

Southern African Development Community, African Regional Bodies

Protocol on Gender and Development

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Southern African Development Community

Protocol on Gender and Development

Published

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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 Southern African Development Community (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, *inter alia*, sex or gender;

NOTING further that all SADC Member States are convinced that gender equality and equity is a fundamental human right and are committed to gender equality and equity 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 (1985); Convention on the Rights of the Child (1989); the Africa Platform of Action; the Beijing Declaration and its Platform for Action (1995); and United Nations Resolution 1325 on Women, Peace and Security (2000); and resolved, through the SADC Declaration on Gender and Development (1997) and its Addendum on the Prevention and Eradication of Violence Against Women and Children (1998); 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, *inter alia*, HIV and AIDS, globalisation, human trafficking, especially of women and children, the feminisation of poverty, and gender based violence;

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

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;

DETERMINED to consolidate and create synergy between the various commitments on gender equality and equity 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 and equity in all areas, as well as effective monitoring and evaluation mechanisms for measuring progress.

HEREBY AGREED as follows:

Part one – Definitions, general principles and objectives

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 positive outcomes in all spheres of life;
 - “**AIDS**” means Acquired Immune Deficiency Syndrome;
 - “**child**” means every human being below the age of eighteen;
 - “**care-giver**” means any person who provides emotional, psychological, physical, economic, 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;
 - “**equality**” means state of being equal in terms of enjoyment of rights, treatment, quantity or value, access to opportunities and outcomes, including resources;
 - “**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, emotional 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 and fair distribution of benefits, rewards and opportunities between women, men, girls and boys;

"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 women, men, girls and boys based on their conventional roles 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;

"health" means a complete state of physical, mental, spiritual and social well-being of an individual 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;

"informal sector" means the portion of a country's economy that lies outside of any formal regulatory environment;

"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 of executing and monitoring gender and related policies and programmes in line with national, regional and international commitments;

"quasi-judicial proceedings" means administrative proceedings that are undertaken for the settlement of specific rights or obligations which may require discretion and decision and which may be the subject to notice and hearing requirements and judicial review";

"sex" means the biological differences between females and males;

"sexual harassment" means any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another whether or not such sexual advance or request arises out of unequal power relations;

"sexual and reproductive rights" means the universal human rights relating to sexuality and reproduction, 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; and

"social safety nets" means the measures taken or applied to mitigate the effects of poverty, gender based violence and other social ills; and

"State Party" means a Member State that is a Party to this Protocol.

Article 2 – General principles

1. For the purposes of this Protocol, the following principles shall apply:
 - (a) States Parties shall harmonise national legislation, policies, strategies and programmes with relevant regional and international instruments related to the empowerment of women and girls for the purpose of ensuring gender equality and equity;
 - (b) States Parties shall decide all matters relating to the implementation of this Protocol by consensus; and
 - (c) States Parties shall cooperate in facilitating the development of human, technical and financial capacity for the implementation of this Protocol.
2. States Parties 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, 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 are:

- (a) to provide for the empowerment of women, to eliminate discrimination and to achieve gender equality and equity through the development and implementation of gender responsive legislation, policies, programmes and projects;
- (b) to harmonise the implementation of the various instruments to which SADC Member States have subscribed to at the regional, continental and international levels on gender equality and equity which, amongst others, are the Convention on the Elimination of all Forms of Discrimination Against Women (1979); Convention on the Rights of the Child (1989); the International Conference on Population and Development (1994); the Beijing Declaration and its Platform For Action (1995); the SADC Declaration on Gender and Development (1997) and its Addendum (1998); the Millennium Development Goals (2000); the UN Security Council Resolution 1325 on Women, Peace and Security (2000); the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003); the United Nations Convention on the Rights of People with Disabilities (2008); or any other legal instruments that may be relevant to this Protocol, in order to accelerate implementation;
- (c) to address emerging gender issues and concerns;
- (d) to set realistic, measurable targets, time frames and indicators for achieving gender equality and equity;
- (e) to strengthen, monitor and evaluate the progress made by Member States towards reaching the targets and goals set out in this Protocol; and
- (f) to deepen regional integration, attain sustainable development and strengthen community building.

