THE AFRICAN GENDER DEVELOPMENT INDEX (AGDI)

SOUTH AFRICA COUNTRY REPORT

2015

Compiled by the Commission for Gender Equality
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FOREWORD

The Commission for Gender Equality (CGE) undertook this assessment with the support of the United Nations Economic Commission for Africa (UNECA) to determine South Africa’s compliance with international instruments on gender mainstreaming. This assessment is part of UNECA’s African Gender Development Index (AGDI) assessment process across the African continent. This report provides the results of the implementation of the AGDI 2014/2015 following the first assessment that was carried out in 2005. Given that the CGE was involved in this process for the first time, the challenges were enormous; however, the lessons learnt and experience gained were truly valuable.

The findings of this assessment show that the country has made significant strides towards gender equality and women’s empowerment and compliance with the relevant international standards since the first assessment report released in 2005. The study sought to assess progress in terms of South Africa’s compliance with the implementation of numerous international gender equality instruments that the country is state party to. The findings of this assessment paint a familiar picture: that the country has the necessary policies and legislative frameworks to signal high-level political commitment to the goal of gender equality, while at the same time pointing to the need for strong political will and collective effort by all spheres of government and key stakeholders to ensure effective implementation. Another important limitation is the poor allocation of resources which in turn hampers effective implementation. The report also illustrates that numerous challenges are also as a result of lack of institutional capacity to cost the gender policy and legislative frameworks prior to enactment – this is critical in assessing the feasibility for successful implementation.

One of the key issues to come out of this assessment is the need to improve the country’s timeous reporting on the regional conventions. While the country reports mostly on the ratified international instruments, its rate of reporting on compliance with the African protocols clearly needs to be improved.

The study presents the findings under the Gender Status Index (GSI) which is a quantitative assessment tool that examines gender mainstreaming in terms of social power, economic power and political power. The African Women’s Progress Scoreboard (AWPS), on the other hand, evaluates women’s progress in terms of various indicators of gender equality as outlined in the assessment tool.

In terms of the social power assessment category of the GSI, it was found that progress in gender equality between boys and girls in relation to access to schooling is notable. This is a remarkable achievement by the country’s educational authorities, especially in comparison with other developing countries. Nonetheless, this achievement has to be seen in the context of other limitations. For instance, the results vary when the data is disaggregated by province and depending on the different levels of education. The issue of race and racial disparities in South Africa is also an important factor that continues to play a role in terms of efforts to achieve gender equality in South Africa as it impacts on opportunities for access to education, even if some progress and improvements have been made since 1994.

In accordance to economic power, the findings of this analysis clearly show that despite the
country’s excellent policies and empowerment programmes intended to support women’s economic advancement, South Africa continues to experience gender gaps with respect to achieving gender equity in economic life. For instance, while available data indicate a steady increase in women’s share of the working-age population over the last 10 years, it also indicates that women are still concentrated in the lower ranks of the employment ladder compared to men.

With regard to social power, access to health by the majority of the population is improving. Adding to this is the piloting of the National Health Insurance (NHI) which serves as an important indicator of policy and programme intervention by the country in the health sector to make drastic improvements in terms of access to affordable healthcare for all, particularly women and children who are classified as vulnerable social groups in South Africa.

The political power category reveals remarkable transformation in terms of women’s representation in political leadership between 1994 and 2009, when women’s representation in politics and governance reached 43 percent, thus placing South Africa second to Rwanda on the African continent. However, this has not remained stable but has been fluctuating without any significant increases.

In terms of the AWPS component of the AGDI, some of the achievements that the country has made since the 2005 AGDI report are noted. In relation to women’s rights, the country has made significant progress in putting policies, legislation and relevant mechanisms in place to curb women’s discrimination and subjugation within the country. However, as has already been pointed out, effective implementation remains the key weakness in the system. Under the Health category, specifically with regard to the implementation of the International Conference on Population and Development (ICPD), there has been significant progress in reproductive health and the fight against HIV/AIDS. Since the last AGDI report, the country has been experiencing prolonged life expectancy for women and men living with HIV and AIDS due to the provision of anti-retroviral treatment, amongst other health sector policy interventions.

Under the economic power category of the AWPS, the findings have demonstrated that relevant departments have introduced a number of initiatives to help comply with the provisions of the International Labour Organisation (ILO) Conventions which advocates for equal treatment and access of men and women to the labour sector. The ILO gender auditing tool has also been utilised to assess the level of transformation within the respective individual departments for the purpose of complying with the international standards in terms of gender mainstreaming. In terms of the political power category of the AWPS, South Africa is a state party to all the United Nations Security Council Resolutions on Peace and Security (UNSCRPS). South Africa has also been identified as one country that deploys more women to assist countries in conflict than any other country in Africa.

Finally, it is worth noting that during the compilation of this report, the international community adopted the Sustainable Development Goals (SDGs), with South Africa committing itself to them. The Heads of State and Government declared 2015 as the year of women empowerment and development towards Africa’s Agenda 2063.
We hope and believe that South Africa’s leadership continues not only to make commitments to these international instruments to promote gender equality, but also that it will put into place the necessary mechanisms and resources to turn these paper commitments into practical outcomes. We also hope that the findings contained in this report lead to debate and reflections among the relevant stakeholders, as well as the development of necessary policies, plans and, most importantly, implementation.

Keketso Maema,
Chief Executive Officer (CEO)
Commission for Gender Equality

Mfanozelwe Shozi,
Chairperson
Commission for Gender Equality
ACKNOWLEDGEMENTS

The amount of work that went into this project was considerable and relied on a great deal of collaboration and assistance from a number of institutions and individuals without whom the project would have taken even longer to complete. The Commission for Gender Equality (CGE) therefore wishes to identify the institutions and individuals concerned and express its sincere gratitude and appreciation for the collaboration and assistance received.

Firstly, we are grateful for the partnership with UNECA, and the confidence UNECA had in the CGE to undertake this important project. In particular, we would like to convey our sincere gratitude to Madame Ngone Diop, Keiso Matashane-Marite and Thokozile Ruzvidzo from UNECA, for familiarising the Commission with the AGDI assessment process, including the skills training of CGE officials on the AGDI assessment template, in particular the application of the GSI and the AWPS. We are also grateful for the overall guidance and assistance provided by Madam Ngone Diop.

We are also grateful to the members of the project National Advisory Panel (NAP) comprising various experts and practitioners from civil society, trade unions, academia and government institutions. We want to express our appreciation and gratitude for their willingness to engage the team and provide input and feedback on the work of the team during NAP meetings. The project relied on information from a number of institutions, especially government departments and other state entities.

We are therefore grateful and wish to convey our sincere thanks to the following individuals: Dr. Tshepo Mabela (Statistics South Africa); Dr. Stephen Taylor (Department of Basic Education); Jean Skene, Hilda Balthizal, Norman Nkwana and Richard Nempondoni (Department of Higher Education and Training); Elvis Nkambule (Department of Public Service and Administration); Stanley Ntakumba, Tovhowani Tharaga and John Kruger (Department of Performance Monitoring and Evaluation); Noah Sibanda (Department of Labour); Tebogo Mashifane and Delano Louw (Office of the Chief Justice); Corila Kok and Godfrey Ramoroka (Department of Justice and Constitutional Development); Dr. Yanga Zembe (Medical Research Council); Professor Munodawafa Davidson and Onyango Adelheild Werimo (World Health Organisation); Mandu Mallane (South African Local Government); Nita Schmidin (South African Council for the Architectural Profession), Barbara White (Law Society of South Africa); Navchaa Suren (United Nations Population Fund); Dr. Isabel Schmidt (StatSa) and Thivhulawi Mokwevho (Department of Women in the Presidency).

Finally, the CGE wishes to convey its appreciation to the members of the CGE who were part of the project. The CGE wishes to acknowledge the management of the CGE under the leadership of Chief Executive Officer (CEO), Keketso Maema, for forging the partnership with UNECA which led to this project, including for making available the funding needed to carry out the project. The CGE is grateful to the Research Department Project Team, led by Project Consultant, Professor Grace Khunou, in compiling this report. In particular, we wish to acknowledge the work carried out by the following CGE researchers who were part of the Project Team: Winnie Mofokeng, Lieketseng Mohlakoana-Motopli, Luvisa Bazola and Arthur Baloyi. Thabo Rapoo, Director of the CGE Research Department, edited and finalised the report. We are grateful for the teamwork of all involved for making this report a reality.

1 See Annexure at the end of this report for the full list of names of the members of the NAP.
## ABBREVIATIONS/ACRONYMS

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<th>Abbreviation</th>
<th>Description</th>
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<td>ACERWC</td>
<td>African Committee of Experts on the Rights and Welfare of the Child</td>
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<td>ACRWC</td>
<td>African Charter on the Rights and Welfare of the Child</td>
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<tr>
<td>AIDS</td>
<td>Acquired Immune Deficiency Syndrome</td>
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<td>AGDI</td>
<td>African Gender and Development Index</td>
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<td>AGRIBEE</td>
<td>Agricultural Broad-Based Black Economic Empowerment</td>
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<td>AGRI SA</td>
<td>South African Agricultural Union</td>
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<td>ANC</td>
<td>African National Congress</td>
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<td>ASIDI</td>
<td>Accelerated Schools Infrastructure Delivery Initiative</td>
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<td>ASSAF</td>
<td>Academy of Science of South Africa</td>
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<td>AU</td>
<td>African Union</td>
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<td>AWPS</td>
<td>African Women’s Progress Scoreboard</td>
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<td>BBBEEA</td>
<td>Broad-Based Black Economic Empowerment Amendment Act</td>
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<td>BCEA</td>
<td>Basic Conditions of Employment Act</td>
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<td>BEE</td>
<td>Black Economic Empowerment</td>
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<td>BEM</td>
<td>Boy Education Movement</td>
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<td>BPFA</td>
<td>Beijing Platform for Action</td>
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<td>BUSA</td>
<td>Business Unity South Africa</td>
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<td>BWASA</td>
<td>Businesswomen’s Association of South Africa</td>
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<td>CASP</td>
<td>Comprehensive Agricultural Support Programme</td>
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<td>CBOs</td>
<td>Community based organizations</td>
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<td>CCMA</td>
<td>Commission for Conciliation, Mediation and Arbitration</td>
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<td>CEDAW</td>
<td>Convention on the Elimination of all Forms of Discrimination Against Women</td>
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<td>CEE</td>
<td>Commission for Employment Equity</td>
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<td>CEO</td>
<td>Chief Executive Officer</td>
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<td>CERD</td>
<td>Convention on the Elimination of All Forms of Racial Discrimination</td>
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<td>CGE</td>
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<td>COGTA</td>
<td>Cooperative Governance and Traditional Affairs Ministry</td>
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<td>CONTRALESA</td>
<td>Congress of Traditional Leaders of South Africa</td>
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<td>COSATU</td>
<td>Congress of South African Trade Unions</td>
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<td>CRC</td>
<td>Convention on the Rights of the Child</td>
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<td>CRDP</td>
<td>Comprehensive Rural Development Programme</td>
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<td>CSIR</td>
<td>Council for Scientific and industrial Research</td>
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<td>CSO</td>
<td>Civil Society Organisation</td>
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<td>CSR</td>
<td>Corporate Social Responsibility</td>
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<td>CSW</td>
<td>Commission on the Status of Women</td>
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<td>CTOP</td>
<td>Choice of termination of pregnancy</td>
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<td>DAFF</td>
<td>Department of Agriculture, Forestry and Fisheries</td>
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<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>DBE:</td>
<td>Department of Basic Education</td>
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<td>DHA:</td>
<td>Department of Home Affairs</td>
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<td>DHET:</td>
<td>Department of Higher Education and Training</td>
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<td>DIRCO:</td>
<td>Department of International Relations and Cooperation</td>
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<td>DoJ&amp;CD:</td>
<td>Department of Justice and Constitution Development</td>
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<td>DoE:</td>
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<td>Department of Health</td>
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<td>DoW:</td>
<td>Department of Women</td>
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<td>DPRU:</td>
<td>Development Policy Research Unit</td>
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<td>DPSA:</td>
<td>Department of Public Service and Administration</td>
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<td>DPSA:</td>
<td>Disabled Peoples of South Africa</td>
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<td>DRDRLR:</td>
<td>Department of Rural Development and Land Reform</td>
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<td>DSD:</td>
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<td>DST:</td>
<td>Department of Science and Technology</td>
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<td>Department of Traditional Affairs</td>
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<td>Domestic Violence Act</td>
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<td>DWCPD:</td>
<td>Department of Women, Children and People with Disabilities</td>
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<td>ECD:</td>
<td>Early Childhood Development</td>
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<td>EEA:</td>
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<td>FCS:</td>
<td>Family Violence, Child Protection and Sexual Offences</td>
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<td>FEDUSA:</td>
<td>Federation of Unions of South Africa</td>
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<td>FGM:</td>
<td>Female Genital Mutilation</td>
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<td>FPB:</td>
<td>Film and Publications Board</td>
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<td>FSCC:</td>
<td>Financial Sector Campaigns Coalition</td>
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<td>GBV:</td>
<td>Gender Based Violence</td>
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<td>GCIS:</td>
<td>Government Communications and Information System</td>
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<td>GEAR:</td>
<td>Growth, Employment and Redistribution</td>
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<td>GDP:</td>
<td>Gross Domestic Product</td>
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<td>GEM:</td>
<td>Girls Education Movement</td>
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<td>GER:</td>
<td>Gross Enrolment Ratio</td>
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<td>GETT:</td>
<td>Gender Equity Task Team</td>
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<td>GFPs:</td>
<td>Gender Focal Points</td>
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<td>GHS:</td>
<td>General Household Survey</td>
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<td>GPI:</td>
<td>Gender Parity Index</td>
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<td>GSI:</td>
<td>Gender Status Index</td>
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<td>HDI:</td>
<td>Historically Disadvantaged Individuals</td>
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<td>HIV:</td>
<td>Human Immunodeficiency Virus</td>
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<td>HoD:</td>
<td>Head of the Department</td>
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<td>HSRC:</td>
<td>Human Sciences Research Council</td>
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<td>HURISA:</td>
<td>Human Rights Institute of South Africa</td>
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<td>Acronym</td>
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<tr>
<td>ICASA:</td>
<td>Independent Communications Authority of SA</td>
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<td>ICPD:</td>
<td>International Conference on Population and Development</td>
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<td>IDMT:</td>
<td>Inverse Definite Minimum Time</td>
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<td>IEC:</td>
<td>Independent Electoral Commission</td>
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<td>ILO:</td>
<td>International Labour Organization</td>
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<td>IMR:</td>
<td>Infant Mortality Rate</td>
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<td>Integrated Sustainable Rural Development Programme</td>
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<td>ISPCAN:</td>
<td>International Society for the Prevention of Child Abuse and Neglect</td>
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<td>IOM:</td>
<td>International Organization for Migration</td>
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<td>IWTC:</td>
<td>International Women’s Tribune Centre</td>
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<td>JIPSA:</td>
<td>Joint Initiative on Priority Skills Initiative</td>
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<td>KZN:</td>
<td>KwaZulu-Natal</td>
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<td>LGBTI:</td>
<td>Lesbian, Gay, Bisexual, Transgender and Intersex</td>
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<td>MDG:</td>
<td>Millennium Goal Development</td>
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<td>MEC:</td>
<td>Member of the Executive Council</td>
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<td>MIS:</td>
<td>Management Information System</td>
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<td>MMC:</td>
<td>Medical Male Circumcision</td>
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<td>MMR:</td>
<td>Maternal mortality ratio</td>
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<td>MNCWH:</td>
<td>Maternal, New-born, Child and Women’s Health</td>
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<td>MTSF:</td>
<td>Medium Term Strategic Framework</td>
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<td>NACI:</td>
<td>National Advisory Council on Innovation</td>
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<td>NGM:</td>
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<td>NICC-TIP:</td>
<td>National Inter-Sectoral Committee on Combating Trafficking in</td>
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<td>NIPMO:</td>
<td>National Intellectual Property Management Office</td>
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<td>NMR:</td>
<td>Neonatal mortality rate</td>
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<td>NPA:</td>
<td>National Prosecuting Authority</td>
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<td>NPAC:</td>
<td>National Plan of Action for Children</td>
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<td>NPO:</td>
<td>Non-Profit Organisation</td>
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<td>NPF</td>
<td>National Policy Framework</td>
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<td>National Research Foundation</td>
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<td>NRSO</td>
<td>National Register for Sex Offenders</td>
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<td>National Skills Development Strategy</td>
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<td>National Strategic Plan</td>
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<td>Office on the Status of Women</td>
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<td>PLAAS</td>
<td>Programme for Land and Agrarian Studies</td>
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<td>PEP</td>
<td>Post Exposure Prophylaxis</td>
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<td>PEPUDA</td>
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<td>People Opposing Women Abuse</td>
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<td>PSC</td>
<td>Public Service Commission</td>
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<td>QOL</td>
<td>Quality of Life</td>
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<td>RDP</td>
<td>Reconstruction and Development Programme</td>
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<td>SACMEQ</td>
<td>The Southern and Eastern Africa Consortium for Monitoring Educational Quality</td>
</tr>
<tr>
<td>SADC</td>
<td>Southern African Development Community</td>
</tr>
<tr>
<td>SAGSI</td>
<td>South African Gender Status Index</td>
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<tr>
<td>SAHRC</td>
<td>SA Human Rights Commission</td>
</tr>
<tr>
<td>SALGA</td>
<td>South African Local Government Association</td>
</tr>
<tr>
<td>SALRC</td>
<td>South African Law Reform Commission</td>
</tr>
<tr>
<td>SAMDI</td>
<td>South African Management Development Institute</td>
</tr>
<tr>
<td>SANAC</td>
<td>South African National AIDS Council</td>
</tr>
<tr>
<td>SANCO</td>
<td>South African National Civic Organization</td>
</tr>
<tr>
<td>SANDF</td>
<td>South African National Defence Force</td>
</tr>
<tr>
<td>SANHANES</td>
<td>South African National Health and Nutrition Examination Survey</td>
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<td>South African National Space Agency</td>
</tr>
<tr>
<td>SAPS</td>
<td>South African Police Service</td>
</tr>
<tr>
<td>SAQA</td>
<td>South African Qualifications Authority</td>
</tr>
<tr>
<td>SAYC</td>
<td>South African Youth Council</td>
</tr>
<tr>
<td>SDG</td>
<td>Sustainable and Development Goals</td>
</tr>
<tr>
<td>SEFA</td>
<td>Small Enterprise Finance Agency</td>
</tr>
<tr>
<td>SET</td>
<td>Science Engineering and Technology</td>
</tr>
<tr>
<td>SME</td>
<td>Small and Medium Enterprises</td>
</tr>
<tr>
<td>SMS</td>
<td>Senior Management Service</td>
</tr>
<tr>
<td>SMS</td>
<td>Small Message Service</td>
</tr>
<tr>
<td>SNA</td>
<td>System of National Accounts</td>
</tr>
<tr>
<td>SOCA</td>
<td>Sexual Offences and Community Affairs Unit</td>
</tr>
<tr>
<td>SORMAA</td>
<td>Sexual Offences and Related Matters Amendment Act</td>
</tr>
<tr>
<td>SRH</td>
<td>Sexual and Reproductive Health</td>
</tr>
</tbody>
</table>
CHAPTER 1: INTRODUCTION AND METHODOLOGY

INTRODUCTION AND BACKGROUND

The African Gender Development Index (AGDI) was developed in 2004 by the United Nations Economic Commission for Africa (UNECA) to support African countries’ initiative to monitor and evaluate the impact of national policies on gender equality and the empowerment of women. Ten years after the implementation of the Beijing Platform for Action, African states decided that it was important for them to have the monitoring system that would enable them to measure progress and transformation of gender relations in narrowing the gap between men and women, on the implementation of the Beijing Platform for Action as well as other international and regional instruments. UNECA’s Centre for Gender and Social Development assisted the governments by developing the AGDI, which is considered an effective monitoring mechanism.

The AGDI is a tool that is made up of two parts. The Gender Status Index (GSI), which is used to measure the gender inequalities based on readily available quantitative indicators on education and health, income, time use, employment, access to resources as well as formal and informal political representation. The second part of the AGDI is the African Women’s Progress Scoreboard (AWPS), which is used to measure the progress of women’s empowerment by facilitating a qualitative evaluation of government’s performance in the implementation of specific treaties affecting women which are ratified by the respective African countries including South Africa.

The first South African AGDI report was published in 2005 and South Africa was one of the countries that were selected during the piloting phase of the tool. The pilot exercise asserted that the tool could be employed as a mechanism for effective planning and implementation, in order to achieve visible gender equality and women empowerment in Africa. After the publication of the African women’s report 2009 by UNECA, Measuring gender inequality in Africa: Experiences and lessons from the African Gender and Development Index, a series of intensive discussions and interactions ensued on the tool, which led to 36 countries expressing their interest in rolling out the AGDI.

The second round of the AGDI study (AGDI II) was conducted in 13 countries, and the outcomes were published in January 2013. The CGE received training which was facilitated by the officials from the Economic Commission for Africa (ECA). The initial training for the CGE staff, including the management and commissioners, took place on 10-11 December 2012. Following the training, an agreement was reached with ECA for the CGE to undertake the AGDI assessment for South Africa. Due to financial constraints and the need for funding, the project was only initiated at the end of 2014. This was followed by the creation of a Project National Advisory Panel, and the appointment of an independent Project Consultant. A further training session was carried out on 19-22 August 2014, in which members of the NAP were involved.

The importance of the Commission conducting this AGDI assessment is in line with its constitutional mandate to monitor and evaluate progress by government and related institutions as prescribed under Section 11 (h) of the Commission for Gender Equality Act 39 of 1996. The participation of South Africa in this round of AGDI has been a form of introspection on the extent of progress made by the country in implementing the recommendations that emanated from the SA 2005 AGDI I report.
According to Section 11 (h) of the CGE Act 39 of 1996, the Commission shall monitor the state’s compliance with the international conventions, covenants and charters acceded to or ratified by the Republic, relating to the object of the Commission. Sub section (I) further stipulates that the Commission shall prepare and submit reports to Parliament pertaining to any such conventions, covenants and charters relating to the object of the Commission. Strategic objective 3 for CGE in responding to the provision of the CGE Act, states that the CGE should monitor state compliance to the international and regional instruments that South Africa has ratified. These instruments inform the regulatory framework in South Africa, hence it is important to comply with the obligations as stipulated by the treaty bodies and to conduct periodic reporting on the progress of the implementation of the instruments through enshrining the provisions of these instruments within the domestic laws, policies and programmes.

