



**REPORT OF THE JOINT SITTING OF SADC PF STANDING COMMITTEES AND THE REGIONAL WOMEN'S PARLIAMENTARY CAUCUS TO THE 53<sup>RD</sup> PLENARY ASSEMBLY SESSION**

**THEME: "ACCELERATING THE DOMESTICATION AND IMPLEMENTATION OF SADC MODEL LAWS ON CHILD MARRIAGE AND GENDER-BASED VIOLENCE" ON 10<sup>TH</sup> MAY 2023 AT RADISSON BLU OR TAMBO INTERNATIONAL AIRPORT HOTEL**

Mr. President, I beg to move that this Forum do adopt the Report of the Joint Sitting of the SADC PF Standing Committees and the Regional Women's Parliamentary caucus on accelerating the domestication and implementation of SADC Model Laws on Child Marriage and Gender-Based Violence, laid on the Table of this august House on 4 July 2023.

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## 1.0 COMPOSITION OF THE COMMITTEES

The Joint Session consisted of the Members as per the Annexes.

Hon. Domingos Mussokola	Angola
Hon. Ruth Adriano Mendes	Angola
Hon. Pedro Sebastiao	Angola
Hon. Teresa José Adeline Neto	Angola
Hon. Dithapelo Keorapetse	Botswana
Hon. Leepeetswe Lesedi	Botswana
Hon. Friction T. Leuwe	Botswana
Hon. Muber Thoniot Serge	DRC
Hon. Dsyo Mokfe	DRC
Hon. Gabriel Kazad Ngoy	DRC
Hon Nadine Mangabu Luabeya	DRC
Hon. Anne-Marie Mbilambangu	DRC
Hon. Princess Phumelele Dlamini	Eswatini
Hon. Mduduzi Matsebula	Eswatini
Hon. Lovanirina Célestin Fiarovana	Madagascar
Hon. Ramarosoia Emiline Rakotobe	Madagascar
Hon. Lova Herizo Rajaobelina	Madagascar
Hon. Christophe Tsiliva Diddiot	Madagascar
Hon Marie Jeanne d’Arc Masy Goulamaly	Madagascar
Hon. Ishmael Ndaila Onani	Malawi
Hon. Francis Lucky Phisso	Malawi
Hon. Leonard Mwalwanda	Malawi
Hon. Rachel Zulu	Malawi
Hon. Roseby Gama Gadama	Malawi
Hon. Jeronima Agostinho	Mozambique
Hon. Carlos Moreira Vasco	Mozambique
Hon. Carlos Manuel	Mozambique
Hon. Maria Marta Fernando	Mozambique
Hon. Marie Joanne Tour	Mauritius
Hon. Marie Genevieve S. Anquetil	Mauritius
Hon. Agnes M. Kafula	Namibia
Hon. Vipuakuje Muharukua	Namibia
Hon. Utaara Mootu	Namibia
Hon. Phillipus Wido Katamelolo	Namibia
Hon. Emilia I. Nuyoma	Namibia
Hon. Anne Rosie Bistoquet	Seychelles
Hon. Richard Marc Labrosse	Seychelles
Hon. Regina Lucia Esparon	Seychelles
Hon. Rocky Joseph Uranie	Seychelles
Hon. Nkhensani Kate Bilankulu	South Africa

Hon. Desmond Lawrence Moela	South Africa
Hon. Darren Bergman	South Africa
Hon. Seiso Joel Mohai	South Africa
Hon. Ntombovuyo V. Mente-Nkuna	South Africa
Hon. Shally Josepha Raymond	Tanzania
Hon. Selemani Jumanne Zedi	Tanzania
Hon. Kassim Hassan Haji	Tanzania
Hon. Dr. Afred James Kimea	Tanzania
Hon. Hawa Subira Mwaifunga	Tanzania
Hon. Christine Mutinta Mazoka	Zambia
Hon. Victor Lumayi	Zambia
Hon. Julien Nyemba	Zambia
Hon. Kalalwe Mukosa	Zambia
Hon. Jeffrey Mulebwa	Zambia
Hon. Princess Kasune	Zambia
Hon. Tambudzani Mohadi	Zimbabwe
Hon. Paurina Mpariwa	Zimbabwe
Hon. Anele Ndebele	Zimbabwe
Hon. Dought Ndiweni	Zimbabwe
Hon. Goodlucky Kwaramba	Zimbabwe

