Constitutions.
- Women, and especially young women, are the majority of those living with HIV/AIDS, the pandemic which more than any other has preyed on the gender disparities in the region and added to the already huge burden of care that women shoulder.
- In most countries, poverty is on the rise and increasingly has a feminine face.
- While there has been some progress in raising awareness and challenging gender stereotypes in the media and popular culture, as well as engaging men as partners, the battle to change mindsets is still far from won.

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<sup>1</sup> International Ideas, UNIFEM, HIVOS and CREDO provided additional support. Organisations that contributed to the audit include: Gender Links, the Gender and Media Southern Africa (GEMSA) Network, the Media Institute of Southern Africa (MISA), Women in Law in Development in Africa (WILDAF), SARDC/WIDSAA, and SAFAIDS.

- Effective implementation, monitoring and evaluation of gender policies, programmes and activities continue to elude those charged with the responsibility of accounting to the public as the gap between policy and practice seems to widen.

### **Key recommendations**

The single greatest challenge identified in the audit is to move the SADC region **from an era of commitments to an era of implementation**. The main recommendations arising from the audit are therefore that:

- **Heads of State adopt a Protocol to Accelerate Gender Equality in SADC:** This would entail elevating the SADC Declaration on Gender and Development into a Protocol, as contemplated in Article 26 of the Addendum to the Declaration on the Prevention and Eradication of Violence Against Women and Children which makes provision for the adoption of legally binding instruments.
- **The Protocol breaks new ground globally by incorporating and enhancing all existing commitments,** thus creating synergy and harmonising the various reporting processes. The proposed Protocol (see *Annex A*) would take account of *all* the commitments made by member countries in the various continental and international instruments; but also enhance these by taking account of gaps that have been identified in the existing instruments and in their implementation.
- **The Protocol incorporates all existing targets and also sets realistic, achievable targets where these do not exist:** These targets include raising the current target of 30 percent women in decision-making by 2005 to gender parity in *all* areas of decision-making by 2020, in line with the African Union (AU) position, through a phased and incremental approach.
- **The Protocol is accompanied by an action planning framework** and institutional structures that would ensure regular and effective reporting, benchmarking, monitoring and evaluation, and appropriate sanctions for non-compliance.

### **METHODOLOGY**

Experts examined eight arenas for advancing gender equality (decision-making; education; the economy; constitutional and legal rights; gender violence; sexual and reproductive rights; information, communication and the media as well as institutional arrangements). Their tasks included:

- Comparing existing provisions and gaps in the key instruments for achieving gender equality including the SDGD; Beijing Declaration and Platform for Action (BPFA); Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW); and the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (the African Protocol) as well as the Millennium Development Goals (MDGs).
- Measuring performance by each country against this "package" of commitments.
- Proposing areas and targets for inclusion in the new Protocol.

The full set of papers and tables comparing the various instruments can be obtained through the SADC GU and SADC PF. What follows is a brief summary of the findings

in each area. These are divided into provisions (strengths and gaps) and implementation (achievements and challenges).

## WOMEN IN DECISION-MAKING

### Provisions

#### Strengths

- **Targets:** The SDGD is the only one of the instruments reviewed that sets a specific minimum target of thirty percent women in decision-making by 2005, but makes it clear that the ultimate objective is “the equal representation of women.” The Inaugural Session of the African Union (AU) Assembly of Heads of State and Government in July 2002 in Durban, South Africa endorsed the principle of gender parity. The Second Ordinary Session of the Assembly in Maputo, Mozambique, in 2003 implemented this decision through the election of five female and five male Commissioners.
- **Scope:** Decision-making is often interpreted to only mean political decision-making. The SDGD states that it is referring to “women in political *and* decision-making structures.” Related commitments expand on the definition of decision-making. For example, the BPFA refers to governmental bodies and committees and the judiciary while CEDAW refers to public office.
- **Strategies:** The BPFA, CEDAW and the African Protocol elaborate on how women’s increased participation in decision-making can be achieved. Strategies include: affirmative action; the reform of electoral systems; ensuring that women are represented in political party structures in the BPFA; criteria for selection and recruitment in the case of women appointed as opposed to elected to office and awareness raising.
- **Effective participation:** The continental and international instruments specify measures for ensuring effective participation, including through capacity building, as well as research, monitoring and evaluation to ensure that targets are achieved.
- **Quantitative versus qualitative approaches:** As a package, the commitments provide a powerful case and strategies for ensuring *equal* and *effective* participation by women in decision-making.

#### Gaps

- **Lack of timeframes beyond 2005:** The weakness of the AU position is that it does not have any time frames; while that of the SDGD is that it has no timeframes beyond 2005.
- **Narrow political focus:** The MDGs, that are commanding centre stage in current UN and global efforts, have only one indicator on decision-making as part of the provision on gender equality: women’s equal representation in national parliaments. This is not only a narrow interpretation of decision-making; it is a narrow interpretation of political decision-making.
- **Fixation with numbers:** The SDGD, which is the best known instrument in the region in the area of decision-making because of the 30 percent target, focuses narrowly on numbers with no regard for effective participation. This includes ensuring that women have access to leadership positions within decision-making structures and can input effectively into policy processes.