The report is structured around the two components of the AGDI, that is quantitative indicators (GSI) on gender equality and qualitative indicators (AWPS) on women’s empowerment. It comprises seven chapters where both challenges and achievements of the country are outlined. The scoring of both AGDI components is based on an analysis of information obtained from different data sources. Both the findings for the GSI and the AWPS indicate encouraging and at times contradictory findings. This we found was a result of the complicated nature of the position occupied by women. There are a few issues to consider as we think about the complicated position of women in South Africa; these are race, class and geographical position (rural/urban divide). Sexual orientation is also an important marker of differential life experiences for South African women. It is important for us that this report is read with this understanding in mind, as the averages provided, especially in Chapter 2, do not present a complete picture for all South African women. The qualitative explanations provided for our scoring in Chapters 3, 4, 5 and 6 speak to this general understanding of the particularities of experiences of South African women and men.

Both the conclusions and recommendations sections provide pointers on the successes and challenges, and attempt to map the way forward for policy-makers to address some of the key shortcomings identified in the report.

**SOUTH AFRICAN WOMEN 21 YEARS INTO DEMOCRACY**

South Africa has made impressive strides towards the equality of women since 1994. The first move towards this was the development of the South African Constitution which is the guiding law on equality and non-discrimination. This supreme law was followed by many policy reforms, including measures towards gender mainstreaming in government. The increasing numbers of women in leadership especially within the public sector although its not stable, has been a positive indicator of the government’s commitment to gender equality.

This report indicates that the position and life experiences of the majority of women have remained unchanged and difficult over the last 21 years. This is especially true with regard to the multiple forms of violence experienced by women. These range from sexual violence and violence by intimate partners which is argued to increase the risk incidents for HIV infection for women (Jewkes et al, 2010). The challenges faced by women also include unemployment, underemployment and poverty. However, the biggest challenges are that the women affected by these challenges are mostly black and specifically African. This is an indication of the deep-rooted and still experienced effects of colonialism, apartheid and stubborn patriarchy.

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2 Commission for Gender Equality Act 39 of 1996
Although this report indicates that important strides have been made in the education of girls, this does not translate into high employment rates of women into better-paying jobs. The reality of women with regard to earnings and upward movement in the corporate sector is largely unchanging for the majority of women. Inequality is still to a large extent the defining factor of women’s experiences. A not-to-be-celebrated finding of the report is that boys are dropping out of high school in large numbers between Grades 10 and 12. This is linked to notions of the provider role linked to hegemonic ideas of masculinity and driven also by the poverty and its resultant challenges that drives most boys to find work and try to support families and siblings early on (Dieltiens, V. and Meny-Gibert, S. 2009). Research on teenage pregnancy also indicates that pressures to be a good provider for teenage fathers leads to school dropouts in the hope of finding work (Panday, S. et al. 2009; Kanku, T. & Mash. R, 2010). We see these dropout rates further affecting the entry of boys into higher education institutions. What we found worth noting, however, is that later on in life men generally have better access to work and leadership positions in general society. This is an issue that needs attention as it might mean women continue to be treated unequally even when they have the qualifications to enter into good jobs.

METHODOLOGY AND APPROACH

The research informing this report was undertaken through the leadership of the CGE. A consultant was hired to lead the management of the research process and supervision of research team members. The researchers for the project were drawn mainly from the existing CGE research staff; no external people were involved other than the main project consultant.

After the first ECA training provided for the CGE in December 2012, the process for undertaking this assessment commenced. Once agreement was reached between the CGE and UNECA, NAP was selected from relevant government departments and the non-governmental sector. The NAP was made up of a multidisciplinary/sectoral team composed of representatives from the main sectors covered in the AGDI, particularly the economic, social and political sectors. This panel was central in facilitating contact with relevant government departments for the collection of relevant information and for access to departments.

The following targeted groups were part of NAP: civil societies (Sonke Gender Justice, Cosatu, Tshwaranang Legal Advocacy Centre), STAT-SA, Department of Social Development (DSD), Department of Women, Department of Monitoring and Evaluation (in the Presidency), CGE, the University of North West, South African Human Rights Commission (SAHRC) and Independent Electoral Commission (IEC). UNECA provided a second training in August 2014 for NAP members, research teams and CGE management, and the consultant was facilitated by UNECA’s chief gender equality and women’s empowerment officer.

The workshop was hands-on training enabling members of the NAP to master the AGDI and to understand all its elements and sophistication. The approach used was participatory and inclusive. All members were expected to engage fully throughout the training. Participants were engaged in a way to lead the training. They underwent a lot of group exercises/group work to test the index and presented from group work. The advantage of the process was that the appointed consultant was involved in the 2005 South Africa AGDI project, although as a junior member at the time. One of the key CGE researchers attended another later meeting which took place in Addis Ababa in early 2015, which was useful as it strengthened the team’s ability to fine-tune its processes and thus finalise the report.
DATA COLLECTION

Data for both the GSI and AWPS was collected firstly through reviews of mainly government reports and websites. These were later verified with individual government departments via email, telephonic conversations and, where possible, actual meetings with the appropriate department officials. Some members of the NAP were quite central in playing this role, including the provision of alternative and up to date data. The contribution of the Statistics South Africa office through the leadership of Dr Tshepo Mabela is worth commending here. She was very useful in assisting the team with up to date data and in many instances with actually providing the appropriate calculations for our purposes.

Although we assumed that the reports received from government were accurate, other readings from other research institutions like universities and research institutes were helpful in facilitating a critical reading of these reports and helped to create a more balanced undertaking. Our interaction with the NAP members was also very useful in raising questions on some of the data and assisting with the provision of more balanced information.

LIMITATIONS

We experienced a number of challenges during the data collection process. These are, however, normal research challenges; what is important for noting as an important challenge for gender equality is the lack of easily accessible sex-disaggregated data for many of the indicators. Although it should be assumed that government through its monitoring and evaluation function collects such data, we found in many cases that such data was not readily available.

Some of the challenges experienced were particularly with regard to gender mainstreaming imperatives – most of the departmental plans lacked specifics on the differential needs of women and men and how these were intended to be catered for and, most importantly, the budgets provided for were not gender sensitive. This made it difficult for us to determine the commitment of these specific departments to gender mainstreaming.

Another constraint with the process has been the difficulty in accessing data from some government departments. In some instances, officials from some government departments were not forthcoming in providing reports and other information, arguing that they were not in the public eye. These challenges led to delays and in some cases we were unable to get the data. The GSI and AWPS Grids provided below present a summary of our findings as spoken to briefly in the foreword and introduction.
## The African Gender Development Index (AGDI)
### SOUTH AFRICA COUNTRY REPORT 2015

**Commission for Gender Equality**

### The Gender Status Index Grid

<table>
<thead>
<tr>
<th>Block</th>
<th>Component</th>
<th>Sub-component</th>
<th>Indicator Description</th>
<th>Women</th>
<th>Men</th>
<th>Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Social power “capabilities”</strong></td>
<td>Education</td>
<td>Enrolment</td>
<td>Early childhood enrolment³</td>
<td>33</td>
<td>31</td>
<td>1.064516129</td>
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<td></td>
<td></td>
<td>Primary enrolment rate</td>
<td>3478994</td>
<td>3669676</td>
<td>0.948038464</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Secondary enrolment rate</td>
<td>2326108</td>
<td>2195600</td>
<td>1.0594407</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tertiary enrolment rate</td>
<td>482788</td>
<td>366376</td>
<td>1.317739153</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Completion</td>
<td>Proportion of pupils starting Grade 1 who reach last grade of primary</td>
<td>93.4</td>
<td>89.2</td>
<td>1.047085202</td>
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<tr>
<td></td>
<td></td>
<td>Dropout</td>
<td>Primary dropout ratio</td>
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<td>4</td>
<td>0.979166667</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Secondary dropout ratio</td>
<td>34</td>
<td>36</td>
<td>1.03125</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Literacy</td>
<td>Ability to read and write</td>
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<td>4290</td>
<td>1.813286713</td>
</tr>
<tr>
<td><strong>Health</strong></td>
<td></td>
<td>Child health</td>
<td>Stunting under 5 using minus 2 standard deviation</td>
<td>26</td>
<td>27</td>
<td>1.01369863</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Underweight under 5 using minus 2 standard deviation¹</td>
<td>3.6</td>
<td>8.2</td>
<td>1.050108932</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Mortality under 5⁵</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Life expectancy at birth</td>
<td></td>
<td>62.64</td>
<td>57.26</td>
<td>1.093957387</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HIV/AIDS</td>
<td>HIV/AIDS prevalence among 15-24 years old</td>
<td>8.1</td>
<td>4</td>
<td>0.957291667</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Access to anti-retroviral treatment</td>
<td>457657.1</td>
<td>235071.4</td>
<td>1.946885</td>
</tr>
<tr>
<td><strong>Economic power “Opportunities”</strong></td>
<td>Income</td>
<td>Wages</td>
<td>Wages in agriculture⁶</td>
<td>2288</td>
<td>3978</td>
<td>0.57508</td>
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<td></td>
<td></td>
<td></td>
<td>Wages in civil service</td>
<td>155867</td>
<td>165801</td>
<td>0.9400848</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Wages in formal sector (public and/or private)</td>
<td>19.824</td>
<td>22.655</td>
<td>0.875038623</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Wages in informal sector</td>
<td>5.424</td>
<td>7.138</td>
<td>0.759874716</td>
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<tr>
<td></td>
<td></td>
<td>Income</td>
<td>Income from informal enterprise⁷</td>
<td>950</td>
<td>2000</td>
<td>0.47500</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Income from small agricultural household enterprise⁸</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Share of women/men under the poverty line</td>
<td>35</td>
<td>39</td>
<td>1.06557377</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Income from remittances and inter-household transfers</td>
<td>100</td>
<td>100</td>
<td>1</td>
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<tr>
<td></td>
<td></td>
<td>Time-use or employment</td>
<td>Time spent in market economic activities (as paid employee, own-account or employer)</td>
<td>1777</td>
<td>2020</td>
<td>0.87970297</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Time spent in non-market economic activities or as unpaid family worker in market economic activities</td>
<td>931</td>
<td>1158</td>
<td>1.243823845</td>
</tr>
<tr>
<td><strong>Economic power “Opportunities”</strong></td>
<td>Time-use or employment</td>
<td>Time-use</td>
<td>Time spent in domestic, care and volunteer activities</td>
<td>920</td>
<td>371</td>
<td>0.40326087</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Employment</td>
<td>Share of women in non-agricultural wage employment⁹</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Youth unemployment rate</td>
<td>56.3</td>
<td>50.7</td>
<td>0.886409736</td>
</tr>
</tbody>
</table>

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³ Data obtained from StatsSA
⁴ Data obtained from StatsSA
⁵ Data not available
⁶ Data obtained from StatsSA
⁷ Data obtained from StatsSA
⁸ Data not available
⁹ Data not available
¹⁰ Data not available
The African Gender Development Index (AGDI)

SOUTH AFRICA COUNTRY REPORT 2015
Commission for Gender Equality

<table>
<thead>
<tr>
<th>Block</th>
<th>Component</th>
<th>Sub-component</th>
<th>Indicator</th>
<th>Data</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Management</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Access to credit 11</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Freedom to dispose of own income</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Employers</td>
<td>421.5, 1486.5</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>High civil servants (Class A)</td>
<td>19.65, 80.37</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Members of professional syndicates</td>
<td>39.27, 60.7</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Administrative, scientific and technical</td>
<td>40.475, 59.475</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Members of parliament</td>
<td>191.5, 298.5</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Cabinet ministers</td>
<td>33, 39</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Higher courts judges</td>
<td>34, 66</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Members of local councils</td>
<td>3583, 5505</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Higher positions in civil service (including government institutions, regional governors and ambassadors) 12</td>
<td>3816, 5735</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Civil Society</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Senior positions in Political parties</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Trade unions</td>
<td>10, 19</td>
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<td>Employer’s associations</td>
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<td>Professional syndicates</td>
<td>40, 88</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>Heads or managers NGOs</td>
<td>30.5, 66.7</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Heads of community-based associations or unions 13</td>
<td></td>
</tr>
</tbody>
</table>

The GSI grid shows that South Africa as a country has made significant progress in substantive gender equality and making sure that women’s rights are realised through policy and legislation. However, the statistics in access to resources reveal that the country still has to do more to make sure that women are fairly represented and participate fully and meaningfully. The AWPS grid below shows that South Africa is doing well in terms of ratification and has put policies in place. The Department of Education (DoE) and other partners have put systems in place to empower women. The lives of women, even in rural areas, have improved in terms of accessing services, as well as free basic health systems, i.e. free and safe abortion and family planning. The economic emancipation of women in the country is coupled with law and the monitoring and evaluation is in place, through institutions like the CGE that assists in holding different institutions accountable in order to meet the 50/50 quota and making sure that women are in key decision-making positions both in the private and the public sector. The data in this section also reveals that access to technology in South Africa is significantly higher. Under the political section, South Africa is doing well; however, in the participation in peace process and negotiations the country is not doing well. Women still constitute a low percentage in the decision-making processes in peace processes.

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11 Data not available
12 Data obtained from StatsSA
13 Data not available
### The African Women’s Progress Report Grid

<table>
<thead>
<tr>
<th>WOMEN’S RIGHTS</th>
<th>%</th>
<th>63%</th>
<th>62%</th>
<th>61%</th>
<th>60%</th>
<th>59%</th>
<th>58%</th>
<th>57%</th>
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<th>50%</th>
<th>49%</th>
<th>48%</th>
<th>47%</th>
<th>46%</th>
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</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>19</td>
<td>18</td>
<td>17</td>
<td>16</td>
<td>15</td>
<td>14</td>
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<td>11</td>
<td>10</td>
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<td>6</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Accountability/Transparency</td>
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<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
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*Commission for Gender Equality*
### The African Gender Development Index (AGDI)

**SOUTH AFRICA COUNTRY REPORT 2015**

**Commission for Gender Equality**

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Commission for Gender Equality
CHAPTER 2: GENDER STATUS INDEX

INTRODUCTION

This chapter provides information pertaining to the South African Gender Status Index (SAGSI), which is calculated in line with the instructions of the UNECA 2004 AGDI booklet. This report uses the 2005 AGDI South African Report as the base, thus presenting the data from that report as a critical lens to look at changes since 2005 and what could be the possible reasons for South Africa’s current position in terms of the gaps between women and men with regard to opportunities to earn an income, access to resources, education and well-being, as well as possibilities to achieve positions of power in the public and private sector and in civil society.

Where possible the measures provided cover three- to five-year cycles starting from the data in the 2005 report. However, this depended mainly on the availability of data and data collection cycles of Stats SA and other government departments.

This chapter provides a measure for the following indicators.

- Social Power
  - Education
    - Enrolments
    - Dropout rates
    - Literacy
  - Health
    - Child health
    - Life expectancy at birth
    - New HIV infections
- Economic Power
  - Income
    - Wage
    - Income
  - Time Use or employment
    - Time use
    - Employment
  - Access to Resources
    - Means of production
    - Management
- Political Power
  - Public sector
  - Civil society
SOCIAL POWER

EDUCATION

Education is an important marker of progress in the ability for groups and individuals to access social and economic power; it is thus an important indicator of the positioning of women and men in any country. Like the 2005 AGDI report, South Africa, unlike many other African countries, shows contrasting trends for the education of girls and boys. Although there is still a higher literacy rate among men, the dropout rate for especially black African boys in high school and the decreasing rate of boys’ enrolment in university and other higher education institutions remain an important concern for gender equality. Again, assessing the racial disaggregation of the country’s education data confirms the persistent underdevelopment of the black African population.

EARLY CHILDHOOD ENROLMENT

The participation of 0 to 4 year olds has increased from 7 percent in 2002 to almost 45 percent in 2013, an increase of 38 percentage points. In 2013, the Free State and Gauteng had the highest percentage of this age group attending Early Childhood Development (ECD) facilities at 59 percent each, and Mpumalanga had the lowest percentage attending ECD facilities in 2013, at approximately 34 percent.

Enrolment in Grade R (a pre-school year at primary school) has more than doubled, increasing from 300,000 to 779,370 between 2003 and 2013, nearly reaching the level of universal access\(^1\). By 2012, 93.9 percent of learners in Grade 1 in public schools had attended Grade R. This is a remarkable achievement, indicative of South Africa’s investment in the foundation phase of education. The ECD programme is currently being extended to cover the first 1000 days of life (from conception to two years old) in line with the National Development Plan proposals.

PRIMARY, SECONDARY AND TERTIARY EDUCATION

ENROLMENT RATES

With the build up to and implementation of democracy, enrolment rates increased throughout the different grades in South Africa (Taylor et.al, 2008). These increases are mainly because of the age grade admission policy by the Department of Education (DoE) introduced in 2000, where learners must turn seven in the year they enrol for Grade 1. This policy improved enrolment efficiency even though it has not uniformly stabilised yet. For this report, the ages 7 to 13 is used as the appropriate age for primary school, 7 to 15 years for basic or compulsory schooling, 14 to 18 years for secondary schooling and 16 to 18 years for further education and training. However, appropriate age groups for further education vary and may include individuals up to the age of 24.

An important finding for South Africa’s education in comparison to other developing countries has been the fact that access to schooling has been achieved equally for both male and female children (Taylor et.al, 2007). However, although the data might indicate equality in access, the results vary when the data is disaggregated by province and when looking at the different levels of education. Again racial disparities with regard to access, although improving since 1994, are still to a large extent a serious concern. Table 1 illustrates this.

\(^1\) Department of Basic Education. Education for All (EFA) 2014 Country Progress Report. Available at http://www.education.gov.za
Table 1. Percentage distribution of women and men for each population group aged 25 years and above by highest level of education, 2011

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Source: Census 2011

The table shows that the percentages of adults aged 25 years and above with no formal schooling are highest among black African women and men, at 14.0 and 10.8 percent respectively. Less than one per cent of white women and men have no schooling. Among Coloured women and men, three-fifths or more have not completed Grade 12. For this group, the percentage is higher for women than for men. Conversely, less than 10 percent of black African and Coloured women and men have a qualification higher than Grade 12. However, at this level black African women are slightly better off than black African men, with 8.9 percent of black African women recording higher qualifications compared with 8.3 percent of black African men. Except for the Indian/Asian group, the differences between population groups tend to be much larger than the differences between women and men within a single population group.

The DoE 2006 and 2009 Education Statistics provides the following numbers for the National Enrolment Rates, Table 2.

Table 2. Gross Enrolment Ratio by Gender and Level of Education, 2006, 2009 & 2013

<table>
<thead>
<tr>
<th>Level</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary School</td>
<td>105</td>
<td>99</td>
</tr>
<tr>
<td>Secondary School</td>
<td>85</td>
<td>82</td>
</tr>
</tbody>
</table>


A provincial disaggregation of this data by the DoE suggests that provinces with the largest gender gap in terms of gender enrolment rates lying furthest from the gender parity line were observed in the Eastern Cape and Limpopo in favour of females. More males were enrolled compared to their female counterparts in the North West, whereas Gauteng, KwaZulu-Natal and the Northern Cape indicated no gender gap (DoE, 2009: 9)

PRIMARY ENROLMENT

Table 3 provides the number of learners in South African Public and Independent schools between 2005 and 2014.
Table 3. The number of learners in SA public and independent primary schools by gender, 2005-2014

<table>
<thead>
<tr>
<th>Year</th>
<th>Male</th>
<th>%</th>
<th>Female</th>
<th>%</th>
<th>Total</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>3 749 517</td>
<td>51.3%</td>
<td>3 564 932</td>
<td>48.7%</td>
<td>7 314 449</td>
<td></td>
</tr>
<tr>
<td>2006</td>
<td>3 721 387</td>
<td>51.3%</td>
<td>3 535 131</td>
<td>48.7%</td>
<td>7 256 518</td>
<td></td>
</tr>
<tr>
<td>2007</td>
<td>3 740 636</td>
<td>51.2%</td>
<td>3 571 622</td>
<td>48.8%</td>
<td>7 312 258</td>
<td></td>
</tr>
<tr>
<td>2008</td>
<td>3 699 695</td>
<td>51.2%</td>
<td>3 531 965</td>
<td>48.8%</td>
<td>7 231 660</td>
<td></td>
</tr>
<tr>
<td>2009</td>
<td>3 653 703</td>
<td>51.3%</td>
<td>3 474 797</td>
<td>48.7%</td>
<td>7 128 500</td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>3 607 780</td>
<td>51.4%</td>
<td>3 416 588</td>
<td>48.6%</td>
<td>7 024 368</td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td>3 576 863</td>
<td>51.4%</td>
<td>3 378 569</td>
<td>48.6%</td>
<td>6 955 432</td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>3 606 826</td>
<td>51.5%</td>
<td>3 397 656</td>
<td>48.5%</td>
<td>7 004 482</td>
<td></td>
</tr>
<tr>
<td>2013</td>
<td>3 639 211</td>
<td>51.5%</td>
<td>3 424 638</td>
<td>48.5%</td>
<td>7 063 849</td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>3 701 143</td>
<td>51.4%</td>
<td>3 494 040</td>
<td>48.6%</td>
<td>7 195 183</td>
<td></td>
</tr>
</tbody>
</table>

Source: Education Stats in South Africa Reports

The above numbers are represented by gender in the following graph, which easily illustrates that for the period 2005 until 2014 the number of boy learners in primary school consistently exceeded the number of girls. This is further acknowledged by figures for primary enrolments (Grade 1-7), shown in Table 4.

Table 4. Gross Enrolment Ratio by Gender Grade 1-7, 2005-2014

<table>
<thead>
<tr>
<th>Year</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>105</td>
<td>101</td>
<td>103</td>
</tr>
<tr>
<td>2006</td>
<td>104</td>
<td>100</td>
<td>102</td>
</tr>
<tr>
<td>2007</td>
<td>100</td>
<td>98</td>
<td>99</td>
</tr>
<tr>
<td>2008</td>
<td>100</td>
<td>97</td>
<td>98</td>
</tr>
<tr>
<td>2009</td>
<td>99</td>
<td>96</td>
<td>98</td>
</tr>
<tr>
<td>2010</td>
<td>96</td>
<td>92</td>
<td>94</td>
</tr>
<tr>
<td>2011</td>
<td>95</td>
<td>91</td>
<td>93</td>
</tr>
<tr>
<td>2012</td>
<td>101</td>
<td>96</td>
<td>99</td>
</tr>
</tbody>
</table>

Source: Education Stats in South Africa Reports, 2006-12.

The larger ratio of boys’ enrolment in primary school indicated in Table 4 possibly points to the repetition by boys as well as the challenge of late enrolments of boys with inappropriate ages for the Grade.

---

The data in the table was sourced from the 2006/7/8/9/10/11/12 Education Statistics in South Africa Reports. However, the 2013 and 2014 statistics are based on the preliminary results sourced from the 2013 School Realities and 2014 School Realities reports respectively. At the time of compiling this report these figures were not published.
There has been a relative decline of the Gross Enrolment Ratio (GER) for both boy and girl learners in primary schools for the period 2005 to 2011. In 2012 the GER increased for both boy and girl learners, with the boy learners’ GER exceeding 100. Table 5 might provide more tangible evidence for the numbers shown above; it presents percentage data for repeaters in primary education.

