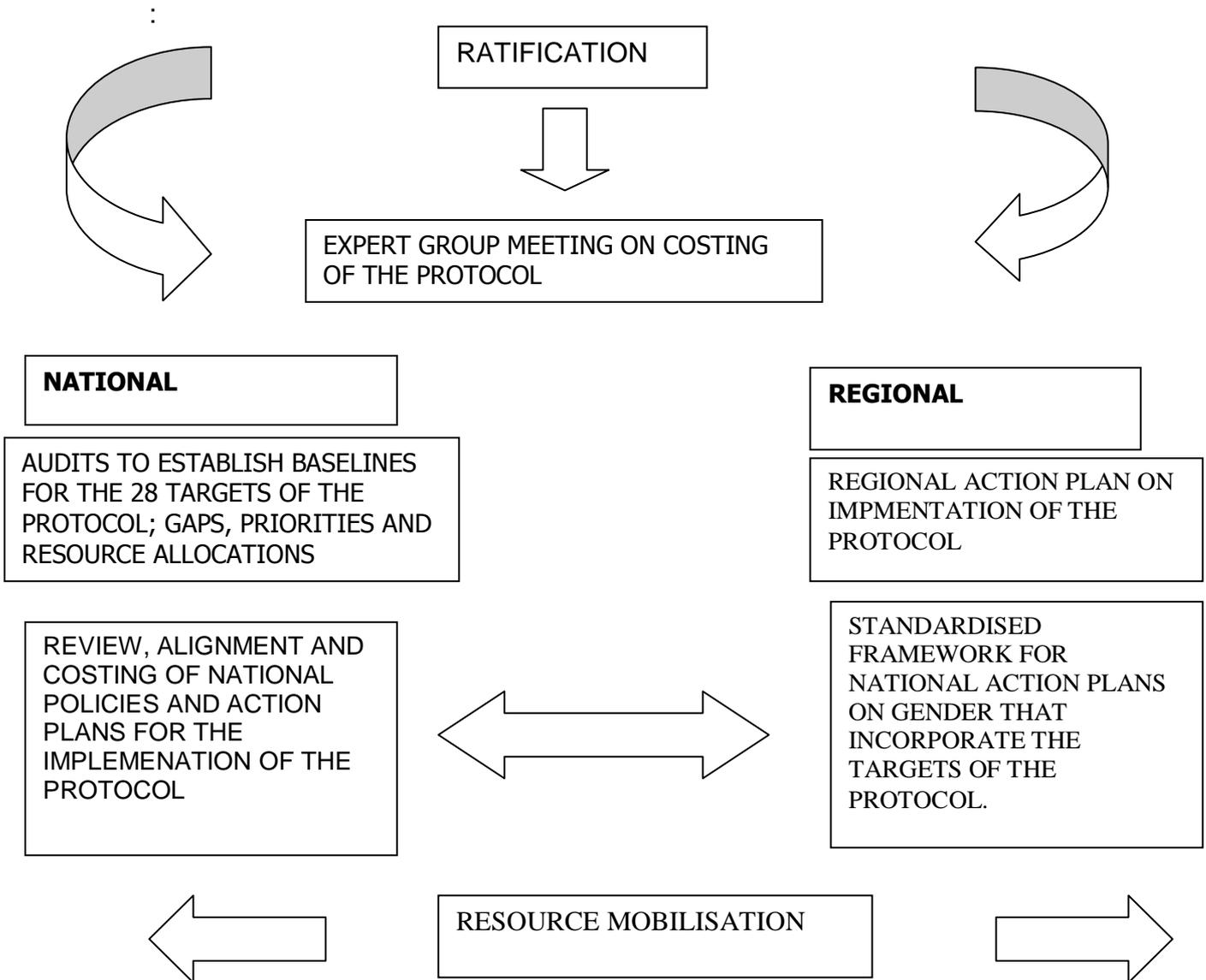


NOTE ON IMPLEMENTATION OF THE SADC GENDER PROTOCOL

INTRODUCTION

Since the adoption of the SADC Protocol on Gender and Development in March 2008 there has been significant progress in the ratification of the Protocol that requires just one more ratification in order to go into force. Ministers are invited to make a strong case for the ratification of the Protocol by all signatories within the coming months given that there are only four years until 2015, when the 28 targets of the Protocol, and MDG 3 (gender equality) are to be met. Ministers are also invited to endorse a “roadmap to implementation” process for developing a regional action plan and framework for aligning national action policies and plans to the Protocol, as well as costing these to ensure implementation.

