



United Nations
Economic Commission for Africa

Policy harmonization in addressing gender-based violence in southern Africa





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Acronyms

AIDS	Acquired immunodeficiency syndrome
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
ECA	United Nations Economic Commission for Africa
GR19	CEDAW general recommendation No. 19
HIV	Human immunodeficiency virus
REC	Regional Economic Communities
SADC	Southern African Development Community
SRO-SA	United Nations Economic Commission for Africa Subregional Office for Southern Africa
SWAGAA	Swaziland Action Group Against Abuse
UNICEF	United Nations Children's Fund
UNFPA	United Nations Population Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development

Executive summary

This report presents the results of a study undertaken to analyse the degree of gender-based violence gender-based violence policy harmonization in Southern Africa. The study utilized various global, regional and subregional policy documents as the basis for such an analysis. These policy documents include the Beijing Declaration and Platform for Action (1995), the African Union Gender Policy (2013), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women (2003), the Southern African Development Community (SADC) Protocol on Gender and Development (2008) and the addendum (1998) to the Declaration on Gender and Development by Heads of State and Government of the Southern African Development Corporation (1997).

Chapter 1 of the report delineates the scope of the study, which looked at 11 Southern African countries: Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Zimbabwe and Zambia. The Seychelles, although not one of the countries studied, was analysed as a basis for comparisons of best practices.

Chapter 2 details gender-based violence policy frameworks at the global, continental and subregional levels. The chapter outlines the key provisions of existing global, continental and subregional gender protocols, agreements and declarations. The definition of gender-based Violence used in the present report is based on that used by the secretariat of the Southern African Development Corporation, which in its Protocol on Gender and Development defines gender-based violence as

“all acts perpetrated against women, men, girls and boys on the basis of their sex which causes or could cause them physical, sexual, psychological or economic harm including the threat to take such acts or to undertake arbitrary impositions of restrictions on or deprivation of fundamental freedoms in private or public life, in peace time or during situations of armed or other forms of conflict”¹.

Chapter 2 also discusses the various forms of gender-based violence. A review of trends gender-based violence indicates a rise in the prevalence of gender-based violence. Human trafficking has become a critical area of concern in relation to gender-based violence. Policy harmonization in the context of gender-based violence is defined as the systematic operationalization of policy instruments and measures to address gender-based violence at the global, regional, subregional and national levels. Such operationalization would contribute to the achievement of set targets, better resource mobilization, optimum use of scarce resources, stronger monitoring and evaluation practices and coordinated responses to gender-based violence.

Chapter 3, which focuses on gender-based violence legislation, is the first of five chapters detailing the key findings of the study. The chapter notes significant progress towards the enactment of gender-based violence legislation. All countries have domestic violence acts in place, and Zambia's 2011 Anti-Gender-Based Violence Act is considered to be a best practice. Among the countries assessed in the study, 6 out of 11 have sexual offences acts in place, while three cover sexual offences under their penal codes. Marital rape remains a blurry issue. With the exception of Lesotho, the countries considered in this study do not have legislation which explicitly addresses marital rape. Only Lesotho has explicitly covered marital rape in its Sexual Offences Act. Of the 11 countries studied, seven have anti-human trafficking acts in place. This represents good progress compared to 2005, when legislation on trafficking was non-existent. Despite this positive development, more work is needed to

¹ SADC Protocol on Gender and Development, pp 3

encourage countries that have not enacted legislation on trafficking to do so. Overall there has been a favourable level of policy harmonization with regard to the enactment, review and reform of legislation as required by policy protocols and agreements outlined in Chapter 2 of this report. Gaps were noted in the area of marital rape and the review of penal codes, some of which are old and do not reflect current concerns about gender-based violence. There is a need, furthermore, to strengthen gender-based violence legislation and to ensure that all countries meet agreed global, continental and subregional targets.

Chapter 4 details key findings from the assessment of national gender-based violence policies, strategies and action plans. The study found that all 11 countries included gender equality issues in their constitutions. All the countries studied have gender policies that address gender-based violence, albeit in varying ways. Of the countries studied, five have national gender policies that correspond extensively to the provisions of key global, regional and subregional policy instruments discussed in Chapter 2. Six countries do not comprehensively cover gender-based violence in their policies, and most countries do not have dedicated national gender-based-violence strategy documents. This is noted as a critical policy gap because national action plans are often informed by gender-based violence strategies. Chapter 4 also analyses gender-based violence national action plans. The study found that 9 of the 11 countries had such plans. The quality of the action plans can be rated as average, as most of them lacked results-based planning approaches and measurable timeframes and failed to use baseline data. The study also revealed that some countries' gender-based violence action plans were outdated. The study did, however, show significant levels of gender-based violence policy harmonization among the 11 countries considered in this study.

Chapter 5 analyses the costing of national action plans. It notes challenges in costing, which included incomplete costing exercises and the failure to support costing exercises as dedicated processes led by experts. Despite this observation, Mauritius and Seychelles provide examples of well-costed gender-based violence action plans.

Chapter 6 analyses measures to address gender-based violence, mainly at the country level. The study indicates a high level of commitment by member States to measures suggested in global, regional and subregional gender-based violence policy instruments. The 11 countries in this study have put in place various measures to address legal issues, socio-economic issues, gender-based violence services, the capture and management of gender-based violence statistics and monitoring and evaluation. Despite these positive observations, the study revealed areas that might require more effort. Those areas include the management of gender-based violence statistics at the national level, stakeholder coordination and measures to deal with the perpetrators of gender-based violence. Innovative measures that address male involvement in efforts to prevent gender-based violence and mainstream gender-based violence policy and awareness in all sectors are encouraged.

Chapter 7 focuses on monitoring and evaluation, while Chapter 8 provides guidelines for systemic planning for gender-based violence by member States. Overall the study concludes that gender-based violence policy harmonization has been achieved to a large extent, albeit gaps exist and there is a need for strengthening in certain areas. Chapter 9 provides specific recommendations to target groups, which include the SADC secretariat, member States, non-governmental organizations, development partners and activist groups. The recommendations focus on capacity-building for SADC member States, the development of a human trafficking protocol, inclusion of gender-based violence measures in national budgets and the strengthening of legal systems and policy frameworks, among other things.

1. Introduction

1.1 Purpose of the report

The report presents the results of a study undertaken to analyse the degree of gender-based violence policy harmonization in Southern Africa. The report examines the implementation of gender-based violence policies in Southern Africa, discussing the progress of SADC member States in adopting key international and subregional gender-based violence policies. Furthermore, the report assesses how effectively gender-based violence policies have been harmonized in the subregion. The report seeks to contribute to setting the agenda for debate and policymaking in relation to gender-based violence. Hence, it is a critical tool for policy dialogue and strategic measures to accelerate the achievement of gender equality and women's empowerment in Southern Africa.

Broad objectives of the study

The broad objectives of the study that is the subject of the present report were:

- i. To analyse the degree of policy harmonization with regard to gender-based violence in Southern Africa;
- ii. To identify gaps in gender-based violence policy harmonization and to provide recommendations on how to fill those gaps.

Specific objectives of the study

The specific objectives of the study were:

- i. To assess the status of countries in the implementation of key gender frameworks in Southern Africa, especially the Declaration and Platform for Action, the Banjul Declaration on the Strategies for Accelerating the Implementation of the Dakar and Beijing Platforms for Action; and the SADC Protocol of Gender and its Addendum on the Prevention and Eradication of Violence against Women and Children;
- ii. To highlight key gender-based violence policy and legislative achievements and gaps at the national level;
- iii. To identify the national mechanisms in place for combating gender-based violence and to assess the roles of key national, international and regional stakeholders;
- iv. To assess the existence and quality of gender-based violence planning tools, including national gender policies, gender-based violence strategies, gender-based violence national action plans and national gender-based-violence costed action plans, and to provide guidance to member States with regard to effective planning for responding to gender-based violence issues;
- v. To assess monitoring and evaluation frameworks for gender-based violence in relation to accountability, data collection and standardization;
- vi. To ascertain the existence of a core set of gender-based- indicators and to identify challenges and opportunities regarding data and statistics;

- vii. To investigate strategies for improving the monitoring and evaluation of gender-based violence with the aim of reaching the goals set forth in the SADC Protocol on Gender and Development and the Beijing Declaration and Platform for Action;
- viii. To highlight evidence-based best practices and successful measures by countries in combating gender-based violence;
- ix. To provide recommendations on how to address gender-based violence in education and employment, domestic violence, sexual harassment and human trafficking.

1.2 Scope of work and methodology

The study focused on 11 countries: Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Zambia and Zimbabwe. Seychelles, while not one of the countries studied, was used as an example of best practices in some instances.

The study included a desk review of relevant materials available in the public domain (secondary information). The present report is primarily based on the review of key documents relating to gender-based violence. The documents reviewed included the key global and regional gender protocols, i.e., the Beijing Declaration and Platform for Action; the Convention on the Elimination of all Forms of Discrimination Against Women; the SADC Protocol on Gender and Development and the Banjul Declaration on the Strategies for Accelerating the Implementation of the Dakar and Beijing Platforms for Action. The review of these upstream gender-based violence policy documents set the tone for the assessment of SADC member State compliance with key development targets for gender-based violence in Southern Africa. Other documents reviewed included, among others, national constitutions, national gender policies, gender-based violence-related acts and bills, national gender-based violence strategies, national gender-based violence action plans and costed gender-based violence action plans. The desk review was complemented by telephone consultations with ministries responsible for gender issues in Botswana, Zambia, Lesotho, Namibia, Swaziland and Mauritius. Relevant documents were also provided by United Nations agencies.

2. Gender-based violence policies and harmonization

2.1 Gender-based violence policy frameworks

Global and regional gender protocols, agreements and commitments provide a rich platform for appreciating the importance of addressing gender-based violence as a development challenge. Highlights of the gender-based violence context at these different levels are discussed below.

2.1.1 *Global policy frameworks*

At the global level there are number of gender equality tools that speak to the importance of member States working to address gender-based violence. Examples of global efforts to address gender-based violence are highlighted in the following paragraphs.

CEDAW General Recommendation No. 19: violence against women (1992): In 1979 the United Nations General Assembly adopted the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), which is informally known as the international bill of rights for women. As first adopted, CEDAW did not have provisions relating to gender-based violence. In 1992, however, the CEDAW Committee adopted General Recommendation No. 19, on violence against women (GR19), which clarified that gender-based violence was a form of discrimination against women.

GR19 specifies obligations of States with regard to gender-based violence. The provision is very strong on the rights-based approach to addressing gender-based violence (see section 2.2). GR 19 provides that State parties must:

- Ensure that laws provide adequate protection to all women and that effective legal measures include penal sanctions (Items (b), (r), (t));
- Implement gender-sensitive training of public officials, including members of the judiciary and police (item (b));
- Provide women victims with effective complaint procedures and remedies including compensation (item (i));
- Establish or support appropriate protection and supportive services for women who are victims of or at risk of violence, rape, sexual assault and other forms of gender-based violence; the importance of rehabilitation and counselling services is highlighted, including their availability to rural communities (item (b),(k), (o), (t));
- Undertake preventive measures including public information and education programmes to overcome attitudes, customs and practices that perpetuate violence against women (item (f), (t));
- Compile statistics and research on the extent, causes and effects of violence and the effectiveness of measures to prevent and respond to violence (item (c)).

International Conference on Population and Development (1994): The main focus of the 1994 International Conference on Population and Development was on population and reproductive health issues, but chapter IV of the conference's outcome document, the Programme of action of the International Conference on Population and Development (A/CONF.171/13/Rev.1, annex), is devoted to gender equality, equity and the empowerment of women. It urges member States in collaboration with civil society and development agencies:

- To eliminate violence against women;
- To eliminate practices that discriminate against women;
- To improve women's ability to achieve economic self-reliance;
- To enact and enforce national laws that protect women from all types of economic discrimination and sexual harassment;
- To identify and condemn the systematic practice of rape and other forms of inhuman and degrading treatment of women as a deliberate tool of war and ethnic cleansing;
- To ensure that full assistance is given to victims of such abuse for their physical and mental rehabilitation;
- To prohibit female genital mutilation and to give full support to non-governmental organizations, community organizations and religious institutions working to eliminate such practices;
- To take measures to prevent trafficking of girl children and women and use of girls in prostitution and pornography;
- To place special emphasis on male involvement in the prevention of violence against women and children.

The Beijing Declaration and Platform for Action (1995)

The Beijing Declaration and Platform for Action was amongst the first international protocols put in place address gender-based violence in development efforts. Violence against women was noted as a major obstacle to the achievement of the objectives of equality, development and peace. Violence against women violates women's enjoyment of human rights and their fundamental freedoms. The signers of the Beijing Declaration and Platform for Action participants urged Governments to condemn violence against women; exercise due diligence to prevent, investigate and punish acts of violence against women; adopt, implement and periodically review legislation to ensure its effectiveness in eliminating violence against women; work actively to ratify or implement international human rights instruments that relate to violence against women and implement the Convention on the Elimination of All Forms of Discrimination Against Women. The roles of non-governmental organizations, educational institutions, the public and private sectors and mass media were described as critical in complementing the efforts of Governments in the provision of well-funded shelters and relief support, raising awareness of violence against women, the provision of counselling and rehabilitation programmes for perpetrators and the promotion of research on violence against women. The roles of employers, trade unions, community and non-governmental organizations were described as central to the development of programmes and procedures to eliminate sexual harassment and other forms of violence and sensitization regarding the criminalization of gender-based violence.

Convention on the Rights of the Child (1989) and its first and second optional protocols (2000). The United Nations General Assembly, by its resolution 44/25, adopted the Convention on the Rights

of the Child in 1989. Like CEDAW, the original Convention was not very strong on gender-based violence. The first optional protocol to the Convention, however, restricts the involvement of children in military activities, while the second optional protocol prohibits the sale of children (human trafficking), child prostitution and child pornography.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000)

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, also known as the Trafficking Protocol or UN TIP Protocol is a protocol to the United Nations Convention against Transnational Organized Crime. The United Nations Office on Drugs and Crime (UNODC) is responsible for implementing the Protocol. The Office offers practical help to States with drafting laws and creating comprehensive anti-trafficking strategies and assists with resources to implement them. In March 2009, UNODC launched the Blue Heart Campaign to fight Human Trafficking, raise awareness and encourage the involvement of all stakeholders. The Protocol commits to preventing and combating trafficking in persons, protecting and assisting victims of trafficking and promoting cooperation among States in order to meet these objectives.

UNITE To End Violence Against Women

The United Nations Secretary-General's UNiTE to End Violence Against Women campaign was launched in 2008 in order to raise awareness, garner political will and bring together resources to end all forms of violence against women worldwide. The UNiTE Campaign calls for joint action by Governments, civil society, women's organizations, the private sector, media, the entire United Nations system and the general public in addressing violence against women. The campaign seeks to gain a wider audience by engaging with men, young people, celebrities, artists, sports personalities and other influential entities to help raise awareness and put pressure on Governments to act. The goals of the UNiTE Campaign are as follows:

- Adoption and enforcement of national legislation that addresses and punishes violence against women
- Adoption and implementation of adequately resourced multi-sector national action plans that place a keen focus on prevention
- Establishment of data collection and analysis systems on the prevalence of the various forms of violence against women
- Establishment of national or local campaigns, including the engagement of a wide range of civil society actors, to prevent violence and provide support to survivors of abuse
- Systematic efforts to address violence against women in conflict situations, to protect women and girls from rape as a war tactic and to fully implement related laws and policies

As indicated in the above discussions on global measures to address gender-based violence, there is a common approach that requires member States to address gender-based violence in broad areas through legal provisions on gender-based violence, service provision, training gender-based violence for the judiciary and the police, the provision of shelters for gender-based violence survivors, addressing the trafficking of women and children, addressing cultural and traditional practices that legitimize gender-based violence and raising awareness of gender-based violence.

2.1.2 African continental context

Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (2003)

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa focuses mainly on the rights of women and girls and is very comprehensive on the human rights of women with regard to violence against them. Article 3, "Right to Dignity"; Article 4, "The Right to Life, Integrity and Security of the Person"; Article 5, "Elimination of Harmful Practices"; Article 11, "Protection of Women in Armed Conflicts"; Article 12, "Right to Education"; and Article 14, "Health and Reproductive Rights", require States parties to address violence against women through a wide range of measures that include:

- Implementing appropriate measures to ensure protection of every woman's rights, respect for her dignity and protection against all forms of violence
- Enacting or enforcing laws to prohibit all forms of violence against women, including unwanted forced sex
- Identifying the causes and consequences of violence against women and taking appropriate measures to prevent and eliminate such violence
- Actively promoting peace education through curricula and social communication in order to eradicate elements in traditional beliefs, practices and stereotypes that legitimize and exacerbate the persistence and tolerance of violence against women
- Punishing the perpetrators of violence against women and implementing programmes for the rehabilitation of women survivors of violence
- Establishing mechanisms and accessible services for effective rehabilitation from and reparations for violence against women
- Preventing and condemning trafficking in women, prosecuting the perpetrators of such trafficking and protecting those women most at risk
- Providing adequate and resources for the implementation and monitoring of actions aimed at preventing and eradicating violence against women
- Protecting asylum seekers, refugees and internally displaced people against all forms of violence, rape and other forms of sexual exploitation.
- Protecting women, especially girl children, from abuse, including sexual harassment in schools, and providing sanctions for the perpetrators of such abuse

Health and reproductive rights and gender-based violence

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa addresses the relationship between sexual reproductive health and gender-based violence. Article 14 calls for States parties to ensure that the right to health of women, including sexual and reproductive health, is respected and protected. Women have a right to self-protection and to be protected against sexually transmitted infection, including infection with HIV. Article 14 further notes that for reproductive health rights, women should be protected through authorising medical abortion in cases of sexual assault, rape, incest and where continued pregnancy endangers the health of the woman or the life of the woman or the foetus.

Solemn Declaration on Gender Equality in Africa – 2004

Acknowledging earlier global and continental protocols on gender equality, in the Solemn Declaration on Gender Equality in Africa member States of the African Union agreed to launch, by 2005, campaigns for the systematic prohibition of the use of child soldiers and the abuse of girl children as wives and sex slaves in violation of their rights as enshrined in the African Charter on the Rights of the Child. Countries in Africa were expected, by 2006, to launch sustainable public campaigns against gender-based violence as well as the problems of trafficking in women and girls through the establishment and reinforcement of legal mechanisms that would protect women at the national level.

