

"Zarina"

Anushka Virahsawmy



# CHAPTER 5

## Gender Based Violence

### Articles 20-25

#### KEY POINTS

- Nine of the SADC countries currently have legislation on domestic violence.
- Seven SADC countries currently have specific legislation that relates to sexual offences.
- Only one country, South Africa, has specific provisions for Post Exposure Prophylaxis (PEP).
- Six SADC countries have legislation to prevent human trafficking: Mauritius, Madagascar and Mozambique, Swaziland, Tanzania and Zambia.
- Ten SADC countries have some form of legislation to address sexual harassment; most of this is in labour or employment 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 campaigns 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 needs 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 project for developing GBV indicators started in South Africa, Botswana and Mauritius.



Lulu Bayi saying "no" to gender violence at a "Take Back the Night" march.  
Photo: Colleen Lowe Morna



Police support the Sixteen Days of Activism Campaign in South Africa.  
Photo: Colleen Lowe Morna

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

*"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 the International White Ribbon Campaign

in this region is no different and may even be worse than in other countries.

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 provisions on gender violence in the SADC Protocol on Gender and Development are among the most comprehensive and extensive. Most countries are 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.

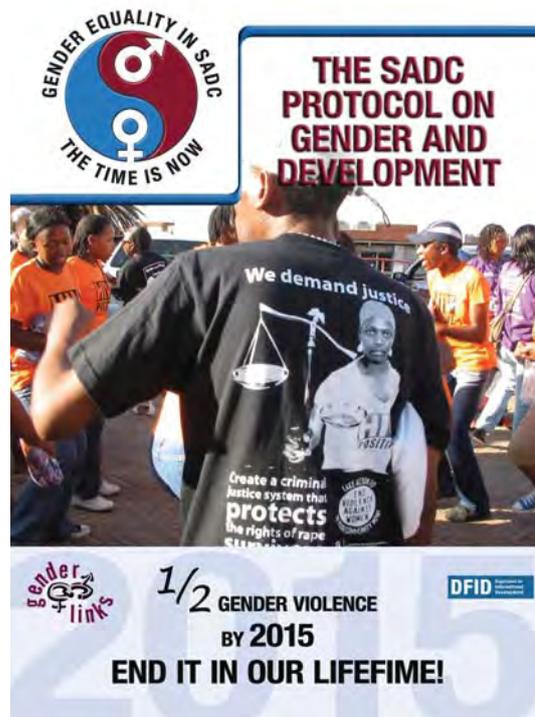
In spite of all these advances gender violence levels remain unacceptably high even where there is legislation and programmes in place. Challenges range from lack of resources to lack of political and individual will at service-delivery level. Even though some countries have adopted multi-sector action 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 coordinating mechanisms between sectors to ensure delivery.

The GBV provisions in the SADC Gender 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:** 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 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 always correspond to the reality on the ground.

### **Botswana interrogates 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. (BPS, 2008)

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.

## Human trafficking



*By 2015 all 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.*



GL Programme Coordinator Saeanna Chingamuka during the launch of radio spots, "Together we can end human trafficking" during the 2010 Soccer World Cup tournament.  
Photo: Albert Ngosa

**Provisions on prevention criticised:** Applying the '3P test' - Prevention, Protection and Prosecution - to the Gender Protocol provisions a human trafficking specialist highlighted that the Protocol is weak on Prevention<sup>1</sup>. The Protocol calls on States to: enact and adopt specific legislative provisions (Prosecution) to prevent HT and provide holistic services (Protection) to survivors, with the aim of reintegrating (Protection) them into society. The other Article 20 which encompasses trafficking provisions is also weak on prevention.

**Data is unreliable:** There is a continuous debate about whether data on trafficking is the "tip of the iceberg" or "overinflated". Many forms of trafficking are not researched. The principle adopted by the Red Light campaign co-ordinated by WLSA is to stop the numbers game and adopt the notion that "one person trafficked is one too many".

**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.

**Two more countries have enacted legislation over the last year; but some laws are weak:** Mauritius and Swaziland have joined Madagascar, Mozambique, Tanzania and Zambia to bring to six the number of SADC countries that now have legislation to prevent human trafficking. In the case of South Africa, Tanzania and Zimbabwe trafficking is mentioned in Sexual Offences Acts. South Africa has drafted a bill that is before parliament at the moment. Malawi and Zambia are receiving technical support from the IOM to draft legislation.



In **Swaziland** the trafficking law is weak because it was rushed. It is therefore imperative that good laws are passed that are consistent with the UN

Protocol (deemed most adequate) and the SADC Gender Protocol.

Research conducted in **Mozambique** by the International Migration Organisation 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,



<sup>1</sup> Paper presented by Kayte Fairfax, a Human Trafficking specialist, at a meeting of the Southern African Gender Protocol Alliance in February 2010.

transported and exploited in this 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.<sup>2</sup>

**2010 World Cup rallied governments and civil society around trafficking; but SADC governments' response was slow:** The just ended 2010 Soccer World Cup rallied governments and civil society to campaign against the real threat of increased human



trafficking during that period. It is difficult to say how many women, men or children were affected because of the nature of the trade. It happens underground.

While law makers took their time over passing the Anti Human Trafficking law in South Africa, media reports showed that human trafficking is alive and well. For example South Africa is reported to have made its first conviction for human trafficking for the purposes of sexual exploitation according to the National Prosecuting Authority (NPA) in May 2010. The state used racketeering laws related to sexual exploitation to convict a couple, South African Basheer Sayed and Thai national, Somcharee Chuchumporn, in the Durban Regional Court. Police also reportedly bust a human trafficking ring involving 21 women in Kempton Park, Johannesburg. Earlier on in March 2010 nine Nigerian men were arrested for alleged human trafficking and appeared in the Ermelo Magistrate's Court in Mpumalanga about 300km from Johannesburg.

**Red Light 2010 - Working together to end human trafficking**  
**By Loveness Jambaya Nyakujarah and Saeanna Chengamuka**

The Women in Law Southern Africa (WLSA) and Southern Africa Network against Trafficking and Abuse of Children (SANTAC) launched the Red Light Campaign in 2008 to guard against the potential impact of the FIFA 2010 Soccer World Cup on vulnerable women and children in Southern Africa. The campaign connects organisations already working on human, women and children's rights, human trafficking, gender based violence, HIV and AIDS to realise a common purpose. While initially focusing on the World Cup as an opportunity to highlight issues relating to trafficking and sexual exploitation of women and children, the campaign will continue past the event to keep this important issue on the regional agenda initially up to 2011.

