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**Department:  
Women, Children and People with Disabilities  
REPUBLIC OF SOUTH AFRICA**

**THE REPUBLIC OF SOUTH AFRICA'S NARRATIVE REPORT**

**ON THE**

**IMPLEMENTATION OF THE BEIJING DECLARATION AND PLATFORM FOR  
ACTION (1995)**

**AND THE**

**OUTCOME OF THE TWENTY-THIRD SPECIAL SESSION OF THE GENERAL  
ASSEMBLY (2000)**

SUBMITTED TO THE UNECA FOR PREPARATION OF THE REGIONAL REVIEW AND  
APPRAISAL IN THE CONTEXT OF THE 15<sup>TH</sup> ANNIVERSARY OF THE ADOPTION OF THE  
BEIJING DECLARATION AND ITS PLATFORM FOR ACTION IN 2010

October 2009

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## **A. INTRODUCTION**

The purpose of this report is to provide a response to the request made by the United Nations Economic Commission for Africa (UNECA) in preparation for the 2010 Regional review and appraisal in the context of the 15<sup>th</sup> anniversary of the adoption of the Beijing Declaration and its Platform for Action.

Gender equality has been recognized by the South African Constitution and its Bill of Rights as a cornerstone of democracy in the country. It is regarded as essential and critical for the achievement of the priorities of peace, security, human rights, development and advancement of women, as well as towards meeting the Millennium Development Goals (MDGs).

Following the United Nations Fourth World Conference for Women, held in Beijing, China in September 1995, the South Africa Government signed the Beijing Declaration and its Platform for Action and adopted gender mainstreaming as a strategy for the achievement of women's empowerment and gender equality in the country.

### **Overview and context**

According to official data from Statistics South African, as of July 2008, women constituted 25,242,200 of the 48,687,000 people in South Africa, while men constituted 23,444,800. This places women at about 52% of the population. The racial breakdown of the population is approximately 79.2% African, 9.0% White, 9.2% Coloured and 2.6% Indian/Asian.

In the South African Government, the responsibility for women's empowerment and gender equality lies at the highest level of government. From 1997 to April 2009 this responsibility was the mandate of the Minister in the Presidency. Following the National Elections in April 2009, the Ministry for Women, Children and Persons with Disabilities was established with the mandate for advancing women's rights and development belonging to the Minister for Women, Children and Persons with Disabilities.

The responsibility for gender mainstreaming as a strategy for realizing women's empowerment and gender equality however rests with all members of the Executive in Cabinet.

South Africa has incorporated into its transformation agenda a gender, disability, children and youth rights-based mainstreaming strategy for governance, implementation, monitoring and evaluation within government. Specifically, gender mainstreaming, according to the South African National Gender Policy Framework is about:

- Infusing a gender perspective into all policies, programmes and plans of action at all levels of government;
- Applying an analytical lens that integrates the concerns of women and men in a cross-cutting way, but highlights women's empowerment, e.g. poverty and violence against women;
- Leveling the playing field so as to eradicate poverty in general and gendered poverty in particular;
- Reducing inequality faced by women based on sex, race, disability, age, sexual orientation, class; and geography (urban-rural); and
- Eliminating all the barriers that limit women's full participation in society and the economy as equals.

While South Africa has shown a steadfast increase in its advancement and development of women since its democratic elections in 1994, with particular success noted in the representation of women in political and decision-making positions, a number of challenges still persist.

Women's lives especially in the African, Coloured and Indian populations were exacerbated by the apartheid legacy with its related socio-economic ills. Poverty, particularly amongst black female-headed families, is one of the major challenges that South Africa has grappled with since the onset of freedom and democracy. Poverty appears to be compounded by the impact of the HIV and AIDS pandemic, estimated at 11% of the population (approximately 5.35 million people), with the highest prevalence, i.e. 24%, in the female population aged 25-49.

Violence against women and girls is another challenge that the country faces. In this regard, however, a number of initiatives have been undertaken and a number of mechanisms put in place to address the eradication of this violence.

According to the APRM Report, 2007, "five legacies of the apartheid era have persisted: a dualistic polity, pervasive poverty, large scale unemployment, inequitable distribution of wealth and income, and a high incidence of crime." Unfortunately, black women in rural areas and women with disabilities are most acutely affected and bear the brunt of this unequal legacy in all aspects of life. The erosion of family life, the racial dimension of the feminization of poverty and its impact on the health and well-being of marginalized women also severely challenges sustainable development and the creation of a peaceful society free from crime and violence.

Given the recent creation of a new Ministry for Women, Children and Persons with Disabilities, with a fully-fledged department to drive the mandate and agenda towards women's empowerment and gender equality, it is envisaged that many of these challenges will be adequately and successfully addressed in the future. Through the establishment of this new ministry, the South African Government has reaffirmed and recommitted itself to achieving women's empowerment and gender equality in the country, on the continent and at the global level.

## **B. PART ONE: HIGHLIGHT OF MAJOR OVERALL ACHIEVEMENTS AND OBSTACLES IN THE IMPLEMENTATION OF THE BEIJING PLATFORM FOR ACTION**

### **1.1 Overview of achievements and challenges in promoting gender equality and women empowerment**

#### **1.1.1 Institutional Arrangements**

South Africa's commitment to the promotion of gender equality is met in part through the establishment of a comprehensive National Gender Machinery as outlined in the South African National Policy Framework for Women's Empowerment and Gender Equality adopted in 2000. This Policy Framework provides for the requisite status and location of Gender Focal Points in national departments as the operational arm of Government to drive the gender agenda in the country.

In South Africa, the term national gender machinery refers to "an integrated package" of structures located at various levels of state, civil society and within the statutory bodies. The National Policy Framework outlines the structure and functions of the facilitative components of the National Gender Machinery, each of which are located strategically at the highest level of government, within Parliament and amongst statutory bodies.

However the country has been challenged by the lack of a more clearly defined institutional framework necessary to coordinate and drive the vision of gender equality. In addition, this challenge was exacerbated by the lack of enforceable mechanisms towards increasing the accountability of the senior management in the Public Service for the increased recruitment of women into management positions to meet the goal of gender parity and in promoting a more enabling environment for empowerment of women. Furthermore the envisaged coordination framework outlined in the Policy Framework in bringing together the private sector, business, local government level and the trade union movement did not fully materialize, with the result that partnerships and collaboration between different stakeholders became piecemeal and ad hoc in nature.

The Ministry for Women, Children and Persons with Disabilities was established on 10 May 2009 when H.E Mr. Jacob Zuma, President of the Republic of South Africa, appointed His Cabinet for the fourth term of the Democratic Government. In appointing this Cabinet, President Zuma announced that "a new ministry has been created for women, children and persons with disabilities, to emphasize the need for equity and access to development opportunities for the vulnerable groups in our society".

The establishment of the Ministry and its Department is meant to achieve better alignment between the structures, the electoral mandate and the developmental challenges that need to receive immediate attention from government and the different sectors of society.

The creation of a Ministry for Women, Children and Persons with Disabilities is heralded as one of the major victories for women in the country in their quest for emancipation, non-discrimination, non-sexism, advancement and development.

#### **1.1.2 Gender Mainstreaming**

South Africa had increasingly created opportunities for mainstreaming gender equality goals generally, and CEDAW-related goals in particular, into national agenda-setting processes and transformation priorities. It has had time to test the strengths and limitations of its gender-based policies and implementation through

specific commitments such as the ten year review of the implementation of the Beijing Platform for Action in 2005, as well as through larger national processes such as the African Peer Review Mechanism (APRM) conducted in 2006-2007.

Part two of this report contains a further elaboration of the achievements and challenges with respect to mainstreaming of gender into government processes

### **1.1.3 Legal Framework**

There is general consensus that the Constitution of the Republic of South Africa and a progressive legislative framework provide both for the protection and promotion of the rights of women and the girl child. The critical objectives of this enabling legislative framework to ensure gender equality include:

- Preventing and prohibiting unfair discrimination and to provide redress in cases of unfair discrimination;
- Facilitating South Africa's compliance with international human rights treaty obligations, with specific reference to CEDAW and the Convention on the Elimination of All Forms of Racial Discrimination (CERD);
- Providing for the eradication of current systemic discrimination which is a legacy of previously legalised discrimination;
- Providing for the promotion of equality, prioritising the adoption of measures to advance persons disadvantaged by unfair discrimination; and
- Providing for measures aimed at ensuring the eradication of unfair discrimination, hate speech and harassment with special focus on race, gender and disability

### **1.1.4 Financing for Gender Equality**

South Africa's approach to gender budgeting in the public service is mainstreaming in nature and places the responsibility for gender budgeting in all national departments. This is to ensure that issues of women are taken into consideration in all planning of government. Gender Units and Gender Focal Points in national, provincial and local level are also given specific budgets to drive their programmes. Overall, however, one of the challenges that have constantly been expressed is that there is insufficient financing for women's empowerment programmes and for the adequate and satisfactory participation of women-based organizations and NGOs in the gender programme of the country.

