



## **GENDER PAPER TO BE PRESENTED TO THE ANC POLICY CONFERENCE 2012**

### **Discussion Document**

“The mobilization of women is the task, not only of women alone, or of men alone, but of all of us, men and women alike, comrades in the struggle. The mobilization of the people into active resistance and struggle for liberation demands the energies of women no less than that of men. A system based on the exploitation of man by man can in no way avoid the exploitation of women by the male member of society. There is no way in which women in general can liberate themselves without fighting to end the exploitation of man by man, both as a concept and as a social system”.

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## A. INTRODUCTION

1. This document is informed by the struggles of women in the fight against colonialism and apartheid which were also encapsulated in the Women's Charter of 1954. The discussion is also premised on the charter that women drew up in 1993, prior to the 1994 elections. Our Constitution, in its quest to protect and promote gender equality in South Africa, drew largely from these documents.
2. Gender is a socially constructed understanding of what it is to be a man and what it is to be a woman. "It is the socially imposed divisions between the sexes. It refers to the psychological and physical attributes which a given culture expects to coincide with physical maleness or femaleness. Women and men are created by society". Thus it is observable that the deliberate social division of the sexes is deeply embedded in our consciousness; as a result it influences the way in which societies are organised in terms of "men's roles" and "women's roles" in the family, the economy and in society. "Generally, these roles are not biologically determined apart from pregnancy and childbirth, but are culturally allocated" (Ginwala, 1991:63). As a result the relationship between these two socially constructed roles is not one of equality.
3. During negotiations for a democratic South Africa in the early 1990s, significant milestones were achieved in respect of ensuring that every South African citizen (male or female) enjoyed their human rights as spelt out in the Bill of Rights. Developments were particularly significant for women, the majority of whom were not only disadvantaged as blacks, but as women in general. Until 1994 many women experienced discrimination spelt out in law.
4. The country has also ratified a number of international and regional instruments that promote gender equality, including the 1979 Convention on the Elimination of All Forms of Discrimination against Women (ratified 1995), the 1993 Declaration on the Elimination of Violence Against Women (signed 1996), the 1995 Beijing Declaration and Platform for Action and the Optional Protocol to CEDAW, ratified in 2005, and the AU Heads of States Solemn Declaration of Gender Equality in Africa (adopted in 2004) . The ratification of the SADC Protocol on Gender and Development which was signed by the President in 2008 must be fast tracked. South Africa is bound by international, regional and sub-regional laws ratified and must take all necessary steps to protect women from discrimination and abuse in all spheres.
5. The intention of this paper is to re-examine progress made by the ANC towards its commitment to a non-sexist society, within the organization and in its stated transformation agenda as well as its role in influencing gender based practices in the continent. The paper identifies shortcomings and proposes recommendations that would ensure that issues of gender equality are embedded within the policies of the ANC and that they are articulated in the programmes of a democratic government.
6. The ANC constitution articulates non sexist policies that have indeed influenced the current Constitution of a free and democratic South Africa.

Accordingly the ANC constitution and the country's Constitution (1996), recognize women as equal citizens, with equal rights and responsibilities. Furthermore, the ANC has been at the forefront of women's struggles, by putting forward a vision for a non-sexist society, and institutionalizing gender equality and women's empowerment through its policies, its institutional arrangements and intervention measures.

7. The emancipation of women remains a cardinal goal and an anchor for a free and democratic country. This conviction is beyond rhetoric. The ANC continues its endeavours to unite all South African women notwithstanding their different experiences arising from race, class, ethnicity, religion and the country's demographics. Given the legacy of women's oppression in general and black women in particular, the ANC bias towards working class and rural poor women remains steadfast.
8. In all these endeavors, women's movements and formations have been central. These straddle from the Federation of South African Women, the National Women's Coalition and the ANC Women's League (ANCWL), which played a central role during the apartheid and post apartheid eras to secure a gender-inclusive democracy and to create new institutions to measure such inclusivity.
9. The ANC Women's League has been a critical pillar within the Party to raise awareness, sustain and carry forward women's empowerment and advocate a gender equality agenda. The formation of the Progressive Women's Movement in 2006 in Mangaung, involving a broad range of women's organisations from different parts of the country, was an encouraging new development. Similarly with its strong gender focused civil society including researchers, grassroots organisations and feminist intellectuals who have contributed to advocate and continue to influence policy developments biased towards women, South Africa has moved from strength to strength towards the total emancipation of women.
10. Two decades on, there is an increase in numbers of women in Parliament and government. This development can be attributed to the introduction of important legislation that empowers women, including the establishment of statutory bodies and a women's ministry to advance equality. The achievement by the Women's League of the ANC policy decision in 2010 on 50/50 representation of women in its structures and at all levels in society has been yet a major step forward.
11. However, as a country, a lot more still needs to be done. While several gains have been made and many milestones achieved, challenges still remain. These include setbacks in and gender practices within the ANC. In both ANC branch chairpersonships, as well as in local government, there has been an erosion of the parity position. There is still a need to create a women-friendly environment that is gender sensitive and capable of eradicating the many practices that constrain women's advancement and empowerment.
12. In addition, more work needs to be done to ensure the transformation of power relations between women, men, institutions and laws; elements that are fundamental in building an inclusive, progressive and prosperous society.

Collective efforts must be directed at addressing gender inequality, poverty, oppression, patriarchy and sexism, in order to create a conducive environment which enables women to take control of their lives.

## **B. GENDER POLICY APPROACHES**

13. In line with the Women's Charter of 1954, women are not seen as forming a society separate from men. There is only one society, and it is therefore **incumbent on everybody together, women and men, to join forces** to eradicate patriarchal practices and stereotypical attitudes. The engagement of men and boys is invaluable and incalculable in advancing women's rights and empowerment and in achieving gender equality.
14. Since the onset of democracy, South Africa has taken bold steps to institutionalize gender equity. In line with its vision of equity across all institutions, a critical approach was **gender mainstreaming**. This was a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes.
15. Gender mainstreaming resulted in the establishment of substantial **gender machinery** across government. However, this machinery has been unable to adequately address women's issues for two inter-related reasons. First, the gender machinery framework has not been legally binding. Secondly, gender programmes in Government Departments are often not properly institutionalized in terms of location, level of authority, influence, accountability, integration, allocation of resources and perceived importance. There is disparity in levels of appointment and location – and therefore authority – of gender focal persons, impacting on the extent to which they can affect gender mainstreaming of government processes.
16. **Gender equality** is a fundamental human right and an essential prerequisite for achieving a gender equitable society. However, de facto gender equality has been elusive. Legislative change must be accompanied not only by policy measures that promote this constitutional principle, but they should also result in the implementation of gender equity across all sectors of society, to ensure that we adopt widely-internalized **gender -sensitive attitudes and practices**.
17. Alongside gender mainstreaming has been an approach that emphasizes the **engendering** of all policies and practices. The ultimate goal of an approach to engender policy and practice is the **empowerment** of women, where empowerment refers to women becoming active agents in the transformation of their own lives and that of society as a whole.
18. In 2009, a **Ministry for Women, Children and People with Disabilities** was established to provide focus for campaigns, interventions and programmes aimed at addressing gender equality and women's empowerment. The Ministry is developing a range of legislative and institutional tools to ensure better

coordination of gender initiatives and the implementation of the architecture of gender equality legislation.

