

SADC GENDER PROTOCOL BAROMETER BASELINE STUDY

SOUTH AFRICA



A young child holds up a 'Decent work, Decent Lives' poster
in Western Cape, South Africa

Photo: Colleen Lowe Morna

SA Childwithdecentworkposter_CLM_070904

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LIST OF ACRONYMS

AIDS	Acquired Immuno Deficiency Syndrome
ANC	African National Congress
ART	Antiretroviral
CEDAW	Convention on the Elimination of all Forms of Discrimination
CGE	Commission on Gender Equality
COPE	Congress of the People
COSATU	Confederation of South African Trade Unions
CSV	Centre for the Study of Violence and Reconciliation
DA	Democratic Alliance
DAWN	Democratic Alliance Women's Wing
GEMSA	Gender and Media Southern Africa
HIV	Human Immuno Virus
ID	Independent Democrats
IEC	Independent Electoral Commission
IFP	Inkatha Freedom Party
ILO	International Labour Organisation
MEC	
OSW	Office on the Status of Women
OVC	Orphans and Vulnerable Children
PMTCP	Prevention from Mother to Child Programme
SADC	Southern Africa Development Community
SANAC	South African National AIDS Council
SETA	Sector Education and Training Authorities
SMME	Small, Medium and Micro Enterprises
STATS SA	Statistics South Africa
STI	Sexually Transmitted Infections
WHO	World Health Organisation
UDM	United Democratic Movement
UNAIDS	Joint United Nations Programme on HIV and AIDS
UNICEF	United Nations Children's Fund

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SADC Summit Alliance Meeting Speaker

Photo: Gender Links

EXECUTIVE SUMMARY

South Africa is viewed as one of the leaders in the region when it comes to gender equality and the signing of the Protocol on Gender and Development strengthened this view. The signing of the Protocol took place under the leadership of former President Thabo Mbeki, and the early signs from President Jacob Zuma are of continued commitment to the gender equality principles as espoused by the African National Congress as the ruling party.

In terms of the goals set in the Protocol, South Africa is well placed to make progress on several of the targets and indicators and this is enabled by the national work already put into gender equality.

In the Constitutional and Legal Rights, South Africa scores high because of a Constitution that's provisions are supplemented by a legal and policy framework on education, black economic empowerment, preferential procurement policy, employment equity act, all of which have provisions that are gender specific. The Customary Act is one law whose purpose was to abolish the low and inferior status afforded to women through customary marriages.

Governance is another area where South Africa has made progress in terms of gender representation in cabinet, parliament and local government. South Africa has made great strides in improving gender representation in the public sector. The voluntary quotas of the ANC as the ruling party, which has been winning significant majorities since South Africa became a democracy, have enabled the country to move much faster towards enhanced gender representation. The sphere that has moved fastest is the cabinet as these are ministers and deputy ministers who are selected by the President directly.

These achievements notwithstanding, there is a need to make gender representation the norm across all spheres, cabinet, parliament, local government, public and private sectors - the last two remain amongst the weakest in terms of gender representation.

Main achievements

The alignment of the policy framework to the Constitutional provisions is commendable. The legal framework and the policy environment continue to show great commitment to the delivery of the founding principles articulated in the Constitution.

The National AIDS Plan set objectives in four performance areas: prevention; treatment, care and support; legal and human rights and research, monitoring and surveillance. Each performance area sets more detailed targets and identifies the basic strategies for meeting these, as well as the lead agencies responsible. There is a need to also then devise targets that respond to the gendered dimensions of HIV and AIDS.

There has been greater and constructive interaction between the government and civil society in some of the key strategic areas and those of most concern. For example, the

HIV and AIDS and GBV portfolios have recognised and harnessed the resources and knowledge that resides with civil society and this has led to more significant partnerships. For instance, the 2008 South Africa CEDAW report refers to the work that Gender Links facilitates with the local government in its attempt to increasingly engender the sphere, and in SANAC, there are civil society bodies that are represented as a matter of course; these are signs of new and positive ways of partnering between government and civil society.

Main challenges

Amongst the many challenges of South Africa, it is not the advent of policies that is most challenging, but it is the issue of monitoring and evaluation of the implementation of the policies. There is recognition that in the period prior to democracy, the focus was on developing the policy environment and thus has by and large been the objective. The new challenges are linked to the implementation of these policies and also more importantly, their monitoring and evaluation. The establishment of the Ministry within the Presidency called *Performance Monitoring and Evaluation and Administration in the Presidency* is mandated to respond and address these issues.

In as much as there are some sectors where civil society and government work well, there is still room for relationships to improve. For instance, one still finds duplicity between government and civil society initiatives, including those of GBV. This has implications for use of inefficient use of resources, especially in civil society, as they seldom get funded locally.

Surprisingly, the continued difficulties to access data, especially on education and GBV were a challenge in this research. The fact is even with institutions access proved difficult. Part of the purpose of the Barometer is to track government progress on delivery around key provisions in the Protocol and this tracking becomes almost impossible if the data is difficult to access. This needs to change, especially as there is also an Access to Information Act that seeks to address some of these challenges.

In addition, in cases where data is available, this data is frequently not gender disaggregated. This lack of gender disaggregated data continues to make gender issues and the continued differential impact invisible.

One in nine campaign, South Africa, 2006
Photo: Trevor Davies
SA GenderViolence_One in ninecampaign5_JM_06



Table 1: SADC Gender Protocol Score Card for South Africa

SPECIFIC TARGETS TO BE ACHIEVED BY 2015	SCORE/10	COMMENT
ARTICLES 4 - 11: CONSTITUTIONAL AND LEGAL RIGHTS		
✓ Endeavour to enshrine gender equality and equity in their Constitutions and ensure that these are not compromised by any provisions, laws or practices.	9	Chapter 1 of the Constitution details the founding provisions of the Republic of South Africa: <ul style="list-style-type: none"> • Human dignity, the achievement of equality and the advancement of human rights and freedoms. • Non-racialism and non-sexism Supremacy of the constitution and the rule of law.
✓ Review, amend and or repeal all discriminatory laws.	7	
✓ Abolish the minority status of women.	9	Recognition of Customary marriages Act, 1998 (Act 120 of 1998) – This Act abolishes the minority status of women married under customary law and abolishes the marital power of husbands as guardians. The most fundamental change with regard to equality before the law in civil matters has been the recognition of the full legal status of women married under customary law.
ARTICLES 12-13 : GOVERNANCE (REPRESENTATION AND PARTICIPATION)		
✓ Endeavour to ensure that 50 percent of decision-making positions in all public and private sectors are held by women including through the use of affirmative action measures.	8	South Africa has made great strides in improving gender representation in the public sector. The voluntary quotas of the ANC as the ruling party, which has been winning significant majorities since SA became a democracy, have enabled SA to move much faster towards enhanced gender representation. The sphere that has moved fastest is the cabinet as these are ministers

SPECIFIC TARGETS TO BE ACHIEVED BY 2015	SCORE/10	COMMENT
		and deputy ministers who are selected by the President directly. There is a need to make gender representation the norm across all spheres, cabinet, parliament, local government, public and private sector.
ARTICLE 14: EDUCATION AND TRAINING		
✓ Enact laws that promote equal access to and retention in primary, secondary, tertiary, vocational and non-formal education in accordance with the Protocol on Education and Training and the Millennium Development Goals.	7	There is clearly awareness on the part of government that there is a need to intervene and enable more girl children to access school and then stay at school. Even in terms of funding there are some resources that seek to enable women students to undertake fields of studies that are not deemed 'traditional' for women such as construction.
✓ Adopt and implement gender sensitive educational policies and programmes addressing gender stereotypes in education and gender-based violence, amongst others.	5	The occurrence of GBV at schools continues to be a scourge on the SA education sector. The fact that researchers were not able to access any figures in this area is problematic as it continues to make this invisible and event driven. The outrage that is sometimes expressed comes in peaks and then subsides. The delays on dealing with perpetrators are also an area that needs strengthening.
ARTICLES 15-19: PRODUCTIVE RESOURCES AND EMPLOYMENT, ECONOMIC EMPOWERMENT		
✓ Ensure equal participation by women and men in policy formulation and implementation of economic policies.	5	There is a policy environment that seeks to transform the sector, but the extent to which this impacts policy formulation and participation is difficult to measure. There is still some way to go before there is equal participation of women in policy formulation and implementation.

SPECIFIC TARGETS TO BE ACHIEVED BY 2015	SCORE/10	COMMENT
✓ Conduct time use studies and adopt policy measures to ease the burden of the multiple roles played by women.	5	There seems to have been some work on this, but what is unclear is the extent to which it impacts policy development. For instance, the guidelines for care work would benefit from such studies but this does not seem to have occurred.
✓ Adopt policies and enact laws which ensure equal access, benefits and opportunities for women and men in trade and entrepreneurship, taking into account the contribution of women in the formal and informal sectors.	8	The policy attempts to be responsive to these issues, the problem is implementation. At the level of local government where this transformational agenda is meant to be driven from, there are challenges that remain. The differential support given to women-owned SMME's and the access to contracts is not the kind that enables them to grow and/or diversify their businesses.
✓ Review national trade and entrepreneurship policies, to make them gender responsive.	5	
✓ With regard to the affirmative action provisions of Article 5, introduce measures to ensure that women benefit equally from economic opportunities, including those created through public procurement processes.	8	The issue of gender is raised in the Employment Equity Act, Procurement, Black Economic Empowerment and all of these mention women as a designated group. At local government, there are points attached to contractors who are wholly owned by women or have a high shareholdership by women.
✓ Review all policies and laws that determine access to, control of, and benefit from, productive resources by women.	7	There have been key policies developed around economic opportunities for women and their access to these.
✓ Review, amend and enact laws and policies that ensure women and men have equal access to wage employment in all sectors of the economy.	8	There are several policies whose key thrust is to give gender parity when it comes to waged employment.

SPECIFIC TARGETS TO BE ACHIEVED BY 2015	SCORE/10	COMMENT
ARTICLES 20-25: GENDER-BASED VIOLENCE		
✓ Enact and enforce legislation prohibiting all forms of gender-based violence.	6	The Domestic Violence Act, and the Sexual Offences Act, show a heightened responsiveness by the legal environment to respond to the scourge of GBV. The challenge that remains is the treatment of these cases once in the hands of the police and the court system.
✓ Ensure that laws on gender-based violence provide for the comprehensive testing, treatment and care of survivors of sexual assault.	8	
✓ Review and reform their criminal laws and procedures applicable to cases of sexual offences and gender-based violence.	8	
✓ Enact and adopt specific legislative provisions to prevent human trafficking and provide holistic services to the victims, with the aim of re-integrating them into society.	5	The current law regarding trafficking in persons in SA is fragmented. The Criminal Law Amendment Act, 2007; the Children's Act, 2005 as well as other legislation that could be used to prosecute persons suspected of trafficking include the Sexual Offences Act, 1957; the Riotous Assemblies Act, 1956; the Immigration Act, 2002; the Basic Conditions of Employment Act, 1997; the Intimidation Act, 1982; the Domestic Violence Act; 1998; the Films and Publications Act, 1996 and the Prevention of Organised Crime, 1998.
✓ Enact legislative provisions, and adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators of sexual harassment.	8	
✓ Adopt integrated approaches, including institutional cross sector structures, with the aim of reducing current levels of gender-based violence by half by 2015.	8	

SPECIFIC TARGETS TO BE ACHIEVED BY 2015	SCORE/10	COMMENT
ARTICLE 26: HEALTH		
✓ Adopt and implement legislative frameworks, policies, programmes and services to enhance gender sensitive, appropriate and affordable quality health care.	8	
✓ Reduce the maternal mortality ratio by 75%.	8	
✓ Develop and implement policies and programmes to address the mental, sexual and refractive health needs of women and men.	8	
✓ Ensure the provision of hygiene and sanitary facilities and nutritional needs of women, including women in prison.	7	
ARTICLE 27: HIV AND AIDS		
✓ Develop gender sensitive strategies to prevent new infections.	8	The South African government is aware and sensitive to the fact that in South Africa, the face of HIV is female. The Strategic Plan also recognizes this.
✓ Ensure universal access to HIV and AIDS treatment for infected women, men, boys and girls.	9	The Strategic Plan 2006-2011 is comprehensive in its focus to address prevention, counseling and treatment. It espouses a multi-pronged approach and also multi-sectoral.
✓ Develop and implement policies and programmes to ensure the appropriate recognition, of the work carried out by care givers, the majority of whom are women; the allocation of resources and psychological support for care-givers as well as promote the involvement of men in the care and support of People Living with Aids.	7	There is still a long way to go when it comes to being responsive to the plight and needs of the care giving sector. South Africa has developed the guidelines for home-based and community care workers.
ARTICLE 28: PEACE BUILDING AND CONFLICT RESOLUTION		
✓ Put in place measures to ensure that women have equal representation and participation in key decision-making positions in conflict resolution and peace building processes, in accordance with UN Council Resolution 1325 on Women, Peace and Security.	8	
ARTICLES 29 – 31: MEDIA, INFORMATION AND COMMUNICATION		

SPECIFIC TARGETS TO BE ACHIEVED BY 2015	SCORE/10	COMMENT
✓ Take measures to promote the equal representation of women in ownership of, and decision-making structures of the media, in accordance with Article 12.1 that provides for equal representation of women in decision-making positions by 2015.	9	

TOTAL = $197 / 280 \times 100 = 70 \%$

COUNTRY CONTEXT



The Republic of South Africa, also known by other official names, is a country located at the southern tip of the continent of Africa. To the north of South Africa lie Namibia, Botswana and Zimbabwe, to the east are Mozambique and Swaziland, while the Kingdom of Lesotho is an independent enclave surrounded by South African territory.^[8]

South Africa is a constitutional democracy. The current President of the Republic is Mr. Jacob Zuma who was inaugurated on 10 May 2009 following the fourth successful elections since

South Africa became a democratic state. President Jacob Zuma is the fourth democratically elected president of South Africa.

South Africa has three capital cities: Cape Town, the largest of the three, is the *legislative* capital; Pretoria is the *administrative* capital; and Bloemfontein is the *judicial* capital. South Africa has a bicameral parliament: the National Council of Provinces (the upper house) has 90 members, while the National Assembly (the lower house) has 400 members. Members of the lower house are elected on a population basis by proportional representation: half of the members are elected from national lists and the other half are elected from provincial lists. Ten members are elected to represent each province in the National Council of Provinces, regardless of the population of the province. Elections for both chambers are held every five years. The government is formed in the lower house, and the leader of the majority party in the National Assembly is the President.

Eleven official languages are recognised in the Constitution. They are as follows Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu. There are four main racial groups in South Africa and they are together with size of the population Black (79.5%); White (9.2%), Coloured (8.9%) and Asian/Indian, (2.5%). English is the most commonly spoken language in official and commercial public life.



Xhosa women dance in Qunu, South Africa to celebrate the final stage of their sons' initiation. Qunu, South Africa is the birthplace of former president Nelson Mandela

Photo: Lori Waselchuk

Rural tradition_LW_0100

South Africa is also known for its diversity in cultures and religious beliefs. South Africa is ethnically diverse, with the largest Caucasian, Indian, and racially mixed communities in Africa. Although 79.6% of the South African population is Black, this category is neither culturally nor linguistically homogeneous. People within this classification represent a variety of ethnic groups. Midyear 2009, the South African population is estimated to be just over 49 million (www.statssa.org.za).

Since the end of apartheid in 1994, South African politics have been dominated by the African National Congress (ANC), which has been the dominant party with 60-70% of the vote. The main challenger to the rule of the ANC is the Democratic Alliance party, which received 16.7% of the vote in the 2009 election and 14.8% in the 2006 election. Other major political parties represented in Parliament are the Congress of the People, which split from the ANC and won 7.4% of the vote in 2009, and the Inkatha Freedom Party, which mainly represents Zulu voters and took 4.6% of the vote in the 2009 election.

South Africa has nine Provinces, namely Northern Cape, Gauteng, North West, Mpumalanga, Limpopo, Kwa-Zulu Natal, Free State, Eastern Cape and Western Cape. The nine provinces are further subdivided into 52 districts: 6 metropolitan and 46 district municipalities. The 46 district municipalities are further subdivided into 231 local municipalities. The district municipalities also contain 20 district management areas (mostly game parks) that are directly governed by the district municipalities. The six metropolitan municipalities perform the functions of both district and local municipalities.

Economic data

By UN classification, South Africa is a middle-income country with an abundant supply of resources, well-developed financial, legal, communications, energy, and transport sectors, a stock exchange (the JSE Limited), that ranks among the top twenty in the world, and a modern infrastructure supporting an efficient distribution of goods to major urban centres throughout the entire region. South Africa is ranked 25th in the world in terms of GDP (PPP) as of 2007.

Advanced development is significantly localised around four areas: Cape Town, Port Elizabeth, Durban, and Pretoria/Johannesburg. Beyond these four economic centres, development is marginal and poverty is still prevalent despite government efforts. Consequently, the vast majority of South Africans are poor. However, key marginal areas have experienced rapid growth recently. Such areas include Mossel Bay to Plettenberg Bay; Rustenburg area; Nelspruit area; Bloemfontein; Cape West Coast; and the KwaZulu-Natal North Coast.

Principal international trading partners of South Africa — besides other African countries — include Germany, the United States, China, Japan, the United Kingdom and Spain.^[45] Chief exports include corn, diamonds, fruits, gold, metals and minerals, sugar, and wool. Machinery and transportation equipment make up more than one-third of the value of the country's imports. Other imports include chemicals, manufactured goods, and petroleum.

CONSTITUTIONAL AND LEGAL RIGHTS *Article 4-11*

Constitutional and affirmative action provisions

The Protocol provides that by 2015, all countries shall endeavour to enshrine gender equality and equity in their Constitutions and ensure that these are not compromised by any provisions, laws or practices. State parties are to implement legislative and other measures that eliminate all practices which negatively affect the fundamental rights of women and men. They are also to introduce affirmative action measures

Constitutional Provisions and Review

The Constitution of the Republic of South Africa, Act 108 of 1996, which took effect on 4 February 1997, is the supreme law of the land. It seeks to “establish a society based on democratic values, social justice and fundamental human rights”.

Chapter 1 of the Constitution details the founding provisions of the Republic of South Africa:

- Human dignity, the achievement of equality and the advancement of human rights and freedoms
- Non-racialism and non-sexism
- Supremacy of the constitution and the rule of law

It provides for the establishment of one sovereign state, a common South African citizenship and a democratic system of government committed to achieving equality between men and women and people of all races. It further provides for the prohibition of racial, gender and all other forms of discrimination, and promotes the celebration of formal (*de jure*) and substantive (*de facto*) equality. Section 9 provides that neither the state, nor any person, may discriminate directly or indirectly on the grounds of gender, sex, pregnancy, marital status or any other ground or combination of grounds listed or unlisted in s 9 (3). To clarify its approach to equality, the Constitution further states that:

“Equality includes the full and equal enjoyment of all rights and freedoms. To promote equality, legislative and other measures designed to protect or advance persons or categories of persons disadvantaged by unfair discrimination may be taken”

Section 9 provides for the enactment of:

- The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000, (Act No 4 of 2000) (known as the Equality Act)
- Employment Equity Act, 1998 (Act No 55 of 1998). The Equality Act is to date the key which fully embodies and expounds on the constitutional provisions of equality, and was specifically required to be enacted within a stipulated timeframe to give effect to Section 9 of the Constitution. It provides a broad definition of discrimination that encompasses discrimination against women by any person, including the state, private entities and individuals.

Constitutional review processes

The legal framework is one of the country's success stories. Since 1998, the government has made tremendous strides in ensuring that legislation is aligned with the Constitution. Many of the laws and policies that have been passed are gearing the country towards achieving the targets set in the SADC Protocol on Gender and Development.

- The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000).
- The Recognition of Customary Marriages Act, 1998 (Act 120 of 1998) and the Customary Law of Succession.
- The Recognition of Customary Marriages Act, 1998 (Act 120 of 1998) which provides an opportunity for women married under customary law to call on their constitutional rights.
- Changes to the Basic Conditions of Employment Act, 1997 (Act 75 of 1997) which included pregnancy and parental rights and the extension of basic employment rights to vulnerable groups such as domestic workers and part-time workers.
- Advancing women's empowerment through the mainstreaming of gender in the implementation of the Land Reform (Labour Tenants) Act, 1996 (Act 3 of 1996); Housing Act, 1997 (Act 107 of 1997); Water Services Act, 1997 (Act 108 of 1997); the Land Bank Amendment Act, 1998 (Act 21 of 1998); and the Integrated Sustainable Development Programme.



Wpmen and land in South Africa
women and land in south africa

Photo: Gender Links

Table 2: Analysis of gender equality clauses in the Constitution

Provides for non discrimination generally	Provides for non discrimination based on sex specifically	Provides for non discrimination on the basis of sex and others e.g. marital status, pregnancy (list these)	Provides for the promotion of gender equality; please give examples	Has other provisions that relate to gender equality, e.g. bodily integrity	Has claw back clauses	Addresses the issue of contradictions between the Constitution, provisions, laws and practices.	Provides for affirmative action
YES/	YES	YES	YES	YES	YES	YES	YES
Chapter 1: Human dignity, the achievement of equality and the advancement of human rights and freedoms; non-racialism and non-sexism Discrimination on one or more of the grounds listed in subsection 3 is unfair unless it is	Chapter 2, section 9 No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3) which says.... The state may not unfairly discriminate directly or indirectly against anyone on one or	Section 9 (3) of the constitution ,entitled Equality, states that : The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds ,including race, gender ,sex, pregnancy ,marital status ,ethnic or social origin	Section 9 (1) Everyone is equal before the law and has the right to equal protection and benefit of the law.	Section 12.(1) Everyone has the right to freedom and security of the person, which includes the right to be free from all forms of violence from either public or private sources;(d) not to be tortured in anyway 12 (2) (a) to make decisions	Chapter 2, Section 8 (1): The Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state.	customary law	Section 187 The commission for Gender Equality must promote respect for gender equality and the protection ,development and attainment of gender equality

<p>established the discrimination is fair.</p>	<p>more grounds ,including race, gender ,sex, pregnancy ,marital status ,ethnic or social origin ,colour, sex, orientation, age ,disability ,religion ,conscience, belief, culture, language and birth.</p>	<p>,colour ,sex orientation, age ,disability ,religion ,conscience ,belief, culture, language and birth.</p>		<p>concerning reproduction (b) to security in and control over their body</p>			
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Source: 1996 Constitution of South Africa.

