

# CHAPTER THREE

## LEGAL AND POLICY FRAMEWORK



In this chapter key policy and legal frameworks that form part of the “influence chain” in shaping the response to gender inequality in SADC are highlighted. Their importance lies in the articulation of human rights and development issues from a gender equality perspective, and the definition of a clear agenda of action that forms the basis for policy, project and programming work to achieve gender equality in the region.

Importantly, these frameworks set international and regional norms and standards that SADC Member States have committed to and continue to progressively integrate into their domestic policies, legislation and programmes. They have also inspired the development of ground breaking sub regional instruments promoting gender equality and women’s empowerment, and should be cross referenced with other SADC Protocols, Declarations and instruments developed to facilitate regional integration. These frameworks are thus an integral part of the SADC Secretariat gender mainstreaming process.

The full documents are available on **CD ROM**, and a synopsis of each is provided in this chapter. The following regional and international legal and policy frameworks are discussed:

**Table 2: Legal and policy frameworks for gender equality**

Scope	LEGAL	POLICY
International	The Universal Declaration of Human Rights - <b>CD ROM 2</b>	Beijing Declaration and Platform for Action (1995) - <b>CD ROM 8</b>
	The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) (1979) - <b>CD ROM 3</b>	Millennium Development Goals (2000) – <b>CD ROM 9</b>
	UN Resolution 1325 on Women, Peace and Security - <b>CD ROM 4</b>	
Regional	Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (2005) – <b>CD ROM 5</b>	SADC Gender Policy (2007) – <b>CD ROM 10</b>
	1997 SADC Declaration on Gender and Development, and the 1998 Addendum on the Prevention and Eradication of Violence Against Women and Children – <b>CD ROM 6</b>	Draft SADC Workplace policy – <b>CD ROM 11</b>
	Draft SADC Protocol on Gender and Development – <b>CD ROM 7</b>	



**Exercise 8: A quick quiz on gender equality instruments**

1. Name at least three regional and international instruments that promote and protect the rights of women in SADC?

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2. Which one of the international women's rights instruments has been ratified/acceded to by all SADC countries?

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3. When did the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa come into force?

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4. Name one unique feature of this Protocol?

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5. When was the SADC Gender Policy adopted? How many thematic areas does it cover?

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6. What is the SADC Protocol on Gender and Development? Why is there need for such an instrument? What is its current status?

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Regional and global policy and legal frameworks have assisted the SADC region in consolidating and articulating a position on women's rights, prioritising issues that all Member States must address, and defining a strategy, broad goals, benchmarks, targets and a broad set of activities for their achievement. The challenge lies in translating the commitments into action to ensure the elimination of the gender inequalities highlighted in the **introduction** to this Toolkit.

The recent ten year review, in 2005, of the Beijing Declaration and Platform for Action (BPFA), revealed the need for the SADC region to make a greater investment in effective implementation of laws, policies and programmes, with a particular focus on making them work for women. It is acknowledged that the big gap between 'paper rights' and 'substantive rights' in practice, is a key factor limiting economic growth, development and poverty eradication in the region.

The legal promotion and protection of equal rights of women relative to men is based on the principle of non discrimination, which includes equality before the law. However, from a gender equality perspective the emphasis is also on the promotion and protection of the rights of women, based on the understanding that the human rights principle is not gender neutral, and must acknowledge gender difference and address inequality.

The following are highlights of the provisions of some of the key human rights and development commitments made by SADC governments:

### Legal instruments

#### **The Universal Declaration of Human Rights (UDHR)<sup>10</sup> — CD ROM 2**

On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. The Assembly called upon all Member countries to publicise the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories".

The UDHR contains 30 articles that address a range of rights from basic ones (right to shelter, clothing), to the right to education, nationality, exercise of free will and consent to marriage, employment, and equal pay for equal work, amongst others.

#### ***Do Member States accede to or ratify<sup>11</sup> the UDHR?***

The UDHR was adopted by all UN Member States.

#### ***Some key provisions of the UDHR***

- Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.
- The disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.