19. It is thus important that in order to effectively implement policy decisions that impact on women's empowerment and gender equality, it is imperative that we acknowledge that men are victims of their socialization hence their historic sense of superiority over women. Therefore, to achieve the ANC's vision of gender equality, women also need the equal enjoyment of rights and the access to opportunities and outcomes, including resources. There must be **fair distribution of resources** between men and women, the **redistribution of power** and care responsibilities, and **freedom from gender-based violence**. The underlying causes of discrimination should be systematically identified and removed. Women's existing subordinate positions within social relations and the family should be considered with the aim of restructuring society so as to eradicate male domination, without alienating the men. This equality should include both formal and substantive equality, to ensure a total eradication of patriarchy
20. **Patriarchy** is an ideological construct of a system encompassing ideologies, beliefs, values and practices underpinning the organization and structure of society – resulting in unequal power relations between women and men. The subjugation and subordination of women in all spheres of life beginning with the family is impacted upon by patriarchal attitudes. It is a historical and widespread phenomenon, continuously reinforced by social practices and institutions, including education, work, religion, culture, the arts and the media and has come to be seen as “natural, God-given or part of the tradition and culture”.
21. While patriarchy is a distinct system, it does not exist on its own. It thrives on the **basic economic-political system** under which it exists, becoming a way of life by all. The state or government alone, or one group or organization for that matter, cannot eradicate patriarchal practices on its own. It requires all the forces of society, particularly because it coexists with and survives even under the most progressive political systems. This is because these practices are institutionalized and entrenched within religious, cultural, and family traditions and in some instances are reinforced by legal and other forms of institutionalization of such practices.
22. The ideology of patriarchy has surpassed the ideological construct of racism – we need to address the issues as two different constructs. We need to decolonize our thinking, deconstruct the idea of patriarchy and begin to reconstruct a new way of thinking about gender equality as a norm – in other words we need to move for a total paradigm shift in our thinking, practices and perspectives. The struggle against patriarchy is therefore a “struggle within the struggle”.
23. Therefore, Gender inequality and other patriarchy-related social ills are an integral part of what should be the **transformation agenda** of the ANC. In effect what this Policy Conference must look at are ways to actually address patriarchy within its realms and the realms of society as a whole.

24. It must be addressed sharply, in line with the key attributes of a **developmental state** by:

- Changing the environment so that women are in a position to access and exercise their rights,
- Addressing the income gap between men and women, rich and poor – where women are the poorest of the poor,
- Addressing the increasing rate of maternal and infant deaths,
- Addressing the growing feminization of poverty
- Addressing the skewed nature of the private sector and corporate world that reinforces male domination especially at decision-making levels, and
- Accelerating the implementation of our policies and legislation in general.

25. In order to do all of these effectively and speedily, we have to address the underlying causes as to why they are difficult to achieve – which is really the persistence of patriarchal thinking or the continuation of **institutionalized sexism**.

## C. THE CURRENT STATUS OF WOMEN

26. The statutory and policy architecture for gender equality in the country is comprehensive and multi-dimensional, with individual laws and policy overlapping to provide seamless protection of the rights of women and girls. Progressive legislation includes the *Promotion of Equality and Prevention of Unfair Discrimination Act*, the *Employment Equity Act*, the *Domestic Violence Act*, *Sexual Offences Act* and the *Civil Union Act*, amongst others.

27. In terms of institutional mechanisms, the National Gender Machinery (NGM), as outlined in the 2000 South African National Policy Framework for Women's Empowerment and Gender Equality is "an integrated package" of structures located at various levels of state, civil society and within the statutory bodies, in particular the Commission for Gender Equality. The recently formed Ministry for Women, Children and Persons with Disabilities is a central co-ordinating point for the advancement and protection of the rights of women, children and persons with disabilities.

28. Furthermore, the Public Service adopted a Gender Management System – a network of structures, mechanisms and processes – that enables the mainstreaming of gender across government. The Eight Principle Plan for Heads of Departments provides a mandate to see that gender equality becomes a goal in all aspects of government departments.

29. The status of women in South Africa and the extent to which gender equality gaps are reduced in the country can be seen in national indicators that speak

to capabilities (access to education, health), opportunities (access to economic resources) and to leadership (positions) and security (levels of violence against women).

30. Major achievements, among others, include:

- The achievement of gender parity in schooling enrolments;
- Progress in addressing the primary health care needs of women and girls;
- Combating violent crimes against women and children identified as a priority;
- Specialised courts to deal with sexual offences instituted with staff working at these courts empowered with specialised skills,;
- Progressive amendments to the *Sexual Offences Act*;
- A comprehensive anti-poverty strategy that addresses increased feminized poverty;
- The impact of social grants on women's poverty;
- Significant progress in achieving gender parity at senior management level within the public service,
- Great strides in the representation of women at political and decision-making levels, placing South Africa currently 6<sup>th</sup> on the Global Report Index.
- A number of civil society, non-governmental and research organisations working in the field of gender equality with significant successes in advocating for and shaping gender legislation; influencing policies and providing evidence of successful methodologies.

31. Within and between race groupings, women continue to bear the burden of inequality. South Africa's rankings on the Gender-Related Development Index (GDI) and the Gender Empowerment Measure (GEM) are quite divergent, with a low GDI score but a relatively high GEM. This reflects the dichotomous nature of South Africa's transformation process. Significant progress has been made in empowering women in the political, public and educational spheres, but the marginalization of poor women severely compromises progress.

### **Women and the Economy**

32. We acknowledge that whilst some women have accessed the arena of public power, there has also been a gradual marginalization of the politics of transformation in gender. The inclusion of women in the formal institutions of the state, and inclusion of the term "gender equality" in policy documents, has not led to the redistribution of resources and power in ways that change the structural forces on which women's oppression rests. The challenge is to ensure collective action for the active development and implementation of policies and practices that address the needs of poor women.

33. According to the Mid-Term Review Report of the Department of Women, Children and People with Disabilities, women constitute 52 % of the country's population. This has important implications for the status of women as



changes in demographic profile determine current and future needs of a population and are therefore likely to impact on government priorities.

34. Government has endorsed a number of legislations to create an enabling environment for women, and to improve their participation in income generating activities in the economy since 1994. The Labour Force Survey<sup>1</sup> has consistently recorded a higher unemployment rate among women since its inception in 2001, compared to men. The most recent data, recorded between July and September 2011 indicate an official unemployment rate of 22.5% for men, compared to 28% among women. The latest employment data, according to the Quarterly Labour Force Survey, indicate that 13 318 000 people are employed in the country. However, women only constitute a small percentage (43.6%) of this as compared to males (56.4%).
35. The Labour Force Survey (Stats-SA, 2011) indicates the employment of women in the following industries: Utilities (0.2%), Mining (0.5%), Construction (1.9%), transport (2.4%) and agriculture (3.5%). Higher percentages of women are employed in Community and Social Services (28.8%), Trade (24.3%) and Private households (14.8%). This further demonstrates the inequalities which exist in the formal economy where women dominate in sectors regarded as traditionally “soft and female,” such as social services, while fewer women can be found in traditionally male dominated sectors such as mining and engineering.
36. A high percentage of women undertake low-skilled, low wage employment. Women primarily serve as domestic labour and home-based care-givers. Women remain consistently under-represented in high-skills, high-wage employment.
37. Moreover, many women continue to operate in the informal trade sector, including in informal cross border trade. South African women make up 52% of the entire population, and 57 % of women are found in the informal sector. Statistics show that overall fewer women are employed; as a result poverty in South Africa is highly gendered. Female headed household are generally much poorer than men<sup>2</sup>, and are more likely to live below R570 a month. This is especially the case in the rural areas and thus renders women more vulnerable to food insecurity. Lack of employment opportunities and the absence of an independent source of income means that many women are forced to rely on their spouses, immediate family members, relatives or friends for survival.
38. Furthermore, our country's social security system offers no form of income support to indigent people between the ages of 17 and 60 years, unless they have a disability. The fact that many women have to live off someone else has a multiplicity of negative social consequences, including the loss of independence, dignity and being forced to remain in abusive relationships<sup>3</sup>.