The constitutional provisions on equality and human dignity provide sufficient guidance to the courts with regard to recognizing and protecting equality between women and men when faced with conflicting claims relating to the constitutional guarantee of gender equality and constitutional recognition of customary and religious laws.

The Constitutional provisions are supplemented by policy and legal frameworks that enhance the concretisation of these provisions such as the South African Government has come up with a national policy framework for Women's Empowerment and Gender Equality which seeks to address the position of women as minors in both the public and private spheres of life.

Box 1: Practices that discriminate against women

The non-recognition of the state of the polygamous relationships within the Muslim marriage has been shown to adversely affect the wives' access to the husband's estate.

Other instances involve forced marriage in African culture. Several civil society organizations and the Commission on Gender Equality are following up on a case of forcibly marrying young, often underage, girls to older men under the guise of a cultural custom called '*ukuthwala*' (forced marriages).

In many cases, parents are arranging for young girls to marry without the girls' consent. More violent scenarios involve *ukuthwala* being used to legitimize the abduction of 14-17 year old girls for forced marriage. These young girls are being forced into unlawful marriages with widowed men who are 55 to 70 years old. In addition, the men are often HIV positive.

Discriminatory legislation

The SADC Protocol provides that by 2015 SADC countries shall have reviewed, amended or repealed all discriminatory laws and specifically abolish the minority status of women:

Chapter 2 of the Constitution, Section 7 states that the Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.

The definition of discrimination contained in the Equality Act covers direct and indirect discrimination and the elimination of both *de jure* and *de facto* discrimination. The Act defines discrimination as: "any act or omission, including a policy, law, rule, practice, condition or situation which directly or indirectly:

- Imposes burdens, obligations, or disadvantage on women.
- Withholds benefits, opportunities or advantages from, any person or more of the prohibited grounds.

The "prohibited grounds" under the Equality Act are extensive enough to cover all forms of discrimination against women, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion conscience,

belief, culture, language and birth; or any other ground where discrimination based on that ground:

- Causes or perpetuates systemic disadvantage
- Undermines human dignity; or
- Adversely affects the equal enjoyment of a person's rights and freedoms in a serious manner that is comparable to discrimination on any of the grounds stated above.

The Act also makes provision for the establishment of Equality Courts. These courts deal with matters covered by the Promotion of the Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000). Equality courts deal with issues of unfair discrimination, publication of information that unfairly discriminates, harassment and hate speech.

In addition to the Act and the Courts, there exist a number of institutions that are mandated to guard against any discrimination. These are as follows: the South African Human Rights Commission whose mandate is to conduct regular equality reviews, to promote and protect human rights and in particular the right to equality, to provide awareness in respect of the Equality Act, 2000 that seeks to ensure that the inequalities of the past on the basis of gender, disability and race are eliminated, and to promote the achievement of substantive equality in the country.

Secondly, there is the Commission on Gender Equality, established through the Commission on Gender Equality Act, 1996 (Act 39 of 1996) it is one of six independent statutory bodies tasked with supporting constitutional democracy primarily through monitoring in the private and public spheres.

Then there is the Joint Monitoring Committee on the Improvement of the Quality of life and Status of Women; this is a permanent Parliamentary Portfolio Committee in the National Parliament that monitors and oversees Government's progress regarding compliance with global instruments it is signatory to, which includes the SADC Protocol on Gender and Development (2008).

All of these institutions together with the Equality Act are intended to further eliminate any shreds of women ever having had a minority status.

The Recognition of Customary Marriages Act, 1998 (Act 120 of 1998) brought about equality between women and men married under customary law. Prior to this Act, customary marriages were not fully recognized valid marriages. The status of these marriages was inferior to that of their civil counterpart. In addition, to placing customary marriages at an equal footing with civil marriages, the Act specifically stipulates that parties to a customary marriage have equal rights. The rights in question include: the duty to maintain each other; the presumption of community unless an ante-nuptial contract stipulates otherwise; and general marital rights.

In addition, South African Citizenship Act, 1995 (Act 88 of 1995) stipulated that citizenship may not be lost or gained due to marriage, giving effect to obligations under CEDAW.

Furthermore, with regards to sexual orientation, Gay and Lesbian couples and families have since been recognized by the law and have now are able to get married and are given the same protection and rights afforded to heterosexual couples in the Marriage Act.

There has been a comprehensive review of discriminatory laws in South Africa conducted by the Gender Research Project, Centre for Applied Legal Studies, University of Witwatersrand for the Commission on Gender Equality. A copy of this audit is part of the documentation collected for the research. The Audit took place in August 1998. The report is called the Audit of Legislation that discriminated on the basis of Sex/Gender.

Table 3: Remaining discriminatory legislation

Discriminatory legislation	Action being taken	Comments
Customary law and succession	A Bill has been tabled in parliament. The purpose of the Bill is to give effect to the Constitutional principle of equality before the law, where women and men, and boys and girls, have the same right to inherit from the deceased estates of their spouses or parents.	
Non-recognition of polygamous Muslim marriages	<p>The Maintenance of Surviving Spouses Act and the Intestate Succession Act have been referred to the Constitutional Court for the amendments to be made.</p> <p>In the case of Fatima Gabe Hassam, the Constitutional Court ruled that the Intestate Succession Act and the Maintenance of Surviving Spouses Act violated her right to equality and that she had been discriminated against in terms of religion, marital status and gender.</p>	The non-recognition means that when a Muslim man dies intestate, his wives cannot claim from his estate - it is divided among his children instead.

Constitution of South Africa (1996)
www.thetimes.co.za, accessed 4 August 2009



Women taking part in the traditional Makhuba ceremony, South Africa

Photo: Gender Links

Culture - Makhuba tradition_GL_090704

Access to justice

The Protocol provides for equality in accessing justice

In line with Section 34 in the Constitution which states that 'everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum', there have been deliberate steps taken by the government to enhance women's access to the justice system. One such measure is through the Legal Aid Amendment Act, 1996 (Act 20 of 1996) which enables the Legal Aid Board to provide legal representation at state expense for accused persons in deserving cases. As costs are one of the main reasons people, and women specifically, are not able to access the justice system, this Act is critical as it begins to address the issue.

Table four: Access to justice

Access to justice provision	On a scale of 1-10 with 1 very low and 10 very high how would you score your country	Provide an explanation
Equality of treatment of women in judicial and quasi judicial proceedings	9	
Equal contractual rights	8	Legal capacity for women and men is an inalienable right that may not be waived through any contract, including a marital contract.
The right to acquire and hold rights to property	9	Government measures aimed at equalizing women and men's rights in respect of access to, ownership of,

		<p>and control over land and resources, such as housing, have contributed to women's <i>defacto</i> enjoyment of equality of freedom of movement and domicile.</p> <p>In order to protect propriety rights of women in customary marriages, section 7 of the Recognition of Customary Marriages Act, 198 (Act 120 of 1998) provides that if a husband in a customary marriage wants to marry a second or subsequent wife, he must apply to the High Court for the division of the estate and submit a contract that will govern the new proprietary regime.</p>
Encouraging women to exercise their legal capacity	8	In terms of the Recognition of Customary Marriages Act, women and men who enter into a customary marriage have equal legal status and the same rights.
Ensuring equality of women complainants in the criminal justice system	6	Women's perceived lack of credibility as witnesses is fundamental even though unsubstantiated and incorrect; but, nevertheless it continues to exist especially within areas and experiences that are more common to women than men. Examples of women's lack of credibility range from the rape complaint being on trial rather than the accused, to asking victims of domestic violence what they did to provoke the attack. This is the reason the gender sensitization of the police force is critical as they are often the first port of call

		for women who have been violated in this way.
Equal representation in the courts, including traditional courts	5	Traditional courts are often governed by different sets of principles, including one that view women as inferior to men and having minority status. This view is contradictory to the principles of the Constitution.
Accessible and affordable legal services for women	6	Most women in South Africa cannot afford the cost of legal representation which, therefore, makes state provided legal aid vital. Unfortunately, women do not have equal access to state assistance as the Legal Aid Board's budget favours criminal cases where men form the majority of the accused. But assistance of the Legal Aid Board has since been extended to include civil matters. There has also been expansion of justice centres to rural areas.

Source: Audit of Legislation that discriminates on the basis of Sex/Gender (1998)



Sexual offences court in Johannesburg, South Africa

Photo: Trevor Davies

Sexualoffencescourt
JHB_td_2005

Marriage and family laws; widows and widowers; the girl and boy child

The Protocol makes reference to the following specific legislative provisions: Marriage and family rights and the rights of widows; elderly women; the girl child; women with disabilities.

Key marriage and family laws

South Africa retains the combination of marital regimes which include civil, customary and religious laws. For a long time, there was differential treatment of the marriages, with the civil marriage being treated by the state as the only legitimate form of marriage with dire and wide ranging consequences for women married in customary marriages.

- Divorce Amendment Act
- Customary Marriages Act

Table 5: Marriage and family laws; the boy and girl child

Provision	Yes/No	Explain
Marriage		
No person under the age of 18 shall marry	YES	The minimum age of consent to marriage in South Africa is 18 years for both boys and girls, and this has been extended to customary marriages through the Recognition of Customary Marriages Act, 1998. This is the reason the <i>ukuthwala</i> custom being practiced is so problematic in that it challenges this and the provision below.
Every marriage takes place with the full consent of both parties	YES	Consent is an essential requirement of marriage in all marital regimes in South Africa .This applies to customary marriages as well. Forced marriage and abduction are criminalized.
Every marriage including civil, religious, traditional or customary is registered		
Parties have reciprocal rights and duties towards their children including when spouses separate, divorce or have marriages annulled.	YES	South Africa does not discriminate against women with regard to granting child-related rights such as guardianship, trusteeship and adoption. The main consideration on these matters is that the best interests of the child as guaranteed in section 28(2) of the constitution are upheld.
Maintenance orders are enforced	YES	The Maintenance Act was overhauled in 1998 with a view to strengthening the enforcement of the duty of parents to support their children. As women tend to be the caregivers for the children, the improvements in this Act have sought to bring them much needed economic relief.
Married women and men have the right to decide whether to retain their	YES	South African marriage law recognizes equal personal rights for men and women. This

Provision	Yes/No	Explain
nationality or acquire spouse's nationality.		includes a married woman's right to retain her maiden surname or previous marriage surname.
Widows and widowers		
Widows are not subjected to inhuman, humiliating or degrading treatment	YES	The South African law on marriage, including customary marriage, incorporates the right not to be subjected to any form of violence, including marital rape and other forms of domestic violence.
A widow automatically becomes guardian or custodian of her children, unless otherwise determined by a court of law.	YES	South Africa does not discriminate against women with regard to granting child-related rights such as guardianship, trusteeship and adoption. The main consideration on these matters is that the best interests of the child as guaranteed in section 28(2) of the Constitution are upheld.
A widow shall have the right to live in the matrimonial house after her husband's death.	YES	
A widow shall have access to employment and other opportunities.		South African marriage law recognizes equal personal rights for men and women. This includes the right to choose a profession or occupation.
Widows shall have the right to an equitable share in the inheritance of her husband's property.	YES	<i>De jure</i> equality in proprietary rights under civil marriage has been a reality for years. The Recognition of Customary Marriages Act, 1998 (Act 120 of 1998) has extended equality of proprietary rights in marriage to women and men married under customary law.
Widows shall have the right to remarry any person of their choice.	YES	
Widows shall be protected from all forms of violence and discrimination	YES	The South African law on marriage, including customary marriage, incorporates the right not to be subjected to any form of violence, including marital rape and other forms of domestic violence.
Girl and boy child		
Eliminating all forms of discrimination against the girl child.	YES	
Girls have the same rights as boys and are protected from harmful cultural attitudes	YES	Harmful practices endanger the health and well being of the girl child and women. They constitute all behaviours, attitudes and/or practices which negatively affect the fundamental right of women and girls, such as the right to life, health, dignity, education and physical integrity. The Equality Act, 2000 in particular, provides protection and prohibits practices that include virginity testing, female genital mutilation,

Provision	Yes/No	Explain
		abduction and forced marriages, and witchcraft.
Girls are protected from all forms of economic exploitation, trafficking, violence and sexual abuse.	YES	There is genuine consensus that the Constitution of South Africa, as well as the progressive legislative framework, provides both the protection and promotion of the rights of women and the girl child.
Girl children have access to information, education, services and facilities on sexual and reproductive health and rights.	YES	

Constitution of South Africa (1996)
 Commission of Gender Equality
 South Africa CEDAW Report (2009)



Boy holds a 'Protect the girl child' poster during a march in South Africa

Photo: Gender Links

Boyandgirlchildposter_GL_04

GOVERNANCE *Article 12-13*

The SADC Protocol provides that member states should endeavour to ensure that 50% of decision-making positions in all public and private sectors are held by women including through the use of affirmative action measures.

Gender and political parties

In terms of the number of women represented in political party structures, as the table below shows, the leadership of political structures is still male dominated. This is a situation that parties should seriously begin engaging with. Some of the main parties in the political landscape of SA show evidence of a bias towards male leadership rather than the purported inclusive leadership. This begs the question of how can citizens trust parties to elevate women in public if they cannot do so within their own party structures.

Table 6: Representation of women and men in key party structures

PARTY	HEAD		TREASURER		SECRETARY GENERAL		FOURTH TOP POSITION		FIFTH TOP POSITION		SIXTH TOP POSITION	
	M	F	M	F	M	F	M	F	M	F	M	F
ANC	M		M		M		M		F		F	
DA		F	M		M		M		M		M	
COPE	M			F		F	M		M			
IFP	M											
ID	F		M		M		M		M		M	
UDM	M			F	M		M		M		M	

ANC, DA, COPE, ID, UDM websites (July 2009)

ANC commitment to the 50/50 principle in elected leadership is reflected at provincial level. With gender parity in five provinces (Eastern Cape, Free State, Limpopo, Northern Cape and Western Cape) and with an overall average of 48 %, the ANC came close to achieving its target. It appears that the ANC is committed to the provisions in the Protocol.

Unfortunately, none of the party functionaries were asked about their knowledge of the Protocol or their plans to ensure that South Africa achieves its targets.

Party quotas for the representation of women

In South Africa there are no legislated quotas in terms of gender representation. Instead, and in the absence of these, the ANC as the ruling party has committed itself to voluntary quotas and with this undertook to apply the 50% principle across its seats in all spheres of government.

The second largest party in the country, the Democratic Alliance has no quotas, and the other long standing party in South Africa, the Inkatha Freedom Party, also does not believe in the use of quotas to address gender inequality. Interestingly, even though

COPE, the newest political party in SA also does not have quotas, the party did well in terms of gender representation.

Election candidates chosen for the party

For national elections, the electoral system is the Proportional Representation System. In this system parties must submit party lists and through these one should be able to determine the number and placement of women on the party lists as this is the list to be used to populate the seats that the party would have women.

For the ANC for instance, the nomination process for the lists happens at branch level and so the principle is that if women are active at the branch level, then they should be able to get onto party lists.

For example, the ANC had an almost perfect zebra list, except of the fact that both positions one and two were occupied by men, Mr Jacob Zuma and Mr Kgalema Motlanthe, both males. However, even with this, the ANC was able to achieve its 50/50 gender principle at both the national level and at most of the provinces won by the party.



Gender Links Gender, Elections and the Media training workshop, KZN 2004

Photo: Trevor Davies
SA GenderlectionsSA3_td_2004

Women's Wing – ANC

Some of its key aims and objectives are to:

- Participate in the struggle for the liberation of all oppressed groups;
- Spearhead the objectives, policies and programmes of the ANCWL and the African National Congress, amongst women in particular, and society in general;
- Spearhead the emancipation of women within the African National Congress and its structures and at all levels of government and South African Society as a whole;
- Promote the all-round development of women and help in building their own confidence and to interpret their needs nationally;
- Promote among and through women, national consciousness, patriotism, unity and a sense of accountability at all levels;

- Promote women's participation in every sector of public life and to strive for women's participation in every office;
- Combat discrimination in public and in private life and institutions and to work actively towards the dismantling of the patriarchal system, the elimination of laws, customs and structures which militate against equality and to oppose any strengthening of patriarchy;
- Campaign for the adoption and implementation of affirmative action programmes to combat the legacy of past gender and race discrimination;
- Campaign for an end to all forms of violence against women, children and other vulnerable groups; amongst others.

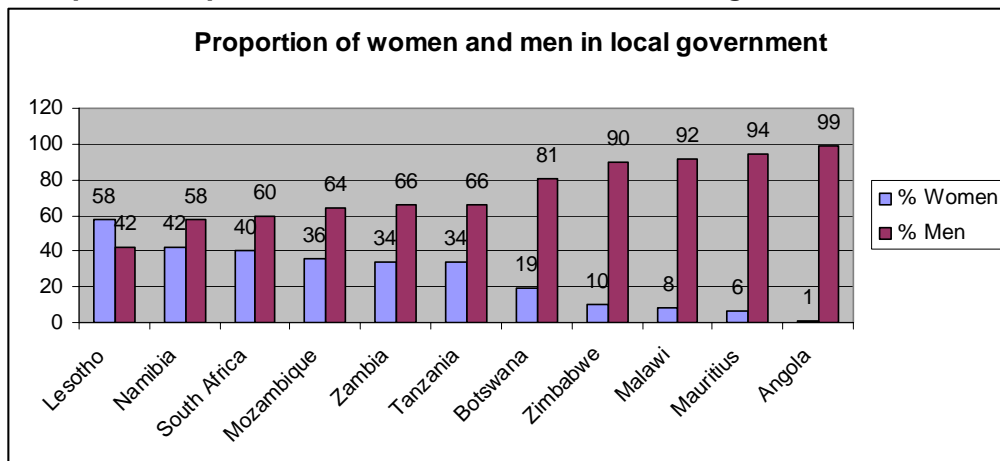
The opposition party, the DA also has a women's Wing. Its women's wing aims to:

- Promote the empowerment and development of women and build their self-confidence to stimulate and activate initiatives;
- Promote amongst women consciousness of accountability, patriotism and unity;
- Promote women's participation in every sector of public life;
- Promote a healthy culture and recognition of women's rights as human rights.

Measurable impact of women in the party

The work of Gender Links with the "At the Coalface: Gender and Local Government" project has sought to answer this question. The research has been undertaken in several SADC countries such as Mauritius, Zambia, Botswana, Lesotho and has found that there is indeed evidence to suggest that women in the spheres of governance do bring qualitative differences to their work and that of the institution of local government in particular. The graph below indicates South Africa's position compared to the region regarding female representation at local government level, Lesotho and Namibia rank above South Africa (Gender Links Regional Barometer Report, 2009).

Graph 1: Proportion of women and men in local government



In addition, both male councillors who work with these women and the communities being served have stated that women councillors in fact raise different issues to their male counterparts in Councils. The one enabling factor is the number of women in Council. There does seem to be a link between the number of women and their

enhanced participation and visibility in Council, although the research also found that this is not the only determining factor of their participation.

Table 7: Gender in political party manifestos

PARTY	QUOTA AND NATURE/ NO	WOMEN SPECIFIC PROJECTS	GENDER MAINSTREAMED IN MANIFESTOS
ANC	50/50 principle; voluntary quota		Non sexism a guiding principle throughout the manifesto
Congress of People	No quota		Not mainstreamed
Democratic Alliance	No quota		Gender is not mainstreamed
Independent Democrats	No quota		The manifesto is issue based but does not mainstream gender
Inkatha Freedom party	No quota		Gender is not mainstreamed in the manifesto under any thematic area
United Democratic Movement	No quota		Gender is not mainstreamed in the manifesto under any thematic area

Gender in the 2009 South African Elections; Gender Links, 28 April 2009

It is also important to note that even though the DA and IFP do not believe in quotas; both parties have over time made considerable progress. It is also worth noting that the two main opposition parties in South Africa are led by women: the Democratic Alliance, led by Helen Zille, and the Independent Democrats, led by Patricia De Lille.

Campaign funding

Parties receive public funding roughly in proportion to their representation in the National Assembly and provincial legislature. There are no legal requirements in terms of private funds expended in campaigns.

Gender in electoral processes

In terms of the electoral system, the National Assembly uses the direct universal adult franchise proportional representation electoral system. In terms of the President, he/she is elected by the National Assembly. The National Assembly elections take place every five years and the President is elected by every new National Assembly.

In addition, no party has ever had a female nominated for the position of the President in South Africa. Since democracy, the elections have been won by the African national Congress and in the four successful elections, only men were nominated. Firstly, it was Nelson Mandela, then for two terms it was Thabo Mbeki, as caretaker President the third elected was Kgalema Montlanthe, and the current President is Jacob Zuma.

At the local level, the PR system is still used but it is coupled with the constituency based system. The constituency based system relies on communities to vote for women candidates standing for nomination in their wards, but this has not been happening at the rate that boosts gender representation and part of this is due to the cultural beliefs and attitudes that communities still hold about women; this was discovered by Gender Links when they did the "At the Coalface Research: Gender and Local Government" research.

Leading up the April elections, there was great debate about the election of the president and the best electoral system to use, with some expressing the view that the current electoral system, coupled with funding, promoted a strong single party to dominate elections and that the current system of voting for parties, often does not mean that parties are necessarily accountable to the people who voted them into power.

The debate was initiated by the opposition parties and it seemed to be premised on the need to defend the Constitution to encourage more accountability and to achieve this, the change in electoral system was offered as a way forward. Gender did not in any way form the basis of these debates.

The proportional representation system, coupled with a strict zebra list is one way of using the electoral system to give women more gender representation in decision-making in government. As seen in local government, the constituency system has not as yet yielded the number to deliver a critical mass of women in the local government.

