

Gender Protocol Alliance dismayed by leader's inaction

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The Southern African Gender Protocol Alliance^[1] is disappointed that SADC leaders failed to walk the talk of gender equality at their just ended summit in Lusaka by not signing the Protocol on Gender and Development. As representatives of sixteen regional and national NGOs working to promote the rights of women in the region, we are at a loss as to why heads of state failed to seize the moment of the 2007 summit after the draft had successfully passed through all the preparatory stages. This included endorsement by ministers of gender; justice ministers and the Council of Ministers that generally comprises finance ministers from the region.

While we understand that the Protocol has been deferred to next year's summit due to a minority of members feeling that they have not had sufficient time to study the draft, we are concerned that this will slow down the momentum in countries that went to Lusaka ready to take the plunge. In particular, we are concerned that as new rounds of negotiations are opened the Protocol - one of the most specific and time bound anywhere in the world for achieving gender equality- may be watered down.

We wish to stress that from our perspective the targets in the Protocol for the achievement of equality between women and men are non-negotiable. The fact that leaders failed to bite the bullet this year will only increase the pressure for implementation when the Protocol is finally signed.

We will continue to fight for these targets to be met, even before the Protocol is signed. We will also step our efforts to ensure that there are no further stalling or delaying tactics before the Heads of State summit in 2008. No more excuses or technicalities will be accepted or acceptable.

Already in the pipeline for several years now, the Protocol is the one instrument that could finally help Southern Africa to bridge the gap between the rhetoric and reality of gender equality.

What distinguishes the SADC Gender Protocol from all the existing international and regional commitments to gender equality is the number of concrete, time bound commitments to achieving key strategic objectives. Altogether the Protocol has twenty targets: six by 2010, and 14 by 2015.

These targets not only bring together but enhance existing commitments in such instruments as the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW); the Millennium Development Goals and the African Charter on Human and Peoples Rights. For example, while all these make reference to women's participation in decision-making, only the SADC Protocol gives a bold time-frame of 2015 for achieving this.

The Protocol draws on and seeks to extend good practice in the region. For example, it requires that by 2015 all countries follow the example set by two countries in the region (Namibia and South Africa) by enshrining gender equality in their constitutions and giving this provision primacy over customary law.

All countries will also be required by that year to have comprehensive legislation, services and specialised facilities for addressing gender violence as well as reduce current levels by 50 percent.

The Protocol breaks new ground by requiring that women participate equally in economic decision-making; be afforded access to credit; public procurement contracts and wage employment.

It further sets out targets for implementation, monitoring, evaluation and resource allocation with strong peer review and accountability mechanisms. A summary of the key provisions of the protocol is attached.

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THE SADC GENDER AND DEVELOPMENT PROTOCOL AT A GLANCE

KEY PROVISIONS	TARGETS	
	By 2010	By 2015
ARTICLES 1-3: INTRODUCTION		
These cover definitions; general principles and objectives. The Protocol aims to bring together existing commitments; enhance these through specific timeframes; create effective mechanisms for implementation; sharing of best practices and deepening regional integration.		
ARTICLE 4: CONSTITUTIONAL AND LEGAL RIGHTS		
This 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.	<ul style="list-style-type: none"> Abolish the minority status of women. 	<ul style="list-style-type: none"> Enshrine gender equality in their Constitutions. Ensure that all laws, including customary laws are subject to their Constitutions, including provisions on equity and equality. Review, amend and repeal all discriminatory laws.
ARTICLE 5: GOVERNANCE		
This 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.		<ul style="list-style-type: none"> Ensure that 50 percent of decision-making positions in all public and private sectors are held by women, and monitor compliance.
ARTICLE SIX: EDUCATION AND TRAINING		
This article provides for equal access to quality education and training for women. It further provides for challenging stereotypes in education and eradicating gender based violence in educational institutions		<ul style="list-style-type: none"> Ensure equal access to free quality primary and secondary education. Adopt and implement policies and measures in order to create a gender sensitive educational system. Strengthen educational campaigns and programmes in order to eliminate gender based violence, including sexual harassment, in educational institutions.

