

Time: 1400hrs



**DRAFT**

**SADC PROTOCOL**

**ON GENDER AND DEVELOPMENT**

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## PREAMBLE

**We**, the Heads of State or Government of:

The Republic of Angola  
The Republic of Botswana  
The Democratic Republic of Congo  
The Kingdom of Lesotho  
The Republic of Madagascar  
The Republic of Malawi  
The Republic of Mauritius  
The Republic of Mozambique  
The Republic of Namibia  
The Republic of South Africa  
The Kingdom of Swaziland  
The United Republic of Tanzania  
The Republic of Zambia  
The Republic of Zimbabwe

**CONVINCED** that the integration and mainstreaming of gender issues into the SADC Programme of Action and Community Building Initiatives is key to the sustainable development of the SADC region;

**NOTING** that Member States undertook, in the SADC Treaty (Article 6(2)) not to discriminate against any person on the grounds of sex or gender, amongst other things;

**NOTING** further that all SADC Member States are convinced that gender equality is a fundamental human right and are committed to gender equality and have signed and ratified or acceded to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women;

**RECALLING** that Member States reaffirmed their commitment to the Nairobi Forward Looking Strategies, the Africa Platform of Action, the Beijing Declaration and its Platform for Action, and United Nations Resolution 1325 on Women, Peace and Security; and resolved, through the 1997 SADC Declaration on Gender and Development and its 1998 Addendum on the Prevention and Eradication of Violence Against Women and Children to ensure the elimination of all gender inequalities in the region and the promotion of the full and equal enjoyment of rights;

**TAKING COGNISANCE** of the decision on gender parity taken at the inaugural session of the African Union Assembly of Heads of State and Government in July 2002 in Durban, South Africa, and the adoption of the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa during the Second Ordinary Session of the Assembly of the African Union in Maputo, Mozambique in 2003;

**RECOGNISING** that Member States are obliged to meet their commitments and set targets under the said instruments, and that the fragile gains made face new threats as a result of HIV and AIDS, globalisation, and human trafficking of women and children in particular, the feminisation of poverty, and violence against women amongst other things;

**RECOGNISING** further that socialisation, cultural and religious practices, attitudes and mindsets continue to militate against the attainment of gender equality which is central to democracy and development;

**RECALLING** that Article 26 of the SADC Addendum on the Prevention and Eradication of Violence Against Women and Children recognises that urgent consideration must be given to the adoption of legally binding SADC instruments to ensure that its commitments are translated into tangible actions;

**DETERMINED** to consolidate and create synergy between the various commitments on gender equality made at regional, continental and international levels into one comprehensive regional instrument that enhances the capacity to report effectively on all instruments and also addresses new challenges; and

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

**HEREBY AGREE** as follows:

## **ARTICLE 1 DEFINITIONS**

1. In this Protocol, terms and expressions defined in Article 1 of the Treaty establishing SADC shall bear the same meaning unless the context otherwise requires.
2. In this Protocol, unless the context otherwise requires:

“Affirmative action” means a policy programme or measure that seeks to redress past discrimination through active measures to ensure equal opportunity and outcomes in all spheres of life;

“AIDS” means Acquired Immune Deficiency Syndrome;

“Care-giver” means any person who provides emotional, psychological physical, spiritual or social care and support services to another;

“Discrimination”	means any distinction, exclusion or restriction which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise, by any person, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field;
“Gender”	means the roles, duties and responsibilities which are culturally or socially ascribed to women, men, girls and boys;
“Gender based violence”	means 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;
“Gender equality”	means the equal enjoyment of rights and the access to opportunities and outcomes, including resources, by women, men, girls and boys;
“Gender equity”	means the just distribution of benefits, rewards and opportunities in which relations between women, men, girls and boys are based on respect for differences;
“Gender mainstreaming”	means the process of identifying gender gaps and making women’s, men’s, girls’ and boys’ concerns and experiences integral to the design, implementation, monitoring and evaluation of policies and programmes in all spheres so that they benefit equally;
“Gender stereotypes”	means the beliefs held about characteristics, traits and activity domains that are deemed appropriate for males and females based on the conventional roles of males and females both domestically and socially;

Gender Sensitive	means acknowledging and taking into account the specific gender needs of both men and women at all levels of planning, implementation, monitoring and evaluation;
“Globalisation”	means the process whereby the flow of goods, services, capital, people and information are increased and financial or investment markets operate internationally, largely as a result of deregulation and improved communications;
Health	means a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity;
“HIV”	means Human Immunodeficiency Virus;
“Human trafficking”	means the recruitment, transportation, harbouring or receipt of persons, by means of threat, abuse of power, position of vulnerability, force or other forms of coercion, abduction, fraud or deception to achieve the consent of a person having control over another person for the purpose of amongst other things, sexual and financial exploitation;
“ICT”	means Information and Communication Technology;
“Informal education”	means learning without a formal curriculum;
“Informal Sector”	means the portion of a country’s economy that lies outside of any formal regulatory environment;
“Marginalised groups”	means community groups that are negatively perceived as socially and or physically outside the larger community structure, and are prevented from, or are unable to, participate in, or interact with, the mainstream community groups;
<u>“ Medical Delay ”</u>	<u>Temporary delay of conception due to medical, social and economic reasons;</u>
“Multiple roles of women”	means the several responsibilities that women shoulder in the reproductive,

	productive and community management spheres;
“National Gender Machineries”	means national structures with the mandate to execute gender policies, programmes and projects;
“Non-formal education”	means education that has a formal curriculum, but does not take place within the traditional classroom setting;
“Post exposure prophylaxis”	means the combination of antiretroviral drugs administered to any person who has been exposed to the risk of HIV infection through sexual assault or any other means to reduce the risk of that infection;
“Sex”	means the biological differences between females and males;
“Sexual harassment”	means any unwanted, unsolicited, or repeated verbal or sexual advance, sexually derogatory statement or sexually discriminatory remark;
“Sexual and reproductive rights”	means the universal human rights relating to sexuality and reproduction , including the right to sexual autonomy, sexual integrity and safety of the person, the right to sexual privacy, the right to make free and responsible reproductive choices, the right to sexual information based on scientific enquiry, and the right to sexual and reproductive health care;
“Socially excluded groups”	means those groups which are systematically disadvantaged because they are discriminated against on the basis of their ethnicity, race, religion, sexual orientation, caste, descent, gender, marital status, age, disability, HIV status, migrant status or where they live, whether that discrimination occurs in public institutions, such as the legal and education systems or health services, as well as in the household and in the community;
“Social safety nets”	means the measures taken or applied to mitigate the effects of poverty, gender based violence and other social ills;

- “Universal access” means the ability of all people to have equal opportunity and access, regardless of their ethnicity, race, religion, sexual orientation, caste, descent, gender, marital status, age, disability, HIV status, migrant status or where they live; and
- “Vulnerable groups” means population groups which, as a result of having the least access to public, economic and other resources, or as a result of their sex, physical ability, migrant status or age, are the least capable of maintaining subsistence, and easily fall prey to violations of their human rights.

