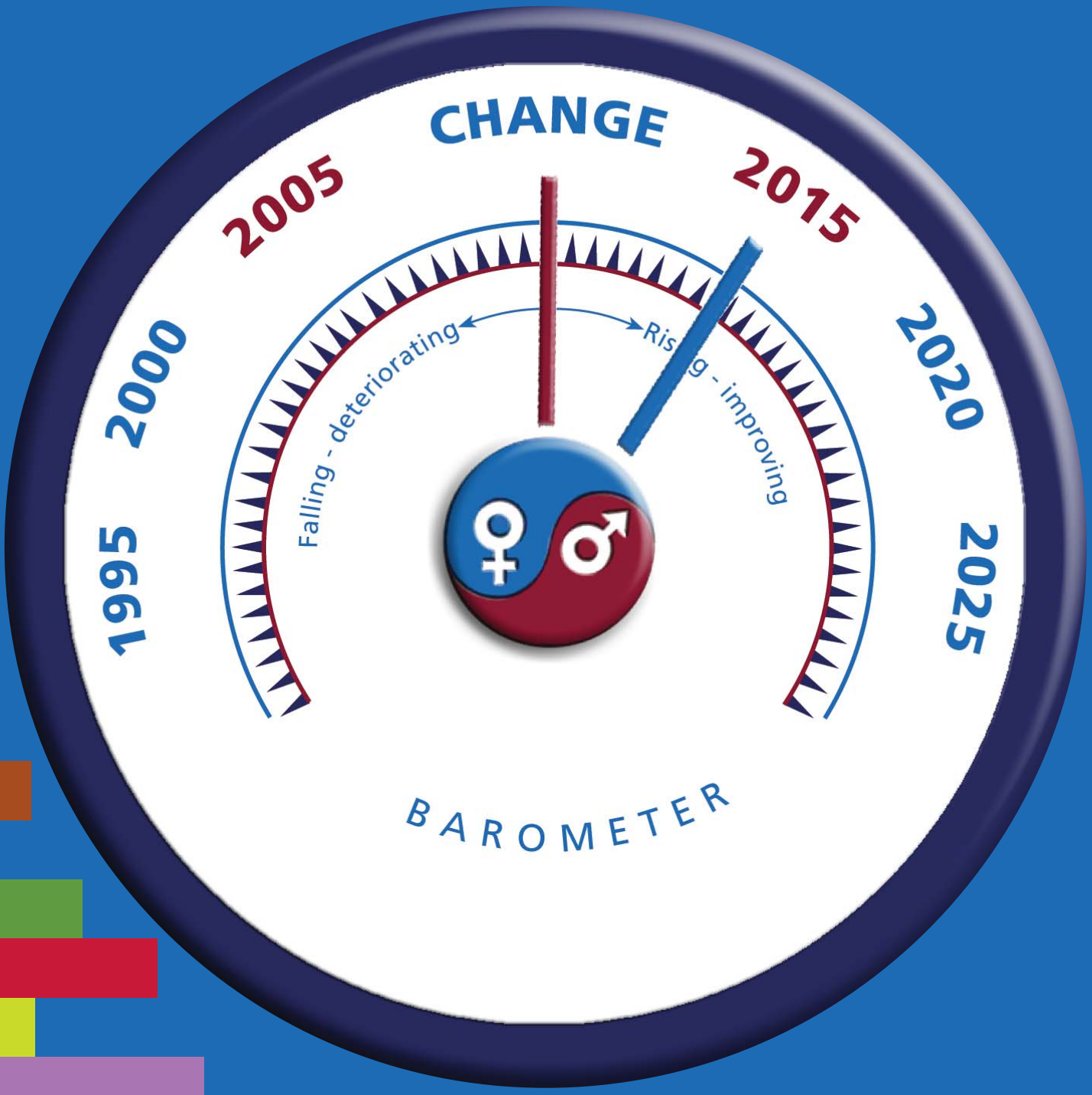
SADC GENDER PROTOCOL BASELINE

BAROMETER



Edited by Colleen Lowe Morna
and Deborah Walter

The SADC Gender Protocol Alliance comprises:
Association of Local Government (ALAN);
African Women's Economic Policy Network (AWEPON);
Botswana Council of NGOs (BOCONGO);
Christian Council of Mozambique;
CIVICUS;
Federation of African Media Women (FAMW)-SA;
Gender Advocacy Programme(GAP) in South Africa;
Gender Links (GL);
Gender and Media Southern Africa Network (GEMSA);
Gender Policy Programme Committee (Botswana);
Justice and Peace (Lesotho);
Malawi Council of Churches;
Media Institute of Southern Africa (MISA);
NGO Gender Co-ordination Network Malawi;
SAFAIDS;
SAMDI;
SALGA;
Society for Women and AIDS in Africa Zambia (SWAAZ);
Trade Collective: Women in Law and Development in Africa (WILDAF);
Women in Law in Southern Africa (WLSA);
Women, Land and Water Rights Southern Africa (WLWRSA);
Namibia Non-Governmental Forum (NANGOF);
Women's Net;
Young Women's Christian Association Botswana (YWCA);
Zimbabwe Women Lawyers Association;
Zimbabwe Women's Resource Center and Network (ZWRCN);
Associate Members: African Women and Child Feature Service.

The Southern African Gender Protocol Alliance vision is of a region in which women and men are equal in all spheres. The Alliance promotes and facilitates the creation of gender equity and equality through lobbying and advocacy towards the achievement of the 28 targets of the SADC Protocol on Gender and Development by 2015.

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This report is the first regional baseline study of the provisions of the Southern African Development Community (SADC) Protocol on Gender and Development against the reality on the ground conducted by the Southern African Gender Protocol Alliance in all the 15 SADC states.

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The report also draws on a number of current and ongoing research projects that have been made available by partners. These include the research on care work by GEMSA; on gender and elections by the Electoral Institute of Southern Africa (EISA) and on gender and the media by Gender Links (GL), GEMSA and the Media Institute of Southern Africa (MISA).

The study should be read in tandem with the handbook and DVD: *"Roadmap to Equality"* that chronicles the process through which civil society organisations campaigned for the adoption of the Protocol. The intention is to update the report and its accompanying score card annually to track progress towards the achievement of the 28 targets set by the Protocol.

We are deeply indebted to the Department for International Development (DFID) of the UK government and the Friedrich Ebert Stiftung (FES) for funding the research and production of the baseline study, handbook, DVD and leaflets in 25 languages on the Protocol.

Acronyms

AAA	Association of Advertising Agencies in Mauritius
AIDS	Acquired Immune Deficiency
ART	Anti- retroviral treatment
ARV	Anti Retroviral drug
BDP	Botswana Democratic Party
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CSO	Civil Society Organisations
CSW53	53rd Session of the Commission on the Status of women
DRC	Democratic Republic of Congo
EPSE	Personal and Social Education Programme (Seychelles)
ESP	Ministry of Education Strategic Plan
G-BEM	Botswana Girl/Boy Education Movement
GBV	Gender Based Violence
GEM	
SUMMIT	Gender and Media Summit
GEMSA	Gender and Media Southern Africa
GIME	Gender and Media Education
GL	Gender Links
GMAS	Gender and Media Audience Research
GMBS	Gender and Media Baseline Study
GMDC	Gender and Media Diversity Centre
GMMP	Global Media Monitoring Project
HAM	Higher Media Authority
IAJ	Institute for the Advancement of Journalism
IBA	Independent Broadcasting Authority
ICASA	Independent Communications Authority of South Africa
ICT	Information and Communication Technology
IT	Information Technology
HIV	Human Immuno-deficiency Virus
MAP	Media Action Plan
MBC	Mauritius Broadcasting Corporation
MDGs	Millennium Development Goals
MECOZ	Media Ethics Council of Zambia
MMP	Media Monitoring Project
MPSR	Malawi Public Services Regulations
MWO-GEMSA	Media Watch Organisation -Gender and Media Southern Africa
NGO	Non Governmental Organisation
NICTS	New ICTs
NSJ	Southern African Media Training Trust
OVC	Orphans and Vulnerable Children
PCAR	Primary Curriculum Assessment Reform (Malawi)
PEP	Post Exposure Prophylaxis
PLWHA	People Living with HIV and AIDS
PMTCT	Prevention of Mother to Child Transmission
SABC	South African Broadcasting Corporation
SAEF	South Africa Editors Forum
SDGD	SADC Declaration on Gender and Development
SIDA	Swedish International Development Co-operation Agency
SSP	Safe School Programme
STI	Sexually transmitted Infections
TACRA	Tanzania Communications and Regulatory Authority
UN	United Nations
UNAIDS	United Nations Joint Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNESCO	United Nations Educational ,Scientific and Cultural Organisation
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
USAID	United States Agency for International Development
VCT	Voluntary Counselling and Testing
WAD	Women in Development
WHO	World Health Organisation
WLSA	Women and Law in Southern Africa
ZBC	Zimbabwe Broadcasting Corporation

Foreword



Southern Africa must confront a myriad of challenges as it attempts to address effectively the needs and aspirations of its 100 million people, 40% of whom live in extreme poverty with per capita incomes ranging from $256 per annum in Zimbabwe to $5099 in Mauritius. The greatest challenge of the Southern Africa Development Community (SADC) continues to be the need to build a life for its people free from poverty, disease, human rights abuses, gender inequality and environmental degradation.

The status of women is closely linked to the political context within each country. In Southern Africa, this context includes colonisation, decolonisation, the switch from one party to multi party politics, liberation struggles from white minority rule and occupation, as well as the ideological inclinations of dominant parties.

The reality is that patriarchy and democracy are still comfortable bedfellows. Patriarchy is not an ideological construct. It is a violent system as experienced vividly in the mind- boggling number of women and children who are raped in our society. It is a system that entrenches economic inequality, as supported by statistics showing that the feminisation of poverty continues, particu-larly in rural areas, working class communities and among the unemployed. On the health front, the HIV/AIDS pandemic has become one of the major obstacles to sustainable development. This includes erosion of productivity in the work place, food insecurity and the livelihood asset base, decreased access to education and other productive assets thereby exacerbating poverty. Women constitute the majority of those infected by the virus, as well as those whose time and effort is now called on, with no compensation or remuneration, to provide care for those living with AIDS.

At a social level, migration has become an important and divisive issue in the region. The major economy in Southern Africa, South Africa, was host to nearly two million asylum seekers in 2008. The ongoing crisis in Zimbabwe continues to generate mass movements of people within the region, while thousands of southern Africans seek other opportunities in the UK, US and elsewhere.

Economically, Southern Africa countries continue to struggle with the challenges of economic development and most of them will not meet the targets set by the Millennium Declaration for 2015. External and internal policies have combined to generate unsustainable debt burdens for some of the southern African countries, undermining their capacity and their ownership of strategies for development. Poverty remains a major challenge for the region, especially among women and children.

With regard to women's rights, despite numerous commitments to gender equality in Southern Africa, women remain under-represented in all areas of decision-making and constitute the majority of the poor, the voiceless and the

dispossessed. Under the customary law that continues to govern the daily lives of most women contrary to the provisions of modern laws, women remain minors all their lives, unable to own or inherit property.

Women also lack a voice in the affairs that affect their lives. The Gender and Media Baseline Study (GMBS) conducted by GL and the Media Institute of Southern Africa (MISA) in 2003 showed that women comprise a mere 17% of news sources in the region and are portrayed in a limited range of roles, most often as sexual objects or victims of violence. Despite commitments to freedom of expression, women's views and voices are systematically excluded from debates and decisions that affect their lives.



CAPTION

Photo: Derrick Sinjela

As GL's 2004 study, *"Ringing up the Changes: Gender and Politics in Southern Africa"* shows, this exclusion undermines accountability, transparency, responsiveness and good governance. Gender equality is both a fundamental right as well as a pre-requisite for more effective governance.

Citizen participation through demanding accountability from governments is also a cornerstone of democracy. This is why the Baseline Barometer is so significant. It sends out the signal to governments that the women and men of Southern Africa are watching as the clock ticks to the 2015 deadline by which 28 key targets for attaining gender equality must be ticked off.

It is for this reason that such a study could not wait until governments had gone through their formal ratification processes. While they prevaricate, the needs are real and they cannot wait. We hope that by mapping these needs in such great detail, governments will move with all haste to take the necessary legal steps to ratify the Protocol.

By repeating the Barometer exercise each year, we hope to be able to improve the quality of the data as well as maintain the pressure.

Finally, while the outlook is bleak, it is important to count the successes and to build on these. The very fact that gender NGOs and activists around the region have collaborated in the production of this report in record time is something we should celebrate. The slogan of the Alliance is: gender equality in SADC, the time is now! As children of the Obama era, let us add to the slogan, as we launch this report: gender equality in SADC: "Yes we can!"



Dr Muna Ndulo
Chair, Gender Links

Executive summary

KEY INDICATORS OF THE STATUS OF WOMEN IN SADC COUNTRIES[1]															
% women	Angola	Botswana	DRC	Lesotho	Madagascar[2]	Malawi	Mauritius	Mozambique	Namibia	Seychelles	South Africa	Swaziland	Tanzania	Zambia	Zimbabwe
GOVERNANCE															
Parliament	37	11	8	26	n/a	21	17	35	31	24	42	21	30	15	18
Local Government	1	19		58	n/a	8	6	36	42	na	40	18	34	7	10
Cabinet	28	20		32	n/a	24	10	28	19	20	41	27	22		
EDUCATION															
Primary School	46	49	46	51	49	50	49	47	51	51	49	48	50	49	
Secondary School	44	52	36	56	48	44	52	44	54	51	52	50	44	45	52
Tertiary level	40	53	26	44	49	39	54	38	56	57	53	50	32	52	na
ECONOMY															
Economic decision-making	19	37	14	21	13	47	0	22	25	20	33	40	21	23	20
Income[3]	na	38	na	28	na	41	27	41	28	na	31	28	na	34	37
SEXUAL AND REPRODUCTIVE HEALTH															
Using contraception	6	44	31	37	15	42	76	17	55	41	65	43	41	30	60
Births attended by skilled personnel	46	99	61	55	51	54	100	48	81	100	92	74	46	47	69
HIV AND AIDS															
Comprehensive knowledge on HIV and AIDS	7	40	15	26	19	42	68	43	67	67	94	52	45	34	44
Living with HIV as proportion of total	61	57	58	60	58	58	19	60	68	42	58	57	55	57	60
HIV Positive Pregnant Women receiving PMTCT	14	95	4	72	100	14	95	28	75	99	50	64	10	39	67
MEDIA															
Overall	na	46	73	22	33	23	33	27	40	na	50	40	36	33	13
Board of directors	na	24	47	18	10	27	36	25	39	na	38	33	22	27	38
Senior management	na	39	50	8	20	26	22	35	35	na	35	29	30	33	10
Top management	na	30	56	18	13	19	25	17	42	na	25	33	21	11	13
News sources	26	16	15	21	12	21	17	15	19	25	17	19	16	13	15
Quoted on economics	18	24	12	24	14	29	4	22	13	18	22	9	13	13	8
Quoted on politics	4	12	10	5	5	15	11	10	12	22	12	10	7	8	6
Quoted on gender equality	45	0	58	92	21	35	43	38	68	none	60	36	49	33	49

[1] NB: All figures refer to % of women in that category; figures in red denote instances in which gender parity has been achieved or exceeded, or in which more than half of women are availing themselves of a service (positive achievements). Figures in blue denote instances in which more than half of women are affected (negative development). The figures are derived from the tables in the report. Sources of all data are indicated in the relevant tables throughout the report.
na= not available; n/a= not applicable. All numbers have been rounded to the nearest decimal point.
[2] Data on governance for Madagascar not provided as parliament had been suspended at the time of this report.
[3] The percentage of women's income is arrived at by adding male and female income for each country as determined by the ILO and then expressing female income as a percentage of the total.

While there has been some visible progress in attaining gender equality in the fifteen countries of the Southern African Development Community, notably in education and political decision-making, there is still a long way to go to achieve the 28 targets of the SADC Protocol on Gender and Development.

This is the main finding of an extensive baseline study carried out by the Southern African Gender Protocol Alliance, which comprises over forty regional and national NGOs that campaigned for the adoption of the Protocol in August 2008. The baseline barometer is being launched on the eve of the SADC Heads of State summit in the DRC in September 2009.

The SADC Protocol Citizen score card, at the end of this executive summary, gives an overall rating of 55%. This will be tracked annually until 2015.

Three SADC members (Malawi, Botswana and Mauritius) have not yet signed the Protocol and none have yet ratified the ground-breaking instrument that sets 28 targets for the attainment of gender equality by 2015. But mindful that there is only six years to go for these targets to be achieved, the Alliance has compiled baseline data at country and regional level against which progress will be monitored and evaluated by civil society as part of its watchdog function.

The report finds that while there are many glaring gaps, there are also signs of progress which provide hope that change is possible. It also finds huge variations between countries in all the indices. For example, Mauritius has the region's lowest maternal mortality with only 13 deaths per 100, 000 compared to 1400 per 100 000 in Angola (one of the highest rates in the world). Yet with 37% women in politics, Angola has the second highest proportion of women in politics in the region while Mauritius at 17% in national and 6.4% in local government is near the bottom of the regional league on this front.

Key findings:

The key findings of the report may be summarised as follows:

Constitutional provisions for gender equality are patchy: While Constitutions have varying provisions on sex discrimination and gender equality, these are patchy. However, good practices in a number of countries including South Africa, Namibia and Malawi, and constitutional reviews taking place in five SADC countries point to the potential for change.

Legal reform is advancing: There are several examples of affirmative action being incorporated into laws and constitutions. Reviews of discriminatory legislation are taking place throughout the region in an effort to eliminate remaining discriminatory practices.

But harmful customary practices undermine women's rights: The contradictions between customary law and codified law undercut women's rights at every turn. Harmful practices which threaten the physical integrity of women and girls are occurring every day. Women struggle to access justice. Customary law further undermines access to justice. In many SADC countries, girls marry from the onset of puberty. Widows throughout the SADC region are vulnerable to highly discriminative practices such as property dispossession.

HIV and AIDS undermines fragile gains: Currently 35% of all people living with HIV and AIDS in the world are in the SADC region. Seven of the fifteen SADC countries have HIV and AIDS prevalence of over 15%. In thirteen of the fifteen SADC countries, women have a higher HIV and AIDS prevalence than men. In ten of the fifteen SADC countries, less than 50% of people living with AIDS are receiving antiretroviral drugs. In nine of the fifteen countries, less than 50% of the 15-24 year old population have



a comprehensive knowledge of HIV and AIDS. In a 2009 survey of care work policies GEMSA rated one policy (Namibia) excellent; three good; two fair; two mediocre and four poor.



Women stone crushers in Zambia
Photo: Derrick Sinjela

Women lack decision-making power over their lives and bodies: Choice of termination of pregnancy is only fully legal in one SADC country: South Africa. Despite the provisions for sexual and reproductive health and the fact that most countries have some policy framework to cater for this, contraceptive usage varies from 6% in Angola to 65% in South Africa.

Gender violence is escalating: Despite concerted campaigns, there is no sign of gender violence abating. Indeed, this is taking new forms with human trafficking now a major threat, especially in light of preparations for the hosting of Soccer 2010 in South Africa. Sexual and gender based violence in schools is a serious problem in the region, and greater measures must be taken to combat this trend.

GBV is high on the political agenda: All SADC countries now have comprehensive, multi sector action plans for ending gender violence, in line with the call made by the UN Secretary General in 2006. Thanks to collaboration between civil society and governments, all SADC countries now have in place multi sector action plans to end gender violence. Specific targets and indicators need to be strengthened. More resources and effort needs to go towards prevention.

But progress on the legal front is patchy: Nine of the SADC countries currently have legislation on domestic violence. Only seven SADC countries currently have specific legislation that relates to sexual offences. Only two countries, South Africa and Mozambique, have specific provisions for Post Exposure Prophylaxis (PEP). Ten SADC countries have some form of legislation to address sexual harassment; most of this in labour laws.

Services are inadequate: There is no legal aid for survivors of gender violence in at least five SADC countries; in all SADC countries NGOs carry the major burden of providing advisory services. There are no places of safety in four SADC countries; in all SADC countries these facilities have little or no state support.

There is need for reliable indicators on GBV: The unreliable and sporadic data on the extent of all forms of GBV points to the need to escalate the pilot project for developing GBV indicators started in South Africa, Botswana and Mauritius.

There has been progress in education: Many countries have reached gender parity in primary and secondary education. In Mauritius and Botswana, there are now more women than men in tertiary institutions.

But gaps and stereotypes remain: The gender gap continues to widen in higher education, largely because of teenage pregnancy, HIV and AIDS related care work, economic constraints and deeply entrenched gender stereotypes that

discourage girls' education. School administrations are greatly imbalanced with men dominating all spheres, especially higher management positions. Men are predominant in the faculties of Science and Law, while women are predominant in some countries in Arts, Humanities and Health Sciences.



Media gives women voice: Tanzanian journalist Margaret Chambali (centre) conducting an interview *Photo: Trevor Davies*

There has been significant movement with regard to women's participation in political decision-making: The proportion of women in parliament has increased from 17.5% at the time of the Declaration to 25% at present. The ruling African National Congress (ANC) in South Africa is the first party in the region to have formally adopted and implemented the Protocol target of gender parity by 2015, in the April 2009 elections. In the 2006 local elections, Lesotho showed that it is possible to adopt and implement quotas even in the first past the post electoral system. With 58% women in local government, Lesotho is the only instance in the region of women exceeding the 50% target.

But there are major gaps between countries: This ranges from 42% women in parliament in South Africa (upper and lower houses) to 7% in the DRC. There is a higher proportion (almost 30%) of women at the local level but the gap is even wider, from 1.2% in Angola to 58% in Lesotho.

Botswana and Lesotho top the pubic service charts: While Botswana is lagging behind in political decision-making, this country (and Lesotho) is close to parity in the public service, both overall and at the top decision-making levels.

Women are missing from economic decision-making: Women only constitute 18% of economic decision-makers defined as ministers, deputy ministers and permanent secretaries of finance and economic development as well as governors and deputy governors of central banks. In some countries this is considerably lower, for example in Mauritius there are no women in economic decision-making. At the time of writing there was only one women finance minister (in Namibia) in the SADC region.

Women are also missing from all areas of economic participation: Trade policies are mostly gender blind. Only a few procurement policies make specific reference to women. Women still struggle to access credit although most SADC countries now have programmes of one kind or the other to assist women in accessing credit. Women continue to predominate in the informal sector. Figures on land ownership are patchy, but range from 11% to 46% (in Botswana).

However the land holdings of women are much smaller than those of men. There are huge gaps in the per capita income of women and men: for example in South Africa, the per capita income of women in 45% that of men.

One step forwards, two steps backwards in the media: Women constitute 41% of Southern African media employees (32% if South Africa is excluded) and less than a quarter of those at Board, top and senior management level. Women constituted 17% of news sources in the region in the Gender and Media Baseline Study (GMBS) conducted in 2003; this had increased to 19% in the 2005 Global Media Monitoring Project (GMMP). A Gender and Media Progress Study (GMPS) being conducted in 2009/2010 will provide updated data. Blatant and more subtle forms of gender stereotypes abound in the media.

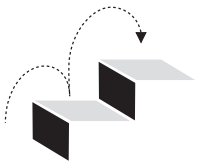
Political will is key: The fact that women are still (with some exceptions, like South Africa) least well represented in cabinet throws into question the political commitment of leaders.



Ready for action: Members of the Southern Africa Gender Protocol Alliance gear up for action
Photo: Trevor Davies

Deliberate measures are necessary: There is no instance in which any targets set by SADC for the attainment of gender equality have been met without deliberate measures. For example, all the countries that have achieved rapid advances in political decision-making have done so through voluntary and or legislated quotas.

Yes we can! The fact that gender parity has been reached or exceeded in some countries shows that change is possible.



Next steps

These include:

- Launch of the baseline Barometer together with the Roadmap to Equality handbook and DVD at the Heads of State Summit in the DRC in September 2009.
- Administering of the "SADC Gender Protocol Citizen Score Card" based on this report at the parallel civil society forum and online.
- Workshops on the country reports and administering of the citizen score card at country level.
- Storing all information in an online, interactive data base.
- Developing and refining sector and country policies.
- Tracking, monitoring and evaluating progress.
- Updating and reporting on the baseline study annually.

SADC GENDER PROTOCOL BASELINE

MAIN PROVISIONS	SPECIFIC TARGETS TO BE ACHIEVED BY 2015
ARTICLES 4 - 11: CONSTITUTIONAL AND LEGAL RIGHTS	
Provides for all Constitutions in the region to enshrine gender equality and to give such provisions primacy over customary law. All laws that are discriminatory to women are to be repealed. It also provides for equality in accessing justice, marriage and family rights and the rights of widows, elderly women, the girl child, women with disabilities and other socially excluded groups.	1. Endeavour to enshrine gender equality and equity in their Constitutions and ensure that these are not compromised by any provisions, laws or practices.
	2. Review, amend and or repeal all discriminatory laws.
	3. Abolish the minority status of women.
ARTICLES 12-13: GOVERNANCE (REPRESENTATION AND PARTICIPATION)	
Provides for the equal representation of women in all areas of decision-making, both public and private and suggests that this target be achieved through Constitutional and other legislative provisions, including affirmative action. It further stipulates that Member States should adopt specific legislative measures and other strategies, policies and programmes to ensure that women participate effectively in electoral processes and decision-making by, amongst others, building capacity, providing support and establishing and strengthening structures to enhance gender mainstreaming.	4. Endeavour to ensure that 50% of decision-making positions in all public and private sectors are held by women including through the use of affirmative action measures.
ARTICLE 14: EDUCATION AND TRAINING	
This article provides for equal access to quality education and training for women and men, as well as their retention at all levels of education. It further provides for challenging stereotypes in education and eradicating gender based violence in educational institutions	5. Enact laws that promote equal access to and retention in primary, secondary, tertiary, vocational and non-formal education in accordance with the Protocol on Education and Training and the Millennium Development Goals.
	6. Adopt and implement gender sensitive educational policies and programmes addressing gender stereotypes in education and gender based violence.
ARTICLES 15-19: PRODUCTIVE RESOURCES AND EMPLOYMENT, ECONOMIC EMPOWERMENT	
This Article provides for the equal participation of women in economic policy formulation and implementation. The article has provisions and targets on entrepreneurship, access to credit and public procurement contracts, as well as stipulations on trade policies, equal access to property, resources and employment.	7. Ensure equal participation by women and men in policy formulation and implementation of economic policies.
	8. Conduct time use studies and adopt policy measures to ease the burden of the multiple roles played by women.
	9. Adopt policies and enact laws which ensure equal access, benefits and opportunities for women and men in trade and entrepreneurship, taking into account the contribution of women in the formal and informal sectors.
	10. Review national trade and entrepreneurship policies, to make them gender responsive.
	11. With regard to the affirmative action provisions of Article 5, introduce measures to ensure that women benefit equally from economic opportunities, including through public procurement process.
	12.Review all policies and laws that determine access to, control of, and benefit from, productive resources by women.
	13.Review, amend and enact laws and policies that ensure women and men have equal access to wage employment in all sectors of the economy.

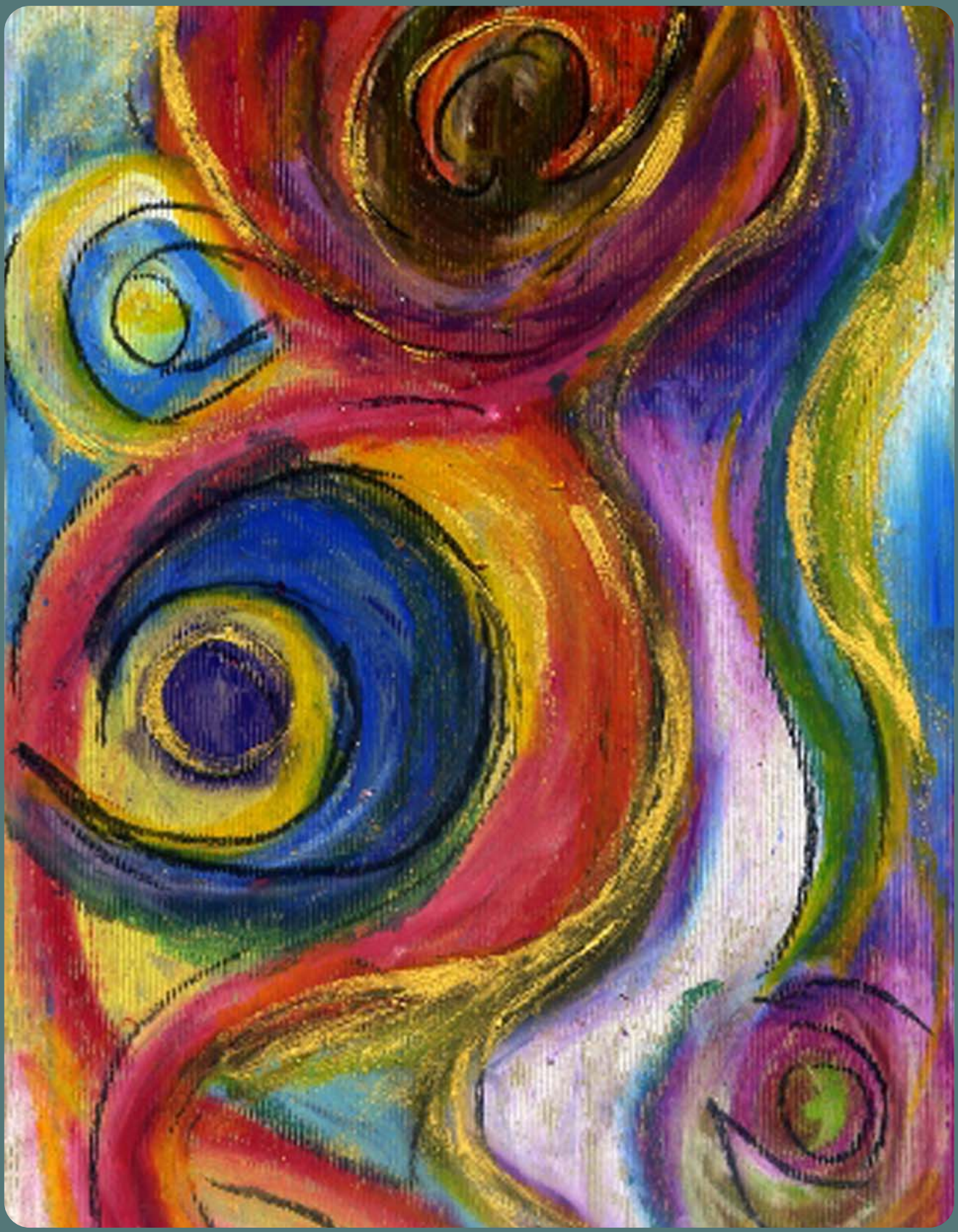
[4] This score card is based on the situation pertaining in the 15 SADC countries in 2009 (Baseline) against the 28 specific targets to be achieved by 2015.

BAROMETER CITIZEN SCORE CARD 2009[4]

BASELINE DATA 2009	INDICATORS GOING FORWARD	SCORE OUT OF TEN 2009
✓ Most SADC constitutions have non- discrimination clauses and 12 provide for non-discrimination based on sex. Nine provide for gender equality. ✓ Six constitutions have claw back clauses. ✓ Only two Constitutions address the contradictions between customary law and customary practices that undermine women's rights.	✓ Increase in the number of countries that include sex as a grounds for discrimination. ✓ Increase in the number of countries that include gender equality in their Constitutions. ✓ Number of countries that ensure that Constitutional provisions are not undermined by any other law or practice.	6
✓ In each country (details in report) there is still discriminatory legislation to review.	✓ Number of countries that review and eliminate all discriminatory practices.	6
✓ Very few countries have specific legislation to do so; examples are Zimbabwe (Legal Age of Majority Act 1982) and Namibia (Married Persons Act). These laws are in any case undermined by customary law.	✓ Number of countries that specifically abolish the minority status of women, and ensure that this is not undermined by customary law.	6
Parliament: The average representation of women in both houses across the region is 25%. This ranges from 7% in the DRC to 44% in South Africa. **Local government:** The average representation of women at the local level is 29.7%. This ranges from 1.2% in Angola to 58% in Lesotho. 58% (the highest) to 6,4% (the lowest). **Cabinet:** The average representation of women in cabinet is 21.4%; this ranges from 40% in South Africa to 7% in Zimbabwe. **President/prime minister:** There are no women heads of state. Malawi has a woman deputy president and Mozambique has a woman prime minister. **Public service:** Comprehensive data is not available. For the eight countries for which data could be obtained, this ranged from close to parity in Botswana to less than one fifth in Malawi. **Private sector and other areas of decision-making:** Comprehensive data not available. Affirmative action has been applied in all the sive countries that have made substantial progress, but this does not cover all areas of decision-making within the countries. Cases are: South Africa (voluntary party quota; Employment Equity Act); Namibia (legislated and voluntary at local level); Mozambique and Angola (voluntary party quotes) Lesotho (local government electoral law).	✓ Number of countries that make a concerted effort and achieve gender parity in parliament.	5
Primary: Equal enrolment of girls and boys in all countries except Angola and DRC where girls constitute 46% of total enrolment. **Secondary:** Gender gap is narrowing in all countries; more girls than boys in Lesotho; but girls only 36% in the DRC and 44% in Tanzania, Mozambique, Malawi and Angola. **Tertiary:** Equal proportions of women and men in Swaziland; in Seychelles (58%), Namibia, Mauritius, South Africa; Botswana and Zambia there are more women than men. In Madagascar, Lesotho, Angola, Malawi, Mozambique, Tanzania and DRC women are less than men (26% in DRC, the lowest)	✓ Number of countries that attain gender parity at all levels of education.	7
The proportion of women in the teaching service ranges from 70% in Lesotho to 20% in the DRC; men predominate as principals; women predominate in the arts and men in the sciences and technical subjects; while there have been some reviews of curriculum gender stereotypes abound. GBV in schools is high.	✓ Progress towards achieving gender parity in school administrations. ✓ Progress towards achieving gender parity in subjects. ✓ Changes to school curricula.	6
Women comprise 25% of decision-makers defined as minister/ deputy minister/permanent secretary of finance; economic permanent secretary/DG; governor and deputy governor of the reserve bank. This ranges from Swaziland (40%) to Mauritius (none).	✓ Number of countries that achieve gender parity in economic decision-making.	4
Only South Africa, Malawi and Madagascar have conducted such studies; little evidence of policy measures flowing from these.	✓ Number of countries that have done time use studies.	5
Ad hoc initiatives mostly focus on micro finance, for example, eg in Mauritius the National Women Entrepreneur Council; Tanzania the National Micro Finance policy gives guidelines on achieving gender equality; SA various funds for micro finance.	✓ Number of countries that have policies and laws to promote women's participation in economic decision-making.	5
Most policies are gender blind with a few exceptions; eg Zambia Trade and Industrial policy recognises that women remain marginalised in the professional work place and private enterprise; proposes steps for addressing this.	✓ Number of countries that review trade and entreprepreneurship policies from a gender perspective.	4
Only South Africa has a Preferential Public Procurement Act that provides for redressing historical imbalances including gender. The Mauritius Public Procurement Act refers to "community and end user participation" without specifically referring to women.	✓ Number of public procurement acts and procedures that specifically mention gender equality.	5
Comprehensive information is difficult to access; data obtained shows a range from 11% land ownership in Seychelles to 25% in DRC and Tanzania. In Botswana women are 46% of landowners but holdings are smaller. In Tanzania women land holdings are about one third the size of those of men.	✓ Number of countries that review laws and extent to which these promote parity in ownership.	5
Women earn, on average, 50% to 70% of men's earnings in the SADC region.	✓ Number of countries that have ratified the ILO conventions and conventions 100 and 101. ✓ Completed audit of current labour legislation.	6

MAIN PROVISIONS	SPECIFIC TARGETS TO BE ACHIEVED BY 2015
ARTICLES 20-25: GENDER BASED VIOLENCE	
This article makes provision for the implementation of a variety of strategies, including enacting, reviewing, reforming and enforcing laws, aimed at eliminating all forms of gender based violence, and trafficking. There are specific stipulations for the provision of a comprehensive package of treatment and care services for survivors of gender based violence, including the access to Post Exposure Prophylaxis and the establishment of special courts to address these cases. There are specific provisions on human trafficking. A section which provides for monitoring and evaluation sets targets and indicators for reducing gender based violence levels by half by 2015.	14. Enact and enforce legislation prohibiting all forms of gender-based violence.
	15. Ensure that laws on gender based violence provide for the comprehensive testing, treatment and care of survivors of sexual assault.
	16. Review and reform their criminal laws and procedures applicable to cases of sexual offences and gender based violence.
	17. Enact and adopt specific legislative provisions to prevent human trafficking and provide holistic services to the victims, with the aim of re-integrating them into society.
	18. Enact legislative provisions, and adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators of sexual harassment.
	19. Adopt integrated approaches, including institutional cross sector structures, with the aim of reducing current levels of gender based violence by half by 2015.
ARTICLE 26: HEALTH	
This article provides for the adoption and implementation of policies and programmes that address the physical, mental, emotional and social well being of women with specific targets for reducing the maternal mortality ratio and ensuring access to quality sexual and reproductive health services.	20. Adopt and implement legislative frameworks, policies, programmes and services to enhance gender sensitive, appropriate and affordable quality health care.
	21. Reduce the maternal mortality ratio by 75%.
	22. Develop and implement policies and programmes to address the mental, sexual and reproductive health needs of women and men; and
	23. Ensure the provision of hygiene and sanitary facilities and nutritional needs of women, including women in prison.
ARTICLE 27: HIV AND AIDS	
This article covers prevention, treatment care and support in relation to HIV and AIDS.	24. Develop gender sensitive strategies to prevent new infections.
	25. Ensure universal access to HIV and AIDS treatment for infected women, men, boys and girls.
	26. Develop and implement policies and programmes to ensure the appropriate recognition, of the work carried out by care-givers, the majority of whom are women; the allocation of resources and psychological support for care-givers as well as promote the involvement of men in the care and support of People Living with Aids.
ARTICLE 28: PEACE BUILDING AND CONFLICT RESOLUTION	
This provides for the equal representation of women in conflict resolution and peace building processes as well as the integration of a gender perspective in the resolution of conflict in the region.	27. Put in place measures to ensure that women have equal representation and participation in key decision-making positions in conflict resolution and peace building processes, in accordance with UN Council Resolution 1325 on Women, Peace and Security.
ARTICLES 29 - 31: MEDIA, INFORMATION AND COMMUNICATION	
This article provides for gender to be mainstreamed in all information, communication and media policies and laws. It calls for women's equal representation in all areas and at all levels of media work and for women and men to be given equal voice through the media. The Protocol calls for increasing programmes for, by and about women and the challenging of gender stereotypes in the media.	28. Take measures to promote the equal representation of women in ownership of, and decision-making structures of the media, in accordance with Article 12.1 that provides for equal representation of women in decision-making positions by 2015.

BASELINE DATA 2009	INDICATORS GOING FORWARD	SCORE OUT OF TEN 2009
Nine SADC countries have legislation on domestic violence; only seven have specific legislation that relates to sexual offences. Three countries have no specific legislation – Angola, Madagascar and Zambia.	✓ Number of specific GBV laws per country; measure change in laws periodically.	6
Only SA has included the provision of comprehensive treatment and care, including Post Exposure Prophylaxis (PEP) to survivors of sexual assault to reduce chances of contracting HIV and AIDS. In Botswana, Mauritius, Namibia, Zambia this is included in policies but not law thus its less enforceable. Seychelles provides for health workers only. PEP in most countries is not well known or accessed.	✓ Number of laws that have clauses that provide for comprehensive testing, treatment and care.	6
Only 5 countries (Lesotho, Namibia, SA, Tanzania, Zimbabwe) have sexual offences legislation.	✓ Number of countries with sexual offences acts.	6
12 Southern Africa countries have signed the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol). Only three countries have specific laws on human trafficking – Mozambique, Madagascar and Mauritius. In SA, Tanzania, Zimbabwe trafficking is provided for in sexual offences legislation. Malawi and Zambia are receiving technical support from the IOM to develop legislation.	✓ Number of countries with specific legislative provisions to prevent human trafficking and provide holistic services. ✓ Number of people reintegrated into society. ✓ Number of cases that have been prosecuted (for those that have laws). ✓ Number of new countries that adopt legislation or add human trafficking provisions to their legislation.	5
Ten SADC countries have legislative provisions for sexual harassment; mostly in labour laws. Mauritius has a Sex Discrimination Act. In Botswana, Mozambique, Namibia, South Africa and Zimbabwe, this is covered under labour law. In Tanzania, sexual harassment is covered in Penal Code and Sexual Offences Act.	✓ Number of countries with sexual harassment legislation, policies and strategies.	5
14 SADC countries have adopted and are implementing National Action Plans/Strategies/ Response to End Gender Based Violence. Most SADC countries are moving away from Sixteen to 365 Day Action Plans to End GBV. However plans lack specific targets and indicators; effective monitoring mechanisms. Data on GBV is sporadic and unreliable. A pilot project to develop GBV indicators is underway in South Africa, Mauritius and Botswana.	✓ All countries to develop country specific National Action Plans. ✓ Effectiveness of NAPS as measured by countries that have already adopted GBV National Action Plans. ✓ Extent of GBV, and reduction each year as measured through the GBV indicators study.	6
In 2001/2002 only South Africa and Zimbabwe fulfilled their commitment to allocate 15% of government expenditure to health. Lesotho, Mozambique and Swaziland achieved about half of the 15% target; Botswana achieved 10,45%.	✓ All SADC countries to have gender sensitive and aware health policies that address issues of access and quality.	6
Maternal mortality varies widely from 13 per 100 000 in Mauritius to 1100 per 100 000 in DRC.	✓ Number of countries, especially those wjth high levels, that achieve the 7% reduction in maternal mortality.	6
Only three Southern African countries have a contraceptive usage rate of over 60%; SA is highest at 65% Zimbabwe was second, with 58%; Angola lowest at 5%.	✓ Percentage of people accessing and using contraceptives. ✓ Gender disaggregated data according to type of contraceptive.	6
Total coverage of sanitation facilities varies from 100% in Seychelles, Mauritius to 15% in Madagascar; urban coverage is generally better than rural coverage.	Number of countries that achieve 100% sanitation coverage.	5
Seven of the 15 countries have a prevalence rate of over 15% while 4 have a prevalence of 4% or less. The highest prevalence is in Swaziland (26%) and lowest in Seychelles, Madagascar and Mauritius (3%). With the exception of Mauritius and Seychelles where HIV is mostly driven by drug use, women in SADC have a higher prevalence rate than men. This is highest in Namibia (30% women compared to 79% men). Tanzania at 44% had the highest percentage of women aged 15-24 with comprehensive knowledge of HIV and AIDS (2006), followed by Botswana (40%) and Malawi (34%). The lowest comprehensive knowledge of HIV and AIDS: Angola ((9%), DRC (15%) and Lesotho (18%).	✓ Percentage reduction of HIV and AIDS in each country and reduction in the gender gap. ✓ Increase in comprehensive knowledge of HIV and AIDS.	6
✓ Access to ARVs ranges from 3% in Madagascar to 68% in Namibia with most countries averaging between 30% to 50%. There is little gender diaggregated data on access to treatment.	✓ Number of countries that achieve universal access for women and men and gender disaggregated statistics to track/ensure this progress.	7
Thirteen SADC countries have implemented care work policies; none of these includes remuneration for care work though some provide logistic and training support. A GEMSA audit based on remuneration; logistic and material support; training and professional recognition; psychological support and gender considerations rated the policy of one SADC country (Namibia) as excellent; Botswana, Tanzania; Zimbabwe as good; Swaziland; South Africa as fair; Zambia and Malawi as mediocre; Lesotho, Mozambique, Mauritius and DRC as poor.	✓ Development of a model policy/checklist on care work. ✓ Number of countries that meet the standards of the model policy.	6
✓ An alliance of women in Madagascar is demanding 30% representation in all the decision-making processes of the peace negotiations in Madagascar at the time of writing.	✓ Extent to which gender parity considerations are taken into account in Madagascar and in all peace processes.	4.5
Media houses: The Glass Ceiling study in Southern African newsrooms study by GL found that women constitute 41% of media employees; 32% if South Africa is excluded. This ranges from 70% in Lesotho to 13% in Zimbabwe. Women constitute less than 25% of those on the boards of governors, as top and senior managers in the media **Sources:** The GMMP, GMBS and HIV and AIDS, Gender and Media Studies have shown that women constitute 19% of news sources across the region ranging from 26% in SA to 15% in the DRC.	✓ Number of media houses that achieve gender parity at all levels. ✓ Progress towards attaining gender parity in news sources.	4 **Total = 154 / 280 x100 = 55%**



A question of culture *Anushka Virahsawmy*

CHAPTER 1

Constitutional and legal rights

Articles 4-11



Trumpeting women's rights: The Mukuvusi horn from Limpopo Province, South Africa
Photo: GCIS

KEY POINTS

- All SADC constitutions provide for non-discrimination; many "without distinction" or based on a variety of factors including race, religion; language background; culture etc.
- All except the Lesotho constitution specifically outlaw discrimination based on sex and or gender.
- Constitutions in only seven of the 15 countries include clauses that specifically promote gender equality.
- The contradictions between customary law and codified law undercut women's rights at every turn.
- Harmful practices which threaten the physical integrity of women and girls are occurring every day.
- Constitutions in seven countries include "claw back clauses" that undercut fundamental values by recognising the primacy of customary law over the Bill of Rights. The South African, Namibian and Malawi constitutions specifically give primacy to the Constitution over customary law.
- Nine countries have affirmative action clauses of one kind or the other in their Constitutions. In Tanzania, this provides for at least 30% women in parliament.

Legal frameworks - the policies and laws governing a country - are at the foundation of advancing gender equality. Advancing and realising women's rights through such legal provisions has been a priority for SADC since ratifying and acceding to such international agreements as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW 1979), the SADC Declaration on Gender and Development (1997) and its Addendum on the Prevention of Violence Against Women and Children (1998), and the Beijing Declaration and Platform for Action (1995).



In 2000, SADC countries also joined 189 members of the United Nations in the Millennium Declaration, a global vision for improving the conditions of humanity throughout the world in the areas of development and poverty eradication, peace and security, protection of the environment, and human rights and democracy. The resulting Millennium Development Goals (MDGs) recognise the advancement of women's right to gender equality as critically necessary for progress. The Declaration pledges explicitly to combat all forms of violence against women and to implement the CEDAW. Furthermore, it recognises the importance of promoting gender equality and women's empowerment as effective pathways for combating poverty, hunger and disease, and for stimulating truly sustainable development.

Since 2000, there has been a paradigm shift from a needs based approach regarding women's development to a rights-based approach. This approach compels duty bearers (usually governments) to uphold, protect and guarantee rights, especially of the most vulnerable and those at risk of exclusion and discrimination. The approach looks at participation, equity and protection as the three fundamental aspects of change. ***Participation*** focuses on enhancing involvement of the vulnerable in society to contribute to decision-making on issues that directly affect them. ***Equity*** addresses issues of power/ powerlessness, with special emphasis on relations between women and men, governments, minorities and others suffering from social exclusion, stigma and discrimination. ***Protection*** refers to securing the rights and interests of the most vulnerable in society by addressing the various injustices through, among other actions, advocacy work at various levels.

Despite these commitments, the rights of women throughout SADC are still not fully respected or protected. Women are under-represented in government at all levels, have inferior access to education and employment, face obstacles to receiving health care, experience wide-scale gender violence, have little access to land and are disproportionately affected by the HIV and AIDS pandemic.

In SADC, putting in place laws and policies to legislate gender equality is much more complex because of the existence of plural legal systems. This pluralism allows for conflict between formal and customary law, which is generally discriminatory to women and can be a hindrance to the advancement of women.

While most SADC countries have signed and ratified regional and international instruments which seek to give women more rights, customary law still prevails in many circumstances. In some cases, this dualism is part of national legal frameworks. In others, it results from common practice. Customary law is even more prevalent in rural areas where there are fewer formal courts. In both urban and rural areas, lack of education about women's rights under the formal legal system and women's lack of empowerment

to use these legal instruments to protect and uphold their rights contributes to the prevalence of customary laws.

The specific targets of the Gender Protocol for 2015 regarding women's Constitutional and legal rights are for countries to:

- Endeavour to enshrine gender equality and equity in their Constitutions and ensure that these are not compromised by any provisions, laws or practices.
- Eliminate any practices that negatively affect the fundamental rights of women, men, girls and boys.
- Put in place affirmative action measures with particular reference to women.
- Review, amend and/or repeal all discriminatory laws.
- Abolish the minority status of women.
- Ensure equality in accessing justice.
- Ensure equal rights between women and men in marriage.
- Protect persons with vulnerabilities.
- Protect the rights of widows and widowers.
- Eliminate all forms of discrimination against the girl child; as well ensure the protection and development of the girl and boy child.

The minority status of women perpetuated by customary law and practices is a major gender justice issue that SADC countries need to conclusively deal with by ratifying, domesticating, and implementing the international and regional commitments they have made, and by removing any customary laws that are discriminative to women and claw back clauses within Constitutions. The absence of mandatory language in this clause was a disappointment for gender activists. However, the language used leaves open the possibility of test cases that will nudge this language and understanding forward.



Guaranteeing women's participation in all spheres: Maseru councillors
Photo: Susan Tolmay

Constitutional provisions



The Protocol provides that by 2015, all countries shall endeavour to enshrine gender equality and equity in their Constitutions and ensure that these are not compromised by any provisions, laws or practices.

Governments, as well as other parties, have a duty to both respect and uphold rights. In the case of violence against women, for instance, governments have a duty to refrain from committing such violence themselves through the police and the army. However, they also have a duty to prevent others from committing violence against women, by legislating against it, enforcing this legislation by prosecuting husbands or partners who attack their wives, running campaigns to raise awareness about domestic violence, and so on.

A Constitution is the fundamental and supreme law of the land, from which all other laws and sector policies derive their legitimacy, and must comply with its basic principles. It is therefore critical that Constitutions are true reflections of generally accepted principles of equality and democracy. In addition, gender equality must be a fundamental value of any Constitution.

Table 1.1: Comparative analysis of the gender

Country	Provides for non-discrimination generally	Provides for non-discrimination based on sex specifically	Provides for the promotion of gender equality
Angola	Article 18: All citizens shall enjoy the same rights without distinction	Article 18: Defined as: colour, race, ethnic group, sex, place of birth, religion, ideology, level of education or social or economic status	Article 28: 'It shall be the right and duty of all citizens over the age of eighteen to take an active part in public life; to vote and stand for election to any state body' Article 29: 'Men and women shall be equal within the family enjoying the same rights and having the same duties'
Botswana	Section 15 (3) 15. Protection from discrimination on the grounds of race, etc.	Section 3 expression "discriminatory" means affording different treatment to different persons, attributable wholly or mainly to their respective descriptions by race, tribe, place of origin, political opinions, colour, creed or sex.	No
DRC	Article 13: No person may,, be the subject of any discriminatory measure.. because of their religion, family origin, social status, residence, opinion or political beliefs, membership of a particular race, ethnicity, tribe, minority culture or linguistic background.	Articles 14: Governments shall ensure the elimination of all forms of discrimination against women and protect and promote their rights.	Article 14: Governments shall take appropriate measures in all fields, particularly in the civil, political, economic, social and cultural fields to ensure the full development and full participation of women in national development. The government shall take measures against all forms of violence against women in their public life and private life.
Lesotho	Chapter II is based on the principles of equality and non- discrimination. Section 18 (1) "Subject to the provisions of subsections (4) and (5) no law shall make any provision that discriminate either of itself or in its effect."		Chapter III. Section 26 (1):Lesotho shall adopt policies aimed at promoting a society based on equality and justice for all its citizens regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
Madagascar	Article 8 – All individuals are equal in rights and enjoy the same fundamental freedoms.	Article 8: No discrimination as regards sex, level of education, wealth, origin, race, religion or opinion.	No
Malawi	Section 20 (1) Discrimination of persons in any form is prohibited.	Section 20 (1) Outlaws discrimination based on race, colour, sex, language, religion, political or other opinion etc. Section 24(2) Any law that discriminates against women shall be invalid; includes customs and practices e.g. sexual abuse, harassment and violence; deprivation of property, including property obtained by inheritance.	Section 13; The State shall actively promote: Gender equality; full participation of women in all spheres of Malawian society on the basis of equality with men; the implementation of policies to address social issues such as domestic violence, security of the person lack of maternity benefits, economic exploitation and rights to property.
Mauritius	Article 3 : Guarantees the right to all individual freedoms	In 1995 the Constitution was amended to make sex discrimination illegal. Article 3: Outlaws discrimination based on race, place of origin, political opinions, colour, creed and sex Section 16 : "Discriminatory" means affording different treatment to different persons on various grounds, including sex.	No
Mozambique	Article 35: All citizens are equal before the Law, and have the same rights and are subject to the same duties profession or political option.	Article 35: Non discrimination based on color, race, sex, ethnic origin, place of birth, religion, instruction level, social position, marital status of parents.	Art. 120. 'The family and the State ensure education of child, education him/her on the values of national unity, love for the nation, equality between men and women, respect and solidarity.'
Namibia	Article 10: All persons shall be equal before the law.	Article 10: No person may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status.	No
Seychelles	Article 27 Every person has a right to equal protection of the law including the enjoyment of the rights and freedoms set out in this Charter without discrimination on any ground except as is necessary in a democratic society.	No	No
South Africa	Chapter 1: Human dignity, the achievement of equality and the advancement of human rights and freedoms; non-racism and non-sexism. Discrimination on one or more of the grounds listed in subsection 3 is unfair unless it is established the discrimination is fair.	Chapter 2, section 9 Outlaws discrimination based on race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.	Section 9 (1) Everyone is equal before the law and has the right to equal protection and benefit of the law.
Swaziland	Section 20 (1)All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.	Section 20 (2)For the avoidance of any doubt, a person shall not be discriminated against on the grounds of gender, race, colour, ethnic origin, tribe, birth, creed or religion, or social or economic standing, political opinion, age or disability.	Women have the right to equal treatment with men and that *right shall include equal opportunities in political, economic and social activities.*
Tanzania	Article 13 (1) All persons are equal 'before the law and are entitled, without any discrimination, to protection and equality before the law. (2) no Law enacted by any authority in the United Republic of Tanzania shall make any provision that is discriminatory either in itself or in its effects	Article 9 (g) That the government and all its agencies provide equal opportunities to all citizens men and women alike without regards to their color, religion or station in life.	Not specifically.
Zambia	Article 23 of the Zambian Constitution talks about protection from discrimination.	Grounds include race, tribe, sex, place of origin, marital status, political opinion, colour or creed.	No specific article promoting gender equality but in the preamble, there is recognition of the equal worth of men and women in their rights to participation and freely determine and build the political, economic and social system of their own free choice.
Zimbabwe	S23(1)Subject to the provisions of this section, no law shall make a provision that is discriminatory in itself or in its effect. No person shall be treated in a discriminatory manner by any person acting virtue of any written law or in the performance of the functions of any public office or any public authority.	S23(2) Grounds for discrimination include: race, tribe , place of origin, political opinions, colour, creed, sex, gender marital status or physical disability are prejudice.	No

provisions of Constitutions in the SADC region

Has other provisions that relate to gender	Has claw back clause	Addresses contradictions between the Constitution, law and practices	Provides for affirmative action
Article 47: The State shall promote the measures needed to ensure the right of citizens to medical and health care, as well as child, maternity, disability and old-age care, and care in any situation causing incapacity to work.'	No	No	No
No	Certain parts of Section 15 shall not apply to any law that relates to personal law; or for the application in the case of members of a particular race, community or tribe of customary law.	No	No
Article 36 The state guarantees the right to work, protection from unemployment, a just and favourable remuneration. No person may suffer in their work because of their origin, sex, opinion, beliefs or socio-economic condition.	No	Certain provisions of the Family Code and the labour Code remain discriminatory towards women so that the parity enshrined in the constitution is not realised.	Article 14: Women are entitled to fair representation in national provincial and local institutions.
Section 30 (a) (i & ii). 'Lesotho shall adopt policies aimed at securing just and favorable conditions of work and in particular policies directed to achieving – remuneration which provides all workers, as a minimum with- fair wages.	Section 18 (4) (c) condones discrimination on the basis of the application of the customary law of Lesotho.	No	Affirmative action in Local Government elections of 2005 was justified on the basis of provisions of Constitution.
No	No	No	No
Section 24 (1) women have the right to full and equal protection by the law; including equal capacity to enter into contracts; acquire and maintain rights in property; acquire and retain custody, guardianship and care of children; acquire and retain citizenship and nationality; on dissolution of marriage to fair dispassion of property that is held jointly with the husband; and fair maintenance.	Section 26: Right to culture of ones choice.	Section 6: Any act of government or any law that is inconsistent with the provisions of this constitution shall to the extent of such inconsistency be invalid.	Section 30 (1) All persons and peoples have the right to enjoyment of economic, social, cultural and political development and women, children and the disabled in particular shall be given special consideration in the application of this right.
No	Section 16 (4) makes exceptions with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters that is the personal law applicable to persons of that description.	No	No
No	No	Article 43. Fundamental rights in harmony with the Universal Declaration of Human Rights and the African Charter on Human and Peoples Rights.	No
Article 14 provides for equal rights between women and men during and dissolution of marriage.	No	Article 19: Every person entitled to enjoy, practice, profess, maintain and promote any culture, language, tradition or religion subject to the terms of this Constitution .. and that the rights protected by this Article do not impinge upon the rights of others or the national interest.	Article 23: Permissible to have regard to the fact that women need to be encouraged and enabled to play a full, equal and effective role in political, social, economic and cultural life of the nation.
Article 30 Recognising the unique status and natural maternal functions of women in society... appropriate measures to be taken to ensure that a working mother is afforded special protection with regard to paid leave and her conditions at work … before and after childbirth.	No	No	Article 27 2. Clause (1) provides for any programme or activity to ameliorate conditions of disadvantaged persons or groups.
Section 12.(1) Everyone has the right to freedom and security of the person, which includes the right-to be free from all forms of violence from either public or private sources;(d)not to be tortured in anyway 12 (2) (a)to make decisions concerning reproduction (b)to security in and control over their body	No	Chapter 2, Section 8 (1): The Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state.	Makes provision for "legislative and other measures" to promote people who have been disadvantaged.
Section: 28 (3) A woman shall not be compelled to undergo or uphold any custom to which she is in conscience opposed.	After the founding equality clause in Section 20, the rest do not specifically state equality on cultural grounds, yet it is one of the sources of discrimination e.g. Section 28(1)	Section 20 (4) Subject to the provisions of subsection (5) Parliament shall not be competent to enact a law that is discriminatory either of itself or in its effect.	Nothing in this section shall prevent Parliament from enacting laws that are necessary for implementing policies and programmes aimed at redressing social, economic or educational or other imbalances in society. Also section 86 on representation of women in parliament.
Article 13 (6) (d) for the purpose of preserving the right or equality of human being, human dignity shall be protected in all activities pertaining criminal investigations and process, and in any other matters for which a person is restrained.		Prohibits any law enacted or any action taken by the government or any other authority that abrogates or abridges any of the basic rights freedom and duties set out in Article 12 to 29 of the Constitution.	Article 78 Provides for a 30% quota of women in parliament. These seats are reserved and distributed among parties on a Proportional Representation or PR basis.
No	The Constitution allows customary law to apply in certain instances; e.g. Article 23 clause 4 (d) exempts members of particular race or tribe or customary law.	No	No
The Constitution provides for equal access to land in s23: In implementing any programme of land reform the Government shall treat men and women on an equal basis with respect to the allocation or distribution of land or any right or interest therein under that programme.	Makes exceptions in matters of personal law; the application of African customary law; the implementation of affirmative action for the protection or advancement of persons or classes of persons who have been previously disadvantaged by unfair discrimination."		See s23 (3) (g)

A Constitution is also supposed to guide and inspire people to national and individual development. As reflected in Table 1.1, in SADC, there is a mixed picture of how far Constitutions go in terms of enshrining gender equality.

Most SADC Constitution enshrine non-discrimination generally as well as non-discrimination based on sex: All SADC Constitutions provide for non-discrimination generally. Almost all refer to non-discrimination based on sex; Malawi is a good example of this.



The 1994 ***Malawian*** Constitution embodies a number of provisions relating to promotion of gender equality and women's rights. The provisions, especially the principles of national policy, have been instrumental in facilitating legislative and policy reform to make them compliant with Constitutional aspirations. There were concerns nevertheless that women's specific interests were inadequately addressed, such as the age of marriage, prohibition of harmful cultural practices, representation and participation. The Malawian Constitutional review took place in August 2004 and provided an opportunity for government and civil society to propose reforms on matters that relate to promotion of gender equality. Key gains include:

- **Section 20** protects against sex discrimination.
- **Section 22** provides for full and equal respect of individuals within the family.
- **Section 24** provides for rights of women to equal protection of the law, non-discrimination in marriage, capacity to enter into legally binding agreements, individual property, custody and guardianship of children, to acquire and retain citizenship and nationality, equal rights on the dissolution of marriage, protection from violence, discrimination at work, and deprivation of property, elimination of harmful/ discriminatory customs and practices.

The case of Malawi demonstrates, however, that there can be a glaring gap between provisions on paper and the reality on the ground, as Malawi is low on the scale of justa about every gender indicator.

Sex, marriage and pregnancy: In some instances discrimination based on sex in linked to other issues, for example marital status or pregnancy. In the case of Seychelles the two are conflated.



Article 30 of the ***Seychelles*** Constitution states that "The state recognises the unique status and natural maternal functions of women in society and undertakes as a result to take appropriate measures to ensure that a working mother is afforded special protection with regard to paid leave and her conditions at work during such reasonable period as provided by law before and after childbirth."

Provisions for gender equality: Seven SADC Constitutions provide for the promotion of women and seven have other provisions that relate to gender equality. The following are some good examples of this:



The ***South African*** Consti-tution views the right to gender equality as fundamental to the struggle for a more just and equitable society and is entrenched in Section 9 of the Constitution (Act 108 of 1996). Key provisions for women in the Constitution include:

- 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".
- Provision is made for affirmative action in the clause that states that "legislative and other measures" may be taken to "protect and advance" persons who have been disadvantaged.
- The clause on freedom and security of the person states that everyone has the right to

"bodily and psychological integrity". This includes the right to make decisions concerning reproduction; and to security and control over one's body.
- Clause guaranteeing legal and other measures to promote land reform and equitable access to natural resources to redress the effect of past discrimination.
- Constitutional provision for socio-economic rights: such as right to adequate housing, health care services, food, water and social security.
- Bill of Rights provision for basic and further education.
- Statement that in cases where the Constitution conflicts with customary law, the Constitution will take precedence.



There are a number of gender provisions in the ***Tanzanian*** Constitution and it is one of the few that addresses the contradiction between custom and Constitution, and does not have claw back clauses. Tanzania also has an affirmative action clause in its Constitution - beginning with a 20% quota for women's representation and increasing this to 30% in 2005 to implement the SADC Declaration commitment. There has not been an overall review of the Constitution in Tanzania, but amendments have taken place as recently as 2005 and there are some calls from civil society for a complete Constitutional review. The Gender Protocol adds greater impetus to such calls.



The ***Namibian*** Constitution provision for gender equality is quite progressive in that it contains provisions on discrimination based on sex, addresses conflict between formal and customary law and does not contain claw back clauses. However, since Namibia's adoption of the Constitution in 1992, it has only been amended once and there is no plan for a Constitutional review. It is therefore imperative for achieving the SADC Protocol targets that Namibia adopts stronger legislation that enshrines gender equality and that the government plans a Constitutional review that meets the needs of today's Namibia.

Few Constitutions explicitly refer to customary or personal law: Many of the Constitutions in SADC fail to make the distinction between equality and substantive equality, or to pronounce themselves on the issue of customary law. Most do not address contradictions between the Constitutional provisions, laws and practices. With customary laws and practices so prevalent within SADC, this poses a major challenge for advancing gender equality.



Section 16 of the Constitution of ***Mauritius*** guarantees gender equality for all citizens. It provides that no law shall make provisions that are discriminatory either of itself or in its effect and further defines discrimination as affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of origin, political opinions, colour, creed or sex. However, the Mauritian Constitution does not address the issue of personal law.

Claw back clauses erode effectiveness: Some Constitutions have derogations and claw back clauses that undercut the Bills of Rights. Some of the derogations are couched in generalised terms such as national security, public interest, or public morality, which ultimately avail a lot of room for denial of rights to the citizenry. Seven of the SADC countries have such claw back clauses in their Constitutions. The following are some examples:



The ***Botswana*** Constitution under section 3 guarantees equality before the law. Discrimination is prohibited in Section 15, and subsection 3 specifically outlaws discrimination on the basis of sex or gender. Section 15 of the Constitution was amended in 2005 by adding the term "sex" to the list of descriptions that define the expression "discriminatory." There is legislation that deals with matters of personal law and there is no discrimination on the basis of gender or sex. However, the Constitution does

not address the contradictions between formal and customary law and there are various claw back clauses regarding personal law which could be detrimental to women. There are currently no plans in place for a Constitutional review.



Lebohang Pheko and Maude Dikobe debating the Gender Protocol
Photo: Trevor Davies

The ***Swaziland*** Constitution promotes gender equality and protect against discrimination generally and on the basis of sex, but makes no provision for discrimination on the basis of pregnancy or marital status, leaving women open to possible discrimination. In theory the Constitution protects against contradictions with customary law. It states that Parliament shall not be competent to enact a law that is discriminatory either of itself or in its effect. In practise customary law governs the daily lives of Swazi women. There is no Constitutional review yet foreseen in Swaziland as the Constitution is fairly new, having been adopted in July 2005 and implemented in February 2006. The current Constitutional provisions on gender equality are not adequate to deliver to women as per the SADC Protocol targets, but there is an opportunity for the Swaziland government to extensively review current domestic legislation and align it with the Constitution and the Convention on Elimination of All Forms of Discrimination Against Women. This, coupled with extensive strategising, lobbying, and advocacy will increase the chances of making the SADC Protocol targets possible.



Constitutions are not static and reviews taking place or planned in at least five countries open important possibilities: There have been Constitutional reforms in some SADC countries, like Namibia, Swaziland, Zambia, and Zimbabwe. Most grew out of civil society activism, which called for the creation of new legal instruments that would better express the needs of the people. Women's groups especially wanted to see increased protection of women's rights in the revised Constitutions. Constitutional reforms are still on-going with debates revolving around issues such as people driven approach, Bill of Rights, including socio-economic and cultural rights and response to HIV and AIDS, separation of powers, clear protection of women and children's rights and other minority groups, and more representative electoral systems, including affirmative action provisions for women's acquisition of political positions. Currently, there are Constitutional review processes planned or taking place in at least five SADC countries; three of these countries that have recently emerged or are emerging from conflict.



Angola's Constitution, adopted in 1992, provides for non-discrimination generally as well as based on sex, but does not address differences between formal and customary law. A Constitutional review is underway and adoptions is expected in 2010 It is hoped this will allow the Angolan government to produce a Constitution that fully enshrines gender equality and puts Angola in a position to meet the 2015 SADC Protocol targets.



In ***Madagascar***, the Constitution was intended to bear no discrimination without further singling out sex from other social, demo-graphic, and economic characteristics. Interviews with a member of the Constitution's drafting committee confirmed the fact that gender was not a concern to be specifically addressed in the Constitution. At the time of the Constitution's drafting, no special interest was paid to gender issues and these were rarely discussed whether among voters, political actors,

or non-governmental actors. Opportunities to solve the gaps noted are now emerging with the work to draft a new Constitution as part of the transition to a Fourth Republic. Indeed, this process includes a series of regional conferences and a national meeting that will involve all the different groups in the Malagasy society. In order to achieve the Protocol targets, civil society organisations have been conducting sensitisation and training on gender, targeting various groups such as political parties, academics, magistrates, youth and women's associations. However, it should be noted that these actions have tended to be once-off actions without any sustained follow-up.



Like most other African countries, ***Zimbabwe*** has a dual legal system where customary law operates alongside general law. Zimbabwe's current Constitution was adopted as part of a peace settlement to mark the end of British colonial rule in 1979. Since then there have been several amendments, but only two referred to gender equality. The 14th amendment introduced gender as grounds for non-discrimination (s23 of the Constitution, which is the non-discriminatory clause). Later in 2005, Constitutional Amendment 17 added further grounds for non-discrimination to include sex, pregnancy and disability.

However, the greatest pitfall in the Zimbabwean Constitution exists in the claw back clauses allow for discrimination under customary law.

Zimbabwe is currently undergoing a Constitutional review. It is hoped that the new Constitution will enshrine greater gender equality, allowing Zimbabwe to progress towards the SADC Protocol targets.

Like many African countries, ***Zambia*** has a dual legal system namely statutory and customary law. The Zambian



Constitution has no provisions for the contradiction between formal and customary law and has various claw back clauses that affect women's rights. For example, while Article 23 of the Zambian Constitution prohibits discrimination on grounds of race, tribe, sex, place of origin, marital status, political opinion, colour or creed, paragraph 4, (c) and (d) of the same article allow discrimination in matters of personal law and customary law. This means women will continue to face discriminatory practices such as polygamy and being unable to own land without male permission.

However, there is some light at the end of the tunnel. Zambia is currently undergoing a Constitution review process through the National Constitution Conference (NCC), which is receiving recommendation and submissions on various issues. There is a chance of reflecting some, if not all provisions of the Protocol in the Constitution draft. Women and Law in Southern Africa (WLSA) hopes to make submissions on behalf of the Alliance to the Chairperson of the NCC to include Protocol Articles. There are also other opportunities:

- There are a number of women and youths participating in the NCC. The women and men will advocate for issues that affect them to be reflected in the country's Constitution.
- There is fair gender balance in the executive of the NCC. The executive consists of 10 members out of whom five are men and five women.
- The door is still open for submission of issues that were not submitted in the previous CRC such as the specific Articles of the SADC Gender Protocol which by then was not yet adopted.
- There have been submissions to the NCC on incorporating of economic, social and cultural rights in the Constitution. The same submissions were adopted in the previous CRC.
- WLSA on behalf of the SADC Protocol Alliance has indicated that it will write to the NCC Chairperson asking and urging him and other commissioners to factor the provisions/articles of protocol in the draft Constitution.

At its last Constitutional review, the ***Seychelles*** Constitution was amended to remove most gender discriminatory language and in general is assumed to be gender neutral, making no distinction between the sexes.



The word "person" is used when referring to a citizen of the country or to any other human being. When the Constitution refers to categories of persons, it uses words with specific reference to their status or role, e.g. the aged, the disabled or mothers as in the affirmation of the rights of working mothers. However, the neutrality to gender in the Constitution may still lead to discrimination against women as it does not acknowledge the specific needs and obstacles women may face in regards to their rights. A Constitutional review is currently taking place but there is no information available to indicate that there will be any implications for gender issues.

Affirmative action



State parties are to implement legislative and other measures that eliminate all practices which negatively affect the fundamental rights of women and men. They are also to introduce affirmative action measures.

The SADC Gender Protocol mandates governments to implement affirmative action measures, with particular reference to women, in order to eliminate all barriers preventing their participation in all spheres of life, while creating conducive environments for such participation. Gender equality, equity and the empowerment of women is a fundamental human right and integral to the process of sustainable and more equitable development globally. Affirmative action aims to accelerate de facto equality between men and women. Some of the key delivery areas and strategies to ensure the acceleration of equality include: promoting participation of women in governance and economic empowerment, facilitating the review and amendments of discriminatory laws and procedures and ensuring women and men can access quality services in both rural and urban areas.



Affirmative action helps put women in the drivers seat *Photo: Gender Links*

As it currently stands, nine of SADC countries have some form of affirmative action provisions. In this regard, it will be necessary for SADC States to put in place affirmative administrative measures and programmes to facilitate increased participation, progression and retention of women in different levels of society. In addition, State Parties will have to implement certain temporal measures in order to improve the situation of women and girls.

Affirmative action important for achieving 50/50: Constitutional and legislated quotas are mandatory measures that set aside, through the Constitution or relevant electoral laws, a certain percentage of seats or positions for women. The advan-tage of this form of quota is that they

apply to all political parties and there are sanctions or penalties for non-compliance, such as rejection of lists by Electoral Commissions or disqualification from elections. Namibia and Lesotho have legislated quotas at the local level. In Tanzania, Articles 66(1) (b) and 78(1) of the Union Constitution provides for 30% of the seats in the national assembly to be for women only, based on the percentage of votes that each party garners. While women are free to stand as candidates in this first-past-the post system, the Consti-tution guarantees women 30% of the seats in the assembly through a proportional representation distribution mechanism.

Surpassing 50/50 in Lesotho local government



Lesotho introduced affirmative action through the Local Government Election (Amendment) Act, 2005 reserving 30% selected electoral divisions for women to contest the first local government elections of 2005. Section 4 provides that not less than one-third of seats in the Community Councils be reserved for women. Thus, it authorised the exclusion of male candidates in every third constituency.

The notion of affirmative action received mixed views in the country. It was generally welcomed by gender equality interest groups in government, the women's movement and among development partners, as the most significant and effective measure Lesotho has undertaken to promote gender equality and empower women. However, others are against affirmative action arguing that women should not be "pushed up" any leadership ladder, but should strive to do so themselves.

The quota system met resistance mostly from men on the grounds that it violated their Constitutional rights. While the Lesotho National Council of Non-Governmental Organisations, an umbrella body of civil society organisations expressed its appreciation and support of the principle of women's political empowerment through affirmative action, they opposed the way it had been done, saying it contradicted section 18 of the Lesotho Constitution.

Affirmative action has helped the country surpass the Protocol's 50% threshold, attaining 58% women councillors relative to 42% men at the local level. Lesotho is the only country to have exceeded the 50% target. The move further deepened local democracy in local governance and also served as a sensitisation tool to the nation (especially men) on issues of gender equality and women's empowerment.



Tsepo Molefe (left) challenged Lesotho's leglislated 30% quota for women in local government in 2005. Mateboho Tsepane (right) won the council seat for the area after the High Court upheld the law *Photo: Colleen Lowe Morna*

Hint of affirmative action in Swaziland: In the case of Swaziland, the Constitution guarantees a small step of affirmative action. If at the first meeting of the House after any general election female members of Parliament do not constitute at least 30%, the House forms itself into an electoral college to elect not more than four women on a regional basis.



Many challenges to affirmative action: Affirmative action is not generally understood to be a justice and equity issue. Action taken so far by most countries has either been too little or too erratic to achieve impact, and has been administered within the context of existing negative attitudes about women's "inferiority." Affirmative action is sometimes so minimal in its magnitude or impact that it serves more to entrench stereotypes than achieve change. The impact is segmented and sporadic. In addition, the private sector and government ministries have had individual policies on the matter. There have been no standards to provide benchmarks for individual ministerial or private efforts.

There is also the inability to transform some of the temporary measures into concrete programmes due to the limited availability of financial resources. At the same time, negative traditional practices continue to undermine the equality of women and men, in spite of efforts to change mindsets and stereotyping of women through gender sensitisation. There is also a general lack of appreciation of gender and development among members of the public and the public service providers. This tends to subordinate issues of gender and perpetuate negative attitudes towards gender and development programmes.

Discriminatory legislation



The SADC Protocol provides that by 2015 SADC countries shall have reviewed, amended or repealed all discriminatory laws and specifically abolish the minority status of women:

Rights exist at different levels. Legally speaking they are embodied in national legislation like the Constitution and international treaties, but rights are more than just legal matters. More broadly, a right is a legitimate claim that an individual has on "others," whether these "others" are individuals, groups, societies or nation states. Rights are therefore legal and political tools that can be useful in struggles for social and gender justice. Discriminatory laws can erode the rights of women, even rights that seem guaranteed in the Constitution. Reviewing and repealing discriminatory laws is an important part of ensuring legal frameworks are in place to meet Protocol commitments. The table provides examples of discriminatory legislation that still exists in SADC countries.

There remains discriminative legislation in most SADC countries and in many, little action is underway to address this issue. While most of the countries in SADC have signed and ratified regional and international instruments that seek to give women more rights, there has been reluctance in translating these words into action by domesticating them into action in national laws.

Amending laws in Botswana: The last comprehensive review of discriminatory laws in Botswana took place in 1998, commissioned by the Ministry of Labour and Home Affairs, Women's Affairs Department. The report reviewed all statutes and subsidiary legislation affecting women and all relevant United Nations Conventions and other documents concerning women, especially the Convention on the Elimination of all Forms of Discrimination Against Women, with the view to assessing the extent to which the laws of Botswana complies with the United Nations standards. Acts amended so far:



- Citizenship Act to allow women married to foreign spouses to pass their citizenship onto their children.
- The Criminal Procedure and Evidence Act regarding the hearings of sexual offences cases.
- Deeds Registry Act to allow women, whether married in community of property or not, to execute deeds and other documents required or permitted to be registered in the deeds registry without their husband's consent.
- Mandatory HIV testing for sexual offenders.
- Recognition of sexual harassment as misconduct.
- Legal age for marriage increased to 18 for girls and boys.
- Abolition of the Marital Power Act (not applicable to customary marriage),

Some countries still consider women minors: Historically, marital conventions gave husbands the right to control their wives' income and deprived wives of their right to enter into contracts in their own name. This extended to inheritance, marriage and property laws that denied women equal property rights. In some countries, such legal frameworks continue to exist, conferring minority status on women. There are very few countries in SADC with laws in place to specifically address the minority status of women: Zimbabwe is one such country with the Legal Age of Majority Act of 1982 and Namibia with the Married Persons Act, but these laws are often contradicted by other provisions.

Laws often contradict each other: For example, in Zimbabwe, despite the Legal Age of Majority Act, when a woman is married she is not the legal guardian of her child. According to s3 of the Guardianship of Minors Act, the father of children born in wedlock is the child's guardian and exercises this duty in consultation with the mother. Because of this provision, married women who apply for passports for their children have had their applications refused because they are not the legal guardians and the Registrar has demanded that the father be the one to make the application. S23 (3) of the Constitution allows for discrimination in matters of personal law as well as in matters of customary law, which allows this practice to continue.

Minority status inhibits economic empowerment: Such constraints inhibit women from accumulating assets such as property; managing their own credit performance, finances and raising capital in their own right. This leaves women without the relevant experience or credit histories from which to draw when applying for funds either whilst married or when divorced or widowed. The commitment to abolish the minority status of women by 2015 would mean all women regardless of marital status would have the right to conduct business and undertake contracts in their own right. The minority status of women perpetuated by law and customary practices is a major gender justice issue that SADC countries need to conclusively deal with. Not only do laws reflect societal attitudes but such laws have a direct impact on women's ability to exercise their rights.

The legal context of family life, a woman's access to education, and law and policies affecting women's economic status can contribute to the promotion or prohibition of a woman's access to rights and her ability to make informed choices about her life.

Bethusile Mwali in Swaziland is a living example of the spirit of entrepreneurship that exists in women. She is the owner of Bethu's Restaurant and grocer in Malkerns and Thandabantu Café and Take Away Food at eZulwini Midway. Bethusile says," Starting the business was not easy because I encountered difficulty in obtaining the permit and the license to operate until I asked my husband to negotiate on my behalf." This however resulted in her shop and the banking accounts being registered in her husband's name.