Launched in ten SADC countries between 2008 and early 2010, the campaign included a concerted strategic communications campaign. Working with media, particularly community media, is one example of the communication strategies used to raise awareness on



Selaelo Chuene interviewing Rose Thamae, Director of Lets Grow at the launch of the Radio Spots, Orange Farm Johannesburg.  
 Photo: Albert Ngosa

<sup>2</sup> [http://www.usaid.gov/our\\_work/cross-cutting\\_programs/wid/trafficking/cs\\_law.html](http://www.usaid.gov/our_work/cross-cutting_programs/wid/trafficking/cs_law.html)

human trafficking using key provisions of the SADC Protocol on Gender and Development as the main framework. The Red Light 2010 Campaign worked in partnership with Gender Links, Community Media for Development (CMFD) Productions and the National Community Radio Forum (NCRF), with support from Oxfam GB to produce radio spots.

The radio spots titled "Together We Can End Human Trafficking" were aimed at:

- Raising awareness in communities around recognising, preventing, and reporting human trafficking especially during the World Soccer Cup and beyond.
- Providing community radio stations with content to promote the coverage of human trafficking.
- Expanding partnerships and bringing the voices and views of communities and people most affected by the consequences of human trafficking into the discussion and strategic interventions.

The radio spots had an accompanying presenter's guide designed to be relevant even after the World Cup. Three two-minute spots addressed various aspects of human trafficking in English, Zulu, Sesotho, Afrikaans, and SiSwati for South African audiences. These were further translated into Portuguese, French, Shangaan, Nyanja, Chichewa, Setswana, and Shona and are being distributed to stations across Southern Africa.

In one spot, a young woman's dream job in the big city becomes a nightmare when she is forced into sex work. In another, a taxi driver realises he did nothing to prevent a young woman from being trafficked, and vows to never let it happen again. In the third, two young women recognise a human trafficker in their midst, thanks to information provided to them through community outreach. To listen to the spots online, please visit <http://www.genderlinks.org.za/> and click on Radio spots: Say No to Human Trafficking.

Other examples of partner initiatives include a campaign launched by Gender Links coordinator of the Alliance titled "*Score a goal for gender equality: Halve gender violence by 2015*". The campaign that kicked off during the 2009 Sixteen Days Campaign aimed at putting gender on the Soccer 2010 World Cup.



The media did not always play their role in profiling women and their participation in the World Cup positively. For example there were very few stories that show that women play soccer and are even football fans even with the Women's World Cup that took place in Germany shortly after the men's July tournament. Women are vendors and small business owners. They can transform their houses into guest houses, their cars into taxis, and offer their services as tour guides<sup>3</sup>. They are artisans and craft makers. They fight for change and democracy. They spearhead development projects and are community organisers. There were numerous stories that the media could tell rather than perpetuating stereotypes and solely pronouncing activities such as sex work.

GL foregrounded the Gender Protocol provisions on violence, particularly around human trafficking, and the overall target of halving gender violence by 2015. The organisation also worked with media to highlight the economic opportunities created by the World Cup for women and who stood to benefit from the tournament.

<sup>3</sup> Glory Mushingi, (2009) "Media lacks content on World Cup 2010's economic potential to women", *The Gender and Media Diversity Journal: Issue 7*. Gender Links, Johannesburg.

## 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 and 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 mostly 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.



### Angola steps up services for victims of GBV

The Ministry for Family and Women (MINFAMU) has instituted Family Counselling Centres' 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 program 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 programs 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.

**TABLE 5.1: KEY BASELINE INDICATORS ON GBV AGAINST THE**

| Targets   | Angola                            | Botswana  | DRC   | Lesotho   | Madagascar                           | Malawi   |
|---|-----------------------------------|---|---|---|--------------------------------------|--|
| <b>LEGISLATION</b>  |                                   |   |   |   |                                      |  |
| 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   | Yes                                  | Law commission received technical support from IOM in developing legislation |
| Sexual harassment   | No                                | Legislation recommended as part of Employment Act | Yes   | No  | Yes                                  | No   |
| <b>SERVICES</b>   |                                   |   |   |   |                                      |  |
| Accessible, affordable and specialised legal services, including legal aid, to survivors of GBV | Yes                               | None, NGOs provide this                           | Legislation provides this but 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                               |
| <b>CO-ORDINATION , MONITORING AND EVALUATION</b>  |                                   |   |   |   |                                      |  |
| Integrated approaches: National Action Plans  | Draft under review                | Draft National Action Plan to End GBV             | Yes, not implemented                            | Yes, Draft  | Yes but coordinated by civil society | Yes, Draft   |
| By 2015 construct a composite index for measuring GBV   | No index yet                      | Pilot project                                     | No index yet                                    | No index 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  |

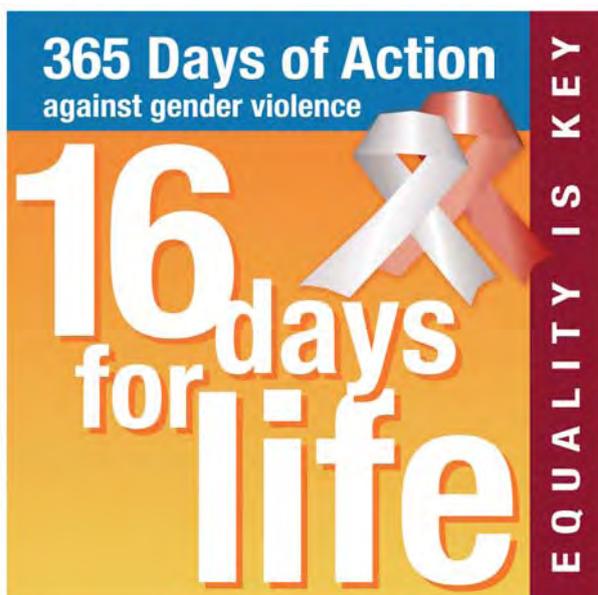
## SADC PROTOCOL ON GENDER AND DEVELOPMENT

| 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  |
| Yes, Combating of Trafficking in Persons Act of 2009         | Yes   | No specific                                      | No laws or discussion  | Sexual offences Bill includes a chapter on trafficking                       | Yes, People Trafficking & People Smuggling (Prohibition) Act, 2009    | Yes, Anti-Trafficking in Persons Act of 2008                       | Yes - Anti-Human Trafficking Act of 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   | 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                               |