### **1.1.5 Access to finances for entrepreneurship**

While women form the majority of small business owners they are significantly out numbered by men in the formal sector. The government recognizes that women are the backbone of the second economy and requires a multi-faceted approach to address disparities that exist between men and women as well as between the first and second economies.

The following measures were put in place to improve access by women to finances:

- Micro financing arrangements where the major financial institutions are provided with incentives to provide loans to women entrepreneurs;
- A legislative environment focusing on the service industry that encourages meaningful partnerships between economic actors in the first and the second economies;
- Skills development and training directed at potential women entrepreneurs in both the urban and rural areas;

- Providing mentorship and learnership opportunities for women seeking to become entrepreneurs;
- Encouraging young female learners to take business courses in high school and in tertiary education.
- Undertaking a communications campaign to champion and profile successful women entrepreneurs in both the first and the second economies.
- Ensuring that women entrepreneurs have access to the incredible wealth of data that government has accumulated with respect to future growth points in the South African economy;
- Gearing women entrepreneurs for success while simultaneously providing a safety net in the event they need more time to succeed;
- Encouraging the private sector to direct and target their spending on social investments towards women entrepreneurs

### 1.1.6 Collaboration and Partnerships

Increasingly civil society has targeted the creation of strong partnerships with traditional leaders, religious leaders, the media and sporting communities. This is to encourage these institutions to play an active role in public mobilization campaigns that seek to change entrenched beliefs that undermine the dignity and worth of women and girls. Government and women's organization partnerships exist between the former Department of Provincial and Local Government and Gender Links (a women's-based NGO), providing training on gender sensitivity empowerment and mainstreaming district municipalities among others.

South African Women in Dialogue (SAWID) is an independent South African women's forum committed to improving the status of women by engaging national government, the private sector, civil society organs and donors, and forming partnerships to shape development agendas. SAWID seeks to provide a dialogue platform for women from all walks of life, including rural areas.

Strong partnerships between government and South African women's initiatives in peace-building and conflict resolutions processes also yielded reputable results. South Africa has, through the Spousal Office and the former Office on the Status of Women, both in The Presidency, and the Department of Defence, spearheaded programmes that seek to assist women from conflict-ridden countries in Africa to contribute to the culture of peace on the continent and beyond. South African Women in Dialogue (SAWID) has played a major role in facilitating dialogue between women from opposing camps, for example the dialogue with women of the Democratic Republic of Congo in March 2003, and Burundi in July 2004.

SAWID led a multi-party delegation to Sudan in 2007 to participate in a Conference on Sudanese Women in Politics, and both attended and hosted conferences on Women, Peace and Prosperity in Tunisia and South Africa in March and April 2007. The women of South Africa have therefore seized the opportunities that exist and have taken an active role as political, business and civil society leaders to contribute towards the resolution of conflicts and for the full attainment of socio-economic development within the country and the continent.

There are numerous initiatives and multi-sectoral partnerships to engage men and boys in the promotion of gender equality in eliminating gender based violence and combating HIV and AIDS, for example, the *Sonke Gender Justice Project*, the *Women in Partnership Against Aids (WIPAA)* and *Men in Partnership Against Aids (MIPAA)*. The country continues with a huge investment in information and educational programmes such as the *Khomanani Campaign*, focusing on school leavers and young adults and *LoveLife* which focuses on school life skills and the adolescent.

## C. PART TWO: PROGRESS MADE IN THE IMPLEMENTATION OF THE CRITICAL AREAS OF CONCERN OF THE BEIJING PLATFORM FOR ACTION

### 2.1 Women and Poverty

The government of South Africa has given priority through legislation, policy and administrative reform to address and relieve poverty by increasing access to social grants that include an old-age grant, disability grant, war veterans' grant, grant-in-aid, foster child grant, child support grant, care dependency grant and social relief of distress

The social grant system has brought the very poor closer to the poverty line, as the income of the poorest 10% and 20% in the country. Expenditure on income transfers to households in general, increased from R42, 9 billion in 2002/03 to R74, 2 billion in 2005, representing an increase of 20% a year.

Children in households that receive social grants are more likely to attend school. Therefore the positive effects of social security on education have been greater for girls than for boys, helping to remedy gender disparities. Social grants are effective in addressing the problem of hunger, as well as basic needs in general. All major social grants are significantly and positively associated with a greater share of household expenditure on food which improves the nutritional status of those recipients of the social grant.

Through the Department of Social Development there are a number of projects throughout the country to facilitate economic empowerment and sustainable development. For example, in the Northern Cape Food Security Projects provided R420 000 to the *Eksteenskuil Women's Development* for 89 women as beneficiaries; the *Itireleng Delicious Bakery* received R205 000 for 8 women who built a tuck shop for ongoing sustainability; *Bulletrap Vegetable Garden* received R420 000.00 for participants to manage their own household gardens and to sell their produce to the community. Umsobomvu youth fund is specifically for youth (boys and girls included) as well as for women

The Free Basic Services (FBS) Programme is an intervention that contributes towards poverty relief. The Indigent Policy was developed and requires each municipality to develop and adopt an indigent policy outlining criteria to determine who qualifies as an indigent and to ensure that indigents who are unable to afford basic services can have access to the package of services included in the FBS Programme (water, sanitation, electricity, waste removal).

According to the Free Basic Services Statistics Report (March 2008), there were 5, 517, 090 indigent households nationally. Out of this number, a total number of 4,228, 512 indigent households benefited from Free Basic Water by March 2008. In 2004, the percentage of indigent households benefiting from Free Basic Water was 67% and in March 2008 this percentage had risen to 77%. With regard to access to Free Basic Electricity, the report indicates that a total of 4, 011, 002 (73%) indigent households were served with Free Basic Electricity by March 2008. The report notes an increase to access to Free Basic Electricity by indigent households from 69% in 2007 to 73 % in 2008.

The Expanded Public Works Programme (EPWP) has successfully created additional work opportunities for a minimum of one million people; at least 40% women, 30% youth and 2% disabled were employed under this programme between 2004 and 2009. The best practice is that of EPWP Victoria West Road Construction project amounting to R6, 8 million that started on 18 August 2003. The Department of Labour has contributed funds to train 23 people made up of 16 women and 7 men, to build roads, stabilization and excavation of storm water channels and the laying of roadside kerbs and pavements. Three women graduates established their own businesses. The workers on the project tendered successfully for a Telkom

project to repair roads. The beneficiaries were honoured with certificates of recognition by the Deputy President during the Women's Month Programme in 2007.

The former Department of Land Affairs had a National Employment Equity Committee that monitored the implementation of the employment equity plans and ensured the achievement of targets; and as of July 2007 were on track, where the department in 2007 showed a 56% representation of women compared to 54% in 2006.

## 2.2 Education and Training of Women

South Africa is justifiably proud of its participation rate in education, with overall gender parity having been achieved. There are slight gender disparities at primary level, with more boys than girls enrolled at primary school. These, however, are reversed at the secondary level of education, with more girls than boys enrolled. In 2008, the highest Gender Parity Index (GPI), 1.08 is reflected in the secondary phase and the lowest, 0.98 in the primary phase. Since 2000, more females than males have enrolled in higher education and female enrolment has increased at a faster rate than male enrolment. The table below shows primary and secondary GPI.