No minor matter for women in Madagascar

Photo: Colleen Lowe Morna

Abolishing minority status in Madagascar: In 1994, a Directorate of Legal Reforms was set up in the Ministry of Justice. Since then, the provisions of the country's customary laws have been gradually reviewed in partnership with UNDP, UNICEF and the United States' Agency for International Development (USAID). The main actions undertaken to lift women out of a minority status included:

- Research on the discriminatory forms and practices persistent in Madagascar;
- Ensuring consistency between national laws and the provisions of international conventions, namely the provisions of CEDAW on the family rights. This action resulted in several legal reforms, including the following (i) legal age of marriage increased to 18 years old for both sex (Act 2007-022, Article 3); (ii) co-responsibility of spouses in the administration of their common assets (Article 11y); (iii) co-responsibility of spouses and equal parental rights in rearing their children (Articles 54 and 55).
- Dissemination of the legal reforms and building the CSOs capacity to carry out awareness-raising campaigns and to influence the government's policy as regards women's legal rights;
- Recent creation of the Directorate of Human Rights within the Ministry of Justice (2008) with the goal of expanding jurisprudence referring to the application of international conventions.

Harmful traditional practices

The Protocol provides for the abolition of practices that are detrimental to the achievement of the rights of women.

There are a number of discriminatory practices that occur in the different countries, frequently under customary law, which are highly harmful to women. These include but are not limited to:

- Marital rape.
- Domestic violence.
- Forced marriage.
- Child marriage.
- Age of consent frequently being lower for girls than boys.
- Having no option for divorce.
- No ability to travel without permission.
- Accusations of witchcraft.
- Not being deemed guardian of children.
- Economic disempowerment.
- *Kusasa fumbilfisi* (A practice that occurs in Malawi whereby a male has sexual intercourse with a female as an initiation requirement).
- *Kulowa Kufa* (A practice in Malawi where a male member of the community has sexual intercourse with a woman upon the death of her husband).
- Female genital mutilation (not prevalent throughout much of the SADC region, occurs in Tanzania).
- Widow inheritance (where a woman is made to marry her husband's brother if she is widowed).
- Virginity testing.
- Sexual cleansing of widows.
- Prohibition of family planning.
- Elevation of boy children upon girl children.
- Widow dispossession/property grabbing.
- Lack of recognition of polygamous marriages.
- Initiation rights.
- Abduction.
- *Lobola* (Bride Price)
- Wearing of mourning weeds
- *Kuhlanta* (A practice in Swaziland where girls are married off to her sister or aunt's husband).
- *Kulamuta* (A practice in Swaziland of a man having sexual relations with a younger sister or paternal niece of his wife).

Some practices are not perceived as harmful in terms of perceived injury: These include initiation ceremonies where girls receive sexual instructions; and counselling at puberty. In South Africa male circumcision ceremonies that have led to the deaths of young men are increasingly under scrutiny as harmful practices.

Programmes have been initiated by government and civil society to elimi-nate harmful cultural practices: There has been engagement with traditional leaders, religious leaders and communities on the dangers of these practices and the impact they have on the enjoyment of human rights. However it is difficult to measure the impact of such programmes as these practices are done in secret and those who practice them may report that they have ceased the practices just to appease government whilst continuing.

Some of these practices continue despite legislation: The following examples from various countries show how traditional practices continue unabated and how they militate against women's rights:



Malawi: There are varying ethnic groups that have different cultural practices, but some of these practices are said to be harmful and in contradiction to the Constitution. What is tantamount to being harmful and demeaning for women is relative and subjective on the basis of perception and social orientation. The Constitution guarantees the right to practice a culture of one's choice but it has posited that the State must eliminate practices that are harmful to women. Some of those identified on the basis that they contribute towards the prevalence of HIV and AIDS are:

- Widow inheritance,
- *Kusasa fumbi/fisi* (a practice whereby a male member of the community has sexual intercourse with a female as an initiation requirement)
- *Kulowa kufa* (a practice where a male member of the community has sexual intercourse with a woman upon the death of her husband)



Lesotho: Customary law in Lesotho elevates the first-born male child above girl children and unmarried daughters, and denies them the right to inheritance. Girl children and unmarried women cannot inherit from their parent's estate unless there is a will in place (which is not frequently the case). This can be challenged in court and in most cases, the will is not upheld. As such, there is a need to reform inheritance and administration of estate laws to protect the rights of girl children and unmarried daughters.



Mozambique: In Mozambique, there are many discriminatory practices against women. When young girls get married they go through a process of initiation rites which teach them to be good wives and how to be submissive and please their husband. There are also situations where widows suffer accusations of witchcraft after their husbands' death, resulting from expulsion for the home (usually a ploy at property grabbing). This is common in rural areas, where the majorities of women are illiterate and have no access to the formal legal system.



Demanding justice for women *Photo: Colleen Lowe Morna*

Access to justice

The Protocol provides for:

- *Equality in the treatment of women in judicial and quasi judicial proceedings, or similar proceedings, including customary and tradiutional courts and national reconciliation processes;*
- *Equal legal status and capacity in civil and customary law*
- *The encouragement of sll public and private institutions to enable women to exercise their legal capacity.*
- *Positive and practical measures to ensure equality for women in complainants in the criminal justice system.*
- *The provision of educational programmes to address gender bias and stereoptypes and promote equality for women in the legal systems.*
- *Equal representation by women on and in the courts, including traditional courts, alternative dspute resolution mechanisms and local community courts.*
- *Accessible and affordable legal services for women.*

Access to justice means that when people's rights are violated and they need help, there are effective solutions available. All people have a right to go about their lives in peace, free to make the most of their opportunities. They can only do so if institutions of justice as law and order protect them in their daily lives. Justice systems, which are remote, unaffordable, delayed, and incomprehensible to ordinary people, deny them legal protection.

Legal obstacles deter justice: Women and Law in Southern Africa (WLSA) studies on "Women and the Administration of Justice Delivery: Problems and Constraints" revealed that various legal obstacles prevent women's access to legal and judicial services in the SADC region. The legal obstacles fall into several areas, which are interrelated and tend to be mutually reinforcing. Some of the legal problems and issues relate to the following:

- Laws that appear to be neutral at face value but are subject to different interpretation;
- Laws that have the potential of being discriminatory because of what is left out;
- In the application of the law, when people act on the contrary; and
- The administering of the laws being ineffective because the institutions or individuals who apply the Law refuse or are unable to apply it.

Furthermore, women face difficulties in accessing justice because of:

- Lack of knowledge of their legal rights;
- Expense of legal representation where there is no legal aid available;
- Language used throughout the legal system and in courts;
- Insensitivity of courts;
- Fear of publicity;
- Duality of legal systems;
- Lack of family support; and
- Lack of empowerment to believe they can make change.

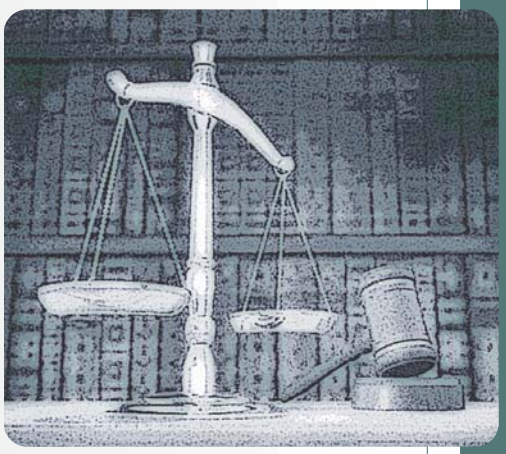


Sensitive police services could improve reporting and follow-up

Photo: Colleen Lowe Morna



Legal Aid in South Africa: Section 34 in the Constitution states that: "Everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum." The Legal Aid Amendment Act, 1996 (Act 20 of 1996) which enables the Legal Aid Board to provide legal representation at state expense for accused persons in deserving cases. As costs are one of the main reasons people and women specifically are not able to access the justice system, this Act is critical as it begins to address that issue.





Free legal services in Zambia: Access to justice in Zambia, especially by women, is generally poor because of lack of knowledge where to find the courts, lack of resources to hire legal services, and the fact that most women are not familiar with speaking in public places such as courts. Many other cultural beliefs and socialisation hinders access to justice. Most people, especially in rural areas, use traditional and local courts to hear and resolve cases. Local and traditional courts are easier to access as they are found in almost all parts of the country and legal fees are very minimal.

In local courts, which are the lowest courts in the Constitutional hierarchy of courts in the country, customary law is also applied. Local courts are by far outnumbering the "modern law branch" as there are 453 Local Courts in Zambia compared to only 53 Magistrate Courts. The Jurisdiction of Local Courts is not restricted to customary law though. Following the Local Courts Jurisdiction Order, Local Courts apply various statutes among them the Intestate Succession Act from 1989, Parts of the Penal Code from 1931, the Witchcraft Act from 1934 and other more exotic ones. The report on the project "Improvement of the Legal Status of Women and Girls in Zambia" spells the following as some of the hindrances for women's access to justice.

- Cultural beliefs concerning the position of women in the family and in society
- Women having no knowledge of their rights
- Local Court personnel having no knowledge of women's rights
- Social and legal discrimination of women
- Financial constraints of women

In order to bridge the gap, some organisations such as the Legal Aid Clinic for Women, Legal Resources Foundation, Women in Law in Southern Africa (WLSA) and the government Legal Aid Department provide free legal services to women and other vulnerable people. However, the services rendered by these organisations are far from reaching the needs of all women in need of legal services in the country.

Customary law in practice: There are arguments that customary laws and legal systems allow for locally appropriate solutions to resolving disputes. However, the patriarchal nature of most dual systems means that women are usually the losers in this scenario. While claw back clauses and lack of clarification between formal and customary law in SADC Constitutions remain, women's rights will likely suffer.

Marriage and family laws

The Protocol requires that State Parties enact and adopt appropriate legislative, administrative and other measures to ensure that women and men enjoy equal rights in marriage and are regarded as equal partners in marriage. Existing legislation on marriage shall therefore ensure:

- *No person under the age of 18 shall marry;*
- *Every marriage takes place with free and full consent of both parties;*
- *Every marriage to be registered;*
- *Reciprocal rights and duties towards the children of the family with the best interests of the children always being paramount; and*
- *An equitable share of property acquired during their relationship.*

State Parties must also put in place laws and other measures to ensure that parents fulfill their duties of care towards their children, and enforce maintenance orders. Married women and men should have the right to choose whether to retain their nationality or acquire their spouse's nationality through legal provisions. However, there is no period within which these measures should be achieved.

The most significant area for legal reform are the current contradictions between formal and customary law that occur across the SADC region; as marriages are governed by parallel legal systems of statutory, customary and in some cases religious law. Women suffer discrimination due to non-uniform marriage and divorce laws, polygamy, the application of customary property laws that still favour men's ownership of land, discriminatory and harmful cultural practices, violence against women and lack of equal access to education. Customary and Islamic marriages are potentially polygamous and permit some of the negative practices that have the effect of discriminating against women. Some of the practices relate to forced or arranged marriages especially for young girls, widow inheritance, the extensive marital power given to men in matters of property and women's reproductive rights.

With regard to personal property, customary law varies, but women may usually retain personal property brought into the marriage. However, anything acquired after marriage is part of the husband's estate in case of death. Restrictions on women, which may have their historical basis in custom rather than law, are legal restrictions when enforced by the courts. Courts have passed judgments to that effect. Justice Gubbay summed it by stating in *Jena Vs Nyemba*[5] that, "Property acquired during a marriage becomes a husband's property whether acquired by him or his wife." In Zimbabwe the exceptions to this rule is the *mombe yeumai/inkomo yohlanga* (motherhood beast). WLSA Mozambique 2000 has demonstrated that most marriages in Mozambique are not legally valid under the law. Women therefore do not take up their cases to formal courts (WLSA 2001).

Table 1.3 examines marriage and family law throughout the region.

Positive moves forward: There are some significant recent changes in marriage laws. For example the age of consent for marriage has been increased in Botswana, Mozambique and Madagascar to eighteen and the DRC parliament is currently debating the same change. Furthermore, the Marital Power Act came into place in Botswana and has fuelled amendments in the Deeds and Registry Act allowing women to register immovable property in their own names. Similarly, a wife now has to give consent in property transactions of the husband, while

[5] (WLSA 2001) – *Women and the Administration for All Justice Delivery Systems: Problems and constraints*

Table 1.2: Marriage and family laws

Provision	Angola	Botswana	DRC	Lesotho	Madagascar	Malawi	Mauritius	Mozambique	Namibia	Seychelles	South Africa	Swaziland	Tanzania	Zambia	Zimbabwe
No person under the age of 18 shall marry	✓ the legal age for marriage is 18 but can take place from 15 with parental consent	✓ the minimum age for marriage is 18	✗ girls can marry at 15 and boys at 18 without parental consent	✗ girls can legally marry at 16 and at 18 for boys. Under customary law, girls and boys can marry after puberty	✓ the legal age for civil marriage is 18 but under customary marriage, there is no fixed age require-ment	✗ girls can marry at 15 and boys at 18 but marriages can take place earlier with parental consent	✓ the official age for marriage is 18 for boys and girls but girls can get married from 16 with parental consent	✓ the minimum age for marriage is 18	✓ the age for civil marriage is 21	✓ the legal age for marriage is 18 but for girls can take place from 15 with parental consent	✓ the minimum age for marriage is 18	✗ girls can civilly marry from 16. Under customary law, marriage can take place from puberty	✗ girls can marry from 15 and boys from 18	✗ the legal age to marry is 16 but under customary law, marriage can take place from puberty	✗ the age of consent for marriage is 16
Every marriage shall take place with the full consent of both parties	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗	✗	✗	✓
Every marriage, including civil, religious or customary is registered	✗	✗	✗	✗	✗	✗	✓	✓	✗	✓	✓	✗	✗	✗	✗
Parties have reciprocal rights and duties towards their children, including when spouses separate, divorces or have the marriage annulled	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗	✗	✓	✓
Laws to enforce maintenance orders	✗	✓	✗	✗	✗	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓
Married women and men have the right to decide whether to retain their nationality or acquire spouses nationality	✓	✓	✓	✗	✗	✓	✓	✓	✗	✓	✓	✓	✗	✓	✗
	4/6	5/6	3/6	4/6	4/6	3/6	6/6	6/6	4/6	6/6	6/6	2/6	0/6	3/6	3/6

the law has also allowed sharing of property for couples who are cohabiting. The Traditional Chiefs now have power to share the property for couples. However, legal education is necessary if these reforms are to benefit women.

In December 2003, Mozambique passed the Family Law that secures a broad range of rights previously denied to Mozambican women. Among the provisions, the law ensures that:

- The head of a family may either be a woman or a man;
- Eighteen years is the age of consent for marriage for girls and boys;
- Women can inherit property in the cased of divorce;
- Non-recognition of polygamy; and
- Recognition of de facto unions and traditional marriages.

Maintenance laws in Namibia confer equal rights and obligations to couples with respect to the support of children and create legal obligations for spouses to support each other and their children. The procedures for accessing child and spousal maintenance have also been clarified and simplified.

Age of consent for marriage: As can be seen from the table, there is much discrepancy around the age of consent for marriage throughout the SADC region, as it differs from civil to customary marriage and whether or not there is parental permission. Under civil law, in eight of the countries women cannot marry before the age of eighteen but in two of these countries (Angola and Seychelles) marriage can take place from fifteen and from sixteen in Mauritius without parental consent. In the other SADC countries, under civil law, with parental consent girls can marry at fifteen in the DRC, Malawi, and Tanzania, and can marry at sixteen in Lesotho, Swaziland, Zambia and Zimbabwe.

Under customary marriage law, there is no fixed age for marriage but it generally takes place from the age of puberty. These marriages render young women vulnerable to physical, economic and sexual abuse and contravene their rights to health and education. Marrying at a young age can mean that their underdeveloped bodies cannot cope with childbirth, thus increasing risks of maternal and infant mortality, the risk of HIV and AIDS infection and a poor level of health generally. In terms of education, girls who marry young are less likely to finish their education and therefore, more likely to be illiterate and have reduced economic and employment prospects.



Early marriage takes girls out of school *Photo: Trevor Davies*

Marriages taking place with woman's consent: Under civil law, in all of the countries marriage must take place with the woman's consent except in the case of Tanzania where the courts can allow a woman's parents to consent on her behalf to marriage under the Law of Marriage Act. The issue of consent in regards to customary marriage, is however problematic. Under customary law, parents can arrange marriages for their daughters can "give away" their daughters in marriage or in some cases even sell them. Furthermore, it is questionable if a girl who enters into marriage at the age of puberty would have the understanding and knowledge to fully be aware of what she is entering into.

Registration of marriages: Only four of the SADC countries require all forms of marriage to be registered, whether civil, legal or religious (Mauritius, Mozambique, South Africa, Seychelles). Marriages performed under civil law

are generally registered but customary marriages and religious marriages, which occur most frequently, are not. This results in a lack of access for women to the formal legal system regarding marriage laws and women's rights not being recognised in cases of inheritance, polygamy and separation.

Reciprocal duties towards children in cases of divorce or annulment: In all SADC countries except Swaziland and Tanzania, both men and women have equal duties towards children in the cases of divorce or annulment. In the case of Swaziland, guardianship is vested primarily in the father of the child. Even when the marriage has ended in divorce, the mother may be granted custody only with the father maintaining guardianship. In the case of Tanzania, under customary law, women are only entitled to support in "special circumstances" which are not clearly defined. In terms of maintenance, in ten of the SADC, countries there are laws to enforce maintenance payments but these are frequently not sufficiently enforced and are problematic in terms of establishing paternity if a child is not registered and in polygamous marriages.

The right to maintain nationality: In ten of the SADC countries, women have the right to decide whether to retain their nationality or to acquire their spouse's nationality. In the case of Lesotho for example, only men have the right to decide their nationality and a woman acquires the nationality of her husband upon marriage.

Widows and widower rights

The Protocol requires that Member States enforce legislation to protect widows from being subjected to inhuman, humiliating or degrading treatment. A widow will also automatically become the guardian and custodian of her children after the death of her husband; she will also continue living in the matrimonial home. She will exercise her rights to access employment and other opportunities to enable her make meaningful contribution to society.

A widow will also be protected against all forms of violence and discrimination based on her status while having the right to an equitable share in the inheritance of the property of her late husband. She will also have the right to remarry a person of her choice. States will also put in place legislative measures that will ensure that widowers enjoy the same rights as widows.

Customary law hinders implementation: Given the prevalence of customary law and the existence of claw back clauses, it remains difficult for many widows to access the formal legal system throughout the SADC region. The majority of the laws listed in the table above pertain to widows under the formal legal system but offer little protection to widows in customary marriage. The exception to this is under the South African Marriage Law, which includes customary marriages and incorporates the right not to be subjected to any form of violence. In thirteen of the countries, there is legislation meant to protect widows from inhuman, degrading or humiliating treatment, the exceptions being Swaziland, Tanzania and Zambia. However, the legislation that is referred to regarding this in most of the SADC countries is taken from the Constitution, which protects citizens in general from inhuman, humiliating or degrading treatment. There is little legislation referring specifically to widows, and even less addressing issues widows face under customary law.



In the case of Zambia, women under some customary traditions must undergo sexual cleansing rituals after the death of their husband and if they refuse, they lose their right to inherit property. These rituals can range from prolonged isolation, forced sex with male in-laws and other treatment humiliating to the widow. Due to the conflict between customary and formal law, there is little to protect women currently in these circumstances. According to the Gender Based Violence survey report (GBV 2006) 43% of people reported that sexual cleansing was still practiced in their culture or tradition. Traditional practices such as sexual cleansing put women at a higher risk of contracting HIV and AIDS and sexually transmitted diseases (STIs).

Formal systems do not address widow inheritance: The formal legal system does not address practices of widow inheritance under customary law; in some cultures, upon the death of her husband, a woman herself may be inherited, as she is seen as "belonging" to her late husband's family, bought through the payment of bride price, or lobola. Although widows can generally remarry, they are often encouraged to marry someone from their husband's family in order to obtain property rights and guardianship of their children.

If a deceased husband's family does not make any claim of ownership upon her, women face further difficulties in that they are frequently unable to return to their own family. The natal family does not consider her a member, and in most cases, is unable to look after her. She can fall victim to social stigma and feel that it is simply inappropriate for her to go back to her childhood home. With nowhere to go, she is often left destitute and homeless. In some SADC countries, widows face further insecurity in that after the death of their husband, they are not automatically the guardians of their children. In the case of Malawi, guardianship depends on whether the marriage took place in a matrilineal or patriarchal system. Under a patriarchal system, where a bride price (lobola) was paid, the children are seen as belonging to the husband's family.

Some tribes in Zambia still practice marriage inheritance, in other words the widow is "passed on" to the brother or male relative of the deceased. The 2006 GBV survey report indicates that 13% of the widowed were claimed in marriage to their deceased spouse's relatives. This was more common among females than males, as 15% of the females were married off to a relation of the deceased, compared to only 4% of the males who were married off to the sister of the deceased. Furthermore, child and forced marriages have continued to put women's lives in danger of contracting diseases such as HIV and AIDS. Many young girls in most parts of the country are forced into marriage at a tender age when they are not yet ready for marriage.

Widows often lose property:
The most frequently occurring violation of widow's rights is property dis-possession and loss of inheritance rights, even though there are formal laws governing this in nine of the SADC countries. In pursuing these rights widows can be exposed to physical harm and even death at the hands of male relatives or face accusations of witchcraft and of having caused the death of their husbands. In some countries, such as Angola, women can go to a *"Soba"*, a local chief with their complaint and if they rule in her favour, they may grant her a piece of communal land. However, this land is generally of low quality.



At work in Angola *Photo: Tom Haskell*

Although widows have the right to employment by law in twelve of the SADC countries, lack of education, capital and land may make it difficult to access these opportunities. Lack of support from her husband's family and an inability to return to her maternal family means widows are the poorest and most vulnerable groups in many societies. SADC governments need to do more to address the issues widows face as a specific group to protect them from discrimination and violations of their rights.

The Protocol requires that Member States adopt laws, policies and programmes to ensure the development and protection of the girl child. This includes: eliminating all forms of discrimination against the girl child; ensuring that girls have the same rights as boys and are protected from harmful cultural attitudes; girls are protected from all forms of economic exploitation, trafficking, violence and sexual abuse; girl children have access to information, education, services and facilities on sexual and reproductive health and rights.

The girl child

Girls throughout the SADC region remain vulnerable to harmful cultural attitudes, practices, and abuse. As a result, girls continue to have unequal access to education, health care and other services and face violence, forced early marriage, sexual exploitation, an increased burden of care and domestic responsibility due to the HIV and AIDS pandemic and a lack of power over their bodily integrity and their future. Although there is extensive regional and international legislation protecting the rights of children it is clear that the done to protect them from discrimination and harmful practices.

There is an urgent need to improve the life chances for girls in SADC countries. As we can see from table six (c), in eight countries there is legislation which eliminates all forms of discrimination against the girl child. In only seven, there is legislation protecting girl children from harmful cultural attitudes and in only seven ensure girls have access to information, education, services and facilities on reproductive health rights. Governments of the SADC region must implement and enforce the existing legislation that supports and upholds the rights of girl children and create domestic legislation and policies that show an understanding of these issues.

The effects of HIV and AIDS upon the girl child: HIV and AIDS undoubtedly heightens the difficulties girl children face throughout the SADC region, due to the following factors.



Ama Buruxa youth group, children affected by violence and HIV
Photo: Colleen Lowe Morna

- Women and girls across most of the SADC region (bar Mauritius and the Seychelles) are showing higher HIV and AIDS prevalence rates than men and boys.
- Women and girls are bearing an increasing burden of care through the home based care of those affected.
- Girls are more likely to be withdrawn, drop out or have low attendance in school because of HIV and AIDS.
- If girls have reduced access to the educational system, they are absent from one of the key avenues where they would obtain information about protecting themselves from HIV and AIDS.
- The prevalence of child marriage increases girl's chance of HIV and AIDS.

- The perpetuation of myths about HIV and AIDS for example, it can be cured by raping a virgin, expose girls to physical violence and the risk of infection.
- Physiologically, girls are more prone to HIV infection as their sexual organs are less mature and less resistant to HIV and sexually transmitted infections.
- Poverty may encourage girls to enter into risky sexual behaviour of a transactional quality, exposing them to risk of infection.

The girl child and reproductive health: The early onset of sexual activity throughout the SADC region and lack of access to contraception exposes young girls to HIV and AIDS, STIs and unwanted early pregnancy. This puts a further strain on health services and the region, as there are increased maternal mortality rates, infant mortality rates, illegal abortions, large families. In many of the SADC countries, adolescent health is not covered specifically under family planning policies.

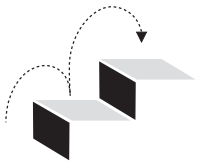
Youth care in Seychelles: Unlike many SADC countries, the Seychelles Government set up a Youth Health Centre (YHC) in 1995 with the mandate to provide youth friendly reproductive health services, including advice, medical care and counselling on reproductive and health issues. Girls and young women accounted for 85% of all clients in 2005. The Centre has proved increasingly popular with young teenagers, with 38% clients visiting the Centre aged below 18 years of age in 2005 compared to 32% in the previous year. The majority of clients visiting the centre in 2005 accessed reproductive and sexual health services (49%), compared to 22% for intensive counselling and 29% for education and information about drugs, alcohol and smoking.

The girl child and inheritance: Like women, girls also encounter problems accessing and inheriting fairly. An example is in Angola where The Family Code states that girl and boy children should inherit property equally (Article 2080). As a matter of practice, however, daughters may not inherit land or will inherit a smaller amount than sons. Families divide their land based on the theory that daughters will receive land when they marry, while sons will be required to provide sufficient land to support a wife and children and care for elderly parents.



Daughters who do not receive land through inheritance have the right to challenge the decision by bringing an action under the Civil Code. However, very few women are likely to do so because : (1) women often have no knowledge that they have a legal right to family land; (2) they have no knowledge of how the legal system functions and no notion, therefore, of how to pursue a claim; (3) they often do not have the financial resources to pursue a claim; and (4) they would be very unlikely to raise the issue of a right to land within the family, let alone bring a legal action against a family member.

Girls and child trafficking: Only five of the SADC countries have currently enacted legislation against human trafficking and it is clear that is an emerging issue throughout the region as children are trafficked both for commercial and sexual exploitation. For example in South Africa, an NGO Molo Songolo carried out research on child trafficking in 2000. Their research focussed on both in-country and cross border trafficking. The research uncovered that children were being coerced into prostitution and found that the predominant feature of trafficking in South Africa is that it is in-country with girls being the majority of the victims (Molo Songolo, Cape Town, South Africa, 2003).



Next steps

In most SADC countries discrimination against women and the girl child is still widely practiced and harmful cultural attitudes still proliferate. While women are protected from some of this discrimination and violation of their rights by the formal legal system, these laws are often not effectively implemented, accessed or there is limited awareness of them. Furthermore, the duality of many of the legal systems means that when these abuses occur under customary law, there is little or no opportunity for women's redress.

While most of the countries in SADC have signed and ratified regional and international instruments that seek to give women more rights, there has been reluctance in translating these words into action by domesticating them into action in their national Constitutions. In spite of all the international, regional, sub regional instruments and national laws, there are still widespread violations of women's human rights, compounded by the lack of implementation and adherence to the international regional, sub regional instruments and national laws. There is a need for:

- Civil society and governments to mobilise for the realisation of gender equality and women's and girls' human rights.
- The development of model Constitutional provisions arising from this audit and targeted campaigns for progressive provisions to be incorporated in line with the Protocol.
- Mobilisation for the allocation of adequate resources to cover affirmative action programmes together with a campaign on budget tracking for gender equality.
- Communities, civil society and local government to mobilise for the domestication of all ratified instruments.
- Advocacy and pressure to unify systems of formal and customary law.
- Specific measures to address harmful cultural and traditional practices.
- Practical initiatives to ensure gender equal access to justice.



Forgotten by families *Anushka Virahsawmy*

CHAPTER 2

Gender and governance

Articles 12-13



Do women represent other women? *Photo: GCIS*

KEY POINTS

- Gender and governance is one of the areas around which there has been the greatest level of activism in Southern Africa.
- The proportion of women in parliament has increased from 17.5% at the time of the Declaration to 25% at present. But this ranges from 42% in South Africa (upper and lower houses) to 7% in the DRC.
- The ruling African National Congress (ANC) in South Africa is the first party in the region to have formally adopted and implemented the Protocol target of gender parity by 2015, in the April 2009 elections.
- There is a higher proportion (almost 30%) women at the local level but the gap is even wider, from 1.2% in Angola to 58% in Lesotho.
- The fact that gender parity has been reached or exceeded in some countries shows that change is possible. There is no instance, however, in which such targets have been achieved without special measures being taken: either voluntary or legislated quotas.
- These work best in countries with the Proportional Representation (PR) system but can also work in the First Past the Post System (FPTP) as illustrated in the case of local government in Lesotho.
- The key issue is political will. The fact that women are still (with some exceptions, like South Africa) least well represented in cabinet throws into question the political commitment of leaders.
- Even as the 50/50 campaign escalates, there is an important and growing focus on what happens "beyond the numbers."



Of all the areas of focus in the region, gender and governance has been among the most high profile and received the most attention. One of the most visible gender gaps in society, the questioning of why women are absent where decisions are taken has been widely canvassed, including through the global 50/50 campaign.

As our democracies have matured, so has our understanding of the links between gender and governance. We have come to understand that there can be no democracy for the people by the people unless both women and men are represented. Whether or not women make a difference, they have a right to be represented in decision-making.

Several studies have also now gone beyond numbers to show that women bring different interests and perspectives to decision-making.[6]

While women may not all be the same, they have certain shared experiences that have traditionally been left out of public policy and decision-making. Like any interest group in society, women have the right to be heard and not just seen.

Since the adoption of the SADC Declaration on Gender and Development in 1997, the proportion of women in parliament in SADC has increased from 17.5% to almost 25%. While there is still a long way to go, some countries such as South Africa are nearing gender parity in key areas of political decision-making. As a region, Southern Africa strides ahead of the rest of Africa and is second only to the Nordic countries. By adopting a legislated quota for local government elections in 2006 that resulted in 58% women being elected (the only case of political decision-making in SADC in which women are in the majority) a SADC member state showed that gender parity in politics is more than possible!

Still, there is a long way to go. The drop in women's representation in parliament in Botswana, host country of the SADC Secretariat, from 18% in 1999 to 11.1% in 2004, came as a disappointment. Many SADC countries have missed or are missing opportunities through lack of effective strategies and action plans devised well ahead of elections. Countries with the FPTP system that is least conducive to women's participation made little or no effort to review the electoral system, or to explore options within their system.

There has been a lack of willingness to learn from the best practices in the region which show that without tackling the key issues of electoral systems and quotas, there can be no rapid increase in women's representation in elected office. These best practices are drawn both from country's with a PR system (Mozambique and South Africa) and with a FPTP system (Tanzania and Lesotho).

The tendency in some countries to "give way to women" at the local level (e.g. in Namibia, South Africa and Lesotho) is welcome but carries the concern that the only reason this is happening

[6] Studies such as the Gender Links report *Ringing up the Changes, Gender in Southern African Politics,* the first to assess the qualitative difference that women bring to decision-making in the region, have helped to move the debate beyond numbers to why gender equality is integral to good governance.

is that local government is not regarded as important as other spheres of governance. Gender and local government have, up to now, not formed a significant part of gender and governance discourse, activism or policy measures. It is critical that these now come to the fore. This is also true of other areas of decision-making such as the public service, the judiciary and the private sector for which data is still scanty.

Although the Protocol provisions on gender and governance are relatively short, they are pertinent. They provide for equal representation of women and men in all areas of decision-making in the public and private sectors by 2015. Furthermore, this clause is cross referenced with Article 5 that provides for affirmative action, a strategy that has been key to the rapid increase in women's political participation where this has been achieved.

A significant feature of the Protocol is that it goes beyond numbers, calling for campaigns to demonstrate the link between gender and good governance. The Protocol calls for measures to ensure that women participate equally in elections and the administration of elections. It also details measures to be taken to empower women decision-makers as well as provide gender training for male decision-makers.

Although there is still need to gather far more baseline data on some areas of decision-making, this chapter synthesises existing data and makes recommendations for further research to ensure that these key provisions are effectively monitored.

Table 2.1: SADC performance indicators for women in decision-making

% women	Angola	Botswana	DRC	Lesotho	Madagascar	Malawi	Mauritius	Mozambique	Namibia	Seychelles	South Africa	Swaziland	Tanzania	Zambia	Zimbabwe	Regional average
Parliament (upper and lower house)	**37**	11	8	26		21	17	**35**	**31**	24	**42**	**21**	30	15	18	25%
Speaker	M	M	M	F		M	M	M	M	M	M	M	M	M	M	15%
Local Government	1	19		**58**		8	6	**36**	**42**		**40**	**18**	34	7	10	30%
Ministers	28	20		**32**		24	10	28	19	20	41	27	22			21%
Deputy Ministers	17			**60**		25	na	27	22		39	na	32			
Public Service		**30**		**42**	20	19	**36**	29		35		na	26			
Permanent Secretaries		**46**		**33**	18	14	**35**	22	25	24	28	14	25			
Senior Managers		22		**46**	21	19		30		**38**	**44**	na				

Source: IPU and Gender Links

Bold figures = 30% or more

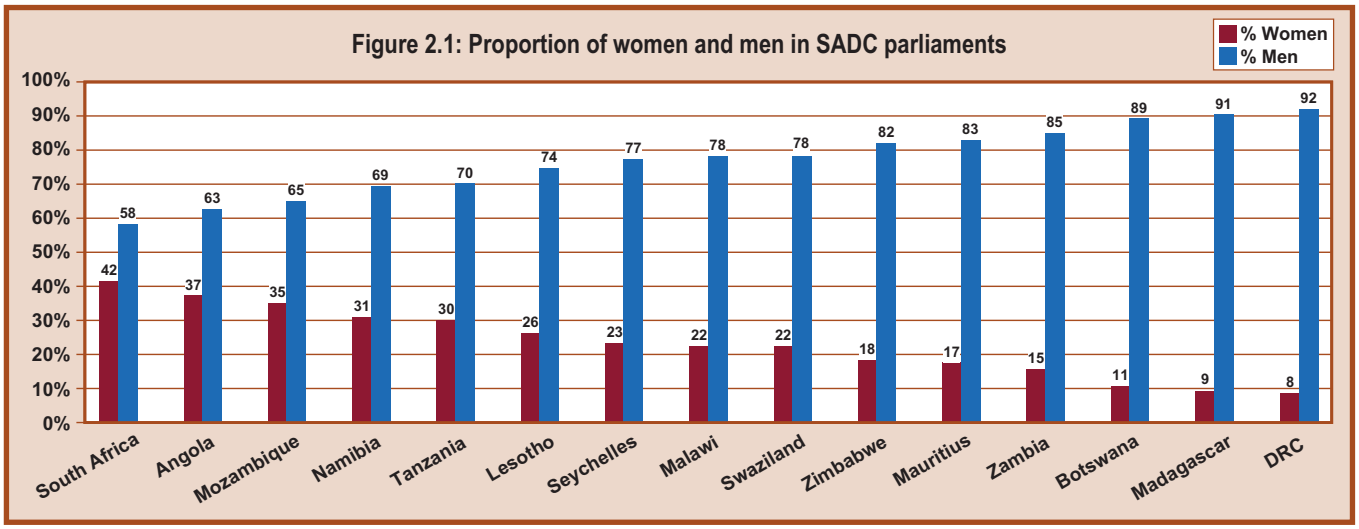
Representation

The Protocol provides for state parties to ensure that, by 2015, at least 50% of decision-making positions in the public and private sectors are held by women including the use of affirmative action measures as provided for in Article 5.

It further provides for member states to ensure that all legislative and other measures are accompanied by public awareness campaigns which demonstrate the vital link between the equal representation and participation of women and men in decision-making positions, democracy, good governance and citizen participation are put in place at all levels.

Performance is mixed: At a glance, the table shows that performance is mixed across all the different areas of decision-making for which data could be obtained. Women's representation in parliament (upper and lower houses) ranges from 42% (South Africa) to 7.7% (DRC). Figures for Madagascar have not been included due to political uncertainties. In local government, women's representation ranges from 1.2% in Angola to 58% in Lesotho. While the ranges in cabinet are less drastic, even there the gap is from 10% in Mauritius to 41% in South Africa. Such broad discrepancies reflect both the lack of will on the part of some governments as well as what can be achieved when such will is present.

Parliament



Steady overall increase: Figure 2.1 shows that there has been a steady overall increase in women's representation in parliament (upper and lower houses) from 17.5% in 1997 to 24.7%. However if South Africa, whose parliament accounts for about two fifths of the total is excluded, the proportion drops to 21%. At 42% South Africa comes closest to achieving gender parity in parliament, but no country has yet achieved this distinction. Five SADC countries (Tanzania, Namibia, Mozambique, Angola and South Africa) have achieved 30% or more women in parliament (upper and lower houses). There has been a significant reduction in the number of parliaments in which women constitute less than 10% of the total (for example Mauritius, Swaziland and Malawi are now all out of that category). The DRC (8% women in parliament) is the only SADC country in this category.



Malawi ready for change *Photo: Colleen Lowe Morna*

Malawi shows that change is possible along with Mauritius and Botswana, has not yet signed the SADC Protocol. But Malawi has come a long way in getting more women into parliament. There has been an increase both in the numbers of those who participate in the primaries and those who are elected. The numbers in parliament have been increasing since 1994 from 10 women (6.0%); 16 women (9.0%) in 1999; 27 women (16.2%) in 2004 and 39 women (21%) in 2009.

The 50:50 campaign implemented by government and NGOs since 1999 has been instrumental in strategic interventions to convince the electorate to vote for women, as well as promoting and encouraging women to participate.

In addition, during the 2009 elections the status of women aspirants was elevated with the nomination of Joyce Banda as running mate for the leader of the ruling Democratic People's Party (DPP). Loveness Gondwe of the New Alliance for the Rainbow Coalition became Malawi's first female presidential candidate with a female running mate, Beatrice Munthali.

There has been gradual change in societal perception in the capability of women to become public figures. But with the 50/50 target set for 2015, there is no time to lose. One of the strategies required is to start immediately working on policies and practices at both party and national levels.

Short of electoral changes and party political practices, it is difficult to have more women in decision-making positions or pin down government and political parties about their commitment to gender equality.

At the same time, women who have gained ground could now provide greater pressure from within. With the majority of members of parliament (MPs) from the DPP, which also has the highest number of female MPs, NGOs and other gender activists should seize the opportunity to lobby parliament to pass a gender sensitive electoral law.

Vice president, Joyce Banda, a well known gender activist, along with other female MPs, will be counted on to spearhead the campaign to have more women in leadership positions, in parliament, the civil service and parastatals.

SADC as a region compares favourably with other regions in the world: Table 2.2 shows that as a region SADC comes second to the Nordic countries and is ahead of the Americas and Europe excluding the Scandinavian countries as well as Sub Saharan Africa. SADC is also well ahead of the global average of 18.3%.

Table 2.2: Regional comparison - % of women in houses

Region	% women		
	Lower house	Upper house	Both houses
Nordic countries	42%		40.8%
SADC	**25.2%**	**20.5%**	**24.7%**
Americas	20.5%	18.6%	20.5%
Europe including Nordic countries	19.3%	19.4%	19.3%
Europe excluding Nordic countries	19.3%	19.4%	19.3%
Sub-Saharan Africa (including SADC)	18.3%	21.0%	18.6%
Asia	18.3%	16.7%	18.2%
Pacific	13.0%	32.6%	15.2%
Arab States	9.7%	7.0%	9.1%
Global average	**18.5%**	**17.3%**	**18.3%**

Source: www.ipu.org

Global ranks from three to 108: Table 2.3 shows where SADC countries rank globally and relative to each other (with regard to women in lower and single houses) against the 180 countries cited on the website of the Inter Parliamentary Union. At position three (after Rwanda and Sweden) South Africa does the region proud. Angola is also within the top ten. At 108, DRC ranks lowest among the SADC countries. Madagascar is not ranked due to current political uncertainties.

Table 2.3: Global and regional ranking of women parliamentarians

Country	% Women in lower or single house	Global rank	SADC rank
South Africa	44.5%	3	1
Angola	37.3%	9	2
Mozambique	34.8%	15	3
Tanzania	30.4%	23	4
Namibia	26.9%	21	5
Lesotho	25%	28	6
Seychelles	23.5%	41	7
Malawi	20.5%	52	8
Mauritius	17.1%	66	9
Zimbabwe	16%	77	10
Zambia	15.2%	77	10
Swaziland	13.8%	83	12
Botswana	11.1%	95	13
DRC	8.4%	108	14

Source: www.ipu.org

Madagascar has not been included due to political uncertainty

Local government

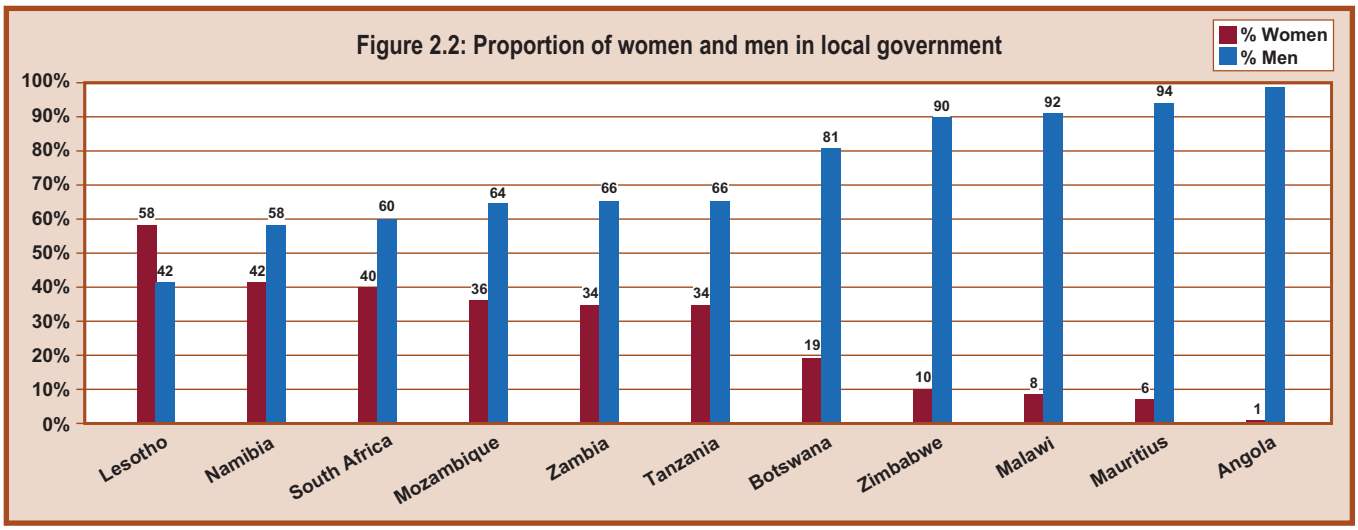
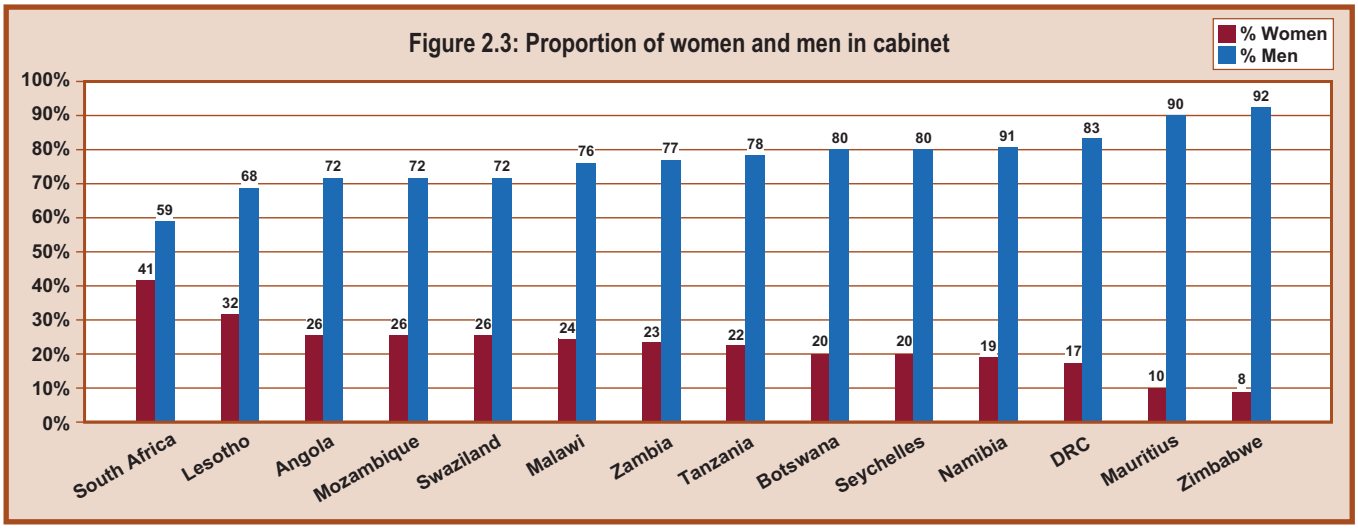


Figure 2.2 shows that women's representation in local government is higher than national but with wider variations: At nearly 30% the average representation of women at the local level is higher than at national level. However, the range, from 1.2% in the case of Angola to 58% in the case of Lesotho is higher. Six countries (Lesotho, Namibia, South Africa, Mozambique, Tanzania and Zambia) have achieved 30% or higher with regard to women in local government.

Cabinet



Women's representation in cabinet has grown fast, but not fast enough: Cabinet is the one sphere of decision-making in which it is theoretically relatively easy to "ring up the changes" since leaders have the leeway to appoint their inner team. The average representation of women in cabinet in the region has increased from 12% in 1997 to 21.4% in August 2009 (a 9.4% increase). Some Heads of State have shown a willingness to use cabinet appointments for bringing women into leadership, especially in the smaller countries. There have, for example, been marked increases in the representation of women in the cabinets of Namibia, Lesotho and Botswana, even though these do not translate into big numbers in absolute terms, given the small size of the cabinets. However, the fact that women's representation in cabinet is still lower than parliament or local government (see participation below) is a source of concern.

The outlook for 2015: Table 2.4 shows that the range between highest and lowest performing countries is vast and in all areas of politics has *increased* between 2005 and 2009, underscoring the variation in political commitment to achieving the target. Estimates are that by 2015, SADC may have achieved (on average) the 30% but not the 50% target. The case of South Africa is instructive as it shows what can be achieved with political will, as well as the challenges that even this country faces.

Table 2.4: Summary of progress since 2005

Area	Average % 2005				Average % 2009			
% women		High	Low	Range		High	Low	Range
Parliament	19.7%	36%	10.7%	**25.3%**	24.7%	42.7%	7.7%	**35%**
Cabinet	19.5%	43.3%	5.8%	**37.5%**	21.4%	41%	8%	**33%**
Local government	22.6%	43.5%	1.2%	**42.3%**	29.5%	58%	1.2%	**56.8%**



South African women and men rejoicing at the 2009 elections
Photo: Colleen Lowe Morna

Can South Africa's 50/50 success be sustained?

The 2009 elections witnessed South Africa edge closer to the target set by the Southern African Development Community (SADC) Protocol on Gender and Development for achieving gender parity in all areas of decision-making by 2015.

But, according to an analysis of the elections conducted by GL and GEMSA, the fact that this has largely been achieved as a result of the commitment by the ruling African National Congress alone to the 50/50 principle; glaring gaps and regression in some areas; and the sexist mudslinging that took place during the elections are a source of serious concern.

The concerns also point to the fact that gender equality goes beyond women's equal participation in decision-making. Campaigns must address the patriarchal underpinnings of society that affect the way that both women and men behave.

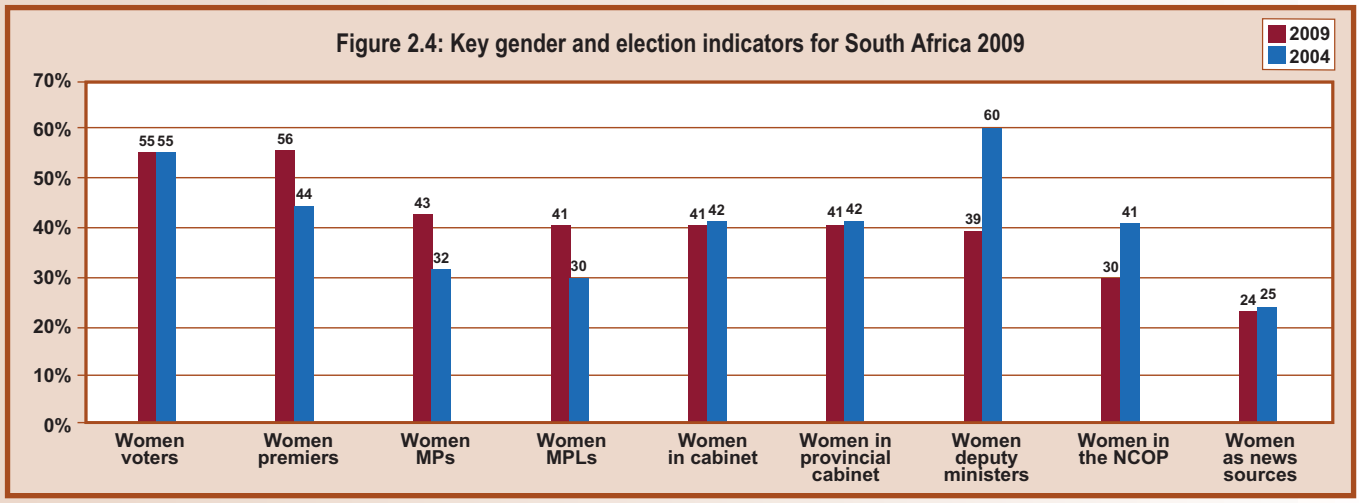


Figure 2.4, summarising key gender and election indicators for South Africa, shows that on the plus side:

- Women comprised 55% of those registered to vote. This shows that contrary to prevailing views, women are interested in politics and in being active citizens.
- Representation of women in parliament has increased from 33% to between 43% and 45%[7] of the total.
- Representation of women Members of the Provincial Legislature (MPL's) has increased from 30% to 42%.
- 14 out of 34, or 41%, of the new ministers announced by President Jacob Zuma on 10 May are women. This is roughly consistent with the 42% women in cabinet under President Thabo Mbeki and 43% under the seven month caretaker administration of President Kgalema Motlanthe.

[7] The national assembly lists keep on changing owing to the resignations while a few others have still not yet been sworn in.

- Of the 14 ministries headed by women, at least eight are in non-traditional areas like correctional services; defence; home affairs; international relations and co-operation; mining; public enterprises; science and technology. This underscores a maturing of our democracy.
- Women deputy ministers are well represented in the economic cluster, including the new ministry of economic development and the two deputy ministers of trade and industry. Women are still highly under-represented in economic decision-making.
- Women now comprise five out of the nine provincial premiers or 55% of the total, up from 44% before.
- Women comprise 41% of provincial cabinet ministers, going as high as 64% in Gauteng, which is headed by a woman premier.

Concerns include:

- The 50/50 principle has not been carried to the highest levels of government as South Africa no longer has a woman deputy president.
- While President Thabo Mbeki had 60% women in deputy ministerial posts, this declined to 38% under President Motlanthe, and 39% under President Jacob Zuma. Deputy presidential positions are often a training ground for ministers. This decline is therefore regrettable at a time when the ANC has committed itself to gender parity in all areas of decision-making.
- The leadership in parliament is now heavily male dominated, with the Speaker, chairman of the National Council of Provinces and almost all the chief whips and leaders of parties, except for the Independent Democrat's Patricia de Lille, being men.
- Representation of women in the National Council of Provinces (NCOP) has dropped from 40% to 30%, with only two out of the 16 women (12.5%) in this structure coming from opposition parties, even though they constitute 35% of the members. This again underscores the extent to which the progress towards women's equal representation and participation in decision-making in South Africa rests on the ruling ANC. It underscores the need for renewed vigour in advocating for a legislated 50% quota that binds all parties.
- The main opposition Democratic Alliance (DA), despite being led by a woman, remains averse to quotas stating that it is only interested in "fitness for purpose." Helen Zille's new cabinet in the Western Cape is 75% white and has no women other than herself.
- None of the opposition parties support quotas. Some argue that the ANC has had a snowball effect on them. This is most noticeable in the case of the Congress of the People (COPE), which mostly comprises former ANC members, and has 48% women in parliament, despite not supporting quotas. But the declines in other parties calls for more obligatory measures to ensure that SADC targets are met.
- The use of sexist slurs by both parties for cheap political point scoring after the elections dealt a blow to democracy and women's rights.

Political parties

Political parties play a critical role in "opening the door" for women to enter and participate in decision-making. In parliamentary systems, it is only through political parties that anyone can be elected into office.



Debating gender and governance *Photo: Colleen Lowe Morna*

Table 2.5: Political parties			
Country	Ruling party	Quota and Nature/No.	Gender Mainstreamed in Manifestos
Angola	Movimento Popular de Libertação de Angola - Popular Movement for the Liberation of Angola (MPLA)	30% MPLA voluntary quota	
Botswana	Botswana Democratic Party (BDP)	None	Yes
DRC	Peoples Party for Reconstruction and Democracy (PPRD)	30% quota of women PPRD voluntary quota	
Lesotho	All Basotho Convention (ABC)	None	
Madagascar	Tiako -i- Madagascar I love Madagascar	None	
Malawi	Democratic Progessive Party (DPP)	None	
Mauritius	Mauritius Labour Party (MLP)	None	Yes
Mozambique	Frente de Libertação de Moçambique Mozambique Liberation Front (FRELIMO)	40% FRELIMO voluntary quota	Yes
Namibia	South Western Africa's People Organisation - later changed to Swapo (SWAPO)	50/50 SWAPO voluntary quota	Yes
Seychelles	Seychelles People Progressive Front (SPPF)	None	No
South Africa	African National Congress (ANC)	50/50 ANC voluntary quota	Non-sexism a guiding principle throught the manifesto
Swaziland		Political parties are banned	
Tanzania	Charna cha Mapinduzi (CCM)	None	
Zambia	Movement for Multiparty Democracy (MMP)	None	Yes
Zimbabwe	Zimbabwe African National Union Patriotic Front (ZANU/PF); Movement for Democratic Change Tsvangirai (MDC-T); Movement for Democratic Change Mutambara (MDC-M)	30% ZANU/PF voluntary quota	

Half of the ruling parties in SADC have adopted one or other quota: Table 2.5 shows that ruling parties in seven (or half) the SADC countries have adopted quotas of one kind or the other. In two instances (South Africa's ANC and the South West Africa People's Organisation of Namibia) these are (in line with the Protocol) parity targets. The ruling Frelimo in Mozambique has a 40% target (but only at local level in Namibia). The others are between 25% and 50%.

But these are often just on paper: Zimbabwe's three political parties all claim to have quotas. The Zimbabwe African National Union Patriotic Front (ZANU PF) has always claimed to have a 30% quota for women in the women leadership. One faction of the Movement for Democratic Change T (MDC Tsvangirai) says that it adopted a 50% quota at the 2009 leadership conference. However this has not been systematically applied and women's representation stands at 18%. As illustrated in the case study of political parties in Zambia, many of these are gender blind.[8]

[8] Excerpt from research commissioned by the Electoral Institute of Southern Africa in collaboration with GL

Zambian parties remain gender blind

Throughout Zambia's political history, there have been very few women in mainstream politics as well as at the helm of political parties.

Table 2.6: Gender disaggregation of leaders of the three major political parties in Zambia

Party	President	Treasurer	Secretary General	4th Top Position	5th Top Position	6th Top Position
MMD	Male	Male	Male	n/a	n/a	n/a
UPND	Male	Male	Male	Male	Female	Female
PF	Male	Male	Male	Female	Female	Female

Table 2.6 shows that in all three major political parties the top three positions, i.e President, Treasurer, Secretary General are all occupied by men. Only five out of the 15 top six positions are occupied by women.

All the political party respondents stated that they are aware of the SADC Protocol on Gender and Development but added that it is not easy to implement the provisions because the 50% women representation can only be achieved through appointment and not elections as is the case. The United Party for National Development (UPND) argues that the equal representation of women can only be achieved in countries with the system of proportion representation. It adds that for cultural reasons, women are now interested in politics.

The Movement for Multiparty Democracy (MMD) has made it a policy to involve women in the activities of the party at all levels. Some of the plans which have been implemented include, female candidates paying less when seeking adoption (for instance while male candidates pay K1.5m[9], female candidates pay K1m[10]). In addition, even if there is a certain level of education needed for a particular candidature, the party allows female candidates to participate even if they do not meet the needed educational requirement.

The Patriotic Front (PF) say that the party has always encouraged women to participate in the party's activities but unfortunately women are not willing to do so. For instance, in the last general election the party planned to field 60 female parliamentary candidates out of the 150 constituencies but they couldn't achieve this because the party does not fund the candidates.

None of the parties have quotas for women. The UPND has regional quotas to allow for a balanced regional representation but says that candidates are fielded on merit and not gender.

All the parties have a women's wing. This arose after seeing the large membership of women and the unique challenges they face.

The women's wings have made it easier for women to come forward and get clarification, support and help.

The major challenges the women's wings face include: lack of financial, human and material resources to have an impact on the party; little



Zambian women voters in the 2006 elections *Photo: Derick Sinjela*

[9] Approximately USD 300
[10] Approximately USD 200

recognition of the role that they play in relation to the resources granted by the mother body and lack of technical skills to effectively participate. Furthermore, women's wings have been relegated to stereotypic activities such as provision of entertainment during party activities and cooking during party meetings. Their involvement in decision-making and implementation of party manifestoes is limited.

The MMD party funds all candidates during campaigns, and. This is done for candidates at all levels, equally for men and women. This approach helps female candidates who in most cases have no access to finances to conduct an effective and successful campaign.
The UPND and PF election candidates at all levels fund themselves. The two parties do not accept government funding and most of the funding comes from well-wishers and candidate's personal finances. This has affected the participation of women negatively as they have less access to resources compared to men. Unfortunately, some of the females who may have the resources shun participating in politics for fear of name calling and due to lack of confidence.


Awareness of the Protocol in Zambia is slowly gaining ground
Photo: Colleen Lowe Morna

None of the political parties interviewed have embarked on gender mainstreaming of their constitutions, manifestoes or activities due to lack of political will and appreciation appreciation of the importance of gender equality.

Source: EISA research on Gender and Governance (2009)

Table 2.7: Summary of gender considerations integrated into party manifestos

Party	Quota	Women specific projects	Gender mainstreamed in manifestos
MMD	No quota	Development of National Gender Policy, Domestication of CEDAW, Implmented Programme for Advancement of Girls Education, Development of action plan to develop guidelines and tools for mainstreaming gender in planning, Pregnant Girls re-entry into school policy, provision of counselling services for victims of sexual abuse	Section 7.2.1 focuses on Women in Development. Gender not mainstreamed in manifesto
UPND	No quota	No women's projects mentioned in the manifesto	The manifesto only mentions enhancing gender equality
PF	No quota	Promotion of girl child education, implementation of SADC protocol on Ge nder and Development specifically on appointment of women in decision-making positions	Gender Policy included in manifesto includes transformation of GIDD into a Commission, mainstreaming gender in all ministries and institutions, promotion of equitable distribution of productive resources to empower both men and women

Electoral systems and quotas

There are two main types of electoral system:

- In the *Proportional Representation* (PR) or "list system" citizens vote for parties that are allocated seats in parliament according to the percentage of vote they receive. Individual candidates get in according to where they sit on the list. In an open list system, voters determine where candidates sit on the list. In a closed list system, the party determines where candidates sit on the list, although this is usually based on democratic nomination processes within the party.
- In the constituency or "First Past the Post" (FPTP) system, citizens vote not just for the party, but also for the candidate who represents the party in a geographically defined constituency. Thus a party can garner a significant percentage of the votes, but still have no representative in parliament, because in this system "the winner takes all."

There is overwhelming evidence internationally to suggest that women stand a better chance of getting elected under the PR (and especially the closed list PR system) as opposed to the constituency electoral system.[11] The reason for this is that in the former case, candidates focus on the party and its policies, rather than on a particular individual. This works in favour of women - at least in getting their foot in the door - because of the in-built prejudices against women in politics (Lowe Morna 1996). The chance of women getting elected is even higher when the PR system works in concert with a quota.

Table 2.8: Electoral systems and quotas

Type of quota	Constituency based system	PR system	Mixed PR and constituency based system
Voluntary party quota	E.g. Opposition parties in Botswana in the 1999 elections	E.g. ANC in South Africa; Frelimo in Mozambique	E.g. SA local government in 1995 - ANC voluntary quota for list seats
Constitutional or legislated quota	E.g. The Tanzanian constitution reserves 20% of seats for women (distributed on a PR basis)	E.g. Local government elections in Namibia	E.g. SA local government elections in 2000; act stipulated that parties should strive to ensure parity

As illustrated in Table 2.8, in addition to the two types of electoral system (PR and constituency) there are two main types of quota (voluntary as well as constitutional and/or legislated). It is also possible to have either of these in a mixed PR and constituency system.

Voluntary party quotas have the advantage of party buy-in, but they can only deliver large numerical increases in closed-list PR systems where the party has a significant say on who gets onto the list. In constituency systems, voluntary party quotas can only succeed in delivering the numbers if women candidates are fielded in safe seats, which is often not the case.

Constitutional or legislated quotas have the advantage that they guarantee the numbers. But in the case of the constituency system, where seats have to be "reserved" for women, this may have the disadvantage that such seats are regarded as second-class or token.

Some parties argue that *any* quota infringes on freedom of choice but without quotas, women stand little chance of making substantial headway in political decision-making.

Southern Africa has examples of all these different combinations. Countries with the constituency system and no quota or special measures have the lowest representation of women. While recent increases in women's representation in these countries have shown that there is scope for increasing women's participation in this system through lobbying and advocacy, it is painfully slow.

[11] For more information on the comparative global data on quotas for women in politics see www.idea.int/quota.

The alternative of electoral reform is one that many countries with a constituency system have contemplated, but not really taken seriously. This leaves the option of legislated quotas within the existing FPTP electoral system, as implemented in local elections in Lesotho and at national level in Tanzania: the only two instances in which the 30% target has been achieved in FPTP countries.

At the other end of the spectrum, the combination of a PR system and legislated quota in local elections in Namibia has delivered dramatic increases in the representation of women.

Countries with a PR system and voluntary party quotas such South Africa and Mozambique have fared well. The fact that political parties have taken responsibility for ensuring greater representation of women has enhanced ownership and reduced resistance. The debate in these countries is how to ensure commitment by parties other than the ruling parties, and how to move forward from 30% gender parity.

The case studies of Botswana and Mauritius show how quotas are still a hotly debated subject in SADC countries, while that of Lesotho shows how it is possible to have a quota even in a FPTP system.



The Constitution of **Botswana** does not have a provision for a quota to increase women's representation. However, some parties such as the Botswana National Front (BNF) and Botswana Congress Party (BCP) voluntarily include the minimum 30% quota in either their constitutions or election manifestos.

Table 2.9: Women's representation in Botswana parties

Party	1999				2004			
	M	F	Total	%W	M	F	Total	%W
BDP	34	6	40	15	50	7	57	12
BNF					38	4	42	9
BCP	35	3	38	8	48	2	50	4
Total					136	13	149	9

The Botswana Democratic Party (BDP), Botswana's ruling party does not have a quota for women, and is not supportive of affirmative action. The former chairperson of the BDP women's wing, Tebelelo Seretse, argues that quotas for women address the symptoms not the causes and therefore focuses on initiatives to support women's empowerment in increasing the gender representation of women in positions of power (Therisanyo 2007b). Women of the BDP are encouraged to contest for offices of power in the party's structures, parliament and local government (Gender Links 2009).

The former chairperson of the BDP, Botlogile Tshireletso, has stated that the party is making measured progress as it leads in women empowerment initiatives. Women constituted 21% in the 2005-2007 central committee (Therisanyo 2006.) She also emphasises that "gender equity should not be made an urban area talk shop, far removed from the realities facing women in rural areas and that the spirit of self esteem should be inculcated in the girl chid as real empowerment is mental" (Therisanyo, 2007a). Seretse stresses that the BDP's women's wing intends to "inculcate that women can do anything they aspire at a tender age and not let cultural stereotypes shackle them, so that they may replace those who will be retiring from politics." (Therisanyo 2007a/Gender Links 2009).



Women's participation in decision-making in ***Mauritius*** is low in all areas. The parliamentary elections that took place in 2005 saw the proportion of women increase from six to 17%. But women still make up only 6.4% of those in local government.

Although a multi ethnic society, culture and especially religion play a pivotal role in every day life. The FPTP electoral system and the absence of a legislated quota or of any serious voluntary party quotas aggravate the constraints faced by women.

Electoral reform has long been on the agenda of mainstream political parties. In 2001 the government instituted a Commission on

Constitutional and Electoral Reform presided by South African Constitutional Court Judge, Albie Sachs, Judge B.B. Tandon from India and Mauritian Judge Robert Ahnee. The Commission completed its report a year later with a whole section on "Correcting under-representation of women".[12]

The report states that the gender gap between in decision-making is so wide that women's interests and concerns are not adequately represented in key social, economic and political areas that affect society as a whole. It argued that "the major responsibility for correcting the massive gender imbalance rests with the parties."

However, the then ruling Militant Mauritian Movement (MMM) and Militant Socialist Movement (MSM) failed to act on the recommendations of the Sachs Commission before the national elections in July 2005 nor to adopt special measures within their own parties.

Section 15 (v) of the Constitution of the Mouvement Mauricien Militant (MMM) dated October 1998 states that in preparing the list for the general and municipal elections the Party will ensure that there are at least 20% women. But this was not observed and the 2005 Electoral manifesto of the MMM. The MMM-MSM alliance, while pledging to end gender discrimination, did not mention mainstreaming gender into politics.

According to Leela Devi Dookun of the MSM, "there is no law as such to say that there should be so many women. There is an understanding that there must be women at all levels. We do not have an inside lobby as there is a will on the part of the leader. We did our maximum for the last elections but unfortunately when two or more parties go together in election, we cannot do as we would have wished to do." The Constitution of the Labour Party (that forms the backbone of the now ruling Social Alliance or AS) was amended in 2003 to stipulate that there must be at least 30% women in party structures at all levels. This, however, is not binding with regard to fielding candidates in either local or national elections.



A Mauritian woman voter makes her mark *Photo: Government of Mauritius*

A section in the AS Programme of Action on the active participation of women in public life says that electoral reform would allow the active participation of women which should reach at least 30% in the medium term. Another section adds that political parties:

- Should assure a better representation of women at all levels of democratic institutions;
- Create a favourable atmosphere so that women can participate in Municipal Elections; and
- Promote the participation of women in political and economic life.

Speaking at a GL/MWO-GEMSA workshop in February 2005 (ahead of the national elections) the then leader of the opposition (now Prime Minister) Navin Ramgoolam supported both electoral reform and the introduction of quotas to ensure an increased level of women's participation in politics.

[12] Sachs, A et al. (2001) Report of the Commission on Constitutional and Electoral Reform, Mauritius

Table 2.10: Outcomes of 2005 elections in Mauritius

	% Women parliament	% Women municipalities	% Women district councils	% Women village councils
Prior to 2005	5.6%	11.9%	3.2%	2.9%
July, October and December 2005 Elections	17%	11.9%	3.2%	5.9%

Table 2.10 shows the increase in women's participation at national level, where despite the absence of special measures by the government and political parties, civil society activism resulted in a high proportion of the women candidates who stood being elected, boosting the overall average from 5.6% to 17%. But the outcome at local level was disappointing, with the same proportion of women at municipal and district level, and a small increase from 2.9% to 5.9% at village level. Overall, women constitute a mere 6.4% of all councillors in Mauritius.



Sheila Bappoo *Photo: Colleen Lowe Morna*

Minister of Labour Sheila Bappoo (one of the few women cabinet ministers) says that in a democracy "We must walk the talk. It is about time that political parties prove their commitment on the issue of gender equality in politics." The problem, she says, is that "we do lobby but we get very little in return. The lobby must be stronger. I do not believe in quotas. The political parties should prove their commitment to the issue. Sometimes there is so much pressure on ethnic groups that is very difficult. Women are then sacrificed on the basis of ethnicity. The Constitution of the party stipulates that women should constitute 30% of all decision-making posts of the party but unfortunately this is not binding at national level. The only solution is political reform."



Lesotho switched from the constituency to a mixed system for the 2002 national elections in order to placate opposition parties. But the constituency system continued to be employed for the first local government elections in May 2005. The Local Government Amendment Act of 2004 also required that 30% of the constituency seats be reserved for women on a rotational basis for at least three elections.

In research carried out for the GL study, *At the Coalface, Gender and Local Government,* Minister of Local Government Pontso 'Matumelo Sekatle, a political scientist and one of the few women in cabinet, played a key role in driving the legislation through, against considerable opposition from other political parties and civil society, not to mention a high court suit filed by Tsepo Molefe, a former councillor who felt that his rights had been violated.

The model that Lesotho opted for is similar to that chosen in India where the 74th Constitutional Amendment requires that 33% of the seats in the local elected bodies in the towns and country side (the *panchayats*) are reserved for women. Gender quotas are combined with reserved seats for scheduled casts as part of a rotation system, according to which it is decided in advance which category will be allowed to contest for the seats in the different wards.[13] Similarly, Article 180 (1) (b) of the Uganda constitution stipulates that one-third of each local government council shall be reserved for women.

The Lesotho Government Elections Amendment Act 2004 provides for one third of the seats to be reserved for women in rotation, for three successive elections. This means that over the period each constituency would be reserved for women once.

Rethabile Pholo, Public relations co-ordinator of Lesotho's Independent Electoral Commission (IEC) recalled that "We faced a lot of discontent, especially from the men. A lot of them used highly derogatory language to describe the

[13] Karam, A and Ballington, J ed (2005) Women in Parliament: Beyond Numbers, IDEA, p 148.

elections. Many women (like the mayor of Maseru) were insulted."

Speaking on behalf of the ruling Lesotho Congress for Democracy (LCD) Minister of Gender Mathabiso Lepono said there was some resistance from men to the quota system but "the Prime Minister supported the quota so the men just had to deal with it." She added that the party had just amended its constitution to provide for 30% women in all party structures.

Leader of the Basutoland Congress Party (BCP) Sekwala Tolwane said that his party doesn't agree with the quota system where constituencies are reserved for women only regardless of their capabilities. He added that there is no real need for the quota because women outnumber men in Lesotho.

With only a 29% voter turn out and the ruling party winning by a huge margin, many of the opposition parties cried foul. An independent team of observers deployed by the Commonwealth Secretariat concluded that:

> *A cloud of uncertainty prevailed over the backdrop of the Local Government Elections, with a clear breakdown of consensus and communication among critical stakeholders in the electoral process. Consequently we identified shortcomings in the conduct of critical processes leading up to the elections, such as delimitation of constituencies, the conduct of the voter registration update and voter education. We however commend the overall conduct of the polling day activities, which were carried out in a peaceful atmosphere and in a transparent manner, in accordance with the law.*[14]

Since the elections Pholo points out that the discontent over the gender quota has died "a natural death"; councils are now in operation and little distinction is made on the ground between women in the reserved constituencies and those who contested in the open elections.

Table 2.10 shows that 53% women won in the elections, 30% through the quota and 23% by contesting seats.

Table 2.11: Lesotho local government elections

	Women	Men	Total	% Women
Elections	681	609	1290	53%
Bi-elections	745	545	1290	58%

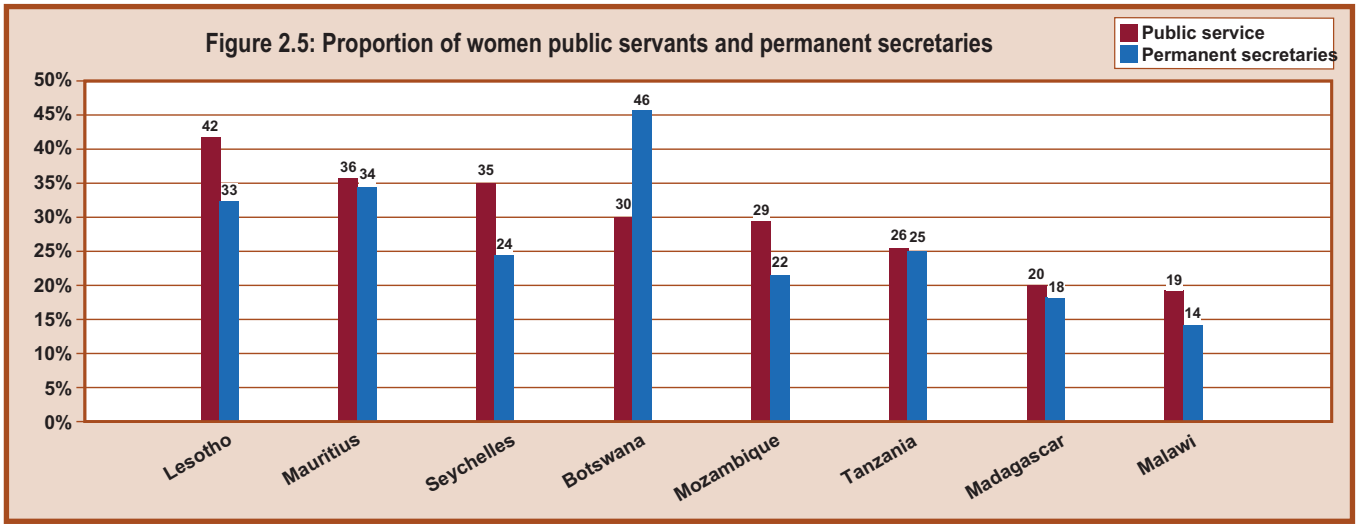
The table shows that by January 2007, a further 64 women (5%) came in through by-elections. Director in the Ministry of Gender, Matau Futho-Letsatsi, adds that the independent success of women in the elections is "proof that women are capable." However, the Lesotho government still needs to explain why moves to "fast track" women's participation at local level have not been matched at national level.



Futho Letsatsi (centre) during an Alliance meeting *Photo: Colleen Lowe Morna*

[14] Commonwealth Report on the Conduct of Local Elections in Lesotho (2005) p 19

The public service



Scant data and wide variations: As reflected in Figure 2.5, there is scant data and there are wide variations in the region with regard to women's representation in the public service. In Lesotho, this is close to parity; in Botswana, Mauritius and Seychelles above 30%. However, In Malawi, women constitute less than one fifth of public servants.

With the exception of Botswana, the proportion of women at the top is lower than the proportion of women in the public service overall: This reflects the glass ceiling in the public service. For the countries for which data could be obtained, women constituted 30% of less of the permanent secretaries in their countries. Interestingly, however, women comprise a high 46% of the top bureaucrats in Botswana. Again this shows that it is possible to aspire towards and achieve gender parity in the public service.

Participation in decision-making

The Protocol provides for State parties to adopt specific legislative measures and other strategies to enable women to have equal opportunities with men to participate in electoral processes including the administration of elections and voting.

It also provides for equal participation by women and men in policies, strategies and programmes for building the capacity of women and men in decision-making through leadership and gender sensitivity training and mentorship; support structures for women in decision-making; structures to enhance gender mainstreaming and changing decision-making attitudes and norms. The Protocol specifies that men be included in these activities.

Electoral processes

Women outnumber men as voters: While it is possible to get data on those registered to vote, this data is often not disaggregated by sex. In the three countries where data was obtained (Botswana, Tanzania and South Africa) women constituted the majority of those registered to vote. This shows that women are keen to participate in public life.



Young women taking over? *Photo: Colleen Lowe Morna*

In **South Africa**, initially, the Independent Electoral Commission (IEC) targeted a total of 22 million voters. By time the registration process closed in February, a total of 23,174,279 had registered as voters for both national and provincial elections representing an increase of 12% from 2004. IEC voter registration statistics released by the IEC showed that in all the provinces more women than men registered. Overall, women constitute a 55% of all registered voters; this ran as high as 58% in the Eastern Cape. Another notable feature was the "Obama effect" in South Africa. Some 12 million or over half of those who registered to vote were between the ages of 18-39. Of these, 6.4 million or 53% were young women. This means that young women are now the most numerous voters in South Africa.

Leadership roles

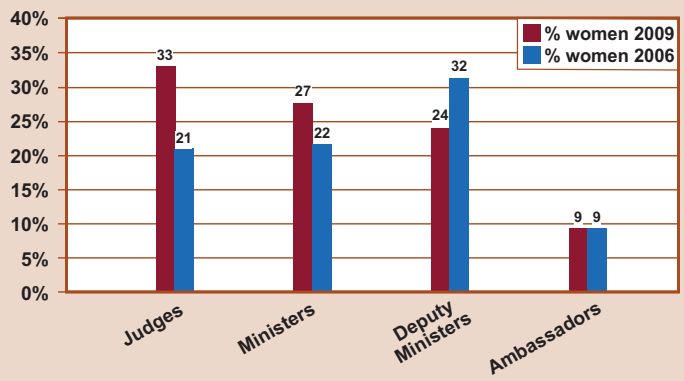
Women are still missing from top decision-making positions: An important test of women's participation in public life is the extent to which they not only participate in structures of governance but in the leadership of these entities. The earlier section detailed how women are still least well represented in cabinet .The table at the beginning showed how out of the 15 Speakers in the SADC region, only one is female.

Table 2.12: Women and men in party leadership

	Angola		Botswana		DRC		Lesotho		Madagascar		Malawi		Mauritius		Mozambique		Namibia		Seychelles		South Africa		Tanzania		Zambia		Zimbabwe	
	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M
Ruling party		1		1		1		1		1		1		1		1		1		1		1		1		1		1
Main opposition		1		1		1		1		1		1		1		1		1	1			1		1		1		1

Women are particularly scarce in certain areas of leadership: As noted earlier, there is need to gather far more comprehensive data on women's participation in certain areas of decision-making. The comparative graph of women in different types of top jobs in Tanzania (Figure 2.6) shows that while there has been an increase in women judges and ministers, there has been a decline in women deputy ministers in that country. Women are least well represented in diplomacy, and this figure has remained static.

Figure 2.6: Women in top leadership positions in Tanzania



More women standing for president: In countries where there is the presidential system of elections, it has long been customary for men only to stand for elections. However, this is gradually changing, as illustrated in the examples below.

A woman for president?



Malawi: Presidential elections are held every five years. In the past three elections, no female ran as a presidential candidate. However, during the 2009 elections, Loveness Gondwe became Malawi's first female presidential candidate. In addition. the incumbent President Bingu wa Mutharika nominated the former Foreign Minister, Joyce Banda as his running mate. She became the first female Vice-President in Malawi's history after the May 19 victory. Although Gondwe did not make it, she has inspired many women to make a similar attempt in the future.