### Table 5. Percentage of Repeaters in Primary Schools, 2009-2013

<table>
<thead>
<tr>
<th>Year</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>8.3</td>
<td>5.3</td>
<td>6.8</td>
</tr>
<tr>
<td>2010</td>
<td>8.8</td>
<td>4.9</td>
<td>7.0</td>
</tr>
<tr>
<td>2011</td>
<td>9.2</td>
<td>5.3</td>
<td>7.3</td>
</tr>
<tr>
<td>2012</td>
<td>11.2</td>
<td>5.9</td>
<td>8.6</td>
</tr>
<tr>
<td>2013</td>
<td>11.0</td>
<td>7.1</td>
<td>9.1</td>
</tr>
</tbody>
</table>

Source: General Household Survey (GHS) 2009-2013, DBE Calculations

It is evident from the above table that for the period 2009 to 2013 there were more males repeating primary school grades than females. Also, the percentage of repeaters for males and females increased from 8.3 percent to 11.0 percent and 5.3 percent to 7.1 percent respectively.

### SECONDARY ENROLMENT

Although a large number of learners complete their Grade 12, the quality of matriculants produced has recently become questionable and has been vigorously debated (Millennium Goal Development (MDG), 2013). The debate has focused on the fact that lower levels of education are not producing strong enough candidates who will do well at higher levels. Table 6 presents the number of secondary learners in both public and independent schools between the years 2005 and 2014.

### Table 6. The number of learners in SA public and independent Schools Grade 8 – 12 by Gender, 2005-2014

<table>
<thead>
<tr>
<th>Year</th>
<th>Male</th>
<th>Male %</th>
<th>Female</th>
<th>Female %</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>2 127 285</td>
<td>48.0%</td>
<td>2 303 423</td>
<td>52.0%</td>
<td>4 430 708</td>
</tr>
<tr>
<td>2006</td>
<td>2 187 392</td>
<td>48.1%</td>
<td>2 356 813</td>
<td>51.9%</td>
<td>4 544 205</td>
</tr>
<tr>
<td>2007</td>
<td>2 201 904</td>
<td>48.4%</td>
<td>2 347 437</td>
<td>51.6%</td>
<td>4 549 341</td>
</tr>
<tr>
<td>2008</td>
<td>2 140 931</td>
<td>48.6%</td>
<td>2 262 823</td>
<td>51.4%</td>
<td>4 403 931</td>
</tr>
<tr>
<td>2009</td>
<td>2 140 919</td>
<td>48.4%</td>
<td>2 277 985</td>
<td>51.6%</td>
<td>4 418 904</td>
</tr>
<tr>
<td>2010</td>
<td>2 171 496</td>
<td>48.6%</td>
<td>2 299 972</td>
<td>51.4%</td>
<td>4 471 468</td>
</tr>
<tr>
<td>2011</td>
<td>2 287 305</td>
<td>50.4%</td>
<td>2 327 134</td>
<td>49.6%</td>
<td>4 534 439</td>
</tr>
<tr>
<td>2012</td>
<td>2 231 541</td>
<td>48.5%</td>
<td>2 365 744</td>
<td>51.5%</td>
<td>4 597 285</td>
</tr>
<tr>
<td>2013</td>
<td>2 231 267</td>
<td>48.6%</td>
<td>2 362 230</td>
<td>51.4%</td>
<td>4 593 497</td>
</tr>
<tr>
<td>2014</td>
<td>2 235 958</td>
<td>48.6%</td>
<td>2 357 522</td>
<td>51.4%</td>
<td>4 593 480</td>
</tr>
</tbody>
</table>

Source: Education Stats in South Africa Reports

---

16 The data in the table was sourced from the 2006/7/8/9/10/11/12 Education Statistics in South Africa Reports. However, the 2013 and 2014 statistics are based on the preliminary results sourced from the 2013 School Realities and 2014 School Realities reports respectively. At the time of compiling this report these figures were not published.
This table clearly shows that the number of girl learners was higher than that of boy learners in secondary schools.

Gross enrolment ratios in secondary schools is represented by gender in Table 7.

### Table 7. Grades 8 – 12 Gross Enrolment Ratio by Gender, 2005-2012

<table>
<thead>
<tr>
<th>Year</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>85</td>
<td>92</td>
<td>89</td>
</tr>
<tr>
<td>2006</td>
<td>87</td>
<td>95</td>
<td>91</td>
</tr>
<tr>
<td>2007</td>
<td>84</td>
<td>92</td>
<td>88</td>
</tr>
<tr>
<td>2008</td>
<td>82</td>
<td>87</td>
<td>84</td>
</tr>
<tr>
<td>2009</td>
<td>82</td>
<td>88</td>
<td>85</td>
</tr>
<tr>
<td>2010</td>
<td>83</td>
<td>89</td>
<td>86</td>
</tr>
<tr>
<td>2011</td>
<td>84</td>
<td>90</td>
<td>87</td>
</tr>
<tr>
<td>2012</td>
<td>86</td>
<td>92</td>
<td>89</td>
</tr>
</tbody>
</table>

Source: Education Stats in South Africa Reports, 2006/7/8/9/10/11/12/13/14.

The GER for girl learners is higher than that for the boy learners in secondary school. Table 8 below confirms the existing gap between boys and girls in secondary schools; it presents percentage data for repeaters in secondary education.

### Table 8. Percentage of Repeaters in Secondary Schools, 2009-2013

<table>
<thead>
<tr>
<th>Year</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>13.2%</td>
<td>11.4%</td>
<td>12.3%</td>
</tr>
<tr>
<td>2010</td>
<td>14.8%</td>
<td>12.0%</td>
<td>13.4%</td>
</tr>
<tr>
<td>2011</td>
<td>15.7%</td>
<td>13.4%</td>
<td>14.5%</td>
</tr>
<tr>
<td>2012</td>
<td>16.9%</td>
<td>14.6%</td>
<td>15.7%</td>
</tr>
<tr>
<td>2013</td>
<td>18.1%</td>
<td>15.1%</td>
<td>16.6%</td>
</tr>
</tbody>
</table>

Source: General Household Survey (GHS) 2009-2013, DBE Calculations

The above information indicates an increase in the number of repeaters for both genders in secondary schools for the period 2009 to 2013, illustrating consistent patterns with more male repeaters than females.
TERTIARY ENROLMENT

Table 9. Enrolment in higher education per 1000 of the population, 2000 to 2007

<table>
<thead>
<tr>
<th>Year</th>
<th>Males</th>
<th></th>
<th>Females</th>
<th></th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>%</td>
<td>Number</td>
<td>%</td>
<td>Number</td>
</tr>
<tr>
<td>2006</td>
<td>1698</td>
<td>49.4</td>
<td>1740</td>
<td>50.6</td>
<td>3 438</td>
</tr>
<tr>
<td>2007</td>
<td>1426</td>
<td>49.8</td>
<td>1437</td>
<td>50.2</td>
<td>2 863</td>
</tr>
</tbody>
</table>


The gender gap seen in secondary enrolments is evident in the enrolment of women and men in higher education, indicating more enrolments of women than men. These numbers when disaggregated by faculty indicate continued gender gaps with regard to access by women to historically masculine disciplines. Table 10 illustrates this continuation.

Table 10. Gender Parity in Higher Education, 2000-2007

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>GPI</td>
<td>1.11</td>
<td>1.16</td>
<td>1.18</td>
<td>1.20</td>
<td>1.23</td>
<td>1.23</td>
<td>1.23</td>
<td>1.26</td>
<td>1.27</td>
<td>1.32</td>
<td>1.36</td>
<td>1.39</td>
<td>1.42</td>
<td>1.43</td>
</tr>
</tbody>
</table>


The Gender Parity Index (GPI) increased from 1.11 to 1.43 for the period 2000 to 2013 in favour of females. This is an increase of 46.8% percent in thirteen years.

The following table presents gender-disaggregated data for headcount enrolments in South African universities and universities of technology for the years 2005 to 2013.

Table 11. Headcount Enrolments for Public Higher Education Universities and Universities of Technology by Gender

<table>
<thead>
<tr>
<th>Year</th>
<th>Males</th>
<th>Females</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>334 030</td>
<td>401 042</td>
<td>735 073</td>
</tr>
<tr>
<td>2006</td>
<td>332 662</td>
<td>408 718</td>
<td>741 380</td>
</tr>
<tr>
<td>2007</td>
<td>338 481</td>
<td>422 402</td>
<td>760 889</td>
</tr>
<tr>
<td>2008</td>
<td>348 813</td>
<td>450 652</td>
<td>799 490</td>
</tr>
<tr>
<td>2009</td>
<td>359 578</td>
<td>478 174</td>
<td>837 776</td>
</tr>
<tr>
<td>2010</td>
<td>380 350</td>
<td>512 573</td>
<td>892 936</td>
</tr>
<tr>
<td>2011</td>
<td>395 117</td>
<td>542 997</td>
<td>938 201</td>
</tr>
<tr>
<td>2012</td>
<td>398 367</td>
<td>554 840</td>
<td>953 373</td>
</tr>
<tr>
<td>2013</td>
<td>409 988</td>
<td>573 698</td>
<td>983 698</td>
</tr>
</tbody>
</table>

Source: Department of Education Data

The enrolment for public higher education universities and universities of technology for the period 2005 to 2013 was higher for female students than male students. In addition, there was a consistent increase in the difference between the genders from 67 012 in 2005 to 163 710 in 2013. The data indicated above suggests that more females enrol in public universities as compared to males.
However, when disaggregated by discipline a different picture is seen in, especially, science, engineering and technology which enrolls more males. Table 12 shows the data. The GPI for higher education was at 1.43 in 2013.

Table 12. Enrolment in public universities by discipline and gender, 2010-2013

<table>
<thead>
<tr>
<th>Year</th>
<th>Science Engineering and Technology</th>
<th>Humanities and Social Sciences</th>
<th>Education</th>
<th>Health and Clinical Sciences</th>
<th>Business and Management</th>
<th>Law</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>2010</td>
<td>123113</td>
<td>77604</td>
<td>44954</td>
<td>94630</td>
<td>38092</td>
<td>107319</td>
</tr>
<tr>
<td>2011</td>
<td>130297</td>
<td>82678</td>
<td>42788</td>
<td>96502</td>
<td>42580</td>
<td>122295</td>
</tr>
<tr>
<td>2012</td>
<td>133327</td>
<td>85317</td>
<td>43498</td>
<td>100000</td>
<td>42511</td>
<td>125950</td>
</tr>
<tr>
<td>2013</td>
<td>138031</td>
<td>89628</td>
<td>47016</td>
<td>109741</td>
<td>43255</td>
<td>129735</td>
</tr>
</tbody>
</table>

Source: Statistics provided by the DHET, 3 June 2015

DROPOUT RATES

Research on dropout rates generally indicates that dropout rates are negligible in primary school, that is from Grades 1 to 7. However, they start to increase year-on-year thereafter. A South African study by Branson et.al (2013) shows that dropout rates were higher for males than for females, beginning in Grade 6 for the years 2008 to 2010. The dropout rates presented below corroborates the findings by Branson et.al to some extent, and also continues to show that boys are impacted more than girls.

PRIMARY DROPOUT RATES

Table 13. Primary School Dropout Rates, 2010-2011, 2012

<table>
<thead>
<tr>
<th>Year</th>
<th>Grade 1</th>
<th>Grade 2</th>
<th>Grade 3</th>
<th>Grade 4</th>
<th>Grade 5</th>
<th>Grade 6</th>
<th>Grade 7</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>F</td>
<td>M</td>
<td>F</td>
<td>M</td>
<td>F</td>
<td>M</td>
<td>F</td>
</tr>
<tr>
<td>2010-2011</td>
<td>1%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>1%</td>
<td>0%</td>
</tr>
<tr>
<td>2012</td>
<td>0%</td>
<td>0%</td>
<td>1%</td>
<td>0%</td>
<td>0%</td>
<td>1%</td>
<td>0%</td>
</tr>
</tbody>
</table>


The percentage of dropouts in primary school is not significant; however, in 2010 - 2011 by Grade 7 we begin to see an increase with more males dropping out at 3 percent and females at 2 percent. The 2012 data shows a decrease in both the dropout rates of males and females by one percentage point each in Grade 7.
SECONDARY DROPOUT RATES


<table>
<thead>
<tr>
<th>Year</th>
<th>Grade 8</th>
<th></th>
<th>Grade 9</th>
<th></th>
<th>Grade 10</th>
<th></th>
<th>Grade 11</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>F</td>
<td>M</td>
<td>F</td>
<td>M</td>
<td>F</td>
<td>M</td>
<td>F</td>
<td>M</td>
</tr>
<tr>
<td>2010-2011</td>
<td>5%</td>
<td>5%</td>
<td>4%</td>
<td>7%</td>
<td>7%</td>
<td>15%</td>
<td>16%</td>
<td>18%</td>
</tr>
<tr>
<td>2012</td>
<td>3%</td>
<td>4%</td>
<td>6%</td>
<td>8%</td>
<td>8%</td>
<td>10%</td>
<td>17%</td>
<td>14%</td>
</tr>
</tbody>
</table>

Source: National Income Dynamics Study 2010-2011, Wave 2. DBE Calculations

Table 14 illustrates that dropout rates go up at Grade 11 for both boys and girls. In 2012 the number of female dropout rates showed an increase as opposed to boys in Grade 11. The high number of dropout rates for females in Grades 10 and 11 could be attributed to multiple factors, teenage pregnancy being one among them. 17 (It is also clear that male dropout rates fell significantly in Grades 10 and 11 in 2012.)

HIGHER EDUCATION DROPOUT RATES

Table 15. Dropout Rates for First Time Entering Undergraduates, at Contact and Distance Universities, 2007

<table>
<thead>
<tr>
<th></th>
<th>Year 2</th>
<th></th>
<th>Year 3</th>
<th></th>
<th>Year 4</th>
<th></th>
<th>Year 5</th>
<th></th>
<th>Year 6</th>
<th></th>
<th>Year 7</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>Contact mode of tuition</td>
<td>19.0</td>
<td>16.3</td>
<td>24.7</td>
<td>21.3</td>
<td>26.6</td>
<td>21.5</td>
<td>30.3</td>
<td>24.6</td>
<td>31.7</td>
<td>25.7</td>
<td>32.7</td>
<td>26.1</td>
</tr>
<tr>
<td>Distance mode of tuition</td>
<td>50.9</td>
<td>45.8</td>
<td>62.8</td>
<td>56.0</td>
<td>67.7</td>
<td>60.7</td>
<td>70.5</td>
<td>62.9</td>
<td>72.5</td>
<td>64.6</td>
<td>72.1</td>
<td>63.7</td>
</tr>
</tbody>
</table>

Source: Statistic provided by the Department of Higher Education and Training, June 2015

This table indicates that the dropout rate is higher for males and it went up more so in year 6 for males but also for females. This shows a similar trend seen in high school data.

ABILITY TO READ AND WRITE

The ability of South Africans who are able to read and write has improved since 1994. This is true when taking into consideration the highest levels of education, as shown in Table 16.

Table 16. Percentage distribution of Women and Men aged 25 and above by highest level of Education, 2011

<table>
<thead>
<tr>
<th>Level of Education</th>
<th>Female</th>
<th></th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than Grade 12</td>
<td>12.3</td>
<td></td>
<td>12.6</td>
</tr>
<tr>
<td>Grade 12</td>
<td>25.2</td>
<td></td>
<td>27.7</td>
</tr>
<tr>
<td>Less than Grade 12</td>
<td>50.6</td>
<td></td>
<td>50.9</td>
</tr>
<tr>
<td>No Schooling</td>
<td>11.9</td>
<td></td>
<td>8.7</td>
</tr>
</tbody>
</table>

Source: Gender Statistics in South Africa, 2011.

Gender disparities shown in the above table indicate that there are fewer male adults with no schooling than female adults. This has implications for literacy although not a direct reflection

17 Even though teenage pregnancy contributes to school dropout rates, research suggests that it is one among many reasons. Teenage pregnancy however leads to delays in school completion as young mothers tend to come back to school after giving birth (Morrell, Bhana and Sheler, 2012:10 and Martelet and Lam, 2008. However, the challenge is that not all young mothers return to school after giving birth.
of the functionality of their literacy. The table below indicates more specifically the number of women and men who are literate and illiterate; again the data shows that more women are illiterate as compared to men.

Table 17. Literacy by Gender, 2009-2013

<table>
<thead>
<tr>
<th>Year</th>
<th>Literacy</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>Literate</td>
<td>7 732</td>
<td>4 234</td>
<td>11 967</td>
</tr>
<tr>
<td></td>
<td>Illiterate</td>
<td>670</td>
<td>848</td>
<td>1 518</td>
</tr>
<tr>
<td>2010</td>
<td>Literate</td>
<td>7 496</td>
<td>4 080</td>
<td>11 743</td>
</tr>
<tr>
<td></td>
<td>Illiterate</td>
<td>662</td>
<td>860</td>
<td>1 523</td>
</tr>
<tr>
<td>2011</td>
<td>Literate</td>
<td>7 534</td>
<td>4 209</td>
<td>11 743</td>
</tr>
<tr>
<td></td>
<td>Illiterate</td>
<td>661</td>
<td>860</td>
<td>1 521</td>
</tr>
<tr>
<td>2012</td>
<td>Literate</td>
<td>7 986</td>
<td>4 398</td>
<td>12 384</td>
</tr>
<tr>
<td></td>
<td>Illiterate</td>
<td>600</td>
<td>834</td>
<td>1 434</td>
</tr>
<tr>
<td>2013</td>
<td>Literate</td>
<td>8 148</td>
<td>4 529</td>
<td>12 677</td>
</tr>
<tr>
<td></td>
<td>Illiterate</td>
<td>617</td>
<td>823</td>
<td>1 440</td>
</tr>
</tbody>
</table>

Source: General Household Survey, Unspecified Cases Are Excluded (2009-2013)

The challenge with the data presented in Table 17 is how it does not reconcile with the high dropout rates of males from high school, and again with how literacy is measured in the country. In measuring literacy, the survey simply asks people if they can read or write, instead of checking their ability to do so. However, should we take the data as a true reflection of literacy levels in the country, then we can conclude that South Africa has not achieved gender parity in terms of literacy.

SCHOOL COMPLETION RATES

PRIMARY COMPLETION RATES

The table that follows presents data from the household survey on the completion rates for primary education for girls and boys.

Table 18. Percentage of 15-24 year olds who completed Grade 7 and above by gender

<table>
<thead>
<tr>
<th>Year</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>86.6</td>
<td>90.9</td>
<td>88.8</td>
</tr>
<tr>
<td>2006</td>
<td>87.3</td>
<td>91.4</td>
<td>89.4</td>
</tr>
<tr>
<td>2007</td>
<td>87.6</td>
<td>92.5</td>
<td>90.1</td>
</tr>
<tr>
<td>2008</td>
<td>88.5</td>
<td>92.0</td>
<td>90.3</td>
</tr>
<tr>
<td>2009</td>
<td>88.9</td>
<td>93.1</td>
<td>91.0</td>
</tr>
<tr>
<td>2010</td>
<td>90.4</td>
<td>94.6</td>
<td>92.5</td>
</tr>
<tr>
<td>2011</td>
<td>90.7</td>
<td>94.6</td>
<td>92.7</td>
</tr>
<tr>
<td>2012</td>
<td>91.7</td>
<td>95.4</td>
<td>93.6</td>
</tr>
<tr>
<td>2013</td>
<td>91.9</td>
<td>96.1</td>
<td>94.0</td>
</tr>
</tbody>
</table>

Source: General Household Survey (GHS) 2002-2013, DBE calculations
The percentage of girls and boys completing Grade 7 and above increased during the period 2005 and 2013. The percentage increase between 2005 and 2013 was 6.1 percent for males and 5.7 percent for females. There was a pronounced difference in the number of girls completing Grade 7 and above as shown in Table 19 below.

**SECONDARY COMPLETION RATES**

The table below provides data on the completion rates for boys and girls in secondary schools for the years 2009 to 2013.

Table 19. Grades 7, 9 and 12 completion rates for 15-24 year olds, 2009-2013

<table>
<thead>
<tr>
<th>Year</th>
<th>Grade 7 and above</th>
<th>Grade 9 and above</th>
<th>Grade 12 and above</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>Total</td>
</tr>
<tr>
<td>2009</td>
<td>88.9</td>
<td>93.1</td>
<td>91</td>
</tr>
<tr>
<td>2010</td>
<td>90.4</td>
<td>94.6</td>
<td>92.5</td>
</tr>
<tr>
<td>2011</td>
<td>90.7</td>
<td>94.6</td>
<td>92.7</td>
</tr>
<tr>
<td>2012</td>
<td>91.7</td>
<td>95.4</td>
<td>93.6</td>
</tr>
<tr>
<td>2013</td>
<td>91.9</td>
<td>96.1</td>
<td>94.0</td>
</tr>
</tbody>
</table>

Source: General Household Survey (GHS) 2009-2013, DBE calculations

The table below shows the numbers of women and men who wrote in comparison to those who passed the national Senior Certificate Examination in 2012.

Table 20. National Senior Certificate Examination Results by Gender in 2012

<table>
<thead>
<tr>
<th>Candidates</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number wrote</td>
<td>233802</td>
<td>277350</td>
</tr>
<tr>
<td>Number achieved</td>
<td>177056</td>
<td>200773</td>
</tr>
</tbody>
</table>


**HEALTH**

In 20 years of democracy South Africa has attempted to improve health provision for all. However, given the ills of the past and new challenges the country’s efforts have been marred by numerous challenges, such as increased HIV infections, and the resulting low health staff morale (Harrison, 2010). However, as the 2005 GSI report indicated, the African National Congress (ANC) government prioritised the provision of women’s health as stated in the 1997 White Paper on the Transformation of the Health System. The health data for the 20 years illustrates wins and losses in this regard.

**STUNTING UNDER 5 AND UNDERWEIGHT UNDER 5**

Stunting of children under 5 is mainly due to limited access to nutritious food, poor infant feeding practices and high disease burdens experienced, especially in poor environments. According to the most recent national data (SANHANES, 2013),
27 percent of boys and 26 percent of girls aged 0-5 years old are stunted. This data indicates that stunting persists as a public burden in South Africa. SANHANES (2013) also illustrates that there is also a growing obesity problem in children aged 2-5 years, with 19 percent of girls overweight and 5 percent obese, and 17 percent of boys overweight and 4 percent obese.

