Gender Justice

BAROMETER



Audit of the SADC Declaration on Gender and Development

Addendum on the Eradication of Violence Against Women and Children

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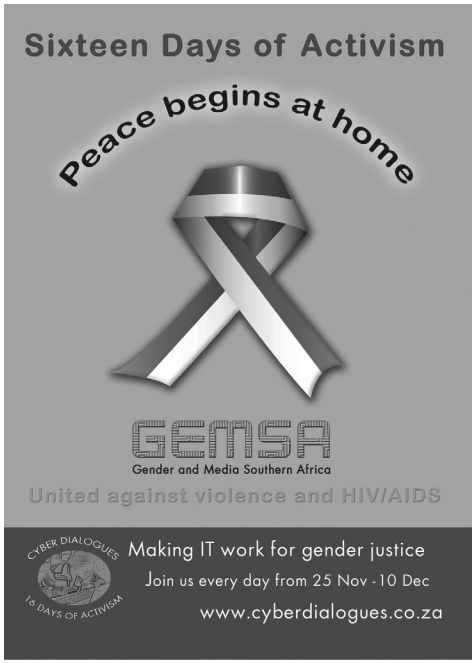
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Acknowledgements

The Southern African Gender Justice Barometer - an audit of measures taken by governments to advance the rights of women and end gender violence - is one of the first major activist research projects undertaken by the Gender and Media Southern Africa (GEMSA) Network.

A collaborative effort that culminated in a video conference on 10 December 2004 (Human Rights Day), the audit owes its success to many individuals and organisations who gave of their time and expertise to make this initiative possible.



GEMSA Chairperson and Gender Links (GL) Executive Director Colleen Lowe Morna, and GL Editor and Publications Manager Janine Moolman edited the report.

GEMSA country representatives Keabonye Ntsabane (Botswana), Loga Virahsawmy (Mauritius), Sarry Xoagus-Eises (Namibia), Rose Haji (Tanzania) and Loveness Jambaya (Zimbabwe) as well as GEMSA treasurer Pat Made helped to organise the video conference and contributed to the research.

GEMSA affiliate networks – the Zambia Media Watch (ZAMWATCH), the Swaziland Media and Gender Watch (SMEGWA), Media and Arts Watch (MAWA) Lesotho, Media Watch Organisation (MWO) in Mauritius, GEM Plus in Seychelles and the South African Gender and Media (SAGEM) Network conducted the research in their countries. Liz Frank of Sister Namibia, Seodi White of Women and Law Southern Africa (WLSA-Malawi) and Dorothy Breslin (Mozambique) conducted the audit in these countries.

Panelists for video conference

GL Deputy Chair Justice Athalia Molokomme chaired the video conference. Panelists included: **Botswana:** Vivian Gunda from the Women's NGO Coalition, Mini Bokole (WLSA-Botswana) and Elsie Alexander, Botswana National Council of Women; **Mauritius:** A N Oozer, Principal Assistant Secretary, Ministry of Women's Rights, Child Protection and Family Welfare; Dr R Ng Man Sun, National Coordinator, AIDS Secretariat; Premila Patten, CEDAW expert; Dhiraj Seetulsing, Human Rights Commissioner; Shireen Aumeeruddy Cziffra, Ombudsperson for Children; **Mozambique:** Salome Mojane, Chair of the Women's Caucus and Carlos Manjate, National Coordinator, Trafficking of Women and Children; **Namibia:** Norman Tjombe, Director Legal Assistance Centre; **South Africa:** Justice Yvonne Mokgoro, Constitutional Court Judge and Liesl Gerntholtz of the AIDS Law Project; **Zimbabwe:** Naira Khan, Child and Law Foundation and Loveness Jambaya of the Gender and Media Network Zimbabwe (GEMZi).

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Executive summary

While gender violence is now firmly on the political agenda in Southern Africa, laws, services and resources to address this scourge are patchy, and the link between gender violence and HIV/AIDS is not being adequately addressed. Attention to new threats like sex trafficking is growing, but is barely acknowledged in policies and laws.

These are the key findings of a survey of 12 countries[1] conducted by the Gender and Media Southern Africa (GEMSA) Network ahead of Human Rights Day on 10 December 2004 - also the climax of the Sixteen Days of Activism on Gender Violence.

Gender and media activists take stock

Members of the network, who include organisations and individuals committed to promoting gender equality in and through the media, conducted an audit of measures taken by governments in response to their regional obligations (see Southern African Development Community Addendum on the Eradication of All Forms of Violence Against Women and Children at *Annex)*.

The list of questions that guided the audit is included. These covered the six priority areas identified by the Addendum including:

- Legal
- Social, economic, cultural and political
- Services
- Education, training and awareness building
- Integrated approaches

With support from the British Council and UNIFEM, GEMSA country representatives in five countries (Namibia, Botswana, Mozambique, South Africa, Mauritius and Zimbabwe) convened panels of gender activists, experts and politicians to debate the findings of the audit on Human Rights Day. The full list of questions addressed is included on page 21. This report is based on the findings of the audit as well as the discussion on it.

[1] Twelve countries were audited. Although Seychelles is no longer a member of SADC, it signed the Addendum and its gender and media network is an active member of GEMSA.

Context

SADC Heads of State adopted the Declaration on Gender and Development in 1997, and added an Addendum on the Eradication of All Forms of Violence Against Women and Children after a conference in Durban in 1998.

The Addendum, which includes a range of measures to be taken including passing laws, providing services for survivors of gender violence and mounting education and awareness campaigns, is supposed to be reviewed by member countries every two years. The last such review took place in Lesotho in November 2000.

TABLE ONE: SUMMARY OF MEASURES TAKEN BY SOUTHERN AFRICAN COUNTRIES TO END VIOLENCE AGAINST WOMEN & CHILDREN

Measure	Botswana	Lesotho
Gender sensitivity in Constitution	Section 15 prohibits discrimination but excludes discrimination on the basis of sex.	Section 18 prohibits discrimination on the basis of sex.
Ratification of AU Protocol on the Rights of Women	No	Yes
	Abolition of Marital Power Act just past gives women equal status with men; generated backlash.	Woman subject to the marital power of her husband if married in community of property.
Legal status within marriage- Customary law	Woman has minority status in relation to her husband.	Woman has minority status in relation to her husband. Customary law exempt from non-discrimination clause.
Domestic Violence Act	Domestic violence bill yet to be passed.	No- governed by common law of assault.
Sexual Offences Act	No	Yes
PEP- in policy or law?	Policy but not law.	No
Rape in marriage recognised	No	Yes
Sexual harassment laws	Legislation recommended as part of Employment Act .	No
Trafficking	No specific	No specific
Child abuse	No specific	No specific
State support for legal Aid	None NGOs provide this.	Ministry of Justice legal aid service stretched; NGOs step in.
Specialised facilities at police stations and in the courts	No	No
State support for shelters	Minimal state support; mostly NGOs.	No places of safety; no state support.

Malawi	Mauritius	Mozambique	Namibia	Seychelles	South Africa	Swaziland	Tanzania	Zambia	Zimbabwe
Section 20 prohibits discrimination on the basis of sex; Section 24 provides for rights of women to equal protection of the law.	Section 16 excludes protection from discrimination on the basis of sex.	Article 66/67 provides for equality of rights between men and women in political, cultural, economic and cultural affairs.	Article 10 prohibits discrimination on the basis of sex; Article 14 provides for equal rights between women and men during and at dissolution of marriage.	Article 27 (1, 2) provides equal protection by the law and prohibits discrimination on any ground.	Section 9 prohibits disc. Based on sex, pregnancy, marital status.	Constitutional Bill contains provisions on equality, non-discrimination and a section on the Rights and Freedoms of Women.	Article 12 & 13 provide for equality of persons and equality before the law; Article 13 (5) prohibits discrimination on the basis of sex.	Article 23 prohibits discriminat-ion on a number of grounds irrespective of sex or marital status.	Section 23 prohibits discrimination on various grounds but does not include sex.
No	No	No	Yes	No	Yes	No	No	No	No
Individual rights to property in marriage not legislated.	Women married under community rights subject to husband's marital power.	Family Act abolished women's minority status.	Married person's Equality Act provides for equality of men and women in marriage.	Status of Married women Act gives women right to enter into contracts.	Statute law provides for equality between men and women in marriage.	Women denied majority status on marriage, but set to change with new Constitution.	Statutory marriage provides for equal status between men and women.	Statutory marriage provides for equal status between women and men.	Women married in community of property are subject to marital power.
No regulation of customary marriage and practices.	N/A	Woman subject to the marital power of her husband.	Woman status subordinate, but Constitution gives precedence to general law.	N/A	Law recognises equality between women and men in customary marriages.	Women are considered perpetual minors, including those with marital status.	Statute regulates customary marriages and provides for equal status.	Woman has minority status in relation to husband.	Woman has minority status in relation to her husband.
Domestic Violence Bill yet to be passed.	Yes	No	Yes	Yes Family Violence Act.	Yes	No	No	No- treated as assault cases.	Domestic Violence Bill 2003 yet to be passed.
No	No	No	Yes Combating Rape Act of 1999.	No. Covered under Penal Code.	Sexual Offences Bill still being debated.	No	Yes	No. Covered under the Penal Code(amendment) Act of 1996	Yes
No	Yes, in policy.	No	In policy but not law.	Only for health care workers; HIV/AIDS policy being reviewed.	Policy; debate on whether to include this in the Sexual Offences Bill.	No	Encouraged generally but not specifically for survivors of sexual assault.	Policy; but usually survivors report too late.	No
No	No	No	Yes	Yes	Yes	No	Yes	No	Yes
No	Labour act; Sex Discrimination Act	Brief mention in labour law; never tested.	Labour Act	Ministry of Education policy; Ombudsperson; subject is taboo.	Basic Conditions of Employment; Labour Relations Act; recent legal precedents.	Crimes Act of 1889- "inappropriate sexual behaviour"; outdated!	Penal Code and Sexual Offences Act.	No- only "indecent assault".	Labour Relations Amendment Act, under "unfair labour practice."
No specific	Criminal Code and Child Protection Act.	No specific but NGO network and UNICEEF fact sheet.	No specific	No laws or discussion.	Sexual offences Bill include a chapter on trafficking.	No specific- common law, Crimes Act, etc.	Mentioned in sexual offences act and Section 139A on		
No specific	Child Protection Act	Penal Code has clauses on children.	No specific	Child Act 1982	Child Care Act 1983; Children's Justice Bill and Child Justice Bill.	Girls and Women's Protection Act 1920 (outdated)	No specific	No specific-sections of the penal Code.	Child Protection and Adoption Act
None NGOs provide this.	Yes, via women's rights ministry.	Limited gvt support but good services from Association of Women Lawyers.	Yes and Legal Resources Centre.	Yes	Yes, plus NGO support.	No, only NGOs.	No, only NGOs.	Ministry of Justice Legal Aid and WLSA legal aid clinic.	Ministry of Justice Legal Aid and Musasa Project legal services.
No	Yes	Separate rooms at police stations with trained officers and referral system.	Yes Women and Child Protection units at most major hospitals; victim friendly court at the Katutura Magistrate Court	Family Tribunal	Specialised sexual offences courts (though not enough); one stop "Thutuzela" centres.	Victim support units at police stations.	No	Victim support units at police stations.	Nine "victim-friendly courts" in each region. "Victim friendly units" within the ZRP.
Minimal state support; mainly provided by NGOs.	Adequate; run by NGOs party funded by gvt.	NGOs main provider of services and they are stretched.	Mainly NGOs; stretched	Very few gvt or NGO facilities; house people with various social problems.	Mainly NGOs that depend on foreign funding.	No places of safety.	No places of safety- only police stations.	No state support	No state support

At the time of writing, all SADC countries had ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), but only three had ratified the AU Protocol on the Rights of Women in Africa (Lesotho, South Africa and Namibia). In total only 10 African countries had ratified the protocol. The other African countries that had done so are: Comoros, Libya, Rwanda, Nigeria, Djibouti, Mauritius and South Africa.

Reinforcing the provisions of the Addendum, the Protocol calls for:

- Education to end harmful practices and stereotypes that negatively impact on women
- The introduction of measures to prevent, punish and eradicate violence against women
- The allocation of budgetary and other resources to prevent violence against women (source: pambazuka.org).

Gender violence is on the political agenda

On a positive note, the audit and video conference highlighted the extent to which gender violence is now on the political agenda in the region.

The participation of Heads of State and other key decision-makers in the Sixteen Days of Activism Campaign is evidence of this. In Botswana, President Festus Gontebanye Mogae and in Seychelles President James Michael participated in the World AIDS Day activities in their countries at which they highlighted the need to address gender inequality and violence against women. In Lesotho and Swaziland, members of the royal families spoke out strongly in support of the Sixteen Days of Activism Campaign.

The law and law reform processes introduced over the last eight years since the passing of the Addendum have sparked vigorous debates in the parliaments of the region, playing an important role in taking gender violence out of the private and into the public sphere. But as the audit shows, it takes more than good laws to end gender violence.

Political will is not enough

"It is important to acknowledge that gender-based violence has more than one physical dimension – it also has a social and economic dimension. In Mozambique we have thousands of women who are trapped in abusive relationships, but it is kept inside the family. The Mozambican government has political will to address gender violence, but we need the resources to provide the necessary services for women." –

- *Salome Majoane, Chair of the Women's Caucus in Mozambique.*

Progressive constitutions are a beginning, but they are not enough

The audit found that eight out of the 12 countries surveyed have constitutions that explicitly outlaw discrimination based on sex (see Table one). As the instrument which underpins the legislative, political and economic principles of a country, this is certainly significant.

However, there are inconsistencies. A critical issue raised by participants at the video conference, was how to create an environment in which the rights guaranteed by legal instruments become the rights that ordinary citizens are able to claim and actualise.

Marginalised social groups in particular face multiple obstacles in claiming their rights. "In Namibia for example," says Ian Swartz, Director of the Rainbow Project "despite our very progressive constitution, the intention of the constitution [as it relates to the rights of lesbian, gay, transgender and bisexual people] is still being debated. There are many people – including politicians – who believe that gay and lesbian people are excluded form the protection provided by the constitution."

Women are still effectively minors in many countries

Only seven of the 12 Southern African countries have passed laws giving women and men equal rights in marriage. In other instances women remain

minors as long as they are married in community of property (which is the most common arrangement in statutory marriages, unless an ante nuptial agreement is entered into).

During the video conference, Vivian Gunda from the Women's NGO Coalition spoke about the Abolition of Marital Power Bill, which had been hotly debated in the Botswana Parliament. Now passed into law, the backlash against this law that abolishes the common law rule or practice of granting a husband marital power over his wife and her property underscores the negative attitudes towards gender equality still prevalent among many men in the region.

Customary law still reigns supreme for the majority of women

"The schizophrenia of the dual legal system is a major contributory factor to women's continued subordination," says Colleen Lowe-Morna GEMSA Chairperson. Ten out of the 12 Southern African countries (except Seychelles and Mauritius) have a dual legal system, with customary law governing the every day lives of the majority of women in the region.

Only two countries (South Africa and Namibia) have made it clear in their Constitutions that where there is a conflict between the two legal systems, the Bill of Rights takes precedence. Only two countries (South Africa and Tanzania) have passed laws to provide for equal status between women and men in customary marriages. South Africa's Recognition of Customary Marriages Act of 1998 gives African women married under customary law equal status, capacity and rights under the law.

Specific legislation to address gender violence is still patchy

Only four out of the 12 countries have passed specific Domestic Violence Acts. These are Mauritius, South Africa, Namibia and Seychelles. Important aspects of domestic violence legislation include: comprehensive and broader definitions of domestic violence to include physical, sexual, economic, emotional, verbal and psychological abuse. The legislation also includes the ability of the complainant to obtain a protection order that resembles an urgent interdict but is less expensive and easier to obtain.

However according to Sister Namibia's Liz Frank, the Namibian Domestic Violence Act adopted in 2003 "specifically excluded gay and lesbian relationships from the recourse available through the act."

