



Technical note

Review of the Targets of the SADC Protocol on Gender and Development in 2015 By the Southern African Gender Protocol Alliance

"The timeframe for the Sustainable Development Goals (SDGs) — 2015 to 2030 — can and must be used to break the back of discrimination against women. This must be a period that will enable the 21st century to be regarded as the century that empowered women and empowered humanity. This is an historic opportunity. Let us grasp it." — *Phumzile Mlambo-Ngcuka, Executive Director, UNWOMEN*

Synopsis

This briefing note on the SADC Protocol on Gender and Development has been prepared by civil society partners¹ as a contribution to the critical discussions this year on the review of the Protocol in 2015, also the deadline for the Millennium Development Goals (MDGs). The MDGs will be succeeded by the Sustainable Development Goals (SDGs) that have a specific goal on gender equality, and 35 gender indicators mainstreamed across the 169 targets. Adopted by Heads of State in 2008, the SADC Gender Protocol is a unique sub-regional instrument that took the minimum requirements of the MDGs (with only three targets and seven indicators on gender equality) and enhanced these through 28 specific targets to be achieved by 2015. The SADC Gender Protocol is a best practise one stop shop for implementing gender equality whose targets must now be reviewed as 2015 has arrived. This opens opportunities for strengthening global and regional efforts to advance gender equality in the count- down to 2030. The review also opens the door for the two SADC countries that have not yet signed the Protocol (Mauritius and Botswana) to find a way of doing so. This note should be read together with the proposed implementation framework for the post-2015 SADC Gender Protocol, aligning targets to the post- 2015 agenda; incorporating all the gender-related targets of the SDGs and showing where these can be mainstreamed into existing SADC Protocols.

Precedents to SADC Protocol being reviewed

In 2000, SADC issued a revised Protocol on Shared Water Courses, five years after the initial adoption of this Protocol. The revised Protocol refers to the progress in the development and codification of international water law and the adoption of relevant UN Instruments, over and above Agenda 21 of the UN Conference on Environment and Development. The Protocol also contains an institutional framework that sets out a Water Sector Organ, its

¹ The SADC Gender Protocol Alliance is a network of national gender and women's rights networks in all 15 SADC countries, as well as eight regional NGOs and cross cutting networks including the men's sector and faith-based organisations. The Alliance represents the gender sector within the SADC Council of NGOs and is a long standing partner of gender ministries in every country of SADC, as well as the SADC Gender Unit.

committees and units, and its duties for joint protection and development of shared watercourses in Southern Africa. This precedent shows that SADC Protocols are living documents that may be amended in line with international developments.

Ministerial position

In July 2014 the Gender Ministers meeting in Malawi noted that “most Member States will not achieve all the set targets by that date (2015). Therefore, the targets will have to be reviewed in line with Article 38 of the SADC Protocol on Gender and Development and the SADC Treaty as Amended in Article 22 (11).” Ministers further noted that “an amendment in relation to the targets in the SADC Protocol on Gender and Development will be produced in 2015 for submission to the Council of Ministers for approval by the SADC Executive Secretary as per Article 13 of the SADC Treaty.”

Progress and challenges in the attainment of gender equality

The [2014 SADC Gender Protocol Barometer](#) that measures progress in the attainment of gender equality in the region found that using both the empirical SADC Gender and Development Index (SGDI) and SADC Citizen Score Card (CSC), an “ordinary people” perception score, the region is only 66 to 67% of where it needs to be by this year. Attainment of gender equality in the region has been hindered by many aspects such as:

- **Constitutional and legal rights** - The dual legal systems and contradictions between constitutional and customary law are amongst key drivers of gender inequality in the region.
- **Governance** – Women are still underrepresented in politics in the SADC region. Research shows that type of electoral systems, quotas, mobilising and training make a huge difference to women’s political representation. The research shows conclusively that women are best represented in countries with the PR and mixed system, especially where these are combined with quotas. The region needs to attain 50% representation of women in politics.
- **Education** - Gender disparity, as we move from primary school to secondary school education. More drop out of girls from schools increase in relation to early marriages, early pregnancy due adolescence period, and domestic responsibilities.
- **Economic empowerment** - Women continue to be underrepresented as decision makers in the economy. They continue to be bound by traditional norms and values which undermine the accumulation of assets, still largely work in middle management and are disproportionately represented in micro-enterprise.
- **Gender based violence** - One major shortfall in the current Protocol targets is the lack of indicators to measure progress especially on gender based violence (GBV). Legislation formulation needs to be followed up with a strong monitoring and evaluation strategy so as to measure the efficacy of both government and civil society programmes in response to GBV.
- **Health** – There is increasing need to start prioritising Sexual Reproduction Health and Rights and to invest more political will and tangible resources into the provision of health services and promotion of healthy communities. Strategies must also incorporate mental health care and ensure that populations are served by an adequate health infrastructure, with mobile services where static services are too far apart.
- **HIV and AIDS** - SADC countries need to continue to build on gains made in tackling HIV and AIDS. The intensified global and national efforts to expand access to a continuum of care from prevention, through treatment, care and support is beginning to

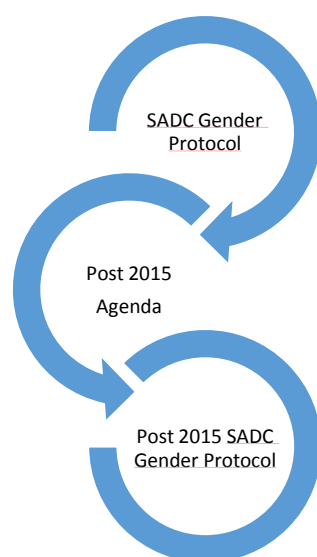
turn the course of the HIV pandemic. It is important that governments continue to allocate budgets to fund HIV prevention, treatment and care programmes.

- **Peace and security** - Women representation has not been fast tracked in this sector because of the pervasive stereotype that they do not have the physical and emotional strength to be charged with the responsibility of security.
- **Media** - Moving the gender discourse to a higher level but developing a new and more relevant framework that takes care of developments in the media industry. This relates to changes in the information society where new and digital forms of media have replaced traditional mainstream media. This will include looking at regulation to protect users, especially women from cyber violence. Interrogate ways of broadening strategies to incorporate new and emerging areas like social media, digital migration, technology innovation and the use of alternative platforms.
- **Implementation** - Joint programmes between gender machineries and other line ministries are essential for buy-in of gender mainstreaming while information sharing with the highest government authorities is essential. Collaboration with civil society and other stakeholders to implement action plans will be a smart way of achieving the Protocol targets. The SADC region requires an implementation framework in the form of indicators to track and achieve gender equality targets.
- **Climate change** – Cross reference of the gender dimensions highlighted in the SADC Protocol on Environmental Management and Sustainable Development is critical for the Protocol. The gender dimensions in climate change that are highlighted in the proposed Sustainable Development Goals need to be reflected in the Protocol.

The global context

On the global front, the world is working towards adopting a new framework for development in the form of the Sustainable Development Goals (SDGs). These will replace the Millennium Development Goals from which the SADC Protocol on Gender and Development targets were formulated. The SADC region should therefore not be left behind in terms of implementing gender equality targets outside the new development discourse.

Opportunities presented by the post 2015 agenda



Strengthening the Global Gender Agenda:

SDG Goal Five on gender equality goes much further than its predecessor MDG 3, with a much stronger emphasis on voice, choice and control. The SDGs include GBV, and have a number of economic indicators (including the unwaged work of women). The global agenda goes beyond numbers in women's political participation through provisions for "effective" leadership and pushes boundaries on reproductive health and rights. On the other hand, the SDG's are thin on gender, media and ICT's, presenting an opportunity to the SADC region to push the envelope of gender equality further by setting gender sensitive targets for media.