### Primary and Secondary GPI as calculated from Over Participation of learners in education, 1997 to 2007

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Primary GER of girl learners	116.5	114.6	112.7	103.2	102.8	103.0	102.6	102.0	101.0	106.5	101.6
Primary GER of boy learners	119.8	117.9	116.3	108.9	107.1	107.1	107.0	106.8	105.0	101.4	105.2
Primary GPI	0.972	0.973	0.969	0.948	0.96	0.962	0.959	0.955	0.962	0.960	0.966
Secondary GER of girl learners	89.8	91.6	90.6	87.4	88.7	89.7	90.6	92.8	92.0	97.6	93.3
Secondary GER of boy learners	77.3	80.0	79.6	77.5	79.3	81.3	82.8	84.6	85.0	80.8	88.2
Secondary GPI	1.162	1.146	1.139	1.127	1.119	1.103	1.094	1.097	1.082	1.090	1.058
Overall GER of girl learners	105.6	105.2	103.7	96.8	97.1	97.6	97.8	98.3	97.0	94.0	98.5
Overall GER of boy learners	102.51	102.39	101.31	96.16	95.84	96.71	97.28	97.81	97.0	93.00	97.85
<b>Overall GPI</b>	<b>1.030</b>	<b>1.027</b>	<b>1.023</b>	<b>1.006</b>	<b>1.013</b>	<b>1.009</b>	<b>1.005</b>	<b>1.004</b>	<b>1.000</b>	<b>1.010</b>	<b>1.006</b>

**Source:** Education statistics in South Africa at a Glance (2006), published February 2008, with data originally sourced from 2001 - 2006 SNAP surveys (conducted on the 10th school day), School Realities publications 2005 to 2007

The Department of Education established the Gender Equity Directorate in 1998. The purpose of the Directorate is to ensure that gender sensitive policies and programmes are in place and programmes to promote gender equity in education are being implemented across the system. Monitoring and evaluation takes place through an inter-provincial structure that meets on a quarterly basis. Central to the core functions of the Directorate is to ensure that teaching and learning at South African schools takes place in an enabling environment that promotes gender equality, human dignity, human rights, and especially the rights of girls.

Each provincial Department of Education has a gender focal person, responsible for implementing provincial plans, and liaising with the national Department.

### **Specific Measures/Actions Taken in the Following Areas**

#### **1. Elimination of barriers that hinder boys and girls access to education:**

- 1.1 The South African Schools Act, 1996 (Act No. 84 of 1996) makes schooling compulsory for all learners aged 7 to 15 years. In 2008, the highest Gender Parity Index (GPI), 1.08 is reflected in the secondary phase and the lowest, 0,98 in the primary phase.
- 1.2 Introduction of the no fee schools policy or the policy on fee exemptions (where learners are either partially or fully exempted from paying school fees). The country spent R3, 022,798,275 financing 41,8% (4 995 473) of learners who are attached to 55,2% (13 912) no fee schools in 2007.
- 1.3 National School Nutrition Programme that addresses the barrier of social security/ and poverty. In 2007/08, over 6 million learners in 17 899 schools had access to the National School Nutrition Programme (NSNP), served by 1 630 service providers from Community-Based Cooperatives by providing food supplies. 26 408 food handlers who receive an honorarium ranging between R300 and R500 per month are employed in the programme, and there are currently 6 390 food gardens in schools.

#### **2. Measures to increase tertiary enrolment and retention of women and girls, especially in sciences, mathematics and technology-related disciplines**

- 2.1 Strategies to increase the diversification of women's participation in Science, Engineering and Technology (SET) have received attention at the policy level in the National Plan for Higher Education (2001). The Carnegie-South Africa Scholarship Programme created scholarships for 150 young women in the science and engineering fields in South African universities between 2003 and 2010. The formation of the National Research and Development (R&D) Strategy which called for the establishment of a South African Reference Group (SARG) on Women in Science and Technology. The establishment of and continued support to the National Student Financial Aid Scheme (NSFAS) which provides funding support to large numbers of the poorest students wanting to access higher education opportunities.
- 2.2 The policy on e-education sets a target for our schools, and the goal is to equip every student in general and further education and training with knowledge and skills to use ICT confidently, creatively and responsibly by 2013. A feasibility study to determine models of implementation for Infrastructure, Connectivity, Professional Development, Curriculum Integration, Research and Human Resource Systems was completed in 2006.

#### **3. Eliminate gender gap in basic functional literacy**

- 3.1 The *Kha Ri Gude Mass literacy Campaign*, approved by Cabinet in 2007, will run for the next five (5) years. The Campaign aims to enable 4,7 million adults to achieve basic literacy and numeracy over the period 2008-12. It targets vulnerable groups such as women, youth, the aged and the disabled. Learners enrolled for 2008 are numbered at 357 161, and 79% of the learners are female. The programme has 31 180 educators and each educator constitutes a learning site which can be in a persons' home, garage, church, school, or even under a tree. This improves access to the program and cuts on travelling costs.

#### **4. Support and develop gender studies and research**

- 4.1 In 2008, the Department, in partnership with UNICEF, commissioned the Human Sciences Research Council to conduct desktop research on learner pregnancy in schools. The study to be released in 2009 will help provide a picture of the prevalence and determinants of teenage pregnancy in South Africa, accessing existing research and data available. The findings of this study will inform the development intervention programmes to reduce teenage pregnancy.

4.2 Study on the experiences of women students in higher education. Study reflects on Carnegie-South Africa scholarship programme and women students' experiences of higher education, particularly in the science and engineering field. This study and its findings were published in March 2009.

**5. Eliminate gender disparities in all areas of tertiary education by 2015**

5.1 Offers of study loans and bursaries. Universities are encouraged to prioritise female students when offering bursaries and study loans. The Carnegie-South Africa Scholarship Programme created scholarships for 150 young women in the science and engineering fields in South African universities between 2003 and 2010.

**6. Measure to eliminate barriers to schooling of pregnant adolescents**

6.1 The South African Schools Act prevents discrimination against learners on the basis of pregnancy, as well as expulsion from school. An Official Circular from the Department of Education was issued to all public schools informing them not to expel pregnant learners (2000). The development of the "*Measures for the Prevention and Management of Learner Pregnancy*" (2008) to support educators and managers in handling cases of unplanned learner pregnancy. *Generations 1-3*, the first in a series of teacher support materials were produced in the Teacher newspaper in 2008. *The Teacher* is sent to all schools.

**Effective policy development and implementation**

The South African Schools Act, 1996 (Act 84 of 1996), amended in 1999 and again in 2002, gives parents at all schools the right to set school fees. In order to prevent school fees from becoming a barrier to education, a system of exemptions from school fees for poor parents was established. Since 2006, 60% of all schools are 'no fee schools' in the poorest areas of the country. For learners who are orphans or in foster care there continues to be an automatic exemption for fees. In 2006 the category was broadened to include those who receive a child-support grant.

The National Plan for Higher Education, March 2001 in its restructuring of the higher education system, established student-equity and employment equity targets. Student-equity targets are for black and female students who are underrepresented, while employment-equity aims to address the race and gender employment inequalities

The Adult Basic Education and Training Act, 2000 (Act 52 of 2000) provides for basic education to older persons who previously could not access education opportunities. This Act largely benefits women and black women in rural areas who were historically disadvantaged. In order to redress the inequities in education experienced by persons with disability, the Education White Paper 6: Special Needs Education, building an Inclusive Education and Training System (2001) encourages where possible the inclusion of learners with special needs into public mainstream schools.

**Availability of the sex disaggregated data**

The Education Statistics at a Glance Report, 2006 and the Labour Force Survey of March 2007 has disaggregated data. Development of the electronic planning and management tool called the National Education Infrastructure management System (NEIMS) enables the department of Education to gather information on the condition of infrastructure and facilities at all public schools and make improvement to enhance the safety of girls. According to the NEIMS report, the number of public schools without water has fallen from 8 823 in 1996 to 3 152 in 2006, and the number of schools without on-site toilets has fallen from 3265 in 1996 to 1 532 in 2006.

**Capacity Building**

The Further Education and Training Act, 1998 (Act 98 of 1998) provides the basis for developing a nationally coordinated Further Education and Training system aimed at ensuring representation and equal

access to further education at the workplace by persons who have been marginalized in the past including women, the disabled and the disadvantaged

A new landscape for skills development was heralded in South Africa on 20 March 2000, when twenty-five Sector Education and Training Authorities (SETAs) were established by the Minister of Labour. They cover all the economic sectors in South Africa, including Services, Banking, Agriculture, Energy, Health and Welfare, Construction, Wholesale and Retail, Education, Training and Development Practice, and Tourism, Hospitality and Sport. The members and stakeholders of a SETA include employers, learners, providers, trade unions, government departments and bargaining councils from each economic sector. 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 (South African Revenue Services) 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.

This money is used to fund skills development programmes for the employees of the company. Each company therefore needs to have a workplace skills plan in place, and provide an annual training report to report on progress in training and skills development. A National Skills Development Strategy framework provides for compliance with the above-mentioned laws. Training programmes have also been created for domestic workers and the unemployed under this framework. Disaggregated data for the training of women by these SETAs was not available at the time of the completion of this report. However, it remains a priority to obtain this very valuable information.

The South African Government, through the Multi Plan Implementation Strategy for Adult Education and Training, has set targets to reduce the illiteracy rate by half in 2005. The focus of adult basic education and training centres and the South African national literacy initiative programmes, is on rural areas and especially on women living in rural communities. There have also been projects that target domestic workers.