## Prevention



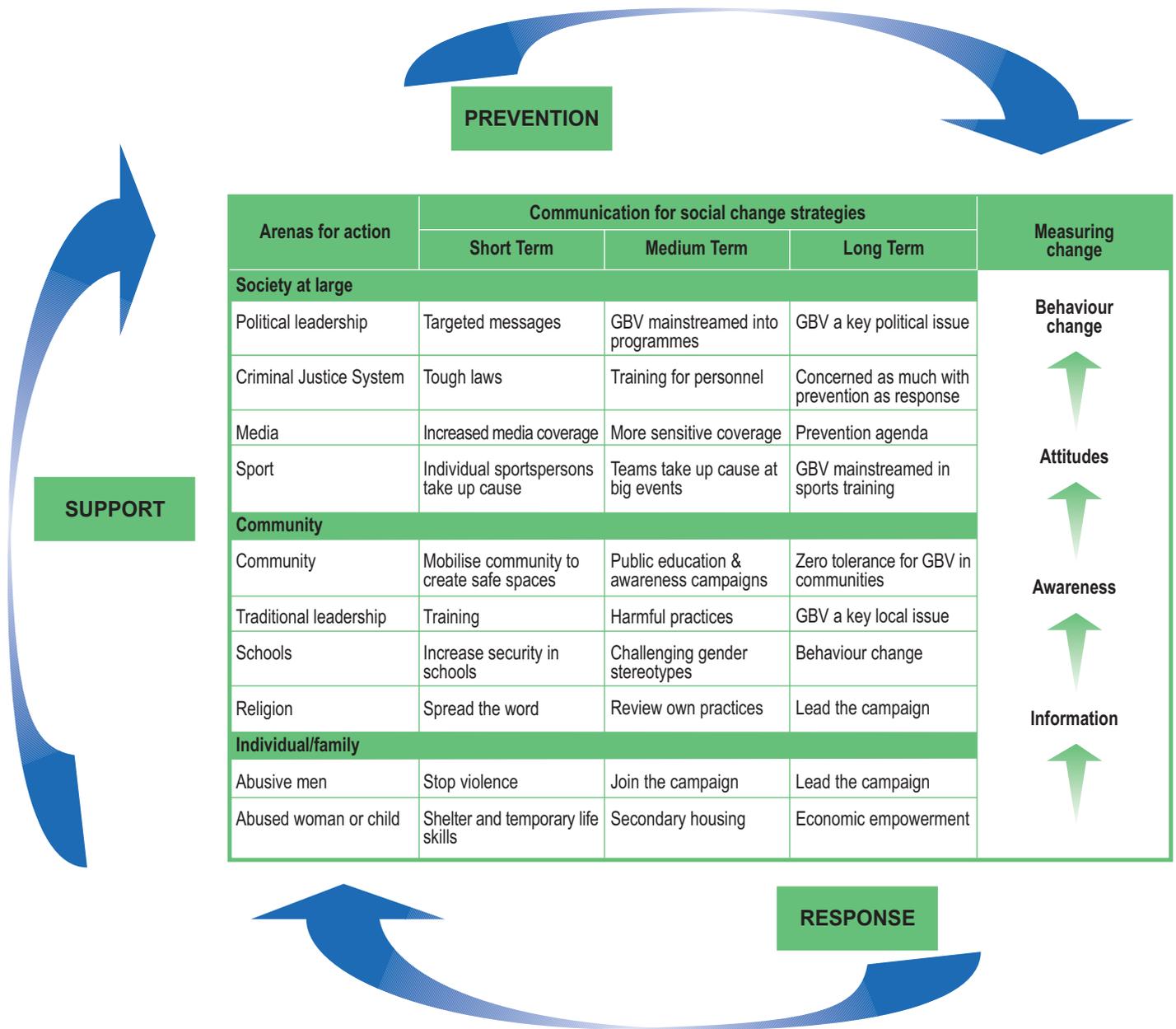
The Protocol calls on States to take measures including legislation, where appropriate, to discourage traditional norms, including social, economic, cultural and political practices which legitimise and exacerbate the persistence and tolerance of gender violence with a view to eliminate them and in all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



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 prevention 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**



**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:

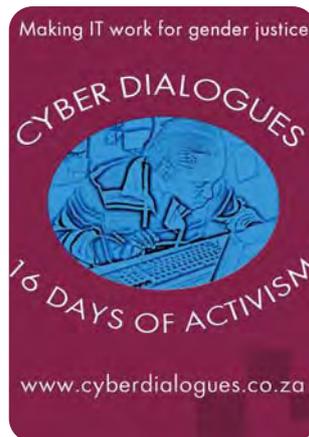


Young women singing at the launch of the radio spots on human trafficking, Orange Farm, Johannesburg in the run up to the 2010 Soccer World Cup tournament. Photo: Albert Ngosa

**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 (ZWLA) in partnership with NGO's and UNFPA recently launched a campaign named *Musha Matare* aimed at disseminating information on GBV. ZWLA 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.



- The impact of the celebration of Sixteen Days of Activism against GBV and child abuse by NGOs and NGM since 1999 has led to myriads of activities that pull crowds all over the country, raise awareness and lead to more cases being reported. The events call for commitment by government, development partners, civil society and individuals to join hands in combating GBV.
- Since May 2008, the Sixteen Day campaign has been elevated to a 365 Day campaign.
- Exchange of national, regional and international best practices for the eradication

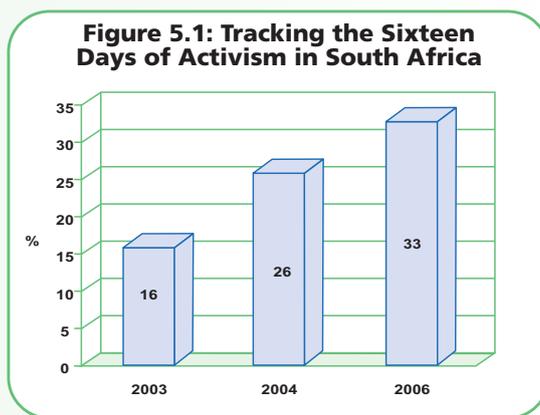
of violence against women and children mostly occurs in international fora, and among networks like WLSA and Gender Links especially during the 16 days campaign.