ARTICLE SEVEN: PRODUCTIVE RESOURCES AND EMPLOYMENT		
<p>This provides for the equal participation of women in economic policy formulation and implementation. The article has provisions and targets around entrepreneurship and access to credit and public procurement contracts as well as stipulations on trade policies, equal access to property, resources and employment.</p>	<ul style="list-style-type: none"> • Conduct time use studies and adopt policy measures to reduce the burden of the multiple roles played by women. 	<ul style="list-style-type: none"> • Ensure equal participation of women in policy formulation and implementation, including mainstreaming gender into economic policies and gender sensitive and responsive budgeting. • Adopt policies and enact laws which ensure that women have access to credit to establish and sustain enterprises. • Ensure that women benefit equally from the awarding of all public procurement contracts. • Review all policies and laws that determine access to, control of, and benefit from, productive resources by women • Review, amend and enact laws and policies that ensure women and men have equal access to wage employment in all sectors of the economy.
ARTICLE EIGHT: GENDER BASED VIOLENCE		
<p>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, including marital rape 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.</p>	<ul style="list-style-type: none"> • Enact legislative provisions, and adopt and enforce policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators of sexual harassment; • Construct a composite index for measuring gender based violence; 	<ul style="list-style-type: none"> • Enact and enforce legislation prohibiting all forms of gender based violence including marital rape. • 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. • Review, and eradicate traditional norms, including social, economic, cultural and political practices and religious beliefs which legitimise and exacerbate the persistence and tolerance of gender based violence. • Member states shall reduce, by 50 per cent current levels of gender based violence.
ARTICLE NINE: HEALTH		
<p>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 a specific target on reducing the maternal mortality ratio and ensuring access to quality sexual and reproductive health services. There are provisions around public education and awareness programmes and ensuring that women have access to accurate information regarding maternal and sexual and reproductive health. There are specific provisions that address the need to adopt and implement policies and programmes for women in vulnerable situations such as prisons, refugee camps</p>		<ul style="list-style-type: none"> • 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%.

ARTICLE TEN: HIV AND AIDS AND GENDER		
<p>This article has comprehensive provisions on prevention, treatment care and support in relation to HIV and AIDS. Targets are set for eliminating new infections and ensuring equal access to free and comprehensive package of treatment and care services. A strong emphasis has been placed on intensifying gender-aware prevention efforts and intensifying research on preventative methods targeted at women. There are provisions on addressing harmful practices that drive the pandemic and that exacerbate the high infection rates among women. Provisions recognise the additional burden of care borne by women recommend that Member States develop and implement policies to ensure recognition of this support.</p>	<ul style="list-style-type: none"> • Ensure equal access by women, men, girls and boys to a sustainable supply of free and comprehensive HIV and AIDS services including anti retroviral drugs and nutrition. • Utilise gender disaggregated data in monitoring to ensure universal access. 	<ul style="list-style-type: none"> • Eliminate new infections of HIV and AIDS. • Measure and value the additional burden of care shouldered by women and girls as a result of HIV and AIDS, and shall develop and implement policies to ensure appropriate recognition, material, financial and psychological support and treatment for care-givers.
ARTICLE 11: PEACE BUILDING AND CONFLICT RESOLUTION		
<p>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. It makes further provision for the treatment of human rights abuses in times of conflict. Member States are to put measures in place to ensure the safety, protection and assistance to women in times of conflict as well as measures for the education and training of refugees, returnees and displaced women.</p>		<ul style="list-style-type: none"> • 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.
ARTICLE 12: MEDIA, INFORMATION AND COMMUNICATION		
<p>This article makes provision for member states to uphold principles of freedom of expression and the editorial independence of the media and recognise that gender equality is intrinsic to freedom of expression. It stipulates that gender be mainstreamed in all information, communication and media policies and laws. Recognising that the media plays a vital role in changing attitudes and mindsets, the article makes provision for gender in media content including increasing programmes for, by and about women on gender specific topics and topics that challenge stereotypes and reflect women in diverse societal roles.</p>		<ul style="list-style-type: none"> • Adopt legislative measures to enforce 50 percent representation of women at all levels including decision-making positions in the state, public and private media as well as in media regulatory and advisory bodies.

ARTICLE 13 – 21: IMPLEMENTATION

<p>These articles make provision for ensuring that the Protocol is implemented at the national level and ensuring that Member States develop monitoring and evaluation systems and plans which set out targets, indicators and timeframes based on the provisions in the Protocol. It requires that Member states submit comprehensive reports annually indicating progress achieved in the implementation of the provisions. Sanctions for non-compliance will be imposed in accordance with Article 33(2) of the SADC Treaty.</p>		<ul style="list-style-type: none">• Develop monitoring and evaluation systems and plans setting out targets, indicators and time frames based on this Protocol.• Collect and analyse baseline data against which progress in achieving targets.
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[1] The SADC Gender Protocol Alliance comprises the Botswana Congress of NGOs (BOCONGO); Federation of African Media Women (FAMW) – SADC; Gender Links (GL); Gender and Media Southern Africa Network (GEMSA); Justice and Peace (Lesotho); Malawi Council of Churches; Media Institute of Southern Africa (MISA); NGO Gender Coordination Network Malawi; SAFAIDS; Society for Women and AIDS in Africa Zambia (SWAAZ); Women in Law and Development in Africa (WILDAF); Women in Law in Southern Africa (WLSA); Women, Land and Water Rights Southern Africa (WLWRSa); Women in Politics Caucus Botswana; Women’s Leadership Centre Namibia; Young Women’s Christian Association Botswana (YWCA); Zimbabwe Women’s Resource Centre (ZWRCN).