Gender Quotas

South Africa does not have legislated or constitutional quotas; the ANC as the ruling party has committed itself to applying the 50/50 gender principle, while other parties have not. In December 2007, the African National Congress (ANC) took a decision to ensure gender parity in its decision-making structures and with respect to representatives in National Parliament and Provincial Legislatures. In the ANC the quotas apply at both national and local level.

Gender activists, in their pursuit to diversify through gender the profile of the leadership in government and other decision-making structures in the public life, are arguing strongly for the legislation of quotas. The one argument is that the current situation where the ruling party (the ANC) is the only one with voluntary quotas depends on that party carrying the gender representation responsibility and this should not be the case.

The Local Government Municipal Structures Act, 1998 (Act 117 of 1998) makes provision for the equal representation of women and men in political party lists and ward committees; but this is where it ends and this Act does not make it mandatory for political parties to implement action and so is not enforceable.

The Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003) requires at least 30% of members of the National House of Traditional Leaders to be women. The Act provides for measures for parity of representation between female and

male traditional leaders in district and local municipalities, and is explicit about the promotion of gender equality and non-sexism.

The electoral management body in South Africa is called the Independent Electoral Commission (IEC). The IEC has a total of 5 commissioners. The Chairperson of the Commission is Dr Brigalia Bam and she is female. The Deputy chairperson of the commission is another female, Thoko Mpumlwana. Thereafter, there are three commissioners, namely Fanie van der Merwe, Judge Herbert Qedusizi Msimang and Terry Tselane, who are all male. The Chief Electoral Officer of the Commission is Pansy Tlakula. At the moment there are no functionaries specifically designed to deal with gender issues in the IEC.

The Electoral Act, 1998 (Act 73 of 1998) requires every registered party and candidate to respect the rights of women and to communicate freely with parties and candidates, facilitate full and equal participation of women in political activities, ensure free access for women to all public political meetings, marches, demonstrations, rallies and other public political events and take all steps to ensure that women are free to engage in political activities.

In the lead up the 2009 elections, all the political parties had to take a pledge which was centred on several principles such as tolerance and respect for political differences, amongst others. The parties pledged to conduct themselves in a manner that would reinforce a culture of tolerance towards all other parties contesting the elections, to publicly promote the eradication of no-go areas and allow for free political activity by contesting political parties. The pledge is gender neutral.

Gender and voters

Table 8: Women and men registered to vote

Age	Last two elections				Latest election			
	Women	Men	Total	% Women	Women	Men	Total	% Women
18-19					375,339	322,426		
20-29					3,008,626	2,643,048		
30-39					2,980,095	2,711,183		
40-49					2,490,406	2,064,824		
50-59					1,765,338	1,444,271		
60-69					1,083,329	772,622		

Gender in the 2009 South African Elections, Gender Links (28 April 2009)

With reference to the recent voters roll, women do outnumber men as they constituted 55% of all registered voters. It would be interesting to follow up and align this with the actual votes cast to see if indeed women registered in high numbers actually go to the polls on voting day.

Over the last two elections, there has been a change in terms of the voters. The 2009 election saw an increase of registered voters from 20 674 926 to 23 174 279. There was a concerted effort to get youth voters on board and in general this was achieved. Aalso,

South Africans residing, travelling or on business overseas at the time of the voting were allowed to vote after the FF+ took this case to court and won this right for them.

Thus, it does not seem like political parties deliberately targeted the women voters in their campaigns. The one group that was visibly targeted by political parties was young people, especially those who were going to be voting for the first time. Even in the modalities of campaigning, there was greater use of technology and trendy fashion gear with party logos and messaging which was a direct target to the youth vote. In addition, far more youth role models in society than in any other election showed their party colours as they sought to use their brand pull as DJs, actors and actresses to get young people interested. Both men and women were used in this drive.

The lack of focus on women might mean that women are seen as loyal voters, who seldom change their voting patterns.

Election outcomes

Table 9: Candidates fielded at national level

PARTY	LAST TWO ELECTIONS				MOST RECENT ELECTIONS			
	M	F	TOTAL	%W	M	F	TOTAL	% W
ANC					50%			50%
DA					74%			36%
COPE					58%			42%
ID					48%			52%
IFP					71%			29%
UDM					74%			26%
TOTAL								

Gender in the 2009 South African Elections, Gender Links (28 April 2009)

Table 10: Candidates fielded at local level

PARTY	LAST TWO ELECTIONS				MOST RECENT ELECTIONS			
	M	F	TOTAL	%W	M	F	TOTAL	% W
Ruling								
Main opp								
TOTAL								

Source: Year

Table 11: Election results national

PARTY	LAST TWO ELECTIONS				MOST RECENT ELECTIONS			
	M	F	TOTAL	%W	M	F	TOTAL	% W
ANC							65,90 %	50%
DA							16,66 %	35%
COPE	N/A	N/A					7,42%	54%

PARTY	LAST TWO ELECTIONS				MOST RECENT ELECTIONS				
ID								0,92%	25
IFP								4,95%	35
UDM								0,85%	0
TOTAL									

Gender in the 2009 South African Elections, Gender Links (28 April 2009)

Table 12: Election results local

PARTY	LAST TWO ELECTIONS				MOST RECENT ELECTIONS			
	M	F	TOTAL	%W	M	F	TOTAL	% W
Ruling								
Main opp								
TOTAL								

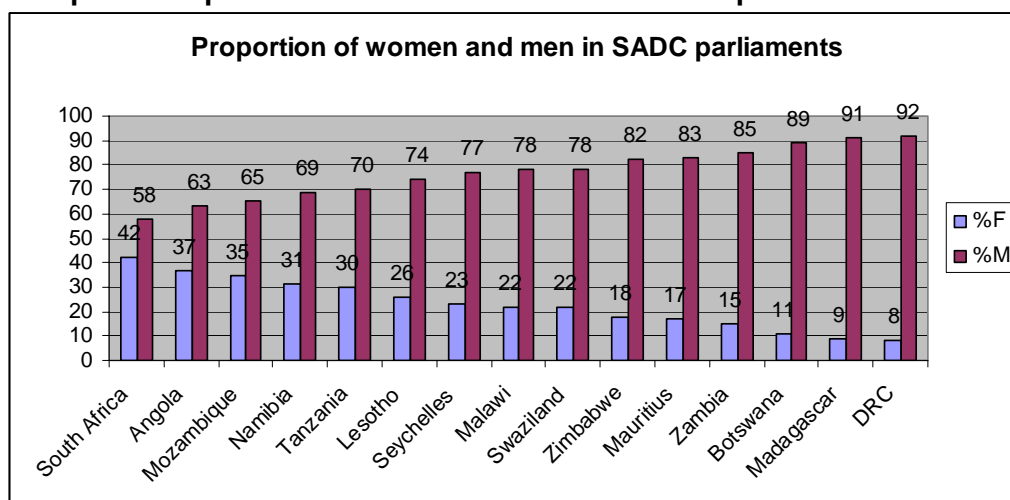
Source: Year

Women are gaining more ground in politics as evidenced by the 9% increase of the number of women in Parliament in 2004. The amount of work that civil society organisations put in making the gender representation more visible has contributed to the calls to political parties to be more gender balanced. The training and skilling targeted at women in local government has conscientised and galvanised greater participation by women.

At the last Local Government elections (2006), SA recorded a 40% representation of women elected in LG seats due to the PR seats. The database of the Municipalities of South Africa (November 2007) indicates that from a total of 283 Municipal Managers, only 26 (8.48%) are females, and that out of a total of 7968 Councillors, only 3122 (40%) are females.

As is evident in the graph and table below, compared to other countries within the SADC region, South Africa ranks first in terms of female representation at the parliament level.

Graph 2: Proportion of women and men in SADC parliaments



Source: Gender Links Regional Barometer Report, 2009

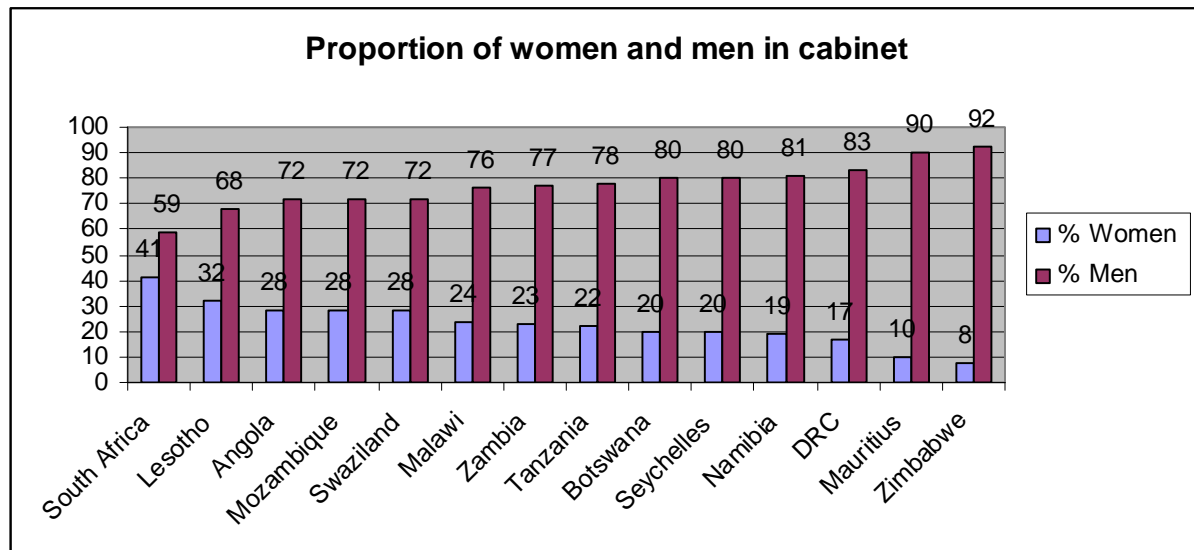
Global and regional ranking of women parliamentarians

Country	% Women in lower or single house	Global rank	SADC Rank
South Africa	44.5%	3	1
Angola	37.3%	9	2
Mozambique	34.8%	15	3
Tanzania	30.4%	23	4
Namibia	26.9 %	21	5
Lesotho	25%	38	6
Seychelles	23.5%	41	7
Malawi	20.5%	52	8
Mauritius	17.1 %	66	9
Zimbabwe	16%	77	10
Zambia	15.2%	77	10
Swaziland	13.8%	83	12
Botswana	11.1%	95	13
DRC	8.4%	108	14
Madagascar			

Source: www.ipu.org

In addition, as evidenced by the graph below, South Africa ranks just as favourably at the cabinet level with regards to female representation in the region.

Graph 3: Proportion of women and men in cabinet



Source: Gender Links Regional Barometer Report, 2009

Cabinet

Table 13: Women and men in cabinet

	No women	No of men	Total	% women	% men
Ministers	14	20	34	41 %	59 %

Deputy ministers	11	17	28	39 %	61 %
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Faces of Government, Metropolitan Supplement, 17 July 2009

Cabinet is one area in which heads of state can make rapid progress towards achieving the 50% target as ministers are appointed. 14 of the 34, or 41% of the new ministers appointed by President Jacob Zuma are women. This is roughly consistent with the 42% women in cabinet under President Thabo Mbeki and 43% under the caretaker administration of President Kgalema Motlanthe.

Of the 14 ministries headed by women, at least eight are in non-traditional areas like Correctional Services, Defence, Home Affairs, International Relations and Co-operation, Mining, Public Enterprises, Science and Technology. This underscores a maturing of South Africa's democracy.

The political maturity in South Africa has extended to the premiership. Premiers, who are political leaders of the nine South African provinces, which represents the second sphere of government, has five female premiers and four male premiers. The ANC as the ruling party, which won eight out of nine provinces during the April 2009 elections, applied the 50/50 principle regarding gender. The one province that was not won by the ANC, the Western Cape, was won by the DA and its leader, Helen Zille subsequently became the leader of the province.

During the second term of former President Thabo Mbeki, the Deputy President was Ms Phumzile Mlambo-Ngcuka, who became the first woman to hold this office, since the advent of democracy in South Africa.

In the 7 month long administration of government, under the caretaker President Kgalema Montlanthe, Ms Baleka Mbete served as the Deputy President of South Africa. Prior to this position, she had been serving as the Speaker of Parliament.

The public service

Table 14: Women and men in the public service

	No women	No of men	Total	% women	% men
Permanent secretaries/DG	34	87	121	28%	72%
DGs at Provincial level	4	5	9	44%	56%
Senior managers				34%	
Judiciary				30%	
Ambassadors				36%	
Total					

CEDAW Report for South Africa (2009)

* Judiciary – the 30% is for 2008 and in 2005, women constituted about 28 (13,52%) of 207 judges, one of whom was a Deputy Judge President.

The Public Service Commission Audit Report on Gender Mainstreaming Initiatives in the Public Service (2006) found that the percentage of women in the Public Service in senior positions is not proportionate to the overall number of women in a department. This means that while there are many women employed in the Public Service, they are mainly located in lower positions. For the 2008 CEDAW report, representation of women in senior management positions in the Public Service surpassed the minimum 30% target set by government for 2005. The new target for the government is parity by March 2009.

Another layer of leadership in provinces is that of MECs. Each of the nine provinces has its own MECs.

Province	No women	No of men	Total	% women	% men
Eastern Cape	5	5	10	50%	50%
Free State	4	6	10	40%	60%
Gauteng	5	5	10	50%	50%
KZN	4	6	10	40%	60%
Limpopo	5	5	10	50%	50%
Mpumalanga	4	6	10	40%	60%
North West	4	5	9	44%	56%
Northern Cape	3	7	10	30%	70%
Western Cape	0	10	10	0	100%
Total	34	55	99	34%	66%

The Western Cape DA all male provincial cabinet, except for the female premier raised uproar in the country from political parties, unions and gender activists. There was broad unity and agreements that the choice of MECs by the premier did not in any way reflect the racial and gender diversity that epitomises South African society. The labour union even took the Democratic Party/ Western Cape to the Equality Court to compel them to label the decision as unconstitutional.

Participation *The Protocol provides that State Parties shall ensure the equal participation of women and men in decision-making by putting in place policies, strategies and programmes covering the various aspects in the table below:*

The Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) also mainstreams gender in participation within municipal structures and provides the core principles, mechanisms and processes that are necessary to enable municipalities to move progressively towards the social and economic upliftment of local communities, and ensure universal access to essential services that are affordable to all.

Table 15: Enhancing participation by women in public life

Measure of participation	On a scale of 1-10 with 1 very low and	Explanation
--------------------------	--	-------------

	10 very high how would you score your country	
Leadership, gender sensitivity training or mentorship	10	Government and women's organization partnerships, such as the former Department of Provincial and Local Government and Gender Links have provided training on gender sensitivity empowerment and mainstreaming to 46 district municipalities where councilors are involved.
Support structures for women in decision-making	7	In many local municipalities, this is work in progress and forms part of the gender management system and package. Many more government departments now have gender desks and these have begun to respond to the support needs of women in decision-making.
Establishment and strengthening of structures to enhance gender mainstreaming	8	The Local Government Gender Policy Framework emphasizes the need for a gender management system in municipalities. GL in its roll-out of gender action plans to municipalities has also been emphasizing the need for effective structures.
Changing discriminatory attitudes and norms of structures and procedures	9	The Traditional Leadership Institution participates in gender-related activities and campaigns such as the Women in Provincial and Local Government Summit and the 16 Days of Activism for No Violence Against Women and Children.
Inclusion of men in gender related activities including community mobilization	6	Some programmes at all spheres of government do include partnerships with men's organizations.

South Africa CEDAW Report, 2009

All of the initiatives listed above have addressed the issues of creating and enabling effective participation by women and this continues to be a key thrust of the work of organisations such as Gender Links and Gender Advocacy Programme with local municipalities.

EDUCATION AND TRAINING *Article 14*

Enrolment and retention

The Protocol provides that state parties shall enact laws that promote equal access to and retention in primary, secondary, tertiary, vocational and non-formal education



Schoolgirls South Africa
Gilchildbags_clm_0608131

Photo: Colleen Lowe Morna

The pursuit of quality education in South Africa remains one of the key priorities and challenges of South Africa. The focus on the need to improve the quality of education in South Africa is coupled with the commitment to enhance and enable access and retention of all learners.

According to the Education Statistics in SA 2007, published by DOE in January 2009 states that South Africa had 26 065 ordinary schools. These were comprised of the following:

- 15 358 primary schools, with 6 316 064 learners and 191 199 educators
- 5 670 secondary schools; with 3 831 937 learners and 128 183 educators;
- 5 037 combined and intermediate schools, with 2 253 216 learners and 74 843 educators
- Of the 14 167 086 learners and students enrolled in all sectors of the educators systems in 2007, 12 048 821 (85%) were in public schools and 352 396 (2,5%) were in independent schools
- Of the learners in other institutions, 761 087 (5.4%) were in public HE institutions, 320 679 (2.3%) were in public FET institutions, 292 734 (2.1%) were in public ABET centres, 289 312 (2.0%) were in ECD sites, and 102 057 (0,7%) were in special schools.

- In summary, there were 14 167 086 learners and students in the education system, who attended 35 231 education institutions and were served by 452 971 educators and lecturers.

Primary education is compulsory for both girls and boys. The Education Act of 1996 makes provision for compulsory school education: "Every parent must cause every learner for whom he or she is responsible to attend a school from the first school day of the year in which such learner reaches the age of seven years until the last school day of the year in which such learner reaches the age of fifteen years or the ninth grade, whichever occurs first".

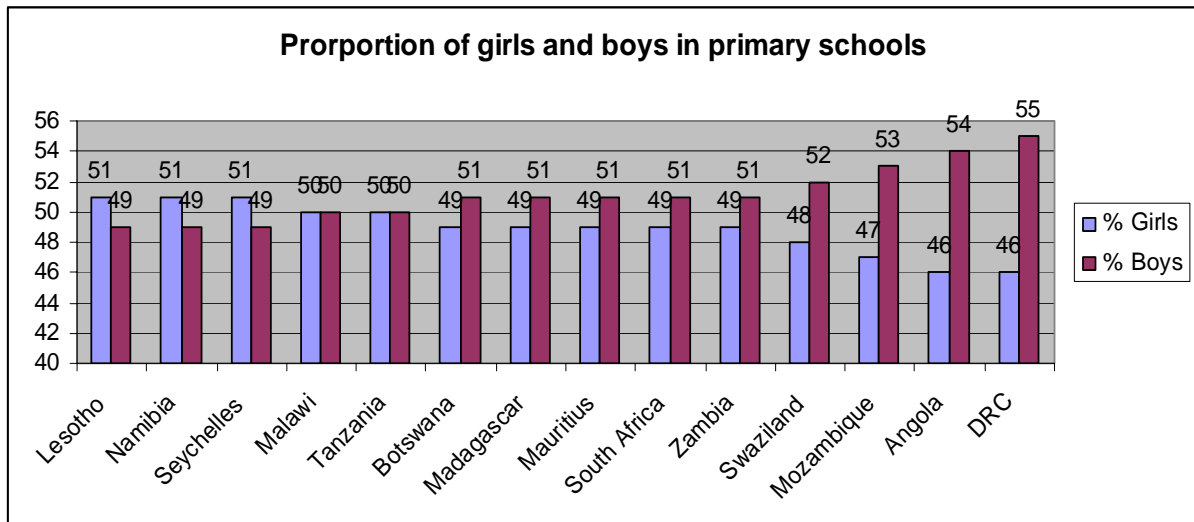
Admission to public schools:

- A public school must admit learners and serve their educational requirements without unfairly discriminating in any way
- No learner may be refused admission to a public school on the grounds that his or her parent is unable to pay or has not paid the school fees determined by the governing body under section 39.

In terms of access/enrolment and retention of education statistics at primary, secondary, high school and tertiary level; in 2007, females and males were almost equally represented in ordinary schools in South Africa (49.9% females and 50.1% males). The highest percentage of females (53.0%) was found in the FET (Grade 10-12) band.

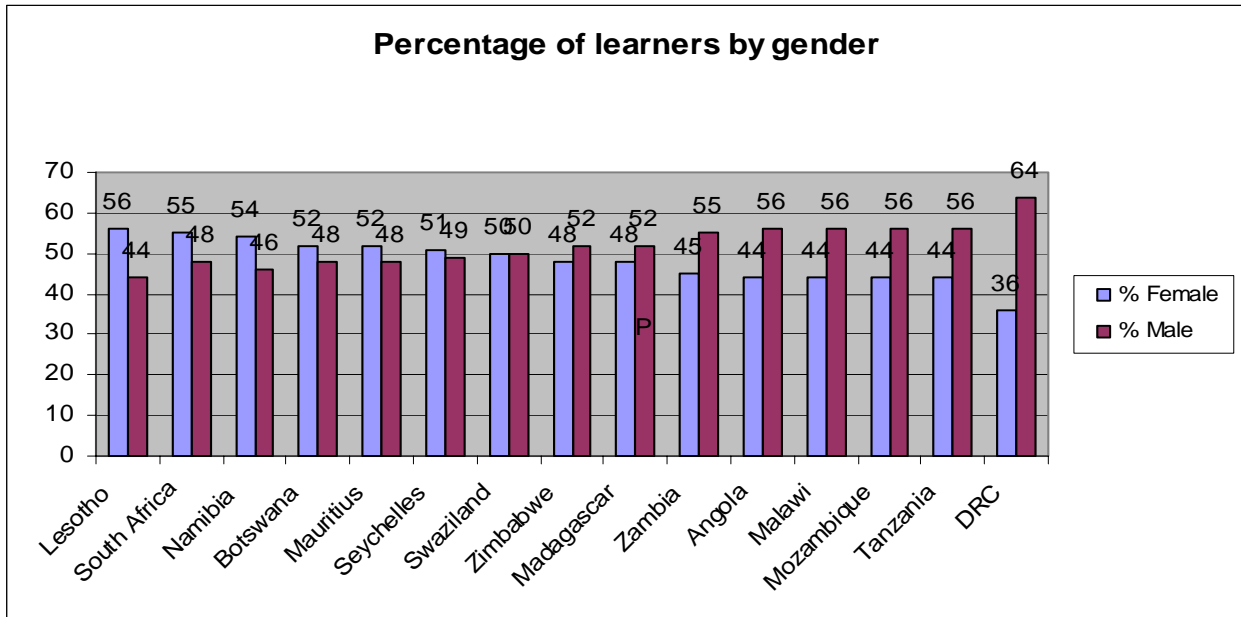
The following three graphs indicate representation at primary, secondary and tertiary levels of education. As is evident, South Africa compares weakly against the rest of the SADC region with regards to female enrolment in primary school (ranked ninth), advances well in secondary school (ranked second) and then weakens slightly in tertiary education (ranked fourth).