## Implementation

### Achievements

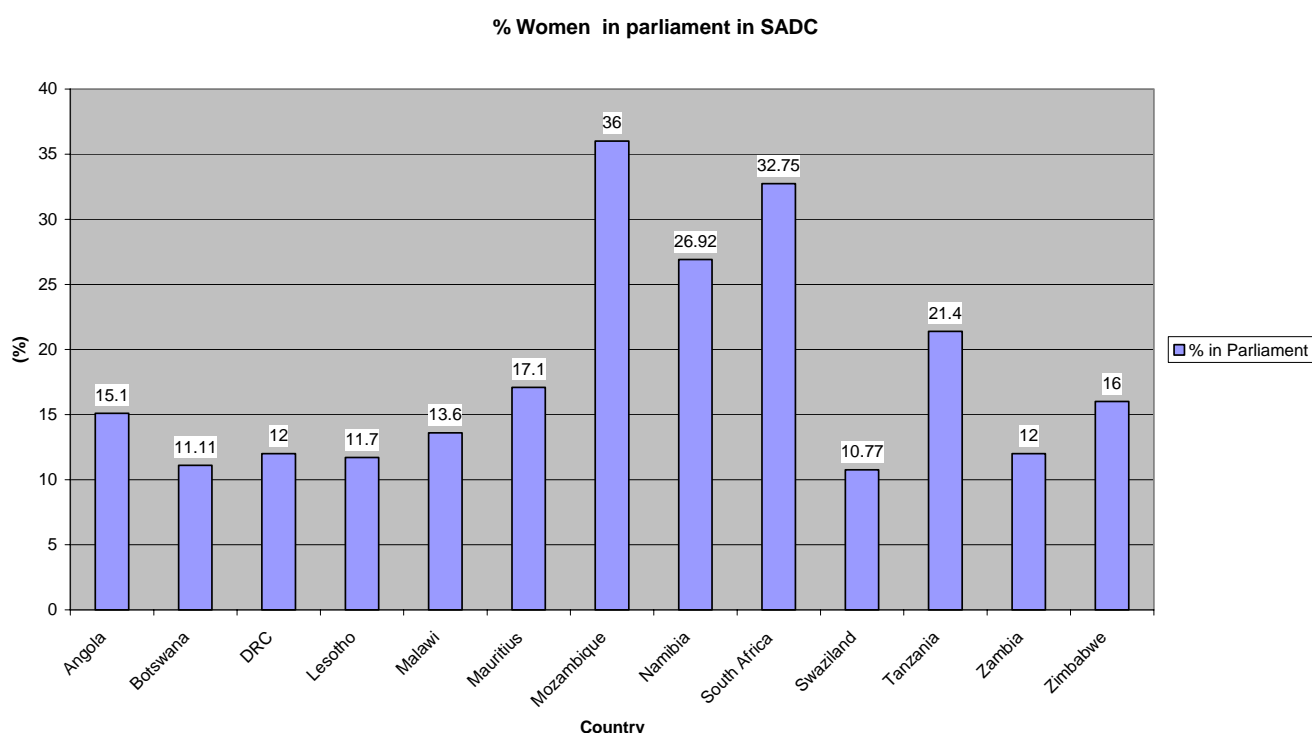
- **Momentum:** In Southern Africa, the increase of women in decision-making in the ten years since the Beijing conference has been more rapid than anywhere else in the world. As a region, Southern Africa is second only to the Scandinavian countries. Despite the many gaps, there is now an unstoppable march towards women's equal participation in decision-making. Around the region, the fifty-fifty campaign is being embraced, buoyed by the recent AU position and evidence that some countries in the region are ready to move on.
- **Awareness** is far higher than it has ever been, with the media beginning to play a greater role in raising critical debates and tracking progress.
- **Political commitment evident in recent cabinet reshuffles:** The pressure on Heads of State to act more decisively at national level is apparent in some instances in recent cabinet appointments, where leaders have the greatest leeway to act. Between 1997 and July 2005, the proportion of women in cabinet has increased from 12 to 19.5 percent; the biggest gain in area of decision-making. South Africa's President Thabo Mbeki has led the way, coming close to achieving gender parity in his cabinet, and assigning women to non-traditional and key delivery ministries. Similar trends are apparent in Botswana and Namibia, where women hold prominent cabinet posts in areas such as local government, health, finance, home affairs, justice and information.
- **Women in top leadership:** The period under review has witnessed three women being appointed to top leadership: as deputy presidents in Zimbabwe and South Africa and as Prime Minister in Mozambique. South Africa and Zambia have broken new ground by having women leaders of opposition parties.
- **Significant changes in the parliaments of those at the lower end:** The countries which had the lowest proportion of women in parliament at the time of the signing of the SDGD have all improved their situation with Mauritius going up from 5.6 percent to 17.1 percent; Malawi from 7 percent to 13.6 percent and Swaziland from three percent to 10.7 percent of women in single and or lower houses of parliament. Against the conservative climates in these countries, and the First Past the Post (FPTP) system that globally does not favour rapid increases in women's participation, these increases represent significant gains. No SADC country now is has less than ten percent women in parliament.
- **Rapid changes at local level in some countries:** The willingness to adopt special measures for achieving rapid increases in women's representation has been especially apparent at local level. Legislated quotas have been adopted and upheld by the Supreme Court following a legal challenge in Lesotho's constituency system. Local elections in Namibia are run on a PR basis, and all parties are obliged to have at least thirty percent women evenly distributed on their lists. Namibia has 43 percent women in local government. In South Africa, where local elections are run on a mixed FPTP and PR system, and the law encourages parties to field equal numbers

of men and women, the African National Congress (ANC) has set itself a fifty percent target for local elections scheduled for December 2005.

- **Women claiming their space in other areas of decision-making:** Across the region, there are pockets of good practice in other areas of decision-making. For example, 36 percent of the judges in Lesotho are women. The recent appointment of Pendukeni Ithana as Minister of Justice and Attorney General in Namibia, and of Justice Athalia Molokomme as Attorney General-designate in Botswana shows that attention is beginning to be paid to women's representation in the male-dominated justice sector. In Mauritius, 52 percent of the permanent secretaries are women.
- **Ground breaking research and new yardsticks:** Studies such as the Gender Links report *Ringling up the Changes, Gender in Southern African Politics*, the first to assess the qualitative difference that women bring to decision-making in the region, have helped to move the debate beyond numbers to why gender equality is integral to good governance.

### Challenges

- **Missing the mark:** Despite the commendable progress, as illustrated in the graph below, with the exception of three countries (Mozambique and South Africa that have achieved the thirty percent and Tanzania that has a constitutional quota of thirty percent and will be holding elections in October) the SDGD target for women in parliament will not be met. The drop in women's representation in parliament Botswana, host country of the SADC Secretariat, from 18 percent in 1999 to 11.1 percent in 2004, came as an especially painful disappointment.



\*In order to present a fair comparison, the figures above refer to women in lower and single houses of parliament.

- **Lack of effective strategies and action plans:** Many SADC countries missed opportunities through lack of effective strategies and action plans

devised well ahead of the elections. Countries with the FPTP system that is least conducive to women's participation made little or no effort to review the electoral system, or to explore options within their system.

- **Failure to learn from best practices in the region:** There has been a lack of willingness to learn from the best practices in the region which show that without tackling the key issues of electoral systems and quotas, there can be no rapid increase in women's representation in elected office. These best practices are drawn both from country's with a PR system (Mozambique and South Africa) and with a FPTP system (Tanzania and Lesotho).
- **Effectiveness of participation is a key concern:** Yardsticks in the audit to measure the effectiveness of women's participation including access to top leadership and distribution of women within decision-making structures showed that women constitute only 13.3 percent of top political leadership and 15 percent of the speakers of parliament. Within the cabinets of the region women still predominate in the social ministries.
- **Apparent lack of sincerity in local government gestures:** The tendency in some countries to yield way on local government (e.g. in Namibia, South Africa and Lesotho) is welcome but carries the concern that the only reason this is happening is that local government is not regarded as important as other spheres of governance. Gender and local government have, up to now, not formed a significant part of gender and governance discourse, activism or policy measures. It is critical that these now come to the fore.
- **Big gaps in non-political areas of decision-making:** To the extent information could be obtained, the audit found that women only constitute 16.3 percent of permanent secretaries and 18.2 percent of judges in the region. No comprehensive studies have yet been conducted on women in other areas of decision-making such as the private sector and civil society. Anecdotal evidence suggests that women are likely to be even less well represented in these areas.

## EDUCATION

### Provisions

#### Strengths

- All the instruments have strong provisions on equal access to education, with specific targets on achieving universal access to basic education by 2015 (MDGs) and eliminating gender disparities in primary and secondary education preferably by 2005, and at all levels of education no later than 2015 (MDGs).
- The African Protocol and BPFA address the high levels of illiteracy among women, with the BPFA setting a target of reducing the female illiteracy rate to at least half its 1990 level (though without a timeframe for doing so). The BPFA also has extensive provisions on recognition of non-formal education and creating learning opportunities for unemployed women, women re-entering the labour market, indigenous and rural women.
- All the instruments have provisions on removing gender stereotyping in school curriculum, career choices and professions which play a key role in assigning women to lower paid jobs in the economy.
- The BPFA and CEDAW address the need for pregnant adolescents and young mothers to be able to complete their schooling.

