



**REPORT TO THE 49<sup>th</sup> PLENARY ASSEMBLY SESSION ON THE JOINT SESSION OF STANDING COMMITTEES OF THE SADC PARLIAMENTARY FORUM ON “THE URGENCY OF CONTINUED INVESTMENTS IN CHILD MARRIAGE IN THE COVID-19 CONTEXT” AND “THE ROLE OF PARLIAMENTARIANS IN ADVANCING ACCESS TO COVID-19 VACCINES, MEDICINES AND DIAGNOSTICS.”**

Mr President, I beg to move that this House do adopt the Report of the Joint Session of the Standing Committees of the Forum held under the theme, *“The Urgency of Continued Investments In Child Marriage in the COVID-19 Context”* and *“The Role of Parliamentarians in Advancing Access to COVID-19 Vaccines, Medicines and Diagnostics”* laid on the table of the House on 27<sup>th</sup> June 2021.

## 1.0 PREAMBLE

- 1.1 As has become the norm drawn from international best practice, the SADC Parliamentary Forum in conjunction with its partners hosted a Joint Session of Standing Committees and the Regional Women's Parliamentary Caucus (RWPC) on Thursday 15<sup>th</sup> April 2021 under the following themes: *"The Urgency of Continued Investments In Child Marriage in the COVID-19 Context"* and *"The Role of Parliamentarians in Advancing Access to COVID-19 Vaccines, Medicines and Diagnostics."* Given the global prevalence of the COVID-19 pandemic, it was only befitting that the focus of the Joint Session be on the COVID-19 pandemic and attendant issues. Indeed, the Forum and its partners could not have picked on a more relevant and timelier theme given the shocking increase in cases of early and unintended pregnancies (EUPs) and child marriages during the subsistence of the COVID-19 pandemic in the region. In Malawi, for example, the Ministry of Gender had recorded over 40 000 teenage pregnancies within a space of six months between March and August 2020. Over 5 000 girls had dropped out of school in Zimbabwe in 2020 due to unintended pregnancies while between 15 000 to 16 000 EUPs were recorded in Zambia annually. Projections by the United Nations Population Fund (UNFPA) in April 2020 showed that COVID-19 would disrupt efforts to end child marriage, potentially resulting in an additional 13 million child marriages taking place globally between 2020 and 2030 that could otherwise have been averted. Given these shocking statistics, it was both urgent and imperative for the region to continue investing in the fight against child marriages which had been worsened by the COVID-19 pandemic. A
- 1.2 It was equally important and relevant to the SADC citizenry, for the Joint Session to deliberate on the role that Parliamentarians can and should play in enhancing citizens' access to vaccines, medicines and diagnostics moreso now that most African countries had embraced the vaccines and were in the process of rolling out the same to their people. In the face of misinformation, myths and legends peddled by social media in relation to the vaccines, it was only proper for the people's elected representatives to take the lead in demystifying the vaccines and ensuring that they reach even those in the hinterland.

## 2.0 OBJECTIVES OF THE JOINT SESSION

The main objectives and expected outcomes of the Joint Session were, therefore, as follows:

- i. To explore and raise awareness to the Members of the Forum on the impact of COVID-19 on the efforts to end child marriages in the region;
- ii. Raising awareness and strengthening the knowledge of the Members of the Forum through showcasing of the *"Wait to Wed"* video series of

- the Model Law on Child Marriages with the aim of deepening their understanding of the Model Law;
- iii. To provide an opportunity to Members of the Forum to interact and share with their counterparts on the implementation of child marriage related laws in their respective countries.
  - iv. To share with Members of the Forum the progress that has been made by some of the SADC Member States in efforts to review, revise and install progressive Intellectual Property / Patent laws and national policies; and,
  - v. To provide an opportunity to Members of the Forum to interact and share with their counterparts on the role they are currently playing and can play to improve access to the COVID-19 therapeutics in their respective countries.

### **3.0 WELCOME REMARKS BY THE SECRETARY GENERAL, MS. BOEMO M. SEKGOMA**

- 3.1** The Secretary General, Ms. Boemo Sekgoma, prefaced her remarks by underlining that the Model Law on Eradicating Child Marriages and Protecting Children Already in Marriage was a ground-breaking piece of legislation developed by the Forum through an intensive consultative process involving all SADC PF Standing Committees and some Parliamentary Committees at the national level. The Model Law had been lauded for its comprehensive provisions both regionally and internationally and had thus put the Forum on the international map. However, this praise remained nothing more than vain glory if the provisions of the Model Law were not domesticated in municipal legislation. It behooved the SADC PF Members, therefore, to recommit themselves to ensuring that the Model Law is used to improve national legislation and, ultimately, eradicate child marriages in their respective countries.