African Union gender policy and gender-based violence

Acknowledging the importance of continental gender equality protocols, i.e., the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa and the Solemn Declaration on Gender Equality in Africa, the African Union Gender Policy adds its voice regarding the importance of member States working towards the eradication of gender-based violence. Objective number 3 of the Gender Policy stresses the importance of "the development of guidelines and the enforcement of standards against sexual and gender based violence". The Policy urges African Union member States to eradicate all forms of gender-based violence.

Banjul Declaration on the Strategies for Accelerating the Implementation of the Dakar and Beijing Platforms for Action (2009)

African ministers responsible for gender and women's affairs met in November of 2009 to reaffirm their commitment and desire to accelerate implementation of the Dakar and Beijing platforms for action in a move themed "From Commitment to Action". Section 3 of the Banjul Declaration advocates the implementation of multi-sector plans to address gender-based violence within the framework of the United Nations Secretary-General's UNite to End Violence against Women campaign. The Banjul Declaration calls for the enactment and strengthening of laws to address violence against women, the launch of zero tolerance campaigns, the provision of social and psychological support and compensation for victims of gender-based violence. Commitments were also made to build the capacity of law enforcement and health services personnel, including through the provision of adequate support to social welfare institutions and the police and sensitization of legislatures. The ministers called for the integration of monitoring and evaluation mechanisms into subregional and national action plans. This integration would be evidence based and stem from extensive studies of the causes of violence against women. A critical need pointed out in the Banjul Declaration was for the development of indicators, the setting of baselines and the implementation of national prevalence surveys that would aid in measuring progress in the future.

The key protocols and policies for Africa discussed above all highlight the importance of African States addressing gender-based violence. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa mirrors the key provisions on gender-based violence set out at the global level. More importantly, it looks at gender-based violence from a rights perspective and explicitly describes the linkages between reproductive health issues, the rights of women and gender-based violence. The Banjul Declaration reaffirms protocols at both the global and continental levels and expresses the commitment of African States to put in place measures to address gender-based violence.

2.1.3 *The SADC regional context*

A review of the SADC policy framework indicates that the regional body provides very rich guidance to member States on issues of gender-based violence. In this section the region's various policy instruments and guidance frameworks are reviewed.

SADC Declaration on Gender and Development (1997)

In 1997, SADC Heads of State signed the SADC Declaration on Gender and Development. This important Declaration acknowledges the global and continental gender protocols to which SADC is party. At that point in time those protocols included CEDAW, the Nairobi Forward-looking Strategies for the Advancement of Women and the Beijing Declaration and Platform for Action. By so doing, SADC positioned itself to align with the provisions contained in those protocols. Although short and concise, the ten point declaration included a commitment, commitment H. (ix), on the subject of gender-based violence. It stated that SADC member States committed, inter alia to; "Taking urgent measures to prevent and deal with the increasing levels of violence against women". Other commitments dealt only implicitly with gender-based violence yet were very relevant to addressing the broad dimensions of gender-based violence. The following are the important elements of the SADC Declaration:

- H (i). The placement of gender firmly on the agenda of the SADC Programme of Action and Community Building Initiative
- H (iv). A commitment to repealing and reforming all laws, amending constitutions and changing social practices that subject women to discrimination and enacting empowering gender-sensitive laws
- H (vii). A commitment to protecting and promoting the human rights of women and children
- H (viii). A commitment to recognizing, protecting and promoting the reproductive and sexual rights of women and the girl child

SADC 1998 Addendum on the Prevention and Eradication of Violence against Women and Children

Like other global protocols in which specific optional gender frameworks were developed, an addendum to the 1997 SADC Declaration on Gender and Development focusing purely on gender-based violence was developed. The addendum was drafted to conform to global policy instruments such as the Beijing Declaration and Platform for Action and CEDAW GR19. The addendum provided additional guidance to SADC member States in relation to gender-based violence. The main areas of the Addendum on the Prevention and Eradication of Violence against Women and Children are described in the following paragraphs.

i. Legal

The SADC Addendum recommends the enactment of sexual offence and domestic violence legislation that clearly criminalizes the various forms of violence against women. The addendum also

a Currently, there are two figures from the same organization, UNWTO: 940 million and 980 million.

requires measures to be taken to impose and enforce penalties to prevent and eradicate violence against women. Review and reform of existing laws is also required to eliminate bias and ensure justice for survivors.

ii. Social, economic, cultural and political

Under this theme, SADC member States agreed to promote the eradication of traditional norms, religious beliefs and practices that legitimized the existence and tolerance of violence against women. Member States also agreed to support gender sensitization and public awareness programmes aimed at eradicating violence against women and encouraging the active role of the media.

iii. Services

Member States agreed to provide easily accessible information on services available to survivors of gender-based violence. The role of the police in providing effective responsive services and the establishment of specialized units to address cases of violence against women is also noted under Services. Specialised legal services and aid, including just and speedy resolution of cases of violence against women, is also agreed to by member States.

iv. Education, training and awareness-building

Member States agreed to introduce and promote gender sensitisation and training of all service providers engaged in the administration of justice. The role of research and gathering of statistics on the causes, prevalence and consequences of gender-based violence was noted as central. The addendum also encourages the sharing of national, regional and international best practices for the eradication of violence against women.

v. Integrated approaches

All stakeholders are encouraged to ensure that gender-based violence policy is implemented in an integrated manner.

vi. Budgetary allocation

Member States are urged to allocate necessary resources to ensure the implementation and sustainability of the programmes outlined above.

SADC Protocol on Gender and Development (2008)

The SADC Protocol on Gender and Development² looks to integrate and mainstream gender issues into the SADC Programme of Action and Community Building Initiative. The Protocol aims to empower women, eliminate discrimination and achieve gender equality. It looks to create a region that has gender responsive legislation, policies, programmes and projects. Part six of the Protocol is dedicated exclusively to gender-based violence. There are six articles, which are all informed by the addendum to the SADC Declaration on Gender and Development. The protocol provides guidance to member States on how to address gender-based violence issues across a wide range of areas including legal social, economic, cultural and political, sexual harassment, socially excluded and vulnerable groups, services; special units, training of service providers, integrated approaches and monitoring and evaluation.

² Available from <http://www.sadc.int/documents-publications/show/803>

On legal issues, member States have a target, by 2015, of enacting and enforcing legislation prohibiting all forms of gender-based violence and providing for comprehensive testing, treatment and care of survivors of sexual offences. By 2010 member States were expected to have reviewed and reformed their criminal laws and procedures. In line with the Beijing Declaration and Platform for Action, member States were expected to provide resources and mechanisms for the social and psychological rehabilitation of perpetrators of gender-based violence. Member States are also to ensure that all cases of gender-based violence are handled by trained personnel in the police, the judiciary and social services.

Regarding social, economic, cultural and political matters, by 2015 member States are required to have reviewed and eradicated traditional and cultural norms that legitimize and exacerbate the persistence and tolerance of gender-based violence. Raising awareness of gender-based violence among key stakeholders is noted as important.

With regard to sexual harassment, by 2010 member States were expected to have enacted legislation against sexual harassment adopted and enforced policies, strategies and programmes defining and prohibiting sexual harassment in all spheres. Member States were to ensure equal representation of men and women in adjudicating bodies hearing cases related to sexual harassment.

Regarding socially excluded and vulnerable groups, member States are to ensure that appropriate policies, strategies and programmes are in place to protect socially excluded, marginalized and vulnerable groups against gender-based violence. Concerning services, member States are to provide a wide range of services to survivors of gender-based violence, including access to information; effective and responsive police services; social welfare; legal aid; shelters; and rehabilitation of perpetrators.

With regard to special units, member States are required to establish special courts to address cases of gender-based violence.

As to the training of service providers, member States are to introduce, promote and provide gender education and the training of all service providers involved in gender-based violence; community sensitization programmes regarding available services; and resources to survivors of gender-based violence.

Concerning integrated approaches, member States are required to adopt integrated approaches, including institutional cross sector structures, aimed at ending gender-based violence.

SADC Regional Indicative Strategic Development Plan 2005–2020

The SADC Regional Indicative Strategic Development Plan 2005–2020 has a component on gender and development that captures gender-based violence issues (3.6.1.1/3.6.1.2). The plan acknowledges that gender-based violence against children and women is a violation of their fundamental human rights. It notes that gender-based violence is on the increase and that current interventions are inadequate to address it. The broad overarching regional strategy provided in this upstream strategic document is to embrace an integrated approach to deal with gender-based violence.

Ten-Year SADC Strategic Plan of Action on Combating Trafficking in Persons, Especially Women and Children (2009–2019)

The Ten-Year SADC Strategic Plan of Action on Combating Trafficking in Persons, Especially Women

and Children (2009–2019), is a three-in-one SADC planning document that has a strategic action plan and a costed 5 year implementation matrix. Strategic priorities for human trafficking are outlined in sections 5.1–5.8 of the plan as follows:

- 5.1 – Legislation and policy measures
- 5.2 – Training for skills enhancement and capacity-building
- 5.3 – Prevention and public awareness-raising
- 5.4 – Victim support and witness protection
- 5.5 – Coordination and regional cooperation
- 5.6 – Research and information sharing
- 5.7 – Monitoring and evaluation
- 5.8 – Resource mobilization.

Anecdotal sources reveal that SADC is working on the development of gender-based violence strategy, which would provide more guidance to the region in order to meet 2015 targets and beyond.

2.2 Definition, forms of and trends in gender-based violence in Southern Africa

2.2.1 *Definition of gender-based violence*

Gender-based violence is a fundamental violation of human rights, executed by the perpetrator on the basis of the gender of the victim. To a large extent gender-based violence is perpetrated against women and children as a manifestation of historical gender relations, which positioned women in a subordinate position. Article 1 of the 1993 United Nations Declaration on the Elimination of Violence against Women offered one of the first definitions of gender-based violence, referring to it as: “Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”³

According to the CEDAW committee that adopted GR19, gender-based violence as defined in CEDAW is “violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty”. The committee also specifies that gender-based violence may constitute a violation of women’s rights such as the right to life, the right to equal protection under the law, the right to equality in the family and the right to the highest standard attainable of physical and mental health.⁴

The European Institute for Gender Equality defines gender-based violence as violence directed towards a person based on their gender. The Institute goes on to assert that gender-based violence

³ United Nations Economic Commission for Africa, African Centre for Gender and Social Development, “Violence against women in Africa: a situational analysis”.

⁴ CEDAW General Recommendation No. 19, on violence against women (available from www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm).

constitutes a breach of fundamental rights to life, liberty, security, dignity, equality and non-discrimination as well as physical and mental integrity.⁵

SADC defines gender-based violence as “all acts perpetrated against women, men, girls and boys on the basis of their sex which cause or could cause them physical, sexual, psychological or economic harm, including the threat to take such acts, or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed or other forms of conflict”.⁶ Sexual violence is considered one of the major causes of HIV infection, according to the 2013 SADC Gender Protocol Barometer.⁷ The Barometer notes that gender-based violence affects women’s rights in a way that poses a serious threat to their realization of their rights as citizens that can fully participate in public and private life. For the purposes of the present report, the SADC definition will be used as it encompasses a holistic view of gender-based violence that takes into account both sexes and acknowledges some of the various forms of gender-based violence.

A close analysis of the definition gender-based violence indicates that gender-based violence is sometimes used synonymously with violence against women. On the other hand the phrase “violence against women” focuses attention specifically on violence perpetrated against women. The term violence against women appears to have been used more often in the earlier gender and development protocols (CEDAW, the Beijing Declaration and Platform for Action), while gender-based violence is a term that is currently being used as it acknowledges the fact that males are increasingly becoming victims of gender-based violence.

2.2.2 Forms of gender-based violence

The SADC Regional Indicative Strategic Development Plan of 2005–2020 notes that there are various forms of gender-based violence. A review of demographic health surveys for some Southern African countries reveals at least three types of gender-based violence for which data can be tracked and captured: physical violence, sexual violence and emotional or psychological violence. The following are some of the acts that constitute the various forms of gender-based violence:

Physical violence: This is abuse that includes pushing, slapping, kicking, dragging, beating, choking and threatening to attack with a knife, gun or any other weapon.

Sexual violence: Physically forcing a female to have sexual intercourse without her consent; it is often called rape. Other acts of sexual violence may include sexual initiation. Other forms of sexual violence may include gang rape, forced exposure to pornography, sexual harassment, forced virginity testing, incest, genital mutilation and trafficking for the purpose of sexual exploitation.

Emotional violence: Acts of emotional violence include humiliation, threats, insults and any other form of physical or sexual violence. Emotional abuse may also include humiliating the victim in front of family, friends or strangers.

Economic violence: Economic abuse as a form of gender-based violence includes some of the following: perpetrators control victims by controlling their access to economic resources such as time, transportation, food, clothing, shelter, insurance and money. They may actively resist the notion of

⁵ European Institute for Gender Equality, “What is gender-based violence?”, available from <http://eige.europa.eu/content/what-is-gender-based-violence>.

⁶ See SADC Protocol on Gender and Development (2008).

⁷ Available from <http://www.genderlinks.org.za/page/sadc-research>

the victim becoming financially self-sufficient as a way to maintain power and control.⁸

2.2.3 Trends in gender-based violence

Situational analysis of gender-based violence in Southern Africa

Gender-based violence in Southern Africa takes the form of physical, sexual, emotional and psychological violence.⁹ Groups in the region such as the police accord priority to the more common forms of domestic violence, i.e., sexual and physical violence. One reason for this could be the physical manifestation of sexual and physical violence, which result in visible bodily harm, whereas emotional abuse is much more difficult to assess. Demographic health surveys prepared for the countries under study after 2000 have incorporated chapters on domestic violence (previously referred to as violence against women), which have been useful in capturing important data on the prevalence of gender-based violence. Despite the existence of such a supportive research environment for gender-based violence issues through demographic health surveys some countries have not such surveys for development of planning tools to address gender-based violence. This trend has left glaring evidence of statistical gaps in gender-based violence data in Southern Africa. Some institutions and countries, however, have undertaken other regional-level and national-level studies on gender-based violence that have been useful in the documentation of relevant gender-based violence statistics. Table 1 below shows the latest country-level demographic health survey gender-based violence data.

Table 1: Demographic health survey gender-based violence country-level statistics

Country	Period	Percentage prevalence of domestic violence (percentage)			
		Physical violence	Sexual violence	Both physical and sexual violence	Physical and/or sexual violence
Malawi	2010	28.2	25.3	12.3	41.2
	2004	28.1	13.4	7	29
Mozambique	2011	33.4	12.3	8.5	37.2
United Republic of Tanzania	2010	38.7	20.3	13.6	45.4
Zambia	2007	46.8	20.0	15.1	51.9
	2001-2002	57.2	7.8	-	-
Zimbabwe	2010-2011	29.9	27.2	13.7	43.4
	2005-2006	36.2	25.0	14.4	46.7

Source: Country-level demographic health surveys (MEASURE DHS)¹⁰

⁸ Anne Ganley, Improving the health Care Response to Domestic Violence: A Resource Manual for health Care providers (1998).

⁹ See United Nations Declaration on the Elimination of Violence Against Women (1993).

¹⁰ The Measure DHS programme (www.measuredhs.com) develops demographic health surveys for countries. The demographic health surveys of Lesotho, Namibia, Malawi, Zimbabwe, Zimbabwe, Zambia, Mozambique, Tanzania, South Africa and Botswana were reviewed as

The study reveals that the demographic health surveys of Namibia for 2007, Swaziland for 2007 and Lesotho for 2010 do not address domestic violence as comprehensively as does the Zimbabwe demographic health survey for 2005–2006. Based on the established data from the MEASURE DHS website, only three Southern African countries have undertaken two demographic health surveys that include data on domestic violence.

Table 1 above also indicates that in Zimbabwe the trend of domestic violence has improved, while sexual violence has increased from 25 percent in 2004-2005 to 27.2 percent in 2010-2011. The 2013 SADC Gender Protocol Barometer recorded that 68 per cent of women in Zimbabwe reported having experienced some form of gender-based violence. The Gender Protocol Barometer goes on to record that intimate partner violence is the most prevalent form of gender-based violence in Zimbabwe. About 90 per cent of women who have experienced some form of gender-based violence reported experiencing intimate partner violence, whereas only 7 per cent experienced violence at the hands of a stranger.¹¹

In Malawi, there has also been a sharp increase in women experiencing some form of violence, from 29 per cent in 2004 to 41.2 per cent in 2010.

The experience of Zambia is similar, with increased sexual violence over the five-year period between the two surveys. Both Malawi and Zambia are working on their demographic health surveys for 2013. According to the 2013 SADC Gender Protocol Barometer, Zambia recorded 89 per cent of women interviewed had experienced some form of violence in four districts (Kitwe, Mansa, Kasama and Mazabuka); this level was regarded as the worst in the region.¹² Zambia also records high levels of intimate partner violence in the same four districts, 90 per cent of women there reporting it. Zambia also records the highest levels of rape, with 29 per cent of women having experienced rape in their lifetime and 31 per cent of men having perpetrated rape in their lifetime.¹³

Mozambique seems to be in an almost similar situation to its Southern African neighbours, as the country has also recorded high prevalence of domestic violence.

An article by Gender Links notes that **more** than three quarters of South African men have perpetrated violence against women in their lifetimes and more than half of women in South Africa have experienced gender-based violence¹⁴. Gender-based violence is one of the critical areas of concern.

A study on violence against children and young women in Swaziland¹⁵ reveals that, approximately one in four females in Swaziland experiences physical violence as a child and that about 9 per cent of young people aged 18–24 experience coerced sexual intercourse before they turn 18. About a third of women experience some form of sexual violence in their lifetimes. Hardly a day passes without media reports of gross acts of gender-based violence perpetrated against women and girls.

The trends and statistics on gender-based violence in the selected countries demonstrate that women's human rights continue to be violated. Despite the existence of explicit policies aimed at eradicating gender-based violence, high levels of gender-based violence still persist.

part of the study discussed in the present report.

11 See 2013 SADC Gender Protocol Barometer, pp. 166.

12 Ibid.

13 Ibid.

14 Gender Links, "Measuring Gender Based Violence", <http://www.genderlinks.org.za/article/measuring-gender-based-violence-2011-02-01>.

15 UNICEF, "National study on violence against children and young women In Swaziland" (2007), available from http://www.unicef.org/swaziland/Violence_study_report.pdf.

Consequences of gender-based violence

The available data suggest that there are some broad trends in relation gender-based violence in Southern Africa and its impacts for the health, psychosocial well-being and economic livelihoods of the victims. Some of the consequences of gender based violence are described in the following paragraphs.