## **2.0 TERMS OF REFERENCE OF COMMITTEES ATTENDING THE JOINT SESSION**

The Standing Committees attending the Joint Session are guided by their respective mandate in terms of Rule 42 of the SADC PF Rules of Procedure.

## **3.0 NUMBER OF MEETINGS HELD AND MEETING DATES**

The Joint Session of Standing Committees was held on Wednesday, 10<sup>th</sup> May 2023 to discuss the topic “*Accelerating the Domestication and Implementation of SADC Model Laws on Child Marriage and Gender-Based Violence: Good Practices, Challenges and Way Forward*”.

## **4.0 BACKGROUND**

Gender-based violence, including child marriage, remains a pressing and urgent issue within Member States of the Southern African Development Community (SADC). Gender-based violence (GBV) includes a range of human rights violations, such as physical, sexual, emotional, and economic abuse, and affects mostly women and girls, as well as men and boys. The prevalence of GBV in the region is high, with rates of intimate partner violence, rape, and other forms of sexual violence being particularly alarming. Similarly, child marriage is also a prevalent issue in the region with at least six countries in the sub-region having a child marriage prevalence of over 30%.

The SADC Parliamentary Forum (SADC PF) has been a global leader in creating robust and comprehensive model legal and policy frameworks aimed at

addressing these pressing issues. The SADC Model Law on Gender-based Violence ('Model Law on GBV') and the SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage ('Model Law on Child Marriage') serve as legislative yardsticks based on agreed upon concepts derived from international human rights instruments which the Member States of SADC have already committed themselves to.

It was in this regard that the joint sitting of the SADC PF Standing Committees was convened in cognizance of the key role of parliamentarians in positioning and promoting gender and human rights through their representative, legislative, budgetary, oversight and public opinion shaping roles. In this regard, the members of the various SADC PF standing committees met to deliberate on the role that parliamentarians can play in accelerating the domestication and implementation of the SADC Model Laws on GBV and Child Marriage; and to mobilize the political will and financial commitments that are urgently needed in order to finally and fully implement universal access to sexual and reproductive health rights, eradicate child marriage, prevent and address GBV, and meet the SDGs by 2030.

## **5.0 SUMMARY OF PRESENTATIONS**

### **5.1 Overview of SADC Model Laws on Gender-Based Violence and Child Marriage By Ms Boemo Sekgoma, Secretary General**

- a) The presenter explained that the Model Laws are normative legal standards developed by the Forum. The Model Laws are grounded in a robust human rights framework and thus pursue equality of treatment for all individuals. Whilst the SADC Model Law on Child Marriage aims to eradicate child marriage and child betrothal as well as enable a framework for protective provisions, the SADC Model Law on Gender-Based Violence provides a framework for member parliaments to eliminate GBV in all its forms through appropriate reporting procedures.
- b) The SADC Model Law on Child Marriage is divided into 7 parts as set out below.

Part 1 includes the preliminary provisions which contain the definitions and interpretation of terms used in the Model Law. In Part 1, a child is defined as "any human being below the age of eighteen years" which sets the scene for the ensuing provisions in the Model legislation. Part 2 contains a restatement of rights and concepts as they relate to the child such as the right to health, housing and education which are equally important for the socio-economic development of all children. Part 3 contains the main provisions that prohibit the harmful practices of child marriage and child betrothal.

