

SADC

Parliamentary Forum
Forum Parlementaire
Fórum Parlamentar



2022

**CCPCJ THEMATIC DISCUSSIONS
ON THE IMPLEMENTATION OF THE
KYOTO DECLARATION**

CCPCJ

MAINSTREAMING A GENDER
PERSPECTIVE INTO CRIMINAL
JUSTICE SYSTEMS & ADDRESSING
THE VULNERABILITIES OF CHILDREN
AND YOUTH IN CONTACT WITH THE
CRIMINAL JUSTICE SYSTEM

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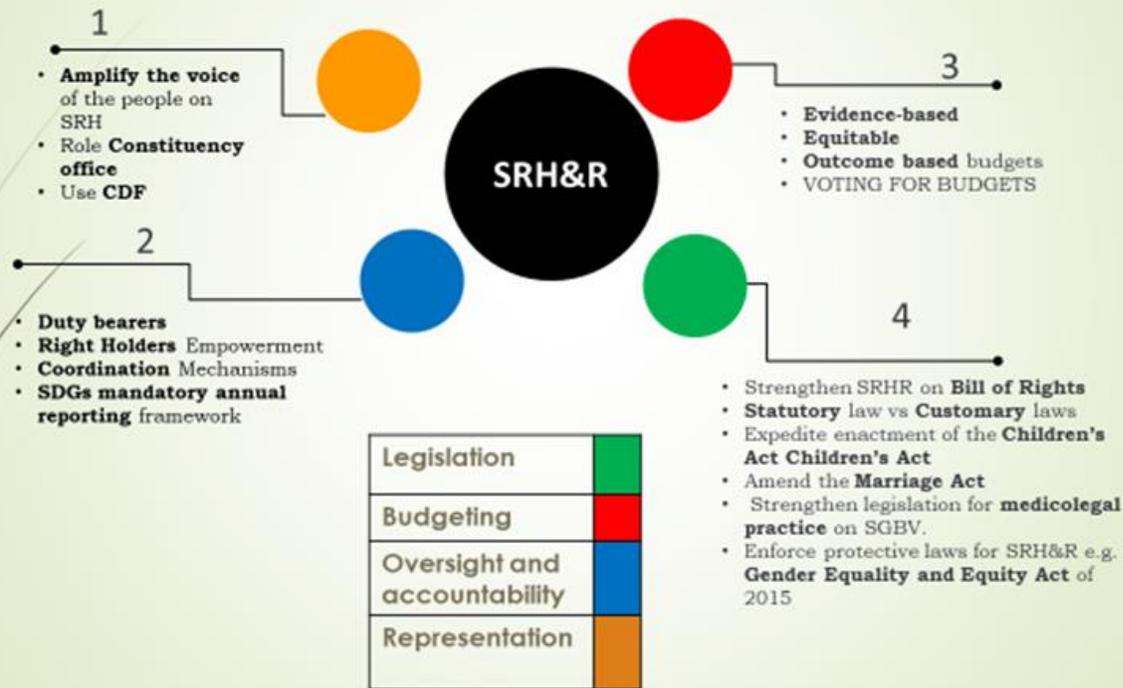
MANDATE OF THE FORUM WITH REGARDS TO GENDER MAINSTREAMING AT ALL LEVELS

- The Forum is an institution of the SADC under Article 9(2) of the SADC Treaty.
- It is composed of 15 Member Parliaments, and is constituted of democratically elected representatives.
- The Vision of the Forum is to act as “the Flag-Bearer of Democratisation and Socio-Economic Development in the SADC Region”.
- The Forum Membership came to the realization that there can be no sustainable socio-economic development without a strong democratic base which is founded on gender mainstreaming at all levels.