#### **Gender and ICTs for women and education**

The Department of Science and Technology established the National Advisory Council on Innovation to serve as an advisory panel to the Minister of Science and Technology. The Science, Engineering and Technology for Women Sub-committee advises the Minister on issues relating to women within the science and technology environment. The programme has been in operation since 2003 and to date has spent R3 150 000 on awards and Fellowships for women. One of the positive spin-offs of this process has been assistance provided by the department in the production of a television series on Women in Science that was screened on national television in South Africa in 2007. This series served both to educate young girls on careers in science, engineering and technology but also highlighted the impact of women scientists in South Africa. The winners of the different categories in the Women in Science Awards also featured in a supplement to a weekly South African newspaper.<sup>67</sup> In addition in 2003, the Department created the Women in Science Awards to honour the achievements of women within the sector. These awards showcase the achievements of women scientists and provide role models for young girls in science and technology.

#### **Addressed food security issues**

Poverty and other socio-economic factors continue to threaten the provision of quality education for all. The Education Department has increased the number of schools in previously disadvantaged areas and increased the budget for the provision of basic services to schools, for example, in the 2006/07 financial year, 21 schools were built and R950 million was allocated for service provision. Through the National School Nutrition Programme, government ensures that primary school learners from poor communities are provided with a healthy meal for 156 days per annum. In 2007, a total of 6 054 000 learners in 18 039 primary schools were

beneficiaries of this programme. This scheme enhances active learning capacity of students, and works in conjunction with food production and nutrition education initiatives in schools

### **Financing gender equality in education and training of women**

To address systemic inequality the Government of South Africa, in partnership with civil society entities such as the Carnegie Foundation and the Education Department (national and provincial) has initiated a number of programmes that constitute special measures for girls and women, particularly young women to accelerate their *de facto* enjoyment of scholarship and grant opportunities. Many of these measures are targeted at encouraging girls and women to pursue and sustain successful careers in scarce skills areas such as in the area of science education and technology and finance where they are under-represented. The Education Department supports the National Financial Aid Scheme for post-graduate studies and 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.

### **Addressing Safety for the Girl-Child in schools**

One of the critical measures being undertaken is that of developing infrastructure and improves facilities at schools to ensure the safety of girls while at schools. Other safety initiatives include the production of several publications aimed at supporting schools in addressing challenges of gender-based violence and harassment in schools. In addition, an educator training manual on gender-based violence entitled "*Opening our Eyes*" and a cartoon-designed manual for learners entitled "Stopping Sexual Harassment in Schools" have been developed. Furthermore, a "Guidelines for the Prevention and Management of Sexual Harassment and Violence in Public Schools" has also been designed to assist schools cope with these challenges.

Schools have also been declared as Weapon-Free Sites where the Education Laws Amendment Act, 2007 has given public schools stronger powers to search pupils for weapons and drugs.

### **Teenage Pregnancy**

In 2008, the Department of Education, in partnership with UNICEF, undertook a research study with the Human Sciences Research Council (HSRC) on the prevalence rates of learner pregnancy in schools and available knowledge about the determinant of learner pregnancy in South Africa. This study will be released in 2009 and will inform the measures and interventions that would be put in place to address this challenge.  
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### **Development and adoption of curricula, teaching materials and textbooks to improve the self image, lives and work opportunities of girls**

1. National Curriculum Statement through the Life Orientation Learning Area. *Just Gender* and *Generations* are two sets of inserts that have been produced to support teaching and learning programmes that are gender sensitive. *Generations* 1-6 featured in the Teacher newspaper from September 2008 to March 2009, focusing on supporting teachers in managing teenage pregnancy and sexual harassment and violence.
2. Dinaledi Schools Project: As part of an overall focus on improving Maths and Science at the identified Dinaledi Schools, girls are encouraged to take maths and science subjects at the highest level.
3. Girls and Boys Education Movement:: The Girls' Education Movement (GEM) and Boys Education Movement (BEM) are peer education programmes that promotes gender equity in education. Girls and boys form school-based clubs called GEM or BEM clubs. The youngsters themselves identify activities which assist in creating more gender equitable school environments. The Departemtn

provides support to the clubs, through e.g. a national empowerment camp, a GEM/BEM guidebook and other initiatives to develop the movement further in schools.

## **2.3 Women and Health**

The Policy on Universal Access to Primary Health Care, introduced in 1994, paved the way for effective health care delivery programmes in South Africa. This policy provides for free health care to pregnant and lactating women and children under the age of six. One outcome of the implementation of universal access has been a marked increase in access to health facilities and high levels of utilization of primary health care (PHC) services.

For the South African government some of the health priorities have included HIV and AIDS, Tuberculosis (TB) and malaria control, medicine supply and providing the human resources needed for health care provision. More broadly, broadening access to and improving the quality of education, land reform, water and sanitation, universal access to electricity and improving public transport are also important components of health promotion. In July 2007, the Presidency requested all government departments to submit a set of high-level priorities for inclusion in the priorities for immediate government action. The implementation of these priorities would have to be accelerated during 2007-2009. Some of the priorities identified by the National Department of Health with direct influence to women's health included the following areas:

- Strengthening the management of TB;
- Implementation of the National Strategic Plan for HIV and AIDS 2007-2011;
- Expansion of the implementation of the Comprehensive Plan for HIV and AIDS Care, Treatment and Management;
- Strengthening TB and HIV collaborative efforts;
- Improving the management of childhood illnesses;
- Improving maternal, child, and women's health and nutrition;
- Improving micronutrient control;
- Contribute to poverty alleviation by expanding and strengthening the role of NGOs and Community Based Organizations in curbing the impact of HIV and AIDS.

Numerous cross-cutting programmes affecting the girl child, are implemented some of which include immunization programmes, integrated management of childhood diseases, introduction of prevention of maternal to child transmission of HIV associated infections, strengthening and promoting breast-feeding programmes, improved water and sanitation and strengthening the malaria control programme.

As a result the infant mortality rate for the girl child has declined and breast-feeding has become more widely accepted with more women breast-feeding and exclusive breast-feeding in the first 3 months of the child's life. Recent studies show that the number of women breast-feeding and exclusively breast-feeding even in public has increased.

In the area of combating communicable diseases, the health sector records several achievements for this period. National immunisation coverage improved from 82% in 2004/05, to 84% in 2006/07. This ensures the protection of South African children against vaccine preventable diseases. Maternal, child, and women's health and nutrition remain one of the core priorities of the Department of Health for the 2007-09 period.

The Government has established the mainstreaming of the Integrated National Disability Strategy White Paper and guidelines through the former Office on the Status of Disabled Persons in the Presidency. The realisation of this policy allows for a multi-pronged approach to advance the rights of people with disabilities

in all areas. The health needs are especially poignant in addition to targeted assistance, programmes and support.

South Africa has participated in the Meeting of AU Ministers of Health in Maputo, Mozambique in September 2006. The purpose of the meeting was to develop a Plan of Action for the Continental Policy Framework for Sexual and Reproductive Health and Rights, 2007-2010. For South Africa, strategies for the sexual and reproductive health policy implementation are as follows:

- Integrating sexually transmitted infections and sexual and reproductive health and rights programmes and services, including reproductive cancers, to maximize the effectiveness of resource utilization and attain 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 since youth health is a key priority in South Africa. The government initiated a National Adolescent Youth Friendly Clinic Initiative service in partnership with NGOs;
- Addressing unsafe abortion;
- Delivery of quality and affordable services in order to promote safe motherhood, child survival, maternal, newborn and child health;
- Africa and South-South cooperation on population development and the MDGs in Africa.

There has been a demonstrable increase in women's access to reproductive health care services. With respect to antenatal care services, the provision of these services has increased markedly in the last 10 years. Improved reproductive health services have resulted in a reduction in illness and deaths amongst women. An important element in reducing maternal and neonatal deaths is the proportion of babies that are delivered with the assistance of medically qualified persons.