## **ARTICLE 2 GENERAL PRINCIPLES**

For the purposes of this Protocol, the following principles shall apply-

1. Member States shall harmonise national, regional and international policies, strategies and programmes related to ensuring gender equality, equity and the empowerment of women and girls in the areas dealt with in this Protocol.
2. Member States shall decide all matters relating to the implementation of this Protocol by consensus.
3. Member States shall cooperate in facilitating the development of human, technical and financial capacity for the implementation of this Protocol.
4. Member States shall adopt the necessary policies, strategies and programmes such as affirmative action to facilitate the implementation of this Protocol. Affirmative action measures shall be put in place with particular reference to women and girls, marginalised, and vulnerable and socially excluded groups in order to eliminate all barriers which prevent them from participating meaningfully in all spheres of life.

## **ARTICLE 3 OBJECTIVES**

The objectives of this Protocol shall be to -

1. bring synergy among the various instruments to which SADC Member States have subscribed to at the continental and international levels on gender equality amongst others, the Beijing Declaration and its Platform For Action, the Convention on the Elimination of all Forms of

Discrimination Against Women, the Millennium Development Goals; the International Conference on Population and Development; the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the SADC Declaration on Gender and Development and its Addendum,

2. enhance these commitments where gaps have been identified;
3. address emerging gender issues and concerns;
4. set realistic, measurable targets, time frames and indicators and allocate the necessary resources for achieving these;
5. strengthen, monitor and evaluate the progress made by Member States towards reaching the targets and goals set out in this Protocol;
6. create fora for the meaningful involvement of all stakeholders and sharing best practices in the implementation of this Protocol; and,
7. deepen regional integration, sustainable development and community building.

#### **ARTICLE 4 CONSTITUTIONAL AND LEGAL RIGHTS**

##### **Constitutional rights**

1. Member States shall –
  - (a) by 2015, enshrine gender equality in their Constitutions; and
  - (b) ensure that by 2015 their Constitutions state that the provisions enshrining gender equality will take precedence over their customary, religious and other laws.
2. Member States shall adopt and implement legislative and other measures to eliminate all practices which negatively affect the fundamental rights of women, men, girls and boys, such as their right to life, health, dignity, education or physical integrity.

##### **Affirmative action**

3. Member States shall put in place affirmative action measures with particular reference to women and marginalised, vulnerable, and socially excluded groups in order to eliminate all barriers which prevent them from participating meaningfully in all spheres of life and creating conditions for such participation.

##### **Domestic legislation**

4. Member States shall review, amend and or repeal all discriminatory laws by 2015.
5. Member States shall enact and enforce legislative and other measures to–
  - (a) ensure equal access to justice and protection before the law;
  - (b) abolish the minority status of women by 2010;
  - (c) eliminate practices which are detrimental to the achievement of the rights of women by prohibiting them and attaching deterrent sanctions thereto;
  - (d) provide for a minimum of three months paid maternity leave and job security for women going on maternity leave. This shall apply in both the public and the private sector including the informal sector;
  - (e) introduce and facilitate a minimum one month paternity leave in the public and private sectors; and
  - (f) eliminate sexual violence against women.

#### **Equality in Accessing Justice**

6. Member States shall put in place legislative measures which promote and ensure the practical realization of equality for women. These measures shall ensure –
  - (a) equality in the treatment of women in all judicial and quasi-judicial proceedings, including national reconciliation processes;
  - (b) equal legal status and capacity in civil law, including, amongst other things, full contractual rights; the right to acquire and hold rights in property, the right to equal inheritance and the right to secure credit;
  - (c) the encouragement of all public and private institutions to enable women to exercise their legal capacity;
  - (d) that positive and practical measures are taken to ensure equality for women complainants in the criminal justice system;
  - (e) the provision of educational programmes to address gender bias and stereotypes and promote equality for women in the legal system;

- (f) that women have equal representation on, and participation in, all traditional courts, alternative dispute resolution mechanisms and local community courts; and
- (g) accessible and affordable legal services for women.

### **Marriage and family rights**

7. Member States shall enact and adopt appropriate legislative, administrative and other measures to ensure that women and men enjoy equal rights in marriage and are regarded as equal partners in marriage.
8. Legislation on marriage shall ensure that -
  - (a) every marriage takes place with the free and full consent of both parties;
  - (b) no person below the age of 18 marries;
  - (c) every marriage, including a customary marriage, is registered in accordance with national laws;
  - (d) a married person can retain his or her surname if he or she so desires, or use the surname jointly with the spouse's surname; and
  - (e) spouses shall have equal rights to give their individual or joint surnames to any children born of the marriage.
9. Member States shall enact and adopt appropriate legislative and other measures to ensure that where spouses separate, divorce or have their marriage annulled, or where unmarried persons living together in a consensual sexual relationship separate –
  - (a) they shall have reciprocal rights and duties towards their children with the best interests of the children always being paramount; and
  - (b) they shall have equitable shares of any property acquired during their relationship.
10. Member States shall put in place legislative and other measures to ensure that parents, especially fathers, honour their duty of care towards their children, and maintenance orders are enforced.

### **Nationality and Citizenship**

11. Member States shall put in place legislative provisions which ensure that –
- (a) married women have the right to choose whether to retain their nationality or acquire their spouse's nationality; and
  - (b) mothers have the same rights as fathers over the nationality and citizenship of their children.

### **Widows' Rights**

12. Member States shall enact and enforce legislation to ensure that -
- (a) widows are not subjected to inhuman, humiliating or degrading treatment;
  - (b) a widow automatically becomes the guardian and custodian of her children when her husband dies;
  - (c) a widow shall have the right to continue to live in the matrimonial house after her husband's death;
  - (d) a widow shall have access to employment and other opportunities to enable her to make a meaningful contribution to society;
  - (e) a widow shall have the right to inheritance of the property in a joint estate within a marriage;
  - (f) a widow may remarry any person of her choice after her husband's death; and
  - (g) a widow shall have protection against all forms of violence and discrimination based on her status.

### **Widowers' rights**

13. Member States shall put in place legislative measure to ensure that widowers enjoy the same rights as widows under this Article.