Three countries (Botswana, Malawi and Zimbabwe) have domestic violence laws pending. In the remaining countries there have been no moves to introduce specific legislation for addressing domestic violence. This means that in the majority of instances, domestic violence is covered under laws such as "common assault" that are inadequate for dealing with this complex violation of women's rights.

Specific laws are key

"These laws create a common understanding of what is required to combat gender violence and how to provide for survivors. Without specific legislation courts also tend to be reluctant to expand the parameters of protection beyond that provided by common law. These laws provide survivors with a strong basis to demand protection from courts of law. Perpetrators also begin to realise the seriousness with which their actions are regarded because they are accompanied by public sanction."

- South African Constitutional Court Judge Yvonne Mokgoro.

Only four countries - Lesotho, Namibia, Tanzania and Zimbabwe - have passed Sexual Offences Acts. A Sexual Offences Bill is being debated in South Africa.

Key features of this kind of legislation include: redefining rape to include any form of non-consensual penetration, thus making the definition gender neutral; abolishing the cautionary rule that in many countries required the court to be cautious in handling rape cases because of the assumption that women do not tell the truth about the circumstances that lead to rape; minimum sentences and making it a deliberate offence to transmit HIV/AIDS.

Pointing out that a responsive legislative framework is only part of the solution, Naira Khan from the Child and Law Foundation in Zimbabwe noted that: "Good legislation may be meaningless if you don't have enough

money and the political will to provide the services. For example, having a good Sexual Offences Act in Zimbabwe has meant nothing because there are no implementing structures."

Rape in marriage, if it exists in law, has barely been put to the test

The recognition of rape in marriage is an important measure in terms of where the region is in its thinking on gender justice issues. Abolishing marriage as a defence for sexual offences is an important barometer of the level of gender justice discourse in a country, and is a critical factor in the era of HIV/AIDS, where one of the largest categories of those newly infected is married women who are faithful in their relationships while their husbands are not.

There is a close correlation between countries having sexual offences legislation and explicitly recognising rape is marriage. The five countries that have, or are debating sexual offences legislation, as well as Seychelles, have this statutory provision. With the exception of South Africa, however, there are very few instances in the region in which this provision, where it exists, has been put to the test.

PEP is not an issue in most countries

Only four out of the 12 countries in the study - Mauritius, Namibia, South Africa and Zambia - have policies requiring that health facilities administer Post-Exposure Prophylaxsis or PEP, a course of anti-retroviral drugs that can help to reduce the likelihood of HIV infection after a sexual assault. Two countries - Tanzania and Seychelles - said awareness of PEP in their countries only extends to other uses, like for health care workers who might have been exposed to possible infection in their work. In none of the countries is there a legal provision for PEP, although in South Africa this might be provided as part of the treatment clause in the Sexual Offences Bill.

The link between gender violence and HIV/AIDS has long been a point of discussion amongst both gender and AIDS activists. According to UNAIDS and UNIFEM reports published in 2004, gender based violence is now accepted as one of the "leading factors for HIV infection".

The weak policy and legal provisions, and lack of public education for survivors of sexual assault to seek this treatment, which has to be taken within 72 hours of the assault, is one of the most disturbing findings of the study, given the fact that Southern Africa has the highest rate of HIV/AIDS infection in the world. It is also disturbing that debates about this issue have been confined to policy and legal provisions, rather than to the human rights of women and the constitutional obligations of the state, in situations where women are exposed to the danger of the deadly virus as a result of coerced sex.

PEP ignored because it is about women?

"There are two main reasons why PEP has not been as available as other aspects of care, prevention and treatment of HIV. First, because it has taken a long time for the links between women's inequality and their vulnerability to HIV to become clear. Even where these links have been made, there has been a real failure to translate this knowledge into programmatic work that will begin to eradicate inequality and allow women to make choices about when and how to have sex. Secondly, there has been very limited activism around the provision of PEP. In South Africa for example, there has been much activism around treatment and the provision of mother-to-child prevention programmes, but PEP has lagged behind. I wonder whether this is because it is an issue that largely affects women."

- Liesl Gernholtz, AIDS Law Project South Africa.

As a result of the lack of public education on PEP, "There is insufficient awareness about PEP amongst women, and in fact amongst service providers. Attempts are being made to provide this information through education and training undertaken by NGOs," noted Minki Mokole from Women in Law in Southern Africa in Botswana.

While the picture is the same for the rest of the region, the profile of AIDS is markedly different in Mauritius, where the epidemic is driven by intravenous drug users (IUDs) and more men than women are infected with HIV.

Sexual harassment provisions are weak

Throughout the region and across the world, it is women, and black women in particular, who occupy the lowest rungs of the workforce. Often engaged in survivalist or unskilled activities, many women lack protection within the workplace.

The workplace itself has evolved to include street markets and other informal spaces in which women are vulnerable to sexual harassment. As an "invisible" form of gender violence, sexual harassment often goes unreported in a context in which workers rights in general have increasingly come under attack. However, even in countries in which there are strong labour unions, addressing sexual harassment does not appear to be high on any agenda.

Legal provisions for sexual harassment in all countries are weak, with four countries - Mozambique, South Africa, Namibia and Zimbabwe - reporting that this is covered as part of labour law. However, the Mozambique audit states that this is a "brief mention" and has never been tested; and Zimbabwe's expresses concern that the issue is inadequately covered under "unfair labour practices." In other countries, sexual harassment could be read into other laws, like the 1889 Crimes Act in Swaziland that refers to "inappropriate sexual behaviour" but is more than a century old!

Mauritius' Sex Discrimination Act has the most direct and up-to-date provisions for sexual harassment, referred to as "any unwelcome or unbecoming gesture or act of one sex to the other." However, researchers found that there are very few cases in court, and "victims of sexual harassment in Mauritius find it difficult to get another job" if they report such a case.

South Africa has had two highly publicised landmark cases on sexual harassment over the last two years that have raised awareness and debate on the issue. But both have concerned white professional women, raising questions as to the thousands of other women who experience sexual harassment but do not have the means to take up their cases.

Few precautionary measures are being taken against sex trafficking

A 2003 report by the International Organisation for Migration titled *Seduction, Sale and Slavery: Trafficking in Women and Children for Sexual Exploitation in Southern Africa* mentioned Lesotho, Mozambique and Malawi as countries from which women and children are being trafficked as part of a new form of slavery: sex trafficking.

Despite this being a growing threat to the region, no country in the region except Tanzania (in its Sexual Offences Bill) has specific provisions for sex trafficking, a phenomenon of globalisation that should be a major concern for vulnerable developing countries that are committed to the rights of girls and women and want to prevent this scourge from taking root.

One of the reasons for the delay in the Sexual Offences Bill in South Africa is that a chapter on trafficking has been belatedly introduced. In other countries, provisions for trafficking could be read into child protection or general criminal laws, but these were not drafted with this specific provision in mind.

In the audit, the country that showed the greatest awareness of trafficking is Mozambique: one of the poorest countries in the world, with a long sea board, history of war, displacement and migrant labour that makes it especially vulnerable to this new form of slavery. The Foundation for Community Development in Mozambique provides coordination for NGOs working in this area, including working with and training border police to identify trafficking. UNICEF in Mozambique has drawn up a fact sheet on trafficking that could be used to develop a legal framework.

Carlos Manjate, the national coordinator Mozambique's Trafficking of Women and Children initiative says that discussions in Mozambique are taking place about "new and emerging forms of abuse such as trafficking in women and children. There is a need for a specific response to this form of abuse."

The Child and Law Foundation in Zimbabwe is conducting research in border towns to determine the extent of trafficking. The South African Law Reform Commission recently released an issue paper on trafficking and has started to examine how South Africa can address the issue.

Botswana, Namibia and South Africa are the only countries in the SADC region to have signed the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially in Women and Children.

Child abuse is not getting the specific attention it deserves

While most countries in the region are signatory to the UN Convention on the Rights of the Child, only four countries - Mauritius, Seychelles, South Africa and Zimbabwe - have specific laws for addressing child abuse and promoting the rights of children.

Zimbabwe has an exemplary Protocol for the Multisectoral Management of Child Abuse, an ethical agreement between all officials and professionals that highlights the roles, responsibilities and procedures to be followed by personnel from the time of disclosure by a child or witness.

Those bound include the department of social welfare, Zimbabwe Republic Police, Department of Public Prosecutions, the Law Society of Zimbabwe, members of the judiciary, Ministry of Health and Child Welfare as well as NGOs who provide support and shelter for survivors of gender violence.

The Seychelles' Children Act 1982 which was amended in 1991 includes the provision of alternatives for punishment and rehabilitation of child offenders, as well as mechanisms for protecting children from neglect, exploitation and harmful environments.

Specialised services are welcome but not always accessible

Eight of the 12 countries have introduced some form of specialised facilities at police stations and/or in the courts for addressing gender violence. These typically consist of separate rooms at police stations with trained staff called "victim support units". Mauritius, Mozambique, Namibia, Swaziland, South Africa, Zambia and Zimbabwe have these facilities. Seychelles has a Family Tribunal that hears all gender violence related cases; South Africa has and continues to set up special sexual offences courts and Zimbabwe has established "victim friendly courts."

In Mauritius, says Mr AN Oozer Principal Assistant Secretary, Ministry of Women's Rights, Child Protection and Family Welfare, "Training has been provided for government officials and health services personnel. There have also been efforts to sensitise those within the criminal justice system including the judiciary and other law enforcement personnel."

While the establishment of these specialised services is an important step forward, cultural and social factors still work against the effectiveness of these services. For example, attitudes and biases from those charged with delivering the services – who are in many cases men (from the police, judiciary, medical services and criminal justice system in general) remain obstacles to women who use these services.

Governments give little support for places of safety

Only one country, Mauritius, reported having adequate places of safety that are partly funded by government. Three countries, Lesotho, Swaziland and Tanzania said they have no places of safety (other than police stations). All the others indicated that the places of safety that exist are all run by NGOs and these are stretched.

The limited numbers of places of safety mean that large numbers of women have no choice but to remain in abusive relationships and, if possible, rely on family and other social structures for support. Factors such as location and economics mean that many women are not even able to access the services where they exist e.g. rural women often have to travel long distances to access services which are mostly located in urban areas.

Legal aid and public awareness campaigns are weak

In five of the 12 countries (Botswana, Malawi, Swaziland and Tanzania) there is no government-supported legal aid. In all countries surveyed the bulk of legal aid for women and children is provided by NGOs often relying on foreign donors.

Limited state funds are invested in public awareness on gender violence,

a key factor to long-term solutions to the scourge, with almost all work in this area conducted by NGOs. All countries reported considerable improvement in media coverage of gender violence as a result of training and campaigns by NGOs, but this is still marred by sensational and insensitive headlines like "Sex crazed gang rape woman." There have been very few opinion surveys in many of the countries to determine if attitudes towards gender violence are changing. One recent survey in South Africa showed that nearly half of the men surveyed believed that if a woman wears a short skirt she is "asking for trouble."

Attitudes and stereotypes continue to work against efforts towards gender violence. Cultural and social norms which dictate women's subordinate position in society serve to roll back many of the gains that have been made. The work of raising awareness needs to continue and include all sectors of society whether or not they appear to be part of the solution.

Mainstreaming gender violence debates

"We need to introduce violence against women as an issue for critical discussion in areas not traditionally linked to the gender-based violence sector… The intersection of different kinds of oppression means that [we must] broaden the range of people we speak to, to multiply the message."

- Deputy Minister of Correctional Services in South Africa, Cheryl Gillwald.

Resources and fragmentation weaken effective responses

In all countries approaches towards addressing gender violence are fragmented, with Mozambique reporting that a strong cross sector network called "*Todos Contra Violencia"* (All Against Violence) collapsed for lack of funding. Only in South Africa have there been studies on budgetary allocations for combating gender violence. These have concluded that resource allocations are inadequate relative to the provisions in new laws.

Determining whether governments (quite literally) put their money where their mouth is, is a critical area of work for those in the gender violence

sector. It is essential that the actual amount of resources channeled to supporting gender justice initiatives be determined. This is a critical tool which will assist in holding governments accountable to their commitments to regional and international instruments.

Civil society should demand more

"Civil society needs to advocate for more from governments. Part of the problem is that gender violence is still associated with the private domain. There is no understanding of gender based violence as a development issue and this affects the channeling of resources to address this problem. There is a need for governments and decision-makers to see gender based violence as a public policy issue."

- Elsie Alexander, Chairperson of the Botswana Media Council for Women.

The way forward

Action points identified at the video conference included:

- Lobbying governments who have not yet ratified the Protocol on the Rights of Women in Africa to do so as a matter of urgency.
- Popularising the SADC Addendum in order that civil society organisations can hold governments in the region accountable to their commitments.
- Ensuring that gender violence remains on the agenda for SADC Heads of State meetings.
- Ensuring continuous education and consciousness-raising work about gender inequality with people from all walks of life in order to create social conditions in which progressive constitutions and legislation can be implemented. This should include all groups in society charged with implementing policies already in place.
- Networking across the region among organisations working in the gender violence sector to share strategies, challenges and successes and continue pushing for the adoption of specific legislation to deal with gender violence within individual countries.
- Conducting campaigns on PEP amongst women and survivors of violence so that more women demand its administration and have access to the potentially life-saving drugs.

The heart of the matter

"We need to look at the root causes of violence against women, including their unequal social and political status. We must challenge the underlying values and structures of human society that make women vulnerable to violence and which contribute to their insecurity."

- AN Oozer, Principal Assistant Secretary in the Mauritian Ministry of Women's Rights, Child Protection and Family Welfare.

QUESTIONS GUIDING THE AUDIT

GENERAL

1. Has there been an increase or decrease of gender violence in your country since the adoption of the Addendum to the SADC Declaration on Gender and Development by SADC Heads of State and Government on the Prevention and Eradication of Violence Against Women and Children?
2. How aware are decision-makers and the public in your country of the Declaration and Addendum?

LAWS/ POLICIES

1. What laws in your country govern sexual offences? Is there a distinctive Sexual Offences Act? What are the main provisions (eg gender neutral language; minimum sentences?) What are the shortcomings?
2. Do the law and/or policies make provision for the administration of Post Exposure Prophylaxis to the survivors of sexual assault?
3. Is rape in marriage recognised in this or related laws? Has this ever been tested in court?
4. What laws in your country govern domestic violence? Is there a distinctive Domestic Violence Act? What are its main provisions? What are the shortcomings?
5. What law/s in your country covers sexual harassment? What are the main provisions? What are the shortcomings?
6. What laws are there in your country to address child abuse? What are the main provisions? What are the shortcomings?
7. Are there any laws, or discussion of laws in your country covering trafficking of women and children?
8. What laws exist in your country to ensure the protection and removal of all forms of discrimination against women and girls?
9. Are there still laws in your country that discriminate against women and girls? What are these and what measures have been taken against them?

SOCIAL, ECONOMIC, CULTURAL AND POLITICAL

1. What measures have been taken to eradicate traditional norms, religious beliefs, practices and stereotypes that legitimize and exacerbate violence against women and children?
2. To what extent does gender violence feature in political discussions/debates/

campaigns?
3. What is the media's attitude and approach towards coverage of gender violence? Are there any changes?
4. What are public attitudes towards gender violence? Are these changing?

SERVICES

1. Is there easily accessible information on services available to survivors of gender violence?
2. Are there specialised facilities at police stations or in courts for addressing gender violence?
3. What kind of legal aid services are available for those affected by gender violence?
4. What kind of counselling services are available for those affected by gender violence?
5. What places of safety are available, and are these adequate?

EDUCATION, TRAINING AND AWARENESS BUILDING

1. Is there gender sensitisation training for all service providers engaged in the administration of justice, such as judicial officers, prosecutors, police, prison, welfare and health officials?
2. Is there training for the media on covering gender violence?
3. Are there other public awareness initiatives on gender violence and if so what are these?
4. Is there exchange of national, regional and international best practices for the eradication of violence against women and children?
5. Has there been any opinion surveys carried out of public attitudes towards gender violence? Are these changing?

INTEGRATED APPROACHES

1. Are there mechanisms in place for ensuring coordinated approaches to ending gender violence? What are these? Do they involve government and civil society?
2. How effective are coordinating mechanisms?
3. Could they be made stronger?