**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 Government Communication Information System (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.

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 effects 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/WLRI/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.

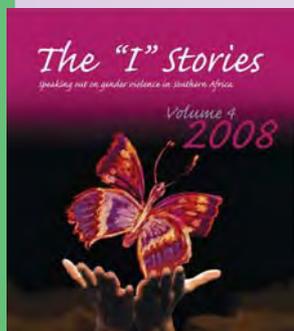
**Swaziland:** Monitoring of GBV coverage in Swaziland in 2003 by MISA concluded that there existed “a serious lack of ethical, fair, detailed, analytical and gender aware reporting. This study demonstrates that the media is not doing enough to challenge gender stereotypes, raise public awareness of gender violence and child abuse, educate women on their rights and urge greater commitment and accountability from government in combating the problems”. Rogers (1997, 35)



Understanding the power of speaking out: Activists in several countries across the region have been working with survivors of gender violence to tell their stories in their own words. During the Sixteen Days of Activism 2010, Gender Links followed up with women who have participated in the “I” Stories project over the last five years to assess if writing is indeed a powerful form of healing. The gender indicators project mentioned later in this chapter will seek to gauge the power of speaking out as part of strategic communications campaigns on GBV.

### Speaking out can set you free by Colleen Lowe Morna

What do you think of when you see a butterfly? Beautiful colours! Freedom after the struggle to break out of a cocoon! The sky is the limit! Reaching up; reaching out! These were just a few of the answers given by survivors of gender violence who over the last five years have come out to tell their stories at a workshop convened by GL ahead of the Sixteen Days of Activism 2009. The butterfly is the symbol of the “I” Stories brand that these women have created as well as a profound metaphor for their lives.



“The caterpillar is a victim whose hopelessness is compounded when it closes up in a cocoon,” facilitator Mmatshilo Motsei said. “The butterfly that emerges is a survivor with new found freedom and possibilities. That does not mean your flight will always be a smooth one. Talking is the beginning of that journey.”

When GL, working closely with NGOs that offer counseling, first started the “healing through writing project” in 2004, it was fraught with risks. What if women who came out to tell their stories especially through the media suffered even more violence at the hands of abusive partners? What would happen after the near celebrity status accorded by the Sixteen Days came to an end? How would we respond to expectations raised for jobs and security?

The stories of the 55 survivors that GL has worked with in South Africa, chronicled in four “butterfly” books range from a woman who had her jail sentence lifted after murdering a sadistic partner following years of physical and emotional torture to another forced to watch her husband having sex with his girlfriend in the same bed. This year we decided to follow up on past participants to see what effect speaking out has had on their lives. Some could not be traced. At least one had died. Others preferred not to continue to be associated with gender violence related work.

But the 25 who responded shared uplifting stories of what breaking out of the cocoon has meant for them. At least three have become counselors at the shelters where they once took refuge. Rehana, an HIV positive Muslim woman, and participant in the very first “I” story workshop, is now a well known advocate of disclosing ones HIV status.

Rose Thamae's three generation story of enlisting her daughter and granddaughter to the cause after a gang rape that left her HIV positive has inspired hundreds here and abroad. She leads Lets Grow, a vibrant community-based HIV and AIDS care network in Orange Farm with branches in Lesotho. Thamae has spoken on global stages from India to the UN in New York. Her granddaughter Kgomotso says: “Even though I am sometimes stigmatised because of my grandmother's experiences, I would much rather have them out in the open than the subject of rumours and gossip.”

When Sweetness Gwebu first participated in the “I” Stories project in 2007 after 37 years of living in an abusive relationship she did not want her

name used. The following year, she wrote the foreword to the “I” Stories book. Now she is writing a book that probes deeper into the causes of gender violence. “What I have found not even a psychiatrist would know,” she said.

Grace Maleka who became disabled as a result of the violence she experienced recounts how after her story aired on ETV she received several calls from community members saying she had lied. Written story in hand, she stood her ground and has gone on to give dozens of media interviews, especially with local community radio stations. The experience of participating in cyber dialogues, and having her story posted on Women 24 where it received many comments has opened her eyes to the potential power of IT in the campaign for women's rights.



Grace Maleka speaks out.

Photo: Colleen Lowe Morna

Maleka compares herself to a driver who looks in the right mirror, the left mirror, and the rear view mirror before overtaking a car on the highway. “When you have done all that, there is only one way to go and that is forward,” she said. “For me, there is no turning back.”

## 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.*

**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.   |

**Paper plans?** Almost all SADC countries have put in place multi-sector National Action Plans or Strategies to End Gender Violence. This target will thus be met by almost all countries in the region. However the challenge lies in effective implementation to actually reduce gender violence on the ground. Taking stock meetings held in various SADC countries between during the Sixteen Days of Activism in 2009/2010.



**Botswana:** The country's national action plan to end gender violence is still in draft form and is hardly known within government let alone by the rest of the Setswana society.

Hence none of the commitments made during the drafting of the action plan in 2007 have really taken off except a component of the Women's Affairs Department on working with police to address GBV. No national conference has been held nor has a GBV network been established as per the commitments made in the action plan. At a stock taking meeting in January 2010 government undertook to review the plan and work towards reviving it.

**DRC:** The National Action Plan is included in the 'National Policy of Gender Mainstreaming and the Promotion of Women, the Family and Protection of the Child'. The Minister of Gender gathered with its partners to discuss the development of this plan last June but it has not yet been implemented.



**Lesotho:** There is a National Action Plan to End Gender Violence or strategy in place to curb all forms of gender based violence. The MGYSR has in place a Draft National Action Plan on GBV, which it has formulated

with the support of UNFPA, Gender Links, and civil society organisations and other stakeholders. The plan has to date not been adopted.

- The structures established to drive the process include the Gender Forum comprising Stakeholders of GBV and Gender Reproductive Rights (GRR) to discuss progress under coordination of the MGYSR, and UNFPA, Steering committee which periodically meets.