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<sup>1</sup>Statistics-SA- Quarterly Labour Force Survey 2011

<sup>2</sup> Human Rights Council -19<sup>th</sup> Session : (Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including rights to development. November 2011)

<sup>3</sup> Kimani Ndungu; Pambazuka news, 2010: Labour Markets Shuts out Women (Issue 479)

39. Almost half of women over the age of 60 years of age are widowed compared to less than 15% of men. The dissolution of families often leads to the formation of female headed households (with responsibility for children and other dependants) or the integration of surviving females into extended family units. Either option increases the burden households have to contend with or it is not surprising to note from the literature that female headed households are disproportionately affected by poverty. It is therefore important to have a clearer understanding of household characteristics in order to address issues of poverty and household resource allocation.
40. The transformation within and of the economy must be in line with the creation of decent work and sustainable livelihoods as well as rural development. This must be within the context of a sustainable, equitable and inclusive economic growth path.
41. The international context adds to the challenge. The global economic meltdown in 2008-9 had a tremendously negative impact on the lives of women. While financial and economic crises have gender-specific impacts and place a disproportionate burden on women, in particular poor women, they also present opportunities to change strategies and actions. Responses to the financial and economic crises, including stimulus packages, need to take into account the needs and priorities of women and girls to ensure that the gains made in promotion of gender equality and empowerment of women are not reversed. **The New Growth Path for economic development must be engendered to ensure that women are 50% beneficiaries of the Job Fund.**
42. Women's increased participation in the labour market has not been accompanied by an increase in men's participation in unpaid work. Women have to spend too many hours on domestic work, preventing them from participating in societal or development activities. Macro-level policies continue to neglect the existing inequalities in the gender distribution of paid and unpaid work, to the detriment of women. Primary areas of policy intervention have focused on reducing the burden of unpaid work, including through the reconciliation of work and family responsibilities, the provision of services and investment in public infrastructure. The value and cost of unpaid work should be recognized and valued by all stakeholders, including Government and the private sector.
43. While women form the majority of small business owners they are significantly outnumbered by men in the formal sector of the economy. Women-owned businesses, although more numerous than male-owned businesses, remain weaker because they are usually smaller, less formal and operate in more vulnerable sectors, especially in trade, catering and accommodation. Women therefore require a multifaceted approach to address disparities through some of the following measures:
- Micro-financing arrangements where the major financial institutions are provided with incentives to provide loans to women entrepreneurs

- Skills development and training directed at potential women entrepreneurs in both the urban and rural areas especially in drawing up business plans and proposals and in skills in managing a business particularly in accounting and budgeting.
- Providing mentorship and Learnership opportunities for women seeking to become entrepreneurs
- Encouraging young women / young female learners to take business courses in high school and tertiary education

44. The Industrial Policy and Action Plan for 2010/11 – 2012/13, which builds on the National Industrial Policy Framework, represents a significant step forward in scaling up efforts to promote long-term industrialization and industrial diversification. The objective is to go beyond traditional commodities and non-tradable services. The Action Plan places emphasis on more labour absorbing production and services sectors, and increased participation of historically disadvantaged people in the economy.

45. The negative unintended consequences of the growth path in the country include large and unsustainable imbalances in the economy and continued high levels of unemployment. These have significant impact on women's lives. Together with the global recession, the impact has been tremendous especially on women located largely within the informal sector of the economy and for women within the household level. This Industrial Policy Action Plan, as one component of broader, integrated inter-related policies, will place the country on a new growth path. This has tremendous importance for the up-liftment and economic empowerment of women.

46. It is estimated that the Industrial Policy Action Plan will result in the creation of 2 477 000 direct and indirect decent jobs over the next ten years. It will diversify and grow exports, improve trade balance, build long term industrial capability, grow the domestic technology and catalyze skills development. **Women must make up 50% beneficiaries of this target for jobs and within all the sectors identified, including in the skills development provided.**

47. The New Growth Path represents a significant step forward in scaling up efforts to promote job-creation and a green economy. **The New Growth Path for economic development must be engendered to ensure that women are 50% beneficiaries of the Job Fund.**

48. The negative unintended consequences of the growth path in the country include large and unsustainable imbalances in the economy and continued high levels of unemployment. These have a significant impact on women's lives. Together with the global recession, the impact has been tremendous especially on women located largely within the informal sector of the economy and for women within the household level. The New Growth Path, as one component of broader, integrated inter-related policies, holds great promise for the up-liftment and economic empowerment of women provided its approach becomes an engendered one.

49. Job creation and skills development targets are crucial elements of the new Growth Path. **Women must make up 50% beneficiaries of this target for jobs and within all the sectors identified, including in the skills development provided.**
50. Women-only co-operatives account for a significant proportion of the cooperative-landscape in South Africa. A “Baseline Study of Cooperatives in South Africa”, undertaken by the Department of Trade and Industry in 2009, indicates that there are more female co-operative members than male members. Co-operatives that consist of only women members account for 264 co-operatives, representing over 20% of the total co-operatives sample. Sectors which had women-only co-operatives were textiles (19%), services (16%) and food and agriculture (16%).
51. The findings of the survey reflect a sector where the majority of co-operatives are of a survivalist nature and most of them are not in a position to have their applications for loans and grants approved. The findings highlight a problem of co-operatives not being able to access the finance they need to grow their businesses.
52. **There is a need for a fully fledged co-operative education and training institute of some sort to provide the necessary skills for women’s cooperatives to be successful and sustainable.** Women require skills in business proposals, tender and contract processes, financial management, and marketing, amongst others. **It is recommended that a mentorship programme be established to support emerging co-operatives, particularly those that are still at a survivalist stage.**
53. The Co-operative Development Policy and related legislation provide for the development of an institutional environment, including the establishment of a Co-operative Advisory Board and secondary and tertiary co-operatives, which would provide some of the support services and create that enabling environment that the sector currently needs. **The establishment of the Advisory Body must be fast-tracked.**
54. State Owned Enterprises must ensure that in **awarding tenders and contracts, 50% is awarded to women.** In awarding contracts and tenders, especially to women-only cooperatives, SOEs must ensure that they **create, markets, value-chains and value-add for sustainability** of these businesses.
55. All economic empowerment codes such as those set by BBEEA, PPPFA, Mining Charter, Legal Sector Charter and others must be reviewed to be strengthened, engendered and directed at the creation of entrepreneurialship. The targets in **all Codes must be reviewed to include 50% women as direct beneficiaries** of procurement and enterprise development. The intention should be toward increased extension of ownership for women.
56. The PWP and other aspects of South Africa’s poverty alleviation programme have also paid special attention to rural women’s economic empowerment.

This has created opportunities for women to become construction entrepreneurs and for others in public works jobs such as road works, which were previously given to men only. However, the reality is that males still benefit more from the EPWP, for example, men still predominate the construction industry, particularly as owners.

57. The private sector responses to gender inequality in South Africa are embedded in the socio-political context of the country through the Broad Based Black BEE legislation and codes, the Employment Equity legislation, industry Charters (such as in mining or finance), and national umbrella bodies amongst others. There is evidence of a narrowing of gender imbalances; an increasing response to gender equality obligations and a range of mechanisms are in place (bursaries, scholarships, internships) to facilitate entry of women into industries. However much more must be done to especially empower women economically and ensure that the majority of women do not remain confined to the informal sector of the economy.

58. The private sector has, in spite of employment equity requirements, made less progress in achieving gender parity within the ranks of its senior management. According to the South African Women in Leadership Census 2010 conducted by the Business Women's Association, in 2004, 59.9% of the country's corporations had no female Board representation and, where women were included, they made up only 7.1% of the board members. This differs significantly in 2010 where 21.5% of the country's company boards have no female representation and 16.4% of directors are women. However only 10.4% of CEOs and Board Chairs are female and women executive managers make up 19.3%. Trends over a three-year period 2008 to 2010 indicate that women CEOs and Managing directors increased from 3.9% in 2008 to 4.5% in 2010, while Chairpersons increased from 3.9% in 2008 to 6% in 2010. Directorships held by women increased from 14.3% in 2008 to 16.6% in 2010. There are 19.3% women executive managers in 2010, having decreased from 25.3% in 2008. **The envisaged Gender Equality Bill must be fast tracked to speed up 50/50 parity in the private sector and the corporate world.**

## **Women, Food Security and Rural Development**

59. In terms of addressing women's economic and rural development, Government has implemented several programmes. The Agricultural Women Empowerment programme includes the Agricultural Development Finance programme. A total number of 29538 community members benefited from the co-operatives initiatives as community projects. Of this, 20 078 are women against 9460 men across all provinces.

60. The MAFISA programme benefited 7229 people to an amount of R65 million. Of this 744 were women. A total of R22 222 333, 00 was allocated for various projects under women's leadership. Land Care projects are responsible for empowering communities targeting women and children. A total number of 634 518 community members benefited from these programmes, of which 411 167 were women as against 223 351 men.

