



"Isabella"

Anushka Virahsawmy



Implementation

Articles 32-36



KEY POINTS

- Malawi joined other SADC countries who have signed the SADC Gender Protocol bringing the total to 13 out of 15 countries that have done so.
- Botswana and Mauritius are the only two countries that are still to sign.
- Only two SADC countries have since ratified the Protocol - Namibia and Zimbabwe up from a baseline of zero in the 2009 Barometer.
- Countries in the region continue to have different kinds of structures for advancing gender equalities. Many of these are weak and not well resourced. It was unclear at the time of going to press how many countries will meet the deadline for submitting first reports on the implementation of the SADC Gender Protocol by the Heads of State summit in August 2010.
- The civil society Southern African Gender Protocol Alliance has grown in visibility and impact but needs to strengthen sector work. There is need for high profile campaigns around all the gaps identified in this Barometer.
- Extensive advocacy work by the Southern Africa Gender Protocol Alliance has led to increased awareness of the existence of the SADC Gender Protocol. A pilot knowledge quiz shows that 61% of citizens around the region have basic information about the Protocol, but less than half answered more detailed questions, such as the specific provisions of the Protocol, correctly. For example only 30% are aware of the gender violence target to reduce by 50% current levels of gender violence by 2015. This calls for even more concerted awareness campaigns.

Head of the SADC Gender Unit Magdeline Madibela at the Beijing Plus 15 Strategy meeting of the Southern Africa Gender Protocol Alliance.

Photo: Colleen Lowe Morna



SADC Executive Secretary,
Tomaz Augusto Salomao

Articles 32-36 are grouped under “final provisions.” These cover:

- The remedies that citizens are entitled to should they feel that their rights have been violated on the basis of gender.
- Ensuring gender mainstreaming in financial allocations and in the implementation of the Protocol.
- The institutional arrangements to be established by the SADC Secretariat for the implementation of the Protocol that include a Committee of Ministers Responsible for Gender/Women’s Affairs; Committee of Senior Officials Responsible for Gender/Women’s Affairs and the SADC Secretariat.
- Actions to be taken at the national level, including national action plans, with measurable time frames, and the gathering of baseline data against which progress will be monitored and reports submitted to the SADC Executive Secretary every two years.
- Mechanisms for the settlement of disputes through the SADC Tribunal.
- The fact that any party may withdraw from the Protocol after submitting twelve months notice.
- Ways in which amendments can be made to the Protocol.
- Signature of the Protocol.
- Ratification; entry into force within thirty days of two thirds of the member states depositing Instruments of Ratification.
- The fact that the Protocol remains open for accession by any Member State.
- The depositing of the instrument with the Executive Secretary of SADC who shall register.

Since it is only the second year since the signing of the Protocol it is difficult to assess all the above provisions, bearing in mind that two countries (Botswana and Mauritius) have not yet signed and only two others (Zimbabwe and Namibia) have ratified the gender protocol. It will, however, be the first year that countries prepare progress reports to the SADC Secretariat.

This chapter assesses progress with regard to signing and ratification on the eve of the August 2010 Summit in Namibia, as well as the gender management systems put in place at national level, since these are key for implementation.

With civil society organisations an active part of the process in all countries, this chapter includes a brief analysis of the structure and achievements of the Southern Africa Gender Protocol Alliance, a network of over 40 individual and umbrella organisations that has been following the Protocol campaign closely.

The Network worked closely with national governments and the SADC Secretariat in the campaign leading up to signing. Since then it has complemented governments' efforts in popularising the key provisions of the Protocol as an instrument that citizens can use to claim their rights. Members of the Alliance have also applied the Protocol in their work.

Baseline data on knowledge of the key tenets of the Protocol as part of monitoring and evaluation of the work of the Alliance across the region shows that there is a fairly high level of awareness of the existence of the Protocol, but more needs to be done. This survey is ongoing and will be presented with each issue of the annual Barometer.

Signing



Article 39 provides that the Protocol shall be duly signed by the authorised representatives of Member States.

In August 2008, 11 out of the 15 SADC countries signed the Protocol. Madagascar followed suit soon after, Malawi eventually signed in October 2009 bringing the total number to 13 countries. On the eve of the August 2010 Heads of State summit, Botswana and Mauritius have not signed the Protocol. As the discussion below reflects, this does not necessarily reflect less commitment on the part of the two governments. Rather, it reflects the fact that there are certain aspects that these two governments are studying closely so as to be sure that they can sign up to commitments that they are able to deliver on. Pressure from civil society to get governments to sign the Protocol is strong in both countries.



As per earlier commitments, the President of **Malawi** Dr Bingu wa Mutharika signed the Protocol on 19

October 2010 at Sanjika Palace in Blantyre. He reiterated his belief that women can play an important developmental role as Malawi moves from a country of poverty to one of prosperity. Present at the signing ceremony were heads of some local non-government and civil society organisations, cabinet ministers, senior government officials and a delegation from the SADC Secretariat. Head of the SADC Gender Unit, Magdeline Madibela witnessed the signing ceremony on behalf of the SADC Executive Secretary. Madibela said the signing of the protocol demonstrated Malawi's renewed commitment to achieve gender equality and make a difference in the lives of women in Malawi.

Botswana and Mauritius are yet to sign

Botswana has not yet signed the protocol as it has reservations concerning the mandatory language and the commitment to timeframes. Despite ongoing lobbying activities by the gender sector in Botswana, there does not appear to be

any intention to sign the Protocol. The president of Botswana, Sir Ian Khama, has declared on several occasions that he supports the basic tenets of the Protocol as reflected in the following excerpt of a statement made to the Women's wing of the ruling Botswana Democratic Party (BDP).



[Malawi has since signed the Protocol but a copy with the Malawi signature could not be obtained at the time of going to print.]

Botswana President Ian Khama speaks out on the Protocol



Botswana President,
Ian Khama

"Fellow Democrats, as you are aware, Botswana is signatory to a number of regional and international instruments amongst them those on gender equality. I stand before you today with the fresh memory prompted by the Parliamentary Women's Caucus when they came to see me a few of weeks ago, on the stance that Botswana took at the last summit when the Protocol on Gender and Development was adopted by SADC member states in August 2008.