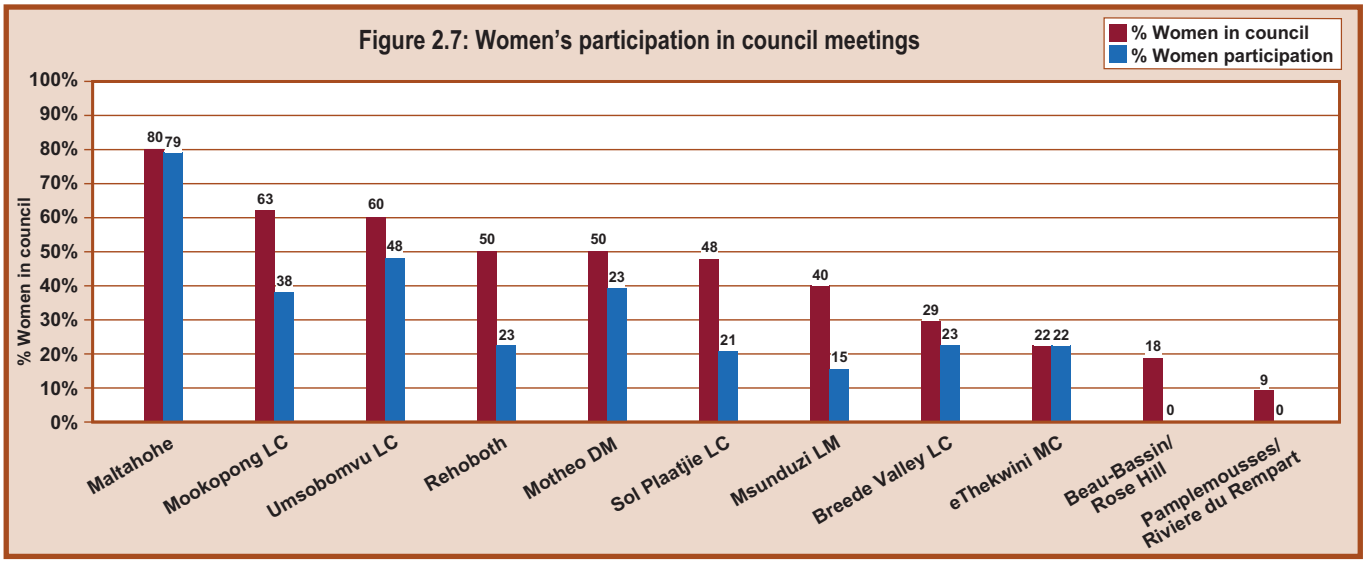
Tanzania: There has so far been only one woman presidential candidate in the history of Tanzania. This was Anna Claudia Senkoro from PPT Maendeleo Party in 2005 who surprised the sceptics by taking the 4th position out of 6 presidential candidates. In 2000, when Gertrude Ibengwe Mongella (who later became the first head of the Pan African Parliament) tried to run for the top job the Speaker Pius Msweka said: "Time is not yet right for women to contest for Presidential position." The Speaker apologised the following day. But Mongella has not put her hat in the ring again.



Women speak less in meetings: In observations of 11 council meetings in Namibia, Mauritius and South Africa, GL devised a detailed spread sheet of all the interventions made by councillors, divided into male and female. This was further sub-divided into decision-makers, whether male or female (speakers, mayors or deputy mayors) and ruling party/ opposition. While opposition voices accounted for a total of 34% of the interventions (25% men and 9% women) – roughly consistent with opposition strengths in the councils - women's voices only accounted for 27% of the total, with men (73%) dominating all meetings.

This was especially so in Mauritius (the country in the study with the lowest proportion of women (17% in the two council meetings observed, but 100% male voices). Yet even in South Africa and Namibia, with around 40% each women in local government, men dominated meetings 71 to 73% of the time. To the extent women spoke, about one third of these came from opposition parties.

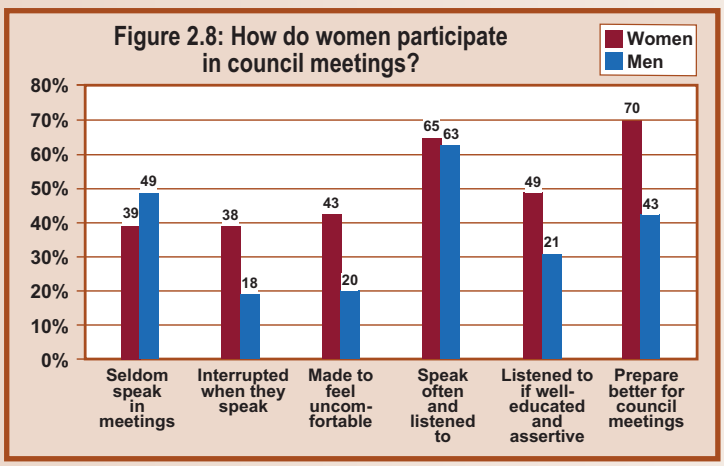
Participation in meetings



Source: Gender Links

As illustrated in Figure 2.7, with the exception of eThekwini in the Kwa Zulu Natal province of South Africa where women constitute 23% of the total and spoke 23% of the time in the meeting observed there were no other instances in which women's voices were equal to their strength in the council (although women in the Maltahohe council in Namibia, who constitute 80% of the council and made 78% interventions came close).

What the councillors said

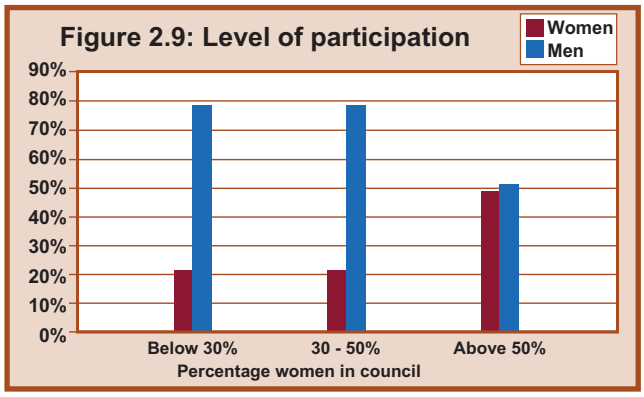


Source: Gender Links

Figure 2.8 shows that in response to various options regarding women's participation in council meetings, a fairly high proportion of both male and female councillors agreed with the statement that women "speak often and are listened to." Men were more likely than women to say that women "seldom speak in meetings." Women on the other hand agreed far more strongly with the statements that women are interrupted when they speak (38% women compared to 17% men); are made to feel uncomfortable (43% women and 20% men) and are listened to only if they are well educated and assertive (48% women and 31% men). Women (70%) also agreed more strongly than men (43%) with the statement that women prepare better for meetings than men.

Source: Lowe Morna, Colleen and Tolmay, Susan - At the Coalface, Gender and Local Government in Southern Africa

More women, more sway?



Source: Gender Links

Figure 2.9 shows that where women constituted below 30% of the participants, they spoke 21% of the time. Where women constituted 30 to 50% of the participants, they spoke 22% of the time. However, when women constituted more than half of the participants, they spoke almost as much as men. The conclusion that might be drawn from this finding is that the "critical mass" is indeed not 30% but gender parity!

Lively debates in Jo'burg and Windhoek

Council meeting observations in the cities of Johannesburg in South Africa and Windhoek in Namibia (the largest municipalities in both countries) reflected high levels of participation by women. In both of these councils women are represented in high numbers with 44% women in the City of Johannesburg and 40% women in the City of Windhoek.



Johannesburg City Council meeting *Photo: Gender Links*

More women than men attended the meeting observed in the City of Johannesburg. Johannesburg is one of the few council's that provide interpreters. The agenda included the budget and street names.

Consultations with women on a Women Development Strategy in August (Women's Month) in South Africa showed that street names are a source of concern for women who have found that in emergencies they are not able to direct emergency services because of the absence of streets names especially in the former black townships. A woman councillor from a faith-based political party spoke passionately on street names in her locality. Her comments struck a chord with the other councillors, many of whom wanted to respond.

The Windhoek meeting observed dwelt largely on the budget. A woman opposition councillor expressed her dismay at the way the council deals with bread and butter issues. Others joined in by raising concerns about the budget deficit that could have been avoided through proper planning. Two women opposed what they regarded as high water and electricity rates which they said primarily affect poor women. The deputy mayor, a woman from the ruling Swapo Party urged residents to negotiate the settling of outstanding bills. She cautioned that the city could not provide quality services unless these debts are settled.

Compared to many of the other meetings observed, the researchers noted the confidence with which women participated and the substantive nature of the debates in the cities of Windhoek and Johannesburg. The fact that more women than men attended the meeting in Johannesburg (suggesting quite a few absentee male councillors, since there are more of them) and that three men were absent from the Windhoek meeting (while all the women came) also suggests a higher level of commitment on the part of the women councillors.

Source: Lowe Morna, Colleen and Tolmay, Susan - At the Coalface, Gender and Local Government in Southern Africa

Easing the burden of the dual roles of women

Institutional culture reflects in many ways: including physical facilities, dress, rules and norms, work place habits, and the nature of communication, formal as well as informal. This section, which draws on the GL Study *Ringing up the Changes*, explores the extent to which these are changing in the decision-making structures of Southern African countries.

Made for men? In the many instances in the region where parliament sits in old buildings built with men in mind, the first practical issue that arises when larger numbers of women join the workplace is providing women with facilities to be able to conduct their work as comfortably and conveniently as men. These include such practical considerations as women's toilets, hairdressers and shopping facilities.[15]

Family friendly work environment

Studies globally show that among the first changes that take place in political decision-making structures and especially in parliament when women gain entry are recommendations for child care centres, family-friendly sitting hours and increased travel for family members.[16]

Child-care: Of all the possible work place innovations, few make a stronger statement about family-friendly practices than having child-care facilities paid for and arranged by the institution. Bringing children to the hallowed halls of power has the symbolic effect of demystifying power as well as driving home the point that in the end decision-making is about a better world for those who come after us. A crèche is one of the symbolic early gains made by women in parliament in South Africa.

Sitting times: Traditionally, parliaments and councils have assumed that decision-makers have no family responsibilities and therefore that meetings can start and end late. This continues to be the case in countries like Zambia and Lesotho, where women are still a tiny minority.



A creche at work is an early gain for women *Photo: Gender Links*

Capacity building

The various regional and international commitments to increasing women's equal and effective participation in decision-making place a strong emphasis on capacity building. Addressing the specific needs of women decision-makers is not something that most decision-making institutions had considered before the clamour for greater representation by women in these structures. It is one of the several changes that women have had to struggle for.

Generic training: There have been several different kinds of approaches to improving the skills of politicians in general and women politicians in particular. Most political parties, parliaments and councils seem to offer some basic orientation on what it means to be a politician and how to function as a legislator/councilor. Sometimes this is done with the help of international organisations like the Inter-Parliamentary Union (IPU), Commonwealth Parliamentary Forum (CPF), International Union of Local Authorities (IULA) or regional organisations like the SADC PF. The difficulty with all generic "one size fits all" training is that it does not always address the particular needs of women, especially where they are in small minorities. This has led to the design of several empowerment programmes focusing on women.

[15] Inter-Parliamentary Union (2000) "Politics: Women's Insight." IPU: p108.
[16] See, for example, Sawer, M. (2000), "Parliamentary Representation of Women: From Discourses of Justice To Strategies of Accountability." International Political Science Review 21(4): p361-380 and Brown, A. (1996) "Women and Politics in Scotland." Parliamentary Affairs 49 (1): p 26-40.

Women specific training at national level: Capacity building programmes focusing specifically on women decision-makers may be at national or regional level.

Training specific to women at regional level: The SADC Gender Unit has developed a *Gender Tool Kit for SADC Decision-Makers* that comprises basic concepts, tools and exercises on mainstreaming gender into legislation. This has been used for training trainers as well as women MPs from around the region. From evaluation reports of training workshops, it is clear that these "additional empowerment" initiatives have played an important role is developing linkages between women MPs across the region and sensitising them to gender issues. However, they have suffered from some drawbacks such as:

- Lack of follow though mechanisms to provide ongoing support or evaluate impact.
- Absence of strategies at national level to ensure that those trained as trainers apply their skills.
- The subject matter so far only covers gender skills and not some of the immediate practical skills that decision-makers need such as communication training (including the Internet, debating, working with the mainstream media etc).
- Although the focus on women MPs is understandable, the disadvantage (especially where there are small numbers of women MPs) is that they then go back into male-dominated institutions that have little sympathy for their ideas.

Gender mainstreaming training at regional level:
In an effort to bring men on board, the SADC/PF gender unit has run a number of workshops for chairs of portfolio committees on mainstreaming gender in their work. Given the male dominance of these committees, the majority of participants at these workshops have been men. The unit focused initially on finance and public accounts, and has since fanned out into other sectors like education and HIV and AIDS. An evaluation of the programme found that there had been general awareness raising on gender among MPs that participated in training like the Lubambo roundtable on gender budgets. But the evaluation stressed that for this to be effective regional processes have to be cascaded to national level.[17] The evaluation added that training should be more tailored towards needs, and link to the Parliamentary Leadership Center that is being planned by the SADC PF.



Gender mainstreaming training at the SADC Secretariat

Photo: Colleen Lowe Morna

Regional structures and local government: It is significant that none of the regional bodies have offered gender training at local government level. The SADC PF focuses specifically on parliaments. There is no similar body at local level. However, the SADC GU has a broader brief. Local councils featured in the design of training materials, but they have so far not been targeted as participants in "empowerment strategies."

Mentorship: Mentorship overcomes many of the shortcomings identified in other forms of capacity building. It does not show up politicians as people who might be ignorant. Because it is one-on-one, it is more effective. It is hands-on. Perhaps mostimportant, such training is ongoing.

[17] Meena, Ruth and Machangane Keboitse, "Evaluation of the Endendering SADC Parliaments Project" USAID 2002, p13.

On-the-job training: This has been tried in Tanzania and with the City of Johannesburg. Considered the most effective form of training, such efforts are being studied by activists and trainers.

Making a difference?

Among the significant collaborative research efforts is the groundbreaking study quoted in this paper: *Ringing up the Changes, Gender in Southern African Politics* co-ordinated by GL. The study is the first in the region, and one of the few globally to assess the qualitative difference that gender equality brings to governance. This was achieved through a comparison of countries that have achieved a high level of women in decision-making with those that have not.

The difference that women make

The tangible difference that women's participation in decision-making, especially in substantial numbers, is seen to make in the study include:

- The marked difference between the style, procedures, norms and discourse in institutions of decision-making in the countries that have a high representation of women compared to those that do not.
- The link between the presence of a substantial proportion of women in decision-making and the extent to which men have engaged with the issue of gender equality and become agents of change.
- The fact that although all the case study countries have undertaken significant gender justice reforms the breadth and depth of such reforms are greater in countries that have achieved higher levels of women in parliament, and especially in those countries with a history of political struggle and progressive constitutions.
- The championing role that women in top decision-making positions have played in ensuring that gender is taken into account in policies and laws in mainstream portfolios like mining and agriculture.
- The support that women decision-makers have given to innovative approaches like the gender budgeting initiatives that have captured the imagination of the region and provide a potentially powerful tool for gender mainstreaming through tracking resource allocations.
- The links made by women MPs between women constituents and parliament, as well as ensuring greater accessibility and responsiveness of service delivery.



Making a difference: Karolina Pieters, a Namibian councillor cares for abandoned children *Photo: Colleen Lowe Morna*

Next steps

Key points arising from this chapter are that:

- ***Decision-making is still a hostile terrain for women:*** Despite the positive rhetoric towards women's increased participation in decision-making, there are still major barriers to be overcome. These are deeply rooted in custom, culture, religion and tradition. The structural barriers explain why there is little correlation between women's level of education and their political participation. Personal empowerment does not translate into political empowerment for women because society is not ready to accept women in these roles. Such change can only come about through concerted effort that begins with a strong political will and leadership, accompanied by deliberate strategies and special measures.
- ***Heads of State have largely failed to keep their promises:*** Governments made a commitment to achieving a minimum 30% representation of women in all areas of decision-making by 2005, and went on to raise the bar to 50%. The barometer shows that with a few exceptions, this commitment has not and will not be met. While there were some attempts by Heads of State to make good on their promises through appointments to cabinet and parliament, often even these opportunities were missed. Most important, countries with the FPTP system that is least conducive to women's participation have made little or no effort to review their electoral systems, or to learn from other such countries (eg Lesotho and Tanzania) as to what special measures might be adopted within such electoral systems to effect increased participation by women.
- ***Women's access to political decision-making requires special measures:*** The unequivocal lesson from the region is that no target for women in decision-making will be reached in the absence of special measures. There is no easy recipe for ensuring women's access to political decision-making, but the ingredients are well known. They include electoral systems, quotas, gender-aware parties, and democratic environments. The overwhelming evidence from the region is that the Proportional Representation (PR) system, and especially the closed-list PR system applied in South Africa, Mozambique, Angola and Namibia is more favourable for ensuring women's entry into politics. However the case of Lesotho shows that quotas can also be implemented in the FPTP system.
- ***Quotas are a necessary and beneficial short-term measure:*** All SADC countries that have come close to, or are likely to achieve the 30% target, have done so through either voluntary party quotas (in South Africa and Mozambique) or legislated quotas (in local elections in Namibia as well as in Tanzania). Quotas are not a panacea, but they are the



Local government centre stage

Photo: Colleen Lowe Morna

best short-term method for ensuring that that the quagmire is broken and progress is made. When accompanied by supportive strategies, quotas have delivered rapid and tangible benefits.

- ***Local government needs to be brought centre stage:*** The tendency in some countries to yield way on local government (eg Namibia, South Africa and Lesotho) is welcome but carries the concern that the only reason this is happening is that local government is not regarded as important as other spheres of governance. Gender and local government have, up to now, not formed a significant part of gender and governance discourse, activism or policy measures. It is critical that these now come to the fore.
- ***New approaches to empowerment should be encouraged:*** So far, training for women in politics has not been preceded by needs assessments. It has tended to be off site, and once off. Such training also needs to be holistic in its approach. In addition to gender analysis skills, it should include an understanding of the nature and exercise of power, confidence and assertiveness skills, leadership training and communication skills, including debating, use of the Internet, accessing the mainstream media and integrating gender issues into political campaigns. While there is a place for empowerment strategies that specifically target women decision-makers, it is also important to design strategies that include the "new" men in politics.
- ***Research, monitoring and evaluation are key:*** Research, advocacy and lobbying by the women's movement have been critical to the achievements made to date. Structures and mechanisms should be found for strengthening collaboration between civil society and women in decision-making.



"Sarah" *Anushka Virahsawmy*

CHAPTER 3

Education and training

Article 14



Take a girl child to work campaign in South Africa *Photo: Colleen Lowe Morna*

KEY POINTS

- Many countries have reached gender parity in primary education, but the gender gap continues to widen in higher education, largely because of teenage pregnancy, HIV and AIDS related care work, economic constraints and deeply entrenched gender stereotypes that discourage girls' education.
- School administrations are greatly imbalanced with men dominating all spheres, especially higher management positions.
- Men predominate in faculties of Science and Law, while women predominate in some countries in Arts, Humanities and Health Sciences.
- While gender stereotypes still pervade institutes of learning, many SADC nations are challenging this through education policies and reforming national curricula.
- Sexual and gender-based violence in schools is a serious problem in the region, and greater measures must be taken to combat this trend.



Education is key: primary school children in Leribe, Lesotho
Photo: Colleen Lowe Morna

Although relatively brief, Article 14 on Gender Equality in Education is a cornerstone provision in the Protocol, covering equal access to all levels of education; challenging gender stereotypes in education and also ensuring that institutions of learning are free from gender violence.

Like most of the articles in the SADC Gender Protocol, education and training provisions closely interlink with other goals and targets. Assessing the region's progress towards commitments to enhance access to quality education for males and females, and remove gender stereotyping in curriculum, career choices and professions, is a telling indicator of the likelihood of other achievements 2015 targets being met.

For example, as the foundation of future employment prospects and opportunities, education forms the basis for gender equal opportunities in economic empowerment. Levels and quality of education significantly determine what kind of work individuals may attain, and how much they may earn. In both formal employment and other occupational settings, education offers the chance to make more of the resources available, whether that is within salaried employment, starting a business, increasing the productivity of land, selling excess produce, or managing the household budget.

Education also links closely to such provisions as 50/50 in decision-making. Although there are exceptions, especially at local level, education is an important part of aspiring to government offices and other such decision-making bodies.

For girls especially, staying in school is not just about good grades. Early marriage and family responsibilities can take girls out of school early, especially with rising HIV and AIDS prevalence. Some families do not see the value in educating girls. Added to this is poor infrastructure, such as lack of water and sanitation facilities. Worse, sexual harassment, by both peers and teachers, can make girl learners unsafe. All of this can mean less education for girls.

A child's first social and cultural influences come from their parents, teachers, peers and others. This is the beginning of the process of learning the languages, norms, gestures, beliefs, and culture of the world in which one is born, as well as the roles one is expected to play in life. Girls learn how to be daughters, sisters, caretakers, wives, and mothers. In addition, they learn about the occupational roles that their society has in store for them. Once the child leaves the home, and enters into their first "public sphere," the schoolroom, they continue to acquire the characteristics of their society as well as the knowledge, ideas and skills that they will bring into their adult life. Addressing gender stereotypes along this path, in accordance with the Protocol, can translate into a greater range of options for girls and boys.

In most SADC countries, boys and girls enter primary education in roughly equal numbers. However, at progressively higher levels of education, the rate of girls' enrolment and retention dramatically decreases. In addition, the segregation of teaching staff into gender stereotypical subject areas reinforces gender divisions within schools.

For example, at the tertiary level the dominance of women in such faculties as Arts and Humanities means that more learners are also shuffled in that direction, regardless of personal aspirations and aptitudes. While there are efforts to revisit educational and curriculum based policy, the struggle still exists, requiring more work in this regard. However, the most dangerous element to learning institutions, far beyond any unhealthy and uneven philosophy about men and women's societal roles, is the presence of physical danger.

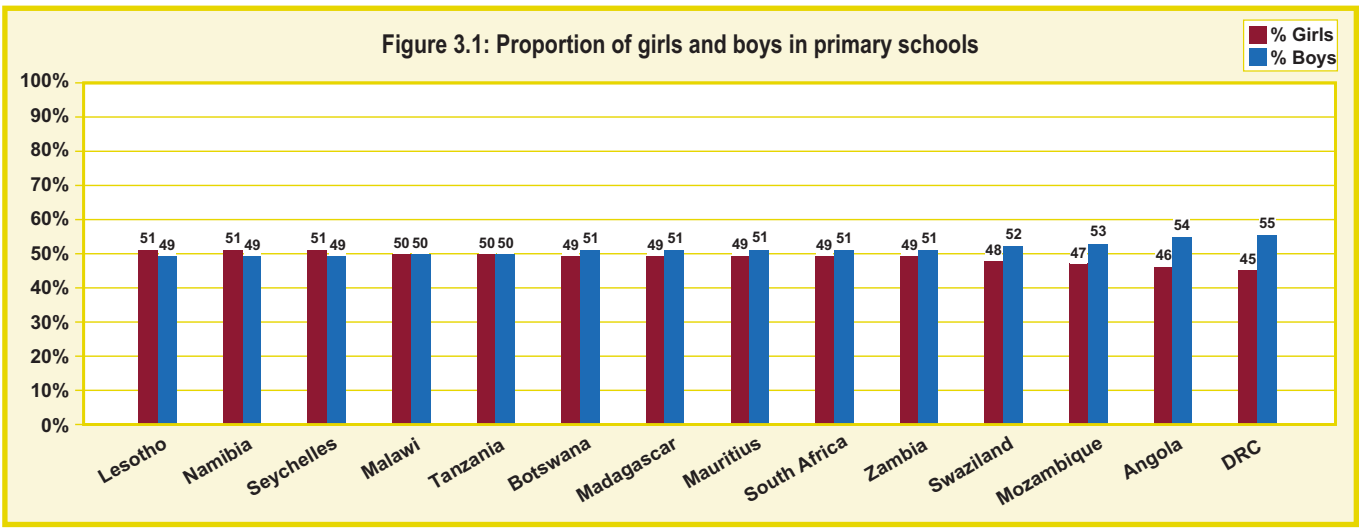
In the region sexual and gender violence is rampant in learning institutions. To put it simply, schools are not safe. Most of the violence involves rape or abuse of girls by male teachers or peers. Intimidation, hitting, coercion into sex acts, emotional and verbal abuse are also problems. There are policies in place in most SADC countries, but lack enforcement. There is a growing awareness among educators, government ministries, NGOs and civil society organisations about the need to combat this problem.

Enrolement and retention

The Protocol provides that state parties shall enact laws that promote equal access to and retention in primary, secondary, tertiary, vocational and non-formal education.

Recognising that gender plays a role in enrolment and retention in the education system, the Gender Protocol seeks to highlight factors that get, and keep, girls and boys in school. It also recognises that formal education is not the only type of training that can benefit girls and women. Vocational and non-formal approaches have their place in preparing women and girls for employment and other such opportunities.

Factors related to school presence can be categorised into push and pull factors. The push factors include cost of school requirements, poor teaching, poor learning environment, overcrowded classes, gender-insensitive schools and curriculum, insecurity at and out of school, insensitivity to children with special needs, harassment/corporal punishment, and lack of appropriate sanitation facilities. The pull factors include early marriages and pregnancy, initiation rites requiring girls to be out of school for extended periods, child labour, security concerns, stigma (special needs and ultra-poor children), cultural practices and beliefs that attach low value to education, and poverty. At different levels of schooling, and in various countries, all of these factors affect enrolment and retention in various ways.



Source: Gender Links

Gender parity in primary schools in most but not all countries: Figure 2.3 shows that in most SADC countries, there are now roughly equal numbers of boys and girls at primary schools. The widest gaps are in Angola and DRC, where girl learners still comprise 46% of primary school-goers in classrooms.

More girls than boys in schools in Lesotho: In some countries, such as Lesotho, there are more girls than boys in primary schools, resulting mainly from families keeping boys back to herd cattle. A March 2005 study drew attention to the need to give herd boys the same opportunity and level of education as girl children. Since 2000, government also put in place free primary education and plans are at an advanced stage to make this mandatory, with the key target group being herd boys and domestic workers. *(Tolmay, Susan)*

Not all children in school: Although the narrow gender gap is heartening, an estimated 30% of primary-aged children are not in school. There is also some suggestion that figures underestimate the actual number of children who, though enrolled, are not attending school with any regularity.



Good gender balance at primary level in most countries *Photo: Trevor Davies*

School is not free! The introduction of school and other user fees in many countries at primary level discourages parents from sending children to school. Increasing levels of poverty have also witnessed a growing proportion of boys dropping out of primary school to become hawkers and traders, as their parents find this economically more beneficial in the short term than the long-term investment in an education. Girls may be taken out of school also to work as sellers, but more likely to help in the home, caring for family.

Table 3.1: Access and enrolment in education sector

	Angola		Botswana		DRC		Lesotho		Madagascar		Malawi		Mauritius		Mozambique		Namibia		Seychelles		South Africa		Swaziland		Tanzania		Zambia		Zimbabwe	
%	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M
Literacy	59	84	83	83	54	81	83	80	65	77	65	79	85	90	33	57	87	89	92	91	87	89	78	81	62	78	61	81	88	94
Enrolment																														
Primary school	46	54	49	51	45	55	51	49	49	51	50	50	49	51	47	53	51	49	51	49	49	51	48	52	50	50	49	51		
Secondary school	44	56	52	48	36	64	56	44	48	52	44	56	52	48	44	56	54	46	51	49	52	48	50	50	44	56	45	55	48	52
Tertiary level	40	60	53	47	26	74	44	56	49	51	39	61	54	46	38	62	56	44	57	43	53	47	50	50	32	68	53	47	n/a	n/a
Vocational and technical			39	61	61	39	52	48	27	73	31	69	37	63	31	69	29	71					54	46	45	55			n/a	n/a

Source: Angola: http://www.unicef.org/infobycountry/angola_statistics.html 22/07/09 (access and enrolment only); Botswana : CSO 2003 / 2006 (access and enrolment), CSO 2006 (university faculties); DRC: Annual statistics of primary, secondary, professional and informal education for the school years 2006-2007 and 2007 to 2008; Lesotho: Ministry of Education Statistics Bulletin 2006. National University of Lesotho Student Records for 2008/2009 academic year. The Human Development Report 2007/2008 gives adult literacy of 90.3% for females, and 73.7% for males (access and enrolment), Ministry of Education, 2009 (university faculties); Madagascar: Ministry of National Education, Annuaires statistiques 2006-2007, 2007-2008 (access and enrolment), MEN Statistical Yearbook 2007-2008 (school administration); Malawi: Government of Malawi (2008) Education Management System, Department of Education Planning, Education Management Information System; Mauritius: CSO 2008; Mozambique: NA; Namibia: Ministry of Basic Education, Sports and Culture 2002 /Ministry Education 2008 (access and enrolment), Education stats 2008 (school administration); South Africa: Education Statistics in SA 2007 (access and enrollment), NA (school administration); Seychelles: Ministry of Education, 2009; Swaziland: CSO/EMIS 2007 (access and enrolment), Teaching Service Commission 2009 (school administration); Tanzania: Wizara Ya Fedha na Uchumi, Hali ya Uchumi waTaifa katika mwaka 2008, (219-222) Year June 2009 and Ministry of Education and Vocational Training, Basic Education Statistics in Tanzania (BEST)2004-2008, National Data, June 2008; Zambia: Year Education Statistical Bulletin – 2008, ZDHS 2007. Zimbabwe: EMIS Report Year 2006 and Census report 2002 (Statistics only available in terms of percentages) (access and enrollment), EMIS Year 2006 (school administration) All figures cross checked with UN.

One of the arguments of educationists is that children's education should not be left up to discretion or family finances; rather free and compulsory primary education for all children would guarantee both boys and girls get at least basic literacy and numeracy skills. Most of SADC has free and compulsory education in place. The exception is Zimbabwe, which is neither free nor compulsory, and Namibia, which is free, but not compulsory.

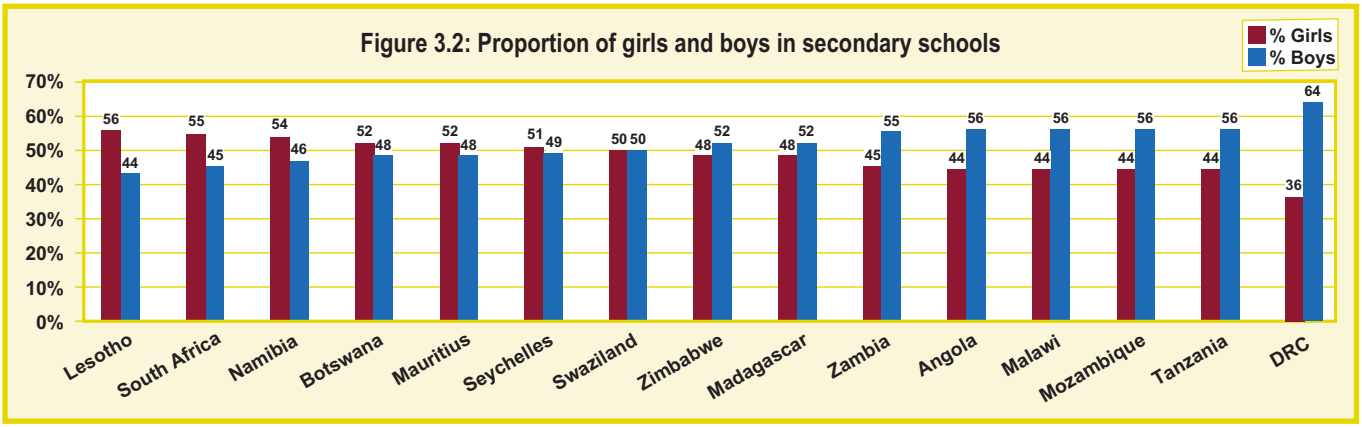
However, it is obvious that free and compulsory is not an answer in itself, as there are still significant numbers of children out of school. The compulsory aspect is rarely enforced. Despite "free" education, many learners still miss out because families cannot afford school uniforms and supplies, or simply need another income earner or carer. In countries like South Africa, private education surpasses the resources of the state "free" education, and this means more privileged learners have better opportunities.

While the region should celebrate the achievement of near gender parity in primary education, there is still need for caution. Where there is a choice because of limited resources, girls are inevitably the first to be withdrawn. Given the currently worldwide economic situation and increasing calls from some corners for such things as user fees to help finance government activities, the tide can quickly change.

Undocumented children in Angola

One of the issues facing access to education in Angola is that the Angolan government does not currently permit education to undocumented children. Many children in Angola are currently undocumented, and fees for birth certificates and identification cards remain prohibitive for impoverished families. Furthermore, although education is free to documented children, families often face significant additional costs such as books, travel and meals. Gender based discrimination occurs frequently in Angola despite the fact that the government has put in place legal provisions concerning discrimination in employment and occupation.
(2008, Human Rights report, Angola, US Department of State)

Secondary school



The gender gap at secondary level is narrowing: SADC countries differ from their counterparts in the rest of Africa in that the gender gap at secondary school level is rapidly narrowing. Indeed, as illustrated in Figure 3.2, Lesotho has a considerably higher proportion of girls than boys in secondary school (56% girls) as a result of boys herding cattle (see discussion on primary school education above). South Africa, Namibia, Botswana, Seychelles and Swaziland have slightly more girls than boys, which is consistent with demographics.

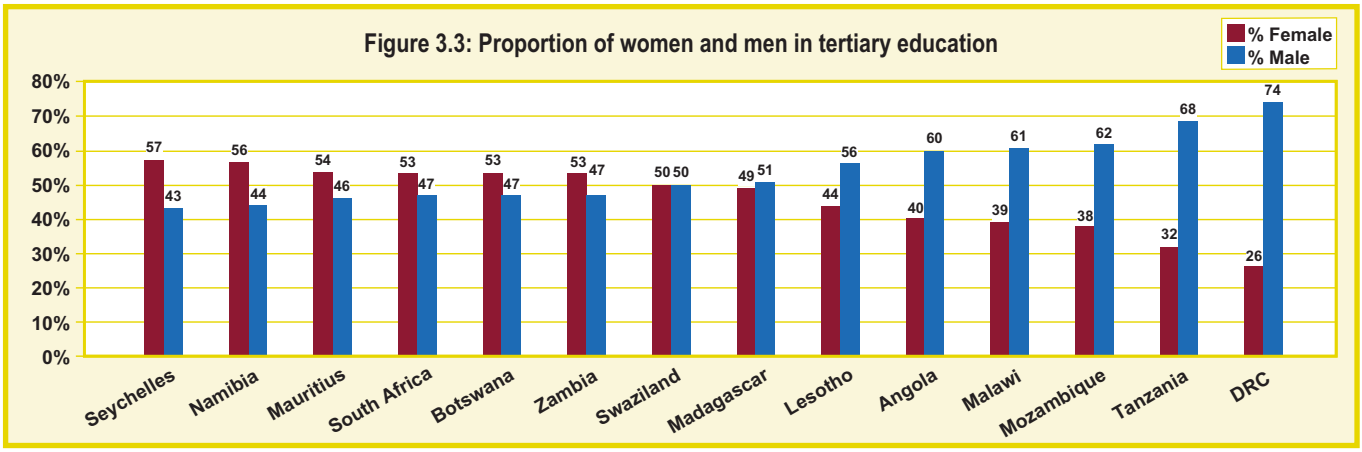
But in some countries, there is still a worrying gender gap in favour of boys: In DRC, only 36% of secondary school learners are girls. In Tanzania, Mozambique, Malawi, and Angola, girls comprise just 44% of learners. In countries like Tanzania and Malawi, 44% at secondary level compares to gender parity at primary level. Questions arise as to why girls are fewer at higher levels of education?

Free education at secondary level is rare: Perhaps a contributing factor is that at secondary level free and compulsory education is much rarer than at primary level. Secondary level education is free in DRC and Seychelles, and not so in Lesotho, Malawi, Mozambique, Swaziland, or Zimbabwe. It is not compulsory in any SADC country. In many countries, there are insufficient secondary school places for both boys and girls, and both sexes drop out at alarming rates.

A gender perspective provides insight as to why this is so: For boys, pressure to earn an income, for girls, family responsibilities and social stereotypes that undervalue girls' education are apparent. Rather, many are encouraged, or forced, to marry early, or if not, care for their parents and siblings.

High rates of teenage pregnancy in the region are also a factor of girls dropping out of school. Roughly one-third of all young women becoming pregnant by the age of sixteen, and the burden of care usually falls on the girl.

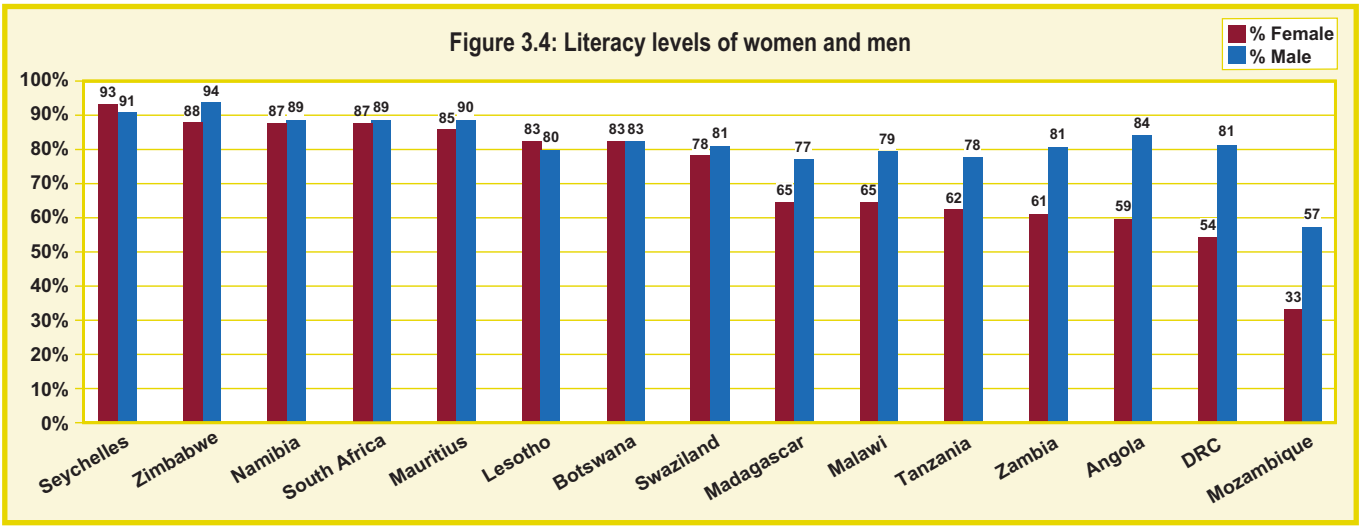
Tertiary level



Higher proportions of women at tertiary education in five SADC countries: In almost half of SADC countries, tertiary institutions have equal numbers or more women, than men. Seychelles, Namibia, Mauritius, South Africa and Botswana have higher proportions of women than men at tertiary level.

But large gender gaps in others: However, there are large gender gaps in tertiary institutions in DRC (26%), Tanzania (32%), Mozambique (38%), Malawi (38%), and Angola (40%) show there are still worrisome trends in the region. This is especially important given that university education is the likely path to leadership positions, whether in business, governance, media or any other sector.

Literacy



Lower literacy levels for women in all SADC countries except Seychelles: Although not specifically referred to in the Protocol, basic literacy is a core issue. Figure 3.4 shows that with the exception of Seychelles, women in all other Southern African countries have lower literacy levels than men. In some cases, the gap is worrying, for example in Mozambique, only 33% of women are literate compared to 57% of men. Likewise, DRC, Angola, Zambia, Tanzania, Malawi, and Madagascar all have significant gender literacy gaps.

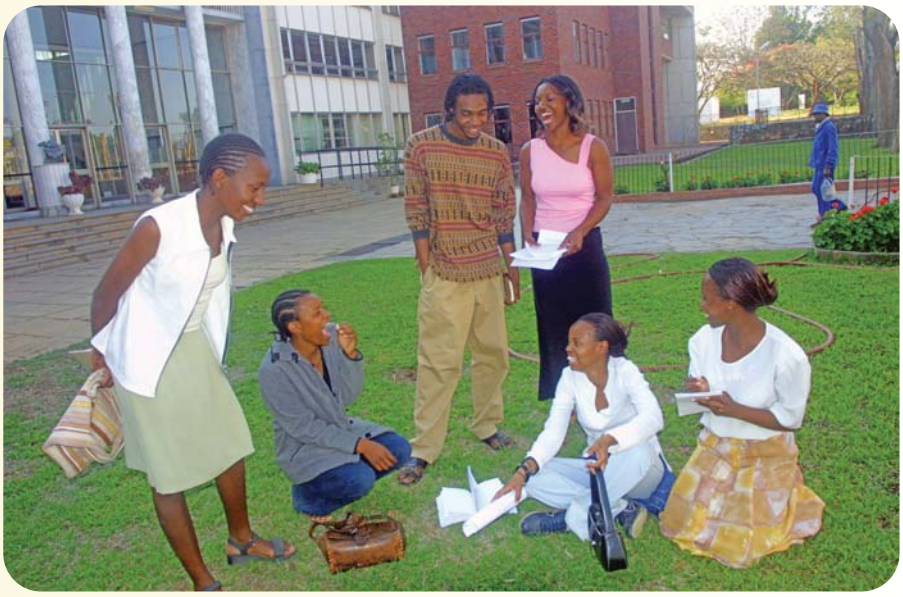
Quality of education

The Protocol not only speaks about enrolment and retention, but also specifically refers to ***quality*** education. Culture and tradition dictate that girls do more home chores while their counterparts (boys) are studying and waiting for food. The care work that society bestows on girls, which has increased with HIV and AIDS, means girls spend less time on studies, therefore affecting their performance and attendance. Furthermore, girls often become not only caregivers, but also breadwinners for child-headed homes, especially where both parents have died from AIDS related illnesses. This can translate into lower pass rates and girls not benefiting as much as they otherwise would from education.



Girls would benefit more from education *Photo: Gender Links*

Education sliding backwards in Zimbabwe



Students share a laugh at the University of Zimbabwe *Photo: Trevor Davies*

Over the years, Zimbabwe has been recognised as one of Africa's education successes. At independence, the country's literacy rate was 63%. In 1983, the government embarked on a programme to promote literacy, and by 1999, Zimbabwe's literacy rate was estimated at 97%, one of the highest on the continent.

The government put in place measures to mainstream gender into the curriculum as well as allow for the retention of female students who fall pregnant in school. Although enrolment of boys and girls in primary and secondary school are nearly equal, in secondary and tertiary levels females become fewer.

Universities have introduced affirmative action to facilitate more women entering universities.

Regrettably, the Zimbabwean crisis has not spared the education sector, which suffered serious setbacks because of hyperinflation, brain drain (as teachers fled into the Diaspora), lack of supplies, and massive outward migration.

Though there is a basic right to education, it is practically neither free nor compulsory at any level. Without specific policy measures such as funding to address the gender constraints that limit women and girls access to education and retention, the positive trends risk erosion.

Current education systems in SADC have little adequate means of addressing girls' special needs to remove obstacles to education, or the social pressure put on boys. Yet there are many potential strategies for addressing these imbalances. For the most part, this involves applying a gender perspective, in an attempt to understand how gender affects the region's education progress.

Funding mechanisms

Lack of resources keeps many potential students out of tertiary education. Recognising this, institutions, governments, and civil society organisations have created funding mechanisms to assist learners.

Like quotas in politics, affirmative action in financial assistance for higher education is a debated topic. Some argue that students should win support based on merit, not gender. Others argue that setting targets and quotas will ensure that women enter into the tertiary system, which will in turn mean a greater pool

of likely candidates when it comes to leadership positions in the world of work. This argument also proposes that sometimes the multiple roles of girls, especially at secondary level, combined with biased education systems, means that girls may underperform, a situation that can be corrected with the proper support. A survey of countries demonstrates mixed approaches.



DRC: Study bursaries, when allocated, are the same for women and men, but a few private initiatives encourage women to go further in their studies. For example, the Catholic Faculty of Kinshasa awards bursaries to women for certain subjects (economics and development).



Lesotho: There is education sponsorship mainly by government through the Department of Manpower, which provides bursary loans for higher education/tertiary institutions that is equally accessible to boys and girls.



Malawi: Government and students share costs for higher education. In the University of Malawi, there are two categories of students; residential and non-residential. Residential students (both men and women) can apply for loans; there is no affirmative policy at loan allocation level. The fees go directly to the University, not the individual student. To date all applicants have received a governmental loan.



Mauritius: All funds are accessible to both women and men. There is a variety of Loan Scheme and Scholarships/prizes for students given by the Government of Mauritius, as well as banks, family trusts, private sector, and overseas organisations.



Mozambique: There are scholarships managed by the Institute of Scholarship under the Ministry of Education for people with no resources to pay for their education; they are competitive for both boys and girls. Public and private universities do offer scholarships for students, boys and girls. The education policy states that girls from low-income families will be granted scholarship and supported to reduce their load of domestic work.



Namibia: The government provides annual bursaries to students who perform well. However, there are particular subjects that the government supports, like science, agriculture, law, geology and ICT. Access to these bursaries is open for both girls and boys, but since girls are not encouraged to take these subjects at primary and secondary levels, they cannot qualify for the bursaries.



Seychelles: Access to higher education happens in two modes. The first mode is after successful completion of post secondary education. Three post secondary institutions offer access solely based on results to higher education to students directly after successful completion of their studies. There is no gender preference; boys and girls have equal opportunity and access. The second mode is through government scholarships given to in-service employees. The policy is again clear that performance is the only criteria for selection and all indications are that this policy is rigorously applied.



South Africa: The legal framework provides for the same opportunities for women and men to benefit from scholarships and other study grants. The Constitution, education laws and the Equality

Act prohibit discrimination in the awarding of scholarships and study grants. However, proving and challenging indirect discrimination that often masquerades as merit requirements, especially in research grants for academics, presents a challenge. The Further Education and Training Act, 1998 regulates further education, and addresses the advancement of women in further education as well as in previously male dominated fields.



Swaziland: The Ministry of Education assists needy pupils with bursaries for basic education. The government in 2009 allocated an amount of E130,000,000 (US$18,571,428) for this purpose. Which was an increase of E30,000,000 (US$4,285,714) from 2008 (approximately 23%).

Tanzania: There is a loan board for both men and women and is equally accessed depending on performance.





Zambia: There is bursary scheme for orphans and vulnerable children at secondary level; the grant for girls is 60% compared to 40% for boys. At university level students are sponsored 75% of the cost by government and equally accessible to both men and women.



Zimbabwe: Tertiary students receive a government grant under the cadetship scheme; students can apply to upon admission. Tertiary students can also apply for scholarships for studies outside Zimbabwe from the Ministry of Higher Education.

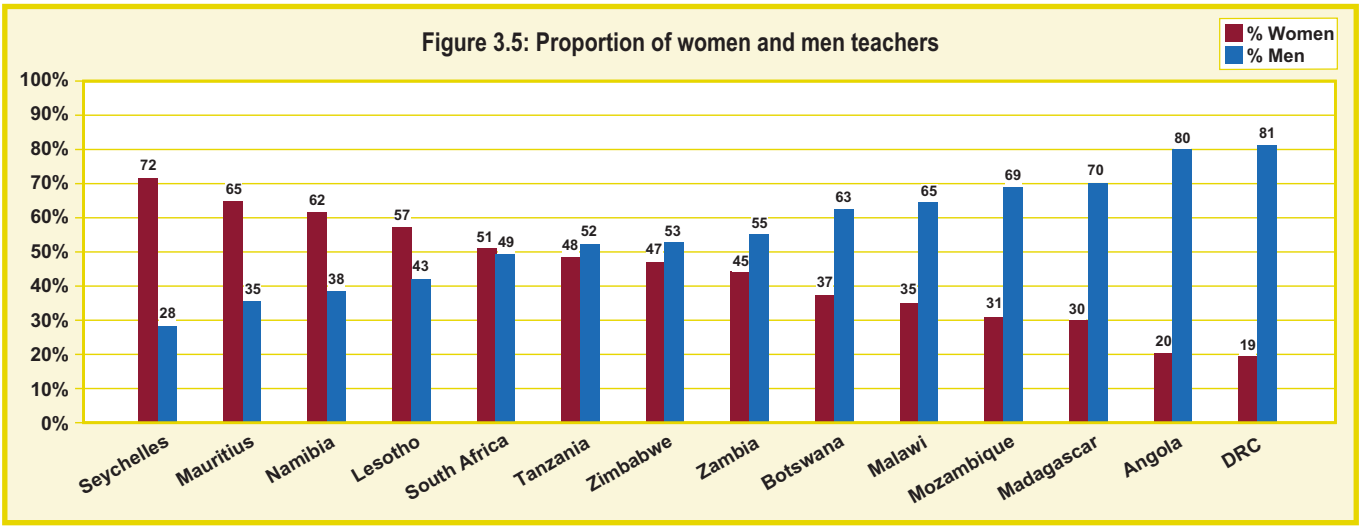
Though most countries provide equal access to bursaries, there is little doubt that multiple roles and social stereotypes affect girls' access to such support in practice. It is then appropriate that the Protocol also addresses the need for addressing such gender stereotypes.

Challenging stereotypes

The Protocol requires that by 2015 state parties adopt and implement gender sensitive educational policies and programmes addressing gender stereotypes in education and gender-based violence.

Big variations in the proportion of male and female teachers: While data on school principals is incomplete, that on the proportion of male and female teachers is comprehensive. Figure 3.5 shows huge variations in the proportion of women and men teachers in the various countries. Seychelles, Mauritius, Namibia and Lesotho all have substantially more women than men in the teaching service. In South Africa, Tanzania and Zambia the proportion of women and men is close to parity. There are substantially more men than women in the teaching services of Botswana, Malawi, Madagascar, Angola and the DRC (19% women compared to 81% men). These figures do, however, require further interrogation:

Gender balance in school administrations



Source: Angola, Botswana, Mozambique: UN Data. DRC: Annual statistics of primary, seconfary and further education and informal education, school year 2006-7. Madagascar: MEN Statistical Yearbook 2007-2008. Malawi: Government of Malawi (2008) Education Management System, Department of Education Planning, Education Management Information System



Seychelles: women comprise the majority of principals and teachers, 82% and 72% respectively. However, men outweigh women as directors of post-secondary institutions. In primary schools, there are 522 female teachers to only 94 men. This represents a staggering 85% of the teacher population at this level. However, in secondary school the ratio of men to women is almost 50-50. In post-secondary schools, there are 123 male teachers to 93 female teachers.



Mauritius is another exception from the norm, where female teachers comprise 65% and male teachers 35%. Yet, when it comes to principals, the balance shifts the other way with 56% being male. Though this is near gender parity, when looked at in relation to the large number of teachers, it raises questions about why women are not moving from teaching to principal positions.



Tanzania has virtually achieved gender balance within the teaching service, with a difference of only 5%. Yet, of the country's for which data could be obtained, Tanzania also has the lowest number of female principals (6%). This is probably related to the fact that Tanzania also has the second lowest number of females in tertiary education (32%), followed only by DRC (26%).

Across the region women are absent from the posts of principals and senior positions: Table 3.2 shows that in the majority of countries there are fewer women than men in principal positions. The lowest numbers of female teachers in the region are in Swaziland (16%), the DRC (19%) and Angola (20%).

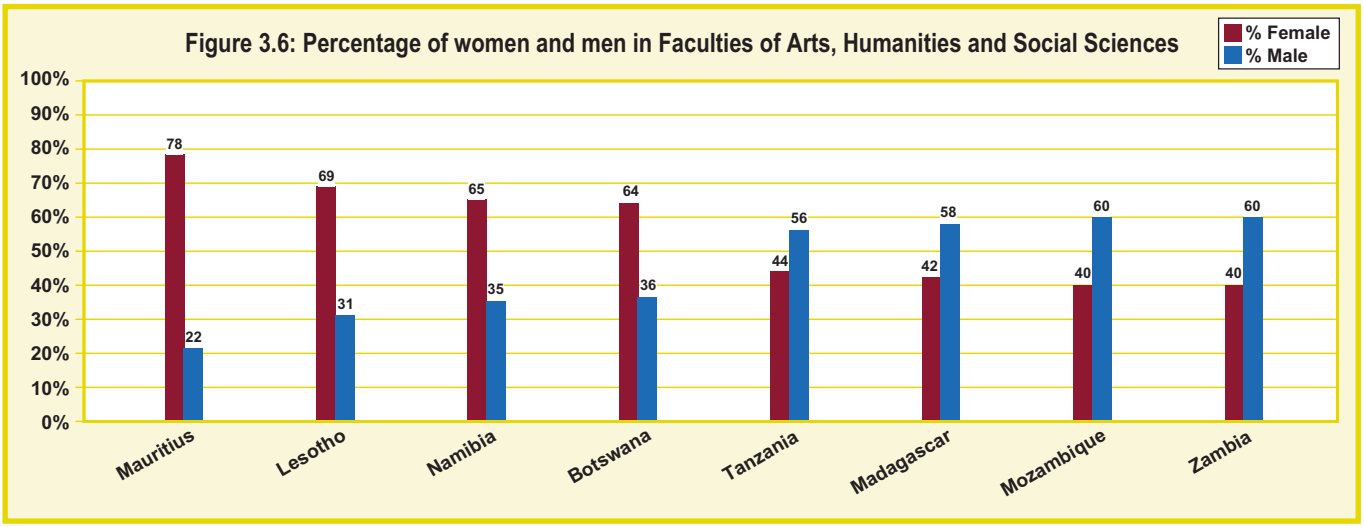
Gender imbalances in tertiary subjects

The data shows that women are in the greatest abundance in the Arts and Humanities and in Health Sciences, where nursing is incorporated. They are less often present within disciplines of Science or Law the world over. Gender stereotypes of this nature are certainly not new. In the region, the statistics are generally analogous. As children, boys and girls learn that certain subjects are off limits to them. Consequently, as they grow up and pursue higher education and careers, these stereotypes continue. This also influences, if they are teachers, what subjects they may have the authority to speak on. The cycle continues when they, as role models, are living out the very same labels that were presented to them as children.

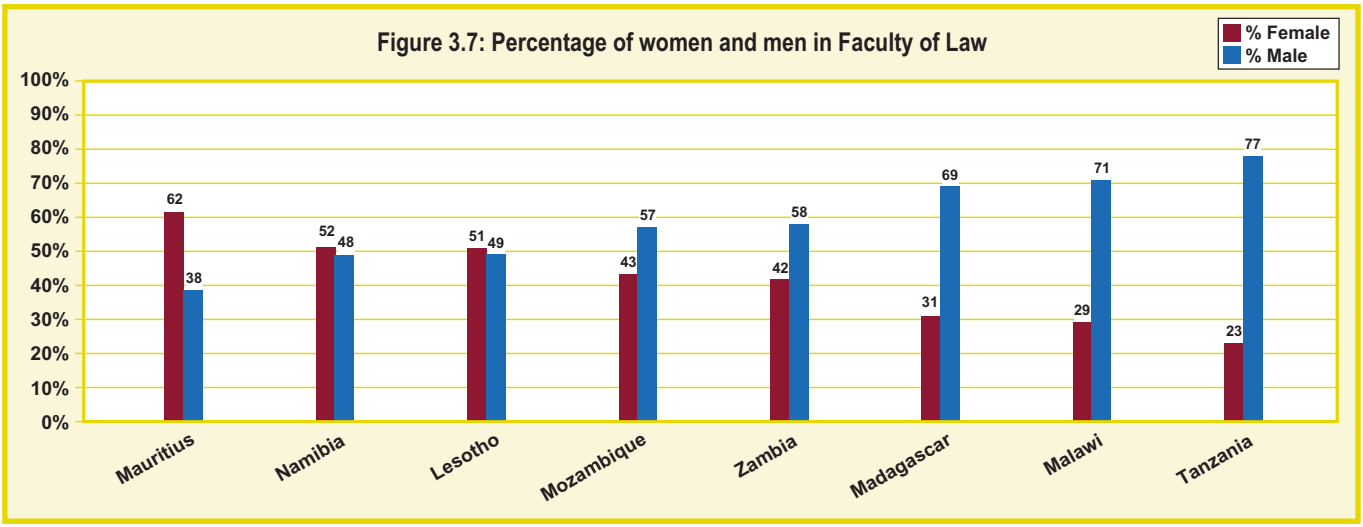
Table 3.2: Women and men in university faculties

Faculty	Angola		Botswana		DRC		Lesotho		Madagascar		Malawi		Mauritius		Mozambique		Namibia		Seychelles		South Africa		Swaziland		Tanzania		Zambia		Zimbabwe	
%	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M
Year			2006		2007		2008/9		2006/7		2009		2009		2007		2007						2007/8		2008		2008		1999*	
Arts & Humanities Social Sciences			64	36			69	31	42	58			78	22	40	60	65	35	n/a	n/a					44	56	40	60	38	62
Science			28	72			26	74	33	67			59	41	23	77	39	61	n/a	n/a			27	73	30	70	35	65	76	24
Economic Sciences			59	41			52	48	31	69							55	45	n/a	n/a			48	52	30	70			29	71
Law							51	49	31	69	29	71	62	38	43	57	52	48	n/a	n/a					23	77	42	58	43	57
Medicine/Health Services			55	45			58	42	31	69			59	41	49	51	77	23	n/a	n/a			56	44	33	64	33	67	33	67

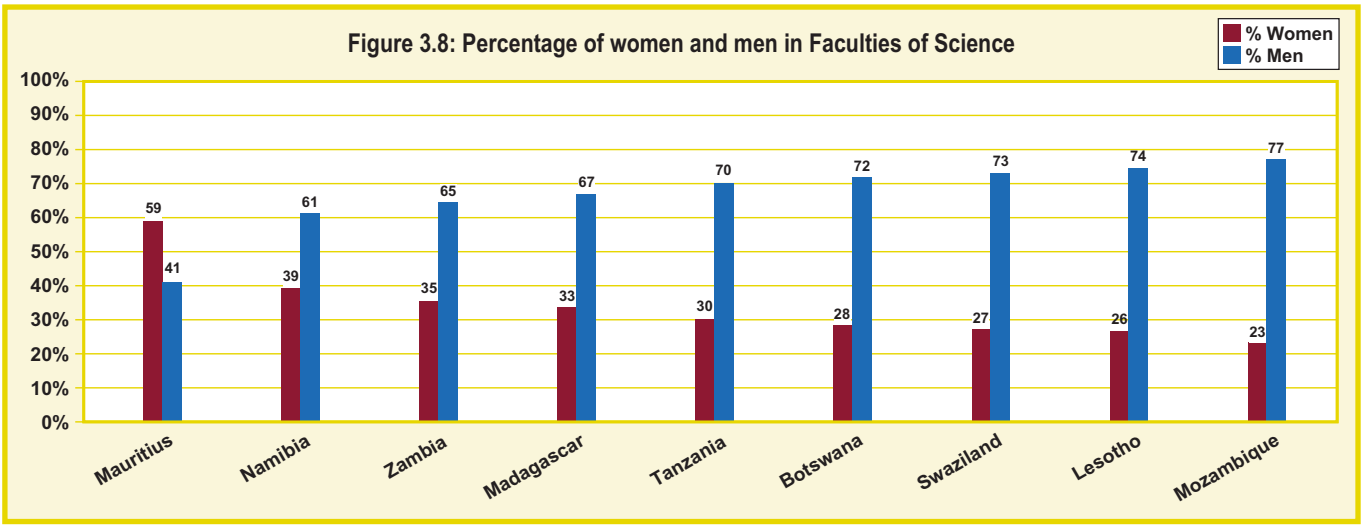
Source: Angola, Mozambique: UN Data. Bostwana: CSO 2006. DRC: Annual statistics of Higher Education 2006, 2007. Madagascar: Statistical Yearbook MENRS, 2006-2007. Malawi: Academic and Administrative Staff List; Chanecellor College 2009. Mauritius: University of Mauritius 2009. Namibia: University of Namibia 2007. Seychelles: Ministry of Education 2009. South Africa: Education Statistics 2007. Swaziland: Report of Vice Chancellor 2007-2008 P116. Tanzania: Wizara Ya Fedha na Uchumi, Hali ya Uchumi waTaifa katika mwaka 2008, Year June 2009. Zimbabwe: Women and Men in Zimbabwe, Year 2002. Zambia: Year Education Statistical Bulletin 2008.



Women dominate in the arts, but not in all countries: Figure 3.1 shows that in countries for which data could be obtained, and as reflected in the graph, women predominate in the arts, humanities and social sciences in most countries, but this is not universally the case. As demonstrated in the graph, men predominate in these faculties in Tanzania, Madagascar, Mozambique and Zambia.



Law is largely male dominated, but there are notable exceptions: In the majority of countries for which data could be obtained, law is largely male dominated, but there are interesting exceptions, such as Mauritius, Namibia and Lesotho, where the majority of those enrolled are women.



Women are under represented in the sciences, except for one country: Figure 3.8 reflects the strong domination of men in the sciences, except in Mauritius, where women constitute 58% of those enrolled in the sciences.

Nature or nurture?

Some argue that the gender division of labour in learning reflects the "natural" paths that women and men opt to follow. However, it is important to understand the social context. Even in early grades, girls start to believe that subjects like maths and science are not for them, but for boys only. As they travel through their school career, such bias follows them, until they decide which professional course to pursue and studies to follow. As a result, they are socialised into choosing courses that they perceive as having a "feminine" identification.

While this gender stereotyping applies to both boys and girls, the effect is more detrimental to girls. The roles that girls are socialised into tend to be the lower end of the scale, usually lesser paid and with fewer available options.

For example, while the ***Seychelles*** does not actually have a university as of yet, there is information available about post-secondary institutions. According to a senior official at the Ministry of Education, areas such as construction, engineering or maritime studies are considered male-related fields. This stems from societal beliefs. There are very few women doing jobs such as carpentry, masonry, auto-mechanics or working in and around ships. However, fields such as nursing or teaching are considered female-related fields and mainly girls opt for courses in those areas. Hence, the stereotype that women can do some jobs and not others is perpetuated. In addition, most of these stereotypes are based on whether "a woman can climb a ladder with bricks" or "hose down a ship." *(Ministry of Education)*



Looking ahead in Namibia *Photo: Gender Links*

In ***Mauritius*** at lower secondary level, boys and girls study the same subjects. At upper secondary level, they choose from more or less the same options in the science, economics and humanities streams. The offer of such options largely responds to demands made by students themselves. The exception is the technical stream. Design and Technology is offered in boys' schools whereas girls' schools propose Food Studies and Design and Textiles. However, in some mixed schools, for example, the Mahatma Gandhi Secondary Schools or some private secondary schools, boys and girls are able to study both Communication, Design and Technology and Home Economics, at least during the first two or three years of secondary. While, the same choice is given to both boys and girls in these above mentioned mixed schools, there is a noted tendency towards stereotypes, with only very few boys opting for Food Studies and only very few girls opting for Design and Technology.

Further data reveals that in Madagascar men comprise 70% of the senior professors and researchers (Professeurs titulaires and Directeurs de recherche). In the Schools of Arts and Humanities and of Medicine, women are beginning to emerge as a majority at lower levels. In the Arts and Humanities, they are 57% of associate professors and researchers, and in the Medical School, women are 55% of seniour lecturers, and 50% of assistant lecturers and researchers. It seems that women are currently making up for the previous situation of male/female inequality in education. However, they still seem to be inclined to choose the subjects that are considered "feminine," according to stereotypes.

Education policy

In some countries, it is only recently that official policies have changed to try to take into account gender diversity:



Malawi: Before 1994, Malawi education policies tended to discriminate against girls and to some extent boys. Primary schools, which offered home economics and needlework, denied girls the opportunity to study science. This policy discouraged girl child interest to pursue science related subjects. All such discriminatory policies related to choice of subjects have since been removed, and programmes initiated to improve and increase the number of girls taking science related subjects.



Mauritius: With the New National Curriculum Framework at the primary level in Mauritius, gender diversity is being reinforced. Both boys and girls study the same subjects and are exposed to the same pedagogy. All gender stereotypes have been removed from instructional materials to create a more enabling environment for self-esteem and personal development of both sexes. In the field of sports, activities traditionally reserved for boys are now open to girls through infrastructural facilities. More and more girls are training in traditionally "male" disciplines.

Tanzania: Pro-active initiatives increasing girls university enrolment

The Dar Es Salaam College of Education (DUCE) has a pre-entry science programme for girls, designed to encourage their continued science studies at the university level. Such programmes can mean that girls, who otherwise would have dropped out of the system, have a chance to further their studies, and improve their futures. The beneficiaries of the DUCE programme are those whose grades fall short for university admission under government sponsorship after their advanced secondary schooling.

A similar programme has been going on at the University of Dar es Salaam for several years and has proved successful, not only increasing girls' enrollment in science faculties, but the university as a whole. Though women still only represent just one third of students found on campus, the female percentage at the University of Dar Es salaam has rise from 16% in the 1990's to 26%.

Pupil enrolment ratio in primary school is almost 50/50, but this goes down at the secondary and university level. In many instances, this is because of the pressures of family responsibilities and lack of priority placed on girls' education. Multiple responsibilities often make it more difficult for girls to get the grades needed to proceed to university, which was the catalyst for the programme.
(Ministry of Education 2008)



Mozambique: the education policy recognises that there are significant differences in the participation of girls and boys in primary school. To promote equality and equity in accessing education, the policy states that a gender sensitive environment will be created through:

- identification and definition of organisational modalities of the educational process and changes in the training of teachers;
- developing a district school map to identify the optimum location for educational institutions;
- sensitising society to reduce the domestic work load of girls;
- promoting alternative systems of girls' education of girls; and
- establishing agreements with NGO, churches, and other partners for their involvement in execution of educational programmes for girls.



Tanzania's education policy is not quite as progressive, and on the subject of gender stereotypes, it is neutral. However, at implementation level, there are efforts made by civil society organisations to encourage girls to pursue science. For example, the former Ministry of Higher Education initiated a programme to award girls who perform well in the sciences. However, the country's economic reform has allowed an open market system and has reduced the efforts set up during independence and during the socialist ideology of expanding industrial activities. This has in turn reduced the success rate of the aforementioned programmes.

Curriculum, gender and education studies

Research and surveys can inform policies, programmes, and strategies. To achieve the

Protocol commitment of removing gender stereotypes in education, there first needs to be an understanding of where those stereotypes are. Just as important as the gender make-up of the teaching staff is the gender content and approaches to curriculum. Countries exhibit various progress when it comes to assessing their curriculum, which is really at the heart of ensuring a gender friendly education system.



Young Malawian women leaners look to the future

Photo: Frank Windeck



Swaziland: There have been no studies conducted on gender and curriculum. However, the national curriculum centre introduced the continuous assessment programme in the early 1990's and the slogan for this programme was "Every Child is a Successful Learner." During the implementation of this programme the NCC staff was trained by UNICEF and partners to incorporate the Girl Child training programme.



Zambia: There are no known studies conducted in relation to the curriculum. However, the Standards and Curriculum Directorate recently held a symposium and some of the issues that arose during the symposium intend to address concerns in the curriculum development, especially the removal of stereotypes in the textbooks. Another issue is mainstreaming of gender in the curriculum to take gender to the level where it will be appreciated as a cross cutting issue.



Malawi: There have been a number of studies done by the Ministry of Education on gender and education. One such study was "Knowledge and Policy Formulation: Reducing Gender Inequalities in Education In Sub-Saharan Africa, Malawi case study.[18]" The study recommended the need to evaluate subject selection policy and curriculum and to enhance the capacity of girls to pursue science related projects.



Lesotho: No studies have been undertaken on curriculum on gender and education.



Mozambique: The National Institute for Development of Education (INDE) is the government institution responsible for developing curriculum and other studies concerning education in Mozambique, in particular for primary and secondary levels. At the time of writing this report, we did not have access to a copy of one, but were assured that a study was conducted.



Seychelles: Several studies have been carried out to understand the situation regarding gender in the education sector and these have been used to inform policy making:

- Directors and Heads of Units in Education followed a course in Gender Planning and Management organised by the Ministry of Administration and Manpower in December 1996, to allow them to integrate gender into planning processes. This had some positive results. Recent policy documents are gender responsive and recognise the differing needs of girls and boys. National Examination results and education statistics are now more systematically gender disaggregated so that the progress of both genders in education can be monitored and all disparities highlighted. Gender has been successfully integrated into the new Ministry of Education's Strategic Plan (ESP), initial teacher training programmes and major projects such as the school improvement programme.
(ICPD Report 2003)

[18] Center for educational research and training Esme Kadzamira (1998) Department of International Development

Example of gender stereotypes in educational materials, Zambia

The following is an excerpt of an old grade one English school reader book.

This is Jelita, Jelita is a girl. She is cooking nshima. Look at Mulenga, Mulenga is a boy. He is kicking the ball.

- The new Personal and Social Education (PSE) Programme, which is compulsory for all students, discusses family responsibilities and relationships in gender sensitive ways, not limited by traditional roles and tasks.

National curriculum offices and gender mainstreaming

It seems throughout the region, the first place change is taking place is within the books and education materials produced for schools. Changing the written discourse around gender is just the beginning. Hopefully, with continued efforts, these tools will create greater changes throughout the region.



Lesotho: The national curriculum office is working with UNICEF, UNFPA and UNESCO to mainstream gender into curriculum. This is meant to ensure gender is included under compulsory learning in social, personal, spiritual, and life skills education in formal and non-formal education in primary and secondary schools. The focus is on gender stereotyping, as well as gender laws and policies. A course offered relates to gender, sexual, and reproductive human rights, as well as interpersonal relationships. A Technical Education Sector Review meeting in Lesotho in March 2008 identified gender as an issue.



Malawi: The Primary Curriculum Assessment Reform (PCAR) process introduced subjects such as life skills, social studies and general studies. Gender is part of a module in social studies, and another module discusses promotion and respect for human rights. Civil society and human rights institutions are encouraged to work in schools to augment these courses.

Madagascar: The national policy expresses leaders' will to eliminate gender stereotypes. PANEF has set, among other operational objectives, translating gender non-discrimination into the curricula and textbooks. In addition, according to policies, teachers and school administration must observe the principles of equity and equal opportunities, and establish such relations with their students based on honesty and objectiveness.





Mauritius: Implementation of the Programme Based Budget is geared towards developing gender sensitive indicators to monitor gender gaps in learning achievement and developing appropriate strategies for gender differen-tiated pedagogy. Pending the finalisation of the National Curriculum Framework for secondary schools and the development of instructional materials, Pupils' Textbooks and Teachers' Resource Books for upper primary are being written where gender equality will be a high watermark.



Mozambique: Gender is being mainstreamed in the curriculum and in most school books gender is integrated.



Namibia: The institute for educational development is responsible for textbook development, review and syllabus to ensure that gender mainstreaming is built in.



Swaziland: When developing new textbooks on the curriculum, a panel of experts assists with the audit of the new book. Gender sensitivity is one of the indicators that the panel must check for, as well as topical issues of abuse, disability and life skills.

Gender violence in schools

The Protocol highlights addressing gender violence as part of implementing gender sensitive

Missing fences:

The results of a study conducted in a few educational districts in Madagascar show that some of the schools are rather old and dilapidated. Overall, they have problems with security of the students, because of the lack of fences, walls or hedges. Anybody can have access to the school grounds, and as the students are inside the classrooms during classes, those who happen to be outside face risks of different forms of external attacks, such as threats from shepherds or meeting with drunks. The situation is still more dangerous for girls when there are public paths across or around the school grounds. Passers-by may try to seduce girl students and/or make unpleasant remarks to them during sports.
(UNIVCEF/MENRS/FOCUS 2008)

policies in education, with good reason. Gender violence is a huge issue within the SADC region. The reasons for this are many, and the extent to which it is recognised and addressed by government agencies varies.

The forms of violence vary, but generally revolve around rape or sexual abuse. The problem stems from gender inequalities between women and men, which then transfer onto girls and boys. Some other forms of abuse involve hitting, intimidation, verbal abuse and coercion to have sexual relationships with teachers. Bullying of girls by boys is a common phenomenon in schools and sexual abuse of girl children by teachers and other civil servants is extensive. Psychological abuse is another large problem, which unlike physical or sexual violence receives little attention. The violence touches everyone, including female teachers, workers, girl children and boy children.

Thirteen out of the fifteen countries report large-scale problems with gender based violence and sexual abuse in education facilities. Nations that have bypassed this trend are the Seychelles and Mauritius. In some cases, lack of adequate fencing around schools is cited as a leading cause of violence. For the rest, it is a far more complex problem, needing more than physical barriers to uproot.

The safety of learning institutions

Many schools in Southern African are fertile breeding grounds for potentially damaging gender practices that remain with pupils into adult life. Girls learn to accept the battery and assault, while boys, by contrast receive tacit permission to continue with the violent behaviour, because their violence is not condemned or interrupted. Across the region, institutions of learning are far from safe.

Children are at risk while at school, after school with teachers, in school dormitories or on their way to and from school. Within the confines of the school grounds, classmates or teachers may abuse them. In some settings where fences or walls are not in place, they are at risk from outside trespassers. Children are also often victims of rape or assault on their way in or out of school.

There is often a disconnection between the views of officials on the subject, and the situation experienced by children, families and teachers. Botswana is a nation that aspires to be "compassionate, just and caring" and "moral and tolerant" as declared in Vision 2016, yet has wide-scale physical abuse of children by teachers. In Lesotho, where educational officials have claimed that learning institutions are generally safe, research suggests that sexual violence is not only taking place, but is a serious problem that needs to be addressed. Often, even if officials acknowledge that gender violence is occurring, there is a lack of data.*(TSC Report 2007)*

USAID research focusing on school related gender based violence Malawi reveals that gender violence is prevalent in most learning institutions. Such violence takes place in the school, on the school grounds, and when students are going to and from school or in school dormitories. Teachers, pupils or community members perpetrate such gender violence, and both girls and boys report such abuses. Most students reported verbal sexual abuse, pregnancy from relationships with teachers or male peers, as well as intimidation, threats, and coercion to have sexual relationships with teachers, along with outright rape.

Emotional abuse was another form of violence uncovered in Swaziland. However, in this context, it was most common in the homes and the perpetrators were females by



Free to pursue their dreams *Photo: Crawf*

mothers, stepmothers and grandmothers. Researchers found that these perpetrators would off load their frustration and burden on the children. *(Ministry of Education 2003)*

Is safety an island of its own?



On a positive noted, nstitutions of learning in the ***Seychelles*** are safe. Legally, the Education Act and school policies protect students. Most of these policies focus on issues of gender equity and gender sensitivity in instruction. Physically, there are systems and rules in place that ensure that children are watched over at all times. Additionally, schools are fenced and gated and are provided with security personnel. There have been a few cases of violence in schools over the last decade but these are rare and considered exceptional. They have been dealt with promptly and swiftly when they do occur.



Mauritius also takes gender violence in schools seriously, addressing the problem on a social, institutional and legal level. While there are a few intermittent cases of violence, overall the country is doing well. In Mauritius, it is believed that the very essence of education is to further equal opportunities for all and avoid non-discriminatory measures. Sensitisation campaigns on gender violence and violence against children occur on a regular basis in schools. The responsibilities, involvement and collaborative efforts of the school personnel, students and families also act as a stimulus in maintaining a safe school environment for both sexes. This is as much an externally imposed policy as an internal administrative affair.

Problems of enforcement

All SADC counties have some form of protections for learners, and only two, Lesotho and Swaziland, do not have any specific provisions to eliminate gender violence in schools. However, the problem usually lies with enforcement. Across the region, while there are relevant policies and legal protections against gender violence, action against the perpetrator is rare, even when reported.



DRC: In theory, safety is guaranteed but in practise, this is not the case. The law forbids sexual harassment, but there are still teachers and education professionals who abuse their power to exploit students. In some remote areas, girls undertake cleaning jobs for their teachers, and their presence in personal spaces makes them vulnerable to exploitation.



Namibia: Sexual relations between teachers and learners are prohibited and any teacher who breaches this faces losing their jobs. Teachers found guilty cannot teach for eight years, after which if they want to return, they need to reapply. However, there is evidence of some parents protecting teachers found to be having sexual relations with learners because they see them as a source of income. There are also cases where learners do not reveal the identity of the father to protect him from losing his job.



Lesotho: Perpetrators of GBV are generally dealt with under the Sexual Offenses Act of 2003. Teachers and principals are disciplined in line with the provisions of the Code of Conduct of Teachers (Lesotho Education Act No. 10 of 1995, Article 48[g]) which states that a teacher commits: "... a breach of discipline and is liable to disciplinary proceedings and punishment' if he/she '... conducts himself [sic] improperly in his [sic] duties as a teacher." The Codes cited above address the issue of teachers molesting students; however, interviews reveal enforcement is poor.

Mozambique: There is no standard treatment. Some perpetrators are transferred to other



schools, some are brought to justice, and in other cases, action is taken. There is the issue of proof to indict the perpetrator. The law is clear on the treatment for such cases, but the handling of the process does not always follows the normal procedures. Maputo and Beira, according to the study, are the two cities that registered less cases of sexual abuse in schools, while in other provinces the rate is higher. This may be due to less law enforcement in the other provinces.



Malawi: Government employees are regulated under the Malawi Public Service Regulations (MPSR) and in cases where they are found guilty of malpractice they are subjected to interdiction and dismissal. The MPSR regulates disciplinary conduct of government-employed teachers but this does not extend to private schools, which appear unregulated. Government has come up with a code of conduct for teachers but there is a lack of awareness and enforcement. A study by Leach, Kadzamira and Lemani (2003) in Malawi provided evidence of teachers engaging in sexual misconduct with pupils in the three schools involved in the study. Little disciplinary action was taken by the authorities. Many cases go unreported and are condoned by school personnel, sometimes with the consent of the girl and her family. However, the greatest daily threat of gender violence to girls came from older boys in the school, who often engaged in aggressive behaviour and sexual harassment. Girls were also accosted by older men (sugar daddies) around the school and in the community, seeking sex in exchange for money or gifts.



Seychelles: All students are to be treated equally and fairly. Any violence against children, be it gender based or otherwise is punishable by law. There are clear policies regarding molesting any student, male or female. A teacher found guilty of such an offence, faces dismissal or court proceedings, depending on the findings of an enquiry.



Tanzania: The Special Offences Sexual Provision Act (SOSPA) is binding to every perpetrator.



South Africa: The Employment of Educators Act states that it is a dismissible disciplinary offence for an educator to engage in sexual relations with or sexually assault a learner. While the government has progressive policies to address violence in schools and gender based violence in the educational system, the problem remains one of enforcement and the creation of a human rights culture in the education system specifically and in society broadly.

Madagascar: Teachers are liable to punishment under the Penal Code, depending on the nature and seriousness of the violence committed. Possible forms of punishment include forced labour, imprisonment, loss of civil rights, fines, etc. Moreover, such teachers are liable to professional punishment, including salary suspension, demotion or even dismissal from the civil service.





Swaziland: When the Ministry of Edcuation investigation office receives a report, they dispatch officers to the school to investigate. These officers are trained in gathering evidence required for successful disciplinary purposes by the Teaching Service Commission (TSC). If a teacher is found guilty they are dismissed from service. The TSC report of 2006 confirms this, reporting with concern the increase in the number of dismissals due to being found guilty of having intimate relationships with students.

Botswana: In 2005, the Botswana Girl/Boy Education Movement (G-BEM) was formally launched to coincide with the end of the 16 Days of Activism Against Gender based Violence. G-BEM advocates for a child-friendly, gender-sensitive rights-based environment for children



in - and out - of school. This initiative is a collaborative effort of the Ministry of Education, the Women's Affairs Division, UNICEF and the Girl/Boy ChildNetwork, a conglomerate of civil society organisations concerned with issues of the girl and boy child.