BUDGETARY ALLOCATIONS

What budgetary allocations have been made for addressing gender violence? Have there been any studies in your country on such budgetary allocations?

BOTSWANA

General

1. At the very moment that Botswana is moving towards equality between men and women, the level of violence against women is increasing. A study commissioned by the Women's Affairs Division in 1999 showed that well over half of women in Botswana have been afflicted by emotional, psychological or physical abuse. The most commonly stated forms of violence were severe beating, social and economic abuse, verbal and emotional abuse. Sexual exploitation of under sixteen's was also reported as a common form of violence (National Gender Programme Popular Version, WAD, July 1999).

A study of rape in Botswana commissioned by the Police Service in 1999 found that:

- ❑ Rape is escalating and takes a variety of forms.
- ❑ Over 40 percent of all rapes and attempted rapes take place in the victims' or suspect's home.
- ❑ Of these, 27 percent are by men known intimately by victims and 24 percent by strangers.
- ❑ Where there was a close relationship between rapist and victim, the violence used against the victim tended to be greater.
- ❑ Over half of rape survivors are aged between 11 and 20 years, with women between 16 and 20 years bearing the major burden (32 percent).
- ❑ Ten percent of the sample were gang rapes.
- ❑ Complainants, often due to dependency, which prompted the victim to "forgive" the rapist, and for the matter to be dealt with at home withdrew 8.5 percent of cases.
- ❑ The national conviction rate of rape case is just over 18 percent.
- ❑ In most of the reported cases reviewed, the complainant or suspect made no reference to the use of condoms.

2. There is probably a greater awareness of the Addendum in Botswana than in most SADC countries because the SADC Secretariat is based in Gaborone. This does not, however, necessarily translate into more determined strategies.

Laws/policies

1. There is no Sexual Offences Act. Following pressure from the Women's NGO Coalition, the Penal Code was amended to provide a wider definition of rape and to fix severe minimum penalties for offences of rape, encompassing HIV/AIDS.
2. Botswana has long had a policy of providing anti-retroviral drugs to those infected by the HI virus. This includes the provision of PEP.
3. There are no specific provisions for rape in marriage.
4. A draft Domestic Violence Bill has been in the pipeline for several years. One of the recommendations is that domestic violence should be made a criminal offence with stiff penalties, giving magistrates the jurisdiction to issue restraining orders.
5. There are no specific provisions for sexual harassment.
6. There are no specific laws covering child abuse.
7. There are no specific laws covering trafficking.
8. The "the Attorney General of the Republic of Botswana vs. Unity Dow" case confirmed constitutional equality between men and women in Botswana. But in reality this falls far short of women's day-to-day experiences. Section 15 of the Constitution prohibits discrimination but excludes discrimination on the basis of sex. Activists have recommended that Section 3 of the Constitution be amended to provide unequivocally that everyone is entitled to equality before the law; that specific provision be made for affirmative action in the Constitution and that the Constitution be amended to specify sex as a ground for discrimination.
9. The landmark Abolition of Marital Power Act just passed means gives women equal legal status with men in marriage. The backlash promoted by this bill reflects the deep seated fears of men and animosity to gender equality.

Social, economic, cultural and political

1. Botswana has a dual legal system consisting of
- Customary law, which is mainly uncodified and applied by the tribal customary courts and
- General law, including statutes and Roman Dutch common law.

Customary courts have limited criminal jurisdiction but unlimited jurisdiction in matters of a customary nature. Although there is theoretically a choice of law in civil matters, customary courts are the most accessible and preferred option for women, the majority of whom live in rural areas. This creates a number of contradictions where gender equality is concerned. Gender violence also largely goes unreported because of the pervasive view that it is a private matter.

2. Gender violence has started to feature more prominently as a political issue, for example during the Sixteen Days of Activism Campaign in 2004 President Festus Mogae played a high profile, visible role.
3. The media's approach towards covering gender violence has improved markedly since the workshops conducted by Gender Links with the media on covering gender violence; as activists and media have started to work closer together and as a result of monitoring exercises such as the Gender and Media Baseline Study (GMBS).
4. Thanks to the media campaigns, public attitudes towards gender violence are more empathetic than in the past. But the recent reaction by male MPs to the Abolition of Marital Power Act reflects the potential for backlash. Most women do not report cases of family violence. The few cases that are reported are often withdrawn because the perpetrator is a breadwinner; pressure not to "tarnish" the family name etc. At times the officer handling the case discourages women from pursuing their cases. Studies show that women prefer to resort to customary courts rather than to general courts of law when it comes to domestic violence.

Services

1. The Women's Affairs Division in the Ministry of Labour has conducted campaigns on gender violence with the support of NGOs.
2. There are specialised units in police stations for addressing gender violence. But while the number of reported rape cases is growing, the number of convictions is declining. Less than one quarter of cases concerning violence against women end up in convictions.
3. There are no state supported legal aid services. This is a key concern in a middle income country like Botswana.
4. All shelters and counseling services are provided by NGOs. These are limited in number and they are mainly found in urban centres.

Education, training and awareness building

Most of the awareness-raising has been driven by the Women's Affairs Division in partnership with NGOs. No formal opinion surveys have been conducted to gauge changing attitudes.

Budgetary allocations

1. There have been no specific studies conducted in Botswana on budgetary allocations for ending gender violence. However, a study commissioned by the Women's Affairs Division in 1999 estimated the costs of gender violence at Pula 100 mn per year, or 1.2 percent of the national budget. Included in this figure are annual personnel, employer and institutional costs associated with gender violence. Not included are the substantial personal, social and emotional costs borne by victims and their families.

Challenges

The main challenges in Botswana for ending gender violence may be summarised as:

- ✓ Legal provisions that specifically define domestic violence as a criminal offence and comprehensive legislation to address this scourge in the form of the Domestic Violence Act.
- ✓ Strengthening of laws on rape.
- ✓ Restrictions on police withdrawing charges based on the victim or family member's wishes.
- ✓ Further research and concerted campaigns on incest, including how it relates to adopted children.
- ✓ Gender training for law enforcement officers.
- ✓ Special police units and courts for addressing sexual offences.
- ✓ Legal advice services for survivors of domestic violence.
- ✓ Counseling and support services for survivors including 24-hour women's crisis centres.
- ✓ Counseling and support services for judicial officers.
- ✓ State financial support for NGOs providing shelters, support and counseling services.
- ✓ Massive public awareness campaigns, promoting zero tolerance for all forms of violence against women, with politicians and police playing a prominent role.
- ✓ Victim's Charter and Victim Support Groups.
- ✓ Engaging men in the fight against gender violence.

LESOTHO

Laws / Policies

1. Sexual offences are governed by the Sexual Offences Act 2003. The Act is couched in gender neutral language and does not make any distinction whether a sexual offence is committed against a male or a female. It provides for free medical attention to survivors of sexual offences and also provides for their involvement in all matters pertaining to the case including having a right to be heard when the accused is applying for bail. It sets minimum sentences that a court may give depending on the seriousness of the offence and takes account of different categories of sexual offences and the circumstances in which the offences were committed.
2. A major shortcoming of the Sexual Offences Act is that it does not make provision for administration of Post-Exposure Prophylaxis to survivors of sexual assault.
3. Rape within marriage is recognised as an offence under the Act. It has not yet been tested under this law in court.
4. The law governing domestic violence in Lesotho is the common law of assault. There is no specific Domestic Violence Act.
5. There are no laws covering sexual harassment.
6. There is no specific law addressing child abuse except for the general criminal law if the abuse falls within its parameters.
7. There are no laws covering trafficking of women and children.
8. There are no specific laws dealing with protection and removal of discrimination against women. The Constitution prohibits discrimination on the basis of among other things, discrimination but it goes on to provide that discrimination under the customary law will not be regarded as discrimination.
9. The customary law of inheritance still discriminates against women and girls because as it allows for only the first born son to inherit property. In addition under both customary law and common law, women married in community of property and those married under customary law are legal minors who cannot enter into contracts, sue or be sued without their husband's assistance. To address the legal minority status of women, the Married Persons Equality Bill of 2000 is meant to remove this minority status. The Bill has yet to be put before Parliament.

Social, economic, cultural and political

1. The government has signed international and regional instruments that condemn violence against women and children. The government has, through the Ministry of Gender, adopted a Gender and Development Policy which among other things deals with gender-based violence. The Ministry together with NGOs has participated in awareness raising campaigns on gender-based violence especially during campaigns such as the Sixteen Days of Activism.
2. While gender violence does feature in political discussions, this is not in a significant way.
3. The media's coverage of gender violence has improved since some training has been undertaken with media on covering gender violence. Gender violence features frequently in print media and shifts towards using more sensitive language are becoming more apparent.
4. While there are some in society who tolerate gender violence and believe that women sometimes "deserve" to be beaten, there are signs that these attitudes are changing as a result of the sensitisation campaigns conducted by various stakeholders.

Services

1. Information on the services available to survivors of gender violence is not easily accessible.
2. There are no specialised facilities at police stations or in courts to address gender violence.
3. The Ministry of Justice has a legal aid service that is meant to provide legal services for the poor including those affected by gender violence. However staff shortages and inadequate financial and other resources mean that there is an inadequate response to the many clients who seek help. Those affected by gender violence are not given special priority. Some NGOs also offer legal aid services although here too, gender violence is not given priority over other issues.
4. Not much of counseling services are available to those affected by gender violence.
5. There are no places of safety for survivors of gender violence.
6. Except for the legal aid service, the state does not support any services for survivors of gender violence.

Education, training and awareness building

1. NGOs provide ad hoc gender sensitisation training for service providers engaged in the administration of justice. Limited resources have limited the training to only certain areas.
2. Gender Links, the Southern African NGO has provided the media with training.
3. Radio programmes and public meetings have been hosted by NGOs and the Department of Gender. Innovative public campaigns e.g. the gender traveling bus have also been held in all areas by the Department of Gender during the Sixteen Days Campaign.
4. There is no exchange of national, regional and international best practices for the eradication of violence against women and children.
5. There has not been any opinion campaigns on public attitudes towards gender violence carried out.

Integrated Approaches

1. There are no mechanisms in place to ensure coordinated approaches to ending gender violence.

Budgetary Allocations

1. There are no budgetary allocations made for addressing gender violence. There have not been any studies in Lesotho on such budgetary allocations.
2. There aren't any human and financial resources allocations specifically for ending gender violence except where addressing gender violence would be part of the general mandate of the department such as the police who deal generally with law and order including gender violence.

MALAWI

General

1. There have not been any real changes in the incidence of gender violence in Malawi since the adoption of the Addendum.
2. While most decision-makers are aware of the Addendum, implementation is problematic.

Laws / Policies

1. The Penal Code governs sexual offences and there is no specific Sexual Offences Act in Malawi.
2. The National HIV/AIDS Policy makes provision for the administration of PEP treatment to survivors of sexual assault. It states that the government undertakes to provide affordable short term ARV prophylaxis for people who have experienced occupational exposure to HIV and victims of rape.
3. The proposed draft Bill on Domestic Violence incorporates marital rape but as matters stand there is no such law nor has it been tested in court.
4. The draft Prevention of Domestic Violence Bill provides for definitions of acts of domestic violence and provides for other definitions such as harassment, emotional and psychological violence, physical violence, sexual violence which includes marital rape and economic violence. The remedies include protection orders, occupation orders, tenancy orders and imprisonment sentences upon the breach of one or all the orders. The draft bill outlines a number of definitions including:

- "Complainant" means any person who is or has been in a domestic relationship with the respondent and has been subjected to domestic violence.
- "Respondent" means any person who is or has been in a domestic relationship with the complainant or a person who is aiding such a person in committing or threatening to commit domestic violence.
- "Domestic relationship" shall mean a relationship between persons who:
  - are or were married to each other, including marriage according to any law, custom or religion;
  - live or lived together in a relationship in the nature of marriage, although they are not or were not married to each other;

- are parents of a child or persons who have or had parental responsibility over a child;
- are or were in an engagement or dating, including actual or perceived romantic, intimate or sexual relationships of any duration;
- are family members by consanguinity, affinity or adoption or are domestic workers in the household;
- would be family members related by affinity, if persons who are or were living together in a relationship in the nature of marriage, although they are not or were not married to each other, were married to each other; and they have some connection of a domestic nature including but not limited to: -
- the sharing of a residence; or
- one of them being financially or otherwise dependent on the other.

5. There are no laws which govern sexual harassment in Malawi.
6. The Penal Code in Malawi governs child abuse. The Penal code defines defilement as an unlawful carnal knowledge of any girl under the age of 16 years. Originally the age limit was 13 years but has since been revised to 16 years. Consent or lack of it on the part of the victim of defilement is irrelevant. The offence of rape is defined under section 133 of the Penal Code as the unlawful carnal knowledge of a woman or girl without her consent. Rape is punishable by death under the criminal law of Malawi. Courts invariably are supposed to impose an immediate custodial sentence of conviction and the length will depend on the circumstances in each case. The evidence in a rape case must be corroborated or be supported by some other independent evidence. A shortcoming of the penal code's provisions for child abuse is that the offence is normally committed in private and corroborative evidence is not easy to come by. The courts will however accept as corroboration the fact that victim reported the offence immediately to the police preferably in a distressed condition. Although there seems to be a change in the legal attitude towards sexual violence in Malawi, there is still a long way to go in so far as hearing procedures and sentencing of these crimes are concerned. The sentencing pattern of rape has not been satisfactory and in several instances the public has raised concerns over this issue; going through cases that were handled by the High Court on grounds of appeal between 1996 and 1998, one notices that there is uniformity in the number of years imposed on an individual offender at most the maximum sentence was six years imprisonment.

7. There are no laws in Malawi which govern the trafficking of women and children.
8. Under the Constitution of the Republic of Malawi, S.13 the state is mandated to promote the welfare and development of the people of Malawi through policies regulations which promote:
    - Gender equality which includes full participation of women in all spheres of Malawian society
    - Implementation of the principles of non-discrimination
    - Implementation of policies to address social issues such as domestic violence, lack of maternity benefits, economic exploitation, rights to property and security of the person (Section 13 (a))

- Chapter 4 provides for the preservation of human dignity and personal freedoms and equality.
- In so far as equality is concerned discrimination against persons in any form is prohibited and all persons are, under law, guaranteed equal and effective protection against discrimination on grounds of race, colour, sex, language, religion, political opinion, nationality, ethnic or social origin, disability, property, birth or other status.
- Section 24 articulates the rights of women. Subsection (1) starts by stating that "women have the right to full and equal protection by the law, and have the right not to be discriminated against on the basis of their gender or marital status…"
- Further under this section:
    - Women have the right to be accorded the same rights as men in civil law.
    - To enter into contracts.
    - To acquire and maintain rights in property.
    - To acquire and retain custody, guardianship and care of children.
    - To acquire and retain citizenship and nationality.
    - On dissolution of marriage women have the right to a fair distribution of property that is held jointly with a husband.
    - On dissolution of marriage women have a right to fair maintenance.
    - Further discrimination on basis of sex is invalid.

9. Under the Republican Constitution, although under Section 24 (1) (b) (i) women have the right to fair disposition of property held jointly with a husband. this overlooks the fact that women's limited access to and control over productive resources like land, capital, information,

technology, training and markets has disadvantaged them in the economy market and this is reflective in the nature of their contractual relationships in marriage. Women generally do not have 'ownership' of the resources in a family because of the current existing gender unequal relations. Therefore they can not be said to jointly own property in marriage.

Citizenship Laws

The Citizenship Act (Cap 15:01) of Malawi, provides that upon marrying a foreign man, a Malawian woman will lose her right to Malawian citizenship on the first anniversary of marriage. It further provides that the children of a Malawian woman by a foreign husband cannot be Malawian citizens by virtue of their mother being Malawian. However a Malawian male in a similar situation does not face such discrimination. There is currently a special Law Commission which is looking at all gender related Laws.