### **Elderly women and men**

14. Member States shall enact and enforce legislative measures to ensure that –
- (a) elderly women and men are treated with dignity;

- (b) elderly women and men are protected against violence and discrimination based on their age;
- (c) elderly women and men have access to employment and professional training commensurate with their physical, economic and social needs;
- (d) elderly women and men have access to financial and other resources and assistance to enable them to live with dignity;
- (e) ensure that elderly women and men have access to medical care and services commensurate with their needs; and
- (f) elderly women and men have access to essential social services commensurate with their needs.

### **The Girl Child**

15. Member States shall adopt laws, policies and programmes to ensure the development and protection of the girl child by –
- (a) eliminating all forms of discrimination against the girl child in the family, community and at state levels;
  - (b) ensuring that girls have equal access to education and health care, and are not subjected to any treatment which causes them to develop a negative self-image;
  - (c) ensuring that girls enjoy the same rights as boys and are protected from harmful cultural attitudes and practices in accordance with the United Nations Convention on the Rights of the Child; and the African Charter on the Welfare of the Children;
  - (d) protecting girls from economic exploitation, trafficking and all forms of violence including sexual abuse;
  - (e) ensuring that girl children have access to information and education on sexual and reproductive health and rights.

### **Persons with disabilities**

16. Member States shall enact and adopt legislative provisions and other measures to -
- (a) protect persons with disabilities against all forms of violence including sexual abuse and discrimination;

- (b) ensure that persons with disabilities have access to health care including sexual and reproductive health education and services commensurate with their disabilities;
- (c) enable persons with disabilities to have access to vocational and other training, as well as to employment commensurate with their physical, economic and social needs.
- (d) ensure that persons living with disabilities have access to financial and other resources and assistance; and
- (e) ensure that persons living with disabilities have access to social services commensurate with their needs.

### **Socially excluded groups**

17. Member States shall develop appropriate policies, strategies and programmes to ensure that socially excluded groups are protected against discrimination.

## **ARTICLE 5 GOVERNANCE**

### **Representation**

1. Member States shall ensure that by 2015, 50 percent of decision-making positions in the public and private sectors, the cabinet, parliament, judiciary, all tribunals and commissions, including human rights bodies, civil society, traditional structures, trade unions, political parties and the media are held by women, and shall monitor their quotas to ensure that representation.
2. Member States shall achieve this target through Constitutional and other legislative provisions, including affirmative action measures, reviewing and adopting electoral systems that are conducive to women's equal participation and through such other specific measures and strategies as may be necessary.
3. Member States shall put in place legislative provisions which ensure that political party structures and policies are gender sensitive.
4. Member States shall ensure that all legislative measures are accompanied by public awareness campaigns which demonstrate the vital link between the equal representation and participation of women in decision making positions, and democracy, good governance and citizen participation.

## **Participation**

6. Member States shall adopt specific legislative measures and other strategies to ensure –
  - (a) that women participate equally with men in all electoral processes including the administration of elections and voting; and
  - (b) an enabling environment in the electoral process, for the equal participation of women and men, including vulnerable and socially excluded groups.
7. Member States shall ensure the equal participation of women and men in decision-making by enacting laws and putting in place policies, strategies and programmes for –
  - (a) building the capacity of women to participate effectively through leadership and gender sensitivity training and mentoring;
  - (b) providing support structures for women in decision-making positions;
  - (c) the establishment and strengthening of structures to enhance gender mainstreaming;
  - (d) ensuring that women hold leadership positions within structures of governance;
  - (e) creating an enabling environment for women to make effective inputs into policy development and implementation; and
  - (f) easing the burden of the multiple roles played by women.
8. Member States shall ensure the inclusion of men in all gender related activities, including gender training and community mobilisation.

## **ARTICLE 6 EDUCATION AND TRAINING**

### **Equal Access to Education**

1. Member States shall, by 2015, ensure equal access to free quality primary and secondary education, and eradicate illiteracy by 2020.
2. Member States shall, by 2015 –
  - (a) enact laws which make it compulsory for all girls and boys to complete a full course of primary education;

- (b) create an enabling environment for the introduction and strengthening of State supported early childhood education and development programmes for girls and boys;
  - (c) eliminate gender disparity in access to primary, secondary and tertiary education;
  - (d) promote adult literacy;
  - (e) ensure equal access to scholarships and career development for women, men, girls and boys;
  - (f) provide equal access to recreational and sports disciplines and facilities for males and females at all levels within educational institutions; and
  - (g) draw up and implement policies and laws which ensure that girls who become pregnant while at school can continue with their education or take leave, if they wish, and continue with their education at a school of their choice after the delivery of their children.
3. Member States shall take such measures as are necessary to ensure that educational institutions make available, to their female students and teachers, satisfactory hygienic and safe methods of disposal of sanitary devices.
4. Member States shall ensure access to state supported boarding facilities for girls and boys
5. Member States shall ensure that children with physical and mental challenges receive access to suitable facilities and quality education and training free of charge.

### **Challenging gender stereotypes in education**

6. Member States shall adopt and implement the following policies and measures in order to create a gender sensitive educational system by 2015 –
- (a) eliminate gender discrimination and stereotypes in the curriculum, career choices and professions;
  - (b) put in place gender sensitive training programmes for educators and stakeholders;
  - (c) introduce and promote gender sensitisation programmes and human rights education at all levels and institutions of learning; and

- (d) ensure access by girls to non-traditional fields including science, mathematics and technical training facilities through affirmative action policies.

### **Gender based violence in educational institutions**

- 7. Member States shall put in place measures to eradicate gender based violence in educational institutions, and shall therefore –
  - (a) strengthen educational campaigns and programmes in order to eliminate gender based violence, including sexual harassment, in educational institutions by 2015;
  - (b) provide counselling and psycho-social support services to women, men, girls and boys who are subjected to physical, sexual, and emotional abuse and harassment in educational institutions; and
  - (c) adopt and enforce legislative and administrative measures which are sufficiently deterrent to discourage gender based violence in educational institutions

### **Vocational and technical training**

- 8. Member States shall -
  - (a) provide vocational and technical training to women and men entering and re-entering the labour market;
  - (b) publicise information on vocational and technical training;
  - (e) ensure access to vocational and technical training facilities; and
  - (d) diversify programmes available at vocational training institutions.

### **Distance and open learning**

- 9. Member States shall -
  - (a) provide an enabling and supportive environment for the equal access by women and men to quality distance learning;
  - (b) ensure that educators have access to continued training and development programmes;
  - (c) ensure the recognition and accreditation of informal learning;
  - (d) strengthen non – formal education for males and females, especially functional literacy; and

- (d) ensure that appropriately qualified teachers are employed in distance learning and open learning programmes.