ROADMAP TO IMPLEMENTATION



RATIFICATION

The current status with regard to ratification is summarised below:

COUNTRY	SIGNED	RATIFIED	DEPOSITED INSTRUMENTS
Angola	YES	YES	NO
Botswana	YES	NO	NO
DRC	YES	YES	YES
Lesotho	YES	YES	YES
Madagascar	YES	NO	NO
Malawi	YES	NO	NO
Mauritius	NO	NO	NO
Mozambique	YES	YES	YES
Namibia	YES	YES	YES
Seychelles	YES	YES	YES
Swaziland	YES	NO	NO
South Africa	YES	NO	NO
Tanzania	YES	YES	YES
Zambia	YES	NO	NO
Zimbabwe	YES	YES	YES

The table shows that:

- 13 out of 15 SADC countries have signed the Protocol.
- 8 out of the 13 who have signed have ratified the Protocol. One more (9/13 or two thirds) is required for the Protocol to go into force.
- 7 out of 13 have deposited instruments with the SADC Secretariat.

Ministers are invited to:

- Urge member states that have not ratified and deposited instruments to do so.
- All those that have ratified to proceed to implementation

EXPERT MEETING

In February 2011 the SADC Gender Unit, UN Women and Southern African Gender Protocol Alliance convened an expert meeting on the costing implications of the Protocol at country level. The experts reviewed the key provisions of the Protocol, and what the costing implications would be at country level (see Annex A). These include gender aware allocation of existing budget resources as well as additional resource mobilisation. The meeting concluded that there is need for parallel processes at regional and national level to ensure that targets are met.

REGIONAL LEVEL

The SADC Secretariat through Member States proposes to draft and validate a regional action plan in support of the implementation of the SADC Protocol on Gender and Development. The SADC Secretariat and partners will also devise a standardised framework and process for reviewing, and costing of national action plans that are aligned to the Protocol by 2015.

Ministers are invited to:

- Support the development of a Regional Action Plan for the Implementation of the SADC Gender Protocol and standardised framework for developing costed national action plans that are aligned to the Protocol.

NATIONAL LEVEL

Several SADC countries are currently reviewing their gender policies and action plans. For example, Namibia has recently updated its gender policy and is developing a costed National Action Plan that is aligned to the SADC Gender Protocol.

Ministers are invited to

- Follow the example shown by Namibia in revising and costing its national action plan, and incorporating the targets of the SADC Gender Protocol by the 2012 gender ministers meeting.

RESOURCE MOBILISATION

The SADC Gender Unit proposes to mobilise international co-operating partners to support implementation of the SADC Gender Protocol through the regional and national action plans developed through this process.

Ministers are invited to:

- Call on international co-operating partners to support the implementation of the SADC Gender Protocol so that the 28 targets of this Protocol, that provide specificity to MDG 3 (gender equality) are attained by 2015.