Graph 4: Proportion of girls and boys in primary school



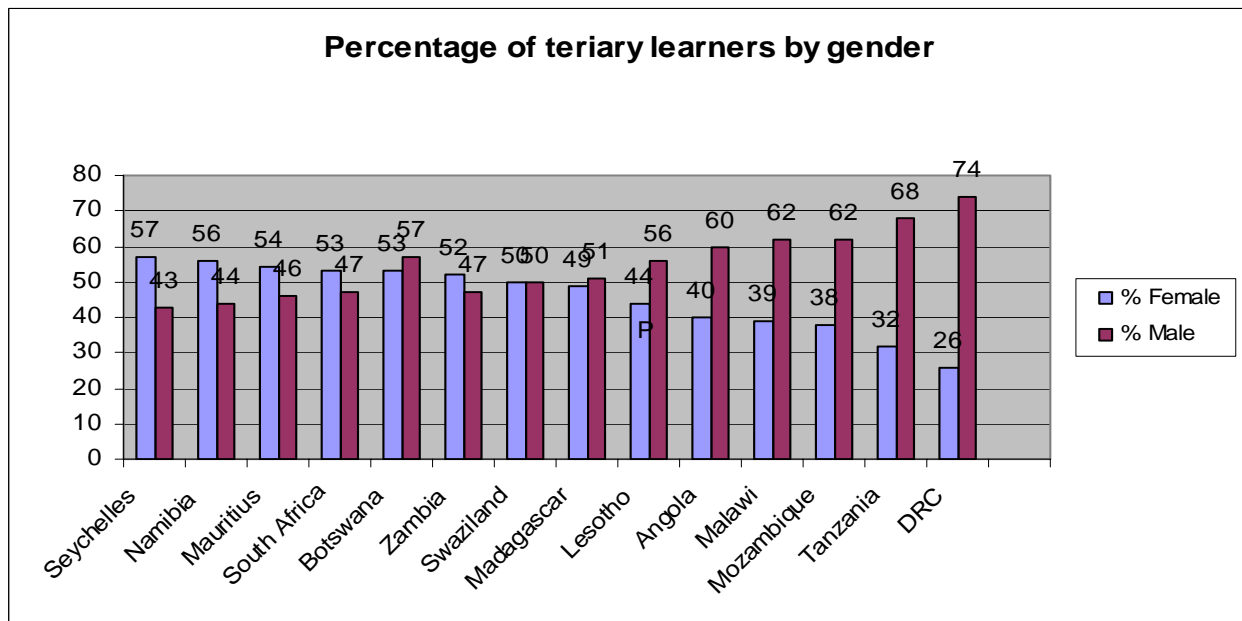
Source: Gender Links Regional Barometer Report, 2009

Graph 5: Proportion of girls and boys in secondary school



Source: Gender Links Regional Barometer Report, 2009

Graph 6: Proportion of women and men in tertiary education



Source: Gender Links Regional Barometer Report, 2009

Table 16: Access and enrolment in education sector (2007)

Type of data	Boys/men	Girls /girls	Total	% women/girls	% men/boys
Literacy				87.36%	90.97%
Enrolment					
Primary School	3 740 636	3 571 622	7 312 258		

Secondary School	2 201 904	2 347 437	4 549 341		
Tertiary level	221 195	253 405		53%	47%
Vocational					
Drop out					
Primary school				28%	31%
Secondary school				49%	56%
Tertiary level					
Vocational					

Education Statistics in SA 2007

The dropout percentages are based on dropout rate based on enrolment. The years are from 1997 – 2001 (African Gender and Development Index, South Africa Report, 2006). The data on dropouts was very challenging to access. The EMIS had promised to send the statistics on dropout rates but this did not happen.

However, in terms of possible reasons for dropout, research findings from developing countries show that females who experience coercion can display educational effects of such avoidance of school, lack of engagement in class; difficulty with concentrating, increased isolation, lower academic attainment and possible dropout.

Wible (2004) states that 'in developing countries, about 40% of girls drop out within 5 years of starting school. Frequently, the reason is gender-based violence or fear of sexual violence' (Wible, 2004).



Young Zulu girls
zulu-girls

Photo: Gender Links

Funding mechanisms for access to higher education

The legal framework provides for the same opportunities for both women and men to benefit from scholarships and other study grants. Discrimination in the award of scholarships and study grants is prohibited by the Constitution, Education laws and the Equality Act. However, proving and challenging indirect discrimination which often masquerades as merit requirement especially in research grants for academics, presents a challenge.

The Education Laws Amendment Act, 2007 (No 31 of 2007) seeks to establish the National Student Financial Aid Scheme (NSFAS); to provide for the management, governance and administration of the NSFAS scheme; to provide for the granting of loans and bursaries to eligible students at public colleges and public higher education institutions and for the administration of such loans and bursaries, to provide for the recovery of loans. The National Financial Aid Scheme for post-graduate studies also provides undergraduate funding for women in science and engineering.

The Department of Public Works in compliance with the Skills Development Act, 1998 (Act 97 of 1998) has developed a bursary fund, in addition to a Directorate for Learnership, Internship and Young Professionals for enhancing the quantity and quality of education in the construction and property industry.

The Further Education and Training Act, 1998 regulates further education ,and addresses the advancement of women in further education as well as in previously male dominated fields.

Affirmative action policy on admission at the university level

Most universities have different entry requirements and the reason is to ensure that as per the government policy, there is a need to enable as many South Africa school leavers of all races as possible to have access to the institutions of higher education. As a result, most universities in South Africa have developed what have come to be known as 'foundation courses' which are intended to prepare school leavers for their first year at University.

The Preamble of the Higher Education Act 101 of 1997, states that the Act should also 'redress past discrimination and ensure representivity and equal access'.

Tertiary Education

In terms of admission to public higher institutions, "the council of a public higher education institution ... determines the admission policy of the public higher education institution." Furthermore, it states that the admission of the policy of a public higher education institution must provide appropriate measures for the redress of past inequalities and may not unfairly discriminate in any way.

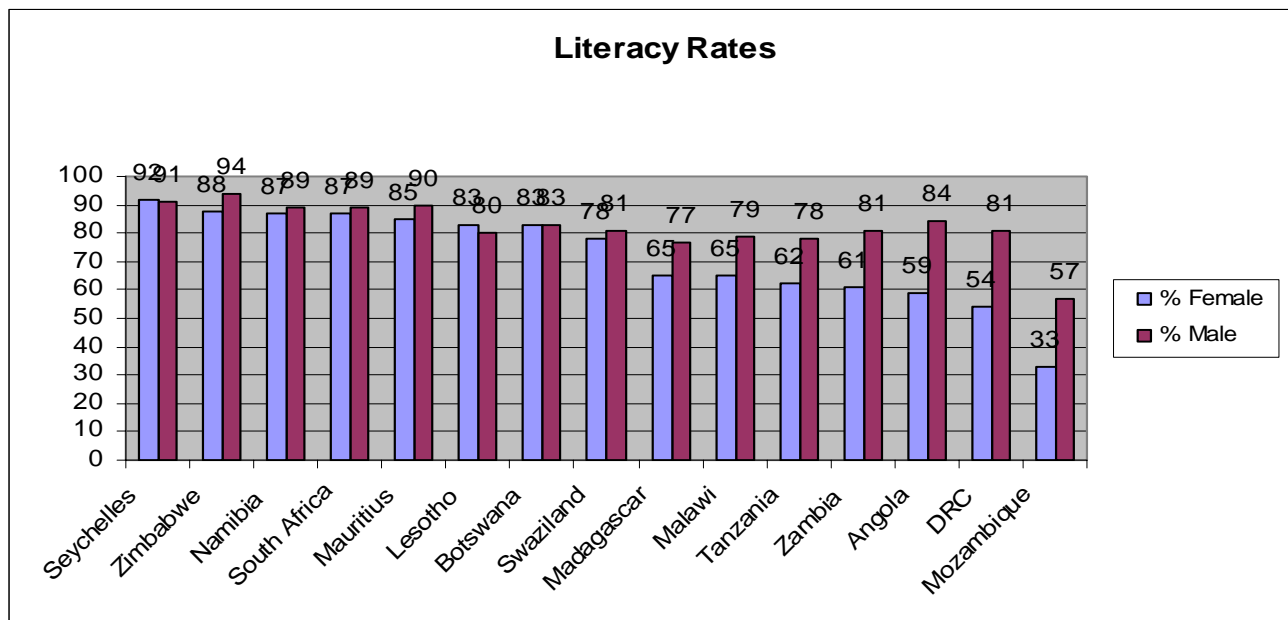
Policy on teenage pregnancy

The Constitution provides for non-discrimination on the basis of pregnancy and the Education Policy of 1996 provides for "every person to be protected against unfair discrimination within or by an education department or educational institution on any ground whatsoever"; and this can be assumed to also include pregnancy.

Performance

When compared to the rest of the SADC region, South Africa's literacy rates rank fourth (see graph below).

Graph 7: Literacy rates



Source: Gender Links Regional Barometer Report, 2009

Table 17: Pass rates

	% boys/men	% girls/women
Primary		
Secondary		
Senior Certificate	66,1% (167 813)	64,5% (200 404)
University		
Vocational		

Education Statistics (2007)

In terms of differences in the performance of girls and boys at school, in all provinces, more females than males wrote the Senior Certificate Examination. However, in relative terms, the national pass rate of male candidates (66.1%) was higher than the pass rates of female candidates (64.5%).

The statistics show that nationally among candidates who passed with merit and distinction, females performed better than males. However, when one takes into

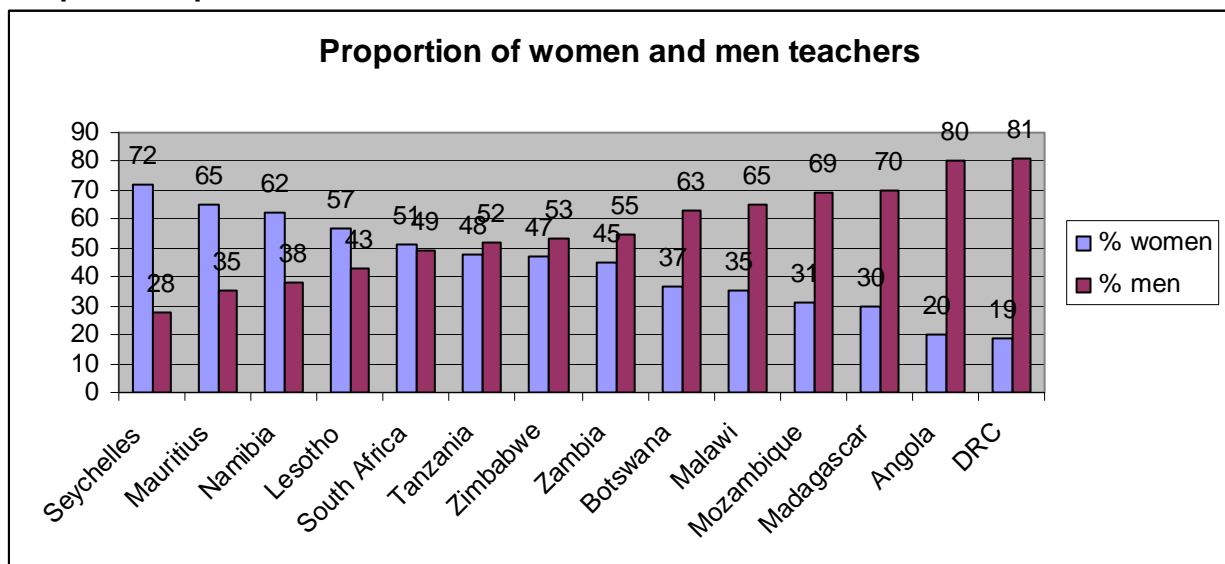
account only the endorsement passes for each of the three pass types, males performed better than females.

Challenging stereotypes

The Protocol requires that by 2015 state parties adopt and implement gender sensitive educational policies and programmes addressing gender stereotypes in education and gender-based violence.

In terms of gender, women are still in the majority as teachers in South Africa, and the country is ranked fourth in the region in this regard (see graph below).

Graph 8: Proportion of women and men teachers



Source: Gender Links Regional Barometer Report, 2009

Table 18: Gender disaggregated data on school administration

Staff category	No women	No men	Total	% women	% men
Principals					
Teachers					
School governing bodies					

Source: Year

In terms of tertiary level administration, the total permanent staff consists of instruction and research staff, administrative staff and service staff. The total is at 43 717. Out of the instruction and research complement, 6 675 (females are permanently appointed academic staff points).

NB: This information has not been received even though it was requested from EMIS and they assured provision.

Table 19: Women and men in university faculties

Faculty	No women	No men	Total	% women	% men
Humanities and Social Sciences			178 181		
Science, Engineering and Technology			155 746		
Business and Management			126 432		
Education			58 101		

Education Statistics (2007)

South Africa has 23 institutions of higher learning and these span both contact and distance education institutions. This 23 is divided into 11 universities, six comprehensive universities and six universities of technology.

In 2007, female students were in the majority in both contact programmes (53.4% or 253 405) and distance programmes (59% or 169 128); the total of which was 422 533. Overall, 55.5% (234 505) of the students in the system were female.

In 2007, 17 761 087 students were enrolled in public higher institutions. Of these, 286 481 were enrolled in distance education programmes. 76% of enrolled were Black (Black African, Coloured and Indian), while 55% were female. The majority of students were enrolled in humanities programmes (41.7%), as compared to 30.1% and 28.2% for business and SET (science, engineering and technology) respectively.

Box two: Example of gender stereotypes in educational materials

Gender violence in schools

The issue of safety in learning institutions remains a key one. While the government has progressive policies to address violence in schools and gender-based violence in the educational system, the problem remains one of enforcement and the creation of a human rights culture in the education system specifically, and in society broadly. The Education Policy Act provides for the control and discipline of students at education institutions. It provides that no person shall administer corporal punishment, or subject a student to psychological abuse at any education institution.

In terms of studies that have been conducted on GBV in the education sector, there have been several and they have had some disturbing revelations. The Human Rights Watch report "Scared at School" highlighted girl's vulnerability to rape from teachers and classmates as well as in dating relationships. Schools in particular are criticized as perpetuating the insidious cycle of domestic violence. Studies conducted in three Southern African countries suggest that schools are fertile breeding ground for potentially damaging gendered practices which remain with pupils into adult life. Girls are trained to accept the battery and assault, while boys, by contrast, receive tacit permission to continue with the violent behaviour because their violence is not condemned or interrupted (Mirsky, Leach, et. al (2003) (<http://www.id21.org>).

In 2006, the Centre for the Study of Violence and Reconciliation Gender-based Violence Programme conducted a study with adolescent girls between the ages 13-17yrs which suggested that efforts to address violence against adolescent girls in South Africa are not a priority. Findings from 17 focus group discussions with adolescent girls at nine Gauteng schools suggest that minimal to no intervention efforts are underway at schools or in communities; participants appeared frustrated and despondent at the lack of services available to them (Sadiyya Haffejee, 'Waiting Opportunities: Adolescent Girls Experiences of GBV at Schools'). This lack of services is startling in light of findings from this study which highlights a disturbing prevalence of sexual harassment at schools as well as an alarmingly high incidence of physical and sexual violence in the lives of adolescent girls. This study finding corroborates other studies that assert that schools are unsafe spaces for girls.

In addition, the Human Rights Commission held Public Hearings after receiving many complaints in this regard as a way to explore the nature, extent and impact of school-based violence. The Bill of Rights contains provisions to protect the rights of both learners to learn and educators to teach in a safe environment free from all forms of violence. These rights are or have the potential of being infringed by the perpetuation of school based violence or the tangible threat thereof.

Sanctions and Policies against perpetrators of GBV

The employment of educators Act states that it is a dismissible disciplinary offence for an educator to engage in sexual relations with or sexually assault a learner.



Children participate in Women's Day
Photo: Colleen Lowe Morna
womdskids CIM 090804

PRODUCTIVE RESOURCES AND EMPLOYMENT, ECONOMIC EMPOWERMENT
Article 15–19

Women and men in economic decision-making *The Protocol provides that state parties shall, by 2015, ensure equal participation by women and men in policy formulation and implementation of economic policies.*

Table 20: Women and men in economic decision-making

	Name	MALE (TICK)	FEMALE (TICK)
Minister of finance	Pravin Gordhan	*	
Deputy Minister of Finance	Nhlanhla Nene	*	
Permanent secretary/DG	Lesetja Kganyango	*	
Minister of National Planning Commission	Trevor Manuel	*	
Deputy Minister of Economic Planning			
Permanent secretary/DG	n/a		
Minister of Trade and industry or	Dr Rob Davies	*	
Deputy minister of trade and industry	Thandi Tobias Pokolo Maria Ntuli		* *
Permanent secretary/DG	Tshediso Matona	*	
Governor of the central or reserve bank	Tito Mboweni	*	
Deputy governor of the reserve bank	Daniel Mminele	*	
Economic Development	Ebrahim Patel	*	
Deputy Minister of Economic Development	Gwen Mhlangu – Nkabinde		*
Minister of Public Enterprises	Barbara Hogan		*
Deputy Minister of Public Enterprises	Enoch Godongwana	*	
Minister of Mining	Susan Shabangu		*
TOTAL		10	5
PERCENTAGE		67%	33%

Supplement called 'Faces of Government' by Metropolitan (17 July 2009)

The numbers above show that women are marginally represented in economic decision-making in the public sector as it has been a sphere that has largely been dominated by men. The new administration under President Zuma has seen a lot more women take the helm of the Ministries tasked with key economic activities, such as the Ministry of Public Enterprises and the newly added Ministry of Mining.

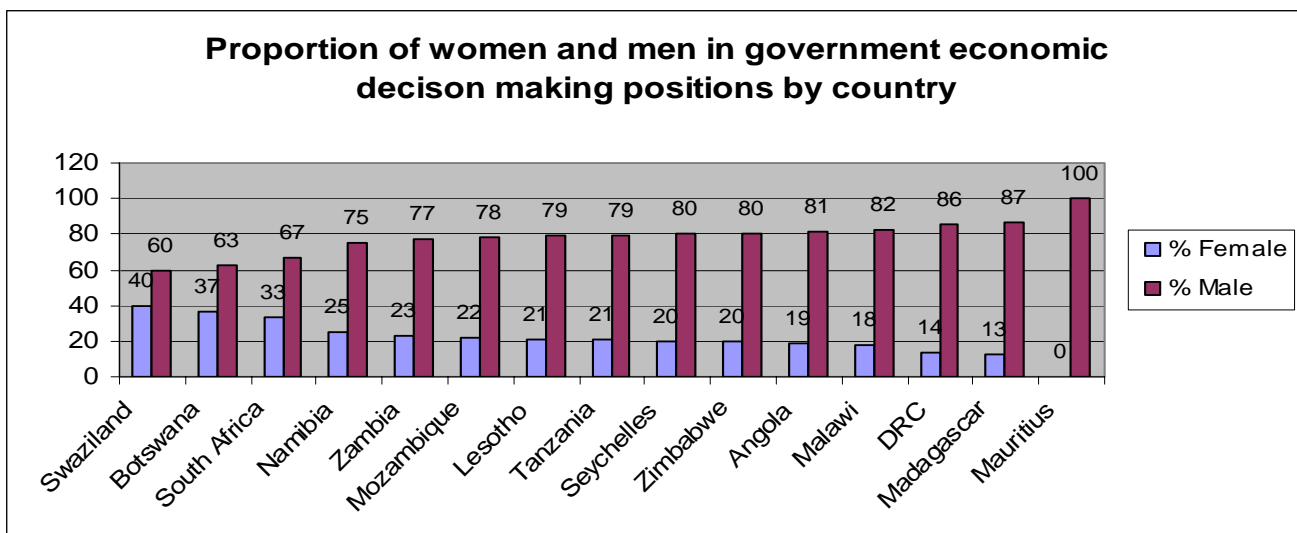
The announcement by the President that the incoming governor of the Reserve Bank will be Gill Marcus is also evidence of more women being given key portfolios in the economic sector. Gill Marcus will replace the current and outgoing Governor of the Reserve Bank, Tito Mboweni, after his contract expires in November 2009.

In as much as progress has been made on the national state economic landscape, there is more work to be done at the provincial level. For example, in terms of MECs at Provincial Level, in the sphere of economics and finances, 11 of these are occupied by males and three are occupied by females (North West, Mpumalanga, KwaZulu-Natal), which makes up a dismal 27 percent.

There are several policies that seek to ensure equal participation of women in policy formulation processes and implementation of economic policies. For example, the White Paper on Affirmative Action in the Public Service says there should be 50% representation of women at all levels in Senior Management Services in the Public Service by March 2009. This figure has not been reached as yet.

As indicated in the graph below, South Africa is ranked in fourth place with regards to women in government economic decision-making positions in the region.

Graph 9: Proportion of women and men in government economic decision-making positions by country



Source: Gender Links Regional Barometer Report, 2009

Table 21: Private sector and parastatal leadership

	Women	Men	Total	% women	% men
Private				19%	

sector					
Directors of Boards				11.5%	
CEOs					
Parastatals					
Directors of boards					
CEOs					

Beyond Inequalities: South African Women 2005

There may be more women executive directors at listed companies and parastatals in South Africa than ever before, but more than 40% of the 343 companies surveyed by the Businesswomen's Association (BWA) still have no women on their boards at all (South Africa CEDAW Report, 2009).