## **ARTICLE 7 PRODUCTIVE RESOURCES AND EMPLOYMENT**

### **Economic policies and decision-making**

1. Member States shall, by 2015, ensure –
  - (a) the equal participation, of women and men, in policy formulation and implementation;
  - (b) the mainstreaming of gender to incorporate the needs of women and men in economic policy formulation and implementation; and
  - (c) gender sensitive and responsive budgeting at the micro and macro levels, including tracking, monitoring and evaluation.

### **Multiple roles of women**

2. Member States shall conduct time use studies by 2010 and adopt policy measures to reduce the burden of the multiple roles played by women.

### **Social safety nets**

3. Member States shall -
  - (a) establish social welfare benefits for elderly women and women caring for the chronically ill;
  - (b) carry out research to identify the problems experienced by women, including migrant women, in accessing social service programmes and implement the recommendations of such research; and
  - (c) review social welfare and safety nets in their respective context and ensure that social services programmes are relevant, gender sensitive and universally accessible.

### **Entrepreneurship**

4. Member States shall, by 2015, adopt policies and enact laws which ensure that women have access to credit to establish and sustain enterprises.
5. Member States shall ensure that women benefit equally from the awarding of all public procurement contracts by 2015.

6. Member States shall develop and integrate subsidised training programmes that facilitate –
  - (a) the creation and sustainability of women’s entrepreneurial opportunities;
  - (b) the development or enhancement of women’s entrepreneurial skills; and
  - (c) opportunities to enhance the production, marketing and exporting of quality products by women.

**Trade policies**

7. Member States shall, by 2010 –
  - (a) review their trade policies, protocols and declarations to make them gender responsive;
  - (b) include regional women’s networks in trade policy structures;
  - (c) create gender quotas in all trade missions; and
  - (d) ensure equal access by women and men to financial and other markets, including trade negotiation processes.
8. Member States shall take steps to minimise the negative effects of Free Trade Agreements on vulnerable groups.

**Access to property and resources**

9. Member states shall, by 2015, review all policies and laws that determine access to, control of, and benefit from, productive resources by women in order to –
  - (a) end all discrimination against women and girls with regard to water rights and property such as land and tenure thereof;
  - (b) enable women in the informal sector to have access to financial resources, legal aid and other resources on terms commensurate with their financial circumstances;
  - (c) ensure that women have equal access and rights to credit, capital, mortgages, security and training as men;
  - (d) ensure that women have access to modern, appropriate and affordable technology and support services;
  - (e) ensure that women and girls have equal rights of succession and inheritance of immovable and movable property with men and boys; and

- (f) minimise the negative impact of globalisation on women and maximise new opportunities for women.

### **Equal access to employment**

10. Member States shall, by 2015, review, amend and enact laws and policies that ensure women and men have equal access to wage employment in all sectors of the economy.
11. Member States shall review, adopt and implement legislative, administrative and other appropriate measures to ensure –
  - (a) equal pay for equal work and equal remuneration for jobs of equal value for women and men;
  - (b) the eradication of occupational segregation and all forms of employment discrimination;
  - (c) the recognition of the economic value of, and protection of, women engaged in domestic work; and
  - (d) the appropriate minimum remuneration of women formally engaged in domestic work.
12. Member States shall enact and enforce legislative measures prohibiting the dismissal or denial of recruitment on the grounds of pregnancy, maternity leave or chronic diseases including HIV and AIDS.

### **Benefits**

13. Member States shall take such measures as are necessary and appropriate to ensure that all employers provide family friendly facilities such as day care centres for their employees' children within close proximity to their parents' workplaces.
14. Member States shall also take such measures as are necessary to ensure that employers make available, to their women employees, satisfactory, hygienic and safe methods of disposal of sanitary devices.

### **Community development policies**

15. Member States shall formulate community development policies and programmes that are gender mainstreamed to-
  - (a) ensure equal rights in respect of ownership, acquisition, management, and disposal of property; and
  - (b) recognize and strengthen women's vital role in food production and security.

**ARTICLE 8  
GENDER BASED VIOLENCE**

**Legal**

1. Member States shall–
  - (a) by 2015, enact and enforce legislation prohibiting all forms of gender based violence including marital rape; and
  - (b) ensure that perpetrators of gender based violence, including marital rape, femicide, sexual harassment, female genital mutilation and all other forms of gender based violence are tried by a court of competent jurisdiction.
2. Member States shall ensure that laws on gender based violence provide for the comprehensive testing, treatment and care of survivors of sexual offences, which shall include –
  - (a) emergency contraception;
  - (b) the right to terminate a pregnancy where it is the result of a sexual offence;
  - (c) ready access to post exposure prophylaxis at all health facilities to reduce the risk of contracting HIV; and
  - (d) preventing the onset of sexually transmitted infections.
3. Member States shall, by 2010, review and reform their criminal laws and procedures applicable to cases of sexual offences and gender based violence to -
  - (a) eliminate gender bias; and
  - (b) ensure justice and fairness are accorded to victims and survivors of gender based violence in a manner that ensures dignity and respect.
4. Member States shall provide resources and mechanisms for the social and psychological rehabilitation of perpetrators of gender based violence.
5. Member States shall, by 2015 –
  - (a) enact and adopt specific legislative provisions to prevent human trafficking and provide holistic services to the victims, with the aim of re-integrating them into society;

- (b) put in place mechanisms by which all relevant law enforcement authorities and institutions may eradicate national, regional and international human trafficking networks;
  - (c) put in place harmonised data collection mechanisms to improve data collection and reporting on the types and modes of trafficking to ensure effective programming and monitoring;
  - (d) establish bilateral and multilateral agreements to run joint actions against human trafficking among countries of origin, transit and destination countries; and
  - (e) ensure capacity building, awareness raising and sensitisation campaigns on human trafficking are put in place for law enforcement officials, women, boys and girls.
6. Member States shall ensure that in all cases of gender based violence-
- (a) cases are handled by police who are gender sensitive;
  - (b) cases are heard by judges who are gender sensitive;
  - (c) cases are heard in camera;
  - (d) complainants are not subjected to abusive and degrading language;
  - (e) where children are involved, the assistance of a social worker are provided; and
  - (f) free medical services are provided for victims thereof.

**Social, economic, cultural and political**

7. Member States shall, by 2015, review, and eradicate traditional norms, including social, economic, cultural and political practices and religious beliefs which legitimise and exacerbate the persistence and tolerance of gender based violence.
8. Member States shall create public awareness in all sectors of society regarding the harmful practices referred to in paragraph 7.
9. Member States shall, in all sectors of society, introduce and support gender sensitisation and public awareness programmes aimed at changing behaviour and eradicating gender based violence.
10. Member States shall ensure the media plays a constructive role in the eradication of gender based violence by adopting guidelines which ensure gender sensitive coverage.

### **Sexual harassment**

11. Member States shall, by 2010, enact legislative provisions, and adopt and enforce policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators of sexual harassment.
12. Member States shall ensure equal representation of women and men in adjudicating bodies hearing sexual harassment cases.