Zimbabwe: The Ministry of Education has come up with a statutory Instrument SI 1/2000 that seeks to regulate the conduct of teachers in relation to gender based violence in schools. According to this, all intimate relationships with schoolchildren by teachers are improper associations, even if the child in question is over the age of consent. Where allegations arise, teachers face disciplinary action from the Ministry. In addition, where the child in question is below the age of consent, the Ministry will lodge a criminal offence. Once found guilty, a teacher may face discharge. However, one of the biggest challenges is with parents who consent to marriages between the teacher and their child, which results in the charges being dropped or not being pursued.

Studies on GBV in the education sector

The discrepancy between policies and what research suggests as reality bears some scrutiny. About half of the SADC countries have conducted studies on the issue of gender violence in schools that could help the education sector understand and address the issue.



Botswana: No studies have been undertaken to investigate the extend of gender based violence in school.

DRC: A study was conducted on gender dimensions of formal and informal education. This showed gender is not integrated into local associations and that reform must concentrate on thinking of a national policy that targets men and women.





Lesotho: No specific studies, but in some cases the issue is studied along other educational issues. The De Wet study reveals that sexual violence is a serious problem in Lesotho schools. The problem manifests gender inequalities and violence. Boys are the perpetrators and girls the victims of physical and sexual violence with about 11% of the respondents saying that pupils in their school had raped someone. 41% of pupils, and 8% of teachers carry a weapon to school at least once a month.



Madagascar: Violence in schools seems to be a main preoccupation among students in general, girls in particular. It is a deterring factor for going to school, and fosters relations of domination of boys over girls (UNICEF/MENRS/FOCUS 2008).



Malawi: The Safe School Programme (SSP) has assessed the prevalence of school-based gender violence and piloted intervention programmes in selected schools across the country. The study revealed *inter alia* that there is insufficient curricula and training related to prevention of gender violence; lack of institutional response; and lack of awareness, prevention and reporting by community members and parents; and lack of support services for survivors.

Mauritius: A study carried out on discipline problems in schools related to both sexes addressed the problem of violence in schools and did not relate solely to gender based violence. Some factors contributing to discipline problems included: lack of communication among family members or a lack of parental control over their children.



- Peer influence.
- Socio-economic factors.
- An absence of a guiding policy from the concerned Ministry.
- The psychological development of adolescents.
- A lack of awareness of existing laws.

(Discipline and Violence in Secondary Schools 2006)



Mozambique: A report revealed that sexual abuse in schools is among the social problems affecting Mozambican society, and that this is the main cause of HIV and AIDS infections among girls. It reveals that 6.6% of the girls interviewed reported forced sexual relations. According to this report, the prevalence of forced intercourse among girls in secondary schools is 8.7% and 7.3% in primary schools.



Seychelles: As of yet gender based violence in schools has not been the basis of any in-depth enquiry. This may be because gender based violence in schools has not been recorded on a frequent basis.



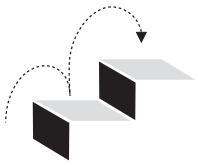
South Africa: There have been several studies. One, the Human Rights Watch report *"Scared at School"* highlighted girls' vulnerability to rape from teachers and classmates as well as in dating relationships. The report criticised schools in particular as perpetuating the insidious cycle of domestic violence. In 2006, the Centre for the Study of Violence and Reconciliation Gender based Violence Programme conducted a study with adolescent girls between the ages 13-17 that suggested that efforts to address violence against adolescent girls in South Africa are not a priority. Findings from 17 focus group discussions with adolescent girls at nine Gauteng schools suggest that minimal to no intervention efforts are underway at schools or in communities. *(Sadiyya Haffajee; Waiting Opportunities: Adolescent girls experiences of GBV at schools)*



Swaziland: in 2003, the Ministry of Education conducted a study revealing that sexual abuse was high, but not reported. The perpetrators were mostly male uncles and teachers. The report found that this type of abuse was not reported because other teachers feared upsetting relationships and friendships within the staff room. Further, the study found that physical abuse was reported, as the wounds were visible which eliminated the aspect of privacy.



Tanzania: A study was conducted by USAID/Health Policy Initiative in November 2008, but was inconclusive.



Next steps

Although the gender gap in education is closing, any gap at all has far-reaching impact on gender equality. Although the region will benefit from getting larger numbers of both boys and girls in school, for girls in particular, schooling offers the chance of independence. Educated girls are less likely to be exploited, less likely to fall victim to trafficking and less likely to become infected with HIV. Girls' education creates a positive cycle. Educated mothers are more likely to raise educated children *(Plan 2008)*.

For SADC, equality in education makes good development sense. According to a report published by Plan International, a survey of 65 low, middle income and transitional countries found the economic cost of failing to educate girls to the same standard as boys is estimated at US$92 billion each year. This is just less than the $103 billion annual overseas development aid budget of the developed world. In sub-Saharan Africa, estimates put this just under US$5 billion. According to the report, the message is clear, "investment in girls' education will deliver real returns, not just for individuals but for the whole of society" *(Plan 2008).*

Key steps to be taken include:

Primary education

- Reviewing policies on school fees and, where feasible, making education free and compulsory (Tanzania, for example, has reverted to a policy of free and compulsory education);
- Ensuring all learners have access to learner support materials and that these costs do not prejudice access to education by boys and girls;
- Special funds and scholarships, with specific gender targets appropriate to the particular country, to assist learners from disadvantaged backgrounds;
- Monitoring enrolment and retention to ensure gender balance; and

- Engaging with parents on the benefits of educating boys and girls.

Secondary education

- Sex education in schools: Although schools are now introducing sex education in some countries, this is confined to the classroom, without involving parents. Some teachers believe they are being asked to assume parental responsibilities. The issue is controversial, especially in conservative communities. It needs far more integration into the whole school development approach.
- Reproductive health facilities for boys and girls: Adequate reproductive health facilities do not accompany sex education in urban, let alone rural areas. This issue needs addressing, together with those responsible for health facilities.
- Blaming girls: The issue of teenage pregnancies in schools is discriminatory. Young girls usually bear the entire consequences, without the boys who father the children called on to take responsibility or share the burden. While it may not be practical or economically desirable for both young parents to drop out of school, the school has a responsibility to a) take a stand against the stigmatisation of girls who fall pregnant b) emphasise the responsi-bility of young men who father children c) provide psychological and practical support to the young parents.
- Girls who fall pregnant while at school resuming their studies: Although theoretically in most SADC countries girls who become pregnant at school are free to continue and/ or return to school, in practice they are stigmatised or expelled, and seldom complete their education. Schools have a responsibility to ensure that the girls who become pregnant while at school receive the practical and psychological support they need to return to school and complete their studies. In Botswana, for example, one school provided child-care facilities for young mothers wishing to continue their education. Evidence suggests that the physical presence of this facility at the school, and the burden of parenting while completing ones studies, deters the number of learner pregnancies at the school.

Tertiary education:

- Targets and timeframes for achieving gender parity in vocational and higher education;
- Supporting measures, such as affirmative point systems, scholarships and special funds for girls;
- Gender sensitive career guidance; and
- Special incentives for girls to enter non-traditional areas of training including partnerships with the private sector and parastatals.

Literacy

There is need to increase literacy drives for both men and women with targeted approaches to adult basic education to bridge the gender gap. Such literacy initiatives need to take into account the responsibilities that women and girls continue to shoulder in the home, especially related to approaches to learning, scheduling of classes and relevance of teaching material.

This calls for:

- Increased awareness raising campaigns, specifically targeting rural women and girls;
- Equal access of girls in institutions of learning, and additional resources such as books; and
- Eradicating gender stereotypes.

There is a need to launch a massive campaign against sexual, physical and emotional abuse in schools. This should comprise a holistic approach with implementation of prevention, reporting and response activities to school violence and development of community action plans. Clearer links between education policy and the national legal and regulatory framework must be established. More awareness is required especially of the parents and guardians not to compromise at home, and to follow up with these tracking processes.

More in-depth studies should be undertaken on the subject at all levels of the educational system, so as to learn about the forms it may take, how it varies from one level of education to another, its causes, perpetrators, victims, etc. The results thus obtained will be used as a starting point to identify and decide on the measures to be taken in future efforts.



"Ntkozo" *Anushka Virahsawmy*

CHAPTER 4

Economic Justice

Articles 15-19



Market stall woman *Photo: Gender Links*

KEY POINTS

- Women only constitute 18% of government economic decision-makers in the SADC region; in some countries this is considerably lower. For example in Mauritius there are no women in economic decision-making. There is only one women finance minister (in Namibia) in the SADC region.
- Time use studies have only been conducted in four out of the 15 SADC countries.
- Trade policies are mostly gender blind. Only a few procurement policies make specific reference to women.
- Women still struggle to access credit although most SADC countries now have programmes of one kind or another to assist women in accessing credit.
- Women continue to predominate in the informal sector.
- Figures on land ownership are patchy, but range from 11% in Seychelles to 46% (in Botswana). However the land holdings of women are much smaller than those of men.
- There are huge gaps in the per capita income of women and men. For example in South Africa the per capita income of women is 45% that of men.
- All SADC countries have maternity leave but only 40% have paternity leave.

SADC is an economic regional grouping. It is therefore no surprise that some of the most far reaching provisions of the Protocol relate to productive resources and employment.

Despite widespread acknowledgement of the links between economic development and gender equality, and the number of international and regional commitments that governments in SADC have made towards equality, many challenges persist. Few countries consider gender dimensions in economic policies, budgets, trade, work and business, and few policy and decision-makers understand the extent that gender inequalities harm development.

Traditional economic perspectives are very narrow. Conventional macro-economic policies and perspectives are gender blind, failing to recognise that:

- Women's potential contribution to economic development is systematically discouraged, adversely affecting the economic health of the region;
- Women's contribution to the economy is systematically underestimated;
- There is an informal and hidden economy made up mostly of women;
- There is an unpaid care economy in which women do most of the work of maintaining the labour force and keeping the social fabric in good order, maintaining social cohesion, civic responsibility and good neighbourliness; and
- Non-market processes contribute to the "healthy functioning" of the economy.

The lack of recognition of women's work leads to lack of public investment in the areas where women are concentrated, such as the informal sector employment, rural subsistence production, domestic "reproductive" work or the care economy and voluntary community work. Gender insensitive policy choices marginalise women, reinforce poverty and result in the failure to exploit this powerful human resource. Economic empowerment for women is not just about spending power. Economic empowerment means more opportunities. It can mean keeping children in school, getting health care, and even the option to leave unhealthy or violent relationships.



The lack of recognition of women's work leads to the lack of public investment *Photo: Gender Links*

In SADC, ensuring women's access to productive resources, employment and economic empowerment requires specific and focused attention to reviewing current economic approaches, and allocating budgetary resources for education, training, skills and the entrepreneurial development of women. These are necessary to improve the lives of aspirant business women and to promote the overall economic empowerment of women. In order for this to occur in a measurable and sustainable manner, a strategic rethinking of frameworks of fiscal policy, public finance, debt sustainability, trade reform and access to credit and land is critical.

Increasingly, fiscal, monetary and empowerment policies are no longer the sole preserve of SADC policy makers but are becoming interlinked with multilateral trading system, global finance and global macro-economic arrangements.

Unequal access to, and control over productive resources and social services such as health and education; skewed distribution of remunerated and unremunerated work; and inadequate support for women's productive activities and entrepreneurship are some of the major causes of the number of women living in poverty. Women often struggle to access property and resources, especially where customary practices prevail on their rights and liberties. Gender budgeting initiatives have yet to fully take root in the region.



Women often do not own the land they work *Photo: Trevor Davies*

The Protocol contains a number of important articles relevant to economic justice and empowerment. It provides that State Parties shall by 2015:

- Ensure equal participation by women and men in policy formulation and implementation of economic policies;
- Ensure gender responsive budgeting at the micro and macro levels including tracking; monitoring and evaluation; Conduct time use studies and adopt policy measures to ease the burden of the multiple roles played by women;
- Adopt policies and enact laws which ensure equal access, benefits and opportunities for women and men in trade and entrepreneurship, taking into account the contribution of women in the formal and informal sectors; Review national trade and entrepreneurship policies, to make them gender responsive; Introduce affirmative action measures to ensure that women benefit equally from economic opportunities, including those created through public procurement processes;
- Review all policies and laws that determine access to, control of, and benefit from, productive resources by women; and
- Review, amend and enact laws and policies that ensure women and men have equal access to wage employment in all sectors of the economy. It also provides for equal pay for equal work; eradication of occupational segregation; maternity and paternity benefits.

Women and men in economic decision-making

The Protocol provides that state parties shall, by 2015, ensure equal participation by women and men in policy formulation and implementation of economic policies.

Politics and the economy are closely intertwined. Governments determine economic policies and practices, and economics gives power to those in leadership positions. There are quantitative arguments for gender balance in representation in decision-making. Women have a "right" to representation. But there are also qualitative arguments for balance. Although women are not all the same, there are certain issues that they feel more strongly about than men because of their lived experiences. It is governments that plan for development, and allocate the needed resources to make these plans happen. Economic justice starts with ensuring that these resources and strategies adequately serve these needs.



Gender benders in Madagascar... a business woman puts her feet up *Photo: Colleen Lowe Morna*

Table 4.1: Women and men in economic decision-making

	Angola		Botswana		DRC		Lesotho		Madagascar		Malawi		Mauritius		Mozambique		Namibia		Seychelles		South Africa		Swaziland		Tanzania		Zambia		Zimbabwe		Total F	Total M	% F	% M
	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M				
			2009				2009		2008				2009		2009		2009		2009		2009				2009				2009							
Minister of finance		1		1		1		1		1		1		1		1	1			1		1		1		1		1		1	1	10	9%	91%
Deputy minister of finance	1	1		1		1	n/a	n/a		1		1	n/a	n/a		1		1	n/a	n/a		1				1	1				2	7	22%	78%
Permanent secretary/DG						1		1				1		1		1		1		1		1		1		1		1		1	0	9	0%	100%
Minister of Economic Planning		1				1						1		1		1				1		1		1						1	0	7	0%	100%
Deputy Minister of Economic Planning		1										1	n/a	n/a		1			n/a	n/a											0	3	0%	100%
Permanent secretary/DG			1									1	n/a	n/a	1					1				1		1				1	2	5	29%	71%
Minister of Trade and Industry	1	1		1		1		1		1	1			1		1		1		1		1	1		1		1			1	4	8	33%	67%
Deputy Minister of Trade and Industry		2		1				1		1		1	n/a	n/a	n/a	n/a	1		n/a	n/a	2					1		1			3	6	33%	67%
Permanent secretary/DG								1				1		1	1			1	n/a	n/a		1		1	1			1	1		3	5	38%	62%
Governor of the central or reserve bank		1	1			1		1		1		1		1		1		1		1		1		1		1		1		1	1	11	8%	92%
Deputy Govenor of the reserve bank							1			1	1		n/a	n/a	n/a	n/a		1	1			1	1			1		1	1	2	5	6	45%	55%
Other key persons in decision-making	1[19]	5[20]	2[21]	1[22]	1[23]		2[24]	5[25]	2[26]	8[27]				4[28]			1[29]	3[30]	1[31]	2[32]	3[33]	2[34]	2[35]		1[36]	4[37]	2[38]	3[39]			18	37	33%	67%
TOTAL	3	13	4	5	0	6	3	11	2	14	2	9	0	10	2	7	3	9	2	8	5	10	4	6	3	11	3	10	2	8	38	137	18%	82%
PERCENTAGE	19	81	44	56	0	100	21	79	13	87	18	82	0	100	22	78	25	75	20	80	33	67	40	60	21	79	23	77	20	80				

[19] Minister of Planning
[20] Minister of Public Administration, Employment and Social Security; Deputy Minister of Public Administration, Employment and Social Security; Minister of Commerce; Minister of Geology and Mines; Minister of Petroleum
[21] CEO Botswana Tourism Board, CEO BEDIA
[22] Minister Of Labour and Home Affairs
[23] Portfolio Minister
[24] Economic Advisor-Cabinet; Cabinet Sub-Committee
[25] Ibid.
[26] General Managers within the Ministry of Economy, Industry and Trade
[27] General Managers within the Ministry of Finance (7); General Managers within the Ministry of Economy, Industry and Trade (1)
[28] Minister of Foreign Affairs, Regional Integration and International Trade; Secretary for Foreign Affairs; Minister of Business, Enterprise and Co-operatives; Minister of Labour, Industrial Relations and Employment
[29] Permanent Secretary/DG
[30] Minister of Mines and Energy; Deputy Minister of Mines and Energy; Permanent secretary/DG
[31] CEO - Seychelles Investment Bureau
[32] Minister of Environment and Natural Resources; CEO - Seychelles International Business Authority
[33] Minister of Public Enterprises; Minister of Mining; Deputy Minister of Economic Development
[34] Deputy Minister of Public Enterprises; Minister of National Planning Commission
[35] Swaziland Investment Promotion Authority – CEO; Federation of Swaziland – CEO
[36] Minister of Natural Resources and Tourism
[37] Deputy Secretary Minister of Finance; Deputy Minister of Natural Resources and Tourism; Minister of for Agriculture, Food Security and Co-operatives; Deputy Minister
[38] Citizen Economic Empowerment (CEEC) DG; Permanent Secretary of Health
[39] Citizens Economic Empowerment Commission (CEEC) Chairperson; Ministry of Health; Deputy Minster of Health

Women missing from economic decision-making: Table 4.1 shows that overall women compromise 18% of all economic decision-makers in governments (defined as minister and deputy minister of finance, permanent secretary/DG; minister and deputy minister of economic planning; permanent secretary/ DG; minister and deputy minister of trade and industry; permanent secretary/DG; governor and deputy governor of the reserve bank and other key persons. If women do not sit at economic decision-making tables, it is unlikely that they will feature strongly in economic policies. Recognising women's current and prospective role in economic decision-making, or lack thereof, is the first step in creating real and sustainable change.

Figure 4.1: Proportion of female and male economic decision-makers in Southern Africa

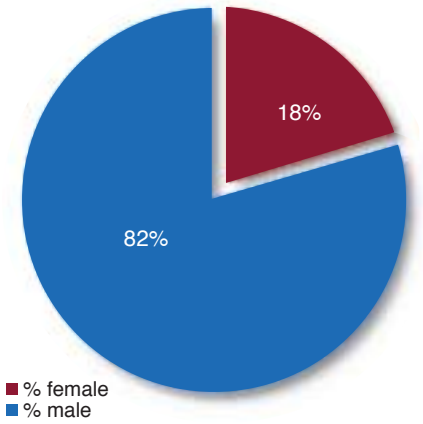


Figure 4.2: Percentage of women and men in economic decision-making by country

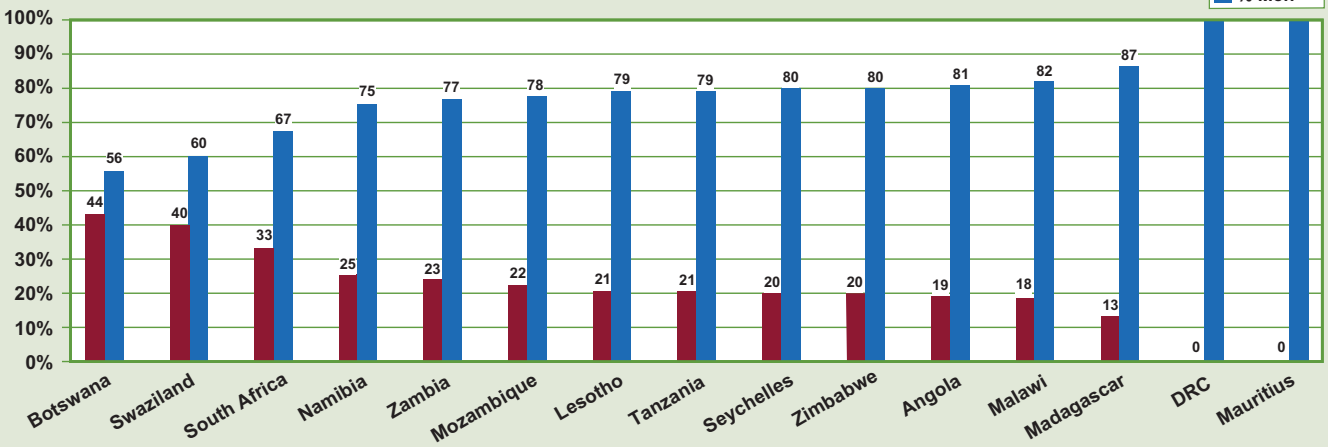


Figure 4.2 shows that topping the list with the highest proportion of women in economic decision-making positions in the public sector are Swaziland (40%) and Botswana (44%). South Africa (33%) and Namibia (25%) are faring better than most, but still fall far short of gender parity. The rest of the region has a gross under-representation of women in economic decision-making. For example, Mauritius and DRC has no women at all in these positions.

Women in the private and parastatal sector are also underrepresented. Available data shows that across the region, the top level of management in the private sector is male dominated. The following are some examples:



Seychelles: In the Seychelles the male dominance of large profitable companies covers all types of businesses: agriculture, construction, education, manufacturing, health and hotel industries.



DRC: In the DRC, there are just 23.6% of women at the head of businesses in the private sector, and 17% in the parastatal sector; three women as Board President and four as Director Generals. *(2008 Directory of The Congo Federation of Business)*



South Africa: In South Africa 40% of the 343 companies surveyed by the Business-women's Association (BWA) still have no women on their boards at all (South Africa CEDAW Report 2009). In 2004, women held 19.8% of the executive management positions. In 2005, that dropped to 16.8%. The two least-transformed industries were the financial services sector and mining. The best employers for women were state-owned enterprises, with a high level of both female directors (35%) and executive managers (31%). *(South Africa CEDAW Report)*



Namibia: Of twelve parastatal organisations surveyed in 2002 in Namibia, only one of the CEOs was a woman; out of 64 senior managers, only seven were women; and at middle management, there were 42 women out of 269 managers.



Malawi: Of 50 parastatals studied in Malawi with 423 members, 86 (20.8%) were women. Of the 50 CEOs, four are women, which accounts for 8%. *(SADC 2002)*



Tanzania: At the level of top management in Tanzania, there is still low, and perhaps decreasing, representation of women. Privatisation has had significant repercussions for women. For example, Tanzanian institutions that previously had competent women, such as in financial institutions like the National Bank of Commerce, find that with privatisation, opportunities are far fewer.

There is a lack of adequate policies: Few countries have policies around gender commitments that could help encourage equal participation of women in economic policy making and implementation. In fact, the only countries that have such policies are Malawi, Mauritius, South Africa and Zambia.

Flashes of progress

Zambia: The Zambian National Gender Policy recognises the need to promote equal gender representation at all levels of decision-making through affirmative action and empowerment. It talks about the empowerment and improvement of women's social, economic and political status. The policy states that the ruling Movement for Multi Party Democracy (MMD) took affirmative action as a way of appointing more women to senior management positions in various government institutions. The Fifth National Development Plan (FNDP) is another government document that seeks to ensure equal participation of women in policy formulation processes and the implementation of economic policies. The plan identifies the SADC Protocol on Gender and Development, a national gender policy, re-entry policy for girls who fall pregnant, free basic education, scholarships for vulnerable people and girls as some ways to empower women and girls. The plan further spells out measures to train women in entrepreneurship skills so they are able to engage in business and the economy. Other documents are the Education, Our Future policy and the Vision 2030 plan, which recognise that less access to education means women's participation in the economy has largely been restricted to petty trading, such as street vending and cross-border trading. Despite measures to involve women in economic and other decision-making positions, much needs to be done.

Malawi: The gender policy makes provision for the need to lobby for at least 30% of policy and decision-making positions in the public and the private sector. *(The Gender Policy 2000-2008)*

South Africa: Several policies seek to ensure equal participation of women in policy formulation processes and the implementation of economic policies. For example, the White Paper on Affirmative Action in the Public Service says there should be 50% representation of women at all levels in Senior Management Services in the Public Service by March 2009. This figure has not yet been reached.



Shaking hands for equality in Zambia
Photo: Frank Windeck

Gender budgeting

The Protocol provides that State Parties shall ensure gender responsive budgeting at the micro and macro levels including tracking; monitoring and evaluation.

Budgets are a government's most important policy instrument. They outline how much will be spent on health care, military or education, what taxes may be introduced, increased or decreased, strategies for increasing employment or access to housing, and every other activity of the government. Although budgets may appear to be gender-neutral policy instruments, expenditures and revenue collection can have different impacts on women and men.



Mauritian Finance Minister, Rama Sithanen (left), is committed to a gender aware budget *Photo: Colleen Lowe Morna*

Innovative gender-responsive budget analysis happening in many countries provides an approach to explore and highlight how these resource collections and allocations may differently affect both genders. It looks not only at funding levels for the various ministries, but also at spending priorities within ministries. This helps governments develop wise policies that contribute to the development of all of its citizens, helps ensure adequate funds are available for programmes they are developing, and acts as a marker for commitments to gender equality. A gender budget analysis, for example, might find that cuts in spending on agriculture fall most heavily on poor women farmers. Restoring the agriculture budget could increase household incomes, raise agricultural production and improve the quality of life of all villagers. By permitting better-targeted and more efficient use of government resources, advocates argue, gender budgeting benefits men and women alike. Since its introduction in Australia in the mid 1990s, gender budgeting has grown to become a well-recognised tool for strengthening accountability for gender equality and women's empowerment. It provides strategic entry points for bringing a gender equality perspective to economic policy making, national planning, budgeting and programming.

Gender budgeting initiatives are still rare but some governments are taking first steps: Although gender budgeting is still not wide spread, several countries reported the start of such initiatives. Some examples of initiatives led by governments include:



Tanzania is a pioneer of Gender Budgeting Initiatives (GBI) in Africa. The first phase, from 1997-2000, focused primarily on information collection, research and dissemination, and capacity building. The second phase of this process, starting in the year 2001, focused on influencing macro-economic policies and frameworks to adopt gender, while continuing its investment in data collection and capacity building of various budgeting actors. Additionally, gender budget training has been conducted with Members of

Parliament (MPs). The government has integrated components of transparency in its budgetary process and boards at local levels now display budgets. Furthermore, the process reached a point of influencing review of the local level budgetary procedures and timing by correlating it with the national budget timeframe. The budgetary process now begins at the local level by communities, women and men and youths executing the planning of their needs, budgeting for activities, setting priorities and then sending to local government for approval. One of the greatest impacts has been the recognition of the gender concerns in different sectors and the allocation of additional resources.
(URT Integrated Labour Force Survey (ILFS))



Mauritius: The Ministry of Women's Rights, Child Develop-ment and Family Welfare (MWRCDFW) and the Ministry of Finance and Economic Empower-ment are collaborating in a pilot exercise to engender the Programme-Based Budget from 2010-2011. Eleven programmes and eight Ministries have been selected. The Budget Call Circular No 18 of 2008 requested ministries to provide clear information on the strategy, outputs, outcomes, indicators, targets and time frames for gender budgeting. At this stage, four of the ministries, MWRCDFW, Education and Human Resources, Youth and Sports, Labour, Industrial Relations and Employment have already developed their sector gender policy as part of the Gender Equality and Women's Empowerment Programme of MWRCDFW, supported by UNDP.



Malawi: The Ministry of Gender and Child Development (MoGCD) in 2005 initiated the gender budgeting initiative in the planning sector of priority ministries of Finance, Agriculture and Food Security, Health, Economic Planning and Development and Education. The programme is being facili-tated with support from the Canadian International Development Agency (CIDA) and there are plans to extend its scope to cover all the government ministries and departments. The programme also targeted selected members of parliament that also trained on gender budgeting.

In other countries, civil society is leading gender budget initiatives: In some countries, gender budget initiatives are led by civil society as part of demanding greater accountability. This enhances the watchdog role of gender advocacy groups. However, there is need for greater ownership of these processes by governments. Some examples include:



Swaziland: For the last two years, the Gender Consortium has conducted gender budgeting workshops for its membership, which comprises of about fifteen organisations, some of which have never managed to attend. Similarly, in Swaziland, despite exposure of the Parliament and the Women's Parliamentary Caucus to SADC Parliamentary forum workshops on the concept of gender budgeting, the government's programme of Action for 2008 to 2013 is not framed in a gender responsive manner.



Zambia: Some civil society organisations are involved in gender screening of the national budget to see how much is allocated to specific ministries on gender issues every year, how it is spent, who are the bene-ficiaries and whether the money makes an impact on gender issues. The findings are that in certain instances, money meant for gender activities is usually diverted to other issues considered to be more important or pressing.

Partnerships between civil society and government work well: An ideal scenario is for governments and civil society to work together on gender budget initiatives, as is happening in Zimbabwe.



Zimbabwe: Over the last few years the Zimbabwe Women's Resource Centre and Network (ZWRCN) , in partnership with the Ministry of Finance and the Ministry of Women Affairs, Gender, and Community Development, has introduced a gender budgeting programme.

To date it has provided training on gender budgeting. Regrettably, the programme has not yet begun paying off, as it has not been applied in practical terms in the actual drawing up of budgets. The other challenge is that the people who have been trained on the gender budgeting initiative are not necessarily the high-level management involved in decision-making. Hence, this limits the impact that the initiative can have. *(Interview: Manyan A., Deputy Director, Gender Focal Person, Ministry of Finance)*

A regional network has been formed: In June 2009, UNIFEM hosted a regional meeting led by the ZWRCN, which coordinates the economic justice cluster of the Alliance, to establish a regional (Southern Africa) Gender Responsive Budgeting Network.

Multiple roles of women

The Protocol requires countries to conduct time-use studies and adopt policy measures to ease the burden of the multiple roles played by women.

Very few time use studies conducted: These studies establish the invisible work of women not recorded in national accounts. Not all countries have conducted time use studies. Examples of countries that have done so are as follows:

Malawi: The Integrated Household Survey (IHS) conducted by the NSO in 2005 reported that, among persons aged 15 or more years, 90% of women undertake domestic tasks compared to 24% of men.[40] Women spent 7.7 hours every day on household chores compared to 1.2 hours for men, and these figures exclude time spent on childcare. It can be inferred that women do not have the time to engage in many paid or other out-of-homestead economic activities. These population averages conceal the even higher proportion of hours spent on domestic tasks by women who are in the 25-45 year age group. Women in this age group do most of the reproductive and productive work, with heavy responsibilities for child care, family care and for providing sustenance to their families. Although they are in most need of the chance to engage in economic activities, they have least the time to do so.



[40] IHS 2004-5 p60

Madagascar: The National Statistics Institute (INSTAT) conducted a study on men and women's time use in 2001. The results of the study were taken up in the National Human Development Report in 2003 whose topic was gender, human development and poverty. Relief from household chores for women was one the objectives set in an action plan that defined a five-year budget to establish collective economic infrastructures such as washhouses, access ways, electricity, safe water supply, child nurseries, etc.). This plan also sought to assess women's needs; identify technologies that are appropriate for women; organise sessions to disseminate bio-gas, low-consumption wood or charcoal stove; and to facilitate women's access to equipment, etc. *(INSTAT 2003)*



Balancing multiple roles, manager at Stanbic Lusaka Branch, Jacklyn Jutale in the office and at home

Photo: Perpetual Sichikwenkwe

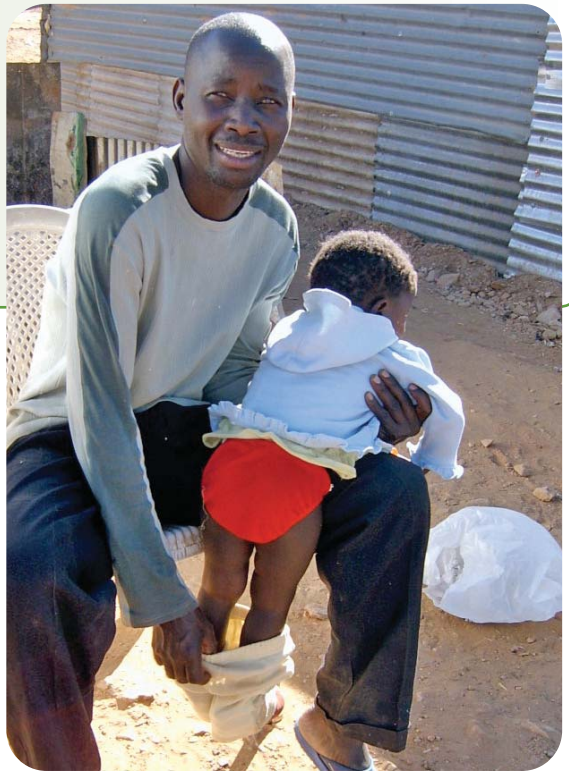


"Analysis of the time use survey: the case of Mauritius" published by the Central Statistics Office in 2005

The major findings of the survey are as follows:

- Women continue to be concentrated in low-skilled and low paid jobs;
- Only paid employment and the exchange of commodities for money is registered as part of the GDP in national accounting systems. The contribution of women to the national economy is therefore underestimated;
- Policies aiming to raise the female labour force participation rate could contribute to reduce the gender gap;
- The average man earns Rs48.92 ($1.7) per hour and the average woman ($1.2) implying a gap pay of 36%;
- The relative gender pay gap is uneven across different occupations ranging from 13% for clerks through 25% for legislators, senior officials and managers to 100% for plant and machine operators;
- The average man earns 13% less than the average woman in the public sector while the average man earns 50% more than the average women in the private sector. There is a need to address the gender pay gap the private sector;
- Women are academically more qualified than men but still earn less in the labour market;
- The relative gender pay is 44% in rural regions while only 28% in urban regions;
- The average male worker spends 6.9 hours while the average female worker spends 5.9 hours. This shows the Mauritian household as dual earner model;
- Reproductive practices tend to impede more on women in their career than on men;
- The average woman spends 314 minutes per day on unpaid work, almost 4 times the average of 80 minutes for the average man;
- Non-working mothers spend 484 minutes per day on household duties compared to 279 minutes for working mothers. Adding the 334 minutes spent at work per day gives a total of 613 minutes for working mothers;
- Men contribute less to household tasks. Mothers are spending 4 to 5 times more time than fathers on household work;
- Working mother spends 61 minutes compared to working father at 27 minutes on care work of household members.

Few, if any, policies ease women's multiple roles: In the DRC, the Fund for the Promotion of Women, set up by the Ministry of Gender, Family and Children does not yet have the means to implement its policy. In Malawi, the gender policy provides that one of its objectives is to promote the recognition and value of women's multiple roles and responsibilities, their contribution towards national development and as beneficiaries of the development process. While there are no specific policies in Tanzania, the government is making efforts that might have similar effects. The Ministry of Health is now encouraging men to take part in childcare. For the most part however the work of women remains unrecognised and unrewarded.



Men taking part in childcare is encouraged

Photo: Gender Links

The unseen sector



Rose Thamae caring for community members *Photo: Lori Waselchuk*

The "care" economy is the hidden and unaccounted for work that happens, usually by women, in the home and in the community. Though rarely accounted for in any economic statistics, the economy would crumble without this supportive work. A study has estimated that this amounts to a possible US$11 trillion worth of work that Gross Domestic Products do not account for, and that women do not receive any payment for. Society simply does not value or recognise this work.

This lack of recognition results in part from the lack of understanding of the value of women's work in the economy. Aside from the emerging roles that women are playing in mainstream productive activities, the value of the home-based work in keeping economies running smoothly is completely ignored. For instance, women are involved in production for home use items that in principle they could market, such as food, clothing, soft furnishings, pottery and housing. One of the ways of measuring this value is time use studies that assess how men and women spend their day.

Women's unpaid care work is essential for keeping the social fabric in good repair and for maintaining and reproducing the labour force. This includes home-based chores such as looking after the household, cooking, cleaning and providing personal care to family members, friends and neighbours. Women are also actively involved in voluntary community work, such as all kinds of civic associations, both secular and church based. This includes self-help groups, home based care for people living with HIV and AIDS, neighbourhood safety and civic responsibility. One of the mechanisms put in place by the Gender Protocol would be for all states to conduct time use studies by 2015. This would provide a better understanding of this multiple role and pave the way for Protocol requirements to adopt policy measures to ease the burden of the multiple roles played by women.

One of the problems with unpaid care work is the strain that it puts on time and resources. For example, in rural areas women's household duties may include fetching water, gathering firewood, cooking, etc. If there is a family member who is ill, this significantly adds to the burden of care. This leaves very little time for engaging in productive, income-earning work. Moreover, this unpaid care work frees the time of other members of the household to engage in paid work. While arguments are made that this creates "balance" in society, in reality it means that women are largely dependent on male income earners, and cannot expect to share in the family earnings as a matter of course.

Ironically, women who do engage in waged employment often find that this does not reduce their contribution to the care economy. Rather, they find themselves balancing their waged employment with care and domestic work. While this is slowly changing, with many families developing ways to share the unpaid work that keeps things running smoothly, the care economy is still overwhelmingly female.

Exploring this side of the economy, looking at how women and men are engaging in care work, provides a unique perspective on economics. Developing stories about how this is being balanced, and providing the public with analysis on the how care work fits into national economies helps to bring this issue into the public domain and also reflects the everyday lives of women and men.

Source: *GEMSA care work research* 2009

Economic empowerment

The Protocol provides that state parties shall by 2015 adopt policies and enact laws which ensure equal access, benefits and opportunities for women and men in trade and entrepreneurship, taking into account the contribution of women in the formal and informal sectors; Review national trade and entrepreneurship policies, to make them gender responsive; Introduce affirmative action measures to ensure that women benefit equally from economic opportunities, including those created through public procurement processes.

Women marginalised in trade and entrepreneurship: Women have less access to education, credit, land, market information and technology in comparison to men, thus in the entrepreneurship and trade arenas, women remain marginalised. The removal of protectionist trade policies can have a negative effect on the participation of women in trade, as local female producers are challenged to compete with foreign products sold at lower rates. As women's access to markets is restricted and they are largely represented in the informal sector, this impedes women's economic participation.

Governments are just beginning to be more proactive: Most SADC trade policies are gender blind; there is no mention of the differential impact of trade policies on women and men.



Mauritius has put in place an Empowerment Programme to address difficulties individuals face with retrenchment in the context of international financial difficulties and structural changes at the national level. The National Women Entrepreneur Council (NWEC) has been set up by the NWEC Act of 1999 to promote the development of women entrepreneurship. The Small Entrepreneur and Handicraft Development Authority (SEHDA) have also been instrumental in developing policies and programmes for women in Small and Medium Enterprises. Women are encouraged to start their own business. A dedicated cell caters for project preparation in dialogue with women's groups. The availability and other family constraints of women are considered when either developing their projects or trying to find them work. This has led to the development of a project on interim services where a person can take up work as per the slots that one is available during a week. Capacity building support is also tailor-made to each person, and where required, in the case of women with low educational achievement, basic literacy and life skills training is provided. Women are also encouraged to follow formal business related training in order to enhance their entrepreneurship aptitudes.



Tanzania: The National Micro-Finance Policy (2000) provides guidelines to achieve gender equity in accessing financial services in order to empower women economically. Furthermore, the Agricultural Development Strategy (2001), the Rural Development Strategy (2001), Small and Medium Enterprise Development Strategy (2003) and the Trade Policy (2003), all include a gender perspective. Women in small and medium enterprises have been empowered economically by facilitating their access to financial facilities in the form of credit, training in entrepreneurship, business management, and accessing markets. Efforts are being made to assist women to acquire standard certification of their products and to access internal and external markets. Various credit facilities targeting women have been established. Among others is the Women Development Fund (WDF), or (Credit Resource for Empowerment of Women (CREW Tanzania)started under CIDA Fund and supported by the government through the National Gender Machinery and complimented by the local councils. The fund provides credit to women in all the 114 Local Councils of mainland Tanzania. A similar Fund operates in Zanzibar.



South Africa: South Africa has policies to increase women's access to credit to ensure that women are empowered economically. In addressing the needs of the poor for housing and shelter, the Rural Housing Loan Fund now provides loans through intermediaries to low income households for incremental housing purposes. Through the Department of Social Development, there are a number of projects throughout the country to facilitate economic empowerment and sustainable development. Local Government, the drivers of local economic development includes finding ways to help entrepreneurs diversify and grow their businesses in a way that simultaneously helps the local municipality address its economic needs.



Zambia: The draft Trade and Industrial policy recognises that women remain marginalised in the professional workplace and in private enterprise and suggests continuous education and training of the domestic labour force in order to promote gender equality and to ensure that local personnel are kept updated with international best practices. The policy further identifies the challenges to increase representation of women at all levels, from the boardroom to the shop floor as well as actively promoting more women entrepreneurs. One of the objectives of the policy is to promote gender equality in the productive sectors of the economy. The policy prescription on gender is for Government to encourage skills development and entrepreneurship for women and also encourage the teaching of various vocational, technological and applied skills at the country's tertiary institutions to cater for everyone including women.

Informal trade

The informal sector refers to labour activities that fall outside the formal economy, mostly unregulated by government. The informal economy consists of a range of informal enterprises and informal jobs. It may include self-employment in informal enterprises, for example workers in small unregistered or unincorporated businesses. It may also include waged employment in informal jobs, such as workers without worker benefits or social protection who work for formal or informal firms, for households or with no fixed employer, including employees of informal enterprises, casual or day labourers, domestic workers, unregistered or undeclared workers, and some temporary or part-time workers.



Informal sector in Namibia *Photo: Trevor Davies*

International Labour Relations (ILO)

Estimates are that the size of the informal economy as a percentage of gross national income (GNI) ranges from under 30% in South Africa, the continent's largest economy, to almost 60% in Tanzania and Zimbabwe. The average in sub-Saharan Africa is 42.3%. According to the ILO, the sector amounts to 72% of employment in sub-Saharan Africa. Statistics suggest that 93% of new jobs created in Africa during the 1990s were in the informal sector, reflecting the impact of globalisation, economic reforms and competitive pressures on the labour market in recent years (Verick 2006). Unfortunately, despite the sheer breadth of the informal economy, the majority of informal sector workers remain poor, unprotected by labour laws, uncovered by social security schemes, and underserved by formal education systems. They have little job security or savings, and even a brief illness or injury can mean no financial means to survive.



The informal sector provides jobs for women in SADC *Photo: Derrick Sinjela*

Despite the fact that informal trade is a huge sector in its own right, there is little disaggregated data to tell how many women and men are in the trade. In many nations, this informal sector is the fastest growing sector.



Botswana: The CSO Informal Sector Survey of 2007 shows that the number of informal sector businesses in Botswana is estimated at 40421, which is an increase of 72.3% compared to the survey of 1999. 67.6% of the informal businesses are run by women, compared to 32.4% by men. Most of the businesses can be found in the Wholesale & Retail Trade industry (40.5%), followed by Real Estate (20.3%) and Manufacturing (12.2%). Interestingly, female ownership dominated in nearly all categories, except for Construction and Health & Social Services. The survey found that as most informal businesses are likely to be run by persons without or with little education, the level of education contributes to the choice of operating in the informal sector. *(CSO 2007)*



South Africa: GTZ (the German technical assistance arm) has conducted extensive research on South Africa's informal sector and the impact vocational skills training has on the lives of those working in the second economy. According to the organisation's findings, 3.5 million South Africans are informally employed whereas about 9.6 million people work in the first economy. In South Africa, various skills training initiatives exist. The Joint Initiative on Priority Skills Acquisition (JIPSA) is one of them. Informal entrepreneurs who receive some form of training are more likely to see an increase in their profit, turnover and the size of their customer base, and make moves to formalise their businesses, such as opening a separate bank account or registering their companies.

Building the capacity of this mostly female force is one way for women to gain economic justice. By highlighting the need to enact laws that promote equal access to and retention in not only primary, secondary, and tertiary education, but also vocational and non-formal education (in accordance with the Protocol on Education and Training and the Millennium Development Goals), the Gender Protocol could help to encourage such training programmes.

Affirmative action and procurement

Women are still excluded from government contracts: The provision for affirmative action in procurement is potentially one of the most far reaching of the Protocol's provisions. Again, the research suggests that this is an area where there will need to be considerable work before 2015. However, there are some promising building blocks:



Mauritius: The Public Procurement Act was passed in 2006 and Article 22 of the Act highlights "Community and end-user participation – where the participation of the procurement end-user or beneficiary community may result in enhancing the economy, quality or sustainability of the service to be procured, or the very objective of the project is to create employment and involvement of the beneficiary community, such end-user or community may participate in the delivery of services in accordance with such procedure as may be prescribed." This clause of the Procurement Act facilitates bids by women. *(Public Procurement Act 2006)*



South Africa: South Africa has the Preferential Procurement Policy Framework Policy Act, No 5 of 2000. The Act seeks to provide a framework for preferential treatment of women of all races, black people and persons with disabilities in procurement transactions as a means of addressing historical imbalances, to accelerate de facto equality. The Act includes a preference point system that must be followed on race, gender or disability. The procurement at local government comes with weights for various categories such as women, but these points are not sufficient to make a contractor lose a contract as the main determinant cost.
(Preferential Procurement Policy Framework Policy Act 5, 2000)



Madagascar: A new public procurement system was adopted in 2004 in Madagascar (Act 2004-009 on 26 July 2004) and has been gradually implemented since 2005 through the adoption of administrative and procedural regulations. The new system aims at "ensuring efficiency in public procurements and sound use of public funds" (Article 4, Act 2004-009 on 26 July 2004). In principle, the system applies to procurements by the Government, public institutions, decentralised collectives and their public institutions, any public or private entity whose resources come from public funds, and any company in which the State is a majority shareholder. Public procurement is subject to a bidding process starting at certain thresholds.
(Act 2004-2009, Public Procurement System)



Property and resources

The SADC Protocol provides that by 2015 state parties shall review all policies and laws that determine access to, control of, and benefit from, productive resources by women.

There are several factors hindering women from accessing credit and productive resources in the region including poverty, powerlessness in decision-making, limited access to land, capital credit or cash, fertiliser or manure, technological training, and non-farm labour markets etc. Customary structures and institutionalised discrimination result in land exchanging between male hands. Women's lack of access to productive resources not only perpetuates the femini-sation of poverty, but also negatively impacts on regional development as a whole. Often women are hindered from accessing credit and productive resources across the region by laws that require that married couples are in community of property. In many cases, through policy or practice, this places the husband as the admini-strator of the joint estate. Therefore, it is only at the husband's approval that credit can be given.

In cases where banks and other financial credit institutions are not supposed to demand consent of their husbands, they tend not to have the necessary collateral due to generally lower economic means coupled with malpractices around registration of assets to protect their interests. Furthermore, some assets such as livestock are dealt with by customary law which aligns property with a male head of households, even if it is not his as such, rendering access complicated for the actual owner. It is only single women and those married out of community of property, i.e. with an ante-nuptial contract, who

are almost on equal footing with their male counterparts. Theoretically, they can access credit and productive resources without a husband's overt or covert approval. However, even these women are at an inherent disadvantage, due to lower economic muscle.

Credit and productive resources

Specific initiatives are being taken: In some countries, relevant laws do exist, though women tend to lack knowledge of their existence. The same goes for programmes and financial allocations. Some in country successes include the following.



Lesotho:
Important legislative changes include:

- Amendment of the Land Act with the Land Amendment Act of 2008 which makes provision for inheritance of immovable property by the widow, joint titling of immovable property of couples married in community of property and how the immovable property is to be disposed or burdened and this requires the written consent of the spouses. This protects women's economic rights and gives security of tenure on immovable property.
- The amend-ment of the Companies Act to repeal provision that refused women the right to be directors of companies without the consent of the husband. Consent is no longer required, they are free to engage in business in their own right.
- The amendment of the Lesotho Savings and Development Order which made reference to women's minority status as a limitation to accessing credit.

More women register companies
By Moses Mlangeni

It is Wednesday morning and the Companies and Intellectual Property Rights offices (CIPRO) in Pretoria are packed with over 100 men and women aspiring to formalise their businesses into closed corporations, companies or co-operatives. The queues at the registration offices reflect an equal number of women and men, which is a radical change from the predominantly male queues that were the norm a few years ago.

Patricia Manshon, CIPRO's manager of business relations, marketing and communication confirms the increasing number of women entrepreneurs registering. "It's exciting to see all the women in the queues. The tide is certainly turning," she says. According to Manshon, some women are in areas previously dominated by males such as construction, transport, information and communication technology and mining. However, a significant number of women are registering businesses in more traditionally female areas such as catering, accommodation, retailing and childcare services.



Lining up to register *Photo: Moses Mlangeni*



Mozambique: There are programmes that exclusively target women (CMN, Kukula, Project Hope and Hunger Project) accounting for 9035 clients who benefit from microfinance provision in Mozambique, according to a study conducted by the Mozambique Microfinance Facility (MMF).



Mauritius: In his budget 2007/2008, the Minister of Finance allocated Rs.125,000 million for Tourist Villages and Rs.100,000 million for SME schemes. The Budget 2008/2009 makes provision for the creation of a new micro-credit scheme for the 100% financing of projects implemented by women, and loans up to Rs.100,000 without any collateral to women entrepreneurs through the Manufacturing Adjustment and SME Development fund.

South Africa: The following measures and frameworks in the Department of Land Affairs help to drive the government's agenda on equitable redistribution of land: the Restitution Programme, Settlement implementation Business Process; Settlement Implementation Strategy; Land and Agrarian Reform Programme; and Women in Agriculture and Rural Development (WARD). The commitment to gender equality in the allocation of land



Recession hits hard

Even though the legal status of women has changed substantially since independence in Namibia, their social status remains relatively unchanged in many segments of the population. Women are deprived of equal access to resources, participation in decision-making and even the right to make their own decisions. As a result women have been more adversely affected by the economic recession than their male counterparts and have usually been the main victims of structural adjustment.



is reflected in all policies, and Acts make specific references to meeting the needs of women as beneficiaries, for example, through the Communal Land Rights Act, 2004.*(Act 11 of 2004).*

The White Paper on South African Land Policy provides measures that seek to enable women to access financial and support services. For instance the Home Loan and Mortgage Disclosure Act, 2000 extends credit to women and other historically disadvantaged groups. It encourages financial institutions to provide them with credit to acquire housing.



Malawi: The Ministry of Trade has initiated several programmes to promote women's access to credit and enable them to benefit from economic activities. A notable programme being implemented to provide grants with a bias toward women is funded by the International Finance Corporation and implemented by the NBS Bank Malawi.

Swaziland: The draft Land Policy is quite instrumental in recognising the resource needs of women on an equitable scale with men. However, it has remained a draft for over a decade after it was crafted. It recognises the need for equitable gender allocation of land. This sentiment is also carried by Section 211 of the national consti-tution (2) save as may be required by the exigencies of any particular situation, a citizen of Swaziland, without regard to gender, shall have equal access to land for normal domestic purposes. The Marriage Bill of 2006 also addresses hindrance on women's access to credit through abolition of marital power.



Zambia: Due to advocacy and lobbying of traditional leaders, financial institutions, banks and women themselves, quite a number of women especially in urban areas are gaining access to credit and productive resources. For example, banks and financial institutions no longer require a woman to have permission from her husband to access credit and other productive resources. However, there remains a challenge of collateral, as most women still do not own property. In order to evade this requirement, leading institution advise women to form or belong to forums, co-operatives, associations and other such associations in order to have easier access to credit and productive resources. In summary, most measures that exist support men more than women in accessing credit and resources. The government put in place the Citizen Economic Empowerment Commission (CEEC) in 2007, which gives loans to men, women and youths, especially those that are vulnerable.

Land ownership

Women's ownership of land is low except in Botswana: In Southern Africa, women provide 70-80% of all agricultural labour and 90% of all labour involving food production in the region. Yet they own only a fraction of land. While data on land ownership is patchy, the figures ranged from 11% in Seychelles to 25% in the Democratic Republic of Congo and 25% Tanzania. *(UN Data)* In Lesotho the Household Budget Survey of 2002/03 found that 27.5% of male headed households owned fields (farm land) compared to a lower figure of 13.4% by female-headed households. However, Botswana has 404.706 landowners of whom 186.699 (46.13%) are women.

Women's plots are generally smaller: Where women hold land, their plots are generally smaller than those held by men. This limited access to natural resources is caused by both legal and socio-cultural factors. Legal obstacles relate both to family and succession law and to natural resource law. *(BIPPA 2009)*

Botswana

The National Policy on Gender and Development of 2008 recognises that despite the positive changes in legislation, women still have limited access to and control over productive resources. The National Population Policy Review of 2007 documented that almost 50% of households are female headed, and that the majority of poor people and poor households are female headed (Ministry of Labour and Home Affairs 2008). There are no special policies in place for women to access credit.

Customary practices undermine ownership: The main dilemma in creating laws and government ministries to facilitate more gender parity in land ownership is that land allocation does not reside within one entity. Often there are conflicting authorities in the form of traditional tribunals and legal structures, and these sit in stark opposition to one another. Even in countries that claim to have ownership laws which are "gender neutral" legally speaking, women are subject to customary laws that in turn, prevent them from acquiring land.

In Tanzania, where women hold land, their plots are generally smaller than those held by men. For instance, the average size of women's landholdings is 0.53 hectares (compared to 0.73 for men). Recently, campaigns have been organised by civil society to demand a role for women in the production of food crops (Uhakika wa Chakula Marjorie Mbilinyi 2001). At present, government's concern with food security has prompted a national initiative to make sure there is enough food production, by giving subsidies to regions that are traditionally cultivation based.

Zambian women miss out

Although the Land Act was passed in Zambia in 1996, guaranteeing women the possibility of being land owners, most women are still marginalised in land ownership compared to their male counterparts. The major drawback is that the same Land Act confers land ownership on men to apply to the administration of traditional land.

According to the Vision 2030 plan, there are currently two land tenure systems in Zambia: the customary or tribal tenure and leasehold tenure. Both marginalise women in terms of allowing them to access and own land. This is more so in the application of customary laws as these are not written and are subject to arbitrary interpretation by local court justices. Policies and laws relating to land in Zambia are either silent on women's disadvantaged status or are gender-biased against them.

As a way of encouraging women to access and have control of land, government, through the Ministry of Lands, issued a circular of allocating 30% of all advertised land to women while the remaining 70% is competed by both sexes. However, there still remain challenges in that there is no specific monitoring measures to see to it that the 30% of land allocation is actually given to women, and women often give up when presented with the bureaucracy in acquiring land.

The country is in the process of developing a land policy and so far, the draft policy has included gender provisions on access to land. According to the draft policy, in order to address matters pertaining to land and gender, the government will review statutory and customary laws and practices that perpetuate gender discrimination. It will also mainstream gender in all institutions administering and managing land as well as implement at least 30% land ownership for women. It will further devise an advocacy and sensitisation programme on gender and land nationwide.

But governments are making legislative provisions for women's land ownership: There are, however, various examples of provisions that are being made for women's ownership of land, such as:



Tanzania: The constitutional right for women to own land is embodied in the Law of Marriage Act and the Land Acts. Part II Section 3(2) of the Land Act states "the right of every woman to acquire, hold, use and deal with land shall, to the same extent and subject to the same restrictions, be treated as the right of any man." The act states that occupancy cannot be surrendered in order to undermine the rights of a spouse. The Village Land Act invalidates customary laws that discriminate against women, and recognises a wife's rights to land on the death of a spouse or on divorce. It provides that "any rule of customary law or any such decision in respect of land held under customary tenure shall be void and inoperative and shall not be given effect to by any authority, to the extent to which it denies

women, children or persons with a disability lawful access to ownership, occupation or use of any such land." The act also provides for allocation to women of a certain number of places on the Village Adjudication Committees and Village Land Councils, which have decision-making responsibilities concerning occupancy rights and land disputes. By law, both spouses must be registered and mortgages can only be issued with the consent of the spouse or spouses, who are entitled to a copy of the mortgage agreement.

The National Land Policy of Tanzania states: "In order to enhance and guarantee women's access to land and security of tenure, women will be entitled to acquire land in their own right not only through purchase but also through allocation. However, inheritance of clan or family land will continue to be governed by custom and tradition, provided they are not contrary to the constitution and the principles of natural justice."



Malawi: The land policy recommends gender sensitive access to land and calls for changes in inheritance laws to allow the remaining spouse, children and especially orphans to inherit the property of their parents, even when the deceased parent or parents die without a will[41] and that gender access should always be considered in policy planning and implementation strategies. The policy however does not address how women's land ownership is to be attained.

Lesotho: Customarily land is communally owned and used for purposes other than residential and agricultural (Lettuce et al, 1997). That which is allocated for housing sites is usually allocated to the head of the household, who is usually a man. Although this still pertains in the rural areas, the Land Act of 1979, which currently regulates land matters, is gender neutral.



In the case of resettlement land, the Land Act of 1979 is gender neutral in its provisions and has given equal opportunity for urban men and women to own land except those married in community of property, until the recent passing of the Legal Capacity of Married Persons (LCMP) law. The Act of 2003 abolishes the minority status of married women and gives them the right to apply for and register land in their own names. In this regard, interviews with the Chief Lands Officer at LSPP show some men have allowed their spouses to register land in their (wives) names.

Information from interviewing the Marketing Manager of another source of residential land, the Lesotho Housing and Land Development Corporation (LHLDC) based on her sample from a high-income land development project of 126 plots revealed that plot ownership is "almost 50/50." Sixty-two or 49.4% women owned residential land compared to 64 or 50.8% men. Yet on another sample of a smaller high-income housing project, the female figure is even lower. Out of 20 plots, 16 (80%) participants are male and only 4 (20%) are female.



Mozambique: The Land Act 19/97 states in its Art.10 that men, women as well as local communities have the right to the use of land. In Mozambique land cannot be sold, the property of land is exclusive to the State.

Seychelles: According to the country's laws, land can be owned by males and females equally with no restrictions related to gender. In any case, the authority concerned on land ownership could provide little information, the information they hold is not gender-disaggregated. There is no gender provision in the country's land policy. Land provided by the state for farming is 600 hectares of the country's surface and already 320 hectares have been allocated. There are 361 tenants and 39 of them are women (11%). The Agricultural Agency supports all farmers in getting access to financial or credit facilities and there are no gender preferences or implications. Nonetheless there has been some sort of recognition of women's role in food production and a seminar/workshop was conducted in 2008 focusing on the issue.



[41] Malawi Land Policy (2002) Ministry of Lands and Housing p 10



Woman farmer of the year *Photo: GCIS*

South Africa: The government has been planning and imple-menting several land reform policies that seek to enable individual or group land rights to be registered and protected.

The Communal Land Rights Act (2005) recognises women's rights to land. The Department of Land Affairs has put in place a gender policy, which seeks to ensure that gender equality is addressed within all aspects of land reform.

However, only 13.3% of the total number of households that benefited from the Land Redistribution and Tenure Reform Programmes during the period 1994 to December 2007 were female-headed households. This is because land restitution primarily restores land ownership to previous owners (mostly men).
(South Africa CEDAW Report 2009)

Namibia: In accordance with Article 95 (a) of the Constitution, women are accorded the same status as men with regard to all forms of land rights, either as individuals or as members of family land ownership trusts. Every widow (or widower) is entitled to maintain the land rights she (or he) enjoyed during the spouse's lifetime. Other provisions include:

- Women will be entitled to receive land allocations and to bequeath and inherit land;
- Government will actively promote the reform of civil society and customary law which impede women's ability to exercise rights over land;
- Policy will promote practices and systems that take into account women's domestic, productive and community roles, especially in regard to housing and urban development, agricultural development and natural resource management.

Zimbabwe: The Traditional Leaders Act as read with the Communal Lands Act gives traditional leaders the right to allocate communal land, and to consider customary law in the allocation of land. As a result, few women have been able to own communal land in their own right. In the same vein s15 of the Deeds Registries Act [Chapter 20:05] requires the husband of a married woman to be assisted by her husband in the execution of a deed when she seeks to having title to freehold land. In reality, most women have not been able to ensure ownership of this land due to collateral required by financial institutions for mort-gages. S23 (3) (a) of the Consti-tution provides that women and men shall be treated equally in the allocation of land. This amendment was introduced as part of the 17th amendment to the Constitution well after the land reform programme had been undertaken.

Malawi: "The National Gender Policy and the National Gender Programme, stipulates that equality and equity must be promoted in all food security initiatives to ensure improved nutritional status and health for women. Efforts shall be devoted to improving women's social status relative to that of women in all aspects of food security." The policy provides for increased access to credit by male and female farmers[42] and the promotion of equitable distribution of income especially for women through the improvement of their knowledge of the market functions.[43]

Programmes in food production usually target vulnerable groups, meaning that women feature as beneficiaries of such programmes. For example the two most notable are the free fertilizer Starter Pack programme (Targeted Input Programme (2001-2004) and the Fertilizer Subsidy programme (2005 - 2007). In the earlier programmes, access by gender was reported by evaluative studies. The IHS report indicates that for the years 2001 - 2004, the corres-ponding proportions of agricultural households that received starter pack were 35.4%, 41.7%, 46.3% and 41.7%. In each of the years, (2001 - 2004) there were about 7% more female-headed households getting the Starter Pack. This could be explained by the fact that the scheme targeted poorer households and female-headed households were more likely to be poor.

[42] Ibid paragraph 3.1.6 at p 11
[43] Ibid Paragraph 4.1.2.3 p 14

Food Production Initiative run by women, Mauritius

There is policy that encourages women to undertake food production thereby contributing to improving food self sufficiency. The National Woman Council under the aegis of the Ministry of Women, Family Welfare and Child Development is responsible for implementing this initiative with the collaboration of the Ministry of Agro Industry, Food Production and Security. The facilities of the latter Ministry are made available to woman entrepreneurs for training and mentoring. The preference has been towards agro processing of horticultural produce and for production of vegetables under protected production systems.

There is another initiative under the Empowerment Programme for promoting women to undertake food production activities. The focus is on retrenched woman workers who have lost their jobs. Through this initiative, they receive training and other facilities to start a small joint enterprise. So far, this category of woman force has so far engaged itself in fruit production, goat farming, duck farming and agro processing.

Food Security Policy (2006). Ministry of Agriculture and Food Security - Government of Malawi



Women can support themselves by producing food
Photo: Gender Links

Conditions of employment

The Protocol provides that by 2015, state parties shall review, amend and enact laws and policies that ensure women and men have equal access to wage employment in all sectors of the economy. It also provides for equal pay for equal work; eradication of occupational segregation; maternity and paternity benefits.

Table 4.2: Gender gaps in per capita income

Country	HDI rank	GDP per capita	Female income	Male income	Female as % male
Angola	161	2187	-	-	
Botswana	126	7184	5418	9025	60%
Comoros	137	1588	1136	2038	56%
Lesotho	132	2031	1223	2853	43%
Madagascar	-	-	-	-	-
Malawi	163	943	506	726	70%
Mauritius	67	10017	5332	14736	36%
Mozambique	170	854	705	1007	70%
Namibia	122	6431	2019	5068	40%
South Africa	107	9401	5888	13024	45%
Swaziland	125	4492	2557	6479	39%
Seychelles	47	12508	-	-	
Zambia	153	780	562	995	56%
Zimbabwe	128	2635	1946	3324	59%

Source: UNDP Human Development Report, 2002: 150-1; 222-225

Large gender gaps in the per capita income of women and men: The table and graph show that for countries in which gender disaggregated data could be obtained, men have a higher per capita income than women in all SADC countries. South Africa, Mauritius and Botswana have the highest per capita income for women and men. However, these countries also have the largest gaps between the per capita income of women and that of men. The per capita income of women in South Africa is less than half of men (45%) and 38% in Mauritius. Although the per capita income in Mozambique, Malawi and Zambia is low, the difference between women and men is not as high as in the richer countries.

Table 4.3: Conditions of

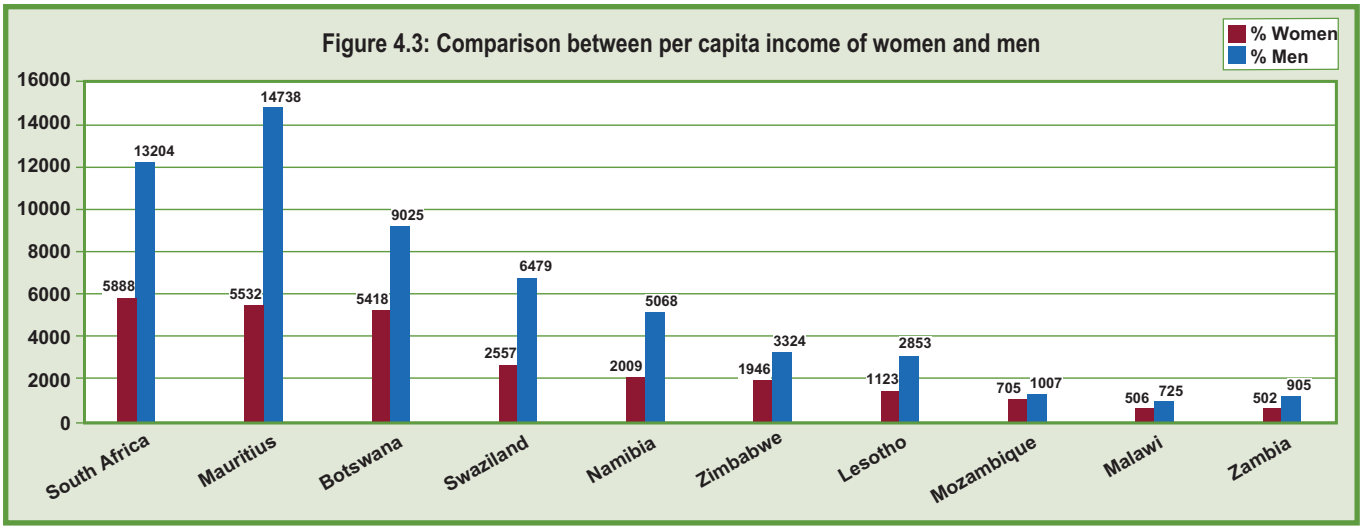
Country	Maternity leave	Paternity
Angola[44]	**Yes.** 3 months paid[45]	**No.**
Botswana[46]	**Yes.** 12 weeks, 6 before, 6 after. During maternity leave a maternity allowance of not less than 25% of the employee's basic pay or 50 for each day of absence.	**No.**
DRC	**Yes.** Labor code.	**Yes.** Labor code.
Lesotho[47]	**Yes.** 2 weeks after 1 year employment in public sector. 6 weeks private sector. Public Service Regulations 1969 grant 90 days paid maternity leave to permanently employed female public servants.	**No.** There is a proposal for a Paternity Leave Bill to grant fathers a month's leave.
Madagascar	**Yes.** 6 weeks before, 6 weeks after for private sector. 2 months in the public sector.	**Yes.** The Labour Act grants 3 days of paternity leave for the private sector. 15 days for the public sector.
Malawi	**Yes.** Every 3 years, 8 weeks paid leave. In the event of illness arising out of pregnancy, affecting the employee or her child, the employer shall grant the employee additional leave as the employer may deem fit.	**No.**
Mauritius[48]	**Yes**[49]. After one year of employment, 12 weeks, The Employment Rights Act (ERA) 2008.	**Yes.** A male worker shall be entitled to 5 continuous working days.
Mozambique[50]	**Yes.** 60 days, after which she can take up to an hour a day for breast feeding, for one year unless otherwise prescribed by a clinician.	**Yes.** This consists of a two days consecutive or alternate leave during the thirty day from the date of birth of the child, every two years.
Namibia[51]	**Yes.** After one year, 3 months of unpaid maternity leave, 4 before, 8 after. The Social Security Commission will pay 80% of her normal pay for the maternity leave period.	**No.**
Seychelles[52]	**Yes.** 12 weeks paid leave , 4 before, 10 after. A female worker is not allowed to return to work before her paid leave is over.	**No.**
South Africa	**Yes.** 4 months. 4 weeks before, 6 after. The Act also entitles a woman undergoing miscarriage in the third trimester period of pregnancy, or bearing a still born child to maternity leave.	**Yes.** 3 days
Swaziland	**Yes.** 12 weeks.	
Tanzania	**Yes.** 84 days paid maternity leave.	**Yes.** At least 3 days
Zambia	**Yes.** *Employment and Industrial Relation Act:* After 2 years of employment a woman is entitled to 90 days. However, there is a campaign to increase the number of days to about 180 days to encourage breastfeeding.	**No legal provision.** However, some organisations allow a man to be on leave for a few days after the birth of a child. This is normally provided for in a collective agreement.
Zimbabwe	**Yes.** S18 of the Labour Act provides for maternity leave of 98days and s39 of the Public Service Regulations SI1/2000 provides for 90 days maternity leave.	**No.**

[44] 2009.
[45] However, there is no data on how many women benefit or know about this provision.
[46] 2009.
[47] Source: Labour Code 1992, Public Service Regulations 1969, Labour Code Wage (Amendment) Order 2007 and Interviews 2009.
[48] 2008.
[49] For a miscarriage, 2 weeks leave on full pay. For a still-born child, a maximum of 12 weeks leave. A worker who is nursing is entitled every day at a time convenient to her at least two breaks of half-hour or one hour for a period of 6 months.

employment

Retirement age and benefits for women and men	Sexual harassment
No. Women at 55, men at 60. In civil service, women can retire after 30 years and men after 35 years of service	**No.** While not illegal, some cases can be prosecuted under assault or defamation statutes.
Yes. Same for women and men.	**Some.** It is recognised in the Public Service Act covering the public sector, but very few ministries are making mention of this in their respective policies. Some institutions have incorporated sexual harassment policies.
Yes. Social Security Law.	**Yes.** Labor code and the Sexual Violence Law.
Yes. Most employment sectors including the public sector are gender neutral on these issues.	**Yes.**
Yes, public service. No, private sector. 60 years for both sexes in public service. 55 for women and 60 for men in private sector.	**Yes.** In general, the Labour Act guarantees respect for human dignity in all labour relations. Article 23 forbids sexual harassment.
Yes. Anti-discrimination Act.	**No.** Not specific.
No. *First Schedule of the Employment Rights Act* up to the age of 65 years. A female officer recognising five years service may retire on ground of marriage irrespective of age.	**Yes.** Sexual Harassment is provided in Part IV of the Discrimination Act 2002
No. 65 for men and 60 for women.	**NA**
Yes. Not specific, but for both male and female 55 early retirement, 60 full retirement.	**Yes.** A clause in the Labour Act, while difficult to define, condones sexual harassment.
Yes. 63 years and a monthly pension of Seychelles Rupees 2,100.	**Yes.**
No. 65 for men and 60 for women.[53]	**Yes.** The South African law prohibits sexual and other forms of harassment under the Employment Equity Act 1998 and the Equity Act. A code of Good Practice on Sexual Harassment amended in 2005 has been issued.
	No.
Yes. The Employment and Labour Relations Act of 2004 states: Every employer shall ensure that he promotes an equal opportunity in employment and strives to eliminate discrimination.	**Yes.** The Employment and Labour Relations Act of 2004 states: Harassment of an employee shall be a form of discrimination and shall be prohibited
Yes. Both men and women retire at the age of 55.	**No.** Some organisations have in-house policies on sexual harassment. However, such cases if reported would be dealt with under the Penal code.
No. The age of retirement in the private sector is provided for in the Collective Bargaining Agreements for each sector in the private sector. In the Public Sector the retirement is 6O years in terms of s17 of the Public Service Regulations.	**Yes.** S8 of the Labour Act provides for the prohibition of sexual harassment as an unfair labour practice.

[50] 2009.
[51] Labour Act/Reviewed 2007/8 (2007).
[52] Source: Employment Act, 1991 revised 1995.
[53] A case was brought by one gentleman who argued that the differentiation in terms of retirement age was discriminatory towards men.



All SADC countries provide for maternity leave but only six have paternity leave: Across the region, all of the SADC countries provide some variation of maternity leave. The most common is for a period of 12 weeks, 4 weeks before and 6 weeks after birth. Some countries, such as Mauritius make provisions for miscarriages and Zambia makes provisions for breast feeding. The DRC, Madagascar and Tanzania have accommodated all of the provisions in the table, with varying forms of maternity and paternity leave, equal retirement age, and a sexual harassment clause. Only six of the 15 countries have paternity leave. Ten of the 15 countries have equal retirement age benefits, with the others usually different on average 5 years between women and men, predominantly with women at 60 and men 65 years of age. Nine of the 15 countries have measures in place to address the issue of sexual harassment in the workplace.

Absence of paternity leave

In Lesotho, without paternity leave, women continue to be burdened with having to balance employment and domestic responsibilities. If proposals for granting of paternity leave go through Lesotho will have broken through tradition in involving men to support family responsibilities.

Skills development policies and programmes: Throughout the region there are various skills development policies and programmes to increase women's access to employment.

DRC: The DRC has a policy and a programme for skills development in both the public and private sectors. The government plans to create skills development prog-rammes across various sectors such as education, development and economics. In the private sector, employers initiate such programmes for their staff. In the public sector, these programmes do not consider gender but they do in the private sector. It is within these structures that the specific needs of women can be monitored. In the private sector, employers are organising services to facilitate women's access to credit and there is entrepreneurial training for specific groups of women and exchanges of experience from partners of the same field.



Lesotho: Lesotho does not have a skills development policy. However, skills development is dealt with within programmes of various organisations. Unfortunately gender disaggregated data on beneficiaries of skills development programmes was not readily available. Women are said to be benefitting as participants, as well as being empowered to break into traditionally male areas of employment and being able to widen their space for employment opportunities.





Mozambique: The National Institute of Professional Training carries out skills development programmes. This institution is under the Ministry of Labor, and most of these programmes apply to small industry and services. Gender disaggregated data is not available.



Mauritius: The country has a skills development policy as well as skills development programmes given by several bodies. Some of these bodies are:

- The Industrial and Vocational Training Board.
- The Agricultural Research and Extension Unit.
- Ministry of co-operatives.
- National Women and Entrepreneur Council.

The policies and programmes put in place apply to several sectors of the economy but are mainly used with the Small Entrepreneur and Handicraft Development Authority (SEHDA). Following the 2006/2007 Budget Speech, the Government launched the empowerment Programme (EP). One component of the EP is a special programme for unemployed women which aims at mobilising unemployed women and those retrenched for industrial restructuring, especially in the textile and sugar sectors. Nearly all of the women who have received training are self-employed and are able to put their products on stands given free to them in strategic places in the country. There are also five craft markets in strategic places well visited by tourists.

In his budget speech on May 24 2009, Rama Sithanen, Minister of Finance, Mauritius, explained the strategy the government of Mauritius in regard to the economic crisis: "We are not doling out money but investing responsibly to save the island's economy and protect the revenue of thousands of families who otherwise will have to face the challenges of unemployment."



Malawi: Technical and vocational development is regulated under the Technical, Entrepreneurial and Vocational Education and Training Authority (TEVETA) which is a regulatory body established in July 1999 by an Act of Parliament with the mandate to create an integrated TEVET System in Malawi that is demand-driven, competency based, modular, comprehensive, accessible and flexible and consolidated enough to service both rural and urban Malawian population. TEVET has a number of programmes including an apprenticeship scheme, private sector training programme, skills development initiative, small enterprise development, and on-the-job training.

The TEVETA programme also aims at achieving the aspirations set out in the gender policy by specifi-cally designing their programmes to increase the number of women. All levels of the TEVET system support the specific TEVET Gender Policy, these activities form a cross-cutting theme including the development of specific gender sensitisation materials for TEVET staff at all levels, career guidance material and training to increase TEVET access for young girls, gender neutral curriculum and the targeted recruitment of women into all Project Working groups and training events. Despite these efforts, the number of women being trained in vocational skills is lower than the 30% policy for women's participation advocated by the TEVET.



Craft markets are good business in Mauritius *Photo: Gender Links*

To complement the work of TEVET, independent vocational schools have been established in the country such as the Mikolongwe vocational training school and the Malawi Council for the Handicapped vocational school, among others.



Seychelles: The Seychelles has a number of skills development programmes that cover most sectors of activity. In 1994 a Centre for Skills Development was set up within the Ministry of Employment and Social Affairs but its activities have since been passed on to other agencies/organisations and it no longer exists as a separate centre. The Department of Employment still has the Skills Acquisition Programme (SAP), which caters for participants of all ages and education levels - across a wide range of activities. So far the majority of the participants are women.

New programmes have recently been launched, for example, within the Seychelles Tourism Academy and the Seychelles Institute of Technology that have a view of re-training individuals who have taken either voluntary departure or who have been made redundant during the recent economic reforms. A large number of individuals attending these programmes are women.

South Africa: South Africa has a Skills Development Act. Under the terms of the Skills Development Act, 1998, and the Skills Development Levies Act, 1999, from 1 April 2001 onwards, every employer in South Africa who is registered with SARS for PAYE; and has an annual payroll in excess of R250 000, must register with SARS to pay the Skills Development Levy, 1% of the total amount of remuneration paid to employees. The money is used to fund skills development programmes for the employees of the company.

The Skills Development Strategy of 1998 stipulates that a specific target of 54% for women should be in learnerships.

The Skills Development Act also makes provision for the establishment of Sector Education and Training Authorities (SETAs). SETAs are the agencies responsible for co-ordinating the implementation of the skills legislation. Each sector has its own SETA – for example there is the Local Government Seta and others.

Madagascar: Capacity building is an essential component of several national policies and programmes. A 2004-2008 programme on the improvement of the economic efficiency of women, includes specific actions aimed at empowering them in the economic field. The 2006-2012 plan provides *'support for the on-the-job training programmes job and vocational training at the Chamber of Commerce and Industries as well as in public institutions'* (RM/MAP 2006, 87).



The National Programme for Employment Support *'targets in priority the disadvantaged populations in the labour market, including de facto (...) women (...)'*, it establishes among its strategic focuses the 'local development of skills' (PNSE 2006,17). One of the immediate related objectives focuses on *'enhancing the employability of vulnerable groups'* through training and the adequacy of the qualifications with the labour market needs. These commitments are reflected in the country programme developed with the ILO. Strengthening the skills of women is specified in the country programme, women being the group most affected by unemployment and underemployment (RM/ILO 2008).



Textile workers in Seychelles *Photo: Gender Links*

Next steps

In Africa, women share the largest burden of poverty through entrenched and endemic gender inequalities perpetrated through the economic exploitation of resources and power. Due to the current opportunities brought about by the proliferation of building and construction projects, and the generation of subsequent spin-off industries throughout the African continent, popular movements in the sector have a pivotal role to prioritise women's involvement and participation in decision-making structures. The following are some strategies for change.