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<sup>10</sup> Source: <http://www.un.org/rights/50/decla.htm>

<sup>11</sup> Both ratification and accession signify an agreement to be legally bound by the terms of a Convention other legally binding international instrument. Accession has exactly the same effects as ratification. Most commonly, a country in favour of a convention signs shortly after it has been adopted and follows up with ratification when all procedures required by domestic law have been fulfilled. Countries that have not signed can become states parties through accession to the Convention. Adapted from <http://www.abc.net.au/civics/bhutan/ratificationfaq.htm> (accessed 10.06.08)

- The peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom.

**Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>12</sup> - CD ROM 3**  
CEDAW, adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

By accepting the Convention, states commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

- To incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- To establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- To ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.

Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports, at least every four years, on measures they have taken to comply with their treaty obligations.

#### ***Do Member States accede to or ratify CEDAW?***

All SADC countries have either ratified or acceded to CEDAW. Although most have not domesticated the Convention, some SADC governments are progressively implementing its provisions. The key challenge lies in the holistic implementation of the Convention, where there is a gap in many areas outlined in Chapter 1. As States Parties to the Convention, SADC governments have also not fared well in terms of reporting on progress made. Further SADC countries must amend and review their constitutions in order to protect women against all forms of discrimination, supported by gender sensitive legislation and policies.

The Optional Protocol to CEDAW adopted in 1999 includes an inquiry procedure, as well as a complaints procedure. An inquiry procedure enables the Committee to conduct inquiries into serious and systematic abuses of women's human rights in countries that become States parties to the Optional Protocol. It is modelled on an existing human rights inquiry procedure, article 20 of the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The inquiry procedure:

- Allows investigation of substantial abuses of women's human rights by an international body of experts;
- Is useful where individual communications fail to reflect the systemic nature of widespread violations of women's rights;
- Allows widespread violations to be investigated where individuals or groups may be unable to make communications (for practical reasons or because of fear of reprisals);
- Gives the Committee an opportunity to make recommendations regarding the structural causes of violations;
- Allows the Committee to address a broad range of issues in a particular country.

Currently 5 SADC countries have either ratified or acceded to the Optional Protocol (Angola, Botswana, Lesotho, South Africa and Tanzania), whilst 5 have signed it (Madagascar, Malawi, Mauritius, Namibia, Seychelles). The rest have neither signed nor ratified it.

<sup>12</sup>Source: <http://www.un.org/womenwatch/daw/cedaw/>

### ***Some key provisions of CEDAW***

- Discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity
- The full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields
- A change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women

### ***The United Nations Security Council (UNSC) Resolution 1325 on women, peace and security (Resolution 1325)<sup>13</sup> - CD ROM 4***

On 31 October 2000, the United Nations Security Council (UNSC) unanimously adopted Resolution 1325 on women, peace and security. Resolution 1325 marks the first time the Security Council addressed the disproportionate and unique impact of armed conflict on women, recognized the under-valued and under-utilised contributions women make to conflict prevention, peacekeeping, conflict resolution and peace-building, and stressed the importance of their equal and full participation as active agents in peace and security.

### ***Do Member States accede to or ratify Resolution 1325?***

The Resolution is binding and applicable to all UN Member States

### ***Some key provisions of UN Resolution 1325***

UN Member States:

- Recognise that an understanding of the impact of armed conflict on women and girls, effective institutional arrangements to guarantee their protection and full participation in the peace process can significantly contribute to the maintenance and promotion of international peace and security
- Reaffirm the important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution

### ***Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (Women's Rights Protocol)<sup>14</sup>***

The Women's Rights Protocol, adopted in 2003, entered into force on 25 November 2005. This marked a milestone in the protection and promotion of women's rights in Africa, creating new rights for women in terms of international standards. This groundbreaking Protocol, for the first time in international law, explicitly sets forth the reproductive right of women to medical abortion when pregnancy results from rape or incest or when the continuation of pregnancy endangers the health or life of the mother. In another first, the Protocol explicitly calls for the legal prohibition of female genital mutilation, and prohibits the abuse of women in advertising and pornography.

The Protocol further sets forth a broad range of economic and social welfare rights for women. The rights of particularly vulnerable groups of women, including widows, elderly women, disabled women and "women in distress," which includes poor women, women from marginalized populations groups, and pregnant or nursing women in detention are specifically recognised.