Strengthening the SADC Gender Agenda:

The review of the SADC targets presents a unique opportunity for advancing gender equality in SADC through the chance to:

- Set realistic and achievable targets. These may be aligned to the 2030 deadline of the SDGs, or they may be earlier, depending on the assessment of what SADC has achieved. In this way, SADC can continue to stay a step ahead of the global agenda.
- Determine milestones between now and 2030 to benchmark, sustain the momentum, and ensure that there are no more loose ends by 2030!
- Aligning the Protocol with the SDGs, ensuring synergy and resource mobilisation.
- Advocate for gender mainstreaming in the other SADC Protocols. As reflected in the implementation discussion document, gender mainstreaming in other Protocols (except Environment) is weak.
- Strengthen cross referencing of the SADC Gender Protocol with the other protocols to ensure effective implementation.

A chance for Mauritius and Botswana to join the fold:

Up to now, two key countries in SADC are still not signatories to the SADC Protocol. The review affords the opportunity to bring these countries into the fold. The following is a summary of issues raised by the two countries, and possible remedies:

- *Affirmative Action:* Mauritius stated at the Gender Minister's meeting in Malawi in 2014 that the reason it cannot sign the Protocol is Article 5, Affirmative Action, which states: "State Parties shall put in place affirmative action measures with particular reference to women in order to eliminate all barriers which prevent them from participating meaningfully in all spheres of life and create a conducive environment for such participation." However, the Mauritius Government amended the Constitution in 2013 to allow for a gender-neutral quota for local government elections that resulted in the proportion of women increasing from 6% to 24%. This Constitutional amendment coupled with the review of the Protocol targets may open the door for Mauritius to become a signatory.
- *Widows:* At a press conference on Botswana hosting the forthcoming SADC Heads of State Summit, the Director of Gender stated that Botswana has difficulties with Article 10: sections b), c) and d) of the Protocol. These Articles state that:
 - b) a widow automatically becomes the guardian and custodian of her children when her husband dies, unless otherwise determined by a competent court of law;
 - c) a widow shall have the right to continue to live in the matrimonial house after her husband's death;
 - d) a widow shall have access to employment and other opportunities to enable her to make a meaningful contribution to society;

Botswana may wish to use the opportunity of the review of the targets to explain what the objections are and to propose language that Botswana would find acceptable.

Implementation

This time, we must increase capacity in the collection, use and analysis of gender statistics and sex-disaggregated data. We need a precise view to make well-targeted plans. UN Women is ready to support Member States in the implementation of the post-2015 development agenda. –Phumzile Mlambo-Ngcuka, Executive Director, UNWOMEN

An implementation framework in the form of indicators is critical to improve gender equality in the region. The SDGs will be accompanied by a set of indicators that will be used to monitor the set targets. The SADC region has a lot to offer to the international community including setting up an implementation framework that will be used to monitor progress of gender equality against the set targets.

At least six countries in the SADC region have developed and costed action plans aligned to the SADC Gender Protocol. Mozambique, the latest country to do so, incorporated expected provisions of the SDGs. Experience in aligning gender policies and action plans with the Protocol in the region has shown a need to develop indicators that will be used as an implementation framework for gender equality. These frameworks

- Empower gender ministries in their work across all ministries.
- Ensure that gender is effectively mainstreamed, monitored and evaluated.
- Inform action planning.
- Integrate Gender Responsive Budgeting into the planning process.

The accompanying Discussion Document on an Implementation Framework for the SADC Gender Protocol Post 2015 matrix aligns the existing targets of the SADC Gender Protocol to those in the SDGs; maps which of these are or may be covered by existing Protocols, highlights all the current gender indicators in the SDGs, includes the indicators used to date for the SGDI. A strong implementation framework is critical following the Industrialisation Strategy adopted by Heads of State in April 2015. The promise of prosperity must be real for women and men, boys and girls in the region. *Bridging the gap between rhetoric and reality is the most important single target in the coming period!*

Partnerships between government and civil society

From the campaign for the SADC Gender Protocol through to its ratification and now implementation, the strong partnership between civil society and government has been a key success factor. This partnership needs to be even further strengthened in the coming period.

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