## Gaps

- The African Protocol is the only instrument that addresses gender violence in schools.
- None of the instruments address the importance of sex education and youth friendly sexual and reproductive health facilities.
- None of the instruments address the responsibilities of adolescent and young fathers, nor what school policy should be towards them.
- None of the instruments address the obstacles to good performance by girls, including their dual role as learners and care givers at home, especially in the era of HIV/AIDS.
- None of the instruments address state support for pre school which research shows is critical for women's effective participation in the labour force as well as for early child development.

## Implementation

### Achievements

- **Primary school:** In most SADC countries, there are now roughly equal numbers of boys and girls at primary schools. In some countries, such as Lesotho and Botswana, there are more girls than boys in primary schools as a result of boys being kept back at home to herd cattle.
- **Secondary school:** SADC countries differ from their counterparts in the rest of Africa in that the gender gap at secondary school level is rapidly narrowing.
- **Higher education:** In some SADC countries, such as South Africa and Mauritius, the gender gap in higher education is also rapidly narrowing.
- **Affirmative action in education:** Several SADC countries have introduced special point systems, funds and scholarships to assist learners from disadvantaged backgrounds and to ensure that gender balance is achieved.

### Challenges

- **User fees:** With the introduction of school and other user fees in some countries, it is often girls who are first to be withdrawn when there are financial choices to be made. Increasing levels of poverty have also witnessed a growing proportion of boys dropping out of primary school to become hawkers and traders, as their parents find this economically more beneficial in the short term than the long-term investment in an education.
- **School drop out rates:** In many countries there is a higher drop out rate for girls than boys due to early marriages and the high rate of teenage pregnancy in the region, with roughly one third of all young women becoming pregnant by the age of sixteen.
- **Sex education in schools:** Although sex education is now being introduced in schools in some countries, this is often confined to the classroom, without involving parents, and with some teachers believing strongly that they are being asked to assume parental responsibilities.
- **Reproductive health facilities for boys and girls:** Sex education is still not accompanied by adequate reproductive health facilities for young people in urban, let alone rural areas.
- **Blaming girls:** Teenage pregnancies in schools are approached in a discriminatory way. Girls usually bear the entire consequences, without the boys who father the children being called on to take responsibility.

- **Girls who fall pregnant while at school resuming their studies:** Although theoretically in most SADC countries girls who become pregnant at school are free to continue and/ or return to school, in practice they are stigmatised or expelled, and seldom complete their education.
- **Vocational training and higher education:** There is a far lower level of girls than boys in vocational training across the region. The picture at university level is mixed. For example, in South Africa, gender parity has been achieved at university level, but in Tanzania 88 % of university enrolments are men. In both vocational training and at universities, there are strong gender biases in the fields of study, with women predominating in the arts, domestic science, secretarial, clerical and “soft” occupational areas and men dominating in the sciences, business, finance, management etc. These disparities have implications for career choices and the remuneration that women and men receive when they leave school.
- **Pre-primary education:** Research globally shows a close correlation between level of state support for pre-primary education and the ability of women to participate effectively in the work place, as well as in enhancing the school performance of children, boys and girls. Yet educare is still largely privately run and is only accessible to the rich.
- **Adult basic education:** With the exception of a few countries in the region, (for example Botswana) women in Southern Africa have lower literacy levels than men.
- **Poor performance by girls especially at secondary school level:** Unlike the trend in developed countries for girls to outperform boys at secondary school level, there is a gender gap in the performance of girls and boys at secondary school in most SADC countries. Many girls have dual roles as learners and care givers, especially in the era of HIV/AIDS.
- **Sexual violence in schools:** There are high levels of sexual violence and sexual harassment in schools that are traumatising and have a damaging effect on the performance of young women. Teachers perpetrate an alarmingly high level of this sexual abuse.
- **HIV/ AIDS:** Gender violence in schools carries with it the added threat of HIV/ AIDS. Certain practices, such as the myth that having sex with a virgin is a cure for HIV/AIDS are exacerbating the problem. Many young girls are forced by poverty to have transactional sex (i.e. sex for money) with older men in order to support themselves and their families.
- **Virginity testing** has been carried out at some schools in the region as a means of curbing HIV/ AIDS. This is a violation of the human rights of young women, especially as this practise is only applied to them and not to young men.
- **Inadequate sanitation facilities:** Often, even such basic factors as inadequate sanitation can affect the performance of girls. Gender sensitive sanitation facilities should be a basic provision at all schools.
- **Teacher prejudices:** While women constitute the majority of teachers at primary school level, the gender balance shifts at secondary school level. Research shows teacher biases towards encouraging boys to participate and answer questions more than girls - especially in maths and science.
- **Gender biases in activities assigned to boys and girls at school:** These include girls cleaning and the boys working in the garden; boys playing football and girls playing netball.



- **Gender biases in curricula:** Despite some efforts, there has been no systematic review of school curricula in the region to remove gender biases and encourage the challenging of gender stereotypes.

## ECONOMIC EMPOWERMENT

### Provisions

#### Strengths

- The BPFA covers the need to ensure equal participation by women in economic policy formulation and to mainstream gender in such policies.
- All the instruments cover the rights of women to own property although no specific timeframes are set.
- The right of women to access credit of all forms is also extensively covered.
- All the instruments cover employment related issues including equal access to employment; affirmative action; equal pay for equal work and work of equal value; redressing occupational discrimination; sexual harassment and family friendly work practices.

#### Gaps

- There is scant reference in the instruments to the gender dimensions of international trade and globalisation.
- Only the African Protocol refers to the need to recognise non-remunerated work but does not say how or when, and in what way this should inform policy formulation.
- While there is reference in most of the instruments to supporting women in the informal sector, this is based on the premise that women are destined to remain in Small and Medium Enterprises (SME's).
- Despite the several gender budget initiatives globally, many of which have been piloted in the SADC region, there is no reference to policies and tools for ensuring gender sensitive resource allocations in the various instruments.

### Implementation

#### Strengths

- **Access to resources:** Nearly all SADC member states have policies and legislation banning discrimination based on sex as well as programmes to promote access to, and control over productive resources such as land, livestock, markets, credit, modern technology and formal employment.
- **Gender Budget Initiatives (GBI's):** Gender budgeting initiatives are taking place in South Africa, Namibia, Mozambique, Mauritius, Tanzania, and Zimbabwe. In most of these countries, gender budgeting processes have been institutionalised in the Ministries of Finance, while others have also established gender-responsive budgeting Task Forces with the aim of expanding the process to include parastatals, private companies, and NGOs.
- **Promoting women's entrepreneurship:** There are limited government programmes to strengthen activities of women's small and medium enterprises throughout the region, although women entrepreneurs in most countries continue to rely on governments, rather than the private sector for assistance in advancing their businesses.
- **Trade:** Participation in the SADC Women in Business (WIB) Trade Fairs is one annual activity in which all SADC countries support and recognise women

entrepreneurs. Through events such as this, women they have been able to market their products, gain and learn from each other on marketing and product development. Exchange of experience during trade fairs has contributed to confidence building.