**The following achievements have been noted on the implementation of the above strategy:**

- Both the NSP of 200-2005 and the 2007-2011 consider VCT and prevention of mother to child transmission (PMTCT) as an important entry point to treatment care and support programmes and to a lesser degree to some of the prevention strategies. For the 2006/2007 financial year 1 610 775 men and women were tested at the public health facilities. The majority (90%) of the clients accessing VCT services receive their results on the same day.
- Ninety-five percent of maternal service facilities had health care providers trained in PMTCT, which extended the 2007/2008 target of 60%.
- Cervical cancer screening coverage target of 30% was attained and was exceeded by the end of 2006/07.
- Forty-five percent of Community Health Centres were authorized to provide Choice on the Termination of Pregnancy services in 2007/2008 and about 70% of these health facilities actually provided the service during 2007/08, which marked an increase from the 25% recorded in 2006/07.
- In 2007/2008, the health care providers in 71% of the health facilities across the country were trained in the Integrated Management of Childhood illness (IMCI) strategy. Over 50% of PHC facilities implementing IMCI also had at least one IMCI practitioner updated or trained on the comprehensive plan for HIV and AIDS care, management, treatment and support.
- Nutrition to improve child health was also strengthened. Vitamin A supplementation was provided to 100% of children aged 6-12 month; over 25% of children aged 13- 60 months and to almost 60% of post partum mothers.
- National Strategy for the control and management of STIs provides the National STI Treatment Guidelines including safer sex education, condom promotion and partner notification and treatment. Implementation of the 'syndromic management' of sexually transmitted diseases has

- been strengthened. This has resulted in a reduction of syphilis infections amongst women attending antenatal clinics.
- The Breast Advocacy Coalition drew up a position statement in consultation with the Breast Health Foundation/Bosom Buddies, the Cancer Association of South Africa, GVI Oncology, PinkLink, and Reach for Recovery, as well as oncologists, surgeons, radiologists, healthcare practitioners and the Department of Health, to call for an accessible breast health service for all.
  - The national guidelines of the cervical cancer screening programme's goal is to screen at least 70% of women nationally within the target group of women 30 years and older within 10 years of initiating the programme. By 2007, 30% of Primary Health Care facilities had at least one health care provider trained to conduct pap smears and close to 20% of women were screened for cervical cancer during 2006/7.
  - The country distributes free male and female condoms. The quality of the condoms is controlled by the South African Bureau of Standards. Male condom accessibility, judged according to the quantity of condoms procured and distributed, has significantly improved. Condoms are being distributed increasingly via non-traditional outlets and handed out at these venues.
  - The growth of HIV and AIDS funding has continued to focus on life-skills education in schools, prevention programmes including social mobilisation on healthy lifestyles and the Khomanani (health promotion), campaign Nutrition, voluntary counselling and testing, mother-to-child prevention programmes, management of sexually transmittable infections, condom distribution, antiretroviral therapy, home-based and community-based care, non-governmental organizations and step-down care. These funds have increased from R 5,317 billion in 2006 to R 5,768 billion in 2007. The HIV and AIDS sub-programme in the Department of Health grew from R676 million to R3, 2 billion at an average annual rate of 29, 5% over the seven-year period. The Department of Education increased its expenditure from R157 million in 2006 to R167 million in 2007 while the Department of Social Development has increased its HIV and AIDS spend from R339 million to R452 million in 2007.
  - Provision of antiretroviral therapy was identified as one priority areas in the National Strategic Plan. The estimated number of people needing treatment in South Africa was 764,000 by the middle of 2006 of which a total of 353,945 (46%) enrolled in the ART programme and 273,400 (36%) were initiated on the ART programme in 2006. In 2007; 889,000 people needed treatment of which 488,739 (55%) enrolled and 371,731 (42%) initiated on the ART programme. Approximately 55% of the people receiving treatment were female and 45% male. The estimated number of children (<15years) needing treatment was 52,000 in 2006 and 65,000 in 2007 of which 23,369 received treatment in 2006 and 32,060 in 2007.
  - Information, Education and Communication (IEC) materials on HIV and AIDS in South Africa are widely distributed with all stakeholders disseminate similar messages, articulated around ABC, stigma-mitigation and human and legal rights. The Department of Health has invested a great deal in the production and dissemination of IEC materials through the mass media. Recent reports on the status of HIV and AIDS communication campaigns have found that a variety of AIDS communication programmes, including Khomanani, Soul City and LoveLife are achieving significant reach and are becoming well known and recognised by the general population. The Life Skills programme has been extended to more than 90% of schools in South Africa and significant progress has been made in building capacity among educators.
  - Psychosocial care and support is provided to people infected and affected by HIV and AIDS, mainly through the home and community based care and support programme. Collaboration between the government and some of CBOs, NGOs, and FBOs is well established, with many receiving funding from government and other donors some of which work closely with government. In addition to the Home-Based Care, the Care and Support programme has strengthened and facilitated the formation of support groups to provide psychosocial support to people living with HIV and AIDS. Paralegals have been mobilized to provide easily accessible legal services to PLHIV. A national

framework on HIV and AIDS stigma mitigation to create a supporting environment is being finalised. The values of Ubuntu (humanity) and the roles played by extended family structures, the traditional leaders and traditional healers are also playing a significant role in social care to the HIV and AIDS victims.

- The provision of Home/Community Based Care (HCBC) has grown rapidly in the last five years, with guidelines having been developed and training provided to carers. The Home and Community Based Care Policy Framework developed by the Department of Social Development in partnership with the Department of Health, seeks to address the needs of those carrying the burden of care, mainly women and girls, and ensure greater involvement of men by addressing the :
  - Needs of the most vulnerable people in the communities, for example older persons, children, women, youth and people with disabilities.
  - Vulnerability of women by providing them with necessary information and appropriate services in supporting their roles as women and through economic and social empowerment programmes.
  - Involvement of men to a greater extent, in the Home and Community Based Care Programmes
- The programme of Home/Community Based Care (HCBC) is currently offered in 70% of sub-districts countrywide, with up to 29 000 carers trained and receiving stipends. With the introduction of the expanded public works programme (EPWP) there is fast tracking of accredited training to carers. There are currently 100 training providers that are assisted with accreditation with the Health and Welfare Sector Training Authority (HWSETA). Services provided include psychosocial care and support, provision of food parcels and meals, assistance with the acquisition of vital documents and access to social grants, memory work, succession planning

## **2.4 Violence against Women**

South Africa has enacted legislation on preventing and addressing issues of violence against women and girls; put in place strategies to address victims of violence, as well as strategies with punitive measures against perpetrators of violence against women. Some of the legislation, amongst others, include:

- Employment Equity (Act No 55 of 1998) recognising the harassment of the employee as a form of unfair discrimination including sexual harassment in the workplace.
- The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000, (Act No 4 of 2000) herein after known as the Equality Act. The Equality Courts deal with matters covered by the Promotion of the Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000), housed in the same buildings as Magistrates' courts, and deal with issues of unfair discrimination, publication of information that unfairly discriminates, harassment and hate speech.
- Prevention of Organized Crime Act, 1998 (Act 121 of 1998);
- Refugees Act, 1998 (Act 130 of 1998);
- Domestic Violence Act, 1998 (Act 116 of 1998);
- Sexual Offences Act, 1957 (Act 23 of 1957);
- Basic Conditions of Employment Act, 1997 (Act 75 of 1997);
- The Children's Act of 2007 and the Child Care Amendment Act, 1996 (Act 96 of 1996) and
- Criminal Law(Sexual Offence and related Matters)Amended Act,2007(Act 32 of 2007)

The following independent institutions were established that strengthen the democratic processes of the country and monitor the implementation of the equality legislation. Examples of such institutions include:

- The South African Human Rights Commission (SAHRC) with the mandate to conduct regular equality reviews. The SAHRC Equality Unit is committed to the achievement of social justice