On the other hand, Part 4 provides for measures and interventions to prevent child marriage such as precautionary judicial and extra-judicial measures including restraining orders issued by a court or policy measures. Part 5 provides for measures and interventions to mitigate the effects of child marriage when a child is already in marriage such as prevention of violence and discrimination. Part 6 pertains to access to data and information, public awareness, monitoring and evaluation to ensure intensive sensitization and public awareness and for continued monitoring to be pursued by state agents. Finally, part 7 contains the general provisions, offences and enforcement which for instance envisages that child marriage be criminalized. It also advises member states to establish an Anti-Child Marriage Fund in order to raise the appropriate financial resources to eradicate child marriage.

- c) The presenter then provided a brief overview of the Model Law on Gender-Based Violence. She explained that the SADC Model Law on Gender-Based Violence is divided into 8 parts. Part 1 is the preliminary provision which contains the interpretation and definitions. Of significance is the definition of GBV which had been broadened to include psychological and economic violence. Part 2 provides for a human rights-based approach and policy direction. This part was inspired by key human rights documents such as African Charter on Human and Peoples' Rights, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, to cite but a few sources. Part 3 pertains to access to justice and procedural protections such as intervention orders, restitution, the right to have a hearing in private and the right to legal services. Part 4 contains the prohibition provisions that prevent all forms of GBV as well as attendant procedures. It also includes substantive provisions to prevent GBV and to protect the rights of the victims.

The Model Law proceeds with Part 5 which constitutes provisions that are concerned with early and effective response mechanisms and referral systems which include facilitative procedure for officials to report GBV and to ensure a victim-centered approach. Part 6 provides for prevention and protection measures for victims such as temporary protection orders, surveillance orders and measures to provide shelter. Part 7 provisions cover access to data and information, capacity building, public awareness, monitoring and evaluation, which includes, for example, media engagement on reporting GBV. Finally, part 8 deals with enforcement, compliance and regulatory measures which includes offence provisions, financial resources and personnel training.

- d) Parliamentarians play an important role in leveraging the Model Laws as they can be used as powerful instruments to leverage change through the four parliamentary functions: legislation, budgetary representation, oversight and accountability initiatives and through community action. In other words, the Model Laws provide a formidable framework which members of parliament can utilize to engage on issues at a national level through law and other informed interventions.
- e) The presenter informed Members that the adoption of Model Laws is not an end in itself. The way forward is for partners to work with national parliaments to domesticate both the Model Laws. Domestication will ensure that common goals are achieved with respect to eradicating child marriage and protecting children already in marriage and preventing and eliminating, at all costs, GBV as contained in the Sustainable Development Agenda 2030 and Africa Agenda 2063. Members of Parliament are invited to take the Model Laws to the relevant committees at national level, to deliberate upon them, to identify the breaches and ascertain the required action in their domestic contexts. Consistency is required by all stakeholders to put the Model Laws into motion.

## **5.2 Issues Paper: Accelerating Domestication and Implementation of the SADC Model Laws on GBV and Child Marriage By Ms Susan Mutambasere and Ms Meron Negussie**

- a) This presentation facilitated engagement on an issues paper on 'Accelerating the Domestication and Implementation of the SADC Model Laws on GBV and Child Marriage.' Arising from the presentations, the issues set out below emerged. GBV was alarmingly prevalent in sub-Saharan Africa, the region having the second highest prevalence of GBV in the world after Southern Asia. GBV, which largely affecteds women and girls, could take various forms, including physical, sexual, economic, psychological violence, and the emergence of online violence had also been confirmed. Statistics from SADC Gender Protocol Alliance indicated that 28-53% of women and 17-28% of men had suffered GBV at some point during their lives. GBV reduces an individual's participation in public and private life, thus reducing economic and political pursuits, as well as sexual and reproductive health and family life. The out-of-pocket medical costs, human capital loss and judicial costs of GBV were excessive and a burden on both the individual and the state. For example, a report by Shared Value Initiative indicated that in 2019, South Africa spent R36 billion on GBV.
- b) Child marriage was a deplorable scourge and was also quite prevalent in the sub-region. It was estimated that at least six countries in the region had a child marriage prevalence of over

30%. This meant that one in every three girls would be married before they reached the age of 18 years. Child marriage had wide and far reaching effects on children as it . increased the risk and vulnerability of children to fall victim to GBV and negatively impacted their sexual and reproductive health. Early pregnancies were often accompanied by high health risks with more recorded incidents of obstetric fistulas. Child marriage often interrupted or even ceased education which left the child with a lower probability of gaining financial and economic independence.