<sup>13</sup> <http://www.peacewomen.org/un/sc/1325.html#1> Full document on **CD ROM**

<sup>14</sup> [http://www.equalitynow.org/english/campaigns/african-protocol/african-protocol\\_en.html](http://www.equalitynow.org/english/campaigns/african-protocol/african-protocol_en.html) Full document on **CD ROM**

State Parties are expected to report on progress made in the implementation of the provisions of the Protocol every two years in line with Article 62 of the Africa Charter on Human and Peoples' Rights. The African Court on Human and Peoples' Rights has the jurisdiction to hear any matters of interpretation relating to the Women's Rights Protocol.

### ***Do Member States accede to or ratify the Women's Rights Protocol?***

As at February 2008, eight SADC countries have ratified the Women's Rights Protocol, namely Angola, Lesotho, Malawi, Mozambique, Namibia, Seychelles, South Africa, Tanzania and Zambia.

### ***Some key provisions of the Women's Rights Protocol***

- States Parties reaffirm the principle of promoting gender equality as enshrined in the Constitutive Act of the African Union as well as the New Partnership for Africa's Development, relevant Declarations, Resolutions and Decisions, which underline the commitment of the African States to ensure the full participation of African women as equal partners in Africa's development;
- States Parties are firmly convinced that any practice that hinders or endangers the normal growth and affects the physical and psychological development of women and girls should be condemned and eliminated
- States Parties recognise the crucial role of women in the preservation of African values based on the principles of equality, peace, freedom, dignity, justice, solidarity and democracy.

### **The 1997 SADC Declaration on Gender and Development (Gender Declaration)<sup>15</sup> - CD ROM 9**

The Declaration, adopted by SADC Heads of State in 1997, was inspired by the commitments SADC governments made in the BPFA, CEDAW, Nairobi Forward Looking Strategies from the 1985 UN World Conference on Women, and the Dakar Platform for Action (1994) that articulated African women's rights issues and fed into the 1995 BPFA.

In the Declaration SADC governments acknowledge that non discrimination, in line with Article 6 (2) of the founding Treaty of SADC is the premise for any action towards achieving women's rights in the region. Importantly a case is made in the Declaration for the region to do the following:

- Recognise that gender equality is a fundamental human rights
- There are substantial benefits to be gained from closer regional co-operation and collective action to achieve gender equality
- Mainstreaming gender into SADC programmes of action and community building is key to sustainable development
- Gender disparities relating to women relative to men still exist in areas such as legal rights, education, health, power sharing and other areas of development
- Women constitute the majority of the poor
- Gender mainstreaming into SADC projects and programmes needed to be done in a coordinated and comprehensive manner
- Networking with strategic partners and setting up institutional mechanisms to support gender mainstreaming was key to the success of the gender equality agenda. This includes the GU and GFPs

The above was supported by a commitment to address ten key areas of intervention, including setting the minimum 30% of women participating in decision making by 2005.

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<sup>15</sup> Full document on **CD ROM**

The **1998 Addendum for the Prevention and Eradication of Violence Against Women and Children (Addendum)**<sup>16</sup> reinforced the Declaration. The Addendum focused on the root cause of violence against women, and noted that it reflected 'the unequal relations of power between women and men, resulting in the domination and discrimination of women by men'. Further, SADC governments noted also that violence against women is a serious violation of fundamental human rights. The concept of gender violence was broadened to include physical and sexual violence, as well as economic, psychological and emotional abuse.

Measures to address the challenges focused on legal interventions, addressing social, economic and cultural issues perpetrating the problem, ensuring that adequate services are available, and that integrating approaches are adopted in any response, as well as budgetary allocations to address this holistic response. Eight SADC countries<sup>17</sup> now have 365 day national action plans (NAP) to end GBV, taking their cue from the comprehensively laid out interventions outlined in the Addendum.

### ***Do Member States accede to or ratify the SADC Gender Declaration?***

Both the Declaration and Addendum were signed and adopted by all SADC governments and they directly influence policy and legislative enactments nationally. The gap lies in lack of an effective monitoring mechanism; the annual reporting requirement by Member States to the Secretariat on any progress made in responding to the commitments is not closely adhered to, save for the standing agenda item on gender at Summit.

