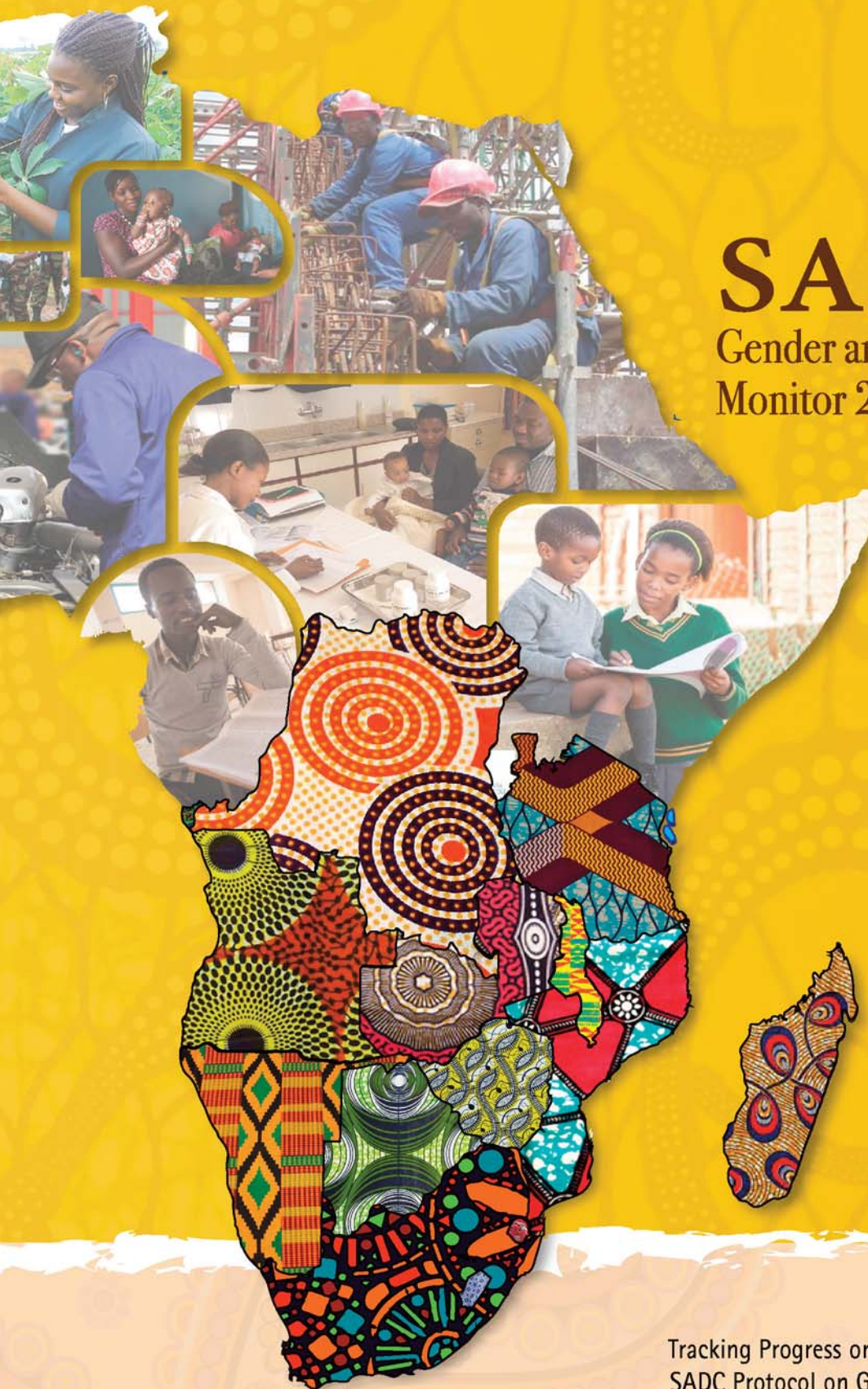




# SADC

## Gender and Development Monitor 2016



Tracking Progress on Implementation of the  
SADC Protocol on Gender and Development



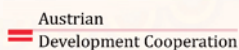




# SADC

## Gender and Development Monitor 2016

Tracking Progress on Implementation of the  
SADC Protocol on Gender and Development



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## FOREWORD

Timely, grounded and credible evidence is fundamental to successful programme planning and implementation by SADC Member States. Informed future planning and robust decision-making hinge on empirical evidence and this is at the core of the *SADC Gender and Development Monitor 2016* for tracking process on implementation of the SADC Protocol on Gender and Development. This is done in conjunction with continental efforts, and the African Union Agenda 2063 places a central focus on achieving gender parity.

SADC Member States focus on results, specifically on achieving global, continental and regional goals. SADC's ownership and commitment to the implementation of these international frameworks are translated into strategic roadmaps that now include commitments such as the UN Sustainable Development Goals (SDGs), and at continental level, the AU Agenda 2063. Both of these blueprints place emphasis on women empowerment and gender equality as a key factor for sustainable development.

At SADC level, the Revised Regional Indicative Strategic Development Plan (RISDP) with a timeframe of 2015 — 2020 is fundamental. The Revised RISDP confirms gender and development as one of the critical crosscutting issues that all SADC programmes should consider. The SADC Protocol on Gender and Development has several provisions that seek to facilitate gender mainstreaming into systems and institutions, for the attainment of gender equality and equity.

The SADC Protocol on Gender and Development has six objectives that include the empowerment of women; eliminating discrimination and achieving gender equality and equity through the development and implementation of gender responsive legislation, policies, programmes and projects; harmonising the implementation of various global, continental and regional instruments on gender equality and equity; and addressing emerging gender issues and concerns.

While SADC's formulation of a comprehensive Protocol on Gender and Development was a significant achievement for our sub-region, the great potential of our men and women is still to be released through the effective implementation of the Protocol. As 2015 was a year of many expectations and targets for the achievement of these goals, the objective of the *SADC Gender and Development Monitor 2016* is to present an update on progress made by Member States at national and regional levels, that will provide accurate baseline data and analysis on the achievements made by 2015, not avoiding the challenges, and thus offering a platform from which to accelerate implementation.

There is, for example, an improvement in the number and proportion of women representation in political decision-making and in the management of the public service, and SADC has done well to maintain its position as number three in the global rankings of women in Parliament, after the Nordic countries and the Americas. Education is another area of achievement for Member States through increasing the enrolment of girls in primary schools alongside boys, and improving the access at secondary level as well as for the study of science and technology. The health sector, and access to HIV and AIDS treatment, is another achievement for Member States to 2015. Challenges remain in the area of productive resources and access to the economy, due in part to the multiple responsibilities of women in the family, the home and the workplace through formal or informal employment. Gender Based Violence, including domestic violence and Trafficking in Persons continues to be an area of serious concern for the SADC region. The involvement and portrayal of women in the media and information sector is improving, but very slowly; and throughout the region women



are taking their places alongside men in peace building and conflict resolution. We can now, as a region, review these achievements and the challenges, as we work towards the new global goals, the SDGs, from the springboard of 2015.

All SADC Member States have shown progress in domesticating some aspects of the Protocol on Gender and Development, and integrating its provisions into legislation, public policies, programmes and projects by establishing and strengthening institutional mechanisms to promote the advancement of women. All Member States now include provisions for gender equality in national constitutions in line with Article 2 of the Protocol in which State Parties agree to harmonize national legislation to the relevant regional and international instruments related to gender equality. Constitutional review processes have led to the development of specific domestic and statutory laws that further advance equal rights of women.

As a result of the need to effectively align the Protocol to domestic laws, most Member States have either developed or strengthened national gender machineries to oversee the implementation of the Protocol, and Member States have fully fledged gender ministries or gender departments housed under other ministries.

Although most Member States have made commendable progress regarding domestication of the Protocol, budgetary allocations to gender departments and functions remain marginalized as compared to other government portfolios. This has implications on effective implementation of gender programmes.

Having seen that SADC Member States have made significant progress towards achieving some of the goals and have challenges with others, the most important task going forward is to work together within countries towards these development goals until a national and regional dimension is achieved.

**Dr. Stergomena Lawrence Tax**  
**SADC Executive Secretary**  
**August 2016**



## PREFACE



The *SADC Gender and Development Monitor 2016* is very significant to the SADC region as it emphasises the commitment of SADC Member States to align and harmonise their laws, policies and programmes with global, continental and regional instruments. It also assesses how SADC commitments are translated from policy into practice.

Following the adoption of two major global and regional agendas – the United Nations Sustainable Development Goals (SDGs) and Africa’s Agenda 2063 — the African Union declared 2016 the African Year of Human Rights with Particular Focus on the Rights of Women. The theme is timely as 2016 marks the 35th anniversary of the adoption of the African Charter on Human and Peoples’ Rights in 1981; the 29th anniversary of operationalising the African Commission on Human and Peoples’ Rights in 1987; and the 10th anniversary of the African Court on Human and Peoples’ Rights.

These and other global commitments on women’s empowerment and gender equality culminated in the adoption of the SADC Protocol on Gender and Development in 2008, which subsequently came into force in 2013. Following the adoption of the Protocol on Gender and Development, the region developed a Monitoring Tool for Reporting Progress on the Implementation of the SADC Protocol on Gender and Development. This has been used by Member States to compile data for reporting on progress made in the implementation of provisions of the Protocol. Under Article 35 (4) of the Protocol, State Parties are required to submit reports to the SADC Executive Secretary once every two years, indicating the progress achieved in the implementation of the measures agreed to in the Protocol.

It is against this background that Member States used the Monitoring Tool to submit their progress reports to the Secretariat on the implementation of the Protocol. Reports submitted by Member States were synthesised and analysed by our knowledge partners, the Southern African Research and Documentation Centre (SARDC) through their Beyond Inequalities Gender Institute, who undertook a significant research process for verification and assessment of the regional dimension, before validation by Member States, culminating in this publication, the *SADC Gender and Development Monitor 2016*.

Considering that 2015 is an important year in evaluating implementation of progress made in gender commitments across the globe, this 2016 edition of the SADC Gender and Development Monitor is timely in that it provides trends in the achievements made towards empowering women and realising gender equality; further tracking the removal of barriers to the fulfilment of women’s human rights among other things. The publication will be available in all three official SADC languages in print and CD versions, and will be accessible online through the SADC and SARDC websites. The report will be disseminated to all SADC Member States and relevant stakeholders as a tool to advocate for and inform policy formulation, reform and implementation of gender commitments in the region.

**Dr. Joseph Pitso**  
Head – SADC Gender Unit  
Gaborone, August 2016



## ACKNOWLEDGEMENTS

The SADC Secretariat would like to thank all Member States for their valuable commitment, contribution and cooperation in providing information through national progress reports as well as for their input into the review of the draft manuscript. Their preparation of national progress reports and discussion of the main points has been a valuable contribution to the substance of this report. We hope that, in turn, the compilation of this report with a regional perspective is useful to their work at national level and supports their national monitoring processes, as this is presented in a manner intended for general circulation.

The staff of the SADC Gender Unit was active in guiding the process and liaising with Member States and partners. The work of the SADC Statistics Unit and the National Statistics Organisations is also acknowledged here.

The *SADC Gender and Development Monitor 2016* is a result of an extensive research and collaborative effort with the Southern African Research and Documentation Centre (SARDC) through its Beyond Inequalities Gender Institute, which compiled and analyzed the data, conducted extensive research for a current situational analysis, assessed trends and wrote the report for review, before incorporation of comments from Member States and presentation in an accurate and accessible manner. The SADC Secretariat would therefore like to thank the experts, researchers, writers and editors at SARDC who worked tirelessly to produce this publication. The hardworking translators who make this publication accessible in Portuguese and French are acknowledged here.

This report is the sixth edition tracking gender commitments in the SADC region, produced by SARDC for SADC, and monitoring trends over the past 20 years since the United Nations Fourth World Conference on Women held in Beijing, China in 1995, and comes at a strategic time when SADC Member States are reviewing progress on the implementation of various gender and development targets.

The SADC Secretariat would like to express sincere gratitude to the Austrian Development Agency (ADA) for financial assistance in support of the process of compilation of this publication, the research and development of content, while the translation and production of the publication was funded by the SADC Secretariat.

**SADC Secretariat  
Gaborone, Botswana  
August 2016**





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## ACRONYMS

ACRWC	African Charter on the Rights and Welfare the Child
ADA	Austrian Development Agency
AIDS	Acquired Immune Deficiency Syndrome
AOABH	Assault Occasioning Actual Bodily Harm
ART	Anti Retroviral Therapy
BBBEE	Broad-Based Black Economic Empowerment
BDPFA	Beijing Declaration and Platform For Action
BEmONC	Basic Emergency Obstetric and Neonatal Care
CARMMA	Campaign on Accelerated Reduction of Maternal and Child Mortality
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CEmONC	Comprehensive Emergency Obstetric and Neonatal Care
CICT	Client Initiated Counselling and Testing
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ESSP	Education Sector Strategic Plan
FDC	Fixed Dose Combination
FPTP	First Past The Post
GBV	Gender Based Violence
GEM	Girls Education Movement
GRB	Gender Responsive Budgeting
HIV	Human Immunodeficiency Virus
ICCM	Integrated Community Case Management Programme
ICPD	International Conference on Population and Development
ICT	Information Communication Technology
IDPs	Integrated Development Plans
IPU	Inter-Parliamentary Union
MDGs	Millennium Development Goals
NCSR	National Council for Scientific Research
NISA	National Information Services Agency
PALAMA	Public Administration Leadership and Management Academy
PHC	Primary Health Care
PMTCT	Prevention of Mother to Child Transmission
PPPF	Preferential Procurement Policy Framework
PPTPS	Prevention of People Trafficking and People Smuggling
PWD	Persons with Disabilities
RISDP	Regional Indicative Strategic Development Plan
RPTC	Regional Peacekeeping Training Centre
SADC GU	SADC Gender Unit
SADC PF	SADC Parliamentary Forum
SADC	Southern African Development Community
SAFOD	Southern Africa Federation of the Disabled
SARDC	Southern African Research and Documentation Centre
SARUA	Southern African Regional Universities Association
SDGEA	Solemn Declaration on Gender Equality in Southern Africa
SDGs	Sustainable Development Goals
SGBV	Sexual and Gender Based Violence
SMEs	Small and Medium Enterprises
SRH	Sexual and Reproductive Health
STEM	Science, Technology, Engineering and Mathematics
STIs	Sexually Transmitted Infections
TIFI	Trade, Industry, Finance and Investment
TIP	Trafficking In Persons
TVET	Technical Vocational Education and Training
TAWJA	Tanzania Women Judges Association
UNAIDS	United Nations Program on HIV/AIDS
UNECA	United Nations Economic Commission for Africa
UNESCO	United Nations Educational, Scientific and Cultural Organization
VCT	Voluntary Counselling and Testing
VFC	Victim Friendly Courts
WEGE	Women's Empowerment and Gender Equality



## INTRODUCTION

The Windhoek Declaration and Treaty establishing the Southern African Development Community (SADC) in 1992 spoke to the new circumstances emerging in the region leading to the end of institutionalized apartheid in 1994, and established a new paradigm for the participation of all of the people of the region in building a common future, including men and women. SADC was determined to end discrimination against women and shape a society based on equality and equity. This resulted in the SADC Declaration on Gender and Development in 1997 and its 1998 Addendum on the Prevention and Eradication of Violence against Women and Children; and the SADC Protocol on Gender and Development that was approved a decade later, in 2008, and entered into force on 22 February 2013 following ratification. With this Protocol incorporating key international commitments, SADC Member States have established a framework for transformation of Southern Africa as envisaged in its founding Treaty.

The SADC Protocol on Gender and Development commits to the integration and mainstreaming of gender issues into the SADC Programme of Action and Community Building Initiatives, as “key to the sustainable development of the SADC region”, noting that the Member States undertook in the SADC Treaty, Article 6(2), not to discriminate against any person on the grounds of sex or gender. The Protocol further states the commitment of all SADC Member States to gender equality and equity as “a fundamental human right”.

### SADC PROTOCOL ON GENDER AND DEVELOPMENT

The Objectives of the Protocol, as set out in Article 3, are to,

- a) Provide for the empowerment of women, to eliminate discrimination and to achieve gender equality and equity through the development and implementation of gender responsive legislation, policies, programmes and projects;
- b) Harmonise the implementation of the various instruments to which SADC Member States have subscribed to at the regional, continental and international levels on gender equality and equity... in order to accelerate implementation;
- c) Address emerging gender issues and concerns;
- d) Set realistic, measurable targets, time frames and indicators for achieving gender equality and equity;
- e) Strengthen, monitor and evaluate the progress made by Member States towards reaching the targets and goals set out in this Protocol; and
- f) Deepen regional integration, attain sustainable development and strengthen community building.

This publication, the *SADC Gender and Development Monitor 2016*, speaks to 3(e) of the objectives contained in Article 3 of the SADC Treaty, and sets out to monitor the progress made by Member States towards achieving the targets and goals of the Protocol, as a means of strengthening and advancing progress towards the targets, and towards regional integration based on gender equality and equity.

At the time when the SADC Treaty was signed in 1992 and the Fourth World Conference on Women was held in 1995, there was very little gender disaggregated data available. Data that was accessible at the time is contained in the country briefs assembled for the *Status of Women in Southern Africa 1995*. The use of some of that data in this publication shows the trends of the past 20-year period and clearly illustrates the progress and challenges toward the SADC goals and objectives since that time. For example, there were only a handful of women in Parliament in most SADC Member States in the mid-1990s, and just one or two women Cabinet ministers. This began to change with the commitment of the governing parties in South Africa and Mozambique, as reported in 1995 in the *Status of Women in Southern Africa*. All SADC Member States have now shown results in some area or at some level within their structures, and this publication presents some effective practices implemented by Member States in this regard.

The current situation is that all SADC Member States have signed and ratified or acceded to the United Nations Convention on the Elimination of all Forms of Discrimination

1995

*“Generally the positive political developments throughout the region have seen few changes for women. However, gender is on the agenda and it is perhaps too early to reap the benefits of such recent developments. Time will tell what changes will come.”*Status of Women in Southern Africa, 1995

2015

*The SADC region has come a long way in recognising that gender equality is at the core of achieving the vision of its founding Treaty to build “a common future... that will ensure economic wellbeing, improvement of the standards of living and quality of life, freedom, social justice, peace and security for the peoples of Southern Africa.”* SADC Gender and Development Monitor 2016



Against Women (1979); and have reaffirmed their commitment to the Nairobi Forward Looking Strategies (1985); Convention on the Rights of the Child (1989); Africa Platform of Action; Beijing Declaration and Platform for Action (1995); and UN Resolution 1325 on Women, Peace and Security (2000).

SADC Member States have resolved through the SADC Protocol on Gender and Development to facilitate the elimination of gender inequalities in the region towards not only full and equal rights for women, but shouldering half of the responsibility for the development and integration of the SADC region and the African continent.

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## SADC PROTOCOL ON GENDER AND DEVELOPMENT

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### ARTICLE 2 GENERAL PRINCIPLES

1. For the purposes of this Protocol, the following principles shall apply:
  - (a) States Parties shall harmonise national legislation, policies, strategies and programmes with relevant regional and international instruments related to the empowerment of women and girls for the purpose of ensuring gender equality and equity;
  - (b) States Parties shall decide all matters relating to the implementation of this Protocol by consensus; and
  - (c) States Parties shall cooperate in facilitating the development of human, technical and financial capacity for the implementation of this Protocol.
2. States Parties shall adopt the necessary policies, strategies and programmes such as affirmative action to facilitate the implementation of this Protocol.  
Affirmative action measures shall be put in place with particular reference to women and girls, in order to eliminate all barriers which prevent them from participating meaningfully in all spheres of life.

---

Documents on the *Status of Women in Southern Africa* prepared for the Fourth World Conference on Women in Beijing in 1995 were cautiously optimistic that the momentous changes that had ended the entrenched system of institutionalised racism in South Africa and its destabilisation of the sub-region would retain momentum and initiate changes in the development paradigm and in gender perspectives. In this current time and dispensation post-2015, women are now set to occupy a rightful place as the SADC region takes stock of progress on gender equality and equity, in keeping up with various regional, continental and international agreements on the empowerment of women.

Towards the African Union's Agenda 2063, SADC has focused on efforts aimed at the ultimate goal of identifying, tackling and eradicating the feminisation of poverty; and has joined the global community in celebrating 20 years since the Beijing Declaration and Platform for Action; as well as the 15<sup>th</sup> Anniversary of the UN Resolution 1325 on Women, Peace and Security. AU Heads of State and Government who had declared 2010-2020 as the African Women's Decade, set the target of 2015 for the mid-term review, in the context of their theme of the "Year of Women's Empowerment and Development".

The African Union is registering commendable progress in building an ethos towards the advancements of gender equity, with 2016 identified as the "African Year of Human Rights with a particular focus on the Rights of Women". As members of the African Union, SADC Member States share ownership of the vision of empowering women through these themes.

The SADC Protocol on Gender and Development aims to achieve the empowerment of women, to eliminate discrimination and achieve gender equality by encouraging and harmonising the development and implementation of gender-responsive legislation, policies, programmes and projects. In addressing the issues around constitutional and legal rights, governance, education and training, HIV and AIDS, productive resources and employment, gender based violence, public perception through media, and conflict resolution, the Protocol aims to harmonize the implementation of various instruments which SADC Member States have subscribed to at regional, continental and international levels.

SADC has generally done well in addressing the issues of gender equality and equity, and empowerment of women, as an integral part of the regional and continental integration agenda, and promoting gender development in practical terms, with an increasing number of women occupying decision-making positions in different echelons and sectors of society in most Member States. Performance and methodology differs throughout the region in both public and private sectors with



some Member States putting in place affirmative action or “balancing” measures to address hurdles that prevent women from participating in all spheres of life.

The challenges to achieving gender equality continue to be generally similar to what they were 20 years ago when world leaders gathered for the Fourth World Conference on Women in Beijing or even further back to the commitments identified under the 1979 Convention on Ending all forms of Discrimination Against Women (CEDAW), notably gender-blind legal and policy frameworks, and lethargic domestication of policy commitments made at international level. Four priority issues were identified at the regional level in 1995 as Regional Critical Areas of Concern. These were:

- ❖ Insufficient mechanisms at all levels to promote the advancement of women;
- ❖ Inequalities between women and men in the sharing of power and decision-making at all levels.
- ❖ Inequalities in economic structures and policies in all forms of productive activities at all levels; and
- ❖ Lack of respect for, and inadequate promotion and protection of human rights of women and the girl-child.

These remain a challenge post-2015. Socio-economic development continues to be a key factor due to differentials in education (although the encouraging statistics for primary school enrolment suggest that this can be addressed for the emerging generation), health and welfare, addressing the burden of care-giving, and employment and economic opportunities. Gender disparities and their implications manifest into inequities in legal rights, power-sharing, decision-making, as well as access to and control of productive resources. The concept and application of gender-responsive budgeting continues to be little understood across the region.

The year 2015 was a watershed for the region as SADC Ministers Responsible for Gender and Women Affairs met in Harare to review progress on implementation of the protocol targets, seven years after the protocol was signed and two years after it entered into force. Challenges were discussed and consideration given to emerging issues such as climate change and water. The Ministers agreed to review targets of the SADC Protocol on Gender and Development in the context of the new UN Sustainable Development Goals (SDGs) due to the alignment of some targets to the previous MDGs which reached closure in 2015; and to assess the targets in the context of the new SDGs which are broader and less numerical, and are operational for the next 15 years to 2030.

SDG 5 is intended to achieve gender equality and empower all women and girls, and one of the targets of this goal is to ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.

At their meeting in Gaborone in 2016, the Ministers Responsible for Gender and Women Affairs reviewed the Protocol in the context of the SDGs and proposed amendments to Council and Summit, after review of the legal process by Ministers of Justice. They called for “increased budgetary allocation for the implementation of the SADC Gender Programme at both regional and national levels”, and acknowledged the progress in new initiatives by Member States to mainstream gender in various sectors, “particularly in the water, and science and technology sectors”. The Ministers also emphasised the need for regularity in reporting, monitoring and evaluation of the implementation of the Protocol in order to assess progress and challenges, and develop mechanisms for sharing best practices.

This edition of the *SADC Gender and Development Monitor 2016* thus reports on the target year of 2015, providing an analysis on progress made thus far by Member States in meeting the targets on all eight clusters of the Protocol. The book is based on primary and secondary data drawn mainly from SADC Member States. This is not only a quantitative analysis as it is becoming increasingly understood that women have different and varied experiences that add value to national development, regional integration, economic and social justice, and community building.

Gender inequality is still a factor in accessing basic services and resources required to stake a role in decision-making positions in national governance, despite the significant progress made during the past 20 years. In addition, the simmering conflicts in some parts of the region that threaten the safety of men, women and children, also threaten the gains in the emerging, equitable and integrated, regional society.

The transformation of society involves a changing of attitudes, minds and methods, rather than meeting targets, although the targets are a useful indicator of progress. Targets can come and go, and we will only address them as a region if we decide that this is what we want – a region with equal opportunities and without institutionalised discrimination.



## INTERNATIONAL AND CONTINENTAL POLICY AND LEGAL FRAMEWORK

### INTERNATIONAL FRAMEWORKS

**Universal Declaration of Human Rights (1948)** calls upon Member States to uphold the “security of all persons” and the “right to protection without discrimination”. It promotes the rights of all peoples to participate in the governance of their countries as well as the right to equal access to public services.

**International Covenant on Civil and Political Rights (1966).** This declaration promotes the equality of all humans, as well as non-discrimination of all persons before the law.

**The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) (1979)** states in its preamble that the full and complete development of a country, the welfare of the world and the course of peace, require maximum participation of women on equal terms in all fields. 188 of 194 countries have ratified or acceded to the treaty, including all SADC Member States.

CEDAW, described as the “mother” international bill of rights for women, reflects the most fundamental principal of the United Nations that the rights and equality of women is a basic principle. The Preamble to the UN Charter sets as one of the central goals the reaffirmation of “faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women.” CEDAW thus compels all state parties to create an atmosphere for the entitlement of everyone to equality before the law and to the enjoyment of human rights and fundamental freedoms without distinction of any kind.

**UN Declaration on the Elimination of Violence against Women (1993)** has since stimulated the General Assembly to pass numerous resolutions and actions, requiring periodic reports from Member States on various forms of violence against women. Following the Secretary-General’s in-depth study on all forms of violence against women, the General Assembly in 2006 adopted Resolution 61/143 on the intensification of efforts to eliminate all forms of violence against women. To date there are several resolutions, including the following areas:

- Intensification of efforts to eliminate all forms of violence against women;
- Trafficking of women and girls;
- Intensifying global efforts against genital mutilation;
- Rape and other forms sexual violations;
- Traditional or customary practices affecting the health of women and girls;
- Domestic violence.

**Commission on the Status of Women 59th and 60th Sessions (2015, 2016)**

The 59th Session of the Commission on the Status of Women (CSW) took place in 2015. The main focus was on the Beijing Declaration and Platform for Action, including current challenges that affect its implementation and the achievement of gender equality and the empowerment of women. The CSW undertook

a review of progress in implementation 20 years after adoption at the Fourth World Conference on Women in 1995.

New issues that emerged from the 60<sup>th</sup> Session of CSW in March 2016 include challenges posed by climate change on the achievement of sustainable development, as women and girls are often disproportionately affected by the impacts of climate change and other environmental issues including desertification, deforestation, dust storms, natural disasters, persistent drought and other extreme weather events, sea-level rise, coastal erosion and ocean acidification.

**Sustainable Development Goals (2015)**

The Sustainable Development Goals (SDGs) 2015-2030, successor to the Millennium Development Goals (MDGs) 2000-2015, seek to change the course of the 21st century by further extending and advancing global objectives in addressing key challenges such as poverty, inequality, and violence against women.

SDGs are broken down into 169 associated targets which are “integrated and indivisible, global in nature and universally applicable, taking into account different national realities, capacities and levels of development and respecting national priorities.” Apart from encompassing human rights and fundamental freedoms to ensure that all global citizens enjoy these without discrimination, many of the SDGs targets specifically recognize the equality and empowerment of women as the objective and as part of the solution. Goal 5 is the stand-alone gender goal because it is dedicated to achieving these ends.

**UN Convention on the Rights of Person with Disabilities (2008)**

The Convention on the Rights of Persons with Disabilities is the first United Nations human rights treaty of the 21st century. This convention does not create new rights for disabled people, but builds on conventional understanding of what is required to implement existing human rights of people with disabilities, and recalls that women and girls with disabilities are subjected to multiple discrimination.

### CONTINENTAL FRAMEWORKS

**AGENDA 2063**

Agenda 2063 is the 50th Anniversary Solemn Declaration of the Heads of State and Government of the African Union (AU), an acknowledgement of past successes and challenges, and a rededication by the continent’s leadership towards accelerated development and technological progress. Agenda 2063 reflects eight ideals to serve as pillars for the continent:

- ❖ African Identity and Renaissance
- ❖ Continue the Struggle against Colonialism and the Right to Self-Determination of people still under colonial rule
- ❖ The Integration Agenda: Implement the Continental Free Trade Area to ultimately establish a united and integrated Africa





- ❖ Agenda for Social and Economic Development
- ❖ Peace and Security Agenda
- ❖ Democratic Governance
- ❖ Determining Africa's Destiny
- ❖ Africa's Place in the World.

Agenda 2063 will translate these into concrete objectives, milestones, goals, targets and actions/measures. In essence therefore, Agenda 2063 is a strategic framework for the socio-economic transformation of the continent over the next 50 years. It builds on, and seeks to accelerate the implementation of past and existing continental initiatives for growth and sustainable development. According to the African Union, Agenda 2063 is both a vision and an action plan. It is a call for action to all segments of the African Society to work together to build a prosperous and united Africa.

#### Article 4 L of the Constitutive Act of the African Union

The AU Constitutive Act commits Member States to adhere to the principle of promoting gender equality in all spheres of development. According to the preamble, the leaders seek to be guided by a common vision of unity and African governments that build partnerships between all segments of civil society, in particular women, among other groups.

#### Protocol of the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003)

This protocol requires Member States to address all forms of discrimination against women through appropriate legislative, institutional and other measures; to include in their national constitutions and legislative instruments the principle of equality between men and women and ensure effective application; and take corrective measure in those areas where discrimination against women in law and in fact continues to exist.

#### AU Solemn Declaration on Gender Equality in Africa (2004)

The AU promotes gender parity in decision making at all levels and calls upon Member States to adopt it at the continental, sub-regional and national levels. The Declaration is an important African instrument for promoting gender equality and women's empowerment as it strengthens African ownership of the gender equality agenda and keeps the issues alive at the highest political level in Africa.

#### AU Gender Policy

The Gender Policy of the African Union summarises the decisions and the declaration of the AU Heads of State and Government and other global commitments on gender and women's empowerment. It demonstrates the continued leadership of the AU in advancing equality on the continent. The policy provides a mandate for operationalising the AU leaders' commitments on gender and is accompanied by a comprehensive Action Plan that guides the implementation of these commitments by all AU organs.

#### AGENDA 2063

African people have a high standard of living, and quality of life, sound health and well-being;

- Well educated citizens and skills revolution underpinned by science, technology and innovation for a knowledge society;
- Cities and other settlements are hubs of cultural and economic activities, with modernized infrastructure, and people have access to all the basic necessities of life including shelter, water, sanitation, energy, public transport and ICT;
- Economies are structurally transformed to create shared growth, decent jobs and economic opportunities for all;
- Modern agriculture for increased production, productivity and value addition contribute to farmer and national prosperity and Africa's collective food security;
- The environment and ecosystems are healthy and preserved, and with climate resilient economies and communities.

#### African Women's Decade (2010-2020)

The 12th Ordinary Session of the Africa Union Summit held in Addis Ababa in 2009 declared 2010 – 2020 as the African Women's Decade with the theme of "Grassroots Approach to Gender Equality and Women's Empowerment", to accelerate the implementation of gender equality and women empowerment commitments made over the last decade to African women.

#### SADC FRAMEWORK FOR ACHIEVING GENDER PARITY IN POLITICAL AND DECISION MAKING POSITIONS

The regional framework for achieving gender equality in SADC begins with the founding SADC Treaty, and includes the following measures:

#### Treaty of the Southern African Development Community (1992)

Article 4 of the SADC Treaty provides for the principles that inform and guide SADC. These are:

- sovereign equality of all Member States;
- solidarity, peace and security;
- human rights, democracy and the rule of law;
- equity, balance and mutual benefit; and,
- peaceful settlement of disputes.

Under Article 6, SADC and Member States shall not discriminate against any person on grounds of gender, religion, political views, race, ethnic origin, culture, ill health, disability, or such other ground as may be determined by the Summit."

#### SADC Declaration on Gender and Development (1997) and its 1998 Addendum on the Prevention and Eradication of Violence against Women and Children

The Declaration called upon State Parties to commit to:

- achieving at least 30 percent women in political and decision-making structures by 2005;
- promoting women's access to and control over productive resources, to reduce poverty;
- repealing and reforming laws, amending constitutions, and changing social practices that discriminate against women; and,
- taking urgent steps to prevent and deal with violence against women and children.



### Revised Regional Indicative Strategic Development Plan (2015-2020)

The Revised Regional Indicative Strategic Development Plan (RISDP) is a comprehensive development and implementation framework guiding the Regional Integration agenda of SADC over a period of 15 years (2005-2020). The re-prioritised areas are industrial development and market integration, infrastructure in support of regional integration, peace and security co-operation and special programmes with a regional dimension. In terms of the RISDP, SADC recognizes gender equality as a fundamental human right and an integral part of regional integration, economic growth and social development, and is committed to facilitating the removal of all forms of gender inequalities at the regional and national levels.

### SADC PROTOCOL ON GENDER AND DEVELOPMENT

The SADC Protocol on Gender and Development recognizes that women were historically disadvantaged in terms of meaningful participation in all spheres of development. In order to eliminate barriers faced by women, State Parties to the Protocol have agreed to adopt measures to ensure equal participation and representation of women and men.

### 2015 SADC Protocol Targets

States Parties shall endeavour, by 2015, to:

- ❖ Enshrine gender equality and equity in their Constitutions and ensure that these rights are not compromised by any provisions, laws or practices;
- ❖ Review, amend or repeal all laws that discriminate on the ground of sex or gender;
- ❖ Abolish the minority status of women;
- ❖ Ensure that at least fifty percent of decision-making positions in the public and private sectors are held by women including the use of affirmative action measures;
- ❖ Enact laws that promote equal access to and retention in primary, secondary, tertiary, vocational and non-formal education;
- ❖ Adopt and implement gender-sensitive educational policies and programmes;
- ❖ Ensure equal participation of women and men in policy formulation and implementation of economic policies;
- ❖ Conduct time-use studies and adopt policy measures to ease the burden of the multiple roles of women.
- ❖ Adopt policies and enact laws that ensure equal access, benefits and opportunities for women and men in trade and entrepreneurship, taking into account the contribution of women in formal and informal sectors;
- ❖ Review national trade and entrepreneurship policies to make them gender responsive;
- ❖ Introduce measures to ensure that women benefit equally from economic opportunities, including those created through public procurement processes;
- ❖ Review all policies and laws that determine access to, control of, and benefit from, productive resources by women;
- ❖ Review, amend and enact laws and policies that ensure women and men have equal access to wage employment in all sectors of the economy;
- ❖ Enact and enforce legislation prohibiting all forms of gender based violence;
- ❖ Ensure that laws on gender based violence provide for the comprehensive testing, treatment and care of survivors of sexual offences;
- ❖ Review and reform criminal laws and procedures applicable to cases of sexual offences and Gender Based Violence;
- ❖ With regard to human trafficking:
  - enact and adopt specific legislative provisions to prevent human trafficking, and provide holistic services to survivors, with the aim of re-integrating them into society;
  - put in place mechanisms by which all relevant law enforcement authorities and institutions may eradicate national, regional and international human trafficking networks;
  - put in place harmonised data collection mechanisms and reporting on the types and modes of trafficking to ensure effective programming and monitoring;
  - establish bilateral and multilateral agreements to run joint actions against human trafficking among origin, transit and destination countries; and,
  - ensure capacity building, awareness raising and sensitisation campaigns on human trafficking are put in place for law enforcement officials.
- ❖ Enact legislative provisions, and adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators of sexual harassment;
- ❖ Adopt and implement legislative frameworks, policies, programmes and services to enhance gender sensitive, appropriate and affordable quality health care;
- ❖ Reduce the maternal mortality ratio by 75%;
- ❖ Develop gender-sensitive strategies to prevent new HIV infections; ensure universal access to HIV and AIDS treatment for women, men, girls and boys; and, develop and implement policies and programmes to ensure appropriate recognition of the work carried out by care givers, the majority of whom are women, the allocation of resources and the psychological support for care-givers as well as the involvement of men in the care and support of people living with HIV and AIDS.
- ❖ Put in place measures to ensure that women have equal representation and participation in key decision-making positions in conflict resolution and peace building processes in accordance with UN Security Council Resolution 1325 on Women, Peace and Security;
- ❖ Take measures to promote the equal representation of women in the ownership of, and decision making structures of, the media.



# CONSTITUTIONAL AND LEGAL RIGHTS

## Chapter 1

### 1.1 PROGRESSION OF CONSTITUTIONAL AND LEGAL RIGHTS FOR WOMEN IN SOUTHERN AFRICA

This chapter focuses on the targets on Constitutional and Legal Rights as outlined in the SADC Protocol on Gender and Development, and the progress made by Member States in engaging and implementing these provisions. The chapter builds on the solid background that the region has reaffirmed its commitment to the advancement of women, with particular emphasis on the empowerment of women and attainment of gender equality, and unpacks emerging issues in view of the region's development policy frameworks such as the SADC Treaty, the Revised Regional Indicative Strategic Development Plan (RISDP), the SADC Protocol on Gender and Development and continental aspirations such as the African Union's Agenda 2063. The chapter also tracks the progress achieved by Member States in aligning continental and international normative standards to their domestic laws.