In 2004, 19.8% of the executive management positions were held by women. In 2005, that dropped to 16,8%. The two least-transformed industries when it came to women on boards were the financial services sector and mining.

The Second Census Survey conducted by the Business Women's Association found there was some improvement between 2004 and 2005 where the number of women in executive management and directorship positions had increased – there was a 5.1% and 3.6% increase respectively. There were only 15 female chairs of boards in South Africa, up from eleven the previous year. The number of women Chief Executive Officer (CEOs) had increased by one to eight, and four of those were in state-owned enterprises.

The best employers for women were state-owned enterprises, with a high level of both female directors (35%) and executive managers (31%). (South Africa CEDAW Report)

Gender budgeting

The Protocol provides that State Parties shall ensure gender responsive budgeting at the micro and macro levels including tracking; monitoring and evaluation.

In June 2009, UNIFEM hosted a regional meeting led by the Zimbabwe Women's Resource Centre and Network (ZWRN) to establish a regional (Southern Africa) Gender Responsive Budgeting Network.

Time use

The Protocol provides that by 2025, state parties shall conduct time use studies and adopt policy measures to ease the burden of the multiple roles played by women.

The researcher is not aware of any study conducted to measure women's multiple roles and the time implications.

Economic empowerment

The Protocol provides that state parties shall by 2015 adopt policies and enact laws which ensure equal access, benefits and opportunities for women and men in trade and entrepreneurship, taking into account the contribution of women in the formal and

informal sectors; Review national trade and entrepreneurship policies, to make them gender responsive; Introduce affirmative action measures to ensure that women benefit equally from economic opportunities, including those created through public procurement processes.

Country indicators of wealth and income, 2002

Country	HDI rank	GDP per capita	Female income	Male income	Female as % male
Angola	161	2187	-	-	-
Botswana	126	7184	5418	9025	60%
Comoros	137	1588	1136	2038	56%
Lesotho	132	2031	1223	2853	43%
Madagascar	-	-	-	-	-
Malawi	163	943	506	726	70%
Mauritius	67	10017	5332	14736	36%
Mozambique	170	854	705	1007	70%
Namibia	122	6431	2019	5068	40%
South Africa	107	9401	5888	13024	45%
Swaziland	125	4492	2557	6479	39%
Seychelles	47	12508	-	-	-
Zambia	153	780	562	995	56%
Zimbabwe	128	2635	1946	3324	59%

Women's income is proportionately much lower than men's, even though their real workload tends to be greater.

Source: UNDP Human Development Report, 2002: 150-1; 222-225

Trade and entrepreneurship

South Africa has put in place policies that increase women's access to credit to ensure that women are empowered economically. In addressing the needs of the poor for housing and shelter, the Rural Housing Loan Fund now provides loans through intermediaries to low income households for incremental housing purposes.

Through the Department of Social Development there are a number of projects throughout the country to facilitate economic empowerment and sustainable development. Local Government, the drivers of the local economic development, includes finding ways to help entrepreneurs diversify and grow their businesses in a way that simultaneously helps the local municipality address its economic needs.

There is continued review at local government level of how best to assist and develop small businesses. Nationally, the South African government has reviewed development funding criteria and infrastructure to make special provisions for enhanced access to credit and other forms of finance for rural women and people.

Informal trade

The 2001 survey of employed and unemployed persons yields information about total gross income of non-VAT-registered businesses. As with employees, women tend to earn less than men. However, the gender difference is significantly larger than for

employees in that men's mean income is more than twice as much as the mean for women.

Total and gross monthly income and number of owners on non-VAT-registered businesses, 2001 indicate:

	Female	Male	Total
Total income (R000)	1069845	1637316	2707161
Owners (thousands)	1383	901	2284
Mean income	774	1818	

African Gender and Development Index, South Africa Report (November 2006)



Market place,
city of JHB

Photo: Trevor
Davies

City of Joburg_TD_04



Greytown
women vendors

Photo: Gender
Links

Greytown woman
vendor

Procurement

South Africa has the Preferential Procurement Policy Framework Policy Act, No 5 of 2000. The Act seeks to provide a framework for preferential treatment of women of all races, black people and persons with disabilities in procurement transactions as a means of addressing historical imbalances, to accelerate *de facto* equality.

The Act includes a preference point system that must be followed and depending on the rand value of the transaction. The two possibilities are 80/20 and 90/10, and the use of these is dictated to by the rand value of the transaction. The 20 and 10 in the modules would refer to issues related to black economic empowerment. In addition, the specific goals of the tender may include: contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender or disability.

The procurement at local government comes with weights for various categories such as women, but these points are not sufficient to make a contractor lose a contract as the main determinant is mainly the cost of the contract as opposed to the ownership by women. Some municipalities have targets that link to procurement, but it is unclear if this is a widespread practice; also these targets are often institutional targets and therefore applicable across sectors.

Property and resources

The SADC Protocol provides that by 2015 state parties shall review all policies and laws that determine access to, control of, and benefit from, productive resources by women.

Measures to enable women to access credit and productive resources

The following measures and frameworks in the Department of Land Affairs help to drive the government's agenda on equitable redistribution of land: the Restitution Programme, Settlement implementation Business Process; Settlement Implementation Strategy; Land and Agrarian Reform Programme; and Women in Agriculture and Rural Development (WARD). The commitment to gender equity in the allocation of land is reflected in all policies, and Acts make specific references to meeting the needs of women as beneficiaries, for example, through the Communal Land Rights Act, 2004 (Act 11 of 2004).

The White Paper on South African Land Policy provides measures that seek to enable women to access financial and support services. For instance, the Home Loan and Mortgage Disclosure Act 2000, extends credit to women and other historically disadvantaged groups. It encourages financial institutions to provide them with credit to acquire housing.

Gender and land ownership

Table 22: Women ownership of different land types

Type of Land	% of women's ownership
Resettlement	

Farm land	
Communal	
Small holding	
Commercial land	

Source: Year

Gender disaggregated data on land ownership was difficult to access in this research.

The Land Reform Gender Policy aims to create an enabling environment for women to access, own, control, and use and manage land as well as access credit for productive use of land. Land reform in South Africa has focused mainly on racially skewed land ownership more than gender imbalances. However, the establishment of the Commission on Gender Equality, the land reform Gender policy and implementation sub-directorate are important elements of the gender machinery in the country that are geared towards addressing the gender inequalities linked to land ownership and they have been instrumental in ensuring that gender issues are mainstreamed in all policy and strategic plans of the government. South Africa has set targets to increase the proportion of women who own land to 30% by 2015.



A young woman collects water from the small river that runs through Qunu, South Africa. Qunu, the birthplace of Nelson Mandela, is a Xhosa rural community and daily life has changed little from the days when Mandela spent his childhood.

Photo: Lori Waselchuk/

rural-water_td_012000

The 2004 Communal Land Rights Act was criticised because it placed too much responsibility for land administration with traditional councils. Since women are already marginalised and discriminated against under customary law, strengthening traditional leaders and customary law risks negative consequences for women especially widows, divorcees and unmarried women. The Act was amended to state that women are entitled to the same land rights and security of tenure as men.

In South Africa, the government has been planning and implementing several land reform policies which seek to enable individual or group land rights to be registered and protected.

- The Communal Land Rights Act (2005) for example recognises women’s rights to land
- The Department of Land Affairs has put in place a gender policy which seeks to ensure that gender equality is addressed within all aspects of land reform.

There are areas of inconsistency between the principle of gender equality and the emphasis on communal control that are not resolved in the Bill. Women’s rights to land are not firmly entrenched in legislation as there are some concerns with some of the laws.

- The Restitution Act does not recognize women’s rights in so far as it does not recognize women who held land prior to 1993
- The Communal Land Rights Act attempts to recognize gender equality, but it has been criticized for giving too much discretionary power to the Minister and too much actual power to the Traditional Leaders. It has been argued that this Act will not secure women’s land rights. (African Gender and Development Index, South African Report, 2006)

Despite these concerns, approximately 13.3% of the total number of households that benefited from the Land Redistribution and Tenure Reform Programmes during the period 1994 to December 2007 were female-headed households. This is due to the fact that land restitution primarily restores land ownership to previous owners who were disposed by *apartheid*. In a majority of cases, such owners are men.

Province	% of land owned by women
Eastern Cape	11,35%
Free State	25,87%
Gauteng	9,65%
Kwa-Zulu Natal	7,63%
Limpopo	8,56%
Mpumalanga	1,63%
Northern Cape	32,35%
North West	14,32%
Western Cape	41,25%

Source: South Africa CEDAW Report (2009)

Beneficiaries of Land Reform Programmes

Females beneficiaries in land reform programmes: 1994 – 2007				
Province	No of individuals	No of females	% of females	Loan amount where females are involved
Eastern Cape	23, 185	2, 632	11,35%	R109,003,449.00
Free State	7, 187	1, 858	25,87%	R3,834,063.00
Gauteng	6, 997	675	9,65%	R18,938,698.00
Kwa-Zulu Natal	30, 282	2, 311	7,63%	R8,922,115.00
Limpopo	6, 392	547	8,56%	R22,262,587.00
Mpumalanga	11, 294	184	1,63%	R0.00
Northern	2, 402	777	32,35%	R24,801,755.00

Cape				
North West	28, 832	4, 129	14,32%	R21,159,646.00
Western Cape	8, 484	3, 500	41,25%	R1,988,653.00
TOTAL	125, 050	16,613	13,29%	R210,910,966.00

The Grants and services policy of the Department of Land Affairs outlines how women can benefit from access to land and grants provided by the department. The policy clearly states the priority for women as eligible applicants – landless people who have limited access to land especially women –who wish to gain access to land and settlement opportunities in rural areas.

Employment

The Protocol provides that by 2015, state parties shall review, amend and enact laws and policies that ensure women and men have equal access to wage employment in all sectors of the economy. It also provides for equal pay for equal work; eradication of occupational segregation; maternity and paternity benefits.

Table 23: Women and men in employment

	No of women	No of men	Total	% women	% men
Employed	5 973 000	7 397 000	13 369 000	45%	55%
Unemployed	2 065 000	2 060 000	4 125 000	50%	50%
Self employed	165 000	609 000	774 000	21%	79%

Quarterly Labour Force Survey (2009)

The number of unemployed persons decreased by 59 thousand; from 4.2 million to 4.1 million. The decrease was among women (3.9% or 83 000) while there was an increase among men (1.2% or 24 000). The year-on-year comparisons show that the number of unemployed persons increased slightly by 11 thousand, with the annual decline of 6.3% (139 000) among women being offset by an increase of 7.9% (150 000) among men.

The number of South Africans in the labour force increased by 102 000 from the fourth quarter of 2008 to reach 17 820 000 in the first quarter of 2009.

Table 24: Employment levels of women and men across key industries

Sector	No of women	No of men	TOTAL	% women	% men
Agriculture	217 000	494 000	710 000		
Mining	41 000	278 000	319 000		
Manufacturing	621 000	1 252 000	1 873 000		
Utilities	24 000	69 000	93 000		
Construction	127 000	990 000	1 117 000		
Trade	1 473 000	1 489 000	2 962 000		

Sector	No of women	No of men	TOTAL	% women	% men
Transport	151 000	576 000	727 000		
Finance	781 000	929 000	1 710 000		
Community and social services	1 588 000	1 075 000	2 664 000		
Private households	951 000	243 000	1 194 000		
TOTAL	5 973 000	7 397 000	13 369 000		

Source: ILO website, <http://www.ilo.org/public/english/employment/strat/kilm/>; accessed 27 May 2009.

When compared to men, according to the statistics, women predominate in the industries of community and social services and the private households.

The Employment Equity Act together with the White Paper on Affirmative Action in the Public Service, 1998; Broad-Based Black Economic Empowerment Act, 2003 (Act 53 of 2003); Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000); Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000) all of these have proved to be critical in accelerating gender equality between men and women in the areas of employment and participation in the economic sector.



Female miner
Mining%20001_.jpg[1]

Photo: Trevor Davies

Chapter 3 of the Employment Equity Act is dedicated to affirmative action and requires all employers to work towards achieving employment equity. The Employment Equity Act, No 55 of 1998 provides for the:-

- Elimination of unfair discrimination – every employer must take steps to promote equal opportunity in the workplace by eliminating unfair discrimination in any employment policy or practice.
- Prohibition of unfair discrimination – no person may unfairly discriminate, directly or indirectly, against an employee in any employment policy or practice, on one or more grounds , including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture , language and birth.
- It is not unfair to a) take affirmative action measures consistent with the purpose of this Act; or b) distinguish, exclude or prefer any person on the basis of an inherent requirement of a job.
- Harassment of an employee is a form of unfair discrimination and is prohibited on anyone, or a combination of grounds of unfair discrimination.
- EE Plans, the designated employer must prepare and implement an employment equity plan which will achieve reasonable progress towards employment equity in that employers workforce. Permissible fines that may be imposed for contravening this Act are from R500 000 up to R900 000.

Table 25: Conditions of employment

Provision	Yes/No	Provisions
Maternity leave	Yes	The Act provides for at least four consecutive months maternity leave which spans minimally 4 weeks prior to delivery and minimally 6 weeks following delivery. The Act also entitles a woman undergoing miscarriage in the third trimester period of pregnancy, or bearing a still born child to maternity leave.
Paternity leave		
Sexual harassment	Yes	The South African law prohibits sexual and other forms of harassment and this is included in the rights relating to non-discrimination under the Employment Equity Act 1998 and the Equity Act. A code of Good Practice on Sexual Harassment amended in 2005 has been issued to provide clarity on sexual harassment.
Same retirement age and benefits for women and men	No	Men retire at 65 and women at 60. A case was brought by one gentleman who argued that the differentiation in terms of retirement age was discriminatory towards men.

Labour Act (Year)

In addition to these conditions of service, there have also been specific measures undertaken that have sought to address gendered income differentials. One example was the focus on *Income Differentials Across Sectors*. The Economic Commission shares with the Commission for Employment Equity the responsibility for monitoring wages to ensure direct and indirect discrimination on the grounds of race, sex, gender, disability

or any other grounds contemplated in the Act or a combination of grounds, is eliminated.

A Department of Labour study provides an overview of the change in the status of women in South Africa between 1995-2005 with respect to employment, unemployment and earnings, and in contrast to men, women continue to suffer discrimination in the labour market, in terms of lower quality employment and lower remuneration.

In terms of the conditions of employment, much progress has been made and continues to be made in the South African employment sector. The discussions initiated by union organizations on basic wage/minimum wage, night shifts and housing allowances in some sectors are part of ensuring that gains in conditions of employment continue to be made.

One case where a sector that is largely dominated by women came under the spotlight was when the domestic workers were the focus of a report in 2001. On July 2001, a report on the investigation into domestic workers was launched and published. This became the basis on which minimum wages for domestic workers were discussed under the critical area of concern: poverty.

The new UIF Act was part of a move by the Department of Labour to do away with discrimination. According to the UIF Bill, the targets included:

- Non-discrimination (registration of domestic and seasonal workers)
- Employers should disclose employee earnings
- There should be up to date representation of payment
- Reduce and eradicate employer and employee fraud.

Most of these targets are at seasonal workers and domestic workers, which represent the majority of women, who have been excluded in the previous years.

Institutional mechanisms:

- The CCMA and the Labour Courts enforce the discrimination provisions of the Employment Equity Act
- The Act provides for the CCMA to be the institution where disputes arising from decisions made by the UIF Commission will be heard and dealt with,

Skills development policies and programmes

South Africa has a Skills Development Act. Under the terms of the Skills Development Act, 1998, and the Skills Development Levies Act, 1999, from 1 April 2001 onwards, every employer in South Africa who is registered with SARS for PAYE; and has an annual payroll in excess of R250 000, must register with SARS to pay the Skills Development Levy, 1% of the total amount of remuneration paid to employees. The money is used to fund skills development programmes for the employees of the company.

The Skills Development Strategy of 1998 stipulates that a specific target of 54% for women should be in learnerships and related skills development benefits.

The Skills Development Act also makes provision for the establishment of Sector Education and Training Authorities (SETAs). SETAs are the agencies responsible for coordinating the implementation of the skills legislation. Each sector has its own SETA – for example, there is the Local Government Seta and others.

Financial Institutions

The 2003 Annual Review of SMMEs conducted by the Department of Trade and Industry notes that in the informal sector there are 570 000 males who are employers and self employed, while there are 664 000 females who are employers and self employed.

While women from the majority of small business owners they are significantly outnumbered by men in the formal sector. In addition, 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.

A number of recent studies on women entrepreneurs indicate that data is hard to come by; however of the women surveyed:

- 70% indicated that financial support was more important than organizational support;
- 42% were unaware of organizations that supported businesses in South Africa;
- 52% were unaware of organizations that specifically targeted women;
- 71% of women entrepreneurs were African, 11% were Indian, and 8% were Coloured;
- 15% of women-owned businesses were in rural areas;
- 31% were in ICT and services;
- 65,5% of the women who disclosed their turnovers generated revenues of over R100 000; and
- 69% were in operation for fewer than 5 years.

(South Africa CEDAW Report, 2009)

The Government has introduced two major changes to facilitate access to credit. The first is the Apex fund institution. The second involves Government's commitment of R1 billion to a new loan fund for agricultural development. Women constitute one of the targeted beneficiaries and the equalisation of benefits between women and men is one of the issues to be addressed by the new institution. The Land Bank also recently introduced a Step-Up loan facility to provide short-term micro-credit to individuals from vulnerable groups.

There is the Loan and Mortgage Disclosure Act, 2000 (Act 63 of 2000) which sought to encourage financial institutions to provide credit to help historically disadvantaged persons to acquire housing. The Department of Public Works has just signed an agreement with ABSA bank to facilitate access to credit for Women in Construction.

South Africa has reviewed the SMME policy and legal framework with a view to creating a more enabling environment. A new institutional structure was created to address the

needs of South Africa for both urban and rural SMMEs, and, those belonging to women. Women received substantial funding, albeit less than men, from these institutions.



Beauler Ntuli,
owner of
Nomdeni View
Lodge, Nelspruit,
South Africa

Photo: Gender
Links

SA TULIBeulah_TM_04

In September 2001, Statistics South Africa conducted a survey of employers and self-employed (SESE) as an add on to the six-monthly labour force survey. The survey estimated that a total of over 2.3 million South Africans were employers or self-employed in businesses not registered for value-added tax (VAT), which can be understood as a proxy for informal sector businesses. Some had more than one business. Overall significantly more women than men operators were recorded. However, even in absolute numbers, fewer women than men borrowed from commercial banks, from business partners and from business associates.

Source of loans to start business, 2001

	Female	Male	Total
Total operators	1382401	900998	2283399
Borrowed from stokvel	50918	14138	65057
Borrowed from somewhere else	148133	68599	216733
*commercial bank	4228	6713	10942
*friends or relatives	125685	54822	180507
*credit societies	1897	0	1897
*moneylender	7574	2350	9924
*business partner	305	424	729
*business association	1159	1329	2488
*NGO or CBO	814	0	814
*Other	8312	3343	11655

African Gender and Development Index, South African Report (November 2006)

GENDER-BASED VIOLENCE *Article 20-25*

The Domestic Violence Act, 116 of 1998 is a key piece of legislation that addresses domestic violence and provides women with a relatively simple and accessible procedure for obtaining an interdict against their abusive partners. The law has a broad reach to include physical, psychological and economic violence, as well as persons who live in same sex relationships and extended families.

The development of a plan or any implementation strategy to address gender-based violence is the responsibility of several government departments. For example, the Domestic Violence Act implicates the Departments of Justice, Correctional Services, Safety and Security, Social Development and Health. Although there is no comprehensive implementation plan, all relevant departments have developed departmental programmes to deal with domestic violence, and there are examples of departments working together on specific initiatives.

Extent of Gender-based Violence

The Protocol aim to reduce current levels of gender-based violence by half by 2015

Table 26: Gender violence statistics

No of reported rape cases in 2007r	36,190
No of reported cases of indecent assault in 2007	6, 763
No of rape cases that get withdrawn	
% rape cases withdrawn	
Number of convictions	
% conviction rate	15 %

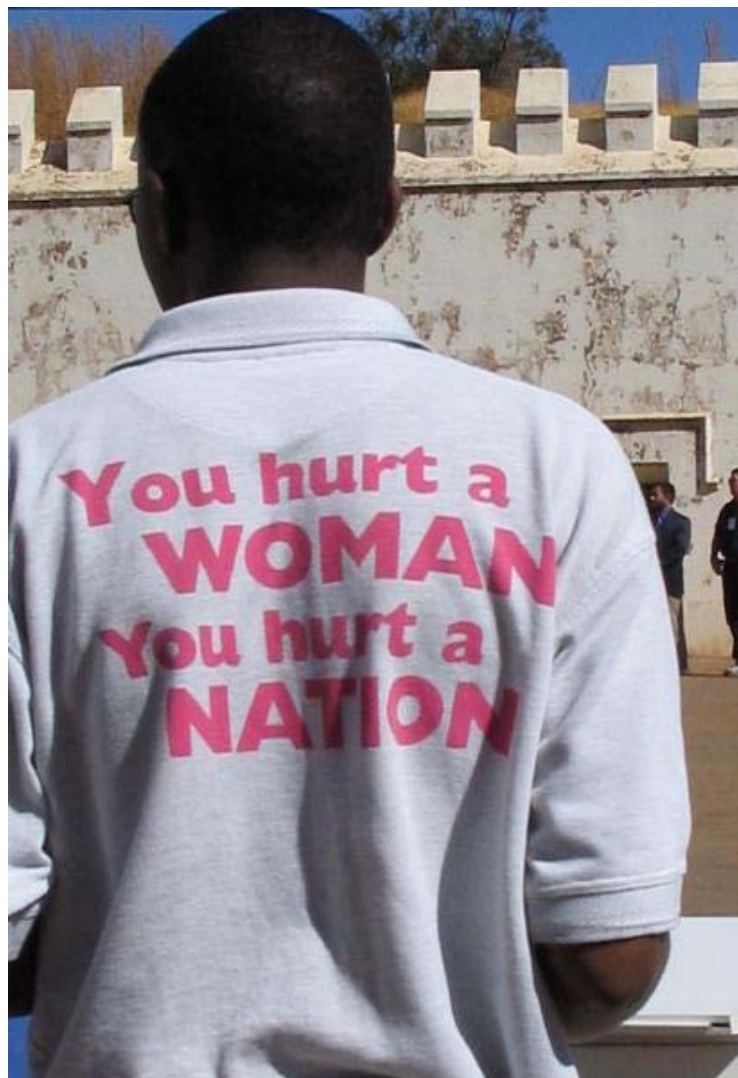
Crime Information Management – SAPS (2007)

The fact that the more recent statistics around reported rape could not be accessed underscores the challenges that still remain when it comes to gathering statistics of gender violence. In addition, the fact that the other statistics pertaining to withdrawal of cases and rates of convictions could not be accessed means that a full and accurate picture of the gender violence profile in South Africa is very difficult to construct. Also, this type of data seldom allows one to determine the extent of the under-reporting around rape and indecent assault cases. The anecdotal evidence suggests that there are a significant amount of rape and indecent assault cases that do not get reported and that get withdrawn for a variety of reasons.