### ***Draft SADC Protocol on Gender and Development (Gender Protocol)***<sup>18</sup>

The Gender Protocol, currently undergoing various stages of technical development, represents the latest effort by SADC governments to elevate gender equality and women's empowerment issues in the region to the highest level of intervention at national level. It also seeks to bring together all the scattered regional and international commitments into one comprehensive document, with benchmarks and clear targets. Importantly, it recognises the need to address new and emerging women's rights challenges, for example, trafficking of women and girls, the burden of unpaid care work in the context of HIV and AIDS, and addressing gender stereotyping and sexual harassment in schools.

Women's rights issues that have not yet been articulated in the draft include taking steps to criminalise marital rape, addressing the rights of cohabitees, protecting women's sexual rights particularly in the context of HIV and AIDS, and expanding the rights of girls to education including policy interventions to sensitively address school girl pregnancies.

### ***Will Member States accede to or ratify the Protocol?***

Once adopted at Summit, the Protocol comes into force once a two third majority of SADC Member States have ratified it. SADC Member States are then required to domesticate the Protocol, and report periodically on progress, based on a monitoring and evaluation system.

### ***Some key provisions of the Draft SADC Protocol on Gender and Development (draft as amended by Ministers Responsible for Gender April 2008)***

- Recognise that they are obliged to meet their commitments and set targets under the said instruments, and that the fragile gains made face new threats as a result of, inter alia, HIV and AIDS, globalisation, human trafficking, especially of women and children, the feminisation of poverty, and violence against women.
- Recognise further that social, cultural and religious practices, attitudes and mindsets continue to militate against the attainment of gender equality and equity which are central to democracy and development.

<sup>16</sup> Full document on **CD ROM**

<sup>17</sup> Botswana (draft), Mauritius, Namibia, South Africa, Swaziland, Tanzania, Zambia, Zimbabwe

<sup>18</sup> Power point slide on **CD ROM**



- Commit to drawing up a Plan of Action setting specific targets and timeframes for achieving gender equality and equity in all areas, as well as effective monitoring and evaluation mechanisms for measuring progress.



### Exercise 9: Which gender equality legal frameworks apply?

You are a senior technical advisor supporting Member States in the implementation of the recently adopted SADC Declaration on Poverty Eradication and Sustainable Development (2008). Funding from the European Union has been provided for a three year period to support Member States to up scale poverty reduction at community level, in particular increasing communities' participation in economic activities, taking the cue from the SADC Trade Protocol (as amended), and the Protocol on Finance and Investment, amongst others. As part of the overall analysis on how provisions in these two Protocols can inform the project development processes at national level, there is a requirement that gender equality and women's rights are also addressed.

### Questions

List at least two provisions in each of these instruments are relevant. How would you integrate them into your plan? Record your answers in the table below.

**Table 3: Integrating legal provisions into planning**

LEGAL	Relevant provisions	How they would be interpreted
The Universal Declaration of Human Rights - <b>CD ROM 2</b>		
The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) (1979) - <b>CD ROM 3</b>		
UN Resolution 1325 on Women, Peace and Security - <b>CD ROM 4</b>		
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2005) - <b>CD ROM 5</b>		
Draft SADC Protocol on Gender and Development - <b>CD ROM 6</b>		

## **Regional and International Policy Frameworks**

Linking policy to law is a vital component of effective governance and management. Thus there should be synergy between the policies adopted by Member States or the Secretariat, and the legal frameworks that define the issue, outline its key elements, and provide for a remedy. A policy has been defined as a definite course or method of action selected (by government, institution, group or individual) from among alternatives and in the light of given conditions to guide and, usually, to determine present and future decisions.

Effective policies also set out benchmarks and targets, and are accompanied by clearly articulated plans setting out the key activities. This is critical in the gender equality and women's empowerment arena, given the usually long term and strategic nature of interventions required for transforming gender relations to achieve development. All SADC Member States have either a gender or women's policy, and national action plans to implement the policies; the implementation of these policies has resulted in varying and mixed success, tempered by several constraints, including under resourced and ineffective implementation mechanisms, and limited budget for wide scale implementation.