### **Socially excluded and vulnerable groups**

13. Member States shall ensure that appropriate policies, strategies and programmes are put in place to protect socially excluded, marginalised and vulnerable groups including persons with disabilities, against gender based violence.

### **Services**

14. Member States shall provide accessible information on services available to victims of gender based violence.
15. Member States shall ensure accessible, effective and responsive police, prosecutorial, health, social welfare and other services to redress cases of gender based violence.
16. Member States shall provide accessible, affordable and specialised legal services, including legal aid, to survivors of gender based violence.
17. Member States shall provide specialised facilities, including places of shelter and safety, for victims and survivors of gender based violence.
18. Member States shall provide effective rehabilitation and re-integration programmes for perpetrators of gender based violence.

### **Special units**

19. Member States shall establish Special Courts to address cases of gender based violence.
20. Member States shall establish special counselling services, legal and police units to provide dedicated and sensitive services to survivors of gender based violence.

### **Training of service providers**

21. Member States shall introduce, promote and provide –

- (a) the gender education and training of all service providers involved in gender based violence including the police, magistrates, judges, health and social workers;
- (b) community sensitisation programmes regarding available services and resources for victims and survivors of gender based violence; and
- (c) training for all service providers to enable them to offer services to people with special needs.

### **Integrated approaches**

22. Member States shall adopt integrated approaches, including institutional cross-sector structures, in order to end gender based violence.

### **Monitoring and evaluation**

23. Member States shall –
- (a) construct a composite index for measuring gender based violence levels by 2009;
  - (b) provide baseline data by 2010;
  - (c) reduce, by 50 percent, current levels of gender based violence by 2015; and
  - (d) reduce, by 70 percent, current levels of gender based violence by 2020.

## **ARTICLE 9 HEALTH**

### **General Principles**

1. Member States shall by 2015 adopt and implement legislative frameworks, policies, programmes and services to enhance gender sensitive, appropriate and affordable quality health care.

### **Maternal Health**

2. Member States shall reduce the maternal mortality ratio by 75% by 2015 through –
- (a) provision of accessible, available, affordable quality health care services during pregnancy, delivery and after birth, postpartum family planning and newborn care.

- (b) provision of effective and timely referral systems for women and girls who develop complications or need advanced care antenatally ,during and post delivery;
  - (c) redressing traditional norms including social, economic, cultural, political practices and religious beliefs that contribute to infant and maternal mortality;
  - (d) public education programmes, at national and community levels, that focus on supportive actions to improve nutrition for expecting mothers; facilitate the access by women and girls to maternal health care during and after pregnancy and delivery; educating women and families to respond to emergency situations and ensuring that women get the rest they need during and after pregnancy.
  - (e) ensuring well trained personnel who observe ethical, professional and gender-sensitive standards in service delivery.
3. Member States shall take steps to eliminate incidences of infant and maternal mortality through –
- (a) the improvement of care given in health service institutions;
  - (b) the provision of adequate services and trained and qualified staff and attendants during pre natal, delivery and post natal stages; and
  - (c) putting in place effective referral systems for women and girls.

### **Sexual and reproductive health**

4. Member States shall take every step necessary to –
- (a) ensure women and men have a right to accurate information, counselling services and education on sexual and reproductive health issues;
  - (b) ensure access to accurate and relevant information, counselling and education on reproductive and sexual rights and services for women and encouraging men to participate fully in sexual and reproductive health and child rearing. The information shall be provided in official and local languages, including Braille and sign language;
  - (c) encourage men to participate fully in sexual and reproductive health programmes especially in family planning; and
  - (d) address the sexual and reproductive health needs of older women and men, including screening and treatment for cancers

related to the reproductive system and in the case of women treatment of the effects of menopause.

5. Member States shall put in place such measures as are necessary to ensure the right of women to make decisions concerning whether or not to –
  - (a) use contraception, and what type;
  - (b) have children, the number and the spacing of those children; and
  - (c) undergo medical delay or prevention of conception in the event of ill-health, and or career advancements among other reasons;
6. Member States shall provide gender sensitive and youth friendly sexual and reproductive health services free of charge.
7. Member States shall adopt and implement policies and programmes to address the sexual, reproductive and other health needs of women and men, including those in vulnerable situations such as rehabilitation facilities, internal displacement camps, refugee camps, the elderly and those with disabilities, and take such measures as are necessary to ensure that they are not sexually abused.
8. Member States shall adopt and implement gender responsive strategies to provide and retain skilled health staff in their medical or health facilities.
9. Member States shall establish adequate gender responsive infrastructure and services to ensure full and equal access to health care facilities and services.
10. Member States shall support research on the gender dimensions of diseases, and how particular vulnerabilities can be reduced.
11. Member states shall invest in female controlled methods of contraception, including microbicides, post-coital emergency contraception and dual methods that protect against both sexually transmitted diseases and HIV and unwanted pregnancy.

### **Women in Prisons**

12. Member States shall ensure the provision of hygiene and sanitary facilities and nutritional needs of women commensurate with their reproductive health while in custody.

### **General**

13. Member States shall ensure the provision of quality gender sensitive health care and services in sanitation, mental health, communicable diseases and nutrition amongst other things.

## **ARTICLE 10 HIV AND AIDS**

### **General Principles**

1. Member States shall take every step necessary to –
  - (a) prevent the transmission of HIV infection and AIDS among women, men, girls and boys, including persons with disabilities;
  - (b) prevent new infections of HIV by 2015;
  - (c) eliminate stigma and discrimination against People Living with HIV or AIDS, especially against women and girls on the basis of their HIV or AIDS status;
  - (d) to ensure the provision of legal support to those, especially women, who experience such stigma and discrimination;
  - (e) ensure universal access to the prevention, treatment, care and support of people infected and affected by HIV and AIDS; and
  - (f) enact legislation to criminalise the wilful transmission of HIV infection of others.
2. Member States shall ensure that the rights of males and females to protect themselves and to be protected against sexually transmitted infections, including HIV and AIDS are respected and promoted.

### **Prevention**

3. Member States shall –
  - (a) intensify gender – aware prevention efforts with special focus on female controlled prevention methods. These prevention efforts will be based on an understanding of the underlying gender power relations that fuel the pandemic, the challenges encountered by women in insisting on safe sex and the need for behaviour change.