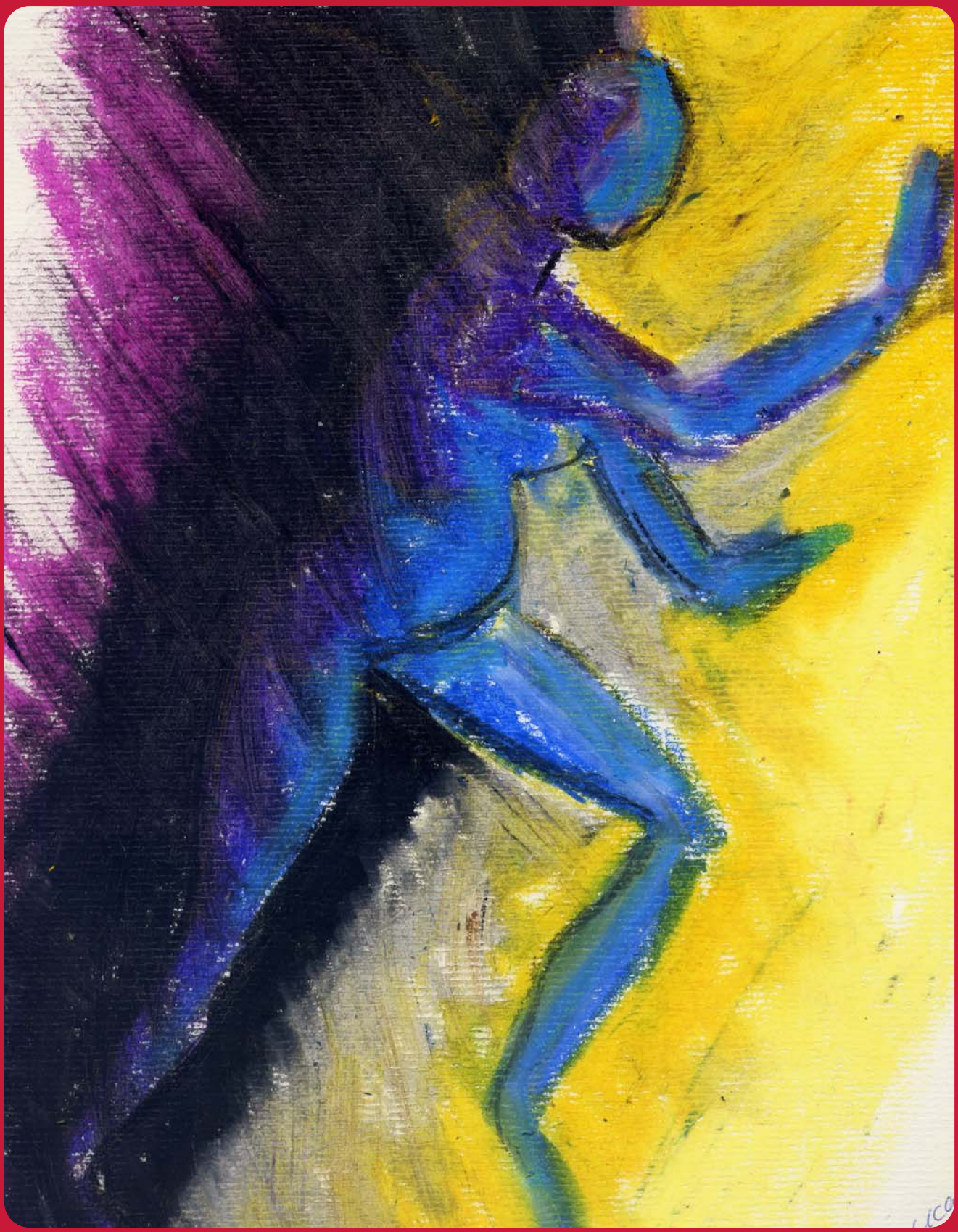
At the national level

- Economic literacy training; on how the economy works as well as developing a manual.
- Target the division of labour and highlight unpaid work to make social reproduction visible and show how it subsidises paid work.
- Demand that social reproduction be given priority in policies and budget allocation. This could be done by targeting social issues like water access or HIV and AIDS as a target for the national budget to increase these budgets and disaggregate their distribution to benefit women.
- Link the issues to human development targets in the MDG's.



At regional level

- Develop a commonly adaptable economic literacy manual.
- Use processes such as ´ Women's Eyes on the Budget´ to engage in public finance, expenditure and taxation, and to demystify the budget process.
- Draw linkages between access to assets and income.
- Make links between women's economic empowerment and statutory and legal instruments.



"Zarina"

Anushka Virahsawmy

CHAPTER 5

Gender Based Violence

Articles 20-25

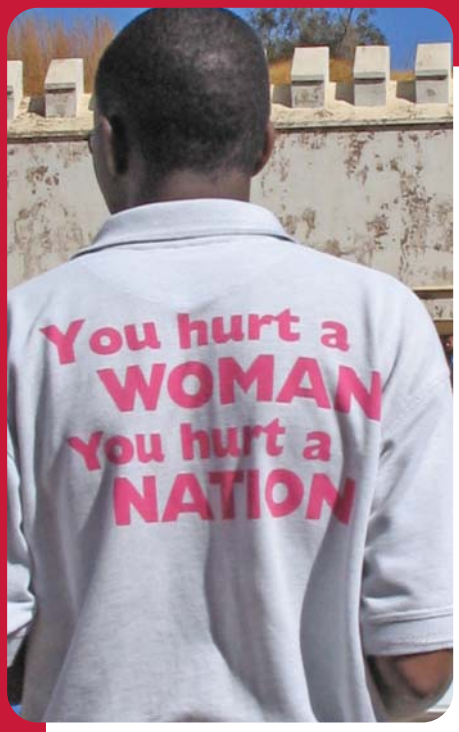
KEY POINTS

- Nine of the SADC countries currently have legislation on domestic violence.
- Only seven SADC countries currently have specific legislation that relates to sexual offences.
- Only two countries,Mozambique and South Africa, have specific provisions for Post Exposure Prophylaxis (PEP) in incidents of GBV.
- Only five SADC countries have specific legislation to prevent human trafficking: Madagascar, Mozambique, Tanzania, Mauritius and Zambia.



Reclaiming the night in a local government march in South Africa
Photo: Colleen Lowe Morna

- Ten SADC countries have some form of legislation to address sexual harassment; most of this in labour legislation.
- There is no legal aid for survivors of gender violence in at least five SADC countries; in all SADC countries NGOs carry the major burden of providing advisory services.
- There are no places of safety in four SADC countries; in all SADC countries these facilities have little or no state support.
- There is now a concerted move to stretch Sixteen Day of Activism campaigns to year long actions to end violence that are better monitored and evaluated.
- Thanks to collaboration between civil society and governments, all SADC countries now have in place multi-sector action plans to end gender violence. Specific targets and indicators need to be strengthened. More resources and effort need to go towards prevention.
- The unreliable and sporadic data on the extent of all forms of GBV points to the need to escalate the pilot projects for developing GBV indicators started in South Africa, Botswana and Mauritius.



> *"If it were between countries, we'd call it a war. If it were a disease, we'd call it an epidemic. If it were an oil spill, we'd call it a disaster. But it is happening to women, and it's just an everyday affair. It is violence against women. It is sexual harassment at work and sexual abuse of the young. It is the beating or the blow that millions of women suffer each and every day. It is rape at home or on a date. It is murder."*
> Michael Kaufman, Director of theInternational White Ribbon Campaign

Gender based violence (GBV) is one of the most widespread violations of human rights that exists, both throughout the SADC region and internationally. GBV can include physical, sexual, economic or psychological abuse and shows no discrimination to boundaries of age, race, religion, wealth or geography. It can manifest itself as the universally prevalent forms of domestic and sexual violence and as harmful practices such as female genital mutilation and honour killings. Nowhere is safe from GBV, it can take place in the home, on the streets, in schools, the workplace, in farm fields, refugee camps, during conflicts and crises and in peacetime.

Globally, it is estimated that one in every three women faces some form of violence during her lifetime (Report of the UN Secretary General 2008) and one in every five women will become a victim of rape or attempted rape in her lifetime (State of the World's Population, UWFPA 2005)). Although GBV statistics in Southern Africa and globally are notoriously unreliable, the situation in this region is no different and may even be worse than in other countries. For example, in South Africa there are some 55 000 cases of rape related incidents each year. The Medical Research Council (MRC) estimates that the actual number may be nine times higher.

GBV has far-reaching consequences, harming families and communities. It not only violates human rights, but also hampers productivity, reduces human capital and undermines economic growth. As a result of GBV, women may suffer poor health, isolation, inability to work, loss of wages, lack of participation in regular activities, and limited ability to care for themselves and their children.

The seriousness of the issue is reflected by the fact that a year after Heads of States signed the Declaration on Gender and Development, they adopted the 1998 Addendum to the SADC Declaration on Gender and Development, on the Prevention and Eradication of Violence against Women and Children. That in turn left open room for a more legally binding Protocol.

Since the signing of the Addendum, member states have become more responsive by introducing laws and policies to address gender violence. Most countries are also moving from campaign mode to a more programmatic approach by developing multi-sector National Action Plans or National Strategies to end GBV. The action plans are at various stages of adoption and implementation. However some countries still lag behind in all areas.

In spite of all these advances gender violence levels remain unacceptably high even where there is legislation and programmes in place. Often the challenges are at implementation level for various reasons ranging from lack of resources to lack of political and individual will at service delivery level. Even though some countries have adopted multi-sector action plans, there is still a fragmented approach in addressing gender violence in the region. Much more emphasis and focus needs to be placed on strengthening co-ordinating mechanisms between sectors to ensure delivery.

The GBV provisions in the SADC Gender and Protocol compel member states by 2015 to:

- Enact and enforce legislation prohibiting all forms of GBV;
- Ensure that laws on GBV provide for the comprehensive testing, treatment and care of survivors of sexual assault;
- Review and reform their criminal laws and procedures applicable to cases of sexual offences and GBV;

- Enact and adopt specific legislative provisions to prevent human trafficking and provide holistic services to the victims with the aim of reintegrating them into society,
- Enact legislative provisions and adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres;
- Provide deterrent sanctions for perpetrators of sexual harassment.

The overall target is to halve GBV by 2015. This is an ambitious target. One of the problems it poses is how to measure if this target has been met, considering the difficulties of measuring the incidence of gender violence. This has prompted a key pilot project to develop indicators for measuring GBV (see integrated approaches section). Progress towards achieving the process targets set in the Protocol is summarised in the table and discussed in subsequent sections.



Legal

The Protocol requires that State parties shall by 2015, enact and enforce legislation prohibiting all forms of GBV. Linked to this is the obligation that all laws on GBV provide for the comprehensive testing, treatment and care of survivors of sexual offences which shall include: emergency contraception, ready access to post exposure prophylaxis at all health facilities to reduce the risk of contracting HIV and preventing the onset of sexually transmitted infections.

In recent years member states have passed legislation but often these pieces of legislation have not been holistic in approach to cater for all forms of GBV including new emerging forms of violence like trafficking. Laws do not cater for the link between gender violence and HIV and AIDS.

Nine of the SADC countries currently have legislation on domestic violence: Although this will increase soon as Angola and Lesotho are currently in the process of passing domestic violence legislation.

Only seven SADC countries currently have specific legislation that relates to sexual offences: In these countries sexual offences legislation has expanded the definition of rape and sexual assault. In South Africa for example, the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 now includes anal penetration and a provision that a man can be raped by another man and a woman by another woman therefore eliminating gender bias.

Marital rape is not widely recognised: While the South African law recognises marital rape, this has been a contentious issue in SADC. The Protocol does not call for the recognition of marital rape and most country laws do not recognise marital rape. Because of the duality of

many SADC legal systems with conflicting formal and customary law, it is difficult for many women to get access to or even be aware of legislation that can protect them from domestic violence.

Sexual violence is playing a significant part in the propagation of HIV and AIDS: It is the same patriarchal behaviours and discriminatory attitudes that result in GBV and women's increased vulnerability to HIV exposure. Sexual violence also results in physical conditions which can increase women's susceptibility to the virus. Thus, it is imperative that addressing this issue must be a priority for governments to attain the targets of the Protocol by 2015. Doing so would lessen the HIV and AIDS burden upon women of the region.

Only South Africa and Mozambique have a legislated provisions for PEP: Currently ten SADC countries; Botswana, DRC, Lesotho, Mauritius, Malawi, Namibia, Swaziland, Tanzania, Zambia and Zimbabwe do not have legislation that gives automatic access to post-exposure prophylaxis and medical attention to prevent sexually transmitted infections to survivors of GBV. Botswana, Mauritius, Namibia, Swaziland, Madagascar, Tanzania and Zambia have provisions in policies or guidelines, but not law, which makes this less enforceable.

Even when there is PEP provided for by law, it is not always accessible to all GBV survivors: To be effective PEP has to be administered within approximately 48 hours after exposure to be effective. In rural areas, with limited access to medical treatment this becomes a problem.



The Protocol calls on States by 2015, to review and reform criminal laws and procedures applicable to cases of sexual offences and GBV to eliminate gender bias; and ensure justice and fairness are accorded to survivors of GBV in a manner that ensures dignity, protection and respect.

Efforts are underway to make criminal laws and procedures gender sensitive but their effectiveness may be in question: Ten out of the 14 SADC countries reported making some effort towards this end with only Lesotho, Madagascar, Mozambique and Seychelles saying that they had not. However, as illustrated in the case of Botswana below, what is said on paper may not alwayscorrespond to the reality on the ground.

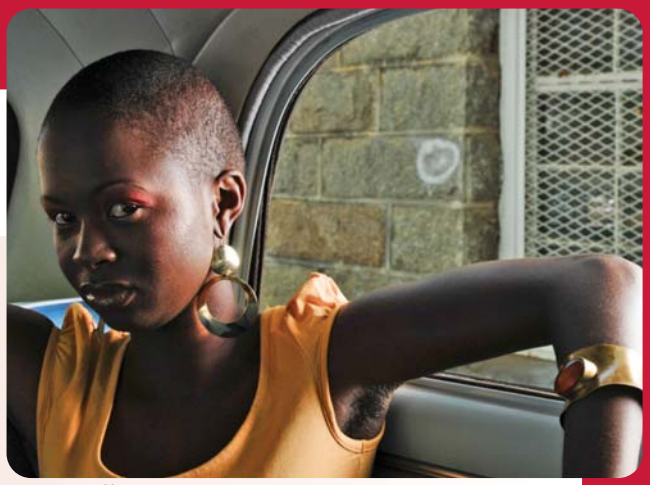
Botswana interoggates police service delivery

The Botswana Police Report of 2008 states that due to the patriarchal nature of the criminal justice system and its agents, most women would find it difficult to report domestic violence in the first place and examines some of the issues women face in reporting GBV. The Botswana Police Service found that police officers need more specific training in handling of GBV cases. Even though the Domestic Violence Act was passed in 2008, domestic violence is still not considered to be a serious crime and the response of the legal system to GBV is still inadequate.



A survey by the Botswana Police Service on the handling of GBV also noted that, of the 15 police stations they identified in 2008, there was a total of 1820 police officers employed, and only 24% were female. This means that when a women wants to report a violence-related case, there is a high possibility that there will be no female officer available to attend to her, as is legally required (BPS 2008). The Botswana Police Service recognised in its report the need for more inter-sectoral collaboration between the legal, medical social and psychological service providers, to provide legal and medical support to survivors of GBV and encourage success to post-exposure prophylaxis. *(BPS, 2008)*

Human trafficking



Human trafficking: Soccer 2010 is a concern *Photo: Gender Links*

By 2015 states are also expected to: enact and adopt specific legislative provisions to prevent human trafficking and provide holistic services to survivors, with the aim of re-integrating them into society; put in place mechanisms by which all relevant law enforcement authorities and institutions may eradicate national, regional and international human trafficking networks; put in place harmonised data collection mechanisms to improve data collection and reporting on the types and modes of trafficking to ensure effective programming and monitoring; establish bilateral and multilateral agreements to run joint actions against human trafficking among countries of origin, transit and destination countries; and ensure capacity building, awareness raising and sensitisation campaigns on human trafficking are put in place for law enforcement officials.

Twelve Southern African countries have signed the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children commonly known as the Palermo Protocol: Mozambique was the last to ratify in 2006 but the first to pass legislation so there is still time for countries to pass the necessary laws if both state and non-state actors work together as demonstrated by Mozambique.

Legislation is still patchy: Only five SADC countries have legislation to prevent human trafficking: Madagascar,Mozambique, Mauritius, Tanzania and Zambia. In the case of South Africa, Tanzania and Zimbabwe trafficking is mentioned in their Sexual Offences Acts. Malawi is currently receiving technical support from the International Organisation for Migration (IOM) to draft legislation.



Mozambique: Research conducted by the IOM found that girls as young as fourteen were being trafficked from Mozambique after being promised jobs in South Africa. Many of these girls ended up in the sex industry and the research indicated that at least 1, 000 Mozambican victims are recruited, transported and exploited in the way every year. In response to this, Mozambique led the way forward for the region by passing legislation to deal specifically with trafficking. The process began in 2005, when USAID began facilitating the passage of anti-trafficking legislation. The Ministry of Justice and a local NGO network led the outreach and advocacy efforts in support of its passage. *(Mozambique Report, (2004) IOM).* In April 2008, the National Assembly unanimously passed legislation to punish traffickers and protect victims and witnesses of human trafficking. The collaborative drafting process ensured broad support and paved the way for smoother implementation.[54]



Soccer 2010 is a concern: With World Cup Soccer 2010 being hosted in the region and dates drawing closer, human trafficking, especially sex trafficking, is on the rise. Hans Petter Boe, Regional Represen-tative for the IOM said in his opening remarks at a conference held in Durban in April 2008 that "The needs of victims of human trafficking are unique compared to those of other victims of abuse. Because many countries in the region have yet to legislate comprehensive anti-trafficking laws, many of these victims fall through the cracks."[51] Although they may be able to do this in line with the 2015 target, many SADC governments have missed a valuable opportunity to show they are taking the Protocol's targets seriously in time for 2010.

[54] http://www.usaid.gov/our_work/cross-cutting_programs/wid/trafficking/cs_law.html.
[55] http://www.irinnews.org/Report.aspx?ReportId=77888



Stepping up efforts in Lesotho: With the 2010 World Cup around the corner and more concern than ever that the rate of trafficking will increase across the SADC region, Lesotho government is modestly increasing its efforts to prevent trafficking during this time by putting in place the following measures:

- Immigration authorities monitoring border crossings.
- Provision of basic training in detecting potential trafficking situations. Police are raising public awareness of human trafficking through radio programmes and brochures explaining the concept of trafficking is and how to identify it.
- The public is being encouraged to report instances of sexual violence including potential sex trafficking situations.
- NGO's also gearing up for the 2010 challenges. *(WLSA 2008)*

Civil society steps up its efforts on trafficking

Organisations throughout the region are putting increasing pressure on governments to act on human trafficking, with the 2010 World Cup Games around the corner and more concern than ever that the rate of trafficking will increase across the SADC region.

WLSA, Oxfam and others have joined hands and have partnered around the Red Light campaign which is a regional campaign set to fight against the trafficking and exploitation of women and children that is likely to be exacerbated by an event of the magnitude of the Football World Cup. Gender Links has commissioned research on the theme of gender and 2010 and is asking key and pertinent questions on the legacy that 2010 will leave for women of South Africa and the region.



Sexual harassment

The Protocol calls upon State Parties to ensure that by 2015 they enact legislative provisions, adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions to perpetrators.

Ten SADC countries have some form of legislation: For the most part sexual harassment is mentioned in labour or employment legislation; in the case of Tanzania this is mentioned in the Penal Code. In Mauritius, sexual harassment is covered in the Sex Discrimination Act. The Act refers to "'any unwelcome or unbecoming gesture or act of one sex to the other."

In South Africa, the Labour Relations Act currently deals with sexual harassment in the work place and the act shows some sensitivity towards gender in that the person documenting the case has to be of the same sex as the complainant.

However, these efforts are insufficient: Sexual harassment is an obstacle that women across the SADC region face on a daily basis. It can prevent women from seeking the employment they want and discourage them from trying to progress in their careers. SADC governments must enact legislation to protect women from sexual harassment and provide deterrent sanctions for perpetrators.

Support services

The Protocol calls upon states to put in place mechanisms for the social and psychological rehabilitation of perpetrators of GBV and establish special counselling services, legal and police units to provide dedicated and sensitive services to survivors of GBV. The Protocol says states shall: provide accessible information on services available to survivors of GBV; ensure accessible, effective and responsive police, prosecutorial, health, social welfare and other services to redress cases of GBV; provide accessible, affordable and specialised legal services, including legal aid, to survivors of GBV; provide specialised facilities, including support mechanisms for survivors of GBV; provide effective rehabilitation and re-integration programmes for perpetrators of GBV.

Various specialised facilities: There are specialised facilities in police stations or in courts in Mauritius, Mozambique, Namibia, Swaziland, South Africa, Zambia and Zimbabwe called "Victim Support Units." South Africa has developed a model called Thuthuzela Centres that have become a subject of study by many states in the region. These are One Stop Centres that provide all services required by a victim or survivor of sexual violence under one roof. Services include trained police to take statements, medical facilities, counselling services, legal aid and a place of safety. At least 12 are in place and the aim is to roll out 80 centres throughout the country by the year 2010. The One Stop Centres build on facilities that are already in place.

No legal aid in at least five SADC countries: Botswana, Madagascar, Swaziland, Tanzania and Lesotho do not have state supported legal aid services for survivors of gender violence. Most countries reported that on the whole, NGOs provide these services.

No places of safety in four SADC countries: In others, there is limited state support: There are no places of safety at all in DRC, Lesotho, Madagascar, and Tanzania (where the only place of safety is the police station). In the eleven SADC countries that have such facilities, these are run entirely by NGOs with little or no state support.

Only five countries insist on the social and psychological rehabilitation of perpetrators of GBV: Current efforts for rehabilitation of GBV offenders are vastly insufficient and need to be enforced throughout the SADC region. Only Botswana, Mauritius, Malawi and Zimbabwe have laws which insist on the social and psychological rehabilitation of perpetrators of GBV. In Botswana, these efforts take place in prison, which means that the offender has to be convicted and imprisoned to have any formal rehabilitation. Mauritius, Malawi and Zimbabwe have provisions that can compel the offender to undergo counselling but this is at the discretion of the court.

TABLE 5.1: KEY BASELINE INDICATORS ON GBV AGAINST THE

Targets	Angola	Botswana	DRC	Lesotho	Madagascar	Malawi
LEGISLATION						
Laws on Domestic violence	No	Yes	No	Domestic Violence Bill in progress	Yes	Yes, Prevention of Domestic Violence Act
Laws on Sexual assault	No	No	Yes, Sexual Offences Act	Yes	Yes	No
Comprehensive treatment, including PEP for victims of sexual assault	No	Only PEP policy not law	No	No but compulsory testing of HIV of alleged rapists	In policy	No
Specific legislative provisions to prevent human trafficking	No	No specific	No	No specific	Combating Trafficking of Persons Act 2009	Needs to be clearer - no current legislation
Sexual harassment	No	Legislation recommended as part of Employment Act	Yes	No	Yes	No
SERVICES						
Accessible, affordable and specialised legal services, including legal aid, to survivors of GBV	Yes	None, NGOs provide this	Legislation provides this but is is not reinforced	Ministry of Justice legal aid service stretched; NGOs step in	No	None; NGOs provide this
Specialised facilities including places of shelter and safety	NGOs, no state support	Minimal state support; mostly NGOs	No	No places of safety; no state support	No	Minimal state support; mainly provided by NGOs
CO-ORDINATION , MONITORING AND EVALUATION						
Integrated approaches: National Action Plans	Draft under review	Draft National Action Plan to End GBV	Yes, not implemented	Yes, Draft	Yes, no part of Gender and Development Action Plan (PANAGED)	Yes, Draft
By 2015 construct a composite index for measuring GBV	No index yet	Pilot project	No index yet	No inex yet	No index yet	No index yet
By 2015 provide baseline data on GBV	No GBV baseline data collated yet	No GBV baseline data collated yet	No GBV baseline data collated yet	No GBV baseline data collated yet	No GBV baseline data collated yet	No GBV baseline data collated yet

SADC PROTOCOL ON GENDER AND DEVELOPMENT

Mauritius	Mozambique	Namibia	Seychelles	South Africa	Swaziland	Tanzania	Zambia	Zimbabwe
Yes	Yes	Yes	Yes (Family Violence Act)	Yes	No	No	No - treated as assault cases	Domestic Violence Act
No	Yes	Yes, Combating Rape Act 1999	No	Sexual Offences Act	Yes	No	No - covered under Penal Code	No
Only in policy	Yes, in HIV and AIDS Act 2008	Only in policy	No	Yes, in Sexual Offences Act	No, in policy	In policy	Policy but often survivors report too late	No
Criminal Code and Child Protection Act	Yes, Human Trafficking Act 2008	No specific	No laws or discussion	Sexual offences Bill includes a chapter on trafficking	No specific- Common Law, Crimes Act, etc	Mentioned in sexual offences act and Section 139A on Anti-Trafficking of Persons Act 2008	Anti-Human Trafficking Act 2008	No specific, but mentioned in Sexual Offences Act
Labour act; Sex Discrimination Act	Brief mention in labour law; never tested	Labour Act	Ministry of Education policy; Ombudsperson; subject is taboo (unclear)	Basic Conditions of Employment; Labour Relations Act; recent legal precedent	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."
Yes, via Women's Rights Ministry	Limited government support but services from Association of Women Lawyers	Yes and Legal Resources Centre	Yes	Yes through the Legal Aid Board, plus NGO support	No, only NGOs	No, only NGOs	Ministry of Justice Legal Aid and WLSA legal aid clinic	Ministry of Justice Legal Aid, Musasa Project and WLSA.
Adequate; run by NGOs partly funded by government	NGOs main provider of services but face resource constraints	Mainly NGOs; stretched	Very few government 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 but a few NGOS like YWCA	No state support
National Action Plan on Domestic Violence adopted by cabinet	Yes, draft under review	Yes, National Action Plan to End Gender Violence	Yes, but strategy only focuses on Domestic Violence	365 Day National Action Plan to End Gender Violence adopted	365 Day National Action Plan to End Gender Violence in place launched	National Plan of Action to End Gender Violence in place since 2001	Draft National Action Plan to End Gender Violence in place	Draft National GBV Strategy and Action Plan in place
Pilot project	No index yet	No index yet	No index yet	Pilot project	No index yet	No index yet	No index yet	No index yet
No GBV baseline data collated yet	No GBV baseline data collated yet	No GBV baseline data collated yet	No GBV baseline data collated yet	No GBV baseline data collated yet	No GBV baseline data collated yet	No GBV baseline data collated yet	No GBV baseline data collated yet	No GBV baseline data collated yet



Angola steps up services for victims of GBV

The Ministry for Family and Women (MINFAMU) has instituted Family Counselling Centre's which have specialised frameworks for victims of GBV throughout Angola *(psychologists, sociologists and attorneys)* and they carry out psychosocial and legal counselling activities. In 2006, throughout the country, there were roughly 3,271 victims of violence (2,919 were women and 352 were men) who used these centres. There are also various counselling services run by civil society groups in partnership with MINFAMU.

The Ministry of Justice has also been working with the Ministry of the Interior to increase the number of female police officers and to improve police responses to GBV claims. Also, The Ministry of Family and the Promotion of Women started a programme in 2008 with the Angolan Bar Association to give free legal assistance to abused women. Statistics on prosecutions for violence against women under these laws are not currently available.

Considerable work has also been done by the government and its social partners in providing legal education for the people, and for women in particular about GBV, by expanding information, communication and education programmes on women's and children's rights, including the use of national languages and accessible methods such as the arts, audiovisual techniques, and social communication organs.
(Angola Joint Gender Programme Midterm Review 2008, UNIFEM)

Prevention

The Protocol calls on States to take measures including legislation, where appropriate, to discourage traditional norms, including social, economic, cultural and political practices which legitimise and exacerbate the persistence and tolerance of gender violence with a view to eliminate them and in all sectors of society, introduce and support gender sensitisation and public awareness programmes aimed at changing behaviour and eradicating GBV.

Civil society and to some extent governments have stepped up public awareness campaigns especially with countries moving from Sixteen days to year long programmes to end gender violence. In 2008, UNIFEM and the Inter Departmental Management Team on GBV of the South African government commissioned Gender Links to develop a prevention model for GBV that consists of:

- ***An overarching national framework*** or campaign that provides an enabling environment for initiatives in all spheres and at all levels of society. This builds on the 365 Days of Action to End Gender Violence, with the annual Sixteen Days of Activism campaign as a way of heightening awareness as well as enhancing accountability for targets set.
- ***Understanding the relationship between prevention, response and support.*** While the focus is on primary prevention, the model emphasises that good response and support mechanisms should also contribute to prevention. For example, tough laws and their implementation should serve as a deterrent to GBV. Shelters should not only provide temporary refuge but empower women to leave abusive relationships, thus preventing secondary victimisation. Working in unison, prevention, response and support strategies can both reduce GBV and ensure redress for those affected.
- ***Stepping up targeted primary preven-tion interventions at three key levels:*** In the home (women, men, children and the family);

the community (traditional leaders; religion; schools and sports); and the broader society (the criminal justice system; media and political leadership).

- ***Identifying approaches and strategies that work:*** Based on communication for social change theories and using these in the design of future interventions.
- ***Developing more effective monitoring and evaluation tools:*** Bearing in mind that up to now most of the data available concerns outputs rather than outcomes. Ultimately, prevention campaigns must be able to demonstrate that their impact moves beyond information and awareness to create knowledge, wisdom and behaviour change. This in turn should lead to a quantifiable reduction in GBV.

TABLE 5.2: NATIONAL CAMPAIGN: 365 DAYS OF ACTION TO END GBV

PREVENTION

SUPPORT

Arenas for action	Communication for social change strategies			Measuring change
	Short Term	Medium Term	Long Term	
Society at large				Behaviour change
Political leadership	Targeted messages	GBV mainstreamed into programmes	GBV a key political issue	
Criminial Justice System	Tough laws	Training for personnel	Concerned as much with prevention as response	
Media	Increased media coverage	More sensitive coverage	Prevention agenda	Attitudes
Sport	Individual sportspersons take up cause	Teams take up cause at big events	GBV mainstreamed in sports training	
Community				Awareness
Community	Mobilise community to create safe spaces	Public education & awareness campaigns	Zero tolerance for GBV in communities	
Traditional leadership	Training	Harmful practices	GBV a key local issue	
Schools	Increase security in schools	Challenging gender stereotypes	Behaviour change	
Religion	Spread the word	Review own practices	Lead the campaign	Information
Individual/family				
Abusive men	Stop violence	Join the campaign	Lead the campaign	
Abused woman or child	Shelter and temporary life skills	Secondary housing	Economic empowerment	

RESPONSE

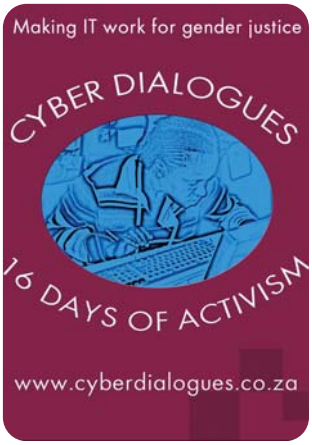
Campaigns are growing in breadth and scope: Measured against this model, which is being used in strategic communications training to reinforce National Action Plans, the breadth and depths of campaigns to end GBV around the region are improving, but there is need to evaluate the impact of these campaigns. The following are examples:



Malawi: The Sixteen Days of Activism Against Women and Child Abuse has enabled government and civil society to raise awareness on GBV to local communities and the general public. Further the activity has given advocacy and lobbying space to policy makers and cooperating partners. However there has not been a study to assess the direct impact that the activity has had on the nation. Currently government plans in the long term are to turn the Sixteen Days of Activism campaign into the 365 Days campaign. One of the strategies that has been adopted is to devise a plan of action of activities that are to be implemented throughout the year toward the elimination of GBV.



Zambia: As a result of combined efforts from both the civil society and the government, the Sixteen Days of Activism makes an impact as it brings out testimonies and fresh views on GBV and gender issues in general. During the campaign, NGOs and government institutions visit places such as prisons, health facilities, home based care organisation and do activities such as cleaning and donating commodities. They use TV, radio, drama, songs, debates, forums, and feature stories among others to publicise the event. Last year, the Gender and Media in Southern Africa (GEMSA) Network working with other stakeholders like Gender Links, held cyber dialogues on different topics during the Sixteen Days of Activism which made positive impact especially for women and journalists that participated.



However, the disappointing thing is that once the event is over, little is heard or seen both in the media and society at large on GBV. This means that the impact of elevating the Sixteen Days of Activism to 365 is not really felt.

Zimbabwe: As part of sensitisation efforts on GBV Zimbabwe commemorates the Sixteen Days of Activism and the International Women's Day but these have largely remained women's events. For the 2009 International Women's Day, political parties joined to celebrate the day as part of a campaign to promote tolerance in a polarised society. The Zimbabwe Women's Lawyers Association (ZWALA) in partnership with NGO's and UNFPA recently launched a campaign named *Musha Matare* aimed at disseminating information on GBV. ZWALA has a campaign called 'Together We Can' that seeks to achieve collaboration among partners in the campaign to end GBV.





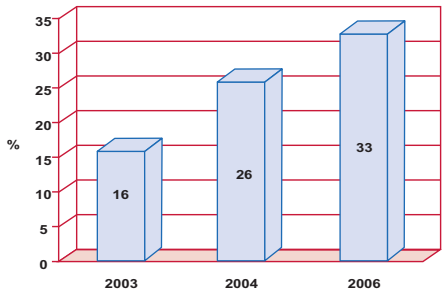
Lesotho: The most prominent gender sensitisation and public awareness programmes that have been instituted by government are the countrywide *Lipitso* conducted by Minister of Gender, Youth, Sports and Recreation (MGYSR) senior officers under the leadership of the Minister responsible. Civil society on its own carries out sensitisation activities and have for the last two years, jointly with the Ministry led and facilitated Sixteen Days of Activism against GBV during November 25 to 10 December of each year. Since 2008, this has been extended to a 365 days campaign on GBV in Lesotho.

There is need to monitor impact: Tracking of public awareness campaigns like the Sixteen Days of Activism is generally weak. The South Africa Department of Government Communication and Information System (GCIS) provides a good practice on how you can measure effectiveness of awareness campaigns.

Tracking the Sixteen Days of Activism in South Africa

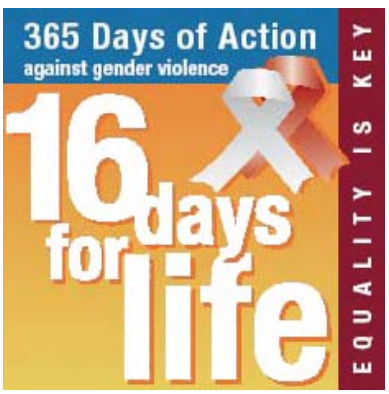
Using a system called *the tracker*, the GCIS has been measuring awareness of the Sixteen Days of Activism campaign on an annual basis since 2003 to 2007 (except 2004). While this only concerns the Sixteen Days of Activism, it could be extended to include the 365 day initiative or any other public awareness campaign. The sample used is representative of the adult SA population (i.e., 18 years and above). A question was tracked in 2003, 2005 and 2007. The question asked was: "In the past month, have you heard of, or seen the following initiatives/ issues/events, or not" (Question is a multiple mention). A follow up question: "Please tell me where you heard or saw the initiatives/issues/events you mentioned?" Comparative analysis is done for the period Feb 2003 – Jan 2007.

Figure 5.1: Tracking the Sixteen Days of Activism in South Africa



The main conclusion of the survey is that public awareness levels of the campaign have been growing since it was launched from 16% in 2003; 26% in 2005 to 33% in 2006. The significance of the mainstream media is underscored by the fact that the majority of respondents heard or saw the campaign via mainstream media: 81% through TV; 14% radio stations; 18% newspapers (18%); 12% "word of mouth" (12%) from family members & friends and less than 2% magazines, pamphlets, outdoor media, *imbizo* (community meetings).

Public attitudes towards GBV die hard: GBV is often accepted due to women's subordination in society, lack of education, lack of political action and the media's representation of GBV. Campaigns to sensitise people to GBV and its affects are taking place but attitudes are not changing enough to dramatically decrease the prevalence of GBV or to put pressure on the governments to strengthen their actions.



Madagascar: Surveys conducted in Madagascar show that attitudes in society have hardly changed. The victims themselves find excuses for the violence perpetrated by their husband, when they think they have failed to perform the duties that are incumbent on them in the stereotyped division of roles (DHS2003-2004). As for their friends and family, though they may disapprove of the violence, they deter the women from taking action, according to the commonly accepted principle in Malagasy society that family problems should not be made public. In fact, even law enforcement officers sometimes try to dissuade the victims from taking the cases to court. *(USAID/WLR/FOCUS 2004)*





Lesotho: Opinion surveys carried out on public attitudes towards gender violence have been limited to one by the Ministry of Health and Social Welfare (MOHSW) and WHO on Violence Against Women in Lesotho in 2003, and a subsequent one by Care Lesotho (2002). A recent study undertaken by WLSA and UNFPA (2009) which indicates that attitudes towards gender violence are slowly changing as advocacy campaigns against violence intensify and the provisions of the Sexual Offences Act (SOA 2003) are reinforced to penalise the perpetrators.

The media is more often part of the problem than of the solution: The Gender and Media Baseline Study (GMBS) conducted by MISA and Gender Links in 2003 found that gender specific

coverage constituted a mere 2% of all coverage but that of this 1% related to GBV. Qualitative studies showed that the experiences of women are frequently trivialised and that they seldom tell their own stories.



Swaziland: Monitoring of GBV coverage in Swaziland in 2003 by MISA concluded that there existed "a serious lack of ethical, fair, detailed, analytical and gender aware reporting. This study demonstrates that the media is not doing enough to challenge gender stereotypes, raise public awareness of gender violence and child abuse, educate women on their rights and urge greater commitment and accountability from government in combating the problems" *(African Media Barometer 2007, MISA).*



Monitoring the media in Swaziland

Photo: Colleen Lowe Morna

Integrated approaches and monitoring and evaluation

The Protocol obliges Member States to adopt integrated approaches, including institutional cross sector structures, with the aim of reducing current levels of GBV, by half by 2015.

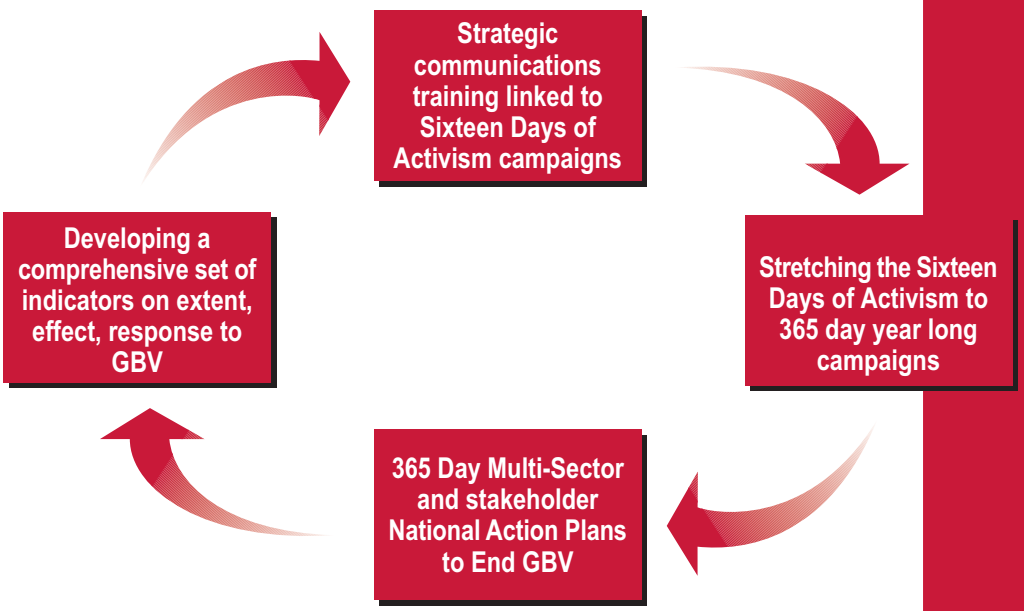
All SADC countries have multi sector strategies and action plans to end gender violence: Table 5.2 shows that all SADC countries have put in place national actions plans of some kind for ending gender violence, most of these between 2006 and 2008, following the call by the UN Secretary General for multi sector plans to end GBV. Seven use the term ending gender violence; two use the term combating gender violence. Two (Angola and Seychelles) refer to domestic violence; one (Tanzania) refers to violence against women and girls. The others all refer to gender or gender based violence.

Sixteen day campaigns are being extended to year long campaigns: An interesting feature is the move away from Sixteen Day to 365 Day campaigns to end gender violence. Two plans (South Africa and Swaziland) reflect this in the names of their plans. Eleven SADC countries have committed to extend the Sixteen Day campaign to a year long campaign. Six SADC countries (Botswana, Mauritius, Namibia, Seychelles, South Africa and Swaziland) have developed communications strategies for their action plans.

For action plans to indicators: Three SADC countries are part of a ground breaking project to develop indicators for measuring GBV.

Indicators

A collective of partner organisations has begun work to develop indicators for measuring gender violence that can be used across Southern Africa and with the aim of making data comparable. Draft indicators are in place. These need further canvassing and refining with key stakeholders in the region.



Measuring gender violence is a must



When the South African Police Services (SAPS) released its latest set of statistics mid-year in 2007, the numbers again showed a decrease of about 7% on all reported "contact"

But there was a caveat. The figures on rape only ran until December 2007, when the Sexual Offences Act came into force. That law has expanded the definition of rape to include male rape and all forms (not just penal) penetration. So the police expect the numbers to rise when the next set of data is released, and they are painfully aware that these are just reported cases of sexual assault; estimates are that the real figure could be nine times higher.

Amid the several ongoing campaigns against GBV, a team of NGOs, government and academic researchers have started work on an innovative project, based initially in the City of Johannesburg, on how to measure gender violence; and more important how to measure whether it is declining.

A challenge that no government in the world has satisfactorily resolved, the team, comprising Gender Links, the Medical Research Council, People Opposed to Women Abuse (POWA), the Centre for the Study of Violence and Reconciliation (CSVR), South African Police Service (SAPS) and the Inter Departmental Management Committee in government responsible for GBV has so far made some key conceptual breakthroughs.

The first hurdle that researchers face is how to define gender violence. In similar work on GBV indicators, the Economic Commission on Latin America (ECLA) decided to focus specifically on Violence Against Women (VAW). The team has kept the definition of gender violence more broad, if only to show through the research the extent to which this really is primarily a case of VAW.

Continued on page 140

TABLE 5.3: INTEGRATED APPROACHES

COUNTRY	NATIONAL ACTION PLAN	STRATEGIC COMMUNICATION PLAN DEVELOPED
Angola	National Action Plan Against Domestic Violence (Draft)	No
Botswana	The Botswana National Action Plan to End Gender Violence November 2007.	November 2008, aimed at providing participants with a framework for collaborative action and emphasised the importance of education, training and awareness building outlined in the National Action Plans Against Gender Based Violence. Aimed at promoting the use of IT for advocacy and using new tools of communication.
DRC	The National Action Plan on Gender Violence	No
Lesotho	National Action Plan to End Gender-Based Violence in Lesotho, May 2008	No
Madagascar	The Madagascar National Action Plan to End Gender Violence, June 2008	No
Malawi	National Response to Combat GBV (2008-2013), July 2008	Currently government plans to turn the Sixteen days campaign into the 365 days campaign. One of the strategies that has been adopted to devise a plan of action of activities that are to be eliminated throughout the year towards the elimination of GBV.
Mauritius	Action Plan on Gender Based Violence, October 2006	November 2008, aimed at building the capacity of stakeholders in strategic communications and IT skills based on the harmonised National Action to Combat Domestic Violence and to consolidate plans for the 2008 Sixteen Days of Activism campaign.
Mozambique	National Action Plan to End Gender Violence (Draft, 2008)	No
Namibia	National Action Plan to end Gender Violence, July 2006	November 2008, to build the capacity of stakeholders on strategic communications and IT skills based on the Action Plan to End Gender Violence and to plan for the Sixteen Days of Activism campaign. To create a plan that is relevant at grassroots level.
Seychelles	National Strategy on Domestic Violence, 2006	No
South Africa	365 Days National Plan of Action to End GBV, March 2007	To develop a targeted communications strategy for Sixteen Days of Activism. Use the Sixteen Days of Activism Campaign to leverage the 365 Day Action Plan, build skills for the implementation of the strategic communications plan.
Swaziland	Swaziland 365 day National Action Plan to end gender violence, June 2007	Plan designed to train media practitioners to work with survivors of gender violence to document their experiences, equip people on the use of IT for advocacy with emphasis on running of on-line campaigns, create a sustainable way of addressing the high levels of gender violence is through promoting primary prevention efforts which are largely based on communication for social change principles
Tanzania	National Plan to Combat Violence Against Women and Girls (2001-2015)	
Zambia	National Action Plan to end Gender Violence (August 2007)	
Zimbabwe	National Gender Based Violence Strategy and Action Plan (August 2006)	No

TO ENDING GBV IN SADC COUNTRIES

SIXTEEN DAY CAMPAIGN EXTENDED TO 365	GENERAL COMMENTS
No	In 2008, as part of the capacity building and policy support strategy, The United Nations Development Programme (UNDP) in Angola assisted the Government in the formulation and approval of the National Action Plan Against Domestic Violence. 775 women and 450 men participated in the drafting of the Action Plan, and the project fed into the drafting of the Domestic Violence Bill which should be enacted in 2010.
Yes	Implementation of plan needs to be accelerated. Developed by various stakeholders; government, civil society, police and academia.
No	National Action plan is part of the 'National Policy of Gender Mainstreaming and the promotion of women, the family and protection of the Child'.
Yes	Lack of stakeholder commitment, lack of political will and inadequate financial support are failing to drive the process forward.
Yes	The plan will be implemented as part of various other policy instruments such as the National Policy for the Promotion of Women, the Gender and Development National Action Plan and the Madagascar Action Plan. To implement this, Madagascar has created Gender and Development Technical Units at decentralised levels to reinforce punishment for violence against women/girls/adolescents.
No	Plan covers six thematic areas for strengthening; 1) strengthening response to GBV 2) GBV prevention 3) rehabilitation of survivors and perpetrators 4) Research documentation 5) GBV in the work place 6) Monitoring and evaluation.
Yes	Existing plan developed in 2006 and finalised in 2007. Has been taken to cabinet. Combines work done by Women's ministry, UNDP and MWO-GEMSA with assistance of Gender Links.
No	Plan funded by state budget with contributions from partners and donors but finances are a major constraint to the success of the plan.
Yes	Existing action plan developed in 2006. Gender violence conference held in 2007 to strengthen strategies to end gender violence. There is currently no budget for the implementation of the plan, all activities are being mastered by the Minister of Gender Equality and Child Welfare.
Yes	No formal structures have yet been established to implement the plan
Yes	National Action Plan conference held in May 2006. Launched on 8 March 2007 by Dep. President. Two pilot projects in place in Gauteng and North West provinces to localise the national action plan but require support.
Yes	Workshop held, plan developed and accepted by Dept of gender who co-funded the workshop. Plan to be launched during Sixteen days of Activism 2007.No visible evidence of awareness raising, limited implementation, media coverage or legislative change.
Yes	Plan produced with assistance by GL and GEMSA in 2007.
Yes	Plan developed and submitted to Gender in Development Division (GIDD) for incorporation into final plan National Action Plan which reached its final stage in September 2007. There is a need to lobby the government and donor community to allocate sufficient funds to implement plan.
Yes	Research is being spearheaded by Ministry of Women and Child Development.

Measuring gender violence is a must (cont.)

The biggest data collection challenge is that the majority of cases of gender violence are never reported and a large number of those that do get reported are withdrawn. As police statistics only cover reported cases, they only tell part of the story. A further complication is that the only specific statistics that most police services have on gender violence concern sexual assault. Statistics on domestic violence are hidden away in such categories as "criminal injuria" and "assault with intent to do bodily harm." Even femicide (the killing by a man of an intimate female partner) is not recorded as such. The only way to obtain this information is through docket analysis.

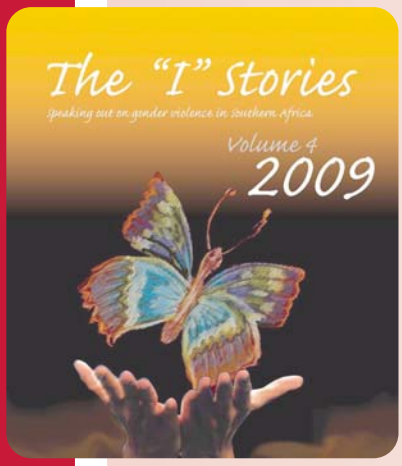
An important breakthrough this year is that, as a result of the lobbying over many years, SAPS now has a category on domestic violence. The next set of statistics will yield the first numbers of reported cases of this form of violence which includes physical, emotional, economic and verbal abuse, though the data will most likely largely be on physical abuse as the other forms are seldom reported.

SAPS is also open to creating a category on femicide. Since all deaths have to be reported, femicide should be the one form of gender violence on which accurate data can be collected through the police.

But that still leaves the many cases of sexual assault and domestic violence that do not get reported. For this, the best way to obtain accurate information is to conduct prevalence surveys. This means taking a sample of the population and administering a questionnaire on experiences of GBV, over the last year as well as over a lifetime.

Such surveys are only as accurate as the sample size is representative of the population. A big budget question that arises is whether to undertake dedicated GBV studies, or to tag these onto existing studies, such as the census or health surveys.

The indicators task team has argued forcefully for a dedicated study. This is because researchers for GBV studies need to be carefully trained in order to obtain information that is often painful and may need to be accompanied by counselling services.

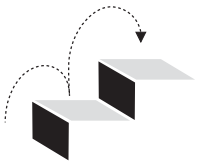


The team has, however, argued that one cost cutting measure could be to combine GBV attitude and prevalence surveys since these use similar methodologies. An additional advantage is that by obtaining information on the occurrence of gender violence and perceptions on the matter from the same people, it is possible to draw correlations between experiences and attitudes. For example, what are the differences in the way that a perpetrator and a survivor of GBV view the issue?

Questions will also cover knowledge and experiences of service provision. The questions will be both quantitative and qualitative. *The "I" Stories*, or first-hand accounts, are an important way of giving a human face to stories of anonymous women that often get lost in police and court statistics.

Other research tools proposed include analysis of political commitment through monitoring of statements and actions by leaders and media monitoring. The pilot study, due to start next year, will be conducted in three metropolitan and surrounding areas of Southern Africa including the City of Johannesburg, with a view to cascading it nationally and regionally in 2010.

Only data such as this can help us establish the true extent and effect of gender violence so that in 2015 we can measure whether progress has been made. Only by measuring progress, however small and however nuanced, can we emerge from the collective sense of helplessness that often engulfs us as we fight this scourge.



Next steps

SADC states far from meeting targets: Overall there are key developments towards ending gender violence in the region by both state and non-state actors. But more needs to be done. A lot of commitments are reflected in National Action Plans to End Gender Violence but these need to be translated into action. There is no strong monitoring and evaluation framework to measure progress and gaps. Resources are scarce to finance the planned actions with a few exceptions of countries like Botswana, Lesotho and Mauritius that have costed and allocated budgets to all or most components of their action plans. Even then there are no clear strategies on how countries will meet targets set in the National Action Plans. Specific steps to meet the Protocol targets include:

- ***Co-ordination:*** Civil society working in the gender violence sector need to co-ordinate their efforts in-country and across countries to be able to make an impact. This will facilitate sharing of good practices, challenges and successes. This could be achieved through forming a regional GBV cluster or network. This could be either a loose structure or formal with a reporting structure to facilitate feedback on work taking place.
- ***Popularisation of the Protocol:*** Draw up a strategy for popularising targets set in the draft Protocol whether it is signed off or not to ensure that countries begin to work towards achieving these should the Protocol be eventual passed.
- ***Targets and NAPS:*** Ensuring that these targets are mainstreamed into National Action Plans or Strategies to End Gender Violence and report back after one year on whether this has been achieved.
- ***Prevention:*** Put more emphasis on gender violence prevention through communication for social change. Mount a prevention campaign that can be a flagship for the region – with common messaging. This could be built around World Cup Soccer 2010 and trafficking. This could be one of the main projects of the GBV cluster.
- ***Trafficking:*** Related to this is prioritising a concerted advocacy campaign that countries pass legislation on trafficking with Soccer 2010 around the corner. This is a less controversial subject and could easily pass legislative authorities. Technical expertise is readily available from IOM.
- ***Indicators:*** Collaboration on finalising draft indicators for measuring GBV in Southern Africa should also be prioritised. This will form baseline data for the region to measure progress and gaps in the future. This should include prevalence and attitudes surveys. It is important to develop an M&E toolkit and scorecard that could be used annually.
- ***Audit of NAPS:*** An audit of status of each country on adopting and implementing their National Action Plan or Strategies to End Gender Violence and apply peer pressure.



A different kind of family **Anushka Virahsawmy**

CHAPTER 6

Health

Article 26



A doctor in Marondera, Zimbabwe, diagnoses a woman patient *Photo: Trevor Davies*

KEY POINTS

- Despite the provisions for sexual and reproductive health and the fact that most countries have some policy framework to cater for this, contraceptive usage varies from 6% in Angola to 65% in South Africa.
- The most commonly used contraceptives throughout the region are the contraceptive injection and the contraceptive pill. Men are generally not actively engaged in family planning campaigns.
- Choice of termination of pregnancy is only fully legal in one SADC country: South Africa.
- Mauritius has the regions lowest maternal mortality with only 13 deaths per 100 000 compared to 1400 per 100 000 in Angola (one of the highest rates in the world).
- In seven of the fifteen countries, less than 60% of births are attended by skilled personnel.
- Sanitation coverage ranges from 100% in urban and rural areas in Mauritius and Seychelles, and only 14% in Madagascar (10% in rural areas).

A woman in sub-Saharan Africa has a 1 in 16 chance of dying in pregnancy or childbirth, compared to a 1 in 4,000 risk in a developing country - the largest difference between poor and rich countries of any health indicator. This glaring disparity is reflected in a number of global declarations and resolutions. In September 2001, 147 heads of states collectively endorsed Millennium Development Goals 4 and 5: To reduce child mortality rate by two thirds and maternal mortality ratio by 75% between 1990 and 2015. Strongly linked to these is Goal 6: To halt or begin to reverse the spread of HIV and AIDS, malaria and other diseases.

As emphasised at the International Conference on Population and Development (ICPD) that followed the Beijing conference, sexual and reproductive health is at the centre of human life and of improving women's health. The World Health Organisation (WHO) has defined sexual health as "a state of physical, emotional, mental, and social well-being related to sexuality. It is not merely the absence of disease, dysfunction or infirmity. Sexual health requires a positive and respectful approach to sexuality and sexual relationships, as well as the possibility of having pleasurable and safe sexual experiences, free of coercion, discrimination and violence. For sexual health to be attained and maintained the sexual rights of all persons must be respected, protected and fulfilled." *(WHO 2002)*

The specific targets of the Protocol for 2015 regarding women's health build on the Millenium Development Goals (MDG) as well as the ICPD. They call on SADC countries to:

- Adopt and implement legislative frameworks, policies, programmes and services to enhance gender sensitive, appropriate and affordable quality health care.
- Reduce the maternal mortality ratio by 75%.
- Develop and implement policies and programmes to address the mental, sexual and reproductive health needs of men and women.
- Ensure the provision of hygiene and sanitary facilities and nutritional needs of women, including women in prison.

In the later part of the 20th century, Southern Africa made impressive gains in child health, access to primary health care and maternal health. However, all of this progress across the SADC region is currently being threatened. For example, the last two decades have seen an increase in the prevalence of communicable diseases such as malaria and tuberculosis throughout the region. Southern Africa is also the region in the world with the highest incidence of HIV and AIDS.

While life expectancy is higher for women than men across eleven of fifteen SADC countries, a number of health and social factors combine to create a lower quality of life for women. Discrimination on the basis of sex leads to many health hazards for women; including physical and sexual violence, sexually-transmitted infections, HIV and AIDS, female genital mutilation, malaria and vulnerability to other communicable diseases, unsafe pregnancy and lack of control over their physical integrity. The table presents some of the key statistics on these issues and is referred to throughout the chapter.



Women's health and social factors combine to create a lower quality of life
Photo: Gender Links

Table 6.1: Sexual and reproductive health

	Angola	Botswana	DRC	Lesotho	Madagascar	Malawi	Mauritius	Mozambique	Namibia	Seychelles	South Africa	Swaziland	Tanzania	Zambia	Zimbabwe
% Contraceptive use among sexually active women	6	44	31	37	15	42	76	17	55	41	65	43	41	30	60
Current maternal mortality rate (out of 100, 000)	1400	193	1100	762	469	807	13	520	210	64	400	589	950	591	725
% Births attended by skilled personnel	46	99	61	55	51	54	100	48	81	100	92	74	46	47	69
% Total coverage of sanitation facilities	50	47	31	49	14	60	100	31	35	100	59	50	33	52	46
% Urban coverage	79	60	42	82	18	51	100	53	66	100	86	64	31	55	63
% Rural coverage	16	30	25	39	10	62	100	19	18	100	44	46	34	51	37

Source: Botswana Central Statistics Office, 2007. Madagascar Health Statistical Yearbook 2007. Malawi - UNICEF Report 2006. Mauritius - Ministry of Health 2007. Seychelles - Department of Health Survey 2009. Swaziland - Demographic Health Survey 2007. Tanzania - Strategic Plan to reduce Maternal Mortality 2008. WHO Database. MDG Database

Sexual and reproductive health

By 2015 countries should develop and implement policies and programmes mental, sexual and reproductive health needs of women and men.

Where sexual and reproductive health had previously been treated as an issue within the domain of health care and service access, the definition of sexual and reproductive health adopted at the International Conference on Population and Development (ICPD) reads as follows:

"Reproductive health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its function and processes.

Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition are the rights of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility which are not against the law, and the right to access appropriate health care services that will enable women to go safely through pregnancy and child-birth and provide couples with the best chance of having a healthy infant.

In line with the above definition of reproductive health, reproductive health care is defined as the constellation of methods, techniques and services that contribute to reproductive health and well-being by preventing and solving reproductive health problems.

It also includes sexual health, the purpose of which is the enhancement of life and personal relations, and not merely counselling and care-related to reproductive and sexually transmitted disease" *(ICPD, para 7.2)*

The adoption of this definition marked the beginning of a new era. In 1995 at the Fourth World Conference on Women (FWCW) in Beijing, the international community agreed that human rights include the right of women to have control over their sexuality. Increasingly, the term sexual and reproductive rights have been used in policies and programmes throughout the world. However, in Southern Africa, some reservation has remained and the extent to which sexual and reproductive rights for women are discussed, understood and provided for in regional and national policies is limited. *(Klugman 1998)*



Keeping children's health in check *Photo: Gender Links*

Key challenges to attaining sexual and reproductive health are HIV and STIs, unintended pregnancy and abortion, infertility and cancer resulting from STIs and sexual dysfunction. Gender inequality and gender-based violence also impact significantly on the attainment of sexual and reproductive rights for women and girls.

Family planning

Family Planning services have been established in many of the southern African countries. Access to a range of contraceptives is available. Information and counselling is often provided. However, it is important to note that often family planning is seen as a "woman's issue" and men are rarely involved. Equally, there are reports from some countries, such as Zimbabwe, which suggest that sexually active youth and adolescents are restricted from accessing family planning services and contraceptives, although there is no legislation that states such restrictions. The following are key findings from the research:

A shift in thinking on family planning and reproductive health policies: Of the eleven SADC countries where data could be obtained, five countries have a family planning policy (Angola, Botswana, Madagascar, Swaziland, Zimbabwe) and six had a reproductive health policy (DRC, Lesotho, Malawi, Mauritius, South Africa and Zambia). Historically, until the late twentieth century policy focus was very much on fertility control aimed at controlling population numbers but within the last ten years there has been a move in policy discourse towards broader reproductive health policies which are based upon human rights and choices *(Anderson 2005)* and consider both men and women's reproductive needs.

According to the ICPD, the reproductive health approach recognises women as subjects rather than objects; upholds their dignity; respects their free and informed choices; and responds in a comprehensive manner to the totality of their health needs. It also aims to promote men's understanding of their roles and responsibilities regarding reproductive health and aims to address the reproductive health issues of adolescents which were largely neglected under traditional family planning policies. Furthermore, it addresses the issues of HIV and AIDS and sexually transmitted infections as part of its discourse. *(ICPD 1999)*

It is clear the SADC countries are gradually adopting this approach; Lesotho and Malawi adopted reproductive health policies in 2009 and the Seychelles is currently formulating a policy on reproductive health. It can therefore be argued that updating the existing family planning policies that are still in place in the SADC region to the rights-based reproductive health approach could assist the SADC countries in meeting the health provisions of the SADC Gender Protocol, being more gender aware and taking into account the wider reproductive issues the SADC region is facing.

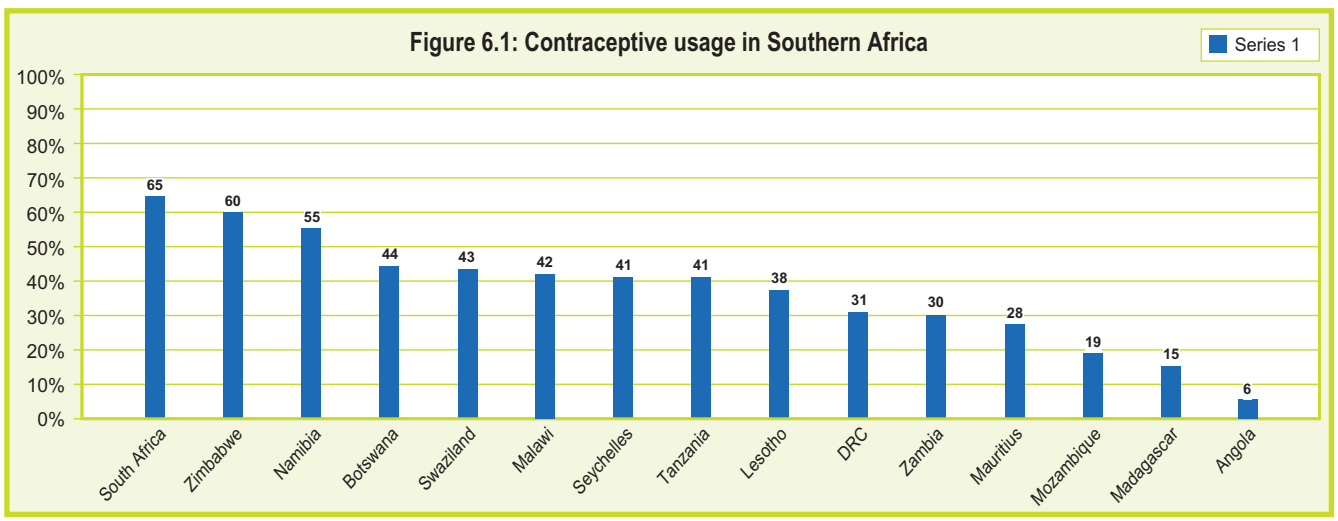
Gender aware policy in Lesotho

Lesotho's National Reproductive Health Policy created in 2009 shows gender awareness by addressing issues of fertility, sexual health, family planning, safe motherhood and HIV and AIDS. It advocates for equal access to safe, effective, affordable and acceptable methods of family planning for both women and men and calls for their involvement in the promotion of sexual and reproductive health.



The Lesotho government has also been working with civil society partner, the Lesotho Planned Parenthood Association (LLPA) to involve men in family planning campaigns. So far the LPPA have set up a Male Reproductive Health Clinic, the first and only of its kind in the country and possibly the SADC region. It targets male concentrated areas such as building and construction sites, military camps, security and police services and their services include: distribution of condoms, circumcision services, sexually transmitted infection management, voluntary HIV and AIDS counseling and testing and any other male reproductive and sexual health issues.
(Ministry of Health and Social Welfare Lesotho 2009)

Contraceptive use is still low: Only three of the fifteen SADC countries having a contraceptive use rate of more than 50% and Angola with one of the highest birth rates in the world stands at a regional low of 6%.



Slow uptake of contraceptives in Swaziland

In the case of Swaziland, the government provides advice and contraceptives for free but the uptake of these services remains at only 43%.

Contraceptive use in Swaziland is strongly related to women's education, wealth quintile and whether she lives in an urban or rural area. For example, women with the least education are less likely to use contraceptives (29%) and women with higher levels of education are much more likely to use contraceptives (74%).

Moreover, the patriarchal structure of Swazi society has a significant impact on women's use of contraception in that many women in Swaziland are still not empowered enough to make decisions about their reproductive health.

A Demographic Health Survey, performed by the Swazi government in 2006 revealed much about people's attitudes to contraception and family planning. It revealed that 8.3% of women did not use contraception because their partner opposed it, that 8.8% of men were unaware of their partners contraceptive usage and most worryingly that 63% of men think that contraceptive use encourages promiscuity in women.



Contraceptive uptake in Swaziland is low *Photo: UNDP*

These statistics indicate not only men's lack of education regarding contraception and family planning but an urgent need to create a more open dialogue about contraceptive issues in Swaziland and a need for men's greater participation.

With the highest HIV and AIDS prevalence in the world, access and information about contraception and family planning is not an issue that Swaziland can be complacent about. (Swaziland Demographic and Health Survey, Central Statistics Office, 2006-7)

Women's lack of access to reproductive health services and appropriate legislation throughout the SADC region results in unwanted pregnancy and unsafe abortion, which accounts for approximately 13% of maternal deaths worldwide *(WHO 2005)*. Conservatism, religion, education, wealth, women's access to health care and women's lack of power over their reproductive health are the principal reasons for the low usage of contraceptives throughout the region.

Married women lack decision-making power: For married women, the issue of contraception is more problematic in that married women in the SADC region are rarely the "decision-makers" in their homes and are often not empowered enough to make decisions themselves about their reproductive health, resulting in increased vulnerability to unwanted pregnancy, HIV and AIDS and sexually transmitted infection. Increased contraceptive access and use throughout the SADC region has an impact not only on the health of women but society as a whole; couples who have adequate knowledge about the benefits of family planning are more likely to have a small family size and hence have better health outcomes compared with those who have less knowledge and access.

The pill is the main form of contraception used: Throughout the SADC region, the most common forms of contraception used are the contraceptive pill, the contraceptive injection and male condoms.



In ***Angola***, the country with the lowest contraceptive prevalence in the region, the most commonly used contraceptive is the contraceptive pill.

Angola also currently has one of the lower HIV and AIDS rates in the region and in order to maintain this the government is stepping up its efforts to provide condoms to Angolans, the number of condoms distributed by the Angolan Ministry of Health in the last 6 years has increased by almost 6 times to 20.742.000 in 2007. *(National Family Planning Strategy Angola 2009)*



In ***Lesotho***, evidence shows that the injection method is commonly used by women of child bearing age, in urban areas and in particular by married women especially in cases where partners resist the idea of family planning. Rural women and men use mostly non-prescriptive methods and condoms because of lack of access to other methods. *(Ministry of Health and Social Welfare Lesotho 2009)*

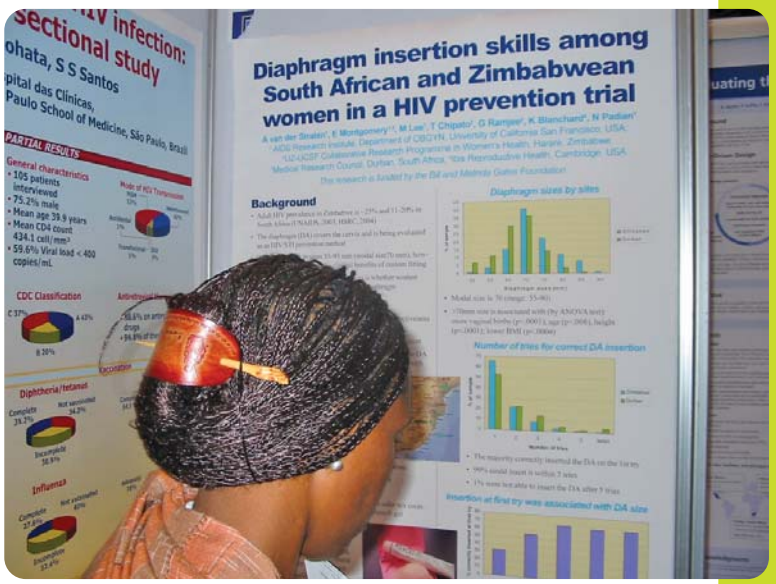


It is interesting to note that while ***Mauritius*** enjoys the highest contraceptive prevalence in the region, it also has the highest number of women using the symto-thermal method of contraception which neither protects against HIV and AIDS nor is as effective as modern, hormone based methods. *(Demographic Yearbook Mauritius 2008)*



In ***South Africa***, the health system freely distributes the male condom and civil society and the private sector are also using their own platforms and spaces to distribute and provide alternative access points to the male condoms distributed by the Department of Health. As a result, one seldom goes anywhere without seeing a full or empty male condom box or dispenser in many public spaces. *(South African Demographic Health Survey 2003)*

In terms of the profiles of contraceptive usage, there was little statistical data available but condoms were mainly used by sexually active people who were not in union and married women used more hormone based methods such as the pill and the injection. Women from rural areas with lack of access to medical facilities were more likely to rely upon traditional methods and non-prescriptive methods whereas woman from urban areas with access to clinics used more modern methods.



Female condoms *Photo: Gender Links*

The female condom: Throughout the region, the use of female condoms is negligible and there are negative connotations attached to female condoms; that they are difficult to use.

In ***South Africa***, there have been campaigns to distribute female condoms but the issue that often gets raised about the female condom is that it is not as easy to use as the male condom, which suggests that the only way there will be more uptake of the female condom is if it coupled with education on how to make use of it. *(South African Demographic Health Survey 2003)*



In ***Botswana***, the Ministry of Health has been undertaking campaigns to promote the use of female condoms

and has re-branded the female condom, now known as 'bliss' through road shows, distributing flyers and posters, and is planning television advertisement. *(Ministry of Health Botswana 2008)*



In ***Mauritius***, the Mauritius Family Planning and Welfare Association has been distributing the female condom to those who have casual sex partners or are commercial sex workers. UNFPA donated female condoms to the Government of Mauritius in 2007 and to date the Ministry of Health and the MFPWA have distributed 40,000 female condoms around the island. The MFPWA has worked hard to raise awareness and on sensitisation campaigns about female condoms through the community and through radio programmes. However the acceptance rate of the female condom is still low and strategies need to be developed to better market the product as a method of contraception.
(MFPWA Mauritius 2007)



In ***Zambia***, the usage of the female condom is reported to be slowly gaining momentum with women being the main targets of the campaigns; female condoms being promoted as an empowering means of protecting themselves, instead of relying on men. *(Zambia Demographic Health Survey 2007)*

Men's involvement in sexual and reproductive health issues remains insufficient: Only four of the fifteen countries mentioned any campaigns in the SADC region that involve men in family planning (Lesotho, Mauritius, Malawi and Zambia). In Malawi, civil society works with men as strategic partners in the implementation of family planning initiatives and in Mauritius there is a 'Men As Partners Initiative' which promotes men's responsibility and participation within the family and community so as to enable the effective empowerment of women and the enhancement of the quality of life of the family as a whole.

There is evidence to suggest that much of the campaigning in the SADC region which promotes men's involvement in sexual and reproductive health is less to do with family planning and more to do with HIV and AIDS and the spread of sexually transmitted infections. For example, Zimbabwe's "One Love" Campaign has launched a brochure, posters and adverts directed at men which challenges traditional perceptions of men's involvement in sexual issues and promotes condom use, monogamy, trust, respect and communication in relationships *(Tunbo, D et al, 2009).*

Although these messages are obviously very important, there is a need for men to be educated about their roles and responsibilities and the ways they can work as partners to help improve all aspects of women's health, not just HIV and AIDS prevention as all aspects of women's health have an impact not only on women but on society as a whole.*(MFPWA 2003)*

The right to choose

Termination of pregnancy

The decision to terminate a pregnancy is restricted by legislation in many countries. Only abortions for medical purposes are allowed. South Africa is the only country which has made reforms to allow abortion through the 1996 Choice of Termination of Pregnancy Act.

While this is not provided for in the Protocol, the issue is being debated increasingly throughout the SADC region. With only South Africa having fully legalised abortion, there is obviously still great resistance to the issue across the region. However, given that illegal abortion is a contributory to the high maternal mortality rates throughout the region and the fact that there

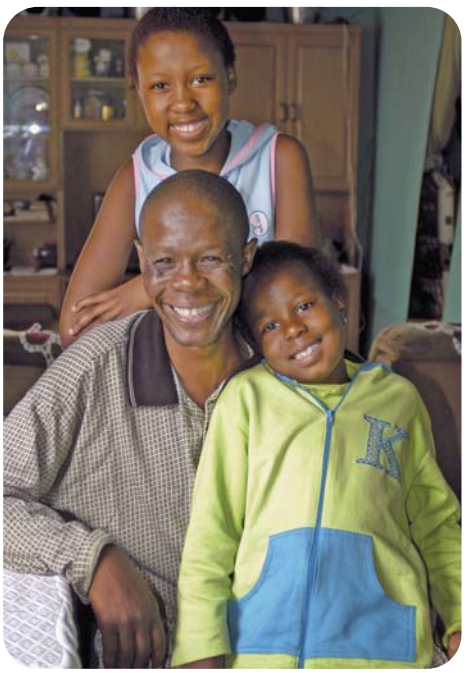
Table 6.2: Termination of pregnancy policy

Country	Policy
Angola	Illegal
Botswana	Illegal (Legal only in cases of rape, incest, foetal impairment or to preserve the mental or physical health of the mother and to save the mother's life within the first 16 weeks. Must be approved by two doctors)
DRC	Illegal (Legal to save the life of the mother)
Lesotho	Illegal (Legal to save the life of the mother)
Madagascar	Illegal (Legal to save the life of the mother)
Malawi	Illegal (Legal to save the life of the mother)
Mauritius	Illegal (Legal to save the life of the mother)
Mozambique	Illegal (can be permissible to save the life or to protect the mental or physical health of the mother)
Namibia	Illegal (Legal in cases of rape, incest, foetal impairment or to preserve the mental or physical health of the mother and to save the mother's life. Must be approved by three doctors)
Seychelles	Illegal (Legal in cases of rape, incest, foetal impairment or to preserve the mental or physical health of the mother and to save the mother's life)
South Africa	Legal
Swaziland	Illegal (Legal to save the life of the mother)
Tanzania	Illegal (Legal to save the life or to protect the mental or physical health of the mother)
Zambia	Illegal (Legal in cases of foetal impairment or to preserve the mental or physical health of the mother and to save the mother's life or for economic/social reasons.
Zimbabwe	Illegal (Legal in cases of rape, incest, foetal impairment or to preserve the physical health of the mother and to save the mother's life)

are many unplanned pregnancies, it is clear that there needs to be more dialogue about abortion in the SADC region.



Mozambique: The debate on the termination of pregnancy is on, although it has not reached the Parliament yet. There is a draft bill on the termination of pregnancy by the Ministry of Health, and various workshops with several stakeholder including parliamentarians have been held. This process is informed by the worrying statistics on maternal mortality in Mozambique and also by a woman's right to choice. The debate reveals that women are aware of their rights and that the conservative position of the religious groups is changing. Some religious groups do accept termination of pregnancy under certain conditions, which shows a shift from no acceptance at all. It shows also that women and men are now open to talk about the issue of termination of pregnancy in a more positive way.



Father of the year *Photo: Lori Waselchuk*



Botswana: Abortion is illegal and termination of pregnancy is only permitted on certain medi-cal grounds, which include saving the life of the mother, to preserve the physical or mental health of the mother or after a case of rape or incest. The abortion may only be carried out in a government or private hospital or clinic registered for that purpose. An abortion after rape or incest must be approved in writing by two doctors. Research shows that bureaucratic delays and limited access to health clinics are still encouraging illegal backstreet abortions. *(UN Country Assessment for Botswana 2007)* Although official data is lacking, UN research reports that illegal abortions are common and physicians often refuse to authorise terminations of pregnancy on medical grounds. There seems to be many obstacles in obtaining permission for an abortion. The absence of a clear definition of 'acceptable evidence' when a pregnancy is the result of rape or incest is a particular challenge, as is the scarcity of approved places where abortion can be performed, the shortage of medical staff and the difficulty of access experienced by rural women. There is not currently a lot of debate around the issue of abortion in Botswana as the current policy falls in line with the Christian values of the society.



Lesotho: A civil society organisation, the Lesotho Planned Parent-hood Association has taken up the debate in local newspapers and the organisation intends to initiate a national debate on the issue of abortion with the objective of promoting a woman's right to choose and to get the opinions of the

nation on the issue, stimulating discussions towards a solution of the problem. However, it has been observed that as with Botswana, the Catholic and Christian community is reluctant to discuss the issue.



Zambia: Allows aborton only in very limited circumstances. The process is laborious. Firstly, a woman is supposed to consult with and then get approval from three physicians before she can go to one of the few facilities that perform the procedure. Furthermore, many women in Zambia are unaware of the law that allows for the termination of unwanted pregnancy. To address the problem, there have been campaigns and debates on the issue to sensitise women and service providers about the law, as well as calling on the amendment of the act to make it accessible and put in place standards and guidelines for reducing unsafe abortion.



Mauritius: Although abortion is illegal, the practice is quite common. The poor go to back street abortionists while the rich go to private clinics and sometimes neighbouring Reunion Island where the practice is legal. There is a big debate on abortion in Mauritius at the moment and a movement has been formed called "Fron Komin Pou Avortman" (Common Front For Abortion). Members of the group have been vocal and are organising workshops and seminars with wide media coverage.

The Minister of Women' Rights chaired a meeting on 29 April 2009 to brainstorm with NGOs and different stakeholders. Participants were invited to send their views in writing to the Ministry of Women's Rights so that a decision can be taken. A survey took place and 35% were in favour of legalising abortion and 58% were against. According to the Attorney General "it is high time for legislation. It concerns both health and choice. The woman has a right to choose and take the decision. We are working on a law and once all the debates are over and views obtained, the law will be sent to Cabinet and then to the Legislative Assembly." *(Mauritius Family Planning and Welfare Association 2009)*

Sexual Orientation: Although the definition of sexual and reproductive health emphasises the need for all people to be able to have safe and satisfying sex, the majority of Southern African countries consider homosexuality to be illegal. A hotly contested issue in the negotiations, sexual orientation is not provided for in the Protocol. However, South Africa has invalidated the prohibition against same-sex relationships.

Women in prisons and refugee camps

The provision of sexual and reproductive health services for women in prisons or refugee camps is limited. While very little information could be found on the policies or programmes, qualitative research conducted by the Zimbabwean Women Writers with women in prisons indicates that the reproductive and sexual health needs of women in prison are not adequately addressed. Access to basic reproductive health needs such as sanitary pads is limited. Equally, women who are pregnant or deliver in prison are reported to face stigma and discrimination by the prison guards and are afforded no additional care or services for their child, which some raise within the prisons. High incidence of sexual violence and rape is also reported.



Poverty restricts pre- and post-natal services *Photo: Gender Links*

Refugee camps pose unique challenges to the provision of health care services and reproductive services for women. Gender-based violence is cited as one of the main challenges; it is the result of a competition for survival in an environment where only the most basic necessities are provided. Women are responsible for most tasks such as cooking and cleaning around the

camp while the men while away the time by drinking alcohol in the absence of typical work opportunities; leaving them idle, destitute and frustrated, taking it out on women in the camps (Ondeko and Purdin, 2004). Uncertainty about citizenship, legal rights as well as the cohabitation of different ethnic communities also adds to the complex set of issues which leave women vulnerable to violence and threaten their sexual and reproductive well-being.

Women also lack access to pre and post-natal services because of poverty, insecurity, a shortage of accessible facilities, a lack of information about eligibility for access to services provided by the host country and cultural differences resulting in lower uptake of local services by refugees.