61. The Food Security measures included a total number of 43 200 community projects and 162 food production packs. A total number of 157 694 community members benefitted from these projects across the country. Of these 115 929 were women as against 36 597 men.
62. The Comprehensive and Agricultural Support Programme (CASP) benefited a total number of 165 679 community members. Of this 28 709 were women against 55 075 men, from all nine provinces.
63. In the Financial Assistance Land Administration (FALA) programme, a total number of 34 women benefited with 18 women benefiting through the NCERA FARM projects. An amount of R21 261 000, 00 for 23 projects were allocated in terms of entrepreneurship development and 21 of these projects were on women's leadership. A total number of 212 women were beneficiaries of these projects.
64. Despite these measures, women continue to be marginalized and discriminated against in terms of economic opportunities, the labour market as well as access to land, credit, and finance. Women's financial dependency increases their vulnerability to marginalization and all forms of abuse.
65. Despite the critical role women play in food production and management of natural resources, they have ownership of a very minute percentage of agricultural land. Rural women's lack of access to resources and basic services is compounded by their unequal rights in family structures, as well as unequal access to family resources, such as land and livestock. This explains further why African rural women are not only poorer in society as a whole but also in their own families. It also defines why their level and kind of poverty is experienced differently and more intensely than that of men. Their lack of access to and control over land means less access to credit and technical assistance, essential for development. Little access to credit limits their ability to purchase seeds, fertilizers and other inputs needed to adopt new farming techniques and hence their economic participation.
66. Women have a crucial role to play in the fight against hunger. As mothers, farmers, and entrepreneurs, they hold the key to building a future free of malnutrition and hunger. A key factor contributing to hunger and food insecurity in the country is gender inequality in families, communities and society as a whole. Due to gender power imbalances, women are often denied access to available food; food production activities (the labour market); and production spaces and tools such as land and implements. This disadvantaged position in any given society is based on the relations of, among others, gender-based access to social resources and opportunities, defining as well women's unequal access to these resources and opportunities.
67. The conspicuous absence of particular reference to interventions targeting gender inequality or improving the status of women as a strategy for addressing food insecurity is one of the major gaps that exist. Without such a focus, the root causes of hunger and food insecurity may not be fully understood and interventions may miss the mark in terms of their orientation

and goals. Given the key role of women in the agricultural sector, improving their situation means progress for the sector and for the economy as a whole. Measures to improve their situation include:

- Increasing their access to farming land, fertilizers, seeds and ploughing implements ,
- Increasing their access to credit,
- Ensuring that they receive education;
- increasing their participation in decision-making; and
- Strengthening their role within the family.

68. **Rural women's development** must be enhanced through increased job creation. Of the five hundred-thousand (500 000) jobs that will be created in the rural sector between 2011 and 2020, at least 50% of the jobs must be allocated to rural women. Their access to and ownership of land must result in at least 50% ownership by women of the 411 recapitalized farms, 30% women ownership of the 27 irrigation schemes that will be revitalized in the current MTEF, 50% of state owned farms awarded to women farmers, and special programmes to foster resourcing of both finances and equipment for women farmers.

### **Women, Environment and Climate Change**

69. The ANC's position on environmental issues has been consistent and is reflected in the RDP document. It is this vision that has informed the various policies, programmes and actions of government since 1994. The ANC has played a leading role in shaping global debates on environmental justice, including through our participation in the Rio Earth Summit, followed by South Africa's hosting of the World Summit for Sustainable Development in 2002 and most of all the most recent 17<sup>th</sup> Conference of Parties to the United Nations Framework on Climate Change serving as the 7<sup>th</sup> meeting of parties to the Kyoto Protocol (COP17/CMP7) in December 2011. At these historic forums the ANC led Government has consistently championed a progressive response to the environmental dimensions of development challenges facing Africa and the countries of the South.

70. Climate change will increase the cost of MDGs attainment – in food production, health, water, energy, infrastructure and other areas – and will have disproportionate effects on women and the poor. It therefore cannot be treated as a stand-alone issue but **must be mainstreamed across government's five priority areas.**

71. Impacts of climate change are not gender neutral. Women bear a major responsibility for household production and supply, energy, and food security, which when combined with inhibitions rooted in their traditional roles, unequal access to resources and limited mobility, results in them being disproportionately affected.

72. Africa's land and natural wealth is immense and increasing in value, and which increases its vulnerability to exploitation by foreign investors. Given the

leadership role on the continent, South Africa must ensure that women and children are safe guarded from further exploitation and are direct beneficiaries of the revenue from land and natural wealth. Therefore this revenue must be utilized to promote sustainable and equitable development for all.

73. The ANC must oversee that, in compliance with the Copenhagen and COP 17 agreements on climate change, women and children are not further exploited, discriminated and disadvantaged. **Women must make up 50% of the green jobs and the green economy in South Africa.**
74. The conference resolutions committed the organization to a broad range of policy and programmatic endeavours over the five year period leading up to the next conference in 2012. Key decisions included interventions in the following areas; Organizational Renewal; Social Transformation; Peace and Stability; Economic Transformation; International Relations; Legislatures and Governance. The conference further adopted a special resolution on Climate Change which has now raised the profile of international environmental issues. One of the five priority areas identified in the 2009 Elections Manifest is "creation of decent work and sustainable livelihoods" with the ANC committing to the following action areas leading to 2014 MDG targets.
75. Women issues are at the center of these sustainability principles. The 2005 and 2006 women and environment conferences laid a firm basis for a national women and environment agenda. These two conferences defined clear areas of action for government civil society and business.
76. The 2008 and 2009 conferences took a step further by resolving to develop a structured Women and Environment forum for the country. The forum is geared to encourage and monitor the implementation of decisions taken at women and environment engagements and further act as a stakeholder group focusing on growing the sector. To this effect the party urges action to:
  - Ensure full and structured participation of Women and Youth in Policy-Making processes, particularly the National Climate Change Policy and the Fisheries Policy processes;
  - Promote women's economic activities and growth in the environment sector, including access to credit and financial resources;
  - Promote women's access to vital resources, such as safe and affordable energy, water and land; and lobby for differential pricing models;
  - Profile and enhance the recognition of Indigenous knowledge resources and systems as complementary to scientific systems, especially in the environment sector;
  - Take positive steps to establish a provincial outreach system for women, youth and people with disabilities in environment to further strengthen national outreach efforts;
  - Intensify efforts to ensure equal distribution and roll-out of Government Programmes aimed at social and economic upliftment within the sector, particularly the EPWP environment and culture sector projects;
  - Ensure equal access and control of natural resources especially in remote areas, and guard against cultural exclusion;



- Enhance our participation in international policy processes and fully exploit international development mechanisms aimed at women upliftment and sustainable development.
- Carefully assess the implementation of policy interventions that possess potential harm to the environment, health and social well-being, mainly genetic modification and Bio fuels production.
- Utilize existing women and environment groups to establish a coordinated and regulated women and environment forum at a national level

## Social Security

77. According to the mid-Term Review of the Department of Women, Children and People with Disabilities, significant progress had been made in fulfilling the rights of children in South Africa. New laws, progressive public spending and reorganization of administrative systems have contributed to accelerating the fulfillment of these rights.

78. **The Children's Act (38 of 2005), the Child Justice Act (27 of 2008)** and progressive policies provide a solid foundation for advancing child protection in the country. In addition, there has been significant progress in fulfilling children's rights to social security. For example, millions of children are benefiting from the Child Support Grant through the extension of the age of eligibility and an extensive outreach programme by government. The eligibility age range for the Child Support Grant has gradually been extended from 0–6 years in 1999 to 0–17 years from 2012 onwards. This has contributed to the moderate decline in child poverty.

79. However, children continue to be excessively affected by **poverty**. Approximately half (48,5%) of all South Africans live in households that has a per capita income of less than R570 per person per month and 62% of children are living in such households<sup>4</sup>. More than three-quarters of children living in the Eastern Cape (73.4%) and Limpopo (77.9%) live in low income households. Although the proportion of poor children is much smaller in the relatively prosperous and much more urbanized provinces of the Western Cape and Gauteng, children living in poor households still comprise more than 36% of all children in each province.

80. **Child support grants** were introduced to alleviate child poverty effects for children living in poor households, those who are orphaned and those who live in child-headed households. The Child Support Grant (CSG), although a small cash transfer from which other members of the household also benefit, is associated with a moderate reduction in poverty in receiving households, as well as many positive outcomes for children, such as improved health and nutrition, increased school attendance and performance<sup>5</sup>.