My response to them was that Botswana was not ready to sign the protocol basically because of the mandatory language used in crafting most of the clauses that we consider critical. It is my view that, much as the Executive has the mandate to sign international instruments, such commitment should be made only when there is absolute certainty that legislative instruments, local policies and national priorities will not be adversely affected by such action. In the event that new laws may be required as a result of our signing, I consider it only proper that I must make the opportunity available to consult Parliament before I bind the nation.

Be that as it may, I have studied the objectives of the protocol which are; to provide for the empowerment of women, to eliminate discrimination and achieve gender equality through development and implementation of gender responsive legislation, policies, programmes and projects, to address emerging gender issues and concerns; set realistic, measurable targets, timeframes and indicators for achieving gender equality and equity; to name some of the objectives.

Looking at the list of objectives, Botswana has fulfilled most of the requirements in legislative reform as well as socio-economic policies. This is demonstrated largely by the increasing numbers of women, both in government and the private sector who hold executive, director and ambassadorial positions. One other reason why we had difficulty with the protocol is that it commits member states to comply within set time frames, within which certain legislation should be put in place and institutions established. We considered some of the time frames unrealistic, and some of the measures have serious resource implications that we cannot guarantee.

Other international instruments allow member states to sign and register their reservations on clauses that they are uncomfortable with. This option was not available to Botswana since the SADC Treaty does not allow for adoption of any Protocols with reservations. These are our reasons for not signing. Let me reiterate that, Botswana identifies with and is committed to the objectives of the SADC Protocol on Gender and Development. Our policies and programmes as well as resources allocated to the sector demonstrate this and will continue to do so. I must however reassure you, that as Botswana, we do agree with the spirit of the protocol. Our intention therefore, is to continue to study its provisions, and use our best endeavours to act within that spirit. In this way, I believe, we would be placing ourselves in a position that brings us closer to becoming a party to the protocol."

(Speech at the BDP Women's Wing Congress 2009)

Gender focal points have been established in ministries and this is expected to promote ownership of the Policy on Women in Development (WAD 2002). The Gender and Development sector has established a roadmap

on the Protocol. This reflects the fact that whether the Protocol has been formally adopted or not, gender activists in Botswana are determined to forge ahead with implementation of its provisions.



While **Mauritius** has yet to sign the Protocol, NGOs are tirelessly lobbying the government. The Mauritian Office of Gender Links has

written letters to the Prime Minister, Minister of Foreign Affairs and the Minister of Women's Rights, Child Welfare and Family Development to ask them when the Protocol will be signed. There have been several exchanges between government and NGOs.

On 17 March 2010 the Gender Links Mauritius and Francophone Director, Loga Virahsawmy, on thanking the Prime Minister Dr Honourable Navin Ramgoolam for his recognition of her work¹ in promoting gender equality in the country seized the opportunity to impress upon the government the importance of signing the Gender Protocol.



Loga Virahsawmy receiving recognition from the President of the Republic of Mauritius. *Photo: Gender Links*

As in Botswana, gender activists in Mauritius are drawing up action plans against the targets in the Protocol even as their government ponders how to enter into this agreement. They are also employing additional tactics to disseminate the Protocol's main points, including the use of different forms of media and outreach.

Since 2009 the Gender Links satellite office has been holding village workshops targeting local councillors and ordinary women and men to raise awareness on the Protocol. Media has

been a key partner. Since May 2009, the Mauritius Broadcasting Corporation-Radio has embarked on a talk show radio programme which is held twice weekly and enlists experts, government officials and NGOs to talk about the provisions of the Protocol. Through this radio programme Mauritian's are becoming aware of the Protocol.



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17th March 2010

Dr. the Hon. Navin Ramgoolam,
Prime Minister of Mauritius.
Treasury Building
Port Louis

Dear Prime Minister

I would like to place on record my gratitude and appreciation that you officially acknowledged my contribution on gender issues in Mauritius in your key note address on International Women's Day, 8th March 2010.

Unfortunately I could not be present as I was at the United Nations for the 54th Commission for the Status of Women where Gender Links produced and distributed a daily newspapers to all participants and delegates.

You also said in your speech that you did not sign the Protocol on Gender and Development as it is in contradiction with the Constitution of Mauritius. It is very unfortunate that because of one paragraph on affirmative action Mauritius, a country which is cited as a model of democracy in the SADC region, cannot sign the Protocol. We are also aware that Mauritius is well ahead compared to all other countries of the SADC on nearly all the articles of the Protocol except women in politics.

I am writing to find out if Mauritius can sign with a proviso on Article 5 "positive discrimination" of the Protocol. Your signature will help us to further our work even more in Mauritius and in the SADC region as we are using the Protocol as a tool and training material.

I am seizing this opportunity to enclose an article I wrote on the Norwegian Gender Minister who is a man.

We thank you for your continued support to make gender justice a reality in Mauritius.

Yours sincerely,

Loga Virahsawmy, G.O.S.K

cc SADC Alliance Manager
Executive Director, Gender Links
Chief Executive, SADC Gender Unit
Attorney General

Dr Muna Ndulo (Chairperson), Scholastica Kimarayo (Deputy Chair), Dr Athalia Molokomme,, Loga Virahsawmy (Board Secretary), Therijwe Mntso, Patricia Made, Ferial Haffajee, Dr. Pinkie Mekgwe, Colleen Lowe Morna (Executive Director)

Registration number: 2001/005850/06
Company Number (Mauritius) 83333

¹ Virahsawmy was bestowed with the Order of the Star and Key of the Indian Ocean (G.O.S.K) the highest honour in the land on March 8, 2010 International Women's Day.

Ratification



The Protocol states that it shall be ratified by the Signatory states in accordance with their Constitutional procedures and shall enter into force 30 days after the deposit of instruments of Ratification by two thirds of the Member States.

Two countries Namibia and Zimbabwe have ratified the SADC Gender Protocol: At the time of the 2010 Heads of State summit, two years after the signing of the Protocol, only two

countries, Namibia and Zimbabwe had ratified the Protocol (on 7 and 22 October 2009 respectively).

The road to ratification in Zimbabwe



By Emilia Muchawa*

The campaign for ratification of the Protocol started as far back as the 2005 civil society Audit of the SADC Declaration which led to the formation of the Southern Africa Gender Protocol Alliance after the first attempt to push for signing of a Gender Protocol failed. The key lesson drawn was the need to carry out in-country consultations.