### **4.0 OFFICIAL OPENING STATEMENT BY THE HSDSP STANDING COMMITTEE CHAIRPERSON, HON. BERTHA M. NDEBELE**

- 4.1** In delivering the keynote address, the Chairperson of the Standing Committee on Human and Social Development and Special Programmes, Hon. Bertha Ndebele, reaffirmed the role of the SADC PF in promoting a culture of human rights within SADC, which includes the enjoyment of sexual and reproductive health rights (SRHR) by all without discrimination. The achievement of SRHR would, in turn, produce multiple dividends, including but not limited to, the gender dividend, the youth dividend and the human capital dividend all of which are crucial for attaining the Sustainable Development Goals (SDGs) and a more equitable, just and prosperous world. The Joint Session intended to play a crucial role in this regard by sensitizing Members on the role they could play in attaining the afore stated dividends.

- 4.2** Hon. Ndebele pointed out that as most SADC countries had started rolling out COVID-19 vaccines to their citizens, it was equally important for the Joint Session to deliberate on the role that Members of Parliament ought to play in enhancing access to vaccines, medicine and diagnostics and ensuring that the process is inclusive and transparent.

**5.0 PRESENTATION ON THE DATA/ TRENDS ON CHILD MARRIAGE AND COVID-19 IN SOUTHERN AFRICA: UNFPA/UNICEF**

- 5.1** The UNFPA Youth and Gender Specialist, Ms Anandita Philipose, asserted that COVID-19 had upended the lives of children and families across the globe and adversely affected programmes to end child marriages. The closure of schools across the region and the confinement of children to their homes had deepened vulnerabilities to child marriages and early and unintended pregnancies. Regrettably, at the same time access to health services also became increasingly difficult amidst the national lockdowns and rechanneling of resources towards the fight against the pandemic. A study done by the UNFPA in 2020 entitled, *Child Marriage in COVID-19 Contexts: Disruptions, Alternative Approaches and Building Programme Resilience*, had revealed that the COVID-19 pandemic had disrupted programmes aimed at ending child marriage to the extent that projections indicated that an additional 13 million child marriages would take place between 2020 and 2030. Even prior to the pandemic, 32% of girls in East and Southern Africa were married off before the age of eighteen (18). It was, therefore, critically important for all stakeholders involved in the fight against child marriages, Parliamentarians included, to ensure that even amidst the pandemic the spotlight continued to be on child marriages and on instituting programmes that curbed the prevalence of child marriages.
- 5.2** To this end, among other recommendations, the study stressed the need to:
- i. Continue to strengthen an integrated approach to end child marriage with key sectors such as health, education and social protection. This is critical to ensure a holistic package of response services are delivered for adolescent girls at risk of child marriage or already in marriages;
  - ii. Ensure the integration of child marriage in ongoing and planned surveys and assessments. This includes – but is not limited to – socio-economic impacts assessments, vulnerability assessments, rapid gender assessments, studies or assessments on increases in harmful practices or GBV in the COVID-19 context.
  - iii. Integrate child marriage in COVID-19 response and recovery plans to the fullest extent possible.

**5.3** Ms Mona Aika, the UNICEF Eastern and Southern Africa Regional Office Child Protection Specialist highlighted the worrisome statistics relating to child marriage globally and in Sub-Saharan Africa. She indicated that:

- The global number of child marriages was estimated at 615 million with South Asia topping the list with 285 million child brides followed by Sub-Saharan Africa with 115 million child brides;
- At least 12 million girls below the age of 18 were being married off each year across the globe;
- In Eastern and Southern Africa, Mozambique had the highest rate of child marriages with 48% of girls married between the age of 20-24 followed by Uganda and Ethiopia at 40% and Zambia at 31%;
- Similarly, Mozambique and Ethiopia had the highest rate of girls married before the age of 18 at 14%, followed by Uganda at 10%, Zambia at 6% and Kenya at 4%;
- Two countries from East and Southern Africa were among the top ten countries in the world in terms of child marriages with Mozambique at 53% of women aged between 20-24 reported to be married before the age of 18 and South Sudan at 52%; and,
- In the SADC Region, 1 in every 3 girls aged 20-24 were married before their 18<sup>th</sup> birthday.

