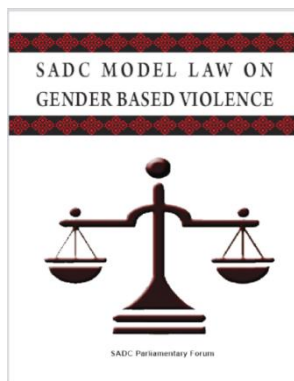


UNODC PARTNERS WITH SADC –PF TO DEVELOP SADC MODEL LAW ON GBV



The SADC region has high rates of sexual violence against women and girls. The 2018 SADC GBV Study indicates that emotional violence is the most predominant form of violence in the region, at approximately, 26.8% prevalence, while slightly over one in every ten persons had experienced physical violence (11.2%) and sexual violence (12.0%). In addition, the UNODC Homicide report (2019) indicates that there is a prevalence of intimate partner/family-related homicide rate of 3.1 per 100,000 female population, and Africa is the region where women run the greatest risk of being killed by an intimate partner or other family member¹.

The initiative to develop a regional Model Law on GBV emanated from the SADC-PF Regional Women’s Parliamentary Caucus (RWPC) during its 44th Plenary Assembly Session held in Maputo, Mozambique, in 2018. The Model Law is expected to address legislative and implementation shortfalls in addressing Gender Based Violence in Southern African Region and provide guidance to the national laws and policies.

UNODC Regional Office for Southern Africa supported the Southern African Development Community Parliamentary Forum (SADC-PF) in organizing consultations with the SADC Lawyers’ Association, SADC Human Rights Commissioners and Judges from SADC member states, on the Draft Model Law on GBV. The consultations had taken place from 16-25 August 2021 with participation of more than 300 practitioners representing the lawyer’s association, human rights commissions and judges from all member states.

¹ UNODC, *Global Study on Homicide 2019* (Vienna, 2019)

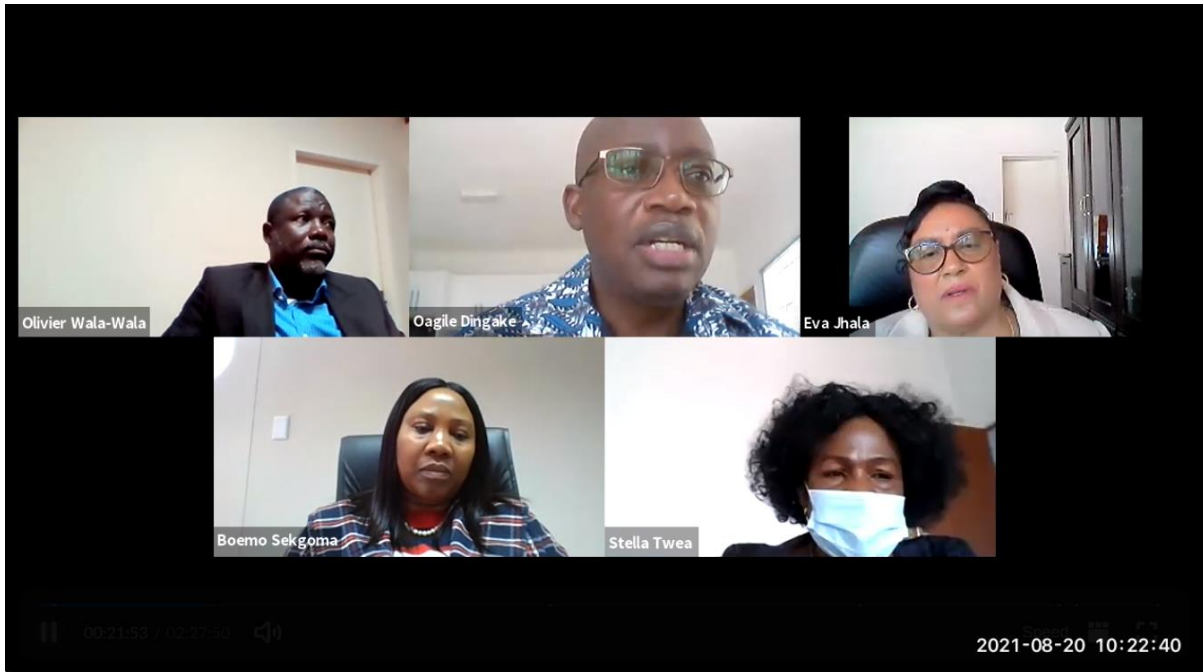


Figure 1 SADC GBV Model Law Consultation with Human Rights Commissioners

According to the Secretary General of SADC PF, “elicited enormous interest of stakeholders from different fronts in the SADC Model Law on GBV and the engagements proved to be greatly useful, informative and constructive to the finalization process”.