The Alliance then targeted the September 2005 Gender Ministers round table to seek support and then participated in the subsequent SADC meetings. At national level, the Zimbabwe Women Lawyers Association (ZWLA) was invited to be the technical advisor of the Ministry of Women Affairs Gender and Community Development (MWAGD) and linked up with the Zimbabwe-based Alliance members.

National consultations took place collaboratively with the Ministry taking responsibility for mobilisation; SAFAIDS for logistics and ZWLA for facilitation of the consultative process. The Women's Coalition, the umbrella organisation for all gender organisations, also mobilised its members to attend such meetings. The consultations targeted the women's organisations, gender groups, representatives drawn from different ministries, members of parliament and the Women's Parliamentary Caucus.

Each meeting would urge participants to support the signing and subsequent ratification of the Protocol as Zimbabwe had conducted broad-based consultations. The Protocol does not contradict any Zimbabwean laws and policies; in some cases Zimbabwe has already gone further than the Protocol provisions.

Activists argued that the Protocol would deepen regional integration, shared learning and maximise resource mobilisation for the region. In addition, gender equity and equality would lead to realisation of the Millennium Development Goals and the region's development.

Throughout the seven drafts of the Protocol, Alliance members remained engaged with the relevant Ministries of Gender, Justice and Foreign Affairs who would ultimately constitute the Council of Ministers. After the rejection of the Protocol at the Zambian summit there were more in-country consultations and fresh lobbying targeting the ministries that constitute the Council of Ministers.

When the Heads of State signed in August 2008, Zimbabwean activists were already well organised to push for ratification with the women's ministry taking a leadership role and mobilising women's organisations

to support by giving resources. The Gender Links visit to Zimbabwe in October 2009 to review the country report and launch the regional baseline barometer galvanised the process.

On 22 October, the Zimbabwe Parliament assented to ratification. At the request of the resource-strapped ministry, ZWLA photocopied 300 copies of the Protocol overnight for use by the members of parliament. A ZWLA staff member suffered burn out in the process as her blood pressure shot up and she had to receive medical attention.²

The Minister of Women Affairs Gender and Community Development took leadership of the ratification process while staff members worked hard to meet the deadlines. ZWLA continued to provide technical support by directing MWAGCD staff to the relevant officials in the Attorney General's Office for processing the ratification papers and their subsequent lodging.

What this case study shows is that ratification is not an overnight miracle but started a long time back with civil society-government partnerships at national and regional level. The awareness raising that preceded the signing played a key role in sensitising parliamentarians to the issues. Male parliamentarians supported the motion for ratification; this shows the importance of strategic partnerships with men.

(*Emilia Muchawa is director of ZWLA and chair of the Zimbabwe Women's Coalition).



Ready for action in Zimbabwe.

Photo: Colleen Lowe Morna

Some are closer to ratification than others:

Of those that have not ratified the Protocol, some countries like Malawi, Seychelles, South Africa and Zambia are closer to this goal than others. There are also many cases of the Protocol being translated into good practices at civil society and community level.

But the delays are cause for concern: The lack of ratification by the remaining 11 countries that have signed calls into question their genuine commitment, given that most of the targets are to be met in five years time.



In **Lesotho**, the process of ratifying the document requires the Ministry of

Foreign Affairs to submit a paper to Cabinet for consideration. The Minister of Gender committed to write a memo to cabinet to get the process moving.

There are signs of progress in **Seychelles**. By July 2010 Cabinet had approved the ratification of the Protocol. It is expected that the proposal will be submitted to the National Assembly during the next sitting which starts in September 2010. After what could be a lengthy process it will be passed back to the Ministry of Foreign Affairs for deposition in a registry.



² They were responsible for organising the Gender Links meeting and the Ministry request and follow up exerted a lot of pressure.

Silver lining to political uncertainty?



In **Madagascar**, as Parliament is currently suspended, the ratification process cannot be completed. Moreover, during the current crisis, networks and movements for the promotion of gender are constantly working to influence the actors of various bodies (the transitional authorities, various political parties, delegations at negotiations) to promote increased representation of women at all levels in the conflict resolution and the preparation of the post-crisis phase. At the time of writing a joint mediation

team had invited the leaders of the four main political parties to a meeting in Maputo, Mozambique.

The **DRC** presents another opportunity to dramatically re-evaluate the status of women and the agenda of women's equality. While the war and its effects on women in DRC seem far from hopeful, the end of the current crisis could create a new opportunity for women. Examination of the Protocol by media professionals, women's associations, human rights activists, submission of the French version of the SADC Protocol to the Ministry of Gender, Family and Children and awareness of gender focal points by GEMSA/ DRC have all taken place.



The same could be said for post-conflict countries such as Angola and Mozambique. Mozambique might serve as a positive example for women to have increased representation. NGOs are actively involved in the National Council for the Advancement of Women and are pushing for the adoption of many legal instruments concerning women's well being. As an example, *Forum Mulher* was in the forefront in the lobbying for the approval of the Domestic Violence Law which came into place in 2009.



On signing the Protocol on 19 October in **Malawi**, President Bingu wa Mutharika pledged that the country

would be among the first to ratify and implement the Protocol. Commitment to key targets is reflected in political statements such as president's comment during the 2010 Republic Celebrations on 6 July that he wanted "90 women parliamentarians (out of 192) in 2014 so that we can achieve the SADC target". Earlier during the Protocol signing ceremony wa Mutharika cautioned that the 50-50 campaign "should not just be a slogan". He said his government will continue to do all it can to place more women in key decision-making positions.

During the meeting, the Ministers congratulated Malawi on signing the Protocol on Gender and Development on the 19th October 2009 and thanked Namibia and Zimbabwe for ratifying this SADC Protocol on the 7th October 2009 and 22nd October 2009. Botswana and Mauritius were urged by other Member States to sign as a matter of urgency to ensure that the instrument enters into force.

Government processes take time: SADC government machineries are intricate, complex and time consuming. This creates room for many roadblocks along the way. While the names of these administrations may vary, the processes remain the same, and in general involve approval through and between some variation of Parliament, Cabinet and line Ministries. In the case of Namibia, public input is required.

NGOs play a key role: In most countries NGOs are playing a key role in pressuring government entities to make good on their promises. NGOs in the region need to continue to develop and employ

lobbying and advocacy tools targeting national governments and regional bodies to deliver on the Protocol commitments. This activism extends to countries in the region in conflict and emerging from conflict.