Health problems: The health effects of gender-based violence include physical injuries, unwanted pregnancies, which may lead to abortion, and sexually transmitted illness and HIV/AIDS. Survivors are often traumatized, which hinders them from seeking reproductive health services as they are afraid of intimidation from family members and perpetrators.

Psychosocial effects: The survivors of gender-based violence need psychosocial support and without it may experience anxiety and depression due to reduction of self-esteem, disempowerment and demoralization. Alcohol and drug abuse is evident in survivors of gender-based violence.

Economic difficulties: Economic problems emanating from gender-based violence are both direct and indirect. Direct costs of dealing with the consequences of the violence include medical fees, transport costs and payments for legal and support services.¹⁶ Indirect costs include loss of productive hours while seeking medical and psychological support. The demoralization of a violence survivor can also lead to a reduction in economic and career development. The ripple effect can affect even the national economy.

Situational analysis of human trafficking

Trafficking in humans is defined as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”.¹⁷ Exploitation includes prostitution of others or other forms of sexual exploitation including servitude or removal of organs. Most SADC member States are considered to be sources of women and children trafficked for the purposes of commercial sexual exploitation and child sex tourism, among other purposes. Transit countries include South Africa, Zambia and Zimbabwe. Trends in cross-border trafficking indicate that women and girls are the majority who are trafficked for sexual exploitation.¹⁸ A 2005 study by UNODC¹⁹ revealed that Mozambican victims included girls and women who were promised jobs as waitresses in South Africa but were then sold in Johannesburg to brothels or to mine workers as wives. The same study indicated that in Malawi women were recruited and forced into prostitution by false promises of business or educational opportunities. Tourists around Lake Malawi trafficked children into paedophile rings to use them in pornographic videos.²⁰ This discussion shows a growing problem of human trafficking in the region.

¹⁶ Swedish International Development Agency, “The Cost of Gender Based Violence in Zimbabwe: Issues and Policy Options” (2010).

¹⁷ See Ten-year SADC Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children 2009–2019.

¹⁸ United States Department of State, “Trafficking in Persons Report”, 2005, available from <http://www.state.gov/j/tip/rls/tiprpt/2005/index.htm>.

¹⁹ United Nations Office on Drugs and Crime and SADC, “Situational Assessment of Human Trafficking: A 2005 Situational Assessment of Human Trafficking in the SADC Region” (2007).

²⁰ Ibid.

2.3 Defining gender-based violence policy harmonization

2.3.1 *Defining gender-based violence policy harmonization in Southern Africa*

For the purposes of the present report policy harmonization in the context of gender-based violence in Southern Africa encompasses the following:

- Collaborative efforts at the global, regional and national levels to work towards common results in respect of gender-based violence;
- Identification and adjustment of inconsistencies in gender-based violence policy, planning and programming;
- Compliance by gender-based violence stakeholders at the regional and national levels with mutually agreed approaches to addressing gender-based violence.

Against this background, the study described in the present report assessed the level of gender-based violence policy harmonisation in the SADC region through a systematic assessment of compliance with gender-based violence standards.

2.3.2 *Rationale for gender-based violence policy harmonization*

There are several benefits of gender-based violence policy harmonization, some of which are highlighted in the following paragraphs.

Achievement of set development results in respect of gender-based violence: Gender-based violence policy frameworks, which include protocols, policies, declarations and commitments, all provide solid guidance on results that are expected to be achieved in respect of gender-based violence. Given this, if all stakeholders at different levels work towards the accomplishment of set gender-based violence targets the overall gender-based violence elimination results are more likely to be achieved. Figure 1 presents the theoretical gender-based violence results chains. At the national level, for example, if all gender-based violence stakeholders, which include civil society, the public sector, the private sector and development partners, work toward the fulfilment of national gender-based violence strategies and action plans, national gender-based violence targets will most likely be achieved. In the same vein, if all SADC member States work towards the achievements of their gender-based violence strategies and action plans, which should be aligned with SADC gender-based violence priorities, then the SADC gender-based violence regional targets, set out in the SADC gender-based violence frameworks (1998 Addendum to the 1997 Declaration on Gender and Development by SADC Heads of States or Government focusing on The Prevention and Eradication of Violence Against Women and Children as well as the Protocol on Gender and Development), will be achieved. Such result chain achievement would continue at the continental and global levels.

A coordinated response to gender-based violence: Policy harmonization among Southern African countries would contribute to a coordinated subregional response to gender-based violence. In this scenario, all Southern African countries would work towards the attainment of SADC priorities, such as the enactment of sexual violence acts (legal frameworks) and training of the police and judiciary in respect of gender-based violence issues. This would mean that the subregion would work towards common priority gender-based violence areas.

Strengthening monitoring and evaluation: Policy harmonization in respect of gender-based violence

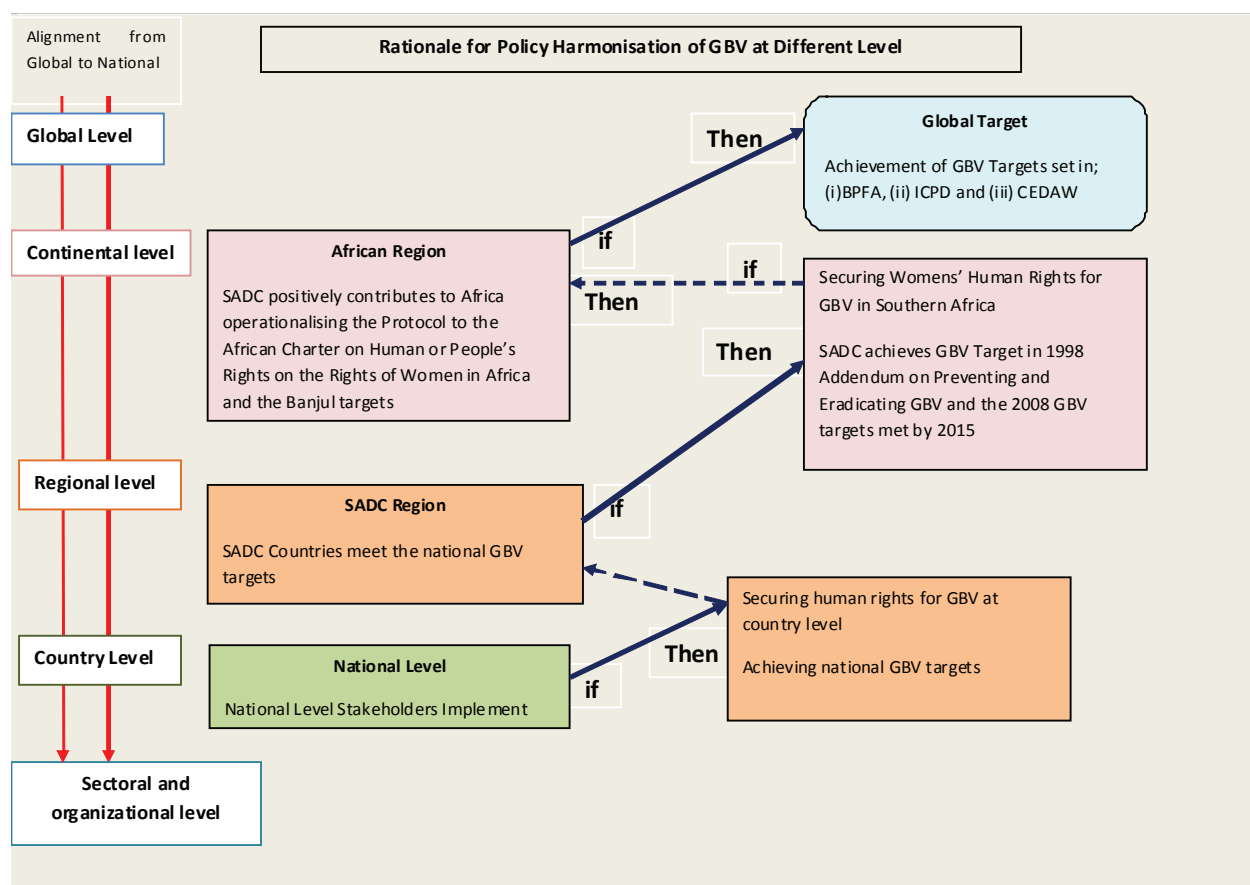
involves alignment with standard targets set out in regional gender-based violence frameworks. This will contribute to a strengthening of the monitoring of achievements towards the set targets. Strong monitoring and evaluation frameworks across the region will lead to better progress tracking and analysis of prevalence trends across the region.

Efficient use of resources: policy harmonization allows gender-based violence stakeholders to work towards commonly agreed regional targets, leading to optimal use of scarce resources. The use of resources for measures that are not prioritized for regional gender-based violence efforts is likely to be inefficient because such measures will not contribute to the achievement of either national or regional targets.

2.3.3 Achieving policy harmonization in the region

Gender-based violence policy harmonization at the regional level: Gender-based violence policy harmonization is achieved when regional policy frameworks and programme interventions reflect global and continental gender-based violence priorities and standards. For example, SADC gender-based violence policy frameworks would align with African Union gender-based violence policy frameworks, which are in turn expected to align with global gender-based violence frameworks. An example of such alignment may be observed in how SADC has brought together key elements of the various regional (e.g., SADC Declaration on Gender and Development), continental (e.g., African Union Gender Policy) and global policy instruments (e.g., Beijing Declaration and Platform for Action) into one policy document, the SADC Protocol on Gender and Development. Armed with these harmonized policies, SADC member States to address the key issues set out in them such as enactment and enforcement of laws and legislation to address gender-based violence in a manner that harmonizes their efforts not only with SADC, but also with continental and global policy commitments. SADC is also expected to have clearly defined targets for gender-based violence that guide member States. For example, SADC requires 2008 levels of gender-based violence to be halved by 2015 under Part Six, Articles 20–25, of the SADC Protocol on Gender and Development. Member States work towards these targets and their progress is tracked by the Regional Economic Communities (RECs) and appropriate measures are taken to assist member States through interventions such as the SADC Gender Unit working to assist Governments in the implementation of policy provisions. To track progress, the RECs implements systems for monitoring performance of the member States in working towards the common targets in respect of gender-based violence. In terms of monitoring, article 35 of the protocol requires member States to submit reports every two years indicating the progress achieved.

Figure 1: Rationale for policy harmonization of gender-based violence policy at various levels



Gender-based violence policy harmonization at the country level

Upward policy harmonization: Upward policy harmonization in the present report refers to the alignment of national gender-based violence policies with subregional, continental and global policies. At the national level, member States must have comprehensive gender-based violence policy frameworks that reflect key gender-based violence instruments at the subregional level (e.g., SADC Protocol on Gender and Development), continental level (e.g., African Union Gender Policy) and global level (e.g., Beijing Declaration and Platform for Action). Reporting systems for gender-based violence will assist in tracking progress in harmonization and will consist of two-year SADC reports, four-year CEDAW reports and country participation in the five-year reviews conducted under the Beijing Declaration and Platform for Action such as Beijing+15 and the 2014 Beijing+20 review.

Downward policy harmonization: In the present context, downward policy harmonization refers to a member State systematically integrating gender-based violence into policy frameworks such as its national constitution, national gender policy or any other gender-based violence policy. National planning tools such as gender-based violence strategies and costed gender-based violence action plans should embrace the gender-based violence priorities agreed at the regional, continental and global levels. National gender-based violence tools provide guidance to all national gender-based violence stakeholders, who in turn should reflect the national gender-based violence priorities in their planning and programming, including organizational strategies, action plans and projects.

Key findings

3. Gender-based violence legislation and policy harmonization

The Beijing Declaration and Platform for Action and the SADC Protocol on Gender and Development outline what is required of SADC member States in providing supportive and enabling policies and legal environments for addressing gender-based violence. Table 2 summarizes the key legal provisions of selected global, continental and regional policy frameworks.

Table 2: Key gender-based violence policy frameworks

	Global	Continental (Africa Union)	Regional (SADC)
KEY gender-based violence frameworks	<div><div>i.</div><div>ii.</div><div>iii.</div><div>iv.</div><div>v.</div></div> <div>CEDAW GR19 (1992) International Conference on Population and Development Programme of Action (1994) Beijing Declaration and Platform for Action (1997) First and second optional protocols to the Convention on the Rights of the Child (2000) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (2000):</div>	<div><div>i.</div><div>ii.</div><div>iii.</div><div>iv.</div></div> <div>Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (2003); Solemn Declaration on Gender equality in Africa (2004) Banjul Declaration on the Strategies for Accelerating Implementation of the Dakar and Beijing Platforms for Action (2009) African Union Gender Policy (2013)</div>	<div><div>i.</div><div>ii.</div><div>iii.</div><div>iv.</div><div>v.</div></div> <div>Addendum to SADC Declaration on Gender and Development (1997) SADC Declaration on Gender and Development; SADC Protocol on Gender and Development (2008); SADC Regional Indicative Strategy and Development Plan 2005–2020 Ten Year SADC Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children 2009–2019</div>
<div>Key gender-based violence policies</div> <div><div>i.</div><div>ii.</div><div>iii.</div><div>iv.</div></div> <div>Enactment and enforcement of laws to address gender-based violence Review and reform of criminal laws relating to gender-based violence and sexual offences Development and implementation of legal provisions for comprehensive testing, treatment and care of survivors Enactment and adoption of legislation to prevent human trafficking</div>			

3.1 Enactment of gender-based violence laws

The Beijing Declaration and Platform for Action requires Governments to adopt and implement legislation aimed at eliminating violence against women. Similarly the International Conference on Population and Development Programme of Action (1994) requires signatory States to enact and enforce

laws to protect women from all types of economic discrimination and sexual harassment. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women (2003) requires the States party to the Protocol to enact and implement legislation that prohibits all forms of discrimination and harmful practices that endanger the health and general well-being of women. The provisions of these frameworks and those of other regional and international bodies are reflected in the SADC Protocol on Gender and Development (2008). The Protocol requires SADC member States to review and reform criminal laws applicable to sexual offences. Member States are also required to ensure that perpetrators of marital rape, sexual harassment and all forms of gender-based violence are tried in courts of competent jurisdiction. This section analyses the degree to which member States have complied with these provisions.

Domestic violence/gender-based violence acts: A review of existing legal provisions to address gender-based violence in the eleven Southern African countries studied shows a high level of compliance with the global and regional gender protocols. All countries have either an Act or Bill relating to gender-based violence. Domestic violence acts are the most common legal provision, although they bear different names in different countries. Nine of the eleven countries have passed laws on gender-based violence. Table 3 highlights the names of the key gender-based violence-related legal provisions. South Africa, Lesotho, Zimbabwe, Namibia, Malawi and Mauritius were the front-runners in developing legal provisions dealing with domestic violence, having passed their laws in response to the 1995 Beijing Declaration and Platform for Action. Botswana, Mozambique, Zambia, and Swaziland passed their Acts later, following adoption of the SADC Gender Protocol; when other policy frameworks the Beijing Declaration and CEDAW GR19 were already in place. All of the countries considered in this study with the exception of Zambia refer to “domestic violence” as the main theme of their laws. Zambia has an anti-gender based violence act, which is unique to the region because of the manner in which it comprehensively and explicitly addresses gender-based violence (box 1).

Box 1 Zambia Anti-Gender Based violence Act: A Best Practice

Zambia is unique in the way it has packaged her GBV related Act to combat Gender Based Violence in the country. The Anti-Gender Based Violence Act of 2011 is more comprehensive and explicitly addresses GBV from many facets. The ACT provides for the establishment of an Anti - GBV Committee at national level. It also provides for the establishment of an Anti - GBV Fund. In order to ensure efficiency, Value for Money and accountability the ACT encompasses administration, management and auditing of the fund. The act also clearly provides for shelters for child and adult survivors including minimum standards for the shelters. The ACT gives the Ministry of Gender and Child Development the mandate to provide public education on Gender Based violence and the contents of the Act. Most of these provisions are unique to Zambia, well articulated and are cutting edge. The Zambia Anti - Gender Based Violence Act, provide an unquestionable benchmark for inclusive legislative provisions.

Table 3: Key gender-based violence-related legislation in Southern African countries

Country	Year	Name of Legislation
Angola	2011	Domestic Violence Act
Botswana	2008	Domestic Violence Act
Lesotho	2000	Domestic Violence Bill
Malawi	2006	Prevention of Domestic Violence Act
Mauritius	2007	Protection from Domestic Violence Act
Mozambique	2009	Law on Domestic Violence
Namibia	2003	Combating of Domestic Violence Act
South Africa	1998	Domestic Violence Act
Swaziland	2013	Sexual Offences and Domestic Violence Act
Zambia	2011	Anti-Gender Based Violence Act
Zimbabwe	2006	Domestic Violence Act

Common features of domestic violence laws: The common features of the domestic violence acts laws listed above include a focus on protection of survivors of gender-based violence, provision of counselling on gender-based violence, provision of guidance on court procedures relating to gender-based violence, criminalization of most acts of gender-based violence, issuance of protection orders to survivors; and State protection for third parties reporting gender-based violence.

Sexual offences acts: Six Southern African countries (Lesotho, Mozambique, Namibia, South Africa, Swaziland and Zimbabwe) have adopted sexual offenses acts. Botswana, Malawi and Zambia cover sexual offences under their penal codes. The sexual offenses acts criminalize sexual assaults and include sex with minors below the age of consent as a form of sexual assault. Sexual assault is regarded as one of the most common forms of gender-based violence, as noted in the 2013 SADC Gender Protocol Barometer, which reiterates that physical and sexual violence still occur frequently despite the existence of relatively strong gender-based violence frameworks in the region. This can be attributed to low reporting of cases or a lack of robust law enforcement mechanisms in the region. Table 4 lists countries and their sexual-offences legislation.

Table 4: Southern African countries and sexual offences legislation

Name	Year	Name of legislation
Angola		None
Botswana		Penal Code
Lesotho	2003	Sexual Offences Act
Malawi		Penal Code, Chapter XIV
Mauritius	2007	Sexual Offences Bill
Mozambique		(Act in place)
Namibia	2000	Combating of Rape Act
South Africa	2007	Sexual Offences Act
Swaziland	2009	Sexual Offences and Domestic Violence Act
Zambia		Sexual Offences covered under Penal Code, Chapter XV
Zimbabwe	2001	Sexual Offences Act

Common elements of sexual offences laws

Some common elements of sexual offences laws are described in the following paragraphs.

The definition of rape/sexual assault revolves around sexual activity without consent for an adult and with or without consent for minors.

All sexual offences laws protect victims' identities.

Perpetrators of sexual offences are subjected to compulsory HIV testing; the cost of testing is borne by the State.