ANNEX A

MAIN PROVISIONS	SPECIFIC TARGETS TO BE ACHIEVED BY 2015	IMPLICATIONS FOR COSTING/BUDGETING
ARTICLES 1-3: PRINCIPLES AND OBJECTIVES		
<p>These cover definitions; general principles and objectives. The Protocol aims to bring together existing commitments; enhance these through specific timeframes; create effective mechanisms for implementation; sharing of best practices and deepening regional integration.</p>		
ARTICLES 4 - 11: CONSTITUTIONAL AND LEGAL RIGHTS		
<p>This provides for all Constitutions in the region to enshrine gender equality and to give such provisions primacy over customary law. All laws that are discriminatory to women are to be repealed. It also provides for equality in accessing justice, marriage and family rights and the rights of widows, elderly women, the girl child, women with disabilities and other socially excluded groups.</p>	<ul style="list-style-type: none"> ✓ Endeavour to enshrine gender equality and equity in their Constitutions and ensure that these are not compromised by any provisions, laws or practices. ✓ Review, amend and or repeal all discriminatory laws. ✓ Abolish the minority status of women. 	<p>Activity type: All these targets appear to relate to legislative changes. These are thus 'project' than 'programme' costs.</p> <p>Costs: There would be process costs associated with developing legislative text for amendments and getting the amendments through parliament. The second target could involve a study to identify which laws are discriminatory and have discriminatory elements. Unless there is widespread acceptance that the amendments are desirable and necessary, there may be need for "campaign"-type costs, such as media, workshops, etc.</p> <p>Many of the activities could be done by already employed civil servants, implying minimal additional costs. If consultants/experts are commissioned for some of the tasks, there would be costs associated with hiring them. If workshops or other events are organised, there would be the normal costs associated with these events.</p> <p>Agency budgets: From a mainstreaming viewpoint, the Ministry of Justice or equivalent would be responsible for these costs. This Ministry might well have a unit, with associated budget, which is responsible for developing legislative amendments. There might also be a funded body such as a Law Commission, which could be tasked with review of legislation.</p>

MAIN PROVISIONS	SPECIFIC TARGETS TO BE ACHIEVED BY 2015	IMPLICATIONS FOR COSTING/BUDGETING
ARTICLES 12-13 : GOVERNANCE (REPRESENTATION AND PARTICIPATION)		
<p>This Article provides for the equal representation of women in all areas of decision-making, both public and private and suggests that this target be achieved through Constitutional and other legislative provisions, including affirmative action. It further stipulates that Member States should adopt specific legislative measures and other strategies, policies and programmes to ensure that women participate effectively in electoral processes and decision-making by, amongst others, building capacity, providing support and establishing and strengthening structures to enhance gender mainstreaming.</p>	<ul style="list-style-type: none"> ✓ Endeavour to ensure that 50 percent of decision-making positions in all public and private sectors are held by women including through the use of affirmative action measures. 	<p>Activity type: The article could imply legislative measures, strategies, policies and programmes. Overall, it appears that the activities would tend to be “projects” (until the 50 percent target is achieved) rather than ongoing “programme delivery”.</p> <p>Costs: The costs would depend on the type of activity. If legislation were introduced, costs would be similar to those for Constitutional and Legal Rights above. Legislation could presumably include both targeted legislation and amendments to existing legislation. If there was to be a campaign to raise awareness, the associated costs would depend on the form of the campaign but at the least would include communication and media costs. If mandatory quotas were to be specified for the private sector, a monitoring system would need to be established, implying both set-up and ongoing maintenance costs.</p> <p>Agency budgets: From a mainstreaming perspective, the responsible ministry would depend on the type of legislation targeted, and where programmes were introduced. Likely ministries could include the Ministry of Labour in respect of the private sector. In South Africa the Commission on Employment Equity, which falls under the Department of Labour, together with its secretariat, might be the place to look for a budget. For the public sector, the Ministry responsible for the Civil Service would be the appropriate place to locate a budget.</p>
ARTICLE 14: EDUCATION AND TRAINING		
<p>This article provides for equal access to quality education and training for women and men, as well as their retention at all levels of education. It further provides for challenging stereotypes in education and eradicating gender based violence in educational</p>	<ul style="list-style-type: none"> ✓ Enact laws that promote equal access to and retention in primary, secondary, tertiary, vocational and non-formal education in accordance with the Protocol on Education and Training and the Millennium Development Goals. ✓ Adopt and implement gender 	<p>Activity type: If laws are to be enacted, then there would be the “project” type costs associated with developing these laws and getting them passed. (See above.) In reality, however, legislative amendments are probably not necessary for equal education in most countries. For the second target, the aim would presumably be to have an education system which on an ongoing basis operates in a gender-sensitive manner. To achieve this, there might be need for some one-off expenditures. For example, there might be some need for policy development, for example in relation to pregnant learners. There might be need for curriculum development, for both learners and those who are being trained to be teachers.</p>