Part two – Constitutional and legal rights

Article 4 – Constitutional rights

1. States Parties shall endeavour, by 2015, to enshrine gender equality and equity in their Constitutions and ensure that these rights are not compromised by any provisions, laws or practices.
2. States Parties shall 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 and physical integrity.

Article 5 – Affirmative action

States Parties shall put in place affirmative action measures with particular reference to women in order to eliminate all barriers which prevent them from participating meaningfully in all spheres of life and create a conducive environment for such participation.

Article 6 – Domestic legislation

1. States Parties shall review, amend and or repeal all laws that discriminate on the ground of sex or gender by 2015.
2. States Parties 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 2015;
 - (c) eliminate practices which are detrimental to the achievement of the rights of women by prohibiting such practices and attaching deterrent sanctions thereto; and
 - (d) eliminate gender based violence.

Article 7 – Equality in accessing justice

States Parties shall put in place legislative and other measures which promote and ensure the practical realization of equality for women. These measures shall ensure:

- (a) equality in the treatment of women in judicial and quasi-judicial proceedings, or similar proceedings, including customary and traditional courts, and national reconciliation processes;
- (b) equal legal status and capacity in civil and customary 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 equitable representation on, and participation in, all courts including traditional courts, alternative dispute resolution mechanisms and local community courts; and
- (g) accessible and affordable legal services for women.

Article 8 – Marriage and family rights

1. States Parties 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.
2. Legislation on marriage shall ensure that:
 - (a) no person under the age of 18 shall marry, unless otherwise specified by law, which takes into account the best interests and welfare of the child;
 - (b) every marriage takes place with the free and full consent of both parties;

- (c) every marriage, including civil, religious, traditional or customary, is registered in accordance with national laws; and
 - (d) during the subsistence of their marriage the parties shall have reciprocal rights and duties towards their children with the best interests of the children always being paramount.
3. States Parties shall enact and adopt appropriate legislative and other measures to ensure that where spouses separate, divorce or have their marriage annulled:
- (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, subject to the choice of any marriage regime or marriage contract, have equitable share of property acquired during their relationship.
4. States Parties shall put in place legislative and other measures to ensure that parents honour their duty of care towards their children, and maintenance orders are enforced.
5. States Parties shall put in place legislative provisions which ensure that married women and men have the right to choose whether to retain their nationality or acquire their spouse's nationality.

Article 9 – Persons with disabilities

States Parties shall, in accordance with the SADC Protocol on Health and other regional and international instruments relating to the protection and welfare of people with disabilities to which Member States are party, adopt legislation and related measures to protect persons with disabilities that take into account their particular vulnerabilities.

Article 10 – Widows' and widowers' rights

1. States Parties 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, unless otherwise determined by a competent court of law;
 - (c) a widow shall have the right to continue to live in the matrimonial house after her husband's death;
 - (d) a widow shall have access to employment and other opportunities to enable her to make a meaningful contribution to society;
 - (e) a widow shall have the right to an equitable share in the inheritance of the property of her husband;
 - (f) a widow shall have the right to remarry any person of her choice; and
 - (g) a widow shall have protection against all forms of violence and discrimination based on her status.
2. States Parties shall put in place legislative measure to ensure that widowers enjoy the same rights as widows under sub-Article 1.

Article 11 – The girl and boy child

1. States Parties 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, institutions 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 Rights and Welfare of the Child;
 - (d) protecting girls from economic exploitation, trafficking and all forms of violence including sexual abuse; and
 - (e) ensuring that girl children have equal access to information, education, services and facilities on sexual and reproductive health and rights.
2. States Parties shall put in place legislative and other measures to ensure that the boy child enjoys the same rights as the girl child under sub-Article 1.