Social, economic, cultural and political

1. In recent years there have been many advocacy campaigns instigated by various women's rights groups and sometimes the Ministry of Gender aimed at raising awareness of various traditional practices, norms and religious beliefs that legitimatise and exacerbate violence against women.
2. Gender violence does feature in political discussions and debates to some extent. However there have been substantial campaigns in this area.
3. In the last five years the media has shown an improvement in their coverage of gender-based violence. However more recently as younger journalists are being recruited the messages are retrogressing showing a need to train these journalists.
4. The public has shown 70 percent behaviour awareness about gender violence but behaviour is not changing.

Services

1. Information for survivors of gender violence is somewhat scanty as it is provided sporadically by NGO's.
2. The Malawi Police through the Community Policing Unit has set up Victim Support Units in all police stations in the country specifically for victims of gender-based violence.
3. There are no specialised services for victims of gender-based violence although they can access services through the general legal aid service, from NGOs and government.
4. Some NGOs and churches provide counseling.
5. There is only one place of safety in Malawi.
6. State support for services for survivors of gender violence is minimal, as government is understaffed, under funded, and overstretched. Most of the above services with the exception of the Victim Support Units in police stations are supported by NGO's with external aid.

Education, training and awareness building

1. There is training for service providers in four districts at the moment which is conducted by WLSA Malawi. In other places it is sporadic and it is conducted by various agents.
2. Various organisations have organised training for the media on gender-based violence. Again usually this is once off and does not provide continuous capacity building for younger journalists.
3. In 2000 WLSA Malawi launched the white scarf campaign against violence against women. Since then various NGOs and government agencies as well as the NGO Gender Coordinating Network have instigated campaigns on the gender-based violence.
4. The exchange of best practices is once-off, sporadic, not purposeful and not effectively documented.
5. There has been no opinion surveys carried out on public attitudes towards gender violence.

Integrated approaches

1. The NGO Gender Coordinating network has two sub themes under the topic of gender-based violence. The domestic violence sub theme and the gender-based violence in the workplace sub theme. Most of the work by NGO relating to these two activities is supposed to work with Taskforces in this regard. There is also a national gender-based violence strategy for NGOs and government.
2. To some extent the coordinating mechanisms are effective, but they could be made more effective.

Budgetary allocations

1. Budgetary allocations to addressing gender violence have only been made by NGOs and not the government. There have been no studies done on budgetary allocations.
2. The human and financial resource allocations for ending gender violence are inadequate.

MAURITIUS

General

1. The official figures on the number of cases reported to the Ministry of Women's Rights, Child Development and Family Welfare and to the police show that there has been an increase in gender violence in the Republic of Mauritius.
2. Decision-makers at the level of Parliament and Heads of Ministries are aware of it but not the general public. There has not been national dissemination of information about the Declaration and Addendum.

Laws / Policies

1. The Criminal Code, the Child Protection Act, Labour Act, Sex Discrimination Act, Domestic Violence Act and the Amendment to the Courts Act and to the Criminal Code govern sexual offences. There is no specific Sexual Offences Act to encompass all sexual offences.
2. There is no provision in law and policies for the administration of Post-Exposure Prophylaxis.
3. Marital rape is not recognised as such and there have been no test cases in Mauritian courts**.**
4. The Domestic Violence and Child Protection Acts. The Domestic Violence Act makes provision for protection orders in favour of battered spouses that are granted by the Courts. The definition of a spouse includes *de facto* spouses. Abuse by any other person living on the same premises as the abused is also covered by the Act. The Act also provides for occupational orders to occupy the conjugal house in favour of the abused spouse. The shortcomings of the Act are mainly procedural and include: lack of experience of magistrates hearing cases; lack of consideration by magistrates of the Act and an absence of a national monitoring system of cases.
5. The Labour Act covers bullying, harassment, sexual harassment and violence in the place of work. The Sex Discrimination Act covers any unwelcome or unbecoming gesture or act of one sex towards the other. There are very few cases in court. In Mauritius, being a small island, survivors of sexual harassment often experience difficulty in obtaining

other employment if the harassment has taken place within a place of work.

6. The Criminal Code and Child Protection Act: The laws cover sexual offences, trafficking, mendacity, lack of care of children and violence against children. The shortcomings are mainly procedural and include: lateness in prosecution of criminal cases; lengthy trials, inadequate sentencing; lack of legal support for the survivor, lack of adequate information provided to the public e.g. it is an offence to sell alcohol to children.
7. The Child Protection Act covers the trafficking of children, but there are no laws covering the trafficking of women.
8. The Constitution enshrines equality of the sexes.
9. While there are no specific laws discriminating against women and girls, there are specific provisions of certain laws which require revision e.g. around pensions.

Social, economic, cultural and political

1. There is very little state involvement in measures to combat traditional norms and values that exacerbate violence against women although NGOs have been undertaking this work for many years.
2. The issue is no longer taboo and gender violence features prominently in political discussions, debates and campaigns undertaken by government and civil society.
3. Gender violence is widely covered by the media mainly in the print press. Positive change in coverage is evident as a result of training by civil society organisations.
4. The majority of Mauritians are against gender violence and more men are getting actively involved in this struggle.

Services

1. Information on the services available to survivors of gender violence is easily accessible.
2. There are specialised services at police stations and courts for addressing gender violence.
3. The Ministry for Women's Rights provides free services including legal assistance to survivors of domestic violence through legal offices recruited by the Ministry. A legal aid system also exists for survivors who do not have the means to pay for this service.
4. Free counseling by social workers, legal officers and psychologists are provided by the Ministry for Women's Rights to survivors of gender violence.
5. Adequate shelters and places of safety are provided for women and children.
6. Shelters for children are run by NGOs that are funded or partly funded by government. There are two shelters for women – one funded by the government and the other run by an NGO that relies on foreign donors.

Education, training and building awareness

1. Gender sensitisation training is provided to prison, police, welfare and health officials, but not to judicial officers, prosecutors and magistrates.
2. Training for media on covering gender violence is only provided by one NGO.
3. The Ministry of Women's Rights and numerous NGOs run public awareness initiatives on gender violence through pamphlets, posters, stickers, billboards, publicity spots and programme spots on radio and television, theatre, seminars, workshops, conferences and training programmes.
4. Best practices for eradicating gender violence are shared at national, regional and international levels.
5. A survey on domestic violence in Mauritius was conducted in November 1998. Criminological research on domestic violence was undertaken in March 2000. A study on commercial sexual exploitation of children in Mauritius and Rodrigues was published in October 2003, and another on the sexual exploitation of children in Mauritius in March 2003. The perception is that people have become more sensitised towards gender violence.

Integrated approaches

1. Ministries, the police and NGOs ensure that there are mechanisms in place to ensure a coordinated approach to ending gender violence. Family support offices exist in different regions in the country. The Family Protection Unit of the police and shelters are run by the Ministry of Women's Affairs and NGOs.
2. The effectiveness of the coordinating mechanisms has not been assessed.
3. There is always room for improvement in terms of the effectiveness of the coordinating mechanisms.

Budgetary allocations

1. While the exact amount is difficult to determine, budgetary allocations for addressing gender violence are contained in the annual budget of the Ministry of Women's Rights.
2. In the absence of reliable data it is not possible to assess the adequacy of allocated resources to addressing gender violence.

MOZAMBIQUE

General

1. In Mozambique the political will of government and civil society to decrease gender violence is present and growing, but financial resources and structural mechanisms are serious obstacles. are blocked. There is a new family law promulgated in 2003 which is generally perceived to be a step in the right direction though it has yet to be tested.

   There has certainly been an increase in principled commitments by government and in campaigning by NGOs against gender violence resulting in increased awareness and reporting, especially in relation to the most common forms of gender violence such as domestic violence and child abuse. Increased reporting reflects an apparent (but probably not real) increase in areas such as domestic violence.

   In the period since 1998, Mozambique has experienced intense economic liberalisation shifting to a market economy giving rise to new middle class. Mozambique is also vulnerable to many of the negative effects of globalisation. These developments have given rise to "new" forms of gender violence such as sexist and stereotyping consumer advertising campaigns, a mushrooming and diversification in the sex and drug industries increasingly involving girl children, as well as in trafficking of women and children. HIV infection rates at border/corridor towns are markedly higher than in the rest of the country with girl children and youths being the most affected and vulnerable group.

2. There is an increase in awareness among decision-makers of the SADC Addendum on gender violence. This was particularly reflected during election campaign periods, though real commitment needs to be tested after elections. There is policy commitment to mainstreaming gender in state institutions but this does not necessarily mean actual implementation. Public awareness of the Declaration is minimal, though increased reporting of domestic violence is an indicator of increased awareness. Since independence, Mozambique has never tolerated visible i.e. public physical gender violence against women and children, the result being that most

violence against women and children is invisible in Mozambique and is taboo. At this stage campaigns are focused on criminalising and building awareness on the ground and in public services.

Laws / Policies

1. There is no specific law on sexual offences. Rather the physical violence clauses of the penal code are used. The penal code however is discriminatory towards women in general. Mozambique has signed most of the international protocols and instruments aimed at protecting women's and child rights.
2. Laws and policies in Mozambique do not make provision for the administration of Post-Exposure Prophylaxis to survivors of gender violence although there have been several NGO initiatives which have attempted to provide this.
3. Rape in marriage is not recognised. The Penal Code for physical violence is used and sentences vary between six months to two years.
4. A new family law was promulgated in 2003 which strongly protects child rights within the family and has specific clauses aimed at protecting women living in polygamous marriages, pregnant women and single women (who were previously discriminated against by the Penal Code). The same law recognises a variety of traditional and religious marriages, also with the aim of protecting women. However critics warn that they are flawed and could be used as tools for abuse. Family law legislation has still to be tested.
5. There is no specific law on domestic violence, the Penal Code is used in instances of physical violence. Various NGOs have been working on drafting specific laws on domestic violence and have trained police to deal with cases. Labour law is used in cases of sexual harassment though it only briefly mentions sexual harassment and is not sufficiently detailed to be effectively used. It has hardly ever been tested as there is an extensive culture of patronage in employment (which often includes sexual harassment as a norm) in Mozambique across all sectors.
6. The Penal Code has specific clauses protecting minors and general human rights; the new family law contains extensive provisions to protect children especially from exploitative practices within the family.
7. Work has only recently begun on the trafficking of women and children.

There is alarmingly high and increasing incidences of trafficking that continue to grow unchallenged in the absence of a legal framework, mechanisms and/or bilateral agreements with neighbouring states. There is an entrenched tradition of trafficking that grew out of the migrant labour system in the sub-region. There are no laws, but there is a coordinated NGO initiative to start dealing with trafficking in Mozambique. This initiative is still at the awareness raising stage within vulnerable communities. It is a very complex area in terms of the law as it requires much coordination and integration between sectors. At this stage the legal work being carried out involves ensuring that children are registered at birth so that they "exist" in relation to the law. UNICEF has drawn up a fact sheet on trafficking that could be used develop a legal framework. "Terres des Home" is working with and training border police, to identify trafficking but there are no legal mechanisms to deal with cases.

8. Mozambique is a signatory to all the existing international protocols. A commission on ending all forms of violence against women and girls was set up post-Beijing but this is not functioning.
9. The Penal Code discriminates against women and provides for more severe punishment of women than of men in cases of "adultery". There is an initiative in Mulheide to draft new laws and to remove discriminatory laws.

Social, economic, cultural and political

1. The Mozambican state does not generally give relevance to traditional norms and practices. The positive effect of this is that any discriminatory traditional practices are not justifiable. In socialist years there was always a degree of equity in relation to recruitment of women and men into political positions. There have been some awareness raising campaigns in relation to women's inheritance – there is a widespread traditional practice in the south of Mozambique called *Kutchinga* in which the brother-in-law of a widow takes the position of husband in the household immediately after the burial of her deceased husband. This is often abused with the widow and her children losing their home and possessions. This same tradition requires the brother-in-law to engage in sexual relations with the widow in a "cleaning" ceremony. Legal and HIV/AIDS campaigns have attempted to address this practice.

2. Gender violence almost never features in political discussions, debates and campaigns and is not perceived as a priority.
3. In recent years there have been a number of gender sensitisation training programmes for the media, and there is to a small degree some improvement. e.g. the new family laws were widely debated in the press.
4. Since independence Mozambique has never tolerated visible (public), physical gender violence against women and children. However gender violence in private exists and is considered a taboo. There has been increased reporting on domestic violence which is an indicator of increased public awareness.

Services

1. Easily accessible information on the services available to survivors of domestic violence is not widely publicised. NGOs and public services help each other by referring survivors to respective services.
2. The police have been provided with training and several police stations in Maputo have specialised services for survivors of violence including separate rooms allocated with trained officers who refer survivors who report to health, counseling and legal services. Courts are an area that need much work - cases almost never arrive at court and magistrates and judges attitudes are generally extremely discriminatory in relation to gender violence cases.
3. There is a very effective legal service provided by the Association of Women Lawyers (AMCJ), the state has a legal service for the general public although it is not very effective.
4. There is an effective counseling service (Kulaya) based at the central hospital in Maputo. This is one of only two such initiatives in existence in Mozambique. The central hospital at Maputo also provides free medical services and medication to survivors of ender violence.
5. There are several NGOs that provide shelter and places of safety for survivors of violence but they are very under-resourced and inadequate for anything beyond overnight refuge.
6. NGOs are the main service providers apart from the health and police services previously mentioned. NGOs are entirely funded by foreign donor agencies. The Ministry for Women and Social Action should have this function but is not very accessible or cooperative with NGO initiatives.

Education, training and awareness building

1. Muleide has worked successfully with the police and trained police in handling gender violence cases. Local NGOs generally target service providers. There is now a gender component in the training that police receive and in state legal services. There is a lack of gender sensitivity among magistrates and judges and this is perceived to be an area that needs work. UNICEF has worked with prisons. Mulheide also works effectively with pubic health services.
2. There have been a number of media training initiatives on gender violence in recent years.
3. A number of public awareness initiatives exist but operate in isolation from each other. These mainly take the form of poster campaigns, bill boards or information pamphlets. There has been a zero tolerance of domestic violence. There are a number of awareness raising poster campaigns that educate people about their rights and/or criminalise gender violence – e.g. child abuse, trafficking. Such campaigns are generally under resourced and distribution to affected communities is weak. Service providers generally offer information pamphlets on their services e.g. Kulaya a counseling service for survivors of domestic violence. International NGOs commission films for broadcast and field distribution occasionally. Radio is generally effectively used for informative programming.
4. The international NGO sector actively distributes much best practice information to local NGOs and public institutions. However, these often are only applicable in most developed areas.
5. There have not been any public surveys specifically on gender violence, but the increases in reporting on gender violence are indicators of increased public awareness. To some degree debate in the press about the new family laws also reflects greater public access and concern.

Integrated approaches

1. The cross-sector network *"Todos Contra Violencia - TCV"* (All Against Violence) was in existence for six years in the post-Beijing period. Mulheide was set up as the coordinating network. A very strong cross sectional movement was set up and it achieved excellent cooperation on the ground between NGOs, CBOs and public services including

health, legal and police services. However, this movement ceased to exist in 2002 when funding dried up. It left a legacy for cooperation between NGOs and public services which continues today. The collapse of the coordination structure has meant that recent initiatives, especially of NGOs, function in isolation.

Mulheide is a network of organisations and institutions working in the area and was set up in the wake of the Beijing conference. The recently established Foundation for Community Development (FCD) provides a regional and national coordination base in the area of trafficking among a number of NGOs. Many of the international NGOs working in Mozambique are mandated to work exclusively with the state structures, creating a blockage in coordination between sectors and between state and local NGO initiatives.

2. In terms of coordinating mechanisms, the TCV campaign was highly effective. Since the demise of TCV, Mulheide has assumed the coordinating role although it suffers from a lack of sufficient resources.
3. In order to strengthen coordinating mechanisms TCV needs to be re established with basic material and financial support.

Budgetary allocations

1. No specific budgetary allocations exist for addressing gender violence in Mozambique. A gender analysis of the Mozambican budget has recently been completed by the UEM Gender Studies Unit and was presented at a conference in Ghana although has not yet been released in Mozambique (at time of audit).
2. Political will and the human resource capacity to address gender violence exists in Mozambique although the resource allocation to this issue does not exist.