Below are highlights of some of the regional and international policy frameworks that are influencing the gender mainstreaming vision and practice of the SADC region.

### **Beijing Declaration and Platform for Action, Fourth United Nations Conference on Women, Beijing, China, 1995 (BPFA)**

The BPFA, adopted by the global community in 1995 set an agenda for a decade of global action to achieve gender equality and women's empowerment. It sets out 38 commitments to address gender equality and women's empowerment, articulates 40 areas of challenges and opportunities that frame the BPFA, and sets out 12 critical areas of concern. UN Member States had an obligation to address the critical areas, identify their own, and periodically report on progress. Beijing + 5 and Beijing + 10 global reviews were undertaken in order to assess progress, and find ways of addressing gaps whilst maximising opportunities.

Some notable perspectives and positions on gender equality are as stated below:-

- Equality between women and men is a matter of human rights and a condition for social justice and is also a necessary and fundamental prerequisite for equality, development and peace. A transformed partnership based on equality between women and men is a condition for people-centred sustainable development. A sustained and long-term commitment is essential, so that women and men can work together for themselves, for their children and for society to meet the challenges of the twenty-first century.
- The full and equal participation of women in political, civil, economic, social and cultural life at the national, regional and international levels, and the eradication of all forms of discrimination on the grounds of sex are priority objectives of the international community.

The entire international community committed to and adopted the BPFA, including all SADC countries. SADC countries further prioritised their areas of action and developed national action plans, with varying and mixed success, to achieve results in addressing these critical areas.

### **Some key provisions of the BPFA**

*The 12 critical areas of concern are as stated below:-*

- The persistent and increasing burden of poverty on women
- Inequalities and inadequacies in and unequal access to education and training
- Inequalities and inadequacies in and unequal access to health care and related services
- Violence against women

- The effects of armed or other kinds of conflict on women, including those living under foreign occupation
- Inequality in economic structures and policies, in all forms of productive activities and in access to resources
- Inequality between men and women in the sharing of power and decision-making at all levels
- Insufficient mechanisms at all levels to promote the advancement of women
- Lack of respect for and inadequate promotion and protection of the human rights of women
- Stereotyping of women and inequality in women's access to and participation in all communication systems, especially in the media
- Gender inequalities in the management of natural resources and in the safeguarding of the environment
- Persistent discrimination against and violation of the rights of the girl child

#### *SADC prioritised areas of concern (1995)*

- Insufficient mechanisms at all levels to promote the advancement of women.
- Inequalities between women and men in the sharing of power and decision-making at all levels.
- Inequalities in economic structures and policies in all forms of productive activities at all levels.
- Lack of respect for, and inadequate promotion and protection of human rights of women and the girl-child.
- Gender inequality and HIV and AIDS.

#### **Millennium Development Goals (MDGs)<sup>19</sup>**

The eight Millennium Development Goals (MDGs) – which range from halving extreme poverty to halting the spread of HIV/AIDS and providing universal primary education, all by the target date of 2015 – form a blueprint agreed to by all the world's countries and the entire world's leading development institutions. They have galvanised unprecedented efforts to meet the needs of the world's poorest. The entire international community committed to and adopted the MDGs, including all SADC countries. They annually report on progress.



#### **Exercise 10: Finding gender in the MDGs**



<sup>19</sup> <http://www.un.org/millenniumgoals/>

1. The image is used in the MDG 2007 Progress Chart. How gender aware is this image?

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2. Suggest another image that might have been used to reflect the importance of gender equality in the MDG's.

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The MDGs have one specific goal on achieving gender equality. Does it cover the issues adequately? To what extent is gender mainstreamed in other MDG goals? Is this adequate?