In terms of the SADC Protocol on Gender and Development, its binding nature persuades the focus of substantial energy of the Member States through their gender machineries towards performance related to constitutional and legal reforms in implementing all sections of the Protocol for harmony with national and domestic laws. The protocol requires the review, repealing and/or reforming of sections of constitutions and laws, and the changing of social practices which still subject women to discrimination. Bearing in mind that the Protocol as descriptive of the aspirations for gender equity reflected in the Revised RISDP, its effective implementation by Member States at national level has a ripple effect in supporting the efforts toward greater regional integration.

New development frameworks such as the UN Sustainable Development Goals and the aspirations of the continent presented in the African Union's Agenda 2063 provide an impetus for the SADC Gender Unit, National Gender Machineries, human rights activists and all stakeholders to track constitutional and legal reform in the region towards gender equity for greater regional cohesion and integration. All countries in the region have some constitutional provisions towards gender equality.

Continentially, it is noteworthy that the African Union has for two consecutive years, through selection of its annual theme, called upon its regional blocs to recognize both regionally and domestically the critical value and strategy of placing women and girls' advancement and empowerment at the centre of governance issues, particularly constitutional reforms, if the continent is to succeed in its plans for the future under the most significant development framework, Agenda 2063. The African Union Summit declared 2015 as the year of "Women's Empowerment and Development Towards Africa's Agenda 2063" and, building on that theme, declared 2016 as the "African Year of Human Rights with Particular Focus on the Rights of Women", thus signifying the consistency and urgency with which the AU strives to realize the aspirations of the various continental programmes, projects and activities contained in its 50-year development blueprint.

The SADC region also set as a priority the setting up of Commissions on Gender Equality as state institutions to promote women's rights. Commissions are viewed as tools that substantially strengthen democracy and a culture of human rights in a country. Most Constitutions in the region have established Gender Equality Commissions with the mandate of monitoring, investigating, researching, educating, lobbying, advising and reporting on gender and development with the aim of attaining women's empowerment and gender equality. To date, South Africa, Zambia, and Zimbabwe have established Gender Commissions, with Namibia campaigning for inclusion of one on to its national Constitution.



## 1.2 DOMESTIC LEGISLATION

### SADC PROTOCOL ON GENDER AND DEVELOPMENT PART TWO – CONSTITUTIONAL AND LEGAL RIGHTS

#### Article 6 Domestic Legislation

1. State Parties shall review, amend and or repeal all laws that discriminate on the ground of sex or gender by 2015.
2. State Parties shall enact and enforce legislative and other measures to:
  - (a) ensure equal access to justice and protection before the law;
  - (b) abolish the minority status of women by 2015
  - (c) eliminate practices which are detrimental to the achievement of the rights of women by prohibiting such practices and attaching deterrent sanctions thereto; and,
  - (d) eliminate gender based violence.

As a consequence of the need for the re-alignment of the Protocol to domestic laws, most SADC Member States have undertaken comprehensive constitutional reviews. In 2010, only two countries, Zambia and Zimbabwe, had initiated constitutional reform in line with the Protocol. Zimbabwe enacted its new progressive Constitution in 2013 and Zambia enacted an Amendment in 2016. Other Member States that undertook constitutional reform in the recent past include Madagascar, Mozambique, Namibia and Seychelles, while the process is still ongoing in Angola, Democratic Republic of Congo (DRC) and Tanzania.

The harmonization process taking place is also in line with policy objectives of the RISDP. In particular, the overall goal of the Gender Equality and Development intervention is to support the accomplishment of women's empowerment and gender equality, and the promotion of gender-responsive, human-centred development and poverty alleviation towards inclusion and social justice in the SADC region. "*Strategies include the continued domestication and implementation of regional and international policy frameworks such as the SADC Protocol on Gender and Development, and the SADC Gender Policy, and the development of a regional multi-dimensional programme on women's economic empowerment*". (RISDP 2015)

In terms of an audit checklist Member States appreciate that women's rights as provided for in the Protocol are not detached from other international human rights instruments on women's human rights, but are very much interrelated and complement other commitments made to ensure protection of women's rights at all levels. Henceforth in terms of constitutional provisions SADC Member States generally now have explicit and related constitutional provisions that promote gender equality and protection from discrimination on grounds of sex.

Below are some examples of constitutional processes that reflect a shift towards alignment of national constitutions to international normative standards. However despite these developments, the region still needs effective monitoring and evaluation strategies towards greater speed and effectiveness in the domestication of legal provisions of the Protocol.

#### Botswana

Botswana has continued to review national laws since the 1990s to repeal those that are discriminatory; key being the Constitution which was amended to include non-discrimination on the basis of sex. Other pieces of legislation include the Penal Code which among others made the offence of rape gender neutral and recognised a sexual act between an adult and a child under the age of 16 as an offence. Others include the Married Persons' Property Act 2014 which allows married persons to change their property regime; the Revised Children's Act 2009 which allows children to assume citizenship of either parent; the Domestic Violence Act 2008 which recognises



domestic violence as a crime; Abolition of Marital Power Act 2004 which gives married couples equal power in their marriage; and the Mines and Quarries Act 1996 which removed restrictions placed on women to work in underground mines.

### **Namibia**

Independence for Namibia in 1990 introduced democratic governance and abolished institutionalized discrimination. The new Constitution entrenched the rule of law and enshrined fundamental human rights and freedoms of its citizens, making special provision specifically for children's rights, gender equality and advancement of women. Discrimination on the basis of sex is unconstitutional, and all persons are equal before the law, however legal literacy is being carried out in all regions by the government together with civil society for traditional leaders, church leaders, youth in and out of school, and the community in general. Equality of men and women is guaranteed in all aspects of marriage, including its dissolution. However, in addition to legislation, the societal attitudes needed to be re-oriented, as pre-independence policies were an intrinsic part of the apartheid system, influencing the way people think and act.

### **South Africa**

Parliament has passed the Women Empowerment and Gender Equality Act. According to the introduction in the Act, its purpose is, "To give effect to section 9 of the Constitution of the Republic of South Africa, 1996, insofar as the empowerment of women and gender equality is concerned; to establish a legislative framework for the empowerment of women; to align all aspects of laws and implementation of laws relating to women empowerment, and the appointment and representation of women in decision making positions and structures; and to provide for matters connected therewith." (Women Empowerment and Gender Equality Act of South Africa 2013)

### **Swaziland**

After acceding to CEDAW in 26 March 2004, the State adopted a National Constitution that provides for the Protection and Promotion of Fundamental Rights and Freedoms 'Bill of Rights'. There is a dedicated chapter three of the Constitution on the promotion and protection of the rights of women and children.

The Constitution aligned with the CEDAW principles of elimination of all forms of discrimination against women by stating that a person shall not be discriminated against on the grounds of gender, race, colour, ethnic origin, tribe, birth, creed or religion, or social or economic standing, political opinion, age or disability. For the purposes of this section, "discriminate" means to give different treatment to different persons attributable only or mainly to their respective descriptions by gender, race, colour, ethnic origin, birth, tribe, creed or religion, or social or economic standing, political opinion, age or disability.

The Constitution provides that, "All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law." In this regard, Section 16 of the Deeds Registry Act was amended in 2012 to provide women with the legal right to register title deeds for land in their names. The amendment improved access to credit for women married in community of property and to own land in their own names. This increased from 36.28 percent in 2012 to 48.9 percent in 2014, according to statistics from the Swaziland Development and Savings Bank – Swazi Bank.

### **Zambia**

Zambia has undertaken constitutional law reforms for gender inclusivity and equality. The Constitution of Zambia (Amendment No. 2 of 2016) reflects among other key legal improvements the redefinition of the relationship between customary law, traditional practices, and constitutional law. The legitimacy of customary law and traditional practices



in Zambian society is now recognized only to the extent of their consistency with the higher values of the Constitution. Viewed from a rights perspective, this is a crucial development as it practically outlaws customs that allow negative practices such as gender-based violence, or that deny women property and inheritance rights. The Amendment Act now explicitly promotes gender equality (Article 51), while the Bill of Rights proceeds to specifically prohibit forced marriages, a customary practice to which young Zambian women and girls remain particularly vulnerable (Articles 60-61). Women are now also granted additional rights, such as the right to change the nationality of their children and to choose a family name (Article 53 (b) e).

### Zimbabwe

The guidelines to the 2013 Zimbabwean constitution assert gender equality as a founding and guiding principle, placing it as a fundamental pillar and value of the country to be enshrined in the constitution.

## 1.3 ACCESS TO JUSTICE

Over the past decade Member States have registered significant advances in policy and legislative reforms aimed at ensuring that their citizens enjoy equal access to justice. Most jurisdictions in the region now have constitutional provisions conferring the *majority status* on women and reducing discrimination which is based on the grounds of gender, sex and marital status. The alignment of the Protocol has resulted in Member States methodically dealing with contradictions posed by cultural practices in areas deemed to be personal and which tend to affect women more by providing clear constitutional provisions that overrides such. These Supreme laws in the region generally have set the pace and tone for creating a legal atmosphere that ensures removal of the dualist approach of modern law and customary law running parallel to each other. Hence:

- ❖ Constitutions being the supreme law of the land, generally now overrides laws, traditions cultures, social norms, religious practices and other considerations that clash with progress on the development of legal rights as they pertain to women.
- ❖ Constitutions are now the catalyst for ensuring that women in the region have the same opportunities and advantages as their male counterparts.
- ❖ These Constitutional law reforms towards women's human rights expose the ideology pervading many an African ethos that the personal is private, by asserting legally that the personal is actually public, and without a firm women-centred approach in an atmosphere of life whether public or private, the development of the region towards certain agreed objectives on regional integration and development will remain a dream.
- ❖ Constitutions are the catalyst for access to the equality discourse framed in the protocol.

The SADC Protocol on Gender and Development seeks to ensure that women have access to justice including equality in judicial, quasi-judicial and other proceedings including customary and traditional courts, affordable legal services and equitable representation in the criminal justice system.

### 1.3.1 Legal Aid Schemes

Most jurisdictions in the region offer some kind of Legal aid, which is statutorily provided for. For example, Namibia offers legal aid for criminal, civil and divorce cases to unemployed people and for low-income-earners below a specific threshold. The Legal Board of South Africa offers free representation in criminal cases where one cannot afford, subject to passing a means test based on income. In Swaziland, legal aid services are provided by the Law Department of the University of Swaziland free of charge to vulnerable clients and the Legal Aid Draft Bill is in process. Non-governmental organisations have trained paralegals who provide legal advice to



women on pro-bono cases. Provision of legal Aid still presents challenges to women in the region in accessing justice as services are often different by area. A means test might exclude women who genuinely need representation and cannot afford it but are excluded by criteria that might assume they don't qualify.

Economic challenges are fast swallowing some lower middle class and working sectors who can be affected by the means test. In Botswana, Legal Aid does not cover criminal cases thereby exposing poor women needing representation in criminal matters with serious challenges in accessing justice in criminal courts which might often carry with it possibilities of incarceration. In Angola, an indigent accused must prove their economic status by making *etestado do pobreza* (statement of poverty) which the accused can obtain from the administrator and present to the presiding judge.

### 1.3.2 Access to Courts

An inventory across the region also shows that courts are often still very far for rural women, as most courts are still populated in urban areas. Even in urban areas where courts are usually populated, certain categories of women cannot access them easily because of the adversarial nature of formal courts which of necessity would require them to secure services of a lawyer which they cannot afford. For rural women in the region the fact that the main option to justice is traditional, that is chiefs' courts which in some instances still have limited power to try basic cases, placing the women in a difficult situation as traditional authorities are custodians of customary law applications, and may lack the broader legal framework in the absence of a referral system. Legal illiteracy and a lack of knowledge about their rights and where to seek recourse are still some of the challenges facing women. However, most Member States are trying to remedy this through legal knowledge outreach programs by their judicial service commissions and other stakeholders, usually non-governmental organizations.

### 1.3.3 Lack of Women Arbitrators

It is also significant to note that a scan across SADC Member States shows that there is still gender bias in the justice delivery system, with a low representation of women in management positions of the judiciary and those sitting on the bench. So far, Seychelles is the only country whose Chief Justice of the Supreme Court is a woman, followed by Zambia whose Deputy Chief Justice is a woman, appointed to office in 2015. Botswana and Mozambique are the only Member States with a woman Attorney General.

In 2010, Tanzania had more women judges than men with 55.6 percent representation at the Court of Appeal and 56 percent at the High Court. As a result of these numbers the women judges in that country organized themselves into the Tanzania Women Judges Association (TAWJA). Zimbabwe is moving in this direction with women judges currently standing at 48 percent, with 26 female judges and 28 male judges. South Africa's women judges constitute 34 percent made up of 81 female judges and 157 male judges. Elsewhere in the region figures are lower, with Swaziland's female judges currently standing at 20 percent and Namibia is at 15 percent.

Greater representation of women in the judiciary and on the bench and other sectors of the justice delivery system can lead to greater access to justice intervention options by fostering greater confidence in women to approach the courts who would otherwise be intimidated by the very male-centred outlook of the personnel of the courts. In addition, it is the contention that an increase in women judges can lead to greater ethos for gender-aligned judgments and accelerate the uptake of the judiciary and legislative transformation of laws that Member States are working so hard to put in place. This is because women's access to justice is not facilitated primarily by the various legislative enactments, but by the State's capacity to weave them into accessible national tools that shift structural inhibitors to women's access to its facilities.

#### Tanzania Women Judges Association

The Tanzania Women Judges Association (TAWJA) routinely collects decisions that affect women and children and ensures that judges and magistrates know about them.



#### 1.4 MARRIAGE AND FAMILY LAWS

In most SADC Member States, marriage is governed by parallel legal regimes of statutory, customary and at times religious law. Most marriages in the region continue to be solemnised under customary law. Usually, customary and religious laws are not written therefore are subject to a variety of interpretations and application. There is a mixed picture on equal rights within marriage in the region but in most cases, women married under customary law have fewer rights than those married under civil law (SADC Gender Monitor, 2009)

One of the noteworthy achievements of the SADC Protocol on Gender and Development is that it has triggered a revolution with court judgments in the region in favour of women and children in the area of marriage and family laws. Southern African countries are quite advanced in promoting gender equality in the sphere of Marriage and Family Law, because constitutions and their review processes are making redundant the earlier practice of allowing Marriage and Family Rights to be governed solely by customary and/or religious laws.

Constitutions are moving towards greater equity in Marriage and Family Law because of the equality clauses and the general abrogation of customary law insofar as its application is concerned. Zimbabwe, for instance, now recognizes contentious legal issues for women such as marriage, property, personal security and bodily integrity. As a result, the Law Commission of Zimbabwe is making proposals for the fusion or harmonization of the customary law with general laws of that country. The National Gender Machinery is working with other stakeholders to ensure that laws of that country are harmonized with the provisions of the Constitution to eliminate contradictions within statutory law that might create ambiguity in the application of law.

Despite this constitutional progress, some countries in the region still battle with the challenge of contradictions in their legal systems caused by the clash between customary law and general law. Lesotho and Malawi still uphold customary law in such a way that it could violate women's rights in relation to marriage and family, pregnancy, death and inheritance, despite equality clauses in their constitutions. Swaziland also upholds both customary and civil rights law and is currently reviewing the Marriage Act and Administration of Estate Act to be aligned with the internationally adopted legal instruments and the Constitution. For example, the Constitution has abolished the status of illegitimacy for children born out of wedlock. Botswana is also still affected by this dualism. Section 15 of the Constitution provides the right to non-discrimination on the grounds of sex. However, there are inconsistencies in treatment of some matters handled by Traditional Leaders. The judiciary is faced with the unenviable position of trying to harmonize the law in favour of the new regional standards. The case below illustrates and makes a strong case for Member States to tackle the issue through dealing with dualities in legislation.

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#### **Constitution of Botswana, Section 3 *Mmusi and Others v Ramantele and Others***

*Mmusi and Others v Ramantele and Others* challenged a Ngwaketse customary law that grants the youngest born son the right to inherit the family home, which clearly violates the right to equality enshrined in Section 3 of the Botswana Constitution.

At issue was the claim by Edith Mmusi and her two sisters, all of whom are over 65 years old, that they have lived in the family home and have spent their money on improving the homestead and thus should inherit it. Their claim was being challenged by their nephew based on the inheritance law. The Attorney General put forward the assertion that Botswana society was not ready for equality. The judge refused the argument, stressing that the judiciary has a duty to tackle gender inequality and that discrimination could not be justified on cultural grounds.

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Below is another example, with a narration of a judgment by the Zimbabwean Courts that has potentially revolutionary implications towards inheritance rights for children across the region, seen as having been triggered by processes related to the implementation of the Protocol.

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**New inheritance rights for children born out of wedlock: *Bhila v Master of High Court and Others*** The High Court of Zimbabwe has ruled that children born in and out of wedlock now have the same right to their parents' estate and property should be shared equally without discrimination. A Harare widow, Mrs. Bhila, tried to bar her late husband's three children born out of wedlock from benefiting from their father's estate. The judge frowned at the outdated belief of viewing children born out of wedlock as "bastards", "devils" and "illegitimate". The Judgment was based on section 56(3) of the Constitution of Zimbabwe which reads,

*"Every person has the right not to be treated in an unfairly discriminatory manner on such grounds as their nationality, colour, and tribe, place of birth, ethnic or social origins...or whether they were born out of wedlock."*

It was ruled that the common law of excluding children born out of wedlock violated their constitutional rights to protection of the law and freedom from discrimination. The court ruled that the three children were therefore entitled to free residue of the estate.

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## 1.5 CHILDREN IN SADC

All SADC Member States have ratified the Convention on the Rights of the Child (CRC) 1989, and the African Charter on the Rights and Welfare of the Child (1990). SADC is also part of the continental bloc of the African Union and ascribes to Agenda 2063 as a guiding policy framework. The vision of Africa expressed in Agenda 2063 is one of an Africa whose development is people-driven, especially relying on the potential offered by its women and youth. Agenda 2063 envisages a future of progress where there will be gender equality in all spheres of life and an engaged and empowered youth. This vision consolidates all other frameworks on rights and welfare of children on the continent.

SADC Member States have developed progressive policies to protect children, in particular the girl child, but in some instances these rights are abrogated by other circumstances, such as a difficult economic atmosphere. Despite the best intentions of Article 11 of Protocol towards the girl and boy child the challenges are there that might expose children of the SADC region to a myriad of difficulties. This is in particular around food security and job losses due to unyielding economies, shortages of adequate shelter, access to health. Another of children's rights that is facing detraction is access to education as the economic challenges facing some SADC Member States have led to massive school dropouts resulting in an explosion of children living in the streets. Challenges with non-functional Social Welfare structures as a result of the economic downturn means child-headed households are particularly exposed as governments grapple with other issues they deem priority.

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### Child Marriages

All forms of gender-based violence and discrimination (social, economic, political) against women and girls will be eliminated and the latter will fully enjoy their human rights. All harmful social practices (especially female genital mutilation and child marriages) will be ended and barriers to quality health and education for women and girls eliminated. (AU Agenda 2063 Aspiration 6:51)

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The implementation of the SADC Protocol and more recently Agenda 2063 have shed greater light on the challenge of child marriages, with some Member States defending the practice while most are opposed. Following the launch of the African Union campaign to end child marriages, most SADC Member States have expressed their support, with countries such as Malawi, Madagascar, United Republic of Tanzania, Zambia and Zimbabwe joining other African countries in launching the African Union campaign to End Child Marriages. In Swaziland, the marriageable age is 21 years. According to the Marriage Act 1964, no person under the age of 16 years can get married. Persons who are under the age of 21 years need to get consent from their legal guardians to get married. However, in terms of the Children Protection and Welfare Act No.6/2012, a child is a person below the age of 18.

SADC Member States responded with clear commitments after the campaign, with legislative commitments that have established the age for marriage at 18 or above in most Member States, with Namibia setting the age of marriage at 21 for girls and boys, with laws that seek to criminalize any obduracy or violations by guardians or other offenders. As a result, opportunities for girls and young women to secure their future and become significant economic and development players have become clearer and concrete in SADC. In line with these developments there is now a draft SADC Model Law on Eradicating Child Marriages and also protecting those in marriage drafted by the SADC Parliamentary Forum. This model is available to respective national Parliaments.

## 1.6 PERSONS WITH DISABILITIES

Article 9 of the Protocol compels State Parties to adopt legislation and policies to protect persons facing challenges of disability. Most constitutions in the region provide for the rights of people with disabilities as well as anti-discrimination clauses for people with disabilities. Even though none of the constitutions in the region previously had gender provisions to address issues faced by disabled women, the wave of constitutional reform with the attendant equality clauses can be argued for women with disabilities. At a regional level, stakeholders are making a strong case for the development of a policy framework for the SADC Disability Protocol (Southern Africa Federation of the Disabled: SAFOD 2015). The development of a framework will ensure adequate policy and legislative direction to State Parties and other stakeholders in the region to ensure that persons with disabilities are afforded the rights outlined in the

Convention on the Rights of Persons with Disabilities (CRPD).

This is also in line with the objectives of Agenda 2063 to protect all citizens, including persons with disabilities. According to the report of the meeting of the Committee of Experts held during the African Development Week 2016, the First Ten Year Implementation Plan of Agenda 2063, under the priority area Social Security and Protection including persons with disabilities, will ensure that at least 30 percent of vulnerable people including people with disabilities are provided with social protection by 2023.

## 1.7 LEGAL AND POLICY FRAMEWORK ON CONSTITUTIONAL AND LEGAL RIGHTS

Most SADC Member States have constitutional clauses on equality and non-discrimination, and some have put in place legislation, policies and programmes aimed at increasing the level of participation of women in political and decision-making positions in the public sector. All SADC Member States are party to international, continental and regional gender instruments, but many have not yet incorporated the relevant clauses into their national laws. Thirteen Member States have signed the SADC Protocol on Gender and Development, except for Botswana and Mauritius; while two Member States that have signed have not yet lodged instruments of ratification with the SADC Secretariat (DRC and Madagascar).



Legal and Policy Frameworks Audit on Articles 4–11 of the SADC Protocol on Gender and Development

Country	Ratification/ Accession	Constitutional Developments	Affirmative Action	Equality in Accessing Justice	Marriage and Family Rights	Persons with Disabilities Laws	Widows' and Widowers' rights	Girl and Boy Child Rights
<b>Angola</b>	2010	Equal rights without discrimination; equality under the law; no discrimination on the basis of sex and other factors		Article 29 of the 2010 Constitution ensures access to law and courts and effective judicial protection for men and women.	Family Code provides equality between men and women. Property may be divided equally post-divorce without court interference.	Convention on the Rights of Persons with Disabilities 2012. The new Constitution adopted in 2010 contains detailed provisions for protection and rights of PWDs.	Family Code provides equality of men and women. However inheritance rights for widows and divorced women are problematic in that widows inherit land but only in trust for children. Succession law exposes women to the cultural practice of surrendering property to relatives of deceased husbands.	Signatory to UN CRC and ACRWC. CRC can be enforced directly in courts. Constitution 2010 makes specific reference to rights of the Child, but pieces of legislation on children still need to be harmonized. Civil code sets legal age of marriage at 16. Girls younger may marry in terms of the law, contrary to the provisions of CRC.
<b>Botswana</b>	Not Party to Protocol	The Constitution under Section 15(3) prohibits discrimination on the basis of sex among others.	Broadly developed to include women as a marginalized group together with other categories such as remote area dwellers, people with disability, orphans and vulnerable children.	Provides legal aid services for Custody of Children, Adoption of Children, Child and Spousal maintenance, Access/Visitation to minor children, Domestic Violence, Divorce, Wills and Estates, Marriage and other family issues.	Abolition of Marital Power Act 2004 removes the husband as head of the family and sole guardian of the children. The Act also provides women equality on property rights. Under common law, divorce rights are equal for women and men.	Botswana has ratified Convention on the Rights of Persons with Disabilities. The Country currently has a draft of The Revised National Policy on Disabilities. The Draft Policy aims to mainstream disability for sustainable development.	The Abolition of Marital Power Act 2004 grants women and men equal inheritance rights, and gives women equal power to dispose the assets of joint estate.	Signatory to UN Convention on the Rights of the Child (CRC) with reservation on Article 1, and the African Charter on the Rights and Welfare of the Child (ACRWC). Nationally enacted Children's Act 2009 and other related legislation to work hand in hand with children's council.
<b>DRC</b>	Signed, not Acceded	Constitution (2006), Article 14) requires that the State ensures the equality of gender representation at all levels – national, provincial and local.						
<b>Lesotho</b>	2010	Lesotho is a constitutional monarchy with central and local spheres of governance. A number of laws have been enacted to enable the participation of women in decision-making at both levels.	Section 26 of Constitution compels the State to take measures to promote equal opportunity for disadvantaged groups in society including women, to enable women to participate in all spheres of public life.	Section 26 of 1993 Constitution as amended in 2004 calls upon the state to adopt policies aimed at promoting equality and justice.	Governed by the Married Persons Equality Act 2006 which abolishes the marital power of the husband and provides women with economic rights.	Section 33 of the Constitution makes provision for the rehabilitation, training, social resettlement of persons with disabilities. However Lesotho does not yet have national legislation on disability rights.	Lesotho Land Act 1997 allows widows to stay in the matrimonial home provided they do not marry.	Signatory to UN CRC and ACRWC. The Children's Protection and Welfare Act in Lesotho is aligned to the above treaties and defines the state's role in provision of social services and strengthening the capacity of families and communities to care and protect all children.
<b>Madagascar</b>	Signed, not Acceded	Article 6 of Constitution of 2010 guarantees equality based on gender.	Affirmative Action Educational Policy for Universities	Advocacy and campaigns underway.	Advocacy and campaigns underway.	Protected by general laws	No specific laws enacted to protect Widows' and Widowers' Rights	Preamble to the Constitution of 2010 talks about protection of children's rights in terms of the Malagasy culture.



Country Accession	Ratification/ Developments	Constitutional Accessing Justice	Affirmative Action	Equality in Family Right	Marriage and Disabilities Laws	Persons with Widowers' rights	Widows' and Child Rights	Girl and Boy
<b>Malawi</b>	2013	Constitution of 1994, and amendments, offers equal protection to all peoples of Malawi and prohibits discrimination on the basis of sex and other factors. Gender equality to be achieved through "full participation of women in all spheres of society on the basis of equality with men".		Malawi Legal Act 2010 makes provision for granting of legal aid in civil and criminal matters to persons whose means are insufficient, including women to enable engagement of private legal practitioners.	Marriage, Divorce and Family Relations Act of 2015 requires marriages to be registered and gives equal status to husbands and wives.	Chapter 111/13g of the Constitution promotes the adoption of policies and legislation for people with disabilities. Ministry for Social Development and People with Disabilities  National Policy on equalization of Opportunities for Persons with Disabilities 2006 which is rights-based. Also has Special Needs Education Policy.	Marriage, Divorce and Family Relations Act of 2015 stipulates that a widow can inherit her husband's property if he dies.	Signatory to UN CRC and ACRWC. Marriage, Divorce and Family Relations Act 2015 outlaws child marriages by setting the age of consent at 18.
<b>Mauritius</b>	Not Party to Protocol	Constitution Section 16(3) affords legal protection against discrimination, defined as "...affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of origin, political opinion, colour, creed or sex,"	Constitution and Local Government Act 2011 allow for affirmative action. The Act requires political parties to field a minimum of one-third women candidates and one-third men for municipal and village council elections. Equal Opportunities Act 2008 and National Gender Policy Framework of 2008 aimed at addressing a wide range of discriminatory practices.	Legal Aid Amendment Act 2012 provides access to Legal Aid after a means assessment. Act does not make any special reference to women.	Governed by the Divorce and Judicial Separation (Miscellaneous Provisions) Act No 2 of 2011 and also the Mauritian Civil Code that grants women equal rights as men at divorce.	Ratified the Convention on the Rights of Persons with Disabilities in 2010. Also enacted the Training and Employment of the Disabled Persons Act, which states that an enterprise having a workforce with strength of 35 or more should include at least 3 percent people with disabilities. Act does not specifically refer to women.	According to the Mauritian Civil Code Article (731) widows and widowers inherit the property of the deceased spouse whatever the circumstances and the matrimonial regime, even if deceased did not leave a will. In theory there are no legal or customary restrictions that favour male heirs over females. Sons and daughters have the same rights of inheritance.	Signatory to UN CRC and ACRWC. The Civil Code sets the age of marriage at 18 though a 16-year-old can get married with the consent of parents or if a judge in chambers considers it to be in the best interests of the minor to get married. Girls and boys have equal rights of inheritance.
<b>Mozambique</b>	2010	Constitutional guarantees of equal rights for men and women, and a unified legal system balancing a modern concept of state with traditional or customary values, achieved by 1995. Articles 35 and 36 of the Constitution provide for the equality of rights and gender equality.			Governed by the Mozambique Family Code. The Act provides for gender equality in all matters of family law, consent to marriage, sharing of household goods. The Act prohibits all practices that discriminate against women.	Article 66 and 2133 of the Civil Code grants widows and widowers equal rights to inheritance but the existence of customary practices still discriminate against women.	Article 66 and 2133 of the Civil Code grants widows and widowers equal rights to inheritance but the existence of customary practices still discriminate against women.	
<b>Namibia</b>	2009	Constitution has provisions on gender equality, non-discrimination and affirmative action, provides that all persons shall be equal before the law, and no persons may be discriminated against on the basis of sex, race, colour, ethnic origin, religion, creed or social or economic status; and empowers Parliament to enact legislation that leads to the "advancement of persons within Namibia who have been socially, economically or educationally disadvantaged."	Constitution, Article 8, 10, 14, and 23. Affirmative Action Act. Local Authority Act. Affirmative Act. Affirmative Act 29 of 1998 requires employers to prepare affirmative action plans setting forth steps to improve representation of women.	Article 8, 10, 14 of the Constitution	Married Persons Equality Act 1 of 1996 gives equal guardianship to mothers and fathers in both civil and customary marriages—advances equality in ownership of land by married couples.	Affirmative Action Act No. 29 of 1998 requires employers to prepare plans setting forth steps to improve the representation of people with disabilities in the workforce. This is monitored by Government through the Employment Equity Commission and the National Disability Council Act No. 26 of 2004	Communal Land Reform Act of 2002 entitles widows the right to stay on communal land allocated to their deceased husband even if they remarry.	Signatory to UN CRC and ACRWC. Section 15 of the Constitution recognizes children's rights through harmonization of national laws with CRC. Namibia is enacting the Children's Care and Protection Status Bill (CSB); No. 3 of 2015 (CCPA)

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Country Accession	Ratification/ Developments	Constitutional Accessing Justice	Affirmative Action	Equality in Family Right	Marriage and Disabilities Laws	Persons with Widowers' rights	Widows' and Child Rights	Girl and Boy
<b>Seychelles</b>	2011	The Constitution of Seychelles (1993) makes no provision for quotas to advance the representation by women in publicly elected bodies, nor are there other legal provisions, yet Seychelles has the highest representation of women in Parliament.		Article 27 of the Constitution grants women access to justice and equal protection before the law.				Signatory to UNCRC and ACRWC.
<b>South Africa</b>	2011	Constitution affords protection against discrimination on the grounds of race, colour, ethnic or social origin, sex, religion, marital status, pregnancy, disability or language, and provides for the judiciary to reflect broadly the racial and gender composition of South Africa.	Preferential Procurement Policy Framework Act 5 of 2000 provides for preferential treatment of historically disadvantaged groups, such as women, in procurement transactions. Codes of Good Practices published 2007 to assist and advise private and public sector in implementing the BBBEE Act. Code provides for affirmative action in context of PPPPE Act.	Judicial Matters Second Amendment Act No 43 of 2013 for the establishment of Sexual Offences Court to guide the inter-sectional establishment, resourcing and management of these courts. The South Africa Legal Aid Board in existence to provide free legal service to the less privileged, including women.	Civil Union Act of 2006 Customary Marriage Act 53 of 1998, recognizes and protects women in customary marriages, including those in polygamous unions.	Preferential Procurement Policy Framework Act 5 of 2000 provides for preferential treatment of historically disadvantaged groups as such as people with disabilities.	In order to bring legislation in line with the Constitution, the Reform of Customary Law of Succession and Regulation of Related Matters Act came into operation in 2010. The Act abolishes the customary law of primogeniture as it applies to law of succession and gives widows and daughters equal inheritance rights with widowers and sons.	Signatory to UN CRC and ACRWC. The Children's Act 38 of 2005 provides broad framework for the protection of children's rights including of the girl child. Gives effect to certain rights contained in the Constitution. Defines parental responsibilities and rights to make further provisions for children's courts South Africa Schools Act of 1996 makes school compulsory for children aged 7-15 while reducing discrimination against girl child.
<b>Swaziland</b>	2012	Constitution contains legal provisions on gender equality, non-discrimination, and affirmative action, specifies that women have the right to equal treatment and equal opportunities in political, economic and social activities. Under section 28, a woman shall not be compelled to undergo or uphold a custom to which she is in conscience opposed.	Twelve legal provisions on gender equality, no discrimination, and affirmative action. Sections 20,28,60,84 of Constitution provide broadly for affirmative action. Section 28 in particular provides for equal opportunities for women and men in political, economic and social spheres.			Constitution forbids discrimination based on disability. National Development Strategy 1997 recommends measures to improve lives for those with disabilities. Calls for enactment of legislation to ensure equal opportunities for people with disability. Contains policy on Special Education and Accessibility to promote integration of disabled persons into mainstream education.		



Country Accession	Ratification/ Developments	Constitutional Accessing Justice	Affirmative Action	Equality in Family Right	Marriage and Disabilities Laws	Persons with Widowers' rights	Widows' and Child Rights	Girl and Boy
<b>Tanzania</b>	2010	Constitution emphasises the equality of women and men. Tanzania was the first MS to add a constitutional clause that specifies a minimum 30% representation by women in the National Assembly ( <i>Bunge</i> ).	Affirmative Action is largely centred on National Policy on Education that allows girls to choose any technical training, to achieve gender balance in education.	Legal Act Chapter 34 provides for Legal Aid in criminal and civil proceedings and any chambers.	Marriage Act 1971 recognizes equality between spouses in a polygamous union (Article 57) but does not address the equal rights of men and women at dissolution as it allows the courts to apply customs of parties when deciding division of matrimonial property.	Persons with Disabilities Act Chapter 65. Law continues the existence of Zambia Agency for Persons with Disability. Acts promote the participation of persons with disabilities in all spheres of life and also provides for mainstreaming of disability issues of national policies at sustainable level. Act incorporates a gender perspective in the promotion of rights for people living with disabilities.	Draft Constitution tabled includes a section that gives women the power to own and inherit land just like their male counterparts.	Signatory to UN CRC and ACRWC. Has adopted a national strategy to end child marriage. "National Strategy on Ending Child Marriage in Zambia 2016-2021"
<b>Zambia</b>	2012	The 1991 Constitution of (as Amended to 1996) contains a general equality clause that outlaws discrimination on basis of sex, among other factors. Constitution of Zambia Amendment 2 of 2016 deals with dualism of laws and outlaws customary law that negatively impacts on gender equality particularly on marriage, property and inheritance.	Affirmative Action is largely centred on National Policy on Education that allows girls to choose any technical training, to achieve gender balance in education.	Legal Act Chapter 34 provides for Legal Aid in criminal and civil proceedings and any chambers.	Marriage Act (Cap 50), Matrimonial Causes Act are some of the laws that govern marriage and family laws.	Persons with Disabilities Act Chapter 65. Law continues the existence of Zambia Agency for Persons with Disability. Acts promote the participation of persons with disabilities in all spheres of life and also provides for mainstreaming of disability issues of national policies at sustainable level. Act incorporates a gender perspective in the promotion of rights for people living with disabilities.	The Constitution of Zambia supports property rights for widows and prohibits gender-based discrimination. However customary practices often abrogate these rights.	Signatory to UN CRC and ACRWC. Has adopted a national strategy to end child marriage. "National Strategy on Ending Child Marriage in Zambia 2016-2021"
<b>Zimbabwe</b>	2009	The 2013 Constitution and other laws address most provisions in the Protocol. Constitution provides for equality, non-discrimination, based on sex, gender, marital status and pregnancy, and provides for gender balance in all spheres. Guidelines to the Constitution assert gender equality as founding and guiding principle, as a fundamental pillar and value of the country to be enshrined in the constitution.	S124 of the Constitution provides for affirmative action including in the political sphere by providing 60 additional seats for women in the House of Assembly, and a "zebra" list of women and men candidates for Senate. All national Commissions appointed must be 50:50. The Judiciary must reflect the "diversity and gender composition" of the country.	Access to justice, as a founding principle in the Constitution, Domestic violence, Act, (Cap5:16) Criminal Law Codification and Reform Act, are some of the Acts that set out access to justice for women. Section 7 of the Legal Aid Clinic provides for women to access the justice delivery system free of charge.	Governed by the Marriage Act (Cap 5:11) under general law, and Customary Marriage Act (Cap5:07) under customary law. Rights and duties depend on type of marriage. Many marriages in Zimbabwe are unregistered customary law unions deemed inferior to other marriage regimes, thus exposing women in inequitable situations, particularly distribution of property upon dissolution of these unions. Constitution upholds gender equality contrary to this position, calling for a need to align laws.	Ratified the Convention on the Rights of Persons with Disabilities (PWDs) in 2013. Section 83(b) of the Constitution guarantees the rights of PWDs to education, health care, and freedom from abuse. However there is need for domestication of the Treaty and the Constitution to have practical application to align the Disabled Persons Act (Chap 17:01) to reflect the human rights approach of the Constitution.	The Zimbabwe Administration of Estates, Act No 6 of 1997 stipulates that if a spouse dies without a will, the surviving partner inherits their immovable property. However 86 percent of the country's women who live on communal land are excluded from protection as legislation is silent on land rights. The new Constitution provides for equality of sexes, calling for the laws to be revised to reflect this position so that the legal infrastructure is fully aligned to the protocol.	Signatory to UN CRC and ACRWC. Sect 19 and 20 of the national objectives of the Constitution compels the State to adopt policies for the best interests of the child. The first country in the region to constitutionally outlaw child marriages by striking down section 22(1) of the Marriage Act (Cap 5:11) which allowed child marriages.