81. The eligibility age range for the CSG has gradually been extended from 0–6 years in 1999 to 0–16 years in 2011 and will be 0-17 from 2012 onwards. Yet,

<sup>4</sup> Statistics SA - Social Profile Report (2011)

<sup>5</sup> DWCPD – 2011 Inequality Report

some 2.1 million children eligible for the CSG were not receiving payouts in 2008. Lack of documentation is the biggest barrier to accessing this grant. Children's access to social grants has extended dramatically since 1999. Cash transfers alone are not sufficient to bring children out of poverty. The current cash payout for the CSG is lower than the per-capita ultra poverty line of a dollar-a-day which is regarded as the minimum subsistence level, however the Care Dependency Grant and the Foster Care Grant are currently above the minimum subsistence level. In some very poor households the grant money is used to support not only the targeted child beneficiary but also other ineligible children, and even the entire household.

82. CSG beneficiaries are entitled to automatic fee waivers for schooling up to grade 12, and to free health care at all levels<sup>6</sup>. This is an example of how the burden of access is reduced for the poor through the creation of pathways in an integrated poverty alleviation programme. The downside is that those children who cannot access social grants – including the poorest, most physically remote and vulnerable – do not benefit from the automatic links between programmes. Thus the challenge is to design programmes that will assist beneficiaries to have documentations to enable them to access social grants.

### **Basic and Higher Education and Training**

83. The ANC is committed to providing equal access to quality education for all South Africans, with a view to eliminating gender disparities in education at all levels. The National Education Policy Act (1995) provides for redressing the inequalities of the past in educational provision, including the promotion of gender equality. This makes it possible for both boy- and girl-children to access basic education, as well as participate in gateway subjects such as mathematics and science. The South African Schools Act (1996) undertakes to combat racism, sexism and all other forms of unfair discrimination and intolerance. In addition, there are a variety of social protection policies and programmes dedicated at promoting and protecting access to education for vulnerable children, especially for children with disabilities.
84. With regard to **learner access and participation**, the country has attained gender parity at all levels of the formal basic education system (GPI of 0.98 at primary level and 1.01 at high school level). And while gender parity has been achieved for 5 year olds (Grade R), (at 1.13), universal access is still far from being achieved, with attendance estimated at 63% (65% female and 60.7% male).
85. While there have been significant increases in learner attendance, **drop-out completion rates and repetition rates** indicate that access to education in the schooling system is not yet universal. Also, while there are slightly more boys enrolled at primary school level than girls (GPI = 0.97), at the secondary

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<sup>6</sup> The Presidency – 2009 Situation analysis of children in SA

school level, girls are more likely than boys to attend school (GPI = 1.06). This has implications for programming.

86. With regard to **learner performance and achievement**, international and regional assessments (TIMSS and SACMEQ) as well as the national Annual National Assessments indicate that South African learners' performance is very low compared to other countries. The gap between male and female performance was high in 1999 at 16 and 19 percent for Mathematics and Science respectively, while in 2003, the gap shrunk to 2 in both subjects. Learner performance also tends to be too uneven in terms of both quality and quantity within the country. While the gender gap in performance seems to be closing, gender equality is still far from being achieved.
87. Performance in **National Senior Certificate examinations** shows that more females than males enter the exams but that their pass rate is lower, especially in maths and science. Motherhood, the gendered division of labour, household chores, and their role within child headed households may play a role in holding them back.
88. Employment trends show that at every post level in the school system, the **educator profile** is skewed in favour of women. Women teachers do not experience any discrimination when it comes to access to jobs as well as promotion within the education system. However, better qualified teachers are not necessarily able to effectively and efficiently deal with gender issues in their classrooms. True gender equality is only likely to be achieved when they are able to change the way they know their content and are able to integrate gender issues in their curriculum, when they have successfully changed the pedagogical strategies they use and the everyday interactions they promote in the school and the classroom. Improving the qualitative experiences of educators across gender, as well as across racial, social class, religious and other backgrounds so that they in turn, are better prepared and able to provide quality and gender equitable opportunities for all learners to flourish in the education system is necessary.
89. **Curriculum content and the pedagogical strategies** teachers use in their classrooms are also significant in determining the quality of educational provision and learning outcomes, and for improving gender equality. The curriculum framework makes provision for this in terms of the Life Skills (or Life Orientation) curriculum, which includes a wide variety of skills and issues such as gender and sexuality, HIV/AIDS, health promotion, social development, personal development, physical development and movement. However, a variety of reasons, including poor content knowledge, lack of pedagogical skills, and their own socialization, gender bias and gender oppression, means that teachers either implement these poorly or do not implement them at all. This requires careful professional development.
90. Improving the quality of the learning impacts positively on learning outcomes, and this in turn, impacts on gender relations generally and gender equality specifically. Other important factors that impact on **the quality of the learning environment** include the physical conditions of the school, the availability and

safety of toilet facilities, availability of safe/clean drinking water; socio-economic factors including poverty, HIV and AIDS, disabilities and others. **Zero-rating sanitary towels and tampons must be considered** as it will have a major impact on the lives of women in low-income families.

91. South Africa's post 1994 policies generally, and education policies in particular, are informed by a **strong human rights framework**. Within this framework, gender-related issues are given prominence in different ways in the education system. Despite the array of gender parity policies, a poor or lack of understanding and acceptance of these policies among those tasked to implement them (teachers and education officials) presents challenges. The profound patriarchal and sexist context in which they are implemented makes gender inequality difficult to eliminate in the schooling system and in particular, school going-age girls continue to face discrimination.
92. There is a strong relationship between **poverty, gender and gender-based violence**. Evidence shows that girls experience sexual harassment and violence more than boys. Sexual harassment and rape are one of the major forms of GBV in many South African schools. Corporal punishment of both boys and girls has an impact, as a gendered form of violence, on their learning capabilities and retention within schools. There are also unacceptably high numbers of teachers (mainly male) engaging learners (mainly female) in sexual relations.
93. **Teenage pregnancy** is amongst the major concerns facing young women in South Africa today. There are serious intervention measures to deal with the challenge as it is one that can effectively undermine efforts to keep the girl child in school for as long as it is required – thereby defeating efforts to contribute towards ensuring that all learners realize their full potential. The South African Constitution criminalizes discrimination on the basis of pregnancy; therefore pregnant learners cannot be denied their constitutional right to education because of pregnancy.
94. South Africa has the largest number of **HIV infections** in the world. Heterosexual sex is recognized as the predominant mode of HIV transmission in the country. This report indicates that in 2008, among the youth ages 15-24 HIV was more prevalent in women (13.9%) than men (3.6%). Still in 2008, in the whole South African population, HIV was most prevalent among African females aged 20-34 (33%). The power imbalance in which men dominate women in economic, social, cultural, and sexual matters dooms young women and girls, exposing them to greater chances of contracting HIV and AIDS. Good health is a powerful determinant of girls' access and success in education.
95. Gender violence that pervades schools and families are not freely talked about in schools. Classrooms tend to perpetuate the status quo. There are several **initiatives addressing social ills** that affect boy- and girl-children with regards to their access to schooling. Sexual abuse and educator to learner sexual relationships are outlawed in the schooling system, and punishable by dismissal of the particular educator if found guilty. However, schools have a

particular responsibility to protect young people from social problems. Education must play a dual role in relation to discrimination and gendered or sex based harassment and violence. Firstly, it must prevent such activities from occurring in education institutions. Secondly, it must mobilize the medium of education to develop in students the knowledge, skills and life orientation to ensure that they repudiate discrimination and gendered violence and become advocates against it.

96. It is imperative to reflect on the challenges that persist, particularly in terms of **women's adult basic education and literacy**. There are innumerable case studies and exemplars in countries that show a strong correlation between women's education and the improvement in the quality of life of the family, including education of their children. Literacy and education empowerment of rural women is essential if the quality of their lives is to improve, and they are able to access justice and economic empowerment opportunities.

97. **At the tertiary level** there are more females than males enrolled in tertiary institutions. However, women are in lower numbers in technical universities, and therefore in technological and scientific fields of study. Women still dominate in areas which are stereotypically caring or "feminine" areas and men still dominate "masculine" study fields.

98. In 2010 of the 138610 students enrolled for **Post-graduate studies** 56% were female. However only 48% were enrolled for Masters Degrees and 42% for Doctoral degrees. Most of the female postgraduate enrolments were at the level of Postgraduate Diplomas/Certificates, Post Graduate Bachelor's degrees and Honours degrees.