None of the sexual offences laws explicitly addresses marital rape. The 2013 Gender Barometer, however, notes that marital rape is an offence in all SADC countries except Botswana.²¹ Lesotho has explicitly criminalized marital rape in its Sexual Offences Act.

Box 2. Snapshot of Penalties for Sexual Offences

Zambia- Life imprisonment where transmission of HIV occurs
Lesotho- Death penalty for transmission of HIV AIDS
Namibia- 45 years imprisonment for repeat offenders
Zimbabwe- 10 years imprisonment for sexual assault on intellectually handicapped individual
Mauritius: Bill proposes 15 years imprisonment for sexual activity with a minor

Almost all the sexual offences laws impose stiff penalties for sexual offences. The penalties vary, however, from country to country. All the sexual offences laws pay particular attention to sexual assault on minors, with stiff penalties for such acts (see box 2).

All acts seek to protect victims by ensuring that information relating to incidents is not published.

Review and reform of sexual offenses legislation

As required by the SADC Protocol on Gender and Development (2008), the Beijing Declaration and Platform for Action (1995) and the 1997 Addendum to the Declaration on Gender and Development by SADC Heads of State or Government on the Prevention and Eradication of Violence Against Women and Children (1998), SADC countries have enacted a number of key legislative reforms that indicate a strong commitment to the review and reform of legislation. Some such reforms are discussed in the paragraphs below.

Namibia: In Namibia, the Combating of Rape Act specifies the abolition of the provision that a boy under the age of 14 is incapable of sexual activity. Under the Act, any reports from boys under the age of 14 of having been sexually harassed are now taken as a matter of fact. Namibia also abolished its cautionary rule for sexual assault cases and now requires that any evidence provided by a complainant be treated without any special caution or doubt. This measure is responsive to the sensitive nature of sexual assaults.

Lesotho: As in Namibia, the Lesotho Sexual Offences Act abolished the cautionary rule. The Sexual Offences Act explicitly spells out that court proceedings involving the survivor are held in camera.²² Lesotho is one of the few countries in Southern Africa that recognize marital rape. It is also important to note that in Lesotho the State pays for HIV testing for both perpetrators and survivors.

²¹ SADC "SADC Gender Protocol 2013 Barometer", (2013)

²² "Held in camera" refers to situations in which any person whose presence is not necessary need not be present unless otherwise requested by the accused or the victim. If the complainant is a child, the court decides who must be present.

Zimbabwe: The Sexual Offences Act criminalizes prostitution, pimping and procuring or coercing a person to have extramarital sexual intercourse. The Act also specifies that a young person under the age of 12 is incapable of consenting to sexual activity. Anyone who rapes a young person who is his or her child, step-child or adopted child has no defence on the grounds that the young person consented.

South Africa: The Sexual Offences Act has been reviewed eight times since its enactment in 1957 (Immorality Amendment Act 68 of 1967; Immorality Amendment Act 57 of 1969; Immorality and Prohibition of Mixed Marriages Amendment Act 72 of 1985; Immorality Amendment Act 2 of 1988; Criminal Law Amendment Act 4 of 1992; General Law Amendment Act 139 of 1992; General Law Fourth Amendment Act 132 of 1993 and Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007).²³

Zambia: Zambia does not have a sexual offenses act but addresses sexual offences under its Penal Code Act. Chapter XV, Section 157 of the Act states that conducting harmful cultural practices on a child such as sexual cleansing, female genital mutilation or initiation ceremonies that result in injury, transmission of diseases or death is a crime punishable by life imprisonment. Zambia also has stiff penalties for rape and attempted rape, with a life sentence for both offences as noted in the Zambia Penal Code. Chapter XV, Section 132 of the Act defines rape as any person having unlawful carnal knowledge of a woman or girl without her consent or with her consent if consent is obtained by force. This definition does not explicitly provide the country's position when it comes to marital rape. The definition is silent on marital rape. This definition also does not account for the rape of males.

Mauritius: Parliament is currently debating a draft sexual offenses bill. The draft bill addresses issues of sexual assault and proposes harsh sentences for sexual offenders. As noted in box 2, the bill provides 15 years imprisonment for sexual activity in the presence of a minor. The bill, however, specifies a ten-year sentence for false declaration of sexual offences. This, while justified if false declarations are made, may result in victims becoming reluctant to report cases.

Swaziland: The Sexual Offences Bill (2009) was passed into law in 2013 but still requires the assent of King Mswati the Third and the conclusion of other processes before it is fully operational. Sexual assault offences are covered under common law. Common law, however, does not recognize rape within marriage. The draft Sexual Offences Bill does not explicitly address the issue of marital rape. The Girls and Women's Protection Act of 1920, the law currently in effect, only covers women and girls but not male children. The Girls and Women's Protection Act of 1920 does not cover child-friendly courts, however, efforts have been made to create child friendly courts. The new Act will cover support for victims of gender based violence as well as the maintenance of a record of perpetrators. The new law updates the punitive measures that have been in place and is a step in the right direction for Swaziland in the fight to end gender-based violence.

Human trafficking laws: The study reveals that seven out of the eleven countries considered have laws that relate to human trafficking. Table 5 summarizes the types of laws passed by some of the countries. Angola, Botswana, Malawi and Zimbabwe are countries that have yet to enact Human Trafficking laws. Given the fact that human trafficking crosses national borders, there is an evident need to develop a regional response to it. This can be achieved through the implementation of systems for information sharing between national security agencies and the drawing up of a legally binding SADC human trafficking protocol that clearly defines and articulates the need for a coordinated multinational approach to combating human trafficking. The study also reveals that currently there is no clearly stated policy or protocol allowing countries to assist each other with regard to human traffick-

²³ Sexual Offences Act, Act No. 23 of 1957

ing. While SADC has come up with a strategy and action plan for combating human trafficking, it is not legally binding on member States. This policy gap can be addressed by the development of a protocol similar to the Gender and Development Protocol. SADC countries, however, do take measures to return survivors of human trafficking to their countries of origin. The United States Department of State’s 2013 report, “Trafficking in Persons”, indicates low compliance with international standards for the elimination of human trafficking by Southern African countries. The report notes, however, that countries such as Zambia, Mozambique and South Africa are making progress in addressing human trafficking through improved service provision for victims and legislative advancements. The passing of the Prevention and Combating of Trafficking in Persons Act of 2013 in South Africa is one example of such legislative advancement.²⁴

Table 5: Human trafficking laws

Name	Human trafficking law
Angola	None
Botswana	None
Lesotho	Anti-Trafficking in Persons Act
Malawi	None
Mauritius	Combating of Trafficking in Persons Act 2009
Mozambique	Law on Preventing and Combating the Trafficking of People
Namibia	Prevention of Organized Crime Act
South Africa	Prevention and Combating of Trafficking in Persons Act
Swaziland	People Trafficking and People Smuggling Prohibition Act
Zambia	Anti-Human Trafficking Act
Zimbabwe	None

The discussion on country performance with regard to the enactment and revision of laws to combat gender-based violence shows great achievements by Southern African countries in contributing to policy harmonization. Noted gaps, however, include absence of revised penal codes by Zambia, Malawi and Botswana and lack of human trafficking legislation in countries such as Angola, Botswana, Malawi and Zimbabwe. At the SADC level, there is an absence of a binding anti-human trafficking protocol. Experiences of Southern African countries show positive developments in the enactment of anti-human trafficking legislation, as noted in table 5. It may also be observed that about half of the countries studied (South Africa, Mauritius, Swaziland, Lesotho and Namibia) have reviewed their sexual offences acts. Botswana, Malawi, Angola and Zambia are still reliant on penal codes that are now old and do not fully reflect the requirements for justice set out in global and regional policy instruments. It is important for countries to review and reform their legislation by 2015 in order to conform to current regional and global provisions for combating gender-based violence. Overall the 11 countries studied have to a large extent complied with legislative requirements of global, continental and subregional policy instruments.

²⁴ United States Department of State, “Trafficking in Persons Report June 2013”.

4. Gender-based violence-related policies, strategies and action plans

National-level planning tools for gender-based violence: For effective action plans on gender-based violence to be developed, there is a set of recommended stages that a country should follow. The progression moves from national constitution, key gender-based violence related policy (national gender policy or gender-based violence policy), followed by a gender-based violence strategy. National-level gender-based violence action plans are drawn from the gender-based violence strategies.

The constitution: The constitution is the most authoritative policy document and provides a solid base upon which other policy instruments are founded. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003) requires signatory States to include the principle of equality between women and men in their national constitutions and other legal instruments. All constitutions reviewed for the study note the importance of non-discrimination on grounds of sex and highlight the importance of respect of gender equality and human rights. Zimbabwe goes on to explicitly address gender-based violence in its constitution (see box 3).

Box 3: Zimbabwe- Best Practice.

In the 2013 Zimbabwe adopted a Constitution, which is strong on gender equality and gender responsive. Besides addressing a wide array of gender equality issues, it specifically has sections relating to domestic violence. Chapter 2, section 25 of the constitution explicitly commands/compels the State and Governments agencies at every level to adopt measures for the prevention of domestic violence.

4.1 Assessment of national gender policies for inclusion of gender-based violence issues

The Beijing Declaration and Platform for Action (BDPfA) spells out 12 critical areas of concern, of which gender-based violence is one (section E: Violence against women). The BDPfA calls on Governments to develop national gender policies to guide the implementation of programmes in the 12 areas. It is against this background that countries experiencing gender-based violence should include gender-based violence issues in their gender policies. This chapter analyses the degree to which countries in Southern Africa have included gender-based violence issues in national gender policies.

National gender policy frameworks

Most of the countries studied have national gender policies that include thematic areas on gender-based violence. National gender policies in Southern Africa are shown in table 6, which indicates those with components on gender-based violence. The study looked at seven national gender policies, those of Malawi, Mauritius, Namibia, South Africa, Swaziland, Zambia and Zimbabwe. A review of these policies indicated that each had a section dedicated to gender-based violence issues. The degree of coverage on the issues varies from country to country. Table 6 provides details.

South Africa: Gender-based violence issues are well articulated in the situation analysis and problem statement component of South Africa's gender policy (Section 2.6 – Violence against Women). That section notes that South Africa faces challenges in combating domestic violence, abuse and rape, the main targets of which are women, girls and children. The country is noted to have very few support structures for victims of rape and the police are unsympathetic to women survivors of gender-based

violence. However, the section of the policy observes efforts by the government in 2002 -2003 in the initiation of a victim empowerment programme.²⁵ However, the rest of the policy does not provide explicit policy strategies to address gender-based violence.

Malawi: Malawi's gender policy has a comprehensive section on gender-based violence (Policy theme 8 – Gender Based Violence), which takes as its broad goal the elimination of “Gender based violence ... through laws, policies and social economic services”. The strategies in the policy include capacity strengthening on gender-based violence issues for law enforcement agencies, traditional leaders, political leaders and the public; advocating the review and enforcement of the penal code with regard to emerging issues such as sexual abuse in marriage; advocating comprehensive implementation and monitoring of gender-based violence policies, procedures and protocols; advocating increased resource allocation in response to gender-based violence; lobbying for support for strengthening victim support units; creating a conducive environment for reporting gender-based violence to all institutions, including the police; advocating for legal aid for victims of gender-based violence; and advocating the mainstreaming of gender-based violence policy in HIV and AIDS and other reproductive health policies. There are four broad objectives, which include formulating and enforcing laws and policies related to gender-based violence; improving response by and access to socio-economic services to address gender-based violence; improving knowledge, attitude and practices regarding gender-based violence; and eliminating all forms of human trafficking, especially of women and children. An analysis of the strategies under these four objectives shows compliance with the key policy provisions set out in global regional and subregional levels.

Table 6: Gender-based violence in national gender policies

Country	Policy	Year	Gender-based violence-related components
Angola	National policy against domestic violence National policy on gender equality		
Lesotho	Gender and development policy	2009	Chapter 5: Priority programme areas 5.6
Malawi	Gender policy	2008	Policy theme 8: Gender-based violence
Mauritius	National gender policy framework	2008	None
Mozambique	National gender policy and strategy for its implementation		
Namibia	National gender policy	2010-2020	Section 4.4 Gender-based violence
South Africa	National policy framework for women's empowerment and gender equality	2002	Chapter 2; Situational analysis and problem strategy: section 2.6: Violence against women
Swaziland	National gender policy	2010	Chap. 12, Sec. 12.7: Gender-based violence
Zambia	national gender policy	2000–2009	Chap. 12, Sec. 12.7: Gender-based violence
Zimbabwe	National gender policy	2013–2017	Chap. 5, sec. 5.6: Gender-based violence

²⁵ Government of South Africa, Office on the Status of Women, “South Africa's National Policy Framework for Women's Empowerment and Gender Equality”.

Mauritius: The national gender policy does not have a component that covers gender-based violence. Within the “guiding principles” section of the policy, however, Mauritius highlights the importance of addressing gender-based violence in line with the provisions of global and regional gender protocols (Beijing Declaration and Platform for Action, SADC Declaration on Gender and Development and African Union Solemn Declaration on Gender Equality). Gender-based violence issues are explicitly addressed in a section called “Moving from Disempowerment to Empowerment”.

Namibia: Namibia has a comprehensive section on gender-based violence in its national gender policy (box 4). The gender-based violence section of the national gender policy (section 4.4) states that the broad goal of the policy is to “reduce the prevalence of gender-based violence and increase protection for women and girls.” The policy has strategies for laws and policies, which look at monitoring legislation for its effectiveness, ensuring that perpetrators are tried by courts of competent jurisdiction and strengthening labour laws to include sexual harassment. The policy also has strategies for access to legal and so-

**Box 4: Namibia best practice:
gender-based violence in gender policy**

- i. Strategies are well-articulated for the following sub-areas:
- ii. Laws and policies:
- iii. Access to legal and social services:
- iv. Education and awareness:
- v. Addressing human trafficking.

cial services, which look to increase access to shelters, provide services for victims of gender-based violence and encourage health centres to offer emergency contraception. The strategies also look to provide affordable legal aid to survivors and to train service providers. The third strategy looks at education and awareness, aiming to provide information to women and communities at large on gender-based violence issues and strengthen research and data collection mechanisms. The fourth strategy addresses Human Trafficking and looks at ensuring the development of a national policy to prevent human trafficking and to provide support to victims of human trafficking. The strategies also seek to provide training to service providers from all sectors on human trafficking.²⁶

Swaziland: Swaziland has a comprehensive section on gender-based violence in its national gender policy. It is important to note that the section highlights a steady increase in domestic violence perpetrated against men. The section has a thematic programme objective for gender-based violence, which reads: “To take integrated measures to prevent and eliminate all forms of gender-based violence”. It also has clear strategies for addressing gender-based violence, which include raising awareness of the beliefs and attitudes of women and men that lead to violence; establishing counselling centres for survivors of violence, especially women and children; empowering teachers with knowledge guidance and counselling skills; formulating and enforcing legislation that prohibits all forms of gender-based violence; and building the capacity of the justice system, including the judiciary, to deal with gender-based violence and its survivors.²⁷

Zimbabwe: The situational analysis of Zimbabwe’s national gender policy describes the status of all thematic areas covered in the policy, one of which is gender-based violence. Key legal provisions on the gender-based violence are summarized in the situation analysis section. The policy objective for gender-based violence is “[t]o reduce all forms of gender-based violence in Zimbabwe”. This is followed by a list of seven policy strategies, which include creating a supportive policy and programmatic environment of no tolerance of any form of gender-based violence; Implementing programmes aimed at eradicating harmful social norms, religious and cultural beliefs, attitudes and practices that legitimize acceptance of gender-based violence; advocating institutional mechanisms among multi-sector stakeholders to create safe and non-intimidating environments for the provision

²⁶ Namibia, “National Gender Policy, 2010–2020”.

²⁷ Swaziland, “National Gender Policy 2010”

of gender-based violence services; instituting mechanisms for conducting gender safety audits and gender-responsive evidence-based research; advocating increased financing for gender-based violence policies; promoting the integration of gender-based violence issues in education curriculums and encouraging open platforms for the discussion of gender-based violence, particularly men's forums.²⁸

Analysis of these five national gender policies shows extensive alignment with key provisions of global, regional and subregional gender-based violence policy instruments. The gender-based violence strategies in the five national policies reflect the importance of the formulation and review of policies to address gender-based violence and the provision of services, including shelters and legal aid. Capacity enhancement for service providers such as police, teachers and the judiciary are noted as key. Research and the compilation of gender-based violence statistics are highlighted. Although the national gender policy of Mauritius does not address gender-based violence issues, overall it can be concluded that to a large extent countries in Southern Africa comply with the provisions of the Beijing Declaration and Platform for Action.

4.2 Assessment of gender-based violence strategies

Gender-based violence strategic frameworks: The Beijing Declaration and Platform for Action Chapter 2 (Global Framework), Part 9, provides guidance to member States on its implementation. The BDPfA calls for member States to develop national laws, policies, strategies and programmes in the 12 areas of concern in order to facilitate the implementation of the protocol. The purpose of a national gender-based violence strategy is to provide stakeholders (Government, civil society, the private sector and donors) working with a framework that details areas where effort should be made to systematically address gender-based violence in the country. It also serves to provide a framework for a coordinated response to gender-based violence. All stakeholders would be guided by the strategy and would not implement programme interventions that were not outlined in the national gender-based violence strategy. A good gender-based violence strategy should have the qualities outlined in the following paragraphs.

Wide stakeholder involvement: The process for the development of the gender-based violence strategy should be inclusive, to include the participation of key stakeholders drawn from all sectors: Government, civil society, the private sector, academic institutions and development partners. Stakeholders are expected to review the draft strategy and endorse the final strategy.

Stand-alone gender-based violence strategy: gender-based violence strategies should be standalone documents so that they are as visible as possible not merely parts of broad gender equality strategies. This would lend a sense of importance given to gender-based violence and allow stakeholders to easily utilize the strategy documents. Zimbabwe is the only country studied that has a stand-alone gender-based violence strategy.

Compliance with results-based management: Gender-based violence strategies should have measurable and specific targets informed by valid baseline data. Valid baseline data are data that closely reflects the situation on the ground in terms of gender-based violence. Such data normally take the form of statistics gathered through research surveys such as demographic health survey reports or other nationwide surveys. The strategies should also have either mid-term or end-of-strategy targets or could include both depending on the variables that affect strategy implementation such as resource availability, capacity and time constraints, among others. These results are articulated in descending order of impact, outcomes and outputs. The entire strategy document should have an

²⁸ Zimbabwe, "National Gender Policy (2013–2017)".

achievable results chain. An achievable results chain comprises targets that are deemed to be realistic and affordable for the country in question.