## Challenges

- **Economic realities for women on the ground:** Although all SADC countries have initiated policies to mainstream gender in economic policy little of this has translated into gains for women's economic status. More women than men live in abject poverty in Southern Africa.
- **Rhetoric and reality of property:** Women's access to factors of production such as land, extension service, inputs like fertiliser and seeds remain limited. In most cases, women only have usufruct rights over land. Their insecure land tenure is both an economic and legal concern. Cultural practices and customary law contribute to women's inability to access, own, and control, factors of production such as land and livestock.
- **Rhetoric and reality of credit:** Despite legislative reforms, many commercial lending institutions continue to insist on a male guarantor, usually a husband, if the woman has no sufficient collateral. Most women do not have assets that can be accepted as collateral due to poverty. Rural households are the most affected. Women, especially in rural areas, rely on borrowing money from moneylenders who demand high interest.
- **Laws and practise:** Many countries lack practical mechanisms to help detect, control, and prevent discrimination against women.
- **Doors still shut to formal employment:** In all SADC countries, women constitute the highest proportion of the unemployed, while those employed are concentrated in low paying positions. Most women work in the informal sector; in casual, part-time and non-permanent jobs. Disparities exist in men and women's remuneration for work of equal value. The stipulated time for maternity leave in many SADC countries is low.
- **Destined for the small time?** Government programmes to promote business rarely focus on promoting entrepreneurial skills for women through the provision of training in business management, credit, appropriate technologies, and facilitating access to internal and external markets.

## CONSTITUTIONAL AND LEGAL RIGHTS

### Provisions

### Strengths

- **Discriminatory laws:** There are extensive provisions in all the instruments reviewed for the repeal of all discriminatory laws as well as equal access to justice and protection before the law.
- **Constitutional guarantees:** Several instruments mention the importance of Constitutional guarantees for gender equality.
- **Marriage:** The African Protocol and CEDAW have detailed provisions on equal rights in marriage, and the African Protocol on the rights of widows. CEDAW specifically highlights a woman's right to enter into marriage, the same right freely to choose a spouse and to enter into marriage as well as the same rights and responsibilities during marriage and at its dissolution.

- **Women's rights as human rights:** The various instruments, especially the African Protocol and CEDAW spell out a number of human rights of women including the right to dignity; the right to life; integrity and security of person.
- **Customary law:** The SDGD makes provision for "changing social practices which still subject women to discrimination" and CEDAW refers to "taking all appropriate measures, including legislation, to modify or abolish...customs and practices which constitute discrimination against women."
- **Vulnerable groups:** The African Protocol has extensive provisions on the rights of vulnerable women, including elderly women, women with disabilities and marginalized groups.
- **Legal literacy:** The BPFA has detailed provisions on legal literacy.

### Gaps

- **Affirmative action:** There is no explicit reference in the instruments to legal and/or constitutional provisions for affirmative action as a way of redressing gender imbalances.
- **Age of majority:** This is not adequately covered in the instruments, despite the fact that early marriages and young motherhood enhance the risk of problems in childbirth and limit the prospects for economic and self fulfilment among women.

### Implementation

#### Strengths

- **Constitutional provisions for gender equality:** Eight out of the 13 countries surveyed have constitutions that explicitly outlaw discrimination based on sex. As the instrument which underpins the legislative, political, economic and economic principles of a country, this is certainly significant.

#### Challenges

- **Affirmative action:** Only two constitutions in the region (Namibia and South Africa) provide for affirmative action.
- **Customary law reigns supreme:** Twelve out of the 13 Southern African countries (except Mauritius) have a dual legal system, with customary law governing the every day lives of the majority of women in the region. Only two countries (South Africa and Namibia) have made it clear in their Constitutions that where there is a conflict between the two legal systems, the Bill of Rights takes precedence. Only two countries (South Africa and Tanzania) have passed laws to provide for equal status between women and men in customary marriages. South Africa's Recognition of Customary Marriages Act of 1998 gives African women married under customary law equal status, capacity and rights under the law.
- **Marriage turns women into minors:** Only seven of the 12 Southern African countries have passed laws giving women and men equal rights in marriage. In other instances women remain minors as long as they are married in community of property (which is the most common arrangement in statutory marriages, unless an ante nuptial agreement is entered into). For example, the Marriage Act in Zambia states that statutory marriage provides equal status between men and women, yet if a Zambian woman marries under customary law, she has a minority status in relation to her husband. The minority status means that she may have less decision making power in

relation to decisions about her own sexual and reproductive health, as well as decisions about having children, child care and divorce.

- **Discrimination in age of majority:** In many of the SADC countries, the age of majority is between 16 and 21 years of age. According to national laws, youth below the age of majority require written consent from their parents or guardians to marry. However, in four countries the age of majority is different for boys and girls. For example in Tanzania, the age of majority is 15 for girls and 18 for boys. Angola had the lowest age of sexual consent (12 years of age.)

## GENDER VIOLENCE

### Provisions

#### Strengths

- **A comprehensive approach:** The SDGD commits to taking urgent measures to prevent and deal with the increasing levels of violence against women and children. The Addendum on the Eradication Violence against Women and Children covers violence against women more extensively. All SADC countries are signatories to the Addendum.
- **Specific laws:** The Addendum makes reference to enacting specific laws such as sexual offences and domestic violence legislation whilst the other commitments only make a general reference to enacting and enforcing laws to “prohibit all forms of violence against women”.
- **Trafficking:** The African Protocol, BPFA and CEDAW all make specific reference to taking measures to prevent and condemn trafficking in women.
- **Harmful practices:** No specific mention is made of harmful practices in the Addendum but the African Protocol refers to promoting the “eradication of elements in traditional beliefs, practices and norms.”
- **Places of safety:** The Addendum makes specific reference to a number of services that should be made available to women survivors of violence which include access to information, specialised units in the police, prosecutorial, health, social and welfare services, as well as the accessible and affordable access to legal aid.
- **Rehabilitation of perpetrators:** A service referred to in BPFA but omitted from the other commitments is the provision for rehabilitation programmes and counselling for the perpetrators of gender violence.

#### Gaps:

- **PEP – Post Exposure Prophylaxis:** According to UNAIDS and UNIFEM reports published in 2004, gender based violence is now accepted as one of the “leading factors for HIV infection” (UNAIDS *et al*, 2004:47). Yet none of the commitments make any reference to the legal provision of PEP, a course of anti-retroviral drugs that can help to reduce the likelihood of HIV infection after a sexual assault. This shortfall is disturbing given the high prevalence of HIV/AIDS in the Southern Africa region.
- **Monitoring and evaluation:** Whilst provision is made in the Addendum for ensuring that “all these measure are implemented in integrated manner by all stakeholders”, no mention is made of mechanisms to be used in evaluating whether the provisions have been implemented.

### Implementation

## Achievements

- **Awareness-raising:** As evidenced by the participation of Heads of State and other key decision-makers in the Sixteen Days of Activism Campaign 2004, gender violence is on the political agenda.
- **Specialised services at police stations and in courts:** Eight out of the 13 SADC countries have introduced some form of specialised facilities at police stations and/or in the courts for addressing gender violence. These typically consist of separate rooms at police stations with trained staff called "victim support units".