One of the possible reasons of this underreporting is what the media portrays sometimes, which is an insensitive police and justice system at best, or a dysfunctional police and justice system at worst. This portrayal feeds into the perception that even when a case is reported, its likelihood of dragging, of dockets being lost and revictimisation occurring are still seen to be overwhelming rather than a survivor getting a smooth case and positive court ruling.

Response and support

The SADC Protocol provides that by 2015 state parties shall: Enact and enforce legislation prohibiting all forms of gender-based violence; Ensure that laws on gender-based violence provide for the comprehensive testing, treatment and care of survivors of sexual assault; Review and reform their criminal laws and procedures applicable to cases of sexual offences and gender-based violence; Enact and adopt specific legislative provisions to prevent human trafficking and provide holistic services to the victims, with the aim of re-integrating them into society; Enact legislative provisions, and adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators of sexual harassment.



International Women's Day t-shirt
womdayhurtwoman_CLM_080904
Photo: Colleen Lowe Morna

Table 27: GBV response and support

Provisions	What is in place	What needs to be put in place
Laws/ policies		
<ul style="list-style-type: none"> • Legislation prohibiting all forms of GBV. 	Domestic Violence Act, 1998	
<ul style="list-style-type: none"> • Ensuring that all perpetrators of GBV are brought to book. 		
<ul style="list-style-type: none"> • Comprehensive testing, treatment and care of survivors of sexual offences - emergency contraception. 	If a victim has been exposed to the risk of being infected with HIV as a result of a sexual offence having been committed against him or her, he or she may (a) subject to subsection 2 – receive PEP for HIV infection, at a public health establishment designated from time to time by the cabinet member responsible for Health at state expense and in accordance with the State’s prevailing treatment norms and protocols.	The ability of all facilities that are meant to provide these services to deliver these services has been an ongoing area of concern. This is often cited as one of the weaknesses of the South African health services – the incapacity of the infrastructure to concretise government policies and programmes.
<ul style="list-style-type: none"> • Access to Post-Exposure Prophylaxis for survivors of GBV. 	29(1) The cabinet member responsible for health must, by notice in the Gazette, designate any public health establishment for the purposes of providing Post Exposure Prophylaxis to victims an	All survivors of GBV should by law have immediate access to PEP.
<ul style="list-style-type: none"> • Prevention of sexually transmitted infections. 	It is compulsory to carry out compulsory HIV testing on victims	The National HIV/AIDS Strategic Plan also includes a section on STIs. The objectives of the Plan also focus on STIs.
<ul style="list-style-type: none"> • Social and psychological rehabilitation of perpetrators of gender-based violence? 		
<ul style="list-style-type: none"> • Review of criminal laws and 	Law reform measures have given priority	

Provisions	What is in place	What needs to be put in place
<p>procedures on sexual offences and GBV to eliminate gender bias and ensure that justice and fairness are accorded to the survivor.</p>	<p>to sexual offences and domestic violence. The specific areas that have been targeted by the law have included bail, sentencing, victim empowerment and integrated responses.</p>	
<p>Human trafficking</p>		
<ul style="list-style-type: none"> Specific legislation to prevent human trafficking. 	<p>The Prevention and Combating of Trafficking in Persons Bill. The current law regarding trafficking in persons in SA is fragmented. The Criminal Law Amendment Act, 2007; the Children's Act, 2005 as well as other legislation that could be used to prosecute persons suspected of trafficking include: the Sexual Offences Act, 1957; the Riotous Assemblies Act, 1956; the Immigration Act, 2002; the Basic Conditions of Employment Act, 1997; the Intimidation Act, 1982; the Domestic Violence Act; 1998; the Films and Publications Act, 1996 and the Prevention of Organised Crime, 1998.</p>	<p>SALRC is of the opinion that legislation needs to be enacted to create a statutory offence of trafficking related offences. The Bill also contains protective measures for victims of trafficking as well as measures to prevent trafficking persons. National legislation around Human Trafficking needs to be finalized soon</p>
<ul style="list-style-type: none"> Mechanisms to eradicate national, regional and international networks. 	<p>Section 33 (1) of the Prevention and Combating of Trafficking in Persons Bill dictates that the President may on the condition as he or she deems fit enter into an agreement with a foreign state that is not a state party to the UN Protocol to prevent, suppress and Punish Trafficking in persons in respect of any matter pertaining to trafficking in persons.</p>	<p>Ibid</p>

Provisions	What is in place	What needs to be put in place
<ul style="list-style-type: none"> Harmonised data collection on trafficking. 	<p>There is no systematic collection of data on human trafficking. If there is, it might not be housed within the same departments because of the fragmentation referred to earlier when it comes to government initiatives on human trafficking.</p>	<p>The government should have a dedicated directorate/unit to deal directly with the issue of trafficking.</p>
<ul style="list-style-type: none"> Capacity building, awareness raising and sensitization campaigns on trafficking. 	<p>Strides have been made in improved awareness raising and understanding of the exploitation of women through trafficking and sex work, and the need for improved protection, for example, through the work of civil society organizations. In practice notions of illegal immigrants, deportation and fixation on documentation detract from identifying trafficking in women and children and addressing the underlying problem.</p>	<p>Chapter 9 institutions such as the Human Rights Commission need to be more proactive in sensitizing societies about the issue of trafficking. This is an issue that most likely non-South Africans engage with more as victims of trafficking, but seldom South Africans and the fact that their own country is a destination of trafficked people and a departure point for people being trafficked. Broader South Africa needs to be alert to this reality. Launch the Red Light campaign.</p>
Sexual harassment		
<ul style="list-style-type: none"> Adopt laws, policies, programmes that define and prohibit sexual harassment. 	<p>Labour Relations Act also deals with sexual harassment in the workplace.</p>	
<ul style="list-style-type: none"> Gender balance in bodies adjudicating sexual harassment cases. 	<p>There is already some sensitivity in the handling of such cases and the fact that the person documenting/lodging the case, has to be of the same sex as the complainant.</p>	<p>This sensitivity needs to permeate to the adjudication bodies of such cases. The gender balance principle needs to be part of the cycle of reporting and responding to such cases.</p>

Provisions	What is in place	What needs to be put in place
Support services		
<ul style="list-style-type: none"> Cases on GBV to be heard in a gender sensitive environment. 	<p>Various support mechanisms have been instituted for example one – way mirrors and closed-circuit televisions to protect children, in particular the girl child, special waiting rooms in courts where possible.</p>	
<ul style="list-style-type: none"> Special counseling services. 	<p>Counseling services at hospitals and courts.</p>	
<ul style="list-style-type: none"> Dedicated and sensitive services provided by police units; health; social welfare. 	<p>Shelters for abused women in Kwa-Zulu Natal and Mpumalanga are being built. Funding of Victim Empowerment initiatives by Civil Society Organisations from the Criminal Assets Recovery Account Funds are in progress. Justice College is the institution responsible for training magistrates and prosecutors on “Social context diversity training” which addresses issues of gender and violence. However, this is funded by donors rather than government, it is not yet a compulsory part of the programme and there is no automatic follow up training (CASE, 2000).</p>	<p>Government to finance the gender sensitive training for police and justice staff. National guidelines for dealing with victims/survivors of sexual offences. Gender sensitive training manual to be used for training.</p>
<ul style="list-style-type: none"> Accessible information on services available to survivors of gender-based violence. 	<p>Awareness campaigns in support of women and child abuse focusing on crime awareness, crimes against women and children, reduction of high rates of abuse, illegal substance abuse are conducted annually across the country.</p>	
<ul style="list-style-type: none"> Accessible, affordable and specialized legal services including legal aid to survivors of gender-based violence. 		

Provisions	What is in place	What needs to be put in place
<ul style="list-style-type: none"> Specialised facilities, including support mechanisms, for survivors of GBV. 		
<ul style="list-style-type: none"> Rehabilitation and reintegration facilities for survivors of GBV. 		
Training of service providers		
<ul style="list-style-type: none"> Gender sensitisation training for all service providers engaged in the administration of justice, such as judicial officers, prosecutors, police, prison, welfare and health officials? 	The Sexual Offences and Community Affairs (SOCA) was established in the National Prosecuting Authority to increase sensitisation and provide scientific and functional training of officials who prosecute sex crimes.	
<ul style="list-style-type: none"> Community sensitization programmes for survivors of gender-based violence. 		
<ul style="list-style-type: none"> Formal training programmes for service providers. 	SOCA also facilitates research and training for prosecuting sexual offences, domestic violence and maintenance cases, managing of young offenders and other issues involving the victimization of women and children.	Information must be in different languages. This also needs to be updated regularly as new organizations and services come to be and others fall out of the system.

Source: Prevention and Combating of Trafficking in Persons Bill, Department of Justice and Constitutional Development

Prevention

The Protocol provides for measures, including legislation to discourage traditional and cultural practices that exacerbate GBV and to mount public campaigns against these

The Equality Act, 2000 in particular provides protection and prohibits harmful cultural practices. However, practices that occur within the private domain are difficult to monitor as women in many communities remain subjugated and submissive to oppressive cultural and traditional practices. Women themselves may be unaware of their rights and subscribe to mistaken beliefs that are acceptable and accommodate men and their religious or cultural community.

Criminal Law (Sexual Offences) Amendment Bill, 2000 aims to widen the scope of the crime of rape and to create numerous new offences related to sexual misconduct. It also addresses aspects of sentencing for sexual offenders and certain evidentiary matters. Clauses 2-4 aim to codify offences that are characterised by acts of sexual penetration. Three distinct offences are introduced, namely, rape (clause 2), sexual violation (clause 3) and oral genital sexual violation (clause 4).

The extent to which gender violence features in political discussions/debates/ campaigns is minimal as most debates tend to focus on responses on what other politicians have said about their female political counterparts. e.g. the debate around ANCYL Julius Malema and his sexist comments on Helen Zille and before then his comments on the behaviour of the woman who lodged a rape case against current President of South Africa, Mr Zuma. The comments elicited a great deal of debate, but for many the focus of these debates was seldom on the implication of these comments and sentiments for the fight against gender-based violence, which remains a serious scourge in South Africa, but on the politicians who said them.

During the period leading up to the April 2009 elections, GBV only featured during one debate that was on gender and the elections. This reflects the dominant view regarding GBV as being only a women's issue as some still misinterpret gender to women issues.

The only other time that GBV does feature is during the annual Sixteen Days Campaign of Activisms of No Violence against Women and Children. During this time, media pick up on GBV stories is very high and the politicians also often find a way of including it in their official platforms; in addition to wearing the white ribbon which is used as part of the symbol during this time.

The new President of the country has not as yet referred to GBV in his speeches.

In terms of political parties and gender-based violence in their manifestos, only the ANC has gender mainstreamed in its manifesto and intends to upscale the prevention for Mother to Child transmission of HIV to 95% in all districts, to combat violence and crimes against women and children by increasing the capacity of the criminal justice system to deal with such violence, and to vigorously implement broad based economic empowerment and affirmative action policies and adjust them to ensure that they benefit more broad sections of the South African people.

The media's attitude and approach towards coverage of gender violence is a work in progress. Gender Links as an organization that tackles any manifestation of gender inequality and bias in the media, has been actively engaging with the media in terms of how best to cover gender-based violence stories and delivering coverage that is informative, respectful, substantive and gender balanced. Through different initiatives such as training, seminars and debates, amongst others, Gender Links has brought the media on board and has involved it in a broader societal dialogue about these issues. The outcome has been a much more empowered media.

In addition, Gender Links has provided pre-packaged news articles on gender-based violence written by contributors to the GL Opinion and Commentary Service, some of whom are themselves survivors. These articles espouse the principles of fair reporting that is gender balanced and sensitive and that Gender Links seeks to inculcate in the media.

The training on GBV for the media is unfortunately an area that is still led by civil society organizations such as Gender Links. The ideal is a time when media houses themselves integrate this training into their own in-house training programmes so as to institutionalize the teaching of this theme.

The most prominent gender sensitisation and public awareness programmes that have been instituted by government

In South Africa there is a strong partnership between civil society and government (local government) around the Sixteen Days of Activism on Violence against Women and Children. Gender Links has also partnered with other municipalities such as the City of Ekurhuleni and other stakeholders such as Constitutional Hill, South African Human Rights Commission, Commission on Gender Equality to run public debates, seminars and cyber dialogues on GBV and related issues.



Take back the night candlelight vigil at Constitutional Hill during the 16 Days Campaign 2006.

Photo: Colleen Lowe Morna

TakebackthenightJhbchildren_CLM_1106

Impact of the 16 Days of Activism

The impact of the 16 Days of Activism against Women and Child Abuse is a question that gets asked repeatedly during the campaign. The strength of this campaign is, for a set period of time, to focus the nation on a scourge that is now a regrettable part of society. Thus communities, policy makers, law enforcers, politicians, members of government, civil society speak in unison about the extent of the blight, the interventions and the shortcomings regarding these.

16 Day campaign elevated to 365 Day campaign

The campaign has now been elevated to the National 365 Day Action Plan to End Gender Violence.

The more civil societies partner with governments, the more opportunities avail themselves for a sharing of best practices for the eradication of violence against women and children. This is where the local, national and international communities can converge, at the point of the partnership.

South African OpEd regarding GBV

Photo: Gender Links

sa oped



South African media coverage on HIV and GBV

Photo: Gender Links
HIVviolence

Integrated approaches

The SADC Protocol on Gender and Development calls on states to adopt integrated approaches, including institutional cross sector structures, with the aim of reducing current levels of gender-based violence by 2015.

The integrated, multi-sectoral approach of government in addressing violence against women includes some of the following measures:

- The 365 Days National Plan of Action to end Gender-based Violence
- An Annual 16 Days of Activism campaign on No Violence against Women and Children
- The involvement of men and boys as partners in fighting violence against women and in changing attitudes and the behaviour of boys and men
- The establishment of the Equality Courts and dedicated Sexual Offences Courts
- The Victim Empowerment programmes and the *Thuthuzela* Care Centres where victims have access to services such as the police, counseling, doctors, court preparation and prosecution
- The development of a Local Government Gender Policy Framework

South Africa has a National Action Plan to End Gender Violence to curb all forms of gender-based violence and strategises the National Action Plan been adopted. In May 2006 civil society organisations and government representatives met to draft a National Action to End Gender Violence. Delegates adopted the *Kopanong* Declaration in which a cross section of South Africans committed to a joint campaign for eradicating violence against women and children.

The South Africa 365 Day National Action Plan to End Gender Violence was launched on 8 March 2007 by the Deputy President, Phumzile Mlambo Ngcuka and National Convener of the 16 Days Campaign Deputy Minister of Provincial and Local Government, Nomatyala Hangana. The Vision is of a South Africa free from gender-based violence where women, men, girls and boys can realise their full potential.

There are some concerns such as: 1) the extent to which civil society structures are consulted; 2) the allocation of resources for implementation; 3) the nature of the partnership between government and civil society organizations; and 4) monitoring and evaluation of the plan.

Anti- Trafficking Measures

With the 2010 World Cup Games around the corner and more concern than ever that the rate of trafficking will increase across the SADC region. Some civil society organizations, such as Gender Links have seized the build up to the 2010 Football World Cup to draw attention to the gender implications, both positive and negative of such an event for the women of the country and of the region.

Gender Links has commissioned research on the theme of gender and 2010 and is asking key and pertinent questions on the legacy that 2010 will leave for women of South Africa and the region. In addition, the organization and others, such as WLSA and Oxfam have joined hands and partnered around the Red Light campaign which is a regional campaign set to fight against the trafficking and exploitation of women and children which is likely to be exacerbated by an event of the magnitude of the Football World Cup.

Budgetary allocations

HEALTH, HIV AND AIDS Article 26-27

The Protocol provides for state parties to by 2015, adopt and implement legislative frameworks, policies, programmes and services to enhance gender sensitive, appropriate and affordable quality health care; reduce the maternal mortality ratio by 75% and ensure the provision of hygiene and sanitary facilities.

Table 28: Key sexual, reproductive and health indicators

Indicator	Country statistic/policy	Comment
Current maternal mortality rate (Lifetime Chance of Death from Maternal Causes (1 in how many)	43 deaths per 1000 live deaths (2003)	This rate used to be 45 deaths per 1000 live births in 1998
% Births attended by Skilled Personnel	92.0 (2003)	
% Contraceptive use among sexually active women 20-24	65 %	
% Contraceptive use among married women	60 %	
No of deaths annually as a result of illegal abortions		
Country policy on abortion	Choice on Termination of Pregnancy Act	
Total Coverage of sanitation facilities		
Urban coverage	86 %	
Rural Coverage	44 %	

WHO and SADHS survey (2003)

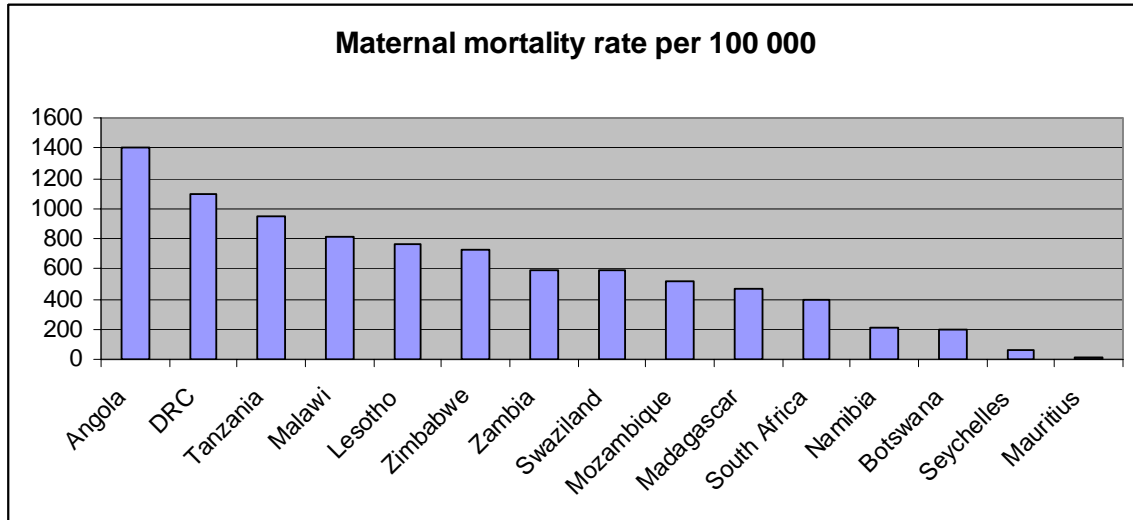
South African CEDAW Report (2009)

General

A National Strategy for the control and management of STIs was introduced by the Department of Health in the latter 1990s. This resulted in amending the National STI Treatment Guidelines to include safer sex education, condom promotion and partner notification and treatment. In addition, the 2000-2005 HIV/AIDS/STD Strategic Plan emphasized access to STI services for women, together with youth and migrant workers. This has become a priority within the AIDS plan.

Maternal, child and women's health and nutrition remains one of the core priorities of the Department of Health for the 2007-2009 period. There seems to be a decrease (albeit slowly) maternal mortality rate but this needs to be upscaled. As indicated in the graph below, compared to the region, South Africa could improve its meeting the demands of maternal mortality.

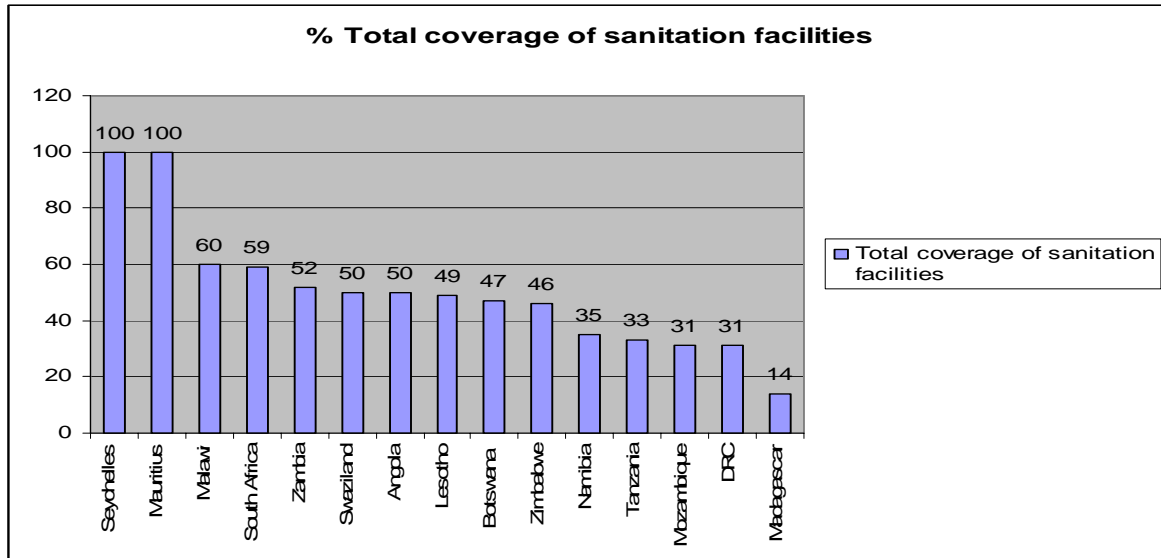
Graph 10: Maternal mortality rate per 100 000



Source: Gender Links Regional Barometer Report, 2009

In addition, South Africa ranks fourth in the region with regards to sanitation facilities, at only 59% total coverage (see graph below).