Maternal mortality

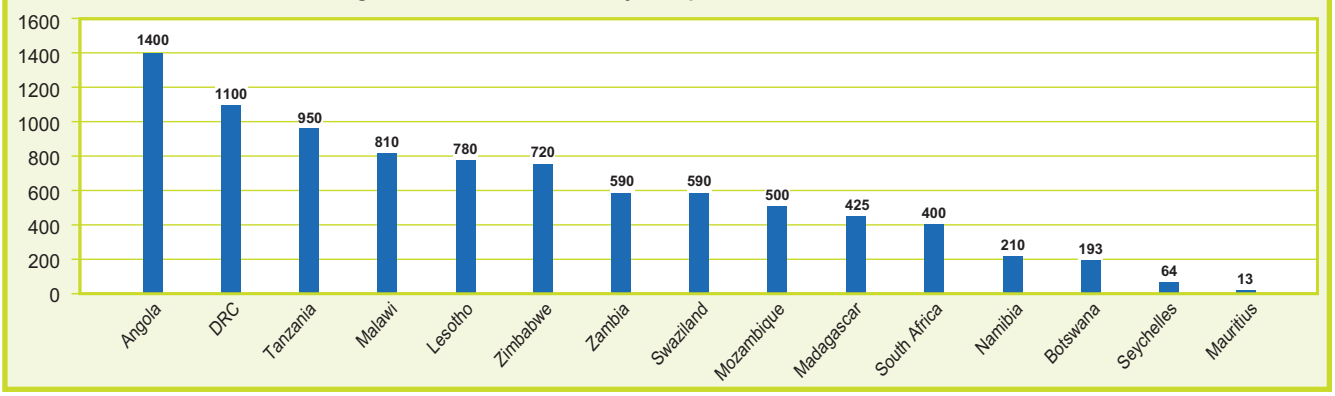
The protocol calls on member states to reduce maternal mortality by 75% by 2015.

Maternal mortality, or the number of women who die at childbirth, is a key indicator of women's health and well being. From 1990 to 2005, maternal mortality declined by 26% in Latin America; in Asia the decline was 20% over the same period. In Africa, the decline was less than one percent, from 830 per 100 000 live births to 820 - an estimated 276 000 African women died from pregnancy-related complications in 2005.[53] The following are key findings from the data analysed, drawn from the World Health Organisation (WHO) UN Statistical Information System.



Proper healthcare improve maternal mortality? *Photo: Gender Links*

Figure 6.2: Maternal mortality rate per 100 000 in Southern Africa



[53] AFRICA: Maternal Mortality, A Human Rights Catastrophe, Analysis by Rosemary Okello and Terna Gyuse, IPS, 30 June 2009

Wide variation between countries: Figure 6.2 reveals high levels of maternal mortality throughout the SADC region, but these vary from quite low in Mauritius (13 per 100 000) Seychelles (64 per 100 000) and Botswana (193 per 100 000) to some of the highest levels in the world (also well above the African average of 820 per 100 000) in Angola (1400 per 100 000); the DRC (110 per 100 000) and Tanzania (950 per 100 000).

The figures may actually be worse: While these figures in themselves are shocking, the real numbers are likely to be far higher given that many births and deaths throughout the SADC region go unregistered. In most SADC countries, the majority of the population lives in rural areas where access to health services is problematic; there are fewer clinics, poor transport infrastructure and frequent delays in getting women treatment. Furthermore, lack of education, cultural beliefs, women's low status in society and the expense of medical treatment means that many women are unable to get the medical help they need.

Worsening maternal mortality in seven countries: Current figures, when compared with those of 1990, indicate that maternal mortality rates have actually risen in seven of the fifteen SADC countries (in the DRC from 870 to 1100; Lesotho from 610 to 762; Malawi from 560 to 807; South Africa from 230-400; Swaziland 560-589; Tanzania 770 to 950 and Zimbabwe from 570 to 725) and have not decreased dramatically in Namibia or Madagascar. *(MDG Indicators 1990)*

HIV and AIDS as well as conflict exacerbate the situation: While the medical causes of maternal deaths are principally haemorrhage, infection, obstructed labour, hypertensive disorders in pregnancy, and complications of unsafe abortion, societal, economic and political circumstance greatly exacerbate these causes increasing the risk of maternal death. HIV and AIDS is emerging as a major cause of maternal mortality. Ongoing conflict, political instability and a recent emergence from civil war in the DRC, Zimbabwe and Angola may therefore go some of the way to explaining these high figures.

But in some countries there is no excuse for the decline: However, for a country such as South Africa which has experienced significant economic growth since 1994 and infrastructural development, the increase is unacceptable. The fact that countries at peace are sliding backwards at a time when the goal is to reduce maternal mortality by 75% is unacceptable.

Presence of skilled birth professionals: Seven of the 15 SADC countries have less than 60% of births attended by a skilled medical professional, and research suggests that there are often disparities in these figures between urban and rural areas. For example, in total, 69% of Zimbabwean births are conducted with a skilled personnel present but this figure reduces down to 52% in rural areas due to accessibility and proximity of medical services. The low prevalence of skilled personnel at births throughout the SADC region contributes to the high maternal mortality rate as many of the conditions that cause maternal mortality are easily preventable with medical assistance. *(WHO Data 2006)*

Presence of skilled birth professionals in post conflict countries: It is interesting to note however, that the presence of a skilled birth professional does not necessarily go hand in hand with high maternal mortality. An interesting



Babies who lose their mothers at birth are less likely to survive
Photo: Gender Links

comparison is that of Angola and Mozambique; both previous Portuguese countries and both post-conflict countries. Angola has 46% of births attended by a skilled birth professional and a maternal mortality rate of 1400 per 100, 000 whereas Mozambique has 48% of births attended by a skilled professional and a maternal mortality rate of only 520 per 100, 000. Both countries have similar levels an antenatal coverage and the same number of physicians per 10, 000 people but the answer lies in the fact that post-conflict Mozambique has invested significantly in its health care system; health accounts for 12.6% of total government expenditure whereas in Angola this figure is a meager 4.7% (WHO statistics, 2005).

Maternal mortality exacts a heavy cost on society: The consequences of maternal mortality and morbidity are felt not only by women but also by their families, communities and economically. If a woman dies in childbirth, the baby is less likely to survive or has an increased risk of having a disability. Children who lose their mothers are also at an increased risk of death or other problems later in life such as malnutrition and lack of education. Loss of women during their most productive years also means a loss of resources for the entire society; increased single parent families, reduced labour force and reduced economic productivity.

Much remains to be done, especially in the worst affected countries: The high prevalence of maternal mortality in the SADC region indicates that the health policies and practises currently in place are inadequate and that the effects and consequences of maternal mortality are far reaching. Thus, much remains to be done to ensure that the SADC region cuts maternal mortality by 75% in 2015. It should be noted however that the challenge varies greatly in different countries.

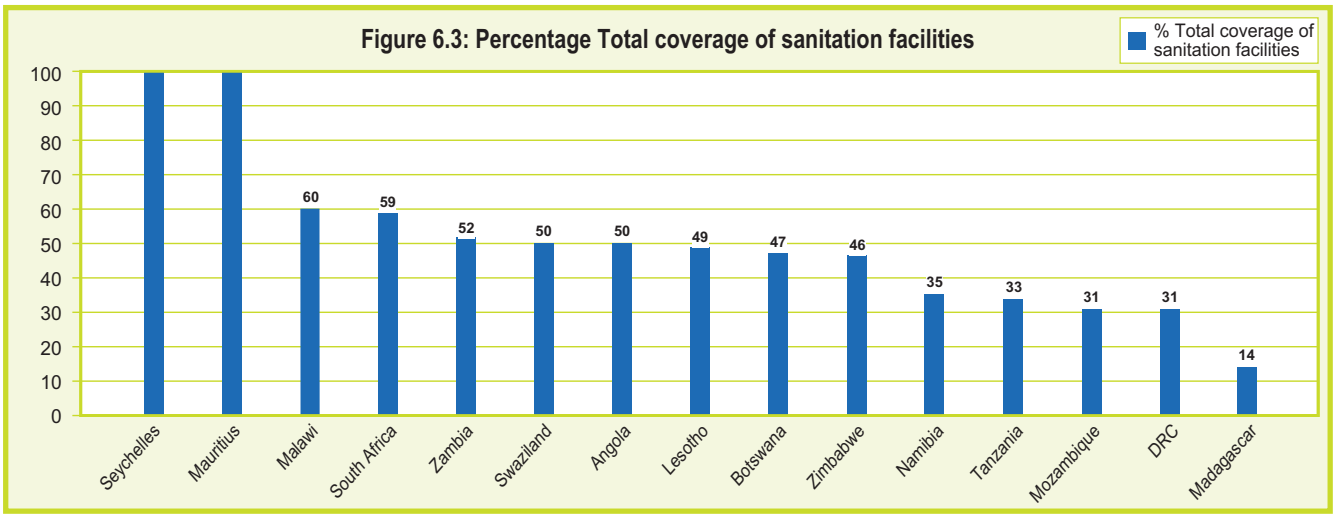
Sanitation

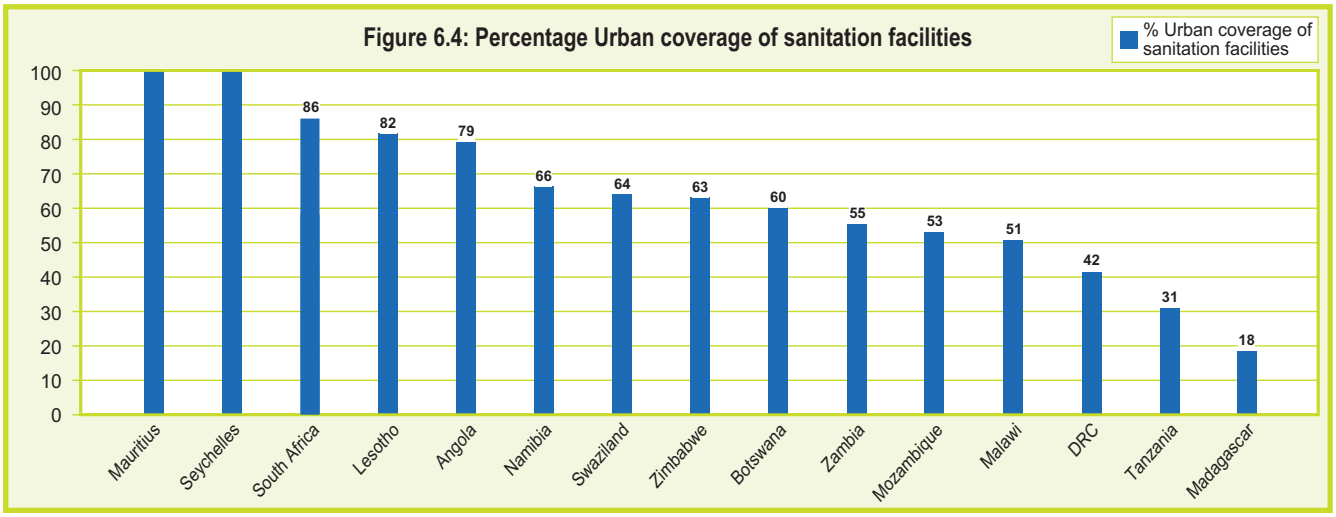
The Protocol requires that by 2015 Member States ensure the provision of hygiene and sanitary facilities and nutritional needs of women, including women in prison.

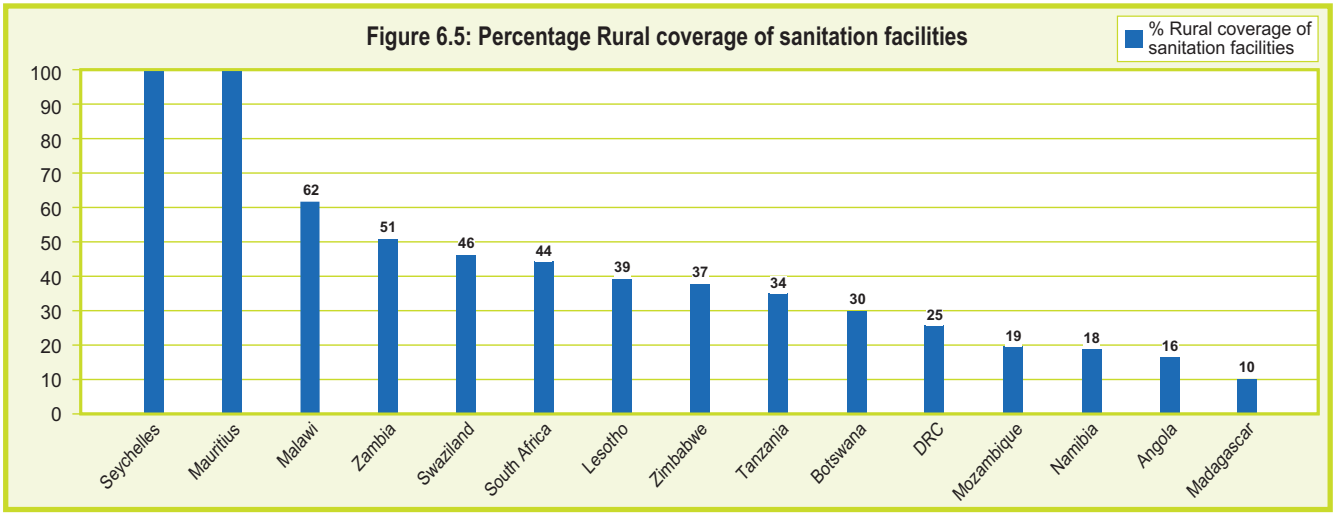
The provision of sanitation and hygiene facilities is integral to improving women's health throughout the region. Poor sanitation results in increased spread of communicable diseases such as TB and malaria which women are particularly vulnerable to and menstruation, pregnancy, and post-natal care become increasingly difficult for women without proper hygiene and sanitary facilities. Although providing hygiene and sanitation facilities is one of the provisions of the Protocol. Figures 6.3 to 6.5 show that there is still a long way to go: sanitation coverage, with the exception of Mauritius and the Seychelles remains low with great disparities between rural and urban areas. Six of the fifteen countries have less than 60% coverage in urban and rural areas.



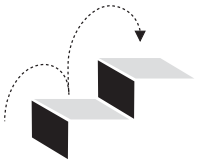
Poor sanitation results in increased spread of communicable diseases such as TB and malaria *Photo: Gender Links*


Figure 6.3: Percentage Total coverage of sanitation facilities
% Total coverage of sanitation facilities
100
90
80
70
60
50
40
30
20
10
0
Seychelles 100
Mauritius 100
Malawi 60
South Africa 59
Zambia 52
Swaziland 50
Angola 50
Lesotho 49
Botswana 47
Zimbabwe 46
Namibia 35
Tanzania 33
Mozambique 31
DRC 31
Madagascar 14


Figure 6.4: Percentage Urban coverage of sanitation facilities
% Urban coverage of sanitation facilities
100
90
80
70
60
50
40
30
20
10
0
Mauritius 100
Seychelles 100
South Africa 86
Lesotho 82
Angola 79
Namibia 66
Swaziland 64
Zimbabwe 63
Botswana 60
Zambia 55
Mozambique 53
Malawi 51
DRC 42
Tanzania 31
Madagascar 18


Figure 6.5: Percentage Rural coverage of sanitation facilities
% Rural coverage of sanitation facilities
100
90
80
70
60
50
40
30
20
10
0
Seychelles 100
Mauritius 100
Malawi 62
Zambia 51
Swaziland 46
South Africa 44
Lesotho 39
Zimbabwe 37
Tanzania 34
Botswana 30
DRC 25
Mozambique 19
Namibia 18
Angola 16
Madagascar 10

Rural coverage is especially low: In almost all countries, urban coverage in significantly higher than rural coverage. In Madagascar this is a mere 10%.



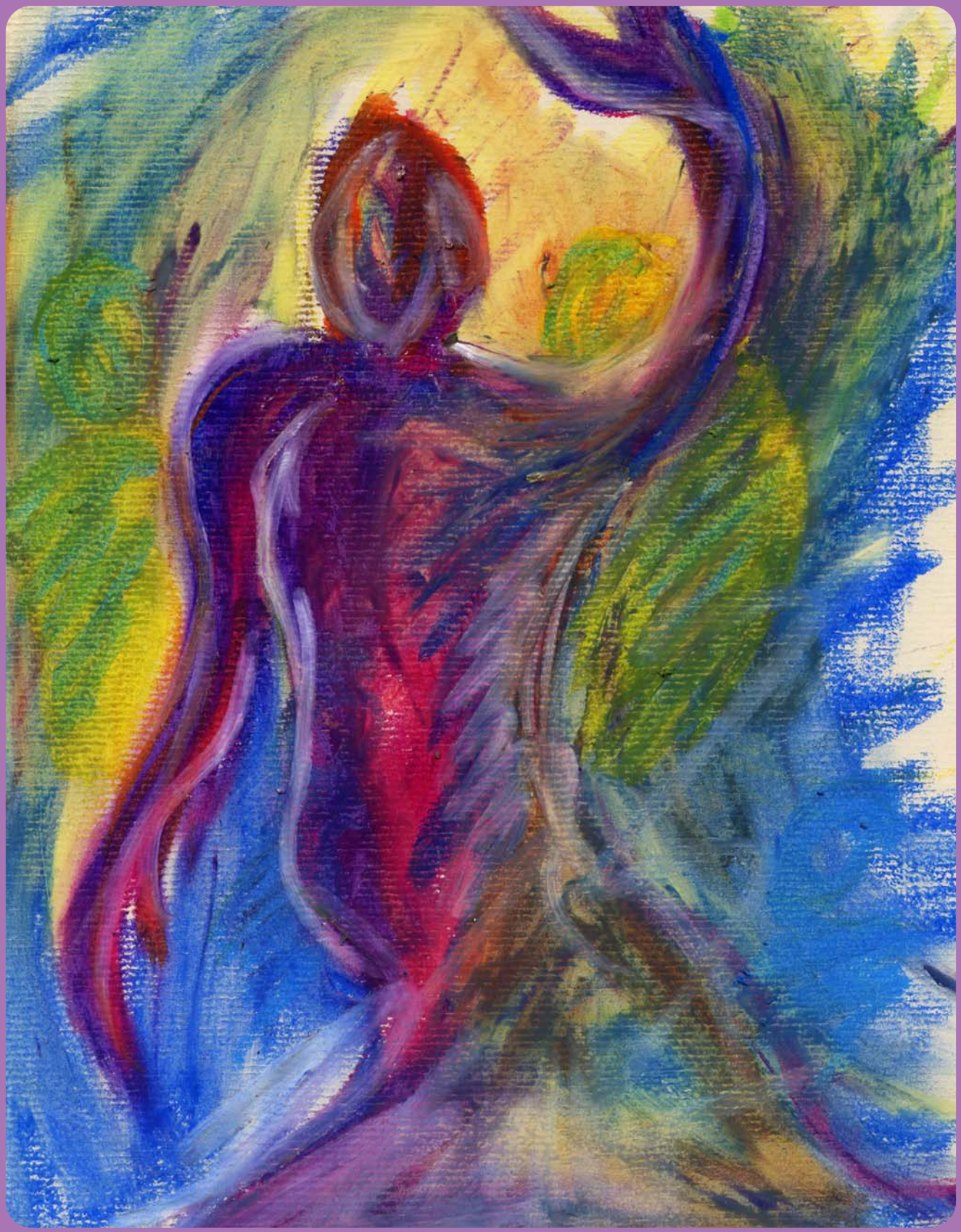
Next steps

From the analysis it is clear that the SADC-GAD Protocol targets are feasible but success will require concentrated efforts to address sexual and reproductive health rights gaps throughout the SADC region. Women's lack of education, resources and power across the SADC region urgently needs to be addressed and women's distinct needs and responsibilities in regards to health need to be integral in the formulation of legislation, policy and programmes throughout the SADC region.

In cases where targets have been met, political will, economic stability and growth, legal development and social development have been instrumental to countries meeting these targets. It is evident however that the task of addressing sexual and reproductive health rights is not for governments alone. Civil society must hold countries accountable to the commitments that have been made and support government initiatives.

Key recommendations to ensure that governments achieve these targets by 2015 are:

- Sharing of best practices by those countries that have met their targets with those that have not.
- Greater access to high quality and relevant information targeting the reproductive and sexual rights and services for women and girls. This includes providing information in all vernacular languages, Braille and sign language.
- Research on the health needs of women, particularly related to sexual and reproductive health, should be implemented and prioritised.
- Policies and programmes that address the sexual and reproductive health needs of women in vulnerable situations, such as prisons, internal displacement camps, refugee camps, as well as sex workers, elderly women and women with disabilities.
- Broad partnerships with civil society, religious organisations, cultural leaders, and the private sector. In addition, government should support and facilitate the work of civil society organisations.
- Integration of sexual and reproductive rights into school curricula from primary school level.
- Promotion of sexual and reproductive rights relating to both men and women.
- Effective monitoring and evaluation plans.



"Anita"

Anushka Virahsawmy

CHAPTER 7

HIV and AIDS

Article 27



Living positively with AIDS *Photo: Gender Links*

KEY POINTS

- Currently 35% of all people living with HIV and AIDS in the world are in the SADC region.
- HIV and AIDS is causing immense human suffering throughout the SADC region, the most obvious effect being death and illness. But the effects of the epidemic are not confined to the health sector; households, schools, workplaces and economies are also being gravely affected.
- Seven of the fifteen SADC countries have a HIV and AIDS prevalence of over 15%.
- In thirteen of the fifteen SADC countries, women have a higher HIV and AIDS prevalence than men.
- In ten of the fifteen SADC countries, less than 50% of People Living with HIV and AIDS are receiving antiretroviral drugs.
- In nine of the fifteen countries, less than 50% of the 15-24 year old population have a comprehensive knowledge of HIV and AIDS.
- In a 2009 survey of care work policies, GEMSA rated one country (Namibia) excellent; three good; two fair; two mediocre and four poor.



Two-thirds of all people living with HIV are found in sub-Saharan Africa, although this region contains little more than 10% of the world's population.[57] Some 35% of all people living with HIV and AIDS in the world are found in the SADC region (SADC Parliamentary Forum, 2007). AIDS has caused immense human suffering on the continent.

The most obvious effect of this crisis has been illness and death, but the impact of the epidemic has certainly not been confined to the health sector; households, schools, workplaces and economies have also been badly affected.

During 2007 alone, an estimated 1.5 million adults and children died as a result of AIDS in sub-Saharan Africa; since the beginning of the epidemic more than 15 million Africans have died from AIDS.[58]

Unless national and global responses to the pandemic accelerate, these trends project a bleak vision of the future: more and more women affected; still more exhausted from caring for the ill and dying; children left to fend for themselves or rely on their elderly grandparents. The changing face of the disease means that women, especially young women, will continue to be the most vulnerable to infection, the least able to protect themselves and the last to get treatment and care. Widows will continue to be driven from their homes in many places, deprived of land and inheritance rights; the number of AIDS orphans will continue to grow; and families will have little hope of getting out of poverty.[59]

Anti-retroviral (ARV) treatment

Although therapy is starting to lessen the toll of AIDS, still fewer than one in three Africans who need treatment are receiving it.[60] The impact of AIDS will remain severe for many years to come.

Women's comprehensive knowledge of HIV and AIDS is improving throughout the SADC region and in nine of the SADC countries is not dissimilar to men. But anecdotal evidence suggests that there are great disparities in the levels of this knowledge between urban and rural areas, between wealthier women and poorer women and between women with different levels of education.

The introduction of Prevention of Mother to Child Transmission (PMTCT), a short course of antiretroviral therapy that prevents transmission of HIV and AIDS from mother to child - has been hailed as a breakthrough in the fight against HIV and AIDS. The use of PMTCT is also thought to help reduce infant and maternal mortality. However, a number of barriers hinder women from accessing PMTCT and abiding to PMTCT recommendations, including weak health systems and socio-cultural practices. Equally, more work needs to be done to encourage men to become more involved in PMTCT and antenatal care to support women's health.

While SADC already has a Declaration on HIV and AIDS, the SADC Gender Protocol seeks to progress beyond declarations and conventions previously signed by SADC countries by specifying

[57] UNAIDS 2008 Report on the Global AIDS Epidemic, http://www.unaids.org/en/KnowledgeCentre/HIVData/GlobalReport/2008/ (accessed July 4th, 2009)
[58] Ibid
[59] UNIFEM (2008).Transforming the National AIDS Response: Mainstreaming gender equality and women's human rights into the "three ones". New York, USA, UNIFEM
[60] Avert, www.avert.org (accessed July 4th, 2009)

the gender dimensions and coming up with specific time-frames.



The Protocol states that by 2015 the SADC governments must:

- Develop gender sensitive strategies to prevent new infections.
- Ensure universal access to HIV and AIDS treatment for infected women, men, boys and girls.
- Develop and implement policies and programmes to ensure the appropriate recognition of the work carried out by care-givers, the majority of whom are women, to allocate resources and psychological support for caregivers as well as promote the involvement of men in the care and support of people living with HIV and AIDS.
- Have laws on GBV that provide for the testing, treatment, and care of survivors. These should include emergency contraception, access to post-exposure prophylaxis at all health facilities, and the prevention of sexually transmitted infections.

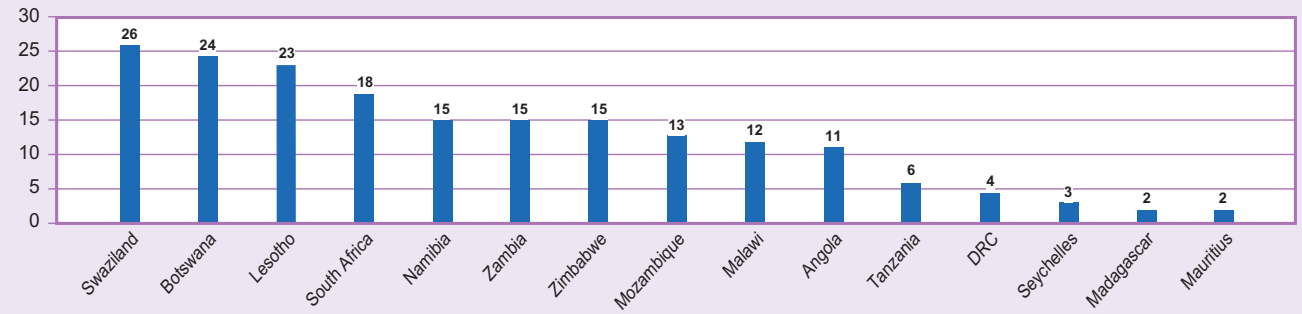
Table 7.1: Key Gender, HIV and AIDS indicators

Faculty	Angola		Botswana		DRC		Lesotho		Madagascar		Malawi		Mauritius		Mozambique		Namibia		Seychelles		South Africa		Swaziland		Tanzania		Zambia		Zimbabwe	
%	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M
1) Extent of comprehensive knowledge on HIV and AIDS (15-24)	7	14	40	33	15	21	26	18	19	19	42	42	68	66	43	58	67	63	67	59	94	95	52	52	45	40	34	37	44	47
2) HIV infection	11%		24%		4%		23%		2%		12%		2%		13%		15%		3%		18%		26%		6%		15%		15%	
3) Share of HIV infection by sex	61	39	57	43	58	42	60	40	58	42	58	42	18	82	60	40	68	32	42	58	58	42	57	43	55	45	57	43	60	40
4) % On ARV treatment (total)	6%		31%		15%		22%		3%		21%		12%		12%		68%				21%		35%		14%		26%		41%	
5) % HIV positive pregnant women receiving PMTCT	14%		95%		4%		72%		100%		14%		95%		28%		75%		99%		50%		64%		10%		39%		67%	

Source: 1) MDG Database/UN AIDS; 2) MDG Database; 3) UN AIDS; 4) WHO Data; 5) WHO Data

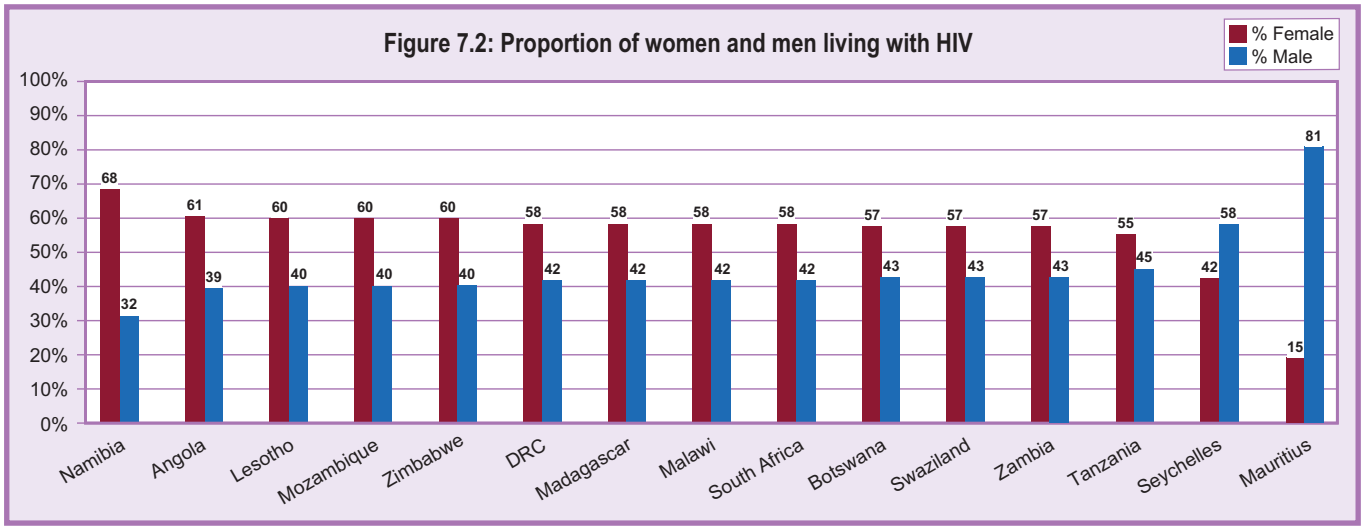
The current situation

Figure 7.1: Percentage population living with HIV



HIV and AIDS prevalence varies greatly in SADC countries: Figure 7.1 shows that seven of the fifteen countries have an HIV and AIDS prevalence of over 15%, while four countries have a prevalence rate of 4% or less of the countries population. The highest prevalence is in Swaziland (26%); Botswana (24%) and Lesotho (23%). The lowest is in the islands - Seychelles, Madagascar and Mauritius - with a prevalence rate of 3% or less.

HIV and AIDS spreading: Despite desperate efforts by governments, civil society and international organisations, HIV and AIDS prevalence does not appear to be declining throughout the SADC region. Factors exacerbating the spread of the virus are: increasing poverty, gender inequality, increased mobility of people throughout the SADC region, intergenerational sex, sexual violence, illiteracy and lack of education, stigma, discrimination and lack of societal dialogue about HIV and AIDS. Although awareness levels in the SADC region are higher than they've ever been, the real obstacle is translating this awareness into behaviour change, and the effort often runs up against longstanding and strongly held cultural values.



Women more vulnerable than men: As illustrated in Figure 7.2, in thirteen of the fifteen SADC countries women have a higher HIV and AIDS prevalence than men. The exceptions are Mauritius and the Seychelles where HIV and AIDS infection is driven more by injectable drug use than sexual activity *(UNDP 2008)*. The most pronounced of differences between women and men's share of HIV and AIDS prevalence in countries where the prevalence is principally linked to sexual activity are in Namibia, (68%); Angola (61%) and Mozambique, Lesotho and Zimbabwe where women account for 60% of HIV prevalence.

> *"We tell women to abstain when they have no right. We tell them to be faithful when they cannot ask their partners to be faithful. We tell them to use a condom when they have no power to do so."* (Kathleen Cravero, Deputy Executive Director of the UN joint programme on AIDS)

Women suffer from choice disability: The fundamental reason that women are more vulnerable to HIV and AIDS infection in the SADC region and throughout the world is that women lack the choice and power to control their sexual and reproductive health, or what is now referred to as "choice disability."

Patriarchy and poverty are a lethal mix: In marriage, tradition takes away women's power to negotiate safe sex. In patriarchal society women are neither able to demand that their partner wear a condom, nor to expect that he will remain faithful. For many women, poverty also restricts their power over the use of contraception and leads them to engage in high risk sex work or a more casual exchange of sex for food, etc where they may not be able to negotiate the use of condoms.

The attitude of men towards contraception is a challenge: Changing men's negative attitudes to contraception and the common belief that contraception, if used, is a woman's responsibility are significant challenges to decreasing women's vulnerability to HIV infection. Many men believe that the use of contraception encourages women to be unfaithful, and that condoms decrease the pleasure of sex. Many men prefer still to use traditional methods of contraception which offer no such protection.

A high rate of sexual violence throughout the SADC region also propagates women's vulnerability to HIV infection: Traumatic abrasions and a lack of lubrication increase the risk of transmission and GBV perpetrators themselves have an increased likelihood of being infected.



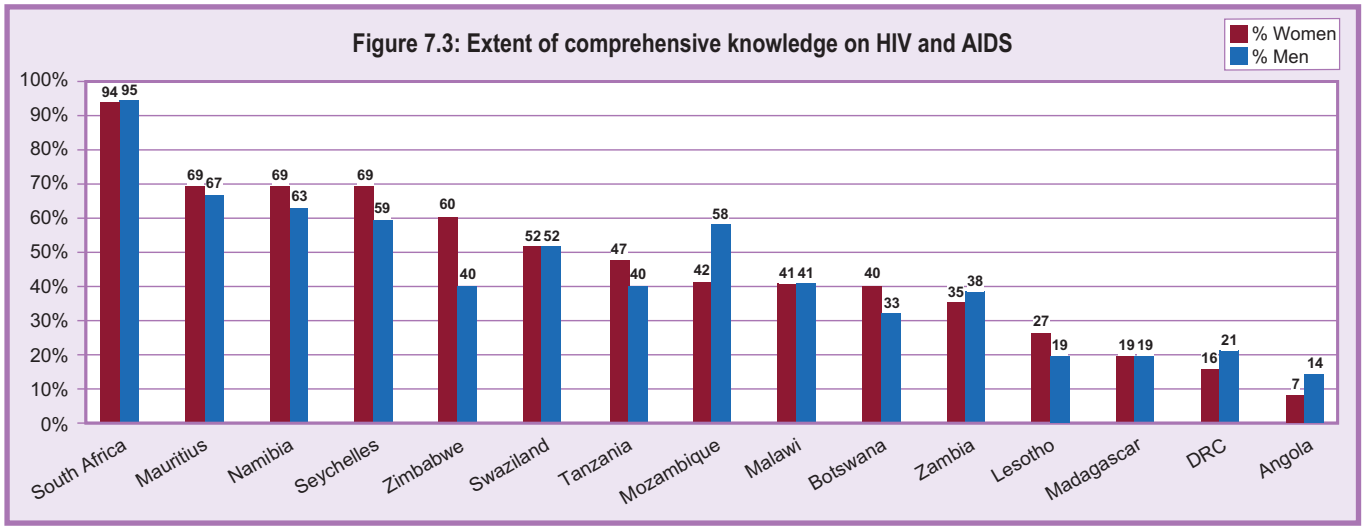
Men's attitude needs changing! *Photo: Gender Links*

Prevention

The Protocol requires that by 2015 state parties shall develop gender sensitive strategies to prevent new infections, taking account of the unequal status of women, and in particular the vulnerability of the girl child as well as harmful practices and biological factors that result in women constituting the majority of those infected and affected by HIV and AIDS.

Knowledge on HIV and AIDS varies: As reflected in Figure 7.3, the extent of comprehensive knowledge of HIV and AIDS among the 15-24 age group varies significantly throughout the region, the highest percentages being in South Africa with 94% for women and 95% for men, and the lowest being in Angola, with 7% for women and 14% for men.

The gender knowledge gap is closing: In six of the fifteen countries, women have an inferior knowledge of HIV and AIDS than men but, reassuringly, in nine of the fifteen SADC countries women have an equal or superior extent of comprehensive knowledge of HIV and AIDS than men. This could be because of the higher prevalence of HIV and AIDS of women in the SADC region, that fact that women are more likely to get tested than men or the fact that women are more likely to have contact with reproductive health professionals and get information.



Women empowered with knowledge in Zimbabwe

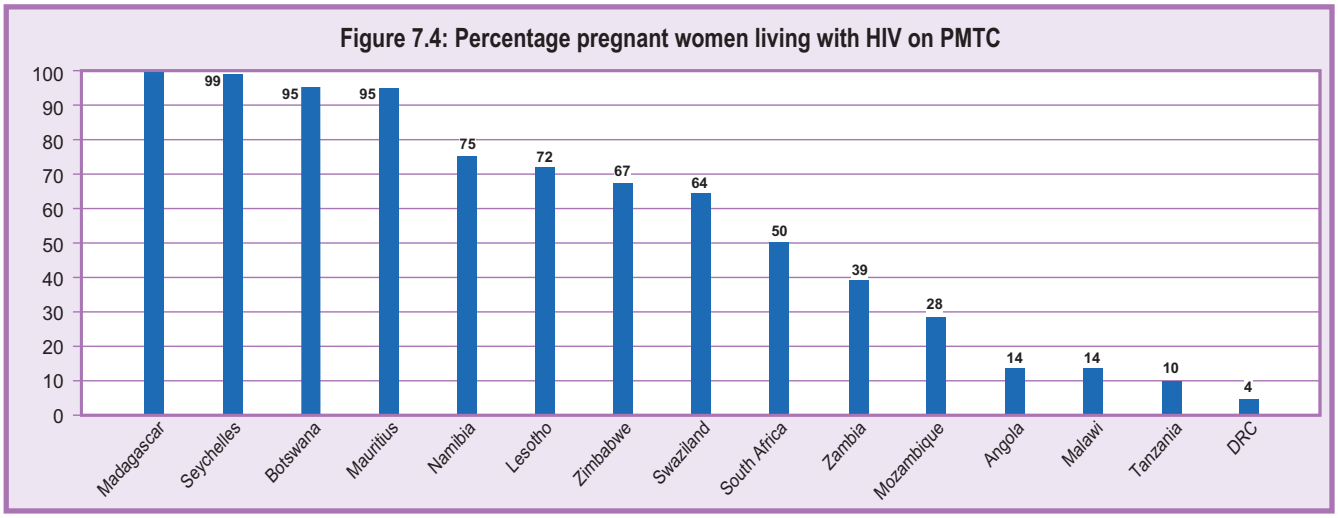
Of all the SADC countries, Zimbabwe is the only country that has National Plan of Action for Women and Girls and HIV and AIDS FOR 2006-2010. This aims to empower women and girls to enhance their ability to protect themselves from HIV infection and to mitigate the impact of HIV and AIDS. Interestingly in Zimbabwe women have a considerably higher (60%) comprehensive knowledge of HIV and AIDS than men (40%). The policy aims to:

- Reduce women's vulnerability through increasing access to information.
- Ensure access to treatment care and support for women living with HIV and AIDS.
- Reduce the burden of care on women and girls.
- Reduce HIV infections through reduction in the incidence of GBV.
- Close the gender gap in the completion of secondary education between boys and girls.
- Strengthen women's capacity to exercise their rights to inheritance, property and livelihood in order to reduce their vulnerability.
- Strengthen responses of institutions in HIV programming, management, implement and monitoring and evaluation.
- Increase advocacy in the fight against HIV and AIDS. This plan shows a gendered awareness of the impact and challenges women face in regards to HIV and AIDS and serves as a positive example of the types of planning, policy and legislation that need to be adopted throughout the SADC region.



HIV and AIDS education is vital *Photo: Gender Links*

Source: National Plan of Action for Women and Girls and HIV and AIDS 2008



PMTC is uneven: Throughout the SADC region, an average of 55% of pregnant women living with HIV receive PMTCT as illustrated in Figure 7.4. However, this ranges from 100% in Madagascar to 4% in the DRC showing the massive disparities in access to PMTCT in the region. Of the fifteen SADC countries, an impressive fourteen of the countries have a PMTCT programme in place (the DRC being the exception).

Mother and child



In ***Botswana***, a PMTCT programme is in place and since 2001 its services have been available in all public health facilities. There has been an increase in testing amongst pregnant women from 64% in 2003 to 83% in 2004, which is most likely to be contributed to the implementation of routine and rapid HIV testing in all antenatal settings. ART treatment has increased from 36% in 2003 till 61% in 2004 (Ministry of Health / UNFPA (2007)).



For ***Malawi***, one of the most prominent interventions on women and HIV and AIDS has been PMTCT. A fifth of women attending antenatal clinics in Malawi are HIV positive. In 2001, two PMTCT clinics were piloted with support from UNICEF and MSF. Following this successful experience, PMTCT services were expanded to 15 sites in 2003. In June 2003, a national PMTCT programme was launched, and by March 2008, there were 431 sites located in the country's 524 hospitals and health centre's offering PMTCT services. Led by the Ministry of Health with support from development partners, the PMTCT Acceleration Plan intends to reach all maternal and child health facilities in order to ensure that every pregnant woman knows her HIV status and receives the proper care (Ministry of Health, 2008).



Children join in the red ribbon campaign
Photo: Colleen Lowe Morna

In ***Zambia***, the government recognises that PMTCT is critical to reducing the risk of transmission and PMTCT services have been rolled out to all the 72 districts of Zambia. The scaling up of PMTCT services has resulted in an increase in pregnant women who have completed prophylaxis from 14,071 in 2005 to 25,578 in 2006 and by September 2007 the figure had reached 35,314.



It is almost mandatory now for every pregnant woman to undergo HIV testing so that if she is found positive, she can quickly be put on treatment to reduce the levels of infecting the baby. However, there are issues for some Zambian women who refuse to know their results when tested. This could be attributed to inadequate counseling before a pregnant women undergoes testing and fear of stigmatisation and discrimination (Zambia country report, multi sectoral AIDS response monitoring & evaluation biennal report (2006-2007)).



Needle exchange *Photo: Gender Links*



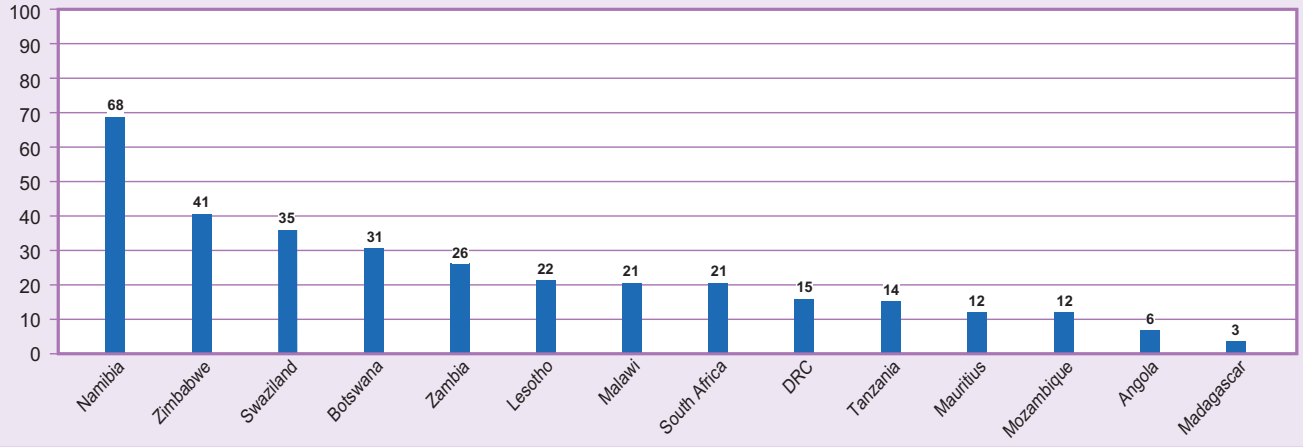
In ***Lesotho***, the governments works with civil society organisation 'Elizabeth Glaser Pediatric AIDS foundation' on PMTCT and focuses on certain interventions such as the nutrition of children and prevention of mother to child transmission. They also offer psycho-social support to HIV positive mothers and PMTCT services.

Access to Voluntary Counselling and Testing (VCT) services and usage remain patchy: A number of countries have established VCT centres and programmes to encourage HIV testing. These services are often subsidised or free of charge. Yet, the scale at which they are provided is very low in comparison with the need in the country. As antiretroviral (ARV) treatment increases, the need for VCT will also increase. There is a need to scale-up VCT services. The services are provided equally to both men and women, however more information and research is needed on the different challenges between men and women using VCT centres. There is very little data on VCT throughout the SADC region and so research needs to be conducted to see if there are gender gaps on this subject.

Treatment

The Protocol requires on state parties to ensure universal access to HIV and AIDS treatment for infected women, men, boys and girls:

Figure 7.5: Percentage of those receiving ARVs



Universal access to ART treatment has not been achieved anywhere: Figure 7.5 shows that across the SADC region coverage ranges from 3% to around 68%, with the lowest percentages being Angola and Madagascar. The highest percentages can be found in Namibia, where 68% of the HIV infected population is benefiting from ART. There is little gender disaggregated data on the uptake of ART by sex but it is clear that there are gender gaps and challenges in accessing treatment across the SADC region:



Madagascar: Act 2005-040 pertains specifically to HIV and AIDS control and protects the rights of people living with HIV and AIDS in reaffirming their human rights and fundamental freedoms. It grants each citizen access to services for the prevention and treatment of HIV and AIDS. Women benefit from special provisions in their capacity as a vulnerable group. Regarding access to treatment, those who are tested HIV positive receive the same services. However, it is clear from the low percentage of people currently receiving ART in Madagascar that this Act has not yet been put into practise and more work needs to be done on the implementation of these measures.
(ACT 040, 2005)



Malawi: There is no legislation on HIV and AIDS but the Law Commission has completed work on the recommen-dation to enact a HIV and AIDS related Act of parliament. The HIV and AIDS policy makes provision for universal treatment , care and support in that there shall be access to affordable, high quality ART and prophylaxis to individuals who have tested HIV positive; ensuring that vulnerable groups actively participate in designing, developing and implementing a national plan for universal access to treatment. Women are not specifically mentioned but they fall in the generic term of vulnerable group as defined under the policy.
(HIV and AIDS Policy 2003)



Namibia: In Namibia, where there is the highest percentage of people accessing ARVs in the SADC region, the policy on the access to HIV and AIDS treatment forms part of the national policy of HIV and AIDS. There is a significant gender gap in terms of who receives ART in Namibia as it is mostly women who go for voluntary testing and PMTCT treatment and therefore receive ARTs.
(MDG Namibia Report 2009)



Zambia has a strategy and policy to promote equal access for women and men for comprehensive HIV and AIDS treatment, care and support. The national HIV and AIDS policy recognises the bigger role treatment plays in prolonging lives of people living with HIV and AIDS. Men, women, youths and children are all mentioned as beneficiaries in the treatment, care and support of HIV and AIDS. Currently more women (52.4%) than men (48.3%) access ARVs. The reasons among others are that they are more women accessing voluntary counseling and testing services; thus they know their status more often. Despite more women on treatment; there are a number of challenges that hinder both men and women from accessing treatment as desired. Some of the challenges are that there are long distances to health facilities especially in rural areas which make it difficult for people to access treatment. Low uptake of VCT, human resource shortages and poor nutrition are other hindrances to accessing treatment. Women face specific barriers which stop them from accessing ART services in Zambia such as lack of information and literacy on treatment issues and are subjected to a culture where the husband, as the head of the family and the breadwinner, has priority access to treatment when household funds only permit one person to receive ART. It was observed that public health services in Zambia are accessed more by women than men only when they are free; this lends to the theory that the gender imbalance in access to health and ART services stems from the gender imbalance in financial resources. *(Zambia Country Report, Multi-Sectoral AIDS Response Monitoring and Evaluation Biennal Report 2006-2007)*



Mauritius: In Mauritius there is no legislation that mentions women as a specific beneficiary group as treatment and medication are free for both men and women. At the last National Aids Meeting, the Prime Minister highlighted that there must be more programmes focused on women as the HIV and AIDS prevalence rates for women are gradually increasing. The Ministry of Women and the National Women's Council have set up a National Advocacy Committee to work with all District Councils and Village Councils so that at least 155 women's organisations can be trained in raising HIV awarenes. The 50 Family Support Officers that have been trained can now encourage women to go for voluntary testing and counseling and to deal with stigmatisation. The caravan of health invites the population at large to go for screening for non communicable diseases as well as for HIV testing. *(NWC 2007)*



Tanzania: The key challenges facing access to treatment in Tanzania are inadequate implementations of pro-poor policies, weak health infrastructure, limited access to quality health services, inadequate human resource, shortage of skilled health providers, lack of equipments and supplies, weak health management, low utilisation of modern family planning services, social cultural beliefs and practices, gender inequality, weak educational sector, inadequate community involvement and participation in planning, implementation monitoring and evaluation of health services. The attempt in Tanzania to address these challenges has been among others to review the health policy in 2003, the health sector reforms and the health sector strategic plan (2003-2007), the reproductive and Child Health Strategy and the National Road Map to Accelerate Reduction Maternal and Newborn Mortality in Tanzania. *(2006-2010 and 2008-2015)*



Mozambique: In Mozambique, the cost of treatment is the major challenge for women and the availability of the treatment in the rural areas, where the majority of the population live. The government is expanding its reach to rural areas but at very low speed.

Post Exposure Prophylaxis – PEP is provided for in policies but not easily accessible: UNAIDS and UNIFEM reports recognise GBV as one of the leading factors for HIV infection due to lacerations, fistula and other trauma caused. Treatment can help to reduce the likelihood of infection after sexual violence and it is an important factor in caring for women and girls who have been sexually abused.

Six of the SADC countries (Botswana, Mauritius, Namibia, Tanzania, Swaziland and Zambia) have policies requiring health facilities to administer Post Exposure Prophylaxis (PEP) and only three have legislation ensuring this treatment to GBV survivors. There are various barriers to women effectively receiving PEP. Although there is no international time guideline, it is generally thought that PEP should be administered 24-36 hours after possible exposure to HIV through rape or unprotected sex. In rural areas, this is not always possible due to distance and lack of transport infrastructure.

Furthermore, women may lack financial means and the information to on how to obtain PEP and where to obtain it and may fear reporting the assault and seeing health care professionals because of the risk of stigmatisation to rape victims.



The red and white ribbon campaign symbolises the intersection between HIV and AIDS and gender violence *Photo: Colleen Lowe Morna*

Care work

The Protocol requires Member States to develop and implement policies and programmes to ensure the appropriate recognition of the work carried out by care-givers; the majority of whom are women, to allocate resources and psychological support for care-givers as well as promote the involvement of men in the care and support of people living with AIDS.

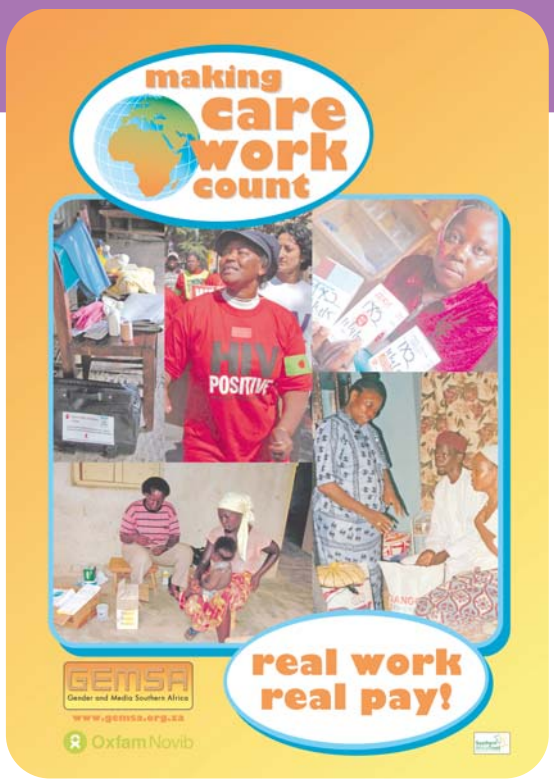
The "appropriate recognition" of care work is further strengthened by conclusions reached at the 53rd Session of the Commission on the Status of Women (CSW53) in March 2009; the meeting's focus being on "The equal sharing of responsibilities between women and men, including care-giving in the context of HIV and AIDS." The session brought together government bodies, non-government organisations, multi-laterals and community-based organisations to address the challenges faced by care-givers and strategise on how governments and donors can support these individuals, as well as increase men's participation in care work. The global community put forward a number of recommendations to help influence and strengthen government policies on care work. Community home based care-givers and organisations are leaders in the fight against HIV and AIDS in Southern Africa. Government entities, community, faith and non-government organisations, private companies, practitioners and traditional healers all service the industry. Significant evidence shows that care-givers have relieved overburdened healthcare systems and provided valuable psychosocial and medical support to People Living with HIV and AIDS (PLWHA). The burden of care typically falls on women, including the elderly and young girls. Reasons for this include cultural beliefs that care work is "women's work", as well as the fact that many men are "family breadwinners" and cannot afford to volunteer. Gender inequality is a key determinant to the continued blindsiding of the needs of women in the field of care work. If policies are updated and the abuse of traditional laws and religious beliefs are abolished, this would give way to less burden of care for women and sharing of responsibilities with men. With few resources and little government assistance, these unsung heroes are turning the tide in the AIDS epidemic.



Rose Thamae (right) founder of the Lets Grow care-givers network in Orange Farm, South Africa *Photo: Gender Links*

Their services include some form of personal care (including dispensing medication etc.), housework, cooking or other such assistance, psychosocial support to patient as well as care and support to children in the home. Typically, care-givers in Southern Africa are not compensated for their work. Care-givers may act independently or as members of broader community organisations. Care workers may fall into one of the following categories:

- Primary care-givers, who are typically family members (children, spouses or grandparents) and are often socially obligated to provide care.
- Secondary care-givers, who are typically associated with an organisation that provides care work as a service.
- Secondary care-givers may work for formal institutions such as government run clinics, informal groups such as religious or community home based care organisations.



This work that women frequently engage in has no visible economic output and so is not measured in employment statistics. Because there is no monetary value attached to unpaid care work, and because society does not pay for it, policy makers often assume that there is a limitless supply. However, women who engage in care work perform a massive assistance to the state but lose hours of economic productivity that they are frequently not compensated for. The only countries in the SADC region to offer any financial incentive to care-givers of those infected with HIV and AIDS are Botswana, Swaziland and Lesotho. *(GEMSA Care Work Report 2009)*

Some care-givers do receive some form of recognition in their community for the work they do as they are sometimes elected by the community to provide the service and are identified as leaders, as in the case of Namibia, Botswana, Mauritius and some other SADC countries. Other times though, they are faced with the stigma that pervades the HIV and AIDS epidemic and gain no social status as a result of their efforts.

There is a need for formal recognition of the contribution of care-givers for a great host of reasons, including: ensuring community recognition for their efforts; the practical needs of earning a living (many care-givers drop out of programmes as a result of needing to earn money for their own families); poor retention rates lead to a weakening in the standard of care; and ensuring that girls can remain in school (many drop out of school when family members become ill and are required to take care of them). There is a need for accurate statistics on how many care-givers are doing this type of work in the field and this could be more accurately captured if there was a regulation of the industry on a national level; to regulate a standard of care and ensure norms of these standards are met (in an effort to protect both the patient and the care-giver); to provide training so care-givers are better empowered to do their work and remain abreast of the changes in the virus and methods of treating it; and to accurately monitor and evaluate the work being done in the field.

In April 2009, the Gender and Media Southern Africa (GEMSA) Network conducted a "policy analysis" of care work in the following twelve countries: Botswana, Democratic Republic of Congo (DRC), Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. GEMSA researchers and partners studied existing policies/guidelines and have identified gaps in care work provisions.

No government remunerates care-givers: Currently no government in the SADC region has a policy that remunerates care workers for their contribution to health care. Remuneration is a key determinant for this industry; it is the right of people doing the work of government to be financially rewarded for their efforts. Many programmes are at risk of faltering as a result of volunteers leaving to be able to earn income to support their own families. As these valuable resources are lost, so too is a valuable skill set and the health care sector falls short of adequately caring for its citizens. In addition, it is argued, that if there was some form of remuneration more men would enter the care work field which would partially ease the burden of care-giving on women and girls and increase the gender equalities that are at present virtually non-existent. Paying volunteers will also add perceived value to the work being done and increase awareness for care-givers and the services they offer.

Key elements of a progressive National Community Home-Base Care Policy:[61]

Primary Principles
Equity, availability and accessibility, affordability, community involvement, sustainability, justice, inter-sector collaboration, multi-disciplinary and collaborative research, monitoring and evaluation, and quality of care.

Strategies
- Support for community health care providers (this includes accredited training, resources, supervision, recognition and reimbursement for costs).
- Promotion of self care and recognition of stress involved in care work (training in managing the stress of the work and methods of self care, creation of peer support groups, ensure continuity of care for care-givers).
- Promotion of community involvement and participation.
- Engage men in CHBC: through information and awareness-raising, government can promote care work as everybody's responsibility; holding men's forums and requesting the church, traditional leaders and other respected male community authorities to discuss the important role of men in care work.
- Strengthening of human resources such as:
  - Guidelines and supervisory tools.
  - Training of trainers. Courses to be accredited by the National Qualifications Authority.
  - Re-fresher training.
  - Performance and attendance certificates, and an agreement between the CHBC organisation and the community home care provider (CHCP) of duties and incentives.
  - Resource mobilisation.
  - Appropriate guidelines and practices on decentralisation and integration of CHBC.
- Integrated management of CHBC services, improved monitoring and co-ordination, as well as greater decentralisation.
- A strengthened CHBC and welfare information data bank within the Health Information System (HIS) in order to reflect a true profile of the community needs and developmental activities.

Responsibilities of Other Ministries
- Ministry of Education
  - Approve unit standards for training which can then be accredited by the National Qualifications Authority.
  - Make provisions for older care workers who have experience in lieu of education.
  - Sensitise and mobilise community members on health issues.
  - Promote health information literacy
  - Ministry of Agriculture, Water and Forestry.
  - Provide technical support on agricultural and development issues and sensitise communities on clear water and nutritious foods.
  - Promote food security and nutrition initiatives.
- Ministry of Regional and Local Government, Housing and Rural Development
  - Support and monitor CHBC activities.
  - Co-ordinate linkages between communities and different service providers through Regional Co-ordinating Committees.
- Ministry of Gender Equality and Child Welfare
  - Identify families in need of health care.
  - Provide technical support concerning women and children.
  - Provide additional assistance for OVC.
  - Promote and actively recruit men to be involved in care work.
- Ministry of Defence
  - Provide assistance to CHCPs.
- Ministry of Information and Communication Technology
  - Promote awareness of CHBC and government policies related to care work.
  - Show weekly/monthly CHBC programmes by facilitating discussions.
  - Promote gender equality in care work.
- National Planning Commission
  - Strengthen the partnership between government and civil society organisations involved in care work.

Funding/Support
- All ministries must mobilise resources, as well as support from community and private organisations and development partners to fund the CHBC programme.
- Gender sensitive budgeting should be considered.
- Funding for CHBC organisations is the responsibility of all stakeholders.
- Permanent staff members trained in supportive supervision will manage, support, supervise and evaluate all CHCPs. This individual and their team will provide technical, emotional, spiritual and administrative support.
- Ministries will regularly replenish training tools, as well as the home-based care kits (which has basic medications and supplies).

Provisions for CHCPs
- Recognition and rewards from the CHBC service organisations, government and community leaders.
- An identification card and other means of identification e.g. a T-shirt, hat, and umbrella etc. which boost community confidence and promote the programme.
- A contribution towards expenses incurred, e.g. transporting clients/communication costs.
- Agreed description of duties and expectations.
- Remuneration that is agreed upon with the CHBC organisation and reflects the level of quality services provided and hours served.

Monitoring and Evaluation
- All CHBC groups should develop appropriate indicators and tools for monitoring and evaluating change. Ideally organisations should track the policy's guiding principles of community involvement, gender equality, psychosocial support, training and collaboration between partners. They should also report the number of patients reached, the quality of service delivery, the satisfaction of care workers and what impact the work has achieved.

Source: GEMSA, Making care work Count Audit

[61] This model heavily references policies/guidelines of Namibia, Zimbabwe and Botswana.



The Namibian Care Work Policy, rated as excellent, requires that all care-givers have an identity card, T-shirt, shoes, umbrella, a home-based care kit, some form of transport, communication funds and a monthly, monetary incentive of up to N$500 a month. Care-givers will also be trained using a standardised manual and accredited through the Namibia Qualifications Authority. The most progressive thing about the Namibian care-giving policy, however, is that it openly acknowledges the gender disparity in care work and encourages the involvement of men.
(GEMSA Regional Care Work Report 2009)

Some provide logistic and material support: Some governments in the region provide CHBC kits; these are crucial for service delivery and care-givers throughout the region advocated for adequate and replenished kits as a necessity for quality service delivery. In additional, CHBC incentives that have been raised include uniforms for identification in the community, bicycles transport, food packs, monthly monetary allowances, soap, free medical treatment, financial support for income generating projects, raincoats, umbrellas, agricultural inputs, part time employment in hospitals, funeral assistance, stationary and transport allowances. There is cause to explore fundraising means to meet the costs of logistic and material needs of care-givers. These incentives also need to be standardised in order to establish cohesion among CHBC initiatives within a country.

Training and professional recognition are patchy: Training is typically carried out within the region but few governments have policies that standardise and regulate this training. Thus, care-givers currently receive training from a number of different sources and it varies in length and curricula. Government would be wise to create protocols of training and accreditation through a governing body within the country; and regulate and standardise the training through this body. In addition, training should be ongoing and curricula updated regularly to stay abreast of the changes in the HIV and AIDS arena and fully empower care-givers in being able to do their work with up to date information. A variety of issues need to be addressed in training that would require the joint and collaborative efforts of a variety of ministries, including health, education, agriculture etc. This will help to raise the standard and quality of care provided.

Care work policies in the SADC region: GEMSA found that so far in the SADC region, thirteen countries have implemented a policy on care work in an attempt to meet the SADC Protocol targets. In an assessment of these policies; the findings were as follows:

Country	Rating
Namibia	Excellent
Botswana	Good
Tanzania	Good
Zimbabwe	Good
Swaziland	Fair
South Africa	Fair
Zambia	Mediocre
Malawi	Mediocre
Lesotho	Poor
Mozambique	Poor
Mauritius	Poor
DRC	Poor

The detailed table overleaf provides the basis for this scoring and these findings. The table is followed by a summary of the main findings.

Some of the challenges facing this initiative include logistical and resource deficiencies: Many care-givers operate in remote parts of their countries, and Ministries will have to identify these individuals and ensure they have access to the training. Additionally new training may require certain standards of literacy. At present, many care-givers are elderly women without much education. It is highly likely that they will be left out of this kind of system of CHBC. Thus, to allow maximum inclusiveness, Ministries will have to strategically determine the minimum education requirements. They will also have to provide greater clarity on what will happen to care-givers who do not qualify for training.

> *"I think of our work like holding up a candle of hope to other people. But unless we also protect that candle, it will burn out."* Care-giver, Namibia[63]

Many in this area need training: This should be carried out for care-givers but also managers, supervisors and ministers to help sensitise the decision and policy makers to the full extent of the nature of the work of care-givers.

Psychosocial support is lacking: The strains on those caring for people with HIV and AIDS are enormous. The quality of care that care-givers provide and their ability to do so over a sustained period depend on the protection of their own well-being and morale. But although this is well recognised in principle, care for the carers is rarely given the priority it deserves, and "burnout" is a serious problem[62].

Children and care-giving: care-givers may look after the needs of the sick and dying but there must be provisions in place for the children left behind. The tables below indicates the high numbers of HIV and AIDS orphans in the SADC region and the HIV and AIDS prevalence among children:

Table 7.2: Children orphaned by AIDS

(<18 yrs old) 2007[64]

Rank	Country Name	Number
	Global	**15,000,000**
1	South Africa	1,400,000
3	Zimbabwe	1,000,000
4	Tanzania	970,000
6	Zambia	600,000
7	Malawi	560,000
9	Mozambique	400,000
14	Lesotho	110,000
16	Botswana	95,000
19	Congo	60,000
21	Namibia	66,000
22	Swaziland	56,000
38	Mauritius	< 500

(<15 yrs old) 2007[65]

Rank	Country Name	Number
	Global	**2,000,000**
1	South Africa	280,000
3	Tanzania	140,000
5	Zimbabwe	120,000
6	Mozambique	100,000
7	Zambia	95,000
9	Malawi	91,000
15	Botswana	15,000
15	Swaziland	15,000
16	Namibia	14,000
17	Lesotho	12,000
21	Congo	6,600
36	Mauritius	< 100

Evidence suggests that orphans have a higher vulnerability to HIV infection than other children: For example, recent studies have indicated that girls who have lost their mothers are significantly more likely to become infected with HIV than their non-orphaned peers. In addition, these girls frequently drop out of school to take care of dying relatives. Thus there is an additional protective factor of care-givers in terms of benefitting children and their potential risk of HIV infection.

[62] UNAIDS (2000). *Caring for carers: managing stress in those who care for people with HIV and AIDS. Case study*, Geneva, UNAIDS.
[63] WHO (2002) Community Home Based Care in Resource Limited Settings: A Framework for Action. Geneva, WHO
[64] Kaiser Family Foundation, www.kff.org) accessed July 4, 2009)
[65] Ibid

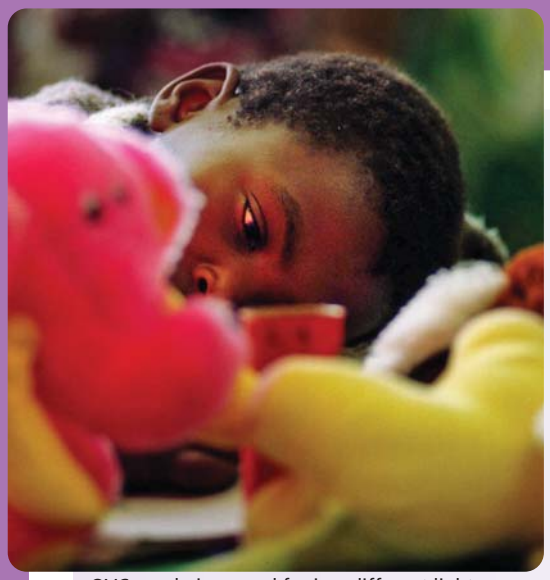
TABLE 7.3: GEMSA'S DETAILED ASSESSMENT OF

Country	Remuneration	Logistic and Material Support
Namibia: Excellent CHBC policy	New CHBC policy calls for a monthly incentive of N$250-N$500 (roughly USD 31-62).	Under the new policy, all care-givers will require an identity card, t-shirt, shoes, umbrella, a home-based care kit, some form of transport, communication funds and a monthly, monetary incentive.
Botswana: Good CHBC policy	At present only donor organisations provide financial incentives for CHBC volunteers working at NGOs. The government feels that by remunerating care-givers, the spirit of volunteerism would be compromised.	Government provides CHBC volunteers with transportation allowances of P151 (roughly USD 22) per month and clinical supplies.
Tanzania: Good CHBC model	No policy	Tanzania Commission for AIDS gives funds to registered CHBC organisations to sustain their projects and CHBC kits.
Zimbabwe: Good CHBC model	No policy. Government recommends communities mobilise funds for care-giver costs. The government feels that by remunerating care-givers, the spirit of volunteerism would be compromised.	The new CHBC guidelines recommends incentives to include uniforms, bicycles, food packs, monetary allowances, free medical treatment, support for income generating projects, raincoats, umbrellas, part time employment in hospitals, and funeral assistance.
Swaziland: Fair CHBC policy	The current CHBC policy calls for a monthly incentive of E200 (roughly USD 25) for Registered Health Monitors (RHMs). However, Baphalali Red Cross Society care-givers are remunerated E100-E110 monthly, and are paid in kind or through donations.	All RHMs and care-givers receive CHBC kits and uniforms as a requirement for easy identification within the community, an identity card, t-shirt, shoes, umbrella, a home-based care kit, and a monthly, monetary incentive as above.
South Africa: Fair CHBC policy	There is a policy framework document that exists however, the extent of implementation in this area is not known.	The Department of Social Development (DSD) gives food supplements and parcels.
Zambia: Mediocre CHBC model	No policy	No policy
Malawi: Mediocre CHBC model	No policy	Limited support for CHBC from government.
Lesotho: Poor CHBC model	No policy, however, the Prime Minister has ordered that a monthly stipend of 300 Maloti (roughly USD 37) be paid to all Community Health Workers (CHWs).	Registered CHW's get access to resources such as health kits.
Mozambique: Poor CHBC model	The operational manual suggests that care workers should receive an amount calculated as 60% of the minimum national salary.	The operational manual mentions the volunteer kit and allocation of some basic materials. In practice though neither the Ministry of Health (MoH) nor the donors provide this material for care workers.
Mauritius: Poor CHBC model	No specific policy for HIV and AIDS. Policy exists for government officials who work with elderly.	HIV and AIDS National Strategic Framework (NSF) makes provision for improving training, equipment and staffing capacity of government structures.
DRC: Poor CHBC model	No policy	No policy

GEMSA Care Work Policy Analysis 2009

CARE WORK POLICIES IN EACH SADC COUNTRY

Training/Professional Recognition	Psychosocial Support	Gender Equality
Under the new policy, the government will re-train all care-givers using a standardised manual. Government will accredit those who pass the training through the Namibia Qualifications Authority.	The new policy attempts to address the psychological needs of care-givers. In the draft guideline, the Ministry of Health and Social Services requests that all CHBC organisations promote stress management techniques, help care-givers adjust to the pace and approach to work, provide peer counseling, and establish a support network.	The new policy acknowledges the gender disparity in care work and encourages the involvement of men.
Government currently has no mandated, minimum level of training. Nurses train CHBC volunteers at the clinics on issues of tuberculosis, adherence, diet and how to care for patients. Normally the training lasts about a week. As new issues arise, the clinic provides care-givers refresher courses. Many care-givers working for NGOs receive training from either clinics or other civil society organisations.	The government provides psychosocial support through supervisors at the clinic or through the social welfare office. Moreover, as part of Ministry of Health's monitoring of CHBC, government representatives often visit volunteers to discuss their challenges. CHBC organisations often facilitate discussions for volunteers to share their challenges and frustrations.	No policy
The Ministry of Health and Social Welfare (MoHSW) last trained care-givers in 2005 and training continues to be the same despite the changes in the area of care work. Care Work is not recognised as a profession in Tanzania.	There is no policy document that exists on psychosocial support for care-givers. The evaluation report on CHBC has looked into support for care-givers. MoHSW requests that all CHBC organisations promote stress management techniques, help care-givers adjust to the pace and approach to work, provide peer counseling, and establish a support network.	No policy
The new CHBC guidelines espouse for training on basic care using adult learning techniques and utilising a standardised training procedure. Also noted is the need for prevention education in terms of accidental exposure such as pricking and TB/HIV infection.	The new CHBC guidelines recognise that care-givers need appropriate psychosocial support to prevent stress and burn out.	No policy.
The Ministry of Health and Social Welfare (MOH&SW) last trained care-givers in 2005 and training continues to be the same despite the changes in the area of care work. Care work is not recognised as a profession in Swaziland.	There is no policy document that exists on psychosocial support for care workers. The evaluation report on CHBC has looked into support for care-givers. MOH&SW requests that all CHBC organisations promote stress management techniques, help care-givers adjust to the pace and approach to work, provide peer counseling, and establish a support network.	No policy.
DSD and Department of Health (DOH) need to make this training and professional recognition criteria clear as it seems ambiguous at present.	There is a document within the policy framework though the extent of implementation is unclear.	Gender inequality is noted within the policy framework documents for CHBC.
No policy that recognises care- givers as professionals except the third line of care- givers (professionals like nurses, clinical officers etc). Care-givers are trained by qualified trainers from the Ministry of Health (MoH) and other organisations. Care-givers receive a certificate of attendance after training. CHBCs are registered under the Registrar of Societies. CHBC organisations are also required to register with the DHMT in their area of operation.	No policy	No policy
Existing training and standardised training manual.	Commitment demonstrated on paper for CHBC by government.	No policy.
Government is planning to train all CHW's including care- givers in order to professionalise the cadre and afford it recognition.	The National Guidelines on CHBC recognises the challenge of emotional, physical strain and stress experienced by care-givers; the lack of resources and care-givers' inability to diagnose symptoms. The guideline calls for income generating activities which can support CHBC.	The National Gender and Development Policy advocates for the improvement and expansion of gender-sensitive home-based health care.
The operational manual mentions training and capacity building however little is known of implementation.	No policy.	No policy
No policy. NSF makes provision for training of government officials involved in HIV and AIDS.	No policy	No policy
No policy	No policy	No policy



OVCs are being cared for in a different light
Photo: Gender Links

Taking OVCs seriously

In ***Madagascar***, the situation of orphans and vulnerable children (OVC) in relation to HIV is such that it had to be included among the priorities of the HIV and AIDS control programme. A study in 2006 has allowed for increasing the availability of psychosocial and legal care of OVC at the community level. The partner organisations have integrated support for OVC in their activities and provided support to children through nutritional assistance. Host families who care for orphans and vulnerable children are receiving economic support through the assistance of the Global Fund (SE/CLNS 2007). A national policy for the protection of OVC has been developed but has not yet been validated (MINPOP 2009).

In ***Lesotho***, the government has undertaken to integrate orphans and vulnerable children into the HIV and AIDS policy through:

- Introduction of the free primary education for every child to attend school;
- Establishment of the District Child Protection teams. These teams ensure that OVC have access to education, provide mechanisms for support and protection of child headed households and promote and strengthen programmes to safe guard food security for OVCs;
- Master of the high courts; deals with property rights and inheritance of the OVCs;
- Psychosocial, nutritional, medical and financial support (National HIV and AIDS Policy, 2006).

The Angolan government addresses the issue of children infected by HIV and AIDS and places children into the following vulnerable groups: street children, orphans, children with HIV infected family members and children exposed to infected health care professionals. It estimates that approximately 16,282 children younger than 15 are currently suffering from HIV and AIDS and access to treatment is very much a question of geography. For example, of 236 children with HIV and AIDS monitored in Luanda, 226 of them were receiving treatment. In more rural regions such as Cabinda, 61 children with HIV and AIDS were being monitored but only 3 of these children were receiving treatment.

A committee and policy has been established, headed by MINARS (Ministry of Social Affairs) to establish a law for the protection of the basic social needs of orphans and vulnerable children. Committees such as these are of great importance to HIV and AIDS suffering populations in Angola, given that in 2003 around 15% (160 000) of Angolan orphans were as a result of loosing one or both parents to HIV and AIDS. This figure is expected to rise to up to 35% in 2010. This policy will facilitate the protection of the rights of orphans and vulnerable children, improve their access to basic facilities and help to create an environment of non-discrimination.

There is also work being done in Angola to address the negative connotations of the label 'AIDS orphan', as anecdotal evidence in Angola suggests that these children are discriminate against, stigmatised, abandoned and separated from the family environment.

Aside from the this, there is also work being done in Angola by the Ministry for Education and the Ministry of Health in partnership with UNICEF and local NGOs to increase the level of HIV and AIDS knowledge and awareness among 590,000 children of ages 9-18, allowing children to make informed choices about their attitudes and behaviour and to create a dialogue on HIV and AIDS in Angola among the people who are most vulnerable to the threat of HIV and AIDS. With a population where over 50% are under 25 years old, it is Angola's youth who stand to benefit most from these kind of sensitisation campaigns.
(MINARS 2006)

Next steps

In order to meet the 2015 targets, SADC governments must increase their efforts to provide treatment and address the ways in which HIV and AIDS prevalence is gendered. They must work with civil society organisations to raise awareness and support those providing care to HIV sufferers. Specific actions include:

Gender dimensions need to be recognised: The gender dimensions of HIV and AIDS should be recognised and catered to. Women are more likely to become infected and are more often adversely affected by the HIV and AIDS epidemic than men due to biological, socio-cultural and economic reasons. The greater the gender discrimination in societies and the lower the position of women, the more negatively they are affected by HIV (including experiencing greater stigma and discrimination). There-fore, more equal gender relations and the empowerment of women are vital to successfully prevent the spread of HIV infection and enable women to cope with HIV and AIDS.[66] Strategies need to be found that will identify strategic entry points to provide comprehensive care, which reduces the burden on women and girls, and ensures that men and the state take more responsibility for providing care.



Dorothy Bwalya, an HIV positive woman in Zambia, leans on former president Kenneth Kaunda *Photo: Gender Links*



Is care work stereotyped for women only? *Photo: Gender Links*

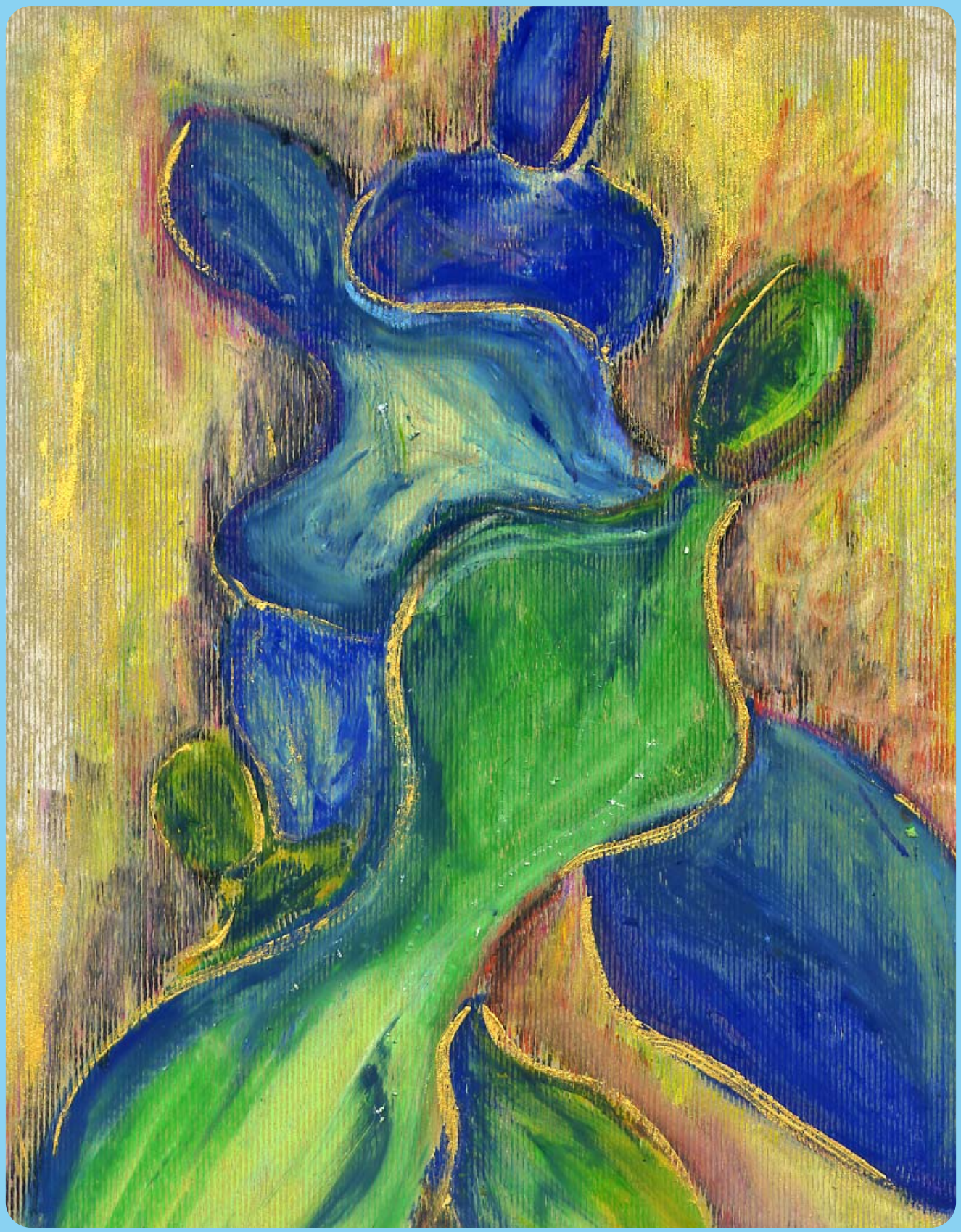
Greater participation of men in care-giving should be encouraged by holding more sensitisation meetings to help society see the value of this work and the specific benefits of men's involvement in care work as well as requesting the church and other respected community authorities to discuss the important role of men in care work. Ministries could stipulate active recruitment and engagement of men on CHBC. Secondly, provision of material help and financial support to care-givers would encourage men to join.