Demographic health surveys or dedicated gender-based violence national studies: Good gender-based violence strategies are informed by data derived from current demographic health surveys or dedicated complementary gender-based violence national-level studies. While demographic health surveys provide a wealth of information, they are based on a standard research template and may not reflect the unique aspects of each country, which can introduce complexities in addressing gender-based violence. The surveys, for example, focus on women as victims and men as perpetrators, and they do not account for men and boys who are victims of gender-based violence. Not all demographic health surveys reports carry sections on domestic violence, as noted in chapter 2.3 (Trends in gender-based violence). In the light of this, Governments should work to mobilize resources for the monitoring and evaluation of gender-based violence in a way that provides the opportunity to assess all areas deemed important. It is important for countries to align their strategies with their demographic health surveys and national studies. It is important to note that gender-based violence strategies should be informed mainly by national-level data rather than small studies or regional studies. The advantage of using demographic health survey data is that the surveys are repeated every five years and therefore provide countries with a means of tracking progress over time. Dedicated gender-based violence studies are good if they are repeated regularly. If demographic health surveys data are comprehensive, however, there may be no need for such a study. In countries where there are unique issues that are not adequately addressed by demographic health surveys, the dedicated gender-based violence studies become relevant. A review of demographic health survey documents indicates that most of the data is reported by women and girls. Males are not targeted as sources of data, which affects the comprehensiveness of demographic health survey gender-based violence information.²⁹

Zimbabwe gender - based violence strategy - a good practice

The study revealed that most countries lack gender-based violence strategies. The Zimbabwean gender-based violence strategy has key elements of a good strategy and could provide important lessons for other SADC member States, forming the core of a harmonized SADC approach. Elements of the Zimbabwe gender-based violence strategy are described in the following paragraphs.

Alignment with international, regional and national gender-based violence priorities: The Zimbabwe gender-based violence strategy makes reference to important gender protocols that speak to gender-based violence at all levels (Beijing Declaration and Platform for Action; CEDAW GR19; African Charter on the Rights and Welfare of the Child; SADC Protocol on Gender and Development; African Union Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa). It should be noted, however, that the Zimbabwe gender-based violence strategy was developed at a time when the 2004 national gender policy did not have a section on gender-based violence. As a result the country lacked a strong national gender-based violence policy framework to support the gender-based violence strategy. The revised national gender policy, which was developed in 2013, features a gender-based violence component, as discussed above in section 4.1. Thus, the national gender policy provides adequate policy support for the gender-based violence strategy.

Prioritized thematic areas: Informed by a rigorous analysis of gender-based violence in the country, Zimbabwe prioritized three thematic areas: prevention, service provision and legislative advocacy and lobbying. ***Demographic health surveys and dedicated gender-based violence-related studies:***

²⁹ Zimbabwe Demographic and Health Survey 2010/2011. The module on gender-based violence addresses women's experiences with acts of physical and sexual violence. Demographic health survey documents in other countries follow the same approach.

Zimbabwe's gender-based violence strategy was informed by the latest demographic health survey, which covered the period 2010-2011. It provides a rich source of baseline statistics, trends and patterns. In addition, the gender-based violence strategy benefitted from a study called "The Association between Violence against Women and HIV: Evidence from a National Population Based Survey in Zimbabwe" conducted by the Government of Zimbabwe with multi-sector development partners in 2010.³⁰ Hence, the gender-based violence strategy in Zimbabwe was informed by various data sources and statistics.

Compliance with results-based planning: The Zimbabwe gender-based violence strategy is compliant with the country's results-based planning framework. It utilized the baseline statistical data provided by the demographic health survey and the dedicated study on gender-based violence and HIV to set realistic targets for the strategy period. The thematic components clearly articulate the results at all levels (impact, outcome and outputs). The following are excerpts for the thematic areas, showing how the results-based approach was utilized.

All components of the Zimbabwe gender-based violence strategy follow the same pattern of articulating results at all levels. The output results supported by the gender-based violence strategies are well chosen to ensure that they contribute to the achievement of outcome result 1. Equally, if the output and outcome results are achieved, the impact results are likely to be achieved as well. There is a strong results chain, as indicated in table 7.

Table 7: Excerpt of prevention component of Zimbabwe's gender-based violence strategy

Prevention	
Impact result: Gender-related development index of Zimbabwe is improved from a ranking of 130/157 to a ranking of at least 100/157) by 2020.	
Outcome results:	Strategies
Outcome result 1: Percentage of girls below 15 years whose first sexual experience is forced is reduced from 24 per cent (2010-2011-Zimbabwe demographic health survey 2010-2011) to at least 10 per cent by 2015.	<ul style="list-style-type: none"> i. Strengthen institutional capacity of civil society organizations working with abused children ii. Develop and implement a school-based programme aimed at reducing sexual abuse and risk of HIV among school children iii. Implement a multi-media programme on sexually abused children iv. Mount a community-based programme on reducing sexual abuse and the risk of HIV infection among girls aged 19 and below.
Output results	
<ul style="list-style-type: none"> i. Institutional capacity (governance and leadership, financial management systems and innovative programming) of at least 10 organizations focused on gender-based violence and the girl child is built by the fourth quarter of 2012. ii. A national multi-media programme on reducing sexual abuse and the risk of HIV infection among girls 19 and below is implemented by second quarter of 2012. iii. A pilot-school-based programme on reducing sexual abuse and the risk of HIV infection among school children aged 19 and below is developed in 20 primary schools and 20 secondary schools by 2013. iv. Information Education and Communication (IEC) materials on reducing sexual abuse among girls below 19 years are produced and disseminated country wide by the fourth quarter of 2012. 	

Source: Compiled from the Zimbabwe gender-based violence strategy 2012–2015.

³⁰ Government of Zimbabwe and Development Partners, "Zimbabwe Working Papers : The Association between Violence Against Women and HIV: Evidence from a National Population-Based Survey in Zimbabwe" (2010).

Inclusion of outputs in gender-based violence strategies: In essence, a strategic document should have high-level results (impact and outcomes and a set of priority strategies). Box 5 presents an overview of the presentation of strategies in Zimbabwe’s gender-based violence strategy document. Modern strategies, however, include output results in strategy documents because they become the links between the strategy and action plans. Action plans will be developed against the outlined outputs. This is why it is very critical for member States to develop high quality strategies before they embark on the development of national action plans. The present study has revealed that most member States do not have gender-based violence strategies in place. Based on this observation, SADC could play a critical role in educating key stakeholders in member States on the importance of developing national gender-based violence strategies. This could be done at the national or regional levels.

Box: 5: An excerpt from Zimbabwe GBV strategy on Service Provision

Outcome Result 8

The percentage of GBV survivors who do not seek help in the Midlands province is reduced from 44 percent in 2005/6 (ZDHS 2007) to at least 15 percent by 2015.

Strategic Direction: The overall strategy is aimed at increasing a safe and supportive environment with operational services in the Midlands Province to allow children and women GBV survivors to disclose and seek help.

Strategies

- Enhance capacity of GBV service providers working in the area of children in the Midlands Province.
- Enhance capacity of GBV service providers targeting sexual and physical abuse for adults in the Midlands Province.
- Establish a Midlands GBV monitoring task force.
- Design a police friendly GBV service provision for Midlands Province.
- Design a health friendly GBV provision for all health centres.

Malawi: Malawi has a strategy document entitled: “National Response to Combat Gender Based Violence 2008–2013”. The document is not explicit about being a gender-based violence strategy. Review of its content reveals some effort to outline outputs, outcomes and impact of programmes. The document does not, however, distinguish between the various levels of results. The outputs, outcomes and impact section are a far cry from an application of the results-based approach. While the report outlines six objectives, the document does not outline strategies for gender-based violence. The objectives are not stated in a result-based fashion and it is difficult to assess such objectives. The gender-based violence national document does not appear to be based on any national-level documents such as a demographic health survey or a dedicated study on gender-based violence. Malawi had a demographic health survey produced in 2004, and it has a chapter on domestic violence. This could have provided the baseline statistics for the national strategy. Despite having not used key national documents to inform the gender-based violence strategy, Malawi has a very good opportunity to utilize its 2010 demographic health survey as well as the dedicated national study on gender-based violence.

All the countries in the Southern Africa region produce regular (five yearly) demographic health survey documents that include sections gender-based violence. Countries that do not have gender-based violence strategies can make use of their demographic health surveys to develop their national gender-based violence strategies. Good planning, however, will require such countries to revisit their national gender-based violence action plans. This is because national action plans are planning tools for the execution of sector strategies.

A review of the experiences of the countries studied reveals a gap with regard to the development of gender-based violence strategies. A majority of the countries do not have gender-based violence strategy documents, and gender-based violence policies are instead informed by national gender-based violence action plans. This policy gap could possibly be a result of the absence of explicit guidance on the development of gender-based violence strategies in the gender-based violence

related policy frameworks. The SADC Gender Unit, however, is working closely with the Southern African non-governmental organization Gender Links to support States in the development of gender-based violence strategies that are aligned with SADC gender-based violence policy instruments.

4.3 Assessment of gender-based violence national action plans

National action plans and costing: Strategic objective D1, number 124j, of the Beijing Declaration and Platform for Action calls for member States to formulate and implement at all appropriate levels plans of action to eliminate violence against women. In addition to this, the SADC Protocol on Gender and Development, part 10, article 35, requires States to ensure that national action plans with measurable timeframes are put in place. A national action plan on gender-based violence is the next planning tool after the National gender-based violence strategy, as illustrated in figure 1. The national action plan on gender-based violence specifically outlines the key activities needed for country to achieve the set outcomes and outputs. Often, the outcome and output results are extracted from the gender-based violence strategy. The national action plan on gender-based violence articulates the timeline within which planned activities need to be accomplished, by quarters of the year. Gender-based violence strategies often run for 3–5 years to ensure that they are measurable and prompt a review of progress in order to avoid inefficiency. The timeframe proposed in the present report is not an end in itself; rather, timeframes are dependent on the State, and how much time is needed depends on the areas covered in the action plan. States should, however, strive to ensure that timeframes are measurable and conform to the requirements of the SADC Protocol on Gender and Development. Good action plans will typically have a timeframe adequate to ensure regular auditing, progress monitoring and execution of planned activities. The present report recommends two years for each action plan. A gender-based violence strategy may therefore have two sets of action plans during its lifetime. The initial action plan should be reviewed and should inform the development of the following action plan, which should cover the key areas and outstanding measures of the gender-based violence strategy. Responsible institutions are stated in broad terms and where possible specific institutions are named. Against this background, the process for developing national action plans becomes very important. A good national action plan should involve participation of key stakeholders through a workshop facilitated by a planning expert. In this study, the areas mentioned in section 4.3 provide the guidelines used for assessing the gender-based violence national action plans. Table 8 shows which countries have national gender-based violence action plans.

Table 8: Countries with or without costed action plans

Country	Action plans	Timeframe	Costed
Botswana	Botswana 365-day National Action Plan to End Gender Violence	2007–2008	Partially
Lesotho	Lesotho 365 Day National Action Plan to End Gender Violence	2008–2015	Not costed
Malawi	National Response to Combat Gender Based Violence 2008–2013	2008–2013	Costed
Mauritius	National Action Plan to End Gender Based Violence	2012–2015	Costed
Mozambique	National Action Plan for the Prevention and Combating of Violence Against Women	2008–2012	Costed
Namibia	National Gender Action Plan (gender-based violence section) National Plan of Action on Gender Based Violence	2011, 2012–2016	Currently being costed
South Africa	365 Day National Action Plan to End Gender Violence (Under review)	2007–2009	Costed
Swaziland	Swaziland 365 Day National Action Plan to End Gender Violence	2007–2015	Costed
Zambia	National Action Plan on Gender-Based Violence	2008–2013	Incomplete
Zimbabwe	None	N/A	N/A

The study shows that 9 of the 11 countries studied have either finalized or draft national action plans for gender-based violence. Four countries (Botswana, Lesotho, South Africa and Swaziland) adopted the 365-Day action plan approach to gender-based violence. Other countries created action plans that did not necessarily revolve around a pre-determined standard such as the 365-Day action plan. The advantage of the 365-day approach is consistency and the ability to compare the progress of different countries much more easily. The 365-day action plans have not been revised over the years and may be seen as standardized plans that would be cheaper to introduce and implement than tailor-made action plans. Standardized action plans, however, risk missing out country-specific issues that a tailor-made plan would address and might not take into account changes that countries might experience over the years. No action plan approach is necessarily better than another. Regular revision of action plans with the inclusion of country specific attributes is, however, highly recommended. The following sections will address a wide range of issues relating to the assessment of the gender-based violence action plans of the countries studied.

4.3.1 Linkages to gender-based violence strategies

There appears to be no easily accessible depository for regional gender-based violence country documents. For countries that do not have gender-based violence strategies in place, questions are raised as to the information used to draw up their national action plans. In the absence of guiding documents it becomes difficult to monitor progress or conduct useful audits of the national action plans.

4.3.2 *Process of developing national gender-based violence action plans*

The recommended process for developing a national gender-based violence action plan is to conduct a stakeholder workshop with all strategic stakeholders, who are drawn from the public sector, civil society organizations and development partners (donors) including relevant United Nations bodies. Using the national gender-based violence strategy, the stakeholders should be divided into their key areas of competency to contribute to the development of key activities. They should also be able to identify key institutions responsible for the outlined activities. The process of involving key national stakeholders is critical for a number of reasons. The first reason is to promote buy-in. It is important that key stakeholders commit to the delivery of the services contemplated by the action plan according to their mandates. The second reason is to promote commitment on the part of key players. The process whereby key national stakeholders become party to the development of the action plan also works to formalize their commitment to the delivery of key services. It is therefore important to note that participation at important national events in this process should not be delegated to junior officers. The third reason is to identify potential funding areas. The involvement of donors and United Nations bodies can begin a process of identification of potential funding areas. The process described above seems to have been followed in the cases of Botswana, Lesotho, Swaziland, South Africa and Mozambique. It is critical for national documents to be developed through an elaborate process involving all stakeholders.

4.3.3 *Quality of gender-based violence action plans*

The quality of national gender-based violence action plans will be based on three things: linkage to upstream planning tools, i.e., gender-based violence policies and strategies; inclusion of a component in action plan templates; and compliance with results-based planning.

Linkage to gender-based violence strategies: A good action plan will show within its templates linkages to the gender-based violence strategy. This can be in the form of identifying the thematic area, outcomes, outputs or strategies on which the gender-based violence action plan activities are based. Table 9 presents an excerpt from the Seychelles gender-based violence action plan for 2010–2011, which shows a linkage between the action plan and the country's gender-based violence strategy. In this excerpt the linking elements are the thematic areas, outcomes and outputs of the strategy.

Table 9: Excerpt from Seychelles gender-based violence action plan

Thematic area: Legislation, advocacy and lobbying								
Outcome result 1: A supportive legislative advocacy and lobbying environment for an effective national response to gender-based violence is in place by 2012								
Output result 1	Activities	Q1	Q2	Q3	Q4	Yr. 2	Lead agency	Implementing agencies
4.1 A domestic violence act is in place by 2011	4.1.1 Review and harmonize existing laws to inform the development of the domestic violence act		X	X			Social Development Department	Gender-based violence working groups, national gender management team, Scottish Development Department, gender secretariat, gender commission, other civil society organizations, health agency.
	4.1.2 Drafting of final domestic violence act based on validated guidelines				X	X	AG	
	4.1.7 Dissemination of the domestic violence act to relevant stakeholders					X	Social Development Department	

Source: Republic of Seychelles National Action Plan for Gender Based Violence for the Republic of Seychelles, January 2010–December 2011.

Botswana, Lesotho, South Africa and Swaziland: Botswana, Lesotho, South Africa and Swaziland have used the 365-Day gender-based violence action plan approach. They do not have gender-based violence strategies. The development of an action plan without a guiding strategy to begin with points to a planning gap and makes it difficult to identify linkages between action plans and strategies. As such, all four countries have more or less common sub-themes that provide the bases for their gender-based violence action plans. The sub-themes that the plans have in common are:

- i. Legislation and criminal justice;
- ii. Services;
- iii. Education, training and awareness;
- iv. Social, economic, cultural and political;
- v. Integrated approaches.

South Africa, however, also has additional sub-themes and content, as it has to an extent tailored its action plan to its national circumstances. South Africa has thus divided the sub-themes under four thematic areas: prevention, response, support and coordination and communication. While the four countries' sub-themes may be important to them, they are not properly articulated in their upstream planning tools such as their national gender policies or their national gender-based violence strategies. Another point to observe is that, given the variations in the social, economic, political and cultural situations of countries, it is generally not appropriate to use a "one size fits all" approach to

addressing gender-based violence. National action plans should address and incorporate country specific circumstances. The approach taken by Botswana, Lesotho and Swaziland highlights the importance of using national level data on gender-based violence to inform national responses. South Africa, on the other hand, although lacking a gender-based violence strategy, seems to have based its action plan on the realities in the country. It can therefore be concluded that plans of Botswana, Lesotho and Swaziland are only weakly aligned with those countries' up-stream planning tools. In terms of assessing linkages between national gender-based violence action plans with upstream gender-based violence planning tools, South Africa also experiences the challenges of not having a strong national gender policy with a gender-based violence component or a national gender-based violence strategy to inform its action plan.

Mauritius: National Action Plan to end Gender Based Violence 2012–2015. The Mauritius gender-based violence national action plan identifies five strategic areas of focus: legislation and procedures; capacity-building for service providers in the rehabilitation of survivors and perpetrators; prevention and awareness raising; Media education and advocacy; and coordination, research monitoring and evaluation. Highlights of key areas covered under these strategic areas are discussed in the following paragraphs.

Legislation and procedures: Key outputs in respect of legislation and procedures cover legalised forensic medical examination of gender-based violence victims; operationalization of venues for forensic medical examination; adoption of laws allowing service providers to conduct forensic medical examination; development of procedures to guide collection of medical legal evidence; and development of a code of ethics for legal practitioners. The main thrust in this strategic area is improving evidence gathering for gender-based violence survivors.

Capacity-building for service providers in the rehabilitation of survivors and perpetrators: This area includes the following key outputs: development of manuals for capacity-building; training of service providers, including health care providers, in areas such as psychosocial support, trauma support and behaviour change; design of a gender-based violence policy led by the Ministry of Health.

Prevention and awareness raising: This area includes raising community awareness, developing a behaviour change strategy, reforming the school curriculums for every grade level to include gender-based violence and mainstreaming of gender-based violence issues in youth programmes.