Graph 11: Percentage total coverage of sanitation facilities



Source: Gender Links Regional Barometer Report, 2009

Family Planning / contraceptive usage

The Constitution provides for the right to health care services, including reproductive health care. Strategies for the sexual and reproductive health policy in South Africa include the integration of sexually transmitted infection and sexual and reproductive health and rights programmes and services, including reproductive cancers, to maximize the effectiveness of resource utilization and the attainment of synergy between the two strategies, repositioning family planning as an essential part of the MDGs, addressing

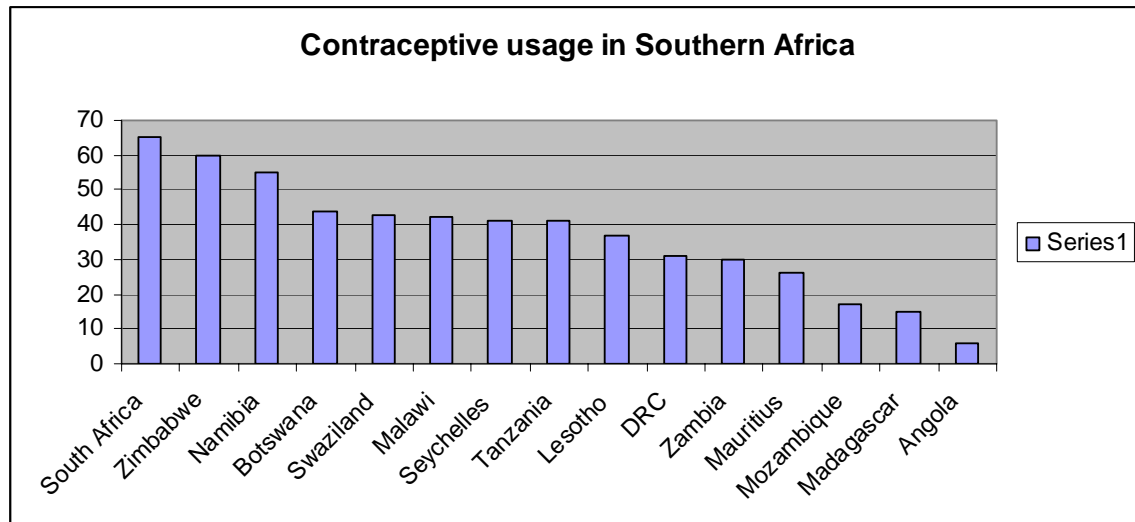
sexual and reproductive health and rights of adolescents and youth as a key part of the strategy.

The Health System freely distributes the male condom and civil society and private sector are also involved and are using their own platforms and spaces to distribute and provide alternative access points to the male condoms distributed by the Department of Health. As a result, one seldom goes anywhere without seeing a full or empty male condom box or dispenser in many public spaces.

There has also been some female condom distribution through the same method, but it has not been to the same scale. The one issue that gets raised about the female condom is that it is not as easy to use as the male version and this is partly attributed to the 'attitude' that some in society voice when it comes to its effectiveness. This suggests that the only way there will be more uptake of the female condom, is if it is coupled with education on how to make use of it. As a result, the primary mean of distribution is through health facilities where education from the health staff attending to a client is secured.

The graph below illustrates that, compared to the region; South Africa has the highest usage of contraception.

Graph 12: Contraceptive usage in Southern Africa



Source: Gender Links Regional Barometer Report, 2009

More and more campaigns and initiatives are beginning to deliberately target men to be actively involved in family planning. Several documentation on contraceptives and family planning are particularly gender sensitive – in most cases both male and female condoms are discussed and illustrations are included where visuals include both men and women; in addition to TV adverts that are also gender balanced.

It seems that the male condom is the contraceptive of choice but anecdotal evidence suggests that this may be driven by price. For instance, some distribution points like pharmacies sell the female condom at a price some might consider expensive, whereas

the male condoms distribute by government are free of charge. The only other place where one can access the female condom is at health centres.

Box three: Termination of Pregnancy

In the period leading up to the enactment of the Choice on Termination of Pregnancy Act of 1996, there were heated debates that involved a cross spectrum of perspectives and stakeholders. There were women's right voices and women's reproductive rights proponents as well as the moralists who shared their particular view. Ultimately, the Act came into being. As a result of the promulgation of the Choice on Termination of Pregnancy Act, 1996 (Act 92 Of 1996), abortion related deaths among women dropped by 91 percent between 1994 and 2001.

This ensured that there was a great deal of awareness about this issue.

The debate that often resurfaces is one that pertains to the still ongoing occurrences of unsafe "backroom" abortions and the detrimental health consequences they have for the women concerned.

The Choice on Termination of Pregnancy Amendment Act, 2004 (Act 38 of 2004) increases access to safe termination of pregnancy services for women, giving greater effect to the constitutionally guaranteed right to access of healthcare services, including reproductive healthcare.

It is reported that 216 718 safe terminations were performed in the first four years of the Act being passed. The Department of Health notes that since provision of access to choice in termination of pregnancy, 344,477 women over a seven year period (1997 – 2004) availed themselves of the services.

An HIV/AIDS march
in Bangkok

Photo: Gender Links

abc.bangkok_GL__



HIV and AIDS Article 27

General

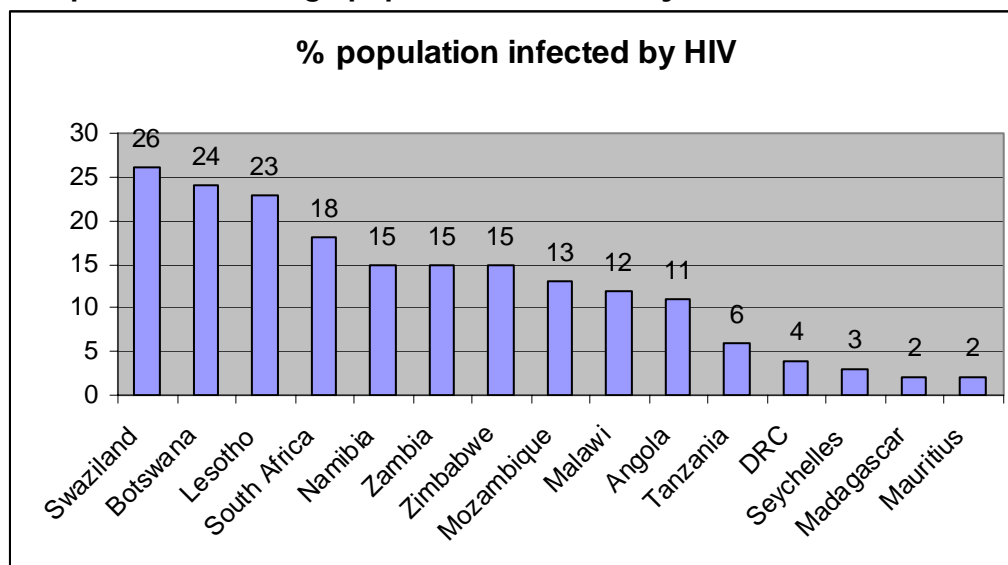
Table 29: Key Gender, HIV and AIDS indicators

	% women	% men
Extent of comprehensive knowledge on HIV and AIDS	94 %	95 %
HIV infection	13.3 %	8.2 %
Voluntary Counselling and Testing		
On ARV treatment		
HIV positive pregnant women receiving PMTC	144,506	

World Health Organisations (2003)

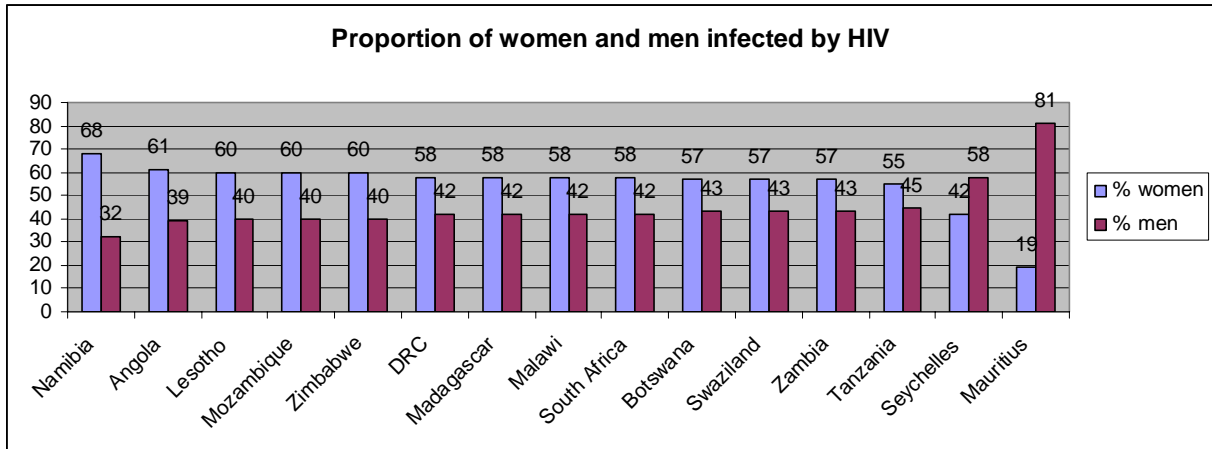
HIV and AIDS is one of the main challenges facing South Africa today. In 2008 about 5.7 million people were estimated to be living with HIV in South Africa, with 18.8% percent of the adult population (15-49 years) and about 11% of the general population affected. Women are disproportionately affected; accounting for approximately 3.2 million (54%) of HIV-positive people. Women in the age group 30-34 are the worst affected with prevalence rates of up to 30%. These figures make the point that HIV and AIDS are indeed amongst the key scourges in South Africa. The graphs below indicate levels of infection as well as percentages of women and men infections across the SADC region; South Africa is ranked highly in infection rates but shows a more balanced relationship between infection of women and men as compared to some other countries in the region.

Graph 13: Percentage population infected by HIV



Source: Gender Links Regional Barometer Report, 2009

Graph 14: Proportion of women and men infected by HIV

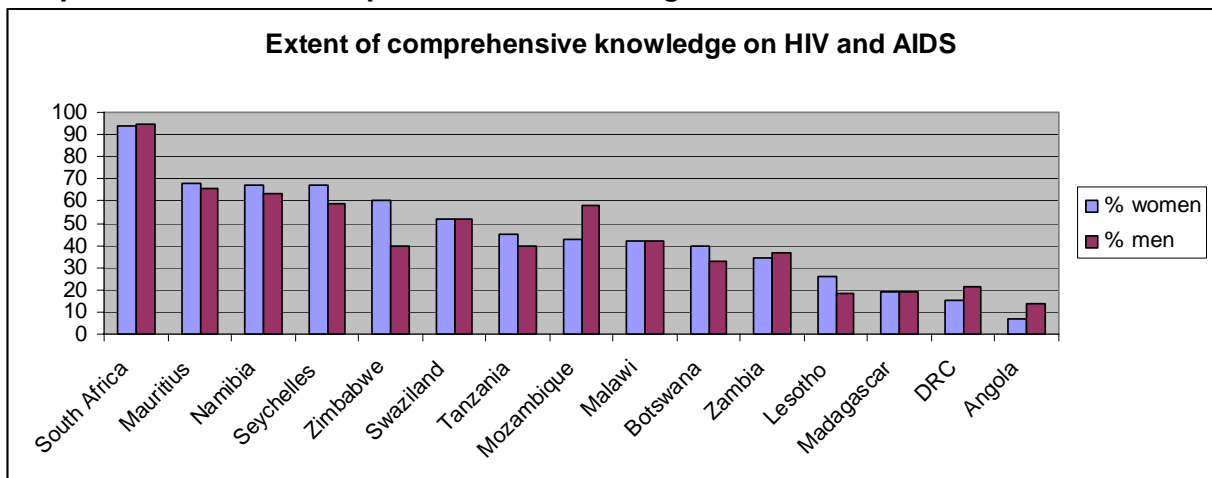


Source: Gender Links Regional Barometer Report, 2009

As a country that bore the brunt of the global response of its leaders view on HIV and AIDS, the South African government currently has done a great deal to rectify the situation and be much more responsive and humane in the handling of the pandemic.

Table 29 reveals encouragingly that almost the same percentage of women and men are knowledgeable about HIV and AIDS. This is good as women have in the past tended to be more receptive to learning about HIV and AIDS. The Department of Health and other organisations, such as LoveLife, Right to Care, Soul City have done extensive work in sensitising communities through print and TV campaigns and dramas. Soul City's story lines around HIV and AIDS as well as SABC 1's drama called *Tsha Tsha* taught this message from a distance; but clearly have been key in tackling myths about AIDS and community responses, amongst others. This strength is indicated in the graph below as well; South Africa ranks first in the region in terms of comprehensive knowledge of the the population with regards to HIV/AIDS (Gender Links Regional Barometer Report).

Graph 15: Extent of comprehensive knowledge of HIV/AIDS





Urban life,
kiosk in
Sharpeville,
JHB

Photo: Trevor
Davies

KioskSharpeville_t
d_050307

Prevention

The Protocol requires that by 2015 state parties shall develop gender sensitive strategies to prevent new infections, taking account of the unequal status of women, and in particular the vulnerability of the girl child as well as harmful practices and biological factors that result in women constituting the majority of those infected and affected by HIV and AIDS.

South Africa has a National Strategic Plan 2007-2011. This National Strategic Plan is the second that South Africa has developed and what it does is articulate the governments HIV and AIDS policy across a spectrum of issues such as prevention, counselling, treatment, OVCs, PMTCT; it is holistic in its approach and spans a five year period. The National AIDS Plan set objectives in four performance areas: prevention; treatment, care and support; legal and human rights and research; monitoring and surveillance.

In addition to this, South Africa has the South African National AIDS Council which is a multisectoral body providing high level leadership and coordination. The Council is chaired by the Deputy President. The council consists of 8 government Ministries and 18 civil society and private sector organisations.

It must be remembered that the face of the HIV and AIDS is primary female. The stats presented in Table 29 above make the point that in South Africa, the pandemic disproportionately impacts women, therefore any response to be effective, must take this into consideration.

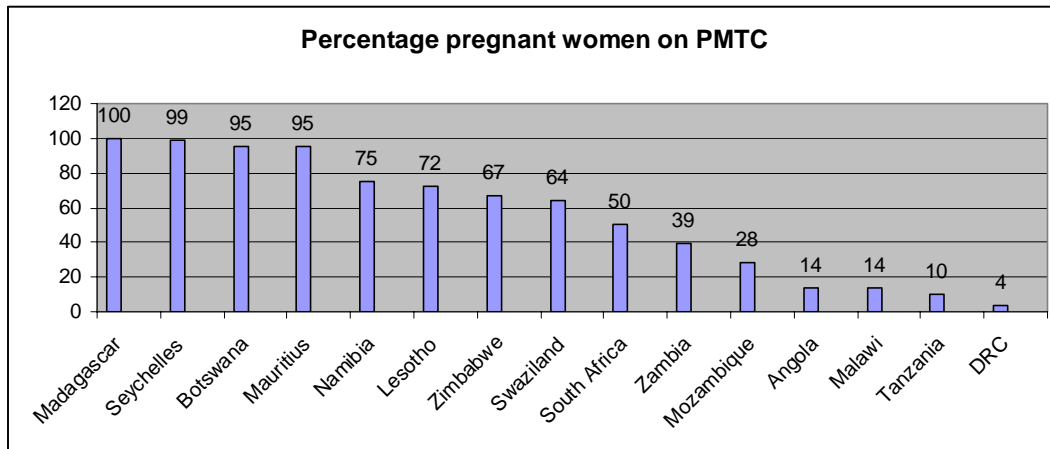
PMTCT

The government has scaled-up coverage of PMTCT with reductions of less than 5%. The number of pregnant women living with HIV who receive antiretrovirals for preventing mother-to-child transmission in 2007 was 127 164 (UNAIDS/UNICEF/WHO, 2008).

The government is committed to providing an appropriate package of services that includes wellness, opportunistic infections management, ART, and nutrition to children and adolescents who are HIV positive and/or exposed. The reported number of children aged under 15 years receiving antiretroviral therapy as of September 2007, was reported as 32 060 (WHO and UNICEF and UNAIDS, Universal Access Report, June 2008).

The graph below indicates PMTCT across countries in the region; South Africa compares rather poorly with only 50%

Graph 16: Percentage pregnant women on PMTCT



Source: Gender Links Regional Barometer Report, 2009

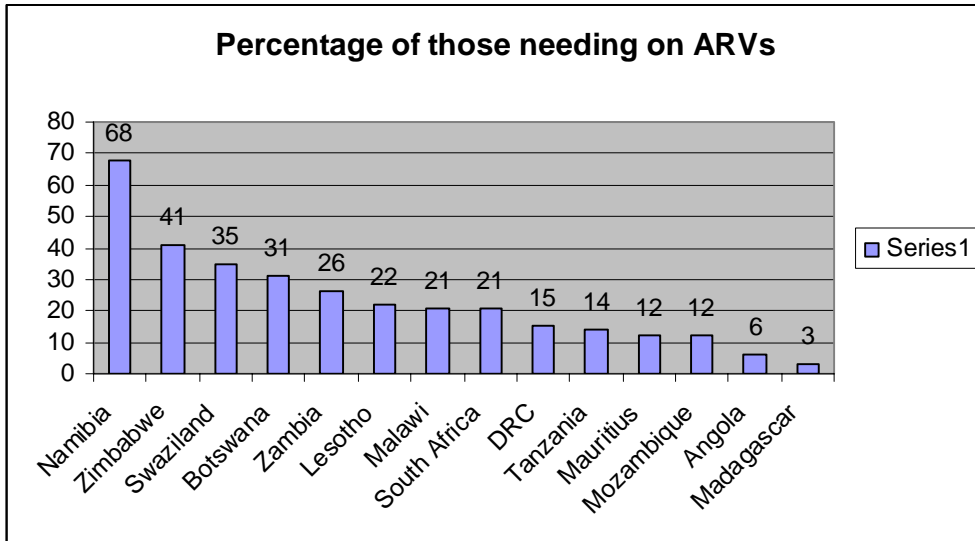
Treatment

The Protocol calls on state parties to ensure universal access to HIV and AIDS treatment for infected women, men, boys and girls:

South Africa has a comprehensive plan for the management, treatment, care and support of AIDS. This programme has enrolled approximately 370,000 people by September 2007 on ARV treatment in the public sector and an estimated 120,000 people in the private sector. This is currently the largest AIDS treatment program in the world. Reported number of sites that are providing antiretroviral therapy for 2005 was 179 and for 2007 was 362.

Many problems are reported to have dogged access to ARVs, most of which seem to be centred around infrastructural capacity and skills shortages of health personnel. The graph below indicates members of the population in need of ARVs across the SADC region; South Africa is ranked at eight (Gender Links Regional Barometer Report, 2009).

Graph 17: Percentage of those needing ARVs



A care worker offers ARVs for infected children in Orange Farm

Photo: GEMSA

OF child arvs cu

Care Work

During the months of May and June 2009, GEMSA conducted a policy audit of care work in South Africa. Interviews were held with HBC workers, HIV/AIDS organisations and International NGOs. GEMSA aimed to evaluate current and future provisions for care-givers in the country, to identify policy gaps, and to provide recommendations on how stakeholders can strengthen the care work programme. Ultimately, the findings from this report will contribute to a model home-based care policy for the Southern African Development Community (SADC) region.

To accurately reflect on conditions in the country, GEMSA held a focus group meeting in Johannesburg and a series of interviews. Researchers identified participants through desktop research and discussions with organisations involved in care work. The meeting brought together 12 community home-based care organisations. GEMSA conducted separate meetings and interviews with two of the largest home-based care groups in Johannesburg, Orange Farm and another affiliated organisation.

GEMSA discovered that home based care organisations are not fully aware of the processes that are currently taking place within the Department of Social Development (DSD) and the Department of Health (DOH) in South Africa that regulate care work in the country. Thus lack of information access to such organisations by government has led most of organisations to source funds from donors and these funds are allocated conditionally to what the donors stipulate. Another emerging issue has been the delay in funding projects and incidents of corruption within the government departments. Some home based care organisations confirmed that funds were being taken back after being released late, past the financial year, with the departments demanding that funds be returned due to lack of use. There are great challenges with delayed funds from government which forces organisations to be unable to spend the funds allocated on time and consequently needing to return these despite the situation of financial duress they find themselves in. Consequently, home based care organisations are on the verge of closing due to lack of funds.