Goals and targets	Indicators	Gender dimensions
<b>Goal 1: Eradicate extreme poverty and hunger</b>		
<i>Target 1:</i> Halve, between 1990 and 2015, the proportion of people whose income is less than US\$1 a day	<ul style="list-style-type: none"> <li>• Proportion of the population below US\$ 1 a day</li> <li>• Poverty gap ratio (incidence, times, depth of poverty)</li> <li>• Share of poorest quintile in national consumption</li> </ul>	
<i>Target 2:</i> Halve, between 1990 and 2015, the proportion of people who suffer from hunger	<ul style="list-style-type: none"> <li>• Prevalence of underweight children (under five years)</li> <li>• Proportion of the population below minimum level of dietary consumption</li> </ul>	
<b>Goal 2: Achieve universal primary education</b>		
<i>Target 3:</i> Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling	<ul style="list-style-type: none"> <li>• Net enrolment rate in primary education</li> <li>• Proportion of pupils starting Grade 1 who reach Grade 7</li> <li>• Literacy rate of 15- to 24-year-olds</li> </ul>	
<b>Goal 3: Promote gender equality and empower women</b>		
<i>Target 4:</i> Eliminate gender disparity in primary and secondary education preferably by 2005 and in all levels of education no later than 2015	<ul style="list-style-type: none"> <li>• Ratio of boys to girls in primary, secondary and tertiary education</li> <li>• Ratio of literate females to males among 15- to 24-year olds</li> <li>• Share of women in wage employment in the non-agricultural sector</li> </ul>	

Goals and targets	Indicators	Gender dimensions
	<ul style="list-style-type: none"> <li>• Proportion of seats held by women in the national parliament</li> </ul>	
<b>Goal 4: Reduce child mortality</b>		
<i>Target 5:</i> Reduce by two-thirds, between 1990 and 2015, the under-five mortality rate	<ul style="list-style-type: none"> <li>• Under-five mortality rate</li> <li>• Infant mortality rate</li> <li>• Proportion of one-year-old children immunised against measles</li> </ul>	
<b>Goal 5: Improve maternal health</b>		
<i>Target 6:</i> Reduce by three-quarters, between 1990 and 2015, the maternal mortality rate	<ul style="list-style-type: none"> <li>• Maternal mortality ratio</li> <li>• Proportion of births attended by skilled health personnel</li> </ul>	
<b>Goal 6: Combat HIV/ AIDS, malaria and other diseases</b>		
<i>Target 7:</i> Have halted by 2015, and begin to reverse the spread of HIV and AIDS	<ul style="list-style-type: none"> <li>• HIV prevalence among 15- to 24-year-old pregnant women</li> <li>• Contraceptive prevalence rate</li> <li>• Number of children orphaned by HIV and AIDS</li> </ul>	
<i>Target 8:</i> Have halted by 2015, and begin to reverse the incidence of malaria and other major diseases	<ul style="list-style-type: none"> <li>• Prevalence and death rates associated with malaria</li> <li>• Proportion of the population in malaria-risk areas using effective malaria prevention and treatment measures</li> <li>• Prevalence and death rates associated with tuberculosis</li> <li>• Proportion of tuberculosis cases detected and cured under directly observed treatment, short-course (DOTS)</li> </ul>	
<b>Goal 7: Ensure environmental sustainability</b>		
<i>Target 9:</i> Integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources	<ul style="list-style-type: none"> <li>• Change in land area covered by forest</li> <li>• Land area protected to maintain biological diversity</li> <li>• GDP per unit of energy use</li> <li>• Carbon dioxide emissions (per capita)</li> </ul>	
<i>Target 10:</i> Halve, by 2015, the proportion of people without sustainable access to safe drinking water	<ul style="list-style-type: none"> <li>• Proportion of the population with sustainable access to an improved water source</li> </ul>	
<i>Target 11:</i> Have achieved, by 2020, a significant improvement in the lives of at least 100 million slum dwellers	<ul style="list-style-type: none"> <li>• Proportion of the population with access to improved sanitation</li> <li>• Proportion of the population with access to secure tenure</li> </ul>	