## **6.0 UNFPA/UNICEF GLOBAL PROGRAMME TO END CHILD MARRIAGE**

**6.1** Ms. Aika chronicled the genesis and evolution of the UNFPA/UNICEF Global Programme to End Child Marriages. She stated that the Programme had commenced in 2016 targeting 12 countries with a high prevalence of child marriages, namely, Bangladesh, Burkina Faso, Ethiopia, Ghana, India, Mozambique, Nepal, Niger, Sierra Leone, Uganda, Yemen and Zambia. The programme aims at addressing the socio-economic and cultural factors that underpin child marriage with the goal of ending child marriage by 2030 in line with the Sustainable Development Goal 5.3 of *“Eliminating all harmful practices.”*

**6.2** In closing, Ms Aika made an impassioned plea for concerted action in empowering adolescent girls at risk and those already in marriage, working with families and communities to transform attitudes and foster behavioural change and ensuring that the legislative environment is responsive to the needs of adolescent girls.

## **7.0 THE SADC MODEL LAW ON ERADICATING CHILD MARRIAGE AND PROTECTING CHILDREN ALREADY IN MARRIAGE: MS ANANDITA PHILIPOSE**

**7.1** Ms Philipose averred that the SADC Model Law on Eradicating Child Marriage and Protecting Children Already In Marriage was a powerful tool in the fight against child marriage provided that Parliamentarians pushed for its implementation in their respective countries. The SADC PF with the support of UNICEF and other development partners had established a Regional Parliamentary Model Laws Oversight Committee to oversee the implementation of the Model Law and any other model laws developed by the Forum by the respective Member States. A user-friendly Guide for Parliamentarians on how to use the Model Law to push legislative and policy reforms had also been developed. A snapshot survey conducted by the Forum had revealed that the Model Law had proven to be very useful in developing robust legal and policy responses to end child marriage, including the enactment of progressive marriage laws, the reform of outdated laws and country level harmonisation of child marriage-related laws within Member States.

**7.2** In addition to the user-friendly Guide, UNFPA, UNICEF, and the SADC Parliamentary Forum had developed a four-part video and comic book series in 2020 which utilizes the voices of young advocates, child marriage survivors, Parliamentarians, healthcare workers, religious leaders and law enforcement agents to champion equal access for girls to education, health and rights in Southern Africa entitled '*Wait to Wed.*' Members were encouraged to use the illustrative video to raise awareness in their constituencies and reach out to a wider audience in strengthening the fight against child marriage.

**7.3** In the ensuing deliberations, the following issues emerged:

- Parliamentarians acknowledged the importance of the SADC Model Law on Eradicating Child Marriage and Protecting Children Already In Marriage as a benchmark in improving national legislation to protect the girl child against child marriage. Different countries had the liberty to use the Model Law differently focusing on issues that were relevant to the local context.
- Members of Parliament, in whom the voice of the people reposed, were encouraged to play a critical role in popularizing and amplifying the Model Law in their respective countries and in the constituencies.
- The illustrative video, "*Wait to Wed*" was an important tool in popularizing the discourse against child marriage and protecting the rights of the girl child holistically. However, the video must be all-inclusive to dispel the notion that the problem

of child marriage is confined to a particular race, a particular demographic or a particular religion as it was and continues to be a global problem.

- Despite the negative public perception in many SADC countries against Comprehensive Sexuality Education (CSE) and other SRHR related issues, the Model Law could not be viewed in isolation without addressing the attendant SRHR issues, including CSE, which could play an important contributory role in transforming gender norms, mitigating gender-based violence and eradicating child marriage.
- Parliamentarians must ensure that sufficient resources are allocated to the fight against child marriage through adequate budgetary allocations. Without the backing of resources, the Model Law would remain impotent in the fight against the scourge of child marriage across the Region. To this end, UNFPA and UNICEF, through the Global Programme to End Child Marriage, committed to supporting the production of Child Protection Budget Briefs which would inform Members on how much resources would be allocated to child protection issues.
- Lobbying and advocacy efforts must not only target traditional and religious leaders, but must also deliberately focus on parents and guardians, particularly parents in the rural areas, who did not seem to appreciate the intrinsic value of educating the girl child and opted instead to marry them off as a means to 'emancipate' the family. This was particularly important in view of the fact that the majority of the population in most SADC countries resided in the rural areas where cases of child marriage were rampant.
- Development partners and CSOs must of necessity include men and boys in their advocacy efforts not just to elicit transformative behavioural change in the struggle for gender equality, but also to rope them in as change champions in eradicating child marriage and promoting and protecting the rights of women and girls in the Region.