### 2.1 WOMEN IN POLITICAL AND DECISION-MAKING PROCESSES

SADC Member States continue to make progress towards representation by women in political and decision-making positions at various levels of governance, including the main institutions of State, which are the Legislature (Parliament), the Executive (Cabinet) and the Judiciary (Courts), but this fell short of the 50:50 target for 2015.

Performance continues to be mixed across the region with some Member States doing well in facilitating quantitative and qualitative gender parity in decision-making positions, and others not so well. All Member States show achievements towards gender parity in some part of the spectrum of governance.

A trend and situational analysis in this section shows the extent of participation by women in positions of leadership and decision-making in Member States; a comparative analysis is used to locate the participation of women in national and local governance structures, including Parliaments, Cabinet, the Judiciary, Public Service, and Local Government.

The tables and graphs of available data that is reliable and verifiable, as presented in this section, illustrate the limited but growing participation of women in structures of power and decision-making, largely depending on political will and professional structures at various levels as well as the determination of qualified women to participate.

In elected positions of authority, the pendulum swings forward and back in some countries, with others having sustained a steady path towards gender equality and equity for more than 20 years. At management level, women are seen mainly in the middle and lower positions, with few women in top management of the public and private sectors, although attitudes are changing.

Patriarchal aspects of traditional cultural systems and male-dominated structures of modern governance are still a factor, although this too is changing, even changing rapidly in some parts of the region, more slowly elsewhere. Other challenges are the continuing structural rigidities within political parties, and lack of political will at various levels. Role modelling has improved as women have entered positions of authority, and it is now generally accepted at national level that the participation of women in decision-making in the public and private sectors adds value to policy frameworks and implementation in all sectors.

Progress has been made due to the efforts and commitment by all SADC Member States in this regard, whether or not they are party to the SADC Protocol on Gender and Development, and regardless of their perspective on the target dates, whether too near or too far. The 50:50 target was upgraded from 30 percent by SADC Heads of State and Government in 2005 to align it with the African Union (AU) gender parity principle. The target seeks to ensure that at least 50 percent of decision-making positions in the public and private sectors are held by women in the near future to support the SADC commitment to end discrimination in the region.

In order to achieve these targets the SADC Gender Unit developed the “SADC Regional Framework for Achieving Gender Parity in Political and Decision-Making Positions by 2015.” The Framework recognizes that the participation of women in political and decision-making positions is one of the critical areas of concern in the SADC region. It has been consistently demonstrated globally that the under-representation of women in political and decision-making positions has an adverse effect on national development as a whole.

#### Article 12 Representation

1. States Parties shall endeavour that, by 2015, at least fifty percent of decision-making positions in the public and private sectors are held by women including the use of affirmative action measures;
2. States Parties shall ensure that all legislative and other measures are accompanied by public awareness campaigns which demonstrate the vital link between the equal representation and participation of women and men in decision-making positions, democracy, good governance and citizen participation.

#### Article 13 Participation

1. States Parties shall adopt specific legislative measures and other strategies to enable women to have equal opportunities with men to participate in all electoral processes including the administration of elections and voting;
2. States Parties shall ensure the equal participation of women and men in decision-making by putting in place policies, strategies and programmes for:
  - (a) building the capacity of women to participate effectively through leadership and gender sensitivity training and mentoring;
  - (b) providing support structures for women in decision-making positions;
  - (c) the establishment and strengthening of structures to enhance gender mainstreaming; and
  - (d) changing discriminatory attitudes and norms of decision-making structures and procedures.
3. States Parties shall ensure the inclusion of men in all gender-related activities, including gender training and community mobilisation.

## 2.2 WOMEN IN PARLIAMENT IN SADC MEMBER STATES

Progress towards the equal participation of women in Parliament has been slow in some cases, but significant in others, and generally higher than the proportion of women in the Executive or the Judiciary.

Representation by women in the Lower House of Parliament ranges from more than 40 percent in Seychelles, South Africa and Namibia to less than 10 percent in Botswana, Democratic Republic of Congo (DRC) and Swaziland. Half of the SADC Member States were getting closer to the target of gender parity in Parliament by 2015, having reached above the 30 percent threshold initially set by SADC leaders. These are Seychelles, South Africa, Namibia, Mozambique, Angola, United Republic of Tanzania, and Zimbabwe (Table 2.1, illustrated in Figure 2.1).

In terms of sustainability, it can be seen from Table 2.1 that South Africa and Mozambique made an impact more than 20 years ago which has been sustained into the present with 42.4 percent and 39.6 percent women in Parliament, respectively. This was due to their electoral systems of proportional representation and the policies of their leading political parties to overcome gender discrimination through having a fixed quota of women on their nomination lists – at first, one in three names were female and thereafter one in two.

This resulted in those two SADC Member States being among the top seven countries in the world in 1995, with the highest representation by women in Parliament, then 24.4 percent in Mozambique and 24 percent in South Africa.

Seychelles, too, has been in this category of sustainability, having achieved 27.3 percent women in Parliament by 1997, when the country joined SADC. Seychelles continued its upward trajectory towards gender equality until the number of women in Parliament increased to 43.8 percent following the last election in 2011, where it remains in 2016.

Zimbabwe increased the proportion of women in the National Assembly and Senate in 2013, doubling both figures through changes in the electoral system to include proportional representation based on the total number of votes per party per





Women in Parliament in SADC Member States, 1995–2015

Table 2.1

Country (No. of Women MPs 1995)	Women MPs 1997(%)	Women MPs 2000(%)	Women MPs 2006(%)	Women MPs 2009(%)	Women MPs 2012 (%)	Women MPs 2015(%)	Women MPs 2015	Total Seats Parliament 2015
Angola (7)	9.7	15.4	12.3	38.2	34.1	36.8	81	220
Botswana(4/47)	9.0	18.2	11.3	7.9	9.5	9.5	6	63
DRC	–	–	12	8.4 (L) 4.6 (U)	10.4 (L) 4.6 (U)	8.9 (L) 4.6 (U)	44 (L) 5 (U)	492 (L) 108 (U)
Lesotho (3/65 L, 8 U)	12.0	10.3	14.0	25.0	25.8 (L) 27.3 (U)	25.0 (L) 24.2 (U)	30 (L) 8 (U)	120 (L) 33 (U)
Madagascar	–	–	24.0	7.87	–	20.5 (L) 19.0 (U)	31 (L) 12 (U)	151 (L) 63 (U)
Malawi (10/76)	5.2	8.3	15.0	26.0	22.3	16.7	32	192
Mauritius	7.6	7.6	17.1	17.1	18.6	11.6	8	69
Mozambique(61/250)	28.4	28.6	32.8	39.2	39.2	39.6	99	250
Namibia(6/72)	19.4	19.2	31.0	24.4	24.4 (L) 26.9 (U)	41.3 (L) 23.8 (U)	4310	10442
Seychelles	27.3	24.0	29.4	23.5	43.8	43.8	14	32
South Africa(101/400)	27.8	29.8	32.8	42.3	42.3 (L) 32.1 (U)	42.4(L) 35.2 (U)	16919	39954
Swaziland	19.0	7.3	19.0	13.6	13.6 (L) 40.0 (U)	6.2 (L) 33.3 (U)	410	6530
Tanzania (28/248)	16.3	21.2	30.4	30.4	36.0	36.6	138	377
Zambia	18.1	10.0	12.0	14.0	11.5	12.7	20	158
Zimbabwe (22/150)	14.0	10.7	16.0	15.2	15.0 (L) 24.7 (U)	31.5(L) 47.5 (U)	8538	27080

(L) Lower House (U) Upper House  
 Half of the SADC Member States use a single Parliamentary system without an Upper House  
 --no data Note that Madagascar joined SADC in 2005

Source National progress reports on implementation of the SADC Protocol on Gender and Development; National Parliaments; *Southern Africa Today* (SADC/SARDC), since 1997; *SADC Gender Monitor* 1999, 2001, 2006, 2009, 2013; *Status of Women in Southern Africa, Information Briefs*, 1995, produced for SADC by the Southern African Research and Documentation Centre (SARDC) programme on Women in Development Southern Africa Awareness (WIDSAA).

province and the use of a “zebra” list for the Senate, alternating women and men candidates, starting with a woman at the top of the list, which raised the proportion of women in the Upper House to 47.5 percent.

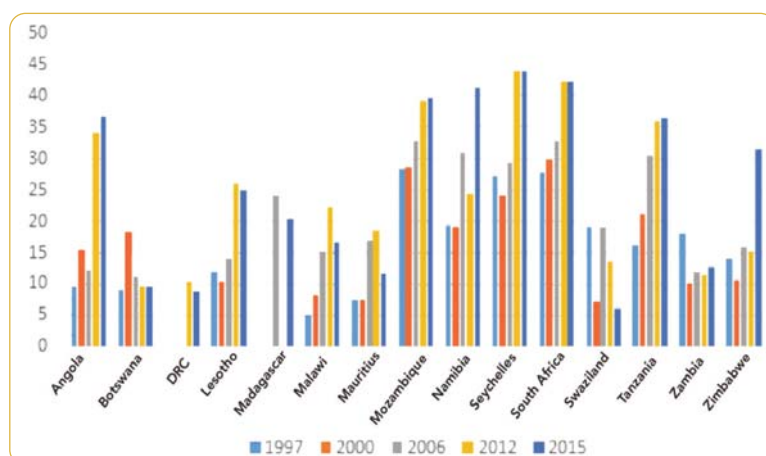
Namibia achieved impressive results in 2014 through the adoption of the gender parity principle by the ruling party which uses the “zebra list” for the party list for Members of Parliament, alternating male and female candidates in its proportional electoral system that almost doubled representation by women in the Lower House to reach 41.3 percent. The representation by women in the National Council was slightly lower at 23.8 percent

Tanzania has been consistently above 30 percent since that figure was introduced to the Constitution through an amendment in 2005, and sustaining the proportion of women in the *Bunge* (Parliament) at 36 percent in elections in 2010 and 36.6 percent in 2015.

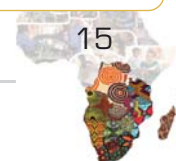
Angola has been consistently well above 30 percent since constitutional amendments in 2010, and earlier amendments to the electoral law, resulting in the current 36.8 percent.

Women in Parliament in SADC Member States

Figure 2.1



Source Table 2.1



About two-thirds of SADC Member States had elections between 2013 and 2015 — Botswana, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania and Zimbabwe. Following these elections, the proportion of women in Parliament has dropped in Malawi, Mauritius and Swaziland, although Swaziland sustained 33.3 percent women in the Upper House.

There is a correlation between the percentage of women in Parliament and the type of electoral system that is used. Member States that use Proportional Representation, and those that use a combination of different electoral systems, have realised an incremental trend in the number of women in Parliament. However, Member States using the constituency-based system of First Past The Post (FPTP) have not been able to maintain or increase the number of women in Parliament. In the absence of formal legal quotas, representation by women has been advanced in some Member States through the adoption of voluntary quotas by political parties to ensure the selection of women as candidates.

### 2.2.1 Women in Parliament –Regional and Global

Seychelles, South Africa, Namibia and Mozambique are ranked among the top 20 in the world with the highest number of women in Parliament, according to global rankings compiled by the Inter-Parliamentary Union (IPU) using data submitted by national Parliaments (Table 2.2). Seychelles is the second ranked country in Africa after Rwanda, and fourth in the IPU global rankings, followed by South Africa in seventh place, Namibia at 11 and Mozambique 15. The World Classification in Table 2.2 shows that South Africa is tied with Mexico for 7<sup>th</sup> place, and Namibia shares 11<sup>th</sup> place with Iceland and Nicaragua. It can be noted that 6 of the top 15 countries with the highest proportion of women in Parliament are in Africa, while 5 are in South/Central America, and 4 are in Europe.

Women in National Parliaments World Classification, June 2016 Table 2.2

Rank	Country	Election Year	Total Seats	Women	% Women
1	Rwanda	09.2013	80	51	63.8
2	Bolivia	10.2014	130	69	53.1
3	Cuba	02.2013	612	299	48.9
4	Seychelles	09.2011	32	14	43.8
5	Sweden	09.2014	349	152	43.6
6	Senegal	07.2012	150	64	42.7
7	Mexico	06.2015	500	212	42.4
7	South Africa	05.2014	399	169	42.4
9	Ecuador	02.2013	137	57	41.6
10	Finland	04.2015	200	83	41.5
11	Iceland	04.2013	63	26	41.3
11	Namibia	11.2014	104	43	41.3
11	Nicaragua	11.2011	92	38	41.3
14	Spain	12.2015	350	140	40.0
15	Mozambique	10.2014	250	99	39.6

Source Inter-Parliamentary Union, June 2016

Comparative global averages based on available data show that the proportion of women in national Parliaments worldwide is 22.8 percent for the Single or Lower House, 22 percent for the Upper House or Senate, and 22.7 percent for both Houses combined (Table 2.4). About half of the SADC Member States rank above the global average and half are below the global average.

By regions of the world, the Nordic countries have by far the highest proportion of women in Parliament, at 41.1 percent, almost double any other region. Sub-Saharan



Women in National Parliaments –  
Regional and Global Rankings for SADC Member States, June 2016

Table 2.3

Regional Rank	Global Rank	Country	Lower or Single House				Upper House/ Senate/ National Council			
			Election Year	Total Seats	Women	% Women	Election Year	Total Seats	Women	% Women
1 (1)	4 (5)	Seychelles	09.2011	32	14	43.8 (43.8)	–	–	–	–
2 (2)	7 (8)	South Africa <sup>a</sup>	05.2014	399	169	42.4 (42.3)	05.2014	54	19	35.2 (32.1)
3 (7)	11 (47)	Namibia	11.2014	104	43	41.3 (24.4)	12.2015	42 (26)	10	23.8 (26.9)
4 (3)	15 (12)	Mozambique	10.2014	250	99	39.6 (39.2)	–	–	–	–
5 (5)	23 (22)	Angola	08.2012	220	81	36.8 (34.1)	–	–	–	–
6 (4)	25 (20)	Tanzania <sup>b</sup>	10.2015	372	136	36.6 (36.0)	–	–	–	–
7 (10)	38 (89)	Zimbabwe <sup>c</sup>	07.2013	270	85	31.5 (15.0)	07.2013	80	38	47.5 (24.7)
8 (6)	67 (38)	Lesotho	02.2015	120	30	25.0 (26.7)	03.2015	33	8	24.2 (27.3)
9 (-)	84 (-)	Madagascar <sup>d</sup>	12.2013	151	31	20.5	12.2015	63	12	19.0
10 (8)	110 (57)	Malawi	05.2014	192	32	16.7 (22.3)	–	–	–	–
11 (12)	138(107)	Zambia	09.2011	158	20	12.7 (11.5)	–	–	–	–
12 (9)	144 (72)	Mauritius	10.2014	69	8	11.6 (18.8)	–	–	–	–
13 (14)	155 (124)	Botswana <sup>e</sup>	10.2014	63	6	9.5 (7.9)	–	–	–	–
14 (13)	161 (117)	DRC	11.2011	492	44	8.9 (8.9)	01.2007	108	5	4.6 (5.6)
15 (11)	171 (97)	Swaziland <sup>f</sup>	09.2013	65	4	6.2 (13.6)	10.2013	30	10	33.3 (40)

Source IPU using information provided by National Parliaments at 1 June 2016

Figures correspond to the number of seats currently filled in Parliament. Brackets indicate previous ranking for 2013.

<sup>a</sup>The figure on distribution of seats for Upper House in South Africa does not include the 36 special rotating delegates appointed on ad hoc basis, therefore all percentages given here are calculated on the basis of the 54 permanent seats.

<sup>b</sup> Five seats were not yet finalized at the time of IPU rankings, but the total 138 of 377 does not change the percentage or the ranking. <sup>c</sup>Just ahead of New Zealand at 31.4. <sup>d</sup>Above the global ranking for USA at 96.

<sup>e</sup>Same ranking as Japan. <sup>f</sup>Above Africa's most populous nation, Nigeria, which ranks at 176

Women in National Parliaments – World Average

Table 2.4

World Average – Single or Lower House		World Average – Upper House or Senate		World Average – Both Houses Combined	
Total MPs	39 149	Total MPs	6 875	Total MPs	46 024
Gender breakdown known for	38 662	Gender breakdown known for	6 875	Gender breakdown known for	45 537
Men	29 849	Men	5 371	Men	35 210
Women	8 813	Women	1 514	Women	10 327
Global % women	22.8%	Global % women	22.0%	Global % women	22.7%

Women in National Parliaments – World Averages by Region

Table 2.5

	Single House or Lower House %	Upper House or Senate %	Both Houses combined %
Nordic countries	41.1	---	---
Americas	27.7	27.0	27.6
Europe – OSCE member countries excluding Nordic countries	24.3	24.7	24.4
Sub-Saharan Africa	23.1	21.9	22.9
Asia	19.2	15.1	18.8
Arab States	18.4	12.1	17.5
Pacific	13.5	36.0	16.0

Data compiled by the Inter-Parliamentary Union on the basis of information provided by National Parliaments by 1 June 2016. Percentages do not take into account Parliaments for which no data was available at that date. Regions are classified by descending order of the percentage of women in the Single or Lower House.

Africa, at 23.1 percent for the Single or Lower House is just below the Americas and Europe, and higher than Asia, Arab States and Pacific (Table 2.5). Many African countries including half of the SADC Member States do not have an Upper House.



The representation of women in Parliament in SADC has shown a slow but steady improvement over the past decade — from an average of 20.6 percent in 2005 to 23 percent in 2011 to 25.8 percent by mid-2013.

With a total of 2,957 MPs in the 15 SADC Member States in 2015, of which 802 were women, the regional average has risen to 27.1 percent.

## 2.2.2 National Systems and Effective Practices

### Angola

Angola uses an electoral system of Proportional Representation in which citizens vote for a party instead of an individual candidate. The country is considered as one national constituency for the election of 130 seats, while the other 90 members are elected in 18 provincial constituencies choosing five members each. The electoral law states that the charter of political parties must include rules that encourage the promotion of equal opportunities and equity between men and women, as well as gender representation of not less than 30 percent in their governing bodies at all levels.

Five of the nine political parties or coalitions that participated in the 2012 elections had at least 30 percent women on their candidate lists, and all parties had 20 percent or above. The party in government, the MPLA, had 46 percent women candidates. This has resulted in an increase in the number of women in the National Assembly, from 9.5 per cent in the 1992 elections to the current 36.8 per cent, following the national election in 2012 which was the first to be held under the new Constitution enacted in February 2010.

Angola is ranked 5 in the SADC region, with a global ranking of 23 out of almost 200 countries worldwide. The next national election is in 2017.

### Botswana

The Parliament of Botswana consists of 63 Members, being 57 elected members and four specially elected Members, the Speaker of the National Assembly as well as the State President. Six of the current Members of Parliament are women, being four Members elected in 2014 elections and two specially elected, giving a 9.5 percent proportion of women in Parliament. Representation of women in Parliament has generally been low in Botswana, increasing only in the year 2000 when it reached 18.2 percent. Women constitute 55 percent of registered voters, that is 403,000 women voters of the total 725,000 registered voters. Botswana is ranked 13 out of the 15 SADC Member States regarding representation by women in Parliament, with a global ranking of 155. The next national election is in 2019.

The House of Chiefs (*Ntlo Ya Dikgosi*) which advises Parliament on customary matters as obliged by the Constitution has a total of 34 seats consisting of 7 Paramount Chiefs, 5 specially elected and 22 representing Regions. Only 2 are women and Paramount.

### Democratic Republic of Congo

The DRC has very low representation by women in Parliament, with 8.9 percent in the Lower House and 4.6 percent in the Upper House. The National Assembly has 492 seats elected from multi-member plurality constituencies, and just 44 seats are held by women. The Senate has 108 seats elected by provincial assemblies through Proportional Representation, and has just five women. The reasons given for this low political participation include the traditional and cultural norms and beliefs, as well as lack of financial resources and supporting power structures.

The Electoral Law 2006 requires that candidate lists should aspire to the equal representation of men and women, but candidate lists are not rendered invalid by a failure to attain parity. Three of the main political parties, including the party in government and two opposition parties, adopted a 30 percent quota for women



candidates in the last election in 2011, but these quotas were not implemented in the nominations. Women made up just 12 percent of 18,000 legislative candidates, although half of the 32 million registered voters in 2011 were women.

DRC is ranked 14 in the SADC region regarding representation by women in Parliament, and the global ranking is 161. The next national election is scheduled for 2016.

### **Kingdom of Lesotho**

The National Assembly of Lesotho is composed of 120 members elected by direct popular vote using the Mixed Member Proportional system in which 80 parliamentarians are elected in single-member constituencies while the remaining 40 are elected from one national constituency using Proportional Representation based on party lists. The Senate or Upper House consists of 33 seats, of which 22 members are hereditary and 11 are nominated by the King. All serve five-year terms.

Lesotho has no constitutional or legal quotas for the election of women to Parliament. However, since 2009 women have occupied more than 20 percent of seats, currently 30 of 120 seats in the Lower House (25 percent) and 8 of 33 seats in the Upper House (24.2 percent). Since 2012, Lesotho has dropped from 6 to 8 in the regional ranking, and from 38 to 67 in the IPU global ranking. The most recent elections were held in February 2015.

### **Madagascar**

Madagascar resumed participation in SADC activities in 2014 after suspension from the regional body in 2009 following a military coup. Madagascar's Lower House of Parliament is made up of 151 seats, of which 31 are occupied by women (20.5 percent) and in the Upper House, 12 of 63 seats are held by women (19 percent). Reference framework documents on gender equality in decision-making positions have been developed to encourage more women to participate in political activities, including strategies for the lifting of legal and socio-cultural barriers to the advancement of women. Despite political challenges, Madagascar ranks 9 in the region and 84 in the IPU global rankings.

### **Malawi**

The proportion of women in Parliament in Malawi has been on a downward trend from 26 percent in 2009 to 16.7 percent in 2015. Representation of women in Parliament dropped significantly in the 2014 election when only 32 women won seats in the 192-member House, out of the 261 women who contested, compared to 43 women elected in 2009. Malawi uses a constituency-based electoral system in which men and women compete for their party's nomination, and has dropped from 8 to 10 in regional ranking and from 57 to 110 in the IPU global ranking. The next national election is scheduled for 2019.

### **Mauritius**

The highest representation of women in Parliament in Mauritius was achieved in the 2010 elections when it reached 18.6 percent. Elections held in 2015 resulted in fewer women in Parliament, dropping to 11.6 percent. Although a one-third gender quota was included in a draft white paper on electoral reform, no legislation was approved prior to the elections.

Sixty parliamentarians are elected in 20 constituencies by direct popular vote with ballots cast for three candidates in each constituency, plus the island of Rodrigues which is a single constituency returning two members. The remaining eight parliamentarians are drawn from a list of "best losers" to ensure a fair representation of ethnic and religious communities. This voting method is not used to address the gender imbalance, yet women make up the largest number of voters and just over half of the population of the country.

Mauritius has dropped from 9 to 12 in the regional ranking with eight women out of 60 parliamentarians (11.6 percent). The global ranking has dropped from 72 to 144. The next national election is in 2020.

### **Mozambique**

Mozambique slightly increased the number of women in the *Assembleia da República* in the 2014 elections, from 98 to 99 women of a total 250 (39.6 percent). Mozambique has sustained an increasing number of women in Parliament since the first multi-party elections in 1994 (28.4 percent) and was one of the first countries in SADC to pass the previous target of 30 percent, in 2004, ahead of the 2005 deadline. Mozambique uses an electoral system of Proportional Representation in which the 11 provinces are multi-member constituencies with party lists, and the ruling party alternates men and women candidates on their nomination list, although opposition parties do not. Mozambique now ranks at 4 in the region in the proportion of women in Parliament and in the global ranking is among the top 20 in the world — number 15, at par with Norway.

### **Namibia**

After the 2004 elections, the proportion of women in the National Assembly was above the 30 percent target set for 2005. A decade later, after the 2014 elections, the proportion of women has risen substantially to 41.3 percent.

The Parliament is bicameral, consisting of two chambers, the National Assembly and National Council. Members of the National Assembly are elected by Proportional Representation based on a party-list system, and 45 percent of candidates in the 2014 election were women (623 men, 516 women). In accordance with 2014 constitutional amendments, the National Assembly was expanded from 72 to 96 directly elected members, plus eight members appointed by the President. Following the 2014 election, 61 men and 43 women make up the total of 104 members (41.3 percent), with 40 women elected and 3 women appointed.

The National Council also expanded with the statutory number of members increasing from 26 to 42 in 2015, comprising of three members elected indirectly by each of 14 regional councils. The President may appoint up to six additional, non-voting members. There are 10 women in the National Council (23.8 percent), down from 26.9 percent.

Since no legal quotas are applied at national level, the advancement of representation by women is dependent on the implementation of voluntary quotas by the political parties. Awareness on equal representation at all levels as per the SADC Protocol on Gender and Development was intensified prior to the 2014 elections, and a National Conference on Women in Politics in Namibia was held in November 2013, targeting the women's wings of all political parties. Workshops and meetings for political parties and parliamentarians were held to discuss the importance of equal representation at all levels of decision-making.

This contributed to placing the country among the top 3 in SADC. In global rankings, Namibia moved up to 11, from 47.

After the elections of 2014 the Ministry of Gender in collaboration with the then Ministry of Foreign Affairs held a seminar for elected women to capacitate women MPs-elect with knowledge and skills to confidently contribute to the discussions in Parliament and be able to promote a holistic empowerment of women in political leadership and decision making arena especially in Parliament, Political Parties, and in Regional and Local Authorities Councils; and to seriously mainstream gender and women issues in Parliamentary discussions and debating. This came from experiences that new elected Members of Parliament need to be prepared as law makers. After six months, the Ministry of Gender Equality and Child Welfare organised another workshop for women MPs-elect in Parliament to share their experiences in Parliament as many of them were in Parliament for the first time. This was really an encouragement for them.



## Seychelles

Seychelles remains at the top of the regional ranking with women holding 43.8 percent of seats in Parliament, yet the country has no gender-specific leadership strategies or special measures in place. Neither the government nor the political parties have considered it necessary to introduce a quota system for National Assembly members or positions in the party structures. There are no legal barriers to participation by women in political, economic and social activities.

Seychelles has a mixed electoral system, with 25 members directly elected representing 25 electoral districts, and seven more elected through Proportional Representation. The ruling Parti Lepep announced its slate for the elections to be held by September 2016, with 11 women and 14 men, including 10 new faces. In the last elections, all 25 directly elected seats were won by Parti Lepep which also holds six of the seven proportionately elected seats.

Despite having no quota system, Seychelles has 14 women in its 32-seat Parliament and ranks 4 in the IPU global ranking.

## South Africa

South Africa has maintained an upward trend in the proportion of women parliamentarians since the first democratic elections in 1994, and in the 2014 elections emerged with 42.4 percent women in the National Assembly, one of two Houses of the bicameral Parliament. The other House is the National Council of Provinces (NCOP), which consists of 90 provincial delegates — 10 delegates for each of the nine provinces which are equally represented with six permanent delegates and four special delegates. The NCOP has 54 seats of which 19 are held by women (35.2 percent).

The Electoral Act 73 of 1998 requires every registered party and candidate to respect the rights of women and to communicate freely with parties and candidates, to facilitate full and equal participation of women in political activities, ensure free access for women to all public meetings, marches, demonstrations, rallies and other public events and take all possible steps to ensure that women are free to engage in political activities.

South Africa is second to Seychelles in the regional ranking, and number 7 in the global ranking. The next election is in 2019.

## Kingdom of Swaziland

The Parliament of Swaziland (*Libandla*) is bicameral consisting of two chambers, the Senate and the House of Assembly. The Senate comprises of 30 non-partisan members – 10 Senators elected by the House of Assembly, and 20 Senators appointed by the King. At present, 10 of the Senators are women, giving a proportion of 33.3 percent in the Upper Chamber. Constitutional clauses 94 and 95 stipulate a minimum representation of 30 percent women in decision-making bodies.

Although the number of women elected to the House of Assembly remains low, the constitutional provisions and awareness campaigns have expanded this representation. In the 2008 elections, seven women were elected from 55 single-member constituencies corresponding to the *tinkhundlas* (local communities), from candidates nominated by the traditional councils. Two more women were appointed by the King, bringing the number of women to nine of the 66 elective seats (13.6 percent). After the last election in 2013, the number of women dropped to four in a total of 65 (6.2 percent).

Swaziland ranks 15 in the SADC region, and has dropped to from 97 to 171 in global rankings.

## United Republic of Tanzania

The United Republic of Tanzania was the first SADC Member State to add a constitutional clause that specifies a minimum of 30 percent women in the Parliament (*Bunge*). The proportion of women in Parliament was 21.2 percent in 2000, rising to



30.4 in 2005 following the constitutional amendment. The proportion of women rose to 36.0 percent after the 2010 elections, with 126 women in the 350-seat *Bunge*, of whom 20 women were elected from single-member constituencies and the others under the proportional system.

Tanzania uses a single-member constituency system for parliamentary elections, and women can contest any parliamentary constituency in Zanzibar or the mainland. There are additional seats reserved for women, elected on a proportional basis according to number of votes gained by each political party. In addition, five members are elected to the *Bunge* by the Zanzibar House of Representatives from among its members (two must be women), the Attorney General has a seat, and up to 10 members are appointed by the President (half must be women) to include representation from disadvantaged and marginalized groups (6 were appointed in 2015).

Tanzania emerged from the 2015 elections with more women (138) in its expanded *Bunge* of 377 elected seats (36.6 percent) but dropped in the regional ranking to 6 from 4, despite an increase in the number and proportion of women in Parliament. Of the 138 women, 25 were elected from constituencies and 113 elected under special seats for women. Nineteen percent of candidates contesting the parliamentary elections in 2015 were women. Tanzania dropped out of the top 20 global rankings, slipping to 25 (just ahead of Germany), still near the top of almost 200 countries worldwide. The next elections are in 2020.

### Zambia

Zambia had 18.1 percent representation of women in Parliament in 1997 but has not managed to sustain that level. Of the 113 women candidates who contested single-member constituencies in the 2011 elections, only 17 women were elected, accounting for just 11 percent of the constituency seats in the National Assembly of Zambia. Presidential appointments increased the number of women in Parliament to 18 and later to 23, thus increasing the proportion to just over 14 percent.

Currently Zambia has a representation of 12.7 percent with 20 women out of 158 parliamentarians. The new Constitution of Zambia as amended in 2016, states in Article 45 (d) on Electoral Systems and Process that the systems for election of Members of Parliament shall ensure gender equity in the National Assembly. In the representation of women in Parliament, Zambia is ranked 11 in the SADC region, and the global ranking is 138, down from 107.

The next election is set for 11 August 2016, with a total of 650 candidates contesting parliamentary seats, and just 90 of the aspirants being women, 13.8 percent of those seeking seats in the National Assembly of Zambia (Electoral Commission of Zambia, August 2016).

### Zimbabwe

The proportion of women in the lower house of Parliament has been constant at about 15 percent since 1995, despite relatively good progress for the Upper House where women accounted for 33 percent after reintroduction of the Senate in 2005. However, the representation of women in political decision-making has been addressed in the new Constitution which was approved by 93 percent of voters in a national referendum, passed by both Houses of Parliament, and signed into law by the President on 22 May 2013.

There is provision in the Constitution for a National Assembly of 210 members elected in single-member constituencies, plus an additional 60 women members (six drawn from each of 10 provinces), elected through Proportional Representation based on the total votes cast in each province for each political party in the National Assembly election. This is applicable for the life of two Parliaments.

The provision for a Senate consists of 88 Senators, of which six are elected from each province through the same system of Proportional Representation, based on the





votes cast for political parties by province in the National Assembly election, and using party lists “in which male and female candidates are listed alternately, every list being headed by a female candidate”.

In the 2013 election, the proportion of women in the National Assembly rose to 31.5 percent, from 15 percent. While women representation in the House of Assembly has doubled, Zimbabwe has done even better in the Senate, with 38 women of the total 80 members (47.5 percent). Zimbabwe now ranks 7 in the SADC region, previously at 10, and the global ranking is 38, up from 89. The next national election is in 2018.

### 2.3 WOMEN SPEAKERS/PRESIDING OFFICERS

Women have steadily gained positions of leadership in the legislatures, and in 2015, eight of the SADC Member States had a woman Presiding Officer for the Lower or the Upper House. These are the Speakers of Parliament in Botswana, Lesotho, Mauritius and South Africa, and *Presidente* of the *Assembleia da República* in Mozambique. Women currently occupy the positions of Chairperson to National Council in Namibia, Chairperson of National Council of Provinces in South Africa, and President of the Senate in Zimbabwe. (Table 2.6) Most Parliaments in the region now alternate the positions of Speaker and Deputy, with one being male and the other female.

The primary responsibility of the Speaker/Presiding Officer is to regulate debates and provide leadership so as to safeguard and maintain the independence and authority of the institution, as well as administration. Only three African countries had women presiding officers before 1997, and one was South Africa, in 1994. Malawi had a woman deputy Speaker in 1995. Globally, women occupy just 17.7 percent of the 277 posts of Presiding Officers of Parliament.

Woman Presiding Officers of Parliament / Senate / National Council

Table 2.6

1994	1999	2004	2005	2008	2009	2010	2014	2015
<b>South Africa</b> Speaker of Parliament of Parliament Hon Frene Ginwala 1994-2004	<b>Lesotho</b> Speaker of Parliament Hon Ntthoi Motsamai 1999-2012	<b>South Africa</b> Speaker of Parliament Hon Baleka Mbete 2004-2008	<b>Zimbabwe</b> President of Senate Hon Edna Madzongwe 2005+	<b>Swaziland</b> President of Senate Hon Gelane Zwane 2008- 2013	<b>Botswana</b> Speaker of Parliament Hon Dr Margaret Nasha 2009 – 2014	<b>Mozambique</b> Presidente, Assembleia da República Hon Veronica Macamo 2010 + Tanzania Speaker of the Bunge Hon Anne Makinda 2010-2015	<b>Botswana</b> Speaker of Parliament Hon Gladys Kokorwe 2014+ Madagascar Speaker of Parliament Hon Christine Razanamahasoa 2014- 2014 Mauritius Speaker of Parliament Hon Santi Bai ‘Maya’ Hanoomanjee 2014+ South Africa Speaker of Parliament Hon Baleka Mbete 2014+ South Africa Chairperson of National Council of Provinces Hon. Thandi Modise 2014+	<b>Lesotho</b> Speaker of Parliament Hon Ntthoi Motsamai 2015+ Namibia Chairperson to National Council Hon Margret Mensah-Williams 2015 +

Source National Parliaments, IPU, SADC Gender Monitor 2013

### 2.4 WOMEN IN CABINET

There has been a slow but consistent upward trend in the number of women in Cabinet in most SADC Member States over the past two decades, although generally lower than representation in Parliament. However, only South Africa has more than 40 percent women in Cabinet. Attentive to sustainability, South Africa has women deputy ministers in the same proportion as ministers, but in different ministries, as do some other Member States such as Mozambique. Eight other Member States have sustained a proportion of 20-26 percent women in Cabinet over several years. In six Member States, the proportion is well below 20 percent. (Table 2.7)



## Women in Cabinet in SADC Member States

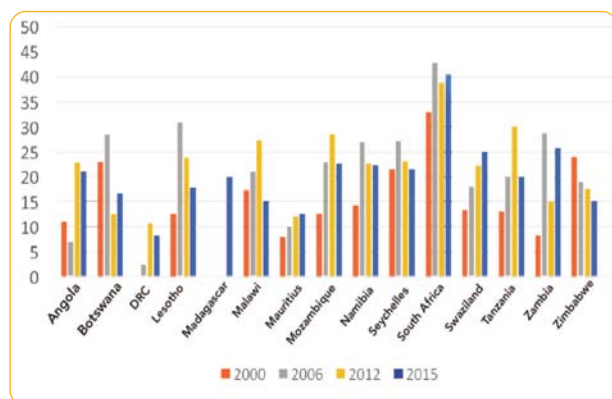
Table 2.7

Country	Women Ministers 1995	Women Ministers 2000 %	Women Ministers 2006 %	Women Ministers 2009 %	Women Ministers 2012 %	Women Ministers 2015 %	Women Ministers 2015	Total Cabinet Ministers
Angola	4	11 (2002)	7	32.3	22.9	21	8	38
Botswana	2	23 (2002)	28.6	18.8	12.5	16.7	4	24
DRC	—	—	2.5	2.5	10.7	8.3	3	36
Lesotho	1	12.5(2002)	31	31.6	23.8	17.8	5	28
Madagascar	—	—	—	-	-	20	6	30
Malawi	3/33(9%)	17.3	21	24	27.3	15	3	20
Mauritius	—	8	10	9.5	12.0	12.5	3	24
Mozambique	1	12.5	23	25.9	28.6	22.7	5	22
Namibia	2/20 (10%)	14.2	27	22.7	22.7	22.2	6	27
Seychelles	22.7	21.4	27.2	28	23.1	21.4	3	14
South Africa	3/24 (12.5%)	33	42.8	42	38.8	40.5	15	37
Swaziland	—	13.3	18	20	22.2	25	5	20
Tanzania	3/23 (13%)	13	20	23.3	30.0	20	4	20
Zambia	12%	8.3	28.8	13.6	15.0	25.9	7	27
Zimbabwe	2/24 (8%)	24	19	17.5	17.5	15	4	26

The figures shown exclude President, Vice President and Deputy Ministers, as they sit in Cabinet in some countries and not in others.