Part three – Governance

Article 12 – Representation

1. States Parties shall endeavour that, by 2015, at least fifty percent of decision-making positions in the public and private sectors are held by women including the use of affirmative action measures as provided for in Article 5.
2. States Parties shall ensure that all legislative and other measures are accompanied by public awareness campaigns which demonstrate the vital link between the equal representation and participation of women and men in decision making positions, democracy, good governance and citizen participation.

Article 13 – Participation

1. States Parties shall adopt specific legislative measures and other strategies to enable women to have equal opportunities with men to participate in all electoral processes including the administration of elections and voting.
2. States Parties shall ensure the equal participation of women and men in decision making by 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; and
 - (d) changing discriminatory attitudes and norms of decision making structures and procedures.
3. States Parties shall ensure the inclusion of men in all gender related activities, including gender training and community mobilisation.

Part four – Education and training

Article 14 – Gender equality in education

1. States Parties shall, by 2015, enact laws that promote equal access to and retention in primary, secondary, tertiary, vocational and non-formal education in accordance with the Protocol on Education and Training and the Millennium Development Goals.

2. States Parties shall by 2015 adopt and implement gender sensitive educational policies and programmes addressing gender stereotypes in education and gender based violence, amongst others.

Part five – Productive resources and employment

Article 15 – Economic policies and decision making

1. States Parties shall, by 2015, ensure equal participation, of women and men, in policy formulation and implementation of economic policies.
2. States Parties shall ensure gender sensitive and responsive budgeting at the micro and macro levels, including tracking, monitoring and evaluation.

Article 16 – Multiple roles of women

States Parties shall conduct time use studies by 2015 and adopt policy measures to ease the burden of the multiple roles played by women.

Article 17 – Economic empowerment

1. States Parties shall, by 2015, adopt policies and enact laws which ensure equal access, benefit and opportunities for women and men in trade and entrepreneurship, taking into account the contribution of women in the formal and informal sectors.
2. States Parties shall, by 2015, review their national trade and entrepreneurship policies, to make them gender responsive.
3. States Parties shall, by 2015, and with regard to the affirmative action provisions in Article 5, introduce measures to ensure that women benefit equally from economic opportunities, including those created through public procurement processes.

Article 18 – Access to property and resources

States Parties 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) ensure that women have equal access and rights to credit, capital, mortgages, security and training as men; and
- (c) ensure that women and men have access to modern, appropriate and affordable technology and support services.

Article 19 – Equal access to employment and benefits

1. States Parties 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.
2. States Parties 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, persons engaged in agricultural and domestic work; and
 - (d) the appropriate minimum remuneration of persons engaged in agricultural and domestic work.
3. States Parties shall enact and enforce legislative measures prohibiting the dismissal or denial of recruitment on the grounds of pregnancy or maternity leave.
 4. States Parties shall provide protection and benefits for women and men during maternity and paternity leave.
 5. States Parties shall ensure that women and men receive equal employment benefits, irrespective of their marital status including on retirement.

Part six – Gender based violence

Article 20 – Legal

1. States Parties shall:
 - (a) by 2015, enact and enforce legislation prohibiting all forms of gender based violence; and
 - (b) ensure that perpetrators of gender based violence, including domestic violence, rape, femicide, sexual harassment, female genital mutilation and all other forms of gender based violence are tried by a court of competent jurisdiction.
2. States Parties shall, by 2015, 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) ready access to post exposure prophylaxis at all health facilities to reduce the risk of contracting HIV; and
 - (c) preventing the onset of sexually transmitted infections.
3. States Parties shall, by 2015, 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 survivors of gender based violence in a manner that ensures dignity, protection and respect.
4. States Parties shall put in place mechanisms for the social and psychological rehabilitation of perpetrators of gender based violence.
5. States Parties shall, by 2015:
 - (a) enact and adopt specific legislative provisions to prevent human trafficking and provide holistic services to survivors, 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 all parties.
- 6. States Parties shall ensure that cases of gender based violence are conducted in a gender sensitive environment.
- 7. States Parties shall establish special counselling services, legal and police units to provide dedicated and sensitive services to survivors of gender based violence.