## Challenges

- **Lack of specific legislation:** Only four out of the 12 countries have passed specific Domestic Violence Acts. These are Mauritius, South Africa, Namibia and Seychelles. Three countries (Botswana, Malawi and Zimbabwe) have domestic violence laws pending. Only four countries - Lesotho, Namibia, Tanzania and Zimbabwe - have passed Sexual Offences Acts. A Sexual Offences Bill is being debated in South Africa. In the remaining countries there have been no moves to introduce specific legislation for addressing domestic violence or sexual offenses. This means that in the majority of instances, domestic violence is covered under laws such as "common assault" that are inadequate for dealing with this complex violation of women's rights.
- **Lack of specific laws addressing, or reference to, trafficking:** Despite this being a growing threat to the region, no country in the region except Tanzania (in its Sexual Offences Bill) has specific provisions for preventing sex trafficking, a phenomenon of globalisation that should be a major concern for vulnerable developing countries that are committed to the rights of girls and women and want to prevent this scourge from taking root.
- **Weak legal provisions on sexual harassment:** Legal provisions for sexual harassment in all countries are weak, with four countries - Mozambique, South Africa, Namibia and Zimbabwe - reporting that this is covered as part of labour law.
- **Weak provisions for PEP:** Only four out of the 12 countries in the study - Mauritius, Namibia, South Africa and Zambia - have policies requiring that health facilities administer Post Exposure Prophylaxis or PEP. None of the countries in the region have laws requiring this. Studies in South Africa have indicated that the majority of health facilities, especially in rural areas, do not administer PEP; that where it is administered follow through is weak and that there are low levels of public awareness on PEP, especially among women.
- **Traditional norms and religious beliefs:** Whilst NGO's are doing work in their countries to eradicate norms, beliefs, practices and stereotypes that exacerbate violence against women, there has up until now been very little state involvement in measures to combat these traditional norms.
- **State support for legal aid:** In four of the 13 countries (Botswana, Malawi, Swaziland and Tanzania) there is no government-supported legal aid. In the remaining eight countries there is state support in varying degrees but in all countries surveyed the bulk of legal aid for women and children is provided by NGOs often relying on foreign donors.
- **State support for places of safety:** Only one country, Mauritius, reported having adequate places of safety that are partly funded by government. Three countries, Lesotho, Swaziland and Tanzania said they have no places

of safety (other than police stations). All the others indicated that the places of safety that exist are all run by NGOs and these are stretched.

- **Lack of coordination and resources:** Fragmentation and lack of specific resources for addressing gender violence weaken effective responses. South Africa is the only country in which there have been studies on budgetary allocations for combating gender violence. These have concluded that resource allocations are inadequate relative to the provisions in new laws.
- **Lack of effective regional monitoring of the Addendum:** The Addendum provides for a review of its implementation to take place every two years. The last such review took place in Lesotho in 2000.

## HEALTH

### Provisions

#### Strengths

- **Reproductive health services:** All of the declarations have provisions for improved access to reproductive health services. The SDGD highlights the need to provide greater access to reproductive health services to both men and women, while the African protocol, BPFA and CEDAW specifically highlight the need to provide and make accessible sexual and reproductive health care services for women.
- **Maternal health care:** The MDGs emphasise the need to improve maternal health and set a specific target of reducing by three quarters, between 1990 and 2015, the maternal mortality ratio.
- **The right to make choices:** The African protocol emphasises a woman's right to control their fertility, to decide whether to have children, the number of children and spacing of children and the right to choose any method of contraception.
- **Family planning:** CEDAW states that the same rights and responsibilities in relation to parents, i.e. the right to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights.

#### Gaps

- **Other health needs of women:** The provisions on health are heavily biased towards the reproductive health of women. They do not define health holistically nor mention other health needs of women.
- **Health needs of men:** The provisions make little reference to the health needs of men, e.g. prostate cancer which afflicts a large number of men in the region.

### Implementation

#### Achievements

- **Making reproductive health services more accessible:** Many national governments, in collaboration with NGOs, have recognised maternal and reproductive health as a priority. Family Planning services have been established in many of the southern African countries. Access to a range of contraceptives is available. Information and counselling is often provided. A clear effort has been made to increase the accessibility of reproductive health services through the development of policies such as Zambia's Reproductive

Health Policy (2000) which outlines safe motherhood objectives as well as implementing programmes to strengthen reproductive health care services. In Zimbabwe, the Ministry of Health and Child Welfare has implemented programmes in collaboration with NGOs to improve ante and post-natal care, monitoring of births, child immunisation and nutrition programs.

- **Quality of reproductive health services:** Eight of the SADC countries reported that over 50 % of births are attended by trained health professionals. The percentage of births attended by a trained health professional ranged from 99 % (Botswana) to 23% (Angola). While more work is needed, there has been an effort to improve the quality of reproductive health service.

### Challenges

- **Maternal mortality:** The rate of maternal mortality has remained steady. This is primarily due to HIV and AIDS. The epidemic has placed a huge burden on the health care system, making it even more difficult to improve the access to sexual and reproductive health services.
- **Few free services:** Few of the member states provide reproductive health services free of charge. With limited access to resources, women tend to be among the poorest in the population. They may not be able to afford the treatment. Primary health care services and maternal health care services need to be provided free of charge.
- **Men and youth excluded from family planning:** Often family planning is seen as a “women’s issue”. Men are rarely involved. Equally, there are reports from some countries which suggest that sexually active youth and adolescents are restricted from accessing family planning services and contraceptive, although there is no legislation that states such restrictions.
- **Lack of targeted and relevant information:** Information is often not accessible or relevant, as it is not produced in indigenous languages and for the specific target audience. More information and education is needed, in particular for dissemination in rural areas and among out-of-school youth.
- **Restricted choices:** The decision to terminate a pregnancy is restricted by legislation in many countries. Only abortions for medical purposes are allowed. South Africa is the only country in the region to adopt a Choice of Termination of Pregnancy Act.
- **The needs of marginalised women are often ignored:** The provision of sexual and reproductive health services for women in prisons or refugee camps are limited.

### HIV and AIDS

#### Strengths

- The two more recent instruments – the MDGs and the African Protocol- make specific reference to HIV and AIDS.
- The provisions in the African Protocol recognises one’s right to protection against sexually transmitted infections including HIV/AIDS as well as the right to be informed about one’s health status and on the health status of one’s partner, particularly if affected with STIs including HIV/AIDS. This provision is very important for women to emphasise their right to know their own HIV status and the right to know their partners.

#### Gaps

- Although the HIV and AIDS epidemic represents the greatest development challenge in the SADC region, few provisions are made specifically related to protecting women and girls from HIV infection.
- The MDG provision on HIV and AIDS is broad, covering “HIV/AIDS, Malaria and other diseases”. It makes no reference to gender.

## Implementation

### Achievements

- **Policies and programmes:** Many countries, in collaboration with NGOs, have developed national HIV/AIDS policies and programmes, which include prevention, care and treatment. Many of the policies emphasise that the HIV and AIDS epidemic needs to be addressed from a multi-sector approach.
- **VCT:** A number of countries have established Voluntary Counselling and Testing (VCT) centres and programmes to encourage HIV testing. These services are often subsidised or free of charge.
- **Access to PMTCT:** The majority of member states have recently implemented Prevention of Mother to Child Transmission or PMTC programmes. While there is a need to continue to scale up the programmes, this is a positive step to reducing the risk of HIV infection for the child.
- **Access to ARVs:** Currently, many countries are in the process of scaling-up ARV treatment.