Source: National progress reports on implementation of the SADC Protocol on Gender and Development; National gender reports; *Southern Africa Today* (SADC/SARDC), since 1997; *SADC Gender Monitor* 1999, 2001, 2006, 2009, 2013; *Status of Women in Southern Africa, Information Briefs*, 1995, produced for SADC by the SARDC programme on Women in Development Southern Africa Awareness (WIDSAA), now the Beyond Inequalities Gender Institute.

## Women in Cabinet in SADC Member States Figure 2.2



Source Table 2.7

A significant trend in this period is that women are holding a wider range of ministerial portfolios including those that are senior and influential such as finance, foreign affairs, trade and industry, education, and environment, some commanding sizeable budgets, not only those considered as “soft” positions.

A 1995 publication, the *Status of Women in Southern Africa*, produced by SARDC for the Fourth World Women Conference in Beijing, says the number of women in Cabinet in SADC Member States at that time had “not increased much over the last decade and for those women in Cabinet, the appointments remain largely female in orientation, focusing on the ministries of women and children or community development.” That situation has changed over the past 20 years. However, Home Affairs, Defence and Security are still mainly a male preserve.

In Namibia, the Prime Minister is a woman who is a former finance minister. Under the mandate provided by the Constitution and related legislation, she has responsibility to lead government business in Parliament, coordinate the work of Cabinet, advise and assist the President, manage the public service, and undertake special projects. The Deputy Prime Minister is also a woman, who is also the Minister for International Relations and Cooperation.

Angola had 4 women in Cabinet in 1995, doubled to 8 women by 2015. Representation of women in Cabinet reached 32.3 percent in 2009 passing the previously set target of 30 percent, but dropped to 25.8 percent in 2010, with 8 of 31 ministries held by women. In the new Cabinet appointed after legislative elections in 2012, the proportion dropped further to 22.9 percent due to an increase in the total number of ministers, although the number of women ministers remained the same. There are still 8 women ministers in a larger Cabinet of 38, thus reducing the proportion to 21 percent, with a similar proportion of vice-ministers. Among the portfolios held by women are science and technology, commerce and trade, parliamentary issues, and environment.



**Botswana** had 4 women in Cabinet out of 24, which is 16.7 percent. This is a decline from 28.6 percent in 2006. Women hold the portfolios of foreign affairs, health, and education; and the deputy minister of local government and rural development is a woman.

Botswana was the first country in the region to appoint a woman as Minister of Foreign Affairs and International Cooperation 40 years ago. Hon. Dr Gaositwe Chiepe was the first woman in Cabinet in 1974. She also served in several portfolios as Minister, including Trade and Industry, and Mines and Natural Resources, before becoming Minister of Foreign Affairs and International Cooperation for a decade 1984-1994. She then served as Minister of Education until she retired in 1999 after 25 years in Cabinet.

**Democratic Republic of Congo** appointed 3 women to Cabinet after the 2011 poll, 10 percent of the total 30 ministers. This was up from the 2006 figure of 2.5 percent, the lowest in the SADC region. A Cabinet shuffle in 2012 saw an increase to 10.7 percent, although the number remained the same, in a slightly smaller Cabinet. There are 3 women deputy ministers of the total 8, for a higher figure of 37.5 percent at that level.

**Kingdom of Lesotho** had 1 woman Cabinet minister in 1995, but passed the initial 30 percent target a decade later, with 31 percent in 2006. The Cabinet appointed following elections in May 2012 was composed of 21 ministers —16 men and 5 women (23.8 percent), down from 31.6 percent in the 2009 Cabinet. The portfolios held by women were health; tourism, environment and culture; public works and transport; education; and social development; and there were 3 women among 7 deputy ministers (42.9 percent). Lesotho held fresh elections in February 2015, under a SADC brokered agreement, which resulted in a change of government. Of 28 ministers in the new Cabinet, the number of women remains the same – 5 in portfolios of tourism, education, finance, local government and agriculture.

**Madagascar** joined SADC in 2006 but was suspended in 2009 following an unconstitutional change of government by the military, and resumed participation in SADC activities in 2014. The President named a new Prime Minister in 2015 and again in 2016, and the current Cabinet data show 6 women among 30 ministers, reaching 20 percent.

**Malawi** has its lowest number and proportion of women in Cabinet in almost 20 years, after an upward trajectory since 1995 when there were 3 women (9 percent) in a Cabinet of 33 ministers. This proportion doubled to 17.3 percent by the year 2000, rising through 21 and 24 percent up to 27.3 percent in 2012. By 2015, there were, again, 3 women, in a Cabinet of 20 ministers (15 percent). The portfolios held by women are gender, sport, and home affairs. Among deputy ministers, there are no women.

**Mauritius** has steadily increased the proportion of women in Cabinet from 8 percent in 2000 to the current 12.5 percent that followed national elections in 2010 and 2015, with 3 women among a total of 24 government ministers – a proportion still far below the original target of 10 years ago, to have 30 percent women in Cabinet by 2005. The ministerial portfolios held by women are gender, science and education, and social security. The Head of State is a woman elected by members of the National Assembly on a motion made by the Prime Minister. President Ameenah Gurib-Fakim has served as President since June 2015.

**Mozambique** had 1 woman minister in 1995, increasing to 23 percent of Cabinet 10 years later, and 28.6 percent of Cabinet by 2012. The total number of ministers was reduced to 22 in 2015 and the new Council of Ministers has 5 women (22.7 percent). Women hold the portfolios of state administration and public service; labour, employment and social security; health; gender, children and social welfare; and chief of staff of the Presidency. There are 20 deputy ministers, of which nine are women (45 percent). Four of the 11 provincial governors are women (36.4 percent).

**Namibia** had 2 women of 20 in Cabinet in 1995 (10 percent), having won independence five years earlier. The proportion increased steadily over the next decade to a high of 27 percent in 2006, and 22.7 percent after 2009. The new Cabinet announced in 2015, following 2014 elections, has 6 women out of 27 ministers (22.2 percent), but holding the top portfolios of Prime Minister; deputy Prime Minister and international relations; home affairs and immigration; gender equality and child welfare; urban and rural development; education, arts and culture. Deputy ministers are 50:50 with 16 women and 16 men of the total 32.



**Seychelles** has 3 women in a Cabinet of 14 Ministers, showing 21.4 percent participation by women at this level, considerably lower than the proportion of women in Parliament. Women hold the portfolios of education, employment, and health.

**South Africa** has the highest proportion of women in Cabinet in the SADC region with 40.5 percent, and this level has been sustained over the past decade, often at a slightly higher level, although it dropped below 40 percent in 2012. There are 15 women Cabinet Ministers out of a total of 37, and 16 women deputy ministers out of 37.

The **Kingdom of Swaziland** has 5 women in Cabinet, among 20 ministers, for 25 percent in 2015. Women lead the portfolios of home affairs; natural resources and energy; public works and transport; health; labour and social security.

**United Republic of Tanzania** has 4 women ministers in a Cabinet of 20 ministers, for a proportion of 20 percent women in decision-making at that level. The four ministries headed by women are in education, science and technology; Parliamentary affairs; health; and gender. There are two new ministers of state who are women, in the Vice President's office and the Prime Minister's office. The number of women in Cabinet has dropped from 30 percent in 2012, and the Cabinet was reduced in size. The proportion of women deputy ministers is similar with 4 women of 19 deputies.

**Zambia** has had an upward trend for women in Cabinet from 12 percent in 1995 rising to a high of 28.8 percent in 2006, before reducing to 13.6 percent in 2009. In 2015 there were 7 women are in Cabinet of 27 ministers (25.9 percent), up from 3 in 2012. The Vice President of Zambia is a woman.

In **Zimbabwe** the proportion of women Cabinet ministers has declined from 24 percent in 2000, through 17.5 percent in 2009 to 15 percent in 2015, with 4 women out of 26 ministers. Women lead the portfolios of gender, women affairs and community development; small and medium enterprises and cooperative development; public service, labour and social welfare; and environment, water resources and climate change.

## 2.5 WOMEN IN THE JUDICIARY

Numbers of women in the Judiciary are increasing with more women also occupying the positions of seniority in the sector. As of 2013, Botswana was the only country with a woman Attorney General but in July 2014 a woman was appointed Attorney General in Mozambique, the first woman in the country to occupy this position. According to Botswana's Constitution, the Attorney General is the government's principal legal adviser, an ex-officio member of Cabinet, and a member of various high level councils, boards and committees which make policy decisions. In Mozambique the Office of the Attorney General is the highest office of the Public Prosecution Service.

Significant changes have been implemented in the judiciary in most SADC Member States in recent years with increasing numbers and seniority of women judges and magistrates, as well as at higher levels of representation, including the first women appointed as Chief Justice in Malawi and in Zambia, Public Protector in South Africa, and Judge President in Zimbabwe (2006-2010). In Tanzania, three of the five Court of Appeal judges are women (60 percent).

Data submitted by Madagascar indicates that 88 percent of judges are women, while 12 percent are men. In Lesotho, 65 percent of judges are women, 54 percent in Zambia, and almost 47 percent in Mauritius. In mid-2013, women constituted 29 percent of judges in Zimbabwe, rising to 48 percent during the period under review. Mozambique and South Africa have improved from 2013 with women judges slightly over 30 percent. DRC, Namibia and Swaziland are below the 30 percent target with 24 percent, 15 percent and 20 percent respectively. In Seychelles, 60 percent of magistrates are women, 56 percent in Botswana, and 50 percent in Mauritius. (Table 2.8)

Although considerable progress has been made, men are still dominant in the positions of Chief Justice and Judge President. Only Lesotho, Malawi and Seychelles have women occupying the position of Chief Justice in 2015. Malawi, Mauritius, and South Africa have women in the post of Judge President. Mauritius has six positions



Country	Chief Justice				Judge President				Judges			
	2012		2015		2012		2015		2012		2015	
	Men	Women	Men	Women	Men	Women	Men	Women	Men %	Women %	Men %	Women%
Angola			3	0			2	0	69	31	63	37
Botswana	1	0	1	0	1	0	2	0	94.4	5.6	76.5	23.5
DRC			-	-			8	0			91	6
Lesotho	1	0		1	1	0			34.8	65.2	-	-
Malawi	0	1	0	1	1	0	0	1	62.5	37.5	74.2	25.8
Madagascar			-	-			-	-			12	88
Mauritius	1	0	1	0	1	0	1	5	51.4	48.6	50	50
Mozambique			-	-			-	-	69.5	30.5	69.9	30.1
Namibia	2	0	1	0	1	0	1	0	83	17	85	15
Seychelles	1	0	0	1	1	0	1	0	80	20	82	11
South Africa	1	0	1	0	1	0	13	2	72	28	66	34
Swaziland	1	0	1	0	1	0	1	0	75	25	80	20
Tanzania	1	0			2	3	1	0	57	43	64.2	35.8
Zambia	0	2	1	0					46	54	51	49
Zimbabwe	1	0	1	0	1	0	1	0	71	29	52	48

Source: SADC Gender Monitor 2013, National progress reports on implementation of the SADC Protocol on Gender and Development

at this level, of which five are women, accounting for 83.3 percent. Of a total of 15 Judge Presidents in South Africa, only two are women.

The number of woman magistrates is generally higher than that of judges. Madagascar has reached parity with just over 50 percent women magistrates and just under 50 percent male magistrates. Seychelles is the only other SADC Member State to achieve 50:50 in this regard with three women and three men of a total six magistrates. In most Member States, the number of women magistrates is considerably higher than women judges. South Africa's magistrates have increased from 33 percent women in 2013 to 40 percent in 2015 accounting for 645 magistrates out of a total of 1,568. The increase in number in South Africa can be attributed to their Constitutional provision which stipulates "the need for the judiciary to reflect broadly the racial and gender composition of South Africa must be considered when judicial appointments are made." (Table 2.9)

## 2.6 WOMEN IN LOCAL GOVERNMENT

Seychelles has reached more than 50 percent women in local government, although the councillors in are not elected, they are nominated by the Minister as district administrators. Of a total of 27 district administrators in May 2016, 18 were women (67%) and nine were men. Namibia and South Africa follow closely, each with a level of 42 percent women in local councils. The three Member States have exceeded the previous target of 30 percent women in local councils, as has Mauritius (32.2%), Swaziland (31.4%) and Angola (30%). Tanzania is estimated to have between 30-35 percent women in local councils due to constitutionally guaranteed seats, but the specific number could not be verified.

Zimbabwe has a low number of women in local government, with 271 women councillors (16%) of a total of 1,692. While the constitutional commitment is for gender parity at all levels, the electoral law for the National Assembly and Senate have specific provisions for this purpose through guaranteed seats and party lists, as does the framework for provincial and metropolitan councils, but urban and rural councils continue to be

## Magistrates Court

Table 2.9

Country	Magistrates			
	2012		2015	
	Men %	Women %	Men %	Women %
Angola	83	17	63	37
Botswana	44	56	38.2	61.8
DRC			93	34
Lesotho	58	42		
Malawi	77	23	68.2	31.8
Madagascar			49.6	50.4
Mauritius	50	50	33.3	66.6
Mozambique	71	29	71.5	28.5
Namibia	55	45	55	45
Seychelles	33	67	50	50
South Africa	67	33	60	40
Swaziland	78	22	67	33
Tanzania	79	29	57	43
Zambia	73	27	70	30
Zimbabwe	59	41	59	41

Source: SADC Gender Monitor 2013, National progress reports on implementation of the SADC Protocol on Gender and Development



elected by a ward system with no specific gender provisions or affirmative action. Similarly, the new Zambian Constitution as amended in 2016 commits to gender equity in governance but the Local Government Elections Act contains no quotas or mechanisms defined for this purpose, hence the number of women in local government is low, with 83 women councillors of a total of 1,382, a proportion of 6 percent.

The United Republic of Tanzania has constitutionally guaranteed seats for women in local councils, based on the same proportionality system used to increase the number of women in Parliament. A constitutional amendment stipulates that women must occupy at least one-third of the seats in both urban and district (rural) councils and at least one-quarter of seats in village councils. The urban and district councils are made up of members elected from each ward, as well as the unique addition of Members of Parliament representing constituencies within the council area. Women members are appointed by the National Electoral Commission from names submitted by the political parties in proportion to the number of elected positions held on the council (including MPs). The number of women appointed is not less than one-third of ward representatives and MPs combined. (Jaba Shadrack, UDSM 2010)

A metropolitan city council in Tanzania includes the mayors of all urban authorities within its jurisdiction, all MPs representing constituencies within its area, at least two women MPs resident in the city and elected from among the women in Parliament, and three councillors from each urban council, one of whom must be a woman. Due to this provision, the representation of women in local government in Tanzania reached above 30 percent, including 198 women (5%) among the 3,957 councillors elected directly from the wards.

Madagascar is divided into a system of provinces and regions administered by a directly elected head and council; and communes, either urban or rural, which have directly elected administrations. Madagascar has a total of 9,608 councillors in which 1,537 (16 percent) are women. As with some other countries such as Zambia, Zimbabwe and Swaziland, Madagascar has no reserved seats for women councillors.

## 2.7 WOMEN IN CENTRAL GOVERNMENT

The proportion of women in central government administrations is relatively low in some Member States, and very high in others, but generally this is an area in which all Member States have endeavoured to implement procedures to reach the target of 50:50 gender parity by 2015. This is apparent from the proportions of women serving at various levels in the public service in their countries.

At the level of Permanent Secretary/Director-General, six Member States have reached more than 30 percent women, with Seychelles at 42 percent. At the level of deputy Permanent Secretary/DG, several Member States have reached over 40 percent women, including Botswana, Mauritius, Seychelles and Swaziland, with South Africa and Tanzania close behind. At the next level of Directors, the 40 percent target has been surpassed by Botswana, Lesotho, South Africa and Swaziland, while at the level of Head of Department, Botswana and Seychelles have reached even higher, to levels of 76.2 percent and 61 percent, respectively. DRC has the lowest number of women in central government with only 10 percent Permanent Secretaries who are women and 15 percent Directors. See Table 2.10.

The promotion of women in the diplomatic service has been erratic although efforts are being

Women in Central Government in SADC Member States, 2016

Table 2.10

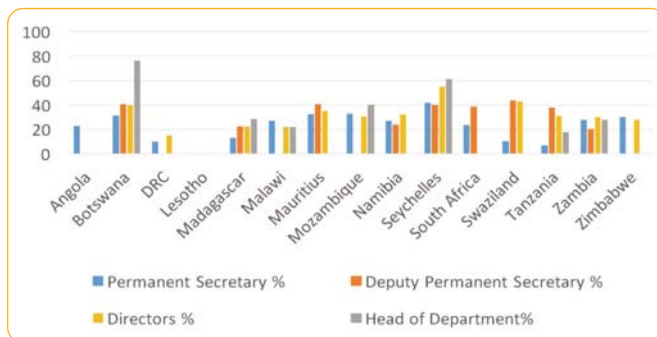
Country	Permanent Secretary /Director General %		Deputy Permanent Secretary /DG %	Directors %	Head of Department %
	2011	2016			
Angola	33.3	33.3		24.9	
Botswana	35.3	31.2	40.5	40	76.2
DRC	12.7	10	–	15	–
Lesotho	23.8	23.8	–	48	–
Madagascar	–	13.3	22.5	22.3	28.8
Malawi	29	27		22	22
Mauritius	38	32.6	40.8	35.3	–
Mozambique	30.5	33	–	30.6	39.7
Namibia	23.1	27	24	32	–
Seychelles	45	42	40	55	61
South Africa	34	23.5	38.6	40.2	42.4
Swaziland	24	10.5	43.7	43	–
Tanzania	27	27	38	30.9	17.8
Zambia	29	28	20	30	28
Zimbabwe	26	30	–	28	–

Source: National progress reports on implementation of the SADC Protocol on Gender and Development; Data for 2011 from SADC Gender Monitor 2013



made by most Member States to balance representation, and the number of women Ambassadors and officials has been increasing. Table 2.11 shows data for various years between 2011 and 2015. From 2013, the number of women in the diplomatic service has increased only for Seychelles and Mozambique. As of 2013, Seychelles had 16.7 percent Ambassadors/High Commissioners, and this figure has increased to 33 percent. Mozambique has increased only slightly from 23.3 to 24.1 percent. In mid-2013 Zimbabwe had reached 30 percent women in the diplomatic service but this number has reduced to 24.4 percent. The proportion of women in the diplomatic service is constantly changing for all Member States with new appointments. Malawi had 2 women ambassadors in 1995, but most Member States had none at that time.

Women in Central Government in the SADC, 2016 Figure 2.3



Source Table 2.10

## 2.8 WOMEN IN PUBLIC SERVICE COMMISSIONS

The Public Service Commissions advise the national and provincial organs of the State regarding personnel practices in the public service, including those relating to the recruitment, appointment, transfer, discharge and other aspects of the careers of employees in the public service. It acts as the employment authority for Government recruitment. Mauritius, Namibia and Zimbabwe have increased the number of women in the PSC since 2012; and Zimbabwe has exceeded the 50:50 target with 4 women of the 7 commissioners in 2012 and five of eight in 2015.

Swaziland has sustained the number of women at 40 percent. The PSC of Mauritius has a total of 7 commissioners, in 2012 the Commission had no women members, but, as of 2015, two women are now part of the commission with one standing as the chairperson. Namibia has increased the proportion of women to 33.3 percent. South Africa reached 40 percent representation by women in 2012 but dropped to 35.7 percent in 2015. The PSC of South Africa consists of 14 members, five elected by the National Assembly. Three of five women in the PSC of South Africa were appointed by the National Assembly.

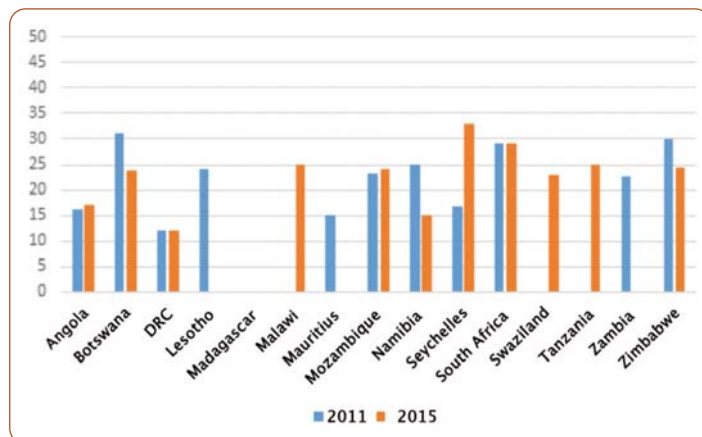
Women in Diplomatic Service, 2011 - 2015 Table 2.11

Country	Ambassadors/High Commissioners %	
	2011	2015
Angola	16.2	17
Botswana	31.2	23.8
DRC	12	12
Lesotho	24.2	—
Madagascar	0	0
Malawi	—	25
Mauritius	15	0
Mozambique	23.3	24.1
Namibia	25	15
Seychelles	16.7	33
South Africa	29	29
Swaziland	—	23
Tanzania	—	25
Zambia	22.7	—
Zimbabwe	30	24.4

Source National Progress Reports on implementation of the SADC Protocol on Gender and Development; Data for 2011 from SADC Gender Monitor 2013 --no data. Information incomplete for some MS.

Women in Diplomatic Service, 2011-2015

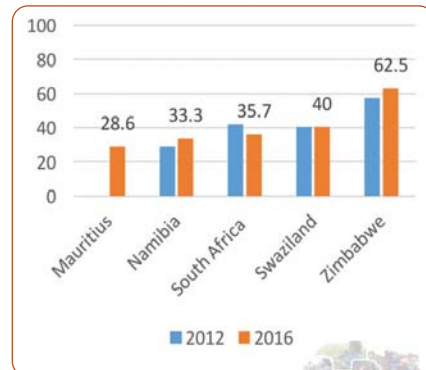
Figure 2.4



Source Table 2.11

Women in Public Service Commissions, 2012-2016

Figure 2.5



Source Table 2.12



## Women in Public Service Commissions

Table 2.12

Country	2012					2016				
	Men	Women	Total	Men %	Women %	Men	Women	Total	Men %	Women %
Malawi						6	2	8	75	25
Mauritius	7	0	7	100	0	5	2	7	71.4	28.6
Namibia	5	2	7	71.4	28.6	4	2	6	66.7	33.3
South Africa	7	5	12	58.3	41.7	9	5	14	64.2	35.7
Swaziland	3	2	5	60	40	3	2	5	60.0	40.0
Tanzania	5	1	6	83.3	16.7					
Zimbabwe	3	4	7	42.9	57.1	3	5	8	37.5	62.5

Source: PSCs in Member States

## 2.9 WOMEN IN ELECTORAL COMMISSIONS

Electoral management bodies ensure that the environment in which elections take place is conducive to conduct credible elections. The Chairperson of the Zimbabwe Electoral Commission is a woman, and the Director of the Independent Electoral Commission of Lesotho is a woman. The President of the Independent National Electoral Commission of the Transition (CENIT) in Madagascar is a woman.

## Women in Electoral Commissions

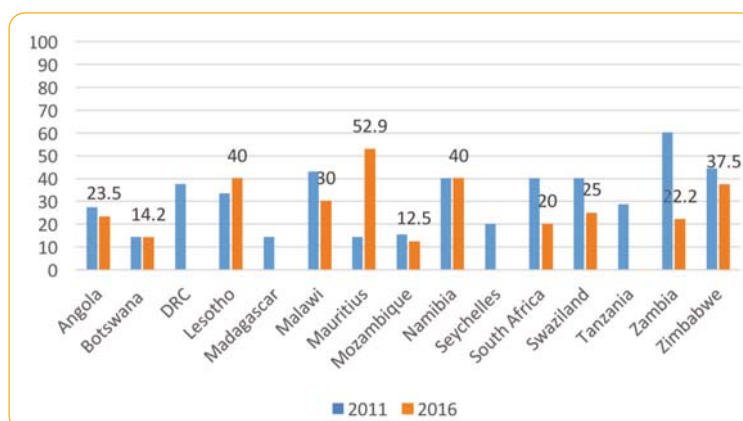
Table 2.13

Country	2011			2016		
	Women	Total	Women %	Women	Total	Women %
Angola	3	11	27.3	4	17	23.5
Botswana	1	7	14.2	1	7	14.2
DRC	3	8	37.5			
Lesotho	1	3	33.3	2	5	40.0
Madagascar	3	21	14.3	3	21	14.3
Malawi	3	7	42.9	3	10	30.0
Mauritius	1	7	14.3	9	17	52.9
Mozambique	2	13	15.4	1	8	12.5
Namibia	2	5	40.0	2	5	40.0
Seychelles	1	5	20.0	1	5	20.0
South Africa	2	5	40.0	1	5	20.0
Swaziland	2	5	40.0	1	4	25.0
Tanzania	2	7	28.6			
Zambia	3	5	60.0	2	9	22.2
Zimbabwe	4	9	44.4	3	8	37.5

In 2011, Zambia was the only country that had exceeded the 50:50 target, as women made up 60 percent of the electoral commission. As of 2016, however the number of women commissioners dropped to 22.2 percent. Mauritius is now in the lead with 52.9 percent representation from 14.3 percent in 2011. In Angola, Malawi, Mozambique, South Africa, Swaziland, Zambia and Zimbabwe, the number of women in the electoral commission has decreased since 2011. Botswana and Namibia have remained static, Namibia at 40 percent since 2011 and Botswana 14.2 percent.

## Women in Electoral Commissions 2011–2016

Figure 2.6



Source: National Progress Reports on implementation of the SADC Protocol on Gender and Development; Data for 2011 from *SADC Gender Monitor 2013*





### SADC PROTOCOL ON GENDER AND DEVELOPMENT PART FOUR – EDUCATION AND TRAINING

#### Article 14 Gender Equality in Education

1. State Parties shall, by 2015, enact laws that promote equal access to and retention in primary, secondary, tertiary, vocational and non-formal education in accordance with the Protocol on Education and Training and the Millennium Development Goals.
2. State Parties shall by 2015 adopt and implement gender-sensitive educational policies and programmes addressing gender stereotypes in education and gender based violence, among others.

#### 3.1 CURRENT PROFILE OF EDUCATION AND TRAINING IN SADC MEMBER STATES

The SADC region has made significant advances toward its goal to achieve gender equality in education. The commitment by SADC Member States to provide education to its citizens is evidenced by the significant increase in the numbers of children and youth across the region who are attending educational institutions, both public and private. The response by SADC Member States to address the increasing demand for education is bringing the region closer to meeting the goals of the SADC Protocol on Education and Training, and the SADC Protocol on Gender and Development (Article 14).

The high level of access to primary education in the SADC region, for both girls and boys, is a success story of the UN Millennium Development Goals for the region.

##### 3.1.1 Primary School Enrolment Rates

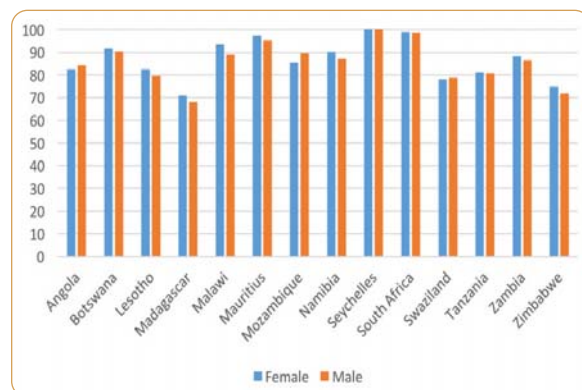
According to the data available, most countries have closed the gender gap, especially in primary schools enrolment, with Botswana, Lesotho, Mauritius, Namibia, South Africa, Tanzania, Zambia and Zimbabwe registering higher enrolment rates for girls than boys at primary school level. (Figure 3.1)

Universal access to free education for all was goal number two of the Millennium Development Goals and SADC Member States have been making efforts to ensure that all children have access to primary school. Botswana, Malawi, Mauritius, Namibia, Seychelles and South Africa are the countries in the region with the highest enrolment rates with more than 90 percent for both girls and boys, except Namibia which have 86.9 percent and 89.1 percent respectively enrolment ratio for boys. Only Seychelles reached 100 percent enrolment for both girls and boys at primary level by 2015.

The most dramatic improvement in the primary school enrolment rate was in Mozambique which has continued to show an upward trend. In 2002, Mozambique had less than 50 percent of girls and boys in primary school, with 43.6 percent and 48.7 percent respectively. However, by 2005, 60.2 percent of girls and 63.8 percent of boys at primary level were in school. By 2015, the figures had reached above 80 percent, with 85.4 percent of girls and 89.6 percent of boys going to school.

Enrolment Rates for Girls and Boys in Primary Schools, 2015

Figure 3.1



Source 2013 SADC Statistical Yearbook, Country MDG reports, National progress reports on implementation of the SADC Protocol on Gender and Development. Note that data for Madagascar is 2013. Data for Malawi is 2008. No data for DRC.

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## Highlights of Some Country Reports for MDG 2 in 2015

### Botswana

In 2002, net enrolment rates for primary school 6-12 years was 89.7 percent and in 2013 it was 93.1 percent. The Proportion of pupils starting grade 1 who reach grade 5 increased from 86.3 in 2002 to 90.9 percent in 2012.

### Lesotho

In 2010 the Government passed the Education Act of 2010, making primary education free and compulsory. Net enrolment increased gradually from 81.8 percent in 2010 to reach the current 82.6 percent in 2012.

### Malawi

Net enrolment rate at primary level has increased marginally from 78 percent to 79.5 percent between 2000 and 2014. The proportion of pupils starting grade one who reach grade five without repeating a grade has reduced from 86 percent in 2006 down to 64 percent in 2013.

### Namibia

The first target towards MDG 2 had been reached by 2011, with practically all children enrolled in primary school, and the country is on target to achieve 100 percent literacy among the youth. In 1992, the net enrolment ratio in primary education was 89 percent and in 2012 it was 99.6 percent as stated by the country's MDG report.

### South Africa

South Africa adjusted the net enrolment ratio from 96.7 in 2002 to 99.3 in 2013. In 1994, only 64 percent of teachers were qualified, whereas by 2013 this number had increased to 98 percent.

### United Republic of Tanzania

Net Enrolment Rate at primary school level was 81.4 percent while Gross Enrolment Rate was at 102.5 percent, due to over and under-age enrolment of children at this level. In terms of gender, males have higher GER (104.4 percent) compared to female GER (100.6 percent). Net enrolment in primary schools, within rural areas, increased from 69.3 percent in 2004/05 to 78.5 percent in 2009/10 for males, and from 72.2 percent to 77.7 percent respectively for females.

### Zambia

The Gross Enrolment Rate for Grade 1 to 9 for females increased from 96.0 percent in 2010 to 115.1 percent in 2013 and the GER for males increased from 97.4 percent to 116.0 between 2010 and 2013.

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### 3.1.2 Secondary School Enrolment Rates

Enrolment rates at secondary school are lower than those at primary level in all SADC Member States. This is due to a wide range of factors such as teenage pregnancy, child marriage, lack of sanitary wear and facilities for girls, among others. For boys, the factors include having to take responsibility for the family through working.

Seychelles has registered 100 percent enrolment of girls and boys in secondary school for more than a decade, with slight fluctuation on annual basis. South Africa has also recorded significant enrolment rates at secondary school level, and by 2013 had reached 89.6 percent enrolment of girls and 91 percent of boys at that level. The lowest enrolment rate in the region was recorded in Mozambique in 2002 when less than five percent of girls and boys were attending secondary school. However, similar to the trend in enrolment at primary level, the rate of enrolment in secondary schools has been increasing steadily, and by 2013, Mozambique had 20.4 and 21.4 percent enrolment rates for girls and boys, respectively. All SADC Member States are showing an upward trend in secondary school enrolment, and a trend similar to primary school enrolment shows that, in about half of the Member States, there were more girls than boys enrolled at secondary school level by 2013. (Figure 3.2)



The figures for primary school completion rates are incomplete or inaccessible for many Member States, but the data available show the indicators are going up, with more children completing primary school. Figure 3.3 shows an indicative example, that of Swaziland, illustrating a steady rise in completion rates since 2009 to level off at 88 percent by 2012, for both girls and boys.

### 3.1.2 Literacy Levels in SADC Member States

The literacy rates for women continue to improve in most SADC Member States, and the gender gap has closed significantly in literacy levels for men and women in the region. Botswana, Lesotho, Seychelles and Swaziland show higher literacy rates for women than men. Nine Member States had literacy levels for women above 80 percent in 2015 — Seychelles, South Africa, Namibia, Botswana, Mauritius, Lesotho, Swaziland, Zimbabwe and Zambia.

Most SADC Member States have registered an increase in literacy levels for women in the last decade, but a gap still exists between male and female literacy, as shown in Table 3.1 for age 15 and older. Literacy levels for women in Lesotho, Malawi, Tanzania and Zimbabwe have decreased. Mozambique is steadily increasing literacy levels, especially for women, but these remain low, at 45.5 percent.

### 3.1.3 Science and Technology

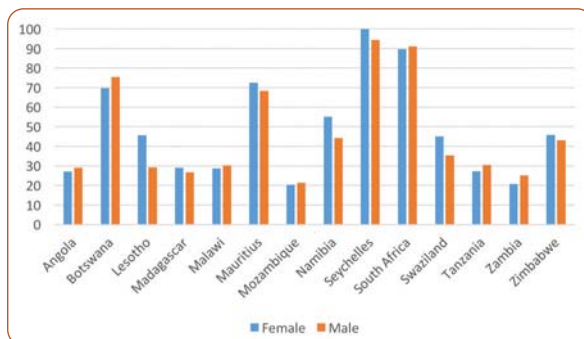
In addition to enrolment and literacy figures, emphasis in education is now placed on science and technology and management of natural resources. Most Member States are introducing ICT as evidenced by the distribution of computers in schools, though primarily in urban centres. The absence of electricity and other infrastructure in most rural areas in the SADC region militates against the rollout of ICT education in these areas, although creative solutions are being considered, as are educational policies which aim to promote access to internet development and mobile technologies. This is in line with the policy objectives of the Revised Regional Indicative Strategic Development Plan (RISDP) which states that SADC will continue to implement ICT applications in order to support education as one of the relevant sectors.

Furthermore, the strong emphasis on Science, Technology, Engineering and Mathematics (STEM) in the higher and tertiary education curricula by several Member States acknowledges the need for the region's youth to be relevant and effective in the modern development agenda. In particular the youth are encouraged to excel in STEM and improve their capacity to participate and propel regional integration programmes such as the Industrialization Strategy and Road Map, and the Revised Regional Indicative Strategic Development Plan (RISDP), all of which have resonance with Africa's Agenda 2063 and the UN Sustainable Development Goals (SDGs).

At regional level, the SADC Regional Women in Science and Engineering and Technology Organization is advocating the participation of the girl-child in the STEM fields.

### Enrolment Rates for Girls and Boys in Secondary Schools, 2013

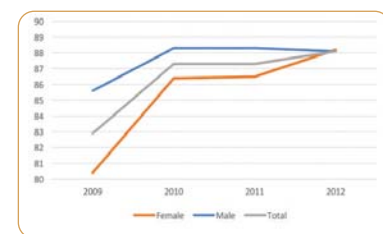
Figure 3.2



Source 2011 and 2013 SADC Statistical Yearbooks, Country MDG reports, National progress reports on implementation of the SADC Protocol on Gender and Development. Note that data shown for Angola, Namibia, Seychelles and Zambia is for previous years. No data for DRC.

### Primary School Completion Rates, Swaziland 2009-2012

Figure 3.3



Source Swaziland national progress report on implementation of the SADC Protocol on Gender and Development

### Literacy Rates in SADC Member States, 2006 - 2015 (%)

Table 3.1

Country	2006		2010/2011		2015	
	Male	Female	Male	Female	Male	Female
Angola	82.1	53.8	82.9	57.6	81.9	60.7
Botswana	76.9	82.4	83.8	84.4	87.2	89.2
DRC	76.2	55.1	76.9	57.0	88.8	65.9
Lesotho	74.5	94.5	83.3	95.6	70.7	88.2
Madagascar	75.5	62.5	-	-	64.7	62.6
Malawi	76.1	49.8	81.8	77.4	73	59
Mauritius	88.6	82.7	92.0	86.7	92.8	88.4
Mozambique	63.5	32.7	66.9	38.2	73.4	45.5
Namibia	84.4	83.7	89.0	88.5	91	90.6
Seychelles	-	-	91.4	92.3	94.8	95.8
Swaziland	82.6	80.8	87.8	86.2	87.4	87.5
South Africa	87	85.7	94.1	91.7	95.8	93.4
Tanzania	85.9	70.7	83.4	78.1	84.7	76
Zambia	86.8	74.8	80.7	61.7	89.7	80.5
Zimbabwe	94.2	87.2	94.7	89.9	88.5	85.2

Source Beyond Inequalities: Women in Southern Africa 2008; 2013 SADC Statistical Yearbook; SADC Gender Monitor 2009; UNESCO 2015. -No data



**Trend of Female Literacy Rates in SADC Member States, 2004–2015 (%)**

Figure 3.4

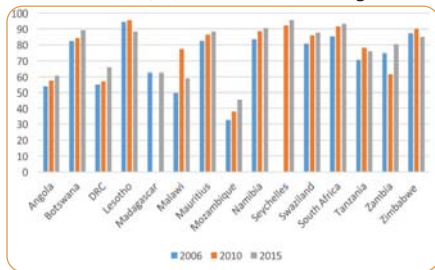


Table 3.1

### 3.2 POLICIES ON GENDER EQUALITY IN EDUCATION

Educational policy frameworks guiding Member States include the SADC Protocol on Gender and Development, the Protocol on Education and Training (1997), the Revised RISDP 2015-2020, Agenda 2063, and the Sustainable Development Goals. SADC Member States have implemented programmes related to these and other national frameworks, and apart from improving curricula, SADC governments have taken a deliberate and systematic approach of affirmative action that has resulted in high enrolment rates for girls.

This approach has brought results and, in some cases, clearly shows that past low enrolment rates for girls were due to limited opportunities and the prevalence of prejudice which favoured sending the boy-child to school ahead of the girl-child. For example, in Zimbabwe, female Advanced Level and Grade 7 pupils out-performed their male counterparts in 2015 for the

second straight year, according to the Zimbabwe Schools Examination Council.