- through the promotion and protection of human rights. It is also committed to providing 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 by:
- instituting legal proceedings in the Equality Court in its own or public interest or on behalf of another person who cannot act in their own name;
  - requesting any component of the State or any person to provide information on measures taken relating to the achievement of equality;
  - monitoring and assessing the extent to which unfair discrimination on the grounds of race, gender, disability and other grounds persist in South Africa, the effect thereof and recommendations on how best to address the problem.
- The Commission on Gender Equality (CGE), established through the Commission on Gender Equality Act, 1996 (Act 39 of 1996) is tasked with supporting constitutional democracy and gender equality primarily through monitoring in the private and public spheres.
  - The Joint Monitoring Committee on the Improvement of the Quality of Life and Status of Women, Children and Persons with Disabilities 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.
  - Inter-Departmental Management Team (IDMT) is the South Africa's Integrated Response to Violence against Women which is aimed at providing a coordinated multi-disciplinary expert team focused on the design and implementation of integrated, innovative, futuristic and sustainable strategies and programmes with relevant partners to end gender-based violence. The activities include:
    - Prevention and reduction of gender-based violence
    - Improvement of the quality of services addressing gender-based violence including victim support
    - Efficiently respond to the incidents of gender-based violence
    - Promotion of the best interest of the children.
    - Address specific needs of vulnerable groups
    - Provide programmes for offender rehabilitation and reintegration
  - The National Crime Prevention Strategy (NCPS) which gave birth to the Justice Crime Prevention strategy with programmes/projects to address priorities below:
    - The Anti-Rape Strategy (prevention, reaction and support) developed by interdepartmental Management Team (Departments) as an integrated response on violence against women
    - Domestic Violence Programme (prevention and reaction)
    - Child Abuse and Neglect programme (prevention and reaction)
    - Interdepartmental initiatives to improve Criminal Justice System processes for Rape and Sexual Offences (e.g. Multi Disciplinary Service Centres, specialised training, Sexual Offences Courts, FCS Units)
    - Communication, Education and Awareness programmes
    - Local and community based programmes (community policing, neighbourhood watches)
  - The establishment of Thuthuzela Care Centres which are 24 hours one stop centres for a basket of services to victims especially women who are affected by violence. These victims have access to all services such as the police, counselling, doctors, court preparation and prosecution. The main objective of these centres is to eliminate secondary victimization, reduce case cycle time and increase convictions.
  - The Victim Empowerment Programme led by the Department of Social Development, is an integrated stakeholder programme aimed at ensuring that the criminal justice system implements a victim-centred approach and provide victim-friendly service to all victims of crime, especially victims of gender-based violence. About 70 shelters were established by 2008. The strategy for perpetrators

of violence targeting men was developed by the Men Sub-directorate under Victim Empowerment. This was a follow-up to resolutions of the 48<sup>th</sup> Session of the UN Commission on the Status of Women in 2004.

- Establishment of Domestic Violence Courts, which are dedicated courts for handling domestic violence in all magistrate courts. By June 2007, 45 454 domestic violence cases were reported.
- Establishment of Family Courts to strengthen co-ordination of legal and social services on family disputes, domestic violence, maintenance, divorce-ancillary relief and welfare of children. The courts also provide psychological, sociological and mediation support services to women and children subjected to gender-based violence
- There is an on-going programme of action established in 2007 on gender-based violence known as the 365 Days National Program of Action.
- The 16 Days of Activism for No Violence against Women and Children Campaign plays an important role in creating awareness in the fight against the scourge of violence on women and children. The campaign has expanded its scope from the predominant focus on awareness-raising to fund-raising activities for the benefit of organisations (especially shelters) that provide services to women and children who are victims of violence.

## **2.5 Women and Armed Conflict**

South Africa has put concerted efforts to consider gender balance when nominating teams to assist with mediation and/or reconstruction and development in countries with conflicts. The South African Police Service(SAPS) deployed 40% of female members during the deployment in DRC, Burundi, Sudan in the Peacekeeping missions processes, including planning, design, implementation, monitoring and evaluation of refugee projects. All SAPS members for deployment (male and female) are trained in the SAPS generic UNPOL Officers Course that also incorporate the International Conventions and Protocols and Humanitarian Law, Violence against women and children, Sexual exploitation and abuse etc, to help them with conflict resolution, reconciliation and tolerance.

Training of women is also provided by various NGO's to relevant government officials participating in conflict resolution programmes offered on the continent were conflicts occur.

As part of bilateral assistance programmes with police in countries affected by violence, SAPS has shared experience and expertise, support the development of training programmes and ensure that these programmes include a gender perspective.

The SAPS disciplinary regulations, code of conduct and policies makes specific provision for violence against women and apply to members serving as part of peace keeping force and are applied when members transgress.

## **2.6 Women and the Economy**

The principal instruments that South Africa has been implementing to transform labour market include the following:

- Labour Relations Act, 1995 (Act 66 of 1995);
- Basic Conditions of Employment Act, 1997 (Act 75 of 1997);
- Employment Equity Act, 1998 (Act 55 of 1998);
- White Paper on Affirmative Action in the Public Service, 1995;
- Public Service Act, as amended in 1996 and 2001 (Act 30 of 2007) and

- Legislation dealing with social security and workplace health and safety

South African law prohibits sexual and other forms of harassment. Sexual and other forms of harassment are included in the rights relating to non-discrimination under the Employment Equity Act, 1998 (Act 55 of 1998) and the Equality Act. A *Code of Good Practice on Sexual Harassment*, amended in 2005, has been issued to provide clarity on sexual harassment. Sexual and other forms of harassment are under the purview of the Department of Labour, specifically the Commission for Conciliation, Mediation and Arbitration, and the Labour Court

The Government has introduced two major changes to facilitate access to credit by women. The first is the new 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 introduced a Step-Up loan facility to provide short-term micro-credit to individuals from vulnerable groups.

Various regulatory and persuasive measures have been implemented to encourage financial institutions to extend credit to women and other historically disadvantaged groups. One of these measures was the Home 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 signed an agreement with ABSA Bank to facilitate access to credit for Women in Construction.

Since 1996 Government began to incorporate gender considerations, including the need to ensure responsiveness to the needs of women based in rural areas, into the programmes of institutions like the Independent Development Corporation; the National Economic Fund (BEE Fund); the Umsobomvu Youth Fund and Khula Enterprise. For example, 87% of support granted or received through accessing micro credit under the Khula Start, a project of Khula Enterprise, went to women. Other examples include the R85 million worth Women Private Equity Fund and the Isivande Women's Fund. Isivande Women's Fund was established exclusively for women following the study on "Women's Access to Finance in South Africa" in 2006 which confirmed that limited access to finance for women inhibits the establishment, growth, sustainability and profitability of women's enterprises

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. The key actors were Ntsika Enterprise Promotion Agency; Khula Enterprise Finance and Khula Credit Guarantee; the National Small Business Council and Provincial SMME Desks. Women received substantial funding, albeit less than men, from these institutions.

State funding is also available for Non-Governmental Organizations (NGOs), including women's NGOs through Development Agencies such as the National Development Agency; Department of Social Development; Department of Labour's Strengthening Civil Society Fund; the National Lottery Board; Provincial and Local Government Development Agencies, e.g. Gauteng Development Agency.

The Financial Services Regulatory Framework has been liberalized to facilitate traditional saving initiatives such as Women's Associations or "*Stokvels*". Policy measures have helped women also deal with the protection of the public, particularly women, from unscrupulous lenders who charge exorbitant interest rates and confiscate various items of a personal nature, including bank cards and IDs.

A banking initiative, the *Mzansi Bank*, allows unemployed and self employed persons to open banking account in the informal sector where there are 570 000 males who are employers and self employed, while

there are 664 000 females who are employers and self employed. This numbers exceeds the formal sector were there are 378 000 males who are employers and self employed while there are 128 000 females who are employers and self employed translating into approximately 28% of formal business being female owned and 62% of informal business being female owned.

In order to provide training, legal services, and credit services for women to start up businesses the South African Women Entrepreneurs Network (SAWEN) was establishment to redress the persistent obstacles that women entrepreneurs face in starting, growing and sustaining their own enterprises. SAWEN is a networking forum for individuals and organizations that are committed to the promotion and advancement of women entrepreneurs. SAWEN has to date recruited 2000 potential members who own small-to-medium enterprises countrywide.

The Technology for Women in Business (TWIB) is an initiative aimed at enhancing the accessibility of science and technology to women in business and in particular, in small, medium and macro enterprises.

## **2.7 Women, Governance, Power and Decision- making**

South Africa continued to implement legislations that were put in place since 1994 as indicated in the *South African Progress Report: Beijing+10*. In December 2005, South Africa revised its 30% target for representation of women in political and decision-making positions in line with the reviewed SADC target of 50/50 parity. South Africa signed the SADC Protocol on Gender and Development in August 2008, which has a minimum target of 50% women in political and decision-making positions by 2015.

The new revised target is that of 50% representation of women in all spheres and at all levels in Government especially in Senior Management Services in the Public Services by March 2009. This was extended by the ruling party to all political positions prior to the 2009 national elections. As a result, South Africa records the following achievements and successes in the representation of women in political and decision-making positions:

- The Deputy Head of State was a woman from 2005 till April 2009.

South Africa has noted the following numbers of representation of women following April 2009 general election:

- In the National Parliament, over 40% of Members of the National Assembly are women. This is a significant increase from the 33% recorded in 2004.
- The position of the Speakers of the National Assembly has been occupied by women from 1994 to April 2009.
- In 2009, thirty-one (i.e. 31%) women are appointed as Ambassadors, High Commissioners and Consul-Generals.
- National council of provinces is comprised of over 29% women in 2009
- The representation of women in Cabinet has steadily increased over the years with women currently constituting 38.8% of Ministers.
- Women Deputy Ministers in 2009 constitute 39.2% of the total number of Deputy Ministers.
- In 2009, there are 55.5% (i.e. 5 out of a total of 9) women Premiers appointed. This is a significant achievement for the country.