Figure 2 Ms. Boemo Sekgoma, Secretary General of SADC PF

In her welcome remarks the SADC-PF Secretary General Ms Boemo Sekgoma highlighted that the Model Law is an important initiative for countries that lack resources to legislate on their own, as well as for supporting regional cooperation in such an important area. Judges as the guardians of the constitutions can make meaningful contribution in ensuring that GBV is outlawed, and offenders punished.

The GBV Model Law seeks to guide SADC Member States in enacting human rights and victim centred Laws on gender-based violence that are consistent with international

human rights. The GBV Model Law will be a useful tool to SADC as it will, amongst others, encourage national legislatures to enact GBV laws where none exist, or where they do exist but do not conform to this Model Law, to review such laws and enact relevant GBV laws that conform to this Model Law. It will also provide a yardstick to National policy analysts, legislators, and implementers as to best practice in enacting and dealing with GBV.



Figure 3 Mrs. Vimbai Nyemba, Vice-President of the SADC-Lawyers' Association

The official opening address at SADC Lawyers Association webinar and that of Human Rights Commissioners were delivered by Mrs. Vimbai Nyemba, Vice-President of the SADC-Lawyers' Association and Ms. Habiba Rezwana Osman, Chief Executive Officer at Malawi Human Rights Commission, respectively.

Both speakers lamented the pervasiveness of GBV in the region and called for urgent action to enact appropriate laws, consistent with the proposed SADC Model on GBV.

3.0 Human Rights Based Approach and Policy Direction

Human Rights

- ☞ The GBV Model Law ensures that effective domestication is achieved and major provisions in regional and international instruments are incorporated on gender equity, equality and violence.
- ☞ Some human rights are restated, to achieve a human-rights based approach to effectively deal with GBV, as committed to by SMS under various human rights instruments.
- ☞ The following are indicative of some of the rights that are re-stated in the GBV Model Law but SMS may include more rights as is appropriate or desired:

Chat Messages

Kensington Marufu 01:27:51
Good morning. The African Union Goodwill Ambassador Dr Nyaradzayi Gumbonzvanda is unable to attend this meeting. She is attending a funeral for family member. Thank you.

Eva Jhala 01:30:28
Sg who are here, which

Figure 4 SADC GBV Model Law Consultation with the SADC Lawyers Consultations

The keynote speaker at the meeting with SADC Lawyers Association was Hon. Justice Sanji Monageng; former judge of the International Criminal Court (ICC) in The Hague who also presently sits as a judge of the Southern African Development Community Tribunal (SADCAT) in Gaborone, Botswana. Hon Justice Monageng stated that: “SADC faces



Figure 5 Hon. Justice Sanji Monageng; former judge of the International Criminal Court (ICC)

many challenges in the response to GBV. Key amongst these challenges are inadequate and outdated national laws on GBV and inadequate gender disaggregated statistics.”

Beatrice Mateyo, a human rights defender advocating for the rights of women and girls in Malawi shared her personal experiences, which she described as traumatic, that included marital rape. Consultations included testimonies from survivors, witnesses, civil society organisations and activists. The consultations resulted in further inputs to the draft GBV Model law, strengthening its relevance to the region.



Figure 6 Chief Justice of Kenya, Martha Koome

The Chief Justice of Kenya, Martha Koome, gave a keynote address at the Judges webinar consultation meeting. The Chief Justice pointed out that GBV is a human rights violation which unlike other human rights violations, is still treated by most communities as an everyday and normal occurrence. According to

the Chief Justice, “The quest to develop a model law on Gender Based Violence to be adopted by legislatures within the SADC region as a benchmark normative framework when enacting legislation at the domestic level is a noble idea that ought to be embraced by the other regional economic communities in our continent.”



Figure 7 Linda Naidoo, UNODC GBV Project Officer and Sven Pfeiffer, the Crime Prevention and Criminal Justice Officer at the Justice Section of the UNODC

The closing remarks of the Human Rights Commissions and Judges webinar were delivered by UNODC staff, namely Ms Linda Naidoo, GBV Project Officer, and Mr Sven Pfeiffer, the Crime Prevention and Criminal Justice Officer. Both referred to the international standards in addressing GBV, the importance of the human rights approach, and the obligations of the states to exercise due diligence and take relevant measures to eliminate impunity, to provide protection to survivors and empower them to recover and obtain effective remedies.