Media, education and advocacy: This area encompasses enforcement of media policies on gender-based violence and increased media participation.

Coordination, research monitoring and evaluation: This area includes the establishment of a coordinating advisory committee for gender-based violence and related technical committees, inter-agency information sharing, development of tools for data collection, introduction of a case management system and the development of gender-based violence information management systems.

The Mauritius action plan is considered a good practice as it identifies strategic thematic areas that follow a results-based approach to planning, starting from identifying the strategic thematic area, key outcomes for each area, several outputs under each outcome, activities and indicators under each output. It also identifies key stakeholders that will implement the identified outputs. The Mauritius Action Plan also provides timeframes that are measurable and are consistent with the provisions of the SADC Protocol on Gender and Development.

Zambia: Although Zambia does not have a gender-based violence strategy document, its national action plan is comprehensive in covering important elements that are often in a gender-based violence strategy document. Covered areas include situational analysis of gender-based violence, impact of gender-based violence on social development and implications for meeting the Millennium Development Goals, a statement of the gender-based violence problem and identification of gaps and challenges. The gender-based violence action plan therefore provides a background against which its outcomes, outputs and activities are determined. The action plan features three broad areas:

- i. Review, adoption and implementation protective laws and policies
- ii. Advocacy, community mobilization and awareness-raising for the prevention of gender-based violence
- iii. Capacity-building for relevant sectors regarding the development and implementation of comprehensive services for survivors of gender-based violence.

Each of the three areas has outcomes, outputs and activities. The focus in each of the three areas is described in the following paragraphs.

Laws and policies: Development of gender-sensitive legal instruments, advocacy for legislation, increased knowledge of stakeholders regarding gender-based violence laws, increased knowledge among service providers regarding existing legislation on gender-based violence.

Advocacy, community mobilization and awareness-raising: Availability of accurate and reliable information on gender-based violence, increased levels of awareness of gender-based violence among communities, increased levels of awareness regarding available services for survivors of gender-based violence.

Capacity-building: Capacity-building in the area of psychosocial support, availability of reliable information on gender-based violence assessments and research, availability and utilisation of credible assessments or survey reports and enhancement of the capacity of service providers at all levels.

Zambia's action plan employs terminology that is often used in the development of a results-oriented action plan. It includes the identification of broad strategy areas, outcomes, outputs and activities. While the action plan has spelled these out there are gaps, including a failure to be specific on baselines, quantities and targets. The results are articulated in a way that makes it difficult to assess progress over a given period. The action plan does have a section on timeframes, which indicates when given outputs are expected to be achieved, but review of the plan revealed that the relevant column had not been completed. The plan identifies, as would be desired, the stakeholders who will be expected to implement activities.

Zimbabwe: While Zimbabwe has developed a gender-based violence strategy, it does not yet have a national gender-based violence action plan. This major gap vitiates the country's good efforts in developing a gender-based violence strategy. Countries should make concerted efforts to address gender-based violence planning gaps by ensuring a good workflow for gender-based violence planning tools, from national gender policy to gender-based violence-strategy to gender-based violence action plan to gender-based violence costed action plan.

Components included in the Action Plan: A good template for a gender-based violence action plan

should include the following:

- i. Elements from upstream planning tools (Thematic Area /Pillar of Strategy, Strategies, Outcomes and Outputs);
- ii. Activities against the outputs;
- iii. Timeframe of activity implementation (normally in Quarters of the year;
- iv. Implementation agencies.

Table 9, an excerpt from the Seychelles action plan, provides an example of such a template. Countries that utilise good quality gender-based violence strategies will have solid starting points for the development of their action plans. Action plans that are not based on solid gender-based violence strategies are often limited in their capacity to address gender-based violence. Review of the gender-based violence action plans studied shows some challenges with regard to recording timeframes. The preferred practice is to refer to quarters of the year, which makes it relatively easy to track progress on implementation. Most of the countries studied, however, did not include adequate indications of timeframes. For example, the countries that used the 365-day action plan approach either gave specific dates and months for the completion of activities or referred to activities as “medium-term” or “short-term”. Such timeframes are ambiguous and are not compliant with the requirements set out in the SADC Protocol on Gender and Development. The Zambia gender-based violence action plan does not have binding timeframes within which activities should be completed. The identification of implementing agencies, on the other hand, has been well addressed by almost all countries.

Compliance with results-based planning: Results-based planning is a relatively new approach to planning that countries began to employ in national planning around 2009–2010. Most countries are still working to absorb the concepts and to apply them to tangible plans. Governments will often identify consultants whose core mandate is gender-based violence to assist them with the planning process, but the current reality calls for a mixture of the following three areas of expertise: expertise in gender-based violence, results-based planning and strategy development. This is necessary in order to devise action plans that meet the criteria of results-based management. If gender based violence strategy meets the requirements of results-based planning, it becomes easier to develop an action plan that does so as well. All national-level stakeholders involved in the development of gender-based violence strategies or action plans should have results-based planning skills to enable them to participate effectively. An assessment of the Southern African countries studied shows a gradual migration away from old ways of planning, which did not call for the application of results, to the results-based planning approach. Zambia, for example, has incorporated outcomes and outputs in its action plan, though more work still needs to be done with regard to the articulation of measurable results. The action plans of Botswana, South Africa, Lesotho and Swaziland, on the other hand, are not results-based. These countries developed their action plan in around 2007, when results-based management was not yet well known by most planners.

To a large extent, the countries under study comply with the Beijing Declaration and Platform for Action and the SADC Protocol on Gender and Development requirements for the development of national action plans. Against the backdrop of the quality of these plans, as discussed in earlier chapters of this report, the analysis shows that while the action plans of most of the studied countries have the key elements expected in a national action plan, there is room for improvement, particularly regarding the application of a results-based approach and the establishment of measurable timeframes

within which planned activities are to be accomplished.

Other observations: Mozambique and Zambia have maintained up-to-date gender-based violence action plans, and Malawi is working on the development of the next generation of its plan to replace the current one, which expires at the end of 2013. The plans of most of the countries studied, however, are outdated and seldom revised. Two-year action plans should be reviewed at the end of their lives to pave the way for plans that, consistent with the gender-based violence strategies on which they are based, last three or five years.

5. Costing national gender-based violence strategies

5.1 Importance of costing national gender-based violence action plans

Article 26 of the Protocol on the African Charter on Human and Peoples' Rights on the Rights of Women, urges States to adopt measures necessary to provide budgetary and other resources for the full and effective implementation of women's rights, as noted in chapter 2.1.2 above. The costing of a national action plan is critical to its implementation. Costing allows for:

- i. Determination of required resources;
- ii. Matching of results with required resources;
- iii. Mobilization of required resources based on exact requirements;
- iv. Measurement of the value of planned outputs and activities.

Level of resources required: Costing allows countries to determine the level of resources that need to be mobilized for the effective implementation of activities contemplated by the action plans.

Opportunity to achieve results: Allocating resources to the planned activities in the gender-based violence national action plan increases likelihood that targets will be met. A country may fail to implement even well-conceived activities in the absence of funding.

A resource-mobilization tool: A costed gender-based violence action plan that focuses on the "financial gap", i.e., those activities for which funding has not yet been identified, can be used as a powerful tool for resource mobilization. Government and multi-sector stakeholders can utilize costed action plans to mobilize resources through various approaches.

Measure of value for planned outputs and activities: With costed action plans, countries can measure outputs against allocated resources. This enables them to identify and eliminate inefficiencies and avoid losses.

Accountability and optimum resource utilization: A costed gender-based violence action plan will instil a sense of urgency in stakeholders with regard to delivering on planned activities. It also provides an avenue for demonstrating accountability. If countries have robust systems of monitoring progress in a timely manner (quarterly), it becomes easy to identify stakeholders that are not delivering. Involving sector experts and key stakeholders in costing reduces the likelihood of under or over budgeting, thereby contributing to optimum use of resources.

5.2 National process for costing gender-based violence action plans

The costing of a national gender-based violence action plan is a process for estimating the cost of implementing the outputs and activities set forth in the plan. It is a process that goes beyond the preparation of budget estimates. The following are some of the critical processes for costing national gender-based violence action plans.

Costing the financial gap: Countries often make the mistake of costing all activities in their gender-based violence action plans. Doing this can scare off potential funders both public and non-governmental by giving the impression that donor funding is needed for all activities in the plan. A good costing is one that costs just the financial gap, which is arrived at by showing the cost only of those activities for which national funding is unavailable. Costing experts should thus map those activities for which national stakeholders, including the Government; civil society and development partners, have earmarked resources. This calls for a high level of maturity among gender-based violence stakeholders, who must disclose the resources that they have earmarked for either one-year or two years (hence the importance of an indicative two-year costed action plan rather than a five-year costed action plan). A costing should also reflect the fact that most funders commit funding support for only one year at a time. In the end the costing experts will cost the financial gap for those activities that may not have funders among the national stakeholders.

National gender-based violence action plan to be In Place First: In order to come up with solid costed action plans, countries should first complete their national gender-based violence action strategies, with clear output and activities for the prioritized thematic areas of the strategies.

Stakeholder workshop on costing: Governments should organize stakeholder workshops on costing. This can be done with the support of consultants (costing, gender-based violence and other experts). The costing experts will typically take the stakeholders through an appreciation seminar to discuss the purpose of costing and the tools that are used (often excel spread sheets). The stakeholders are typically divided into groups according to the thematic areas in which they have a comparative advantage. The costing expert, with support from other consultants, will facilitate a process in which stakeholders provide the first inputs to the costing. The costing and gender-based violence experts will then use these inputs for the next stages of the costing.

Further consultations and validation of data: Equipped with the initial draft from the stakeholder workshop, the costing expert will undertake more consultations with gender-based violence stakeholders. The costing consultants will also work on validating the unit costs suggested by stakeholders and compiling a draft costed gender-based violence action plan.

Launch of the costed gender-based violence action plan: When the consultants are done with the draft costed action plan, countries should organize national validation workshops. During the workshops, which typically last one day, the consultants will share the highlights of the draft costed action plan and get suggestions from stakeholders for its improvement. Once the draft is finalized, the countries can take the document to the relevant channels for government approval to enable the allocation of funding from government budgets.

5.3 Good practices and assessment of costed gender-based violence action plans

This section discusses an example of good costing practice, drawn from the experience of the Seychelles. An assessment of how the 11 Southern African countries studied performed in costing their action plans will follow.

Seychelles: a best practice: With support from the United Nations Entity for Gender Equality and the Empowerment of Women (formerly the United Nations Development Fund for Women), the Seychelles went through all the stages outlined above and developed a 2-year costed gender-based violence action plan for 2010–2011. The costed national gender-based violence strategy summarizes the block budget for the various thematic areas of the action plan. The following is an excerpt from the costed action plan. The analysis and summary of data collected revealed a total financial resource gap of 824,507 US Dollars for the two-year period. The 2010 gap was 508,740 US Dollars and the 2011 gap was 315,767 US Dollars. A detailed summary of the costed action plan, by thematic area, is set out in table 10.

Table 10: Seychelles gender-based violence action plan

Annual costs for 2010 and 2011			
Thematic area	2010	2011	Total
1. Awareness-raising and prevention of gender-based violence	80,250	50,138	130,388
2. Standardized procedures, guidelines and training materials	24,050	15,803	39,853
3. Capacity strengthening for service providers	174,605	91,151	265,756
4. Legislation, advocacy and lobbying	111,815	74,970	186,785
5. Rehabilitation	62,320	30,471	92,791
6. Coordination, research, monitoring and evaluation	55,700	53,235	108,935
Total	508,740	315,767	824,507
The costs are quoted in US Dollars.			

The table shows the estimated costs of the planned activities under each output of the costed action plan. It is important to note that areas for which funding is provided by either the Government or other stakeholders from the civil society or private sector are not included in the costed action plan and that the costing covers only the gaps. Table 11 shows costed activities and related outputs from the Seychelles costed action plan.

Table 11. Seychelles plan of action excerpt: costed activities

Thematic area: Standardized procedures, guidelines and training materials				
Outcome result 1:		a) gender-based violence survivors and their families are provided, standardized, effective, efficient and uninterrupted services by 2012 b) About 80 per cent of strategic staff handling gender-based violence cases in police, judiciary, health, social dev. and education is trained in gender-based violence procedures by 2012		
Output result 1	Activities		2010	2011
2.1 A working together manual for gender-based violence is developed by 2010.	2.1.1	Form a gender-based violence working group involving Government and civil society to coordinate the formulation of gender-based violence standards, procedures, guidelines and training.	-	-
	2.1.2	Develop terms of reference for a national consultant to work on a "working together on gender-based violence document"	-	-
	2.1.3	Multi-sectoral service providers meet (separately) to brainstorm on contents for inclusion in a standards and procedures manual	-	-
	2.1.4	Hire the national consultant for 30 working days to consult with stakeholders and develop the working together document.	4,500	-
	2.1.5	Conduct a validation workshop for the gender-based violence working group and stakeholders to review and endorse the working together document	1,500	-
	2.1.6	Review the procedures, guidelines and training manuals periodically to integrate any changes to legislation or service provisions		

Thematic area: Standardized procedures, guidelines and training materials			
Outcome result 1: a) Gender-based violence survivors and their families are provided with standardized, effective, efficient and uninterrupted services by 2012 b) About 80 per cent of strategic staff handling gender-based violence cases in the police, judiciary, health, social development and education are trained in gender-based violence procedures by 2012			
Output result 1	Activities	2010	2011
2.2 Training in how to implement standard procedures by multi- sectoral service providers in gender-based violence is conducted by end 2011.	2.2.1 Develop gender-based violence training manual and training materials for implementation of the sectoral procedures.		-
	2.2.2 Conduct training of trainers for relevant training institutions and trainers.	3,000	4,620
	2.2.3 Hold two-day training sessions for multi-sectoral service providers on gender-based violence standards and procedures.	4,400	8,033
		7,650	3,150
	2.2.4 Conduct a one-day joint workshop on coordinating the operationalization of standards and procedures across sectors (focusing on referrals, reporting, shared confidentiality of information and other matters.	3,000	
Output total		24,050	15,803

Source: Republic of Seychelles Costed Action Plan for Gender Based Violence for Seychelles 2010–2011. The costs are quoted in US Dollars.

The excerpts above from Seychelles’ costed national gender-based violence action plan clearly show good linkages between the costed action plan and not only the national action plan but also the national gender-based violence strategy, from which the plans’ outcomes and output results are drawn. The Seychelles is developing its second two-year costed action plan, which shows the country’s energy and effort to achieve its national gender-based violence targets. Seychelles received support from development partners to enable it to conduct its costing process, which took more than four months to complete. Development partners are urged to support countries that have not yet costed their action plans in order to contribute to harmonization and comparability in the SADC region. The adoption of costed action plans across the region would contribute to implementation of planned activities, which in turn could also contribute to the achievement of SADC regional targets on gender-based violence in all countries.

Mauritius’ gender-based violence costed action plan: A good practice: Mauritius has costed its gender-based violence action plan for 2012–2015. Mauritius has followed the recommended procedures in developing its costed action plan. Mauritius has gone a step further, however, by including key funding partners in the plan, indicating how much they will contribute. Another important component in Mauritius’ costed action plan is the use of output indicators that compel the country to track progress in delivery of the plan’s outputs. Table 12 shows an excerpt from Mauritius’ costed action plan.

Table 12. Excerpt from Mauritius gender-based violence costed action plan

Thematic area: Prevention-awareness raising: Design and implement social marketing information and education campaigns to raise community awareness about gender-based violence										
Specific objective 3-6		To sensitize young people about the causes and consequences of gender-based violence (Ministry of Youth and Sports)								
Outcome		Increased awareness among young people on the issue of gender-based violence								
Output	Activities	Output indicators	Stakeholders	Time frame	Budget (Rs ³¹ 000)					
					Gender Links	GOM	UNDP	UNFPA	UNODC	UN Women
Youth sensitised on peace education/ conflict resolution/ emotional resilience	To sensitise leaders of youth clubs and non-governmental organizations on prevention strategies in respect of gender-based violence and on peace education, conflict resolution and emotional resilience	Number of sensitization sessions held in youth centres	Consultant	Two years	Nil	Nil	Nil	500 [US \$17053]	Nil	Nil
Youth officers empowered to detect gender-based violence offences	To train youth officers in detection of suspected cases of gender-based violence	Workshops held on detecting gender-based violence cases among youth officers	Same as above	Over one year	Nil	Nil	Nil	200 [US \$6821]	Nil	Nil
Sports cadres and coaches and trainers sensitised youth on gender-based violence issues in sports	To train sports cadres, coaches and trainers to disseminate information on GBV.	Workshop held to train sports cadres, coaches and trainers	Same as above	Continuing	Nil	Nil	Nil	400 [US \$13643]	Nil	Nil

³¹ Mauritian rupees

Assessment of Southern Africa countries' costing of national gender-based violence action plans:

A review of most of the costed national gender-based violence action plans shows that most countries have only one document that sets out both their action plans and their costed action plans. This may imply that the costing exercises were not separate exercises to which the requisite amount of energy was devoted. Most of the costed action plans have budget columns where amounts are indicated. The budgets could possibly be a result of vigorous costing exercises or guesswork. Generally, it appears that none of the costed gender-based violence action plans followed the recommended costing process described in the present section. It should be pointed out, however, that Namibia is reported to have just completed the process of costing its national gender-based violence action plan and is awaiting government approval.

6. Gender-based violence measures

Both Governments and civil society in most of the Southern African countries studied have implemented various measures to address gender-based violence. Some of those measures are highlighted in the following paragraphs.

Angola

Public sector efforts: Starting in the year 2000, the Ministry of Family and Promotion of Women set up family counselling centres to provide legal assistance to the public, including information on people's rights. The ministry cooperates with the Lawyers Association of Angola to provide legal assistance to survivors of gender-based violence.