The SADC Gender Unit is pushing for implementation: The annual meeting of Ministers Responsible for Gender and Women's Affairs approved a monitoring and evaluation system at its annual meeting in Johannesburg,

South Africa in late October. As DRC is the current chair of SADC, DRC Minister of Women's Affairs Marie Ange Lukiana Mufwankolo chaired the meeting. During the meeting the Ministers also approved the Regional Strategy for Achieving the 50:50 target of women representation in politics and decision-making positions by 2015. They supported the ten year Regional Strategic Plan of Action on Trafficking in Persons, especially Women and Children.

Actions at the National Level



The Protocol states that state parties shall ensure the implementation of the Protocol at the National level. They shall also ensure that national action plans, with measurable time frames are put in place, and that national and regional monitoring and evaluation mechanisms are developed and implemented. They shall collect data against which progress in achieving targets will be monitored. They shall submit reports to the Executive Secretary of SADC once every two years, indicating the progress achieved in the implementation of the measures agreed in the Protocol. The Executive Secretary of SADC shall submit the progress reports to Council and Summit for consideration.

Table 9.1 shows that while none of the countries have ratified the Protocol, they are all making some effort to begin adhering to its principles. Even as these efforts might not be as far along as one would hope, the table indicates that there

is momentum across the region. Even in countries where the Protocol remains unsigned, they are implementing comparable strategies to meet the 2015 deadline.

At a glance

- Thirteen countries have a national policy on gender. Seychelles does not have such a policy and in the case of Malawi the gender policy is awaiting approval.
- Ten countries have a full gender ministry; in five instances gender or women's affairs forms part of another ministry. Nine of the countries use the term "gender" in their ministry title (three use women and gender concurrently), four include "children", two include the word "family", three include "community" or "social development", and only two are solely dedicated to "women" and/or "gender" with no additional piggy backing but they are not full ministries.
- Nine have gender focal point in all line departments.
- Ten have a gender structure in Parliament.
- All 15 countries have active collaboration with civil society.
- Eight have a plan for domestication, while seven have a plan for popularisation of the Protocol.
- Ten have National Action Plans with measurable time frames.

Table 10.1: National gender

Country	National Gender Policy	Gender Ministry	Gender focal points in all line departments
Angola	Yes (National Gender Strategy)	Ministry for Family and the Promotion of Women	Yes
Botswana	Yes. Policy of Women in Development 1996	No. Women's Affairs Department under the Ministry of Labour and Home Affairs	Some ³
DRC	National Policy of Gender Mainstreaming and the Promotion of Women, Family and the Protection of the Child	Minister of Gender, Women and Children	Yes.
Lesotho	Endorsed by Cabinet in 2003	Ministry of Gender, Youth Sports and Recreation	Yes ⁴
Madagascar	PANAGED	No. Changes parent ministry depending on government in place. Currently Gender under the Ministry of Population	Some ⁷
Malawi *Has not been signed	Awaiting approval	Yes. Ministry of Gender, Child Welfare and Community Services	Yes
Mauritius *Has not been signed	Yes	Yes. Ministry of Gender Equality Child Development and Family Welfare	No
Mozambique	Yes. Approved in 2006	Ministry of Women and Social Action	Yes, for line ministries National Council for the Advancement of Women
Namibia	Yes	Yes, Ministry of Gender Equality and child welfare	Some. Ministry of defence, Trade, Promotion of Women in Economic Spheres
Seychelles	No	Gender Secretariat in Dept of Social Development	Yes⁸
South Africa	Yes	Yes. Ministry of Women, Youth and People with Disabilities	Yes
Swaziland	Yes	No. But there is a Swaziland Committee on Gender and Women's Affairs in the Ministry of Home affairs	Yes
Tanzania	Yes	Yes. Ministry of Community Development, Gender and Children	No ⁹
Zambia	Yes	No. Gender in Development Division	Yes
Zimbabwe	Yes	Yes. Ministry of Women Affairs gender and Community Development	Yes. High level Inter Ministerial Committee on Gender chaired By MOWGCD

³ Gender Focal point have been established in Ministries and this is expected to promote ownership of the Policy on Women in Development (WAD 2002)

⁴ Participation level is very low.

⁵ But informal Women's Caucus of MPs

⁶ Source: http://www.un.org/womenwatch/daw/csw/csw52/statements_missions/lesotho.pdf Statement by H.E Mr Lebohng Fine Maema, KC at 52nd Session of the Commission on the Status of Women in March 2008. Accessed July 31, 2010.

⁷ Various departments of the Ministries have each, at a time, a gender focal point.

⁸ In most cases.

⁹ Not at departmental level, but at the sector level.

¹⁰ However, effective implementation of this plan is hindered by inadequate funding and the lack of a comprehensive legal aid system for women

¹¹ More needs to be done to spearhead the process. NGOs are already lobbying the government to ratify the protocol and mainstream it in national programmes.

machinery and processes

Gender structure in parliament	Active collaboration with civil society	Plan for domestication/popularisation of the Protocol?	National action plans with measurable time frames
Yes (Network of Women Parliamentarian and Ministers)	Yes (sensitisation and awareness campaigns and in preparation of legal instruments related to gender)		Yes
No	Yes. Civil Society organised in the Gender & Development Sector	Yes. Roadmap by the Gender & Development sector	
Yes. The two chambers of parliament each have a Gender Commission	Yes. RAF, Caucus des Femmes, CAFCO, REFEMP	Yes	No
No ⁵	Yes. Gvt pledged to strengthen the women's movement ⁶	Yes	Yes. The Fifth Country Programme Of Cooperation Between The GOL And UNFPA 2008-2012
Yes women members of parliament have formed an association which is not part of the formal structures	Yes. PANAGED is made up of NGOs and associations, the private sector, training institutions and the media.	Yes	Yes. MAP
Yes. Women Caucus	NGO gender coordination Network	Ministry of Women and Child Development and the NGO-GCN Network	Yes
No	Yes	No	No
Yes. Parliamentary Women Cabinet; Committee on Social Affairs, Gender and Environment	Yes. <i>Forum Mulher</i>	Yes	Yes
Yes. Parliament; National Council Women Caucus	Yes	NANGOF working with Ministry of Gender	Yes
No	Yes	The Gender Secretariat is currently working on the cabinet memorandum on the SADC Protocol.	Cabinet memorandum being prepared.
Yes	Yes	No	Yes
Yes. Women's caucus	Yes, through the Gender Consortium		
Yes. Women's caucus	Yes	Yes. Domestication No. Popularisation	Yes. National Plan of Action to Combat Violence Against Women and Children ¹⁰
Yes. Parliamentarian Committee on Human Rights and Gender	Yes	Yes ¹¹	Yes
Yes. Women's Parliamentary Caucus	UN Gender Thematic Group co-chaired by MOWAGCD	Yes	Yes. National Gender Policy Implementation Strategy and Workplan



Following the May 2010 elections, **Mauritius** changed the name of the Ministry of Women's Rights, Child Development and Family Welfare to Ministry of Gender Equality, Child

Development and Family Welfare. Through this name change and appointment of veteran politician Sheila Bappoo as minister, Prime Minister Navin Ramgoolam sent a strong signal that Mauritius is taking gender equality seriously.