- (b) intensify the dissemination of male condoms accompanied by programmes promoting responsible behaviour by men;
  - (c) intensify research, access to, and dissemination of, prevention methods that can be used by women, such as female condoms and microbicides;
  - (d) provide information and appropriate services to vulnerable groups;
  - (e) promote gender awareness and sex education for girls and boys in schools and encourage the delay of sexual activeness;
  - (f) intensify messages on the prevention of HIV infection and AIDS that promote long term relationships and reduce multiple and concurrent relationships; and
  - (g) promote voluntary counselling, testing and knowledge of status as a means of promoting responsible behaviour and preventing further infections;
  - (h) develop gender sensitive programmes, and services on HIV and AIDS in the workplace;
4. Member States shall take such steps as are necessary to address harmful cultural, religious and traditional practices that drive the HIV and AIDS epidemic, especially those that exacerbate high infection rates among women and girls.
  5. Member States shall ensure responsible programmes and media reporting in order to eliminate reporting which perpetuates the spread of HIV and the stigmatisation of People Living with HIV or AIDS.
  6. Member States shall establish adequate counselling and testing facilities and encourage women and men to use them.
  7. Member States shall ensure adequate and accessible Prevention of Mother To Child Transmission programmes and services and encourage the participation of fathers in such programmes.
  8. Member States shall ensure the counselling of HIV positive parents who wish to have children on the options available to them.
  9. Member states shall promote the strengthening of linkages between sexual and reproductive health and HIV and AIDS especially in programming.

## **Treatment**

10. Member States shall, by 2010, ensure equal access by women, men, girls and boys to a sustainable supply of free and comprehensive HIV and AIDS services including anti retroviral drugs and nutrition.
11. Member States shall utilise gender disaggregated data in monitoring to ensure universal access by 2010.
12. Member States shall advocate for, and facilitate, male involvement in all HIV and AIDS programmes and strategies.
13. Member States shall provide free treatment to orphans and vulnerable children.
14. Member States shall ensure access to treatment for women, men, girls and boys in vulnerable situations, including those in rehabilitation facilities, internal displacement camps, refugee camps, the elderly and those with disabilities.
15. Member States shall ensure the provision of free essential medicines for opportunistic infections and diseases.
16. Member States shall adopt appropriate measures to ensure the preparation and dissemination of gender sensitive accurate information on the sexual and reproductive health needs of People Living with HIV and AIDS.

### **Care and support**

17. Member States shall measure and value the additional burden of care shouldered by women and girls as a result of HIV and AIDS, and shall develop and implement policies to ensure appropriate recognition, material, financial and psychological support and treatment for care-givers.
18. Member States shall create and support awareness campaigns educating women, men, girls and boys on the importance of utilising testing services.
19. Member States shall institute strategies and programmes to promote the involvement of men and boys in the care and support of People Living with AIDS.
- 20.. Member States shall ensure that women, men, girls and boys involved in caring for People Living with HIV and AIDS receive appropriate training regarding the care of such persons, and ensure their emotional, psychological and physical well being and safety.
21. Member States shall ensure that People Living with HIV and AIDS are economically empowered to enable them to afford their basic requirements.

22. Member States shall develop policies, standards and mechanisms to guide the training of people involved in home based care.
23. Member states shall develop policies and programmes that support the needs of orphans, and vulnerable children including education, nutrition, health care, psychosocial support, housing, legal support, and skills development .
24. Member States shall ensure that women who become widows as a result of AIDS have the right to succession and inheritance to their property.

## **ARTICLE 11 PEACE BUILDING AND CONFLICT RESOLUTION**

### **Participation in conflict resolution and peacekeeping**

1. Member States shall put in place measures to ensure that women have equal representation and participation in key decision-making positions in conflict resolution and peace building processes by 2015.
2. Member States shall integrate a gender perspective in the resolution of armed and other forms of conflict in the region.
3. Member States shall ensure women's participation in post conflict peace building processes, particularly in security sector reform, demobilisation, disarmament and reintegration programmes, as well as democratisation and governance processes including constitutional reviews and electoral reforms.
4. Member States shall ensure the implementation of the United Nations Council Resolution 1325 on peace building, peace making and peace keeping.

### **Human rights abuses during times of armed and other forms of conflict**

5. Member States shall, during times of armed and other forms of conflict, take such steps as are necessary to prevent and eliminate incidences of human rights abuses and gender based violence.
6. Member States shall ensure that the perpetrators of human rights abuses and gender based violence during times of armed and other forms of conflict are brought to justice before a court of competent jurisdiction or other reconciliation bodies.

### **Safety, protection and assistance**

7. Member States shall, in order to ensure the protection of, and assistance to, women, men, boys and girls during times of armed and other forms of conflict, put in place appropriate measures to –
  - (a) ensure no person is forced to be recruited as a soldier or sexual slave, particularly women and girls;
  - (b) protect asylum seeking persons, refugees, returnees, and internally displaced women, men, girls and boys against all forms of gender based violence and ensure that the perpetrators of those acts are brought to justice before a court of competent jurisdiction;
  - (c) assist all refugees and displaced persons to return safely to their homes or countries of origin and ensure that they are protected upon their return;
  - (d) provide financial and other resources for emergency relief and sustainable livelihoods;
  - (e) ensure access to food, clean and sufficient water, sanitation, shelter, education, social and health services to women, men boys and girls;
  - (f) ensure that women have equal access and treatment in refugee status determination procedures and the granting of asylum;
  - (g) ensure access to reproductive health and services, protection against unwanted pregnancies, and access to treatment for HIV infection, AIDS, and sexually transmitted infections;
  - (h) ensure that special measures are taken to reduce the stigmatisation of women and girls that were raped and sexually abused , particularly women who were forcibly married or used as slaves during armed conflict; and
  - (i) ensure special measures are taken to support women who fall pregnant as a result of rape.
8. Member States shall provide social support to women and children and take special measures to reduce the stigmatisation of children born as a result of rape or other sexual offence perpetrated during times of armed and other forms of conflict.
9. Member States shall develop rehabilitation and reintegration policies, strategies and programmes to address the physical, psychological, economic and social effects of armed and other forms of conflict.

**Anti – personnel landmines**

10. Member States shall remove anti – personnel landmines from their territories upon the cessation of armed and other forms of conflict.

### **Education and training**

11. Member States shall make education and adequate resources available to refugees, returnees and displaced women and children during times of armed and other forms of conflict in order to reduce school interruptions among them.
12. Member States shall provide gender sensitive skills training on peace-building processes for women in parliament, cabinet, government and civil society.
13. Member States shall provide gender sensitive training of law enforcement agents and court officials to ensure justice in the trying of perpetrators of gender based violence committed during times of armed and other forms of conflict.