- c) Both child marriage and GBV were found to be aggravated in periods of crisis. Crises such as climate change related disasters, the Covid-19 pandemic and conflict situations caused disrupted services, displacement and loss of parental protection which increased vulnerability to both GBV and child marriage.
- d) SADC member states, particularly through their parliaments, had taken to enacting laws, ratifying regional and international treaties, shaping public opinions and establishing frameworks for supporting survivors of child marriage and GBV.
- e) Despite the existing national laws within the SADC countries, they were not without disparities and challenges. Some laws contained protection gaps that affected the effectiveness of the laws. For instance, some laws on GBV excluded certain forms of violence such as marital rape, psychological violence or economic violence. In some countries, the definition of rape was overly narrow in that the laws did not provide for or include different forms of sexual assaults. Similarly, only six (DRC, Malawi, Mauritius, Seychelles, Zimbabwe and Mozambique) of the sixteen SADC countries had existing laws that provided for the absolute minimum age of marriage to be 18 years without any exceptions for both girls and boys. Other member states had laws that either explicitly provided for or left room for exceptions in case of parental and/or judicial consent; or customary /religious marriages.
- f) Another challenge was the lack of harmonization in legislative frameworks. Law reform was not consistent and amendments to existing laws were not consistently reviewed, resulting in lack of harmonization. In this regard, a single jurisdiction could have conflicting operational laws on the same topic, with one law providing, for example, for the minimum marriageable age of 18 years and another providing for a younger age. A third challenge was that progress on legal reform and implementation of the laws was slow in some countries due to a lack of sustained political will which affected sustainability of programmes, especially on



engagement with communities to address harmful norms and practices.

- g) Lack of funding and resources to eliminate harmful practices posed another challenge. The rollout of programmes and frameworks to address child marriage and GBV required continued funding. Lack of prioritization of budget allocations to these preventive and protection programmes affected the implementation of laws. The underlying causes that drove GBV and child marriage, like poverty, disaster, and stereotypical gender roles, also needed to be adequately addressed. Further issues such as gender imbalance in school enrollment, economic gender inequality, lack of comprehensive sexuality education as well as sexual and reproductive health services underpinned GBV and child marriage. There was a need to employ a multi-sectoral approach to address these underlying causes, so that the programmes and laws could be effective.
- h) There was a lack of adequate data on implementation processes for the SADC Model Law on Child Marriage in the region. This research and data were imperative to enhance learning exchanges and best practices between SADC member states. Finally, access to services continued to be a major challenge. Rural and remote areas remained underserved in most SADC countries, especially for services related to GBV and child marriage, resulting in inadequate access to health services, legal aid and counselling which services were mostly concentrated in urban areas.
- i) The SADC PF was urged to consider building upon its current portfolio on the role of Parliament in addressing GBV and child marriage by deepening perspectives on the following non-exhaustive critical issues:
  - (i) Review existing laws on Child Marriage and GBV to ensure that they meet the standards set by the SADC Model Laws.
  - (ii) Promote implementation of the scorecard system for monitoring domestication and implementation of the SADC Model Laws on GBV and Child Marriage.
  - (iii) Encourage increased budget and adequate resourcing through the establishment of anti-child marriage and anti-GBV funds as recommended by the Model Laws; as well as strengthening the economic capacity of families to adequately protect children from marriages.
  - (iv) Ensure a sustained prioritization of measures against GBV and child marriage to be implemented in close collaboration with credible multi-stakeholders.

