



"Isabella"

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CHAPTER 10

Implementation

Articles 32-36



Valencia Mogegeh former Gender Affairs Director making a presentation on the importance of Women in Decision making.
Photo: Mboy Maswabi

KEY POINTS

- Botswana has made significant strides in women's rights, women's empowerment and the advancement of gender equality.
- There are 85 women for every 100 males in decision-making positions within the public sector.
- Women account for more than a fifth (21.3%) of decision-making positions in the private sector.
- Botswana is one of two SADC countries (the other is Mauritius) that have not signed the SADC Protocol on Gender and Development.
- Botswana currently has a draft Gender and Development Policy.
- In 2013, stakeholders re-named the Women's Affairs Department as the Gender Affairs Department to accommodate for both sexes.

Table 10.1: SGDI and CSC scores for implementation

	SGDI	CSC
Scores	N/A	62%
Ranks	N/A	12

Botswana's SGDI score is 70%, placing the country at sixth place in the region. The CSC is lower at 66%. The SADC Gender and Development Index (SGDI) for Botswana, a basket of 23 empirical measures, has been stagnant at 70% in the past three years. The CSC has registered increases: from 40% in 2010, to 54% in 2011, to 61% in 2012 and 68% in 2013.

Over the last year, the Southern African Gender Protocol Alliance (SGPA) has stepped up its coalition building efforts. The Alliance secretariat, hosted by Gender Links, has signed an MOU with BOCONGO, which is the focal network for the Alliance in the country. Although the country has not signed the SADC Gender Protocol, organisations have been implementing various projects linked to its targets.

More than five years since the Protocol's adoption in 2008, the SGPA continues to track progress on its implementation by SADC member states. This chapter presents information on why the country should sign the Protocol. It also assesses Botswana's progress on gender management systems at national level - all key to successful implementation.

Signing of the SADC Gender Protocol



Article 39 provides that authorised representatives of member states shall duly sign the Protocol.

Botswana has yet to sign it due to reservations concerning its mandatory language and timeframes. The government is required to send annual reports to the SADC Secretariat on the status of gender equality in the country, as well as reporting to Summit on progress.

Stakeholders have reviewed many laws and enacted new ones to align with gender equality principles. These include:

- **Citizenship Amendment Act 1995** to allow women married to foreign spouses to pass their citizenship to their children and further amended in 2003 to allow former Botswana citizens, who had acquired the citizenship of another country as a consequence of marriage, to have their Botswana citizenship reinstated upon application.
- **Criminal Procedure and Evidence Act 1996** regarding the hearings of sexual offence cases in camera.
- **Deeds Registry Act 1996** to allow women, whether married in community of property or not, to execute deeds and other documents required or permitted to be registered in the deeds registry without their husband's consent.

- **Marriage Amendment Act 2001** to prohibit marriage of a person below to the age of 18 and that no minor younger than 21 may marry without the consent of his/her parents or guardian.
- **Abolition of Marital Powers Act of 2004** to give both partners in common law marriage equal powers in the family.
- **Penal Code 1998** amended to have a gender-neutral definition of rape, provided for mandatory HIV testing for persons convicted of rape and deny bail to rape convicts.
- **Mines and Quarries Act 1996** to allow women to work underground.
- **Domestic Violence Act 2008** enacted to provide for the protection of survivors of domestic violence.
- **Children's Act 2009** to ensure that the best interest of the child remain paramount when making decisions that affect children.
- **Affiliations Proceedings Act 1999** to make it possible for a person other than the mother to institute proceedings under the Act.

The name of the government machinery changed from Women's Affairs Department to Gender Affairs Department (GeAD) to reflect a more comprehensive understanding of its gender-inclusive mandate.

Table 10.2: National gender structures and processes

Component	Yes/No	Comments
National Gender Policy	Yes	National Policy of Women in Development 1996
Gender ministry	Yes	Gender Affairs Department (under Ministry of Labour and Home Affairs)
Gender Focal Points in all line departments	Some	Gender Focal Points have been established in Ministries, and this is expected to promote ownership of the Policy on Women in Development (GAD 2002)
Gender structure in parliament	No	
Active collaboration with civil society	Yes/relatively	Civil Society organised in the Gender & Development Sector
Plan for domestication/ popularisation of the Protocol?	Ongoing/weak	Roadmap by the gender and development sector
National action plans with measurable time frames	No	Botswana has not signed yet
Analysis of baseline data against a which a report will have to be submitted in 2010	Yes	Not available
Preparedness for the first report next year	Not signed	

Source: *Gender Links, 2013.*

Table 10.2 shows that Botswana has varied gender structures and processes in place which can be summarised as follows:

- The government has not regularly reported on regional and international commitments. For example, the government submitted a report to CEDAW in 2010 for the first time.
- Botswana is a signatory to a number of international and regional gender declarations that address human rights and components of gender equality and women empowerment. These include:
 - The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) 1979.
 - International Conference on Population and Development (ICPD) 1994.
 - Beijing Declaration and Platform for Action 1995.
 - Millennium Development Goals (MGDs) 2000.
 - Southern African Development Community (SADC) Declaration on Gender and Development 1997.