- The government and UNFPA are financing the implementation of the action plan/strategy.
- Yes there have been some problems along the way mainly commitment by stakeholders resulting in blame shifting. Lack of political will, and inadequate financial support especially to non-state-actors to drive the process.
- Support required for implementation of the National Action Plan is the institution of a working committee to pursue issues, financial support, and commitment "from the top".
- SADC Protocol is not ratified. There are no steps being taken since Lesotho signed it a year ago.

**Madagascar:** There is no specific

national action plan to fight gender-based violence. However, provisions on the subject are included in various policy instruments, including the National Policy for the Promotion of Women (PNPF), the Gender and Development National Action Plan (PANAGED), and the Madagascar Action Plan (MAP). The Gender and Development National Action Plan (PANAGED) was developed in 2003, based on the Gender and Development Regional Action Plans (PARGEDs), which were developed in a participatory process, and in which a component on the fight against violence was included. The PARGEDs had taken into account the social and economic specificities, the social and demographic situations, and the activities in the fight against violence in each region.



The institutional mechanism to implement the PANAGED component on the fight against violence includes Gender and Development technical units at decentralized level, to assist victims of violence, reinforce punishment for violence against women/ little girls/ adolescent girls, create a social dynamic to enhance the fight against violence. Those technical units work in cooperation with the local NGOs, associations and groups in the gender network.

The PANAGED was to be funded by public resources made available from the Poverty Reduction Strategy Paper (PRSP 2003-2006). Additional resources from the Government, regional/local authorities, the private sector and technical and financial partners were to be found

for those actions that could not be included in the programmes and projects that were in existence at the time when the PANAGED was adopted.



**Malawi:** Malawi has a national plan entitled "National Response to Combat Gender Based violence (2008- 2013)" that was adopted in July 2008.

The Action Plan was developed through a consultative process of meetings and workshops with the involvement of key stakeholders such as government institutions, civil society and the donor community. A task force was set up mandated to draft the document after receiving inputs from stakeholders.

The plan envisages the vision of "A violent free society where women, men, girls and boys enjoy equal rights, treat each other with dignity and respect and are able to contribute to and benefit from the economic and social development of Malawi". The objectives of the NRCGBV are (a) to improve partnerships among public private and civil society organisations on gender based violence (b) build capacity of stakeholders for implementation of the national response to combat GBV (c) reduce incidences of GBV in the work places (d) provide services for survivors and perpetrators of GBV (e) conduct research to inform programming in GBV and (f) enhance effective implementation of the NRCGBV.

The NPCGBV has six thematic areas namely (a) Strengthening multi-sect oral response to GBV (b) Gender based violence prevention (c) Rehabilitation services for survivors and perpetrators of GBV (d) Research documentation (e) GBV in the workplace (f) Monitoring and evaluation.

Under each theme there is an objective, strategy and activities for implementation, the lead institution and other implementation organisations as well as the source of funding for particular activities. The NRCGBV has under each activity falling under the six thematic areas a list of institutions and potential funding agencies. The potential financiers are UNFPA, UNICEF, NORAD, CIDA, DFID, OXFAM, ICEDA, NCA, and UNDP.

There have been a number of problems that the MoWCD has encountered mostly relating to financial constraints as most of the donors have not responded to requests to fund implementation of activities under the strategy. In terms of human resources, the MoWCD is a coordinating institution of the strategy and it is expected that the implementing agencies such as the civil society, international organisations have the sufficient human capacity. However the challenge has been the lack of awareness on part of the personnel, gender insensitivity and accessibility of these organisations to the rural masses. Issues of transparency and accountability amongst the implementers have also emerged as a challenge.

The areas of support emanate from the challenges that the MoWCD is facing in implementing the NRCGBV namely financial and technical support to enable the implementing bodies to ensure that operational frameworks are created for the realisation of the aspirations provided in the constitution, sectoral legislation and policy.

**Mauritius** provides a good model for effective and efficient implementation of an action plan to address violence against women. The National Action Plan to Combat Domestic Violence is much focussed and the government of Mauritius through the now Ministry of Gender Equality has worked consistently with civil society to implement the plan which runs from to date it is on record that they have implemented 70% of the recommended actions including the following:



- Amendments, where appropriate to laws and regulations; and streamline of procedures.
- Protection from Domestic Violence Act amended in 2007 but still needs to be proclaimed.
- Creation of a networking system to exchange and disseminate information to the general public.
- In view of adopting a coordinated and concerted approach in handling cases of domestic violence, a National Domestic Violence Committee and Area Domestic Violence

Committees have been set up at the Ministry to ensure coordinated approach at the central level and to advise on policies relating to family welfare and domestic violence.

- The Area Domestic Violence Committee (ADVCS) have been set up at the level of the six Family Support Bureaux to enable officers to deal with cases in an expeditious manner and to organise case conferencing on reported cases and to report back to the relevant authorities namely the Police, the Family Protection Unit and the Ministry of Health and Quality of Life, amongst others.
- Sensitisation sessions at the workplace by trained officers.
- A workshop on the Protection from Domestic Violence Act and drafting of affidavits was held on 27 October 2008 with 46 officers: Court officers, Law enforcement Officers, Medical Social Workers and Nursing Officers.
- 60 Police officers were trained during a sensitisation workshop on handling of domestic violence cases in November 2008 and in April 2009 60 Officers from the Welfare Department of different localities, Sugar Industry Labour Welfare Fund, Social Welfare Centres and Citizens Advice Bureaux were sensitized during a one day National Workshop on Strategic Planning and Capacity Building to combat domestic violence.
- The Ministry has engaged with the National Women's Council and its affiliated women's associations to further empower them to sensitise the population at large on issues related to promotion of family welfare and protection from domestic violence.
- More than 1562 persons have been sensitised at Community Level.
- IEC campaigns on legislation, services available for both abusers and survivors have been distributed widely.
- Two pamphlets on anger management were launched and distributed in August 2008 and around 1000 people attended the event.
- In the budgetary submissions of the Ministry of Women's Rights ,Child Development and Family Welfare for 2012 the sum of R3 million have been included for the development of a Domestic Violence Information System to track and manage cases of domestic violence.