LIFE EXPECTANCY AND MORTALITY RATES

The table below shows life expectancy and mortality rates. It shows that life expectancy has gone up from 57.1 in 2009 to 61.3 in 2012 with substantial increases in females’ life expectancy. Adult mortality has also decreased for both males and females with more decreases for females. The under 5 mortality rate has also decreased from 56 in 2009 to 41 in 2012.

Table 21. Child Mortality and life expectancy at birth by sex, 2009-2012

<table>
<thead>
<tr>
<th>Indicator</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Life expectancy at birth Total</td>
<td>57.1</td>
<td>58.5</td>
<td>60.5</td>
<td>61.3</td>
</tr>
<tr>
<td>Life expectancy at birth Male</td>
<td>54.6</td>
<td>56.0</td>
<td>57.7</td>
<td>58.5</td>
</tr>
<tr>
<td>Life expectancy at birth Female</td>
<td>59.7</td>
<td>61.2</td>
<td>63.3</td>
<td>64.0</td>
</tr>
<tr>
<td>Adult mortality (45q15) Total</td>
<td>46%</td>
<td>43%</td>
<td>40%</td>
<td>38%</td>
</tr>
<tr>
<td>Adult mortality (45q15) Male</td>
<td>51%</td>
<td>48%</td>
<td>46%</td>
<td>44%</td>
</tr>
<tr>
<td>Adult mortality (45q15) Female</td>
<td>40%</td>
<td>38%</td>
<td>35%</td>
<td>32%</td>
</tr>
</tbody>
</table>


LIFE EXPECTANCY AT BIRTH

The average life expectancy for people living without HIV in South Africa for 2014 was 64.7 years for men and 71.0 years for women, an increase of 2.3 and 2.6 percentage points respectively for men and women since 2005. These results indicate that there has been an improvement in the life expectancy for both as compared to 2005. The table below presents data for the years 2005 to 2014.


19 The lower life expectancy for men is due to risky behavior associated with types of masculinity that emphasise risk taking, thus resulting in increased early death rates among men, see Ratele, R. (2008) Masculinity and Male Mortality in South Africa.
The difference illustrated in the above table on life expectancy without HIV and the one that follows on life expectancy with HIV illustrates how HIV reduces life expectancy for both genders. However, the statistics also indicate improved life expectancy among both men and women living with HIV between 2005 and 2014. An important factor for this report is that for the years 2005 to 2014 women seem to outlive men by more than 6 years for people living without HIV and by almost 4 years for those living with HIV.

Even though Table 22 illustrates a somewhat uniform national average provincial data as indicated in 2014, StatSA report indicates differences in provinces. These differences are significant to note, as the histories and development of the provinces are varied. The top three provinces in South Africa that have a high life expectancy for men are the Western Cape with an average of 64.2 years, Gauteng with 61.7 years and Limpopo with 59.0 years. In terms of women, the provinces that have the highest life expectancy are Western Cape 70.0, Limpopo with 63.8 and Gauteng with 63.6. The results also indicate that the Free State has the lowest life expectancy at birth for both males and females, with male average life expectancy being 49.6 and female life expectancy being 52.9. Again a racial disaggregation of this data continues to illustrate racial disparities with the life expectancy of black Africans remaining low, as compared to the other racial groups.

**HIV/AIDS PREVALENCE AMONG 15-24 YEARS OLD**

Table 23. Prevalence of HIV in South Africa

<table>
<thead>
<tr>
<th>Year</th>
<th>% of population ages 15-24</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
</tr>
<tr>
<td>2014</td>
<td>4.0</td>
</tr>
</tbody>
</table>


Again it is important to note that risky notions of masculinity contribute to this phenomenon given that more women of child bearing age between the ages of 15 and 49 years of age have significant higher HIV prevalence than men. They count for 53% of 5.58 million people living with HIV in South Africa (Data from Actuarial Society South Africa, 2012)
According to World Bank findings for 2014, HIV/AIDS prevalence among the youth aged between 15 and 24 indicated that it is higher for females with 8.1 percent as opposed to male with 4.0 percent. On the other hand, the HSRC’s recent South African household survey, released in March 2014 and conducted amongst 15000 households, showed that there was a serious need for behavioural intervention. In a nutshell, it found that South Africans were using condoms less often, having more sexual partners, and becoming more ignorant about HIV/AIDS. According to the survey, 67.5 percent of men aged 15-24 reported using condoms at their last sexual encounter, down from 85.2 percent in 2008.

The HSRC has also reported worrying trends among adolescents in 2014 where it found there was little improvement in adolescent behaviour since 2010. More than one in 10 boys and one in seven girls had had sex by the time they turned 15. Amongst the youngest, ranging from pre-teens to 14-year-olds, nearly 11 percent of boys and 14.5 percent of girls had had sex. Over 25 percent of girls had had sex with older male partners, which the survey noted placed them at a greater risk of contracting HIV because “older male partners were more likely to be HIV positive”. Among boys who were sexually active in the 15- to 18-year-old group, a third had had more than two sexual partners in the last year.

ACCESS TO ANTIRETROVIRAL TREATMENT

Table 24. Number of patients receiving ARVs in South Africa

<table>
<thead>
<tr>
<th></th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Men</td>
<td>37500</td>
<td>75000</td>
<td>120000</td>
<td>183000</td>
<td>283000</td>
<td>396000</td>
<td>551000</td>
</tr>
<tr>
<td>Women</td>
<td>63600</td>
<td>138000</td>
<td>228000</td>
<td>354000</td>
<td>553000</td>
<td>777000</td>
<td>1090000</td>
</tr>
</tbody>
</table>


This table illustrates increased access to ARVs from 37500 in 2005 for men to 551000 in 2011. A higher increase in access for women is seen with an increase from 63600 in 2005 to 1090000 in 2011. The South African government is doing well with regard to making access to antiretroviral treatment easily and freely available. This shows that the implementation of programmes, policies and awareness campaigns put in place by the Department of Health is taking effect and bearing some fruit.

**ECONOMIC POWER**

**GENDER DISPARITIES IN THE LABOUR MARKET**

Despite the country’s excellent policy and programme intervention framework that supports women’s economic empowerment, South Africa continues to experience gender gaps with respect to achieving gender equity in economic life. Data indicates a steady increase in women’s share in the working-age population over the last 10 years. However, there remain significant differences in the participation rates of males and females in the labour force. Figure 1 below examines changes in the country’s economy (as measured by the GDP) by trends in levels of employment. The figure shows that while levels of employment increased for males and females during pre-recession (before 2008), the rate at which males increased their share in employment was higher than that of their female counterparts.
Furthermore, post-recession increases in employment for males were observed a year earlier (2011) than for females (2012).

**Figure 1. Percentage change in the quarterly gross domestic product by absorption rate at constant 2005 prices, 2004–2013 (in thousands)**

![Graph showing percentage change in GDP](image)


**EMPLOYMENT LEVELS**

**Table 25. Levels of employment by sex and age, 2001 and 2014 (in thousands)**

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Female</th>
<th>Both sexes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2001</td>
<td>2014</td>
<td>Change</td>
</tr>
<tr>
<td></td>
<td>2001</td>
<td>2014</td>
<td>Change</td>
</tr>
<tr>
<td></td>
<td>2001</td>
<td>2014</td>
<td>Change</td>
</tr>
<tr>
<td>Thousand</td>
<td>6 666</td>
<td>8 402</td>
<td>1 736</td>
</tr>
<tr>
<td></td>
<td>5 827</td>
<td>826</td>
<td>12 493</td>
</tr>
<tr>
<td></td>
<td>6 653</td>
<td>15 055</td>
<td>2 562</td>
</tr>
</tbody>
</table>


The table shows that between 2001 and 2014, levels of employment increased by 2.6 million. Males reported the highest increase of about 1.7 million, while the number of employed females only increased by 826 000.
Table 26. Employment by sex and sector, 2008 and 2014

<table>
<thead>
<tr>
<th>Sector</th>
<th>2008</th>
<th>2014</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>Total</td>
</tr>
<tr>
<td>Formal</td>
<td>6 081</td>
<td>3 853</td>
<td>9 934</td>
</tr>
<tr>
<td>Informal</td>
<td>1 339</td>
<td>1 094</td>
<td>2 433</td>
</tr>
<tr>
<td>Agriculture</td>
<td>544</td>
<td>294</td>
<td>838</td>
</tr>
<tr>
<td>Private households</td>
<td>272</td>
<td>961</td>
<td>1 233</td>
</tr>
<tr>
<td>Total</td>
<td>8 236</td>
<td>6 202</td>
<td>14 438</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sector</th>
<th>Percentage (%)</th>
<th>2014</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Formal</td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>Formal</td>
<td>61.2</td>
<td>58.2</td>
<td>41.8</td>
</tr>
<tr>
<td>Informal</td>
<td>55.0</td>
<td>58.8</td>
<td>41.2</td>
</tr>
<tr>
<td>Agriculture</td>
<td>64.9</td>
<td>70.0</td>
<td>30.0</td>
</tr>
<tr>
<td>Private households</td>
<td>22.1</td>
<td>206</td>
<td>79.4</td>
</tr>
<tr>
<td>Total</td>
<td>57.0</td>
<td>55.8</td>
<td>44.2</td>
</tr>
</tbody>
</table>


This table demonstrates levels and shares of employment by sex and sector for 2008 and 2014. In both 2008 and 2014, a higher percentage of males were likely to be employed across all sectors except private households. However, a slight increase in the female share within the formal sector was observed over the past six years (3.0 percentage points). On the other hand, the share of females working within the informal and the agricultural sectors declined by approximately 4.0 and 5.0 percentage points respectively.

In both 2008 and 2014, wider gender disparities were found among males and females working in the private household sector (gender gap GPRs of 3.53 and 3.85 respectively). In 2008, the lowest gender parity was observed amongst those employed in the informal sector (a GPR of 0.82). However, in 2014, this ratio widened to 0.70. The gap also widened for those employed in the agricultural and private household sectors (from 0.54 to 0.43 and from 3.53 to 3.85 respectively).

Levels of unemployment increased by almost a quarter (24.1 percent), from 4.1 million unemployed persons in 2001 to 5.1 million in 2014 for both males and females. The number of unemployed males increased proportionally by 31.3 percent (from 2 million in 2001 to 2.6 million in 2014), which was greater than the 17.4 percent recorded for females (the absolute number of females increased from 2.1 million in 2001 to 2.5 million in 2014).
Table 28. Unemployment rate by sex and age group, 2001 and 2014

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>15–24</td>
<td>47.1</td>
<td>50.7</td>
<td>3.6</td>
<td>50.5</td>
<td>56.3</td>
<td>5.8</td>
<td>48.7</td>
<td>53.2</td>
<td>4.5</td>
</tr>
<tr>
<td>25–34</td>
<td>25.2</td>
<td>26.7</td>
<td>1.5</td>
<td>33.0</td>
<td>33.0</td>
<td>0.0</td>
<td>28.9</td>
<td>29.5</td>
<td>0.6</td>
</tr>
<tr>
<td>35–44</td>
<td>13.9</td>
<td>16.7</td>
<td>2.7</td>
<td>158</td>
<td>21.4</td>
<td>5.6</td>
<td>14.9</td>
<td>13.9</td>
<td>4.0</td>
</tr>
<tr>
<td>45–54</td>
<td>11.5</td>
<td>15.0</td>
<td>3.5</td>
<td>107</td>
<td>12.1</td>
<td>1.4</td>
<td>111</td>
<td>13.7</td>
<td>2.5</td>
</tr>
<tr>
<td>55–64</td>
<td>8.6</td>
<td>8.1</td>
<td>-0.5</td>
<td>58</td>
<td>7.3</td>
<td>15</td>
<td>73</td>
<td>7.8</td>
<td>0.4</td>
</tr>
<tr>
<td>Total</td>
<td>23.0</td>
<td>23.7</td>
<td>0.7</td>
<td>26.4</td>
<td>27.0</td>
<td>0.5</td>
<td>24.6</td>
<td>25.2</td>
<td>0.6</td>
</tr>
</tbody>
</table>


This table shows unemployment rates of males and females by different age group categories. Since 2001, the unemployment rate was higher for females than for males. Females aged 15-24 years were most likely to be unemployed with an unemployment rate of 56.3 percent in 2014, and the largest increase observed between 2001 and 2014 (5.8 percentage points). In 2014, gender gaps in unemployment rates showed significant variations, with the largest gaps occurring amongst males and females of age 35-44 years.

Table 29. Unemployment rate of females by population group, age and education, 2001 and 2014

<table>
<thead>
<tr>
<th>Highest level of educational attainment</th>
<th>Age</th>
<th>Black African</th>
<th>Other</th>
<th>All population groups</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than matric</td>
<td>Youth</td>
<td>43.8</td>
<td>51.3</td>
<td>7.6</td>
</tr>
<tr>
<td></td>
<td>Adults</td>
<td>14.7</td>
<td>22.0</td>
<td>7.4</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>27.8</td>
<td>33.6</td>
<td>5.8</td>
</tr>
<tr>
<td>Matric</td>
<td>Youth</td>
<td>50.9</td>
<td>40.7</td>
<td>-10.1</td>
</tr>
<tr>
<td></td>
<td>Adults</td>
<td>19.3</td>
<td>19.7</td>
<td>0.5</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>44.7</td>
<td>32.8</td>
<td>-12.0</td>
</tr>
<tr>
<td>Graduates</td>
<td>Youth</td>
<td>25.2</td>
<td>26.4</td>
<td>1.2</td>
</tr>
<tr>
<td></td>
<td>Adults</td>
<td>3.6</td>
<td>3.9</td>
<td>0.3</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>16.1</td>
<td>12.0</td>
<td>-4.1</td>
</tr>
<tr>
<td>Other tertiary</td>
<td>Youth</td>
<td>28.7</td>
<td>29.4</td>
<td>0.7</td>
</tr>
<tr>
<td></td>
<td>Adults</td>
<td>2.4</td>
<td>8.8</td>
<td>6.4</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>18.3</td>
<td>18.8</td>
<td>0.5</td>
</tr>
</tbody>
</table>

Source: LFS 2001 and QLFS Q1: 2014. Note: Table excludes the category ‘Other’ for education

The table above depicts unemployment rates for females with regard to population group, highest level of education obtained, and age (youth and adults). Between 2001 and 2014, the unemployment rates for females with degrees and matric decreased by 1.2 and 5.6 percentage points respectively. However, females with lower levels of education showed increases over the
same time period. The highest increases in unemployment rates were observed for females with less than matric (5.6 percentage points). Compared to older females, young females were most likely to be unemployed, irrespective of their educational status and population group. With an unemployment rate of 51.3 percent in 2014, young black African females with less than matric were most likely to be unemployed. Amongst young females, the lowest unemployment rates were observed for graduates belonging to other population groups (8.9 percent), followed by females from other population groups with matric (20.6 percent and black African graduates (26.4 percent).

Over the 13-year period of reporting, notable increases in unemployment rates were generally observed amongst females with less than matric. Young non-black African females recorded the highest increase (up by 11.0 percentage points). On the other hand, young black African females with a matric qualification were the only group showing a decline in the unemployment rate over the last 13 years (down by 10.1 percentage points).

While both black African and non-black African adult female graduates were least likely to be unemployed in 2014, the unemployment rate for adult females belonging to other population groups declined by a larger margin (3.4 percentage points) between 2001 and 2014, while that of their black African counterparts rose slightly by 0.3 of a percentage point. In contrast, both the unemployment rates for young black African and non-black African graduate females increased.

Young non-black Africans recorded a higher percentage growth compared to their black African counterparts (4.0 percentage points compared to 1.2 percentage points).

**EARNINGS**

Females continued to dominate among those earning in the bottom ranges of earnings. However, the last 13 years saw noticeable shifts in male and female earnings, with the gender gap between male and female earnings in the upper salary ranges (i.e. R7 501-R11 500 and R11 500+) narrowing considerably.

**Table 30. Monthly earnings by sex, 2001 and 2014**

<table>
<thead>
<tr>
<th>Monthly earnings</th>
<th>2001 Male</th>
<th>%</th>
<th>Female</th>
<th>%</th>
<th>2014 Male</th>
<th>%</th>
<th>Female</th>
<th>%</th>
<th>2001</th>
<th>2014</th>
<th>Both sexes</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1–R1 500</td>
<td>2 625</td>
<td>55.2</td>
<td>3 043</td>
<td>72.7</td>
<td>1 438</td>
<td>19.2</td>
<td>1 822</td>
<td>30.3</td>
<td>5 668</td>
<td>3 259</td>
<td></td>
</tr>
<tr>
<td>R1 501–R2 500</td>
<td>931</td>
<td>19.6</td>
<td>460</td>
<td>11.0</td>
<td>1 225</td>
<td>16.3</td>
<td>1 088</td>
<td>18.1</td>
<td>1 391</td>
<td>2 314</td>
<td></td>
</tr>
<tr>
<td>R2 501–R3 500</td>
<td>409</td>
<td>8.6</td>
<td>245</td>
<td>5.9</td>
<td>994</td>
<td>13.3</td>
<td>723</td>
<td>12.0</td>
<td>654</td>
<td>1 717</td>
<td></td>
</tr>
<tr>
<td>R3 501–R5 500</td>
<td>357</td>
<td>7.5</td>
<td>262</td>
<td>6.3</td>
<td>1 076</td>
<td>14.4</td>
<td>615</td>
<td>10.2</td>
<td>619</td>
<td>1 691</td>
<td></td>
</tr>
<tr>
<td>R5 501–R7 500</td>
<td>177</td>
<td>3.7</td>
<td>109</td>
<td>2.6</td>
<td>626</td>
<td>8.4</td>
<td>324</td>
<td>5.4</td>
<td>286</td>
<td>950</td>
<td></td>
</tr>
<tr>
<td>R7 501–R11 500</td>
<td>150</td>
<td>3.2</td>
<td>46</td>
<td>1.1</td>
<td>674</td>
<td>9.0</td>
<td>449</td>
<td>7.5</td>
<td>197</td>
<td>1 123</td>
<td></td>
</tr>
<tr>
<td>R11 501+</td>
<td>108</td>
<td>2.3</td>
<td>23</td>
<td>0.5</td>
<td>1 462</td>
<td>19.5</td>
<td>991</td>
<td>16.5</td>
<td>131</td>
<td>2 453</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>4 757</td>
<td>100.0</td>
<td>4 188</td>
<td>100.0</td>
<td>7 495</td>
<td>100.0</td>
<td>6 012</td>
<td>100.0</td>
<td>8 945</td>
<td>13 507</td>
<td></td>
</tr>
</tbody>
</table>


Table 30 shows the number and percentages of males and females and their respective earnings for each earning category. The table also shows that since 2001, females were consistently earning less than males. In 2001, the highest percentage of females within each earning category was observed.
among those earning between R1-R1 500. In contrast, males were most dominant compared to females in the income categories R7 501-R11 500 and R11 501 plus. This represents a parity index of 1.16. However, the last 13 years also saw noticeable shifts in male and female earnings. For example, in 2001, females earned around three and five times less than their male counterparts within the R7 501-R11 500 and R11 500+ earning categories. This was reduced to approximately 1.5 times less than their male counterparts, respectively, within the above-mentioned two earning categories in 2014. The percentage share of females also increased among those earning between R1 500 and R3 500 a month, while males increased their share only among those earning monthly earnings of R3 501-R7500. With respect to gender gaps in earnings, in 2014, the highest gender gap was observed among males and females earning between R5 501 and R7 500 (GPR of 0.52), and the lowest gap was reported for those with monthly earnings of between R1 501 and R2 500 (GPR of 0.89).

Table 30 above indicates the number and percentages of males and females in different earning categories. The figures above demonstrate that there are fewer women earning salaries compared to men. In 2001 males constituted 53% (4757) and 55.5% in 2014 (7495) of those earning salaries while females constituted 47% (4188) in 2001 and 44.5% (6012) in 2014.

The 2001 data shows a similar trend for both male and female in different earning categories where the highest percentages is concentrated within the lowest earning categories and the lowest percentage is concentrated in the highest earning category for both male and female.

Table 31. Levels and percentage shares of employers and own-account workers, 2008 and 2014

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Percentage</th>
<th>Female</th>
<th>Percentage</th>
<th>Total</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Thousand</td>
<td></td>
<td>Thousand</td>
<td></td>
<td>Thousand</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2008</td>
<td>1 203</td>
<td>57.1</td>
<td>904</td>
<td>42.9</td>
<td>2 107</td>
<td>100.0</td>
</tr>
<tr>
<td>2014</td>
<td>1 208</td>
<td>62.6</td>
<td>722</td>
<td>37.4</td>
<td>1 930</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: Data Provided by StatSA.

Table 31 shows that between 2008 and 2014, the proportion of employers and own account decreased for females (by 5.5 percentage points).

EARNINGS IN AGRICULTURE

In the first quarter of 2008, skilled workers in the agriculture sector totalled 124 000, of which 83 000 were men and 41 000 were women. The number of skilled workers in the sector represented 16 percent of the sector’s employment. The number of skilled workers decreased along with a decrease in the sectors employment. During the first quarter of 2010 the number of skilled workers stayed at 88 000, of which 69 000 were men and 19 000 were women. During this period, the number of skilled workers represented 14 percent of the sectors employment (Department of Agriculture, Forestry and Fisheries, 2010).

Although women have less remunerative results from agriculture compared to men, there are immense growth opportunities for women in agriculture to showcase their abilities.
Table 32. Number of paid agricultural employees according to occupation and sex, 2007

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Female</th>
<th>%</th>
<th>Male</th>
<th>%</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office Staff</td>
<td>7 945</td>
<td>72.6</td>
<td>2 997</td>
<td>27.4</td>
<td>10942</td>
</tr>
<tr>
<td>Farm Managers</td>
<td>1 100</td>
<td>10.3</td>
<td>9 573</td>
<td>89.7</td>
<td>10673</td>
</tr>
<tr>
<td>Farm Foremen</td>
<td>2 166</td>
<td>65.1</td>
<td>1 159</td>
<td>34.9</td>
<td>3325</td>
</tr>
<tr>
<td>Skilled Farm Workers</td>
<td>27 601</td>
<td>29.1</td>
<td>67 287</td>
<td>70.9</td>
<td>94888</td>
</tr>
<tr>
<td>Unskilled Farm Workers</td>
<td>91 811</td>
<td>32.5</td>
<td>191 074</td>
<td>67.5</td>
<td>282885</td>
</tr>
<tr>
<td>Casual and Seasonal Workers</td>
<td>176 903</td>
<td>49.5</td>
<td>180 517</td>
<td>50.5</td>
<td>357420</td>
</tr>
</tbody>
</table>

Source: Census of Commercial Agriculture, 2007

Generally women are found to be concentrated in the office staff categories while men are over represented in the farm managers, skilled farm workers and unskilled farm workers categories.

EARNINGS IN CIVIL SERVICE

In 2010, the male premium for working in the public sector was higher than the female premium.

