



Commission for Gender Equality
A society free from gender oppression and inequality

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Gender equity in South Africa – Progress and Challenges
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1. Introduction

We live within the context of an economic crisis, which shapes our lives, work and discourse on gender, equality, poverty and development. The work of the Commission for Gender Equality (CGE) is to strengthen the interconnections and linkages between all forms of subjugation, dislocation, denial of rights and gender oppression. In all categories of marginalised, vulnerable and socially excluded persons, women form the majority, as gender inequality, discrimination and oppression continue to shape new and old forms of inequality in our society.

S187 of the Constitution and CGE Act No. 49 of 1996 require the CGE to promote respect for, and the protection, development and attainment of gender equality. The CGE vision is a society free from gender oppression and all forms of inequality. The CGE mandate is to:

- Monitor and evaluate legislation, policies and practices of the state, statutory bodies and private businesses, as well as indigenous and customary laws and practices;
- Research and make recommendations to Parliament;
- Receive and investigate complaints of gender discrimination; and
- Conduct public awareness and education on gender equality.

The CGE's thematic focal areas include: gender and poverty; gender based violence; gender, democracy and good governance; gender, cultures, religions and traditions; and gender, HIV and AIDS.

2. Commitments and progress towards achieving gender equality

Since 1994, gender justice, and the development of gender sensitive policies and practices have become national concerns along with racial and economic justice. The Constitution calls for equality, equal protection and benefit before the law, and non-discrimination. Post the Beijing Conference on Women, the National Policy Framework on



Commission for Gender Equality
A society free from gender oppression and inequality

Gender Equality was developed by the South African government, establishing a National Gender Machinery to address the social and economic marginalization of South African women.

This has included the creation of entities within every sphere of government to lead on gender mainstreaming and the promotion of gender equality. This includes the newly established national Ministry on Women, Children and Persons with Disabilities within the national and provincial executive, and standing committees on the Quality of Life and Status of Women in national and provincial legislatures. This is supplemented by the appointment of gender focal persons within every department and municipality, to coordinate gendered planning and programme implementation. These state structures are supplemented by the CGE, as an independent statutory body, and civil society structures making up a (now largely fragmented) women's movement.

These have been key building blocks towards attaining gender equality. Great gains that have been pushed for and attained through intensive lobbying and collaboration across the gender machinery have seen several anti-discriminatory laws promulgated, such as the Employment Equity Act, the Promotion of Equality and Prevention of Unfair Discrimination Act, the Domestic Violence Act, the Recognition of Customary Marriages Act, and the establishment of Equality Courts at every magistrate's court to hear any case of discrimination. In addition, key regional and international protocols have been endorsed by South Africa, including CEDAW, the Beijing Platform for Action, SADEC's Protocol on Gender and Development, and the Protocol to the African Commission on Human and People's Rights on the Rights of Women in Africa.

The government has moved to ensure it complies with domestic and international obligations with regard to ensuring gender equality in political representation. The 2008 SADEC Protocol on Gender and Development requires a 50/50 representation of women in political leadership by 2015. Since 2004, women's representation in Parliament has steadily increased from an initial 27%, to 45% attained during our 2009 national and provincial elections.

This is largely as a result of the voluntary 50% quota system adopted by the African National Congress (ANC), coupled with the implementation of a "zebra stripe" system in its party lists (every male candidate is



Commission for Gender Equality
A society free from gender oppression and inequality

followed by a female candidate). This coupled with the large majority votes secured by the ANC has seen women rocketing up in terms of political representation, as a result of South Africa's proportional representation system. No other party has adopted a quota system, and the representation of women among their political representatives is accordingly very low, with some parties not even fronting a single woman in some provincial legislatures.

Accordingly, women's representation in Cabinet has increased from 27% in 1994, to 41% under President Zuma. Five of nine provincial Premiers, and 40% of provincial cabinet members, or Members of the Executive Council, are women. Likewise, women's representation in provincial legislatures has increased from 24% in 1994, to 50% after our 2009 election. Women's representation in local government has increased from 19% in 1995, to 39% in 2006, again largely due to the ANC's then 30% quota system. These figures are set to increase in our forthcoming 2011 local government elections, again courtesy of the ANC's quota system. However, state departments are behind in targets in terms of placing women in middle and senior management, with the acceptance of women's leadership apparently still low within the realm of the executive.

3. Challenges to gender equality – entrenched discrimination

Despite Constitutional guarantees underpinned by groundbreaking legislative provisions, and gains on the front of political representation, access to equality and justice, and freedom from discrimination remain a pipe dream for the majority of women. There are unacceptably high levels of gender-based violence (GBV) against women and girls – in schools, families and communities. Patriarchal attitudes and prejudices are rife, demonstrated in certain cultural and religious practices which have a devastating impact on women's dignity, and enjoyment of rights to equality and non-discrimination. In addition, research has shown that the impact of poverty and HIV and AIDS is more pronounced for women, particularly black women living in the marginalised, rural communities of our country.

The state system fails to respond adequately to the needs of the most marginalised of women, and CGE research has revealed that despite an intricate gender machinery established to drive the implementation of gender mainstreaming at all policy levels, the state is largely failing dismally to engender planning and service delivery, and does not



Commission for Gender Equality
A society free from gender oppression and inequality

prioritise the poor. The public service ethic is inconsistent with the principles of the Constitution and the state's policy of *Batho Pele* ("People First"), and does not place people at the centre of state services. All of this impedes women's access to justice, quality of life and rights, and prejudices their dignity and often, their very survival.