Inter-sector collaboration and information dissemination: There seemed to be a lack of information dissemination and inter-sectoral collaboration across all policies researched by GEMSA. There needs to be better co-ordination of assistance, national ownership through the closer alignment of international support with national priorities, and the deliverance of assistance under a framework of mutual accountability. In addition, ministries need to be communicating effectively with each other and present policy as a united front. Information should flow effortlessly between national, regional and district levels and back up again.

Monitoring and evaluation: A single set of standardised monitoring and evaluation indicators endorsed by all stakeholders can track progress, or lack of progress, in achieving programme results. This should be accompanied by a system to routinely share information among national, district and local stakeholders. A monitoring and evaluation system should integrate gender equality indicators and methods of assessment.[67]

[66] International Labor Organisation, ILO (2001). *An ILO code of practice on HIV and AIDS and the world of work*. Geneva. (www.ilo.org, retrieved July 5th, 2009)

[67] UNIFEM (2008).Transforming the National AIDS Response: Mainstreaming gender equality and women's human rights into the "three ones". New York, USA, UNIFEM



"Growing up" *Anushka Virahsawmy*

CHAPTER 8

Media, Information and Communication

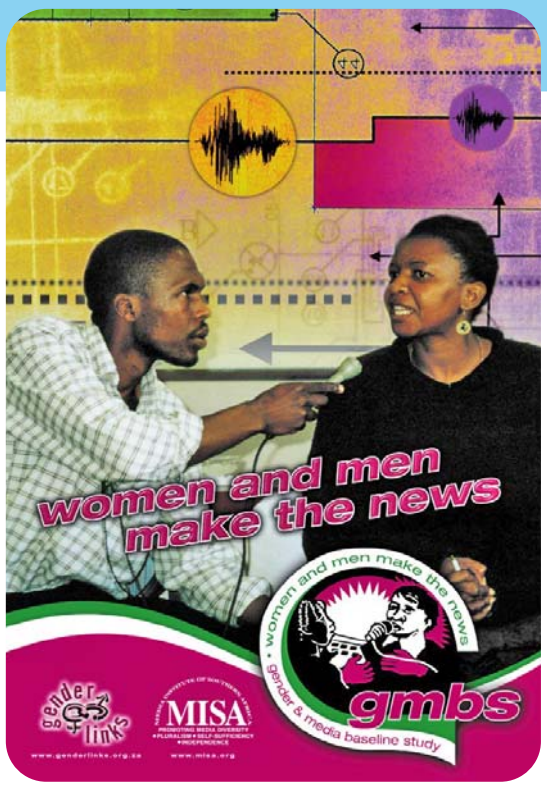
Articles 29-31



More subtle forms of gender stereotypes abound in the media *Photo: Gender Links*

KEY POINTS

- Gender policies, laws and training in the region are overwhelmingly gender blind and only 16% of media houses have gender policies. There are initiatives underway to assist media regulators in developing gender policies; there is a target of 100 (or 50%) newsrooms developing gender policies by 2011; and an audit of Gender in Media Education is being conducted by the Gender and Media Diversity Centre (GMDC).
- Women constitute 41% of Southern African media employees (32% if South Africa is excluded) and less than a quarter of those at Board, top and senior management level.
- Women constituted 17% of news sources in the region in the Gender and Media Baseline Study (GMBS) conducted in 2003; this had increased to 19% in the 2005 Global Media Monitoring Project (GMMP). A Gender and Media Progress Study (GMPS) being conducted in 2009/2010 will provide updated data.
- Blatant and more subtle forms of gender stereotypes abound in the media.
- There have been concerted campaigns to improve coverage of gender violence but these are undercut by the mushrooming of tabloids that trivialise this gross violation of women's rights. The GMPS will provide up to date baseline data on coverage of GBV.



The media has been one of the less hotly contested yet critical areas of concern in the lobbying and advocacy on the SADC Protocol on Gender and Development. Gender activists have long recognised the critical importance of the media in changing attitudes and mindsets, but have not always known how to engage with the fourth estate.

A marked improvement on the 1997 SADC Declaration on Gender and Development (SDGD) which "encouraged the mass media to disseminate information and materials in respect of the human rights of women and children" the Protocol contains wide ranging provisions against which progress can now be measured. These include the broad policy and legal framework; institutional make up and practices as well as editorial outputs of the media.

There is only one time bound media target in the Protocol: the achievement of gender parity in media decision-making by 2015. The wording of the provisions is careful not to be prescriptive or make assumptions about the extent to which government can regulate or influence the media (especially the private media). However, the provisions are significant in that:

- They cover both media content and the institutional make up of the media.
- They touch on both policy and training.
- They touch on both the sins of omission (the absence of women's voices and need to give women equal voice) as well as the sins of commission (the perpetuation of gender stereotypes in the way in which women are covered; especially the coverage of gender violence).
- The provisions are consistent with freedom of expression. Indeed, they underscore the argument that gender and media activists have been making: that the subliminal silencing of women in the media is - the world over - one of the worst violations of freedom of expression.

The baseline data established in this Barometer draws from several existing studies that have arisen from the unprecedented gender and media activism in Southern Africa driven by Gender Links (GL); the Gender and Media Southern Africa (GEMSA) Network and the Media Institute of Southern Africa (MISA). These three partners have, since 2004, have organised three Gender and Media Summits every two years. GL and MISA conducted the ground breaking Gender and Media Baseline Study (GMBS) in 2003; all three partners collaborated in the Global Media Monitoring Project (GMMP) in 2005 as well as the HIV and AIDS and Gender Study in 2006. GEMSA conducted an audit of media policies, laws and regulations in the same year while GL and GEMSA conducted the "Glass Ceilings in Southern Africa Media" in 2008.

These studies provide a rich source of quantitative and qualitative data for monitoring progress. In addition the three partners are collaborating in conducting a Gender, HIV/ AIDS and Media Progress Study in 2009/2010. This study, to be featured in the 2011 barometer, will provide the most up to date information for tracking progress by 2015. It will be complemented by the Gender in Media Education (GIME) study being undertaken by the Gender and Media Diversity Centre (GMDC), a partnership between media development andknowledge institutions in the region.

Mainstreaming gender in policies, laws and training

The Protocol calls on Member States to ensure that gender is mainstreamed in all information, communication and media policies, programmes, laws and training in accordance with the Protocol on Culture, Information and Sport.

The regulatory framework

The new and emerging democracies in Southern Africa provide exciting opportunities and spaces to develop and adopt media laws, policies and regulations that respond to the principles of democratisation and transformation.

Media regulatory frameworks in the different SADC countries are emerging from strong constitutional provisions for media freedom and an understanding that this goes beyond challenging censorship in the traditional sense to giving voice to all citizens: women and men.

The 2006 GEMSA audit of existing media laws and policies in SADC countries covered 12 SADC countries including Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. The salient points are summarised below:

Freedom of expression and universal access to information guaranteed in most constitutions: The right to freedom of expression is guaranteed in all 12 countries including Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. Universal access to information is guaranteed in 10 countries and under discussion in Lesotho and Zimbabwe. The constitutional frameworks provide a solid base to develop progressive regulatory provisions for the media. Some of the researchers did mention the gap between the constitutional provisions and the real situation on the ground not mirroring the intent of the constitution. The media in some countries operate under repressive conditions. This is an opportunity for independent media regulators to play a critical role by lobbying and advocating for making the constitutional provisions a reality on the ground.

Citizen views are being heard: Another encouraging finding was that citizens, women and men, in seven of the 12 countries were consulted on policy formulation. Some of the consultative processes included a grassroots constitutional review processes in Malawi and public commissions in Zimbabwe.

Broadcasting and ICT policies are largely gender blind but there are some exceptions: The review of broadcasting and ICT policies showed that with few exceptions, these do not make direct or indirect reference to the role of the media in advancing gender equality. For example, Tanzania has a National Information and Communications Technologies Policy that recognises the use of ICT in economic development. It aims to empower Tanzanian citizens and makes no specific reference to women, in contrast to the Broadcasting Act of South Africa (see overleaf).



Staff of the Tanzania Communications Regulatory Authority at a gender workshop *Photo: Gender Links*

The Broadcasting Act (1999) of South Africa states that broadcasters must: contribute to democracy, development of society, **gender equality** *[our emphasis]*, nation building, provision of education and strengthening the spiritual and moral fibre of society

- Encourage ownership and control of broadcasting services through participation by persons from historically disadvantaged groups;
- Cater for a broad range of services and specifically for the programming needs in respect of children, **women** [our emphasis], the youth and the disabled;
- Encourage the development of human resources and training, and capacity building within the broadcasting sector especially amongst historically disadvantaged groups.

Example of broadcasting licence conditions

The following is an example of licensing conditions required by the Act of the South African Broadcasting Corporation (SABC):

- "The licensee shall provide programme material that caters to interests of all sectors of the South African society, including men and women, people living with disabilities and people of all age groups."[68]
- " The licensee must undertake to ensure their programming does not:
  - Promote violence against women
  - Depict woman as passive victims of violence and abuse
  - Degrade women and undermine their role and position in society
  - Reinforce gender oppression and stereotypes.
- "The licensee must demonstrate its commitment to reflecting and portraying women in their positive societal roles - as independent intellectual beings, as leaders, decision-makers, academics, agents of change etc - and to award representation of men in roles that do not bolster gender ascendancy and stereotypes."[69]
- "The licensee must endeavour wherever possible to increase the number of programmes for, by and about women and must submit every three years to the regulator a programme of action aimed at implementing such pledge."

Gender disaggregated data on information produced by government is largely absent: Of the 12 countries surveyed only Mozambique had any gender disaggregated data on information produced or disseminated by government information services. This is cause for concern as government is one of the major information providers in all countries.

No gender units in Ministries of Information and Communication except in South Africa: Only South Africa had a gender focal point in the Ministry of Communications. This raises an important question about who is responsible for prioritising gender issues within government departments.

Mixed responses on whether government's information targets or includes women: Six of the twelve of countries surveyed believed that government information was targeted to both women and men. A similar number believed that promotional information on the country included women's achievements and statistics on women in decision-making positions.

Universal access policies in place or being developed but access points are limited and usage is not disaggregated by gender: Universal access to policies for ICTs is high on the agenda of Southern Africa countries; however specific access for women has not been prioritised.

[68] Note this would have to be adapted for a commercial licensee which might for example be targeting only youth.
[69] South African Broadcasting Corporation Code of Conduct.

The *Malawi Communications Sector Policy Statement (1998)* makes reference to universal access, without specifying access by women: "The policy aim is to ensure that a full range of modern services is accessible by all the population of Malawi. To achieve this aim, the policy focuses on the efforts of service providers more closely and need to restructure existing institutions in the sector in order to meet challenges that lie ahead."

In South Africa, the Telecommunications Act (1996) provides for the "regulation and control of telecommunications matters in the public interest. Objects of the Act include the promotion of universal service and affordable provision of telecommunication services. Other provisions include *(g)* the needs of local communities and *(h)* disabled people are duly taken into account.

Access by women is recognised in the Objects of the Act: *(q)* promote the empowerment and advancement of women in the telecommunications sector and the Amendments to the Act (2001) include the following provision: *(s)* develop the Information, Communication and technology (ICT) strategy for the republic, in order to bridge the digital divide.

Some gender awareness is also apparent in the Mauritius the National Telecommunication Policy 2004 provides for universal access, with a view to expanding the availability of affordable telecommunications and ICT services to the public irrespective of gender, ethnicity, socio-economic level or geographic location.

Not all countries have telecenters and their use by women and men is not monitored: Malawi, Mauritius, Namibia, Seychelles, South Africa, Swaziland and Tanzania have telecentres to the public. The lack of such facilities in the other countries limits women's access to ICTs. None of the telecentres collected gender disaggregated data about who uses their services and how their services are used. It is there fore difficult to assess if women are enjoying their right to universal access to ICTs and to have a targeted roll out of services.

Licensing, public awareness and advertising: Criteria for licenses and complaints generally do not include gender. Public awareness around the mandates and how regulatory structures may be used by the public is limited. There is a need for more countries to establish regulatory bodies to monitor advertising.

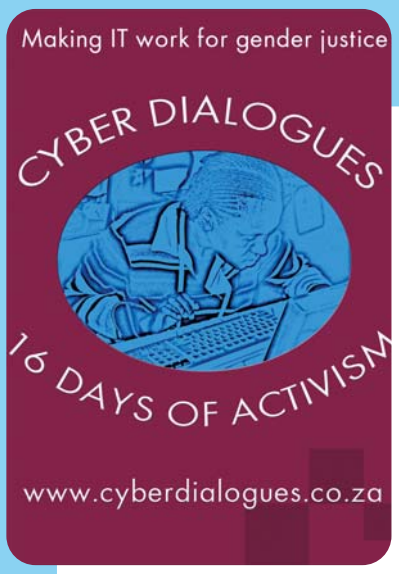


Gender and ICT activism *Photo: Gender Links*

Civil society activism in these areas is on the rise: While governments have not always taken a gender aware approach to ICTs, a number of women's organisations in the region have been active in influencing policy development; access, capacity building and using the internet as a tool for advancing gender equality. GL and GEMSA have pioneered cyber dialogues, or on-line chats, as a way of getting policy makers, activists and citizens engaged in debates on key gender issues. These include the Sixteen Days of Activism campaign that is held from 25 November to 10 December every year; the campaign for the adoption of the Protocol as well as during major UN conferences including Beijing Plus Ten and Commission on the Status of Women meetings.

Media regulators

Most SADC countries have a regulatory body for the media and/or broadcasting. Those for broadcasting are generally statutory, as airwaves need to be regulated. Press bodies are generally self regulated, although there have been efforts in some countries to bring these under government control.



Regulatory authorities have a responsibility to incorporate gender considerations into ethical standards and to monitor that they are complied with. For example, the Canadian regulatory authority for broadcasting decreed in 1986 that it expects the public broadcaster to show leadership in providing a more equal representation and a more diverse portrayal of women in the media. The Canadian Broadcasting Authority is required to submit an annual report to the Commission on efforts to eliminate sex role stereotyping both on and off air, with the knowledge that these reports will be put on a public file.

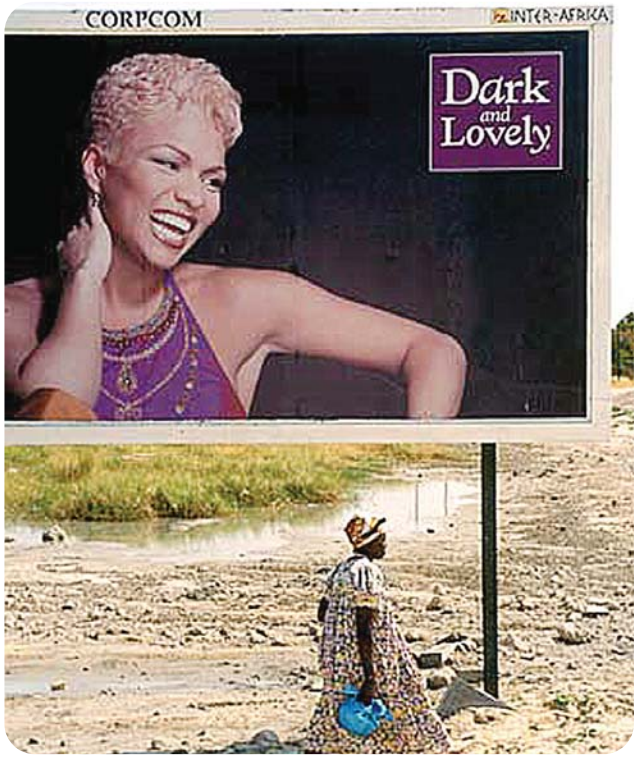
Such stipulations are rare in SADC. Zambia has one media regulatory body - the Media Ethics Council of Zambia (MECOZ). Media organisations in Zambia are encouraged rather than required to have gender policies and there is no requirement by any authority for media organisations to set targets for achieving diversity in ownership, employment and content to be consistent with the demographics of the country.

In Malawi, regulatory authorities do not require, through licensing conditions, that media houses demonstrate or set targets for achieving diversity in ownership, employment and content consistent with the demographics of the country. However, for the electronic media, the licensing does spell out the obligations for fairness, objectivity, extra care in order to accommodate various sensitivities in the audience. But there is no explicit mention of gender criteria.

The regulatory authorities receive and encourage complaints for public and private media. So far, however, there have been no gender-specific complaints. On the other hand, a number of newspapers, on their own, have carried articles against the abuse of females as objects in advertising.

In South Africa, the Independent Communications Authority of South Africa (ICASA) regulates broadcasting and telecommunications (previously the subject of separate regulatory bodies: the Independent broadcasting Authority (IBA) and the South African Telecommunications Regulatory Authority (SATRA)). The powers of the regulator are contained within the ICASA Act 13 of 2000. Complaints received are not disaggregated by sex.

Based on its audit of gender and media policies, GEMSA has developed a handbook and checklist on gender and media regulation. Over the last three years, GL has worked with the Tanzania Communications and Regulatory Authority (TACRA); Media Council of Tanzania; the Higher Media Authority (HAM) in the DRC; the Botswana Press Council and the Association of Advertising Agencies (AAA) in Mauritius. GEMSA networks like the one in Mauritius have used these provisions to take up complaints and get sexist advertisements pulled down from billboards.





Consumer activism

In Mauritius, Media Watch Organisation-GEMSA is the only organisation that has taken sexist complaints to the AAA and the Independent Broadcast Authority (IBA). The public in general do not know where to take complaints to and they contact MWO-GEMSA. The success of MWO-GEMSA in getting sexist advertisements removed shows the importance of civil society and consumer activism in making regulatory authorities more gender responsive.

Through the various complaints it has taken up, the Mauritius Media Watch Organisation (the local chapter of GEMSA) has had twelve advertisements removed from the airwaves and billboards. These include posters on dustbins wishing that women's breasts were brains (see illustration). The advertising body has been forced to take note of gender as a factor in its work.

Media houses

Over the period 2003 to 2004, GL worked on pilot projects with three media houses (Kaya FM, a commercial radio station) in South Africa, the Times of Zambia, and the Mauritius Broadcasting Corporation in developing gender policies. These were presented at the first GEM summit, where media managers shared some of the simple practical steps they had taken to improve gender balance and sensitivity in the news.

These included, in the case of Kaya FM, rotating the gender beat so that every reporter had a turn on it (and learned to mainstream gender in all coverage); requiring that each reporter on the beat contribute at least four women sources to the data base; that all reporters consult at least one woman out of every three sources and that progress be reviewed at the weekly editorial meeting. A favourite example of the then news editor, Portia Kobue, is the day she assigned a reporter to do a story on farming and he immediately phoned the white male spokesperson of the commercial farmers association. She sent him back to the field to find a black woman farmer who told a far more interesting story!


Developing a gender policy at Kaya FM *Photo: Colleen Lowe Morna*

In an attempt to cascade efforts on the policy front, in 2005 media NGOs joined forces with the Southern African Editor's Forum (SAEF) to launch the Media Action Plan (MAP) on HIV and AIDS and Gender. An audit undertaken by GL, which is responsible for the policy leg of MAP, showed that out of 350 media houses surveyed, only 10% had HIV/AIDS policies and 8% gender policies. These mostly related to work place issues rather than editorial content. The HIV and AIDS and Gender Baseline Study mentioned earlier pointed to the content gaps that urgently needed addressing.

The Southern African Media Action Plan on HIV and AIDS & Gender

Among the objectives of MAP are to ensure that 80% of media institutions have workplace and editorial policies and programmes on HIV/AIDS and gender by the end 2008. This leg of the MAP work is led by GL and MISA who have developed a handbook called Diversity in Action, HIV/AIDS and Gender Policies in Newsrooms. At the time of writing, 140 out of the 180 media houses targeted had developed gender aware HIV and AIDS policies, but only 12 had developed stand alone gender policies.

Of the 125 media houses surveyed in the Glass Ceiling Study described later in this chapter, 16% said they had gender policies. GL has a target of ensuring that 100 media houses develop gender policies by 2011.

Media development NGOs

In 2006 the Swedish International Development Agency (Sida) commissioned a study on gender in media development NGOs globally including four in Southern Africa. The major findings of the audit are summarised in the table. They include:

Gender is an important consideration for all the media organisations reviewed but policies are the exception: Virtually all organisations reviewed cited gender as an important consideration in media for development and freedom of expression work. Only MISA had a gender policy.

Excerpts from the MISA gender policy

"Gender equality is implicit in the notions of a "pluralistic press"; "reflecting the widest possible range of opinion within the community"; "the fulfilment of human aspirations"; "freedom of the press" and "freedom of association" as espoused in the Windhoek Declaration on Promoting an Independent and Pluralistic African Press (1991). But the failure to state this explicitly has ledto the gross gender disparities in the media not receiving adequate attention."

1. As one of the main shapers of public opinion, the media has a critical role to play in the advancement and attainment of gender equality.
2. As an agenda setter, the media has a duty to portray not just what is, but what could be; to be exemplary in its own practices; and to open debate on the complex issues surrounding gender equality.
3. MISA wishes to state clearly that gender equality is intrinsic to a pluralistic and diverse media; giving voice to all members of the community; realising human aspirations as well as freedom of association. It is therefore one of the important indicators for measuring whether each of these is being achieved.
4. Gender-based violations such as sexual harassment should be recognised as an impediment to the work of media practitioners.

TABLE 8.1: AUDIT OF GENDER IN MEDIA NGOs IN SOUTHERN AFRICA

Partner	Stand alone gender policy	Gender is integrated into existing policies	Gender specific projects	Gender integrated into all projects	Gender composition of org: % women			Gender structure	Gender training*
					Overall	Board	Director		
PANOS SOUTHERN AFRICA	NO	N/A	YES. Radio listening clubs	NO	43%	50%	M	NO	YES
MISA	YES	YES, constitution, sexual harassment policy	Gender and media support	YES				YES, gender focal person	YES
SAMSO	NO	NO	The Images Training Manual developed by Gender Links, Mainstreaming Gender in Entry Level Journalism by PON	NO	30%	0%	M	NO	YES
AMARC	NO	YES, strongly so	Regional gender programmes that promote gender equality in community radio through diverse initiatives, e.g. listeners clubs	YES	57%	50%	F	YES, the regional gender programme and management	YES, but on an adhoc basis and not scheduled



MISA member in Zambia *Photo: Derick Sinjela*

MISA has amended its policy in line with the Protocol: In line with the SADC Gender Protocol, MISA has increased it quota for women in all chapters, bodies and structures from 30% to 50%.

There are several ad hoc initiatives on gender, but gender mainstreaming is weak: The study yielded several examples of ad-hoc initiatives on gender. The media NGOs surveyed are more able to cite examples of gender specific work that they are doing than of mainstreaming gender considerations throughout their work. This included projects for and about women, as opposed to gender perspectives on topical development issues (such as the Millennium Development Goals). The review cited many examples of "missed" or potential opportunities for bringing gender perspectives to topics such as HIV and AIDS, globalisation and the environment.

Gender analysis of publications and productions is especially weak: The organisations reviewed produce many productions and publications, some with large audiences. However, none of the organisations had undertaken a gender content analysis of their products (similar to the GMMP) although many said they would welcome simple in-house monitoring tools for doing so.

Scope for strengthening gender considerations in the work place: Media NGOs, their staff and boards, have achieved greater gender balance and sensitivity in their institutional structures and practise than the media industry generally. However, there are still imbalances at the highest decision-making levels that need to be addressed through deliberate policies, as well as work place practices that need strengthening; especially the adoption of Codes of Conduct on sexual harassment.

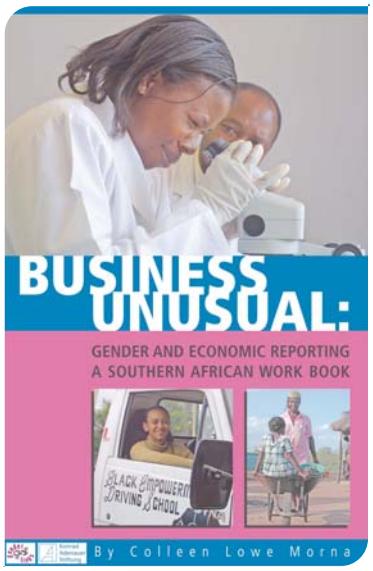
Gender management systems need a boost: Only the organisations that have gender policies have dedicated gender officers and those that are considering adopting gender policies have formed working groups. In other instances, there are no specific gender structures or staff capacity dedicated to the task of gender mainstreaming in the organisations surveyed. Gender is generally not "embedded" in key management tools such as job descriptions, performance agreements, monitoring and evaluation. The result is that for those responsible gender becomes a "labour of love" rather than part of institutional culture and norms and of work that is quantified and valued in the organisation.

Training

A Media Training Needs Assessment conducted by the NSJ, a then regional media training institute based in Maputo in 2000 found that: "Trainers are under increasing pressure to mainstream a variety of social concerns into training- race and gender sensitivity, HIV AIDS, and a human rights perspective more broadly. Responses indicate that there is an increasing awareness of the importance of integrating gender awareness into training but that approaches for doing so remain ad hoc. Most of the regional training institutions (for example MIJ, NSJ, IAJ, AIA) offer specific courses on covering gender issues. The NSJ gender course is rated the most popular of its courses (interview, Phiri). However, unlike other courses where women are in the minority, very few men attend the gender courses, which thus fail to reach a key target. More importantly, gender awareness needs to permeate all training. At present this is happening haphazardly, and often at the insistence of donors." From the outset, gender and media activists have developed close links with media training institutions that pointed to the several different fronts on which gender in media education and training needs to be approached. A Media Training Needs Assessment

undertaken by GL for the media training sector showed that more than half of the journalists in the region have never undertaken formal training but that there is a rapid move towards upgrading and requiring higher level media training (Lowe Morna and Khan, 2002).

Because so much of media learning takes place on-the-job, many media training institutions run short in-service courses. Early on, GL worked with the Institute for the Advancement of Journalism (IAJ) in South Africa that runs such courses in developing gender training modules for all areas of media training, from sub-editing and newsroom leadership to specific beats like the crime, the economy, politics etc.



Each year, GL runs training courses on different themes with in-service media training institutions around the region. These have included covering gender violence; HIV and AIDS and gender; as well as gender and elections. Currently, GL is running a series of training workshops on gender and economic reporting using its training manual, *Business Unusual.*
A variant of in-service training is in-house training (or training conducted in the newsroom). While this is labour intensive, it has several advantages. One is able to work with practitioners in their environment (which can often be an impediment to new ways of reporting) with their managers (who are frequently the biggest barrier to change) and with their specific medium and focus. GL piloted this approach in election training in 2004 and 2005 documented during the first GEM Summit in the outcome report *Getting in Right* (Lowe Morna, ed. 2004, 108).

In the longer term, there are no shortcuts to mainstreaming gender in entry level media education. Working with GL the Polytechnic of Namibia undertook a three year gender mainstreaming project in which gender was integrated into every facet of entry level journalism and tested in a student news agency for the 2005 Namibia elections. The student's sensitivity to diversity resulted in high quality, issue-based coverage documented in a final evaluation. A primer on the process and outcomes *(Gender in Entry Level Media Education)* is being used as a basis for work with a network of media trainers committed to integrating gender in their curricula. At the time of writing, the GMDC, a partnership between media development NGOs and knowledge institutions in the region was undertaking a comprehensive audit of gender in media education that will be reflected in the 2010 Barometer.

Giving equal representation to women and men by 2015

The Protocol urges Member States to take measures to promote the equal representation women in the ownership of, and decision-making structures of the media in accordance with Article 12.1 that provides for equal representation of women in decision-making positions by 2015.

In 2007/2008 GL and GEMSA conducted the most comprehensive survey to date on women and men in Southern African media houses against the above provisions. The study covered 126 media houses and over 23,000 employees in all the SADC countries except Angola. The results are summarised in the table. They show that:

Table 8.2: Equal representation of women and men in media houses in Southern Africa

CATEGORY	REGION %		BOTSWANA %		LESOTHO %		DRC %		MADACASCAR %		MALAWI %		MAURITIUS %		MOZAMBIQUE %		NAMIBIA %		SWAZILAND %		SOUTH AFRICA %		TANZANIA %		ZAMBIA %		ZIMBABWE %	
	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M
Percentage of employees by sex	41	59	46	54	73	27	22	78	33	67	23	77	33	67	27	73	40	60	40	60	50	50	36	64	33	67	13	87
OCCUPATIONAL LEVELS																												
Non-permanent	36	64	38	62	0	0	17	83	60	40	17	83	52	48	21	79	24	76	56	44	56	44	55	45	33	67	7	93
Unskilled	29	71	67	33	74	26	28	72	58	42	23	77	30	70	29	71	47	53	36	64	23	77	39	61	21	79	16	84
Semi-skilled	55	45	98	8	78	22	34	66	26	74	41	59	35	65	61	39	57	43	57	43	55	45	0	100	67	33	45	55
Skilled technical	45	55	32	68	45	55	23	77	17	83	31	69	22	78	19	81	42	58	50	50	51	49	25	75	54	46	18	82
Professionally qualified	31	69	28	72	57	43	15	85	46	54	15	85	40	60	28	72	33	67	21	79	42	58	38	62	37	63	30	70
Board of directors	28	72	24	76	47	53	18	83	10	90	27	73	36	64	25	75	39	61	33	67	38	62	22	78	27	73	38	62
Senior management	28	72	39	61	50	50	8	92	20	80	26	74	22	78	35	65	35	65	29	71	35	65	30	70	33	67	10	90
Top management	23	77	30	70	56	44	18	82	13	88	19	81	25	75	17	83	42	58	33	67	25	75	21	79	11	89	13	88
CONDITIONS OF EMPLOYMENT																												
Part-time	23	77	100	0	0	0	16	84	60	40	23	77	40	60	29	71	33	67	56	44	61	39	35	65	40	60	5	95
Full-time, fixed term contract	37	63	25	75	0	0	20	80	42	58	31	69	31	69	21	79	48	52	23	77	55	45	24	76	10	90	50	55
Freelance[70]	43	57	22	78	25	75	22	78	50	50	35	65	53	47	40	60	21	79	33	67	54	46	59	41	38	62	22	78
Full-time open-ended contract	42	58	51	49	74	26	23	77	26	74	23	77	26	74	23	77	42	58	41	59	49	51	36	64	30	70	18	82
DEPARTMENTS[71]																												
Human resources	44	56	81	19	100	0	21	79	44	56	75	25	32	68	51	49	67	33	0	100	74	26	68	32	32	68	58	42
Advertising/Marketing	57	43	38	62	36	64	34	66	62	38	36	64	38	62	43	57	56	44	63	38	61	39	32	68	46	54	40	60
Finance & administration	54	46	67	33	80	20	33	67	58	42	21	79	46	54	26	74	70	30	71	29	59	41	56	44	49	51	25	75
Editorial	42	58	36	64	48	52	29	71	31	69	28	72	39	61	27	73	44	56	35	65	52	48	36	64	38	62	17	83
Design	31	69	38	62	20	80	21	79	10	90	22	78	13	87	19	81	44	56	23	77	40	60	51	49	11	89	50	50
Production	30	70	50	50	0	100	23	77	7	93	22	78	23	77	14	86	39	61	0	0	34	66	33	67	23	77	33	67
Printing & distribution	24	76	50	50	50	50	17	83	18	82	25	75	6	94	11	89	23	77	19	81	33	67	0	100	6	94	0	100
Technical/IT	16	84	0	100	0	100	9	91	0	100	6	94	16	84	3	97	5	95	3	97	23	77	30	70	17	83	0	100
POLICIES																												
Gender policy	16		20		25		0		7		40		33		7		27		0		9		21		22		0	
Sexual harassment policy	28		60		50		20		0		30		56		7		36		0		82		21		11		25	
Want gender policy	68		60		75		100		73		70		78		71		45		33		64		50		78		75	

[70] The conditions of employment refers only to freelancers in the production department of the media house.
[71] The statistics are inclusive of managers within these departments.

Men are the predominate employees in media houses in Southern Africa: Figure 8.1 shows that the media sector is largely a male-dominated industry in the region with men constituting 59% of the employees in media houses compared to 41% women. Figure 8.2 shows that if South Africa, which constitutes 40% of the population in the region and over half the employees in the sample is excluded, the figure for women is 32%.

Figure 8.1: Total number of employees by sex in Southern Africa media houses

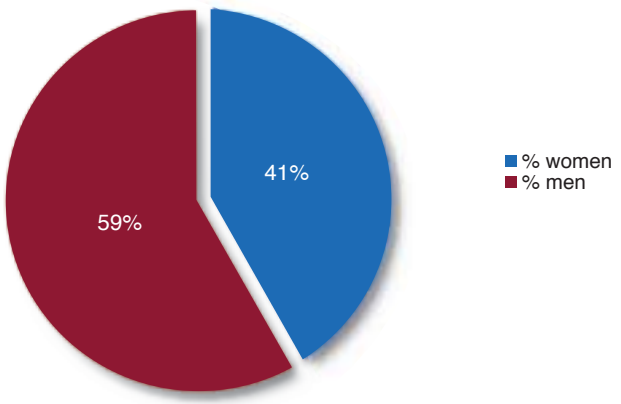
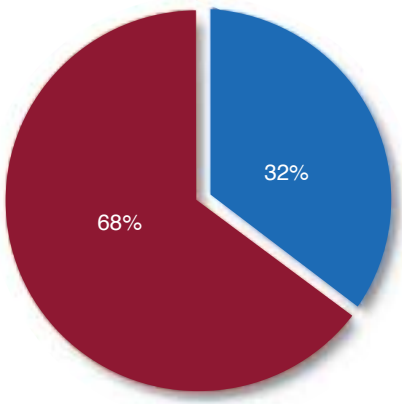
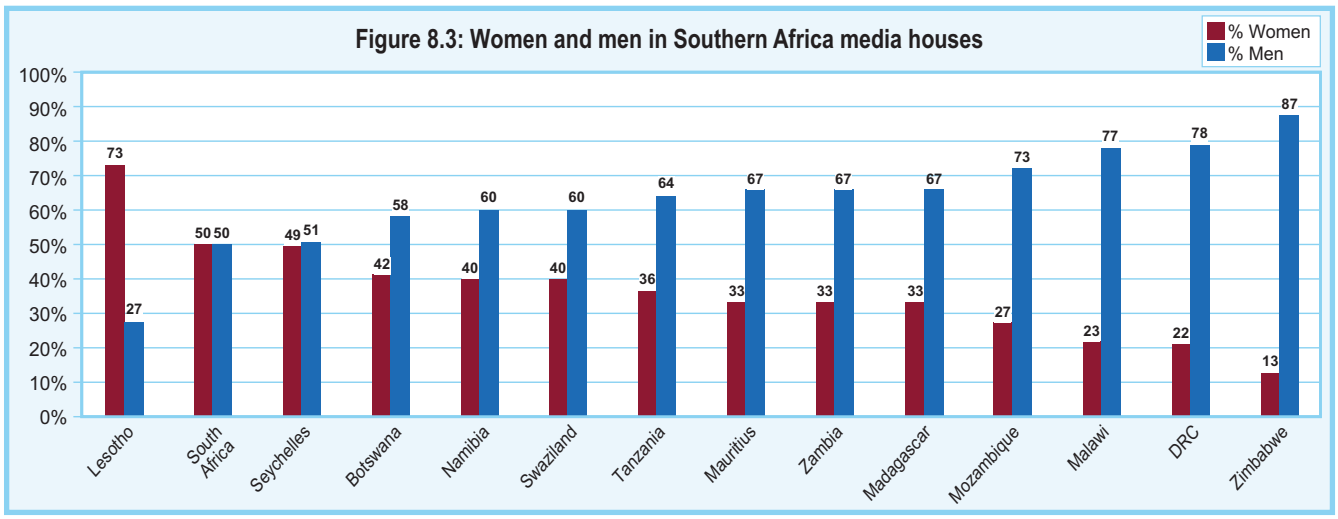


Figure 8.2: Total number of employees by sex in South African media houses



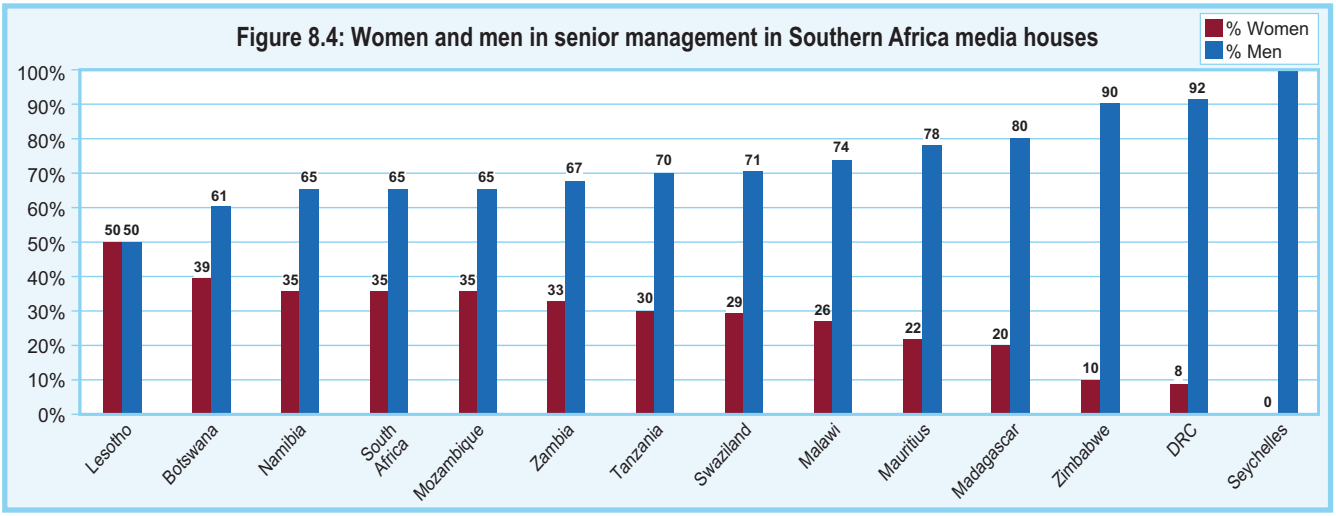
Only two countries have achieved the parity target: Figure 8.3 shows that the tiny country of Lesotho has the largest percentage of women(73% women compared to 27% men) employed in media houses, followed by South Africa with equal percentages of women and men (50/50). Seychelles, with 49% women, is a close third. But these figures need to be read in context: Lesotho's media is dominated by a government ministry with a high proportion of women. In the case of South Africa, the figures were not disaggregated by race, due to the regional nature of this study. The 2006 Glass Ceiling report on South African newsrooms showed that black women, who constitute 42% of the population, account for only 18% of newsroom staff.

Figure 8.3: Women and men in Southern Africa media houses



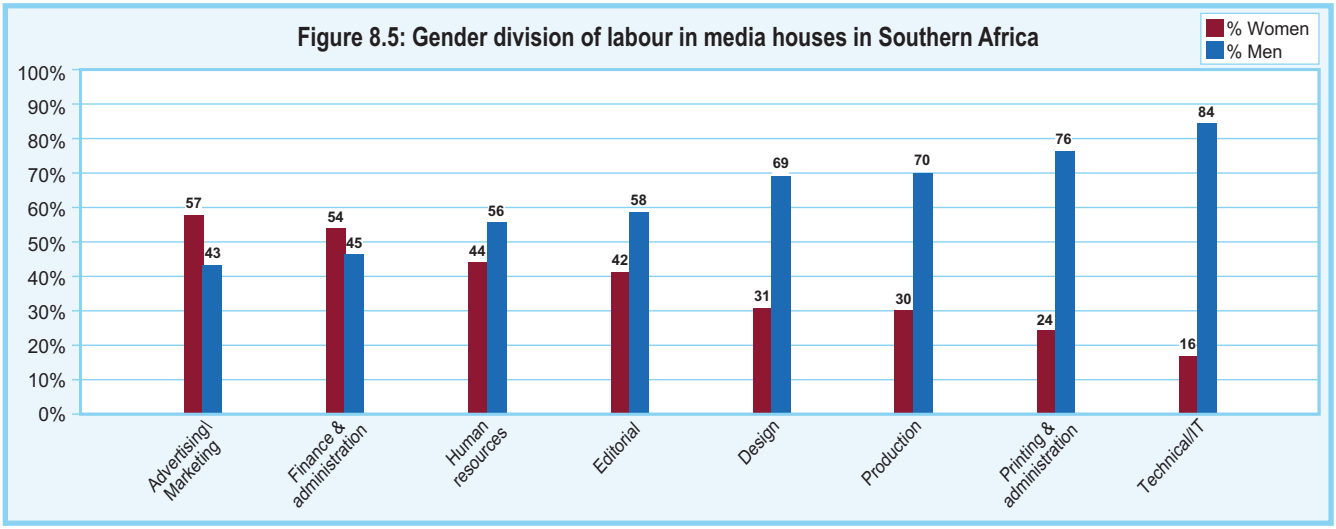
Four countries are below the one third mark: As illustrated in the graph these are Mozambique (27%); Malawi (23%); DRC (22%) and Zimbabwe (13%). The Zimbabwe figures do not include the Zimbabwe National Broadcasting Corporation (ZBC) which declined to participate, with the result that the figures are skewed towards the print media, in which women are typically less well represented than in broadcasting. However, it is a substantial sample, which even the inclusion of the ZBC would be unlikely to significantly alter.

Women constitute a third or less of boards of directors, top and senior managers: The governance structures of media houses in Southern Africa are firmly in the hands of men (72%), with women constituting only 28% of those on boards of directors. Only 23% of the top managers in media houses in Southern Africa are women. The only country in the region with 50% or more women in top management is Lesotho (56%), followed by Namibia with 42% women in top management. Only 11% of the top managers in Zambia are women, and Seychelles, the lowest, has no women in top management. As illustrated in Figure 8.4 women constituted between 20-39% of the senior managers in media houses in 10 of the 14 countries and only one, Lesotho, had 50% women as senior managers. On average, however, women are only 28% of those in senior management positions in the region, pointing to where they meet their first challenge of breaking into the higher echelons of media management.



Men get better working deals: Men (58%) are more likely than women (42%) to be employed in open-ended full time contracts. And, a larger majority of women in the region are semi-skilled (55% compared to 45% men) and are not professionally qualified (31% compared to 69% for men). These factors reflect a much higher level of job insecurity for women than for men in the region.

There is a gender division of labour in the work place: Figure 8.5 shows that production of media content from the beginning of the chain - reporting, editing - right through to production, printing and distribution is in the hands of men, who dominate in the editorial (58%), design (69%), production (70%), printing and distribution (76%) and technical/IT (84%) departments in the region's media houses. Women, on the other hand, are more numerous in areas considered to be "women's work" (clerical and administrative support) in the finance and administration (54%), advertising/marketing (57%) and human resources (44%) departments.



The gender division of labour in beats is still pronounced: Male journalists dominate in what are considered the 'hard beats' such as investigative/in-depth reports (80%), sports (76%) and political stories (75%). Women journalists predominate in coverage of gender equality and gender violence (71% each) and health[72] (59%).

Male chauvinist attitudes abound and sexual harassment is a serious concern: As one male respondent in this study put it: "We expect women to be home at 6pm cooking, and not at press conferences mingling with ministers." Media women across the region complained about being treated as sexual objects in media houses and men showed little appreciation and understanding of what is meant by sexual harassment. Only 28% of media houses said they have sexual harassment policies.

But women journalists are challenging gender stereotypes in some countries. In Botswana, there is gender parity (50/50) in the coverage of sports, while women constitute 40% of sports reporters in South Africa. Women (83%) also dominate in the coverage of economics/ business/finance in South Africa and in Namibia (71%). The study also found that in South Africa, there is gender balance in the coverage of entertainment/arts/culture and of gender equality.

Gender awareness in media houses is low among both women and men: Half of all the women and men surveyed thought that gender means women and men. Less than a fifth were aware that the term refers to the socially constructed differences between women and men. Half of all those interviewed did not know the specific targetset by the SADC Protocol on Gender and Development for is for achieving gender parity in decision-making.

But there is an appreciation that having a critical mass of women in newsrooms makes a difference: Women and men in the media gave several examples of howhaving women in the media, especially at a senior level, changes newsroom culture and impacts positively on coverage. Research shows that women reporters are more likely to consult female sources and that they bring fresh perspectives to media creation, a view strongly endorsed by many male media managers.



Women more likely to consult women *Photo: Trevor Davies*

[72] Excludes the coverage of HIV and AIDS

Gender in media content

The Protocol calls on Member States to encourage the media to give equal voice to women and men in all areas of coverage, including increasing the number of programmes for, by and about women on gender specific topics and that challenge gender stereotypes.

The Protocol urges member states to take measures to discourage the media from:

- *Promoting pornography and violence against all persons, especially women and children;*
- *Depicting women as helpless victims of violence and abuse;*
- *Degrading or exploiting women, especially in the area of entertainment and advertising, and undermining their role and position in society; and*
- *Reinforcing gender oppression and stereotypes.*

In 2003, GL and MISA, with technical support from the Media Monitoring Project (MMP) of South Africa conducted the Gender and Media Baseline Study (GMBS) study (which covered twelve Southern African countries). This study, conducted over one month and covering over 25,000 news items is the largest regional media monitoring study ever to have been conducted anywhere in the world.

Two years later, the thirteen chapters of GEMSA participated in the Global Media Monitoring Project (GMMP) which covered only a day and is therefore not as reliable, but provided a useful benchmarking tool, especially for the more aggregate numbers.

In 2006, GL as part of the MAP partnership conducted the HIV and AIDS and Gender Baseline study, extending this and the GMBS to the DRC, Madagascar and Seychelles the following year. The findings of the two regional reports are summarised in the table. Because they are far more in-depth and far reaching than the global study these are the main reference points in the analysis. The Gender and Media Progress Study (GMPS) taking place in 2009/2010 will provide comprehensive new baseline data to be incorporated in the 2010 Barometer. This study is being conducted in tandem with the global study (GMMP 2010) providing a further opportunity for global benchmarking.

Table 8.3: Key findings of the GMBS (2003) and the HIV and AIDS and gender study (2006) on gender in media content

Provision	Regional	Botswana	DRC	Lesotho	Madagascar	Malawi	Mauritius	Mozambique	Namibia	Seychelles	South Africa	Swaziland	Tanzania	Zambia	Zimbabwe
% women as news sources	17%	16%	15%	21%	21%	12%	17%	15%	19%	25%	19%	17%	16%	13%	15%
% women identified by marital or family status	11%	5%		1%		21%	15%	7%	6%		14%	8%	11%	5%	4%
% women quoted on economics	10%	24%	12%	24%	29%	14%	4%	22%	13%	18%	9%	22%	13%	13%	8%
% women quoted on politics	9%	12%	10%	5%	15%	5%	11%	10%	12%	22%	10%	12%	7%	8%	6%
% women quoted on gender equality	46%	0%	58%	92%	34%	21%	43%	38%	68%		36%	60%	49%	33%	49%
% people living with HIV and AIDS quoted (2006)	4%	3%	0%	2%	5%	0%	3%	5%	1%	0%	5%	11%	7%	3%	5%

Notes: The DRC, Madagascar and Seychelles did not participate in the GMBS but in the 2006 HIV and AIDS, Gender and the Media study. The figures for these countries therefore come from the later studies. All other figures in the table, unless they carry the year 2006, come from the 2003 GMBS. The GMPS being conducted in 2009/2010 will provide updated data on all these variables.

The Gender and Media (GEM) Classification

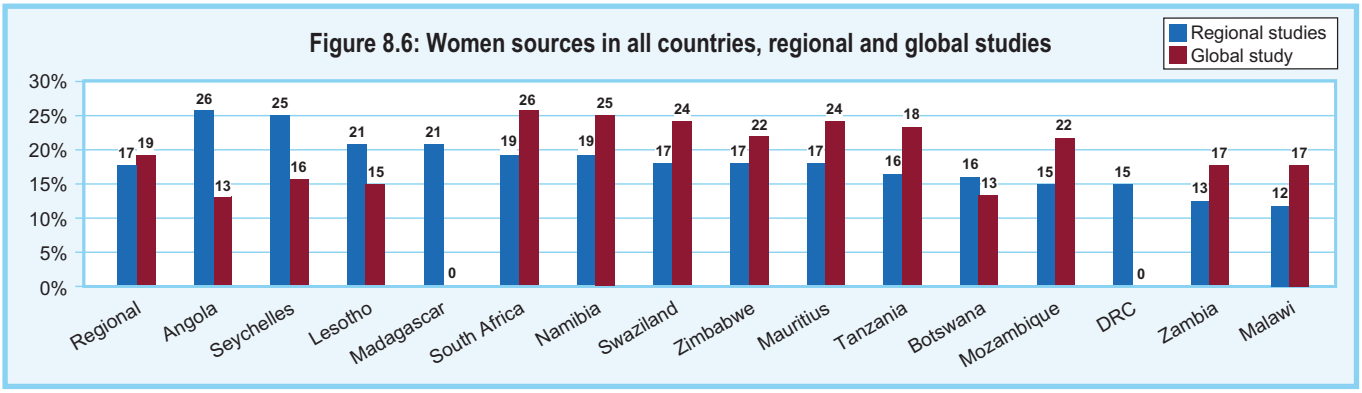
In the course of the various monitoring projects, GL has developed a matrix for classifying media content that assists in determining the progress towards developing gender aware content. This is summarised in the table below. The classifications are used in the further analysis of findings to date.

Table 8.4: Gender and Media (GEM) Classification

Gender-blind (GB) and missed opportunities	Subtle stereotypes
Articles or images in which there is a lack of gender balance (and therefore of diversity) in sources, resulting in only one perspective being given on an issue.	Articles or images that reinforce notions of women's domestic and men's more public roles in ways that make this seem normal, e.g. a mother's agony, rather than parents agony over a child.
Articles or images that lack a gender perspective in every day issues such as elections or the budget, depriving these stories of new and interesting angles, such as how cuts in grants affect poor women.	Articles or images in which women are referred to according to personal relationships that have no relevance to the story; e.g. a woman minister is referred to as the wife of someone.
Blatant stereotype	**Gender aware**
Articles or images in which women are presented in stereotypical roles such as victims or sex objects.	A. Articles and images that challenge stereotypes and prompt debate on topical gender issues from a human rights perspective, such as women pilots or men care givers.
Articles or images in which men are presented in stereotypical roles such as strong businessmen or leaders.	B. Articles or images that have a gender balance of sources; demonstrating different perspectives/impact on women and men including through use of gender disaggregated data; for example how many women and men receive certain types of grants; what they use them for and why cuts may have different kinds of impact.
	C. Gender specific: Stories that concern inequality between women and men; structures, processes; campaigns to advance gender equality such as glass ceilings in certain types of occupation.

Gender blindness in media content

Gender blindness, sometimes referred to as "missed opportunities" concerns the extent to which women, even when they are present, are overlooked in the media. This is a key indicator of "voice" and an important monitoring tool in gender and media work. The findings to date may be summarised as follows:





Media monitoring *Photo: Gender Links*

Women's views and voices are grossly under-represented in the media: If unknown sources are excluded, overall women constituted 17% of news sources in the Southern African media monitored in the GMBS. As illustrated in Figure 8.6, this figure had increased to 19% in the 2005 GMMP.

There are significant variations between countries: In the GMBS, women sources ranged from women constituting 26% of news sources in Angola (the highest) to 11% in Malawi (the lowest). A further examination of the Southern African GMMP 2005 findings benchmarked against the GMBS reflected in Figure 8.6 shows that there has been a positive progression in nine out of the thirteen Southern African countries but that four slipped backwards.

- The country that registered the biggest decrease in women sources is Angola (a drop of 13%), followed by Lesotho (6%); Seychelles (5%) and Botswana (6%).
- The countries that registered the biggest increases are Namibia, Mauritius, Mozam-bique, Namibia, South Africa and Swazi-land, with Zimbabwe and Malawi close seconds (5%) followed by Zambia and Tanzania (2% and 4% respectively).
- Seven countries have now exceeded the GMBS average of 17%; two countries still sit at this average and four performed below the GMBS average.
- Six countries (Mauritius, Mozambique, Namibia, South Africa, Swaziland and Zimbabwe) performed both above the Southern Africa GMMP average of 19% and the global average of 21%; the remaining seven countries performed below both the regional and global averages in GMMP 2005.

Although not included in the GMBS, data on sources for DRC (15% women sources) and Madagascar (21% women sources) was gathered in the 2006 Gender and HIV and AIDS study. This cannot be benchmarked against the global GMPS as these countries did not participate in the study. The example below, concerning a regional event, shows how women's views and voices often get left out of mainstream coverage.

Women invisible in the African football awards

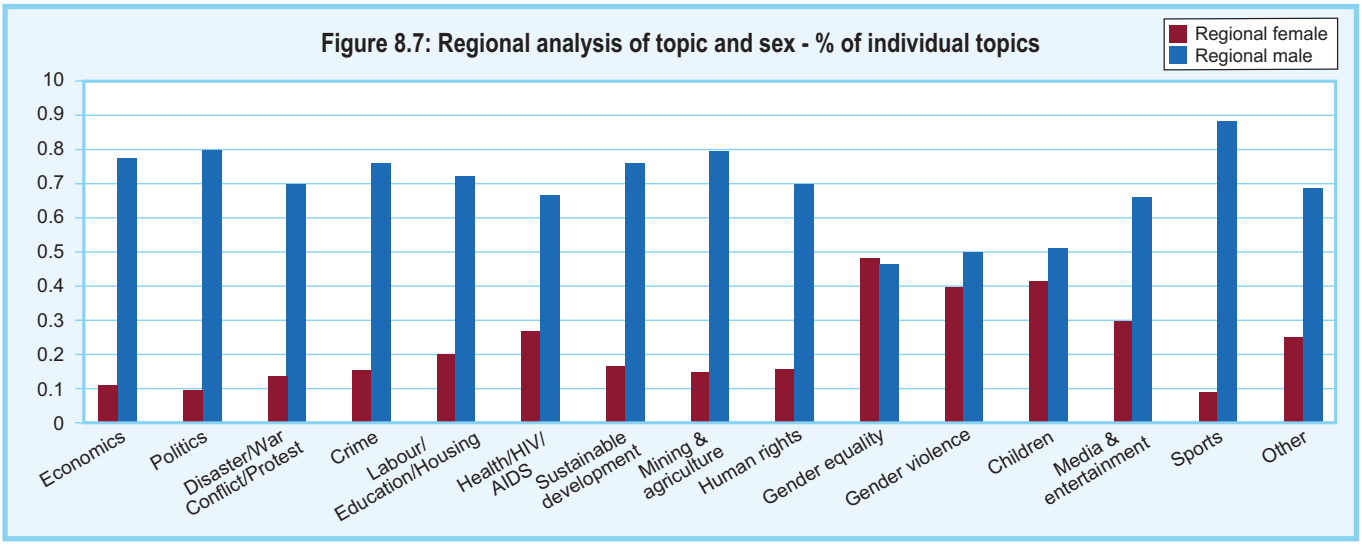
Sports news systematically sidelines women. The annual awards of the Confederation on African Football (CAF) are an important event in the African sports calendar. One award in for Woman Footballer of the Year. In 2005 this went to Perpetua Nkwocha of Nigeria. At least eight television channels that were monitored- in Botswana, Ghana, Nigeria and South Africa- covered the awards. Only three of them even referred to the Woman Footballer Award. Just one - AIT in Nigeria - showed footage of Nkwocha in action on the field.

In South Africa where the award ceremony took place, coverage ignored Nkwocha. One channel, eTV showed her in a single brief shot (without a name caption) while a voice over noted that she was "the only player present to receive the award." The story then cut to a reporter who concluded: "the glittering gala will unfortunately be remembered for those recipients who won awards, but never showed up." In other words only the absence of men is noticed. Women are peripheral and their presence is no consequence. This is an apt explanation of why sports coverage gives so little space to women.
(Source: GMMP 2005: 37)

Women politicians are not heard relative to even their strengths in parliament: At the time of the GMBS, women constituted an average of 18% of the members of parliament in the region. Yet women constituted only 6% of the sources in the politician category. Countries that have the highest representation of women in parliament - South Africa, Mozambique and Tanzania - also had some of the lowest proportions of women politicians being accessed as news sources. South Africa, for example, has 31% women in parliament and a similar proportion in cabinet. Yet women constituted only 8% of the politicians quoted in the media monitored.

Gender equality is hardly considered newsworthy: About a quarter of all the over 25 000 news items monitored related to politics and economics, and close to 20% were on sports. Gender specific news items accounted for a mere 2% of the total, and about half of these were on gender violence.

Women's views and voices are restricted to certain topics: Women's voices predominated only in the gender equality topic code. There were even more male than female voices in the topic code on gender violence. Women constituted less than 10% of news sources in the economics, politics and sport categories. Women constituted less than 10% of news sources in the economics, politics and sport categories.



% show the split of female and male where identified - any 'unkown' have been included in the % calculation for each topic

Those most affected are seldom heard: The 2006 study on HIV and AIDS and gender found that People Living with Aids constitute a mere 4% of those who are quoted on the subject. In many countries not a single woman living with AIDS had been quoted.

Subtle and more blatant stereotypes

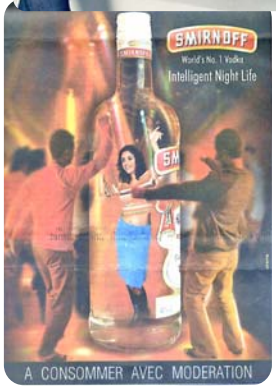
The regional and global studies have identified various ways in which the media perpetuates subtle and more blatant stereotypes. These include:

Older women are virtually invisible: To the extent women's voices are accessed, they are likely to be in the 35-49 year bracket for both print and electronic media.

Women in the media still carry their private identity more than men: In all countries, women are much more likely to be identified as a wife, daughter or mother than a man is likely to be identified as

a husband, son or father. The regional average for women is 11%, compared to 2% for men. The proportion of women likely to be identified according to their family status in Southern Africa has doubled from 11% in the GMBS to 22% (higher than the global average of 17%) while that for men has increased from 2% to 6% (also higher than the global average of 5%).







Women in certain occupational categories are virtually silent: The only occupational categories in which female views dominated were beauty contestants, sex workers and home-makers. Male voices predominated even in agriculture, where women perform most of the work.

Women are more likely to be identified as victims than men: Both quantitative and qualitative monitoring yielded many examples from the region, as for the rest of the globe, of blatant and more subtle gender stereotyping. As in the global findings, 17% women in Southern Africa are likely to be identified as victims compared to 7% men. The global figures are 19% for women and 8% for men.

Advertising is a major source of blatant gender stereotypes: As part of its Mirror on the Media series GL in 2006 carried out a study on Gender and Advertising covering four countries (South Africa, Mauritius, Zimbabwe and Zambia). Overall, women constituted 41% of all subjects (those featuring in the adverts as voices and or images) in the advertising monitoring compared to the regional average of 19% news sources in the GMMP (2005). The higher proportion of women in advertisements than as news sources is, however, not a measure of greater gender sensitivity in this area of media practice, but a reflection of the fact that advertising still relies heavily on women's physical attributes as a marketing ploy as illustrated in the examples.

Gender awareness

As part of its campaign to promote gender aware reporting that conforms to the journalistic principles of balance, truth, fairness, challenging stereotypes and prompting debates, GL, MISA and GEMSA run gender and media awards every two years. The following are some examples of the stories that won awards at the Gender and Media (GEM) Summit in September 2004:

***"An explosive cocktail"* by Sarah Taylor, Namibia (Runner up, print)** Polygamy is alive and well in Swaziland and it brings new concerns in the era of HIV/AIDS. Yet this story shies away from passing judgment or proffering simple solutions. Women and men, young and old, inside and outside such relationships, speak for themselves in a piece that weaves facts, figures, regional and global perspectives between the tales of every day lives, hopes and fears. At no point is culture denounced. Yet the story leaves us with little doubt that culture is not cast in stone.

***"Debt and daughters"* by Hilary Mbobe, Malawi (Winner, radio)** As the world commemorates the day of the African child on 16 June, drought and poverty have led to the revival of an old practice of fathers "selling" off girls as young as ten to pay for their debts in Northern Malawi. The magic of sound in this radio piece takes you to the heart of the village where it would be easy to simply denounce what is going on. Instead, talking to father, daughter, other villagers, and human rights activists, the reporter paints a complex picture of an indefensible practice that nonetheless has its roots in desperate circumstances. Balanced and professional, the piece is a reminder that the struggle for women's rights remains one of the most challenging human rights issues of our time.

***"Court Bungling"* by Sandy Mc Cowen, South Africa (Runner up, TV)** The Sixteen Days of Activism Against Gender Violence could become just another time for making pious promises. This reporter refuses to let it be so. She brings to life the phrase "court bungling" through the story of the Mohale family whose daughter's convicted murderer is at large. This is public broadcasting at its best: taking up the concerns of the public and holding officials accountable during what could so easily be a public relations event.

***"Sisters you let us down"* by Everjoice Win, Zimbabwe (winner, Opinion and Commentary)** It's International Women's Day, but what is there to celebrate, asks a Zimbabwean gender activist who, in a bold piece that cuts to the chase, uses this opportunity to write to her fellow women in South Africa, especially Foreign Affairs Minister Nkosozana Dlamini-Zuma. Measured but firm, making it clear she "believes in other women" but feels let down, the writer gives a feel for what it means to be a woman in a country where the monthly minimum wage is barely enough to buy a packet of sanitary towels. Bringing gender into the mainstream in a highly political and targeted way, this piece does what all good opinion and commentary should: It leaves the audience distinctly uncomfortable.



Women construction workers *Photo: Trevor Davies*

***"Women mineworkers in Welkom"* by Puleng Mokhoane, South Africa (Winner, TV)** Who would imagine that less than a decade ago women in South Africa could not work underground as miners, thus excluding them from the very foundations of the economy? Watching this news piece one would imagine that women had been miners all their lives. They are at ease, and so are the men that they work with. The story alludes to the double burden of work that women bear in the mines and at home, but also points to changing attitudes among men. Avoiding the trap of being patronising (as often happens in these "wonderful women" stories) this is an excellent example of agenda-setting journalism.

***"These "misters" that toddlers call 'miss'"* by Marie Geraldine Quirin, Mauritius:** This story, about two men in Mauritius who run a day care centre, stood out for its freshness, simplicity and little touches of irony: like the kids who call the "misters" miss. It challenges the stereotype that only women can be care givers without overtly saying so. The story is told through the eyes of the children, their parents, co-workers, the two men, and their partners. Natural, full of colour and quotes, down to the little detail like fixing the radio, this "new man" story makes you wonder what is taking all the others so long to get there.

Coverage of gender violence

The Protocol calls on Member States to take appropriate measures to encourage the media to play a constructive role in the eradication of gender based violence by adopting guidelines which ensure gender sensitive coverage.



When it comes to coverage of gender violence, the media is more often than not part of the problem rather than of the solution: especially "popular media". Yet the media has a huge potential role to play in changing attitudes, perceptions, and mindsets where gender violence is concerned. Over the last decade, GL has conducted training workshops with the media in 12 SADC countries and all nine provinces of South Africa. GL and GEMSA have trained gender activists on strategic communications making use of the Sixteen Days of Activism campaign that extends from International Day of No Violence Against Women on 25 December to Human Rights Day on 10 December.

Coverage of gender violence has been monitored in the regional and global studies. GL has also worked with GEMSA chapters in conducting periodic monitoring of the Sixteen Days of Activism campaign. Key findings emer-ging from these studies are that:

- To the extent gender issues are covered, gender violence tends to get more coverage. In the GMBS, gender specific issues constituted 2% of all coverage, with GBV constituting half of this or 1% of the total.
- However, gender violence is often treated as relatively minor compared to other kinds of crime.
- Certain types of gender violence get much higher coverage, e.g. sexual assault.
- There is very little coverage of where those affected can get help.
- Experiences of women are often trivialised.
- There is very little coverage of those who protest against gender violence.
- The voices of those affected are not heard.
- Much of the source information is from the courts. This has a heavy male bias.
- Coverage is often insensitive, for example in the use of images, names etc that could lead to secondary victimisation.
- Women are often portrayed as victims rather than survivors.
- Women are often portrayed as temptress (asked for it to happen).
- Men are portrayed as being unable to control their sexual urges.
- There is a tendency to exonerate the perpe-trators.
- There is a tendency to sensationalise.
- Most gender violence stories are written by men/court reporters.

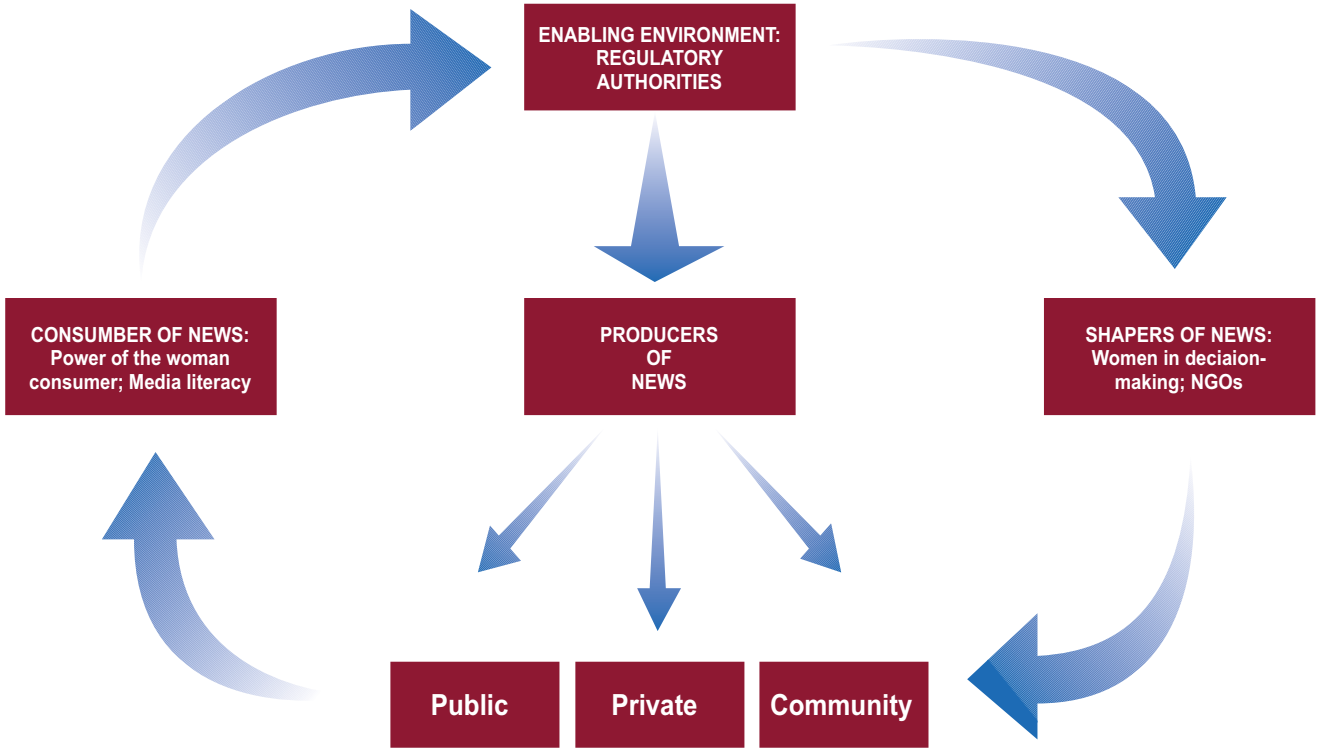
In 2007, as part of its *Mirror on the Media* series, GL conducted a study on the emergence of tabloids in the region. Out of 178 newspapers in ten countries, 37 (or 20 percent) are regarded by media analysts in those countries as tabloid both in form and content. GL conducted an in-depth study of gender and tabloids in the three countries with the highest density of such publications (South Africa, Mauritius and Tanzania). The study found that women constitute 25% news sources in tabloids and 35% of all images. While "ordinary" women are more likely to feature in tabloids, the study found that blatant gender stereotypes are far more numerous in these publications. Often, these concern gender violence. Typical headlines in tabloids are like the one in *Uwazi* (24 June 2007): *"Aibu Tupu! Wanaume wachapana makonde, mwanamke aingia uvunguni Kujiokoa, suala laripotiwa polisi* - Shame! Two men fight over a woman while she hides underneath the bed!"

Next steps

Key strategies for moving forward with the gender and media work include:

- **A clear conceptual framework:** In order to be effective, we need to understand who our targets are. Clearly the producers of news are at the heart of the matter. But they work within legal and policy frameworks that create or negate an enabling environment for transformation. Media ownership - state, private, community - has a bearing on responsiveness to change, as well as strategies for advocating change. Change is not just about the media; but those who are well placed to shape the news (e.g. women decision-makers and activists) as well as citizens and news consumers who should aspire to be shapers of news!
- **Broadening the approach:** While it is understandable that advocacy efforts to date have focused specifically on the gender deficiencies in the media, as we move forward there is need to situate these within broader debates on human rights, media diversity, ethics and professionalism in the media, growing markets and media sustainability. This approach will not only help to overcome some of the resistance that is apparent in some quarters, but also foster the notion that gender awareness is not just a matter of being politically correct: it is also enlightened self interest.
- **Engaging with media regulatory authorities:** Until recently media regulatory authorities have largely been excluded from gender and media debates. The specific references to gender and media regulation in the Protocol, as well as engagements with this sector will bring an important new stakeholder on board in the ongoing policy and advocacy efforts.
- **Deepening the engagement with media decision-makers:** Many of the policy changes that need to take place will continue to be at newsroom level. The Glass Ceiling report provides a major impetus for this work.

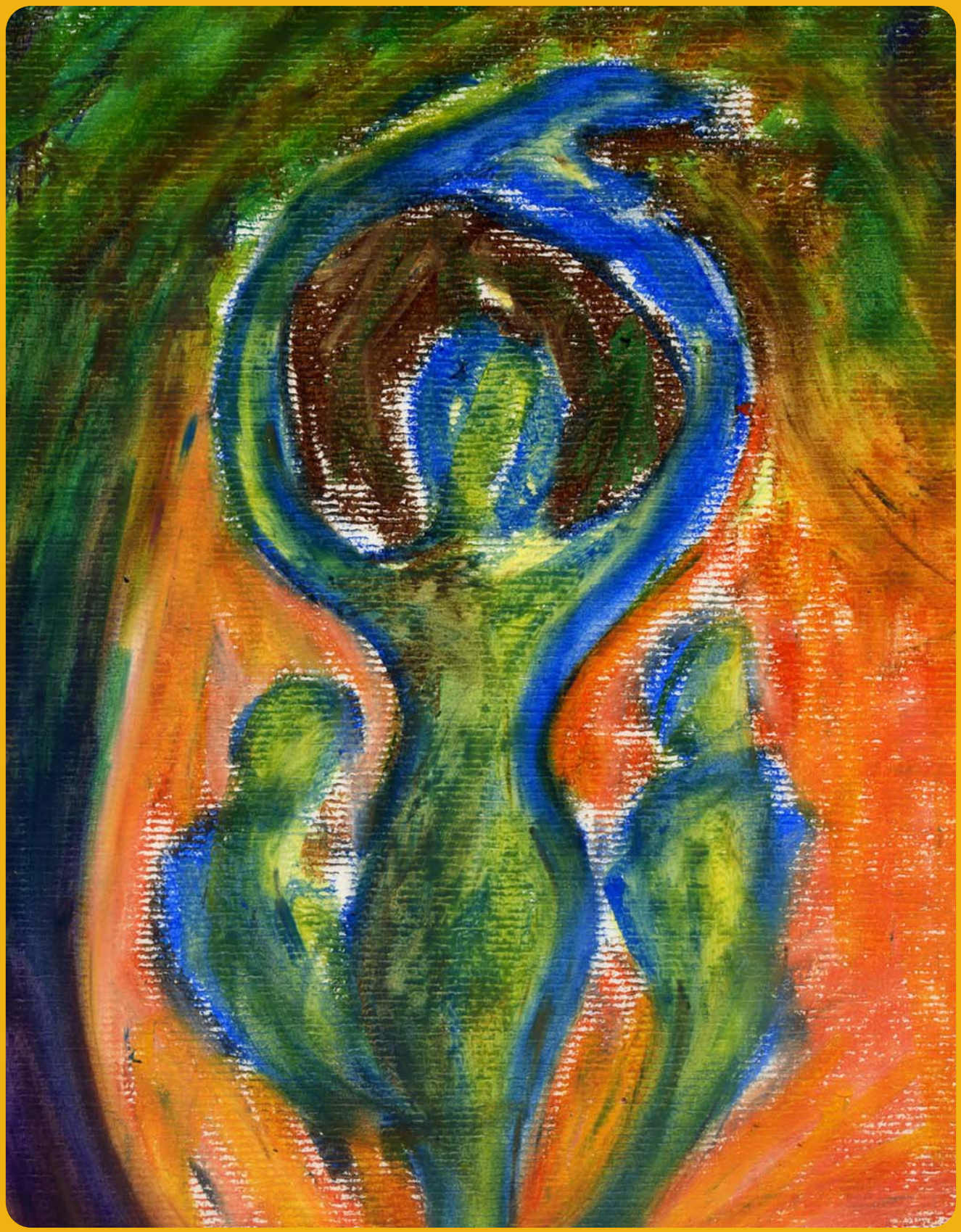
Figure 8.8: Conceptual framework



What governments can do

- Pledging to mainstream gender in all information, communication and media laws.
- Pledging statutory regulatory authorities, and encouraging self-regulatory authorities, to use whatever leverage they have at their disposal, especially in relation to publicly funded media, to ensure gender accountability. This could include requiring gender balance and sensitivity in institutional structures as well as editorial content part of licensing agreements, as well as annual reports stating progress in this regard.
- Pledging to ensure that gender will be mainstreamed in all publicly funded media training institutions, and encouraging privately funded media training institutions to follow suit.

- **Publicising and setting specific targets:** The SADC Protocol on Gender and Development sets one useful specific target for the media: 50% women in media decision-making in 2015. This and the Glass Ceiling Study findings will be a powerful tool for lobbying for women's equal participation in media decision-making. But these targets need to be extended to media content.
- **Taking a fresh look at training:** There have now been several different approaches to gender and media training in the region. The specific references to training in the Protocol provide a powerful tool for holding media training institutions, many of which are state funded, accountable. The pioneering work by the Polytechnic of Namibia on mainstreaming gender into media education needs to be replicated across the region, in line with this provision in the Protocol.
- **Foregrounding citizens and consumers:** The Gender and Media Audience Research (GMAS) that GL, MISA and GEMSA undertook in 2006 and media literacy place a new focus on the power of consumers while the work by GEMSA in raising media alerts shows how this muscle can be flexed.
- **New areas of research:** While making an enormous contribution to gender and media discourse, the GMMP and GMBS have also highlighted the limitations of focusing solely on the news when it comes to highlighting gender imbalances in the media. The Mirror on the Media project has opened new areas of enquiry, such as radio talk shows, advertising and tabloids. There is need to broaden research to include other genres and areas of media operation such as community media.
- **Media activism:** Among the most valuable contribution of gender and media networks has been in organising campaigns like the Sixteen Days of Activism on Gender Violence in which activists help the media to create gender aware content. Practical tools like the use of IT and the GEM Commentary Service that literally provides "fresh views on every day news" to busy editors get us out of the theory and into the action. Studying the different strategies that GEMSA chapters have employed, honing in on these and adapting them, will be an important focus of the 2010 GEM Summit.
- **ICTs** Support and resources for ensuring that women have greater access to and can use NICTS for their own empowerment and to conduct gender justice campaigns is a key priority. This should include support and resources for gender and media networks, especially their efforts to use ICTs in cost effective, dynamic ways that increase access and applications; contributing to better e-governance, citizenship participation and policy responsiveness, especially for and by women.
- **Co-ordination and reflection:** While partnerships, networks, and "networks of networks" have been a the core of the progress made so far in the region, these are also demanding and at times lead to confusion about roles, responsibilities and ownership of specific programmes and projects. There is need to set aside time and resources for co-ordination, governance, effective institution building and reflection. In particular, the recent launch of the Gender and Media Centre (GMDC) by media development NGOs and knowledge institutions in the region provides an institutional home for the many activities, writing, research, debates and seminars that will continue to be generated in the long road ahead to achieving a society in which - to borrow the GEMSA slogan - "every voice counts" and we can "count that it does."



"Isabella"

Anushka Virahsawmy

CHAPTER 9

Implementation

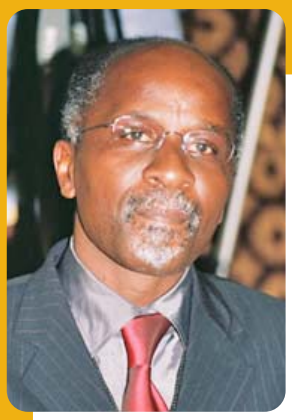
Article 32-36



Members of Parliament at a SADC Parliamentary Forum Workshop on gender mainstreaming
Photo: Colleen Lowe Morna

KEY POINTS

- 12 out of the 15 countries have signed the Protocol.
- None of the SADC countries have ratified the Protocol.
- Implementation is lagging in countries with political unrest such as Zimbabwe and Madagascar.
- 14 of the 15 countries have active involvement with civil society organisations.



SADC Executive Secretary, Tomaz Augosto Salomao

Articles 32-36 are grouped under "final provisions." These cover:

- The remedies that citizens are entitled to should they feel that their rights have been violated on the basis of gender.
- Ensuring gender mainstreaming in financial allocations and in the implementation of the Protocol.
- The institutional arrangements to be established by the SADC Secretariat for the implementation of the Protocol that include a Committee of Ministers Responsible for Gender/Women's Affairs; Committee of Senior Officials Responsible for Gender/Women's Affairs and the SADC Secretariat.
- Actions to be taken at the national level, including national action plans, with measurable time frames, and the gathering of baseline data against which progress will be monitored and reports submitted to the SADC Executive Secretary every two years.
- Mechanisms for the settlement of disputes through the SADC Tribunal.
- The fact that any party may withdraw from the Protocol after submitting twelve months notice.
- Ways in which amend-ments can be made to the Protocol.
- Signature of the Protocol.
- Ratification; entry into force within thirty days of two thirds of the member states. depositing Instruments of Ratification.
- The fact that the Protocol remains open for accession by any Member State.
- The depositing of the instrument with the Executive Secretary of SADC who shall register.