Table 33. Mean Wages in Civil Service, 2007-2015

<table>
<thead>
<tr>
<th>Year</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>R 96 662</td>
<td>R 107 663</td>
</tr>
<tr>
<td>2008</td>
<td>R 109 057</td>
<td>R 117 690</td>
</tr>
<tr>
<td>2009</td>
<td>R 123 986</td>
<td>R 130 170</td>
</tr>
<tr>
<td>2010</td>
<td>R 147 751</td>
<td>R 156 469</td>
</tr>
<tr>
<td>2011</td>
<td>R 159 470</td>
<td>R 168 765</td>
</tr>
<tr>
<td>2012</td>
<td>R 171 669</td>
<td>R 181 991</td>
</tr>
<tr>
<td>2013</td>
<td>R 183 192</td>
<td>R 194 442</td>
</tr>
<tr>
<td>2014</td>
<td>R 197 748</td>
<td>R 209 118</td>
</tr>
<tr>
<td>2015</td>
<td>R 213 268</td>
<td>R 225 904</td>
</tr>
</tbody>
</table>

Source: Data Provided by the DPSA, July 2015

EARNINGS IN FORMAL SECTOR (PUBLIC AND/OR PRIVATE)

Wages in both formal and informal employment reflect that women generally earn less per hour than men. According to 2007 statistics, men in the informal self-employment sector earned on average almost R3 more per hour than women in the same category (Statistic SA 2007). This gender earnings gap persists after accounting for measurable differences (Muller, 2009 and Ntuli, 2007). In terms of the formal sector, over a third (37.0 percent) of women are employed in services, with another 21.9 percent in trade and 16.9 percent in finance. There is thus relatively less clustering in the formal sector than in the informal sector. Nevertheless, nearly three-quarters (75.8 percent) of women are found in the top three industries – services, trade and finance. Trade (18.7 percent), services (18.3 percent) and manufacturing (18.0 percent) each account for more or less equal proportion of the men employed in the formal sector. Unequal valuing of women’s labour is clearly illustrated by this data.
Table 34. Real Hourly Earnings (in 2000 prices)

<table>
<thead>
<tr>
<th>Year</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>R 19060</td>
<td>R 20912</td>
</tr>
<tr>
<td>2006</td>
<td>R 19752</td>
<td>R 24025</td>
</tr>
<tr>
<td>2007</td>
<td>R 20660</td>
<td>R 23030</td>
</tr>
</tbody>
</table>


The above table indicates that little has changed in terms of gender and wage employment in South Africa; males are shown to still earn more than women.

**EARNINGS IN THE INFORMAL SECTOR**

Skill levels are an important marker of how much individuals will earn at any given time. Research illustrates that the highly skilled, for example, those with degrees earn more as they get more qualifications. Thus those in unskilled jobs will earn less. For example, in 2011 Statistics SA reports that 35.4 percent of employed women are in unskilled occupations, with 20.8 percent working in elementary jobs and 14.6 percent working as domestic workers. Among employed men, 22.7 percent work in unskilled occupations, with the overwhelming majority working in elementary jobs. The next largest occupational categories for women are clerical (17.0 percent), sales and services (14.8 percent) and technicians (14.1 percent). For men the next largest occupation groupings are craft and related trade (19.1 percent) and sales and services (14.5 percent). A higher proportion among women (14.1 percent) is more likely to be technicians compared to men (8.7 percent). The technician category includes both technicians and associate professionals. The occupations covered include computer-related occupations, nursing aides and midwives, and less qualified primary, pre-primary and special education teachers. On the other hand, managerial occupations are largely occupied by men (10.4 percent) as opposed to women (6.1 percent), suggesting that men are more likely to be decision makers in their jobs compared to women (Gender Report, 2011). Those with less skill have less control over their work; for men the patriarchal divide contributes to their skill levels and the control they have on their work.

**INCOME FROM INFORMAL ENTERPRISE**

The main focus of most women is on low-profit activities, such as street trading, food preparation, childcare and dressmaking. But certain activities, such as metal production, wood processing and transport enterprises, are believed to be male endeavours. Income from women’s income-generating activities is usually low (Preston-Whyte et al. 1991).
Table 35. Turnover in the last month of persons running non-VAT registered businesses by sex, 2013

<table>
<thead>
<tr>
<th></th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>R0-R100</td>
<td>13.8 %</td>
<td>11.9 %</td>
</tr>
<tr>
<td>R101-R350</td>
<td>23.6 %</td>
<td>9.7 %</td>
</tr>
<tr>
<td>R351-R750</td>
<td>23.1 %</td>
<td>14.4 %</td>
</tr>
<tr>
<td>R751-R1500</td>
<td>17.2%</td>
<td>18.4 %</td>
</tr>
<tr>
<td>R1501-R3000</td>
<td>11.6 %</td>
<td>18.9 %</td>
</tr>
<tr>
<td>R3001-R6000</td>
<td>6.3 %</td>
<td>13.6 %</td>
</tr>
<tr>
<td>R6001 plus</td>
<td>4.3 %</td>
<td>13.1 %</td>
</tr>
</tbody>
</table>


The above table shows that women continue to predominate in earning low income. The first three income levels show that non-VAT-registered businesses owned by women mostly make less than R800 per month, in comparison to men whose income increases for most from the R751 per month level. The South African historical background on class, race and gender indicates that women’s earnings are still concentrated in the informal enterprise sector; women still earn less as they are more concentrated in a sector earning less.

INCOME FROM SMALL AGRICULTURAL HOUSEHOLD ENTERPRISE

Even though women have historically contributed to agricultural production and used it as a strategy to address poverty and improve livelihoods, many still experience cultural barriers associated with gender and agriculture.122 2011 StatsSA illustrated that the participatory levels of women in agriculture were higher than those of men.

INCOME FROM REMITTANCES AND INTER-HOUSEHOLD TRANSFERS

According to the 2010-2011 IES Report women receive more of their income from remittances and other income, whereas men receive more of their money from work-linked income. However, the differences between women and men with regard to remittances is not that big, but in terms of pensions, social insurances and other family allowances, the gap is bigger, with women receiving more.

TIME-USE OR EMPLOYMENT

TIME USE IN SOUTH AFRICA

South Africa is one of the few countries in Africa that conducts Time Use Surveys (TUS). The first South African TUS was conducted in 2000 and the second one in 2010. Time Use Surveys are household-based surveys that measure and analyse time spent by women and men, girls and boys, rich and poor on different activities over a specified period. Unlike data from other surveys, time use results can be specific and comprehensive in revealing the details of a person’s daily life. The results of the TUS enable one to determine what activities are performed, how they are performed and how long it takes to perform such activities.

Among others, the South African TUS aims to provide information on the division of both paid and unpaid labour between women and men and other groupings of interest. The TUS activity

22 See Kabane, 2010.
The classification system used in the TUS has ten broad categories, which aggregate into even broader categories. The categories are consistent with the System of National Accounts (SNA) which underlies the calculation of gross domestic product (GDP).

**TIME SPENT OUT OF WORK**

The time use survey of 2010, published by Statistics South Africa in 2013, indicated that the highest patterns of time use common for both men and women include overall household maintenance.

This was however, the second common activity for women; among men, participation rates for mass media use and social and cultural activities were higher than for household maintenance.

Statistics indicate that the difference between men and women on household maintenance was 7.4 and 17.0 respectively. Social and cultural activities and mass media use show a higher indication for men than for women. Social and cultural activities indicate 34.3 for men and 29.1 for women. As for mass media, men indicate 29.1 and women show 27.2.

**Table 36. Minutes Spent on Non-Productive Activities per day**

<table>
<thead>
<tr>
<th>Year</th>
<th>Female</th>
<th>Male</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>1 082</td>
<td>1 129</td>
<td>1 104</td>
</tr>
</tbody>
</table>

Source: Time Use Survey, 2013

**TIME SPENT IN MARKET ECONOMIC ACTIVITIES (AS PAID EMPLOYMENT, OWN-ACCOUNT OR EMPLOYER)**

**Table 37. Mean Minutes spent per day by respondents aged 10 years and above who engaged in a SNA production (work in establishments) by sex and location, 2010**

<table>
<thead>
<tr>
<th>Location</th>
<th>Female</th>
<th>Male</th>
<th>Both sexes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban formal</td>
<td>470</td>
<td>522</td>
<td>500</td>
</tr>
<tr>
<td>Urban informal</td>
<td>471</td>
<td>527</td>
<td>506</td>
</tr>
<tr>
<td>Rural</td>
<td>452</td>
<td>538</td>
<td>507</td>
</tr>
<tr>
<td>Tribal areas</td>
<td>384</td>
<td>433</td>
<td>413</td>
</tr>
</tbody>
</table>


The table shows that men in rural formal areas spent the most time (538 minutes or almost 9 hours) on work in establishments while women spent the most time in these activities lived in urban informal areas (471 minutes or 7 hours and 51 minutes) and urban formal areas (470 minutes or 7 hours and 50 minutes). Both men and women in the tribal areas reported less time than those in other geography types on establishment work, but more time on primary production activities.
TIME SPENT IN NON MARKET ECONOMIC ACTIVITIES OR AS UNPAID FAMILY WORKER IN MARKET ECONOMIC ACTIVITIES

Table 38. Mean minutes per day spent on SNA production not in establishments by sex and location, 2010

<table>
<thead>
<tr>
<th>Urban formal</th>
<th>Female</th>
<th>Male</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary production</td>
<td>60</td>
<td>80</td>
<td>70</td>
</tr>
<tr>
<td>Work in non-establishment</td>
<td>125</td>
<td>209</td>
<td>165</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Urban informal</th>
<th>Female</th>
<th>Male</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary production</td>
<td>54</td>
<td>75</td>
<td>64</td>
</tr>
<tr>
<td>Work in non-establishment</td>
<td>163</td>
<td>212</td>
<td>190</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rural</th>
<th>Female</th>
<th>Male</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary production</td>
<td>119</td>
<td>159</td>
<td>144</td>
</tr>
<tr>
<td>Work in non-establishment</td>
<td>149</td>
<td>100</td>
<td>125</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tribal areas</th>
<th>Female</th>
<th>Male</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary production</td>
<td>134</td>
<td>153</td>
<td>143</td>
</tr>
<tr>
<td>Work in non-establishment</td>
<td>129</td>
<td>170</td>
<td>149</td>
</tr>
</tbody>
</table>


The above table indicates that more men spent most of their time in primary SNA production; this is true for men in urban, rural and tribal areas; however, in rural areas more women spent most of their time in work in non-establishment SNA production.

TIME SPENT IN DOMESTIC, CARE AND VOLUNTEER NON ECONOMIC ACTIVITIES

Table 39. Mean Minutes per day spent on non-SNA production by sex and location, 2010

<table>
<thead>
<tr>
<th>Urban formal</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Household Maintenance</td>
<td>184</td>
<td>84</td>
</tr>
<tr>
<td>Care of Persons</td>
<td>29</td>
<td>6</td>
</tr>
<tr>
<td>Community Service</td>
<td>4</td>
<td>4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Urban informal</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Household Maintenance</td>
<td>201</td>
<td>90</td>
</tr>
<tr>
<td>Care of Persons</td>
<td>33</td>
<td>5</td>
</tr>
<tr>
<td>Community Service</td>
<td>2</td>
<td>4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rural formal</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Household Maintenance</td>
<td>191</td>
<td>71</td>
</tr>
<tr>
<td>Care of Persons</td>
<td>24</td>
<td>1</td>
</tr>
<tr>
<td>Community Service</td>
<td>4</td>
<td>2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tribal area</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Household Maintenance</td>
<td>214</td>
<td>95</td>
</tr>
<tr>
<td>Care of Persons</td>
<td>28</td>
<td>3</td>
</tr>
<tr>
<td>Community Service</td>
<td>6</td>
<td>6</td>
</tr>
</tbody>
</table>


Table 39 shows that women in both tribal and urban informal areas spent more than 200 minutes each day, on average, on household maintenance. Those in tribal areas spent the most time – an
average of 214 minutes per day. Women in informal urban areas spent the most time (33 minutes per day) on care of persons, which is more than six times the time spent by men in such areas.

**SHARE OF PAID EMPLOYMENT, OWN-ACCOUNT AND EMPLOYER IN TOTAL EMPLOYMENT**

Table 40. Employed person by sex and status in employment, 2010

<table>
<thead>
<tr>
<th></th>
<th>Female</th>
<th>Male</th>
<th>Both sexes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Thousand</td>
<td>Minutes</td>
<td>Thousand</td>
</tr>
<tr>
<td>Self-employed/Employer</td>
<td>302</td>
<td>385</td>
<td>621</td>
</tr>
</tbody>
</table>


**ACCESS TO RESOURCES**

This part of the report examines the gender gap between men and women with regard to access to quality resources of production and managerial positions.

**OWNERSHIP OF RURAL/URBAN PLOTS/HOUSES OR LANDS**

This deals with the statistical compilation of ownership of property in both rural and urban areas. Despite the legal reforms that have taken place, the recent reports on AGDI revealed that women are still struggling to access socioeconomic resources, such as land, when compared to men. In South Africa this data is not currently collected; there was however an indication that Statistics SA is in the process of initiating a survey to collect this data.

**ACCESS TO CREDIT**

The last few years have witnessed an improvement in women’s access to credit than other economic resources. Women’s access to credit so far was based on the success of different programmes, such as credit schemes, established by various organisations and government. There are multiple sources for loans to start businesses excluding the big banks in South Africa; these include Stokvels, Small Enterprise Finance Agency (SEFA), Insivande Women’s Fund, and Government Grants. There are, however, challenges with regard to availability of gender-disaggregated data on access to these loans.

**FREEDOM TO DISPOSE OF OWN INCOME**

South Africa does not have data under this indicator.

**MANAGEMENT**

Table 41. Employers, (Employed by Sex and Status in Employment)

<table>
<thead>
<tr>
<th>Year</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Number</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>2013</td>
<td>506</td>
<td>1773</td>
</tr>
<tr>
<td>2014</td>
<td>337</td>
<td>1200</td>
</tr>
</tbody>
</table>

Source: Quarterly Labour Force Survey 2014

Table 41 indicates that in 2013 there were a total of 506 female employers in contrast to 1773 male

---

24 Personal Conversation by NAP member.
26 Information from StatSA
employers. In 2014, there were 337 female employers compared to 1200 male employers. However, it should be noted that the 2014 numbers include up to the second quarter, whereas the 2013 includes three quarters.

HIGH CIVIL SERVANTS (CLASS A)

Population Distribution Trends for Top Management Levels, 2006 to 2012 by gender

According to the Commission for Employment Equity (CEE) annual report (Department of Labour) men outnumbered women in the top levels of civil service in the years 2012/2013.

Population distribution trends for the Senior Management level, 2006 to 2012 by gender

According to the CEE annual report, 2012-2013, more men occupy senior management positions as compared to women; these numbers were even lower for women in 2010 at 19.0 percent.

Public Service Managers by gender, 2012

According to the 2012 3rd quarter QLFS public service managers were dominated by males.

MEMBERS OF PROFESSIONAL SYNDICATES

Data from the CEE annual report 2012-2013, indicates that women are predominantly underrepresented in professional bodies.

Selected Professions

Table 42. Law Society of South Africa, 2015

<table>
<thead>
<tr>
<th>Type</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>%</td>
</tr>
<tr>
<td>Attorneys</td>
<td>8880</td>
<td>37</td>
</tr>
<tr>
<td>Candidate Attorneys</td>
<td>2704</td>
<td>56</td>
</tr>
</tbody>
</table>

Source: Law Society of South Africa, 2015

Data from the Law Society of South Africa indicates that more men are in the positions of attorney and more women in the position of candidate attorney. This is an indication of a change in the qualification of women in the Law.

Table 43. South African Council for the Architectural Profession, 2015

<table>
<thead>
<tr>
<th>Type</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>%</td>
</tr>
<tr>
<td>Registered Professionals</td>
<td>1765</td>
<td>21</td>
</tr>
<tr>
<td>Registered Candidates</td>
<td>723</td>
<td>31</td>
</tr>
</tbody>
</table>

Source: South African Council for the Architectural Profession, 2015

Data from the Council for the Architectural Profession illustrates far more men in professional and registered candidates.
POLITICAL POWER

PUBLIC SECTOR

This part of the report provides information pertaining to the formal representation of women and men participating in public sector positions.

MEMBERS OF PARLIAMENT

Men still outnumber women in parliament; the 2013 CGE CEDAW report indicates that the number of women members of parliament in 2009 was at 43.3 percent, with 173 women parliamentarians out of 400 of the total number. This number was reduced to 162 women parliamentarians, a drop in percentage to 40.5 percent.

Table 44. Women and Men in the National and Provincial Legislatures, 2009 - 2014

<table>
<thead>
<tr>
<th></th>
<th>Women</th>
<th>Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Assembly</td>
<td>172</td>
<td>228</td>
</tr>
<tr>
<td>National Council of Provinces</td>
<td>27</td>
<td>63</td>
</tr>
</tbody>
</table>

Source: National Assembly, Provincial Legislatures & IEC

This table shows that there was a three percent drop in women’s representation in the National Assembly from 40 percent (159) achieved in 2014 to 43 percent (172) in the 2009 elections. In 2009, women constituted 30 percent (27 seats) of the membership of the National Council of Provinces (NCOP) whereas in the recent 2014 elections, they account for only 28 percent, showing a 2 percent decline in the representation of women in the NCOP from the 2009 national election results.

Data from the National Assembly, Provincial Legislature shows that the overall level of representation of women at provincial level has declined from 41 percent in 2009 to the current 37 percent. The Eastern Cape, Free State and Gauteng have the highest proportion of women members of the Provincial Legislature (40 percent) while the Northern Cape (27 percent) has the lowest proportion. There has been a sturdy increase in the number of women in Parliament since 1994. In 2003 the number was 32 percent and it continued to move; in 2004 it was at 33 percent. The largest increase was in 2009 to 44 percent. However, the 2014 numbers have dropped and are now at 40.75 percent.

CABINET MINISTERS

From the statistics provided below, 20 men and 15 women are ministers and 20 men and 15 women are deputy ministers.

Table 45. Ministers and Deputy Ministers, 2014

<table>
<thead>
<tr>
<th>Position Type</th>
<th>Women</th>
<th>Men</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministers</td>
<td>15</td>
<td>20</td>
<td>35</td>
</tr>
<tr>
<td>Deputy Ministers</td>
<td>18</td>
<td>19</td>
<td>37</td>
</tr>
<tr>
<td>Premiers</td>
<td>2</td>
<td>7</td>
<td>9</td>
</tr>
<tr>
<td>MECs</td>
<td>39</td>
<td>52</td>
<td>91</td>
</tr>
<tr>
<td>Number of Parliamentarians</td>
<td>159</td>
<td>241</td>
<td>400</td>
</tr>
</tbody>
</table>

Source: Cabinet of South Africa, Department of Communications, Parliament 2014
MEMBERS OF LOCAL COUNCILS

Women are still underrepresented in the local councils. A systematic monitoring of trends is required to deal with this matter.

Table 46. Women and Men in Local Government

<table>
<thead>
<tr>
<th>Province</th>
<th>PR 27</th>
<th>Ward</th>
<th>Grand Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Female</td>
<td>Male</td>
<td>Total</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>366</td>
<td>432</td>
<td>798</td>
</tr>
<tr>
<td>Free State</td>
<td>164</td>
<td>195</td>
<td>359</td>
</tr>
<tr>
<td>Gauteng</td>
<td>231</td>
<td>311</td>
<td>542</td>
</tr>
<tr>
<td>KwaZulu-Natal</td>
<td>421</td>
<td>514</td>
<td>935</td>
</tr>
<tr>
<td>Limpopo</td>
<td>285</td>
<td>343</td>
<td>628</td>
</tr>
<tr>
<td>Mpumalanga</td>
<td>237</td>
<td>230</td>
<td>467</td>
</tr>
<tr>
<td>North West</td>
<td>212</td>
<td>237</td>
<td>449</td>
</tr>
<tr>
<td>Northern Cape</td>
<td>98</td>
<td>117</td>
<td>215</td>
</tr>
<tr>
<td>Western Cape</td>
<td>153</td>
<td>265</td>
<td>418</td>
</tr>
<tr>
<td>Grand Total</td>
<td>2167</td>
<td>2644</td>
<td>4811</td>
</tr>
</tbody>
</table>

Source: Statistics provided by SALGA, 11 August 2015

HIGHER COURT JUDGES

Women are highly underrepresented in the judicial system. The data that follows provides examples of how many women are represented compared to men.

Table 47. Judicial Positions, 2015

<table>
<thead>
<tr>
<th>Judicial Office</th>
<th>Women</th>
<th>Men</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitutional Court</td>
<td>2</td>
<td>8</td>
<td>10</td>
</tr>
<tr>
<td>Supreme Court of appeal</td>
<td>7</td>
<td>17</td>
<td>24</td>
</tr>
<tr>
<td>Labour Court</td>
<td>6</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>Northern Cape Division (Kimberley)</td>
<td>3</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>Eastern Cape Division (Grahamstown)</td>
<td>2</td>
<td>8</td>
<td>10</td>
</tr>
<tr>
<td>Eastern Cape Local Division (Port Elizabeth)</td>
<td>2</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Eastern Cape Local Division (Bisho)</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Eastern Cape Local Division (Mthatha)</td>
<td>3</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>North West Division (Mahikeng)</td>
<td>3</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Free State Division (Bloemfontein)</td>
<td>5</td>
<td>8</td>
<td>13</td>
</tr>
<tr>
<td>Gauteng Division (Pretoria)</td>
<td>15</td>
<td>33</td>
<td>48</td>
</tr>
<tr>
<td>Gauteng Local Division (Johannesburg)</td>
<td>10</td>
<td>20</td>
<td>30</td>
</tr>
<tr>
<td>Gauteng Pretoria (Functioning as Limpopo Local Division, Thohoyandou)</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Gauteng Pretoria (Functioning as Limpopo Division, Polokwane)</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Gauteng Pretoria (Functioning as Mpumalanga Division, Nelspruit)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Western Cape Division (Cape Town)</td>
<td>13</td>
<td>20</td>
<td>33</td>
</tr>
<tr>
<td>Kwazulu-Natal Division (Pietermaritzburg)</td>
<td>4</td>
<td>12</td>
<td>16</td>
</tr>
<tr>
<td>KwaZulu-Natal Local Division (Durban)</td>
<td>6</td>
<td>7</td>
<td>13</td>
</tr>
<tr>
<td>Grand Total</td>
<td>81</td>
<td>158</td>
<td>239</td>
</tr>
</tbody>
</table>

Percentages: 34% 66% 100%

Sources: Statistics provided by the Office of the Chief Justice, 30 June 2015.