The following issues constitute the greatest obstacles to women's attainment of equality, and their enjoyment of constitution rights:

- **Poverty:** Poverty is deepening, with women increasingly more susceptible to unemployment than men. The percentage of children going hungry in female-headed households is an alarming three times higher than those in male-headed households.
- **Education:** Illiteracy levels and the percentage of those lacking formal education are higher among women, compounded by teenage pregnancy-related school drop outs.
- **Health:** Maternal and infant mortality are unacceptably high, and appear to be on the increase. Women are directly and indirectly more affected by HIV and AIDS, being more vulnerable to infection as well as bearing the burden of care for those with the disease. In addition, women's particular health care needs, such as cervical cancer, are not prioritised and met.
- **GBV:** There is no reduction in the incidence of violence against women – in fact the number of reported cases is increasing. South Africa has one of the highest levels of gender-based violence in the world, and incidents of rape and domestic violence remain unacceptably high. In addition, support and social services for victims of GBV are patchy and under-resourced.

In addition, despite their majority, women remain under-represented in the formal economy. The Business Women's Association South African Women in Leadership Census 2010 findings reveal the following alarming statistics:

- The number of top "engendered companies" (comprising 25% or more women Directors and executive managers) has *decreased* from 58 in 2008 to 41 in 2010



Commission for Gender Equality
A society free from gender oppression and inequality

- 4.5% of CEOs and 19.3% of executive managers of the +315 Johannesburg Stock Exchange (JSE) -listed companies are women
- 16.6% of company directors and 6% of chairpersons of boards of directors are women
- 73 companies do not have a woman on their board of directors at all

The Employment Equity Commission's (EEC) 2007/08 and 2008/09 findings reveal that women are more represented in administrative as opposed to decision-making functions. Despite the fact that the majority of women directors are black, these directorships in the main are in state-owned enterprises (SOE) – JSE-listed companies are lagging behind. SOE women hold 40% of Directorships, as opposed to the 16.6% in JSE-listed companies. One-third of SOE chairs are women, as opposed to the 6% women chairs of companies.

From these statistics it would appear that progress made regarding gender transformation in the political realm, and within state entities, is not replicated in the corporate arena. Women are under-represented at all levels of the workplace. Despite our numerical advantage, women are a minority within a minority.

4. Gender equality – more than just a numbers game

Equality in representation is a key indicator of gender transformation within the private and public sector, and it is critical that South Africa pursues its commitment to ensuring equal representation in leadership. However, merely securing more women in Parliament, on company boards of directors or among upper echelons of management on its own is not adequate. It has become apparent in both the public and private sector that there are invisible elements that continue to marginalise women, related to the institutional culture within these demonstratedly male-dominated environments.

These are witnessed within internal policies and practice, such as access to skills training, the addressing of sexual harassment, and the sense that men are taken more seriously and women have to “earn their stripes” – something that is even harder for black women within these positions. The CGE 2008 study into the promotion and protection of gender equality in the private sector reveals that most companies are ignorant of national and regional treaties and commitments to



Commission for Gender Equality
A society free from gender oppression and inequality

gender equality. Employment equity plans are developed by companies, but are not adequately implemented, and while sexual harassment policies are developed, few cases are taken up. Companies typically lack a focused gender equality strategy or women's empowerment programmes.

The International Trade Union Confederation and Incomes Data Services identifies additional factors influencing women's decisions regarding work, which suggests that these go beyond a mere statistical analysis of employment opportunities available to women as opposed to men. These stem from deep-rooted inequalities in child care and household work, as well as discrimination in the workplace, which act as constraints on women's career and employment decisions, and working patterns, seeing many women opting for part-time as opposed to full-time employment. It is a reality that the gender wage gap remains critical – in South Africa, this stands at 33.5%, while globally the average is 22.4%. Revealingly, the gap is much higher for women with children.

While access to income-earning employment has improved, wide disparity exists between the types of employment for men and women, with women prevalent in part-time work and informal economies. Occupational segregation is rife, with women predominant in jobs of inferior status, and fewer women in managerial and high status roles. Globally, women remain trapped in insecure, low-paid positions, and South Africa is no different in this regard.

5. CGE interventions

The CGE has taken the lead in ensuring that cases of gender discrimination, such as the rights of women in traditional and religious marriages, the appointment of women as traditional chiefs, and violence against lesbians is addressed, both through our courts and public education and awareness interventions. The CGE makes substantive input into the law-making process, to ensure that emerging legislation does not discriminate on the basis of gender, and that the status and rights of women are promoted and protected.

The CGE is monitoring the public and private sectors' gender transformation processes, and responding to address shortcomings and call for the creation of targets, strategy and enforcement mechanisms to ensure this complies with our Constitutional and international



Commission for Gender Equality
A society free from gender oppression and inequality

obligations in this regard. The CGE is also assessing the state's response to poverty and HIV and AIDS, ensuring that policy decisions and delivery on socio-economic rights address the severe inequality and discrimination witnessed in countless communities. The CGE is initiating litigation in appropriate instances to ensure the state delivers on its commitments in this regard.

While South Africa has made substantive gains in ensuring that women attain equal status to men, centuries of patriarchy have ensured deep-rooted inequality, and discrimination against women in attitudes, perception and behaviour. The struggle to turn the tide on this historic inheritance remains of paramount importance to the CGE.