At this early stage it is difficult to assess all the above provisions, since the Protocol has not yet been signed by all countries, let alone ratified or come into force. However, this chapter assesses progresses with regard to signing and ratification on the eve of the September 2009 summit in the DRC, as well as the gender management systems put in place at national level, since these are key for implementation.

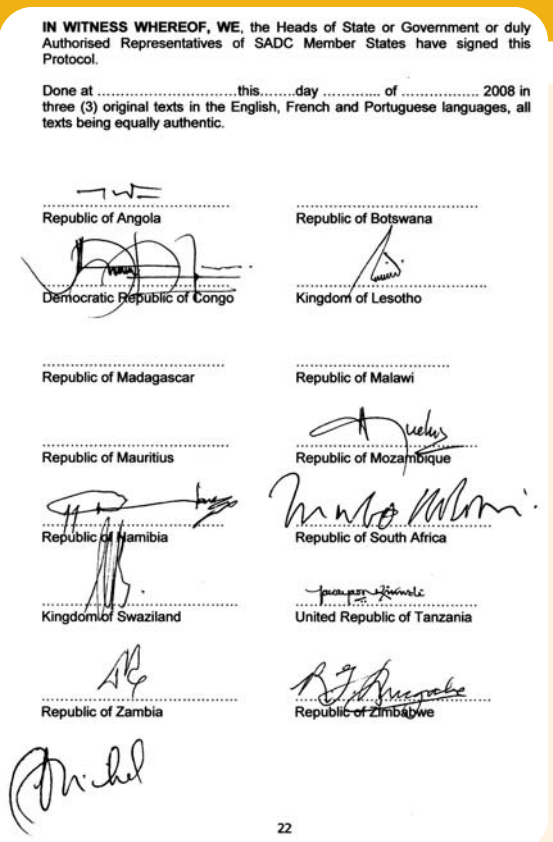
Signing

Article 39 provides that the Protocol shall be duly signed by the authorised representatives of Member States.

In August 2008, 11 out of the 15 SADC countries signed the Protocol. Madagascar followed suit soon after, bringing the total number to 12. On the eve of the September 2009 Heads of State summit, Botswana, Malawi and Mauritius had not signed the Protocol. As the discussion below reflects, this does not necessarily reflect less commitment on the part of the three governments. Rather, it reflects the fact that there are certain aspects that these three governments are studying closely so as to be sure that they can sign up to commitments that they are able to deliver on. Pressure from civil society to get governments to sign the Protocol is strong in all three countries.

Botswana has not yet signed the protocol as it has reservations concerning the mandatory language and the commitment to timeframes. Despite ongoing lobbying activities by the gender sector in Botswana, there is no direct sign of intent to signal the Protocol. The president of Botswana, Sir Ian Khama, has declared on several occasions that he supports the basic tenets of the Protocol as reflected in the following excerpt of a statement made to the Women's wing of the ruling Botswana Democratic Party (BDP).





IN WITNESS WHEREOF, WE, the Heads of State or Government or duly Authorised Representatives of SADC Member States have signed this Protocol.

Done at .....this.....day ..... of ..... 2008 in three (3) original texts in the English, French and Portuguese languages, all texts being equally authentic.

Republic of Angola

Republic of Botswana

Democratic Republic of Congo

Kingdom of Lesotho

Republic of Madagascar

Republic of Malawi

Republic of Mauritius

Republic of Mozambique

Republic of Namibia

Republic of South Africa

Kingdom of Swaziland

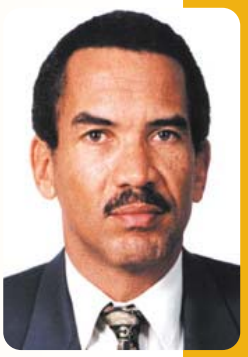
United Republic of Tanzania

Republic of Zambia

Republic of Zimbabwe

22

Botswana President Ian Khama speaks out on the Protocol



Botswana President, Ian Khama

"Fellow Democrats, as you are aware, Botswana is signatory to a number of regional and international instruments amongst them those on gender equality. I stand before you today with the fresh memory prompted by the Parliamentary Women's Caucus when they came to see me a few of weeks ago, on the stance that Botswana took at the last summit when the Protocol on Gender and Development was adopted by SADC member states in August 2008.

My response to them was that Botswana was not ready to sign the protocol basically because of the mandatory language used in crafting most of the clauses that we consider critical. It is my view that, much as the Executive has the mandate to sign international instruments, such commitment should be made only when there is absolute certainty that legislative instruments, local policies and national priorities will not be adversely affected by such action. In the event that new laws may be required as a result of our signing, I consider it only proper that I must make the opportunity available to consult Parliament before I bind the nation.

Be that as it may, I have studied the objectives of the protocol which are; to provide for the empowerment of women, to eliminate discrimination and achieve gender equality through development and implementation of gender responsive legislation, policies, programmes and projects, to address emerging gender issues and concerns; set realistic, measurable targets, timeframes and indicators for achieving gender equality and equity; to name some of the objectives.

Looking at the list of objectives, Botswana has fulfilled most of the requirements in legislative reform as well as socio-economic policies. This is demonstrated largely by the increasing numbers of women, both in government and the private sector who hold executive, director and ambassadorial positions. One other reason why we had difficulty with the protocol is that it commits member states to comply within set time frames, within which certain legislation should be put in place and institutions established. We considered some of the time frames unrealistic, and some of the measures have serious resource implications that we cannot guarantee.

Other international instruments allow member states to sign and register their reservations on clauses that they are uncomfortable with. This option was not available to Botswana since the SADC Treaty does not allow for adoption of any Protocols with reservations. These are our reasons for not signing. Let me reiterate that, Botswana identifies with and is committed to the objectives of the SADC Protocol on Gender and Development. Our policies and programmes as well as resources allocated to the sector demonstrate this and will continue to do so. I must however reassure you, that as Botswana, we do agree with the spirit of the protocol. Our intention therefore, is to continue to study its provisions, and use our best endeavours to act within that spirit. In this way, I believe, we would be placing ourselves in a position that brings us closer to becoming a party to the protocol."
(Speech at the BDP Women's Wing Congress 2009)

Gender focal points have been established in ministries and this is expected to promote ownership of the Policy on Women in Development (WAD 2002). The Gender and Development sector has established a roadmap on the Protocol. This reflects the fact that whether the Protocol has been formally adopted or not, gender activists in Botswana are determined to forge ahead with implementation of its provisions.



While ***Mauritius*** has yet to sign the Protocol, NGOs are tirelessly lobbying the government.The Mauritian Office of Gender Links has written letters to the Prime Minister, Minister of Foreign Affairs and the Minister of Women's Rights, Child Welfare and Family Development to ask them when the Protocol will be signed. On 13 May 2009, the Secretary for Foreign Affairs A.P. Neewor wrote to GL Mauritius and Francophone office director Loga Virahsawmy:

REPUBLIC OF MAURITIUS

MINISTRY OF FOREIGN AFFAIRS, REGIONAL INTEGRATION AND INTERNATIONAL TRADE

RC/SADC/28/10 13 May 2009

Mrs Loga Virahsawmy

"You may recall that at the SADC Summit in Sandton in August last Mauritius did not sign the Protocol since it provides for positive discrimination which is not in line with our Constitution. Nevertheless, we are examining how to address this legal constraint and how special provisions can be added for Mauritius."

I acknowledge receipt of your letter of 24 April 2009, addressed to Dr. the Hon. Arvin B

2. I appreciate your concern with regard to the SADC Protocol on Gender and Development.

3. You may recall that at the SADC Summit in Sandton in August last Mauritius did not sign the Protocol since it provides for positive discrimination which is not in line with our Constitution. Nevertheless, we are examining how to address this legal constraint and how special provisions can be added for Mauritius.

4. Thanking you for your kind cooperation and understanding.

Yours sincerely,

A. P. Neewoor
Secretary for Foreign Affairs

As in ***Botswana***, gender activists in Mauritius are drawing up action plans in line with the targets in the Protocol even as their government ponders how to enter into this agreement. They are also employing additional tactics to disseminate the Protocol's main points, including the use of different forms of media and outreach. Since 28 May 2009, the MBC Radio has embarked on a talk show radio programme which is held twice weekly and enlists experts, government officials and NGOs to talk about the provisions of the Protocol. Through this radio programme, more Mauritians are becoming aware of the Protocol. Gender Links Satellite Office with the collaboration of Women in Networking has launched the DVD "Road Map to Equality - SADC Protocol on Gender and Development" to raise awareness of the Protocol.



In the case of ***Malawi***, The Ministry of Women and Child Development has explained that the State President, Dr Bingu Wa Muntharika, failed to sign the Protocol as he had left the meeting early.



Ratification

The Protocol states that it shall be ratified by the Signatory states in accordance with their Constitutional procedures and shall enter into force 30 days after the deposit of instruments of Ratification by two thirds of the Member States.



At the time of the 2009 Heads of State summit (one year after the signing of the Protocol), none of the countries have yet to ratify this instrument. Some are closer to this goal than others, and there are many cases of the Protocol being translated into some good practices at civil society and community level. Nevertheless, the lack of ratification proves frustrating for those who wish to see the advancement of its mandates. The fact remains that ministries, civil society organisations and NGOs will all have to continue pressing forward to see this goal met. Gender focal persons should be given well spelt out terms of references and be involved in planning and implementation of programmes and activities at all levels of government.



In ***Lesotho***, the process to ratify the document requires the Ministry of Foreign Affairs to submit a paper to Cabinet for consideration. In the interviews conducted for this research, it is clear that no action is being taken by any of the relevant parties.



The ***Seychelles*** also leave us with many questions and few answers about its ratification of the protocol. The Seychelles Gender Commission (formerly the Seychelles Women's Commission) which is a grouping of 10 women's NGOs could not inform the researcher on specific actions being done to advance the Protocol. Additionally as the ratification process can be rather lengthy, it seems there may be a lack of clear-cut ways forward for a substantial amount of time. The relevant Ministry must submit a proposal to the Cabinet of Ministers, the Cabinet then approves and afterwards the President assents. The proposal is then forwarded to the National Assembly where it is presented, debated and voted on. Thereafter the decision is passed back to the Ministry of Foreign Affairs who registers the proposal as having been ratified.

As in these examples, all of the SADC government machineries require an intricate, complex and time consuming process, which creates much room for roadblocks along the way. While the names of these administrations may vary, the ruling principals remain the same, and in general involve approval through and between some variation of Parliament, Cabinet and Deputy Ministers. In the case of Namibia, public input is required.

NGOs play a key role: In most countries NGOs are playing a key role in pressuring government entities to make good on their promises. In South Africa, Gender Links is co-ordinating the baseline assessment by which to hold governments accountable and to enable civil society to track the progress made by SADC member states towards achieving the set targets in the SADC Protocol on Gender and Development. NGOs in the region need to continue to develop and employ lobbying and advocacy tools targeting national governments and regional bodies to deliver on the Protocol commitments. This activism extends to countries in the region in conflict and emerging from conflict.

Silver lining to political uncertainty?

Political uncertainty can present challenges as well as opportunities. Whilst conflict of any kind is disruptive, it can also create an opportunity for re-evaluation and reform, and this can benefit women and girls. Old ideas and protocols can be thrown aside, and new and more relevant structures adopted. In the case of women's rights, this brings hope for a more thorough implementation of the Protocol and its ideals at country level. In addition, it affords opportunities for pro-gender activists to introduce proposals in the basic texts and political practices.



For ***Zimbabwe***, the greatest challenge in implementing the Protocol is that the Constitutional Reform process has overtaken and overridden all the other existing agendas. However, this also could be hopeful for the long term. On this front, NGOs are pushing for the provisions of the Protocol to be incorporated into the new Constitution.



In ***Madagascar***, as Parliament is currently suspended, the ratification process cannot be completed. Moreover, during the current crisis, networks and movements for the promotion of gender are constantly working to influence the actors of various bodies (the transitional authorities, various political parties, delegations at negotiations) to promote increased representation of women at all levels in the conflict resolution and the preparation of the post-crisis phase. At the time of writing a joint mediation team had invited the leaders of the four main political parties to a meeting in Maputo, Mozambique.

In this context, a National Malagasy women movement called *"Vondrona Miralenta ho an'i fampandrosoana VMLF"* has been established with the active involvement of the Alliance focal point. This umbrella group is demanding that:

- 30% of all the posts are given to women during the transition, for each political camp.
- The voices of women should count and be listened to.
- Women should be represented by 30% in the National reconciliation Council
- Women should be 30% of all the executive and legislative bodies to be formed.



The ***DRC*** presents another opportunity to dramatically re-evaluate the status of women and the agenda of women's equality. While the war and its effects on women in DRC seem far from hopeful, the end of the current crisis could create a new opportunity for women. Examination of the Protocol by media professionals, women's associations, human rights activists, submission of the French version of the SADC Protocol to the Ministry of Gender, Family and Children and awareness of gender focal points by GEMSA/ DRC have all taken place.

The same could be said for post-conflict countries such as Angola and Mozambique. Mozambique might serve as a positive example for women to have increased representation. NGOs are actively involved in the National Council for the Advancement of Women and are pushing for the adoption of many legal instruments concerning women's well being. As an example, Forum Mulher was in the forefront in the lobbying for the approval of the Domestic Violence Law which came into place in 2009.

Table 9.1 shows that while none of the countries have ratified the Protocol, they are all making some effort to begin adhering to its principles. Even as these efforts might not be as far along as one would hope, the table indicates that there is momentum across the region. Even in countries where the Protocol remains unsigned, they are implementing comparable strategies to meet the 2015 deadline.

At a glance

- Thirteen countries have a national policy on gender. Seychelles does not have such a policy and in the case of Malawi the gender policy is awaiting approval.
- Nine have a full gender ministry; in five instances gender or women's affairs forms part of another ministry. Five of the countries use the term "gender" in their ministry title, four include "children", two include the word "family", three include "community" or "social development", and only two are solely dedicated to "women" and/or "gender" with no additional piggy backing.
- Half have gender focal point in all line departments.
- Nine have a gender structure in Parliament.
- All but one have active collaboration with civil society.
- Eight have a plan for domestication, while seven have a plan for popularisation.
- Nine have National Action Plans with measurable time frames.
- Two have analysis of baseline data against which to base a report in 2010.
- Three feel they are prepared for the first report next year.



While the structures, frameworks and processes are still patchy, there are some bright spots on the horizon. ***South Africa*** through its African National Congress-led government has already started a massive campaign towards the equal participation of men and women in all spheres of life in order to close the gaps that were created by apartheid and a poor policy and legal framework that did not protect the rights of women. Currently, South Africa is acknow-ledged globally and nationally as having made significant progress as far as several spheres in the Protocol are concerned. The extent to which the provisions in the Protocol are taken seriously is difficult to judge, but in- country civil society continue to put the Protocol and its provisions on the radar of all government departments that it engages with. The follow through on gender commitments during the elections made by the ruling party implies that they too are committed to advancing gender in the country and across all spheres.



Mozambique has taken steps towards implementation of the provisions of the Protocol, by setting up structures to implement the protocol. All ministries have a representative at the National Council for the Advancement of Women.



Zambia has demonstrated political will in seeing the Protocol ratified and implemented. Zambia needs to allocate appropriate funding for gender related activities because without funding, implementation is almost impossible. Since the National Gender Policy is already in place, Gender Focal Persons have been identified in all ministries and provinces, a Parliamentary Committee on Human Rights and Gender is in place and a department of Gender in place, there is a need for proper co-ordination of the machineries to more gender forward, including a full Ministry of Gender so as to have sufficient human resources to implement all activities.



In ***Tanzania***, the main challenges in addressing gender equality are in the contradictions of different laws and ideologies. The Constitution that forms the main binding legal entity was drawn under one party, socialist ideology. However, Tanzania is a multiparty state and has adhered to a liberal competitive economy including privatisation and capitalistic aspirations. Therefore, profit making is valued over social concerns. The question of equality and women's rights might remain within the confines of government structures alone, and since the government has withdrawn from direct implementation, this remains a problem.

Actions at the National Level

The Protocol states that state parties shall ensure the implementation of the Protocol at the National level. They shall also ensure that national action plans, with measurable time frames are put in place, and that national and regional monitoring and evaluation mechanisms are developed and implemented. They shall collect data against which progress

Table 9.1: National gender

Country	National Gender Policy	Gender Ministry	Gender focal points in all line departments	Gender structure in parliament
Angola		Minister of Women and Family Affairs		
Botswana	Policy of Women in Development 1996	Women's Affairs Department	**Some**[73]	**No**
DRC	National Policy of Gender Mainstreaming and the Promotion of Women, Family and the Protection of the Child	Minister of Gender, Women and Children	**Yes**. Gender focal points to be put in place in state services and civil society which is being supported by the National Women's Council	**Yes**. The two chambers of parliament each have a Gender Commission
Lesotho	**Endorsed by Cabinet in 2003**	Ministry of Gender, Youth Sports and Recreation	**Yes**[74]	**No**[75]
Madagascar	PANAGED	**No**	**Some**[76]	**No**
Malawi *Has not been signed	**Awaiting approval**	**Yes**	**Yes**	**Yes**. Women's caucus
Mauritius *Has not been signed	**Yes**	Ministry of Women's Rights, Child Development and Family Welfare	**No**	**No**
Mozambique	National Gender Protocol	Ministry of Women and Social Action	National Council for the Advancement of Women	**Yes**. Parliamentary Women Cabinet; Committee on Social Affairs, Gender and Environment
Namibia	**Yes**	**Yes**	**Some**. Ministry of defence, Trade, Promotion of Women in Economic Spheres	**Yes**. Parliament; National Council Women Caucus
Seychelles	**No**	Gender Secretariat, Department of Social Development	**Yes**[77]	**No**
South Africa	**Yes**	Ministry of Women, Youth and People with Disabilities	**Yes**	**Yes**
Swaziland	**Yes**	Swaziland Committee on Gender and Women's Affairs in the Ministry of Home affairs	**Yes**	**Yes**. Women's caucus
Tanzania	**Yes**	Ministry of Community Development, Gender and Children	**No**[78]	**Yes**. Women's caucus
Zambia	**Yes**	Gender in Development Division	**Yes**	**Yes**. Parliamentarian Committee on Human Rights and Gender
Zimbabwe	**Yes**	Ministry of Women Affairs gender and Community Development	**Yes**. High level Inter Ministerial Committee on Gender chaired By MOWGCD	**Yes**. Women's Parliamentary Caucus

[73] Gender Focal point have been established in Ministries and this is expected to promote ownership of the Policy on Women in Development (WAD 2002)
[74] Participation level is very low.
[75] But informal Women's Cause of MPs
[76] Various departments of the Ministries have each, at a time, a gender focal point.

in achieving targets will be monitored. They shall submit reports to the Executive Secretary of SADC once every two years, indicating the progress achieved in the the implementation of the measures agreed in the Protocol. The Executive Secretary of SADC shall submit the progress reports to Council and Summit for consideration.

machinery and processes

Active collaboration with civil society	Plan for domestication/ popularisation of the Protocol?	National action plans with measurable time frames	Analysis of baseline data against which a report will have to be submitted in 2010	Preparedness for first report next year
Yes. Civil Society organised in the Gender & Development Sector	**Yes**. Roadmap by the Gender & Development sector			
Yes. RAF, Caucus des Femmes, CAFCO, REFEMP	**Yes**	**No**	**No**	
No	**Yes**	**Yes**. The Fifth Country Programme Of Cooperation Between The GOL And UNFPA 2008-2012	**No**	**No**
Yes. PANAGED is made up of NGOs and associations, the private sector, training institutions and the media.	**No**	**Yes**. MAP	**No**	**No**
NGO gender co-ordination Network	Ministry of Women and Child Development and the NGO-GCN Network	**Yes**	Partial data by NSO	
Some	**No**	**No**	**No**. Protocol unsigned	
Yes. *Forum Mulher*; Women, Law and Development; Faith Based Organisations; Confederation of Private Enterprises; and other.	**Yes**	**Yes**	**Yes**. The National Directorate for Woman and the SADC focal point at the Ministry of Woman and Social Action	**Yes**. The Ministry presents an annual report to the council of ministries, and a bi-yearly report to the National Council for the Advancement of Women
Yes	NANGOF working with Ministry of Gender	**Yes**	**No**	**No**
Yes	The Gender Secretariat is currently working on the cabinet memorandum on the SADC Protocol.	Cabinet memorandum being prepared.	Cabinet memorandum being prepared.	Dependent on depth of information
Yes	**No**	**Yes**		
Yes, through the Gender Consortium			**No**	
Yes	**Yes**. Domestication **No**. Popularisation	**Yes**. National Plan of Action to Combat Violence Against Women and Children[79]	**Yes**. Such as the developing of the GBV bill	**Yes**
Yes	**Yes**[80]	**Yes**		**Yes**
UN Gender Thematic Group co-chaired by MOWAGCD	**Yes**	**Yes**. National Gender Policy Implementation Strategy and Workplan		

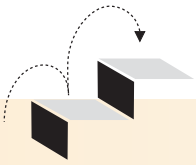
[77] In most cases.
[78] Not at departmental level, but at the sector level.
[79] However, effective implementation of this plan is hindered by indadequate funding and the lack of a comprehinsive legal aid system for women
[80] More needs to be done to spearhead the process. NGOs are already lobbying the government to ratify the protocol and mainstream it in national programmes.



In ***Botswana*** gender mainstreaming within government has still to take root. It is difficult to drive the gender equality agenda in the country as reporting on regional and international commitments such as CEDAW is inconsistent.

In ***Lesotho***, there is no strong collaboration with non-state-actors towards and driving the processes of implementation of the Protocol. Though there is activity around implementation of some of the Protocol provisions the Ministry of Gender it is not gearing up to prepare the first report next year.





Next steps

Gender related problems persist… because equality in higher strategic needs have not yet been achieved between the genders. This has resulted in the fact that the condition of women and men have changed, i.e. economically active and educated, but their position has not. A symptom of this is the high prevalence of domestic violence, even amongst highly educated and wealthy women. This is because sustainable empowerment is facilitated by not only the provision of equal rights in public life but also equal rights in private life, necessitating a change in the beliefs and attitudes of every individual. Otherwise we will fail to effectively address the underlying root causes of these gender related problems and continue to put our efforts and resources into addressing their symptoms.
-National Gender Secretariat, Seychelles, (2008)

- **A comprehensive plan for ratification of the Protocol:** The biggest single technical obstacle to the implementation of the Protocol is the fact that it has not yet been ratified. There is need for the Alliance to draw up a comprehensive lobbying and advocacy strategy around the ratification of the Protocol especially within each country.

- **Workshops on the baseline study at national level** to fill information gaps at country level and help guide actions to be taken on the best strategies for filling the gaps identified.

- **A plan for monitoring and evaluation** including an updated database of resources, and tracking mechanisms.

- **Costing bills, acts, policies and developing implementation strategies** to facilitate implementation. Further, legislation and policy implementation strategies should be developed with timelines to ensure that regulation get translated into practice and officials are easily called to account.

- **Enhancing sector co-ordination** as the current co-ordination system is fragmented and gender equality needs to become a cross cutting issues across all governmental ministries and departments.

- **In countries undergoing political transitions:** The rapid dissemination of information about the Protocol to ensure that it begins to be used as the basis of its lobbying efforts for a new constitution for the country.

- **Capacity-building** for civil society in its actions, namely lobbying of political elites to advance the country towards the goals of gender and for the government and political parties in the formulation, implementation, monitoring and evaluation of policies for integrating gender in development.

List of interviews

Annex A

NAME	DESIGNATION
Botswana	
I. Molokomme	Researcher, trainer and consultant
Elsie M. Alexander	University of Botswana, GPPC/WILDAF
Maungo Mooki	Lifeline
Game Mokondo	Women's Affairs Department
Pelonomi Letshwiti	GEMSA Botswana
Tirelo Moche-Moroka	University of Botswana/ Kagiso Women's Shelter
Keabonye Ntsabane	Gender Links Botswana / Botswana Media Women's Association
DRC	
Florence Munsala	Conseillère Genre au cabinet du Premier ministre
Pierrot Sidiki	Conseiller en charge des relations avec le Parlement au cabinet du premier minsitre
Aurélie Bitondo	Secrétaire Générale REFAMP (Réseau des Femmes Ministres et parlementaires)
Lesotho	
Mr. Basia Dennis Bless	Programme Officer- Gender, UNFPA
Mr. Retselisitsoe Khetsi	Principal Secretary, Ministry of Labour
Mr. Motlalepula Khobotlo	National AIDS Commission
Mrs Florence Maneo Mohai	Principal Nursing Officer, Ministry of Health and Social Welfare
Hon. Mrs Mathabiso Lepono	MP and Minister of Gender, Youth, Sports and Recreation
Mrs Matau Futho-Letsatsi	Director, Gender Department
Mrs Libakiso Mathlo	National Co-ordinator, WLSA
Mr. Makosholo	Director of Legal Affairs, Ministry of Foreign Affairs
Mrs Limpho Masekese Maema	Gender Co-ordinator - MCA -Lesotho
Mr. Tsebo Matsasa	National Director, MISA - Lesotho
Mr. L.B. Notsi	CEO, Lesotho Chamber of Commerce
Mrs Topollo Matlatsa	Marketing Manager, Lesotho Housing and Development Corporation
Mr. Rethabile Pholo	Information and Communications Officer, IEC
Mr. Theko	Chief Environmental Health Inspector
Mr. Motsamai Mahahabisa	Environmental Officer, MOHSW
Ms Masefinela Mphuthing	Registrar, NULI
Mrs 'Makopano Semakale	Information Officer, MOE
Mrs Mamosa Mohlabula	Programme officer, WLSA
Mrs Ntsebo Putsoa	Principal Lands Officer , LSPP
Mr. Matela Thabane	Programmes Advisor, Irish Aid
Mr. Tseetsa	Lesotho Mounted Police, Crime Prevention Unit Trooper (Crime Prevention Officer)
Mr. Tefo Lepheana	Programme Officer, Lesotho Planned Parenthood Association
Madagascar	
Andriamamonjisoa Nomenjanahary Jaona	Responsable des affaires Culturelles au sein de la Commune Urbaine d'Antananarivo
Andriamboahangy Ramandasoa Jaona	Director of Social Protection and Gender, Ministry of Population
Andrianiana Harivelo Rijasoa	SE/CNLS, Service épidémiologie
Attalah Béatrice	Electoral commission
Lalaharinivo Laurette	Director of Legal Reforms, Ministry of Justice
Ndriandahy Mohamoudou	National Executive Secretary of the National Platform of CSOs in Madagascar
Rabemanantsoa Olga	Adjoint technique, Direction de la Santé de la Mère et de l'Enfant (DSME), MinSanPF
Rabenoro Mireille	Expert on education
Raharison Serge	Secrétaire Général MinSanPf
Rakotondramarina Dimisoa Bell	Responsable de la division recherche INSPC Antananarivo
Ramarosaona Flavienne	Journaliste RNM
Tracoulat Ialfine	President of the Federation of Women and Children's Promotion in Toamasina
	Gender Focal Point SADC
Rakotoarisoa Jean Eric	Vice president for Resources and University Life
Malawi	
Mr Chizaso Nyirongo	Principal Law Reform Officer - Law Commission
Mrs Eddai Chavula	Law Reform Officer - Law Commission
Mr Chidengu Gama	Ministry of Women and Child Development
Mrs B. Kauma	Ministry of Trade - Trade Officer
Mr Francis Mwamadi	Ministry of Trade - SME Development Officer
Dr Mary Shawa	Nutrition and HV/AIDS
Mrs Emmie Chanika	Civil Liberties Committee
Mauritius	
Vijay Ramgoolam	Managing Director
Rama Valayden	Attorney General
Deva Virahsawmy	Secretary General of the Mauritius Labour Party
Mufti Makoojee	Islamic Official
Seebaluck	Crime Unit
D. Potheegadoo	Senior Statistician, Central Statistics Office
Rajesh Bhagwan	Secretary General Mouvement Militant Mauricien (MMM)
Ariane Navarre Marie	Vice President of Women's Wing of the MMM
Irfan Raman	Electoral Commissioner
Vidya Charan	Executive Director of Mauritius Family Welfare Associatin
Dr. Amita Pathack	National Aids Co-ordinator
Mozambique	
Dr. Eduardo Mussanhane	Programme National Co-ordinator - Supporting Citizens in Accessing Justice - Ministry of Justice
Graça Samo	Executive Secretary of Forum Mulher
Celia Buque	National Director of Woman
Ivone Soares	RENAMO Secretary for External Affairs and Spokesperson of Electoral Office
Conceita Surtane	FRELIMO Secretary for Training
Chamu	Head of Strategic Planning Department - Ministry of Public Service
Delfino Jose	National Co-ordinator Domestic Violence Against Women and Children at the Ministry of Interior
Estrela de Jesus Herculano	Ministry of Woman and Social Action
Teresinha da Silva	National Co-ordinator of WLSA
Namibia	
Marlene Mugunda	Minister - Ministry of Gender Equality and Child Welfare

NAME	DESIGNATION
Sirrka Ausiku	PS of the Ministry of Gender
Victor Shipo	Director Ministry of Gender
Hon Pendukeni Ivula-Ithana	Minister for Justice
Ms Maria Imalwa	Advocate in the Ministry of Justice
Prof Peter Katjavivi	
Mr Mbango	Director - National Planning Commission - Chamber of Bureau of statistics
Dr Malan Lindeque	Ministry of Trade-PS
Steve Motinga	Director of Trade
Chairman:Mr Victor Tonchi	Namibia Electoral commission
Inspector Landsberg	Women and Child Protection UNIT
Commissioner: Vilbard Usiku	Director Equity Commission of Namibia
	Chief whip of Government Hon Booys
General:Tsudao Gurirab	Congress of democrat Secretary
Acting: Mr Atshipara	Chief control officer: Ministry of Land
Tessa Siu	Senior research officer, Gender Secretariat
Michelle Marguerite	Research officer Social Development Department
Lindy Nancy	Probation Officer
Nady Marie	Senior Economist, Foreign Affairs
Peggy Azemia	Reproductive Health Programme Manager
Juliette Henderson	Director Family Health and Nutrition
Rosie Bistoquet	AIDS Programme Manager
Dr Anne Gabriel	Chief Medical Officer - Community Care
Fiona Ernesta	Director General Technical and Further Education
Merida Delcy	Director General for School
Ivy Edmond	Programme Co-ordinator for Women, SPPF
Regina Alcindor	Gender Officer SNP
George Bibi	Secretary General DP
Wavel Ramkalawan	Leader SNP
Veronique Adeline	Curator SPPF Archives
Micheline Bamboche	Employment Officer
Michel Mellie	Principal Statistician, NSB
Louis Loizeau	Marketing Manager, SEnPA
Michel Figaro	Senior Officer, SEnPA
Ms. Sanders	Employment Officer, Industrial Relations
Marc Benstrong	Auditor General
William Zarine	Director, Business Retail
Mary Decomarmond	Auditor, DBS
Linetta Joubert	Director, Agricultural Agency
Michelle Fock-Yune	Principal Management Audit Officer, DPA
Marie-Nella Azemia	Chair, Gender Commission
Swaziland	
Ms. Hazel Zungu	Secretary General - Swaziland National Commission for UNESCO
Ms. Fikile Dlamini	Deputy Secretary General Teacher Service Commission
Ms. Thembi Dlamini	Care and Support Co-ordinator - NERCHA
Mr. John Hlophe	Snr. Health Desk Officer, Acting Director Educational Guidance
Ms. Lineo Vilakazi	Educational Specialist UNICEF
Ms. Cynthia Hlophe	Head of Department Languages and ART
Mr.Robert Fakudze	Statistician, Ministry of Labour
Mr.Jabulane Tshabalala	Head EMIS Unit, Ministry of Education
Ms.Zandile Matse-Dlamini	Attorney, Minsitry of Justice and Constitutional Affairs
MS.Bonsile Nhlabatsi	PMTCT Co-ordinator, Sexual Reproductive Health Unit
Ms.Sizakele Hlatshwayo	Gender Expert, Co-ordinating Assembly of NGO's
Ms.Lombuso Ndzabandzaba	Criminal Investigation Unit, Police
Ms.Lekinah Magaula	Domestic Violence and Child Protection Unit , Police
Ms. Nonhlanhla Dlamini	Gender Co-ordinator, Deputy Prime Minister's Office
Ms. Zakhe Hlanze	Full Time Research Associate WLSA
Mr. Bheki Vilane	Acting Programmes Manger SWAGAA
Mr.Bonginkosi Sengwayo	UNDP Gender
Ms.Meketane Mazibuko	Gender Co-ordinator, Lutheran Development Service (LDS)
Ms. Nonhlanhla Dlamini	Former Director SWAGAA, Member of Parliament.
Ms. Ncane Maziya	GEMSA Co-ordinator
Ms.Lungile Magagula	Head of Department, Justice, Peace and Reconciliation, Council of Swaziland Churches
Ms.Maureen Magwaza	Gender Officer, Council of Swaziland Churches
Ms. Sakhile Dlamini	Process Administrator CEDAW Implementation Project
Zambia	
Mr. Christopher S. Chileshe	Acting Chief Planner
Mr. William Nyundu	AG. Senior Planner
Mr. Beaton S. Kaluba	Principal Systems Analyst
Mr. Samuel Mutale	Specialist-Information Management
Mr. Alex Baba	Planning Officer (Policy and Research)
Mr. Darison Siasumo	Chief Lands Officer
Ms. Yvonne Chembe	Advocate
Ms. Matrine Chuulu Bbuku	Executive Director
Mr. Nicholas Bwalya	Information Officer
Zimbabwe	
Caroline Matizha	Director Gender Ministry of Women Affairs Gender and Community Development
Freeman Dube	National Aids Council Research and Documentation Co-ordinator
Dzviti P.Z.	Director Labour Administration Ministry of Labour
Idzayi Gweme	Education Officer Research and Evaluation and Girls Education , Gender Focal person
Arina Manyanya	Deputy Director - Gender Focal Person Ministry of Finance
Mutembwe	Director Curriculum development Ministry of Education
Mugijima Beauty	President Zimbabwe Chamber of Informal Economy Association
Matipano	
Muchawa Emilia	Executive Director Zimbabwe Women Lawyers Association
Priscilla Chipinduro	Gender Focal Person Ministry of Small to Medium Enterprises

Bibliography

General:
AVERT Statistical Database
Millennium Goals Database
World Health Organisation database
UNAIDS Statistical Database
GBV:
Irin News, (September 2009) 'Southern Africa: Human trafficking on the upswing'.
UNFPA, (2008) *'State of the World's Population', New York,* UNFPA Reports
USAID, (2009) *'Case Study: New Law Targets Trafficking in Mozambique'*, Washington, USAID Reports
HIV and AIDS:
AVERT, (2009) Statistical Database
GEMSA, (2009) *'Regional Care Work Report*', Johannesburg, GEMSA
International Labor Organization, (2001) *'An ILO code of practice on HIV AND AIDS and the world of work',* Geneva, ILO
Kaiser Family Foundation, (2008), AIDS Factsheet
http://www.kff.org/hivaids/7391.cfm (Accessed 17/07/09)
SADC Parliamentary Forum, (2007) *'HIV AND AIDS Framework',* Gaborone, SADC
UNAIDS, (2000) *'Caring for carers: managing stress in those who care for people with HIV and AIDS',* Geneva, UNAIDS
UNAIDS, (2008), *'Report on the Global AIDS Epidemic',* Geneva, UNAIDS
UNIFEM (2008) *'Transforming the National AIDS Response: Mainstreaming gender equality and women's human rights into the "three ones"',* New York, UNIFEM
WHO (2002) *'Community Home Based Care in Resource Limited Settings: A Framework for Action',* Geneva, WHO
Health:
Anderson, B (2005), *Reproductive Rights: Men and Women's Shared Responsibility,* Seattle: Jones and Bartlett
Beyond Inequalities (2008), *Women in Southern Africa,* Harare, SARDC
B, Klugman (1998), *'Women's Reproductive Rights in South Africa: A Shadow Report',* New York, Centre for Reproductive Rights
International Conference on Population and Development (1999), *'Key Actions for the Further Implementation of the Programme of Action of the ICPD - ICPD+5',* New York, UNFPA
Ondeko, R., Purdin, S. (2004), 'Understanding the Causes of Gender Based Violence', *Forced Migration Review* 19(30): Jan. 2004
Tunbo, D. et al (2009), *'Multiple and Concurrent Sexual Partnerships in Zimbabwe',* Harare, One Love



Angola:

CEDAW (2004a), *'Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, combined fourth and fifth periodic reports of States Parties',* Angola, CEDAW/C/AGO/4-5.
Conselho para o Desenvolvimento da Pesquisa em Ciências Sociais em África (2006) 'Desenvolvimento de políticas públicas para a inserção da mulher angolana no mercado de trabalho', Luanda, Angola
Development Workshop Angola (2008), 'Housing Microfinance: Rebuilding Angolan Communities After Conflict', Housing Microfinance Conference, Dar es Salaam, 22 May 2008
http://www.finmarktrust.org.za/documents/22_Cain_conflict.pdf retrieved 17/07/09
Ducados, H. (2004), *'Angolan women in the aftermath of conflict'*, London, Conciliation Resources www.c-r.org/index.php Retrieved 18/07/09
Giovarelli R (2007), *'Angola, Women and Land Issues, Desk Study for the USAID/Angola Land Tenure Strengthening Project',* Luanda, USAID
IFAD (2002), *'Angola – A Review of Gender Issues in Support of IFAD's COSOP Formulation Process and Field Diagnostic Study',* Report No. 1328-AO, International Fund for Agricultural Development
Ministry of Health, (1997), *'National Family Planning strategy'*, Luanda, Angola
Ministry of Health, (2003), *'Angola National Strategic Plan on HIV and AIDS 2003-2008',* Luanda, Angola
Precious S, (2008) *'The Compendium of key documents relating to human rights and HIV in Eastern and Southern Africa',* Pretoria, UNDP and Pretoria University Law Press
Rural Development Institute,(2009) *'Angola Country Report'* http://www.rdiland.org/PDF/RDI_Angola_Report_0709.pdf 21/07/09 Retrieved 16/07/09
UNAIDS, (2008) *'The HIV Epidemic in Portuguese Speaking Countries: Current situation and Future Perspectives Towards Universal Access for Prevention, Treatment and Care',* Geneva, UNAIDS
UNFPA, (2003) 'Strengthening the Education System in Angola to Combat HIV/AIDS', Luanda, Angola http://www.ao.undp.org/HIV%20Project.htm Retrieved 19/07/09
UNICEF Media Center (2005), *'Angola starts actions in favor of OVCs',* Luanda, Angola http://www.unicef.org/angola/media_2197.htmlRetrieved 19/07/09
UNIFEM, The Ministry of Family and the Promotion of Women (2008) 'Angola Joint Gender Programme Midterm Review', 2008, UNIFEM Southern Africa, UNIFEM
USAID (2000), *'Women in Angola: An update on Gender Based Barriers and Opportunities for Democracy and Governance Work',* New York, USAID
Acts:
Angola Abortion Policy
www.un.org/esa/population/publications/abortion/doc/angol1.doc Retrieved 17/07/09
Angola Constitution http://www.eisa.org.za/WEP/ang5.htm Retrieved 16/07/09
Angola Nationality legislation http://www.unhcr.org/refworld/type,LEGISLATION,,AGO,3ae6b4df34,0.html Retrieved 16/07/09
Family Code 1987



Botswana:

Alweshie, S.T., Andersen, J., Machacha, L., Adjah, C.K., (2003), *'Draft Report on Mainsteaming Gender into Vocational Educational and Training in Botswana, submitted to Botswana Training Authority',* Gaborone, Botswana
BCP/BAM, (2009), *'BAM and BCP Manifesto 2009-2014'.* Gaborone, Botswana
BDP, (2009), *'BDP Party Manifesto 2009-2014',* Gaborone, Botswana
BNF, (2009), *'BNF 2009 General Elections Manifesto'.* Gaborone, Botswana
BIDPA/UNECA, (2008), *'The Progress of Good Governance in Botswana 2008 – Final Report of the UNECA Project measuring and Monitoring Progress Towards Good Governance in Africa; The African Governance Report II (AGR II)'.* Gaborone, Botswana
BOCONGO, Gender Links, GEMSA, (2007), *'Draft Botswana 365 Day National Action Plan to End Gender Violence',* Gaborone, Botswana
Botswana Police Service, (2008), *'Report on the Handling of Gender Based Violence – Cases by the Botswana Police Service'* Prepared for Women's Affairs Department (WAD) – Ministry of Labour and Home Affairs, Gaborone, Botswana
CSO, (2002), *'Population of Towns, Villages and Associated Localities',* Government Printing and Publishing Services, Gaborone, Botswana
CSO, (2003), *'Report on the Second National Survey on Literacy in Botswana',* Central Statistics Office and Department of Non Formal Education, Gaborone, Botswana
CSO, (2008), 2005/06 *Labour Force Report.* Central Statistics Office, Gaborone, Botswana, 2008
CSO, (2008), *'Stats Brief – Education Statistics 2008',* Published by Central Statistics Office, Gaborone, Botswana
CSO, (2009), *'Education Statistics 2006',* Published by Central Statistics Office, Gaborone, Botswana
CSO, (2009), *'Stats Brief – Vision 2016 and Millennium Development Goals Indicators Report',* Central Statistics Office, Gaborone, Botswana
CSO, (2009), *'2007: Informal Sector Survey Report, '* Published by Central Statistics Office, Gaborone, Botswana
Dube, P. Sethunya (2005) *Too Little, Too Late for Women in Botswana.* In Gender Links, Missing the Mark, Audit of the SADC Declaration on Gender and Development, Women in Decision Making, D.S Media, Johannesburg, 2005
Gender Links, (2009), *'At the Coalface – Gender and Local government in Botswana',* Johannesburg, South Africa
IEC, (2002), *'Voter Apathy Report',* IEC, Gaborone, Botswana
IEC, (2005), *'Report to the Minister of Presidential Affairs and Public Administration on the 2004 General Elections'.* Independent Electoral Commission, Gaborone, Botswana
IEC (2009), Personal communication with Independent Electoral Committee
Leiter. K, (2007), 'Epidemic of Inequality: Women's Rights and HIV/AIDS in Botswana and Swaziland. An Evidence-Based Report on the Effects of Gender Inequality, Stigma and Discrimination', *Physicians for Human Rights*. p200
Madisa, M. Motsei, (1999) *'A Voluntary Party-Based Quota in a Constituency System: The Case of Botswana; a report of the proceedings of a conference held in Gaborone, Botswana',* Gaborone, Botswana
Maundeni, Z, (2004) *Mapping Local Democracy in Gaborone City,* BALA, Gaborone, Botswana
Ministry of Finance and Development Planning, (2003), *'National Development Plan 9 – 2003/04-2008/09',* Gaborone, Botswana
Ministry of Finance and Development Planning, (2006), *'Mid-term review of NDP9',* Gaborone, Botswana

Ministry of Finance and Development Planning, (2007), Development of A Comprehensive Citizen Economic Entrepreneurship Strategy Study – reference group meeting, 17 October 2007.
Ministry of Labour and Home Affairs, (2008), Botswana Country Statement at the 52nd Session of the Commission on the Status of Women. New York, USA, 2008
Ministry of Labour and Home Affairs, Department of Gender and Development (2008), *'National Policy on Gender and Development'*, Gaborone, Botswana
Ministry of Labour and Home Affairs, Women's Affairs Department & UNDP, (2002), *'Gender Disaggregated Data Report 2002'*, Gaborone, Botswana
Ministry of Labour and Home Affairs, Women's Affairs Department, (2002), *'Botswana's Response to the Questionnaire to Governments on Implementation of The Beijing Platform for Action (1995) and the outcome of The 23rd Special Session of The General Assembly (2000)'*, Gaborone, Botswana
Molokomme, A, (1999), *'Equality in Politics: A Democratic Imperative in Strengthening and Consolidating Democracy; a paper presented at conference entitled 'Strengthening and Consolidating Democracy in SADC through the Electoral Process'*, Gaborone, Botswana
Mookodi, G, (2004), The Dynamics of Domestic Violence Against Women in Botswana *Journal of African Studies,* vol. 18(1) 2004
National Aids Coordinating Agency (NACA), (2009), *'National Campaign Plan – Multiple Concurrent Partnerships'*, Gaborone, Botswana
UN Botswana, (2007), *'Second Common Country Assessment for Botswana – Final Report'*. United Nations System in Botswana, Gaborone, Botswana
UN & Republic of Botswana, (1998), *'National Gender Programme Framework'* Gaborone, Botswana
UN & Republic of Botswana, (2004) *'Botswana Millenium Development Goals Status Report 2004 – Achievements, Future Challenges and Choices'*, New York, United Nations
WAD, (2008), *'National Policy on Gender and Development'*, Department of Gender and Development – Ministry of Labour and Home Affairs, Gaborone, Botswana
Womens NGO Coalition and SARDC WIDSAA, (2005), *'Beyond Inequalities 2005 – Women in Botswana '*, WNGOC/SARDC, Gaborone and Harare
World Bank, (2008), *'Africa Development Indicators 2008/09 – Youth & Employment in Africa, the Potential, the Problem and the Promise'* , World Bank
World Health Organization (WHO), Joint United Nations Programme on HIV/AIDS (UNAIDS) and United Nations Children's Fund (UNICEF), (2008), *'Epidemiological Fact Sheet on HIV and AIDS: Core data on Epidemiology and response: Botswana: 2008 Update'*. http://apps.who.int/globalatlas/predefinedReports/EFS2008/full/EFS2008_BW.pdf Retrieved 05/06/09



Democratic Republic of the Congo:

DRC Annual statistics of Higher Education 2006-2007, (2007), National Statistics Office
DRC Annual statistics of primary, secondary, professional and informal education for the school years 2006-2007 and 2007 to 2008, (2008), National Statistics Office
Democratic Republic of the Congo. Family Code of 1984
Democratic Republic of the Congo, Labour Code of 2002
Democratic Republic of the Congo, National Constitution of 2006
Democratic Republic of the Congo, Nationality Law of 2003
Democratic Republic of the Congo, The Law against Sexual Violence of 2006
Democratic Republic of the Congo Police service, Statistics of incidents of sexual violence reported for 2007
Ministry of Gender, (2009) Statistical Report
2008 COPEMECO Directory
2008 Directory of the Congo Federation of Business



Lesotho

All Basotho Convention (2007), ABC Election Party Manifesto, Maseru, Lesotho
Bureau of Statistics, (1997), *'Labour Force Survey'*, Maseru, Lesotho
Bureau of Statistics, (2008), *'Integrated Labour Force Survey Preliminary Results Report'*, National Statistical System of Lesotho, Statistical Reports No. 9:2009
Bureau of Statistics, (2006), *'2006 Census Preliminary Report'*, Maseru, Lesotho
Bureau of Statistics, (2004), *'Household Budget Survey'*, Maseru, Lesotho.
Bureau of Statistics, (2007), *'2002/03 and 1994/95 Household Budget Survey: Analytical Report'*, Maseru, Lesotho
Bureau of Statistics, (2008) *'Integrated Labour Force Survey Preliminary Results Report'*, No.9 2009, Maseru Lesotho
Delport E, (2007) *'Human Trafficking in Lesotho: Root Causes and Recommendations'*, Policy Paper Poverty Series No. 14.6 http:www.commint.com/node 269648/38 Retrieved 19/06/09
de Wet Corene, (2006), *'School Violence in Lesotho: the perceptions experiences and Observation of a group of learners'* South African Journal of Education. Vol.27 p673-689
Government of Lesotho, Ministry of Education and Training, (2003), *'Report of the Gender Audit on the Education Sector in Lesotho'*, Maseru, Lesotho
Government of Lesotho, MOHSW and WHO, (2003), *'Gender Violence in Lesotho'*, Prepared by I Kimane, M. Mpetla, ans N. Mapetla.
Government of Lesotho, (2004), *'Lesotho Demographic and Health Survey 2004,'* Ministry of Health and Social Welfare, Maseru, Lesotho
Government of Lesotho and UNDP (2004), *'Millennium Development Goals Status Draft Report'*, Maseru, Lesotho
Government of Lesotho, UNICEF, UNFPA, and WHO, (2007), *'Roadmap for Accelerating Reduction of Maternal and Newborn Morbidity and Mortality in Lesotho 2007-2015'*, Maseru, Lesotho
Government of Lesotho, Ministry of Finance and Development Planning (2007), *'Lesotho Population Data Sheet'*, Ministry of Finance and Development Planning, Maseru, Lesotho
Kapa Anthony' (2007), *'Lesotho's local government system: A critical note on the structure and implications for popular participation and service delivery'*. Roma, NUL: Unpublished.
LECAWU, (2006), *'Highlights of Current labour Market Conditions in Lesotho'*, Maseru, Lesotho.
Lesotho UNGASS Country Report (2006), *'Status of the national response to the 2001 declaration of commitment on HIV/AIDS'*, Geneva, UNGASS
Letuka P, Mapetla M, Matashane, M, (2004) *'Gender and Elections in Lesotho: Perspectives on the 2002 elections'*, EISA Research Report No. 4.
Mapetla M, (2000), *'The Study of the Status of Women in Politics and Decision-making in Lesotho'*, SADC Gender Unit
National University of Lesotho, Statistical Bulletin 2006/07
Ntimo-Makara Matora, Matobo Thope, (2007) *'Living Conditions of Student Mothers and Fathers at the National University of Lesotho'* In: Mapetla M. Schlyter A. and Bless B. D. (Eds.) (2007) Urban Experiences of Gender Generations and Social Justice. Institute of Southern African Studies, National University of Lesotho. ISBN 99911-31- pp193-214
Setsabi Setsabi, (2009). *'Gender perspectives of political parties'* Work for Justice, Vol. 01 Issue, and 30 June, 2009. Pp.15-19
The Mirror June 01 06 2005
UNDP (2007). National Human Development Report 2006: Lesotho.
UNESCO (2007) Human Trafficking in Lesotho: Root Causes and Recommendations. Policy Paper Poverty Series No. 14:6 (e) Paris 2007
United Nations Human Development Report 2007/2008,
UNDP Status Report on Lesotho meeting MDGs
WHO/UNICEF Joint Monitoring Programme for Water Supply and Sanitation Coverage Estimates Improved Sanitation. Updated July 2008. Lesotho.
2008 World Population Data Sheet-Population Reference Bureau

Acts:

Labour Code Order 1992
Lesotho Constitution of 1993
Gender and Development Policy 2003
Sexual Offences Act 2003
Legal Capacity of Married Persons Act 2006
Land Amendment Order,
The National Assembly Amendment Act 2001
The Sexual Offences Act, 2003
The Local Government Election Act 2004

Policies:

Gender and Development Policy (2003).
National Adolescent Health Draft Policy 2003
National Social Welfare Policy 2006
National HIV and AIDS Policy 2006
National Policy on Orphans and Vulnerable Children 2006
Health and Social Welfare Draft Policy (2004).
National Population Policy for Sustainable Development (2005)
Science and Technology Policy (2006)



Madagscar:

DRV - Dinika sy Rindra ho an'ny Vehivavy (2005a) *Rapport national sur L'IDISA - Indice de Développement et des Inégalités entre les Sexes en Afrique volume I L'indice de la Condition de la Femme – (National report on the Index of development and gender inequities in Africa)* – ICF
DRV - Dinika sy Rindra ho an'ny Vehivavy (2005b) *Rapport national sur L'IDISA - Indice de Développement et des Inégalités entre les Sexes en Afrique volume 2– (National report on the Index of development and gender inequities in Africa)* - ICF
Focus development Association (2006) *'Women's legal Rights Madagascar, rapport final' (Women's legal rights Madagascar, Final report)*: Ministry of Justice, USAID-WLR

Focus Development Association (2008) *Genre & Développement : Un état des lieux - Madagascar (Gender and Development : a situation analysis)* – Indian Ocean Commission, UNFPA
Elizabeth, K. B. (2005) *Vers une réalisation de normes internationales en matière de droit de la femme : une analyse du Code de la famille malgache (Towards achievieng international norms in women's rights : an analysis of the Malagasy Family Act)*: USAID
Focus Development Association (2004) *Contribution à la connaissance des réalités Malgaches : droit de la famille, violence contre les femmes et vie citoyenne (Contributing to a better understanding of Malagasy realities: the law on family, violence against women, and civil life)*: Women's Legal Rights - USAID
Bénédicte, G. and Gathier, L. (2007) *Étude ELVICA : Enquête sur la Violence Conjugale envers les femmes à Antananarivo*: ENDA-OI, IRD
Gender links *Glass Ceilings: Women and men in Southern Africa Media* - Madagascar
Cabinet COEF RESSOURCES (2009) 'Evaluation du plan d'action National Genre et Développement (PANAGED) *(Evaluation of the national Gender and Development action plan)* on behalf of the Ministry of Health and Family Planning/UNDP – Final evaluation report (final draft)
Focus development Association (2005) 'Rapport d'atelier de renforcement de capacités des mécanismes institutionnels en genre et développement pour la mise en œuvre et le suivi du PANAGED' : Ministère de la Population, de la Protection Sociale et des Loisirs
Focus development Association (2006) 'Rapport d'atelier de renforcement de capacités genre et développement du staff et des Chefs de Service en matière d'intégration du genre dans les activités du Ministère de la Population, de la Protection Sociale et des Loisirs' : Ministère de la Population, de la Protection Sociale et des Loisirs
Focus development Association (2006) 'rapport d'atelier de renforcement de capacités genre et développement des cellules Genre des Ministères pour la mise en œuvre et suivi du PANAGED' : Ministère de la Population, de la Protection Sociale et des Loisirs
Focus development Association (2008) 'Genre et éducation à Madagascar, étude de cas de 6 Circonscriptions SCOlaires' : UNICEF, 2008
Chemonics International Inc (2007) USAID Anti-Trafficking In Persons Programs In Africa: A Review
Noroarisoa S. Ravaozanany (2007) 'Socialisation différentielle des filles et des garçons par l'école Le cas de l'Ecole Primaire Publique d'Antsahabe' : Université d'Antananarivo
Renée, G. (2006) MMC *Madagascar Projet Foncier : Matières relatives au genre à prendre en compte*
Marie, R. (2007) *Intégrer les questions du Genre dans le Secteur Forestier en Afrique –Madagascar:* FAO
Maholy, R. (2003) Le Fonds de Garantie : Centre de Recherche, d'Etudes et d'Appui à l'analyse économique à Madagascar (CREAM)/The African Capacity Building Foundation
SE.CNLS Rapport annuel 2004
SE.CNLS Rapport annuel 2005
SE.CNLS Rapport annuel 2006
SE.CNLS Rapport annuel 2007
Action Plans and reports :
Enquête Périodique auprès des Ménages 2001(2001)
Enquête Périodique auprès des Ménages 2005(2006)
Annuaire statistique de santé 2008
Politique Nationale de la Promotion de la Femme pour un développement équilibré homme - femme
Politique Nationale de santé des adolescents et des jeunes à Madagascar
Politique Nationale en Santé de la Reproduction
Stratégie de communication en Planification Familiale
Plan sectoriel en Planning Familial 2007 – 2012 pour la mise en œuvre du Madagascar Action Plan
Normes et procédures en Santé d la Reproduction
Protocole de traitements ARV
Plan de Développement du Secteur Santé et de la Protection Sociale 2007 - 2011
Plan Stratégique National de Lutte contre le VIH/Sida (PSN) 2007-2012
Politique Nationale sur La Prévention De La Transmission Mère – Enfant du VIH à Madagascar
Programme National de Soutien à l'Emploi -PNSE (2006)
Madagascar Action Plan
Rapport National sur le Développement Humain 2003: Gender, human development and poverty
Plan d'Action National Genre et Développement 2004 – 2008 *(National gender and development action plan 2004-2008)* (2003)
Rapport périodique d'application de la convention relative aux droits de l'enfant –Madagascar
Ministère de la Fonction Publique, du Travail et des Lois Sociales/ Organisation International du Travail/ Observatoire malgache de l'emploi et de la formation professionnelle continue et entrepreneuriale - Organisation Internationale Du Travail Indicateurs Clés du Marché DU Travail
Laws and jurisprudence:
Act n° 2009- 002 (Political Party)
Constitution révisée de 2007
Code Pénal mis à jour du 31 Octobre 2008
Décret n° 62-152 du 28 mars 1962 fixant les conditions de travail des enfants, des femmes et des femmes enceintes *(J.O. n° 216 du 7.4.62, p.582)*
Décret n° 95-645 relatif au Plan d'Action National pour l'Education des Filles (PANEF) *(JO n° du 25 décembre 1995 p. 3743)*
Décret 92 – 026 du 16 février 1992 portant création d'un conseil national de lutte contre les infections sexuellement transmissibles (IST) et le Syndrome d'Immuno Déficience Acquise (SIDA)
Décret n° 2007-532 portant réorganisation de l'Ecole Nationale de la Magistrature et des Greffes (ENMG)
DECRET N°2007-1109 Portant application de la loi n°2006-031 du 24 novembre 2006, fixant le régime juridique de la propriété foncière privée non titrée
Annexe au décret n°2007-532 sur le règlement général du personnel de l'Ecole nationale de la Magistrature et des Greffes
Loi n° 68-012 relative aux successions, testaments et donations
Loi n°2003-044 du 28 Juillet 2004 portant Code du Travail
Loi n° 2004-04 portant Orientation générale du Système d'Education
Loi n° 2004-009 portant régime des marchés publics
Lalana laharana faha-2005 – 019 tamin'ny 17 oktobra 2005 anaovana ny Feni-kevitra ankapobe mifehy ny satan'ny tany
LOI n° 2006-031 DU 24 Novembre 2006 fixant le régime juridique de la propriété foncière privée non titrée
Loi constitutionnelle n°2007 - 001 du 27 avril 2007 portant révision de la constitution
Loi n° 2007-022 relative au mariage et aux régimes matrimoniaux
Loi n° 2007-023 du 20 août 2007 sur les droits et la protection des enfants
Loi n° 2007-038 modifiant et complétant certaines dispositions du Code Pénal sur la lutte contre la traite des personnes et le tourisme sexuel.
Ordonnance n°60-064 portant code de la nationalité
Ordonnance n° 60-146 portant Code Foncier
2000 Textes mis à jour du 31 Décembre 2007
Cadre juridique sur la lutte contre le VIH et le SIDA et la protection des personnes vivant avec le VIH et le SIDA à Madagascar



Malawi:

Esme Kadzamira (1998) "The knowledge and policy formulation: reducing gender inequalities in education in sub Saharan Africa: Malawi case study" Center for educational research and training (1998) Department of International Development
Government Print, An Overview and Issues of Gender-Based Law Reform in Malawi, Lilongwe
Government of Malawi and World Bank (2006) Malawi Poverty Vulnerability Assessment : Investing in Our Future
Government of Malawi (2005) The Malawi Growth and Development Strategy . Lilongwe
Government of Malawi (2006) Food Security Policy, Ministry of Agriculture and Food Security
Government of Malawi (2008) Education Management System, Department of Education Planning, Education Management Information System
Government of Malawi (2008) National Education Report of Malawi Ministry of Education, Science and Technology and Malawi Nation Commission for UNESCO
Government of Malawi, Divorce Act, Chapter 25:04 of the Laws of Malawi
Government of Malawi, Marriage Act, Chapter 25:01 of the Laws of Malawi
Government of Malawi, The Constitution of the Republic of Malawi, 1999
Government of Malawi, The Prevention of Domestic Violence Act, Act No.5 of 2006
Government of Malawi, Wills and Inheritance Act, Chapter 10:02 of the Laws of Malawi
Government of Malawi/Ministry of Lands, Physical Planning and Surveys, Malawi National Land Policy , 17 January 2002
Government of Malawi: Malawi Growth and Development Strategy 2006
Kachika T., (2006), Domestic Violence in Malawi: An analytical review of grounded realities for women. Work commissioned by Population Services International
Malawi Law Commission (2008) Report of the Law Commission of the Review of the Constitution, Malawi Government Print. Lilongwe
Malawi Law Commission (June 2006) Report on the Review of Laws on Marriage and Divorce, Malawi Government Print. Lilongwe
Malawi Law Commission, Report on Discussion Paper on a Gender Equality Statute, July 2005
Malawi Law Commission, Report on the Review of the Laws on Marriage and Divorce, June 2006. Law Commission Report No.16



Mauritius:

The Constitution of Mauritius
Civil Status Act
The Protection from Domestic Violence Act 1997
Child Protection Act
Immigration Act
Employment Rights Act
National Pensions Act 1976 as amended
Equal Opportunity Act
Education Act
The Independent Broadcasting Authority Act 2000
The Sugar Industry Efficiency Act 2001 as amended
Sports Act 2002
The Industrial Expansion Act 1993
The National Woman Entrepreneurship Council Act 1999
The SADC Protocol on Gender and Development
The Sex Discrimination Act
Gender Policy
Human Trafficking Act
Public Procurement Act
National Action Plan to combat Domestic Violence
Manual for Programme-Based Budgeting
Top 100 Companies – Business Magazine 2009
Analysis of the Time Use Survey – the case of Mauritius – 2005
SADC Protocol at a glance – the case of Mauritius – 2009
Widows Rights
National Women Entrepreneur Council Act
Manual for Programme-Based Budgeting
Family Planning and Demographic Yearbook 2007, Ministry of Health and Quality of Life
Local Government Directory - 2006
Report of the Commission on Constitutional and Electoral Reform 2001.02
Draft Mauritius Report for CEDAW - 2009



Namibia:

Namibia Employment Equity Commission Annual Report 2006-2007
Education Act, 2001
National Land Policy, April 1998
Affirmative Action Employment Amendment Act,2007
The Employers Guidelines to the Affirmative Action (Employment) Act No.29 of 1998
Report on the 1999 Voters' Registration Roll: Analysis and Recommendations
Trade Directory 2009 Vol 18,a Review of Namibian Trade and Industry
Office of the President-Department of Women's Affairs-National Gender Policy
Implementation of Business support service programme
Resettlement Manual
Electoral Commission of Namibia Annual report
The voters newsletter-August 2007
The voters newsletter –January 2007
Local Authorities Elections 14 May 2004 –Report
Report on the Activities of the Electoral Commission1 July 200-30 June 2001
Electoral Commission of Namibia Annual Report 2003-2004
Electoral Act, 1992
Strategies for Implementing recommendations from the 2007 National Conference
Gender –Based Violence
National Policy on the HIV/AIDS for the Education Sector
National Plan of Action for Orphans and Vulnerable children in Namibia 2006-2010
Affirmative Action (Employment) Act ,1998
The Namibia Informal Economy Survey 2001: Report of Analysis
Promoting microfinance activities in Namibia
Administrative Guidelines of the Ministry of Trade and Industry for the Export
Marketing Assistance Programme EMAP for Manufacturers
The Namibian Economic Policy Research Unit annual report
The Namibian Economy
Guide to Namibian Budget,2008
2nd Millennium Development Goals report Namibia 2008
Ministry of gender equality and Welfare Statistics on Men and Women in
Management Positions in the Parastatals of Namibia 2006,Vol 2
Ministry of Gender Equality and Child Welfare: Statistics on men and women in management positions in the Public service of Namibia 2006, Vol 1
Ministry of Gender Equality and Child Welfare :Statistics on men and women in management positions in the Private sector of Namibia 2006, Vol 3
Strengthening Political Parties,2008
Guide to Namibia Politics-2008 Education
Guide to the Namibian Economy 2009
Understanding Namibia's Labour Law: A guide to the Labour Act
Free trade pamphlet
Ministry of Lands and resettlement Agreement of lease
Ministry of Lands ,Resettlement and rehabilitation –National Resettlement Policy
National Gender Policy
A review of Poverty and Inequality in Namibia
Human rights and the Rule of Law in Namibia
Inheritance issues
Population Projections 2001-2031
Gender representation-Ministers ,Deputy Ministers, Members of parliament and councillors
Report of the 2006 National HIV Sentinel Survey
Social workers
Mapping Gender Enrollement on Namibian Tertiary Institutions
Women's Property and Inheritance Rights in Namibia
The Draft Child Care and Protection Act. Issues for public Debate
The constitution of Namibia
Namibia political party prospects leading to the 2009 elections
Labour Bill
Labour Act ,2007

The state of democratic consolidation and economic performance in Namibia
Access to public services in Namibia : Has there been Pro-poor Growth
National Budget 2009 /10 Weathering the storm or missing the Boat
Labour Bill
Employment Equity Commission Annual report -2007-2008
Towards achieving health and social well being for all Namibians
A Guide to HIV and Aids Mainstreaming
Strengthening Local responses to HIV/AIDS in Namibia
1st National HIV/AIDS Male leadrers conference 2008
HIV and AIDS treatment survey November 2005
Estimates and Projections of the Impact of HIV/AIDS in Namibia
Guidelines for the Prevention of Mother –to Child Transmission of HIV
National Guidelines for Antiretroviral Therapy Second Edition April 2007
Demographic and Health Survey 2006-07
Traditional governance and African customary law: Comparative observations from a Namibian perspective
Namibia Labour Force Survey Namibia Household Income and Expenditure Survey Strategic Plan for Southern African Development –Parliamentary Forum on HIV and AIDS 2007-2011



Seychelles:

Albert, M.C. (2005) *Underperformance of Boys in Secondary Schools: Extent, Reasons and Strategies.* MBA Dissertation in Educational Leadership (International) of the University of Lincoln
Brû-Rosalie, J. (2008) *National Gender Report for the Elaboration of a sub-regional IOC Gender Strategy.* Study commissioned by IOC/UNDP. Victoria, Seychelles
Gender Secretariat (2008) *National Strategy on Domestic Violence 2008-2012.* Ministry of Health and Social Development, Social Development Department, Social Development Policy Division. Victoria, Seychelles
Gender Secretariat (2007) *AU Solemn Declaration on Gender Equality in Africa: Consideration of reports submitted by state parties under operative paragraph 12 of the Declaration.* Seychelles Initial Report Due in 2006. Ministry of Health and Social Development. Victoria, Seychelles
Government of Seychelles (1991) Laws of Seychelles: Penal Code. CAP 158. Victoria, Seychelles
Leste, A., Valentin J., Hoareau F. (2005) *The SACMEQ II Project in Seychelles: A Study of the Conditions of Schooling and the Quality of Education.* SACMEQ, Harare, Zimbabwe and Seychelles Ministry of Education and Youth
MISD (2004) *National Population & Housing Census 2002.* Victoria, Seychelles
Ministry of Education and Youth (2002a) *Gender Differences in Educational Achievement of Boys and Girls in Primary Schools in Seychelles.* Victoria, Seychelles
Ministry of Education and Youth (2002) *Plan of Action for Gender Equality in Education 2002-2015.* Victoria, Seychelles
Ministry of Health (2001) *National Policy for Prevention and Control of HIV/AIDS/STIs.* AIDS Prevention and Control Programme. Victoria, Seychelles
Ministry of Social Affairs and Manpower Devlopment (2000) *Progress Report of the Committee for Harmonisation of Laws Concerning Children in Seychelles. Victoria, Seychelles*
NSB (2007) 2005 Labour Force Survey. Victoria, Seychelles
Pardiwalla, M. (2008), Progress *Report on Integrating Gender into School and Classroom Processes In Seychelles.* Report submitted to the Commonwealth Secretariat
Republic of Seychelles (2007) Seychelles Strategy 2017. Victoria, Seychelles
Republic of Seychelles (1994) Laws of Seychelles: *Constitution of the Republic of Seychelles.* CAP 42. Victoria, Seychelles
Republic of Seychelles (1991) *Employment Act,* 1990 (Act 9 of 1990). Victoria, Seychelles
Seychelles Institute of Management (2001) *National Report Seychelles: Prevention and Eradication of Violence against Women and Children.* A study commissioned and funded by SADC. Victoria, Seychelles
Social Development Division (2003) *Ten-Year Review and Appraisal of the Dakar/Ngor Declaration and the ICPD +10 Programme of Action.* Ministry of Social Affairs and Employment. Victoria, Seychelles
SPPF (2006) Manifesto: *En Leker pou tou Seselwa.* Victoria, Seychelles
United Nations (2009) *Seychelles Common Country Assessment 2007*



South Africa:

Albertyn, C. (November 2006). Centre for Applied Legal Studies. African Gender and Development Index – South African Report.
Centre for applied Legal Studies, University of Witwatersrand for the Commission on Gender Equality, (1998) *Audit of Legislation that discriminates on the basis of Sex/Gender – August 1998*.
Constitution of the Republic of South Africa, No 108 of 1996
Department of Education. (2009) Education statistics in South Africa 2007
Department of Justice and Constitutional Development. *Publication of Prevention and Combating of Trafficking in Persons Bill.*
Department of Health (2003). South Africa Demographic and Health Survey 2003, Preliminary Report.
Faces of Government – The Star Supplement. 17 July 2009
GCIS Contact Directory. (July 2009). www.gcis.za/docs/directories/index.html
Gender Links.(July 2008). GBV Indicators in Southern Africa Report on Think Thank Meeting.
Haffejee, S. Waiting Opportunities: Adolscent girls experiences of gender-based violence in schools (2006). Centre for the Study of Violnce and Reconciliation
The Presidency, South African CEDAW Report – Progress made on the implementation for the period 1998 to 2008
Kornegay, E. (2000). South Africa's National Policy Framework for Women's Empowerment and Gender Equality prepared by the Office of the Status of Women.
Lowe-Morna, C; Rama, K. and Mtonga, L. *Gender in the South African Elections 18 May 2009.* Gender Links.
Molo Songolo, The Trafficking of Children for purposes of Exploitation, Molo Songolo, Cape Town, 2000
South African Human Rights Commission. (2006) Report of the Public Hearing on School–based Violence.
South African Police Services. Crime Information Management . *Rape in the RSA per Province for April to December 2001 to 2007*
Statistics South Africa. (July 2009). Quarterly Labour Force Survey: Quarter 2 (April to June), 2009.
Statistics South Africa. (May 2009). Quarterly Labour Force Survey: Quarter 1 2009.
United Nations General Assembly Special Session on HIV and AIDS. (Jan 2006 – Dec 2007). Progress Report on Declaration of Commitment on HIV and AIDS
University of the Western Cape Gender Equity Unit, Centre for Applied Legal Studies and Women in Development Southern Africa Awareness Programme. *Beyond Inequalities 2005: Women in South Africa. (2006)*
UNAIDS, WHO and UNICEF (2008). Epidemiological Fact Sheet on HIV and AIDS: Core data on epidemiology and response
2008 Report on the Global AIDS epidemic. *The global HIV challenge: assessing progress, identifying obstacles, renewing commitment.*

Acts and Laws:

Criminal Law (Sexual Offences and Related Matters) Amended Act
Domestic Violence Act, No. 116 of 1998
Summary of the Discussion Paper on Adult Prostitution
Reform of Customary Law of Succession and Regulation of Related Matters Act, 2009
Minister for Justice and Constitutional Development. Criminal Law (Sexual Offences) Amendment Bill
Publication of Prevention and Combating of Trafficking in Persons Bill
Education Laws Amendment Act, 2007
Maintenance Act, No 99 of 1998
South African Schools Act, No 84 of 1996
National Education Policy Act, No 27 of 1996
Marriage Act, 1961
Guardianship Act ,No 193 of 1993
Interstate Succession Act 81 of 1987
Skills Development Act, No 97 of 1998
Employment Equity Act, No 55 of 1998
Choice of Pregnancy, No 92 of 1996
Marriage Act, 1961
Intestate Succession Act, No 81 of 1987
Reform of Customary Law of Succession and Regulation of Related Matters Act, No 11 of 2009

Websites

www.unaids.com
www.avert.org.za

www.statssa.gov.za/safricastats.htm South Africa HIV & AIDS Statistics
www.eisa.org.za
www.elections.org.za



Swaziland:

Demographic and Household Survey of 1997, Mbabane, Swaziland
Government of Swaziland Decentralisation Policy, (2005), Mbabane, Swaziland
Education Statistics Report, (2007), Central Statistics Office, Mbabane, Swaziland
Exams Council Report, (2008), Central Statistics Office, Mbabane, Swaziland
Kingdom of Swaziland Election Report 2003
Misa, (2007), Swaziland Gender and Media Baseline Study, Mbabane, Swaziland
National Joint Review on HIV and AIDS response, (2008), Mbabane, Swaziland
NERCHA, (2008) National HIV/AIDS Monitoring and Evaluation Report: Annual Report, Mbabane, Swaziland
National Health and Social Welfare Policy, (2006), Mbabane, Swaziland
National Policy of the Government of Swaziland on the Development of Small and Medium Enterprise, Mbabane, Swaziland
Report of Vice Chancellor (2007-2008), University of Swaziland, Mbabane, Swaziland
Swaziland Labour Force Survey 2008
Royal Swaziland Police Annual Repor,t (2007), Mbabane, Swaziland
Swaziland Teaching Service Commission, (2009), Mbabane, Swaziland

Acts:

Birth, Marriages and Death Act No5/1983
The Criminal Procedure and Evidence Act No67/1938
Deeds Registry Act 2006
Girls and Women's Protection Act 1920
Marriage Act 1964
Swaziland Constitution of 2006
Sexual Offences and Domestic Violence Act 2005
Wills Act No12/1955



Tanzania:

Creating Opportunities for Women The International Bank for Reconstruction and Development / The World Bank www.worldbank.org
Jamhuri ya Muungano Wa Tanzania Wizara ya Fedha na Uchumi (2009) Hali ya Uchumi wa Taifa Katika Mwaka 2008
Jamhuri ya Muungano wa Tanzania (2008), Hotuba ya Wazirin wa Fedha Kuhusu makadirio ya Matumizi ya Fedha Mwaka 2008/09
Justinian C.J (2005) , Returns to Investment in Education: Startling Revelations and alternative Before Tanzanians, University of Dar es Salaam
Legal and Human Rights Centre (2006), Human Rights Report
Legal and Human Rights Centre (2007), Human Rights Report
Legal and Human Rights Centre (2008), Human Rights Report
Liebling, Helen,(2007) "Researching Sensitive Topics: Investigations of the Sexual Abuse in Uganda amd Girls in Tanzania", University of Warwick - Electronic Law Journals,
Ministry of Community Development, Gender and Children. (2001). A National Plan of Action for the Prevention and Eradication of Violence against Women and Children
Ministry of Health and Social Welfare (2008), National Road Map Strategic Plan to Accelerate Reduction Of Maternal New Born and Child Deaths In Tanzania 2008-2015
Monica E. Magoke-Mhoja (2006), Child-widows Silenced and Unheard: Human Rights Sufferers in Tanzania; as well as: Rodrick Ndomba, "Silent urgency of child widows", This Day (Tanzania), 14 June 2006.
National Bureau of Statistics (Tanzania) and ORC Macro.(2005). *Tanzania Demographic and Health Survey.* Calverton, MD: National Bureau of Statistics and ORC Macro.
National Bureau of Statistics (2007), Integrated Labour Force Survey 2000/01-2006, Key Indicators of the Labour Market
NBS/URT (2002). Integrated Labour Force Survey Report.Year 2006
Tanzanian Vice President's Office.(2005). National Strategy for Growth and Reduction of Poverty
Shayo R (2005) Parties and Political Development in Tanzania. Published by EISA
The Atrium 41 Stanley Avenue, Auckland Park Johannesburg, South Africa 2006.
Tanzania Women Lawyers' Association (TAWLA). (2004) *Review of Gender Discriminative Laws in Tanzania.* Dar es Salaam: TAWLA.
United Republic of Tanzania, Basic Education Statistic in Tanzania (2004-2008) National Data
United Republic of Tanzania (2007), Poverty and Human Development Report
United Republic of Tanzania (2005), Taarifa ya Tume ya Taifa ya UchaguziKuhusu Uchaguzi wa Rais, Wabunge na Madiwani
United Republic of Tanzania (2007) Integrated Labour Force Survey 2006
United Republic of Tanzania (2000) Reprt of the National Electoral Commission on the 2000 Presidential, Parliamentary and Councillors Elections.
United Republic of Tanzania (2005) Tanzania Assistance Strategy Implementation Report FY 2002/03-2004/05
URT, (2007) National Sample Census of agriculture 2002/03 Vol ix Gender Prefile of Smallholder Rural Agriculture Population in Tanzania Mainland
United Republic of Tanzania Ministry of Health and Social Welfare (2008), the National Road Map Strategic Plan To Accelerate Reduction of Maternal Newborn and Child Deaths in Tanzania 2008-2015
United Republic of Tanzania (2005), Katiba ya Jamhuri ya Muungano wa Tanzania 1977
United Republic of Tanzania (2005), Country Report on Implementation of the Beijing Platform for Action and the Outcome Document of the Twenty Third-Special Session of the General Assembly-Beijing +10
The united republic of Tanzania (1994)The law reform commission of Tanzania final report on designated legislation in the Nyalali commission report
USAID/HEALTH POLICY INITIATIVE (2008), Gender Based Violence in Tanzania, An Assessments of Policies, Services and Promising interventions



Zambia:

Central Statistics Office, GBV survey report 2006
ZHDS 2007
National Gender Policy 2000
National Employment and Labour Market Policy 2004
National Reproductive Health Policy
Report on the GTZ project „Improvement of the Legal Status of Women and Girls in Zambia
Report on the GTZ project „Improvement of the Legal Status of Women and Girls in Zambia
Standards and Guidelines for reducing unsafe abortion morbidity and mortality in Zambia, 2007
YWCA annual report 2008
Zambia Country Report submitted to UN General Assembly Special Session on AIDS 2007
ZHDS, Living Conditions Monitoring Survey 2006
Zambia Country Report submitted to UN General Assembly Special Session on AIDS 2007
Zambia country report, multi sectoral AIDS response monitoring & evaluation biennal report 2006-2007



Zimbabwe:

Central statistical Office Census Report
Central statistical Office Education Statistics Report November 2001
Central statistical Office Labour Statistics, October 2004
Central statistical Office Women and men I Zimbabwe, December 2002
Zimbabwe Women's Resource Centre and Network, An analysis of Zimbabwe National Policies, Programs on HIV/AIDS /STI's,
Manicaland HIV/ STD prevention Project, Mathematical modelling tools in response to the HIV pandemic in Zimbabwe
Stewart J.E. : P. Mutunga (ed) Life Skills, Sexual Maturation and Sanitation: What's (not) happening in our schools – An Exploratory Study from Kenya, WLC and Weaver Press Harare, 2004pp 306.
United Nations general Assembly on HIV and AIDS Follow up on the Commitment to HIV Jan2006-December 2007
Zimbabwe Demographic Health Survey 2006























The SADC Protocol on Gender and Development

GENDER EQUALITY IN SADC
THE TIME IS NOW

Encompasses

commitments made in all regional, global and continental instruments for achieving gender equality.

Enhances

these instruments by addressing gaps and setting specific, measurable targets where these do not exist.

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gender equality by ensuring accountability by all SADC Member States, as well as providing a form for the sharing of best practices, peer support and review.

In August 2008, Heads of State of the Southern African Development Community adopted the ground-breaking SADC Protocol on Gender and Development. This followed a concerted campaign by NGOs under the umbrella of the Southern Africa Gender Protocol Alliance.

Although by the 2009 summit, 3 countries had still not yet signed, and none had ratified the Protocol, the clock is ticking to 2015 when governments have 28 targets that they will have to account for. In keeping with the Alliance slogan: "*The Time is Now*", this baseline Barometer provides a wealth of data against which progress will be measured by all those who cherish democracy in the region. Whilst there are several challenges, the successes to date strengthen our view that change is possible.

"Yes we can!"