MAIN PROVISIONS	SPECIFIC TARGETS TO BE ACHIEVED BY 2015	IMPLICATIONS FOR COSTING/BUDGETING
institutions.	sensitive educational policies and programmes addressing gender stereotypes in education and gender-based violence, amongst others.	<p>There might be need for infrastructure, such as provision of adequate separate toilets for girls and boys.</p> <p>Costs: The type of cost would depend on the activities. For infrastructure there would need to be an allocation from the capital budget (called by different terms in different countries and budgeting systems). For policy and curriculum development there might be the need to hire consultants. If new policies are introduced, there may be need for one-off training or communication efforts to inform teachers and others who are already in position about the changes.</p> <p>Agency budgets: From a mainstreaming perspective, all or most of these costs should be covered in the budget of the Ministry of Education. In countries where there is a separate Ministry (e.g. Public Works) responsible for infrastructure, there might need to be allocations in that Ministry's budget. In many countries education is devolved to province, state or local government level. However, the type of costs envisaged for the activities above would probably in most cases be incurred by the central/national government.</p>
ARTICLES 15-19: PRODUCTIVE RESOURCES AND EMPLOYMENT, ECONOMIC EMPOWERMENT		
This Article provides for the equal participation of women in economic policy formulation and implementation. The article has provisions and targets on entrepreneurship, access to credit and public procurement contracts, as well as stipulations on trade policies, equal access to property, resources and employment.	<ul style="list-style-type: none"> ✓ Ensure equal participation by women and men in policy formulation and implementation of economic policies. ✓ Conduct time use studies and adopt policy measures to ease the burden of the multiple roles played by women. ✓ Adopt policies and enact laws which ensure equal access, benefits and opportunities for women and men in trade and entrepreneurship, taking into account the contribution of women in the formal and informal sectors. 	<p>Activity type: It is not clear what activities the first target would require. It could be interpreted to include introduction of special provisions, for example for points or quotas for women, in procurement policies and quotas in public works/employment programmes. The second target requires, firstly, implementation of a large-scale survey. This is a one-off activity that would need to be repeated on a regular basis, but not more than once every five years. Secondly, it could require introduction or strengthening of policies such as those related to electricity, water provision, public transport, and childcare. This second part would generally require ongoing "programme" service delivery budgets. The third target could include provision of credit, construction and management of local markets, and a range of other interventions, some of which – especially for the informal sector – might fall within the functions of local government. Some of these activities would require ongoing "programme" service delivery budgets while others, such as construction of markets, would involve once-off infrastructure creation. The fourth, sixth and seventh targets relate to policy review and are thus "project-type" activities. However, the seventh target, unlike the other "review"</p>

MAIN PROVISIONS	SPECIFIC TARGETS TO BE ACHIEVED BY 2015	IMPLICATIONS FOR COSTING/BUDGETING
	<ul style="list-style-type: none"> ✓ Review national trade and entrepreneurship policies, to make them gender responsive. ✓ With regard to the affirmative action provisions of Article 5, introduce measures to ensure that women benefit equally from economic opportunities, including those created through public procurement processes. ✓ Review all policies and laws that determine access to, control of, and benefit from, productive resources by women. ✓ Review, amend and enact laws and policies that ensure women and men have equal access to wage employment in all sectors of the economy. 	<p>targets, also speaks about enactment of laws and thus implies legislative development. [It is not clear if it was deliberate that some policy/legislative review targets involve only review, others review and revision, and yet others review, revision and implementation.) The fifth target has some overlap with other targets.</p> <p>Costs: Ensuring equal participation by women and men in policy formulation and implementation should not require additional budget. The review-type activities could be done by civil servants but might require commissioning of expert consultants. The service delivery activities would require ongoing programme budgets, whether at national, local or another level. Construction of markets would require one-off infrastructure budgets followed by maintenance budgets. Conducting a time use survey would require a relatively large-scale one-off budget allocation once every five years or so.</p> <p>Agency budgets: Following a mainstreaming approach, the budget for the time use survey would be the responsibility of the national statistical agency. The budget for review of laws relating to wage labour would be the responsibility of the Ministry of Labour. The budget for review of laws relating to trade and entrepreneurship would be the responsibility of the Ministry of Trade/Commerce, as might activities relating to credit. The budget for provision of childcare might fall under a Ministry for Social Welfare. Public transport might fall under a Ministry of Transport, but might also fall under provincial/state or local government. Similarly, water provision might fall under a Ministry of Water Affairs and electricity under a Ministry of Energy, but these functions might also fall under local government.</p>
ARTICLES 20-25: GENDER BASED VIOLENCE		
<p>This article makes provision for the implementation of a variety of strategies, including enacting, reviewing, reforming and enforcing laws, aimed at eliminating all forms of gender based violence, and trafficking. There are specific stipulations for the provision of a comprehensive</p>	<ul style="list-style-type: none"> ✓ Enact and enforce legislation prohibiting all forms of gender-based violence. ✓ Ensure that laws on gender based violence provide for the comprehensive testing, treatment and care of survivors of sexual assault. ✓ Review and reform their 	<p>Activity type: Enactment of legislation is a one-off project-type activity, while enforcement would be an ongoing programme/service delivery type activity. Many of the other targets are expressed as review or development of legislation and policy i.e. project-type activity. In reality, for these to be effective there would need to be programme/service delivery type activity subsequent to enactment, for example to provide the testing, treatment and care of survivors and to provide the "holistic" services to survivors of trafficking. The last activity, which requires cross-sectoral activity, is challenging as budgets are generally developed and allocated by sector/ministry. Where activities are cross-sectoral, "everybody's business becomes</p>