Gender or women - does it matter?

By Dev Virahsawmy*



The development of feminism as a powerful ideology to fuel humanity's march to greater freedom and equality is without any doubt a great moment in modern history. It has enabled us to grasp fully the causes and effects of male domination. Many changes and reforms have resulted to the benefits of women, men and society in general. Yet many countries with progressive feminist laws have failed to even dent the armour of patriarchy. Where have we gone wrong? What new intellectual and political instruments do we need to ensure quicker and sustained progress?

Though I have never hesitated to declare publicly that I am a feminist (word used as a noun) I have always felt ill at ease to use the word as an adjective. The term "feminist democracy" sounds too much like "vaginocracy" and 'feminist equality' sounds more like "female equality" or "equality among women". I am sure that some of my feminist sisters will now perceive me as one of those disguised male chauvinistic pigs. Let me assure them that I have struggled very hard to overcome the sexist reflexes that colonial and neo-colonial environments have rammed down my throat. Probably I have failed but not from lack of trying.

Once I was deeply hurt when a self-proclaimed ball-bashing feminist humiliated me in public for crying when my dear cousin Jo died. A good male I was told by a 'feminist' does not cry. I then realised, wrongly perhaps, that concepts had to be refined. Initially I was wary of the term gender, suspecting some form of hype. But when a feminist organisation refused me admission because I would intimidate my militant feminist sisters, I was convinced that something awfully wrong was taking place. And without hesitation I opted for "gender equality".

Feminism is necessary provided it is blended with a gender equality strategy. Men who are against male domination should have the right to be equal partners in the fight against patriarchy. Gay and lesbians should be welcome into the fold.

For these reasons I fully support the decision of Prime Minister Navin Ramgoolam to change the appellation "Ministry of Women's Affairs" into Ministry of Gender Equality. In due course we should not limit the head to a person of hetro-female-sex but it should be open to persons who believe in gender equality irrespective of their sex or sexual orientation. That would be a genuine move to greater democracy.

*(Dev Virahsawmy is a former Mauritian MP, writer, playwright and expert on the Creole language)



South Africa has come in for criticism for doing away with the Office on the Status of Women in the premier's office and creating a Ministry of Women, Children and Persons

with Disability. The conflation of women and children and tendency to lump all groups seen as powerless in society is one that activists have long opposed as it creates the impression of women as victims rather than active agents in directing their own destiny. On a positive note,

the SADC Protocol is now a reference point in the work of the department. In her budget speech on April 16, 2010 Minister for Women, Children and Persons with Disabilities Noluthando Mayende-Sibiya committed to “work towards the ratification of the SADC Protocol on Gender and Development and ensure the domestication of this Protocol into the revised policy”.

(<http://www.anc.org.za/caucus/docs/sp/2010/sp0416a.html>)



Mozambique has taken steps towards implementation of the provisions of the protocol, by setting up structures to implement the protocol. All ministries have a representative

at the National Council for the Advancement of Women.

Zambia has demonstrated political will in seeing the protocol ratified and implemented. According to an Information Specialist at the Gender in Development Division (GIDD), the department has sent a memo to Cabinet proposing ratification. Moving forward Zambia needs to allocate appropriate funding for gender related activities because without funding, implementation is almost impossible. Since the National Gender Policy is already in place, Gender Focal Persons have been identified in all ministries and provinces, a Parliamentary Committee on Human Rights and Gender is in place and a department of gender in place. There is need for proper coordination of the machinery to move gender forward, including a full ministry of gender so as to have sufficient human resources to implement all activities.



In **Tanzania**, the main challenges in addressing gender equality are in the contradictions of different laws and ideologies. The

Constitution that forms the main binding legal entity was drawn under one party, socialist ideology. However, Tanzania is a multiparty state and has adhered to a liberal competitive economy including privatisation and capitalistic aspirations.

Therefore, profit making is valued over social concerns. The question of equality and women's rights might remain within the confines of government structures alone, and since the government has withdrawn from direct implementation, this remains a problem.



In **Botswana**, other than to continue pressing for signing of the Protocol, gender mainstreaming within government has still to take root. It is difficult to

drive the gender equality agenda in the country as reporting on regional and international commitments such as CEDAW is inconsistent.

In **Lesotho**, there is no strong collaboration with non-state-actors towards among others driving the processes of implementation of the Protocol.



However provisions of the Protocol have accelerated implementation of policies and laws aimed at advancing the rights of women. For example the Land Bill of 2005 has since been enacted into the Land Administration Act of 2010. This has progressive gender provisions replacing the gender discriminatory customary law and gender neutral Land Act of 1978. The law opens rights to entitlement to land to every Lesotho citizen; and joint ownership to persons married under both civil and customary laws (whether the marriages are monogamous or polygamous). The law also provide for women's representation in Land structures!

Actions by civil society

While it is important to hold governments to account, civil society organisations also need to account for what they have been doing. These actions are referred to in different parts of the Barometer. In addition, a specific section on actions by civil society has been introduced in this implementation chapter to ensure coherence and transparency.

A major strength of the SADC gender protocol process is the extent to which civil society organisations have been engaged from the outset



Members of the Southern African Gender Protocol Alliance at the historic 2008 Heads of State Summit. Photo: Trevor Davies

in the research identifying the need for a protocol; the drafting notes and the negotiations that led to its eventual adoption (with many NGO representatives sitting on government delegations). Civil society organisations have continued to work together on the implementation of the Protocol. The SADC Gender Unit liaises closely with the Southern African Gender Protocol Alliance. The Executive Director of Gender Links, which coordinates the alliance, delivered an address at the SADC Secretariat in Gaborone at the invitation of the SADC Gender Unit as part of the Secretariat's International Women's Day activities on 8 March 2010.