## **Representation at Local Government Level**

At the local government level, gender parity provisions have been integrated into the regulatory framework and women are increasingly represented in higher decision-making positions. At the last Local Government elections, South Africa recorded an historic 40% representation for women elected into local government seats, largely due to the structure of proportional representation.

According to the gender audits carried out by the South African Local Government Association (SALGA) in 2004 and 2006, the representation of women in local government was 29% and 42% respectively.

## **Representation in the Public Service**

Representation of women in Senior Management Position in the Public Service surpassed the minimum 30% target set by Government for 2005, and set a new target for parity by March 2009. However, whilst this has not been reached by the target date, government is on track towards parity in the senior echelons of the Public Service, with the figure of 34.8% as of September 2009.

## **Representation in the Private Sector**

The challenge still remains the low representation of women in corporate decision-making positions in the Private Sector.

## **2.8 Human rights of women**

The strong political will and broad societal commitment has allowed for best practice measures to affirm the human rights of women in critical areas and to advance the woman's agenda in South Africa, for example:

- The establishment of a National Gender Machinery (NGM)
- The recognition of a core principle contained in the National Policy Framework for Women's Empowerment and Gender Equality that customary and cultural practices are subject to the right to equality.
- The "Head of Department's 8 Principle Action Plan for Promoting Women's Empowerment and Gender Equality within the Public Service Workplace".
- The development of a Local Government Gender Policy Framework.
- A strong and robust gender-sensitive civil society network that is active in the fields of research, policy research, advocacy and service provision.
- 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 should they wish to do so.
- 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.
- The provision of a social security net through a social grants programme including equal entitlement to social benefits such as grants for elderly persons, people with disabilities, and care-givers.
- 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.
- The impact of the free basic services programme on improving the socio-economic conditions of women and the quality of life especially in rural areas.
  - The achievement of universal education for children and gender parity in education.
  - Partnerships between civil society and media organizations for media advocacy and programmes about gender based violence, HIV and AIDS and other related issues that lead to improved government responses and to shifts in social norms within communities across the country.
  - The integrated, multi-sectoral approach of Government in addressing violence against women includes the 365 Day National Plan of Action to End Gender Violence; an annual 16 Days 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 Equality Courts and dedicated Sexual Offences Courts; amongst others and the Victim empowerment programmes and the Thuthuzela Care Centres as 24 hour one-stop centres where victims have access to services such as the police, counselling, doctors, court preparation and prosecution.

The country publicising information on national, regional and international mechanisms for seeking redress of human rights abuse and the inclusion of gender instruments as part of gender training for better understanding and commitment.

South Africa has equal rights for women and men with regard to freedom of movement and domicile. The most significant government measures have been in relation to making it easier for foreign spouses to join their South African spouses in the country. Other measures put in place include:

- Contractual Freedom
- Freedom of Movement and Domicile
- Equal access to land and housing
- Right to Enter Marriage
- Marital Consent
- Women's Strategy
- Gender Policy
- Sexual Harassment Policy

Government measures aimed at equalising women and men's rights in respect of access to, ownership of and control over land and resources such as housing have contributed to women's *de facto* enjoyment of equality of freedom of movement and domicile.

Everyone, whether male or female has a right to choose whether to enter into marriage or not. This includes the right to choose a spouse. The Constitution prohibits discrimination on the grounds of marital status in addition to the prohibition of discrimination on the grounds of sex, gender or combination of grounds. The courts have interpreted the constitutional guarantee to include the right to choose a marital regime in recognition of cultural diversity and the right for same sex partners to be married.

Consent is an essential requirement of marriage in all marital regimes in South Africa. This also applies to customary marriages. Forced marriage and abduction are criminalised. At a *de facto* level enjoyment of this right is often hampered by economic and cultural circumstances but this is mitigated by avenues such as the CGE, SAHRC, Equality Courts and the ordinary criminal courts which are available for the enforcement of infringed rights.

A multilingual team organized by the Department of Justice and Constitutional Development conducted radio talk shows in all African medium radio stations as well as a series of provincial workshops. The purposes of the radio talk shows were to educate the public on the Recognition of Customary Marriages Act and to evaluate the implementation of the Act. The radio talk shows were targeted at the public, while the workshops were targeted at traditional leaders and service providers. The project sought to achieve the following outcomes:

- Increased utilization of the Act by persons married in terms of customary law in particular those in rural communities, and especially women;
- Easy access and compliance procedures to the Act by persons intending to enter into a Customary Marriage
- Easy access and compliance procedures to the Act by persons intending to enter into a Polygamous Marriage, especially those from the rural communities by developing a *pro-forma contract* to be attached to the regulations;
- Legislative reform to address problem areas that have been identified during the talk show;
- Publishing the findings from the radio talk shows and workshops;
- Capacity building for different stakeholders that have a role to play in the Act, such as traditional leaders, Master of the High Court, Family Court, Divorce Court, Home Affairs personnel and members of the legal profession; and
- Uniformity in the manner in which the Act is implemented.

South Africa is a signed the SADC Protocol on Gender and Development, adopted by SADC Heads of State or Government on 17 August 2008.

## **2.9 Women and the Environment**

The inclusion of the right to environmentally sustainable development in the Constitution has emphasized the importance of the sustainable use of natural resources in the South African context.

The National Environmental Management Biodiversity Act, 2004 (Act 10 of 2004) regulates bio-prospecting involving indigenous biological resources, and in particular provides for a fair and equitable sharing by stakeholders in benefits arising from bio-prospecting. The National Biodiversity Strategy and Action Plan indirectly benefit women by ensuring the sustainable use and development of the country's rich natural resources.

In its Plan of Implementation submitted to the Commission on Sustainable Development, the South African Government asserts that the outcomes of the World Summit on Sustainable Development should benefit all, particularly women, youth, children and vulnerable groups.

An agreement was reached between the Centre for Studies in Research and Innovation (CSIR) and a group of 10 traditional healers, whereby knowledge is collected by healers for the CSIR, and benefits arising from commercial use of the knowledge are paid into a trust administered by the healers, many of whom are women.

The outcome of the Johannesburg Summit 2002 confirms the South African Government's commitment to ensuring that women's empowerment and gender equality are integrated in all activities encompassed within Agenda 21, the MDGs and the Johannesburg Plan of Implementation.

The Department of Environmental Affairs and Tourism through the strategies of its implementing agency, the South African National Parks, Women are identified as beneficiaries of this programmes and projects aimed at poverty relief and economic empowerment. Furthermore, the transformation strategy of the fishing industry has made an impact towards women empowerment by supporting women entrepreneurs in this industry. These specifically promoted women participation in its cooperative management, equitable use of natural resources and benefit sharing.

Poverty Relief Programme, the Department of Environmental Affairs and Tourism projects focus on community-based tourism projects by 2004, 34 632 temporary jobs had been created, with 45 % going to women, 22% to youth, and 2 % to persons with disability. Additionally, 2 324 permanent jobs were created, of which 45% were occupied by women (and 15% by youth), with 10 days allocated to training. Thus far, 29 672 people were trained in literacy, numeric and life skills. The South African Government intended to have created 67 300 jobs and 740 300 training days through this programme by 2007, using protection of biodiversity and ecological sustainability to provide jobs and income for poor and unskilled; half of the beneficiaries will be women, and 30% youth.

The Working for Water Programme aims to create employment opportunities through the clearing of invading alien plant species, to enhance water security annually, it employs about 24 000 people from poor rural communities, of whom 54% are women and 26% youth.

## **2.10 The Girl-Child**

The Equality Act (section 8(c)) was the first concrete measure outside the Constitution to prohibit discrimination against women with regard to inheritance rights. Since then the Constitutional Court has specifically abolished specific provisions of the Black Administration Act, 1927 (Act 38 of 1927) that discriminated against women and girls with regards to inheritance and the administration of estates

The minimum age for 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 (Act 120 of 1998). Consent is an essential requirement of marriage in all marital regimes in South Africa. This also applies to customary marriages. Forced marriage and abduction are criminalized and is mitigated by avenues such as the Commission on Gender Equality (CGE), South African Human Rights Commission (SAHRC), Equality Courts and the ordinary criminal courts which are available for the enforcement of infringed rights.

Implementation of policies, plans and programmes for the survival, protection, development and advancement of the girl child in issues related to violence against the girl-child is addressed similarly as that of women as indicated before.