Civil society efforts: The Organization of Angolan Women provides safe houses for women who have suffered domestic violence and their children in both urban and, of late, rural settings. The organization has a legal counselling centre that provides advice on rape and other forms of sexual abuse to women and men who are survivors of abuse.³¹

Botswana

Civil society efforts: Civil society organizations working on gender-based violence include Women's NGO Coalition, Women Against Rape, Emang Basadi, and Kagisano Women's Shelter Project. Kagisano Women's Shelter project empowers communities to deal with gender-based violence and its linkages to HIV and AIDS. The shelter provides temporary accommodation and legal and medical assistance to women and their children. It also runs an economic empowerment and outreach programme that teaches women life and survival skills. Women Against Rape supports abused women and children in addressing issues that could contribute to abuse. The organization focuses on reducing the incidence and impact of gender-based violence in northwest Botswana through empowering women and children and providing support for survivors, public education and legal reforms. Women Against Rape also focuses on perpetrator rehabilitation, advocacy and research.³²

Lesotho

A lack of information about Lesotho in the United Nations Secretary-General's Database on Violence Against Women, along with Lesotho's failure to submit reports required under CEDAW in a timely manner, make it difficult to assess Lesotho's measures to address gender-based violence. The 2013 SADC Gender Protocol Barometer states that Lesotho provides legal aid services through its Ministry of Justice but is failing to cope with the demand for such services.³³

³¹ The United Nations Secretary-General's Database on Violence Against Women: sgdatabase.UNWomen.org.

³² Ibid.

³³ Ibid.

Mauritius

Public sector efforts: The Mauritius Ministry of Gender Equality, Child Development and Family Welfare operates six family support offices that provide free psychological counselling and legal aid to survivors of gender-based violence. The offices are staffed by family welfare and protection officers, family counselling officers and psychologists, as well as legal resource persons. The ministry's Family Welfare and Protection Unit has also set up five "zero tolerance clubs" in various regions to sensitize men and boys on gender-based violence. The Ministry of Health collaborates with two hospitals where victims of domestic violence on admission are referred to the ministry for protection orders and counselling services. Sexual abuse victims are assisted in hospitals through a fast-track approach involving a psychologist and a police officer as well as medical social workers. Mauritius has a shelter run by the National Children's Council and provides temporary accommodation to survivors of domestic violence as well as their children. The shelter also provides for psychological counselling.

Civil society efforts: Non-governmental organizations in Mauritius operate two shelters.³⁴

Mozambique

Public sector efforts: Established in 1992, the Human Rights League provides legal assistance to victims of rape in Mozambique. Mozambique is also engaged in regional efforts to raise awareness through the UNiTE to End Violence Against Women and Girls campaign, which runs until 2015. Another awareness-raising campaign undertaken by Mozambique is the National Campaign on Violence against Women, a programme earmarked to run until 2015.³⁵

Civil society efforts: Civil society organizations in Mozambique have provided considerable gender-based violence services and advocacy support. An 81-member organization known as Forum Muhler has been providing capacity-building to its members and other implementing organizations working with gender-based violence victims. The organization's programme includes counselling, legal assistance and economic empowerment for victims. Forum Muhler is also vibrant and visible in lobbying and advocacy issues on gender-based violence issues in Mozambique. A civil society HIV and gender-based violence prevention and mitigation programme provides a framework for the implementation of measures to deal with both problems. The programme has led to numerous national campaigns aimed at stopping violence against girls in schools, the Parceiros H. programme on constructive male engagement, the Homens pela Mudança (Men Engage) network, established in 2009 and research efforts on gender-based violence and sexual abuse, traditional beliefs, HIV and other matters. Civil society participation has also led to other campaigns, including the White Ribbon Campaign and various community radio programmes.

Namibia

Public sector efforts: Namibia is engaged in a multi-ministerial effort to address gender-based violence. The effort involves the Ministry of Safety and Security, the Ministry of Gender Equality and Child Welfare and the Ministry of Health and Social Services. There are about 15 women and child protection units operated by the police force to provide protection to victims across the country. The units comprise medical doctors, nurses and social workers who provide medical services and counselling to victims, including HIV post-exposure prophylaxis for rape victims. The units are located in health facilities including hospital and clinics. The public is made aware of these services through national radio, television and newspapers and posters and community meetings. A national media campaign

³⁴ Ibid.

³⁵ Ibid.

dubbed Zero Tolerance for Gender-based Violence and launched by the Prime Minister in 2009 uses radio drama series in various local languages, television and newspaper advertisements, posters and billboards to raise awareness of gender-based violence. Namibia also raises awareness through the “16 Days of Activism” event, which runs from 25 November to 10 December each year. Gender sensitization is carried out through media talk shows for young people, workshops and meeting and marches spearheaded by prominent people in society.³⁶

Civil society efforts: In Namibia there have been joint efforts combat gender-based violence involving the Government and non-state actors including civil society. In a speech at the fifty-seventh session of the United Nations Commission on the Status of Women (New York, 4–15 March 2013), the Minister for Gender Equality and Child Welfare gave a clear indication of the civil society response to gender-based violence. The Government of Namibia held its first national gender-based violence conference in 2007; the conference brought together representatives from the Government, civil society, traditional authorities, media outlets and faith-based organizations from all parts of the country to exchange views on causes and effects of gender-based violence in the society. The conference led to the enhancement and development of strategies for combating and preventing gender-based violence and identifying gaps and challenges in the implementation of national legislation³⁷ and the development of action-oriented recommendations and strategies that led to the Campaign on Zero Tolerance. Civil society has been instrumental in the implementation of gender-based violence programmes in Namibia targeted at traditional leaders, religious leaders, police, community leaders, young people and the general public.

South Africa

Public sector and civil society efforts: South Africa has established what are known as “Thuthuzela centres”, one stop centres for victims of gender-based violence. The centres operate in public hospitals in communities with relatively high incidence of rape. The centres are linked to sexual offence courts staffed by prosecutors, social workers, investigating officers and other key stakeholders. The Thuthuzela centres are managed by a mix of government and civil society organizations and cater to men, women and children who are victims of gender-based violence.³⁸

Swaziland

Public sector efforts: Swaziland runs public domestic violence and child protection units.³⁹ The country worked with the United Nations Children’s Fund (UNICEF) to set up specially designed child-friendly areas within the Central Magistrate’s Court to allow children to be at ease during court proceedings. This is an area of best practice as it reduces the level of intimidation a child may feel when being asked questions they might not be comfortable answering in certain settings or in the presence of certain individuals or the accused perpetrator.⁴⁰

Civil society efforts: There have been notable good practices in the terms of the civil society response

³⁶ Ibid.

³⁷ Statement by Hon. Rosalia Nghidinwa Namibian Minister of Gender Equality and Child Welfare at the 57th Session of The United Nations Commission on the Status of Women (CSW) held on 4-15 March 2013 in New York, <http://www.un.org/womenwatch/daw/csw/csw57/generaldiscussion/memberstates/namibia.pdf>.

³⁸ See National Prosecuting Authority, “Thuthuzela Care Centre Turning Victims into Survivors”, <http://www.npa.gov.za/UploadedFiles/THUTHUZELA%20Brochure%20New.pdf>

³⁹ United Nations Secretary-General’s Database on Violence Against Women, <http://sgdatabase.unwomen.org/home.action>.

⁴⁰ See UNICEF.ORG/infobycountry/Swaziland_53744.html.

to gender based violence in Swaziland. The Swaziland Action Group against Abuse (SWAGAA)⁴¹ has led the fight against violence among both men and women. SWAGAA is a recipient of multi-donor funds from private individual and corporate donations from local and international foundations, including Canadian Crossroads International, the European Union, Irish Aid, United Nations bodies and the United States of America's President's Emergency Plan for AIDS Relief, through the United States Agency for International Development (USAID), among others. SWAGAA began as an organization providing services to female survivors of gender-based violence. The organization has expanded its reach to target other emerging community needs. Those needs are identified through rigorous baseline studies and community assessments, an approach that the organization consistently uses to identify needs and gaps in services. SWAGAA has also made a good impression in influencing gender-based violence policy and legislation in Swaziland. The organization was centrally involved in advocating for the Sexual Offences and Domestic Violence Act 2009, as well as numerous other initiatives to reform laws and policies relating to domestic violence and child protection. As a civil society organization it plays a convening role with partners, calling them together on a regular basis, and currently chairs the Gender Consortium, an advocacy group of approximately 17 organizations that are members of the Coordinating Assembly for Non-Governmental Organizations. SWAGAA has also adopted "A Shoulder to Cry On", a child-protection initiative created by the Government of Swaziland and UNICEF. SWAGAA launched the innovative "Men for Change," initiative in response to community needs and has trained facilitators in all 24 target communities to organize men's dialogues. Nearly 2000 men have been reached, and the programme has also attracted unmarried boys and young men.⁴² SWAGAA is also operating a vibrant counselling programme, which provides face-to-face individual and group counselling and phone counselling through a national toll-free line.

Zambia

Public sector efforts: Zambia has what are known as "coordinated response centres. The centres provide a one-stop venue for counselling, legal advice, police services and preliminary medical services for victims of gender-based violence.⁴³ Zambia has also conducted training of law enforcement officers in key border areas on human trafficking and handling of gender-based violence cases. Training on gender-based violence has also been provided to social workers, local court Justices and prosecutors, with a focus on dealing with child and adult witnesses of gender-based violence, which is noted herein as a key best practice. Through the Zambia Police Amendment Act No. 14 of 1999, the policy established a victim support unit to ensure effective prevention, investigation and service delivery when dealing with gender-based violence cases.

Civil society efforts: In Zambia awareness of gender-based violence is raised through the use of television and radio programmes as well as through non-governmental organizations such as Women in Law and Development in Africa. Each year Zambia, as with other Southern African countries, commemorates the 16 Days of Activism against Gender Based Violence in a bid to raise awareness. Other development partners such as USAID and World Vision also support service provision at the coordinated response centres.⁴⁴

⁴¹ www.swagaa.org.sz.

⁴² AidStar-One, Case Study Series, "Swaziland Actions Group Against Abuse", pp.6, http://www.aidstar-one.com/sites/default/files/docs/AIDSTAR-One_CaseStudy_GBV_Swazi.pdf

⁴³ 2011 SADC Gender Protocol Barometer

⁴⁴ USAID/Zambia Gender-Based Violence Programming Evaluation, available from http://gender.care2share.wikispaces.net/file/view/Zambia_GBV_Programming_Evaluation_Aug-2010.pdf/180785079/Zambia_GBV_Programming_Evaluation_Aug-2010.pdf.

Joint efforts: The United States Centres for Disease Control provides funding to the University Teaching Hospital Department of Paediatrics and Paediatrics Centre of Excellence, where resources are also channelled to the provision of one-stop services for sexually abused children. University Teaching Hospital funds also support the Zambia New Life Centre for Abused Children, an organization that provides safe shelter to abused children. Zambia is unique in having established a fast-track court system for the trial of gender-based violence cases. However, challenges exist as very few cases reported to the police, and of the few cases reported some are withdrawn before perpetrators are convicted.

Zimbabwe

Joint public sector and civil society efforts: The Ministry of Women's Affairs, Gender and Community Development, in collaboration with a wide range of civil society organizations, operates one-stop centres that provide health, psychological, legal and police support to survivors of gender-based violence free of charge. In cases where these services cannot be provided at one facility, partners are identified to provide specific services in a coordinated manner. The Makoni one-stop centre is a good example of such a centre. Zimbabwe, like other Southern African countries, commemorates and raises awareness through events such as 16 Days of Activism against Gender-based Violence. The country also conducts the "4Ps" campaign, which highlights prevention, protection, programmes and participation in a drive towards zero tolerance for domestic violence. The campaign runs nationwide and focuses on social and community mobilization. Anti-domestic-violence counsellors have also been recruited in accordance with the Domestic Violence Act (2007).

Civil society efforts: Religious and cultural organizations such as the Chiefs' Council also play a role in raising awareness regarding violence against women. The Padare Men's Forum on Gender works to engage men in the promotion of gender equality. It has groups across the country serving both rural and urban areas through forums and various other activities. They provide services, which include counselling and mediation, in domestic violence cases. The Msasa Project deals with issues such as domestic violence and child support and aims to help both women and men who have marital problems.

The review of gender-based violence measures in the subregion shows positive developments as both Governments and civil society organizations are responding to the challenges through innovative programmes. Measures common to a number of countries in the region include one-stop centres, where Governments work with civil society and other development partners to offer comprehensive services under one roof; educative and awareness-raising programmes; efforts to make courts more friendly to children and survivors of sexual abuse; programmes to enhance the capacity of the police and the judiciary to respond to gender-based violence cases; and work with traditional leaders and cultural gate keepers and the involvement of males in fighting gender-based violence. Further analysis has also shown that the countries of the subregion have aligned their measures with the areas of focus recommended in the SADC Protocol on Gender and Development (see above, section 2.1.1). Mauritius and Zambia have noted in their national action plans their intention to work on psychosocial rehabilitation of victims, an area missed by other countries. Mauritius is working on an innovative focus area addressing evidence of sexual abuse through forensic medical examinations and the creation of a supportive policy environment.⁴⁵ Mauritius is also working to integrate gender-based violence issues into the school curriculum at all grade levels, as noted in its national action plan.

⁴⁵ Mauritius, "National Action Plan to end Gender Based Violence – 2012-2015"

7. Monitoring and evaluation of national gender-based violence responses

This chapter considers how SADC member States record, aggregate and disseminate gender-based violence related data and discusses issues related to the holistic monitoring of national implementation of gender-based violence strategies and action plans.

Assessment of country information systems for gender-based violence: The study shows that the majority of the member States lack integrated approaches to the collection, analysis and management of gender-based violence related data. This results in inconsistent data and duplication of activities and results. It can be avoided, however, by the identification of strategic institutions to capture, analyse and disseminate gender based violence data to all stakeholders. A strong national coordination mechanism among gender-based violence stakeholders could also contribute to improved management of gender-based violence data. Strengthening the capacity of the identified institutions for gender-based violence data management is critical. As most countries in the SADC region face challenges in the management of gender based violence data, it is recommended that SADC organize regional forums to discuss key gender-based violence indicators as well as methods for effectively managing gender-based violence data. This would facilitate the creation of harmonized data management systems in the region that could be used to assess regional progress in achieving gender-based violence targets. There is a slow movement towards the development and adoption of effective information management systems for gender-based violence. Most official statistics on gender-based violence rely on cases reported to the police. It appears that very few cases are reported to the police, however, and as noted in the SADC Gender Protocol Barometer 2013 data collection tools are inadequate.⁴⁶ Another factor contributing to limited reporting of gender-based violence is the tendency to categorize gender-based violence as a domestic issue rather than an issue for the public sphere. Nevertheless, there have been positive developments in some countries, including efforts to introduce systems for managing gender-based violence data. The experiences of selected countries are discussed in the following paragraphs.

Angola: In Angola cases of gender-based violence are recorded by the Angolan Women's Organization (Organizacao da Mulher Angolana) in partnership with the Ministry of Family and the Promotion of Women. Three decades of war have made efforts to collect data difficult. Stakeholders, non-governmental organizations and civil society organizations also carry out the collection of data; it is unclear, however, whether there is a particular system in place for aggregating and maintaining data in a database.⁴⁷

Botswana: An indicator study carried out by the United Nations Population Fund's in 2012 revealed that despite the fact that 29 per cent of women had experienced intimate partner violence only 1.2 percent reported it to the police. The reported reason for this was a lack of faith in the police system.⁴⁸ The United Nations Population Fund suggests that the incidence of gender-based violence is far higher than is reported in official statistics. These inconsistencies in statistics suggest that Botswana does not yet have a solid information management system shared by all stakeholders concerned

⁴⁶ 2013 SADC Gender Protocol Barometer, p. 161.

⁴⁷ United Nations Secretary-General's Database on Violence Against Women.

⁴⁸ Mercy Machisa and Roos Van Dorp (2012), <http://botswana.UNFPA.org/?publications=5907>, "Gender Based Violence Indicators Study Botswana" (2012).

with gender-based violence. Official government statistics and those collected by non-governmental organizations are not consistent, and this affects planning at every level when it comes to addressing gender-based violence.

Malawi: For many years the collection of data on gender-based violence has been based on reports from the criminal justice system, medical facilities and support groups, which is true of most Southern African countries.⁴⁹ Using gender-based violence data that comes from a wide range of sources and is not centrally aggregated presents a challenge regarding statistical inconsistencies. Significant progress, however, has been made in addressing that challenge. The 2012 SADC Gender Protocol Barometer notes that Malawi is working to formalize all work on gender-based violence issues. In a bid to reduce duplication of activities and improve resource allocation, all gender-based violence stakeholders will use a harmonized reporting form, and completed forms will be sent to the National Database Centre in the Ministry of Gender, Children and Community Development.

Mauritius: Data collected by the Domestic Violence Intervention Unit of the Ministry of Women's Rights, Child Development, Family Welfare and Consumer Protection is available for the years 1997–2006.⁵⁰ It is unclear, however, whether data have been reported and updated in a sustained manner.

Namibia: The Ministry of Gender Equality and Child Welfare launched a national gender-based violence database system through which national statistics on cases reported to the women and child protection units in all regions of the country are compiled yearly. The system was implemented with financial assistance from the United Nations Development Programme⁵¹ and is able to disaggregate data based on sex. Major challenges for Namibia were to make the system run and make it easily accessible by all stakeholders. Other challenges included low numbers of reported cases and duplication of reported cases, which distorted statistics. If Namibia addresses the problems, however, it will have a system that constitutes a good practice in the management of national gender-based violence statistics.

South Africa: The South African Police Service collects data on gender-based violence. These data come mainly from cases reported to the police. The government Agency responsible for statistics, Statistics South Africa, in a 2001 report on gender statistics, pointed out challenges with regard to the collection, management and dissemination of national gender-based violence statistics.⁵²

Swaziland: UNICEF and its partners in Swaziland established a system, known as the National Surveillance System on Violence, Abuse and Exploitation, that seeks to improve how data on abuse, violence and exploitation is collected, analysed and disseminated.⁵³ The system comprises the Department of Social Welfare, the Police, SWAGAA, Save the Children, the Ministry of Education and the Alliance of Mayors and Municipal Leaders on HIV/AIDS in Africa. The Department of Social Welfare in the Deputy Prime Minister's Office is the coordinator of the system.⁵⁴

49 E. Pelter and others, "Intimate Partner Violence: Results from a national gender-based violence Study in Malawi" (United Kingdom Department for International Development, 2005), available from <http://www.issafrica.org/publications/books/intimate-partner-violence-results-from-a-national-gender-based-violence-study-in-malawi>.

50 United Nations Secretary-General's Database on Violence Against Women.

51 Ibid.

52 Statistics South Africa, "Gender Statistics in South Africa, 2011", available from <http://www.statssa.gov.za/publications/Report-03-10-05/Report-03-10-052011.pdf>.