## **ARTICLE 12 MEDIA, INFORMATION AND COMMUNICATION**

### **General principles**

1. Member States shall uphold the principles of freedom of expression and the editorial independence of the media. This right shall not extend to propaganda for war, incitement of violence, or advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.
2. Member States shall recognise that gender equality is intrinsic to freedom of expression, that all males and females have the right to communicate their views, interests and needs, and that “giving voice to the voiceless” is critical to citizenship, participation, and responsive governance.
3. Member States shall also recognise the key role of the media and ICTs in changing attitudes and mindsets, and shall put in place public education, information, and education and communication strategies to challenge gender stereotypes in social practices and in the media.
4. Member States shall ensure that gender is mainstreamed in all information, communication and media policies and laws.
5. Member States shall develop information, communication and media policies and laws which –
  - (a) build a people-centred, inclusive and development oriented information society, where everyone can create, access and share information and knowledge;

- (b) provide effective measures against pornography and the inappropriate projection of violence against women and children in the media;
  - (c) ensure gender balance in all state, public and private sector decision-making structures and institutions relating to information, communications and the media;
  - (d) promote the role that the media can play in transforming society through the creation of an environment that promotes free debate and providing information on key social issues as well as challenging gender stereotypes ;and
  - (e) ensure universal access for women, men, girls and boys to information and communication technologies and all forms of media in languages and formats that are accessible and affordable to them, that enable them to make informed decisions and participate fully as citizens in all democratic processes.
6. Member States shall, in laws providing for statutory and self regulatory bodies in the media, ensure that such bodies –
- (a) are gender balanced; and
  - (b) create public awareness regarding the regulatory bodies, their codes of conduct and procedures for lodging complaints.
7. Member States shall encourage the media and media-related bodies to mainstream gender in their codes of conduct, policies and procedures, and adopt and implement gender aware ethical principles, codes of practice and policies.

### **Ownership and employment**

8. Member States shall facilitate and promote opportunities for women to own the media.
9. Member States shall adopt legislative measures to enforce 50 per cent representation of women at all levels including decision-making positions in the state, public and private media as well as in media regulatory and advisory bodies to 50 percent by 2015.

### **Gender in media content**

10. Member States shall ensure through legislation that governs the operations of state and public media that these-
- (a) refrain from –

- (i) promoting pornography and violence against women and children,
    - (ii) depicting women as helpless victims of violence and abuse,
    - (iii) degrading or exploiting women and undermining their role and position in society; and
    - (iv) reinforcing gender oppression and stereotypes;
  - (b) increase the number of programmes for, by and about women on gender specific topics and that challenge gender stereotypes; and
  - (c) report on all matters referred to in this paragraph as part of their reporting requirements to parliament.
11. Member States shall ensure that in the case of both public and private broadcasting, regulatory bodies that issue licences require, as part of licensing conditions, that broadcasters report annually on what they have done to meet employment equity targets and ensure gender balance and sensitivity in coverage.
12. Where the media is self-regulated, for example the private press and advertising, Member States shall encourage them to form self regulatory bodies that shall –
- (a) be nominated through a public process, and be gender balanced;
  - (b) include sexism in content as a grounds for complaints; and
  - (c) create public awareness, especially among women, about the codes and processes for lodging complaints.

### **Information and Communication Technology**

13. Member States shall put in place the use of information and communication technology policies and laws in the social, economic and political development arena for women's empowerment to ensure -
- (a) the training of media practitioners on gender sensitive reporting; and
  - (b) universal access to information, communication and technology regardless of gender, race, age, religion, class or disability. The policies and laws shall include specific targets developed through an open and participatory process, in order to ensure women's and girl's access to information and communication technology.

**Research, monitoring, advocacy and training**

14. Member States shall support, encourage and publicise research, monitoring, advocacy and training by, among others, academic institutions and civil society organisations aimed at promoting gender balance and sensitivity in the media.
15. Member States shall ensure that gender is mainstreamed in the curricula of all private and publicly-funded information and media training institutions and is incorporated in standards for the accreditation of such training.
16. Member States shall ensure –
  - (a) access to education and training in information, communication and technology including a commitment to specifically provide opportunities to increase literacy and to ensure participation by girls and women in technology education and training at all levels; and
  - (b) the use of gender sensitive language and training materials.

**ARTICLE 13  
REMEDIES**

Member States shall provide –

- (a) appropriate remedies in their legislation to any person whose rights or freedoms have been violated; and
- (b) ensure that such remedies are determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided by law.

**ARTICLE 14  
IMPLEMENTING MECHANISMS**

1. Member States shall ensure the implementation of this Protocol at the national level.
2. Member States shall ensure, through appropriate national and regional structures, that national and regional action plans with measureable time frames are put in place, and that appropriate monitoring and evaluation mechanisms are developed and implemented.
3. Member States shall ensure the provision and allocation of human, technical and financial resources for the successful implementation of this Protocol.

**ARTICLE 15  
FINANCIAL PROVISIONS**

1. Member States shall ensure the gender sensitive planning and allocation of resources. Resource allocations shall -
  - (a) include specific initiatives to empower women and girls;
  - (b) be employment-equity related; and
  - (c) be gender sensitive within and between all sectors, spheres and levels of government. All Ministries shall state in their budget submissions what they are doing to achieve gender equality, and budgets shall contain an annex on gender awareness in the allocation of resources;
2. Member States shall allocate the necessary financial resources to ensure the implementation and sustainability of the programmes set out in this Protocol.

**ARTICLE 16  
INSTITUTIONAL ARRANGEMENTS**

**Structures**

1. Member States shall strengthen the SADC Regional Gender Machinery and the National Gender Machineries.
2. The institutional mechanisms for the implementation of this Protocol shall comprise the-
  - (a) Heads of State or Government Summit;
  - (b) Council of Ministers;
  - (b) Integrated Committee of Ministers ;
  - (c) Committee of Ministers Responsible for Gender/Women's Affairs;
  - (d) Committee of Senior Officials Responsible for Gender/Women's Affairs;
  - (e) SADC National Committees;
  - (f) Regional Advisory Forum on Gender and Development;
  - (g) SADC Secretariat;

3. The Heads of State or Government Summit shall-
  - (a) consist of the Head of State or Government of all Member States in accordance with Article 10 (1) of the SADC Treaty; and
  - (b) provide the overall leadership and oversight on the implementation of this Protocol.
4. The Council of Ministers shall consist of one Minister from each Member State, preferably a Minister responsible for Foreign/External Affairs or Ministers of Finance.
5. The Council of Ministers shall be responsible for the following;
  - a) Oversee the functioning and regional integration of SADC
  - b) Oversee the implementation of the policies of SADC and the proper execution of its programmes;
  - c) Approve policies, strategies and work programmes of SADC
6. The Integrated Committee of Ministers shall consist of sectoral Ministers responsible for Trade, Industry, Finance and Investment, Infrastructure and Services, Food Agriculture and Natural Resources, and Social, Human Development and Special Programmes;
7. The Integrated Committee of Ministers shall be responsible for overseeing the implementation of programmes under Trade, Industry, Finance and Investment, Infrastructure and Services, Food Agriculture and Natural Resources, and Social, Human Development and Special Programmes;
8. The Committee of Ministers responsible for Gender/Women's Affairs shall consist of Ministers responsible for Gender/Women's Affairs in their respective Member States.
9. The Committee of Ministers responsible for Gender/Women's Affairs shall -
  - (a) ensure the implementation of this Protocol; and
  - (b) supervise the work of any committee or sub-committee established under this Protocol.