99. In 2010 of the 1862 permanent Executive/Administrative/Managerial **professional staff appointments** at Universities 41% are female. Of the permanent Instruction research staff appointments only 28% of the females hold the rank of Professor or Associate Professor. In the rank of Senior lecturer 43% of the permanent appointments are female. However, in the rank of Lecturer and below, the majority of the permanent appointments are female (52%).

**100.** More women are increasingly accessing tertiary education, as well as increasingly entering previously male domains with respect to career choices. However, the science, technology and engineering fields are still predominantly male in nature. **50% of all Learnerships must be earmarked for young women to ensure that empowerment is provided especially for previously male dominated areas.**

101. The education system needs to facilitate a process in which gender equality concerns become integral to the systemic processes and operations, including planning, decision-making, policy development and in the implementation of transformation programmes. Interventions could include:

- Structural functions and coordination within the higher education sector so that problems are tackled holistically. This will create a base for

communication and reporting as well as working on projects that address specific areas such as increasing access, retention and the output of women in science, engineering and technology fields of study.

- Clear goals and targets linked to intervention programmes that address the areas indicated as challenges including increased number of women studying in science, engineering and technology fields. Such interventions could include providing scholarships targeting women, particularly women from disadvantaged rural backgrounds

**102. In both Basic and Higher Education targets and interventions need to be gender-disaggregated and monitored and the 50% rule applied.**

## Health

103. Since 1994, a number of **initiatives** have been implemented to improve access to health services by women. One of the first initiatives was to remove user fees for children under six and pregnant and lactating women. Later, user fees for people with disabilities were also removed. Primary health care was also made free to all. The health sector remains committed to the White Paper for the Transformation of the Health System's (1997) vision, which accentuated the need to:

- Decentralise management of health services;
- Establish the District Health System to facilitate implementation of Primary Health Care (PHC); increase access to services for citizens;
- Ensure the availability of good quality essential drugs in health facilities;
- Strengthen disease prevention and health promotion in areas such as HIV and AIDS, and maternal, child and women's health; implement the Integrated Nutrition Programme to focus more on sustainable food security for the needy; and rationalize health financing through budget reprioritization.

104. A pilot for the National Health Insurance (NHI) is currently being rolled out.

105. **Delivery** on the four key areas must be accelerated viz., increasing life expectancy; combating HIV and AIDS; decreasing the burden of diseases from Tuberculosis (TB) and improving health systems effectiveness, with special emphasis on deliverables aimed at improving the health status of women and children. These focus areas are consistent with the health related Millennium Development Goals (MDGs).

106. According to the SA draft MDG country report 2010, a total of 625 of **maternal mortality** cases were recorded during 2007 which is far above the MDG target of 38 by the year 2015. It is unlikely that this target can be achieved. Under five mortality, which is linked to maternal health, also

recorded 104 the same year and is also unlikely to achieve the MDG target of 20 in 2012.

107. Although Government has greatly improved access to **affordable health care** at public hospitals and clinics, the broader health care system still mirrors the large inequalities found in contemporary society. South Africa still has a high women mortality rate (650/100 000 live births). Each year in South Africa, around 4,300 women die due to complications of pregnancy and child birth. A substantially larger proportion of females (56%) over the age of 60 years suffer from chronic conditions than their male counterparts (44%). However the general life expectancy of women remains higher than that of men. While males are generally more likely to be members of medical aid schemes than females, Government's proposed National Health Insurance will be most beneficial to women.

108. Human sexuality, gender inequality and vulnerability are interlinked issues which must be addressed. The high prevalence of **HIV** amongst women suggests the extent to which women in South Africa are vulnerable to the epidemic. Besides evidence from the annual antenatal surveys, it is also the case that more young women than men are infected. Women are vulnerable because of their position in society, including the imbalance in the power relations between men and women (reflected in their ability to negotiate condom use), and multiple and concurrent sexual partners.

109. Major challenges also remain with respect to **health of women in marginalized communities such as those in rural areas, women on farms, foreigners in the country as well as commercial sex workers**. Violence against women and children is also a major challenge and contributes to the HIV epidemic. While guidelines and protocols are available, access to the appropriate services is still limited and social structures to address the prevention of these ills are still weak. Women with HIV are also particularly vulnerable to emotional, material and physical abuse and neglect.

110. Women are the major **health care providers**; when women are infected, there is very little social infrastructure integrity to care for them. This includes when women are affected and afflicted by other conditions as well, such as cancer, chronic diseases and old age. Health education and promotion also need to be strengthened, especially among the adolescents and youth. School health services need strengthening also, with emphasis on the promotion of personal and sexual health and the prevention of intentional and unintentional injuries, including violence, infections, pregnancy and substance abuse. This includes high vaccination coverage through the Expanded Programme on Immunization.

## **The Criminal Justice System**

111. The South African Constitution has an extensive **Bill of Rights** which gives primacy to the right to equality and guarantees women equal rights with men. The Constitution also protects rights relating to custom, culture and religion subject to the Bill of Rights.

112. Customs, social and religious systems, including culture, have in the past promoted patriarchy and the oppression of women. Discrimination against women due to the above institutions took a variety of forms, from disenfranchisement to various forms of abuse. These institutions are still intact and still practice their cultures.
113. The historical disadvantages that undermine women's equal access to justice are reinforced by the identical treatment of women and men when accessing the justice system. This results in failure to respond to systemic social, economic and cultural disparities in society.
114. There is no doubt that tremendous progress on improving access to justice for women has been achieved. However, all that is achieved so far is mostly **de jure or legal equality**. Unfortunately, many of the problems that the law reform processes sought to address, still persists.
115. Much has been achieved to date on the area of transformation of the **judiciary**. Prior to 1993, there were only two white female judges, now there are about fifty women judges out of a total of 208 judges. At the Magisterial level, there are about 650 women magistrates out of a total of about 1900 magistrates. This falls short of the 50/50 principle. Women are still under-represented in the judiciary. **There is a need for specific training programmes to fast track the employment of women into the judiciary at all levels.**
116. The absence of a gender-sensitive approach in the judiciary is evident in the cases of *S v Mahomotsa*, and *Nkomo v the State*. The female victims were both 15 years old, and both raped at different times. However, the rulings went against them despite all the evidence.
117. Lack of gender-sensitivity is also evident in applications of the law. For example, the Domestic Violence Act 1998 is one of the milestones of law reform aimed at protecting women against domestic violence. However, the Act has many implementation challenges. One of the major deficiencies of the act is the absence of built-in measures to address the underlying causes and influencing factors in domestic violence situations and recidivism. In many instances victims continue to endure abuse despite having secured protection orders. In some of these cases the abuse can progress to murder or "intimate femicide". Due to lack of gender sensitivity, some members of the judiciary are not willing to fully implement provisions of the Act, for example, (i) refusal to issue an order for the removal of a firearm in terms of section 7 of the Act; (ii) refusal to issue orders evicting the perpetrator from the premises.
118. There are a number of Bills that are in the process of being introduced to Parliament that will have a profound impact on the transformation of the judiciary, such as the Constitution Amendment Bill, the Superior Courts Bill and the Legal Practice Bill.
119. **Women and inheritance:** Reform of Customary Law of Succession and Related Matters Amendment Bill, 2008 is intended to bring the Customary



Law of Succession in line with the Constitution, thereby eliminating unfair discrimination in that area of the law. The Bill, which among others, abolishes the customary law rule of male primogeniture. It will contribute to the promotion of gender equality, allowing more women and children to share directly in the proceeds of deceased estates. The Bill has been approved by the National Assembly and is receiving the attention of the Select Committee on Security and Constitutional Affairs. Its implementation will depend on the nature of the judiciary.

120. In response to the problem of **violence against women**, government has identified factors such as law reform on bail, sentencing, victim empowerment, capacity building, extending access to courts to previously disadvantaged areas and integrated responses, as critical pillars of the fight to end violence against women which accordingly needed to be strengthened.