Background and composition of the Alliance

The Alliance, a network of over 40 NGOs listed at the beginning of the Barometer, was established in 2005 after the SADC Summit made the decision to work towards the adoption of a Protocol on gender and development. Until the adoption of the Protocol in August 2008, the alliance focused on lobbying for the adoption of the Protocol. Since then the focus has shifted to campaigning for ratification of the Protocol, full implementation by States and the popularising the instrument with the ordinary women and men so they can use it to claim their rights using various multimedia products.

As illustrated in Table 10.2, the Alliance has focal points in each country. These comprise, in most cases, umbrella NGO structures for women's/gender NGOs, or in some cases the women's/gender NGO sub-structure of such coalitions. The Alliance is also organised into seven theme

clusters, led by NGOs that specialise in these different areas. As part of its collaboration with the Norwegian Church Aid, the Alliance has a growing number of faith-based organisations as part of its membership. Gender Links, based in Johannesburg, with satellite offices and project sites in nine SADC countries, coordinates the work of the Alliance.

Table 10.2: Composition of the Alliance

Country focal organisations	
Country	Organisation
Botswana	Botswana Council of NGOs
DRC	GEMSA-DRC
Lesotho	WLSA-Lesotho
Madagascar	FPPF/GEMSA
Malawi	NGO Gender Coordinating Network
Mauritius	WIP/Gender Links
Mozambique	GEMSA-Mozambique
South Africa	South African Council of Churches
Swaziland	Coordinating Assembly of NGOs
Zambia / Lusaka	NGO Coordinating Council
Zimbabwe	Women's Coalition
Theme clusters	
Cluster	
Constitutional and legal rights	Women in law Southern Africa
Governance	Women in Politics Support Network
Economic Justice	Zimbabwe Women Resource Centre Network
Gender Based Violence	Western Cape Network on Violence Against Women
Health and HIV and AIDS	SAFAIDS
Women and peace building	Institute of Security Studies
Media	Gender and Media Southern Africa (GEMSA)
Faith based organisations	
Country	
Botswana	Botswana Christian Council
Zambia	Christian Council of Zambia
Lesotho	Christian Council of Lesotho
Overall coordination	Gender Links

The Alliance has consolidated its position as one of the lead gender networks in the region and a good practice that are the parts of the world are looking to replicate. For example East African NGOs have expressed interest in learning from the Alliance how they can go about campaigning for an East African Gender Protocol. The Alliance co-ordinated inputs into the Beijing Plus Fifteen

process, and has applied for affiliate status with the Nairobi-based FEMNET that coordinates African NGO inputs into the meetings of the UN Commission on the Status of Women.

Beyond signing the overall strategies of the alliance are to:

- Mobilise for the ratification of the Protocol.
- Raise awareness on the content and process of the Protocol at national and regional levels.

- Strengthen meaningful coordination of the Protocol campaign, including through thematic clusters.
- Develop indicators and evaluate progress towards achieving targets and benchmarks in the Protocol.
- Develop the skills set of Alliance members to apply for a successful campaign.
- Document and evaluate the campaign.

Key successes

At a glance

- A broad based, credible, relevant and cutting edge network working to promote gender equality in the Southern Africa whose work is recognised by the regional body.
- A sensitised public and media with a better understanding of gender equality issues, and an understanding of the significance of the Protocol.
- A good synergy with the SADC Secretariat, creating opportunities for influencing the gender agenda at regional level.
- A rapport with most SADC governments on the role and significance of civil society.
- A strong profile of the campaign and its significance as a catalyst for mobilising the women's movement in SADC.

Coalition building

In 2009/2010 the Alliance:

- Broadened partnerships through a meeting of faith based organisations, GEMSA chapters and Alliance members from the 7-9 October 2009 to engage faith based organisations on lobbying and advocate for the 28 targets in the Protocol. The meeting brought together different stakeholders to ensure that faith based organisations had a network to work within SADC countries and to help strengthen the Alliance at country level.
- Linked with global processes through convening a Southern Africa pre-Beijing Plus Fifteen caucus in February 2010 and making a presentation at the Africa Caucus session held parallel to the 54th Session of the Commission on the Status of Women. Alliance members participated in daily cyber dialogues during the meeting.
- Strengthened the institutional base of the alliance through mobilising new membership; agreeing on key anchor institutions in each

country; facilitating the work of theme clusters and regular monthly teleconferences with alliance members

Civil society strengthening

In August 2008, the Alliance held a session at the civil society forum parallel to the Heads of State summit in the DRC aimed at sharing lessons with SADC NGO partners on strategies and tools for lobbying and advocacy. This was based on the handbook Roadmap to Equality: Lessons learned in the campaign for a SADC Protocol on Gender and Development that documents civil society's role in the process of getting the SADC Protocol on Gender and Development adopted.

Mobilising for ratification

Campaigns have been going at national level since the signing but these are set to intensify post the 2010 Namibia SADC Heads of State Summit, where the Alliance intends to make a major push for ratification.

17th March, 2010

Hon. Chikwena Madibela MP
Co-chairperson
National Constitutional Conference
LUSAKA

Dear Sir,

RE: INCLUSION OF THE SADC PROTOCOL ON GENDER AND DEVELOPMENT PRINCIPLES IN THE NEW CONSTITUTION

The Southern African Gender Protocol Alliance is a coalition of over 40 national and regional gender and women's rights NGOs that has been running a campaign since 2005 for the adoption, ratification and implementation of the SADC Protocol on Gender and Development. In February the SADC Protocol Gender Alliance (to be known as Southern Africa GEMSA).

The SADC Gender Protocol Alliance Programme seeks to advance gender equality by ensuring accountability to all SADC Member states and ensuring that they adhere to the 28 substantive time-bound targets to be achieved by 2015. The SADC Protocol on Gender and Development was finally adopted in August 2007. The signing of the Protocol was a victory for women and girls of the region, but it also signified the beginning of an arduous process at the local level to ratification and implementation of the 28 time-bound targets.

In Zambia, the Alliance has been following the deliberations of the National Constitutional Conference with keen interest especially that Zambia is a signatory to the SADC Protocol that highlights specific provisions on gender equality, the empowerment and protection of women and girls against all forms of discrimination including gender based violence.