10. The Committee of Senior Officials shall consist of Permanent Secretaries responsible for gender/women's affairs or officers holding equivalent positions.
11. The Committee of Senior Officials shall-
  - (a) report to the Committee of Ministers on matters relating to the implementation of the provisions contained in this Protocol;
  - (b) supervise the work of the Regional Advisory Forum;
  - (c) clear the documents prepared by the Regional Advisory Forum to be submitted to the Committee of Ministers;
  - (d) invite the Regional Advisory Forum to make presentations on gender and development to the Committee of Ministers, as and when necessary; and
  - (e) liaise closely with both the Committee of Ministers and the Regional Advisory Forum.
8. The Regional Advisory Forum on Gender and Development shall comprise a cross section of women and men from inter-governmental organizations, women's parliamentary caucuses, civil society, the private sector, and international cooperating partners.
9. The Regional Advisory Forum on Gender and Development shall be responsible for the following -
  - (a) mobilising stakeholders on the implementation of this Protocol;
  - (b) establishing linkages between public sector, private sector and civil society organisations in the coordination of activities pertaining to the implementation of this Protocol; and
  - (c) providing advice, assistance and technical support to the structures established for the implementation of this Protocol.
10. The SADC Secretariat Gender Unit shall -
  - (a) facilitate and monitor reporting by Member States on the implementation of the Protocol;
  - (b) coordinate the implementation of this Protocol;
  - (c) identify research needs and priorities in gender/women's affairs areas; and

- (d) provide technical and administrative assistance to the Committee of Ministers, the Committee of Senior Officials and the Regional Advisory Forum.
11. Member States shall –
- (a) establish, where they do not exist, National Gender Machineries, and ensure that they exist in all public bodies and spheres of government;
  - (b) strengthen the capacity of already existing National Gender Machineries by positioning them strategically and staffing them at decision-making level;
  - (c) ensure that these structures have political support;
  - (d) recognise the positions in the National Gender Machineries as substantive positions which are recognised in job descriptions and performance agreements, and are rewarded and remunerated appropriately;
  - (e) work in partnership with relevant civil society organisations involved in the field of gender; and
  - (f) strengthen collaboration between Government, private sector and civil society organisations and international cooperating partners involved in the field of gender and human rights.
12. The SADC National Committees shall consist of sectoral, cross cutting ministries and other stakeholders including civil society and private sector.
13. The SADC National Committees shall be responsible for the following;
- (a) Provide input at the national level in the formulation of the SADC policies, strategies and programmes of action;
  - (b) Coordinate and oversee, at the national level implementation of SADC programmes of action;

## **ARTICLE 17 MONITORING AND EVALUATION**

1. Member States shall, by 2015, develop, monitor and evaluate systems and plans setting out targets, indicators and time frames based on this Protocol. Each SADC country shall collect and analyse baseline data against which progress in achieving targets will be monitored.

2. Member States shall submit comprehensive reports once a year, indicating the progress achieved in the implementation of the measures agreed in this Protocol.
3. Member States shall, in reporting on the implementation of this Protocol, use a standardised reporting template to ensure uniformity and consistency in reporting.
4. The SADC Secretariat shall disseminate the reporting template to Member States.
5. Member States shall ensure that their action plans include standards, targets, indicators, and timeframes against which progress is measured and benchmarked.
6. Sanctions for non-compliance with this Protocol shall be imposed in accordance with Article 33(2) of the SADC Treaty.

#### **ARTICLE 18 SETTLEMENT OF DISPUTES**

Any dispute arising from the interpretation or application of this Protocol which cannot be settled amicably shall be referred to the SADC Tribunal.

#### **ARTICLE 19 WITHDRAWAL**

1. Any Member State may withdraw from this Protocol upon the expiration of twelve (12) months from the date of giving written notice to that effect to the Executive Secretary.
2. Such Member State shall cease to enjoy all rights and benefits under this Protocol upon the withdrawal becoming effective, but shall remain bound by the obligations under this Protocol for a period of twelve (12) months from the date of withdrawal.

#### **ARTICLE 20 AMENDMENTS**

Amendments to this Protocol shall be in accordance with the procedures established by Article 36 of the Treaty.

#### **ARTICLE 21 SIGNATURE**

This Protocol shall be signed by the duly authorised representatives of Member States.

#### **ARTICLE 22 RATIFICATION**

This Protocol shall be ratified by the Signatory States in accordance with their constitutional procedures.

**ARTICLE 23  
ENTRY INTO FORCE**

This Protocol shall enter into force thirty (30) days after the deposit of the Instruments of Ratification by two-thirds of the Member States.

**ARTICLE 24  
ACCESSION**

This Protocol shall remain open for accession by any Member State.

**ARTICLE 25  
DEPOSITORY**

1. The original texts of this Protocol and all Instruments of Ratification and Accession shall be deposited with the Executive Secretary, who shall transmit certified copies to all Member States.
2. The Executive Secretary shall notify the Member States of the dates on which Instruments of Ratification and Accession have been deposited under paragraph 1.
3. The Executive Secretary shall register the Protocol with the Secretariat of the United Nations, the Commission of the African Union and such other organisation as the Council may determine.

**IN WITNESS WHEREOF, WE**, the Heads of State or Government or duly Authorised Representatives of SADC Member States have signed this Protocol.

DONE at .....this.....day ..... of .....  
20..... in three original texts in the English, French and Portuguese languages, all texts being equally authentic.

.....  
REPUBLIC OF ANGOLA

.....  
REPUBLIC OF BOTSWANA

.....  
DEMOCRATIC REPUBLIC OF CONGO

.....  
KINGDOM OF LESOTHO

.....  
REPUBLIC OF MADAGASCAR

.....  
REPUBLIC OF MALAWI

.....  
REPUBLIC OF MAURITIUS

.....  
REPUBLIC OF MOZAMBIQUE

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REPUBLIC OF NAMIBIA

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REPUBLIC OF SOUTH AFRICA

.....  
KINGDOM OF SWAZILAND

.....  
UNITED REPUBLIC OF TANZANIA

.....  
REPUBLIC OF ZAMBIA

.....  
REPUBLIC OF ZIMBABWE