Article 21 – Social, economic, cultural and political practices

1. States Parties shall take measures including legislation, where appropriate, to discourage traditional norms, including social, economic, cultural and political practices which legitimise and exacerbate the persistence and tolerance of gender based violence with a view to eliminate them.
2. States Parties shall, in all sectors of society, introduce and support gender sensitisation and public awareness programmes aimed at changing behaviour and eradicating gender based violence.

Article 22 – Sexual harassment

1. States Parties shall, by 2015, enact legislative provisions, and adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators of sexual harassment.
2. States Parties shall ensure equal representation of women and men in adjudicating bodies hearing sexual harassment cases.

Article 23 – Support services

1. States Parties shall provide accessible information on services available to survivors of gender based violence.
2. States Parties shall ensure accessible, effective and responsive police, prosecutorial, health, social welfare and other services to redress cases of gender based violence.
3. States Parties shall provide accessible, affordable and specialised legal services, including legal aid, to survivors of gender based violence.
4. States Parties shall provide specialised facilities, including support mechanisms for survivors of gender based violence.
5. States Parties shall provide effective rehabilitation and re-integration programmes for perpetrators of gender based violence.

Article 24 – Training of service providers

States Parties shall introduce, promote and provide:

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

Article 25 – Integrated approaches

States Parties shall adopt integrated approaches, including institutional cross sector structures, with the aim of reducing current levels of gender based violence, by half by 2015.

Part seven – Health and HIV and AIDS

Article 26 – Health

States Parties shall, by 2015, in line with the SADC Protocol on Health and other regional and international commitments by Member States on issues relating to health, adopt and implement legislative frameworks, policies, programmes and services to enhance gender sensitive, appropriate and affordable quality health care, in particular, to:

- (a) reduce the maternal mortality ratio by 75% by 2015;
- (b) develop and implement policies and programmes to address the mental, sexual and reproductive health needs of women and men; and
- (c) ensure the provision of hygiene and sanitary facilities and nutritional needs of women, including women in prison.

Article 27 – HIV and AIDS

1. States Parties shall take every step necessary to adopt and implement gender sensitive policies and programmes, and enact legislation, that will address prevention, treatment, care and support in accordance with, but not limited to, the Maseru Declaration on HIV and AIDS.
2. States Parties shall ensure that the policies and programmes referred to in sub-Article 1 take account of the unequal status of women, the particular vulnerability of the girl child as well as harmful practices and biological factors that result in women constituting the majority of those infected and affected by HIV and AIDS.
3. States Parties shall, by 2015:
 - (a) develop gender sensitive strategies to prevent new infections;
 - (b) ensure universal access to HIV and AIDS treatment for infected women, men, girls and boys; and
 - (c) develop and implement policies and programmes to ensure appropriate recognition of the work carried out by care givers, the majority of whom are women, the allocation of resources and the psychological support for care-givers as well as promote the involvement of men in the care and support of people living with HIV and AIDS.

Part eight – Peace building and conflict resolution

Article 28 – Peace building and conflict resolution

1. States Parties shall endeavour to 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 in accordance with United Nations Security Council Resolution 1325 on Women, Peace and Security.
2. States Parties 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, especially of women and children, and ensure that the perpetrators of such abuses are brought to justice before a court of competent jurisdiction.

Part nine – Media, information and communication

Article 29 – General principles

1. States Parties shall ensure that gender is mainstreamed in all information, communication and media policies, programmes, laws and training in accordance with the Protocol on Culture, Information and Sport and other regional and international commitments by Member States on issues relating to media, information and communication.
2. States Parties 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 in accordance with the Protocol on Culture, Information and Sport.
3. States Parties shall take measures to promote the equal representation of women in the ownership of, and decision making structures of the media, in accordance with Article 12.1 that provides for equal representation of women in decision making positions by 2015.