121. **Accused persons** going through the criminal justice system have different needs determined by being either female or male. Females are prosecuted and incarcerated on the same basis as males. Some women who are prosecuted and incarcerated are pregnant or have little children, and they are incarcerated with their children who are not guilty. The Minimum Standards Rules that are used in prisons were developed 100 years back and are outdated. The current incarceration programme does not address the issue of women and children integration into society, to ensure that they are not stigmatized and discriminated against. In order to eradicate systemic discrimination and inequalities between women and men in prisons, **the Minimum Standard Rules must be reviewed to take into account the new market** which includes women, and to ensure that the rights of children of those women incarcerated are promoted and protected as provided for in the Constitution.

122. Despite the progress in improving access to justice, much still has to be done to translate the obligations and commitments into action so as to achieve real factual equality as promised in the Constitution. Legal literacy is critical to enable access to justice for women. Legal literacy is a process of acquiring critical awareness about the law and the rights contained in it. It is also about the ability to assert rights and the capacity to mobilise for change. It is a tool for women's empowerment so that they can be able to deal with gender inequalities in the legal and political systems as well as pervasive social oppression. Women have to understand and follow the processes of the development of laws, especially marriage laws, and make inputs during the initial stages of developing such laws

### **Safety and Security of Women**

123. SAPS Statistics indicate a ratio decrease of - 4.4% in sexual offences, representing a decrease of 2182 cases from 70 514 to 68 332. Although there is a decrease in sexual offences, the numbers are still too high, calling for an increased capacity within the criminal justice system in handling this issue, and increase in the provision of victim support, especially in the rural areas.

124. While there are currently 803 police stations in the 9 provinces with victim support rooms, as well as a total of 17 Thuthuzela Care Centers as of 2009, these are clearly inadequate in meeting the needs of victims of sexual violence. Thuthuzela Care Centres are 24-hour one-stop centres where rape victims have access to all services such as the police, counseling, doctors, court preparation and prosecution. During 2009, a total of 10 213 matters were reported at the Thuthuzela Care Centers.
125. The SAPS has established the Family Violence Child Protection and Sexual Offences Units to provide specialized investigative capacity for crimes impacting on the range of matters indicated in the name of the unit.
126. The Sexual Offences and Crime Unit in the National Prosecuting Authority highlights that in 2010/2011 there was an increase in capacitation of prosecutors with a total of 180 prosecutors trained on the comprehensive manual on maintenance matters in line with the Maintenance Act and latest developments in law, 349 prosecutors trained on the Child Justice Act, 102 prosecutors on integrated Domestic Violence Skills manual training and 79 prosecutors were trained on human trafficking related topics.
127. In support of the integrated approach to Gender-Based Violence, active integrated partnerships have been developed with the Ministry for Women, Children and People with Disabilities, Department of Basic Education and interdepartmental and multi-sectoral monitoring initiatives of the Thuthuzela Care Centres Participation among others. 900 Victim friendly rooms had been established at police stations throughout the country. Despite these initiatives, there is evidence of the gender-insensitive treatment of women reporting crimes against them at police-stations.
128. According to the Mid-term Review of the Department of Women, Children and People with Disabilities, crime statistics indicate that the murder of adult women increased by 5, 6% during the 2010/2011 reporting period. Social contact crimes committed against adult women include common assault (46, 9% of cases), followed by assault through grievous bodily harm. Sexual offences remain unacceptably high.
129. Assault and sexual offences are difficult to capture in a household survey because of their sensitivity, and as a result they are normally under-reported. The victims of crime survey results show that most perpetrators were known people from areas other than the area of residence of the victim (selected individuals). Nearly a third (29, 9%) of the victims of assault was attacked by a known community member in their area, their spouse or partner (20, 9%), while only 10, 5% stated that the perpetrator(s) was an unknown community member. When it comes to sexual offences, 38, 4% of victims were victimized by a known community member(s) in the area of residence.<sup>7</sup>
130. In 2010, most incidents of assault (35, 7%) occurred at home, while 18.6% occurred in the streets outside offices/shops. A third (33,6%) of sexual

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<sup>7</sup> Statistics – SA Victims of Crime Survey (2011)

offences (including sexual assault, rape and domestic sexual abuse) occurred in a field or in parks, followed by 29,8% that took place at home. It was recorded that 18.5% of sexual offences took place at someone else's home. The heightening of income inequality, joblessness and economic slow-down is matched by increasing vulnerabilities amongst women.

### **Prostitution and Trafficking of Women**

131. There are 96 shelters throughout the country accommodating and rendering psychosocial services to women and their dependent children who are victims of abuse. During 2010, 13 of the existing shelters were strengthened to accommodate victims of human trafficking.

132. The current legal framework on prostitution and sex work is total criminalization against the seller. However, there are local governments, which based on their local understanding and mobilization by NGOs have abandoned the arrest of people who are prostituting themselves. The Constitutional Court decision in *Jordaan v State*, 2002 (6) SA 642 (CC); 2002 (11) BCLR 1117 (CC) did not advance the cause of prostitution. However, the South African Law reform Commission (SALRC) is in the process of investigating this matter.

133. Possible law reform approaches to prostitution as provided for in the SALRC Issue Paper 19 on Sexual Offences: Adult Prostitution is as follows: Criminalization model, Regulatory model and Total Decriminalization. The ideal approach for the ANC will be for the support of a position that **will embrace the dignity of women.**

134. In order to respond to the international problem of trafficking in persons, government has developed a Bill, the "Prevention and Combating of Trafficking in Persons Bill", which aims: (i) to prevent trafficking in persons, (which disproportionately affect women and children); (ii) the prosecution of traffickers and other role players; and (iii) the protection of victims of trafficking. It inter alia provides for the criminalisation of trafficking in persons and related acts such as subjecting a victim of trafficking to debt bondage and destroying or confiscating the travel documents of victims of trafficking. The Bill is not yet promulgated as an Act. Even though there are other laws that are used to prosecute perpetrators, women still fall through the cracks.

### **Media Transformation, Ownership and Diversity**

135. Communications play a major role in deepening our democracy, promoting a culture of human rights and non-sexism as key pillars of transformation of our society. The recommended media appeal tribunal will go a long way in ensuring that vulnerable individuals and groups have recourse in cases of unfairness and lack of objectivity in reporting.

136. There has been progress in increasing participation of women as part of historically disadvantaged individuals (HDI) within the broadcast media. This has been as a result of regulation of this section of the media requiring

ownership diversity as prerequisite for licensing. This has however not been the case with regard to print media which is currently unregulated by law.

137. The 'Glass Ceiling' survey shows that while there was a high proportion of women in the media in general (50%), these figures are not reflected at decision making (top management - 25%) levels. A high number of women in the media is employed on part-time or non-permanent basis (61%). Many women are confined to support departments (human resources – 74%, marketing/advertising – 61%, administration – 59%).
138. The Glass Ceiling report further highlighted discriminatory practices, structural inequalities, cultural factors, prejudices, patriarchy and sexism continued to plague South African newsrooms to a greater or lesser extent. Global Media Monitoring Project and Gender and Media Baseline Study (GMBS), conducted in Southern Africa demonstrated that women constituted less than 10% of news sources in the economics, politics and sport categories. Men constituted 92% of all those assigned to the sports sectors.
139. Women's concerns about the media cover extend beyond ownership to issues of control, representation and portrayal of women and girls and the lack of gender analysis in the realm of media content, policy and participation.
140. The ANC should call for the development of a transformation charter for the media with gender targets on ownership, management and control, employment equity, skills development, preferential procurement, enterprise development and socio-economic development; as well as encourage the introduction of gender studies into the curriculum of communication/media/journalism courses.

## **Women and ICT**

141. While there is recognition of the potential of ICT as a tool for the promotion of gender equality and the empowerment of women, a "gender divide" has also been identified, reflected in the lower numbers of woman accessing and using ICT compared to men. However the gender dimensions of ICT- in terms of access and use, capacity building opportunities, employment and potential for empowerment should be explicitly identified and addressed. ICT can be a powerful catalyst for political and social empowerment of women, and the promotion of gender equality.
142. In addition to physical access to the technology and the ability to utilize it, access refers to the ability to make use of the information and the resources provided. The factors identified as constraints to access and use i.e. poverty, illiteracy, including computer illiteracy and language barriers are particularly acute for women. Women's access to and use of ICT is constrained by factors that go beyond issues of technological infrastructure. Socially constructed gender roles and relationships play a key role in determining the capacity of women and men to participate on equal terms in the formation society.