Goals and targets	Indicators	Gender dimensions
<b>Goal 8: Develop a global partnership for development</b>		
<i>Target 12:</i> Develop further an open, rule-based, predictable, non-discriminatory trading and financial system (includes commitment to good governance, development and poverty reduction – both nationally and internationally)	<ul style="list-style-type: none"> <li>Target and indicators are not presently being measured in South Africa</li> </ul>	
<i>Target 13:</i> Address the special needs of the least developed countries	<ul style="list-style-type: none"> <li>Official development assistance (ODA)</li> </ul>	
<i>Target 14:</i> Address the special needs of landlocked countries and small island developing states	<ul style="list-style-type: none"> <li>Target and indicators do not apply to South Africa</li> </ul>	
<i>Target 15:</i> Deal comprehensively with debt problems of developing countries through national and international measures in order to make debt sustainable in the long run	<ul style="list-style-type: none"> <li>Debt service as a percentage of exports of goods and services</li> </ul>	
<i>Target 16:</i> In cooperation with developing countries, develop and implement strategies for decent and productive work for youth	<ul style="list-style-type: none"> <li>Unemployment rate of 15 – 24 year olds, by each sex and in total</li> </ul>	
<i>Target 17:</i> In cooperation with pharmaceutical companies, provide access to affordable drugs in developing countries	<ul style="list-style-type: none"> <li>Measurement of target not available for South Africa (free primary health care for all)</li> </ul>	
<i>Target 18:</i> In cooperation with the private sector, make available the benefits of new technologies, especially information and communications	<ul style="list-style-type: none"> <li>Telephone lines and cellular subscribers</li> <li>Personal computers in use per 100 of the population</li> </ul>	

### SADC Regional Gender Policy (2007)

In August 2007 Council approved the regional Gender Policy, which brings together a set of scattered policy commitments to achieve gender equality and women’s empowerment in one document, and set out benchmarks for action. The Policy covers the following thematic areas:

- Gender, Constitutional, Legal and Human Rights
- Gender, Governance, Representation and Participation
- Gender and Education
- The Girl Child
- Gender and Poverty
- Gender, Food Security and Nutrition
- Gender, Trade and Economic Empowerment
- Gender Based Violence
- Gender and Health
- Gender and HIV and AIDS
- Gender, Peace Building and Conflict Resolution
- Gender, Media, Information and Communication

## Some key provisions of the Gender Policy

### ***Guiding principles***

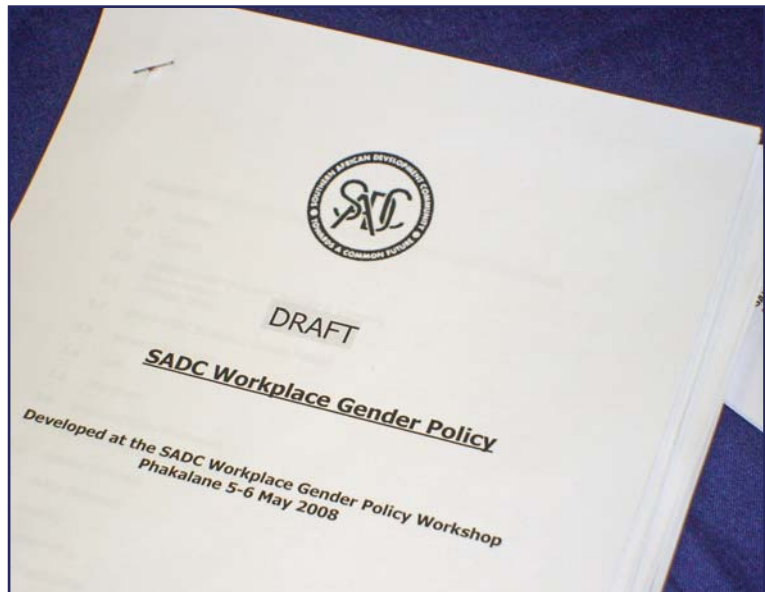
- Gender equality and equity is key to the eradication of poverty;
- Achieving gender equality requires the recognition that every policy, programme, project and development process affects women and men differently and that their views, interests and needs of women are necessary as much as men's to shape SADC development agenda at regional and national level;
- Women's rights are human rights;
- Women's increased participation in decision making positions is key;
- Eradication of gender based violence and other forms of violence against women, girls and boys is key to the attainment of gender equality;
- Men and boys have a positive role to play in achieving gender equality;
- Gender mainstreaming and women's empowerment are key development strategies for achieving gender equality and equity;
- Domestication of international and regional instruments is key to the attainment of gender equality;
- Gender equality is key to HIV and AIDS mitigation;
- National Gender Action Plans with clear monitoring systems are a prerequisite to attainment of gender equality; and
- Gender equality can only be achieved if there are enhanced partnerships, networking, collaboration and coordination between and among all stakeholders, both male and female.