Several universities in South Africa have gender studies and this result in researches conducted around the issue of women empowerment and gender equality. The following two recent researches are sited:

- Centre for the Study of Violence and Reconciliation, December 2008. Statistics from the SAPS [www.saps.gov.za](http://www.saps.gov.za)
- Women and Education; Gender-based Violence in Schools, Research Unit: Dennis Brandi, 12 July 2007 for Women's Parliament; 27-29 August 2007

According to this research the provinces appear to have experienced significant declines in rape rates in the 2006/07 year and had the following recommendations:

- Raising the status of girls: girl-friendly schools and promoting gender equality; and income generating activities to raise the profile of women;
- Guidelines for schools and learners: comprehensive to address accessible schools and safe environment to responses to allegations by students or educators;
- prompt and effective investigation, immediate disciplinary action including for due process for alleged perpetrator/s; and, referral to the criminal justice system;
- Reporting mechanisms to facilitate reporting and protect from hostility and revictimisation;
- Protection of complainants: confidentiality, protection and support services for victims of gender-based violence and need to find alternate schooling if victimization an issue;
- Coordination and enforcement of policies between national and provincial education departments and schools to be strengthened and stricter implementation and monitoring of state officials;
- Whole School strategy to address gender inequalities - a holistic approach to management, educators, learners, administrative members and community to make schools safe.

## D. PART THREE: INSTITUTIONAL DEVELOPMENT

The origin and Structure of the National Gender Machinery in South Africa is in accordance with the Beijing Declaration and its Platform for Action as stated in the South African National Policy Framework for Women's Empowerment and Gender Equality, adopted by Cabinet in 2000. In this document, a set of coordinated administrative structures or "machinery"<sup>1</sup> to promote women empowerment and the mainstreaming of gender considerations in government policies and operations to promote gender equality was established.

The facilitative structure in the context the National Gender Policy Framework, are:

- **Parliament:** The Joint Committee on the Improvement of the Quality of Life and Status of Women, Women's Caucuses, Women's Empowerment Unit;
- **Government:** Cabinet, the National Office on the Status of Women (OSW) in the Presidency, Provincial OSWs in Premiers' Offices, Gender Units and Gender Focal Points (GFP) in line departments (at best in the Offices of the Directors-General), gender units / Gender Focal Points in local government structures;
- **Independent bodies:** The Constitutional Court, other courts, and all Chapter 9 bodies, including the Commission on Gender Equality (CGE) have a crucial role to play in monitoring and acting as a watchdog over the structures in government, private sector and civil society. The CGE is expected to work closely with the Human Rights Commission to ensure that women's rights are recognized and upheld as human rights;
- **Civil society:** non-governmental organisations, community based organisations traditional leadership, faith-based organisations; business and labour are recognised as an important component of the NGM especially in the role of the monitoring of implementation.

Although South Africa's multi-agency national gender machinery was globally acknowledged as one of the most advanced machineries, lack of financial and human resources have prevented it from achieving its original objective of truly transforming women's lives. Several reasons made it impossible for these structures to fully coordinate, facilitate and provide the oversight required in order for the country to meet its obligation in advancing the empowerment of women.

Over the years, a growing number of voices, including those of government and of civil society, have expressed dissatisfaction regarding a range of matters concerning the women's agenda for societal transformation. In fact there have been several calls to have the gender machinery reviewed, and the institutional arrangements re-engineered so as to strengthen women's empowerment and gender equality in South Africa<sup>2</sup>.

In addition to identified structural challenges in the South African Gender Machinery, consultations and reviews have indicated that gender equality and women's empowerment have not been effectively mainstreamed into development processes, while the national gender machinery in general and programmes for women's empowerment in particular, have been grossly under-funded and under-resourced.

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<sup>1</sup> Means national structures with the mandate of executing and monitoring of gender and related policies and programmes in line with national, regional and international commitments

<sup>2</sup> SAWID 2007: From Dialogue to Development: Women Uniting to Eradicate Poverty

It has become clear from the various reviews that a transformational agenda for women's empowerment was necessary. The successful growth strategy in South Africa, as in various other countries, has not resulted in substantial progress for poor women in the marginalised sectors of society. Issues needing redress include the need for a paradigm-shift in macro-economic theory, a move towards greater pro-woman public expenditure, attention to paid, unpaid and reproductive work of women, the increasing threat of food insecurity on women's lives, and the unequal burden of care and family responsibilities that women carry.

This was further noted in the Resolutions of the Ruling Party and mandating party in Government, the African National Congress (ANC), especially at its 52<sup>nd</sup> National Conference in December 2007 which resolved that "In considering the matter of establishing Women Ministry, the commission recommends that a thorough assessment be undertaken by the ANC to analyze current instruments and their relevance, strategies and areas of focus and programmes on the matter of women and the impact these programmes made. These assessments should then advise on comprehensive recommendations on the form and content of whatever institutional mechanisms to be put in place in pursuit of women's emancipation and broadly addressing gender matters".

Consequently the Ministry for Women, Children and Persons with Disabilities (DWCPD) was established on 10 May 2009 when H.E Mr. Jacob Zuma, President of the Republic of South Africa, appointed his Cabinet for the fourth term of the Democratic Government. In appointing this Cabinet, President Zuma announced that "a new ministry has been created for women, children and persons with disabilities, to emphasize the need for equity and access to development opportunities for the vulnerable groups in our society".

The establishment of the Ministry and a Department for Women, Children and Persons with Disabilities was part of the fourth term's goal to reorganize the structure of Cabinet and National Departments in order to "achieve better alignment between the structure, our electoral mandate as per our election manifesto, and the developmental challenges that need to receive immediate attention from government." This replaced the original multi-agency national machineries for women, children and persons with disabilities established by government in 1996, 1997 and 1998 respectively, namely the National Office on the Status of Women (OSW), the Office on the Status of Persons with Disabilities (OSDP) and Office on the Rights of the Child (ORC) located in The Presidency under the Minister in the Presidency.

The organizational structure driving the work of the Department for Women, Children and Persons with Disabilities is composed among others of the following core branches:

- Branch: Children's Rights Programme
- Branch: Women's Empowerment and Gender Equality (WEGE)
- Branch: Rights of Persons with Disabilities

The strategic objectives of Women's Empowerment and Gender Equality Branch are as follows:

- To create an enabling policy environment for translating Government policy mandates through the empowerment, advancement and socio-economic development of women, and the transformation of gender relations
- To mainstream WEGE considerations into government policies, governance processes and programmes through the establishment of relevant structures, mechanisms and catalytic projects
- To facilitate, coordinate, oversee and report on the national gender equality programme, and on regional, continental and international initiatives and commitments.

## **E. PART FOUR: REMAINING CHALLENGES AND ACTIONS TO ADDRESS THEM**

The challenge that faces South Africa is to set up the Ministry for Women, Children and Persons with Disabilities and its concomitant Department with the adequate infrastructure, human resources and financial ability to serve as Government's lead structure on gender, disability and child rights considerations in governance processes, public funded institutions - including state owned enterprises, civil society and the private sector. In this context, the Department will guide, monitor, evaluate, coordinate and facilitate mainstreaming of gender, disabilities and children issues against national priorities. In addition, the Department is also in the processes of bring back some its programmes that have been dispersed among other government departments such the National Women's Day and the 365 Days Action Plan together with its 16 Days Activism Campaign on No Violence against women, girls and persons with disabilities.

In attempting to meet the challenges that have been identified, and in line with the South African Government's five priority areas for the next five years, the Ministry will look at the following areas, among others:

- In addressing violence against women, immediate actions include the setting up of the children's units in the South African Police Service and urgently addressing the issue of "ukuthwala" or the abduction and forced marriage of young girls which is occurring sporadically in some areas.
- Towards alleviating poverty especially among women and girls, the Ministry will be developing an Anti-Poverty Strategy in line with the "War on Poverty".
- Towards in addressing the development of rural women, the Ministry intends working collaboratively with related Departments, in particular the Department for Rural Development towards this end.
- The Ministry is looking at establishing a women's empowerment fund in 2009/10 to enable women to access financing for empowerment opportunities.
- The Ministry will be submitting an Equality bill which includes the issue of gender parity in representation
- Trafficking legislation is being promulgated by the South African Law Commission at this stage.
- A Harassment bill is currently before Parliament
- The Ministry will be undertaking research on the reasons for why government has failed to reach 50% in SMS positions in the Public Sector and to provide recommendations. This process will be extrapolated to identify mechanisms on increasing representation of women in decision-making in the public sector