27 Proportional representation (PR) characterises electoral systems by which divisions in an electorate are reflected proportionately in the elected body. If 30 percent of the electorate support a particular political party, then roughly 30 percent of seats will be won by that party.
The above table shows that, of the 239 judges appointed in the Superior Courts, male judges represent 66 percent (158) while female judges represent 34 percent (81).

Table 48 shows that there are generally more men in the Judiciary, with the exception of chief magistrates.

**HIGHER POSITIONS IN CIVIL SOCIETY**

Women are underrepresented in management positions within departments, municipalities, and the private sector, because of unequal recruitment and managerial skills training for women. In terms of other professionals, women make up 2,292 and men make up 2,307.

Data from the Businesswomen’s Association of South Africa (BWASA) show that more men occupy executive management positions as compared to women; there is however an improvement with regard to government senior management which is at almost 50 percent, whereas in other sectors the representation of women is still below 50 percent.

**CIVIL SOCIETY**

**HIGHER POSITIONS IN CIVIL SOCIETY**

**Head or Managers of NGOs (Top and senior management)**

The government’s commitment to gender equality was cemented by the establishment of the National Gender Machinery (NGM) to fast-track gender equality in South Africa; the machinery constitutes all institutions of the state and civil society. Civil society organisations (CSOs) are perceived as central to the struggle for gender equality and therefore their contributions towards gender equality have led to many successful legislative, economic, political and other milestones in a democratic South Africa (CGE, 2012).

Community or social services are commonly considered to be women’s professions as they involve care-giving related services. However, the above information suggests that although these services
carry a gender stereotype about the type of professions that women occupy, decision-making positions are occupied by men, especially at top management level.

**Table 50. Sector workforce profile at the senior management level by race and gender**

<table>
<thead>
<tr>
<th></th>
<th>Males</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percentage</td>
<td>Average</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Race</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>African</td>
<td>5287</td>
<td>28.0%</td>
<td>4.9%</td>
<td>3.9%</td>
<td>20.1%</td>
<td>17.1%</td>
<td>3.1%</td>
</tr>
<tr>
<td>Coloured</td>
<td>3805</td>
<td>20.1%</td>
<td>3.9%</td>
<td>20.1%</td>
<td>17.1%</td>
<td>3.1%</td>
<td>2.9%</td>
</tr>
<tr>
<td>Indian</td>
<td>594</td>
<td>3.1%</td>
<td>2.9%</td>
<td>18.0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>3412</td>
<td>18.0%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Sources: Commission of Employment Equity annual report, 2015

In Table 50, women were outnumbered by men at senior management level of the community/social services. African and white men were the most represented groups, accounting for nearly 50 percent of the entire senior management leadership profile.

**Table 51. Workforce profile at top management level by race and gender and by Business Type**

<table>
<thead>
<tr>
<th></th>
<th>Males</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percentage</td>
<td>Average</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Race</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>African</td>
<td>358</td>
<td>25.2%</td>
<td>5.1%</td>
<td>4.0%</td>
<td>26.2%</td>
<td>12.2%</td>
<td>2.7%</td>
</tr>
<tr>
<td>Coloured</td>
<td>173</td>
<td>12.2%</td>
<td>2.7%</td>
<td>2.5%</td>
<td>18.2%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indian</td>
<td>36</td>
<td>2.5%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>259</td>
<td>18.2%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Sources: Commission of Employment Equity annual report, 2015

The Non-Profit Organisations (NPO) sector similarly depicts the trend displayed by the community/social sector where men are undoubtedly dominant in terms of representation, especially in the top management echelons. At 26.2 percent, white men were the most dominant of all groups, followed by African men (25.2). In exclusion of white women, the representation of all other groups was notably low, below the 15 percent mark.

**Table 52. Workforce profile at senior level by race and gender and by Business Type**

<table>
<thead>
<tr>
<th></th>
<th>Males</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percentage</td>
<td>Average</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Race</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>African</td>
<td>1362</td>
<td>28.1%</td>
<td>5.2%</td>
<td>2.9%</td>
<td>17.9%</td>
<td>18.1%</td>
<td>4.3%</td>
</tr>
<tr>
<td>Coloured</td>
<td>879</td>
<td>18.1%</td>
<td>4.3%</td>
<td>2.8%</td>
<td>17.4%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indian</td>
<td>844</td>
<td>17.4%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Sources: Commission of Employment Equity annual report, 2015

The trend observed in other instances was also echoed in the presented table, where men were again found to outnumber women at senior management level of the NPO sector. However, unlike other instances it was African men who were the most numerous at 28.1 percent which was significantly higher than that of white men (17.9 percent) who were also slightly outnumbered.
by African women (18.1 percent).

**EMPLOYER ASSOCIATIONS**

**Table 53. Leadership among organised business, 2015**

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Women</th>
<th>Men</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Unity South Africa</td>
<td>2</td>
<td>8</td>
<td>10</td>
</tr>
<tr>
<td>Chamber of Mines</td>
<td>7</td>
<td>8</td>
<td>15</td>
</tr>
<tr>
<td>National Employers Association of South Africa</td>
<td>3</td>
<td>7</td>
<td>10</td>
</tr>
<tr>
<td>National African Federated Chamber of Commerce and Industry</td>
<td>5</td>
<td>6</td>
<td>11</td>
</tr>
<tr>
<td>Master Builders South Africa</td>
<td>4</td>
<td>24</td>
<td>28</td>
</tr>
<tr>
<td>Federated Hospitality Association of South Africa</td>
<td>2</td>
<td>7</td>
<td>9</td>
</tr>
<tr>
<td>Steel and Engineering Industries Federation of Southern Africa</td>
<td>2</td>
<td>8</td>
<td>10</td>
</tr>
<tr>
<td>The Banking Association South Africa</td>
<td>2</td>
<td>6</td>
<td>8</td>
</tr>
</tbody>
</table>

Source: See footnotes 6 to 13.

Organised employers are also represented on the National Economic and Labour Council (NEDLAC) and most were formed and registered with the Department of Labour for a number of reasons, including effective collective bargaining. As shown in Table 53 men continue to dominate the upper echelons of management structures in employer organisations.

**PROFESSIONAL SYNDICATES**

**Table 54. Leadership in Professional Syndicates**

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Women</th>
<th>Men</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law Society of South Africa council (attorney profession)</td>
<td>5</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>South African Council for Educators</td>
<td>5</td>
<td>21</td>
<td>26</td>
</tr>
<tr>
<td>Health Professionals Council of South Africa</td>
<td>3</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>South African Institute of Architects Board of Representatives</td>
<td>4</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>South African Institute of Chartered Accountants</td>
<td>3</td>
<td>9</td>
<td>12</td>
</tr>
<tr>
<td>South African Board For People Practice</td>
<td>6</td>
<td>8</td>
<td>14</td>
</tr>
<tr>
<td>Engineering Council Of South Africa</td>
<td>11</td>
<td>39</td>
<td>50</td>
</tr>
<tr>
<td>Private Security Industry Regulatory Authority</td>
<td>3</td>
<td>2</td>
<td>5</td>
</tr>
</tbody>
</table>

Source: See the footnotes 30 to 37 indicating where the different stats were sourced.

The table above depicts the leadership profile of professional bodies covering diverse professional designations. Although it illustrates more men in some and more women in others, the general trend is that most have men.

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TRADE UNION LEADERSHIP

Table 55. Trade Union Leadership

<table>
<thead>
<tr>
<th>Federation</th>
<th>Women</th>
<th>Men</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Council of Trade Unions48</td>
<td>5</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>Federation of Unions of South Africa49</td>
<td>2</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>Congress of South African Trade Unions50</td>
<td>2</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Confederation of South African Workers’ Unions51</td>
<td>2</td>
<td>6</td>
<td>8</td>
</tr>
</tbody>
</table>

Source: See Footnotes 39, 40, 41 and 42.

According to the Department of Labour (DoL) there were 191 registered trade unions in February 2013, organised under various federations, with the most prominent being the Congress of South African Trade Unions (COSATU), the National Council of Trade Unions (NACTU) and the Federation of Unions of South Africa (FEDUSA)52. The table shows the representation of women in top management structures of the trade union federations is not consistent, with only NACTU showing more women leaders.

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52 http://www.southafrica.info/business/economy/policies/tradeunions.htm#.Vb8x9vmqqkoaccessed August 2015
CHAPTER 3: WOMEN’S RIGHTS

Even though South Africa has worked hard to create laws to acknowledge women’s rights and to facilitate access to them, the actual experiences of women still reflect challenges. Therefore, this chapter deals with the different tools and legislations that hold the government responsible for women’s rights. These tools include the following.

- The Convention on the Elimination of all forms of Discrimination against Women (CEDAW)
- Article 2 – Equality
- Article 16 – Equality in Marriage and Family Life
- Optional Protocol
- Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa
- Beijing Platform for Action
- Solemn Declaration on Gender Equality
- African Charter on the Rights and Welfare of the Child
- Harmful Practices: Female Genital Mutilation (FGM), Early/Forced Marriage, Widowhood Rites
- Review and modification of customary law
- Domestic Violence
- Rape
- Statutory Rape/Defilement
- Sexual Harassment
- Protocol on the Suppression and Punishment of Trafficking in Persons Especially in Women and Children
- Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography
THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

The CEDAW was adopted by the UN General Assembly in 1979. It was adopted by the General Assembly in 1979, in resolution 34/180 as the binding treaty geared towards eliminating discrimination against women.53

This convention was then ratified by South Africa without reservation in 1995. CEDAW has since played an important role in guiding South Africa towards the achievement of gender equality. In addition to CEDAW, South Africa is a state party to a number of other international conventions, protocols, as well as continental and regional charters. As a state party to CEDAW and other treaties SA is also obliged to produce periodic reports as required by the respective treaty bodies as a monitoring mechanism on the implementation of such instruments. Some of the ratified conventions that have a gender component include the following.

- International Convention on Civil and Political Rights
- International Convention on Economic, Social and Cultural Rights
- Convention against Transitional Organised Crime

RATIFICATION 2

South Africa ratified CEDAW without reservations on 15 December 1995.

REPORTING 2

Since 1995, only two country reports have been presented to the CEDAW Committee. The first report was presented to the Committee in June 1998, and the second (which was a combined second, third and fourth report), in January 2011. South Africa submitted a report to the CEDAW Committee in August 2015 on the gains and challenges facing the attainment of gender equality in the country. Although there is an inconsistency in the pattern of reporting, the existence of a report justifies the scoring of 2.

LAW 2

There is general consensus that the Constitution of the Republic of South Africa and its progressive legislative framework provide both for the protection and promotion of the rights of women and girl children. The critical objectives of this enabling legislative framework is to ensure equality, including gender equality, which focuses on the prevention and prohibition of unfair discrimination and to provide redress in cases of unfair discrimination.

Key instruments that facilitate South Africa’s compliance with international human rights treaty obligations held in CEDAW and the Convention on the Elimination of All Forms of Racial Discrimination (CERD) include:

53 Ibid
• The Recognition of Customary Marriages Act, 1998 (Act 120 of 1998), and
• The customary law of succession.

The provisions of CEDAW and related international instruments have also informed other gender equality laws that have been introduced since the last Report. Examples in this regard include:

• The Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000) and

This is scored as 2 as the legal framework presented here allows for widespread enforcement of women’s rights.

POLICY COMMITMENT  

State parties to CEDAW agree to take all appropriate measures, including legislation and temporary special measures, so that women can enjoy all their human rights and fundamental freedoms. These can be found in several documents in South Africa, including the 1996 Constitution (including the Bill of Rights) and The National Gender Policy Framework.

The objectives of CEDAW and its specific provisions have also been incorporated into the South African National Policy Framework for Women’s Empowerment and Gender Equality and other policies aimed at general societal transformation. This includes the National Skills Development Strategy, Codes of Good Practice on Black Economic Empowerment and local government policies, particularly those relating to gender parity in integrated development plans and processes. This scores a 2 as the overall policy initiatives in different sectors in the country integrate CEDAW imperatives in their work to mainstream gender.

DEVELOPMENT OF A PLAN  

Before the introduction of the Department of Women in the Presidency the Office of the Status of Women (OSW) was a structure that had a vital role to play as the principal coordinating structure for the National Machinery on gender equality. The South African Government’s National Development Plan (NDP) vision for 2030 places emphasis on building safer communities through an integrated approach. In order to realise the vision of safer communities there is a need to further prevent Gender Based Violence (GBV) and to strengthen the various responses to such acts of violence. However, a more comprehensive plan to deal with GBV is much needed. The challenge here has mainly been the absence of a fully-costed, multi-sectoral and comprehensive national strategic plan (NSP) to combat gender-based violence.

It should however be noted that the National Policy Framework for Women’s Empowerment and Gender Equality lays down an extensive plan for the Co-ordination Framework of the National Machinery. The policy provides generic guidelines, which the various sectors will use to issue more detailed policy documents that are sector specific. Thus, it is the responsibility of each sector to integrate the principles contained in the Gender Policy Framework into their prevailing policy and strategic documents. This scores a 1 as the NSP has not yet been developed and approved.
TARGETS

The National Planning Commission 2011 diagnostic report indicates that gender equality remains a big challenge as women are still discriminated against in the workplace. The recent debates on transformation of higher education indicate that black women are almost non-existent in most of the universities in South Africa, and that where they are found they are in junior or administrative positions. The same is true when looking at leadership positions in the private sector. There seems to be a lack of specific targets for a coordinated process towards gender equality; this is thus scored a 1.

INSTITUTIONAL MECHANISMS

CEDAW is implemented through the various government departments. The institutionalisation of a gender machinery which comprises the Executive which was institutionalised through the OSW\textsuperscript{54} until 2009 when it was reconstituted as the Ministry of Women, Children, Youth and the Disabled, and again as the Department of Women in the Presidency.

The machinery also includes Gender Focal Points (GFPs) in national departments, the CGE as well as the Joint Parliamentary Committee on the improvement of the quality of life and status of women. Although these mechanisms indicate progress, their workings have been marred by various challenges, including limited systematic monitoring of mainstreaming activities in government departments, lack of authority and resources for GFPs to influence departmental plans or meetings where decisions are made; again although the CGE is mandated to monitor government, the private sector and civil society with regard to gender equality Gouws (2006) argues that its biggest weakness was in challenging government. Again research on gender mainstreaming indicates a host of other challenges that hinder progress.

This only scores a 1 as not all of the envisaged mechanisms are in place, i.e. not all powers and resources are allocated to all the necessary levels of the machinery.

BUDGET

Budgetary constraints are one of the biggest challenges in the successful operation of the gender machinery. This constraint is persistent because of lack of sensitivity on gender budgeting by relevant officials; this is thus scored a 1.

HUMAN RESOURCES

Given the challenges with the workings of the gender machinery, it is clear that personnel tasked with gender mainstreaming still do not receive the resources necessary for an effective implementation of gender equality imperatives. Thus a score of 1.

RESEARCH

Unfortunately, there has not been a fundamental improvement with regard to research in order to capture the country’s progress with regard to women’s rights. Most of the research is undertaken at times of reporting, which becomes difficult because the base information for such report is usually very difficult to find. For example, the Department of Women in the presidency is a department in ‘transition’ whereas the Ministry of Women, Children, Youth and the Disabled did not produce any research relevant to woman’s rights and gender mainstreaming during its time. On the other hand, the Joint Parliamentary Committee on the improvement of the quality of life and status of women

\textsuperscript{54} Although the OSW does not exist at the national level, it should be noted that at the provincial level OSW offices are still operational as part of the gender machinery
has engaged in some research work as indicated in the 2005 AGDI report – there has however been very little research coming out of this institution since then. Thus this component is scored 1.

INVolVEMENT OF CIVIL SOCIETY

Civil society has played and continues to play an important role in facilitating women’s rights. The work of civil society organisations has been significant as a watchdog, implementation partner and innovator for women’s rights issues. For example, the work of Sonke Gender Justice has been important in signifying the role of men as partners for gender equality. The visibility of gender work on the ground would not be possible without civil society in challenging stereotypical discourses in the media – Sonke Gender Justice, and Tshwaranang Legal Advocacy Centre continue to build awareness through their continued work in the 16 Days of No Violence against Women campaigns. This is thus scored a 2.

INFORMATION AND DISSEMINATION

Civil society in partnership with government continues to disseminate information through awareness campaigns, challenges to stereotypical public discourse and the dissemination of written pamphlets. However, given the budgetary constraints mentioned earlier, a lot could still be done in this regard. Again, the socio-economic disparities between rural and urban settings are also seen in the gaps with regard to access to information in these areas. This is therefore scored a 1.

MONITORING AND EVALUATION

The Department of Women in the Presidency now holds the main responsibility to monitor and evaluate the government’s progress with regard to women’s rights. However, the institutional changes since 2009 have led to unforeseen instability in this task in particular. However, the CEDAW reporting responsibilities played by the CGE somewhat closes this gap. However, a lot more could be done within government departments to mainstream these processes as part of their annual data gathering and reporting. This is thus scored a 1.

CAPACITY ENHANCEMENT

Through the work of civil society, government and other societal institutions, capacity building happens through workshops to raise awareness on gender issues and to train individuals on new policies and programmes. However, given that most CSOs struggle with funding, this therefore scored a 1.

ACCOUNTABILITY/TRANSPARENCY

Again, CSOs play an important role in making government accountable on issues of women’s rights. This is thus scored a 1.

ARTICLE 2

Discrimination against women is one of the issues that create access challenges for women and thus perpetuate poverty and lack for women. Article 2 obliges state parties to denounce all forms of discrimination against women and agree to pursue by all appropriate means and without delay policies and actions to do away with gender discrimination.

RATIFICATION

South Africa ratified CEDAW without reservations in 1995.
REPORTING

South Africa submitted reports in 1998, 2001, 2005, and 2009 and in is currently working on its 2015 report, which is late. Given that the reporting cycle has not yet been missed, this is scored a 2.

LAW

A number of laws have been put into place since 1994 which align to the imperatives of Article 2 of CEDAW. The first of these is the Constitution, followed by the following.

The Employment Equity Act, Act 55 of 1998 – Section 6 of this Act prohibits unfair discrimination. It states that no person may unfairly discriminate directly or indirectly against an employee, in any employment policy or practice, on one or more grounds, including gender, sex, pregnancy, marital status, and family responsibility. This Act also contains measures to advance equality and equal opportunity in the workplace. The Act emphasises equitable representation of members from designated groups, one of which is women, including disabled women. Section 20(2) (c) states that where designated groups are underrepresented, employers are required to prepare an employment equity plan that includes numeric targets as opposed to compulsory quotas. For example the public sector – the South African Cabinet – revised the employment equity target from 30 percent, upping it to 50 percent women in Senior Management Service (SMS) positions across the public service by March 2009.55

Promotion of equality and prevention of Unfair Discrimination Act No 2 of 2000 – This Act deals with issues of discrimination and addresses residual factors of the promotion of equality in the workplace. It covers employees and issues not dealt with in the Employment Equity Act. Its scope covers all areas of life, including the family. The Act also prohibits ‘harassment’ on the grounds of sex and other grounds or a combination of grounds. It also prohibits ‘hate speech’.

Preferential Procurement Policy Framework Act No 3 of 2000 – This Act seeks to provide a framework for preferential treatment of women of all races, black people and persons with disabilities in procurement transactions, as a means of addressing historical imbalances, to accelerate de facto equality. The Act introduces a point system for adjudicating state tenders or contracts. The framework includes preferential points for black women and men, white women and persons with disabilities. A challenge in the implementation of the Act has been that the point system is ineffective and in most instances results in the historically advantaged continuing to access government contracts. However, its alignment with the BBBEEA strengthens its impact.

Skills Development Act No 97 of 1998 and Skills Development Levies Act No 9 of 1999 –This Act sets out a framework for managing skills development. The implementation of the Employment Equity Act, 1998 requires synergy with that of the Skills Development Framework. Furthermore, the Skills Development Strategy sets out skills development targets for women of all races and persons with disabilities.

Basic Conditions of Employment Act No 75 of 1997 – This Act protects rights relating to pregnancy and parenting. It also deals with other conditions of work. The Act has been extended to domestic workers.

Labour Relations Act No 66 of 1995 – This Act deals with various labour rights, including freedom of association and collective bargaining rights. It also deals with sexual harassment in the workplace.

55 In 1997, the SADC Head of States’ Declaration on Gender and Development set a minimum target of 30% women in decision-making positions for SADC Member States to be achieved by 2005. In line with this, the South African Cabinet adopted the minimum target of 30% women in the Public Service. Further, in 2005 SADC Head of States reviewed the minimum target of 30% and aligned with the AU target of 50% women in decision-making positions, as outlined in the 2004 AU Head of State’s Solemn Declaration. Molebatsi, K Gender and Equality in Africa. (2009) Department of Social Welfare.
Broad Based Black Economic Empowerment Act No 53 of 2003 – The Act seeks to correct the apartheid legacy of racial imbalances in ownership, control and participation within the South African economy and mainstreams the empowerment of Black women in its provisions. Government has also endeavoured to mainstream gender in the key implementation tools under the Act especially the Codes of Good Practice on Black Empowerment and the Generic Balanced Scorecard for measuring black empowerment.

Although sector initiatives such as the Black Economic Empowerment (BEE) Charters have up until now not adequately embraced the gender dimension through state interventions, this is being addressed in the relevant dialogue forums and in the generic instruments issued by government (Codes and Score Card). The Act covers a broad spectrum of economic issues, including business development and access to credit.

It is noted that women’s employment chances have improved due to the above Acts and in turn have strengthened women’s retention in the labour force. What remains a challenge is the equality of women of all races, although the improvement of employment chances of white women has been improved, the same is not true for black women in general and African women in particular, as race continues to determine access to leadership positions and to significant roles in the society. This is however scored a 2 as the laws provided for are substantial.

POLICY COMMITMENT

In compliance with the provisions of CEDAW, South Africa has put in place significant policy frameworks and programmes as per the obligation of the treaty.

Measures put in place to establish gender balance in governmental bodies include the following.

- The White Paper on the Transformation of the Public Service of 1995 referred to as WPTPS, identified a need to create a representative public service which reflects major characteristics of South African democracy.
- In 2005, a gender parity of 50 percent representation of women in the decision-making positions was adopted by Cabinet.
- Public Service Regulations of 2001 provide a common approach to issues of remuneration, health and safety.

Government has adopted a policy framework for skills development, which includes the following Acts.

- The Skills Development Act of 1998
- The Skills Development Levies Act of 1999
- The National Skills Development Strategy (NSDS) of 2001

This is therefore scored a 2 as the policies in place are useful for addressing discrimination.

DEVELOPMENT OF A PLAN

CEDAW was translated into priorities for national action in specific sectors through domestic laws, policies and programmes. The National Development Plan has engendered CEDAW. This therefore scores a 2.
TARGETS

South Africa has the National Development Plan 2030 that is comprehensive and target oriented. It is the main economic development plan in the country that binds and defines the development strategies for the entities within the three spheres of South African government. However, gender is not a central basis of the plan, thus this scores a 1.