### ***Policy Objectives***

- To reduce gender inequalities in access to and control over resources and benefits from the development of the SADC region;
- To advance women's equal participation in regards to decision making, trade and economy, agriculture and food security, health and HIV and AIDS, education and training and ICT;
- To create an enabling environment for increased access to economic resources and benefits through gender responsive and participatory policy formulation processes;
- To influence the ratification and domestication by SADC Member States of all international, continental and regional instruments and conventions related to gender equality and women and girl empowerment;
- To establish, promote and strengthen international, regional and national partnerships, networking, collaboration, and coordination;
- To strengthen human resource capacity for gender analysis and gender mainstreaming within SADC's structures, policies, programmes and activities at national and regional levels; and
- To create a conducive environment for the eradication of gender based violence and other forms of violence against women and girls with effective dialogue on gender issues within the SADC secretariat, governments, civil society and private sector.

## Draft SADC Workplace Gender Policy (2008)

The SADC Secretariat is soon to adopt a workplace gender policy (policy), as part of its efforts to institutionalise gender mainstreaming within the organisation. The focus is on ensuring that gender equality becomes an integral part of the Secretariat's organisational practice. There is recognition that "any progress the Secretariat makes in achieving gender equality is a significant step towards creating the potential for women and men to play a positive role, on an equal basis, in deepening regional integration, development and eradication of poverty". Further, effective gender mainstreaming is to be part of a process of improving organisational performance.



The following principles shall guide the implementation of the policy:-

- Gender equality is a fundamental human right.
- All SADC policies, programmes and projects must contribute to gender equality.
- Women's empowerment is central to achieving gender equality.
- Partnership between women and men is critical to the success of any gender equality efforts.
- Specific measures designed to eliminate gender inequalities are required in order to achieve gender equality, including affirmative action.

### Key Provisions of the Policy

#### *Planning, Projects, Programmes, Budget*

- At every point in the SADC Secretariat planning cycle, gender equality issues and concerns shall be integrated, and must include clear and measurable indicators of progress.
- All SADC Secretariat programmes must demonstrate gender responsiveness and should be supported by clear and measurable indicators of progress.
- Particular needs and requirement of men and women shall be taken into account at all stages of the project design, from concept to evaluation.
- Each Directorate/Unit shall initiate or strengthen a flagship gender specific project to act as a catalyst for gender mainstreaming, and from which lessons can be learnt and shared.
- Gender disaggregated statistics shall be routinely collected and utilised in all identified areas and priorities.
- Gender shall be integrated into the SADC Secretariat budget, within the fiscal budgeting framework.

#### *Gender equality and employment rights*

- Steps shall be taken towards achieving gender parity and equality at all levels and in all areas of its operations by 2015, including ensuring that at any given time the top 3 positions are occupied by both sexes.
- All procedures and rules shall be reviewed to ensure that family friendly provisions are incorporated.
- Sexual harassment is prohibited, and there shall be a focus on prevention of sexual harassment through targeted action, including routine public staff awareness activities.



### Gender and management

- To sustain gender mainstreaming, the process shall be anchored by an effective gender management system (GMS) within the Secretariat, which is made up of structures and other management tools aimed at supporting a coordinated gender mainstreaming response.
- Regular sensitisation shall be undertaken at all levels, including the building of gender analysis skills at a technical level.
- Performance shall be measured both at an organisational and programme level, as well as at an individual level. Gender shall therefore be integrated into the new Performance Management System (PMS).
- The gender impact of results and delivery on the Secretariat's work shall be measured through gender indicators as part of the monitoring and evaluation system. Indicators must be both qualitative and quantitative.



### Exercise 11: Making the case for gender equality



On **CD ROM 12** is a summary of key gender commitments and targets that arises from all the above legal and policy instruments. Making use of these provisions, build a case for why gender is an issue that should be taken seriously in your area of work. Present your observations to the team, preferably in the form of a power point presentation.