### **5.3 Key Actions Identified by the Respective Standing Committees to Accelerate Domestication and Implementation of SADC Model Laws**

Based on the presentations, the Standing Committees identified the following key action points:

- a) **Trade, Industry, Finance and Investment Standing Committee:** MPs must exercise consistent oversight on SRHR programming by the Executive that involves eliminating GBV and Child Marriage by considering the appropriate linkages with poverty and social inequalities, and by domesticating the financial provisions contained in the Model Laws on Child Marriage and GBV. There was also a need to promote trade facilitation and import of SRHR commodities such as condoms at affordable costs.
- b) **Food, Agriculture, Natural Resources Standing Committee:** GBV and Child Marriage must be considered from a resource-oriented lens whereby the root causes of non-reporting of GBV or Child Marriage lay in the absence of resources for women, which weakened their position in society. These root causes must be addressed as part of interventions to eliminate socio-economic equalities that discriminated against women and young girls. MPs ought to legislate and exercise oversight for women and young girls to be treated at par with men and boys with regard to succession, inheritance and opportunities at school and employment.
- c) **Democracy, Governance and Human Rights Standing Committee:** As part of age control, Member Parliaments must make funds available for decentralised and awareness-raising programmes for civil birth registration, particularly in peripheral (rural and remote) areas in order to guarantee universal access to birth certificates. Member states must commit to enacting legislation to make birth registration mandatory in order to speed up and monitor birth registration. The authorities, in collaboration with traditional leaders, must be engaged to monitor civil registration of marriages and customary unions. The monitoring of age through formal means would thus provide the necessary documentary support and evidence to prevent Child Marriage.
- d) **Human and Social Development and Special Programmes Standing Committee:** The Committee highlighted that there was a need to prioritise aspects of human and social development which would promote girls' education, inclusive of CSE, prevent school drop-outs, criminalise both Child Marriage and GBV, and that domestication of both Model Laws must be attained through relentless monitoring in collaboration with national stakeholders.

#### **5.4 Good Practices Towards Addressing GBV and SRHR in the SADC Region**

As part of cross-learning and experience sharing between MPs, the Joint Session examined the good practices in addressing GBV and SRHR in the SADC region, from a country perspective, as set out below.

**a) Angola**

In 2023, women advocated for the strengthening of police stations in dealing with cases of GBV. It was proposed that women victims of violence should be received by women police officers in view of reducing perceptions of embarrassment. New laws had since been enacted to address issues such as sexual crimes, domestic violence, family planning and contraceptive methods.

**b) Botswana**

The legal age of marriage for both men and women had been set at 18 years with exceptions applying to customary and religious marriages. Forced marriages for children under the age of 18 years and child betrothal were prohibited under the Children's Act. Sexual relations with a child below the age of 16 years was considered defilement in terms of the Penal Code and carried a minimum sentence of ten years imprisonment.

**c) Democratic Republic of the Congo**

The minimum age of marriage has been set at 18 years without exceptions for both girls and boys. Registration of marriages was compulsory in the country in order for the authorities to monitor the legality of marriages. The Ministry for Gender and Development worked closely with NGOs to raise awareness on Child Marriage and GBV in local villages.

**d) Eswatini**

The minimum age of marriage for boys is 18 years and 16 years for girls. However, the Children's Protection and Welfare Act provided that children under the age of 18 years had the right to refuse to be compelled into harmful practices. It also penalized adults who orchestrated child marriages. Chiefs no longer allowed for child marriage under any custom in line with the laws.

**e) Madagascar**

The south of the country had a high prevalence of child marriages, early pregnancies and school dropouts. An HIV prevention project was established to raise awareness in areas with high rates of early pregnancy. Comprehensive sexual education was being introduced and

young leaders were being mobilized to promote awareness and to help citizens, youth and CSOs to achieve the common goals.

**f) Malawi**

The minimum age of marriage had been set at 18 years for both girls and boys without any exception. There were plans to introduce a Child Sex Offender Registry. Traditional leaders played an important role in eradicating harmful practices. Campaigning and awareness raising had been proven to reduce child marriages significantly in the country.