143. Important steps to be taken include, amongst others: the need for **public access centres for women in the rural areas in particular where training can be provided**; small business stimulation, create networks and support, increase income and access to employment for women as well as participation in the formal economy and workforce at higher levels and with higher pay.
144. E skills aspect curriculum development at the FET level is important specially to promote post grade 12 training for girls and women. The e literacy of women is important for access to opportunities in broadcasting especially within the context of digital migration. The benefits of broadband to women should be explored. A Gender and ICT Strategy is being finalized but will require close monitoring.

### **Women, Culture and Religion**

145. Culture both enables and constrains women's roles and rights. Through culture women give expression to their humanity. But patriarchal aspects of all cultures can also limit the exercise of women's rights. Thus the phrase 'in my culture' can justify and legitimate sexual discrimination and gender inequality. Where culture is used in this manner it must be challenged.
146. South Africa has a diverse range of religions, each giving women specific roles and rights. Women play an important role in all religions. There are religious and cultural practices that are discriminatory towards women and girls. These practices include *Ukuthwala*, abduction, forced marriages, the killing of "witches" and the practice of female genital mutilation amongst certain populations. The approach that is adopted is an overarching advocacy strategy, awareness raising, rights education and awareness of legal measures that can be taken. The strategy also incorporates an investigative element to determine the extent of the problem. The South African Law Reform Commission has been requested to investigate and recommend advice on the legislation that will prohibit these practices.
147. In 2009/2010, of the 493 reported cases of *ukuthwala*, 180 were finalized. In 2010/2011, 174 cases were reported. Only 67 were finalized. Out of the 1273 total reported cases as from 2008 to 2011, there are 617 cases still pending.
148. The Departments of Women, Children and People with Disabilities, Justice and Constitutional Development, the South African Police Service (SAPS), Basic Education, Social Development, Traditional Affairs, National Prosecuting Authority and other relevant stakeholders are coordinating a joint campaign to address these issues.

## D. PRIORITIES

149. Options and priorities derive from a National Women's Conference held in August 2011 and from further consultations on the Gender Discussion Document presented to the ANC NGC in 2010.
150. The National Women's Conference held in August 2011 considered all these matters at length. The Conference aimed at consulting on substantive issues affecting and impacting on women's lives through (i) identifying ways to strengthen institutional arrangements that support transformation and the implementation of gender equality and women's empowerment; (ii) reviewing the efficiency of the national gender machinery; (iii) assessing mechanisms towards bridging the gap between policy and practice for effective implementation, coordination and accountability; (iv) providing the platform for women to articulate their concerns, needs and issues.
151. The conference noted that while progress has been made on a number of gender equality fronts there is at the same time a consistent and growing concern with a range of matters regarding the institutionalization of the women's agenda for societal transformation and the inalienable realization of women's rights. It was overtly pointed out that we are still to realize full de facto equality or true equality in practice. Many challenges remain in the creation of a women-friendly environment and an engendered society which is capable of eradicating the many practices that constrains women's advancement and empowerment.
152. Deliberations during the Conference showed that women were in full support of a **Gender Equality bill**. We support the Gender Equality Bill and look forward to its publication for public comment. The envisaged Gender Equality Bill must be fast tracked to speed up 50/50 parity in the public and private sectors. **Ministers and Departments** present made several commitments during the Conference, including:
- The *DWCPD* to hold bilateral meetings and sign MOUs with Government National Departments and Premiers' Offices at the provincial level to build partnerships and develop joint strategies for taking forward the women's empowerment and gender equality programme of action;
  - The National Policy on Women's Empowerment and Gender Equality and the Gender Equality Bill to review gaps in current implementation, policies and legislation and ensure compliance;
  - *dti* to continue to advance opportunities for women through the various programmes, including Bavumile, SAWEN and TWIB, among others;
  - The *Department of Public Works* to make the EPWP available to sponsor projects for women on building and environmental conservation and to drive for women to be 50% of the work force on EPWP;

- The *Department for Economic Development* to engender the New Growth Path and ensure that the Khula Fund and other empowerment funds award at least 50% of all new loans to women to start up businesses or grow existing ones;
- The *Department of Mineral Resources* to ensure the Mining Charter advance opportunities for women in the mining industry, including for young women;
- The *Department of Energy* to expand and sustain education, training and skills development in the clean energy space for women through the Clean Energy Education and Empowerment (C-3E) Women Initiative;
- The *Department of Home Affairs* to provide support mechanisms to mothers to ensure that babies are registered within thirty (30) days of birth;
- The *Department of Correctional Services* to deal with the issues of children that arise from women being incarcerated;
- The *Department of Rural Development and Land Reform* to ensure that women farmers are brought into the sector and supported through land acquisition, equipment and skills;
- The *Department of Labour* to ensure that companies and individual employers are compliant with labour laws and focus on conditions of work of domestic workers:
- The *Department of Human Settlements* to support skills development and training for women through the Women's Build Project;
- The *SANDF* to ensure that women from South Africa continue to play an integral role in peace building and peace keeping missions, and in promoting the implementation of UNSCR 1325, 1880, 1888 and 1889 on women, peace and security;
- The *Department of International Relations and Cooperation* to ensure that a National Plan of Action on UNSCR 1325 is developed and implemented in the country;
- The *Department of Water and Environmental Affairs* to ensure the engendering of all national preparations for COP 17;
- The *UN* (UNICEF, UNFPA, UNDP, UNAIDS, UN Women, ILO) to support gender equality and women's empowerment in the country, including support for economic empowerment through the Global Women's Fund, and eradicating violence against women and children through the UN Trust Fund; and
- The *World Bank* to make funding available for women empowerment programmes in the country.

153. These commitments all require monitoring and review.

154. **The conference recommended the following areas of priority:**

- Mainstreaming gender equity measures across the work of government;
- Economic empowerment, job creation and sustainable livelihoods for women
- Rural women's development

- Mineral resources and women's empowerment through skills building

**155.** Further recommendations, based on further consultations and following on the 50/50 representation of women in all structures, reinforce many of the proposals above. They include:

**(i) Women and Economic Empowerment:**

- The New Growth Path for economic development must be engendered to ensure that women are 50% beneficiaries of the Job Fund.
- Women must make up 50% beneficiaries of this target for jobs and within all the sectors identified, including in the skills development provided.
- The establishment of a fully fledged co-operative education and training institute to provide the skills for women's cooperatives to be successful and sustainable.
- Skills development for women in business proposals, tender and contract processes, financial management, and marketing, amongst others.
- Establishment of a mentorship programme to support emerging co-operatives, particularly those that are still at a survivalist stage.
- The establishment of the Advisory Body must be fast-tracked.
- State Owned Enterprises must ensure that in awarding tenders and contracts, 50% is awarded to women.
- In awarding contracts and tenders, especially to women-only cooperatives, SOEs must ensure that they create markets, value-chains and value-add for sustainability.
- All economic empowerment codes such as those set by BBBEEA, PPPFA, Mining Charter, Legal Sector Charter and others must be reviewed to be strengthened, engendered and directed at the creation of entrepreneurialship.
- The targets in all Codes must be reviewed to include 50% women as direct beneficiaries of procurement and enterprise development. The intention should be toward increased extension of ownership for women.

**(ii) Women, Environment and Climate Change.** Women must make up 50% of the green jobs and the green economy in South Africa.

**(iii) Education**

- Zero-rating sanitary towels and tampons
- Both Basic and Higher Education targets and interventions need to be gender-disaggregated and monitored and the 50% rule applied
- 50% of all Learnerships must be earmarked for young women especially for previously male dominated areas

**(iv) Women and the Criminal Justice System**

- Specific training programmes to fast track the employment of women into the judiciary at all levels.
- The Minimum Standards Rules that are used in prisons must be reviewed to take into account women, and to ensure that the rights of children of those women incarcerated are promoted and protected as provided for in the Constitution.



**(v) *Media, Transformation, Ownership and Diversity***

- The ANC should call for the development of a transformation charter for the media with gender targets on ownership, management and control, employment equity, skills development, preferential procurement, enterprise development and socio-economic development; as well as encourage the introduction of gender studies into the curriculum of communication/media/journalism courses.

**(vi) *Women and ICTs***

- Public access centres to be established for women in the rural areas in particular where training can be provided