### Challenges

- **The missing link between Gender, HIV and AIDS:** Cultural traditions and gender roles limit the ability of women to make decisions on sex and reproduction. Gender based violence affects a woman’s ability to protect herself against HIV and AIDS, let alone attain her full sexual and reproductive rights. Yet few of the national policies have specifically addressed the linkages between gender inequality and HIV/AIDS despite the increasing feminisation of the pandemic.
- **Gender data on VCT services:** There is a need to scale-up VCT services and to conduct research on the extent to which men and women avail themselves of these services.
- **HIV positive parents:** The PMTC approach has ignored the role and plight of fathers of infected children, prompting more progressive organisations to talk instead of PPTCT- Prevention of Parent to Child Transmission. Such programmes have neglected the health needs of mothers and fathers of infected children. There is need to ensure that both receive ARV treatment, free of charge, so that they can care for the children for whom the chances of transmission are reduced; and who would otherwise become orphans.
- **Who is accessing ARVs?** There is need for gender disaggregated statistics on who is accessing ARVs to ensure equal access as roll out plans progress.
- **Home-based care adds to the unwaged work of women:** Home-based care has been viewed as a panacea for caring for People Living with AIDS. However, this is often predicated on women, and especially younger and older women, bearing additional responsibilities for which they are not remunerated. There is need to study the extent of home-based care and its impact on care givers, with a view to formulating policies that providing state support for such individuals.

## INFORMATION, COMMUNICATION AND THE MEDIA



## Provisions

### Strengths

The BPFA provides the most detailed analysis and action points on gender, information, communication and the media. Although careful to state that such measures should be consistent with freedom of expression, the BPFA raises the following key issues:

- Promoting balanced and non stereotyped portrayal of women in the media.
- Creating and disseminating more content on gender issues.
- Taking measures to control pornography and degrading content on women.
- Supporting research into all aspects of women and the media.
- Encouraging gender sensitivity training for media professionals, including owners and managers.
- The importance of monitoring editorial content: both internally and externally.
- Setting targets for gender balance in the media, including advisory, regulatory and monitoring bodies, and building the capacity of women to participate in all areas and at all levels of the media.
- Encouraging and supporting through training women's effective participation in the information society, including using these technologies to advance gender equality.
- Encouraging, recognising and supporting women's media networks including electronic networks for the dissemination of information and exchange of views.

### Gaps

- **General weaknesses:** Media provisions in the regional and international commitments audited for this study are the weakest of all. The MDGs and CEDAW make no reference at all to the media.
- **Gender is not only about women!** The only such reference in the SDGD is to "encouraging the mass media to disseminate information and materials in respect of the human rights of women and children". The clause gives the impression that gender concerns can be equated to women and children.
- **Gender should cut across all topics:** The SDGD refers only to stories specifically about women's and children's "issues". This excludes other areas of coverage, such as social and economic circumstances. These are clearly important, but they are a small proportion of overall coverage. What is equally significant is ensuring that gender is taken into account in *all* coverage: whether political, economic, sports, health, HIV/AIDS etc.

### Achievements

- **Civil society activism:** The last decade has witnessed an unprecedented wave of gender and media activism in the region. There is now a greater awareness than ever before of the gender disparities in the media in the region.
- **Cutting edge research:** The Gender and Media Baseline Study (GMBS) - the most extensive study on gender in the media ever to be undertaken anywhere in the world - is at the heart of a groundswell of activism in Southern Africa. This has been followed up by the Gender and Media Audience Study (GMAS) being conducted by GL and MISA. The research is turning the spotlight on media consumers, demonstrating not only their power but the importance of media literacy to creating an informed and responsive citizenry.

- **Action planning:** During national action planning workshops that took place in the thirteen Southern African countries that participated in the GMBS in 2003, media practitioners, decision-makers, analysts and activists devised a range of strategies for addressing these gender gaps.
- **Sharing best practices:** The Gender and Media (GEM) Summit in September 2004 served as an accountability forum for each country to come back and report on what measures had been taken as well as share best practices on how to achieve greater gender balance and sensitivity in the media.
- **Networking:** The summit led to the formation of the Gender and Media Southern Africa (GEMSA) Network: the only regional network anywhere in the world established to promote gender equality in and through the media.
- **Impact of policies:** There has been a marked improvement in the gender balance and sensitivity of content in media houses that have taken the initiative to introduce and implement gender policies.
- **Editors take up the challenge:** The Southern African Editors Forum (SAEF) and NGOs in the region are collaborating in a Media Action Plan (MAP) on HIV/AIDS and Gender that will lead to policies being rolled out in 80 percent of newsrooms over the next three years.
- **Mainstreaming gender in media training:** A number of media training institutions, notably the Polytechnic of Namibia, are taking gender mainstreaming seriously. This has had a marked impact on the quality of training, opening the minds of trainees to all issues of diversity.
- **Advocacy and allies:** More strategic approaches by gender activists towards working with the media have resulted in greater coverage of important campaigns such as the Sixteen Days of Activism on Gender Violence. Simple tools such as directories of women sources and resources like the GEM Opinion and Commentary Service are helping to ensure more varied and progressive content.
- **Watching the watchdogs:** Monitoring exercises post the GMBS - for example during recent elections in the region - have helped to keep the media on its toes. These are showing a gradual improvement in the media's use of women sources compared to the GMBS (in which, on average, women constituted 17 percent of news sources). A telling indicator will be the regional results for the Global Media Monitoring Project (GMMP) that coincided with the ten year anniversary of Beijing and for which results will be available before the end of 2005.
- **Making IT work for gender justice:** Gender and media activists are becoming more adept at using new information and communication technologies, as witnessed by the recent cyber dialogue initiative launched by women from the region during the ten year review of the Beijing conference.

### Challenges

- **Women are still under represented in all areas of the media,** except as TV presenters, and especially in decision-making structures. There appears to be little pressure on media decision-makers to take corrective action, except through Employment Equity laws, where these exist.
- **Regulatory authorities slow to move:** Media regulatory authorities are male-dominated and they have not integrated gender criteria into licensing and other mechanisms at their disposal for making the media (especially the public media) more accountable to the public on their gender practices.

- **Media take slowly to policy making:** Only a small proportion of media houses have adopted gender policies, including the public media.
- **Governments not using their clout with media training institutions:** Gender mainstreaming among media training institutions, many of which are government funded, remains ad hoc.
- **A gender blind arena:** With the exception of South Africa, none of the information and communication ministries in the region have gender units nor have they mainstreamed gender considerations into information and communication policies. The several ICT policies that are being generated in the region as part of the fervour to join the “information society” are gender blind and carry the risk of women being marginalised even further within the digital divide.
- **Labour of love:** Civil society organisations working on gender and media issues struggle to raise funds, especially from public sources, despite the proven importance of their research, advocacy and lobbying in an area where governments are not well paced to lead change.

## INSTITUTIONAL MECHANISMS

### Provisions

#### Strengths

- **Policy framework:** The SDGD, African Protocol and BPFA provide for a policy framework for gender mainstreaming. In the case of the SDGD this is specific to SADC.
- **Institutional mechanisms:** The SDGD and BPFA provide for institutional mechanisms for advancing gender equality that include political responsibility at a senior level; an apex structure to coordinate gender mainstreaming and Gender Focal Points (GFPs) throughout the institution. The SDGD provided for a Standing Committee of Ministers Responsible for Gender Affairs in the region; an advisory committee with civil society participation a Gender Unit (GU) and GFP in all the sector coordinating units.
- **Clout:** The BPFA stresses the importance of national women’s machineries having clearly defined mandates and authority.
- **Data for setting targets and tracking changes:** The BPFA goes into some detail on the need to collect and apply gender disaggregated data to policy formulation, monitoring and evaluation.