MAIN PROVISIONS	SPECIFIC TARGETS TO BE ACHIEVED BY 2015	IMPLICATIONS FOR COSTING/BUDGETING
<p>package of treatment and care services for survivors of gender based violence, including the access to Post Exposure Prophylaxis and the establishment of special courts to address these cases. There are specific provisions on human trafficking. A section which provides for monitoring and evaluation sets targets and indicators for reducing gender based violence levels by half by 2015.</p>	<p>criminal laws and procedures applicable to cases of sexual offences and gender based violence.</p> <ul style="list-style-type: none"> ✓ Enact and adopt specific legislative provisions to prevent human trafficking and provide holistic services to the victims, with the aim of re-integrating them into society. ✓ Enact legislative provisions, and adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators of sexual harassment. ✓ Adopt integrated approaches, including institutional cross sector structures, with the aim of reducing current levels of gender based violence by half by 2015. 	<p>nobody's business". One would therefore need to specify a lead agency responsible for coordination.</p> <p>Costs: The reviews could be done by civil servants or be outsourced to expert consultants, in which case there would be an associated budget. Provision of testing, treatment and care is an ongoing programme/service delivery activity. Promotion of integrated cross-sectoral work would require ongoing, but small-cost, activities such as meetings and other communication.</p> <p>Agency budgets: The budget for the review of gender-based violence law and sexual offences law would be the responsibility of the Ministry of Justice. The budget for provision of testing, treatment and care of survivors would be primarily the responsibility of the Ministry of Health, and perhaps also local government if service delivery is devolved. The (small) budget for intersectoral collaboration could be the responsibility of the lead agency, or could be shared by all the collaborating agencies.</p>
<p>ARTICLE 26: HEALTH</p>		
<p>This article provides for the adoption and implementation of policies and programmes that address the physical, mental, emotional and social well being of women with specific targets</p>	<ul style="list-style-type: none"> ✓ Adopt and implement legislative frameworks, policies, programmes and services to enhance gender sensitive, appropriate and affordable quality health care. 	<p>Activity type: Virtually all the activities would be ongoing programme/service delivery type, although there are also some one-off legislative/policy development-type activities preceding some of the service delivery.</p> <p>Costs: The main costs would be those associated with service delivery, including staff costs, equipment, and supplies. The policy development type activities could be done by civil servants or outsourced to expert consultants.</p>