NAMIBIA

General

1. Since the adoption of the Addendum by SADC countries in the year 2000, there has been a steady increase in the number of reported cases of gender violence in Namibia. This may reflect an increase in the actual number of incidents, or may reflect that reporting has become easier and more socially acceptable than in the past. According to the United Nations Human Development Report on Namibia of 2000/2001, better organised systems of law enforcement and collection of statistics in independent Namibia have led to an increase in numbers, but this does not negate the fact that most gender crimes remain unreported. The report observed that Namibia has a high incidence of violence for a country with only 1.7 million people. More than 90 percent of prison inmates are male, and "most rapists in prison are under 21 years of age." Statistics given in the report show a steady increase in domestic violence of up to 50 percent in the years from 1992 to 1998. In 2002, 814 cases of rape were reported to the police, while in 2003 this figure rose to just over 1,000. We do not yet know how many rape cases were reported in 2004, but in August alone the Women and Child Protection Units reported 29 cases of rape of children. Children under the age of 16 now account for more than half of the victims/survivors of rape, while children (boys) themselves have become perpetrators of rape including gang rape. Domestic violence remains the most common but invisible crime against women and children. A survey on intimate partner violence launched in December 2004 revealed that one out of three women who have ever had an intimate partner have experienced violence from a partner.
2. It is difficult to assess how aware decision-makers are of the Addendum. Through the 50/50 Campaign for gender balance in elected positions of government, decision-makers have become aware of the SADC Declaration with regards to the goal of at least 30 percent elected women by 2005. However, there has been little awareness raising on the Addendum, although the Ministry of Women Affairs and Child Welfare invited stakeholders in 2004 to assess progress made in this regard for its report to SADC.

Laws/ policies

1. There is no distinctive Sexual Offences Act, but a number of other laws have been passed that guard against the infringement of the human dignity and the sexual violation of people in Namibia. Laws that govern sexual offences are the Combating of Rape Act (2000); the Combating of Domestic Violence Act (2003); the Criminal Procedure Amendment Act (that protects vulnerable witnesses in court) and the Combating of Immoral Practices Act of 1980. The latter discriminates against men who have sex with men, and it provides some legal basis for government ministers to publicly proclaim that homosexuality is "illegal" in Namibia.
2. There are no legal provisions for PEP, but it is government policy to make PEP available.
3. Rape in marriage is recognised under the Combating of Rape Act. There has been one conviction of rape in marriage.
4. The Combating of Domestic Violence Act governs the area of domestic violence. The main provisions of this law are as follows:
   - It adopts a broad definition to include physical abuse, sexual abuse, economic abuse, intimidation, harassment, and serious emotional, verbal, or psychological abuse. It applies to all domestic relationships including that of husband/wife, parent-child, boyfriend-girlfriend, and co-habiting couples, but is restricted to heterosexual couples, thereby explicitly excluding and discriminating against same-sex couples.
   - It provides for the protection of victims of domestic violence or sexual abuse through a court order or victims can lay criminal charges against the accused.
   - It provides for the protection of privacy to guard against release of survivors names to the public through the press or other means.
   - The police can give formal warnings to accused persons and open a file for future reference.
   - It stipulates that police should provide assistance to victims of domestic violence by way of taking them to a shelter or obtaining medical help when necessary.
   - A special court procedure applies to these offences where the survivor has a chance to give input on bail and sentencing of accused persons.

   The major shortcomings of this Act involve rural women, whose physical distance from police posts or medical help has not been fully taken into

consideration in relation to requirements of evidence in court. Also, many rural women live far from a magistrates court and can thus not access a protection order. Ineffective implementation in general, and lack of training of court personnel, also hamper the effectiveness of the legislation.

5. Sexual harassment, where the act occurs in a domestic relationship, is covered by the Combating of Domestic Violence Act, whose provisions have already been listed. Sexual Harassment is also covered by the Labour Act of 2004. Other laws in which the context of sexual harassment might feature are being discussed, such as the review of the divorce laws, the abortion law, and customary marriage law.
6. Child Abuse is covered by the Labour Act, the Combating of Rape Act, the Combating of Immoral Practices Act, the Maintenance Act, the Combating of Domestic Violence Act, and the Criminal Procedure Amendment Act. The Children's Status Bill is before parliament following country-wide public hearings by a Parliamentary Standing Committee in 2004. In terms of the Combating of Rape Act, rape is committed with a boy or girl under the age of 14 by someone who is more than three years older. Under the Combating of Immoral Practices Act, it is a criminal offence to have sexual relations with boys and girls under the age of 16 where there is contact with someone more than three years older. The Labour Act stipulates that a child between the ages of 14 and 16 may not be employed in any activity between 20H00 and 07H00. Those under 14 may not be engaged in any gainful employment. The Children's Status Bill will remove legal discrimination against children born outside of marriage.
7. There are no laws specifically prohibiting trafficking in persons, and there is no discussion. There have so far been no reports that persons were trafficked to, from, or within Namibia, the only case that comes to mind is the kidnapping of two girls some years ago from a coastal town who were taken to South Africa and used as sex slaves by their kidnappers.
8. The Namibian Constitution guarantees equal rights to all citizens and forbids inhuman treatment of any person. It further allows for affirmative action measures to be adopted, specifically with regard to women as they suffered specific oppression and discrimination under apartheid and colonial rule. Namibia has ratified and acceded to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW),

and its Optional Protocol, the Beijing Platform for Action, as well as the Southern African Development Community (SADC) Declaration on Gender and Development and its Protocol on Violence Against Women and Children. It has also acceded to the Universal Declaration of Human Rights, the African Charter on Human and People's Rights and its Protocol on the Rights of Women in Africa, the Convention on the Rights of the Child and the Rome Statute, the ILO Convention (182) to Eliminate the Worst Forms of Child Labour; and signed the Optional Protocol to the United Nations (UN) Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography. Namibia's National Gender Policy of 1997 is based on the 12 critical areas of concern of the Beijing Platform for Action. In 1992 the Local Authorities Act was amended to incorporate a legislated quota ensuring the election of more women into local government; this quota was strengthened in 1998. The Affirmative Action (Employment) Act of 1998 seeks to promote women into higher positions of employment.

9. The Married Person's Equality Act does not protect the rights of women married under customary law, resulting in continued discrimination against women living in customary marriages. Laws on women's rights to property and inheritance still expose women and children to unfair treatment and discrimination. "Because of the influence of Namibia's apartheid history, the default position regarding marital property is different for some black people in Namibia (Le Beau et al. 2003:37)." Black women cannot own land or certain specific property in some communities. The biased system of inheritance that leaves women and children homeless after the death of a spouse has led to the development of an Inheritance Bill by the Ministry of Justice. The Combating of Immoral Practices Act is biased in gender terms in that there are a number of offences that can be committed by sex workers (who are mostly women), but few which could be applied to clients (mostly men). The Legal Assistance Centre published a report on commercial sex work and the law in Namibia to engender debate on this issue. Same-sex relationships are not recognised in Namibia, while women's rights to sexual autonomy and choice are also infringed by the restrictive law governing the termination of pregnancies. The Ministry of Health and Social Services conducted a hospital based study on abortion in Namibia in 2000 and the introduction to the published report calls for law reform on this issue.

10. The National Gender Policy and the Second National Development Plan for the period 2001/2 until 2005/6 aims broadly to promote gender equality in Namibia's political, economic and social structures. However, stakeholders reviewing the revised draft of "Beyond Inequalities: Women in Namibia" in 2004 agreed that there was a need for a National Gender Commission to monitor progress in this regard.

Social, economic, cultural and political

1. A number of NGOs have been working on measures to eradicate norms, beliefs, practices, stereotypes that legitimise and exacerbate violence against women and children in this field for many years, notably the following:
   - Women's Solidarity
   - Legal Assistance Centre
   - Sister Namibia
   - Namibian Girl Child Organisation
   - Namibian Women's Association
   - Women Support Women
   - Women's Action for Development
   - Namibian Men for Change
   - White Ribbon Campaign
2. Strategies used are awareness raising through posters, pamphlets, magazines, films and media statements; protest marches and vigils; training of women and girls on their rights;
3. The above NGOs have come together with relevant government departments, the police and other stakeholders including churches in the Multi-Media Campaign on Violence Against Women and Children to coordinate media activities and public protests. This collaboration has been very successful over the past years and mobilised many into action to support amendments to the bills and the passing of the legislation on rape, domestic violence, maintenance and child protection. The rising tide of reported sexual crimes against children has become one of the major topics of public debate, with a public outcry following the charging of a top judge with the kidnapping of two minor girls with whom he allegedly committed sexual offences, and the brutal rape and murder of a six-year old girl in Swakopmund recently. Many voices are calling for

research into the causes of such acts. The Multi-Media Campaign had become dormant during most of 2004 due to a lack of convener, but will be revived in light these incidents.

4. Gender violence receives prominent coverage in all Namibian media, which is sometimes sensational and does not analyse the broader socio-cultural historical context nor the individual life experiences and motives of the perpetrators.
5. Women, men and children have taken to the streets in protest against gender violence committed in their communities in a number of towns and villages of Namibia in recent years. Recently hundreds of school children marched in Swakopmund. There are many calls for the denial of bail for those charged, more severe penalties, while some want to see the reintroduction of the death penalty for such crimes.

Services

1. The Legal Assistance Centre published a directory of services a few years ago that is now being updated. The rape crisis NGO Women's Solidarity provided information on services until January 2004 when lack of funding closed their doors. Sister Namibia occasionally publishes information on services. However, the work of these NGOs is far from adequate in covering all the communities in our country. With regard to government, there is a lack of social workers in most communities who could provide such information.
2. The government has established Women and Child Protection Services based at hospitals in a number of major towns, but there are many complaints that these are not efficient and effective. Vulnerable witnesses now receive special protection at the courts under the Criminal Procedure Amendment Act.
3. Legal aid must be provided to all who need it, but many women would not know about their right to legal aid.
4. With the closure of Women's Solidarity, the major counseling service provider no longer exists. Women's Action for Development sent some of its staff from various regions of the country for counseling training in 2003. The Peace Centre provides free counseling for those who cannot afford to pay fees. Government provides limited counseling services through the Women and Child Protection Units.

5. The places of safety for women and children are few and far between, and far from adequate.
6. Apart from the Women and Child Protection Units, the other services describe above are mainly provided by NGOs with foreign funding. There do not appear to have been any successful efforts to gain state support for these initiatives.

Education, training and awareness building

1. Women's Solidarity and the Legal Assistance Centre have been involved in the provision of such training, the latter in collaboration with government. However, funding for these activities has currently run so dry that most public officials have not yet received training on the some of the new legislation, e.g. the Domestic Violence Act and the Maintenance Act, both enacted over a year ago.
2. Media training has been provided by Gender Links and through the Multi-Media campaign. Films have also been developed by the Legal Assistance Centre on domestic violence and screened on NBC television.
3. The Legal assistance Centre has invited experts from South Africa to brief parliament and NGOs on both flaws in legislation and best practices with regard to the Domestic Violence Act. The organisation also invited men from Canada and Southern African countries to share best practices among men organising against violence, which led to the establishment of Namibian Men for Change, and more recently the White Ribbon Campaign.
4. No opinion surveys have been conducted. But there is ongoing research focusing on perpetrators of violence.

Integrated approaches

1. There are no mechanisms for coordinated approaches, but these are urgently needed.

Budgetary allocations

1. There have been no studies on budgetary allocations for combating gender violence. Namibia appears to be only now beginning to grasp the dimensions of the problem and is far from having adequate knowledge based on research as to the causes and possible prevention strategies, let alone adequate human and financial resources to begin to implement such strategies.

SEYCHELLES

General

1. Since the adoption of the SADC Addendum on the Prevention and Eradication of Violence against Women and Children there has been a decrease in the incidence of gender violence in Seychelles.
2. Most decision-makers are not aware of the Addendum.

Laws / Policies

1. Seychelles does not have a Sexual Offences Act. Sexual offences is covered under the Penal Code (Amendment) Act of 1996. The Act includes the issues of sexual assault, sexual interference with a child, sexual interference with dependent child, indecent acts and incest. Although this Act is in place very few people have been convicted due to its lack of enforcement.
2. There is no provision in laws and policies for the administration of Post-Exposure Prophylaxis. Currently PEP is provided only for health workers who are exposed to possible HIV infections in the workplace. However, this has been a recommendation in the review of the National HIV/AIDS policy.
3. Marital rape is covered under the sexual assault aspects of the Penal Code. However, this has never been tested in courts and there have not been any reported cases.
4. Seychelles has a Family Violence (Protection of Victims) Act 2000. The main provisions of this Act are: the victim can apply for a protection order to impose restraints on the perpetrator and also prohibit the perpetrator from being on the premises at which a family member resides even though the perpetrator has a legal or equitable interest in the property. The shortcomings of the Act include: the protection order is valid only for the time specified by the court - not more than 24 months. After this the perpetrator may gain access to the victim in which case the victim will have to apply for a protection order again which may take some time.
5. The Penal Code does not sufficiently cover the issue of sexual harassment. In the policies of the Ministry of Education sexual harassment is addressed.

In the workplace cases of sexual harassment may be reported to the Ombudsman. However, the issues of sexual harassment especially in the workplace are a taboo subject in Seychelles.

6. Apart from ratifying the Convention on the Elimination of All Forms of Discrimination Against Women, Seychelles is signatory to the International Convention on the Rights of the Child. Provision is made for special protection under the Children's Act 1982 which was amended in 1991. This includes the provision of alternatives for punishment and rehabilitation of child offenders, as well as mechanisms for protecting children from neglect, exploitation and harmful environments. Children benefit from legal protection and have more opportunities to fully realise their rights of expression. Children are also protected under the Penal Code. However, in cases of abuse of children under the age of 10, they are not allowed to testify in court.
7. Currently there are no discussions or laws on the trafficking of women and children.
8. Seychelles ratified CEDAW in 1992. The creation of the Family Tribunal and the enactment of the new laws such as the Family Violence Act 2000, and the 1996 amendment to the Penal Code provide women and girls with greater protection under the law and quicker action on their cases.
9. In principle there are no discriminatory laws against women and girls. However, on the issue of reproductive health there is some discrimination towards girls. While the age of consent is 15 in Seychelles girls are not allowed to have access to contraceptives until they are 18. This is biased against girls as boys can have access to condoms which are being promoted nationally. Presently a Harmonisation of Laws Committee has been created to harmonise these laws.

Social, economic, cultural and political

1. A number of measures have been taken to eradicate traditional norms and stereotypes which contribute towards gender-based violence. There has been an intensive campaign on violence against women and children from the public, private and NGO sectors to curb gender violence. These have been in the form of leaflets, TV debates, radio programmes, posters and workshops. A national report was compiled in 2002, to better understand the issue of gender violence. In the last few years, the legal

system has given severe sentences to perpetrators. The highest sentence passed so far is 27 years imprisonment – a sign that society is finally taking the issue of violence against women and children seriously.
2. The issue of gender violence has been the focus of discussions several times in the National Parliament of Seychelles.
3. Recently the media has been more aware of the issue of gender violence and there have been more reports of gender violence cases in the media. However, the reports are not in-depth.
4. A study done in 2002 showed that the general public is still unwilling to openly acknowledge that gender violence is abnormal and criminal. However, as a result of the recent shocking cases of gender violence that have occurred in Seychelles the general public's attitude appears to be slowly changing.

Services

1. There are no easily accessible information services for survivors of gender violence.
2. There are no specialised facilities at police stations or in courts to address gender violence.
3. The Family Tribunal is an institution which provides survivors of gender violence with appropriate services to assist them. The Probation Services of the Ministry of Social Affairs and Employment directs survivors to the available services.
4. The Probation Services of the Ministry of Social Affairs and Employment provides survivors with emotional and psychological counseling. The ASFF also counsels survivors about the services available to them and provides emotional and psychological support to survivors of gender violence.
5. There are very few NGOs which provide shelter for battered women and children. These places are not adequate as survivors of violence do not receive proper counseling. The shelters are for people with various social problems, and not specifically for survivors of gender violence.
6. There has not been any state support for shelters for battered women. In the early 1990's there were plans to build a shelter for battered women but the plan never materialised due to a lack of finance and location of an appropriate venue.