**Namibia:** The process followed in adopting the National Action Plan started with the workshop organised by GEMSANaM/Gender Links in 2006 to come up with specific strategic Plan of Action on GBV in October in Windhoek. About 27 NGOs and UN Agencies attended. This plan was presented to the Ministry of Gender Equality and Child Welfare. In 2007/8, the Cabinet through the Minister of Gender requested to bring together various stakeholders in the fight against GBV. A Committee was established on which GEMSANaM is a stakeholder-partner. This Committee was tasked to advise government (President, Cabinet the Ministry of Gender on GBV).

The Ministry of Gender is chair of the Committee, which reports to Cabinet on any suggestion and finding. At the moment, a meeting is called by Ministry of Gender on issues that the Committee will like to see being addressed. The implementation of the plan is being financed by the government through the Ministry of Gender Equality and Child Welfare. One of the main challenges is that the committee does not have a budget for the implementation of the plan. All activities are being spearheaded by the Ministry of Gender Equality and Child Welfare.



**Mozambique:** Mozambique now has a National Action Plan to End Gender Violence that runs from 2008 to 2011, adopted by the Council of Ministries in October 2008.

This Action Plan is an operational instrument to the five-year government plan (2005-2009), of the Poverty Reduction Action Plan (PARPA II), National Plan for Advancement of Women, and part of the implementation of the strategy "Women's Rights and Violence" of the need to protect the women human rights. This is a result of a consultative effort involving various sectors and actor operating in the area of domestic violence against women at various levels, national and provincial. After various actors involved in this process agreed on the terms of the Action Plan it was submitted by the Ministry of Women and Social Action to the Council of Ministries for approval.

The National Council for the Advancement of Women, which includes representatives of all ministries, the civic society organisations and faith based organisations are supporting the process.

This activity is included in the annual State budget, which receives contributions from donors and partners. Indeed, finances have been the major constraint to effective implementation of this Action Plan. Being an area of expertise that requires specific training, it become urgent to have people training specifically to deal with this issue.

**Seychelles:** The country developed a National Strategy on Domestic Violence in 2008. Work done on this led to the preparation of a two year action plan for gender based violence, with the help of UNIFEM. The plan has five pillars: Awareness raising and prevention of gender based violence; Standardised Procedures; Guidelines and training materials; Capacity strengthening of service providers; Legislation, advocacy and lobbying; Rehabilitation; and Coordination, research, monitoring and evaluation.



**South Africa:** While many gaps exist in the rate of implementing the commitments made in the 2006 Declaration signed at the Kopanong Conference and 365 Day National Action Plan to End GBV launched in March 2007 by then Deputy President Phumzile Mlambo Nqucku, the institutional mechanisms have not worked well. The Task Team formed then involving government is not in operation, hence there is no sustainable implementation. Instead this is taking place in a piecemeal manner - civil society, local government, business sector, national government among others cite the action plan as reference point informing their interventions but in isolation from each other. There is a lack of clearly defined accountability, resourcing and funding mechanisms for the Project Management Unit (PMU) at the National Prosecuting Authority

tasked with spearheading the implementation of the Plan. However, it is expected that the PMU will become a proper Secretariat in the course of the year 2010.

Further there is no streamlining of national programmes to support victims and survivors of gender-based violence at provincial and local levels. The NAP has not been sufficiently publicised let alone put in place a strong monitoring and evaluation system by government. Civil society and government have not coordinated the communication strategies across sectors. The only strong visible monitoring and evaluating system is around the one stop Thuthuzela Centres that aim to provide holistic services to survivors of gender based violence. Even then these are available in very few locations as the national roll out is still underway with an aim of establishing 80 centres by the end of 2010. However there is consensus that prevention of gender based violence must take centre stage as a sustainable way of addressing the scourge and there are attempts to revive the action plan.

**Swaziland:** Swaziland elevated the Sixteen Day campaign to a 365 Day campaign in 2007 when a draft action plan was formulated and launched during that same year.



The action plan was formulated taking into account a 2006 Situational Analysis commissioned jointly by the Government Gender Unit, CANGO Gender Consortium and UN Gender Theme group. This draft action plan outlines the intended plan to mobilise all sectors of society in the fight against gender violence. The action plan was framed against the SADC Addendum on the Prevention and Eradication of Violence against Women and Children. A technical team was appointed which comprised of members from both civil societies and government.

At the writing of this study though there was no visible evidence, in terms of awareness raising, media coverage or legislative changes, of the implementation of this action plan.

The plan has been dogged by funding challenges, there has been no political will leading to no

commitment to this campaign and people's commitment has not lasted. It thus has been a colossal failure as most of its stakeholders are unaware of it or have forgotten of its existence not to say anything of the general public and the rest of civil society. To say the least, the action plan has not yet achieved its stated goals.



**Tanzania:** In 2001, the Tanzanian government adopted a National Plan of Action to Combat Violence against Women and Children (2001 - 2015). The MoCDGC

also collaborated with relevant service providers and NGOs to draft a National Plan of Action for the Prevention and Eradication of Violence against Women and Children as well as a National Plan of Action on the Eradication of Female Genital Mutilation (FGM).

These plans call for the reform of systems for both the prevention of and response to GBV in all ministries and related sectors. However, the plans predominantly focus on the legal sector. Moreover, the budgets specified for the activities in the plans have not been given funding allocations. Thus, the MoCDGC has not implemented many activities in the plan.

The National Plan of Action for the Prevention and Eradication of Violence against Women and Children and the National Plan of Action to Accelerate the Elimination of FGM and other Harmful Traditional Practices are broad, ambitious plans that were written seven years ago when minimal work was being done to address GBV outside the legal sector. Given new areas for concern, such as health, HIV, counselling, and social welfare, as well as emerging lessons learned and guidelines in these areas (such as the WHO's forthcoming guidelines on integrating gender into HIV programs), the MoCDGC should update these plans to reflect current knowledge. The plans should also focus on priority areas and/or lay out phases of action so as to make them manageable and realistic.

**Zambia:** Government through the Gender in Development Division (GIDD) has put in place



a National Action Plan to end GBV. The Plan was adopted in January 2004 by Cabinet and has since been streamlined in all government ministries. This came into being after seeing the increasing number of GBV cases especially against women and children.

The developing of the plan was done after sector and national wide consultation. To support the plan, a number of structures are in place such as GIDD under a Gender Minister in the cabinet although there is no Ministry. Gender Focal Persons (GFPs) have been established in all ministries and provinces as well as the Parliamentary Committee on Human Rights and Gender currently chaired an opposition female Member of Parliament, Regina Musokotwane.