Mechanisms and institutions established to promote the advancement for women further include:

- 2013 Draft Gender and Development policy.

- Formulation of the National Gender Programme Framework in 1998.
- Upgrading the Women's Affairs Department in 1997.
- BOCONGO Gender and Development Sector.
- University of Botswana Gender Policy Programme Committee (GPPC).
- Botswana National Council of Women (BNCW) in 1999.
- Botswana Caucus for Women in Politics (BCWP).
- Establishment of gender structures and committees in the districts.

Why Botswana has not signed - responses to political concerns

Botswana has not signed the SADC Protocol because its leaders have reservations about the Protocol's mandatory language, commitment to timeframes, and the resources required to fulfilling its targets. Gender advocates argue that by not signing, Botswana tarnishes its record of promoting gender equality. Below are some excerpts from President Ian Khama's speech, which set out his reasons for not signing the SADC Protocol, as well as responses to these concerns put forward during a 14 March 2014 workshop:

Government reasons for not signing:	Civil society responses
<p>Mandatory language: "Botswana was not ready to sign the Protocol 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."</p>	<p>The Protocol's articles are no longer mandatory. In final negotiations, words like "shall" and "must" replaced words like "seek" and "endeavour."</p>

<p>No room for reservations: "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."</p>	<p>As the language is not mandatory, Botswana should have no need for reservations.</p>
<p>The executive and the legislature: "In the event that new laws may be required because of our signing, I consider it only proper that I must make the opportunity available to consult Parliament before I bind the nation."</p>	<p>This appreciation of the democratic process is a mark of good governance. The Protocol is less about implementing new laws and more about implementing existing ones. There is likely to be a concordance between the executive and the legislature.</p>
<p>Timeframes: "We considered some of the timeframes unrealistic, and some of the measures have serious resource implications that we cannot guarantee."</p>	<p>By making the effort, Botswana is likely to make more progress than admitting defeat before even trying. Targets lead to momentum and better results.</p>



Participants take part in a strategy session at a Botswana Protocol meeting in 2013. Photo: Vincent Onthusitse

Botswana should commit to the spirit of the SADC Gender Protocol:

The SADC Protocol on Gender and Development encompasses commitments made in all regional, global and continental instruments for achieving gender equality. These include the Millennium Development Goals (MDGs) set for 2015; the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW); Beijing Declaration and Plan of Action; AU Protocol on the African Charter on Human and People's Rights on the Rights of Women in Africa and the AU Solemn Declaration on Gender Equality in Africa. The Gender Protocol also enhances these instruments by addressing gaps and setting specific timeframes where these do not exist.

Botswana has made significant progress against the 28 targets:

Overall Botswana is on track to meet many of the Protocol's 28 targets. The country ranked sixth out of 15 SADC countries according to the 2012

Southern Africa Gender Protocol Barometer's SADC Gender and Development Index (SGDI).

Implementation of the SADC Protocol at local government level

In 2008, Gender Links conducted a research entitled At the Coal Face. It identified a need to embark on the gender in local government programme and thus the organisation established a Centres of Excellence (COE) process that now exists in 16 districts.

The CEO process includes both the districts and city councils. In the lead-up to the 2014 country summit, 13 councils submitted case studies, mostly about tackling GBV. This year Gender Links witnessed an increase in categories, including media and NGOs. Some councils presented more than two projects. To show commitment, councils spent P32 000 (US\$3215) to share costs with Gender Links for the summit. The Ministry of Gender and the American Embassy also donated financial resources. The COE process has resulted in high-level political support, across ministries and political parties, as reflected in the high-level attendance at the summit.

The Botswana Centres of Excellence in Gender Mainstreaming Programme seeks to:

- Raise support for the Regional SADC Gender Protocol summit in August 2015, leading to a regional summit in April.
- Raise support for the roll out of the COE to all 29 of the local councils by 2015, the deadline for the achievement of the 28 targets of the SADC Protocol on Gender and Development.
- Popularise and enhance application of the SADC Gender Protocol through the village workshops that accompany the COEs and incorporate its targets in

the local action plans in order to increase community outreach and impact of the Protocol work.

- Share the GBV findings at the local level and use the findings to impact the gender and local government initiatives, as well as build upon the findings to help localities to start projects on GBV.



Reverend Moruakgomo, Botswana Association of Local Authorities (BALA) president, hands over a prize to the Chobe finalist in the institutional category during the 2013 Botswana SADC Protocol@Work summit. Photo: Gender Links

GL Botswana is working with the Botswana Association of Local Authorities (BALA). BALA has a strategic document through the Ministry of Local Government And Lands. Through this partnership, BALA's mandate is to ensure that councils participate in the workshops scheduled and mainstream gender in their day-to-day activities.

The target groups for the programme include the local government councils, both rural and urban, in Botswana. This collaboration with councils has moved the gender agenda forward.