### 3.3 ACCESS TO EDUCATION

The commitment by SADC Member States to education and training is evident by the high allocation of public expenditure that goes towards education, reflected either as a proportion of the country's GDP — Botswana 9%, Malawi 5.7%, South Africa 7%, and Swaziland 6% for both education and health; or of the total Annual Budget — Botswana 28.8%, DRC 13.8%, Mauritius 13.3%, Namibia 23.4%, Seychelles 12% for education and health, and South Africa at 20%.

SADC Member States have generally made good progress in ensuring access to education by women and girls through effective policy measures such as supporting the Education For All (EFA) movement and the use of affirmative action in educational policies. Consequently, due to the firm commitments and efforts by SADC governments, the number of children enrolled in higher and tertiary education systems has also increased.

According to UNICEF, the number of children not in school for the whole of eastern and southern Africa has been reduced by 45 percent, from 20 million to 11 million (UNICEF, 2015).

#### 3.3.1 Socio-Economic Challenges in Accessing Education

While some issues have been resolved, some challenges have persisted, and in some cases the disparities have widened. As a transition is made from the MDGs to SDGs, SADC joins the rest of the world in reflecting on actual gains on human development to date and on progress toward the social and economic targets of the Protocol on Gender and Development.

Despite the achievements, there are persistent challenges as male-centred approaches still reflect in higher ratios of the enrolment of boys, especially in rural areas. Persistent gaps in opportunities to access education between boys and girls from rich and poor households, urban and rural communities, particularly at tertiary level, majority and minority groups, still perpetuate the vicious inter-generational cycles of deprivation and disadvantage and deepen rifts in society that are detrimental.

For the region to achieve the new SDG targets on education, emphasis has to be placed on addressing these disparities since the poorest children are more likely to be out of school than rich children, and female rural youth are more likely to be illiterate than their male counterparts.

The region still faces challenges of serious youth unemployment, drug abuse, gang violence in schools, bullying, sexual abuse and teenage pregnancy. These areas show where Member States need to invest more efforts to educate children and youth as future citizen ready to advance the region's integration agenda as they take responsibility for implementation of the regional agenda and eventually to contribute to the broader continental goals and vision of Agenda 2063.



## Laws, Policies and Programmes that Facilitate Education for Girls in SADC Member States

Table 3.2

Country	Policies /Frameworks
Angola	<ul style="list-style-type: none"> <li>• Now incorporates Youth and Adult Education Policy (15 years and above is considered an adult)</li> <li>• Free education policy encourages children to enrol, especially those affected and displaced by war</li> </ul>
Botswana	<ul style="list-style-type: none"> <li>• Free education at Primary Schools</li> <li>• Highly subsidised education at Secondary Schools (US\$35 at Junior and \$45 at Senior Secondary Schools)</li> <li>• Special disability programmes for children to be sent to South Africa or Zimbabwe where there are special facilities</li> <li>• Public investment in education is almost 9 percent of GDP</li> <li>• Re-integration of girls in the education system after pregnancy</li> <li>• Provision of bursaries and grants for tertiary education</li> </ul>
DRC	<ul style="list-style-type: none"> <li>• In 2012 the budget for education shot to 13.8 percent from 6.5 percent in previous years.</li> <li>• Developing a strategy to reach the "lost generation" to bring them back to the classroom, mainly children in rural areas, especially girls and former child soldiers</li> </ul>
Lesotho	<ul style="list-style-type: none"> <li>• Education Act sets the legal framework for free and compulsory education for all school aged children</li> <li>• Female participation in the education sector is higher than that of males</li> <li>• Bursaries support offered to all levels of schooling on covers, uniforms, books and boarding costs (from Early Childhood Development to Secondary Schools)</li> </ul>
Madagascar	<ul style="list-style-type: none"> <li>• Interim Education Sector Plan (2013-15) to be finalized in 2016 to maintain enrolment levels in primary and secondary schools</li> <li>• Education compulsory for children between 6 and 14 years</li> <li>• Deterred by shortage of regular clean water. Only 18 percent of schools have access to water for drinking (Borgen 2014)</li> </ul>
Malawi	<ul style="list-style-type: none"> <li>• Article 13 Cap 111 of the Constitution calls for the adoption and implementation of policies for the education sector to provide for adequate resources for the elimination of illiteracy</li> <li>• National Education Sector Plan 2008-2017, in particular promoting enrolment of the girl-child in school and re-entering the formal school system for girls after pregnancy</li> <li>• National budget for education at 5.7 percent of GDP</li> </ul>
Mauritius	<ul style="list-style-type: none"> <li>• Budget expenditure on education is 13.3 percent of total expenditure</li> <li>• Free transport for students from primary to tertiary level</li> <li>• Compulsory education up to 16 years for both sexes</li> <li>• Student tracking system put in place to address issue of student drop outs</li> </ul>
Mozambique	<ul style="list-style-type: none"> <li>• Mozambique Education Strategic Plan 2012-2016 defines the objectives and priorities for education based on the long-term vision that promotes education as a human right</li> <li>• Targets secondary education and the reduction of geographical and gender disparities</li> </ul>
Namibia	<ul style="list-style-type: none"> <li>• Article 20 of the Constitution makes education compulsory and free at state primary schools</li> <li>• Cabinet resolution of 2015 makes secondary school free and abolishes School Development Fund from 2016</li> <li>• Education constitutes 23.4 percent of the National Budget</li> <li>• Namibia Sector Policy on Inclusive Education targets the girl-child for access, equity and quality education</li> </ul>
Seychelles	<ul style="list-style-type: none"> <li>• Education free and compulsory up to 16 years, leading to 100 percent enrolment rates for boys and girls</li> <li>• 12 percent of the overall budget allocated for health and education</li> </ul>
South Africa	<ul style="list-style-type: none"> <li>• Public investment in education constitutes 7 percent of GDP and 20 percent of total state expenditure. This has resulted in an increase in the enrolment of girls and women in learning institutions</li> <li>• South Africa Schools Act 1996 makes education compulsory for all children 7 to 15years</li> <li>• Girls Education Movement (GEM) launched to enhance the schools environment for girls and to ensure sustained access and retention</li> </ul>
Swaziland	<ul style="list-style-type: none"> <li>• Swaziland Education and Training Sector Policy 2011 promotes gender equality and equal access to opportunities and outcomes, including resources to women and girls</li> <li>• Six percent of GDP goes towards the Education and Health Sector</li> <li>• The Constitution of 2005 declares primary education compulsory and free</li> </ul>
Tanzania	<ul style="list-style-type: none"> <li>• New Education Policy 2014</li> <li>• Free basic education from primary to "0" level</li> <li>• Basic education compulsory</li> <li>• Single textbook for every subject for all schools</li> </ul>
Zambia	<ul style="list-style-type: none"> <li>• Re-entry policy that allows girls to return to school after pregnancy</li> <li>• Ratified most international treaties that protect the right to education</li> <li>• Education Act of 2011 identifies each person's rights up to high school</li> </ul>
Zimbabwe	<ul style="list-style-type: none"> <li>• The Constitution, Section 27(2)</li> <li>• Education Act of 2006 guarantees the right to education for every child and forbids discrimination, including gender</li> <li>• Basic Education and Assistance module</li> </ul>



### 3.3.2 Girl Child and Access to Education in Rural Areas

The region is trying to close gender gaps that still persist in quantity and quality of education available for girls in the rural areas. While their urban counterparts mostly deal with the issue of gender inequality in academic performance, in some circumstances rural poverty means that girls deal with graver concerns, such as being kept out of school in favour of their brothers who are given priority where money is scarce and choices have to be made. Girls bear the brunt of most household chores and other forms of labour which prevent them from going to school, and can make them weary and too tired for lessons should they be able to attend school, apart from the chores infringing on study time.

Facilities and structures of rural schools are seldom improving, with parents expected to contribute to schools development projects. In most cases, rural parents cannot afford to contribute to community development funds, and it is therefore discouraging to children to attend. With the region facing the additional challenge of drought cycles during which there are poor agricultural seasons, inadequate food security means that many children are likely to drop out of school, especially those confronted with the challenge of having to walk long distances to school.

One of the reasons for inconsistent school attendance for girls who reach puberty is lack of access to sanitary wear, especially for girls in rural areas. For many of these girls whose families survive on little resources, sanitary wear is expensive or unavailable, ultimately causing girls to miss many school lessons. This is an area that still reflects policy gaps as access to sanitary wear for girls is essential to increase confidence and self-esteem, and ultimately school attendance.

### 3.3.3 Teenage Pregnancy

All SADC Member States are signatory to the Convention on the Rights of the Child (CRC) which provides States with basic guidelines for the protection of girls and boys up to the time they reach adulthood. Many of its provisions are reinforced by Intentional Conference on Population and Development (ICPD) which calls for the protection of the girl and boy child from early marriages. However gaps in protection laws and policies often lead to violations that lead to child pregnancies.

#### **International Conference on Population and Development**

Governments should strictly enforce laws to ensure that marriage is entered into only with the free and full consent of the intending spouses. In addition, Governments should strictly enforce laws concerning the minimum legal age of consent and the minimum age of marriage and should raise the minimum age of marriage where necessary. Governments and non-governmental organizations should generate social support for the enforcement of laws on the minimum legal age at marriage, in particular by providing educational and employment opportunities.

The increasing rate of adolescent pregnancies is a growing problem in southern Africa and the imperative to examine the causes is an ongoing concern (RISDP 2015). Reasons identified range from drug and alcohol abuse which is on the increase, especially in communities where there is rampant youth unemployment, but the challenge is equally pervasive in schools among the youth and adolescent who find themselves in situations of constricting opportunities. When intoxicated these adolescents are likely to engage in risky sexual behaviour leading girls to be exposed to the risk of HIV infection and pregnancy.

Using Social Media is a common activity among today's adolescents and adolescent sexual behaviour is changing as a result, substantially influenced across the region by social media networks. While research shows that engaging in various forms of social media interaction can benefit adolescents by enhancing communication and technical skills, their limited capacity for self-regulation and peer pressure exposes teenagers to more risky offline behaviour such as sexual experimentation.



The ongoing continental campaign against child marriages and the resultant legal ban on marriages of people under the age of 18 years in several countries is a strong policy position that some Member States have taken through their national legal machineries as one of the actions to improve the health and educational opportunities of teenagers through reducing teenage pregnancies and child marriages. Campaigns that support the initiative include the South African Sugar Daddy Campaign (KZN) of 2014 whose intervention seeks to curb teenage pregnancy and prevalence of HIV in young girls.

In order to curb high drop-out rates for girls, countries such as Botswana, Malawi, Namibia, Zambia and Zimbabwe have re-admission policies for girls who fall pregnant while in school. South Africa allows girls to continue in school while they are pregnant and re-admits them after they deliver. The re-entry policies into the formal education system by teenage mothers in countries such as Zambia help to mitigate against the devastating effects of teenage school pregnancies, by facilitating the young mothers' access to education.

### 3.4 ACCESS TO VOCATIONAL TRAINING

#### Social and Human Development Cluster (RISDP)

- ❖ Improving access, quality, efficiency and relevance of education and training at all levels, particularly of secondary education, technical vocational education and training (TVET), teacher education and higher education; and
- ❖ Facilitating the implementation of the provisions of the Protocol on Education and Training, including the development of Regional Qualification Framework (RQF); establishment and strengthening of Centres of Specialisation and Excellence in the Region.

SADC Member States are developing the Technical and Vocational Education Training (TVET) on the basis that human capital development will promote individual and national economic development and improve livelihoods. In terms of the Social and Human Development Cluster under the RISDP, social, human and special programmes are mandated to ensure the availability of educated and skilled human resources required for the advancement of regional development and integration, and the efficiency and competitiveness of the region.

Most Member States have comprehensive frameworks governing access to TVET by students. For example, Mauritius has crafted the Education and Human Resources Strategy and Plan 2008 -2020 which motivates for the quality of workforce for sustaining economic and social development in the country (SADC-UNESCO 2015). Lesotho's TVET offers an effective practice, in which the Education Sector Strategic Plan (ESSP) 2005-2015 has specific TVET goals regarding access and equity in technical and vocational training, calling for quality, relevance, and the reduction of HIV. In DRC, technical education and vocational training is managed by six ministries hence the establishment of the Inter-Ministerial Commission for Technical Education Vocational Training 2006 to bring synergy and regulation of TVET. In Swaziland, the Technical and Vocational Education and Training Skills Development Policy was adopted together with the legal framework to implement it. The position is uniform across the region with most Member States having in place policies and mechanisms for the regulation of growth of TVETs.

The existence of these comprehensive policies and legal framework has not resulted in equity in the number of graduates from TVET in the region as the number of female graduates is lower than male graduates. This is despite the fact that secondary education across the region shows higher enrolment rates for females than for males. However, female student enrolment ratios in TVET do not show the same higher rate against male counterparts, but rather indicate a sharp decline. For example, the enrolment rate in Mauritius for women in TVET stood at 20 percent, representing almost 30 percent decline from the secondary school enrolment. The status is similar in Zimbabwe which also experienced a 42.1 percent tertiary enrolment for females against an incline of 57.9 percent for males.



In line with the RISDP, Member States can do more to close the gender gap in TVET enrolment for the region. Dealing with these gender disparities, including returning pregnant girls to school, and generally availing women access to TVET through the implementation of affirmative action programmes will resolve human resource shortages that the region faces. Fundamentally, the nature of the job economy is shifting and women and girls can no longer rely on traditional roles. Feminized jobs such as clerical, service and domestic work are the lowest paid globally and perpetuate wage income gaps. Women and girls need more inroads into the application of technology which more TVETs across the region are now offering so as to gain benefit from equal pay policies in place. Since women in SADC are more in number than male counterparts, women constitute a critical mass of human resources that can accelerate development in the region and whose value Member States cannot afford to marginalize.

### 3.5 WOMEN IN SCIENCE AND TECHNOLOGY

#### Beijing Platform for Action

The Beijing Platform for Action, adopted at the Fourth World Conference on Women in 1995, calls on Governments and all stakeholders to increase women's access to and retention in science and technology, including by adapting curricula and teaching materials and by increasing the share of women teachers in scientific and technological disciplines at all levels of education (paragraphs 82 (g) and 83 (f)).

Over the last few years, there have been signs of a shift towards exploring the potential of science and technology for development in the region necessitated by the need to overcome regional pandemics, water shortages, food and energy insecurity, and climate change. Science and technology capacity varies greatly from country to country in southern Africa. The most serious challenges hindering the development of science and technology in the sub-region, as with the rest of the continent, include reduced investment in research and development, the flight of skilled personnel to developed countries, inadequate infrastructure, insufficient levels of literacy, and a lack of participation of women in science and technology studies.

A Protocol on Science, Technology and Innovation was signed by the SADC Heads of State and Government in August 2008. Apart from outlining the framework of cooperation between Member States in science and technology, some of the objectives of the Protocol are to increase access to the teaching and learning of science, technology and mathematics, and to promote gender equity and equality in the teaching and learning at all levels of education.

Table 3.3 shows that the enrolment of women in Science, Engineering and Technology is gradually improving, but still remains low. Namibia has a very high proportion of women enrolment at 77 percent, with Madagascar, Malawi, Mauritius, South Africa and Zimbabwe having more than 30 percent women enrolment.

The success of the regional development agendas such as the SADC Industrialization Strategy and Roadmap, and the Regional Indicative Strategic Development Plan, requires sufficient human resources with appropriate qualifications, skills and capacity, especially in Information Communication Technology (ICT) and Science, Technology, Engineering and Maths (STEM). Thus, science and technology now appear as a crosscutting theme in most regional agendas and policy frameworks, intended to develop and strengthen national systems of innovation.

As a follow up to the Protocol on Science and Technology and Innovation, a Charter establishing SADC Women in Science and Technology Organization was drafted in 2015 and is pending approval. Article 3 of the draft Charter provides for the operationalization and setting up of an independent secretariat, and Article 9(ii) puts in place mechanisms for the advocacy, mentoring and mobilization of girls and women to pursue studies and training in fields of Science, Technology,

#### Enrolment in Science, Engineering & Technology at Public Institutions of Higher Education

Table 3.3

Member States	Total	Male	Female	Female %
Angola	-	-	-	-
Botswana	2 725	1 977	748	27.4
DRC	-	-	-	-
Lesotho	1 033	753	280	27
Madagascar	6 957	4 402	2 555	36.7
Malawi	2 047	1 378	669	32.7
Mauritius	4 105	2 534	1 571	38
Mozambique	-	-	-	-
Namibia	1 648	374	1 274	77
Seychelles	-	-	-	-
South Africa	186 203	115 364	7 083	38
Swaziland	387	274	113	29
Tanzania	8 883	6 543	2 340	26.3
Zambia	-	-	-	-
Zimbabwe	6 567	4 783	2 541	38.7

Source Southern African Regional Universities Association 2012 Higher Education. -No data





Country	Policies /Frameworks
Botswana	<ul style="list-style-type: none"> <li>Ministry of Communication, Science and Technology implements the Science and Technology Policy which is aligned to Botswana Vision 2016</li> <li>National Policy on Research and Technology, and Implementation Plan</li> <li>Scholarship grants for enrolling at tertiary level for STEM</li> </ul>
Lesotho	<ul style="list-style-type: none"> <li>Ministry of Communication, Science and Technology coordinates Lesotho Vision 2020 on National Science and Technology Policy</li> </ul>
Malawi	<ul style="list-style-type: none"> <li>National Commission for Science and Technology was created with the mandate to advise Government and other Stakeholders on all science and technology matters to achieve a science and technology led development.</li> <li>Instituted a Small Grants Scheme to support dissertations, travel, and research dissemination</li> </ul>
Namibia	<ul style="list-style-type: none"> <li>Education Policy, The Education Act (Act 16 of 2001)</li> <li>Girls Empowerment Clubs</li> </ul>
Mozambique	<ul style="list-style-type: none"> <li>Gender Strategy for the Education Sector 2016-2020</li> <li>Girls Club</li> </ul>
South Africa	<ul style="list-style-type: none"> <li>Talent Development Strategy on Science and Mathematics Olympiads reserves 60 percent of participants for girls Grade 10-12</li> <li>The Thuthuka Programme supports women researchers and has awarded research grants to 698 women</li> <li>South African Agency for Science and Technology Advancement hosts Primary Science Day to promote science in primary schools</li> <li>Techno Girl is a Partnership between Government and UNICEF that targets young female learners in public schools from Grade 9-12 for shadowing in the corporate sector</li> </ul>
Swaziland	<ul style="list-style-type: none"> <li>Ministry of Education and Training in collaboration with NGOs supports girls in selected, less privileged schools in Lubombo region to enrol in Science and Mathematics subjects, and provides mentors.</li> <li>Country hosts the Science Day, targeting youth, primarily girls</li> </ul>
Zambia	<ul style="list-style-type: none"> <li>Science and Technology work is carried out largely by the National Council for Scientific Research (NCSR), University of Zambia (UNZA) and line Ministries, mainly Agriculture Food and Fisheries, Environment and Natural Resources, Mines and Minerals Development, and Health, with funding predominantly from Government</li> </ul>
Zimbabwe	<ul style="list-style-type: none"> <li>Ministry of Higher Education now merged with Science and Technology Development</li> <li>Free education for all pupils in public schools at Advanced Level who take up science subjects starting from 2016. Government will pay full school and boarding fees.</li> <li>Formation of Girls Science Camps</li> <li>Promotion of Mathematics Olympiad</li> <li>Science exhibitions</li> </ul>

Engineering and Mathematics. Programmes will be developed to encourage girls to take up science subjects at school for further specialization at tertiary and higher levels of education.

The Charter should be seen against the background of earlier initiatives such as The Beijing Platform for Action 1995; Article 21 of the SADC Treaty; the 2008 meeting of Ministers responsible for Science and Technology which endorsed the SADC Women in Science and Technology Initiative; and the inaugural AU Conference of African Women in Science and Technology 2007, in line with the 2007 AU Summit decision of African Heads of State and Government.

Prioritizing the education and training of young girls and women in the fields STEM will begin to bridge the gender gap and strengthen the regional integration agenda, as well as attainment of the continental vision of Agenda 2063. The vision of Agenda 2063 wants to see a prosperous Africa beyond inequalities towards equity and shared development in a different future in which the continent can prosper using all of its talent. To close the gender gap, Member States need to develop comprehensive strategies to broaden the participation of women and girls as a historically under-represented group, and to encourage compliance to ensure that all individuals enjoy the equality of opportunity that the law and policies provide.

### 3.6 WOMEN IN HIGHER AND TERTIARY EDUCATION

The participation by women in institutions of higher learning continues to improve, with data from 11 Member States showing enrolment close to 50:50 and in some cases recording more women than men, such as Lesotho, Mauritius and Namibia. Some Member States have put in place comprehensive affirmative action programmes to ensure gender parity in higher and tertiary institutions. (Table 3.5)

### Enrolment in Public Institutions of Higher Education

Table 3.5

Member States	Total	Male	Female	Female %
Angola	-	-	-	-
Botswana	15 598	8 146	7452	48
DRC	-	-	-	-
Lesotho	12 339	4 902	7437	60
Madagascar	43 380	22 305	21075	48.6
Malawi	7 914	4 718	3196	40.3
Mauritius	14 060	6 753	7307	52
Mozambique	60 412	31 293	29119	48.2
Namibia	21 317	7 263	14054	66
Seychelles	-	-	-	-
South Africa	893 912	513566	380346	42.5
Swaziland	5 583	2 801	2782	49.8
Tanzania	52 603	31 654	20949	39.8
Zambia	-	-	-	-
Zimbabwe	4 4059	24 067	19992	45.4

Source Southern African Regional Universities Association 2012 Higher Education. Data collected from 65 of 108 Public Institutions of Higher Learning that responded across the region and responses were also received from 12 Ministries of Education. -No data



## Women Academic and Research Staff in Higher Education Institutions in SADC

Table 3.6

	Total Staff	Women %	Men %
All countries	32 474	39.0	61.0
South Africa excluded	13 621	24.5	75.5

Source Southern African Regional Universities Association 2012 Higher Education

## Higher Education Enrolment in SADC 2011

Table 3.7

	Gender Analysis	
	Women %	Men %
All Countries	49.9	50.1
South Africa excluded	36.8	63.2

Source Southern African Regional Universities Association 2012 Higher Education

The participation of women as academic and research staff in institutions of higher learning is growing but continues to be lower than that of men, with women occupying 39 percent of the overall regional academic and research staff composition. The statistics improve when enrolment of students in higher education institutions is considered, with women comprising 49.9 percent of the overall enrolment (Table 3.6) (Table 3.7).

Further, while it is useful to review general higher education enrolment statistics, it is equally important that the statistics are disaggregated by specific areas of study, as the data show fewer women than men studying, and teaching, science and technology at tertiary level.

Table 3.8 shows the proportion of academic and research staff who are women in institutions of higher education in SADC Member States. The under-representation of women in higher education and limited participation in decision-making has an impact on the overall contribution to knowledge production at all levels.

The participation of women as academic and research staff continues to be lower than that of men. Between 2006 and 2008, South Africa, Namibia and Lesotho had more than 40 percent of women academic and research staff almost reaching 50 percent to be a par with men. In 2012 the percentage for Namibia and South Africa rose slightly from 42.4 to 42.6 percent and 43.7 to 46.4 percent, respectively. Tanzania is the only country which registered a slight decrease from 24.8 in to 24.2 percent in 2012. Angola, Botswana, DRC, Malawi, Madagascar, Mozambique, Swaziland, Zambia and Zimbabwe have increased the number of women research and academic staff although still far from reaching parity with men.

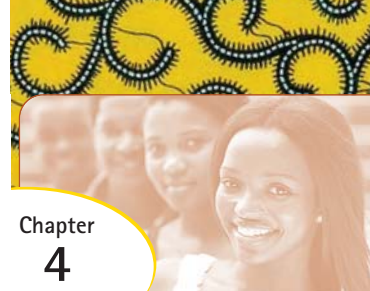
## Women Academic and Research Staff in Higher Education Institutions in SADC

Table 3.8

Country	2006 – 2008			2012		
	Total	Women %	Men%	Total	Women %	Men %
Angola	1 501	22.7	77.3	858	25.2	74.8
Botswana	827	30.4	69.6	806	39.2	60.8
DRC	2 869	3.4	96.4	1 037	8.3	91.7
Lesotho	374	43.3	56.7	-	-	-
Madagascar	965	7.1	92.9	2 414	37	63
Malawi	796	19.9	80.1	770	22.3	77.7
Mauritius	298	39.9	60.1	312	92.6	7.4
Mozambique	2 068	13.9	86.1	1 237	24.1	75.9
Namibia	340	42.4	57.6	1 708	42.6	57.4
Seychelles	-	-	-	-	-	-
South Africa	18 474	43.7	56.3	46 327	46.4	53.4
Swaziland	229	34.9	65.1	274	39	61
Tanzania	2 656	24.8	75.2	3 756	24.2	75.8
Zambia	665	16.5	83.5	857	20.7	79.3
Zimbabwe	1 721	18	83	2 472	25.5	74.5

Source Southern African Regional Universities Association (SARUA) in Higher Education in SADC.  
-No data





## SADC PROTOCOL ON GENDER AND DEVELOPMENT PART SEVEN – HEALTH AND HIV AND AIDS

### Article 26 Health

States Parties shall, by 2015, in line with the SADC Protocol on Health and other regional and international commitments by Member States on issues relating to health, adopt and implement legislative frameworks, policies, programmes and services to enhance gender sensitive, appropriate and affordable quality health care, in particular, to:

- ❖ reduce the maternal mortality ratio by 75% by 2015;
- ❖ develop and implement policies and programmes to address the mental, sexual and reproductive health needs of women and men; and
- ❖ ensure the provision of hygiene and sanitary facilities and nutritional needs of women, including women in prison.

### 4.1 ACCESS TO HEALTH CARE

Access to quality and affordable healthcare for women is among the commitments of the Beijing Declaration and Platform for Action (BDPFA), which notes that women should have decision-making powers in matters concerning their health. However, available, accessible and affordable, quality health care is still a challenge in the SADC region and there is still a significant proportion of women suffering due to inadequate access to medical care.

However, some significant advances have been made in increasing life expectancy and reducing the impact of some of the common causes of death associated with child and maternal mortality. Notably, major progress has been made on increasing access to clean water and sanitation, reducing malaria, tuberculosis, polio, and the spread of HIV and AIDS. However, more effort is needed to fully eradicate a wide range of diseases and address persistent and emerging health issue such as communicable and non-communicable diseases.

The economic performance of SADC countries differs, with some countries doing better than others and others not so well. The negative impact of poor economic performance affects women and men differently. In countries where economic performance is low, the health delivery system is usually also weak due to lack of resources. Women constitute the majority of the poor in the SADC region, and are likely to be affected by poor economic performance, whose indicators include poor sanitation, nutrition, social services, poorly resourced infrastructure, equipment, facilities and inadequate human resources. Nevertheless, in some SADC countries, access to health has increased.

Several SADC countries have adopted policies that seek to improve the health of all SADC citizens including women, and align them with the SADC Protocol on Gender and Development and other regional and international commitments. The SADC Protocol on Health of 1999 seeks to develop common strategies to address the health needs of women, children and other vulnerable groups. Consequently, access to health has increased in the last decade with Member States taking measures to ensure the provision of quality and adequate health among their citizens.

Maternal mortality is one of the biggest health challenges facing women in Africa, hence the need to improve maternal health care. The provision of quality and adequate maternal health care is one of the critical areas that many SADC countries have identified for urgent attention and most countries have identified strategies of providing free health care for poor and vulnerable sections of society. Most countries in the region have made efforts in trying to provide access to healthcare for all citizens, especially vulnerable groups, but access has not been uniform. The health sector in most

countries suffers from underinvestment resulting in deteriorating infrastructure, loss of skilled human resources as a result of migration of highly skilled health workers to developed countries, and the increasing burden of morbidity and mortality as a result of HIV and AIDS.

#### 4.2 MATERNAL MORTALITY

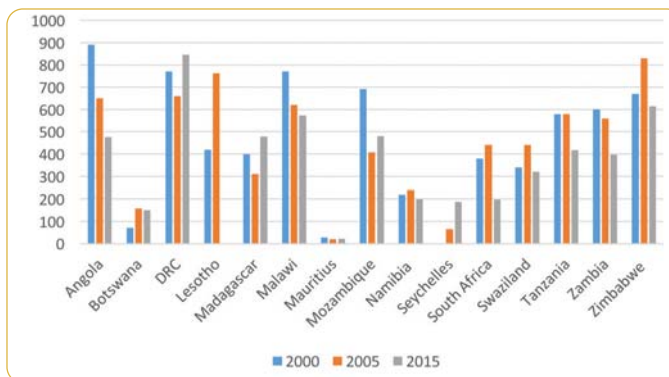
Maternal mortality ratio is generally used as an indicator of development, particularly to reflect the overall effectiveness of health systems, which in many countries may suffer from weak administrative systems, technical and logistical capacity, inadequate financial investment and lack of skilled health personnel. Major direct causes of maternal mortality in the SADC region include obstetric haemorrhage, obstructed labour, pregnancy induced hypertension, sepsis, and abortion complications. Generally, maternal mortality rates in SADC indicate erratic trends and patterns owing to a number of factors, while in some countries, the risk of a woman dying as a result of pregnancy or childbirth during her lifetime has generally declined over the years.

Maternal Mortality in SADC Member States, 2000–2015 Table 4.1

Country	2000	2005	2015
Angola	890	650	477
Botswana	71	158	151
DRC	770	660	846
Lesotho	419	762	-
Madagascar	400	310	478
Malawi	770	620	574
Mauritius	28	21	22
Mozambique	692	408	480
Namibia	220	240	200
Seychelles	0	65	187
South Africa	380	440	197
Swaziland	340	440	320
Tanzania	578	578	418
Zambia	600	560	398
Zimbabwe	670	830	614

Source National Statistics Offices, National progress report on implementation of the SADC Protocol on Gender and Development /100,000 live births

Trend of Maternal Mortality 2000–2015 Figure 4.1



Source Table 4.1

Two thirds of SADC Member States have made progress in reducing the rate of maternal mortality, but most still face barriers in health delivery systems such as a shortage of human resources including midwives; lack of emergency obstetric services; low levels of contraceptive usage; cultural attitudes towards pregnancy, labour, and delivery; and high levels of malaria and anaemia. (Table 4.1, Figure 4.1)

DRC still has the highest maternal mortality rate in the SADC region, and Mauritius has the lowest, although Seychelles reported only 3 maternal deaths in 2015. The rates may be distorted due to the small populations, as maternal mortality is measured /100,000 live births. Lesotho also has a higher maternal mortality rate, largely resulting from surgical emergencies such as haemorrhage, infection, or obstructed labour which account for 60 percent of maternal deaths. Other factors are due to most women living several hours from a health centre, resulting in low numbers of women delivering at health facilities with assistance from medical professionals who can manage complications.

In South Africa, the maternal mortality rate is steadily decreasing and has maintained this trend since 2005. The proportion of women delivering their babies in public health facilities has been on a steady increase from 80.7 percent in 2011 to 85.9 percent in 2014. South Africa has a large number of gynaecologists and obstetricians which accounts for part of the reduction in maternal mortality and the increase in more women delivering in public health facilities, due to the availability of skilled health personnel.



## Interventions to Reduce Maternal Mortality in SADC Member States

Table 4.2

Country	Policies and Programmes
Angola	Government is taking measures to ensure that all women are attended by a skilled health worker during delivery, including in rural areas, and increase the availability of emergency obstetric care. The ministry of health has launched a campaign to reduce maternal and infant mortality, and encouraged authorities to ensure the necessary budget resources to improve health for women and children.
Botswana	Through the Safe Motherhood Programme, nurses and midwives were trained to strengthen their ability in Obstetric Record (BOR), an instrument that should help with early diagnosis of problems during pregnancy, labour, delivery and after. A Maternal Mortality Monitoring System has been developed to provide an opportunity for the delivery system to participate in evaluation of Maternal Mortality through an audit of maternal deaths in order to make informed conclusions and recommendations and provide a situational analysis of maternal mortality in the country. An Adolescent Sexual and Reproductive Health Implementation Strategy has been developed targeting youth with emphasis on early pregnancy.
DRC	The Ministry of Health together with USAID developed the Integrated Health Project (IHP) which assisted in identifying a reliable blood bank and source of donors to treat haemorrhage cases which were contributing the greater part of maternal mortality. Through the Health Africa programme in DRC, a large number of women were given micro-grants in groups of 8 - 10 to invest in producing more income through their farms and small commerce. At the end of every month, each woman in the group contributes US\$1 to a maternal health insurance fund. This fund is used for medical care including pre-natal check-ups, delivery at a health centre and any other necessary treatment related to pregnancy and birth. This gives women who normally could not afford healthcare, the opportunity to receive treatment throughout their entire pregnancy.
Lesotho	A Maternal Mortality Reduction Project was launched to train specialized Community Health Workers to educate and accompany pregnant women to health centres and ensure that they receive prenatal, delivery and postnatal care from skilled health professionals. Mothers' Waiting Houses have been established where pregnant women can stay for at least two weeks prior to delivery and remain for 48 hours after delivery.
Madagascar	The government adopted a national plan to reduce maternal/neonatal mortality in 2008 whereby free services including caesarean delivery, where put in place to encourage mothers to deliver in health centres. Traditional midwives who previously did not advocate for mothers to deliver in a health facility were educated about the importance of encouraging women to deliver at well-functioning health centres with proper equipment and supplies. Community Health Volunteers (CHVs) through an Integrated Community Case Management programme (ICCM) provided services which included screening, early recognition of pregnancy danger signs, and the promotion and referral of pregnant women for antenatal care. CHVs also expand the delivery of quality antenatal care by distributing iron/folic acid, de-worming medication, and refer for preventive treatment of malaria in pregnancy. CHVs counsel women on birth preparedness including promotion of facility delivery as well as essential newborn care including, clean delivery, immediate drying and covering/wrapping, as well as early immediate and exclusive breast feeding.
Malawi	The MaiKhanda Programme is a quality improvement intervention, working first in nine hospitals that provide Comprehensive Emergency Obstetric Care (CEmOC), and later in 29 health centres (facilities) that provide some elements of Basic Emergency Obstetric Care (BEmOC). Government has increased access to ensure every pregnant woman should have access to focused antenatal care and clean and safe delivery by a skilled attendant, and every pregnant woman who develops complications should have access to emergency obstetric care Road Map for Accelerating the Reduction of Maternal and Neonatal Mortality and Morbidity in Malawi (2005) seeks to improve the availability of, access to, and utilisation of quality Maternal and Neonatal Health Care, including family planning and PMTCT services Strengthening human resources to provide quality skilled care.
Mauritius	All health services in Mauritius are free of charge. This has been a critical factor in making access available to all pregnant women in Mauritius. Mauritius ensures that all health staff are trained to provide good quality health services. Almost 100 percent of births are attended by health personnel, contributing to the low maternal mortality rates in the country. There are several health centres function until 6pm, and on Sundays and public holidays.
Mozambique	A National Strategic Plan for Maternal and Peri-natal Mortality Reduction was developed to increase the access of woman with obstetric complications to adequate emergency care services, including an effective referral system and to improve data collection systems and analysis on obstetric complications with the aim of improving obstetric and peri-natal health care services. Design of the National Sexual and Reproductive Health Policy. Formulation of the National Road Map for acceleration of the reduction of maternal and neo-natal mortality. Strategic Plan for the Health Sector 2014-2019 that reconfirms the principle of universal access to sexual and reproductive health, and prioritizes the reduction of maternal mortality and access to family planning for adolescents and youth. Approval and development of the composition of sexual and reproductive health services.
Namibia	Programme for Accelerating the Reduction of Maternal and Child Mortality in Namibia (PARMaCM). The programme is intended to address the challenges faced by Namibia in relation to the reduction of maternal and child mortality Launched the Campaign on Accelerated Reduction of Maternal and Child Mortality (CARMMA)
Seychelles	All women of child-bearing age have free access to maternal health facilities. Skilled personnel attend 99 percent of births. Family planning services are available at all public district health centres. Primary, secondary and tertiary gynae/obstetric care is free of charge at the point of use. National and Adolescent Sexual Reproductive Health Policies are being finalized. Mandatory maternity leave two weeks before and 12 weeks after giving birth. Protective employment laws for pregnant and breastfeeding women.