INSTITUTIONAL MECHANISM

A number of institutional mechanisms have been put in place to address discrimination. These include the Commission for Conciliation, Mediation and Arbitration (CCMA). It is a dispute resolution body established in terms of the Labour Relations Act, 66 of 1995 (LRA). It is an independent body, which does not belong to and is not controlled by any political party, trade union or business. Other relevant institutions are:

- Commission on Employment Equity
- Equality Courts
- Labour Courts
- Commission for Gender Equality
- Sexual Offences Courts.

This therefore scores a 2.

BUDGET

Although institutions like equality courts and sexual offences courts are operational, which suggests that they have budgets, the idea of a women’s budget is still a contentious one. The Women’s Budget Initiative was implemented late in 1995 in South Africa, as a pilot project that was spearheaded by the Commonwealth Secretariat to promote the acknowledgement of gender issues in the macroeconomic policies of its member states. South Africa realised that despite the achievement of its women empowerment initiatives many women were still experiencing discrimination, poverty, domestic violence, rape and general abuse. Although the OSW was the custodian of the Women’s Budget initiative between 1996 and 2000, this initiative is still to be aligned to general government budget initiatives. There are, however, conversations on the reinstituting of gender budgeting in the country as it is not implemented currently. Therefore, this is scored a 1.

HUMAN RESOURCES

The gender machinery is not operational in many government departments; as a result, available human resources might still not be consistent with the imperatives of Article 2. Gender sensitisation training of these particular office bearers might also be limited. We found no evidence of continued training on this issue. Thus this is scored a 1.

RESEARCH

There is still no gendered programme of research in relation to gender discrimination. However, the recent amendments to the Basic Conditions of Employment Act (BCEA) on work of equal pay for work of equal value indicates continued thinking on discrimination and how it continues to influence the differentiated value we place on gendered work. Given that there is not a lot of research on
these issues this is scored a 1.

INVERVOLVEMENT OF CIVIL SOCIETY 2
A number of CSOs continue to do a lot of work towards addressing discrimination. These include work on discrimination emanating from sexual orientation. The work of Access Chapter 2 is commendable as it focuses on substantive participation in addressing the rights of women and Lesbian, Gay, Bisexual, Transgender and Intersex people (LGBTIs).

A number of other CSOs have continued to play a role in addressing discrimination – these include Sonke Gender Justice, Tshwaranang Legal Advocacy Centre, and foundation for Human Rights, Human Rights Institute of South Africa (HURISA), and People Opposing Women Abuse (POWA) among others. This is therefore scored a 2.

INFORMATION AND DISSEMINATION 1
The CGE creates awareness through continued public education and communication and through partnerships with other Chapter 9 institutions it is able to disseminate information more broadly. Dissemination is done through research reports, policy briefs, policy dialogues, and media (print, radio and TV) and presenting research findings in Parliament. However, given the growing inequality between rural and urban areas with regard to access to information, this is scored a 1.

MONITORING AND EVALUATION 1
The BCEA provides for measures to monitor and evaluate progress with issues of discrimination; however, these are not adequate as they are mainly qualitative. Administrative data from the CCMA can provide the necessary information towards an understanding of how things are changing or not changing in South African workplaces; however more should be done to facilitate a holistic M and E system for women’s experiences of discrimination. This is therefore scored a 1.

CAPACITY ENHANCEMENT 1
Civil society plays an important role in the building of capacity; however, this is not enough as they continue to struggle with under-funding. This therefore scores a 1.

ACCOUNTABILITY/TRANSPARENCY 1
Discrimination is usually hidden in institutional cultures that are presented as the norm and unchanging. It is therefore easy to hide discrimination using some of these arguments; again, historical disparities can also be used to mask discrimination, for example in the higher education sector the skills demand for blacks is used to explain why blacks are not promoted or not nurtured into senior positions.56

The BCEA provides for reporting processes that create space for accountability – however the tools provided for this are not qualitative, thus the stories of actual discrimination are missed in the reporting. More rigorous measures of reporting are needed to facilitate full transparency. Therefore, this is scored a 1.

56 The volume - Hear Our Voices: Race, Gender and the Status of Black South African Women in the Academy. Reitumetse Obakeng Mabokela and Zine Magubane (eds.). Pretoria: Unisa Press. Begins to show how stories of actual experience can begin to close the gaps with regard to continuing discrimination in the South African Academy.
ARTICLE 16 – EQUALITY IN MARRIAGE AND FAMILY LIFE

CEDAW was drafted as encouraged by the World Plan of Action that was adopted during the first Women’s international conference, held in Mexico in 1975.

Article 16 concerns itself with all laws that regulate marriage. This therefore has implications for all forms of families, including co-habitation, extended families, nuclear families and any other family system where women could experience discrimination.

Article 16 requires the state to take all steps to end discrimination in marriage and family life; again, it holds that ‘no betrothal and marriage of a child shall have legal effect’, and all necessary action including legislation shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

RATIFICATION

South Africa has ratified CEDAW without reservation.

REPORTING

By end of 2015, South Africa had not yet submitted a report to the CEDAW Committee in line with the 2015 deadline.

LAW

Three laws currently provide for the status of marriage in South Africa. These are:

- The Marriage Act (Act 25 of 1961), which provides for civil or religious opposite-sex marriages
- The Recognition of Customary Marriages Act (Act 120 of 1998), which provides for the civil registration of marriages solemnised according to the traditions of indigenous groups
- The Civil Union Act (Act 17 of 2006), which provides for opposite-sex and same-sex civil marriages, religious marriages and civil partnerships.

A person may only be married under one of these laws at any given time.

Muslim marriages are now recognised if solemnised by a marriage officer duly registered as such in terms of the Marriage Act. The Muslim Marriage Bill was put down for discussion in 2003. There has also been an accreditation of over 100 Imams as marriage officers, which has paved the way for the official recognition of the marriages of Muslim couples in South Africa, allowing them to be recorded on the National Population Register and so to receive the full legal status afforded by the country’s Constitution. The proprietary consequences of a Muslim marriage will now be the same as a civil union in terms of the Marriage Act.

In terms of parental rights and responsibilities, the CGE study57 noted that the execution of the Maintenance Act is still a challenge as maintenance officers and investigators are ineffective in dealing efficiently and adequately with enquiries and investigations, which results in women often having to spend considerable time away from work to attend numerous appointments in the court. This is scored a 2.

POLICY COMMITMENT

There are a number of policies that speak to Article 16. These include firstly the Constitution. The 2011

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57 CGE (2010): Report to the CEDAW committee on South Africa’s implementation of CEDAW (1998-2008)
Green Paper on families acknowledges all forms of families including, same-sex families which were historically not acknowledged. This is scored a 2.

**DEVELOPMENT OF A PLAN**

There has been a process to reform laws to make sure that all forms of marriages are taken into account. We have not found any plans in this regard, thus this is scored a 0.

**TARGETS**

We were unable to find any particular targets for this.

**INSTITUTIONAL MECHANISMS**

The Department of Home Affairs is the custodian of the Marriages Act; however other government departments, such as the Department of Social Development take care of families in general. Different courts, including the Constitutional Court play an important role in facilitating cases that might arise should the Marriages Act not be complied with; this therefore scores a 2.

**BUDGET**

We were unable to find a specific budget for the implementation of acknowledgement of different marriages. However, given that institutions like Home Affairs and different courts are in place to institute the rights carried out in Article 16, this is scored a 1.

**HUMAN RESOURCES**

Improvements have been instituted in the operation of the Department of Home Affairs. The department’s 2015-2020 Strategic Plan seeks to modernise the workings of the department and align it to international standards, including training of personnel. However this training is not specific on the acknowledgement of different marriages, thus this is scored a 1.

**RESEARCH**

As part of the drafting of the Green Paper on Families the DSD requested an investigation into the structure and needs of South African families (Amoateng, A.Y et. al. 2004). The analysis into marriage patterns in South Africa by Budlender et.al. (2014) indicates challenges in marriage research, and highlights the problems emanating from lack of research in the area. However, with amendments to laws, research is used as a basis of these reforms, the law commission’s discussions into Islamic marriages and other matters was also informed by research. This is however scored a 1 as there is no on-going research by government entities on issues of marriages and families.

**INVOLVEMENT OF CIVIL SOCIETY**

The Women’s Legal Centre (WLC) in Cape Town, South Africa, explored the strategies of the WLC in relation to litigation attempts at legislation recognising Muslim marriages. Generally civil society organisations continue to play important roles in awareness raising and facilitating access to knowledge and government institutions. This is thus scored a 2.

**INFORMATION AND DISSEMINATION**

Most NGOs play an important role in disseminating information on the different marriage reforms as they happen. This is thus scored a 1.
MONITORING AND EVALUATION
1
Through the recording of marriage and cases brought to the different courts, monitoring is constantly being done. These data could then be evaluated as reforms are put forward; this therefore scored a 1.

CAPACITY ENHANCEMENT
1
Civil society organisations have provided training on the changes in laws to facilitate understandings and smooth operations in implementations; this is scored a 1 as civil society organisations are over-stretched financially.

ACCOUNTABILITY/TRANSPARENCY
1
The Department of Home Affairs is held accountable by courts when marriage cases are brought to court. There is a need to build into the workings of the department mechanisms to facilitate accountability in ways that will be gender sensitive. This scores a 1.

THE OPTIONAL PROTOCOL TO CEDAW
The optional protocol to CEDAW allows citizens within countries that have ratified to bring complaints to the CEDAW committee. In 1998 about 60 South African NGOs requested an enquiry into CEDAW with a focus on violence and its challenges for South African women.\(^58\)

Only the ratification and information dissemination scores are relevant for this aspect of women’s rights.

RATIFICATION
The Optional Protocol to CEDAW was ratified in March 2005 without reservation.

REPORTING
Since ratification of the CEDAW’s optional protocol in 2005 there has not been reporting on it.

LAW
Laws are currently in place to institute CEDAW; however, the challenge is that complaining mechanisms are not aligned with the protocol.

POLICY COMMITMENT
Policies aligned with CEDAW have been instituted; however, mechanisms to complain have not been aligned to the optional protocol.

DEVELOPMENT OF A PLAN
We were unable to find any plans on the CEDAW optional protocol.

TARGETS
We were unable to find any targets on the CEDAW optional protocol.

\(^{58}\) Request for an inquiry under the optional protocol of CEDAW  http://www.dgmt.co.za/files/2013/02/OP-CEDAW-INQUIRY-FINAL-DRAFT-Recovered.pdf
INSTITUTIONAL MECHANISM

Institutions in the justice system are available with regard to provision of space for raising issues with non-complaints with issues of women’s rights. These institutions include the general courts, and in particular the constitutional courts – however since these are not necessarily aligned with the CEDAW optional protocol, this is scored a 1.

BUDGET

We were unable to find a budget for the implementation of the CEDAW optional protocol.

HUMAN RESOURCES

Given that no institutions have been set in place for the implementation of the CEDAW optional protocol, we have not found any evidence of the availability of human resources.

RESEARCH

We did not find any research in this regard other than the report indicating the request for an inquiry under the optional protocol to CEDAW.59

INVOICE OF CIVIL SOCIETY

The request for an inquiry under optional protocol to CEDAW indicates that non-governmental organisations play an important role in making use of the optional protocols; this thus scores a 2.

INFORMATION AND DISSEMINATION

From conversations with individual organisations it seems that there has not been an effort to let organisations and individuals know about the processes set forth in the CEDAW optional protocols.

MONITORING AND EVALUATION

We have not found any information or evidence that a Monitoring and Evaluation process is in place.

CAPACITY ENHANCEMENT

Given that no particular institutions are guardians to the optional protocol to CEDAW we did not find data on capacity building.

ACCOUNTABILITY/TRANSPARENCY

We were unable to assess issues of accountability since the optional protocol is not institutionalised.

PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLE’S RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA

RATIFICATION

South Africa ratified the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (the Protocol) on 17 December 2004 and deposited its Instrument of Ratification with the Chairperson of the Commission of the African Union on 14 January 2005 as required by Article 28

of the protocol. At the time of ratification South Africa made three reservations and two interpretative declarations to the protocol. It made a reservation to Article 4(2) (j) which deals with the imposition of the death penalty on pregnant and nursing mothers; Article 6(d) which deals with the registration of customary marriages; and Article 6(h) on the nationality or citizenship of children born of alien parents. South Africa made interpretative declarations to Article 1(f) which defines ‘discrimination against women’ and Article 31 that deals with the question of whether the South African Constitution (the Constitution) offers more favourable human rights protection than the protocol. Article 6 (d) states that: “States Parties shall ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. They shall enact appropriate national legislative measures to guarantee that, every marriage shall be recorded in writing and registered in accordance with national laws, in order to be legally recognised.” It further states that, “The Republic of South Africa makes a reservation and will consequently not consider itself bound to the requirements contained in article 6(d) that a marriage shall be recorded in writing and registered in accordance with national laws in order to be legally recognised. This reservation is made in view of the provision of section 4(9) of the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998), which stipulates that failure to register a customary marriage does not affect the validity of that marriage, and is considered to be a protection for women married under customary law.” The Customary Marriages Act requires consent by both parties to a marriage and thus outlaws forced marriages.

REPORTING

Not applicable. There are no reporting requirements.

LAW

South Africa has ratified the main international and regional women’s rights protection instruments, and national statutory laws tend to respect the principle of equality between women and men. In addition to the ratification of all the main women’s rights protection instruments (namely CEDAW, Maputo protocol, Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA)), we note several other developments in recent years concerning women’s rights:

- The adoption of the Criminal Law (Sexual Offences) Amendment Act 2007 which modifies the definition of consent and the evidential requirements for proving rape (including abolition of the cautionary rule against complainants’ evidence and providing that no negative inference can be drawn from a delay in reporting rape).
- The adoption of the Criminal Law (Sentencing) Amendment Act 2007, which establishes minimum sentences for rape. This amendment was intended in particular to prevent courts failing to impose minimum sentences on the basis of absence of physical injuries, the ‘cultural beliefs’ of the perpetrator, or the behaviour of the victims or her relationship to the perpetrator.
- The adoption of National Instructions for Police on Sexual Offences, which sets out how police investigations should be conducted in such cases. This is thus scored a 2.

POLICY COMMITMENT

Despite the notable legal framework developed in order to protect women (the Constitution and the ratification of international and regional conventions, the 2002 National Policy Framework for Women’s Empowerment and Gender Equality, and the National Policy Framework (NPF) on the
Management of Sexual Offences and National Plan of Action for Children, there is a remarkable absence of policy commitment.

Women are still subject to violence, infringing their rights to life, health, privacy and dignity. There is no policy in place on ukuthwala (forced marriage) and virginity testing. The right to consent to a marriage cannot be invoked or achieved if one of the parties is not sufficiently mature to contemplate such a union. With ukuthwala being practiced on girls as young as 12 years of age, and consent procured by force, fear and violence, it is clear that the South African government is compelled to take the necessary measures to ensure it addresses these serious contraventions.

Serious concern was expressed by the CEDAW committee about a provision in the Children’s Act of 2005, according to which virginity testing of girls above 16 years old is allowed if the girl has given her consent. The CGE is of the view that the practice of virginity testing violates a woman’s right to bodily integrity and sexual autonomy. Such examination is an invasion of her body. Being examined in such a demeaning and hostile manner is humiliating, embarrassing and undermines the dignity of the individual. Government should take the necessary actions to amend the Children’s Act with the aim of prohibiting virginity testing for girl children, irrespective of their age, and to design and implement effective education campaigns to combat traditional and family pressures on girls and women in favour of this practice. Given these challenges, this is scored a 1.

DEVELOPMENT OF A PLAN

The 16 Days of Activism against gender violence is an annual United Nations campaign from 25 November (International Day of No Violence against Women) to 10 December (International Human Rights Day), dates chosen to underline that violence against women is a human rights violation. The National Plan of Action for Children and the National Child Protection Week, led annually by the Minister of Social Development, helps raise awareness of the rights of children as articulated in the Children’s Act of 2005.

Besides the 16 Days of Activism, South Africa has come up with the 365 Days Action for No Violence against Women and Children. The vision of the 365 Days National Action Plan is to have a South Africa that is free from violence. The main message of the 365 Day campaign is “Say no to gender based violence – turn 16 days into 365 Days. It is the mandate of the National Council against Gender Violence to drive the 365 Days Action Plan, to advise the government on programmes and to report progress on national and international initiatives against gender-based violence.

Every month, the 25th has been declared Orange Day to raise awareness and come up with strategies to fight violence perpetrated against people because of their gender. South Africa’s campaign focuses on domestic violence, human trafficking, harmful traditional practices (such as ukuthwala), violence against children and rape. Thus this is scored a 2.

TARGETS

The call for the 365 Days Action on no violence against women and children is targeted to raise awareness every day, as the violence never stops.

There have also been calls to strengthen how the police and social workers deal with rape by the minister of the Department of Social Development. This is scored a 1.
INSTITUTIONAL MECHANISM

The CGE, ANC women’s league, the centre for constitutional rights and some NGOs have called for the abolition of virginity testing and the practice of ukuthwala. This is thus scored a 1.

RESEARCH

The CGE, The Department of Justice and Constitutional Development (DoJ&CD), the Centre for Constitutional Rights and a number of South African universities have conducted research on ukuthwala. Statistics released by the South African Police Service (SAPS) show a slow decrease in some of these crimes, but still reflect a horrendous number of rapes and brutal murders of women and children. Given the multiple players on research in this area, this is scored a 2.

IN VOLVEMENT OF CIVIL SOCIETY

Civil society continues to play an important role in facilitating processes towards the protection of women and girls. Even though they continue to experience funding challenges, this is scored a 2, as their efforts are commendable.

INFORMATION AND DISSEMINATION

The CGE has conducted education campaigns on harmful practices, although to a limited extent; thus this is scored a 1.

MONITORING AND EVALUATION

Parliament has a Multiparty Women’s Caucus to highlight women’s perspectives on the many activities of Parliament. It also has a Portfolio and Select Committee on Women, Youth, Children and People with Disabilities. These committees play a monitoring and oversight role of what the Department of Women is doing to consolidate laws aimed at ensuring that women and children enjoy the human rights entrenched in the Bill of Rights. This gets a score of 1 as the change over the past few years has created instability in the leadership of the gender machinery.

CAPACITY ENHANCEMENT

The change from the OSW/ the Department of Women, Youth, Children and People with Disabilities to now the Department of Women has created instability in the gender machinery. As a result, the already challenged capacity of the gender machinery has been rendered more unstable; therefore, this is scored a 1.

ACCOUNTABILITY/TRANSPARENCY

Parliament allows for some accountability on how issues of women’s rights are dealt with; however, these parliamentary committees are not enough, as there is a need for more spaces to allow for transparency. Therefore, this is scored a 1.

BEIJING PLATFORM FOR ACTION

Paragraph 96 of the Beijing Platform for Action states that; “the human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence. Equal relationships between women and men in matters of sexual relations and reproduction, including
full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences.” As a result, any practice that is not in line with these rights is a violation.

This part of the chapter on social rights focuses on progress made on the imperatives of the Beijing Platform for Action. We would like to highlight that in taking into account CEDAW, the state has also in some cases addressed the requirements of the Beijing Platform for Action.

RATIFICATION
Not applicable – the Beijing Platform for Action does not require ratification.

REPORTING
South Africa has submitted the Beijing +20 report at the 59th Session of the United Nations Commission on the Status of Women. The report reviews how far it has come in advancing women’s issues in the last 20 years. Thus this scores a 2.

LAW
The White Paper on the Transformation of the Public Service (1995) laid the basis for the transformation of the public service and in particular empowerment programmes. The White Paper on Affirmative Action, which was adopted in 1998, provided the framework within which government laws, policies and programmes were to redress past imbalances and to ameliorate the conditions of individuals and groups who have been disadvantaged on the grounds of race, gender or disability.

Furthermore, the Employment Equity Act 55 of 1998 and the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 were promulgated. These laws give effect to the value of equality which lies at the heart of the Constitution in Section 9 of the Bill of Rights. However, the legal framework of the country still has a long way to go to fully protect the rights of women in particular; as a result, this scores a 1.

POLICY COMMITMENT
The 12 critical areas of concern have been taken into account in the following public service employment policies.

- The Gender Equality Strategic Framework for the Public Service
- The Employment Equity Guide for the Public Service
- The Job Access Strategy for the Recruitment, Employment and Retention of Persons with Disabilities in the Public Service
- The adoption of the Head of Departments’ 8 Principles Action Plan for Promoting Women’s Empowerment and Gender Equality in the public service workplace
- The national policy framework for women’s empowerment and gender equality which identifies expectations of key structures that are mandated to implement gender equality and provide guidance regarding the specific roles of the National Gender Machinery (NGM).

At the national level the Constitution of 1996 binds government to the protection of the rights of women. In a study on South Africa’s compliance with the Beijing Declaration and Platform for Action in 2010,
the CGE noted that the biggest challenge in the effectiveness of the NGM lies in the implementation of the national policy framework for women’s empowerment and gender equality. GFPs are still relatively marginalised in terms of the core functions of departments; their appointment level is not in accordance with the national policy. GFPs do not generally have access to decision-making forums within departments, which limits the impact of gender mainstreaming. This marginality is exacerbated by the junior status of GFP staff. Even though there are still challenges to be addressed with regard to the reach of policies, this is scored a 2 as the appropriate policies are in place.

DEVELOPMENT OF A PLAN 2

The Beijing Platform for Action and CEDAW were translated into priorities for national action in specific sectors. The government has integrated the Beijing Platform for Action and CEDAW into its Medium Term Strategic Framework 2009-2014. In alignment with the national priorities of government, the public sector focuses on thematic areas in accordance with the 12 areas of concern of the Beijing Platform for Action. The Medium Term Strategic Framework 2014-2019 sets out the actions government will take, and targets to be achieved, in implementing the National Development Plan (NDP). As with the Medium Term Strategic Framework 2009-2014, the 2014-2019 Plan mentions women nine times in an attempt to address issues specific to their needs, but a detailed reading of the reports indicates limited attention to women’s issues.

The Department of Women’s Strategic Plan focuses solely on addressing women’s specific issues. In its 2015-2020 plan it also seeks to align with the NDP and other important plans including the Medium Term Strategic Framework (MTSF). The plan puts the following issues forward:

- Economic empowerment and participation
- Social transformation and participation
- Research management
- Policy analysis and coordination
- Information knowledge management
- Monitoring and evaluation
- Stakeholder coordination
- Communication outreach initiatives.

These plans are aligned to the needs of women in both the public service and in the country in general. This therefore scores a 2.