MAIN PROVISIONS	SPECIFIC TARGETS TO BE ACHIEVED BY 2015	IMPLICATIONS FOR COSTING/BUDGETING
for reducing the maternal mortality ratio and ensuring access to quality sexual and reproductive health services.	<ul style="list-style-type: none"> ✓ Reduce the maternal mortality ratio by 75% ✓ Develop and implement policies and programmes to address the mental, sexual and reproductive health needs of women and men; and ✓ Ensure the provision of hygiene and sanitary facilities and nutritional needs of women, including women in prison. 	<p>Agency budgets: All except the last target imply budgets from the Ministry of Health (and local government if services are devolved). The last target would fall under the budget of the Ministry of Prisons.</p>
ARTICLE 27: HIV AND AIDS		
This article covers prevention, treatment care and support in relation to HIV and AIDS.	<ul style="list-style-type: none"> ✓ Develop gender sensitive strategies to prevent new infections ✓ Ensure universal access to HIV and AIDS treatment for infected women, men, boys and girls; ✓ Develop and implement policies and programmes to ensure the appropriate recognition, of the work carried out by care givers, the majority of whom are women; the allocation of resources and psychological support for care-givers as well as promote the involvement of men in the care and support of People Living with Aids. 	<p>Activity type: Development of strategies is a once-off "project-type" activity, although the strategies developed might imply further ongoing programme/service delivery activities. Universal access would require ongoing programme/service delivery activities. Recognition and rewarding of care-givers would involve ongoing programme/service delivery activities, including support services, and possibility provision of stipends or similar payments.</p> <p>Costs: Strategy development could be done by civil servants or could be outsourced to expert consultants. Provision of treatment would involve ongoing costs of staff, materials etc. Recognition and reward of care-givers would involve ongoing costs for stipends or other payment as well as materials, such as gloves and equipment, as well as costs of staff to provide support. In countries where the caregiving is outsourced to non-governmental agencies, these would need to receive adequate funding from the government budget if achievement of the target was to be ensured.</p> <p>Agency budgets: Virtually all the costs seem most appropriate for the Ministry of Health. Some costs might be incurred in local government budgets if service delivery is devolved.</p>
ARTICLE 28: PEACE BUILDING AND CONFLICT RESOLUTION		
This provides for the equal	✓ Put in place measures to ensure	Activity type: Achieving this target might involve institution of quotas.

MAIN PROVISIONS	SPECIFIC TARGETS TO BE ACHIEVED BY 2015	IMPLICATIONS FOR COSTING/BUDGETING
<p>representation of women in conflict resolution and peace building processes as well as the integration of a gender perspective in the resolution of conflict in the region.</p>	<p>that women have equal representation and participation in key decision-making positions in conflict resolution and peace building processes, in accordance with UN Council Resolution 1325 on Women, Peace and Security.</p>	<p>Costs: There should not be significant extra costs associated with this as costs would be incurred whether participants were male or female. Agency budgets: Not applicable.</p>
<p>ARTICLES 29 - 31: MEDIA, INFORMATION AND COMMUNICATION</p>		
<p>This article provides for gender to be mainstreamed in all information, communication and media policies and laws. It calls for women's equal representation in all areas and at all levels of media work and for women and men to be given equal voice through the media. The Protocol calls for increasing programmes for, by and about women and the challenging of gender stereotypes in the media.</p>	<p>✓ Take measures to promote the equal representation of women in ownership of, and decision-making structures of the media, in accordance with Article 12.1 that provides for equal representation of women in decision-making positions by 2015.</p>	<p>Activity type: Achieving this target might involve awareness-raising activities. Costs: Costs are unlikely to be significant but could, for example, include cost of media campaigns. Agency budgets: The budget of the Ministry of Communications seems the appropriate one for this target.</p>
<p>ARTICLES 32 - 36: IMPLEMENTATION</p>		
<p>These articles make provision for gender sensitive budgets and resource allocation; oversight of the Protocol by a Committee of gender ministers; development of national action plans based on</p>		<p>No targets specified. The Ministry of Finance would bear the overall responsibility for budgets. The National Women's Machinery might be the agency responsible for monitoring, evaluation and reporting.</p>

MAIN PROVISIONS	SPECIFIC TARGETS TO BE ACHIEVED BY 2015	IMPLICATIONS FOR COSTING/BUDGETING
<p>the Protocol; and the collection of baseline data for monitoring and evaluation. The Protocol requires that Member states submit comprehensive reports to the Secretariat every two years indicating progress achieved in the implementation of the provisions.</p>		