**g) Mauritius**

National strategies and plans were introduced to eliminate and reduce GBV in a holistic manner. Implementation of the national action plan was achieved through different accountability mechanisms established to monitor progress across different ministries. Various laws had since been introduced to address harmful practices, eliminate Child Marriage, GBV and sexual offences.

**h) Mozambique**

The minimum marriageable age has been set at 18 years for both girls and boys without exception. However, economic pressure continued to force families to marry off their children for financial gain and alleviation of the financial burden. Seminars on the provisions of the law were held on a continuous basis with religious leaders, youth organisations and NGOs to fight GBV And Child Marriage.

**i) Namibia**

Legislation confirmed that marriages may only be entered into with the full and free consent of the intending parties. Various laws had also been introduced which addressed equality of women in terms of property rights and bank loans. Marital rape and non-penetrative acts both constituted offences as per the Combating of Rape Act. Other laws addressed and protected rights relating to domestic violence, maternity leave, maintenance and discrimination.

**j) Seychelles**

The minimum age for marriage had been set at 18 years without exception. Comprehensive sexual education and sexual and reproductive health education was being taught in schools. A youth health centre had been established in the community to provide support for pregnant teenage mothers and incorporated a return-to-school policy. The state was committed to prosecuting perpetrators of GBV and to establish a family tribunal in support of victims.

**k) South Africa**

A White Paper was released on Child Marriage in South Africa. It recommended several interventions to reduce child marriage in the country. It acknowledged that the national laws permitted the marriage of minors provided that the necessary consent had been obtained. The draft Prohibition of Forced Marriage and Regulation of Related Matters Bill ought to be enacted and acts that encouraged child marriage must be criminalised. Policy interventions had been adopted to address and reaffirm the right to have access to sexual and reproductive health rights.

**l) Tanzania**

It was planned to reform the law in such a manner as to set the minimum age of marriage at 18 years without exception. This progress was credited to a human rights activist, Rebeca Gyumi, who successfully challenged the constitutionality of child marriage laws in the country.

**m) Zambia**

Customary laws allowed child marriage and set no minimum age. However, according to the Gender Equality Act, the minimum age for marriage was 16 years. Sexual education had previously been banned from the school curricula but had since been restored. The Community Development Fund had been established to advocate for girls out of school, sexual education, GBV and capacity building. A budget line had been allocated to cater for the provision of free sanitary pads to school going girls.

**n) Zimbabwe**

The minimum age of marriage has been set at 18 years without exception and forced marriages were prohibited. However, due to economic and social factors and cultural and religious beliefs, child marriage was still experienced in the country. The country was committed to eradicating Child Marriage and reducing drop-out rates for pregnant schoolgirls. There was political will to adopt and domesticate the SADC Model Laws.

**5.5 Summary of Presentation on Good Practices Towards Eradicating Child Marriage in the SADC Region By Dr Nyaradzayi, Former African Union Goodwill Ambassador for Ending Child Marriage**

a) The presenter stated that the African Union launched the campaign to end child marriage in 2014 as part of its commitment under Agenda 2063. It was clear that the continent would not be prosperous Africa or at peace with itself if its daughters and sons continued to live in violence, die due to preventable teenage pregnancies, or die due to Child Marriage and femicide. In some countries, over 50% of girls dropped out of school and experienced child marriage. She noted that the SADC Model Laws were not just the best practice in the region but they also reflected continental

and global best practices. The essence of domestication was founded on accountability, application, implementation and resourcing. The analysis of the legislative actions in the SADC region reflected progressive trends on the review of laws on the age of marriage. Hesitancies in domesticating the Model Laws were grounded in underlying issues of values, morality and the law.