#### Achievements

- **Policy frameworks:** At regional level significant progress has been made by both the SADC Secretariat and the SADC Parliamentary Forum in developing administrative frameworks for promoting gender equality and mainstreaming gender in the executive and legislative structures of SADC countries.<sup>2</sup> At national level, gender and women in development policies and programmes

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<sup>2</sup> Policy frameworks established to operationalise the objectives of the SADC Declaration include: 1998: Addendum: Prevention and Eradication of Violence Against Women and Children signed by SADC Heads of States and Governments; 1999: SADC Gender Programme of Action adopted by SADC Ministries Responsible for Gender/Women’s Affairs; 1999: Implementation of the SADC Gender Plan of Action; 2001: The SADC Parliamentary Forum Plan of Action on Engendering SADC Parliaments adopted by the Plenary Assembly; 2003: SADC Regional Indicative Strategic Development Plan- the policy document has incorporated gender issues as one of the cross cutting issues that have to be addressed and provides priority areas and targets that are expected to be achieved both at regional and national levels for the next 10-15 years.

exist in many countries with the express purpose of reducing and ultimately eradicating gender disparities.

- **Institutional structures:** At regional level, the SADC Gender Unit has been in operation since 1997. It now resides in the office of the Executive Secretary to ensure effective clout and coordination. In some member states the government gender machinery is a member of the recently created SADC National Committees (SNCs). The SADC Parliamentary Forum has established a Standing Committee responsible for Gender and a Regional Women's Parliamentary Caucus (RWPC). The regional parliamentary standing committees have been replicated within national parliaments through the establishment of parliamentary committees on gender and national women's parliamentary caucuses. A Regional Advisory Committee was also established and formalized in 1997 to facilitate a more inclusive process of information feed in and dissemination. In member countries, institutional frameworks for coordinating gender mainstreaming are constituted differently. Some are full-ledged government ministries while some are departments within bigger ministries.

### Challenges

- **Restructuring at the SADC Secretariat:** Following the restructuring, the Standing Committee of Ministers Responsible for Gender/Women's Affairs, and the Regional Advisory Committee ceased to exist. These have been subsumed in the Integrated Committee of Ministers (ICM). Member states designate sector ministers to the ICM as they see fit and the ICM then discusses issues and passes them on to the Council of Ministers for consideration and approval by Heads of State. The challenge is the extent to which ministers responsible for gender and women's affairs are included in the national delegations to the ICM, and if they are, whether they will be in sufficient strengths to ensure that gender issues are heard.
- **Marginalisation of gender structures:** Both at national and regional level gender structures are often marginalised and the work done by GFPs is not acknowledged or remunerated.
- **Inadequate resources:** The SADC, SADC PF and member state gender programmes suffer from inadequate human capital and low budget allocations (generally below one percent of recurrent expenditure). This means that the direct cost of gender programme implementation is largely left to the discretionary support of donors and development partners.

### Conclusions

The audit shows that while there has been progress in all areas, there are still significant gaps both in the provisions of the various instruments and in their implementation. What is needed is a more systematic way of accelerating gender equality in the region as well as enhancing accountability. The draft suggestions for inclusion in a Protocol for Advancing Gender Equality in SADC (*Annex A*) would create a comprehensive means of domesticating all the commitments that have been made as well as addressing gaps that have been identified. This unique approach would be a global first. SADC is well placed to lead the way.

**ANNEX A:  
RECOMMENDED POINTS FOR INCLUSION IN THE PROPOSED PROTOCOL  
ON ACCELERATING GENDER EQUALITY IN SADC**

**PREAMBLE**

This may:

- Recall the 1997 Declaration on Gender and Development and its 1998 Addendum on the Prevention and Eradication of Violence Against Women and Children which have played an important role in translating international and continental instruments into regional commitments;
- Take cognisance of the decision on gender parity taken at the inaugural session of the AU Assembly of Heads of State and government in July 2002 in Durban, South Africa and the adoption of the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa during the Second Ordinary Session of the Assembly of the AU Assembly in Maputo, Mozambique in 2003;
- Take further cognisance of international instruments, including CEDAW, the MDGs, BPFA and ICPD.
- Note that these instruments have led to increased awareness of gender equality as a human right and prompted exemplary action in some instances that has placed SADC at the forefront of global debates on these issues;
- Commend the close and constructive working relationship with civil society in advancing gender equality in the region;
- Recognise, however, that these measures still fall short in many cases of stated commitments and set targets; and that the fragile gains made face new threats as a result of HIV/AIDS, globalisation and trafficking in women;
- Recall that Article 26 of the Addendum on the Prevention and Eradication of Violence Against Women and Children provides that urgent consideration be given to the adoption of legally binding instruments and ensuring that these commitments are translated into tangible actions;
- Express conviction that progress towards gender equality in SADC needs to be accelerated and that legally binding instruments are a critical means of achieving this;
- Determine to consolidate and create synergy between the various commitments on gender equality made at international and continental levels into one comprehensive regional instrument that enhances the capacity to report effectively on all instruments and also addresses new challenges;
- Site this act of "bringing commitments home" as essential to the domestication of such instruments.
- Commit to setting specific targets and timeframes for achieving gender equality in all areas, as well as effective monitoring mechanisms for measuring progress.

**DEFINITIONS AND OBJECTIVES**

**Definitions**

- Gender.
- Gender equality.
- Gender mainstreaming (to include women's empowerment).
- Gender budgeting.
- Sexual rights and sexual health.
- Discrimination.
- Globalisation.

## **Objectives**

- Bring together in one legally binding regional instrument all the commitments to gender equality that have been made through the SDGD, CEDAW, African Protocol, MDGs.
- Enhance these where gaps have been identified.
- Setting realistic, measurable targets, time frames and indicators; allocate resources for achieving these.
- Strengthen monitoring and evaluation.
- Creating forums for involving all stakeholders and sharing best practices.

## **GOVERNANCE**

- Define this to include: the executive (cabinet, the public service); the legislature (national, regional, provincial, local) the judiciary; political parties; diplomacy and international relations; the media, private sector, civil society.
- Target of 50% in all areas of decision-making by 2020 with an incremental approach adopted by each country depending on their current circumstances:
  - Those that have achieved the thirty percent in any area of governance to aim to achieve 50% by 2015 or earlier.
  - Those that have not achieved the thirty percent to aim to achieve this by 2015 or earlier.
  - All to achieve gender parity by 2020.  
(Annex with options for rapidly increasing the representation of women.)
- All members to take measures to ensure effective participation of women in decision-making and adopt indicators for achieving this (including equal representation of women in top decision-making and in all areas of the decision-making structure. Provide annex with measures for ensuring effective participation.)
- Beyond numbers: Research and indicators on qualitative difference that gender and good governance make (Annex indicators.)
- All members to draw up an action plan for achieving the above targets and indicators (Provide a framework) by August 2007.
- All members to report every year on progress towards achieving these targets.

## **PEACE BUILDING AND CONFLICT RESOLUTION**

- Refer to provisions in Resolution 1325.