Education, training and awareness building

1. There is currently no sensitisation training for law enforcers. However, a project has been submitted for funding to the Commonwealth Secretariat to train law enforcers on the issue of gender violence and how to deal with survivors of violence.
2. In 2002 media practitioners in Seychelles received training on sensitive and adequate reporting and coverage of gender violence issues.
3. Since 2002 Seychelles has become very active in the 16 Days of Activism on Gender Violence and this has been used to put gender violence on the agenda in the country.
4. Best practices on gender violence have been gathered.
5. The Ministry of Social Affairs and Employment will be undertaking a survey on gender violence during the Sixteen Days of Activism in 2004. This will be the first survey of its kind in Seychelles.

Integrated approaches

1. The National Domestic Violence Committee which is a multi-sectioral committee addressing the issue of gender violence attempts to ensure a coordinated approach to addressing gender violence.
2. The coordinating mechanisms ensure that there is a collective effort to eradicate gender violence and that there are no duplication of activities.
3. The coordinating mechanisms on gender violence in Seychelles could be made stronger by making more people and organisations aware about what is happening in the gender violence sector.

Budgetary allocations

1. There are no specific budgetary allocations specifically to address gender violence in Seychelles.
2. There is a shortage of human and financial resources to address gender violence and also a lack of expertise on gender violence in Seychelles.

SOUTH AFRICA

General

1. South Africa still has amongst the highest levels of gender violence in the world. South African Police statistics for the period to March 2004 show that while there has been a general decline in other kinds of crime e.g. car hijacking and robberies, levels of rape continue to increase. Since 1994/1995 the number of reported cases of rape has increased by 17.8 percent to its 2003/2004 level of 52 733 cases. The South African Law Commission estimates that there are in fact 1.7 million cases of rape per year, implying that the vast majority of rape cases do not get reported.
2. There does not appear to be a high level of awareness of the Addendum amongst decision-makers and the public in South Africa. There have been calls for the Addendum to be popularised amongst civil society so that the government can be held accountable to its commitments to the Addendum.

Laws / Policies

1. In South Africa the Sexual Offences Bill and Domestic Violence Act deal with sexual offences. The Sexual Offences Bill has been in the pipeline for the last eight years and has yet to be passed. It's main provisions include: an extension of the definition of rape to make it gender neutral as well as to include other acts of penetration; criminalising consensual sexual activity for people under the age of 16; extensive provisions for the protection of children from sexual exploitation; a section on trafficking of persons for the purpose of sexual exploitation; a register to ensure that people convicted of sexual offences cannot be employed in positions giving them access to children and a national framework that will ensure a coordinated approach to sexual offences and provide an accountability structure. There are however also some concerns about the Bill including: that the survivors' right to be treated with respect, dignity and privacy and to be free from harm, are not clearly stated; that the word "consent" has been included in the definition of rape; that the treatment clause – relating to the provision of post-exposure prophylaxis has been sent back to the Department of Health for redrafting, and that civil society is

currently not included in the national policy framework for coordinating implementation for the Bill.

2. Currently in South Africa policy makes provision for the administration of post-exposure prophylaxis at 'designated sites' only. PEP is also provided through the private health care system and through a number of NGOs. Civil society organisations have argued that the state has a constitutional obligation to provided PEP to survivors of sexual assault and that PEP should form part of a comprehensive package of treatment for survivors of sexual assault that includes trauma counseling, treatment for possible STDs and the possibility of pregnancy. The treatment clause – which relates to the provision of PEP to survivors of sexual assault – in the Sexual Offences Bill is in the process of being redrafted by the Department of Health. The Ministry of Health has maintained that the matter is catered for in policy and therefore does not need to be legislated. The Department of Justice has argued that it is wary of legislating treatment without first ensuring that the implications are catered for in the budget. Less than two percent of those who get raped each year get the drugs required to prevent HIV infection.
3. The Domestic Violence Act includes a provision that states that a man can be convicted of raping his wife. Research conducted in South Africa shows that over 40 percent of all South African women have been raped or assaulted by their husbands or partners.
4. The Domestic Violence Act came into existence in December 1999 and replaced the Prevention of Family Violence Act. Key provisions of the Act include: anyone who has been a domestic relationship can apply for a protection order; the definition of domestic violence is broad and it includes physical abuse or the threat of physical abuse; sexual abuse or threat thereof; emotional, verbal and psychological abuse; economic abuse; intimidation; harassment; stalking; damage to property or entry into the applicants house without consent; the list of the behaviour that constitutes domestic violence is not closed; the complainant can apply to a magistrates' court for a protection order and there is a duty on the police to assist. While the Domestic Violence Act is a progressive piece of legislation, there are serious gaps between the intention of the law and its actual implementation. A study by the Medical Research Council into the conditions of rape survivors in Gauteng in 2002 showed that the treatment of survivors by police, court and medical personnel was

deplorable. The fact that there is still no police category of statistics specifically for domestic violence points to a perception that domestic violence is not considered as a crime.

5. Key pieces of legislation which cover sexual harassment in South Africa include: the Labour Relations Act, Employment Equity Act, the Basic Conditions of Employment Act, the National Economic Development and Labour Council Code of Good Practice on the Handling of Sexual Harassment Cases, the Sexual Offences Bill and workplace policies within various companies and institutions. However, there are some shortcomings including a lack of awareness amongst employees of their rights; the expense involved in accessing the criminal justice system for the average worker and also that the criminal procedure compromises the victims of sexual harassment as they have to convince the prosecution that the act was not consensual.
6. There are various laws and policies in place in South Africa to protect the rights of children and to improve child protection services to abused services. A national strategy on child abuse and neglect has been drafted but has yet to be implemented. The Children's Bill, which is currently under discussion originally had a number of protective provisions for children which have since been removed. Laws governing child abuse include the Children's Bill; the Criminal Justice Amendment Act; Child Justice Bill; the Probation Services Amendment Act; the Choice of Termination of Pregnancy Act and the Child Care Amendment Act. Despite the efforts of policy-makers, social welfare officers, court officials and police, there are many child advocates who believe that the child protection and justice system is not functioning well. Often, despite having strong evidence against perpetrators, the time taken to secure a conviction and sentencing is unnecessarily long. Child protection units in the South African Police Service are under-staffed and lack the necessary resources. In addition insufficient financial and other resources are allocated to child protection and welfare. There is a need for coordination and integration of the various child protection services, including the South African Police Services, the National Prosecuting Authority, social welfare services and civil society to improve services to children.
7. The Sexual Offences Bill includes a chapter on trafficking although there are discussions about whether this is sufficient. The Law Commission is currently investigating separate legislation on trafficking.

8. In addition to ratifying a number of regional and international treaties and declarations which ensure the removal of discrimination against women and girls, South Africa's Constitution is one of the most progressive in the world for gender equality. The Equality Clause states that "the state may not unfairly discriminate directly or indirectly against anyone on one or more grounds including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth." The Constitution is the highest law of the land and in cases where it conflicts with customary law, the Constitution takes precedence. A number of legislative changes have also been made to ensure that women enjoy the rights and freedoms they have struggled for. New and reformed laws include: the Maintenance Act; the Recognition of Customary Marriages Act; the Choice on Termination of Pregnancy Act; the Employment Equity Act; the Domestic Violence Act and the Sexual Offences Bill.
9. Law reform is an ongoing process in South Africa with discriminatory laws amended to reflect the country's commitment to gender equality. A number of precedent setting cases have been used to reform the legislative system and promote gender equality.

Social, economic, cultural and political

1. That the Constitution takes precedence over customary law is evidence of governments commitment to eradicating norms and stereotypes which contribute to women's oppression. In addition, civil society organisations have held and continue to run education and consciousness raising workshops in communities.
2. Violence against women features in a number of high level discussions and debates in the country. Political leaders often make mention of the need to address gender violence in public and international speeches.
3. While the tendency to sensationalise gender violence does exist, great strides have been made by some media houses to provide fairer and more balanced reporting which serve a conscientising and educative function.
4. For many, gender violence is still a "family matter" which should be dealt with in the private sphere. However, campaigns such as the Sixteen Days

of Activism on Gender Violence have helped make the issue more public and provided the space for women affected by gender violence to speak out.

Services

1. While there is a great deal of information available on the services available to survivors of gender violence, much of this is concentrated in urban centres, leaving rural women with little information. Also, much of the information is available in English and needs to be translated into the indigenous languages.
2. One stop "Thuthuzela" centres are facilities at which survivors of sexual assault have access to the police as well as psychological and health care under one roof. There are also a number of sexual offences courts which have been set up specifically to deal with sexual offences – these have higher conviction rates that regular courts.
3. Legal aid is provided by the government (although this is not specific to survivors of gender violence) as well as by NGOs.
4. Counseling is provided at the Thutuzela centres as well as by NGOs.
5. Most of the shelters are provided by NGOs. While the South African government has committed itself to assisting survivors of gender violence, the channeling of funds to shelters has been extremely slow. Most shelters rely on foreign funding to continue their services.
6. The services available to survivors of gender violence are provided both by NGOs and government agencies. However, civil society organisations have argued that government needs to provide more assistance to them in their work.

Education, training and awareness building

1. Gender sensitisation programmes have been held with all actors within the criminal justice system – from police to prosecutors and judges. However, a lack of resources means that the training does not take place in a sustained way. Changing attitudes and mindsets requires consistent re-education and sensitisation.
2. Numerous NGOs have provided and continue to provide training for media on the coverage of gender violence. Gender Links has provided

such training in all nine provinces of the country.
3. Initiatives such as the Sixteen Days of Activism on Gender Violence receive the support of both government and civil society and go a long way toward raising awareness amongst ordinary people. Civil society organisations also undertake public education work with communities on gender violence.
4. Best practices are exchanged between civil society organisations within the country and also at regional and international events.
5. Changing attitudes and innate biases is a difficult task. An opinion survey carried out in South Africa showed that almost half of South Africa's men still believe that a woman who drinks and wears a short skirt is "asking for trouble". Although there are other signs that attitudes are changing. The greater involvement by men and boys in efforts towards ending gender violence are an example of this shift in attitude.

Integrated approaches

1. Government and civil society work together on specific campaigns and at particular times. However, the gender violence sector suffers from a lack of proper coordination which results in the duplication of work.
2. Existing coordinating mechanisms between government and civil society and between various structures within civil society need to be strengthened.

Budgetary allocations

1. There has been a study carried out by the Centre for the Study on Violence on budgetary allocations for implementing the Domestic Violence Act. To the extent that these could be determined they were woefully inadequate.

SWAZILAND

Laws / Policies

1. Laws governing sexual offences include: Common law; Criminal Procedure and Evidence Act 67 of 1930; Girls and Women's Protection Act of 1920; Crimes Act 6 of 1889. There is no specific Sexual Offences Act although reports indicate that is in the pipeline. The main provisions of the laws governing sexual offences include indecent assault, sodomy, abduction (for sexual purposes), defilement, incest and rape. Minimum sentences are imposed (but not always followed) for rape.
2. There is no provision in the law for the administration of PEP nor a known policy formulated for it in Swaziland.
3. Marital rape is not recognised by the law and there is no record of a court challenge.
4. There is no specific law for domestic violence. Domestic violence is covered under the following: Common law, the Criminal Procedure and Evidence Act 67 of 1930; the Girls and Women's Protection Act of 1920 and the Crimes Act 6 of 1889.
5. Sexual harassment may fall within the ambit of the Crimes Act 6 of 1889 that recognises in general inappropriate sexually-related behaviour as offences. The main shortcoming is that this statute is extremely outdated and the "sexual harassment" is not stated expressly but has to be inferred by satisfying the elements of the crimes contained within the Act.
6. Laws protecting children from abuse include the Common law; Criminal Procedure and Evidence Act 67 of 1930; Girls and Women's Protection Act of 1920; the Crimes Act 6 of 1889 and the Maintenance Act of 1970.
7. Laws governing trafficking of women and girls include Common law; the Criminal Procedure and Evidence Act 67 of 1930; the Girls and Women's Protection Act of 1920 and the Crimes Act 6 of 1889.
8. Swaziland has recently acceded to the Convention on the Elimination of All Forms of Discrimination Against Women but is yet to domesticate it and the soon to be adopted Constitutional Bill contains provisions on equality, non-discrimination as well as a section on the Rights and Freedoms of Women.
9. Discrimination against women runs throughout our legal system which

comprises Swazi law and custom and "civil" general law. Examples of discriminatory are marriage laws (in both custom and general law); laws governing access o resources such as credit, and land; laws governing inheritance; etc. It is expected that law reform will take place on adoption of the new constitution.

Social, economic, cultural and political

1. Rather than address and eradicate the factors that exacerbate violence against women and children, the existing socio-economic, legal and cultural context seems to be perpetuating and exacerbating the effects of these factors. However, there are a number of advocacy initiatives aimed at creating awareness amongst the citizenry about these issues. Advocacy is also aimed at working with decision-makers such as legislators for law reform, criminal justice personnel to deal with violence and at traditional and religious leaders to bring about a greater understanding of these issues. These initiatives originate mostly from NGOs.
2. Gender violence hardly features in political discussions and debates unless there is a "extraordinary" feature of a gender-based crime such as when a man is murdered by his partner.
3. The media's approach to gender violence varies. Gender based violence is still sensationalised in the media but there is a clear movement towards encouraging more responsible reporting that is educational about the seriousness of the issues. However, there is still some way to go.
4. The public's attitude towards gender violence varies. Generally the attitude is one that recognises that such violence is unacceptable but there are still those elements that use culture and the position of women to disguise the negative effects of such violence. The negative attitudes slowly changing.

Services

1. Information on the services available to survivors of gender violence is readily accessible although more could be done in the rural areas to improve accessibility.
2. Victim support units at the police stations (though not all of them) are operated by specially trained personnel. Certain cases involving sexual violence against minors are held "in camera." There is a move to have specialised courts for such cases but this is not yet operational.
3. There is no legal aid in the country *per se* but some NGOs provide legal advice and counseling in such cases to the extent of preparation of the survivor for the case.
4. Not many counseling services to survivors of gender violence are available other than those provided by a few NGOs. The service provided by NGOs is constrained by resources and therefore is quite limited.
5. There are no places of safety for survivors of gender violence in Swaziland.
6. Most of the initiatives are NGO-driven and thus funding originates from outside the country. There has been continuous engagement with government to try and obtain state support. So far, it has not been forthcoming.

Education, training and awareness building

1. There is some gender sensitisation training provided on an ad hoc basis by some NGOs but not much has been incorporated into the training curricula of the training institutions of the professions engaged in the administration of justice.
2. Ad hoc training of the media on the coverage of gender violence is available and is provided by NGOs in Swaziland.
3. Sensitisation and awareness-raising and education programmes provided by NGOs deal with the various aspects of gender violence from its definition to counseling to the legal aspects.
4. Organisations working in the gender violence sector have national, regional and international partners and belong to various networks. This facilitates the sharing of experiences and best practices.
5. No opinion surveys on public attitudes towards gender violence have been carried out in Swaziland.

Integrated approaches

1. Partnerships between organisations dealing with gender violence exist to ensure collaboration and prevent duplications on various initiatives. These partnerships are between organisations, private institutions as well as with government.
2. While the organisations involved in the partnerships towards ending gender violence have commitment, they are weakened by a lack of capacity which affects their effectiveness.
3. The partnerships in the gender violence sector could be strengthened.

Budgetary allocations

1. No study into the allocation of specific budgets towards addressing gender violence has taken place although it known that no such specific allocations have been made.
2. The human and financial resource allocations towards addressing gender violence are inadequate as more work needs to take place in this area.