ISSUE	POLICIES	OPPORTUNITIES	RECOMMENDATION
Remuneration	This is not stipulated in any policy document.	SANAC, DSD and DOH need to work out the process more clearly to avoid role confusion.	<ul style="list-style-type: none"> • Mobilise resources for sustainable compensation. • Strategise on how stakeholders can collectively pay care-givers. • Explore the potential for government subsidies for HCBS organisations to have salaries paid out of the funds that DSD provides.
Logistic and material support	DSD gives out food supplements and parcels (although this is ad hoc and not well regulated).	This would assist organisations that are in need of supplies and rely on donations from donors, etc. There	<ul style="list-style-type: none"> • Raise awareness for HCBS to collect materials and alleviate the delays that occur when donors run out of materials. • Strategise on stakeholder cooperation in this area and

		is need to give out more materials such as HCBS kits.	<p>examine potential for government subsidies for HCBS groups.</p> <ul style="list-style-type: none"> • Create a body that links Home Based Care Organizations to Home Based Care Services and informs of materials and supplies available constantly.
Training/ professional recognition	DSD and DOH need to make this criteria clear as it currently seems grey; information is required.	There is need to train care workers as the area of care work changes rapidly. Recognition of training would also create opportunities for care-givers to work in other areas of need such as hospitals.	<ul style="list-style-type: none"> • Determine strategic minimum education requirements to maximise the number of older care-givers eligible for training. • Provide greater clarity on what will happen to care-givers who do not qualify for training. • Plan the logistics and resources required to re-train all community home-based care-givers
Psychosocial support	There is a document within the policy framework of the DSD; although it is unclear to what extent this has been implemented.	If implemented, this policy will help to ensure the physical and mental wellbeing of the care-giver.	<ul style="list-style-type: none"> • Identify, secure and train and accredit appropriate number of HCBS supervisors in diverse areas of management. • Explore possible opportunities for collaboration between the care-givers and local level social workers. • Develop support networks based on information on where and how HCBS organisations are operating. • Publicise and utilise the DSD and DOH home-based care forums for sharing challenges and successes.
Gender equality	This is noted within the policy framework documents for HCBS.	Policies need to articulate clearly that there is need to have men in the arena of care work. This would lessen the burden of care for women and sharing of responsibilities with men.	<ul style="list-style-type: none"> • The policy and guidelines for implementation should stipulate active recruitment and engagement of men on HCBS- this could be a requirement for organisations seeking funds through DSD and DOH. • HCBS organisations should reach out to men's forums, traditionalists, the church and other respected community authorities to discuss the

important role of men in care work.

Johnny, a care-giver from 'Let Us Grow' HBCS in Orange Farm, helps feed a young girl.

Photo: GEMSA

johnny feeds child



A care-giver from 'Let Us Grow' HBCS in Orange Farm tend to a patient in their home

Photo: GEMSA

wash feet OF



Glass Ceiling

CATEGORY	% SOUTH		% REGION	
	Female	Male	Female	Male
Percentage of employees by sex	50	50	41	59
OCCUPATIONAL LEVELS				
Non-permanent	56	44	36	64
Unskilled	23	77	29	71
Semi-skilled	55	45	55	45
Skilled technical	51	49	45	55
Professionally qualified	42	58	31	69
Board of directors	38	62	28	72
Senior management	35	65	28	72
Top management	25	75	23	77
CONDITIONS OF EMPLOYMENT				
Part-time	61	39	23	77
Full-time, fixed term contract	55	45	37	63
Freelance	54	46	43	57
Full-time open-ended contract	49	51	42	58
DEPARTMENTS				
<i>Percentage of women and men in:</i>				
Human resources	74	26	44	56
Advertising/Marketing	61	39	57	43
Finance & administration	59	41	54	46
Editorial	52	48	42	58
Design	40	60	31	69
Production	34	66	30	70
Printing & distribution	33	67	24	76
Technical/IT	23	77	16	84
BEATS				
<i>Top beats covered by women</i>				
Education	100	0	54	46
Gender violence	100	0	71	29
Health	100	0	59	41
HIV and AIDS	100	0	53	47
Human rights	100	0	42	58
Lifestyle	100	0	55	45
Media	100	0	42	58
Youth	100	0	52	48

Top beats covered by men

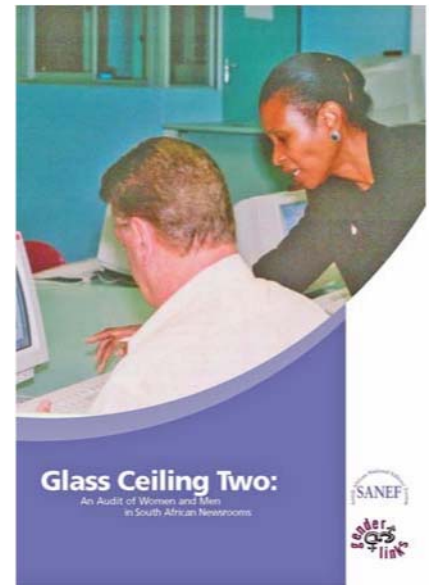
Science & technology	0	100	39	61
Investigative/In-depth stories	0	100	20	80
Disaster/War/Conflict	0	100	35	65
Agriculture	0	100	41	Region
POLICIES		South Africa		16
Existence of a gender policy		9		59
Existence of a sexual harassment policy		82		28
Need for or improving existing gender policy		64		68

This audit of women and men in South Africa media houses is part of the *Glass Ceilings: Women and Men in Southern African Media* conducted by Gender Links (GL). This study follows two previous studies initiated by the South African National Editor's Forum (SANEF). The Glass Ceiling study was conducted in two phases. Phase one of the *Glass Ceiling* report, launched in August 2006, investigated:

- What are the realities facing women journalists, specifically senior women journalists in South African newsrooms?
- What do they identify as obstacles, and which strategies can be implemented to redress the situation?

In total 40 respondents, 25 women and 15 men, completed the mostly quantitative questionnaire. Some of the key findings in the *Glass Ceiling One* report included:

- Several references to an "old boys' club" operating within the media.
- Discriminatory practices, structural inequalities, cultural biases, prejudices, patriarchy and sexism are still prevalent in newsrooms. These form major obstacles to women realising their full potential. The second phase of the project, *Glass Ceiling Two*, a partnership between ANEF and GL, gathered quantitative data to complement the qualitative data gathered in phase one. Nine media completed the quantitative questionnaire. The study established:
- The overall proportion of women and men in South African newsrooms.
- Conditions of employment.
- Comparative information on the average earnings of women and men in newsrooms.
- The gender division of labour in newsrooms.
- The gender division of labour in news beats.
- Policies in place for bridging gender gaps such as recruitment, career pathing and work place policies.



This study is different from the *Glass Ceiling One and Two* in that it focuses on the media houses not newsrooms. South Africa is part of a regional study *Glass Ceilings: Women and Men in the Southern African media*.

The regional and country findings will be used in a global study being carried out by the International Media Women's Foundation (IMWF) through the Gender and Media Diversity

Centre (GMDC), a partnership between media development organisations, training and higher learning institutions for the “collection and connection” of knowledge and “collaboration” to advance gender equality and diversity in the media across the globe. The GMDC has also facilitated partnerships around the fourth Global Media Monitoring Project (GMMP), and second Southern African Gender and Media Baseline Study (GMBS) that will take place in 2009/2010.

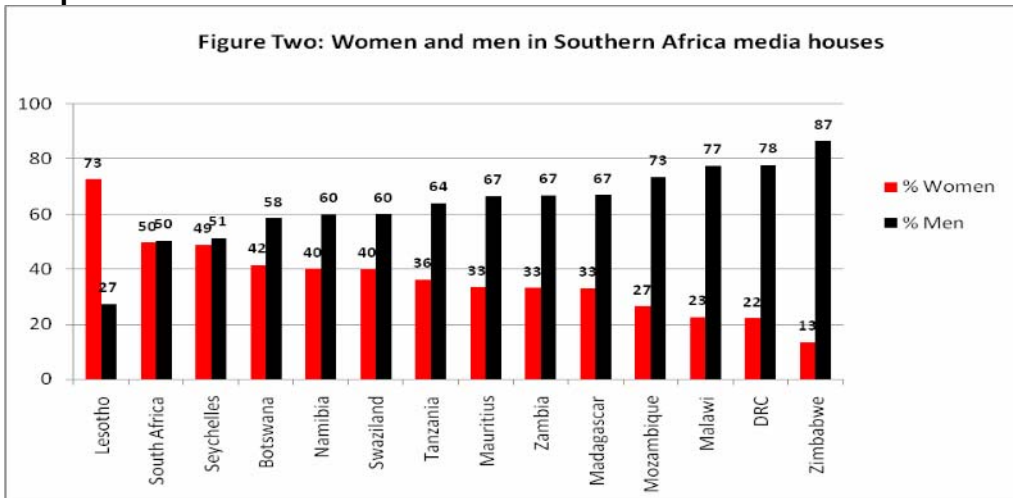
The study took place in the context of the August 2008 Southern African Development Community (SADC) Protocol on Gender and Development that urges the media and all decision-making bodies in the region to achieve gender parity by 2015. The gender protocol also calls for the mainstreaming of gender in all media laws; policies and training. It urges the media to give equal voice to women and men; challenge gender stereotypes and ensure balance and sensitivity in all coverage; especially that relating to gender violence.

In South Africa, the study is based on research carried out with 11 media with a total of 11750 employees. Researchers conducted in-depth case studies of two media houses and interviewed four journalists/senior managers/editors for their perspectives on the results. A further 24 senior staff responded to perception questionnaires. In total, 126 media houses (approximately half of all media houses¹) in 14² of the 15 countries of the Southern African Development Community (SADC) representing 23 678 employees participated in the research. Some 463 respondents filled in the perception questionnaires. Relevant regional comparisons are made throughout the report. This report should be read in tandem with the regional report: *“Glass Ceilings: Women and Men in the Southern African Media.”*

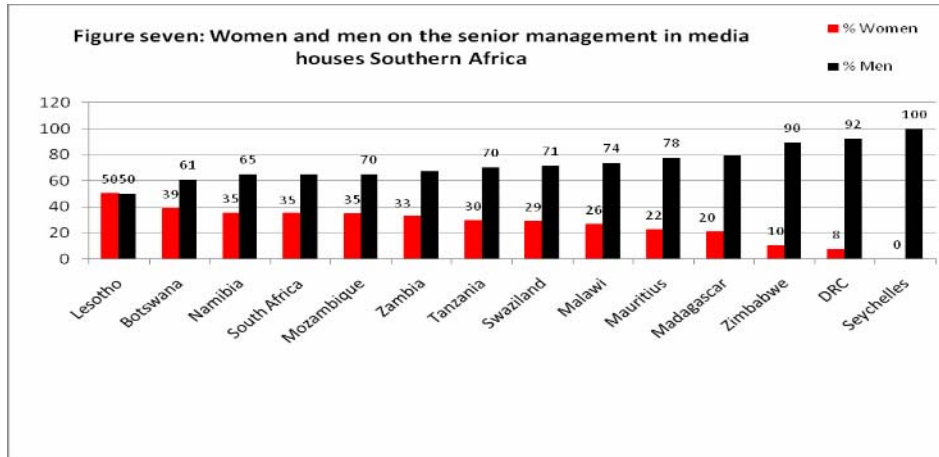
Sikhonzile Ndlovu (GL Media Literacy Co-ordinator) and Rochelle Davidson Mhonde (GL Senior Researcher) conducted the research. GL Executive Director Colleen Lowe Morna and Deputy Director Kubi Rama edited the final report.

As is evident from the graphs below, South Africa ranks in second place in the region with regards to female representation in media houses; regarding senior management positions in media houses, it is ranked as fourth; and in line with women’s views and voices being grossly under-represented in the media, South Africa ranks fifth in the region in terms of women sources in the country.

Graph 18: Women and men in Southern Africa media houses

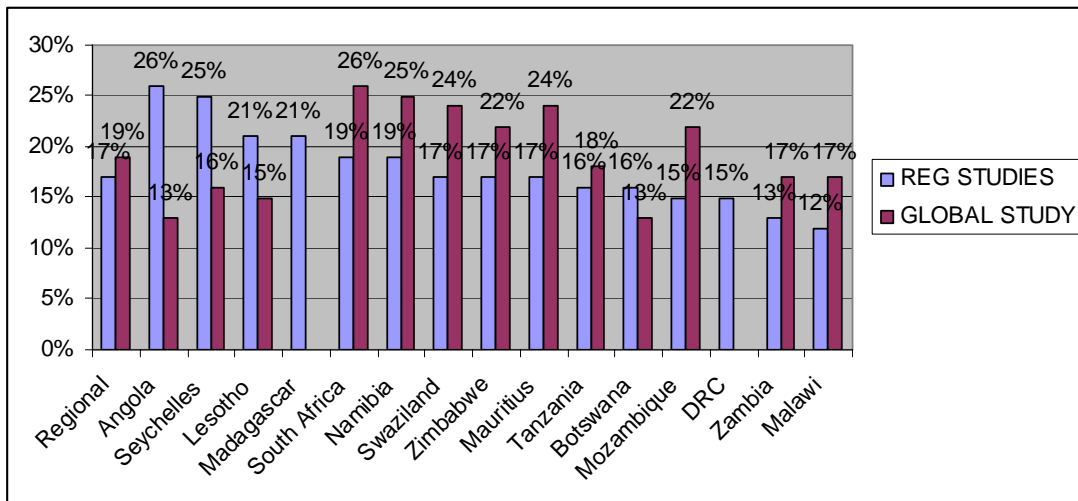


Graph 19: Women and men in senior management in media houses Southern Africa



Source: Gender Links Regional Barometer Report, 2009

Graph 20: Women sources in all countries, regional and global studies



Gender and Media Baseline Study

Summary of key findings

Men's voices dominate the news: The news in South Africa, in all media, is told through the voices and perspectives of men. Women constituted only 19 percent of the known news sources, compared to an average of 17 percent for the region.

There are variations between media: The Sunday Times, with 29 percent women sources is at the top of the league, with YFM (8 percent women sources) at the bottom. The fact that a radio station that targets youth is so low in the hierarchy is a cause for concern. The Sunday Times performance, however, needs to be balanced against the qualitative findings that stress that just because stories have women as sources does not mean they are gender sensitive.

The performance of the public broadcaster is especially disappointing: The relatively poor showing of the public broadcaster and especially SAFM (9 percent) is also disturbing, as the SABC is one of the few media houses in the region that has a gender unit.

The voices of black women are especially under represented: Black women, who constitute about 45 percent of the population, represented some 5 percent of news sources, and were the group least well represented in the media relative to their strength in the population. Black men constituted four times the proportion of black women as news sources (21 percent) yet this is still only half their strength in the population.

Old women are virtually invisible: While men still constituted a significant proportion of news sources in the 50-64 year old category (more than twenty percent in both the print and electronic media) women sources declined substantially in this age category to less than five percent in both the print and electronic media.

Women are only accessed as sources in a limited range of occupations: The only occupational category in which women predominate as sources was as beauty contestants, sex workers and homemakers. Women's voices were least sourced in the sports and mining categories (where men constituted one hundred percent of the sources). Women came closest to achieving parity with men in the occupational categories of social worker, office worker, students, and entrepreneur. The latter may be a reflection of the preponderance of women in the informal sector.

Women politicians are especially invisible: Women were not represented in proportion to their strength in important categories such as politics, where women constitute 31 percent of members of parliament and cabinet, yet only accounted for eight percent of sources.

Gender equality is hardly regarded as newsworthy: both in the region and South Africa, economic and political coverage accounted for about a quarter of coverage, with sport following closely behind, and accounting for some 21 percent of coverage in South Africa. Both in the region and South Africa, gender equality and gender violence accounted for a tiny proportion of coverage- about one percent each.

Men even have more to say than women on gender equality: There is no topic category in South Africa in which the voices of women predominate- not even in the topic code gender equality where there are more female than male voices in the region. Like the rest of the region, women's voices are least well represented in economics, politics and sports, and (other than gender equality) come closest to achieving parity in the topic codes gender violence, children, media and entertainment.

Women, and especially black women, are underrepresented in the media profession: The media profession in South Africa, as in the region, is heavily male dominated. Black women, who constitute 45 percent of the population, only accounted for six percent of media practitioners in the study.

Women are best represented in radio and as TV presenters: Women have made the most strides in the electronic media. Unlike the region, where this is restricted to the TV presenter category, women in South Africa constituted 44 percent in both the TV presenter and radio category- an important tribute to the strides that have been made in bringing about gender balance among radio reporters.

But the print media still has a long way to go: Like the rest of the region, women in South Africa are still least well represented in the print media (29 percent, compared to 22 percent in the region). This is disturbing, because it suggests that the media profession still values women's looks over their intellectual ability in their placement within the profession.

Male reporters still predominate in all beats: Male journalists predominated in all the beats in South Africa, including gender equality. Women are still least well represented in the economics, politics and sports beats.

But women have made gains in some non traditional areas: These include crime, health and HIV AIDS, where women and male journalists in South Africa came close to achieving parity in the study.

Women are underrepresented and misrepresented in the media: The qualitative research showed that not only are women severely under represented but that they are also misrepresented in the media. The consistent representation of women in passive, sub-ordinate roles is complicit in supporting an oppressive gender order. This is at odds with reality and the media have a responsibility to represent women in a diversity of roles, occupations and positions.

Linkages between human rights issues are weak: Generally there were very few attempts to link any of the common struggles for equitable representation in terms of challenging the representation of gays, lesbians, people with disabilities and children.

The media should not only present what is, but what could be: A concerted effort must be made to challenge this oppressive order and empower both men and women. In a world where the roles of men and women are constantly adapting and changing so too must the representation of men and women.

Farah Shaik a journalist in Durban during a GL workshop on women in politics ahead of the 2004 elections in South Africa

Photo: Trevor Davies
SA Media_Farah Shaik_TD_04



IMPLEMENTATION *Article 32 -36*

South Africa, although it has signed the SADC Protocol on Gender and Development, has not as yet ratified this instrument.

The Protocol will require approval by both houses of Parliament. This requires procedure of tabling, discussion and the adoption of a formal resolution in both the National Assembly and the National Council of Provinces. Once this has occurred, the Department of Foreign Affairs can then submit a written instrument of ratification to the depositary for that agreement.

The government Ministry or department is responsible for ratification processes is the Department of Justice and Constitutional Affairs. In terms of NGOs' work to advance the Protocol, Gender Links is spearheading the Barometer research which will be used to hold governments accountable in all SADC Member States, including South Africa.

Implementation mechanisms and processes

Table 30: National gender machinery and processes

Component	Yes /No	Comments
National Gender Policy	Yes	The national gender Policy outlines the structure and functions that are facilitative of the National Gender Machinery for women's empowerment, each of which are located strategically at the highest level of government.
Gender ministry	Yes	Department of Women, Children and People with Disabilities. This came into being in May 2009, with the new administration under President Jacob Zuma.
Gender focal points in all line departments	Yes	Most local government and provincial departments have gender focal points.
Gender structure in parliament	Yes	
Active collaboration with civil society	Yes	The policy recognises the role of civil society as an important component of the machinery; it does not prescribe the functions of civil society, but strives to work through a coordinated framework.
Plan for domestication/popularisation of the Protocol?	No	
National action plans with measurable time frames	Yes	

Analysis of baseline data against a which a report will have to be submitted in 2010		
Preparedness for first report next year		

CONCLUSIONS

South Africa through its ANC led government has already started a massive campaign towards the equal participation of men and women in all spheres of life, in order to close the gaps that were created by apartheid and a poor policy/legal framework that did not protect the rights of women. Currently, South Africa is acknowledged globally and nationally as having made significant progress as far as a variety of spheres in the Protocol are concerned.

The many legal and policy frameworks referred to in the report have been used to align the legal framework to the Constitution and in the process have made the Constitution a living document.

The CEDAW report submitted by the former Minister in Presidency, Dr Manto Tshabalala-Msimang, makes reference to the role that, for instance, has been played by the Constitutional Court in ensuring that the state does in fact deliver on its gender equality provisions for South African women, and as the case of Fatima Gabie Hassam shows, this is something the Constitutional Court remains committed to delivering on. The CEDAW report references key Constitutional Court judgements that have impacted positively on women in South Africa. These had implications for customary law, Intestate Succession, Violence against Women, amongst others.

On the policy front, there are few key provisions that have ensured that the provisions of non-discrimination based on sex, gender or any other stated issue are concretised. The Equality Act has been foremost amongst these. In addition to this Act, the Equality Court is a mechanism for enforcing non-discrimination as well as the expansive institutional framework that reinforce the culture. The Constitution and the Equality Act remain the clearest and most comprehensive statement of law on the prohibition and elimination of discrimination against women in South Africa (CEDAW report for South Africa).

The extent to which the provisions in the Protocol are taken seriously is difficult to judge, but civil society continued to put the Protocol and its provisions on the radar of all government departments that it engages with. This is true, for instance, for an organisation such as Gender Links.

The follow through on gender commitments during the elections made by the ruling party implies that it too is committed to advancing gender in the country and across all spheres. Another key strength in South Africa is that this commitment does not rely solely on the ANC's goodwill as there are many institutions that are mandated to safeguard the gains of gender and ensure that they continue.

There are various institutional mechanisms that converge to ensure that the provisions that speak to the issue of gender equality are concretised. The Chapter Nine Institutions of the Human Rights Commission, the Commission on Gender Equality, the Constitutional Court, whose key mandate is to ensure that the Constitution of the country remains the supreme law of the country, and many other government placed gender structure are all geared towards ensuring the decentralised and institutionalised implementation of the gender agenda in South Africa. The recently established Ministry of Women's Affairs is but another addition to the Gender Management System that already exists and is resourced in South Africa.

As far as monitoring and evaluation, the newly formed Ministry of Performance, Monitoring and Evaluation and Administration in the Presidency is mandated to ensure that the necessary and effective monitoring and evaluation of all government policies, programmes and business broadly does, in fact, happen.

The popularising of the Protocol must and should continue. Institutions like the recently formed Ministry of Women should begin by grounding their work in the SADC Protocol on Gender and Development as this is a critical tool in the continued struggle to make gender equality a lived and real experience for all member of the country.



Women working in the textile industry in South Africa

Photo: Trevor Davies

SA Womentextiles_td_2004

ANNEX A: LIST OF DOCUMENTS ACCESSED AND SUBMITTED

Document	Accessed and reviewed	Copy of document
Country Constitution		
Model legislation on any article		
Gender Policy		
HIV and AIDS Policy		
Trade Policies		
Entrepreneur Policies		
Procurement Policies		
Health Policies		
Labour Policies		
Education Policies		
Economic Policy		
Micro finance policy/ charter		
Land Policy		
Skills Development Policy		
Trafficking law / policy		
UN documentation		
All legislation – GBV, AA,		
Election related data – reports on election results, voter registration lists, amongst others.		

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