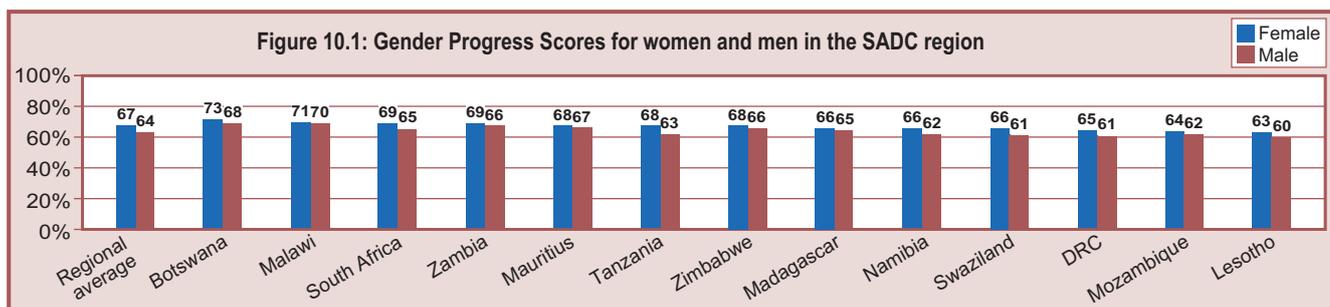
SADC Protocol@Work Summit

Stakeholders hosted the Botswana SADC Gender Protocol@Work Summit from 26-27 March 2014 at Boipuso Hall in Gaborone. Under the banner "2015, Yes we Must! The SADC Gender Protocol @ Work" the Summit brought together more than 180 participants, 53 men and 127 women, from local government authorities, the media, NGOs, community-based organisations, faith-based organisations and representatives of government. The Summit featured 60 entries in a variety of categories, including Gender-based Violence and Conflict Resolution, Sexual and Reproductive Rights and HIV/AIDS, Climate Change and Sustainable Development, Institutional Centres of Excellence (COEs) and Leadership.

The Summit noted that one of the main challenges the country faces is the high incidence of GBV. Stakeholders need to support more initiatives to prevent GBV, create more awareness and support survivors. This includes more and better inter-sectoral collaboration between the legal, medical, social and psychological service providers to survivors of gender violence.

Women's lack of representation in decision-making positions is another concern. As no legislated quotas exist, it is unlikely that Botswana will reach the 50% representation target by the end of 2015. Emang Basadi and the Botswana Caucus for Women in Politics should create more awareness about the importance of women's participation and advocate for a change in the electoral system.

Botswana has made encouraging progress towards gender equality. If Botswana signs the Protocol, stakeholders could tackle the remaining challenges more comprehensively and quickly.



Source: Gender Links 2013.

Figure 10.1 shows that, overall, women in Botswana (as with the rest of SADC countries) scored higher in their attitudes towards gender, but only marginally so. This

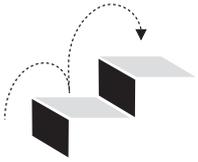
shows that stakeholders must intensify public education and awareness aimed at changing attitudes for both women and men.



Implementation post 2015

Table 10.3: Proposed revised targets and indicators for Implementation

Thematic Area/Target	Proposed post 2015 targets	Proposed post 2015 indicators
Accountability of states to implement SGP targets	1. State parties shall budget and report to the executive secretary who will in turn report to the Council and Summit on primary research, information management systems and women's research centres to collect and analyse baseline data against which progress in achieving targets will be monitored at a local level to ensure implementation by 2030	1. Progress in conducting baseline surveys/research by sector 2. Proportion and level of authority of gender focal persons across all government ministries to spearhead the protocol implementation (using the national job grading system)
Budgetary allocations	2. State parties shall ensure that costed national action plans by 2030 are put in place, and that national and regional monitoring and evaluation mechanisms are developed and implemented	3. Costed, SGP - aligned, action plans in place 4. Percentage of budget allocated to costed action plans for development and implementation by line ministries for specific sectors 5. Existence of budgets to support the sustainability of women's movements and research centres
Policy framework	3. State parties shall ensure development of National Gender Policies and programmes and review of existing policies to ensure gender mainstreaming in line with the SGP by 2030	6. Existence of gender policies and programmes to ensure gender equality and women empowerment, aligned to the SGP
Learning and sharing of best practices	4. The executive secretary, through gender machineries, shall facilitate learning and sharing on implementation of the SGP amongst state parties each year and a final review in 2030	7. Existence of an aligned gender machinery in government with clear mandate, roles and responsibilities for the components responsible for implementing the protocol, collecting data and measuring progress on the achievement of the gender agenda 8. Accountability system and costed programmes in place for gender progress from SADC secretariat, Ministry of Women, NGOs, line ministries, private sector, local and provincial government



Next steps

- Scale-up advocacy strategies for the country to sign the SADC Protocol on Gender and Development.
- Revise the national gender policy framework to keep up with emerging issues.
- Develop a costed gender action plan that aligns to key gender instruments to facilitate informed gender responsive resource allocations from the national treasury for all line ministries.