Article 30 – Gender in media content

1. States Parties shall take measures to discourage the media from:
 - (a) promoting pornography and violence against all persons, especially women and children;
 - (b) depicting women as helpless victims of violence and abuse;
 - (c) degrading or exploiting women, especially in the area of entertainment and advertising, and undermining their role and position in society; and
 - (d) reinforcing gender oppression and stereotypes.
2. States Parties shall encourage the media to give equal voice to women and men in all areas of coverage, including increasing the number of programmes for, by and about women on gender specific topics and that challenge gender stereotypes.
3. States Parties shall take appropriate measures to encourage the media to play a constructive role in the eradication of gender based violence by adopting guidelines which ensure gender sensitive coverage.

Article 31 – Universal access to information, communication and technology

States Parties shall put in place information and communication technology policies and laws in the social, economic and political development arena for women's empowerment, regardless of race, age, religion, or class. These 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.

Part ten – Final provisions

Article 32 – Remedies

States Parties shall:

- (a) provide appropriate remedies in their legislation to any person whose rights or freedoms have been violated on the basis of gender; 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 33 – Financial provisions

1. States Parties shall ensure gender sensitive budgets and planning, including designating the necessary resources towards initiatives aimed at empowering women and girls.
2. States Parties shall mobilise and allocate the necessary human, technical and financial resources for the successful implementation of this Protocol.

Article 34 – Institutional arrangements

1. The institutional mechanisms for the implementation of this Protocol shall comprise the:
 - (a) Committee of Ministers Responsible for Gender/Women’s Affairs;
 - (b) Committee of Senior Officials Responsible for Gender/Women’s Affairs; and
 - (c) SADC Secretariat.
2. 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.
3. 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 Secretariat;
 - (c) clear the documents prepared by the Secretariat to be submitted to the Committee of Ministers;
 - (d) invite the Secretariat 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 Secretariat.
4. The SADC Secretariat shall:
 - (a) facilitate and monitor reporting by States Parties 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 and the Committee of Senior Officials.

Article 35 – Implementation, monitoring and evaluation

1. States Parties shall ensure the implementation of this Protocol at the national level.
2. States Parties shall ensure that national action plans, with measurable time frames, are put in place, and that national and regional monitoring and evaluation mechanisms are developed and implemented.
3. States Parties shall collect and analyse baseline data against which progress in achieving targets will be monitored.
4. States Parties shall submit reports to the Executive Secretary of SADC once every two years, indicating the progress achieved in the implementation of the measures agreed to in this Protocol.

5. The Executive Secretary of SADC shall submit the progress reports to Council and Summit for consideration.

Article 36 – Settlement of disputes

1. States Parties shall strive to resolve any dispute regarding application, interpretation or implementation of the provisions of this Protocol amicably.
2. Any dispute arising from the application, interpretation or implementation of this Protocol, which cannot be settled amicably, shall be referred to the SADC Tribunal, in accordance with Article 16 of the Treaty.

Article 37 – Withdrawal

1. A State Party 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 State Party 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 notice.

Article 38 – Amendments

1. A proposal for the amendment of this Protocol shall be submitted to the Executive Secretary of SADC by any State Party that is party to the Protocol.
2. The Executive Secretary of SADC shall submit a proposal for amendment of the Protocol to Council after:
 - (a) all Member States that are parties to the Protocol have been notified of the proposal; and
 - (b) thirty days have elapsed since notification to the Member States that are parties to the Protocol.
3. An amendment to this Protocol shall be adopted by a decision of three-quarters of the Member States that are Parties to the Protocol.

Article 39 – Signature

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

Article 40 – Ratification

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

Article 41 – 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 42 – Accession

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

Article 43 – Depositary

1. The original texts of this Protocol and all Instruments of Ratification and Accession shall be deposited with the Executive Secretary of SADC, who shall transmit certified copies to all Member States.
2. The Executive Secretary of SADC 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 of SADC 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 Johannesburg this 17 day of August 2008 in three (3) original texts in the English, French and Portuguese languages, all texts being equally authentic.