## **8.0 PRESENTATION ON THE NEXUS BETWEEN ACCESS TO HEALTHCARE, THE SUSTAINABLE DEVELOPMENT GOALS AND INTELLECTUAL PROPERTY: SADC HEALTH CHALLENGES-ARASA AND SAPAM**

- 8.1** The presentation was jointly delivered by Ms. Nyasha Chingore, the Programmes Lead for the AIDS and Rights Alliance of Southern Africa (ARASA) and, Mr. Yunus Mohammed, the Executive Director of the Southern Africa Programme on Access to Medicines and Diagnostics (SAPAM). Ms Chingore commenced the presentation by highlighting that the main challenge with intellectual property (IP) rights and access to medicine in Sub-Saharan Africa was the gap between the huge disease burden and the slow uptake of TRIPS flexibilities that

are freely available to most SADC countries, primarily due to structural and technical factors. Sadly, the unintended consequence of this sluggish uptake of TRIPS flexibilities was the prohibitive cost of medicine for most people in the region. To that end, she asserted that access to affordable medicine would require investment in innovation as well as a more holistic and sustainable approach, including TRIPS flexibilities to stimulate local/regional production of pharmaceuticals. In so doing, the region would be fulfilling the commitments espoused under Sustainable Development Goal 3, *“Good Health and Well-Being.”*

**8.2** Mr Yunus Mohammed indicated that it was urgent and imperative for SADC countries to leverage on the window of opportunity provided by the TRIPS flexibilities to develop their local and, ultimately, regional production capacity. Under the TRIPS flexibilities, Least Developed Countries were not required to implement patent and data protection until 2033. The Region was thus hard-pressed to use this transition period to build its own production capacity as India had done. However, in order to achieve this, the Region would need to address the following weaknesses:

- i. Inadequate human resources
- ii. Low capacity utilization of existing pharmaceutical production facilities due to lack of coordinated policies;
- iii. Inadequate supply of local raw materials;
- iv. Lack of skilled personnel;
- v. High operating costs compared to imports; and,
- vi. A dearth of pharma manufacturing policies or strategies

**8.3** In this context, Members of Parliament were called upon to:

- Advocate for the development of and/or developing legislation or policies that facilitate access to medicine and remove barriers to access;
- Leverage on their oversight role to ensure that targets outlined in the SDGs are met and further that national programmes and policies are in place to implement strategies to promote access to medicines;
- Seek knowledge on intellectual property and non-intellectual property barriers in order to act as good advocates for access to medicines; and,
- Push governments to develop national intellectual property policies that encompass the regulation of all intellectual property rights in the Member States.

## **9.0 INTELLECTUAL PROPERTY AND THE COVID-19 PANDEMIC**

**9.1** The lack of appreciation of the tangible benefits of patenting medicines was becoming more apparent with the outbreak of the COVID-19 pandemic which had necessitated the development of vaccines. Mr



Muhammed averred that low and middle-income countries would be the last to access COVID-19 rapid molecular diagnostics and vaccines. He argued that with the advent of 'vaccine nationalism' the initial sentiment seemed to have swayed from the notion that 'no one is safe until everyone is safe' to 'each country for themselves'. This change in perspective demonstrated why it was important that SADC countries have IP policies that lay out how the country will ensure access to medicine. The pandemic had thus highlighted the importance of epidemic preparedness by Member States, and installing progressive intellectual property policies could act as a safeguard mechanism to ensure that Member States are able to leverage the TRIPS flexibilities as and when these public health emergencies emerge.

**9.2** In the ensuing deliberations, the participants acknowledged the relatively high cost of medicine in the region arising from the importation of most of the region's medicinal requirements. This was keenly felt among the vulnerable groups in the region, including the disabled. Members of Parliament thus had an onerous responsibility to spearhead the enactment of legislation that enhances access to medicine, removes barriers to access and allows SADC countries to use the transitional period to develop their production capacity.

**9.3** Members of Parliament were also encouraged to use their oversight function to ensure that COVID-19 vaccines are accessed by all, including the vulnerable groups. The onus was also on Parliamentarians to ensure that governments provide comprehensive information on the vaccine roll-out programmes as well as the COVID-19 pandemic itself in view of the alarm and despondency created by inaccurate information circulating on social media.