53 UNICEF, "The situation for Children in Swaziland", <http://www.unicef.org/swaziland/children.html>.

54 SWAGAA, "National Surveillance on the abuse cases: Statistics 2011-2012". Available from http://www.swagaa.org.sz/?page_id=36

Zambia: The Zambia Police Victim Support Unit records gender-based violence statistics and publishes them yearly. Gender-based violence data collected from one-stop centres are compiled and aggregated through the Zambia Police Victim Support Unit. The systems appear to be working.⁵⁵

Zimbabwe: It was not possible to determine if Zimbabwe had an effective gender-based violence information management system. It should be noted various institutions such as non-governmental organizations, the police and health institutions collect gender-based violence statistics and that the data not aggregated with data from other sources.

National gender-based violence baseline data: Table 13 shows countries that have gender-based violence composite index data and those with gender-based violence baseline Data.⁵⁶ So far, only five of the countries considered, Botswana, Mauritius, South Africa, Zambia and Zimbabwe, have constructed composite indexes for measuring gender-based violence. Only two countries, Botswana and Mauritius, currently have gender-based violence baseline data. South Africa has partially completed a composite index. It should be noted, however, that the demographic health surveys conducted in all these countries provide some baseline data that can be useful for monitoring and evaluation. The SADC Gender Unit and Gender Links are currently working with SADC Governments to compile baseline data that will become the basis for monitoring and evaluation of gender-based violence. A lack of resources and capacity has meant that member States have taken longer to come up with gender-based violence related data, and thus the efforts of the SADC Gender Unit and Gender Links are a welcome development.

Table 13: Monitoring and evaluation of SADC Protocol implementation

Name	Gender-based violence composite index data	Gender-based violence baseline data
Angola	X	X
Botswana		
Lesotho	X	X
Malawi	X	X
Mauritius		
Mozambique	X	X
Namibia	X	X
South Africa		Partially complete
Swaziland	X	X
Zambia		X
Zimbabwe		X

Source: 2012 SADC Gender Protocol Barometer

The SADC Protocol requires SADC member States to report every two years on progress made in the implementation of the Protocol.

⁵⁵ AllAfrica.com, "Zambia: Katete's New Centre leads Fight Against Gender Based Violence", available from <http://allafrica.com/stories/201309030078.html>; LusakaVoice.com: "GBV cases still stand tall in Chipata", available from <http://lusakavoice.com/2013/04/25/gbv-cases-still-stand-tall-in-chipata/>.

⁵⁶ 2012 SADC Gender Protocol Barometer

Reporting under CEDAW: Global gender-based violence protocols emphasize the importance of member States implementing the provisions of CEDAW. Countries are expected to report their progress every four years. A review of the latest CEDAW reports for all 11 countries studied shows that, as shown in table 14 below, overall, countries are complying with the requirements for CEDAW reporting. The study also notes the inclusion of gender-based violence in CEDAW reporting, and all countries are reporting on gender-based violence in their CEDAW reports.

Table 14: Reporting gender-based violence under CEDAW

Country	Year of last report
Angola	2011
Botswana	2012
Lesotho	2010
Malawi	2008
Mauritius	2010
Mozambique	2010
Namibia	2005
South Africa	2009
Swaziland	2009
Zambia	2009
Zimbabwe	2009

Monitoring national implementation of gender-based violence strategies and action plans

There have been some positive steps taken by some countries in the coordination of gender-based violence effort by national stakeholders. It was not possible, however, to find conclusive evidence of whether member States have robust systems for monitoring the implementation of national gender-based violence strategies and action plans. Namibia, for example, has a coordination mechanism for gender-based violence that embraces a multi-sector approach. Key structures for coordination include a national gender-based violence and human rights cluster that has task forces at the national and regional levels.⁵⁷

Zimbabwe has established the Anti-Domestic Violence Council, which was set up under section 16 of the Domestic Violence Act. The Council is made up of representatives of Government institutions (the Ministry of Justice and Legal Affairs; the Ministry of Women's Affairs, Gender and Community Development; the Ministry of Health and Child Welfare; the Ministry of Education, Sports, Art and Culture; the Department of Social Services; and the Zimbabwe Republic Police), civil society (Representatives of private voluntary organizations concerned with the welfare of victims of domestic violence, children's and women's rights), the churches of Zimbabwe and the Council of Chiefs. The Anti-Domestic Violence Council has developed a strategic Plan for 2012-2015 that focuses mainly on the operationalization of the country's Domestic Violence Act.

⁵⁷ Presentation by Mr. Simon Lilonga at a 2013 Economic Commission for Africa Gender-Based Violence Expert Group Meeting, held at the Intercontinental Hotel in Lusaka Zambia from 13-14 November 2013,

8. Guidelines for systemic national-level planning for gender-based violence

This chapter provides precise guidelines for systematically integrating gender-based violence issues at all levels of national policy planning. Figure 1 presents a conceptual framework for addressing gender-based violence issues in planning processes. Implementation begins from the bottom. Using the results framework, when lower level activities are accomplished it follows that a country may be able to achieve higher-level targets.

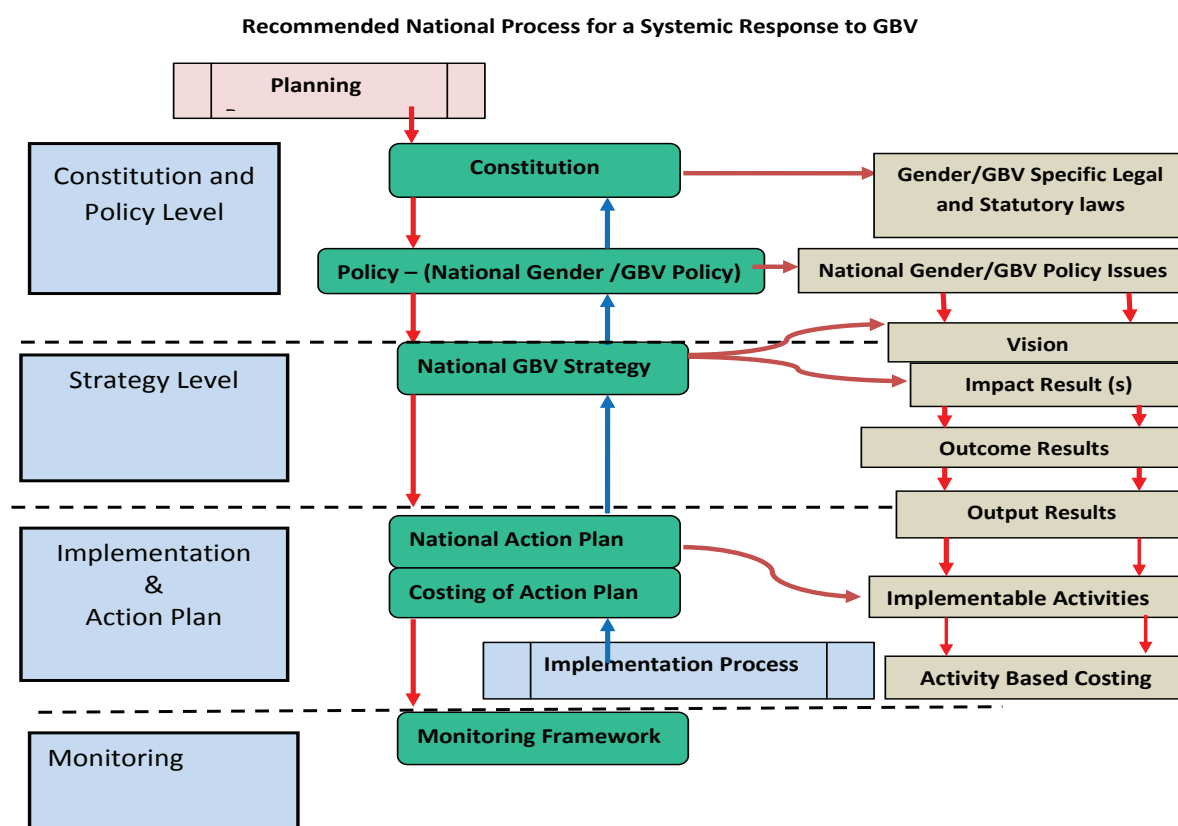
8.1 Guidelines for constitutional development or review

When countries review their national constitutions, national-level gender-based violence stakeholders should work closely with one another to advocate for the inclusion of gender-based violence provisions in the constitutions.

Recommended guidelines:

- i. Establish a gender equality task force to be part of the constitutional review process and incorporate gender-based violence issues into the broader gender equality agenda;
- ii. Include a gender expert on the constitutional review drafting team to ensure inclusion of critical gender issues such as gender-based violence;
- iii. Support lobby groups for gender equality issues, which should flag gender-based violence issues.

Figure 2: Recommended guidelines on a systemic response to gender-based violence



8.2 Development or review of national gender policies

A review of the national gender policy provides a window for the inclusion of gender-based violence provisions in line with the global and regional gender protocols. National gender-based violence stakeholders should be visible in the review of national gender policies to ensure that gender-based violence issues are captured.

Recommended guidelines:

- i. Ensure that gender-based violence is one of the thematic areas or pillars of the national gender policy;
- ii. National gender-based violence stakeholders should participate effectively in all processes for the development of the national gender policy in order to provide needed content for inclusion in the policy.

8.3 Development of national gender-based violence strategy and costed action plan

It has been shown, as noted above in section 4.2, that countries begin the development of national gender-based violence actions plans and their costing before they complete national gender-based violence strategies. It is essential that Governments develop high quality gender-based violence in-

dicators that are informed by dedicated national studies on gender-based violence or the traditional demographic health surveys, which have modules on gender-based violence. The following are guidelines for the development of robust national gender-based violence strategies:

- i. Organize a national stakeholder workshop for the development of the initial inputs to the draft gender-based violence strategy;
- ii. Sensitize all gender-based violence stakeholders on results-based planning, highlighting the importance of baseline data, utilization of national demographic health surveys or dedicated national gender-based violence studies and alignment with global and regional targets for gender-based violence;
- iii. Identify priority thematic areas that are dictated by priority gender-based violence problem areas at the national level;
- iv. Identify key results for the strategy, including impact, outcome, strategies and outputs;
- v. Develop a results chain for the strategy and test it for smooth flow and achievability;
- vi. Allow national gender-based violence stakeholders to review and validate the final gender-based violence strategy for buy-in at other levels of planning and implementation.

8.4 Development of national gender-based violence action plans

The development of a national gender-based violence action plan is a process that is expected to follow from the development of a national gender-based violence strategy. As discussed in earlier chapters, the following are guidelines for the development of a robust national gender-based violence action plan:

- i. Organize a national gender-based violence stakeholder workshop to allow for input into the framework of key activities for the national gender-based violence action plan;
- ii. Utilize the gender-based violence national strategy to draw from it thematic areas and key results (impact, outcome and outputs) to form the thematic areas for the development of activities for the action plan;
- iii. Ensure that the action plan planning templates are comprehensive enough to cover key results, thematic areas, output results, activities, timeframes by quarter, lead agencies and implementing partners;
- iv. Organize a stakeholder workshop to review and improve on the national gender-based violence action plan;
- v. Launch the national gender-based violence action plan to ensure publicity and greater utility of the national gender-based violence strategies;
- vi. For harmonization at the regional level post the final gender-based violence action plan on the website of the government ministry responsible for managing gender-based violence issues.

8.5 Development of costed gender-based violence action plans

Often the process for costing national a gender-based violence action plan is not given adequate attention by member States. A country's implementation of a gender-based violence national action plan has many benefits, including an appreciation of the level of resources required to deliver on it, more optimal use of limited resources, accountability on the part of implementers and the use of the costed plan as a tool for resource mobilization. The following are guidelines for the development of robust national costed gender-based violence action plans:

- i. Organize national gender-based violence stakeholder workshops for initial input into the costing process;
- ii. Sensitize all gender-based violence stakeholders on the rationale for costing as well as the minimal skills needed to use costing templates;
- iii. Costing experts should map available resources from stakeholders and develop a draft costed gender-based violence action plan;
- iv. Organize a national gender-based violence stakeholder validation workshop at which the costing experts present the highlights from the draft costed action plan for review and validation and the plan is finalized.

9. Conclusions and recommendations

This chapter provides key conclusions and recommendations arising from the study.

9.1 SADC secretariat

The study revealed that the SADC Secretariat has worked with its member States to comprehensively align SADC gender-based violence policy frameworks with both African Union and global frameworks. The SADC gender-based violence policy frameworks include:

- i. SADC Declaration on Gender and Development, Commitment H. (IX);
- ii. Addendum to the SADC Declaration on Gender and Development on the Prevention and Eradication of Violence Against Women and Children;
- iii. SADC Protocol on Gender and Development, part six, articles 20–25;
- iv. SADC Regional Indicative Strategy and Development Plan 2005–2020; and
- v. Ten-year SADC Strategic Plan of Action on Combating Trafficking in Persons, Especially Women and children, 2009–2019.

The SADC Gender Unit is currently working on the development of a draft gender-based violence regional strategy, which will provide more guidance to member States on gender-based violence. The Unit is working in close collaboration with member States in implementing their gender commitments, through training on gender, capacity-building, coordinating the eradication of gender-based violence and undertaking research, monitoring and evaluation.

The study, however, notes some challenges in gender-based violence policy harmonization. SADC gender-based violence related frameworks such as the human trafficking action Plan are not as legally binding as are protocols.⁵⁸ While SADC has a comprehensive 10-year strategic plan of action on combating trafficking in persons, especially women and children, there is no supportive protocol that binds all member States to design interventions to address gender-based violence related human trafficking challenges. The study reveals that four countries (Angola, Botswana, Malawi and Zimbabwe) have not enacted legislation to address human trafficking. The SADC secretariat does not currently have a results-oriented gender-based violence strategy or costed action plans with which to operationalize SADC gender-based violence priorities effectively.

Recommendations

The SADC secretariat should:

- i. Fast-track the development of a SADC gender-based violence strategy to enable member States to contribute to its implementation with the aim of achieving the 2015 gender-based violence targets;

⁵⁸ SADC (2009) SADC Regional Indicative Strategic Development Plan, p. 46

- ii. SADC should consider the development of a human trafficking protocol that would bind member States to implement it

9.2 Member States

Key observations

Efforts by SADC member States to implement gender-based violence Frameworks: To a large extent the study reveals that countries in the southern African region are implementing some of the key gender-based violence targets outlined in global and regional gender protocols, agreements and declarations. In line with the provisions of the Beijing Declaration and Protocol for Action, the SADC Protocol on Gender and Development and the Banjul Declaration, nearly all the countries studied have made efforts to enact laws and legal provisions that address gender-based violence. Most countries thus have domestic violence laws (known as the Anti-Gender Based Violence Act in the case of Zambia). The study observed that of the eleven countries studied approximately half have legislation on sexual offences, while all save Angola, Botswana, Malawi and Zimbabwe have enacted human trafficking acts.

Gender-based violence policies, strategies and action plans

National gender policy: It should be noted that most of the countries studied cover gender-based violence in the national gender policies. This is a positive development, as it means that in these countries gender-based violence measures will be supported by a strong policy framework.

National gender-based violence strategy: A number of countries have no national gender-based violence strategies. For the few countries that have attempted to develop them, observed challenges included a failure to use national gender-based violence baseline data (from demographic health surveys or dedicated gender-based violence studies) to inform the strategies and a limited capacity of countries to use the results-based-planning approach. A majority of countries have gender-based violence action plans in place, but they are poorly linked to gender-based violence strategies and lack critical components such as implementation timelines (by quarter of the year) and well articulated activities in the key result areas.

Costed gender-based violence action plans: The costing of gender-based violence national action plans was not comprehensive for most countries. Countries such as Mauritius and Seychelles, however, did manage to develop robust costed national action plans.

Gender-based violence measures: The study revealed strong cooperation among Governments, civil society organizations and development partners in the provision of services to combat gender-based violence in almost all of the countries studied. While every country has shelters, there is a steady move towards one-stop Centres that provide holistic services to gender-based violence survivors.

Information management systems for gender-based violence: The study showed this area to be problematic for most countries. Very few countries in the region have robust systems for the management of gender-based violence data. Most countries have multiple institutions or stakeholders separately compiling gender-based violence statistics and failing to harmonize their efforts. Other challenges related to national gender-based violence statistic include low reporting rates, withdrawal of reported cases and duplication of reported cases. Countries like Namibia and Swaziland, however, have made great strides in developing gender-based violence databases.

Monitoring implementation of national gender-based violence planning tools: The study revealed some challenges regarding the capacity of countries systematically to monitor the implementation of national gender-based violence strategies and action plans in order for them to closely follow-up on the attainment of targets set out in global and regional gender protocols.

Recommendations

Recommendations for member States: The following are key recommendations for SADC member States:

- i. Member States that have not yet enacted or reviewed critical gender-based violence legal provisions outlined in the Beijing Declaration and Protocol for Action and the SADC Protocol on Gender and Development should work towards compliance before 2015. To achieve this target, government ministries responsible for gender-based violence issues should work closely with gender-based violence development partners to organize workshops and seminars to strategize on how they can work towards closing legal gaps at the national level before 2015;
- ii. Member States should strengthen their legal systems and align their policy framework with their constitutions;
- iii. Member States should have greater awareness of the provisions of SADC gender-based violence policy frameworks to enable them to harmonize their national gender-based violence policies and measures with regional priorities;
- iv. Member States should set up commissions or other relevant institutions to address gender-based violence;
- v. Member States should include provisions for gender-based violence measures in their national budgets;
- vi. Member States should develop results-oriented gender-based violence strategies informed by national level gender-based violence baseline data and linked to national gender-based violence policies, employ a results-based approach to programme implementation and ensure that all stakeholders are involved in identifying appropriate gender-based violence measures based on national gender-based violence strategies and action plans.

Recommendations for non-governmental organizations and activist groups

- i. Non-governmental organization should lobby Governments for the passage and enforcement of effective legislation;
- ii. Civil society organizations should enhance their capacities in aligning their organizational strategies and action plans to national gender-based violence priorities.

Recommendations for development partners

- i. Development partners should contribute to national efforts to address gender-based violence through a wide range of activities such as supporting Governments in the development of gender-based violence strategies, action plans and costed action plans. Donors could support the implementation of gender-based violence strategies and action plans by funding gender-based violence measures that reflect national priorities;
- ii. Where possible, development partners and donors could channel resources to areas that would provide a platform for improved services and the combating of gender-based violence. Such areas include, but are not limited to, efforts to improve the collection, management and dissemination of gender-based violence data; efforts to strengthen national-level coordination by stakeholders to monitor implementation of gender-based violence plans; and studies to document the cost of gender-based violence at the national level, which can be used as tools for lobbying for the creation of supportive country environments for addressing gender-based violence;
- iii. Development partners should support member States and SADC secretariat capacity-building aimed at the development and implementation of gender-based violence programmes.

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Footnotes

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