The structures complement each other while GIDD coordinate all ministries, monitors and evaluates the implementation of the National Gender Policy and the action plan. The GFPs in ministries and provinces implement the gender national policy on behalf of government and report back to GIDD which is in charge of the whole process. Furthermore, the Parliamentary Committee on Human Rights Legal and Gender matters oversees the implementation of the national gender policy.

The financing of the plan which is done by government through line ministries is inadequate for the effective implementation and evaluation of the plan. Inadequate human resources and proper monitoring tools of the plan are other hindrances to the smooth implementation of the plan.

There is need for adequate funding and allocating of more enough human resources if the implementation of the plan is to yield intended results. There is need to lobby government and the donor community to allocating for funds to issues that look into the plight of women such as the National Plan Action to End GBV.

**Zimbabwe:** The Ministry of Women Affairs and Community Development) launched a National Gender Based Violence Strategy and Work Plan. The



strategy seeks to address four key areas being prevention, service provision, research documentation and advocacy and coordination. However they are revising this in view of developments such as the United Nations Secretary General's Campaign on Violence against Women as well as the Africa Wide Campaign. The recommended actions are consistent with the provisions of the SADC Gender Protocol.

Harmonisation is also taking place between the GBV strategy and the Anti Domestic Violence Council Strategic Plan which were developed at the same time. Challenges around implementation include lack of funding in spite of receiving a gender based violence specific allocation from the national budget. The amount allocated is not enough and complementary support comes from UN agencies.

### **The Western Cape Network on Violence against Women**

**By Claire Manthonsi\***



The Western Cape Network on Violence against Women [WCNOVAW], soon to be taking over coordination of the Southern Africa Gender Protocol Alliance regional gender based violence cluster, is a membership based organisation. Its mission is to be a strong united body which coordinates and integrates organisations and individuals through advocacy, public awareness, training and support with a developmental approach in order to progressively realise women's' rights to a life free from all forms of violence.

The WCNOVAW takes a women's rights and human rights approach to its work with the aim of changing the quality and status of women's lives in South Africa, the sub-region, region and globally. The overall aim of the WCNOVAW is to secure women's rights to freedom from violence, and to locate this in a broad framework of related issues, in particular, poverty and HIV/AIDS, by strengthening and coordinating the work and response of civil society organisations at large and specifically of member organisations. The WCNOVAW is based in the Western Cape Province but works nationally, regionally and globally.

One of the core functions of the WCNOVAW is to create platforms for members to come together for increased collective responses and agenda setting. Various platforms were used as entry points to entrench the SADC Protocol on Gender and Development within the practice of the WCNOVAW and to link the Gender Based Violence provisions to other instruments providing an impact in the fight to eradicate VAW.

General meetings are such platforms used by the WCNOVAW to bring members together. General meetings provide a platform for members to learn and engage in order to respond to, initiate and improve service delivery. This is also an important space for increased collaboration and coordination.

It is through this vehicle that the WCNOVAW responded to the call from members to engage in sub regional and regional advocacy. The participation of the WCNOVAW in the Alliance had led to increased discussions and opportunities being identified within international advocacy. Members had shared and recognised the need for the use of regional instruments in the eradication of Violence against Women [VAW] at country level. Different VAW sectors had expressed the necessity of a creative and diverse bag of tools accessible to organisations to use effectively in their different areas of service delivery and action.

The WCNOVAW recognised the importance of ensuring an informed and equipped Network with the ability to use the SADC Gender Protocol at local level. Therefore the General Meeting was used to re-launch the importance of international advocacy and application of instruments at local level through the SADC Gender Protocol. The purpose of the meeting was to build greater knowledge and awareness around the SADC Gender Protocol, assess usefulness by reviewing the SADC Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa to identify opportunities for action and to understand the process for ratification in South Africa. The topics included:

1. Understanding ratification in South Africa and developing a strategy towards its realisation;
2. Building the understanding around the Gender Based Violence Articles in the SADC Gender Protocol and what opportunities existed for action;
3. Review of the African Union Protocol on the Rights of Women and what this means for the VAW Sector;
4. How to use the SADC Gender Protocol and the AU Protocol on Women's Rights.

Experts linked the SADC Gender Protocol to other important instruments. Mushahida Adhikari [Women's Legal Centre] discussed the GBV provisions and the opportunities for action and the importance of ratification in South Africa and the process entailed. Wendy Isaaks from People Opposed to Women's Abuse (POWA) discussed the African Protocol and the opportunities for increased participation, influence by women's organisations. An important element was the important opportunities for increased state accountability and opportunities to galvanise and challenge the state through the various mechanisms.

The Advocacy and Coordination focus group comes together to increase the participation of organisations in national and international advocacy and for collective agenda setting. Furthermore it works towards the increased collaboration with organisations across the sub region and African region on different instruments. The main focus area is the diffusion of the instruments to ensure impact in the lived realities of women. A key element is how to ensure the participation of women's voices in sub regional processes and to develop strong advocacy strategies to ensure constant engagement with the processes.

The Alliance allows for organisations that rarely engage in sub- regional discussions to engage in the process but also to form alliances and collaborate with organisations from the region. The building of the GBV cluster is linked very strongly to what opportunities exist for sub regional exchange and action. This sub-regional exchange also includes learning and exchanges between organisations. For example through the Alliance, the WCNOVAW has collaborated with the Women's Coalition of Zimbabwe on the writing of CEDAW Shadow Report.

At a national level, the focus group is following the ratification process within South Africa. The WCNOVAW had been informed that the Ministry on Women, Children and People with Disabilities had been instructed to write a Cabinet Memorandum for the ratification of the SADC Gender Protocol.

In 2009, the provincial gender machinery hosted a strategy week that looked at setting provincial aims and objectives by looking at the different provisions in the SADC Gender Protocol. This meant that Government [provincial and local], Parliament [provincial and local], independent bodies and civil society engaged with the SADC Gender Protocol's provisions and targets in an extremely detailed manner.