- b) The contradictions on the age of sexual consent and the age of marriage, the complexities between the ages, the complexities around the re-entry into education was always rooted in the discussions of morality and values, which parliamentarians must provide guidance on.
- c) The presenter further stated that Child Marriage was a form of GBV and child marriage was about sexual and reproductive health and rights, especially for young people. It was also about male responsibility and accountability to young people. It was a well established fact that the majority of child marriages were entered into by adult men; there are very few cases of boys and girls who entered into marriage with each other. It was also mostly adult men who give away their daughters or grandchildren in marriage. Because of this, the initiative on positive male masculinity and male responsibility was timely and welcome.
- d) The recent trend of repositioning the conversation around culture was also another best practice to take note of. The solution lay in strategic work by traditional leaders and institutions aimed at reclaiming the positive role of African culture. The role of traditional leaders had always been that of a protector and not of a perpetrator as they are providers of security, safety and justice. As such, the Council of Traditional Leaders in Africa would do well to advise on legislation, mediation and justice and development.
- e) Girls and young people had a right to age appropriate education on sex and sexuality. The key issues centred around the right to quality scientific information, the right to quality services and the right to choice and decision-making on sexual and reproductive health rights.
- f) Another issue that perpetuated child marriage and GBV was poverty and lack of economic security. Child Marriage and GBV were often framed within the context of household poverty, or a micro issue linked to the payment of bride price, or *lobolo*. There were several household poverty issues but child marriage and GBV was a macro governance and economic issue, and included the decisions made by SADC countries, regions and elsewhere. The economic cost of GBV was significantly high. Stronger efforts

around the fiscal space and resource prioritisation in respect of gender budgeting, investment, infrastructure, trade, agriculture and natural resources were needed. Research and data collection were necessary to document the economic costs of GBV and Child Marriage, taking into account mortalities, mental health and justice.

- g) It was recommended that SADC PF calls for the establishment of a SADC parliament to come into effect following the decision of SADC Heads of States. The SADC PF ought to strengthen accountability frameworks for GBV and Child Marriage in reports of Member Parliaments. Reports of independent National Human Rights Institutions must be encouraged in parliament at national and regional level. It was further recommended that SADC PF consider hosting a plenary session on progress on implementation of Model Laws, especially those on Child Marriage and GBV. The Pan African Parliament and IPU should adopt the Model Laws or framework which informs the national laws, in line with the provisions of the SADC Model Laws. A joint session must also be hosted with parliaments and traditional leaders at SADC and national levels.
- h) There should, further be increased investment in research and documentation of the positive and promising practices and prioritization of actions related to the economic dimensions of the response to these challenges.

## 6.0 RECOMMENDATIONS

In the light of the foregoing deliberations, the Joint Session of the Standing Committees of the Forum:

**Mindful** that GBV and Child Marriage need to be completely eradicated in Southern Africa in order for the region to aspire to its greater goals and objectives, in particular those under the Sustainable Agenda 2030 and Africa Agenda 2063;

**Cognisant** that GBV and Child Marriage constitute grave violations of human rights recognized in Southern Africa, including the right to health, the right to physical integrity and the right to be protected from all forms of inhuman and degrading treatment;

**Taking into account** that there are various underlying factors and structural determinants which foment GBV and Child Marriage, and that these need to be addressed comprehensively by Parliaments in collaboration with multi-

stakeholders, including civil society organisations, line ministries and statutory bodies;

**Concerned** that there is a need to reprioritize SRHR strategies in Southern Africa to meet with emerging challenges such as pandemic and climate change preparedness as well as rising inflation, which may shift the focus of Governments to other intervention areas at the expense of the progress made in combating GBV and Child Marriage.

**Now, therefore,** the Joint Session of the Standing Committees of the Forum recommends the 53<sup>rd</sup> Plenary Assembly to:

- a) **Encourage** SADC Parliamentarians, Parliaments and Standing Committees to build consensus and commitment on the need to fight all forms of GBV and eradicating Child Marriage through domestication and implementation of the SADC Model Laws;
- b) **Urge** SADC Member States to review domestic legislation to align with the SADC Model Law on Child Marriage, particularly to set the minimum age of marriage at 18 years without exception;
- c) **Further urge** SADC Member States to ensure compliance with regional and international human rights standards by following a human rights approach to Child Marriage and GBV by reviewing laws on Child Marriage and GBV to ensure compliance with these regional and international human rights standards, on which the two SADC Model Laws are based.
- d) **Encourage** SADC Governments to adopt a holistic and multi-sectoral approach to child marriage, sexual and reproductive health rights and GBV in view of the crucial and complimentary role of different stakeholders which constitute of both state and non-state actors;
- e) **Encourage** SADC Member States to prioritise school re-entry for pregnant and married girls; repeal existing discriminatory laws and policies which ban, prevent or discourage married and pregnant girls from attending schools and integrate comprehensive sex education in the education curriculum.
- f) **Encourage** SADC Governments to recognise the link between the Sustainable Development Goals and the prevalence of GBV and Child Marriage in the region, which entails that at current rates of progress, developmental targets set in the SADC Vision 2050, the AU Agenda 2063 and UN Agenda 2030 will not be reached, and that it is necessary to address the nexus between poverty and vulnerability to rights violations, including Child Marriage and GBV.



- g) Call upon** SADC Governments to ensure adequate budget allocations and to promote innovative financing means to achieve sexual and reproductive health rights and eliminate Child Marriage and GBV.
- h) Urge** SADC Parliaments and parliamentarians to deliberately monitor and evaluate progress on domestication by exercising oversight over the relevant Government bodies and departments which administer GBV and Child Marriage issues.
- i) Urge** SADC Member States to develop and implement strategies for awareness and disseminate messages on the prevention of GBV and Child Marriage, bearing in mind the need to develop advocacy materials which are adapted to local languages for better assimilation.
- j) Implore** SADC Member States to unite and achieve the shared goal of addressing GBV and Child Marriage through accelerating the full domestication and implementation of the SADC Model Laws on Child Marriage and Gender-Based Violence.

## **7.0 CONCLUSION AND CLOSING REMARKS**

Noting the urgent need to address GBV and child marriage as critical issues in the region, the Joint Session focused on the intent and collective effort to accelerate the domestication and implementation of the SADC Model Laws on Child Marriage and Gender-Based Violence. These Model Laws are not mere documents, but powerful instruments that can shape the future of SADC region, thus safeguarding the life and dignity of the region's women and children. To quote the words of Nelson Mandela, "*freedom cannot be achieved unless the women have been emancipated from all holds of oppression*". The commitment of the Forum to eradicating Child Marriage and gender-based violence is a testament to its unwavering dedication to realising the freedom and empowerment of women of the region.

The Joint Session would like to extend its gratitude and appreciation to the Secretary General and staff of the SADC PF for the tremendous work and facilitation of the joint meeting which resulted in this report. The Joint Committee further extends its appreciation to the chairpersons for their exceptional leadership, to the resource persons for their invaluable expertise. The Joint Session further recognizes the support provided by other partners of the Forum and thanks them for their unwavering commitment to the cause.

Mr President, I beg to move.

## 8.0 APPENDICES

### **Appendix I: Secretariat**

Boemo Sekgoma  
Yapoka Mungandi  
Sheuneni Kurasha  
Paulina Kanguatjivi  
Edna Mafuruse  
Ifoma Hamabele Mulewa  
Cleophas Gwakwara  
Munashe Tofa  
Thoko Gumedze  
Mahendrasing Khooblall  
Mammehela Matamane  
Toivo Mwaala  
Gomezgani Ngwira

### **Appendix II: Observers**

Eunice Kajibanga	Angola
Mompoloki Mosheti	Botswana
Mimi Yemweni Mutombo	DRC
Felly Mpita	DRC
Langa Koyedya Hugues	DRC
Dennis Gondo	Malawi
Arminda Pereira	Mozambique
Jaime Numaio	Mozambique
Maria Mombola	Namibia
Akhona Dlomo	South Africa
Natalie Leibrandt-Loxton	South Africa
Zama Mvulane	South Africa
Omary Machunda	Tanzania
Betty Zulu	Zambia
Farirai Gumbonzuanda	Youth Representations

### **Appendix III – Resource Persons**

Bianca Knight	Equality Now
Moses Magadza	Consultant