TANZANIA

General

1. There appears to have been a decrease in gender violence in Tanzania since the adoption of the SADC Declaration and Addendum on the Eradication and Prevention of Violence Against Women and Children. It appears that this is due to the severity of punishment meted out to convicts of rape offences. However, it is difficult to state exactly whether that is a decrease because there is a need for a survey to establish critical answers. Public awareness of gender violence has increased and many women are ready to object gender related violations as opposed to previously.
2. A few people are aware of the Declaration and the Addendum. Many decision-makers are aware of other international instruments like the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Bill of Rights. Gender violence against women and children is punishable under municipal laws like the Penal Code (Cap. 16 of the Laws (Revised) and the Sexual Offences (Special Provisions) Act, No. 4 of 1998. The general public is much more aware of such municipal laws than the Declaration and the Addendum.

Laws / Policies

1. Laws governing sexual offences include: the Penal Code, Cap.16 of the Laws (Revised); the Sexual Offences (Special Provisions) Act, No.4 of 1998; The Constitution of the United Republic of Tanzania, 1977; The Evidence Act, 1967; and the Criminal Procedure Act, 1985. The main provisions of the Sexual Offences Act are to create offences against morality in particular. The language used is gender neutral and the Act makes provision for severe punishments for rape amounting to a maximum of 30 years or life imprisonment. The major shortcoming of the Act is that the law enforcement organ i.e. the police is normally not cooperative enough when sexual offences are reported to them and tend to be dismissive. The public is also ambivalent by the punishment imposed on rape convicts as while some support the punishment, others are opposed and sympathise with convicts by alleging corruption of the judiciary.

2. No law or policy exists which makes provision for the administration of PEP to survivors of sexual assault. Rape victims are treated secretly. Even in courts, rape cases are treated in camera. Survivors of sexual assault are not encouraged to use PEP.
3. Rape in marriage is recognised under the Law in Marriage Act of 1971. However there have been no reported cases to date. Many married women are ashamed of exposing rape within their marriages to courts because of their cultural or religious beliefs. Most prefer pursuing matrimonial cases to dissolve their marriages in a civil nature rather than pursue a criminal case.
4. No specific legislation governs domestic violence. Depending on the nature of the violence, one can proceed under the Penal Code, Cap. 16 of the Laws (Revised) if the violence amounts to a crime. Alternatively, one can proceed under any other law of a civil nature or tort to claim damages or any other relief of the court resulting from the alleged violence.
5. The Penal Code (Cap. 16 of the Laws revised) and the Sexual Offences (Special Provisions) Act, No.4 of 1998 cover sexual harassment. A major shortcoming however is a lack of cooperation from law enforcers.
6. The Penal Code, Cap. 16 of the Laws, revised; the Sexual Offences (Special Provisions) Act, 1998; the Evidence Act, 1967, and the Criminal Procedure Act, 1985 cover child abuse. A shortcoming of these laws is that they place emphasis on the girl child, not protecting the boy child to the same extent.
7. The Penal Code, Cap. 16 of the Laws (Revised); the Sexual Offences Special Provisions, Act, 1998; the Evidence Act, 1967, and the Criminal Procedure Act, 1985 cover trafficking in women and children.
8. Many laws exist in Tanzania to ensure the protection and removal of all forms of discrimination against women and girls including: the Constitution of the United Republic of Tanzania, 1977 (as Amended from time to time); the Basic Rights and Duties Enforcement Act, 1994; the Penal Code, Cap. 16 of the Laws (revised); the Sexual Offences (Special Provisions) Act, 1998; the Elections Act, 1985 (as amended from time to time); the Land Act, No. 4 of 1999; the Village Land Act, No. 5 of 1995; and the Labour Act, 2003.
9. While there are no specific pieces of legislation that discriminate against women and children, laws are silent on many issues which do indeed discriminate, leaving these to be tested in court.

Social, economic, cultural and political

1. Laws have been enacted to combat traditional norms and stereotypes that legitimise violence against women. However, considering Tanzania's multiple religions and cultural differences, a move to combat such beliefs and practices has yet to be made. Attempts to do this are seen as alienating the culture and faith of people in their various religions. It also appears that some women are supportive of norms and practices which perpetuate their subordination.
2. Gender violence is not regularly addressed or prioritised during political discussions or debates. The issue normally arises during election campaigns where the incumbent is female or where he or she thinks it is important to gain women's support for a particular position.
3. The media's attitude and approach towards gender appears to be negative. Some media owners and editors use women to attract audiences. The portrayal of women portrayal in media is negative and sexist.
4. Public attitudes towards gender violence in Tanzania have begun changing as more people have begun speaking about and raising concerns around gender violence.

Services

1. Access to information on the services available to survivors of violence is severely limited. Many people do not even know where to go when their rights are violated. The available legal aid services to women are mainly allocated in towns rather than rural areas where most gender violence occurs.
2. There are no specialised facilities at police stations or in courts for addressing gender violence.
3. Legal aid services for survivors of gender violence are only provided by NGOs. The services include counseling, mediation, drafting court documents, court representation of gender violence victims and education of the public on their rights.
4. Counseling services for survivors of gender violence include legal advice and HIV testing for rape survivors.
5. There are no places of safety in Tanzania apart from police stations and posts.

6. Most services for survivors of gender violence are provided by NGOs relying on external funding. State support for these services has always been sought through various government departments and is normally available through the Police Department and the Directorate of Public Prosecutions. The state has also permitted the issue of legal aid certificates to people represented by lawyers under the legal aid scheme. Such people are exempted from paying court fees.

Education, training and awareness building

1. Training is provided to those involved in the administration of justice, but funding limitations mean that the training cannot be done on a continuous basis which is required in order for it to be effective.
2. There has been and will continue to be training for media on covering gender violence.
3. Public awareness initiatives on gender violence include radio and TV shows, news articles, media coverage of gender related issues, inclusion of gender related topics in school curricula and the use of billboards and flyers.
4. The exchange of best practices on gender violence is taking place at a very slow pace.
5. No opinion surveys on public attitudes towards gender violence in Tanzania have taken place.

Integrated approaches

1. There are mechanisms in place for ensuring coordinated approaches to ending gender violence. The Ministry responsible for Social Welfare, Gender, Women and Children involves both civil society and government.
2. The Ministry for Social Welfare, Gender, Women and Children is very effective in its work.
3. The mechanisms in place however could be stronger as what is done still is not adequate enough to address the needs in society.

Budgetary allocations

1. It is not clear what the specific budgetary allocation to addressing gender violence is, if any.
2. Given that large numbers of gender violence crimes go unreported, it is difficult to comment on the adequacy of resources to address gender violence.

ZAMBIA

General

1. There has been a general increase in awareness and the number of cases reported in Zambia since the adoption of the SADC Declaration and Addendum on the Prevention and Eradication of Violence Against Women and Children. It seems that women and children have begun reporting cases of abuse to relevant authorities who in turn appear to be taking a pro-active stance in trying to eradicate violence against women and children.
2. There are high levels of awareness among policy-makers, community, church and other leaders on gender violence in Zambia. Several NGOs have been established specifically to address violence against women and children. The biggest obstacle in Zambia however is the dual system of law in which African customary laws often make it difficult to protect the interest of women and children. However, it is hoped that Zambia's constitutional review process will address this.

Law / Policies

1. The Zambian Penal Code Chapter 87 of the laws of Zambia has specific provisions which make certain sexual offences punishable. These include general sexual offences, which border on indecent assault, rape etc. There is no law that deals specifically with sexual offences.
2. The Zambian Ministry of Health has a policy that encourages the administration of post-exposure prophylaxis to survivors of sexual assault. However, this is rarely used as survivors of sexual assault cases most often report the crime very late due to a range of reasons. PEP needs to be administered within 72 hours after the assault to be effective.
3. Zambian law prohibits the act of having carnal knowledge of a woman or girl without her consent and defines such an act as rape, which is punishable by imprisonment for life. Rape in marriage in Zambia is not recognised as it is believed that sex is one of the prerequisites or qualification of a good "marriage". The issue of rape in marriage has never been tested in Zambian courts.

4. There is no law in Zambia which specifically covers domestic violence as an offence. Rather, it is treated generally as assault. When a woman or child is abused they are required to lay a general complaint of assault with the police. The case will be treated as ordinary assault throughout the process including during a trial. However, the police in Zambia have established a Victim Support Unit which helps and facilitates the prosecution of perpetrators of violence against women and children.
5. Sexual harassment *per se* is not mentioned in the Zambian laws. What is an offence is indecent assault, which is also not properly or explicitly defined. However in many institutions sexual harassment - such as patting the bottom of a woman or fondling a woman's breasts or passing remarks are considered offensive - are punishable by suspension or dismissal from the institution. However this does not matter in court as sexual harassment is not covered by the law.
6. Zambian law prohibits child abuse and the Penal Code specifically states that child abduction, sexual intercourse with a child and other acts against the child are offences. The law also prohibits the employment of children in industries and other places of work. But the law is very weak on enforcement and there are many children who do not attend school who are being exploited as cheap labour.
7. The Penal Code in Zambia states that kidnapping or abducting with intent to murder or to confine, or to subject to grievous bodily harm is an offence. Section 261 of the Penal prohibits the importation, exportation, removal, buying, selling or disposing of any person as a slave. Any person found guilty of such acts is guilty of a felony and can be imprisoned for seven years.
8. The Zambian Bill of Rights generally protects the women and girls from all forms of discrimination.
9. In the recent past, there have been several changes in the subsidiary laws that have eliminated discriminatory aspects of these laws in Zambia. These include requirements for women to obtain consent of their husbands to get loans, passports, travel abroad for work etc.

Social, economic, cultural and political

1. Zambia has acted to remove traditional norms and practices that legitimise violence against women and children. Violence against women and children, previously viewed as a domestic or private family matter is now addressed by the police who are able to prosecute perpetrators. In addition, several traditional norms and practices such as child or early marriages, the cleansing of widows etc are being discarded. In most rural areas of Zambia where traditional norms and practices were religiously followed, there is now a shift where traditional rulers have begun urging their subjects to change practices.
2. Since the advent of multi-party democracy in Zambia in 1990, gender violence has been central to many discussions taking place in the country. Gender violence has been debated in Parliament where calls for stiffer laws and punishment of perpetrators have been made. The current Head of State, His Excellency President Levy Mwanawasa has propagated the need for a Zambia where women will be respected as partners in development rather than tools or objects of development.
3. The media in Zambia has realised the challenges posed by gender violence to the country. From the mid-1990s to date Zambian media has worked to help sensitise the citizenry on the need to eradicate gender violence by highlighting the issue through the media. Several media organisations have dedicated columns and air time to issues of gender. Zambian media organisations have partnered with several NGOs to help eradicate violence against women and children.
4. The attitude of the ordinary Zambians towards gender violence has changed over the years. Previously women and child abuse was seen as a private matter and it was not uncommon for boys in urban centres to strip the clothes from women whom they felt were 'indecently' dressed. Today, the majority of Zambian citizens are opposed to violence against women and girls and have acted to protect them from harassment.

Services

1. There is a great deal of information on services available to survivors of gender violence. Organisations such as the Young Women's Christian Association (YWCA), Women for Change, Women in Law in Southern Africa (WLSA) and several others have provided information to survivors on how and where they can go for help.
2. The Zambia Police Service has established a Victim Support Unit which specifically addresses violence against women and children. However, there are many obstacles as survivors often withdraw the charges after being influenced by family members or threatened by their husbands or fathers. There are no specialised court facilities in Zambia to deal with gender violence.
3. The Ministry of Justice has a department of legal aid which specifically assists the underprivileged. Women in Law in Southern Africa and the Law Association of Zambia have each established a legal aid clinic specifically to assist women affected by gender violence.
4. The YWCA offers free services to survivors of gender violence including counseling and other humanitarian services.
5. The YWCA has a shelter for women who flee from abuse. Several churches are also known to have provided refuge for women escaping abusive relationships. However the facilities at the YWCA are not sufficient to accommodate the large numbers of abused women and children. It is currently the only known place that is available to accommodate survivors of violence.
6. Support for organisations providing assistance to women and children survivors of gender violence is provided primarily by foreign donor agencies. The section that deals with affairs of women - the Gender in Development Division – falls within the Cabinet Office and is poorly funded. There is no specific ministry to deal with women's affairs and the Ministry tasked with the welfare of children is lumped together with that of youth and sport. Despite this there have been many campaigns urging the government to show their commitment to assisting women and children. This resulted in the upgrading of the Gender in Development Division from being section to that of a department with a Permanent Secretary. The submissions to the Constitutional Review Commission which call for a specific ministry to address women and children's affairs, is also a positive sign.

Education, training and awareness building

1. Gender has been introduced into almost all training institutions in Zambia. Most training institutions have incorporated issues of gender sensitisation within their curricular. This has been extended and is more pronounced and emphasised in the organisations dealing with the administration of justice, such as police and prison training schools and judicial training centres. Health officials and welfare officers have also undertaken gender sensitisation training programmes and are able to counsel victims of gender violence better.
2. Several workshops and conferences for media practitioners have been held in Zambia to equip journalists with the skills needed to cover gender violence. There is also a one-year pilot project with the School of Journalism at the Evelyn Hone College to incorporate a gender and HIV/AIDS component in the curriculum.
3. NGOs working in the gender violence sector have organised workshops and conferences to highlight the impact of gender violence. NGOs have also gone into rural areas to sensitise both women and men who are considered important role-players in the fight against violence gender violence. Partnerships between the media and NGOs have seen the publication of information on gender violence in the media.
4. Best practices are exchanged during regional and international conferences. However, there has been a shift towards sharing of experiences at a country level with the emergence of gender, media and other networks in the region.
5. There have been no opinion surveys on attitudes towards gender violence conducted in Zambia.

Integrated approaches

1. NGOs and the Zambian government are engaged in activities to end gender violence.
2. The mechanisms for addressing gender violence are relatively effective.
3. Mechanisms for addressing gender violence can be made stronger by increasing awareness on gender violence and access to additional funding.

Budgetary allocations

1. There are no specific budgetary allocations for addressing gender violence in Zambia. Resources allocated to the department of gender are for various activities. No research into the allocation of specific amounts to addressing gender violence has been undertaken.
2. The current human and financial resources allocated to addressing gender violence are not sufficient.

ZIMBABWE

General

1. There is a general view that gender violence is on the increase since the adoption of the Addendum. For example, according to the Central Statistics Office (CSO) 2001, Quarterly Digest of Statistics the number of reported cases of rape since 1995 is on the increase. In 1997, for example, when the Addendum was adopted, the number of rape cases reported was 3,651. In 1998, this had increased to 3,670; 4,453 cases were reported in 1999; and in 2000, 4,612 rape cases were reported. Interviews with women activists indicate that sexual assault against women is probably on the increase throughout the country, given the economic hardships during the last four years especially, and the breakdown of the social fabric due to the HIV/AIDS pandemic.
2. There is a view that decision-makers and the public are more aware of the SADC Declaration than the Addendum, which is not as well known. The regional head of the United Nations Development Fund for Women (UNIFEM) attributes this to the fact that the Addendum has not been as well publicised or discussed among decision-makers and unlike the SADC Declaration, it lacks measurable targets and timeframes.

Laws / Policies

1. The Sexual Offences Act was passed in 2001. The Act aims to: protect young persons and persons with disabilities from sexual exploitation; combat commercial sex work; punish the deliberate transmission of HIV; provide for the compulsory HIV/AIDS testing of sexual offenders and to remove discriminatory aspects against women. The Act's shortcomings include among other things: while the provisions seek to discourage the exploitation of women and young girls, the use of penal provisions leads to repression and censorship through the use of measures that are not always in consonance with human rights standards; the concept of 'marriage' is not clearly defined in the Act, especially as regards to customary laws relating to marriage; the Act is silent on reparation for survivors and rehabilitation of offenders as well as rehabilitative programmes for juvenile offenders and on disability, the Act only refers to intellectual disability and excludes other forms of disability.