Country	Policies and Programmes
South Africa	<p>The Campaign on Accelerated Reduction of Maternal and Child Mortality (CARMMA) has contributed to the reduction in deaths of mothers and infants. CARMMA focuses on promoting sexual and reproductive health services, antenatal care, access to skilled birth attendants, allocating dedicated obstetric ambulances and establishing maternity homes and strengthening human resources for maternal and child care.</p> <p>Public hospitals provide a 24-hour service for acute gynaecological and obstetric problems and deliveries of most high-risk pregnancies</p> <p>District Clinical Specialist Teams as part of Primary Health Care (PHC) re-engineering has contributed to improving maternal and child health.</p> <p>District hospitals provide a comprehensive package of promotive, preventive, curative and rehabilitative reproductive health services for women that require medical and special resources not found in health centres or clinics.</p>
Swaziland	<p>A designated Programme Office specifically for all Sexual and Reproductive Health (SRH) services in the country which has integrated with HIV related service from pre-conception to post-partum, Management of cancers of the reproductive system, STI management, GBV services in Health (medical forensic for sexual assault as well as capacitating women in decision-making and service accessibility for reproductive health services), PMTCT, Adolescent Health Services, Safe motherhood and supportive male involvement, community health teen clubs, plus expert HIV client supportive services.</p> <p>The Deputy Prime Minister's Office launched the Men Engage programme, which brings together government organizations and civil society organizations with an objective of involving men in supporting health and reproductive health and HIV prevention among others.</p> <p>Swaziland Constitution 2005, Women and girls protection; and the Children's Protection and Welfare Act 2012.</p>
Tanzania	<p>Implemented the National Road Map Strategic Plan To Accelerate Reduction of Maternal, Newborn and Child Deaths in Tanzania 2008 – 2015</p> <p>Launched the "Sharpened One Plan, 2014-2015" to emphasize access to and quality of family planning services, care at birth and commodity security to maximize health outcomes for women and children</p> <p>Maternal, new-born and child survival have been mainstreamed into the National Health Policy.</p>
Zambia	<p>A new ministry -- the Ministry of Community Development and Mother and Child Health (MCDMCH) – was established to help guide implementation of programmes and direct service delivery closer to communities which has contributed to maternal mortality reduction.</p> <p>Developed a Roadmap for Accelerating Reduction of Maternal, Newborn and Child Mortality (2013-2016)</p> <p>Government abolished user fees for maternal and child health services in order to grant larger access to such services.</p> <p>Initiated a national programme of Emergency Obstetric and Neonatal Care.</p> <p>Increased access to quality obstetric care, especially in rural areas.</p>
Zimbabwe	<p>A total of 1600 public health facilities that offer Reproductive Health Services across the country, including rural areas, are equipped with infrastructure, commodities and personnel to provide Basic Emergency Obstetric and Neonatal Care (BEmONC) and Comprehensive Emergency Obstetric and Neonatal Care (CEmONC).</p> <p>Maternity services are offered free to pregnant women and to children below the age of 5 years.</p> <p>There are also private health facilities (clinics and hospitals) that provide reproductive health (including gynaecological and obstetric) services to those who have the ability to pay for this care.</p>

### 4.3 HIV AND AIDS

#### SADC PROTOCOL ON GENDER AND DEVELOPMENT PART SEVEN – HEALTH AND HIV AND AIDS

##### Article 27 HIV and AIDS

- States Parties shall take every step necessary to adopt and implement gender sensitive policies and programmes, and enact legislation that will address prevention, treatment, care and support in accordance with, but not limited to, the Maseru Declaration on HIV and AIDS.
- States Parties shall ensure that the policies and programmes referred to in sub-Article 1 take account of the unequal status of women, the particular vulnerability of the girl child as well as harmful practices and biological factors that result in women constituting the majority of those infected and affected by HIV and AIDS.
- State Parties shall, by 2015:
  - ❖ develop gender sensitive strategies to prevent new infections;
  - ❖ ensure universal access to HIV and AIDS treatment for infected women, men, girls and boys; and
  - ❖ develop and implement policies and programmes to ensure appropriate recognition of the work carried out by care givers, the majority of whom are women, the allocation of resources and the psychological support for care-givers as well as promote the involvement of men in the care and support of people living with HIV and AIDS.



The SADC region has one of the highest levels of HIV and AIDS infections in the world. However, there is now greater awareness about the pandemic and Member States are making progress towards addressing the disease and the associated challenges. In most countries in the region, the prevalence rates have either gone down or have stabilized, due to government adopting, formulating and implementing policies that seek to reduce levels of infection, encouraging behavioural change, and providing access to Voluntary Counselling and Testing (VCT), HIV treatment, Prevention of Mother to Child Transmission (PMTCT), and Anti Retroviral Therapy (ART).

SADC developed an HIV and AIDS Strategic Framework (2010-2015) to provide guidance to the response to HIV and AIDS, and to meet the Millennium Development Goal (MDG) Number Six which sought to halt and begin to reverse the spread of HIV and AIDS by 2015. The Framework states that all Member States should demonstrate a 50 percent reduction in the rate of new infections to half of the 2008 levels and mitigate related impacts by 2015. This illustrates the priority that is given to prevention of new HIV infections.

Member States have been guided by the Regional Indicative Strategic Development Plan (RISDP), the Maseru Declaration and other SADC regional instruments including the Protocol on Health. One of the areas of focus of the Revised RISDP (2015-2020) is to improve treatment access for children and adolescents in terms of patient monitoring, adherence management and efficacy of commodities, and enhancing and sustaining treatment coverage. The region remains the epicentre of the HIV and AIDS pandemic, having 39 percent of the global HIV<sub>+</sub> population. The number of new infections has declined, due to the sustained implementation of HIV prevention interventions and the resultant changes in behaviour.

#### 4.3.1 Access to Treatment

Poverty and the low perception of the status of women are some of the reasons that contribute to lack of access to HIV and AIDS treatments, which most women cannot afford. Guided by regional and international frameworks, SADC Member States have put in place measures to increase access to treatment for women and men living with HIV and AIDS, and have underscored the need for regional production and procurement of essential medicines and commodities for AIDS, TB and Malaria. Heads of State and Government from SADC Member States met in August 2013 to discuss the progress made and the challenges that the region still faces regarding AIDS, TB and Malaria. They stressed that with increasing demand for HIV treatment, the SADC region should step up its efforts to ensure favourable policies, encourage technology transfer and build capacity of African countries to produce high quality drugs and other pharmaceutical goods.

In South Africa, a total of 3,103,902 people have access to HIV treatment. A programme offering a simplified approach to integrated PMTCT & ART (B+) at the primary care level to all HIV-infected pregnant and breastfeeding women has been developed and implemented in the country. Through this programme, all pregnant and breastfeeding women who are HIV positive are initiated on ART irrespective of their CD4 cell count. The ARV price in South Africa is almost half the initial cost and this has greatly increased access for those who could not afford it previously. Patients are offered a Fixed Dose Combination (FDC) pill which helps to increase compliance and reduce the pill burden. The South African government also plans to introduce treatment for all HIV-positive children under the age of 15 regardless of CD4 count.

Botswana, South Africa, Tanzania and Zambia are among the first countries in Africa to abolish or slash user fees for HIV treatment in order to make it accessible to all. Botswana was one of the first countries in Africa to establish a national antiretroviral therapy programme, beginning in 2002 and progressively expanding across the country. Treatment is provided free of charge in the public sector. This has in turn

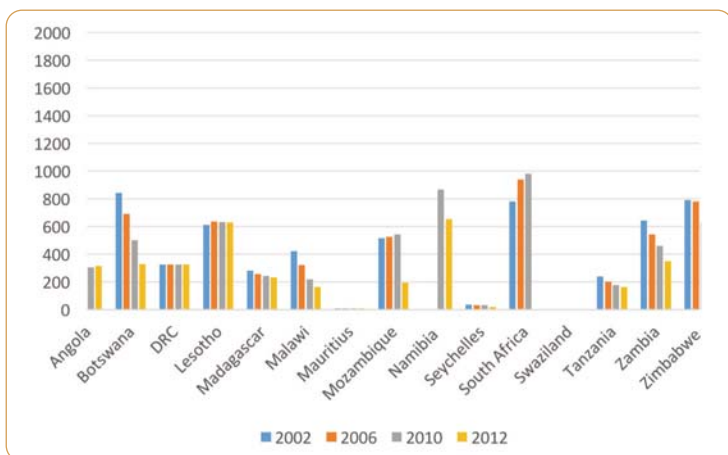


stimulated demand for voluntary HIV counselling and testing. In 2013, 10,648 pregnant women had access to treatment. At present about 220,800 people have access to treatment in Botswana, this is an increase from about 213,953 in 2013. Zambia's health institutions provide free treatment to people living with HIV or AIDS and provide free basic laboratory tests and CD4 counts.

In Zimbabwe, of the 1,390,211 people living with HIV and AIDS in December 2014, 496,373 females and 291,607 males had access to antiretroviral treatment. Health facilities in the country provide Option B+ which is prevention of vertical transmission approach for expectant mothers living with HIV, in which women are immediately offered treatment for life regardless of their CD4 count. A number of treatment programmes have been put in place in Zimbabwe to ensure that the majority of the population has access to treatment, including: comprehensive HIV testing and counselling;

### Trend Analysis of AIDS-related Deaths in SADC Member States

Figure 4.2



Source 2013 SADC Statistical Yearbook

diagnostic testing and counselling; client initiated counselling and testing, provision of quality health care in health institutions, in the community and in the homes, psychosocial support for infected persons and their families, nutritional care and support, ART and STI control and prevention, and family planning services.

Swaziland has increased domestic resources for the AIDS response through the Swaziland HIV Investment Care. As investment is increasing, more people are accessing antiretroviral therapy, with coverage estimated at 60 percent of adults and 43 percent of children living with HIV (UNAIDS, 2016). Swaziland has expanded services to prevent mother-to-child transmission of HIV, with new child HIV infections reduced by 63 percent between 2009 and 2014.

### HIV and AIDS Prevalence Rate in SADC by Sex, Age 15-24

Table 4.3

Country	2000		2003		2006		2009		2013	
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
Angola	1.1	0.5	1.0	0.5	1.0	0.5	1.6	0.6	1.2	0.6
Botswana	17.8	9.6	14.1	7.4	10.0	5.2	11.8	5.2	4.0	11.1
D.R.C	0.8	0.4	0.8	0.4	0.7	0.4	0.6	0.3	0.5	0.3
Lesotho	-	-	-	-	-	-	13.6	4.2	10.5	5.8
Madagascar	0.5	0.4	0.5	0.4	0.4	0.4	0.3	0.3	0.2	0.2
Malawi	9.7	5.1	8.4	4.4	6.7	3.6	6.8	3.1	3.8	2.4
Mauritius			0.3	0.4	0.4	0.4	0.3	0.4	0.2	0.2
Mozambique	4.2	1.6	10.6	3.4	9.7	3.1	8.6	3.1	7.5	2.9
Namibia	11.1	5.8	9.8	4.9	7.2	3.5	5.8	2.3	4.8	2.7
Seychelles	-	-	-	-	-	-	-	-	-	-
South Africa	18.3	5.8	19.2	5.7	17.3	5.0	13.6	4.5	13.1	4.0
Swaziland	16.9	8.9	15.8	8.1	14.4	7.6	11.1	13.9	12.4	7.1
Tanzania	4.0	2.0	3.2	1.7	2.8	1.5	3.9	1.7	2.2	1.4
Zambia	6.8	5.0	6.5	4.8	5.9	4.4	8.9	4.2	4.5	3.5
Zimbabwe	14.8	7.8	10.3	5.4	7.9	4.3	7.1	4.1	6.6	4.1

Source SADC statistical Yearbook 2014





### SADC PROTOCOL ON GENDER AND DEVELOPMENT PART FIVE – PRODUCTIVE RESOURCES AND EMPLOYMENT

#### Article 15 Economic Policies and Decision Making

1. State parties shall, by 2015, ensure equal participation, of women and men, in policy formulation and implementation of economic policies.
2. State Parties shall ensure gender sensitive and responsive budgeting at the micro and macro levels, including tracking, monitoring and evaluation.

#### 5.1 ECONOMIC POLICIES AND DECISION MAKING

The economic empowerment of women is a prerequisite for sustainable development, and requires sound public policies, a holistic approach and long-term commitment. Gender-specific perspectives must be integrated at the design stage of policy and programming. Women must be involved in policy and decision-making processes as stakeholders in society and due to the wide variety of unique perspectives and experiences which are often overlooked.

It is this under-representation of women in economic policy- and decision-making that Article 15 of the SADC Protocol on Gender and Development seeks to address, through equal participation of women and men in policy formulation and implementation of economic policies. Gender equality is firmly rooted in SADC's regional integration agenda and Member States support this fundamental principle.

Poverty eradication is at the top of the SADC agenda since it remains one of the greatest challenges in the region. Hunger, malnutrition, gender inequalities, exploitation, marginalization, high morbidity, and HIV and AIDS are a few of the complex challenges that contribute to poverty in the SADC region. Planning for poverty eradication is a the main objective of the Revised Regional Indicative Strategic Development Plan (RISDP) which is the regional framework that guides SADC in achieving its development objectives through sustainable economic growth and economic integration.

Women's participation in remunerated work in the formal and non-formal labour market has increased significantly and changed the market landscape during the past decade. While women are the main drivers of work in agriculture, for example, they seldom own the land they are tilling. Women have become increasingly involved in micro, small and medium-scale enterprises as owners and managers, and became more dominant in the expanding informal sector.

Women's share in the labour force continues to rise and almost everywhere women are working more outside the household. There has been a growth in the involvement of women in entrepreneurship and other self-reliant activities, particularly in the informal sector. Despite this significant shift, women still remain under-represented in economic decision-making at national and regional levels. Although all SADC Member States have national gender machineries to coordinate and guide state actions towards implementing commitments on gender equality and women's empowerment, there are still very few women driving policy and decision-making agendas towards achieving the target of 50 percent women in this sector.

There is strong motivation by Member States to strengthen the economic advancement of women through creating real State obligations to weave into measurable, national development priorities that shift structural inhibitors to women's participation in the economy. Despite efforts to close gender gaps in terms of economic

decision-making, few women hold such positions within SADC, as ministers and deputy ministers, permanent secretaries in finance, economic planning, and trade, and reserve bank governors, although this is changing rapidly in some Member States.

### 5.1.1 Women in Economic Decision Making in SADC

Lesotho is the only country in SADC that has a woman Minister of Finance, since Namibia's recent incumbent in that position has been promoted to be Prime Minister. Tanzania and Mozambique are the only countries that have women deputy Ministers of Finance. The same trend can be seen with ministries of Trade and Industry where DRC and Angola are the only countries in the region that have women ministers in these positions. There are no female deputies for trade and industry across the region. There are two female permanent secretaries for trade and industry, in Tanzania and Swaziland. The SADC region has three Central Bank Governors who are women, in Botswana, Lesotho and Seychelles, while three women deputy Governors are in Lesotho, Malawi and Zimbabwe.

This low uptake of women in these economic decision-making positions in the public sector is attributed to inadequate financial and economic preparation that often prevents greater and more qualitative participation in the mainstream or formal economy by women (Dube 2014). There is a lack of accessible data on women in the economic sector in the region and where available, these are limited because most national economic indicators are not gender disaggregated. Accordingly, it is imperative for Member States to provide a conducive legal framework and environment to support and encourage women in engaging with economic and financial portfolios, as well as capacitating policy makers across the region to do the same using a gender analysis or gendered lens.

## 5.2 GENDER RESPONSIVE BUDGETING

**Commission on the Status of Women 60<sup>th</sup> Session 14–24 March 2016**“...employ gender responsive budgeting to ensure that national planning, costing and budgeting processes support gender equality objectives; (E/CN.6/2016/3, para 49 (k)(m)“ monitor public expenditures, whether mobilized through domestic or international sources, and track and report on resource allocations for gender equality and women's empowerment to strengthen accountability for gender equality commitments; (E/CN.6/2016/3, para 49 (m).”

The SADC Protocol on Gender and Development, in Article 15, calls upon State Parties to ensure gender-sensitive and responsive budgeting at the micro and macro levels, including tracking, monitoring and evaluation. This is rooted in the realization that the strengthening of national economies is intimately linked to the attainment of gender equality which in turn requires the allocation of adequate budgetary resources.

At SADC level the guidelines for regional commitments towards gender responsive budgeting include the 1992 SADC Treaty, the SADC Declaration on Gender and Development and its Addendum on the Prevention of Violence against Women and Children, the SADC Gender Policy, the Revised RISDP (2015-2020), and the 2014 SADC Guidelines on Gender Responsive Budgeting (GRB).

The GRB initiatives that are already taking place in most SADC Member States are in early stages, but they have scored important successes, ranging from actual expenditure re-allocations to opening up of traditionally opaque budget processes, thus allowing greater transparency and accountability.

According to the SADC Guidelines on Gender Responsive Budgeting 2014, the fact that this method of allocating resources is intended to promote gender mainstreaming in public finance management means that Ministries responsible for finance must play a lead role. This is especially necessary if GRB is being implemented across a number of different line ministries, which is ideal. Country level mechanisms reflect a level of commitment, with Botswana, for example, developing partnerships for sup-



port for the inclusion of gender mainstreaming into national public finance structures. In Malawi and South Africa, the treasury, as well as fiscal and financial commissions, mainstream gender and their recommendations on GRB are made to Parliament. There has been extensive training of public officials and the development of training manuals as seen in the GRB initiatives in Namibia and South Africa.

### Gender, Small and Medium Enterprises (SMEs) and the National Budget in Zimbabwe

- ❖ SMEs in Zimbabwe contribute more than 60 percent to GDP and contribute to the livelihoods of some 5.8 million, according to the Finscope Survey 2012, which also says there are 2.8 million small business owners and 3.5 million businesses in operation.
- ❖ SMEs occupy a key and strategic role in revitalizing the Zimbabwean economy, and most of the informal /micro enterprises (about 75%) are owned by women.
- ❖ The majority of women are in the manufacturing sector, generally engaging in soft, low-remunerating activities such as agro-processing and clothing and textiles, while men dominate the high remunerating activities that are considered “hardcore”, such as engineering, metal fabrication and welding.
- ❖ Major challenges faced by a majority of women in the Micro, Small and Medium Enterprise Sector include: limited access to resources, collateral requirements, and high cost of finance. The formal sources of capital, though available, are not readily accessible to people in the informal sector.
- ❖ Gender inequalities exist in the area of participation in industrial production and trade, with women mainly participating as small-scale, cross-border traders, and trading in low value goods.
- ❖ Government has budgeted over the years to allocate funds to support Trade Promotion for SMEs. Allocations are not high, with the highest allocation being \$220,000 in 2014. However, Government has been unable to make full disbursement of funds since 2011 and this has an impact on most of the SMEs, the majority of which are owned by women.
- ❖ There is need to review and increase the budget so as to establish the required institutional mechanisms and networks to support participation of women in trade, but also for the SMEs to be creative in forming partnerships with private sector to establish credit and markets to facilitate their business, rather than expecting government support.

With information from the Zimbabwe Women Resource Centre and Network

### Gender Responsive Budgeting by SADC Member States

Table 5.1

Country	Gender Responsive Budgeting at national, regional and sector levels	Gender Responsive Budgeting in the public sectors
Botswana	<p>Development of district gender committees. Development of the National Policy on Gender and Development, its Implementation Strategy and the National Operational Plan (affirmative action). Partnership with UNECA in 2013-2015 for capacity building of key institutions on mainstreaming gender into Public Finance. Ministry of Finance and Development Planning, Ministry of Trade and Industry, Ministry of Lands and Housing, Ministry of Agriculture, Citizen Entrepreneurship Development Agency, Local Enterprise Authority and Business Botswana. Gender mainstreaming has been adopted in the Draft National Development Plan 11.</p>	<p>Gender focal persons in strategic government institutions. Mainstreaming gender in economic development sectors eg Ministry of Finance and Development Planning; Ministry of Environment, Wildlife and Tourism; Ministry of Investment, Trade and Industry (planners and programme managers).</p>



continued...

Table 5.1

Country	Gender Responsive Budgeting at national, regional and sector levels	Gender Responsive Budgeting in the public sectors
Malawi	Treasury instructions have mainstreamed gender. Development of sector-specific gender policies or strategies. Conducted trainings in gender responsive budgeting.	Dissemination of the GRB guidelines Training of planning officers and gender focal points at all levels including directors of Ministries, departments and agencies. Training of district officers, implementing partners, Community based educators, Village Development and Area Development Committee members, and selected public sectors.
Mozambique	The Government adopted the planning and budgeting with a gender perspective. The Ministry of Economy and Finance has developed guiding instruments for national planning with a strong gender dimension and provides technical support and training to the technicians from public institutions on planning and budgeting at central and local levels.	Eduardo Mondlane University designed, introduced and runs a course annually on planning and budgeting with a gender perspective for students and professionals from public and private sectors, civil society and other stakeholders. Eduardo Mondlane University introduced a module on gender-responsive planning and budgeting in its 17 courses. The Institute of Public Administration designed a Training manual on the same topic and uses this to train decision-makers at district and provincial levels in order to provide a greater allocation of resources for implementing actions that contribute to achieving the goals of gender equality.
Namibia	Cabinet approved Gender Responsive Budgeting (GRB) and gave directives to offices, ministries and agencies (OMAs) to include GRB in their programmes, projects and activities. The Ministry of finance incorporated gender guidelines into the budget call circular for 2015/16 financial year for OMAs to budget accordingly. Accounting Officers of all OMAs were directed to ensure gender issues are incorporated in all sector policies, programmes, plans, budgets, implementation, monitoring and evaluation.	Training manuals on GRB are developed. Higher institutions of learning and various stakeholders including members of Parliament are trained on GRB.
South Africa	The Fiscal and Financial Commission is tasked to make recommendations to Parliament, provincial legislatures, organised local government and other organs of state on financial and fiscal matters as envisaged in the Constitution and other national legislation. In 2012, the Fiscal Commission had also undertaken an analysis of gender responsive budgeting at the local government level. The Commission examined gender budgeting in the South African local government sector. The Integrated Development Plans (IDPs) of 30 municipalities were reviewed for gender sensitivity.	Public Administration, Leadership and Management Academy (PALAMA) which trains government officials and provides leadership training across the Public Service includes training on gender mainstreaming for senior management officials -- 4000 public officials trained on the manual. Since October 2013, PALAMA was renamed the National School of Government to spearhead public sector learning and development of programmes on related services as guided policy, norms and standards as well as effective monitoring measures applied across the public sector.
Swaziland	Gender Responsive Budgeting is an ongoing process. The Department of Gender and Family Issues has conducted GRB workshops with gender focal persons in all Ministries.	The Department of Gender and Family Issues to provide capacity building for the Planning and Budgeting Committee to integrate GRB into the national budget.
Zimbabwe	Engendering of the budget call circular by the Ministry of Finance	Training on Gender Budgeting and Gender Responsive Economic Management Initiative for budget officers in different Ministries.

### 5.3 PARTICIPATION OF WOMEN IN FORMAL EMPLOYMENT

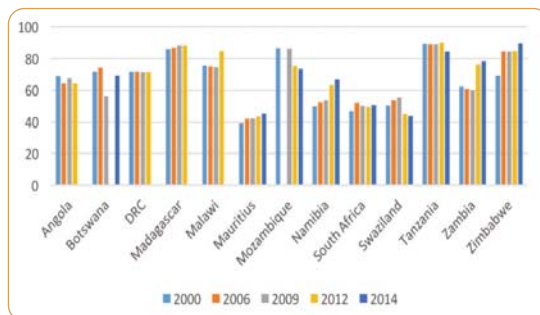
Despite some progress made over the last few decades in increasing the participation of women in the labour force and narrowing gender gaps in wages, gender equality in the workplace remains an elusive goal. Women continue to earn less income and are more often affected by long-term unemployment than men. This is due to socio-economic disadvantages caused by gender-based discrimination and the multiple roles of women, being workers and caretakers for the society.

Women often have less access to productive resources such as land and credit, as well as fewer educational, skills development and labour market opportunities than men in many societies. Women continue to undertake most of unpaid care work, which has become an increasing challenge to efforts to engage in productive work in the labour force.



Although there has been an increase in the proportion of economically active women in the region, their earned income is still less than that of men. The women who are employed are often found in low-paying, stereotypically “female” jobs such as teaching, nursing and secretarial. These are important professions in which very skilled women have traditionally received lower remuneration than men, with less opportunity for promotion. There is a wide gap between male and female estimated income, therefore much more effort is needed by Member States to ensure equal pay and equal opportunities for women.

Trend of Labour Force Participation by Women 2000–2014  
Figure 5.1



Source Table 5.2

Labour Force Participation Rate in SADC by Sex, Age 15–64 years, 2000 – 2014 (%)

Table 5.2

Country	2000		2006		2009		2012		2014	
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
Angola	68.8	76.3	64.4	77.6	67.4	73.6	64.3	77.9	-	-
Botswana	71.8	81.7	74.2	81.7	56.2	68.2	-	-	69.1	81.4
DRC	71.8	73.7	71.7	73.2	71.5	73.2	71.5	73.4	-	-
Lesotho	-	-	-	-	-	-	-	-	-	-
Madagascar	85.8	90.3	86.7	90.3	88.4	91.5	88.4	91.4	-	-
Malawi	75.4	78.2	74.9	78.5	74.4	77.9	84.6	80.6	-	-
Mauritius	39.2	79.9	41.8	77.4	42.1	75.6	43.4	75.0	45.3	75.2
Mozambique	86.5	87.2	-	-	86.3	86.4	75.2	71.1	73.3	72.5
Namibia	49.9	65.0	52.2	63.9	53.5	63.9	63.2	69.1	66.9	71.6
Seychelles	-	-	-	-	-	-	-	-	67.0	73.8
South Africa	46.9	63.1	51.9	64.8	50.2	65.2	49.4	63.3	50.7	63.7
Swaziland	50.4	79.0	53.7	76.5	55.5	75.8	45.2	72.5	43.8	60.8
Tanzania	89.1	91.5	88.9	91.2	88.8	91.2	90.0	91.2	84.2	89.4
Zambia	62.5	78.7	60.8	78.7	60.0	79.3	76.3	75.5	78.2	77.1
Zimbabwe	69.0	81.7	84.3	90.7	84.3	90.4	84.6	90.6	89.4	92.3

Source SADC Statistics Yearbook 2014

## 5.4 MULTIPLE ROLES OF WOMEN

### SADC PROTOCOL ON GENDER AND DEVELOPMENT PART FIVE – PRODUCTIVE RESOURCES AND EMPLOYMENT

#### Article 16 Multiple Roles of Women

State Parties shall conduct time/use studies by 2015 and adopt policy measures to ease the burden of the multiple roles played by women.

One of the objectives of the SADC Protocol on Gender and Development is to provide for the empowerment of women and to eliminate factors of discrimination to achieve gender equality and equity. In particular, Article 16 calls upon State Parties to conduct Time Use studies on the multiple roles of women in order to facilitate the adoption of policy measures to ease the burden on women. In Southern Africa as elsewhere in the world, women have multiple role responsibilities, such as wife, mother, carer and paid worker. The work that women do is undervalued and official statistics do not reflect all aspects of women’s contribution to the economy. There are no linkages in the combined value of women’s household chores to their participation in the formal and informal sector.



### Unequal Work

- Evidence now abounds on the unequal, AIDS-related-care responsibilities that are assumed disproportionately by girls and women of all ages as compared to boys and men.
- In Southern Africa numerous studies reveal that two-thirds of care-givers are female and one quarter of these are over 60 years of age.
- In South Africa, a national evaluation of home-based care found that 91 percent of care-givers were women.

Adapted from UNAIDS 2008

The proportion of women in the labour force continues to rise and almost everywhere women are working more outside the household, although there has not been a parallel reduction of responsibility for unremunerated work in the household and community. Women's income is becoming increasingly necessary to households of all types. In Mauritius, for example, the proportion of women participating in the labour force rose from 39.2 percent in 2000 to 45.3 percent in 2014, while in Zimbabwe the figure rose from 69.0 to 89.4 percent. In some regions, there has been a significant growth in women's entrepreneurship and other self-reliant activities, particularly in the informal sector.

As a result of the AIDS pandemic in the region, women generally devote a substantive part of their time to home-based care. Since the majority of care work due to illness takes place in the home, the vast majority of care burdens are borne by women in the home, a reality that results from assumptions made about the roles and responsibilities of women and girls.

In most instances therefore, care in the home and the amount of unpaid work it requires can create multiple burdens on women and girls, especially those living in inadequately resourced households. When HIV and AIDS and associated care costs are considered, the situation of already fragile households becomes even more precarious. Furthermore, a lot of home-based care is done by volunteers, a large number constituting women. Because this unremunerated work is typically invisible to policy-makers and unaccounted for in traditional policy and economic models, the connections between unpaid care, gender and poverty in the context of the HIV and AIDS pandemic has yet to receive adequate policy attention.

The danger is that the "lack of attention to unpaid caregivers in mainstream economic analysis and public discourse has rendered the caregivers invisible in the macroeconomic analysis of HIV and AIDS. If these caregivers are not brought into the policy discussion, researchers and policy-makers alike run the risk of further marginalizing them through inattention and/or ignorance. Without interventions designed to accommodate the gender inequalities of unpaid work, a huge part of the equation for addressing the social and economic toll of HIV and AIDS is missing." (UNESCO 2009)

SADC is fully committed to the challenge of controlling the epidemic and recognizes that the costs of home-based care are largely hidden and are generally not accounted for in national statistics; and have not been considered in the context of public health and macroeconomic policies addressing the broader care economy. The region is coordinating responses to address this challenge of bridging the gap in the HIV and AIDS Strategy. Research has been commissioned in Botswana, Mozambique and Zimbabwe, and the Parliament of Zimbabwe is considering how to strengthen systems for funding the inequalities that come with the home-based care burden. This strategy for a National AIDS Levy is an effective practice because it recognizes that current efforts and initiatives by women in home-based care are the foundation of a sustainable response to HIV and AIDS.

## 5.5 ECONOMIC EMPOWERMENT

### SADC PROTOCOL ON GENDER AND DEVELOPMENT PART FIVE – PRODUCTIVE RESOURCES AND EMPLOYMENT

#### Article 17 Economic Empowerment

1. States Parties shall, by 2015, adopt policies and enact laws which ensure equal access, benefit and opportunities for women and men in trade and entrepreneurship, taking into account the contribution of women in the formal and informal sectors.
2. States Parties shall, by 2015, review their national trade and entrepreneurship policies, to make them gender responsive.
3. States Parties shall, by 2015, and with regard to the affirmative action provisions in Article 5, introduce measures to ensure that women benefit equally from economic opportunities, including those created through public procurement processes.



SADC has taken various measures to achieve sustainable development, economic growth, alleviate poverty, enhance the standard of living and quality of life of the people of southern Africa and support the socially disadvantaged through regional integration. SADC recognizes that women are the backbone of many African economies and also play a key role in the economy of each SADC Member State. Yet women still constitute the majority of the poor in the region and this has occurred for a number of reasons including previously high illiteracy rates, restrictive and discriminatory laws, and limited access to and control over productive resources. The economic empowerment of women not only benefits women but the overall development of the economy.

SADC has developed frameworks and programmes that seek to empower women. The SADC Women's Economic Empowerment Framework is a step towards developing and implementing a regional Women's Economic Empowerment Programme to facilitate strengthened coordination and implementation of the SADC region's commitments on women's economic empowerment.

### 5.5.1 Women and Trade

Informal trade is a vast and largely unquantified sector in the SADC region, and a domain for most women without opportunities for formal employment, or by choice due to the flexibility of combining this with other activities. The 2005 SADC Protocol on Trade envisaged the establishment of a Free Trade Area (FTA) in the SADC region with the objective to further liberalize intra-regional trade in goods and services, ensure efficient production, contribute towards the improvement of the climate for domestic cross-border and foreign investment, and enhance economic development, diversification and industrialization of the region. The launch of the SADC Free Trade Area has placed trade and trade-related issues in the forefront of empowerment of people in the region.

Freeing trade in the region, if located within a framework of strengthening national production and industrialization, will create a larger market, releasing the potential for trade, economic growth and employment creation. Although the Protocol does not have specific provisions that ensure women benefit from trade within the region, it ensures fair, equitable and beneficial trade arrangements for all nations and citizens involved. The majority of cross-border traders in the region are women, according to various studies by UN Women and others.

The SADC Trade, Industry, Finance and Investment (TIFI) Directorate and the SADC Gender Unit have worked together in jointly organizing SADC Women in Business Trade Fairs with the objective of supporting the economic empowerment of SADC women through the creation of opportunities for businesswomen to identify new markets, and exposure to new and appropriate production technologies. Such a forum creates an opportunity for the exchange of ideas, identifying new markets, sharing knowledge and experiences for business expansion and networking, and the promotion of intra and inter-regional trade partnerships among women in business. Participants can familiarize with the conceptual and practical guide to emerging issues on gender and trade.

Men and women are engaged in different types of trade at national, regional and global levels. The majority of women traders are in the informal sector. Practically, policy makers responsible for formulating trade policies have been approving gender-blind trade policies that do not incorporate the needs, interests and priorities of men and women in their diversity including local, intra trade or regional and international trade agreements. Such trade policies have been found to have different impacts on men and women in their diversity of experience and exposure (ECA, 2012). The fact that women traders within SADC generally have less access to education, credit, land, market information and technology compared with men leads to marginalization of their interests, concerns and priorities in entrepreneurship and trade.



Although progress can be noted in the region with more women participating in leadership positions, women still face restrictions in occupying some positions which are largely male-dominated, and patriarchal perspectives, while slowly changing, remain influential. Few women hold economic decision-making positions in SADC Member States and this is one of the reasons why there are gender-blind trade policies. There are only two women Ministers responsible for Trade and Commerce, and these are in Angola and DRC. Studies in Rwanda and elsewhere have shown that gender-sensitive policies are more likely to be considered when women occupy positions of influence and authority (UNDP).

South Africa has concrete programmes to improve access by women to credit and business opportunities. A report presented by the Department of Trade and Industry of South Africa indicates that the National Exporter Development Programme trained representatives of 372 women-owned companies out of 793 such companies in 2013/14 to meet the criteria to go abroad. The South African government has also taken initiatives to include women in export activities, various forms of international cooperation, such as joint ventures, foreign direct investment and other strategic alliances. Initiatives to begin to address this issue have included hosting conferences addressing the subject of gender and trade, aimed at raising awareness and promoting participation by women.

SADC Member States have developed programmes that support and protect the participation by women to ensure that women benefit from trade, particularly the SADC Free Trade Area and the Tripartite Free Trade Area encompassing the Common Market for Eastern and Southern Africa (COMESA) and the East African Community (EAC) as well as SADC. In Botswana, for example, the national Women's Economic Empowerment Programme and non-governmental organizations such as the Women In Business Association and Business Botswana as well as Mosadi Khumo Socio-Economic Empowerment Forum for Women (SEEFfoW) inspire wealth creation and promote participation of women in the economy through advocacy, training, mentoring and linkages in livelihoods such as trade. Swaziland has also made significant progress in improving the participation by women in regional, continental and international trade. In 2013, an organization called BuhleBebunye -- Swaziland National Women in Informal Cross Border Trade was established to facilitate cross-border trade. The vision of the organisation is to provide the informal cross-border traders with a platform to trade nationally, regionally and internationally by ensuring the free movement of traders. Noting that the majority of decision-makers in trade unions and related organizations are men, the Executive Committee of the BuhleBebunye has 100 percent women representation.

**Objectives of Mosadi Khumo Socio-Economic Forum for Women** are: to mobilize, train and facilitate women to grow their businesses, investments and wealth, and improve their lives; mobilize resources and facilitate effective use of support schemes; gain exposure to social services; and provide a forum for networking and building capacity.

### 5.5.2 Challenges Faced by Women Traders

The majority of trade programmes, policies and frameworks are blind to women traders, especially those in the informal sector. Trade norms and policies often undermine the livelihoods and wellbeing of women and leave women vulnerable and unprotected. Most women traders lack knowledge about their rights under trade treaties and protocols, and this exacerbates the problems they face in cross-border trading. In some cases the women are forced to pay bribes or subjected to harassment by police or customs and immigration officials, and there is often a skewed perception of women traders. Other challenges include limited transport capacities and high transportation costs. Perhaps the most critical factor is the limited access to finance and resources. Women cannot easily access loans from banks to invest in the expansion of businesses due to lack of collateral, and the challenges of multi-tasking as well as often heading their households leaves little time to focus on resource mobilization and investment in the business.





## 5.6 ACCESS TO PROPERTY AND RESOURCES

### SADC PROTOCOL ON GENDER AND DEVELOPMENT PART FIVE – PRODUCTIVE RESOURCES AND EMPLOYMENT

#### **Article 18 Access to Property and Resources**

State Parties shall, by 2015, review all policies and laws that determine access to, control of, and benefit from, productive resources by women in order to:

- (a) end all discrimination against women and girls with regard to water rights and property such as land and tenure thereof;
- (b) ensure that women have equal access and rights to credit, capital, mortgages, security and training as men; and
- (c) ensure that women and men have access to modern, appropriate and affordable technology and support services.

Access by women to the use of and control over land and other productive resources is essential to ensuring the rights to equality and opportunities to earn an adequate standard of living. These resources help to ensure that women are able to provide for their day-to-day needs and those of their families. Barriers which prevent women's access to, control and use of land and other productive resources often include inadequate legal standards or ineffective implementation at national and local levels, as well as discriminatory cultural attitudes and practices at the institutional and community level. In many communities in the region, gender disparities with regard to land and other productive resources are linked to assumptions that men, as heads of households, control and manage land. This reflects the idea that women are incapable of managing productive resources such as land effectively.

However, there is increasing recognition of the importance of women's access to, use of and control over productive resources, including land. There has been an improvement by SADC countries in the adoption and effective implementation of laws, policies and programmes that protect and fulfil women's rights to land and other productive resources. Land is an essential asset for households that depend on farming, as more than half of the women in the region live in rural areas and depend on agriculture as the main source of income and food security.

#### 5.6.1 Effective Practices

##### **Botswana**

All citizens of Botswana are entitled to land allocation under tribal land from the district Land Boards. The 1993 amendment to the Tribal Land Act permits any citizen regardless of tribal affiliation to apply for land anywhere in the country and the same right extends to women.

##### **Lesotho**

Many women lose land and property through divorce or death of a spouse, and to address such issues, the Lesotho Land Act of 2010 calls for gender balance in all land dealings and where persons are married in community of property, either under civil, customary, or any other law and irrespective of the date on which the marriage was entered into. Any title to immovable property allocated to or acquired by either spouse shall be deemed to be allocated to or acquired by both partners, and any title to such property shall be held jointly by both. The Married Persons Equality Act of 2006 allows women to own property or borrow money from banks in their own right.

##### **Malawi**

Women who live in patrilineal communities in the northern parts of the country can only access customary land through their husbands and brothers-in-law. The main ethnic group in the south of the country is matrilineal, however, and while this does not translate directly

into ownership of land and other resources, it does recognize a different role and recognition of women than the patrilineal system which is common throughout most of the region.