ROLE OF MPS IN PROMOTING GENDER MAINSTREAMING AND ADDRESSING THE VULNERABILITIES OF CHILDREN

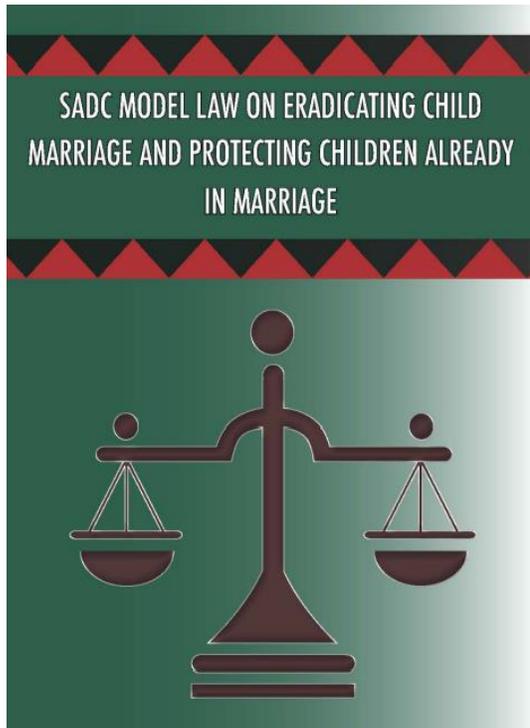
.....Role of Parliamentarians



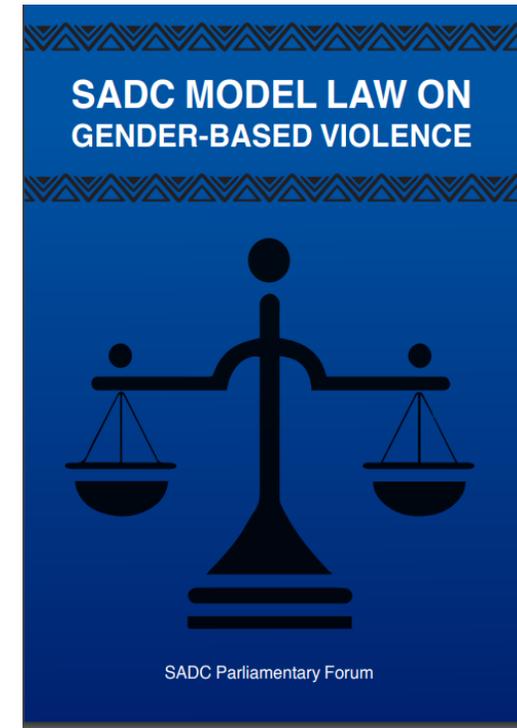
GENDER MAINSTREAMING FROM A CRIMINAL JUSTICE PERSPECTIVE

- ▶ **The Forum recognises that national Parliaments are to promote gender mainstreaming through the following avenues:**
 - a) **Enact laws that promote access to justice both for victims and alleged offenders;**
 - b) **Adopt policies and rules to ensure there is no gender bias in the criminal justice system – men and women are to be tried fairly and equally based on rule of law as the only predominant factor;**
 - c) **Adopt responsive budgets which cater for an equitable treatment of men and women in the criminal justice system**
 - d) **Represent all under-represented communities, including lobby groups to improve detainee conditions or to represent victims – no one should be left behind**
- ▶ **Furthermore, there is a need to address vulnerabilities of children who interface with the Criminal Justice System**

HOW SADC MODEL LAWS PURSUE GENDER MAINSTREAMING



- ▶ SADC Model Laws are normative legal standards developed by the Plenary Assembly of the Forum.
- ▶ Model Laws are grounded in a robust human rights framework and thus pursue equality of treatment for all individuals.
- ▶ The SADC Model Law on GBV defines **“gender mainstreaming” as the process of identifying gaps in gender and making all gender’s concerns and experiences integral to the design, implementation, monitoring and evaluation of policies and programmes in all spheres, so that they benefit equally.**
- ▶ Although the Model Laws are based on thematic content (child marriage, GBV etc), their base principles apply to other human rights such as access to justice.



Some citations from the Model Law on GBV

- ▶ *Section 26 (1) of the Model Law on GBV provides that Governments shall develop GBV policies and strategic implementation plans that ...ensure gender mainstreaming into all policies, structures, systems, programmes and activities in order to make them gender responsive and contribute to the effective achievement of sustainable socio-economic and political development;*
- ▶ *Section 27 of the Model Law on “General requirements on access to justice and fair treatment” provide that “...when working with victims, who are children, that services are tailored to the unique requirements of the age of the child” and that “procedures are child sensitive” and “confidentiality is maintained”.*

Some citations from the Model Law on GBV

▶ **Section 27(10)(a):**

“Governments shall ensure that the criminal justice system reflects its regional and international obligations relating to access to justice for gender-based victims” – thus incorporating the commitments made under the Kyoto Declaration.



WAY FORWARD & CONCLUSION – DEVISING APPROPRIATE DOMESTICATION STRATEGIES

- *The previous slides are a glimpse of how SADC Model Laws can enhance gender mainstreaming in the criminal justice system from a Southern African perspective.*
- *The way forward is to work together with partners to ensure a progressive domestication of the Model Law which will also assist to implement the Kyoto declaration.*
- *Partners are invited to work together with the SADC-PF to ensure sustained parliamentary interventions that promote gender mainstreaming in the CJS.*

- **THANK YOU FOR
YOUR ATTENTION**
- Questions are welcome