It is in this regard that we write to the NCC to consider including the SADC Gender Protocol provisions in the new Constitution. The Protocol with regards to the Constitutional provisions provide that by 2015, all SADC countries shall endeavour to ensure gender equality and equity in their Constitutions and ensure that these are not compromised by any provisions, laws and practices. We feel that an initiative will be successful in 2015 with regards

Page 1

to this aspect this is an important opportunity for the country to have a Constitution that fully recognizes gender equality, the empowerment and protection of women and girls against all forms of discrimination. Please find herewith attached a copy of the SADC Protocol on Gender and Development.

Yours faithfully,

For Women and Law in Southern Africa

Magdeline Madibela (MEd)
Regional Coordinator

11, Human Rights Centre Drive

Lobbying and awareness raising

- Simplified versions of the Gender Protocol pamphlets were translated into 23 local languages and distributed throughout 14 SADC countries. These are also available online.
- Between June 2009 and June 2010, GL coordinated 168 village workshops reaching 13 052 people in 11 SADC countries: Botswana, Lesotho, Madagascar, Mauritius, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia and Zimbabwe.
- A CD of radio spots, *Roadmap to Equality: Voices and views*, consisting of ten short feature reports on the Protocol, is being used around the region for radio talk shows. Radio producers can also use these as part of magazine programmes or their own productions. A presenters/ producers guide and monitoring and evaluation tool accompany the CD.
- As reflected in the excerpt below, the SADC Gender Unit is collaborating with the Alliance in further popularisation of the Protocol.

Monitoring and evaluation

As a watchdog body, one of the main tasks of the Alliance is to track progress towards the attainment of the targets of the Protocol. During 2009/2010 the Alliance:

- Conducted an audit of where all SADC countries stand in relation to the 28 targets in the Gender Protocol.
- Held in-country consultations on the country reports Botswana, Malawi, Mauritius, Tanzania

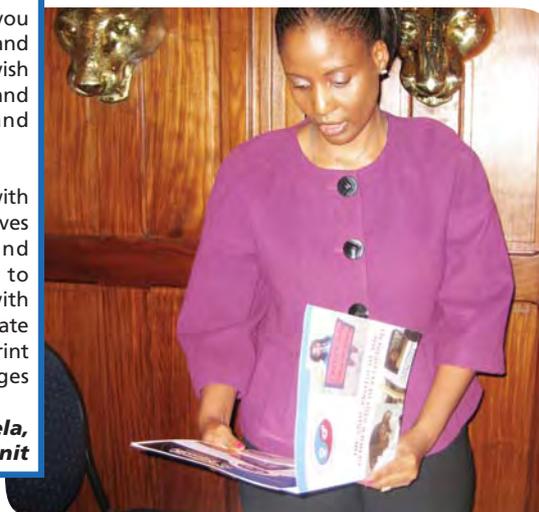
and Zimbabwe to validate the data, get buy in at country level and to strengthen Alliance structures at national level.

- Convened a parallel meeting to the SADC Heads of State Summit in the DRC which coincided with the first anniversary of the SADC Protocol on Gender and Development.
- Launched the inaugural SADC Gender Protocol Baseline Barometer which tracks implementation of the Gender Protocol by SADC States as part of holding governments accountable parallel to the Heads of State Summit. This Barometer will be produced annually.
- Conducted monthly tracking of implementation of key provisions of the Gender Protocol through the Roadmap to Equality: Southern Africa Gender and Development Barometer e-newsletter which was inaugurated in July 2009. This replaced the Gender Justice Barometer previously produced by the Gender Justice department which focused on tracking national action plans to end gender based violence.

It is with great pleasure that the Secretariat writes this letter to you to acknowledge and appreciate the work that you have done over the years to promote gender equality and advance women's empowerment. Most importantly, I wish to recognize the commendable work you have done and planned around the SADC Protocol on Gender and Development.

It is on this basis therefore that we wish to collaborate with Gender Links/SADC Gender Protocol Alliance on initiatives to popularize the SADC Protocol on Gender and Development. SADC Gender Unit specifically seeks to complement efforts that have already been executed with a view to support the process. We would like to collaborate with you in making popular versions of the protocol in print and electronically, and translate them in local languages that will be identified.

**Magdeline Mathiba-Madibela,
Head of the SADC Gender Unit**



Linking local, national and regional initiatives in Malawi



Emma Kaliya (second from left) receiving the Driver's of Change Award.

Photo: Gender Links

The SADC Protocol on Gender and Development continues to provide a framework for and Alliance partners programming, linking local, national and regional initiatives.

For example in Malawi, the Gender Networking Council has developed a National Programme on Promotion of Women in Politics to increase women's participation in line with the Protocol target of 50% women in decision making by 2015. The campaign is led by Emma Kaliya, a founding member of the Alliance and recipient this year of the Driver's of Change award.

In a statement to CEDAW in February, the Malawi government credited the 50/50 campaign with playing a major role in increasing women's political participation from 14% in the 2004 Elections to 22% in the May 2009 elections. The Government said it would continue to implement the Programme with particular focus on the forthcoming Local Government Elections (2010) and the next general elections in 2014. Furthermore, recruitment agencies and commissions (civil service, judicial, police, health, and teachers) will be re-oriented in order for them to be gender sensitive in their work.

http://www2.ohchr.org/english/bodies/cedaw/docs/statement/malawi45_statement.pdf

As part of the Alliance's village workshop series coordinated by GL, Malawi's NGO Coordinating Network has gone on to hold about 64 workshops on the SADC Gender Protocol, bringing together some 10,000 participants, and making use of the Chichewa information pamphlets on the Protocol. The network strategy is to soften the ground for a new local level initiative ahead of local government elections in 2010. The intention is to work with women who failed to make it into national parliament to try their luck in the local elections. The programme illustrates not only how the Protocol is being put to work in Malawi, but how local, national and regional linkages are being strengthened through the work of the Alliance.

Challenges

- **Strengthening meaningful coordination of the Protocol campaign, including through thematic clusters:** While cross cutting collaboration has been strong, there is need for strengthening of sector clusters and work.
- **Developing campaigns linked to the findings of the Barometer:** With only five years to go before the 2015 deadline to achieve the 28 targets there is need to develop key strategic campaigns. A case in point is the backsliding on women's representation in decision-making and the need to strengthen the 50/50 campaign.
- **Documenting the campaign:** There is need for ongoing documentation of the process, outputs and outcomes of the campaign.
- **Increasing knowledge, awareness and mobilising for ratification and implementation:** As demonstrated in the preliminary findings of the SADC Gender Protocol quiz, there is need for an even more concerted campaign to popularise its provisions, and to put pressure on governments for ratification.