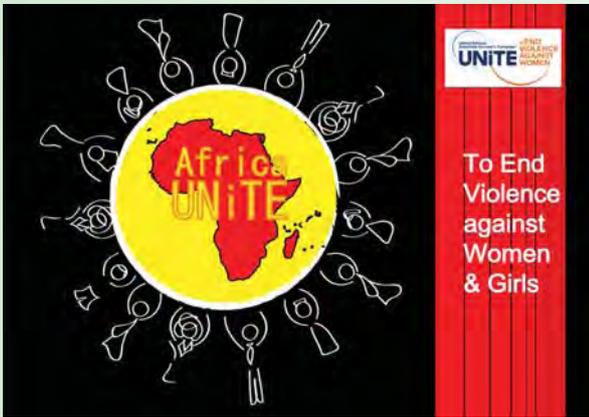
The WCNOVAW has also embarked on a Social Mobilisation Programme focused solely on the prevention of VAW. Parts of the strategies put forward have been rooted in the commitments made the State towards prevention. The participation of diverse actors from inside and outside government has allowed the introduction of the SPGD into the agendas of local and provincial structures.

The work on the SADC Gender Protocol and other instruments is in its early stages but the opportunities provided by the provisions and the targets set together with other instruments have galvanised the members of the Network to work in different kinds of ways.



*\*(Claire Manthonsi is the director of Programmes at the Western Cape Network on Violence Against Women).*

## The UNiTE campaign adds muscle to regional efforts



The Africa UNiTE to End Violence against Women Campaign is the Africa-led regional component of the United Nations Secretary General's UNiTE global campaign. Launched by representatives from Member States of the African Union, the United Nations system and civil society in Addis Ababa, Ethiopia on 30th January 2010 and subsequently from 11th - 12th May 2010 in Southern Africa, the campaign enhances the regional efforts to reduce by 50% current levels of gender based violence by 2015.

The UNiTE campaign has an overall objective of increasing public awareness, political will, and resources for preventing and responding to violence against women and girls. The grassroots and regionally inspired approach of the Africa UNiTE complements the Secretary General's Campaign by serving as the nexus for highlighting, marrying and building on a convergence of existing activities and initiatives in Africa at the national and regional levels.

This is consistent with Articles 20 -25 of the SADC Protocol on Gender and Development which foregrounds prevention, political will and integrated approaches as sustainable strategies for addressing gender based violence. This also strengthens the overarching framework that provides an enabling environment for initiatives in all spheres and at all levels of society.

When representatives of government ministries and national women's machineries from 14 countries in southern Africa, as well as regional economic communities, civil society organisations and UN agencies met to launch the campaign in Johannesburg they drew up a plan of action based on the six outcome areas and key messages for public outreach in Southern Africa. The six focus areas of the Campaign are: intra-family violence against women and girls (domestic violence, intimate partner violence, incest, etc); rape and other forms of sexual violence in the broader community; harmful practices including child marriage; violence against women in conflict-affected countries; linkages between violence against women and girls and HIV and AIDS, and safety and security of women in public space.

The aim is to have simultaneous national launches of the Africa UNiTE campaign at the beginning of the 2010 Sixteen Days of No Violence against Women on 25 November. The regional economic communities - the Indian Ocean Commission (IOC), the Southern African Development Community (SADC), and the New Partnership for Africa's Development (NEPAD) - committed to play a coordinating role.

### 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.

### Political leadership of the Africa UNiTE campaign

- Africa UNiTE invites all African Heads of States to play a leadership role in the campaign as Honorary Co-Chairs.
- A few Heads of State could be approached to be more actively involved.
- Women vice presidents will be given the opportunity to participate in the campaign at a prominent level.
- The campaign aims to utilize the support and influence of former heads of states.
- African Governments are strongly encouraged to take ownership of the Africa UNiTE Campaign.
- National Steering Committees might be set up for a successful roll out at a national level.
- National Women Machineries are expected to take leadership.

## Measuring change

by Kubi Rama\*



At least nine of the 15 Southern African Development Community (SADC) countries have developed multi sector national action plans for ending gender violence. They now face the task of gathering baseline data on current rates of violence so that they can monitor progress in reaching the 2015 and the ultimate target of ending this scourge. Over the course of the year, experts and governments in South Africa, Mauritius and Botswana have been working with Gender Links (GL), a Southern African NGO based in Johannesburg, on a pilot project to develop indicators for measuring gender violence.

GL has also entered an agreement with the Economic Commission on Africa (ECA) for sharing the research findings and collaborating in a continent-wide initiative on gender violence indicators. The partnership is a demonstration of the benefits of civil society, government and multilateral agencies working together in devising meaningful measures for this flagrant human rights abuse.

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. The “one in nine campaign” in South Africa draws its name from research conducted by the Medical Research Council (part of the indicators task team) which shows that only one ninth of all cases of gender violence are reported. 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.

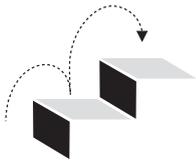
When engaged (as has been happening in South Africa) there is a willingness by police to create categories for domestic violence and femicide so that at least this data can be accurately obtained. Since all deaths must be reported, police data on femicide (referred to in countries such as Botswana as “passion killings” should provide accurate information on at least this form of GBV. But that still leaves the many cases of sexual and physical assault that do not get reported. It also leaves out the many forms of GBV that seldom enter official statistics, like economic, psychological and verbal abuse. For this, the best way to obtain accurate information is to conduct a population survey. 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.

It follows that such surveys are only as accurate as the sample size is representative of the population. A 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 Southern African indicators study group 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 counseling services. The team has, however, argued that one cost cutting measure could be to combine GBV attitude and population surveys since these use similar methodologies. An additional advantage is that by obtaining information on the incidence 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 also cover knowledge and experiences of service provision. The questions are both quantitative and qualitative. Other research tools include analysis of political commitment through monitoring of statements and actions by leaders and media monitoring. Preliminary work has been supported by the UNIFEM Trust Fund on Ending Violence Against Women.

*\*(Kubi Rama is deputy director of Gender Links)*



## 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 Protocol to ensure that countries begin to work towards achieving these.
- **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.
- **Trafficking:** Related to this is prioritising a concerted advocacy campaign that countries pass legislation on trafficking so that they can meet the 2015 deadline. This is a less controversial subject and could easily pass legislative authorities. Technical expertise is readily available from IOM.
- **Indicators:** Collaboration on scaling up the indicators project 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:** Carry out an annual audit of status of the remaining countries on adopting and implementing their National Action Plan or Strategies to End Gender Violence and apply peer pressure.