Women make up more than half of Malawi's total population and the larger proportion depends on farming. Malawi's National Land Policy tries to address this issue, because it poses constraints to Malawi's social and economic development. The land policy was approved by Cabinet and Parliament in 2002 and a Special Law Commission was established in 2003 to review all land-related laws. The land policy is primarily concerned with social actions that influence and control people's use of the land. The policy aims to clarify and strengthen customary land rights, among other issues, and intends to secure land rights for the majority of Malawians living on land formally under customary tenure to avoid the inequities often associated with property inheritance, and to confer equal rights to men and women. It allows all customary land to be registered and protected by law against abuse.

Within the land policy, all customary landholders, including families, are encouraged to register their land as private customary estates with land tenure rights. The policy preserves the advantages of customary ownership of land while protecting the security of tenure.

### **Mozambique**

Initiatives to promote the rights to land, property and inheritance by women are grouped into three categories: the first refers to advocacy and lobbying for legislation to incorporate the specific rights of women; the second refers legal assistance for women who have their rights violated; and the third refers to civic education and dissemination of legislation.

The approval of the Family Law in 2004 reflects the recognition by Government of the rights of women to property and inheritance. The Family Law gives to women the right to inherit property in case of divorce, and declares the rights of joint property ownership for both civil and traditional marriages and for couples living together for more than one year. In case of separation or divorce, the goods are divided by the two parties instead of being the man who automatically receives the goods. But in practice this does not happen, and normally in case of separation or death of the husband, the wife loses the property to a male member of the family.

Mozambique approved and has been disseminating the Land Law (1997). This law encourages private investment in land and protects the access of peasants/farmers to land. It also states explicitly that women have equal rights to land as men, including the rights of both succession and ownership of land in her (their) name(s). (Ministry of Land and Rural Development on the Right of Land Use)

### **Tanzania**

The legislation of Tanzania guarantees equal rights to acquire, hold, use and deal with land for women and men and ensures that the special needs of women for land within the village will continue to be adequately met.

### **Zambia**

Zambia has a two-tier system of land ownership, State and Customary, but in reality in most cases in the rural areas it is the customary law and practices which dominate the allocation, inheritance, or use of land. In the customary land tenure system, access to land is determined by the traditional authorities, especially the heads and chiefs who allocate families and individuals with portions of vacant land as long as there are no prior rights to the particular portion of land. These indigenous means of apportioning land may vary from one ethnic group to another.

In rural areas, married women have access to land for farming through their husbands. In the event of divorce or widowhood most women return to their parents' village where they are dependent on male kin for access to land for production. The Zambian Land Act aims to recognize and promote people's right of access to land, provide information and improve land delivery for socio-economic development, and, to ensure women also have access to land, the Land Act allocates 30 percent of land to women.



### SADC PROTOCOL ON GENDER AND DEVELOPMENT PART SIX – GENDER BASED VIOLENCE

#### Article 20 Legal

1. State Parties shall:
  - (a) by 2015, enact and enforce legislation prohibiting all forms of gender based violence; and
  - (b) ensure that perpetrators of gender based violence, including domestic violence, femicide, sexual harassment, female genital mutilation and all other forms of violence are tried by a court of competent jurisdiction.
2. State Parties shall, by 2015, ensure that laws on gender based violence provide for the comprehensive testing, treatment and care of survivors of sexual offences, which shall include:
  - (a) emergency contraception;
  - (b) ready access to post exposure prophylaxis at all health facilities to reduce the risk of contracting HIV; and
  - (c) preventing the onset of sexually transmitted infections.
3. States Parties shall, by 2015, review and reform their criminal laws and procedures applicable to cases of sexual offences and gender based violence....

Among the most serious issues that women and girls are confronted with is Gender Based Violence (GBV), which is often described as a pandemic. GBV refers to acts perpetrated against women, men, boys and girls on the basis of their sex which causes them physical, sexual, psychological, emotional or economic harm. It is also the threat to take such acts, including rape, or to undertake the imposition of arbitrary restrictions or deprivation of fundamental freedoms in private or public life, in peace time and during situations of armed or other forms of conflict.

Women are significantly more likely than men to suffer from GBV, and married women are more likely to suffer physical violence than single women. Violence against women, including wife-beating, is often perceived as acceptable in some customs. Many cases are not reported as they happen in or nearby the home, therefore the data available is indicative rather than comprehensive. Most Member States have put in place legislation to address GBV and enable protection through the courts, but in practice, most women do not know that or cannot afford to take this route. Shelters or safe houses are often established by government or private organisations. Sexual exploitation and abuse of children is increasing, according to official police records in some Member States.

According to a report by the SADC Parliamentary Forum, sexual violence is used as a weapon of war in the ongoing armed conflict in DRC, including by peacekeepers mandated by the UN and so credible are the allegations that UN Peacekeeping ordered a full investigation. Rape is strategically used to inflict shame, suffering and humiliation, and a means to control women's sexuality as well as their productive and reproductive roles. Statistics presented by SADC PF reveal that about 1,100 cases of sexual violence are documented each month in the conflict zone in eastern DRC, which amounts to an average of 36 victims a day. The most affected population is comprised of girls aged between 10 and 17, and 10 percent of the victims are less than 10 years old.

Sexual violence is the fastest growing crime regionally and globally, and is one that is least likely to be reported and result in a conviction, according to SADC PF.

#### 6.1 POLICY FRAMEWORKS

SADC Member States recognize domestic violence as a regional health, human rights and developmental issue of great importance and concern, hence the reason why it is incorporated as a stand-alone chapter in the SADC Protocol on Gender and Development. The Protocol is a synthesis of international, continental and regional policy documents

### General Recommendation 19 of CEDAW

- Ensure that laws provide adequate protection to all women and that effective legal measures include penal sanctions (item 1(b)(m)(t)).
- Implement gender-sensitive training of public officials, including members of the judiciary and the police (item b).
- Provide women victims with effective complaint procedures including compensation (item i).
- Establish or support appropriate protection and support services for women who are victims or at risk of violence, rape, sexual assault and other forms of gender-based violence. The importance of counselling services is highlighted, including their availability to rural communities. (item (b)(f)(t)).
- Undertake preventative measures including public information and education programmes to overcome attitudes, customs and practices that perpetuate violence against women.

that include the CEDAW; the General Recommendation No 19: Violence Against Women; the ICPP; and the BDPFA; At continental level, it is the African Union Gender Policy (2013); the Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children; and the African Charter on Human and Peoples Rights. At regional level it is the 1998 SADC Addendum on the Prevention and Eradication of Violence against Women and Children; and the Revised RISDP, among others.

The Beijing Declaration and Platform for Action highlighted violence against women as one of 12 areas of critical concern for the region 20 years ago, but there has not been commensurate action in addressing GBV. Some cross-border aspects have expanded and gained more prominence, such as Trafficking in Persons (TIP), which is often hampered by corruption at border posts and by greed as women can be bought and sold as domestic or sex workers in some countries in the world. The BDPFA emphasized periodic review and modifications to legislative frameworks for eliminating of violence against women, to make them more effective, along with the prevention of violence and the prosecution of offenders, the protection of women subjected to violence, and access to just and effective remedies (including compensation), indemnification and healing of victims, and rehabilitation of perpetrators.

The Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (2003) saw African Heads of State continue with the struggle to combat gender-based violence in the African context. This forms one of the key standards for the African Peer Review Mechanism to determine commitment to protection and promotion of women's rights in Africa by member states.

## 6.2 DOMESTIC LEGISLATION

### 6.2.1 SADC Protocol on Gender and Development

The SADC Protocol on Gender and Development 2008 represents the commitment of Member States to implement national policies to combat gender based violence and other human rights violations against women. In particular the Protocol, under article 20, sets out as one of its targets, to have all SADC Member States enact and enforce legislation prohibiting all forms gender based violence by the year 2015. Under this article, Member States are bound to ensure that perpetrators of gender based violence are tried before a competent court of law. Collaborative efforts at regional and national levels to work towards policy, programming and planning is advancing well in the region with Member States making considerable progress in developing policies and legislative frameworks against gender based violence. In response to Article 20, Botswana, Malawi, Mauritius, Namibia, Seychelles, and Zimbabwe have instituted separate legislation that deals specifically with domestic violence. (Table 6.1)

Several countries in the region including Botswana, Lesotho, Malawi, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe have developed Sexual Offences Acts to deal with sexual violations and sexual abuse of women and children. The Acts criminalize sexual assaults and define sex with minors below the age of consent as a form of sexual assault and protects the identity of the victim. Sexual assault is regarded as one of the most common forms of GBV.

Legal jurisdictions are developing specialized courts to deal with sexual violence, an example being the South African Judicial Matters Second Amendment Act No 43 of 2013 which supports establishment of the Sexual Offences Act. According Section 55 of the Act, the Minister of Justice and Correctional Services is vested with the authority to designate a court as a sexual offences court to hear sexual offences. Zimbabwe's legal jurisdiction has established Victim Friendly Courts to deal with child sexual abuse, where children can give testimony in non-formal environments without having to face the perpetrator.

The Zambian government launched the second user friendly, fast-track court in March 2016, to specifically expedite cases of GBV. The fast-track courts are aimed at increasing access to justice for victims and alleged perpetrators alike by dealing with



## Legislation against Gender Based Violence in SADC Member States

Table 6.1

Country	Legislation on Gender Based Violence
Angola	<ul style="list-style-type: none"> <li>Domestic Violence Act Angola, "Law against Domestic Violence ", No 25/11, allows for third party reporting.</li> </ul>
Botswana	<ul style="list-style-type: none"> <li>Draft National Gender Based Violence Strategy 2015-2020</li> <li>Domestic Violence Act Regulations of 2013</li> <li>Domestic Violence Act: 2008</li> <li>Miscellaneous Amendment Act of 2008 (ensures that laws are gender sensitive)</li> <li>Abolition of Marital Power Act: 2004</li> <li>Amendment of the Penal Code in 2004</li> <li>Sexual Offences Act: 2001</li> </ul>
DRC	<ul style="list-style-type: none"> <li>African Commission Resolution on the Suppression of Sexual Violence Against Women in the DRC; Resolution 284</li> </ul>
Lesotho	<ul style="list-style-type: none"> <li>Sexual Offences Act of 2003</li> <li>Legal Capacity of Married Persons Act 20069 (provides for the abolition of the minority status of women)</li> </ul>
Malawi	<ul style="list-style-type: none"> <li>Prevention of Domestic Violence Act 5 of 2006</li> </ul>
Madagascar	<ul style="list-style-type: none"> <li>Drafting a law to combat Gender Based Violence</li> <li>Advocacy with traditional leaders to remove socio-economic and cultural barriers</li> <li>Amended the Law on Human Trafficking 2015</li> <li>Establishment of the Bureau to Combat Human Trafficking</li> <li>Law No 2000-21 of 2000 deals with domestic violence, sexual harassment and sexual violence</li> </ul>
Mauritius	<ul style="list-style-type: none"> <li>Domestic Violence Act 1997</li> <li>Protection from Domestic Violence Amendment Act (Act No23 of 2007)</li> <li>Sex Discrimination Act 43 of 2002</li> </ul>
Mozambique	<ul style="list-style-type: none"> <li>Family Law Act 2004</li> <li>Law No- 29/2008 of 29 September 2008 on Domestic Violence, which increases penalties for assault</li> <li>Anti -Trafficking in Persons 2008</li> <li>Penal Code 2015</li> </ul>
Namibia	<ul style="list-style-type: none"> <li>Constitution of the Republic of Namibia</li> <li>Combating of Rape Act</li> <li>Combating of Domestic Violence Act of 2003</li> <li>Combating of Immoral Practices Act</li> <li>Criminal Procedure Act</li> <li>Prevention of Organized Crime Act</li> </ul>
Seychelles	<ul style="list-style-type: none"> <li>Penal Code criminalizes assault crimes</li> <li>Family Violence (Protection of Victims) Act No 4 of 2000</li> <li>Domestic Violence Legislation Bill for enactment by end of 2016</li> <li>Prohibition of Trafficking in Persons Act 2014</li> </ul>
South Africa	<ul style="list-style-type: none"> <li>Criminal Procedure 2nd Amendment Act 75 of 1996 deals with bail guidelines that cover violence against women</li> <li>Act of 1997 tightens bail conditions and provisions relating to serious crimes including violence against women</li> <li>Judicial Matters Second Amendment Act No 43 of 2013 supports establishment of the Sexual Offences Act. Section 55. Minister of Justice and Correctional Services is vested with authority to designate a sexual offences court to hear sexual offences</li> <li>Act further requires government to develop regulations for sexual offences courts that will guide the inter-sectoral establishment, resourcing and management of these courts</li> </ul>
Swaziland	<ul style="list-style-type: none"> <li>Sexual Offences and Domestic Violence Draft Bill which seeks to give effect to the Constitution on common law positions and statutory provisions on sexual offences and domestic violence, and to eliminate gender inequalities and to provide protection to vulnerable groups such as women and children</li> <li>National Gender Policy of 2010</li> <li>Prevention of People and Trafficking and People Smuggling (PPTPS) established under the Prime Minister's portfolio. Secretariat works with interagency task force comprising of Ministry of Justice and Constitutional Affairs, Ministry of Foreign Affairs, Ministry of Home Affairs, Director of Public Prosecutor and civil society</li> <li>Domestic Violence Support Centres in all police stations</li> <li>Established high-level National Task Team on Violence comprising of representatives from Ministries, NGOs, and Traditional Leaders</li> <li>Finalizing a Draft National Strategy to End Violence in Swaziland</li> </ul>
Tanzania	<p>No specific law on anti-domestic violence yet, currently dealt with under the following:</p> <ul style="list-style-type: none"> <li>Law of Marriage Act 1971 Section 66</li> <li>Sexual Offences (Special Provision) Act 1998</li> <li>Marital Exemption 1998</li> <li>Anti-Trafficking in Persons Act</li> </ul>
Zambia	<ul style="list-style-type: none"> <li>Penal Code (Amendment Act) of 2005</li> <li>The Anti-Gender Based Violence Act (2011) establishes the Anti-Gender Based Violence Fund</li> </ul>
Zimbabwe	<ul style="list-style-type: none"> <li>Domestic Violence Act 14 of 2006</li> <li>Victim Friendly Courts and systems</li> <li>Legal Aid and hotlines</li> <li>Shelters for survivors run by Ministry of Women Affairs, Gender and Development, and other NGOs</li> <li>Criminal Law Codification and Reform Act Chapter 9:23 Section 61-87 consolidates and reforms laws with respect to sexual offences</li> <li>National Task Force on Trafficking</li> <li>National Gender Based Anti-Violence Strategy (2012-2015)</li> <li>National Action Plan on ending Rape and Sexual Abuse</li> </ul>



cases speedily. They will help reduce the time that alleged perpetrators are detained before their cases are heard. The two fast-track courts are equipped to be user and child friendly with improved technology to make processing of documents quicker. They are fitted with equipment which allows protection for victims from intimidation and from facing the perpetrators. The courts are also designed to ensure an accused person receives a fair trial.

In other legal jurisdictions, forced intimacy in marriage is now characterized as marital rape. The Combating of Rape Act of Namibia, the Sexual Offences Act of Lesotho, the Criminal Law (Sexual Offences and Related Matters) Amendment Act, No 32 of 2007 of South Africa, the Sexual Offences Act (Act 8/2001) of Zimbabwe, and the Penal Code of Seychelles provide for the criminalization of marital or spousal rape. In a similar arrangement, the Police Department in Swaziland has established the Domestic Violence and Victim Support Centres in all police stations throughout the country to ensure that women and children receive sensitive reception when reporting cases of abuse.

Other progressive measures include the establishment of temporary shelters for survivors of gender based violence, domestic violence and sexual abuse which are now a strong feature of protection and rehabilitation processes for women and children. The shelters house women and children with temporary accommodation, offer physical and psychosocial support, and provide counselling and information to build confidence and skills to regain control of lives free from violence.

### 6.3 CASES OF GBV IN SADC MEMBER STATES

Gender Based Violence presents a major obstacle to attaining gender equality and equity, and rape is among the most violent forms of GBV. DRC recorded a total of 25,612 documented cases of rape in 2013 alone, the highest in the region. In Namibia, Swaziland, Tanzania, Zambia and Zimbabwe, the number of rape cases has been decreasing since 2011, while in Tanzania this form abuse is increasing from 7,709 in 2011 to 9,476 in 2014 although this may reflect an improvement in reporting mechanisms and awareness of support systems.

In Mozambique the total number of all forms of GBV such as rape, domestic violence, assault, murder and human trafficking are increasing, or increasingly being reported as the figures are rising. In 2011 a total of 14,926 cases were reported, the figure went down to 13,940 in 2012 and 12,682 in 2013, but rose alarmingly to 23,659 in 2014.

Namibia has made significant efforts to reduce all forms of abuse against women. The National Plan of Action on Gender-Based Violence 2012-2016 said that Namibian women are significantly more likely than men to suffer from GBV (41 percent vs 28 percent), and married women are more likely to suffer from physical violence than single women (41 percent vs 30 percent). Violence against women is often perceived as acceptable: more than one-third of Namibian men (35 percent) feel that wife-beating is justifiable due to socio-cultural as well other reasons.

Although most SADC Member States have put in place mechanisms to reduce GBV, data can be misleading as a significant proportion of cases go unreported. (See Table 6.2)

#### 6.3.1 Effective Practice

Some Member States have established innovative and effective methods to address GBV that should be shared and adapted by other countries as effective practices. (Table 6.3)

According to UNECA, Member States should develop costed action plans, and governments should first complete their national action strategies to address gender based violence, with clear outputs and activities for the prioritized thematic areas of the strategies (see Seychelles Action Plan in Table 6.3). Costed plans will strengthen the development of political dialogue and legal information outreach programmes to communities where citizens are taught the law and their rights. Other relevant stake-



Cases of Gender Based Violence Reported in SADC Member States

Table 6.2

Country	Type	Reported Cases			
		2011	2012	2013	2014
Angola	Economic	2 874	3 038	5 377	4 859
	Physical	494	891	1 589	1 207
	Labour	9	29	146	97
	Psychological	1 207	1 763	2 184	2 108
	Sexual	18	40	127	51
	<b>Total</b>	<b>4 602</b>	<b>5 732</b>	<b>9 423</b>	<b>8 322</b>
Botswana	Defilement of girls			521	478
	Indecent assault			161	128
	Rape and attempts			1 955	1 926
	Defilement of mentally challenged			41	45
	<b>Total</b>			<b>2 678</b>	<b>2 577</b>
DRC	Rape			25 612	
	<b>Total</b>			<b>25 612</b>	
Malawi	<b>Total</b>			<b>28 082</b>	<b>22 897</b>
Mauritius	<b>Total</b>	<b>14343</b>	<b>13138</b>	<b>13133</b>	<b>13201</b>
Namibia	Rape	1 085	1 117	1 050	907
	GBH	6 413	6 840	10 602	8 664
	Murder	219	370		220
	Assault	4 830	4 806	8 374	6 150
	Attempted Rape	20	0	238	196
	Indecent Assault	13	76	111	88
	<b>Total</b>	<b>12 652</b>	<b>13 209</b>	<b>20 375</b>	<b>16 226</b>
Madagascar	Physical violence				878
	<b>Total</b>				<b>878</b>
Mozambique	<b>Total</b>	<b>14 926</b>	<b>13 940</b>	<b>12 682</b>	<b>23 659</b>
Seychelles	Grievous Harm			4	1
	Wounding			4	0
	Assaulting a child			13	4
	Common Assault			4	1
	Threatening Violence			7	0
	Damaging property			16	4
	Assault Occasioning Actual Bodily Harm (AOABH)			48	7
	<b>Total</b>			<b>96</b>	<b>17</b>
Swaziland	Rape	522	496	453	452
	Statutory Rape	116	116	163	168
	Indecent Assault	165	176	156	146
	Sodomy	10	13	6	3
	Incest	3	4	1	
	Physical	775	990	1 056	1 101
	Murder	27	24	27	22
	Abduction	86	78	94	114
	Kidnapping	24	11	13	10
	Human Trafficking	3	8	2	
	<b>Total</b>	<b>1 731</b>	<b>1 916</b>	<b>1 973</b>	<b>2016</b>
Tanzania	Rape cases	7709	7795	9776	9476
	Sodomize	759	737	820	944
	Sexual harassment	0	16	10	15
	Forced Marriage		25		35
	<b>Total</b>	<b>8 468</b>	<b>8 512</b>	<b>10 631</b>	<b>10 470</b>
Zambia	Defilement of a Child	1 339	2 369	2 234	2 429
	Rape	211	215	227	205
	Attempted Rape	46	29	41	41
	Incest	28	25	38	47
	Murder	32	75	57	57
	Assault Occasioning Actual Bodily Harm	3 699	4 303	4 485	4 506
	Threatening Violence	100	124	159	197
	Sexual Harassment	5	9	30	7
	<b>Total</b>	<b>5 629</b>	<b>7 230</b>	<b>7 605</b>	<b>7 814</b>
Zimbabwe	Rape	2 034	2 357	2 582	2 112
	Aggravated Assault	108	95	125	103
	Domestic Violence	5 016	5 868	6 153	6 843
	<b>Total</b>	<b>7 158</b>	<b>8 320</b>	<b>8 860</b>	<b>9 058</b>

Source: SADC Member States, National progress reports on implementation of the SADC Protocol on Gender and Development  
 Note: Many cases are not reported as they happen in or nearby the home, therefore the data available are indicative rather than comprehensive.



Annual Costs for 2010 and 2011	US\$	US\$	US\$
Thematic Area	2010	2011	Total
1. Awareness-raising and prevention of gender-based violence	80 250	50 138	130 388
2. Standardized procedures, guidelines and training materials	24 050	15 803	39 853
3. Capacity strengthening for service providers	17 605	91 151	265 756
4. Legislation, advocacy and lobbying	111 815	74 970	186 785
5. Rehabilitation	62 320	30 471	92 791
6. Coordination, research, monitoring and evaluation	55 700	53 235	108 935
<b>Total</b>	<b>508 740</b>	<b>315 767</b>	<b>824 507</b>

Source UNECA 2013

holders such as judicial personnel are trained to appreciate cultural dynamics, an exercise that will assist in these officers to mete out sentencing patterns to reflect the intention of the legislature. It is this combination of interventions, systematically applied over a period of time, that form the basis for dissolving general public resistance to improving women's rights and obstacles to addressing GBV, reducing and eventually eradicating Gender Based Violence.

#### 6.4 CHALLENGES

Despite the development of positive legal and policy frameworks and a level of compliance with the global and regional gender protocols, with Member States having established comprehensive reforms in key institutions such as the police, judiciary and social welfare systems to address gender based violence, SADC Member States still grapple with the prevalence of GBV. According to SADC, "Gender based violence is known to be widespread in the Southern African Development Community region and presents a major obstacle to attaining gender equality and equity."

A combination of an inflexible approach to traditional practices; an economic downturn that has seen women become the main income-earners as men are rendered unemployed; together with odious beliefs on HIV, has meant that gender based violence is frighteningly common in Southern Africa. Domestic violence stands out as one of the most prevalent forms of GBV. The challenge is complicated for governments in the region to handle because, by its very nature, domestic violence is deeply enshrined in the home and community through a patriarchal socialization which portrays women as perpetual minors, thus legislation is often not adhered to and cases go unreported.

##### 6.4.1 Gender Based Violence and HIV and AIDS

Escalating levels of sexual violence with its intersection with HIV and AIDS has also proved deadly as a cause and consequence of the pandemic in the region. Sexual violence against women is increasingly recognized as a health issue in the region, and attention is turning to the measurement of its health consequences for women and their families. It is clear that women and girls in SADC are disproportionately affected by HIV and AIDS. The existence of unequal gender relations and the rising levels of sexual violence in the region continues to be a cause of concern for SADC policy makers. In an endeavour to reduce incidences of sexual assault of women and girls, a number of Member States in the region have instituted Sexual Offences Acts to deal specifically with rape and abuse of women and children. All sexual offences laws protect the victim's identity and most seek to criminalize infection or wilful infection of HIV particularly through forced intercourse. In Zambia, the law prescribes life imprisonment where HIV transmission occurs, and Lesotho has set the death penalty for wilful transmission of HIV.

SADC Member States have taken steps abolishing discriminatory laws and promoting 'the access to education for girls, and is establishing a comprehensive women's





legal rights framework on access to land, property and livelihoods opportunities, as poverty is a key challenging factor to addressing GBV and AIDS in Member States. However, these issues are being addressed by advancing frameworks that protect women from violence and sexual abuse and other practices that harmful to women. The ability of women to protect themselves from HIV is often compromised by the inadequate access to information on HIV prevention and other health services, therefore access to reliable information is also a challenge.

#### 6.4.2 Trafficking in Persons

In southern Africa, Trafficking in Persons is mainly driven by a combination of, push, pull and enabling factors that include poverty, unemployment, gender inequality, conflict and the general lack of socio-economic opportunities. Victims of trafficking in persons usually endure sexual exploitation, forced labour and labour exploitation. Most countries in the region are source and transit countries for victims of trafficking in persons, while others are destination countries for victims. There are also cases of domestic trafficking in persons where victims are exploited within their own countries. However, SADC Member States have put in place legislation to address this challenge. (Table 6.4)

The SADC Gender Protocol Article 20 Section 5 provides for legislation to combat trafficking in persons especially women and children by 2015. It calls for Member States to develop mechanisms that allow law enforcement agencies to eradicate trafficking networks and collect data on types and modes of the crime. Member States are also required to establish bilateral and multilateral actions against trafficking in persons, strengthen capacity of service providers and raise awareness on the vice.

Thirteen of the 15 SADC Member States have specific legislation that addresses the issue of trafficking in persons. These are Angola, Botswana, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. DRC and Namibia have draft laws at various stages of development, and they use several pieces of legislation to address trafficking in persons.

Legislation in SADC Member States to Address Trafficking in Persons

Table 6.4

Country	Title of TIP Act and Year Of Enactment	Progress With Legislation Development
Angola	Penal code Law on criminalisation of underlying offences of money laundering, Law 3/2014	Implementation of law in progress
Botswana	Anti-Human Trafficking Act 2014	Implementation of law in progress National Anti Human Trafficking Committee established and fully functional Developing the National Action Plan
Democratic Republic of Congo	No specific Act to address trafficking in persons	Child Protection Code, Law 09/001 includes a chapter on child trafficking ( <i>loi n° 09/001 du Janvier 2009 portant protection de l'enfant</i> )
Lesotho	Anti-Trafficking in Persons Act, No.1 of 2011	Implementation of law in progress
Madagascar	Anti- Trafficking law no. 38 of 2007 Loi n° 2007-038 du 14 Janvier 2008 Loi n° 2014-040 du 20 Janvier 2015 (Amendment)	Implementation of law in progress
Malawi	Trafficking in Persons Act, No.3 of 2015	Implementation of law in progress
Mauritius	Combating of Trafficking in Persons Act, No. 2 of 2009	Implementation of law in progress
Mozambique	Trafficking in Person Law No. 6 of 2008	Implementation of law in progress
Namibia	No specific Act to address trafficking in persons	Draft Bill at advanced stage Prevention of Organised Crime Act, No.29 of 2004, Section 15 Child Care and Protection Act, No.3 of 2015, Chapter 14
Seychelles	Prohibition of Trafficking in Persons Act, No. 9 of 2014	Implementation of law in progress
South Africa	Combating of Trafficking in Persons Act, No. 7 of 2013	Implementation of law in progress
Swaziland	The People Trafficking and People Smuggling (Prohibition) Act, No. 7 of 2009	Implementation of law in progress
Tanzania	The Anti-Trafficking in Persons Act, No. 6/2008	Implementation of law in progress
Zambia	The Anti-Human Trafficking Act, No. 11 of 2008	Implementation of law in progress
Zimbabwe	Trafficking in Persons Act, No. 4 of 2014	Implementation of law in progress

Adapted from reports prepared for the SADC Meeting of Ministers Responsible for Gender and Women Affairs, Harare, 2015



**Policy Commitment of the SADC Gender Policy on GBV in Conflict and Post Conflict Situations**

SADC Member States shall enforce the creation of an enabling environment for the promotion of peace building in the region, the prevention of human rights abuses during conflict and to ensure participation of women in all peace-keeping initiatives.

Member States have acknowledged the critical role that law and policy play in the regional and national response to Trafficking in Persons. The Harare meeting of Ministers Responsible for Gender and Women Affairs in 2015 urged Member States to share experiences and information on effective practices in combating trafficking in persons; strengthen existing psychosocial programmes to include services for victims/survivors of trafficking in persons; and collaborate in dealing with cross-border trafficking in persons. This is crucial if policy formulation is to meet the particular challenge of the evolving nature of the strategies used by traffickers to recruit and exploit their victims.

**6.4.3 Gender Based Violence in Conflict and Post Conflict Situations**

Some areas still suffer from the effects of conflict and post-conflict situations, particularly in some parts of Angola, DRC and Mozambique. Women and girls from these countries have been affected disproportionately from violent conflict that their countries have been through. Women were targeted as a strategy of war, and some women fell victim to rape and sexual violence as instruments of war, designed to weaken families and break down the social fabric of communities and societies. The affected Member States therefore face the challenge of rehabilitating women from displacement and psychological trauma, disrupted livelihoods, disrupted access to public services, additional workloads within and outside the home, and domestic violence.



## Article 29 General Principles

1. States Parties shall ensure that gender is mainstreamed in all information, communication and media policies, programmes, laws and training in accordance with the Protocol on Culture, Information and Sport and other regional and international commitments by Member States on issues relating to media, information and communication.
2. States Parties shall encourage the media and media-related bodies to mainstream gender in their codes of conduct, policies and procedures, and adopt and implement gender aware ethical principles, codes of practice and policies in accordance with the Protocol on Culture, Information and Sport.
3. States Parties shall take measures to promote the equal representation of women in the ownership of, and decision making structures of the media, in accordance with Article 12.1 that provides for equal representation of women in decision making positions by 2015.

Most SADC Member States lack frameworks and policies to ensure the integration of gender perspectives in media policies and environments, associations, programmes, and institutional and operational structures. These remain among the major challenges contributing to media that exclude the voices of women, and bias towards women in employment and presentation. The ownership and control of media is in most cases a male preserve, often external to the region, and this has been the main contributor to the negative portrayal or the invisibility of women in the media, as women do not have access to or control of editorial issues, and change is very slow in this regard.

The lack of gender sensitivity in the media is evidenced by the failure to eliminate the gender stereotyping that can be found in public and private media organizations, whether local, national or international. There have been some changes in policy and action to address this in some countries, with women becoming more visible at various levels in the industry. During the 20<sup>th</sup> anniversary of the Beijing Declaration and Platform For Action (BDPFA) in 2015, countries committed to address new challenges that have emerged in the 12 Critical Areas of Concern, such as women and media, and reaffirmed their commitment to tackle the challenges and remaining implementation gaps.

The region has generally seen low representation of women in decision-making positions in media organizations and institutions. SADC Member States have begun to craft policies and frameworks to ensure that women's participation, views and voices are considered, but this is a fluid and ever-changing environment with the development of information technology and online media. The traditional media plays an important role in shaping the way society thinks, hence its key role in transforming gender relations. The SADC Gender Resource Kit recognizes that women are under-represented in all areas of the media, except as TV presenters, especially in decision-making structures. There have been various discussions among media editors in the region in the last several years, addressing some creative solutions, not yet applied.

The SADC Protocol on Culture, Information and Sport states in Article 9 that Member States shall cooperate in ensuring gender equality and equity in these areas in the context of the SADC Declaration on Gender and Development. Article 17 outlines the principle of ensuring the media are adequately sensitised on gender issues so as to promote gender equality and equity in information dissemination.

The SADC Protocol on Gender and Development makes provision in Article 29 that “States Parties shall ensure that gender is mainstreamed in all information, communication and media policies, programmes, laws and training...”

The Protocol also says that “States Parties shall encourage the media and media-related bodies to mainstream gender in their codes of conduct, policies and procedures, and adopt and implement gender aware ethical principles, codes of practice and policies....”

States Parties agreed to take measures by 2015 to “promote the equal representation of women in the ownership of, and decision-making structures of the media....”

### 7.1 POLICY FRAMEWORKS

SADC Member States have crafted policies to promote the full and equal participation of women in the management, programming, education, training and research in the media. For example, the National Gender Policy of Namibia takes into consideration the importance of promoting access to information and communication technology by women, and to eliminate the negative portrayal of women and girls in the media. The policy acknowledges that the representation of women in media houses at managerial level and as decision-makers is an issue which ought to be addressed through improving the employment opportunities and career paths for women in the media industry with guidelines for encouraging the participation of women at all levels of decision-making in media enterprises and in senior positions in technology-driven industries, and on government-convened advisory Boards. Namibia has developed a Media Monitoring Toolkit to focus attention on aspects of gender reporting, the toolkit facilitates the monitoring of the coverage of gender issues with due attention to the type of coverage of gender issues and events in newspapers, television and radio, and can be used by anyone with interest in media coverage and portrayal/involvement of women.

The Government of Tanzania has encouraged women to participate in media activities while also encouraging the media houses to create a friendly working environment that welcomes women. The Broadcasting Services Regulations of Tanzania Section 29 require that licensees promote gender and racial equality in the workplace. The regulation also requires that journalists should refrain from coverage that is biased or reinforces prejudices against women. Journalists and media houses should raise public awareness of the importance of women’s participation in public life. The Media Code of Conduct for Election Reporting of Tanzania (2000) Section 12: Media Obligations to Political Parties, requires the media to highlight the candidature of women and other disadvantaged groups.

DRC also acknowledges the importance of having more women involved in the media, and in decision-making positions in the industry. The High Authority of Media (HAM) of DRC is made up of three bodies — the Plenary Assembly, the Bureau, and Special Commissions. The Plenary Assembly is the decision-making body of HAM and is composed of 21 members, at least eight of whom should be women. Gender is one of the factors given consideration when appointments are made, to ensure diversity within HAM.

The Media Handbook of Lesotho addresses this issue of media portrayal of women by calling for journalists and media houses not to incite or perpetuate hatred or gratuitous vilification of a person or section of the community on account of race, ethnicity, nationality, gender, marital status, sexual preference, age, disability, religion or culture.

The South African Broadcasting Act No. 4 of 1999 provides that the public service delivered by the South African public broadcaster shall strive for a broad range of services, targeting women and the previously disadvantaged groups. As a result, policies have been put in place to give guidance on how matters of discrimination and stereotyping are to be dealt with. Arising out of this, the public broadcaster must strive to ensure that when evaluated, its programming does not promote violence against women, depict women as passive victims of violence and abuse, degrade women or undermine their role and position in the society and reinforce gender oppression and stereotypes.