Knowledge of the SADC Gender Protocol

Since June 2009 GL has been administering a SADC Gender Protocol quiz at all its events in 14 SADC countries, with varied audiences including

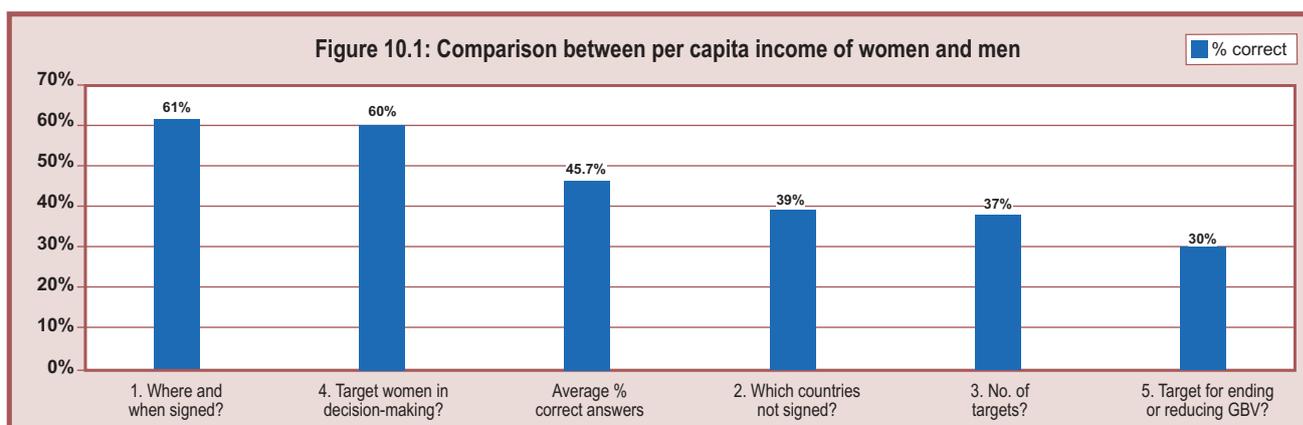
local government, policy makers, media practitioners, analysts and activists. This preliminary analysis is based on 734 responses, with response rates for most questions over 90%.

Table 10.3: Summary of results of the SADC Gender Protocol Quiz

1. Where and when was the SADC Protocol on Gender and Development signed?	734	447	61%	287	39%
2. Which two countries have not yet signed the Protocol?	710	278	39%	432	61%
3. How many targets does the SADC Protocol on Gender and Development have?	699	261	37%	438	63%
4. What is the target for women in decision-making and when should it be achieved by?	734	440	60%	294	40%
5. What is the target for ending or reducing gender based violence (GBV)?	723	218	30%	505	70%
Average % correct/incorrect answers based on response rate			45.7%		54.3%

The quiz comprises five simple questions which range from basic knowledge of when and where to more complicated ones like the actual

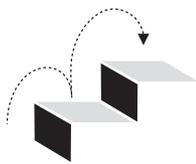
provisions of the Protocol. Table 10.3 summarises the results. These are presented graphically in Figure 10.1.



The results show that:

- With 61% correct answers on when and where the Protocol was adopted, the level of basic knowledge is fairly good two years after the adoption of this instrument.
- At 60% the level of knowledge on the 50% target for women in decision-making by 2015 is also fairly good. The 30% target for women in decision-making was the only specific target in the SADC Declaration on Gender and Development. The elevation of this target to 50% received considerable publicity. Targets for women in decision-making are high profile and tend to get attention and coverage.
- With an overall average of less than half (45.7%) the correct answers, there is still a lot of work to be done in improving knowledge of the SADC Gender Protocol. Scanty knowledge on the number of targets, and the target for gender violence, are cause for concern.

The Quiz is now available online. It will be administered online, during village workshops and other engagements. The sample for the next report will be much larger. The results will also be disaggregated by country, age, sex and education level.



Next steps

Gender related problems persist because equality in higher strategic needs have not yet been achieved between the genders. This has resulted in the fact that the condition of women and men have changed, i.e. economically active and educated, but their position has not. A symptom of this is the high prevalence of domestic violence, even amongst highly educated and wealthy women. This is because sustainable empowerment is facilitated by not only the provision of equal rights in public life but also equal rights in private life, necessitating a change in the beliefs and attitudes of every individual. Otherwise we will fail to effectively address the underlying root causes of these gender related problems and continue to put our efforts and resources into addressing their symptoms.

-National Gender Secretariat, Seychelles, (2008)

- **A comprehensive plan for ratification of the Protocol:** The biggest single technical obstacle to the implementation of the Protocol is the fact that it has not yet been ratified except by two countries. There is need for the Alliance to draw up a comprehensive lobbying and advocacy strategy around the ratification of the Protocol especially within each country.
- **Workshops on the progress barometer** at national level to continue to fill information gaps at country level and help guide actions to be taken on the best strategies for filling the gaps identified.
- **Full implementation of the monitoring and evaluation plan** agreed by governments and independent verification of this by civil society including an updated and online database of resources, and tracking mechanisms and the annual publication of this Barometer.
- **Tracking of knowledge and attitudes**, launched in this issue of the Barometer, to gauge public awareness and changes in attitude.
- **Costing bills, acts, policies and developing implementation strategies** to facilitate

implementation. Further, legislation and policy implementation strategies should be developed with timelines to ensure that regulation get translated into practice and officials are easily called to account.

- **Enhancing sector coordination as the current coordination system** is fragmented and gender equality needs to become a cross cutting issues across all governmental ministries and departments.
- **Concerted campaigns built around the findings of the Barometer**, to ensure significant progress in all the areas in which there are still gaps by 2015.

- **In countries undergoing political transitions**, the rapid dissemination of information about the Protocol to ensure that it begins to be used as the basis of its lobbying efforts for a new constitution for the country.

- **Capacity-building for civil society in its actions**, namely lobbying of political elites to advance the country towards the goals of gender and for the government and political parties in the formulation, implementation, monitoring and evaluation of policies for integrating gender in development.