2. Zimbabwean laws and policies do not make specific provision for the administration of post-exposure prophylaxis to survivors of sexual assault.
3. In the section on punishment for rape or non-consensual acts, the law states: "Any person who, whether or not married to the other person, without the consent of that person – …" which can be interpreted as the Sexual Offences Act does recognise rape in marriage. But, there have been no test cases. A study by the Child and Law Foundation on sentencing patterns of sexual crimes against women and children in Zimbabwe found that approximately 70 percent of sentences for rape were between 7-10 years, with the major trend being that the older the victim and the accused, the more severe the sentence.
4. The Prevention of Domestic Violence and Protection of Victims of Domestic Violence [Draft] Bill of 2003 defines domestic violence as an "unlawful act, omission or behaviour which results in the direct infliction of physical, sexual or mental injury to any complainant." The definition of domestic violence also includes abuse derived from cultural or customary rite and practices that discriminate or degrade women. The draft Bill's main features include providing easier access to courts; providing wider remedies and putting in place stronger legal enforcement mechanisms. It has been recommended that the Bill should be more fully developed into a fully criminal Act, because the current balancing act between civil and criminal laws in the proposed Bill could lead to enforcement problems, as well as undermine the purpose of the intended law. Another identified weakness of the proposed Bill is that it does not provide the right of appeal. The Bill has yet to be passed in Zimbabwe.
5. Section 8 of the Labour Act as amended by the Labour Relations Amendment Act 17/2002 deals with sexual harassment. Section 8 of the principal Act lists certain acts and omissions referred to as "unfair labour practices", which may render an employer liable for civil remedies provided under the Act against such practices, and sexual harassment has been added to this list. While the amendment is seen as a huge step forward, the reference to the offence as an "unfair labour practice" is still viewed as not far enough. The Amendment follows the sexual harassment guidelines of the ILO Recommendation 19 of 1992. In addition to other practices, the Amendment Act also treats as unfair labour practice unwelcome sexually determined behaviour, which is verbal or otherwise, including the display of pornographic material in the workplace. While there are not many judicial precedents in the area of sexual harassment

in the country, in one case, Fredrick Mwenye v Textile Investment Company LRT/MT/11/2001, in which the finding of sexual harassment was made taking into account international instruments like CEDAW, the Labour Court recognised sexual harassment as conduct which undermined an individual's right to freedom of association in the workplace.

6. Child abuse, neglect, negligent treatment or maltreatment are addressed within the Children's Protection and Adoption Act. A form of abuse also covered by this Act is causing a child to commit an offence. It also states that a person may be convicted even if actual suffering, injury or detriment has not occurred – the person is convicted for putting the life of a child or young person at risk. The Act also prohibits the use of children in begging and public entertainment. A weakness of this Act is its penalties: conviction for the offence of neglect or ill-treatment of a child or young person carries a fine not exceeding 500 Zimbabwean dollars or imprisonment not exceeding two years or both. The fine is considerably light given the current Zimbabwean economic climate and the time for imprisonment also is not seen as a deterrent. The Sexual Offences Act covers sexual offences committed against young persons and seeks to prevent, through increased penalties, the sexual exploitation of young persons both within and outside Zimbabwe. There is also a Protocol for the Multisectoral Management of Child Sexual Abuse in Zimbabwe. This protocol is an ethical agreement between all officials and professionals and highlights the roles, responsibilities and procedures to be followed by personnel from the time of disclosure by a child or witness that an act of sexual abuse has occurred.
7. Although it does not use the term trafficking, the Sexual Offences Act addresses the sexual exploitation of young persons and intellectually handicapped persons outside Zimbabwe (Section 5) and the detention of persons for sexual purposes (Section 10), and procuring (Section 11), which refers to both inside and outside of Zimbabwe, could be interpreted to halt the trafficking of women and children. The Child and Law Foundation is currently conducting research in several of Zimbabwe's border towns to determine the extent of trafficking of women and children from Zimbabwe. This research began in 2003 in Beitbridge and the Foundation has published and will continue to publish reports on its findings to bring about greater public awareness and awareness among policy and decision-makers.

8. Section 23 of the Zimbabwean Constitution prohibits discrimination based on race, tribe, place of origin, political opinion, colour, creed or gender. It also provides that no law shall make any provision that is discriminatory in itself or in its effect; and that no person shall be treated in a discriminatory manner by any written law or in the performance of the functions of any public office or public authority. The weakness however is that these provisions only outlaw discrimination by public institutions or authorities and not by private individuals or institutions. Also, Section 23 (2) excludes age and sex, which in terms of children, clearly permits discrimination of children based on age and sex. One example of such discrimination is the continued existence of the different minimum ages for marriage for boys and girls (The Marriage Act under section 22 provides a minimum age of 18 for boys and 16 for girls), among others. For women, the incorporation of gender as a prohibited ground for discrimination was added by Amendment No. 14 of 1996 (after the 1995 Beijing Conference). But it is argued by legal experts that both sex and gender need to be core elements of the non-discriminatory clause, as well as off-shoots of these two concepts such as pregnancy, marital status and culture.
9. Section 23 (3) of the Constitution lists grounds under customary law that are seen not in contravention of the non-discriminatory clause. These include: customary laws relating to (a) adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law; (b) the application of customary law between Africans and a non-African if the parties have agreed; and (f) laws which accord rights and privileges relating to communal land to tribes people, to the exclusion of others. The recognition of the operation of general law alongside customary law is endorsed by section 89 of the Constitution. The protection of customary law in the areas of personal law as stipulated in section 23 (a)(b) and (f) is discriminatory, especially against women in a society where patriarchy and patrilineal systems are dominant. The primary measures taken to ameliorate the impact of Section 23 (3) have been the enactment of statutes such as the Legal Age of Majority Act of 1982 (now section 15 of the General Laws Amendment Act), which accorded majority status to everyone at the age of 18; the Administration of Estates Amendment Act Chapter 6:07 in 1997 which in terms of inheritance makes the surviving spouse and children the primary beneficiaries in a deceased

person's estate. It is widely acknowledged that Section 23 (3) of the Constitution itself must be amended to effectively prohibit discrimination against women and it must be replaced with a more comprehensive clause that protects women from discrimination in all spheres.

Social, economic, cultural and political

1. The process leading to the Administration of Estates Amendment Act was widely consultative, especially among the rural communities where customary law and practices hold more sway. But there have been little concentrated public campaigns and educational programmes to sustain the findings leading to this Act to eradicate traditional norms and practices that perpetuate gender violence. More work and engagement needs to be done especially with traditional leaders, such as chiefs. Also given the current economic climate, the HIV/AIDS pandemic and the strident partisan political dispensation, some women activists and academics allude to the rise of a more conservative and religious fundamentalist attitude, even within the women's movement, which have stagnated attitudes rather than keeping pace with some of the progressive legislation passed since 1997.
2. Political discussions and debated practically never are on issues of gender violence.
3. The media continues to cover gender violence as isolated events, based on court proceedings or police reports, and not as a human rights issue or an issue, which has economic and social impact on the country's development. The link between gender violence and the spread of HIV also has not been covered consistently in the media. For example, gender violence accounted for only one percent of the topics covered by the Zimbabwean media during September 2002, the monitoring period for the Gender and Media Baseline Study. Another tendency is to cover issues sensationally and to follow the negative trend of 'blaming the victim'.
4. Public attitudes towards gender violence are hard to gauge in the absence of any research done to measure public attitude, even anecdotally. However, there is a general view that public attitudes have not changed and that violence used as a corrective measure to keep women in their

place is condoned. There is generally still a lot of silence, especially as regards domestic violence, suggesting again that gender violence is not viewed as a crime by the public, but as a private matter which leaves women isolated and often with feelings of shame. Gender violence continues to form the basis of the secret lives of many women.

Services

1. Information on services available to survivors of gender violence is available but it is not known how widespread this information is or whether it is targeted, packaged and disseminated in innovative ways to women and men to encourage knowledge; discussions which might lead to more access of services; to women feeling empowered to take action without guilt or shame; and ultimately, to awareness that might lead to behavioural change.
2. In Zimbabwe there are victim-friendly courts for what the law terms 'vulnerable witnesses'. There are nine courts based in the regional centres and these courts provide an environment where survivors of sexual assault and other forms of violence can give evidence without intimidation from the accused or their counsel.
3. In terms of legal aid in Zimbabwe, the Musasa Project had a legal officer, but the Legal Aid department in the Ministry of Justice also provides some legal services to women. However, in his address to a conference for the judiciary on Sentencing Sexual Offences and Domestic Violence in 2001, the Minister of Justice, Legal and Parliamentary Affairs, Patrick Chinamasa stated: "…our greatest challenge at present is to provide an adequate legal response to battered women. Survivors of domestic violence complain that the courts are not easily accessible, are usually long distances away and are not baby friendly. And most of them cannot afford the high cost of litigation. Furthermore, survivors complain that there are long delays before the matter is resolved and during this time, the perpetrator may continue to abuse them. A further common complaint is the prohibitive and complicated language and procedures…"
4. Counseling services for survivors of gender violence are provided primarily by the Musasa Project.
5. Shelters for survivors of gender violence are provided by the Musasa Project.

6. The state is involved in the support for the court structures and police but not in the provision of shelters, which is mainly through the NGO cited.

Education, training and awareness building

1. The Child and Law Foundation, Musasa Project and other organisations have and continue to provide specialist training for various service providers engaged in the administration of justice, including gender training. Zimbabwe also is one of the countries in Africa involved in the Jurisprudence of Equality Project (started in the country in 2002) which is an initiative of the International Association of Women Judges. Through this project, judges provide training to their peers on how to take a gendered approach to their work and makes them aware of the international conventions (such as CEDAW) and regional declarations as regards the rights of women and how to use these when the national law is not adequate.
2. There has been some training provided in the past by the Musasa Project, British Council, IPS Africa and others, but there is no indication of recent and consistent training for a broad spectrum of media practitioners on gender violence.
3. There are no visible public awareness initiatives on gender violence taking place in Zimbabwe.
4. This could not be ascertained throughout all sectors, but in the conferences on Sentencing Sexual Offences and Domestic Violence and trafficking of women and children, there have been presenters from South Africa and other countries to share their experiences with their Zimbabwean counterparts.
5. No evidence on opinion services in Zimbabwe to determine public attitudes towards gender was found.

Integrated approaches

1. The Multi Sector Protocol provides for a coordinated approach for sexual and physical abuse against children, but there is no similar mechanism for gender violence against women. However the proposed Committee in the draft Domestic Violence Bill may be viewed as one step towards beginning to pull together an integrated approach among the various sectors.

Budgetary allocations

1. It was not possible to ascertain the budgetary allocations made for addressing gender violence. However, from anecdotal information and a few interviews, the general view is that human and financial resources are inadequate. The long delays in dealing with matters also is indicative of inadequate human resources especially in the State's system. The Musasa Project is the only NGO dealing with gender violence and its capacity to do research, training, etc also is limited by human and financial resources.

THE PREVENTION AND ERADICATION OF VIOLENCE AGAINST WOMEN AND CHILDREN

AN ADDENDUM TO THE 1997 DECLARATION ON GENDER AND DEVELOPMENT BY SACD HEADS OF STATE OR GOVERNMENT

RECALLING THAT:

1. We signed the SADC Declaration on Gender and Development at our Summit in Blantyre, Malawi on 08 September 1997, committing ourselves and respective countries to take "urgent measures to prevent and deal with the increasing levels of violence against women and children."
2. In furtherance of this commitment, SADC Ministers of Justice, Gender/Women's Affairs, Legislators, Government Officials and Representatives of Non Governmental Organisations convened a SADC Conference on Prevention of Violence Against Women in Durban, South Africa, on 5 to 8 March 1998, which recommended the adoption of certain measures:

REAFFIRMING our commitment to the prevention and eradication of violence against women and children in our region;

RECOGNISING THAT VIOLENCE AGAINST WOMEN AND CHILDREN:

3. Reflects the unequal relations of power between women and men, resulting in the domination and discrimination of women by men;
4. Is acknowledged by the Vienna Declaration and Programme of action of 1993 as a serious violation of fundamental human rights;
5. Includes physical and sexual violence, as well as economic, psychological and emotional abuse;

a. occurring in family, in such forms as threats, intimidation, battery, sexual abuse of children, economic deprivation, marital rape, femicide, female genital mutilation, and traditional practices harmful to women

b. occurring in the community, in such forms as threats, rape, sexual abuse, sexual harassment and intimidation, trafficking in women and children, forced prostitution, violence against women in armed conflict; and that

c. Perpetration or condoned by the agents of the state.

DEEPLY CONCERNED THAT:

6. The levels of cases of the various forms of violence against women and children continue to increase
7. Existing measures to protect women and children against violence have proved inadequate, ineffective and biased against the victims,

WE STRONGLY CONDEMN violence against women and children in all its forms, and resolve that the following measures be adopted:

LEGAL

8. Enacting laws such as sexual offences and domestic violence legislation making various forms of violence against women clearly defined crimes and taking appropriate measures to impose penalties, punishment and other enforcement mechanisms for the prevention and eradication of violence against women and children;
9. Adopting legislative measures to ensure the protection and removal of all forms of discrimination against and empowerment of women with disabilities, the girl-child, the aged, women in armed conflict and other women whose circumstances make them vulnerable to violence;
10. Reviewing and reforming the criminal laws and procedures applicable to cases of sexual offences , to eliminate gender biases and ensure justice and fairness to both the victim and accused;
11. Introducing as matter of priority, legal and administrative mechanisms for women and children subjected to violence, effective access to counseling, restitution, reparation and other just forms of dispute resolution;
12. Adopting other legislative and administrative measures as may be necessary to ensure the prevention and eradication of all forms of violence against women and children;

SOCIAL, ECONOMIC, CULTURAL AND POLITICAL

13. Promoting the eradication of elements in traditional norms and religious beliefs, practices and stereotypes which legitimize and exacerbate the persistence and tolerance of violence against women and children;
14. Introducing and supporting gender sensitization and public and public

awareness programmes aimed at eradicating violence against women and children;

15. Encouraging the media to play a constructive role in the eradication of violence against women and children, by adopting guidelines which ensure sensitive coverage of the issues and avoid the perpetuation of stereotypes.

SERVICES

16. Providing easily accessible information on services available to women and children survivors/victims of violence, including women and children with disabilities;
17. Ensuring accessible , effective and responsive police, prosecutorial, health, social welfare, and other services and establishing specialized units to redress cases of violence against women and children;
18. Providing accessible, affordable and specialized legal services, including legal aid, to ensure the just and speedy resolution of matters regarding violence against women and children;
19. Providing easily accessible , affordable and where possible , free social and administrative services for the empowerment of women and children victims/survivors;

EDUCATION, TRAINING AND AWARENESS BUILDING

20. Introducing and promoting gender sensitization and training of all service providers engaged in the administration of justice , such as judicial officers, prosecutors, police, prison, welfare, and health;
21. Undertake and sharing research of the gathering of statistics and information on causes , prevalence and consequences of violence against women and children;
22. Encouraging the exchange of national, regional and international best practices for the eradication of violence against women and children;

INTERGRATED APPROACHES

23. Ensuring that all these measures are implemented in an integrated manner by all stakeholders;

BUDGETARY ALLOCATIONS

24. Allocating the necessary resources to ensure the implementation and sustainability of the above programmes;

WE FURTHER RESOLVE THAT:

25. Regional policies, programmes and mechanisms to enhance the security and empowerment of women and children, be adopted and their implementation monitored;
26. Urgent consideration be given to the adoption of legally binding SADC instruments on Prevention, Violence Against Women and Children, and to ensure that these commitments are translated into tangible actions;
27. SADC convene a regional Conference, before the end of the year 2000, to review progress made in the implementation of the above measures and d recommendations.
28. This addendum is an integral part of the 1997 SADC Declaration on Gender in Development.

IN WITNESS WHEREOF, WE the heads of State or Government, or duly authorized Representatives of SADC Member States, have signed this addendum.

DONE at Grand Baie, this 14th day of September 1998 in two original texts in English and Portuguese languages, both texts being equally authentic.

- Republic of Angola
- Republic of Botswana
- Democratic Republic of Congo
- Republic of Lesotho
- Republic of Malawi
- Republic of Mauritius
- Republic of Mozambique
- Republic of Namibia
- Republic of Seychelles
- Republic of South Africa
- Republic of Swaziland
- United Republic of Tanzania
- Republic of Zambia
- Republic of Zimbabwe


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