## **10.0 CLOSING REMARKS BY THE CHAIRPERSON OF THE STANDING COMMITTEE ON DEMOCRACY, GOVERNANCE AND HUMAN RIGHTS**

**10.1** In closing the Joint Session, the Acting Chairperson of the Standing Committee on Democracy, Governance and Human Rights, Hon. Darren Bergman, reiterated the negative impact of the COVID-19 pandemic on sexual and reproductive health and rights, including, sexual and gender-based violence, early and unintended pregnancies and child marriages and the urgent need for Parliamentarians to take action to protect the rights of women and girls in the region. Hon. Bergman underscored the sacrosanct role of Parliamentarians not only as the bridge between governments and the people, but also in supporting the enactment of progressive policies and legislation that guarantee the protection and promotion of the rights of vulnerable groups. To this end, Hon. Bergman commended Parliamentarians for the strides they had made in utilizing the Model Law on Eradicating Child Marriage and Protecting Children Already In Marriage to review

national legislation and policies to stem the tide of child marriage. However, the COVID-19 pandemic threatened to reverse these gains. It was, therefore, incumbent upon Parliamentarians and development partners, that is, UNFPA, UNICEF and other partners to strengthen collaboration in the fight against child marriage as part of working towards a more equal future.

- 10.2** Hon. Bergman noted that the COVID-19 pandemic had also highlighted the urgency of ensuring equitable access to affordable medicine for all SADC citizens. Now more than ever, it was important for Parliamentarians to remain committed and engaged to guaranteeing equitable access to health for all using the tools and resources involved to focus on intellectual property rights and their impact on access to medicines. Parliamentarians had an indispensable role to play in enacting intellectual property legislation and ensuring equitable access to affordable medicine.

## **11.0 OBSERVATIONS AND RECOMMENDATIONS BY THE JOINT SESSION**

- 11.1** Following these incisive presentations, the Joint Session of Standing Committees of the Forum:

**DEEPLY CONCERNED** with the shocking increase in cases of early and unintended pregnancies and child marriages during the subsistence of the COVID-19 pandemic in the region;

**FURTHER CONCERNED** that COVID-19 would disrupt efforts to end child marriage, potentially resulting in an additional 13 million child marriages taking place globally between 2020 and 2030;

**ACKNOWLEDGED** the concerted efforts made by the SADC PF and its partners to heighten the fight against child marriage and early and unintended pregnancies through the Model Law, the 'Wait to Wed' video series and other noteworthy interventions;

**RECOGNISED** the urgent need for Parliamentarians to augment the Forum's efforts by leveraging on their legislative role to push for the domestication and enforcement of provisions of the Model Law in municipal legislation;

**WORRIED** by the slow uptake of TRIPS flexibilities by the majority of SADC countries resulting in the prohibitive cost of medicine for most people in the region which further hampered the fight against the COVID-19 pandemic;

**MINDFUL** that the COVID-19 pandemic had highlighted the urgency of ensuring equitable access to affordable medicine for all SADC citizens.

**NOW, THEREFORE, THE JOINT SESSION OF STANDING COMMITTEES OF THE SADC PARLIAMENTARY FORUM RECOMMENDED THE FOLLOWING TO THE 49<sup>TH</sup> PLENARY ASSEMBLY OF THE FORUM, THAT:**

- a) The 49<sup>th</sup> Plenary Assembly of the Forum calls upon Member States to integrate child marriage in the COVID-19 response and recovery plans to the fullest extent possible;
- b) SADC Parliamentarians must make use of SADC Model Law on Eradicating Child Marriage and Protecting Children Already In Marriage as a benchmark in improving national legislation to protect the girl child against child marriage;
- c) SADC Parliamentarians must ensure that sufficient resources are allocated to the fight against child marriage through adequate budgetary allocations;
- d) Lobbying and advocacy efforts against child marriage must be targeted at traditional and religious leaders, parents and guardians, particularly parents in the rural areas, who do not seem to appreciate the intrinsic value of educating the girl child and opt instead to marry them off as a means to 'emancipate' the family.
- e) SADC Members of Parliament must advocate for the development of legislation or policies that facilitate access to medicine and remove barriers to access;
- f) Parliamentarians must push governments to develop national intellectual property policies that encompass the regulation of all intellectual property rights in the Member States.
- g) The 49<sup>th</sup> Plenary Assembly of the Forum implores the SADC Region to take advantage of the leeway granted by the TRIPS Flexibilities to develop a regional pharmaceutical hub to enhance access to medicine by the poor and vulnerable groups.

**Mr. President, I beg to move.**