## **EDUCATION AND TRAINING**

- Eliminate gender disparity in primary and secondary education, preferably by 2005, and at all levels of education no later than 2015 (MDGs)
- Eradicate illiteracy by 2020.
- Introduce state supported child development in all members by 2020.
- Eliminate stereotypes in educational curricula and school activities.
- Set targets for eliminating gender bias in subjects appropriate to the national situation.
- Start campaigns on, and end gender violence in schools by 2020.

## **ACCESS TO PRODUCTIVE RESOURCES**

- Reduce by half the proportion of people living on less than a dollar a day and or suffer from hunger (MDGs).
- End the disproportionate presence of women among the poor by 2015.
- End all discrimination against women with regard to property rights by 2015.

- Take measures to minimise the negative impact of globalisation on women and to maximise new opportunities.
- All members to conduct time use studies by 2010; adopt policy measures for reducing the burden of the dual role played by women (Annex of measures, eg day care centres; subventions for home-based care, volunteer charter).
- Frameworks for analysing budgets and resource allocations from a gender perspective that include: specific initiatives to empower women; employment-equity related allocations; gender sensitivity in the allocation of resources within and between sectors (Annex on gender budgeting). All departments to state in their budget submissions what they are doing to achieve gender equality. Budgets to contain an annex on gender awareness in the allocation of resources (Annex format).
- Safety nets and social service programmes that are easily accessible and monitoring mechanisms to measure the impact of economic policies on targeted beneficiaries.
- Ensure that women have equal access to credit by 2015.
- Support women to become entrepreneurs; not just in the Small to Medium Enterprise (SME) sector.

### **CONSTITUTIONAL AND LEGAL RIGHTS**

- All discriminatory legislation to be expunged by 2015 (Annex a checklist).
- Constitutional reviews and amendments to enshrine gender equality in the Constitutions of all member countries that have not done so by 2010.
- Constitutions to state that provisions for gender equality take precedence over customary law by 2010.
- Minority status of women abolished by 2010.
- Set out women's rights to bodily integrity and autonomy; security of person and reproductive choice.
- Legislation to eliminate harmful practices eg FGM.
- Standardise maternity provisions to three months paid leave.

### **GENDER VIOLENCE**

List the six priority areas identified by the Addendum and add it in the proposed Protocol as an addendum with the following additions:

- Specific legislation, including trafficking, with a target date of 2010 for ensuring that all members have
- Add a section on the relationship between gender violence and HIV/AIDS and the need for laws to ensure that all health facilities are able to administer Post Exposure Prophylaxis or PEP.
- Social, economic, cultural and political.
- Services, including rehabilitation of offenders.
- Education, training and awareness building, including working with men as partners.
- Integrated approaches, including institutional cross-sector structures in each country for ending gender violence.
- Budget and resources (all gender violence legislation to be costed and a specific allocation made in the budget for combating gender violence.)
- Monitoring and evaluation: Construct a composite index for measuring reduction in violence against women; work to halve current levels by 2020.

## **HEALTH**

- Define health to encompass a state of well being; note that women's health is broader than reproductive health.
- Access to primary health care.
- Reduce by three quarters, between 1990 and 2015 the maternal mortality ratio (MDG's).
- Ensure universal access to and use of contraceptives by 2015.
- Provide gender and youth friendly access to sexual and reproductive health services free of charge.
- Greater access to high quality and relevant information targeting the reproductive and sexual rights and services for women and girls. This includes providing information in all vernacular languages, Braille and sign language.
- Policies and programmes that address the sexual, reproductive and other health needs of women in vulnerable situations such as prisons, internal displacement camps, refugee camps, elderly women and women with disabilities.

## **HIV/AIDS**

- Research on preventive methods and information targeted at women.
- Preventive messages that address imbalances in power relations; target men, especially "sugar daddies."
- Involving People Living with AIDS (PLWA), and especially women, in public awareness campaigns.
- Providing information and services to vulnerable groups including sex workers, truck drivers, miners, migrant labourers, and men who have sex with men.
- Reducing stigma and discrimination, and the related gender violence, through an open, frank and human rights driven approach.
- Providing legal support to those (and especially women) who experience stigma and discrimination.
- Increasing the number of VCT and PMTC services and encouraging women to use these services.
- Ensuring that HIV positive women who have given birth and their partners have access to comprehensive ARV treatment programmes.
- Counseling HIV positive parents who wish to have children on their options.
- Equal access by women and men to ARVs; use of gender disaggregated data in monitoring to ensure that this is the case.
- Spelling out and providing for the sexual and reproductive health needs of PLWA.
- Measuring and recognising the additional burden of care shouldered by women and girls as a result of HIV/AIDS; using this to inform policies

## **MEDIA, INFORMATION, EDUCATION AND COMMUNICATION**

- Acknowledging communication as a right; gender equality as intrinsic to freedom of expression; "giving voice to the voiceless" as key to citizenship, participation, and responsive governance.
- Affirming the key role of the media, information, communication and public education in changing attitudes and mindsets.
- Recognition of, and support for, civil society in conducting public awareness campaigns; working to transform gender relations in and through the media.
- Mainstreaming gender in all information, communication and media laws.



- Pledging governments and statutory regulatory authorities, and encouraging self regulatory authorities, to use whatever leverage they have at their disposal, especially in relation to publicly funded media, to ensure gender accountability. This could include requiring gender balance and sensitivity in institutional structures as well as editorial content part of licensing agreements, as well as annual reports stating progress in this regard.
- Ensuring that gender is mainstreamed in all publicly funded media training institutions, and encouraging privately funded media training institutions to follow suit.
- Support and resources for ensuring that women have greater access to, and can use, NICTS for their own empowerment and to conduct gender justice campaigns.
- Support and resources for civil society initiatives to conduct research, training, monitoring and advocacy on gender and the media including ICTs.
- Support and resources for gender and media networks, especially their efforts to use ICTs in cost effective, dynamic ways that increase access and applications; contributing to better e-governance, citizenship participation and policy responsiveness, especially for and by women.

## **IMPLEMENTING MECHANISMS**

### **Planning**

- National action plans for achieving gender equality with targets, indicators and timeframes based on the Protocol drawn up according to a standard format, with each country identifying baseline data against which progress towards achieving targets will be monitored.

### **Structures**

- National Women's Machineries be strengthened by being positioned strategically; staffed at a senior level; supported by Gender Focal Points (GFPs) throughout government with political champions.
- SADC forum of gender ministers and Regional Advisory Group including civil society members be resuscitated to drive the process.
- Each SADC National Committee to have a GFP.
- The work performed by GFP at national and regional level be recognised in job descriptions and performance agreements; rewarded and remunerated.
- An independent SADC Commission on the Status of Women (SCSW) comprising eminent gender experts who convene each year to receive and review country reports; initiate research where appropriate; and make recommendations. This body would receive sitting fees for the time it convenes and be serviced by the SADC GU.

### **Resources**

- All gender structures, at national and regional level, have identifiable budget lines and be empowered to do their work.
- Such budget lines not be used as an excuse for not mainstreaming gender in overall budget allocations, as contemplated in the recommendation and framework for gender budgeting under "access to productive resources."

## **MONITORING AND EVALUATION**

- Annual reports based on the standardised action plan and adjudicated by the CSW.
- Support for research by civil society organisations on trends and best practices.
- Ensuring that best practices are shared through the annual meeting of the SADC gender minister and Regional Advisory Group.
- Sanctions for non compliance in accordance with SADC procedures.