Country	Legislation on Gender Based Violence
Angola	-
Botswana	<p>The Botswana Press Council Code of Ethics 2004 provides as follows:</p> <ul style="list-style-type: none"> <li>Media Institutions must not identify victims of gender violence or publish material likely to contribute to such identification unless the victims have consented to such publications or law has authorized them to do this. In cases where consent is given subject to certain conditions, then such conditions must be respected.</li> <li>Media Institutions must not publish material that is intended or is likely to cause hostility or hatred towards persons on the grounds of their race, ethnic origins, nationality, gender, physical disabilities, religion or political affiliation.</li> </ul> <p>The Botswana Press Council developed a Gender Code of Practice in 2011. The Code outlines basic principles that guide media practitioners in disseminating information.</p> <ul style="list-style-type: none"> <li>Media coverage should be balanced, fair and inclusive of both sexes.</li> <li>Media houses must ensure a balance of women and men as sources, experts, authorities and commentators on a wide range of issues debated in the media.</li> <li>Media houses should have policies that encourage reporting on gender issues.</li> <li>Members should use non-sexist, gender-sensitive language.</li> <li>Media Practitioners are not permitted to report stories that advocate hatred based on gender, and which constitutes incitement to cause harm.</li> </ul> <p>Development of the Media Gender Policy in 2014.</p>
DRC	<p>The Constitution</p> <ul style="list-style-type: none"> <li>Articles 23, 24, 25 has enshrined the right to freedom of expression, information, demonstration without discrimination</li> <li>Law No. 04/017 of 2004 providing for the High Authority of Media (HAM) notes that gender is one factor that needs to be taken into account when appointments are made to ensure diversity with HAM.</li> </ul>
Lesotho	<p>Media Code of Conduct</p> <ul style="list-style-type: none"> <li>A licensee shall not broadcast content which, measured by contemporary community standards is likely to incite or perpetuate hatred or gratuitous vilification of a person or section of the community on account of race, ethnicity, nationality, gender, marital status, sexual preference, age, disability, religion or culture.</li> </ul> <p>Lesotho Broadcasting Corporation Bill 2004</p> <ul style="list-style-type: none"> <li>Programmes broadcast must reflect the circumstances and aspirations of women, men, and children in contemporary society in Lesotho.</li> </ul>
Madagascar	<p>Communication Act No. 90-031 of 21 December 1990</p> <ul style="list-style-type: none"> <li>Everyone has the right to express opinions and ideas through the media regardless of hardware support.</li> </ul>
Malawi	<p>Media Code of Ethics 2008</p> <ul style="list-style-type: none"> <li>A journalist shall not identify victims of sexual assault or publish material likely to contribute to such identification unless, by law, he/she is at liberty to do so.</li> <li>A journalist shall avoid prejudicial or pejorative reference to a person's race, colour, ethnic origin, religion, sex or sexual orientation or to any physical or mental illness or disability unless such reference is relevant to the story.</li> </ul>
Mauritius	-
Mozambique	Gender Policy and Strategy for the Implementation of the Promotion of Access by Women to Information
Namibia	<p>Code of Ethics</p> <ul style="list-style-type: none"> <li>The media should strive to represent social reality in all its diversity, complexity and plurality, and shall strive to redress imbalances in society when reporting on women, children, minorities, and the under-privileged and disabled persons.</li> </ul> <p>Namibian National Gender Policy</p> <ul style="list-style-type: none"> <li>Promote women's access to information and communication technology and eliminate the negative portrayal of women and girls.</li> </ul>
Seychelles	Code of Conduct for the Media, Broadcasting Regulation, Seychelles Media Commission Act 2010, Seychelles Broadcasting Corporation Act & Newspaper Act
South Africa	<p>Broadcasting Act 1999</p> <ul style="list-style-type: none"> <li>Broadcasters must contribute to democracy, development of society and gender equality and cater for a broad range of services and specifically for the programming needs in respect of children.</li> <li>The licensee must demonstrate its commitment to reflecting and portraying women in their positive societal roles -- as independent intellectual beings, as leaders, decision makers, academics, agents of change, and to award representation of men in roles that do not bolster gender ascendancy and stereotypes.</li> <li>The licensee must endeavour wherever possible to increase the number of programmes for, by and about women and must submit every three years to the regulator a programme of action aimed at implementing such pledge.</li> </ul> <p>Electronic Communications Act 36 of 2005</p> <ul style="list-style-type: none"> <li>Provide for the regulation of electronic communications in the Republic in the public interest and for that purpose to promote broad-based black economic empowerment, with particular attention to the needs of women, opportunities for youth and challenges for persons with disabilities;</li> <li>Cater for a broad range of services and specifically for the programming needs of children, women, the youth and the disabled</li> </ul> <p>Independent Broadcasting Act 1993</p> <ul style="list-style-type: none"> <li>Promote the empowerment and advancement of women in the broadcasting services.</li> </ul>
Swaziland	<p>Adopted a Gender and Media Policy</p> <p>Swaziland National Association of Journalists Code of Ethics</p> <ul style="list-style-type: none"> <li>A journalist should not originate material, which encourages discrimination on the grounds of ethnicity, colour, creed, gender or sexual orientation.</li> <li>Journalists should also be aware of gender-based assumptions and prejudices, and should guard against the continuous negative stereotyping.</li> </ul>



Country	Legislation on Gender Based Violence
Tanzania	<p>Media Gender Code of Ethics</p> <ul style="list-style-type: none"> <li>• In their coverage of politics, economic issues or war, members shall ensure that women's voices and views are heard.</li> <li>• Media houses shall take proactive steps to equally seek out the views of both women and men in their diversity regardless of their social standing.</li> <li>• Media houses shall desist from reporting stories that advocate or incite violence based on gender which could constitute incitement to cause harm.</li> <li>• Media houses are encouraged to incorporate gender balance in their recruitment and selection policies to ensure equitable representation of women in all levels of decision making.</li> <li>• Media houses shall prohibit the use of sexist language in their coverage.</li> </ul> <p>Code of Ethics for media professionals</p> <ul style="list-style-type: none"> <li>• Ensure publications do not place gratuitous emphasis on gender, religion, minority groups, sexual orientation, age, race, colour or physical or mental disability.</li> <li>• Refrain from reporting issues from the perspective that it is mainly a women's affair.</li> <li>• Avoid the use of words and expressions that imply that women are inferior to men, because if constantly used, assumption of inferiority tends to be reinforced in the minds of the public.</li> </ul>
Zambia	<p>The Electoral Act 2006</p> <ul style="list-style-type: none"> <li>• The media shall report election news in an accurate manner and not make any abusive editorial comment, incite violence or advocate hatred based on race, ethnicity, tribe, gender, sex, political or religious conviction.</li> </ul>
Zimbabwe	<p>Constitution of Zimbabwe 2013 Section 17 of the Constitution on gender balance in the media</p> <ul style="list-style-type: none"> <li>• Capacity building of media personnel on gender</li> <li>• Every person is entitled to freedom of the media, which freedom includes protection of the confidentiality of journalists' sources of information.</li> </ul>

**“Fair gender portrayal in the media should be a professional and ethical aspiration, similar to respect for accuracy, fairness and honesty...”**

A major study of the media in Zimbabwe undertaken by an independent panel of inquiry, commissioned by Government but comprising editors and practitioners from all sectors of the public and private print and broadcasting media, as well as training institutions, non-governmental organizations and media interest groups, included in its investigation a detailed review of “Gender, Advocacy and Marginalized Groups”. The study by the Information and Media Panel of Inquiry (IMPI) was conducted throughout the country using focus groups, questionnaires, stakeholders meetings and interviews as well as literature reviews. On gender, the inquiry concluded that,

“Fair gender portrayal in the media should be a professional and ethical aspiration, similar to respect for accuracy, fairness and honesty; that this should be included in the Code of Ethics and in the Media Training Curriculum. Yet, unbalanced gender portrayal is widespread, and often accepted as the norm.

“Women and marginalised groups are far less likely than men to be featured in news headlines, and to be relied upon as ‘spokespeople’ or as ‘experts.’ Certain categories of women, such as single mothers, older women, or those belonging to ethnic minorities, are even less visible. Yet women make up 52 percent of the population of Zimbabwe. Stories of women’s achievements are seldom presented, nor are their views and perspectives often sought by the media, and women are often shown scantily clad in programmes or advertising. What message is sent to society about women ?

“The IMPI inquiry investigated the representation, participation, coverage and portrayal of women, children and marginalised groups in Zimbabwe’s media between January 2012 and June 2014, and sought to understand gender mainstreaming, disability mainstreaming, discrimination, and the ethical coverage of marginalised groups, as well as stereotypes, the work environment, board requirements, training and the arts, and various forms of sexual harassment of women in the media, and what to do about it. This study did not exclude men, as any gender analysis considers the role of both women and men in the media and information sector.” (IMPI, 2015)



## 7.2 REPRESENTATION OF WOMEN IN THE MEDIA

The media industry has been largely dominated by men controlling the major institutions and making the decisions in media houses. The lack of women in decision-making positions often results in policies that reflect only one part of society. However, more women have joined the media sector and representation is increasing at all levels.

According to the Swaziland national progress report on implementation of the SADC Gender Protocol, in 2011 women constituted 40 percent of employees in local media houses. Women constitute 40 percent of board members, 35 percent at managerial level, 30 percent of senior reporters and 20 percent of the total number of CEOs. However Swaziland has a significantly low number of women editors who constitute only five percent of the total number of editors in the State media.

Similarly, the national progress report for Zimbabwe shows that women chief executives for media houses constitute 40 percent, women managers stand at 17 percent, board members 42 percent, editors 17 percent and senior reporters at 17 percent. South Africa shows a similar pattern to that of its counterparts in the region with women chief executives constituting 16 percent, managers 21 percent, board of directors 27 percent, editors 31 percent and senior reporters at 35 percent.

Although the media is a female-dominated industry in Seychelles, women are under-represented at decision-making levels. In 2011, both the Chairperson and the Managing Director of the Seychelles Broadcasting Corporation (SBC), the only local TV station, were men. The Chairperson of the Seychelles Media Commission (SMC) was a man. However the National Information Services Agency (NISA), which was established to produce the Seychelles Nation (daily) was headed by a woman. Another independent daily launched in 2011 was headed by a woman. Worthy of note is that the SBC Board of Directors which has more than 50 percent women among its members. The Board has seven members in total, five of whom are women, accounting for 71 percent. Although women are in decision-making positions in the media and provide most journalists in the electronic media, there are ongoing efforts to attract more women in the technical fields, for example the SBC has only one camerawoman.

## 7.3 TRAINING

The Beijing PFA recognize 20 years ago the importance of encouraging gender-sensitive training for media professionals, including media owners and managers, to encourage the creation and use of non-stereotyped, balanced and diverse images of women in the media. Most public and private media houses in the SADC region have put in place measures to ensure that gender is mainstreamed in media training programmes. Training remains one of the most important ways of opening the eyes of the media for more professional reporting and fresh story ideas that bring gender awareness (*Beyond Inequalities: Women in Southern Africa*, 2008).

In Namibia, a number of interventions were undertaken to increase awareness and capacity for protecting the rights of women and girls. A gender toolkit and assessment tool for media houses and institutions, including community media was developed to assist with training of journalists on gender-sensitive reporting. The toolkit is also used to measure the effectiveness of media houses in the advancement of gender-sensitive reporting and to monitor the effectiveness of media houses in advancing gender-sensitive reporting. The National Gender Machinery of Malawi has also taken initiatives to support training of journalists in gender-sensitive reporting through engineering of the training curricula of the Media Training Institutes and ensuring that journalists are oriented on gender responsive reporting. The department of Media Studies at the University of Botswana adopted a strategy to mainstream gender into its curriculum and in the departmental practices. The majority of students studying media at the university are women.

UNESCO has partnered with various media organizations in SADC Member States to conduct training of journalists and media personnel in mainstreaming gender

A study of sexual harassment in media by the Federation of Media Women of Zimbabwe (FAMWZ) and the Zimbabwe Union of Journalists (ZUJ) titled *What Can I Do? Who Should I Tell? Sexual Harassment in the Media*, said, "Sexual harassment represents one of the largest areas of complaints in the media. However, the absence of a law that deals specifically with sexual harassment has allowed culprits to commit these acts and get away with it."

Examples of sexual harassment identified in the FAMWZ/ZUJ study include physical contact, verbal or written comments, and non-verbal and visual signals such as derogatory gestures or text messages. (FAMWZ/ZUJ, 2014)

into their work. UNESCO has conducted training programmes to the print and broadcast media, to media management, and to technicians and engineers. High priority is given to the training of women media professionals. At country level, capacity-building of media professionals is supported through establishment and strengthening of media training institutions to offer high-quality training. This includes setting criteria of excellence, provision of training facilities, training of trainers, and development of training modules in disciplinary knowledge including popularising science journalism. In 2014, through the Malawi Institute of Journalism, UNESCO conducted a training of 20 journalists from the print and broadcast media in Malawi on gender-sensitive reporting, to promote a more diverse and gender-sensitive media, and at the same time to build the general professional capacity of the journalists.

#### 7.4 CHALLENGES

Men are still dominating the news coverage and although media houses have gender mainstreamed their policies, the number of women participating in the media in most countries remains low, especially in decision-making positions, as revealed by statistics indicated above. The majority of decision-makers overseeing production routines in media houses are men, with women occupying less influential positions. Media ownership remains male-dominated.

Cultural norms discourage women from being a part of the media industry due to perceptions of the industry being a challenging work environment for women due to long irregular hours and travel away from the family, as well as the technical nature of media operations. Although more women are joining the media industry as journalists, there is still a very low number of women engineers and technicians, and camera-women. Women are often given “soft assignments” which are not challenging and men are given assignments which are investigative. There is a need to further sensitise and educate media practitioners on gender inequalities and injustices in the society, as well as the capabilities and capacities of women across the broad spectrum of media work.





### SADC PROTOCOL ON GENDER AND DEVELOPMENT PART EIGHT – PEACE BUILDING AND CONFLICT RESOLUTION

#### Article 28 Peace Building and Conflict Resolution

1. States Parties shall endeavour to put in place measures to ensure that women have equal representation and participation in key decision-making positions in conflict resolution and peace building processes by 2015 in accordance with United Nations Security Council Resolution 1325 on Women, Peace and Security.
2. States Parties shall, during times of armed and other forms of conflict take such steps as are necessary to prevent and eliminate incidences of human rights abuses, especially of women and children, and ensure that the perpetrators of such abuses are brought to justice before a court of competent jurisdiction.

### 8.1 PARTICIPATION OF WOMEN IN PEACE AND SECURITY MISSIONS

Most SADC Member States participate in peacekeeping missions on the continent and throughout the world by deploying police and military units for this purpose, under African Union or United Nations frameworks. Peacekeeping operations consist of military, police and civilian personnel, who work to deliver security, political and early peace-building support. More women are becoming part of peacekeeping troops deployed in the regional and UN peacekeeping missions, as the special role of women in peacekeeping, peace-building and support is increasingly recognized. In Malawi, almost 50 percent of the individual force contribution in 2015 was made up of women (48.8%), and for Namibia 34.6 percent was down from 70.7 percent in 2012. Zimbabwe has 22.7 percent women in the individual force. Experts on missions are still largely male dominated – from Namibia women constitute 30 percent, South Africa 23 percent and Zambia 20 percent. Lesotho, Malawi and Zimbabwe have no women among the experts on mission, as shown in Table 8.1.

Summary of Troop Contribution to UN Operations at December 2015

Table 8.1

Country	Individual Force					Experts on Mission					Contingent Troops					Country Total
	Total	Women		Men		Total	Women		Men		Total	Women		Men		
		No.	%	No.	%		No.	%	No.	%		No.	%	No.	%	
DRC	17	1	5.8	16	94.1	-	-	-	-	-	801	2	0.24	799	99.7	818
Lesotho	-	-	-	-	-	2	0	-	2	100	-	-	-	-	-	2
Madagascar	45	8	17.7	37	82.3	-	-	-	-	-	-	-	-	-	45	
Malawi	90	44	48.8	46	51.2	13	0	13	100	858	44	5.1	814	94.9	961	
Namibia	52	18	34.6	34	65.4	10	3	30	7	70	12	0	12	100	74	
South Africa	-	-	-	-	-	17	4	23.5	13	76.5	2 114	352	16.6	1 762	83.4	2 131
Tanzania	66	10	15.1	56	84.9	18	2	11.1	16	88.9	2 239	101	4.5	2 138	95.6	2 323
Zambia	122	20	16.6	102	83.4	40	8	20	32	80	776	2	0.25	774	99.7	938
Zimbabwe	22	5	22.7	17	77.3	6	0	-	6	100	3	1	33.3	2	66.6	31

Source: United Nations Peacekeeping  
No data was available for Angola, Botswana, Mauritius, Mozambique, Seychelles and Swaziland

UN Peacekeeping stresses the importance of women's equal and full participation as active agents in the prevention and resolution of conflicts, peace-building and peacekeeping. All members are urged to ensure equal participation by women and full involvement in all efforts for the maintenance and promotion of peace and security, and to increase the participation of women and incorporate gender perspective in all areas of peace building.

The UN Police Division launched the "Global Effort" to recruit more female police officers into national police services and into UN police operations around the world. According to UN Peacekeeping, in 1993, women made up only one percent of deployed uni-



formed personnel. In 2014, out of approximately 125,000 peacekeepers, women constitute three percent of military personnel and 10 percent of police personnel in UN Peacekeeping missions.

## 8.2 PARTICIPATION OF WOMEN IN PEACE BUILDING

With the SADC region still facing challenges of Gender Based Violence (GBV) during conflict and post-conflict in some Member States, Ministers Responsible for Gender and Women Affairs during their meeting in 2015, welcomed the development of a training course for peace support operations on Sexual and Gender Based Violence (SGBV), conducted by the SADC Regional Peacekeeping Training Centre (RPTC). Member States were urged to undertake activities to address GBV in conflict and post-conflict situations.

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### SADC RPTC Building capacity for peacekeeping and peace support

#### SADC Regional Peacekeeping Training Centre

The RPTC falls directly under the SADC Organ on Politics, Defence and Security Co-operation and has a mandate to develop the peacekeeping capacity of SADC Member States. Realizing that peace and security are critical to socio-economic development, SADC Member States established the RPTC in 1996 to coordinate peace support training and it opened in June 1999 in Harare, Zimbabwe as a centre of excellence in training, research and development of capacities in peace support operations. The centre provides military, police and civilian training for citizens of Member States to facilitate their active participation in UN and African Union peace support operations, including military observers, civilian police and logistics, and peacekeepers; and actively promotes the participation of women in its initiatives. The RPTC delivers training courses for peacekeeping officers from the SADC region and other parts of Africa, and plays a key role in implementing the roadmap towards the operationalization of the SADC Standby Force by providing training and participation in SADC exercises.

*The Peace Trainer* [www.sadc.int](http://www.sadc.int)

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The first five civilians trained in conflict resolution support were part of a group of 30 SADC peacekeepers who completed a three-week course in March 2006 at the Harare-based RPTC. The civilians were drawn from government departments and humanitarian organisations in Angola, Botswana, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, United Republic of Tanzania, Zambia and Zimbabwe.

The group comprised five women, three of whom were civilians and two were military personnel. Civilians have an important role in peace support missions where they facilitate the smooth transition from war situations to peace. They provide the necessary support services to military personnel and lay the groundwork for the establishment of crucial infrastructure to ensure a smooth return to normalcy. "Civilians are key in peace support missions because they manage the political and humanitarian offices and their role is to advise other players on how to handle the whole process," an official of the SADC RPTC said.

A total of 1,330 peacekeepers were trained at the centre in its first decade of operations from 1995-2005, with the target of having a 4,000-5,000 strong standby force by 2010 that can respond to requests for peacekeeping duties in the SADC region or in other parts of the continent or the world. The formation of a standby force is in line with the African Union Commission's Article 13 on standby armies, which requires that each of the five African regions should have a minimum of 4,000 peacekeepers.

## 8.3 PEACE BUILDING, CONFLICT RESOLUTION AND THE MEDIA

Globalisation has enhanced the capacity of journalism and the media to build peace and harmony in the modern world. The media can publicize the principles of human rights and other moral norms, and can act to enforce those norms by publicizing violations. They can publicize and support peacekeeping operations. The media can educate the parties and the



public about existing conflict resolution resources, and about successful cases of conflict management. The media may re-frame the issues in ways that make the conflict more controllable, and in formulating possible solutions, also help maintain or achieve a balance of power between the conflicting parties. However, the media practitioners need training in this regard so that they can understand clearly how the use of language and framing of issues in the media can fan conflict or prevent it.

#### 8.4 WOMEN IN POLICING

The proportion of women in the Police Force in most SADC Member States does not constitute half of the total force, but the number of women is increasing. Between 2013 and 2014 the percentage of women in Police Forces/Services has increased for some Member States as shown in Table 8.2. In 2013, the police force of Zambia was constituted by 18 percent women and in 2014 the figure rose to 33 percent, while Namibia increased from 32 to 34.1 percent, and Zimbabwe from 22 to 23.1 percent.

#### 8.5 WOMEN IN PRISON SERVICES

The number of high-ranking women was low in prison services in SADC Member States, according to data for 2013. For example, in the entire region, there is no female Commissioner General / Principal Commissioner of Prisons. Women are found only in the posts of Deputy Commissioner, as shown in Table 8.3. The proportion of male superintendents overshadows the number of women, for example in Angola, out of a total of 63 superintendents only 6 are women, and in Zambia there are 6 women in a total of 27.

Percentage of Women in the Police Services/  
Forces of SADC Member States Table 8.2

Member States	2013		2014	
	Male %	Female %	Male %	Female %
Angola	91	9	91	9
Botswana	75	25	74	26
DRC	94.2	5.8	93.2	6.8
Lesotho	71	29	71	29
Madagascar	-	-	-	-
Malawi	80	20	80	20
Mauritius	92.1	7.9	92.1	7.9
Mozambique	88	12	88	12
Namibia	68	32	65.9	34.1
Seychelles	60.1	39.9	60.9	39.1
South Africa	66.6	33.4	65.89	34.11
Swaziland	67	33	67	33
Tanzania	78.1	21.9	78.1	21.9
Zambia	82	18	67	33
Zimbabwe	78	22	76.9	23.1

Source SADC Member States at May 2014

Women in Prison Services Jan–Dec 2013

Table 8.3

Country	Rank	Total	Male	Female
Angola	Principal Commissioner of Prisons	1	1	0
	Commissioner	14	13	1
	Deputy Commissioner	15	14	1
	Chief Superintendent	38	30	8
	Superintendent	63	57	6
	<b>Total</b>	<b>131</b>	<b>115</b>	<b>16</b>
Botswana	Commissioner	1	1	0
	Deputy Commissioner	2	0	2
	Senior Assistant Commissioner	6	4	2
	Assistant Commissioner	9	6	3
	Senior Superintendent	44	35	9
	Superintendent	61	51	10
	Assistant Commissioner	68	49	19
<b>Total</b>	<b>191</b>	<b>146</b>	<b>45</b>	
DRC	Commissioner-General	1	1	0
	Deputy Commissioner-General	3	2	1
	Commissioner	14	12	2
	Deputy Commissioner	35	19	16
	Assistant Commissioner	0		
	Senior Superintendent	0		
	Superintendent	0		
<b>Total</b>	<b>53</b>	<b>34</b>	<b>19</b>	
Lesotho	Commissioner-General	1	1	0
	Deputy Commissioner-General	3	2	1
	Commissioner	14	12	2
	Deputy Commissioner	35	19	16
	Assistant Commissioner	0		
	Senior Superintendent	0		
	Superintendent	0		
<b>Total</b>	<b>53</b>	<b>34</b>	<b>19</b>	
Madagascar	Commissioner-General	1	1	0
	Deputy Commissioner-General	3	2	1
	Commissioner	14	12	2
	Deputy Commissioner	35	19	16
	Assistant Commissioner	0		
	Senior Superintendent	0		
	Superintendent	0		
<b>Total</b>	<b>53</b>	<b>34</b>	<b>19</b>	



continued...

Table 8.3

Country	Rank	Total	Male	Female
Malawi	Chief Commissioner	1	1	0
	Commissioner	1	0	1
	Deputy Commissioner	4	4	0
	Senior Assistant Commissioner	3	2	1
	Assistant Commissioner	10	7	3
	Chief Superintendent	12	10	2
	Senior Superintendent	30	26	4
	Superintendent	17	10	7
	<b>Total</b>	<b>78</b>	<b>60</b>	<b>18</b>
Mauritius	Commissioner-General	1	1	0
	Deputy Commissioner-General	3	2	1
	Commissioner	14	12	2
	Deputy Commissioner	35	19	16
	Assistant Commissioner	0		
	Senior Superintendent	0		
	Superintendent	0		
<b>Total</b>	<b>53</b>	<b>34</b>	<b>19</b>	
Mozambique	Commissioner-General	1	1	0
	Deputy Commissioner-General	3	2	1
	Commissioner	14	12	2
	Deputy Commissioner	35	19	16
	Assistant Commissioner	0		
	Senior Superintendent	0		
	Superintendent	0		
<b>Total</b>	<b>53</b>	<b>34</b>	<b>19</b>	
Namibia	Commissioner-General	1	1	0
	Deputy Commissioner-General	3	2	1
	Commissioner	14	12	2
	Deputy Commissioner	35	19	16
	Assistant Commissioner	0		
	Senior Superintendent	0		
	Superintendent	0		
<b>Total</b>	<b>53</b>	<b>34</b>	<b>19</b>	
Seychelles	Commissioner-General	1	1	0
	Deputy Commissioner-General	3	2	1
	Commissioner	14	12	2
	Deputy Commissioner	35	19	16
	Assistant Commissioner	0		
	Senior Superintendent	0		
	Superintendent	0		
<b>Total</b>	<b>53</b>	<b>34</b>	<b>19</b>	
Swaziland	Commissioner General	1	1	0
	Deputy Commissioner-General	3	2	1
	Commissioner	14	12	2
	Deputy Commissioner	35	19	16
	Assistant Commissioner	0		
	Senior Superintendent	0		
	Superintendent	0		
<b>Total</b>	<b>53</b>	<b>34</b>	<b>19</b>	
Tanzania	Commissioner-General	1	1	0
	Deputy Commissioner-General	3	2	1
	Commissioner	14	12	2
	Deputy Commissioner	35	19	16
	Assistant Commissioner	0		
	Senior Superintendent	0		
	Superintendent	0		
<b>Total</b>	<b>53</b>	<b>34</b>	<b>19</b>	
Zambia	Commissioner	1	1	0
	Deputy Commissioner	4	4	0
	Senior Commissioner	4	4	0
	Assistant Commissioner	9	7	2
	Chief Superintendent	8	6	2
	Senior Superintendent	15	14	1
	Superintendent	27	21	6
	Assistant Superintendent	66	51	15
	<b>Total</b>	<b>134</b>	<b>108</b>	<b>26</b>
Zimbabwe	Commissioner-General	1	1	0
	Deputy Commissioner-General	3	2	1
	Commissioner	14	12	2
	Deputy Commissioner	35	19	16
	Assistant Commissioner	0		
	Senior Superintendent	0		
	Superintendent	0		
<b>Total</b>	<b>53</b>	<b>34</b>	<b>19</b>	

Source: SADC Gender Database



# IMPLEMENTATION AND INSTITUTIONAL ARRANGEMENTS

## Chapter 9

### SADC PROTOCOL ON GENDER AND DEVELOPMENT

#### Article 5 Affirmative Action

"States Parties shall put in place Affirmative Action measures with particular reference to women in order to eliminate all barriers which prevent them from participating meaningfully in all spheres of life and create a conducive environment for such participation."

#### Article 33 Financial Provisions

1. States Parties shall ensure gender sensitive budgets and planning, including designating the necessary resources towards initiatives aimed at empowering women and girls.
2. States Parties shall mobilise and allocate the necessary human, technical and financial resources for the successful implementation of this Protocol.

### CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

#### Article 4 CEDAW

"...adoption by State Parties of temporary special measures aimed at accelerating *de facto* equality between men and women shall not be considered discrimination. ..."

## 9.1 SADC PROTOCOL ON GENDER AND DEVELOPMENT

The SADC Protocol on Gender and Development is a legally binding document that commits the parties to the objectives and specific procedures stated within it. The objective of the Protocol is to provide for the empowerment of women, as well as to eliminate discrimination and to achieve gender equality and equity in the SADC region. This is to be achieved through the development and implementation of gender-responsive legislation, policies, programmes and projects.

The Protocol seeks to harmonise the various international, continental and regional gender equality instruments that SADC Member States have subscribed to, such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW); Beijing Declaration and its Platform of Action; The Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa; and the Millennium Development Goals (MDGs), which were replaced by the Sustainable Development Goals (SDGs) on reaching the target year of 2015.

Therefore, the Protocol consolidates and creates synergies between various commitments on gender equality and women's empowerment into one comprehensive regional instrument that enhances the capacity to plan, implement and monitor effectively the SADC agenda on gender development.

## 9.2 RATIFICATION OF THE PROTOCOL

The Protocol on Gender and Development was signed and adopted by SADC Heads of State and Government on 17 August 2008, and entered into force on 22 February 2013 following ratification by 10 Member States, in line with Article 40 of the Protocol that requires two-thirds of Member States to have deposited their instruments of ratification, thus giving formal consent and making the document officially valid. The Protocol is ratified by signatory States in accordance with their own constitutional procedures.

Thirteen Member States have signed the SADC Protocol on Gender and Development and, although Botswana and Mauritius have not signed to date, they continue to monitor progress toward the goals of the Protocol through submission of reports to the SADC Secretariat and show significant gains in some of the target areas, such as the public service sector and local government.

## Signing and Ratification of the SADC Protocol on Gender and Development Table 9.1

Member State	Date of Signature	Date of Ratification	Deposited Instruments
Angola	2008	2010	✓
Botswana	Not yet signed		
DRC	2008		
Lesotho	2008	2010	✓
Madagascar	2008		
Malawi	2009	2013	✓
Mauritius	Not yet signed		
Mozambique	2008	2010	✓
Namibia	2008	2009	✓
Seychelles	2008	2011	✓
South Africa	2008	2011	✓
Swaziland	2008	2012	✓
Tanzania	2008	2010	✓
Zambia	2008	2012	✓
Zimbabwe	2008	2009	✓

Source National progress reports on implementation of SADC Protocol on Gender and Development, SADC Secretariat, SADC Gender Monitor 2013

Any Member State that had not initially become party to the Protocol can accede to it at a later stage, and the other two signatories who have not yet acceded to the Protocol are DRC and Madagascar.

Any Member State may propose an amendment to the Protocol by advising the SADC Executive Secretary for preliminary consideration by Council after all Member States have been notified. Such amendment to the Protocol can then be adopted by a decision of three-quarters of the SADC Member States.

### 9.3 DOMESTICATION OF THE PROTOCOL

Most SADC Member States have constitutional clauses on equality and non-discrimination, and have put in place legislation, policies and programmes aimed at increasing the level of participation of women in political and decision-making positions in the public sector. All SADC Member States are party to international, continental and regional gender instruments, but many have not yet incorporated the relevant clauses into their national laws.

The few Member States that did not have constitutional clauses on equality and non-discrimination have conducted constitutional reform processes and now include equality and affirmative action clauses in line with the call from article 2 of the Protocol which compels State Parties to harmonize national legislation to the relevant regional and international instruments related to the empowerment of women.

These constitutional review processes have led to the development of other specific domestic and statutory laws and regulations in support of the constitutions to further strengthen equal rights for women. Most constitutions now have equality laws that expound gender equality as the guiding and founding principle of the national ethos. This has reduced contradictions largely posed by the dualism of laws, particularly the existence of customary laws that have been the cause of abrogation of women's human rights in the region. Therefore the area of family and inheritance laws that have been a cause of concern in the interpretation of gender equality and women's human rights have been dealt with in the sense that customary or religious beliefs that cause infraction legally have been superseded by national laws and "equality clauses and affirmative action" sections now entrenched in the constitutions.

### 9.4 IMPLEMENTING THE PROTOCOL

As a result of the need to effectively align the Protocol to the domestic laws, most Member States have either developed or strengthened existing national gender machineries to oversee the implementation of the Protocol. SADC Member States have either gender ministries or gender departments housed under other ministries. This has led to the development of national gender policies and other relevant policy frameworks in support of gender equality. Gender Focal Points have been established within most Ministries in Member States to ensure gender mainstreaming, monitoring and evaluation of the implementation of gender commitments. Gender Machineries in Member States have formed partnerships with other stakeholders such as civil society, thus further strengthening monitoring and evaluation.

### 9.5 FINANCING THE PROTOCOL

Although most Member States have made some progress regarding domestication of the Protocol, most budgetary allocations to gender departments and functions remain marginalized compared to other government portfolios. This has implications on effective implementation of gender programmes.



Country	Implementing Authority	Institutional and Budgetary Mechanisms
Angola	Ministry of Family and Women Protection	
Botswana	Gender Affairs Department under the Ministry of Labour and Home Affairs	-2015 National Policy on Gender and Development aligned to the SADC Protocol on Gender and Development. -Allocated US\$ 4.3 million
DRC	Ministry of Women, Family and Children	- Parliament passed the law that ratifies the Protocol and this has been included in the national budget
Lesotho	Ministry of Gender Youth and Sports	-Gender Equality Policy
Malawi	Department of Gender Affairs under Ministry of Gender, Children, Disability and Social Welfare	-The Prevention of Domestic Violence Act of 2006 -Child Care, Protection and Justice Act of 2010 -The Deceased Estates Act of 2011 - Gender Equality Act of 2013 - Marriage, Divorce Et Family Relations Act of 2015 -Trafficking in Persons Act of 2015 - National Gender Policy - National Plan of Action to Combat GBV - National Human Rights Action Plan -Violence Against Children Implementation Plan -Gender Equality Act Implementation and Monitoring Plan
Mauritius	Department of Planning and Research Unit under Ministry of Gender Equality and Family Welfare	Gender policies aligned to the provisions of the Protocol
Madagascar	Directorate for the Promotion of Women under the Ministry of Population Affairs, Social Protection and Promotion of Women	
Mozambique	National Directorate of Gender under Ministry of Gender, Child and Social Action	-Law 10/2004 Family Law -Law 29/2009 Law against Domestic Violence, particularly against Women -Law 23/2007A Labour Law -Penal Code and Code of Penal Processes -National Plan of Action for the Prevention and Combat of Violence against Women (2008-2012) -Gender Policy in respective of strategies for implementation -Public Act on Gender Strategy -National Plan for the Advancement of Women -Orientation Method for Government Departments for Planning with a Strong Gender Dimension
Namibia	Ministry of Gender Equality and Child Welfare	-The Protocol is mainstreamed including the National Gender Policy and Plan of Action. -Cabinet approved the co-ordination mechanism for the implementation of the gender policy. -The Cabinet has directed that gender responsive budgeting should be included into all government budget circulars. -The Ministry of Finance has incorporated gender guidelines into the budget call circular for 2015/2016 financial year. Training on Gender Responsive budgeting has taken place. -Accounting Officers of all OMAs were directed to ensure gender issues are incorporated into all sector policies, programmes, plans, budgets, implementation, monitoring and evaluation.
Seychelles	Social Affairs Gender Unit under the Ministry of Social Affairs, Community Development and Sports	Gender Budgeting not yet conducted in Seychelles.
South Africa	Department of Women under Ministry in the Presidency responsible for women	-The Independent Communications Authority of South Africa Act 13 of 2000 - Electronic Communications Act 36 of 2006 - Media Diversity and Development Agency Act 14 of 2002 fosters the ownership, control and access to media by historically disadvantaged communities, including women. - The South African Broadcasting Act, 4 of 1999, provides that the public service delivered by the South African public broadcaster shall strive for a broad range of services, targeting women and the previously disadvantaged groups.
Swaziland	Department of Gender and Family Issues under the Deputy Prime Minister's Office	The Government of Swaziland has put in place the following legislative frameworks: - National Gender Policy 2010 - Deeds Registry Act, Child Protect and Welfare Act 2012 - Sexual Offenses and Domestic Violence Bill -Draft Marriage Bill
Tanzania	Department of Gender Development under Ministry of Community Development, Gender and Children	
Zambia	Ministry Of Gender	
Zimbabwe	Ministry of Women Affairs, Gender and Community Development	The budget is incorporated into the Ministry of Women Affairs budget

Source SADC Member States



## 9.6 SELF ASSESSMENT OF PROGRESS

Most SADC Member States, in assessing themselves in the chart provided in the monitoring tool, say that they are doing well on Constitutional and Legal Rights, but less well for Politics and Decision Making, with half of the Member States saying they need to improve in that area.

For Education and Training, most Member States report that they are doing well or better, and this is also the case for Health and HIV and AIDS. More than half of the Member States report that they need to improve on Access to and Control over Productive Resources.

Most Member States have taken action on Gender Based Violence and say they are doing better, while others say they still need to improve. For Media, Information and Communication, half of the Member States say they are doing better, and half indicated that they still need to improve. For Cluster 8 on Implementation, most Member States say they are doing well or better, while a few express their need to improve. (Table 9.3)

Part Eight of the SADC Protocol on Gender and Development, on Peace Building and Conflict Resolution, was not included in the SADC Monitoring Tool for Reporting Progress on Implementation, but the data reported in Chapter 8 here indicates that most Member States are encouraging more women to join the security forces and prison services, and are contributing more women to international peacekeeping duties.

SADC Member States Self-Assessment on Implementation of the SADC Gender Protocol

Table 9.3

Country	Clusters							
	Cluster 1 – Constitutional & Legal Rights	Cluster 2 – Politics & Decision Making	Cluster 3 – Education & Training	Cluster 4 – Health & HIV and AIDS	Cluster 5 – Access to & Control over Productive Resources	Cluster 6 – Gender Based Violence	Cluster 7 – Media, Information & Communication	Cluster 8 – Implementation & Institutional Arrangements
Angola	Doing well	Should improve		Should improve	Should improve	Should improve	Should improve	Doing well
Botswana	Doing better	Should improve	Doing well	Doing well	Doing better	Doing better	Should improve	Doing better
DRC	Doing well	Should improve	Should improve	Should improve	Should improve	Should improve	Doing well	Doing well
Lesotho								
Madagascar	Should improve	Should improve	Should improve	Should improve	Should improve	Should improve	Should improve	Should improve
Malawi	Doing well	Doing well	Doing well	Doing well	Should improve	Doing well	Doing well	Doing well
Mauritius	Should improve	Should improve	Doing well	Should improve	Should improve	Should improve	Should improve	
Mozambique	Doing well	Doing well	Doing well	Doing well	Should improve	Doing well	Should improve	Doing well
Namibia	Doing well	Doing very well	Doing better	Doing better	Doing better	Doing better	Should Improve	Doing well
Seychelles	Doing better	Should improve	Doing well	Doing well	Should improve	Doing better	Doing better	Should improve
South Africa	Doing well	Doing well	Doing well	Doing well	Should improve	Doing better	Doing well	Doing well
Swaziland	Doing well	Need to improve	Doing very well	Doing very well	Moderate	Need to improve	Doing better	Will improve
Tanzania	Doing well	Doing well	Doing well	Doing well	Doing well	Doing well	Doing better	Doing well
Zambia	Doing well	Doing better	Doing better	Doing well	Doing better	Doing better	Should improve	Doing better
Zimbabwe	Doing well	Doing better	Doing better	Doing better	Should improve	Doing better	Should improve	Doing better

Source: National progress reports on implementation of the SADC Protocol on Gender and Development





**Article 34 Institutional Arrangements**

- 1 The institutional mechanisms for the implementation of this Protocol shall comprise the:
  - (a) Committee of Ministers Responsible for Gender/Women's Affairs;
  - (b) Committee of Senior Officials Responsible for Gender/Women's Affairs; and
  - (c) SADC Secretariat.
2. The Committee of Ministers responsible for Gender/Women's Affairs shall:
  - (a) ensure the implementation of this Protocol; and
  - (b) supervise the work of any committee or sub-committee established under this Protocol.
3. The Committee of Senior Officials shall:
  - (a) report to the Committee of Ministers on matters relating to the implementation of the provisions contained in this Protocol;
  - (b) supervise the work of the Secretariat;
  - (c) clear the documents prepared by the Secretariat to be submitted to the Committee of Ministers;
  - (d) invite the Secretariat to make presentations on gender and development to the Committee of Ministers, as and when necessary; and
  - (e) liaise closely with both the Committee of Ministers and the Secretariat.
4. The SADC Secretariat shall:
  - (a) facilitate and monitor reporting by States Parties on the implementation of the Protocol;
  - (b) coordinate the implementation of this Protocol;
  - (c) identify research needs and priorities in gender/women's affairs areas; and
  - (d) provide technical and administrative assistance to the Committee of Ministers and the Committee of Senior Officials.

**Article 35 Implementation, Monitoring And Evaluation**

1. States Parties shall ensure the implementation of this Protocol at the national level.
2. States Parties shall ensure that national action plans with measurable time frames are put in place, and that national and regional monitoring and evaluation mechanisms are developed and implemented.
3. States Parties shall collect and analyse baseline data against which progress in achieving targets will be monitored.
4. States Parties shall submit reports to the Executive Secretary of SADC once every two years, indicating the progress achieved in the implementation of the measures agreed to in this Protocol.
5. The Executive Secretary of SADC shall submit the progress reports to Council and Summit for consideration.

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