TARGETS 1

The targets set for women in the MTSF 2014-2019 are not specific for women’s issues – they are general and lack detail. Thus this is scored a 1.

It should however be noted that the Department of Women’s 2015-2020 strategic plan sets out the following targets:

- 30 percent of national departments implementing gender-responsive budgets
- 60 percent decrease in GBV incidents
- 60 percent compliance with NSP on GBV
• 10 000 young women and girls in STEM fields,
• Four reports on the status of women
• Four reports on perception and impacts assessments
• Ten policy analysis reports
• Ten policy coordination reports
• Virtual information warehouse (library, web-based system, resource centre)
• 20 (4x5) sector monitoring reports)
• Three impact assessment reports
• Ten international treaty obligations (five solemn declaration reports, one Beijing +25, the sixth periodic report on CEDAW, five SADC protocols, five AU women’s protocols, one Commonwealth report)
• 25 international engagements (five engagements with United Nations Commission on the Status of Women (UNCSW), two Women’s National Machineries consultations, five AU women ministers’ meetings, five SADC women ministers’ meetings)
• Five bilateral engagements (Lesotho, Nigeria and UK)
• 15 stakeholder partnerships (Mvula Trust, Safer South Africa, UWESO, CSW task team)
• Two x five NGM
• Ten outreach initiatives (community mobilisation, task team facilitation, community profiling)
• Ten awareness campaigns (corporate brand awareness)
• Ten (5x2) corporate communication initiatives.

INSTITUTIONAL MECHANISM

The creation of a Department of Women in the Presidency was received positively and negatively at the same time, as it has potential to be pigeonholed and not provided with the necessary decision-making power it needs. Again, given the challenges in the effectiveness of the Gender Machinery, this is scored a 1.

BUDGET

The Department of Women’s Strategic Plan indicates a budget for the implementation of its plan over five years. Again this plan speaks to the implementation of gender-responsive budgets for government departments. Given the women-specific budget of the DoW this scores a 2.

HUMAN RESOURCES

The Department of Women has a budget for human resources attached to each of its strategic goals. However, the challenges in the Gender Machinery with regard to GFPs suggest that there are still problems here. This therefore is scored a 1.

RESEARCH

The CGE 2010 study found that in terms of the implementation and monitoring of the National Gender Policy, the concept of ‘gender mainstreaming’ was not understood by most staff members,
and there was little significant empowerment of women. Gender was still treated as an ‘add on’ and senior staff did not take the gender policies seriously. Research that speaks directly to the imperatives of the Beijing Platform for Action was limited, which is why we score this a 1.

IN INVOLVEMENT OF CIVIL SOCIETY
Civil society organisations are central in the women’s right sector. This is scored a 2.

MONITORING AND EVALUATION
The establishment of the Department of Performance Monitoring and Evaluation is a major contribution towards enhancing the capacity of the state to monitor service delivery. Again the Department of Women’s 2015-2020 strategic plan speaks to improving monitoring and evaluation as one of its strategies. This therefore scores a 1.

CAPACITY ENHANCEMENT
The challenges in the gender machinery with the positioning of GFPs in lower positions indicate that capacity is still a challenge, so this is scored a 1.

ACCOUNTABILITY/TRANSPARENCY
There are still a lot of challenges with regard to transparency when it comes to women’s issues and the efforts put in place to resolve them. This is more so where issues of discrimination and sexual harassment are concerned. Some organisations hide behind old ideas of gender and refuse to facilitate change. Thus this is scored a 1.

SOLEMN DECLARATION ON GENDER EQUALITY
South Africa as an African Union (AU) member state is committed to implementing the Solemn Declaration on Gender Equality on all key issues in order to mainstream gender. The Solemn Declaration focuses on different thematic areas which include Health, Peace and Security, Human Rights, Governance; Economic Empowerment, and Education. South Africa has committed itself to specific articles under each broad theme. The themes and specific articles are briefly discussed below.

Health, Article 1 – aimed at accelerating the implementation of gender specific economic, social and legal measures. Its purpose is to combat the HIV/AIDS pandemic and effectively implement both the Abuja and Maputo Declaration on malaria, HIV/AIDS, tuberculosis and other related infectious diseases. More specifically the article emphasises the provision of treatment and social services to women at the local level. It all calls for making health provision more responsive to the needs of families that are providing care, the enactment of legislation to end discrimination against women living with HIV/AIDS and for the protection and care of HIV positive persons, particularly women, and to facilitate the increase in budgetary allocations in these sectors so as to alleviate women’s burden of care.

Health, Article 10 – Establish AIDS Watch Africa as a unit within the Office of the Chairperson of the Commission who should render annual reports on the HIV and AIDS situation on the continent during annual summits, and promote the local production of anti-retroviral drugs in different countries.

Peace and Security, Article 2 – Ensures the full and effective participation and representation of women in peace processes, including the prevention, resolution, and management of conflicts, and post-conflict reconstruction in Africa as stipulated in UN Resolution 1325 (2000) and to also
appoint women as special envoys and special representatives of the AU.

**Human Rights, Article 3** – To launch a campaign for systematic prohibition of the recruitment of child soldiers and abuse of girl children as wives and sex slaves in violation of their rights as enshrined in the African Charter on the Rights of the Child.

**Governance, Article 5** – Aims to expand and promote the gender parity principle that has been adopted regarding the Commission of the African Union to all the other organs of the AU, including its NEPAD programme, to the regional economic communities, and to the national and local levels in collaboration with political parties and the national parliaments in our countries.

**Economic Empowerment, Article 6** – Ensure the active promotion and protection of all human rights for women and girls, including the right to development by raising awareness or by legislation where necessary.

**Economic Empowerment, Article 7** – Actively promote the implementation of legislation to guarantee women’s land, property and inheritance rights, including their rights to housing.

**Economic Empowerment, Article 11** – Establish an African Trust Fund for Women for the purpose of building the capacity of African women and further request the African Union Commission to work out the modalities for the operationalisation of the Fund with special focus on women in both urban and rural areas.

**Education, Article 8** – Take specific measures to ensure the education of girls and literacy of women, especially in the rural areas, to achieve the goal of “Education for All” (EFA).

**RATIFICATION**

South Africa signed and ratified the AU Heads of States’ Solemn Declaration on Gender Equality in August 2004.

**REPORTING**

South Africa has reported in line with the obligation of the Declaration and submitted the reports to the AU in July 2005, June 2006, January 2008 and July 2010.

**LAW**

The government is guided by the Constitution of the Republic which is the supreme law of the land. The different articles have their own laws and this will be demonstrated as such. Governance speaks to the laws that aim to promote women’s empowerment in the public service. One of these laws is the Employment Equity Act, No. 55 of 1998 and the Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000. The following are the specific laws that speak to the different themes and articles presented earlier.

**Health:**

- Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)
- Compensation for Occupational Diseases and Injuries Act, 1993 (Act No.130 of 1993)
- Disaster Management Act, 2002 (Act No. 57 of 2002)
- Health Act, 1977 (Act No. 63 of 1977)
• Labour Relations Act, 1995 (Act No. 66 of 1995)
• National Disaster Management Framework
• Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
• Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000)
• Public Service Act, 1994 (Proclamation No. 103 of 1994)
• Public Service Regulations, 2001
• The Medical Schemes Act, 1998 (Act No. 131 of 1998).

Peace and Security:
• The Constitution,60 and Defence Act 44 of 1957 provide for the deployment of the Defence Force.

Human Rights:
• The Bill of Rights in the Constitution,

Economic Empowerment:
• Broad Based Black Economic Empowerment Act aims to promote gender equality and the proper representation of women and allows women to venture into the economic participation in the country.
• SMME Development: National Small Business Act, 1996
• National Small Business Amendment Act, No. 29 of 2004
• The National Credit Act, 2005
• Skills Development Act, No. 66 of 1995.

Education:
• The National Education Policy Act provides redressing in terms of the inequalities of the past in the education system and further promotes gender equality.
• The South African Schools Act makes provision for compulsory schooling of learners. This Act also provides for a democratic and non-sexist, non-racist environment for learners.

This is scored a 2.

POLICY COMMITMENT  2

South Africa has put the following policies in place for the different articles indicated earlier:

Health:
• The HIV Counselling and Testing Policy Guidelines provides guidelines with regard to HIV counselling and testing.
• Policy and Guidelines for the implementation of Prevention of Mother to Child Transmission. This policy realises that in order to prevent HIV among women and children, primary prevention of HIV, especially among women of childbearing age, should be prioritised.
• National Strategic Framework on Stigma and Discrimination.


Peace and Security:

• South Africa has participated in a number of peacekeeping missions. It is guided by the Constitution to promote gender mainstreaming and to participate in peace missions. There is a revised White Paper on participation in international peace missions and the White Paper states that the National Office for the Co-ordination of Peace Missions at the Department of International Relations and Cooperation (DIRCO) is responsible for the coordination of South Africa’s participation in peace missions. Furthermore, the government policy to enhance South African capacity for peace missions and participation in international peace missions is in place to facilitate coherent country participation.

Human Rights of Women:

• Legislation on Equality and Non-discrimination.

Governance: Gender Parity

In order for South Africa to fulfil its mandate as per the Declaration, it put in place policies that create an enabling environment for gender parity through:

• The Employment Equity Act, No.55 of 1998
• The Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000
• The White Paper on the Transformation of the Public Service.

The government developed the Strategic Framework for Promoting Gender Equality within the public service and this is the document that outlines the strategic approach for the Heads of Departments’ 8 Principles Action Plan.

Economic Empowerment:

• Draft of Women’s Economic Empowerment Policy in 1995 laid the foundation for the Gender Policy Framework.

Education:

• Guidelines for the Prevention and Management of Sexual Violence and Harassment in Public Schools (the purpose of these guidelines is to assist schools in maintaining the minimum standards procedures to addressing sexual violence and harassment in schools).
• The Department of Education further developed the ‘Opening our eyes: Gender Based Violence in South African Schools – a Manual’ (this manual is meant to assist teachers, parents and learners on eliminating cases of violence and discrimination).
• The Measures for the Prevention and Management of Learner Pregnancy; these measures provide for ensuring that learners are informed about reproductive matters.

This is scored a 2.

DEVELOPMENT OF A PLAN

The South African government has developed plans in different departments in order to address
the six thematic areas and their indicators. The Department of Women as the main custodian of women’s issues has a costed plan. The National Action Plan on Human Rights is also an important plan for facilitating the rights of women. Below is an indication of theme-specific plans.

**Health:**
- The National Strategic Plan HIV, STI and TB (2012-2016) is in place and is coordinated by the South African National Aids Council.

**Peace and Security:**
- South Africa has been at the forefront in peace talks and participation in different forums. There is a multi-sector approach National Action Plan.

**Human Rights:**
- The Human Rights Commission has its plan to ensure the promotion and protection of all human rights for women and girls; the CGE also has its Strategic Plan.

This scores a 1 as the other themes are not comprehensively covered.

**TARGETS**

The Department of Health and UNAIDS data shows substantial progress in preventing mother-to-child transmission of HIV since 2004. The number of HIV-positive pregnant women receiving antiretrovirals increased from an estimated 32,500 in 2004 to 250,100 in 2010. As a result, there is a substantial drop in new child infections during the period. There is noticeable progress that has been made over the past decade in the implementation of the national Prevention of Mother to Child Transmission programme. This programme has enabled South Africa to reduce mother-to-child transmission of HIV to an estimated 2.7 percent at six weeks after birth. It is however not clear what the targets are going forward.

**Governance:**
- Governance: South Africa has a target of 50/50 as per the SADC protocol Economic Empowerment.

This is scored a 1 as the plans in most government departments are not gender sensitive, which is shown as a challenge throughout the report.

**INSTITUTIONAL MECHANISM**

South Africa has Chapter 9 Institutions and their mandate is enshrined in the Constitution. These institutions include the South African Human Rights Commission, the Commission for Gender Equality, and the Office of the Public Protector. The Department of Women compiles and reports on the implementation of the Declaration to the AU Secretariat. The different themes are implemented through particular institutional mechanisms and at times through the different institutions’ cooperation. Below is an indication of these institutions per theme.

**Health:**
The Department of Health.

**Peace and Security:**
South African troops are supported by the National Defence Force and the government. There are
currently 168 women among 1250 South African troops in Congo.61 The following departments play important roles in different capacities.

- Various government departments
- South African Women in Dialogue
- The Foundation for Human Rights
- University of Johannesburg
- HURISA and the Institute of Security Studies.

**Human Rights:**
The South African Human Rights Commission, government departments, and CSOs.

**Governance:**
The Department of Women, and the Commission for Gender Equality.
This is scored a 2.

**BUDGET**
The cost associated with the implementation of policies is facilitated from different departments; however most of these budgets are not gender specific, and thus this is scored a 1.

**HUMAN RESOURCES**
Human resources in different government departments work on generic issues, whereas gender mainstreaming is just an ‘add on’. This is a challenge for the gender machinery; this is therefore scored a 1.

**RESEARCH**
There have been a number of studies speaking to the different themes addressed in this part of the report. In some sectors there is more research than in others. For example, the Trends in Education Macro Indicators report (Department of Education, 2009) reveal that access to education in 2007 was 98 percent of young people aged 7-15. The General Household Survey (GHS), report indicates that 98 percent of the 7-15 year-old children attended education institutions in 2008. The Department of Education conducted a study in 2008 on teenage pregnancy with a focus on school going adolescents and a report on teenage pregnancy in South Africa was released in 2009.

South Africa has a range of institutions of higher learning that commission studies on different topics; for instance, for the health-related researches the country has the National Health Research Committee which was established by the Minister in terms of the National Health Act of 2003.

Given the inconsistent research for the different themes, this is scored a 1.

**INVOLVEMENT OF CIVIL SOCIETY**
The Civil Society Organisations (CSOs) in South Africa are hands-on with regard to different thematic areas of the Solemn Declaration. These CSOs draft their shadow reports and make submission to Parliament and assist in whistle blowing, engage the government on the shortcomings of its policies.

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and programmes through lobbying and advocacy processes. Therefore, this is scored a 2, as this trend is clear throughout the report.

INFORMATION AND DISSEMINATION

Information and dissemination for the different government departments is facilitated by different institutions including particular Non-governmental Organisations (NGOs). This is scored a 1 as inequality in the country with regard to rural and urban areas remains a challenge. Again, government prioritisation also creates inequalities in terms of its funding. This is therefore scored a 1 as information is not equally accessible throughout the country.

MONITORING AND EVALUATION

The South African government has developed an efficient and effective M&E system to monitor and review progress and results of the implementation of the different policies. The establishment of the Department of Monitoring and Evaluation that resides in the Presidency and the tools in the Department of Women, Department of Defence, Department of Health, Department of Education, Department of Trade and Industry, the Chapter 9 institutions (the South African Human Rights Commission and the Commission for Gender Equality). The challenge is consistency and availability of the data generated from these exercises; thus this is scored a 1.

CAPACITY ENHANCEMENT

The different government departments have capacity and continue to train their personnel; however, the challenge is on gender mainstreaming. Thus this is scored a 1.

ACCOUNTABILITY/TRANSPARENCY

Accountability remains a challenge when it comes to facilitating women’s issues; this is thus scored a 1.

AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD

The South African government and its stakeholders are serious about making sure that children are protected in the country, and that there are legislations and measures put in place to create a safer place for children.

RATIFICATION


REPORTING

The South African government combined the reports from 2000-2013 and the report was presented at the African Committee of Experts on the Rights and Welfare of the Child.

LAW

The Children’s Act (2005) (as amended) provides a comprehensive framework for the protection of children from all forms of abuse, neglect and exploitation. Although there were complications and disagreements when it was first put in place it is a much welcomed piece of legislation. According to the Children’s Act and Child Justice Act (2008), all organs of the state are required to make decisions based on the best interests of the child, a principle which is also safeguarded in section 28(2) of the Constitution of South Africa. Another important law that safeguards the interest of the
child is contained in the Sexual Offences and Related Matters Amendment Act (2007) (also referred to as the Sexual Offences Act), increased the age of consent to sexual intercourse to 16 for all children, and introduced a number of new offences, thereby expanding the protection provided against sexual abuse for boys and girls in South Africa.

**POLICY COMMITMENT**

The White Paper 5 on Early Childhood Development (2001) is the only policy we were able to find.

**DEVELOPMENT OF A PLAN**

A new National Plan of Action for Children (NPAC) accompanied by a monitoring and evaluation strategy have been developed through a consultative process inclusive of civil society and children. The National Plan of Action for Children 2012-2017 aims to bring together existing international and national priorities for the survival, protection, development and participation of children in South Africa into one coherent framework. It provides, within the broader context of the South African Human Rights Framework, a children’s rights impetus to national planning, implementation, monitoring and evaluation of national priorities. The National Plan of Action for Children 2012-2017 is aligned to the following government priorities:

- Education
- Health
- The fight against crime and corruption
- Economic growth, decent work and sustainable livelihoods
- Rural development, food security and land reform.

These five government priorities seek to streamline the delivery agenda of government as all spheres of government work towards tangible deliverables. Services planned for, and directed to, children are also informed by these five priorities and are aimed at positively changing the lives of children. This is scored a 2.

**TARGETS**

We were not able to find specific targets; however, the plan makes reference to specific goals and the integrated approach from different departments. Given that we were unable to find specific and detailed plans this is scored a 1.

**INSTITUTIONAL MECHANISM**

Issues affecting children cut across multiple government institutions; for their education we look to the Department of Education; for health, the Department of Health, which makes provision for free health and immunisation. The Department of Social Development is generally the custodian of children’s issues. These multiple government institutions operate at different levels of need for children. The DSD works closely with other key departments to make sure that the Charter is implemented.

**BUDGET**

The budgets allocated by the National Treasury for the realisation of children’s rights rose at an annual average rate of 23 percent from R6.1 billion in 2008/9 to R23.1 billion in 2014/15. This is therefore scored a 2.
HUMAN RESOURCES

The South African Human Rights Commission (SAHRC) receives, investigates and resolves complaints of rights abuses from, and on behalf of, children; moreover, it has a Commissioner dedicated to attending to children’s rights. All the departments responsible for the implementation of the Charter have human resources, i.e. the DSD, Education, Health, SAPS and DOJ. Although at a more formal structural level the different departments are resourced at an everyday level research suggests a continuity of challenges with availability of human resources, for example, not all children or districts have education psychologists. This therefore scored a 1.

RESEARCH

A number of studies have been undertaken to understand the experiences of children, including include the report titled ‘Poverty traps and Social Exclusion among Children in South Africa’. In 2011 the SAHRC in partnership with UNICEF, compiled a report titled ‘A Review of Equality and Child Rights’, and in 2013 the Commission launched the Charter of Children’s Basic Education Rights. The HSRC, United Nations Children’s Fund (UNICEF), UNFPA, Department of Education and Health, and some NGOs, such as Sonke Gender Justice have conducted research. This is scored a 2.

INVOLVEMENT OF CIVIL SOCIETY

In South Africa civil society plays a vital role in implementing the Children’s Charter. There are NGOs that consolidate their shadow reports and submit to the Committee on their own accord on the implementation of the Charter as seen from their perspectives. Some of the organisations playing a constant role in safeguarding the interests of children include Child Line South Africa, Rape Crisis centre, Soul City, Child Care and Protection Forum, the Children’s Bill Working Group, and Child Justice Alliance. This is scored a 2 given the important work done by these organisations under contexts of resource strains.

INFORMATION AND DISSEMINATION

The South African government and CSOs working in the children’s sector provide information on children’s rights through media forums and the hosting of Indabas and the Dialogues on different subject matters. However, this could improve as access is not equal in rural and urban areas, thus this scores a 1.

MONITORING AND EVALUATION

The SAHRC is responsible for monitoring and evaluating children’s rights. South Africa has the Monitoring and Evaluation department situated in the Presidency, which also provides the monitoring and evaluation function. Even though some departments provide annual reports on access to service like education for boys and girls, it is not always possible to access important data on child development and access for some of the other important indicators as M & E in those particular departments is limited and not constant. This is therefore scored a 1.

CAPACITY ENHANCEMENT

Capacity enhancement remains a crucial avenue for constant improvement. Even though most departments have appropriate personnel, some of the historical challenges with education suggest that this is an area for improvement. Gender sensitivity and the protection of children’s rights as services are provided to them is an important consideration for training, as indicated by a number of civil society organisations. This is thus scored a 1.
ACCOUNTABILITY/TRANSPARENCY

The ministers have signed an agreement with the president as a way to get them to be accountable to the communities. The chief directorate Governance and Administration is responsible for facilitating integrated and strategic policy formulation through governance and administration; it is also responsible for overseeing the government-wide monitoring and evaluation system, with a view to improving service delivery and transparency, and accountability and information sharing across government.

Even though the reporting that departments make to Parliament facilitates an important level of transparency, the reach of these reports to the broader communities could be improved. Again, it does not seem that all issues of importance are equally shared with all. This then scores this indicator a 1.

HARMFUL PRACTICES, FGM, EARLY/FORCED MARRIAGE, WIDOWHOOD RITES

Traditional cultural practices mirror the values and beliefs held by members of communities for many generations. Some of these practices are beneficial to the community while others are harmful to minority groups such as women and children in particular. Early and forced marriages like the practice of ukuthwala as practised currently, virginity testing and some widowhood-related rituals can be defined as harmful traditional practices, as they most often demean and take away women’s power to self-govern.

In South Africa, child marriages are often effected through the practice of ukuthwala which usually involves forcible carrying off or removal of girl children from their homes for the purpose of being married to older men against their will. This practice is largely prevalent in the provinces of KwaZulu-Natal and the Eastern Cape. Virginity testing is also practised mostly in those two provinces. The advent of democracy in South Africa in 1994 has resulted in numerous child protection laws and policy reforms initiatives; however, violence against women and children persists.

The Constitution protects cultural diversity and recognises that South Africa is a multi-faith, multi-cultural and multi-racial society. Section 9 (3) of the Constitution recognises many cultures and traditions of different communities by prohibiting discrimination on the basis of culture. While the Constitution states clearly that persons belonging to a cultural, religious or linguistic community may not be denied the right to enjoy and practise their culture, this may not be exercised in a manner inconsistent with any provision of the Bill of Rights. This means that the rights of an individual to equality, dignity, privacy, freedom and security of the person take precedence over cultural rights.

Again, South Africa is signatory to numerous regional and UN protocols, some of which expressly address the tensions between customary practices, gender equality and the rights of the girl-child in particular. The following regional covenants speak more directly to customary practices and the rights of women and children.

- SADC Declaration on Gender and Development
- The AU Solemn Declaration on Gender Equality in Africa
- The Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa, An Addendum to the 1997 Declaration on Gender and Development by SADC Heads of State or Government
- The African Charter on the Rights and Welfare of the child
- Prevention and Combating of Trafficking in Persons Act No. 7 of 2013
• AU Declaration on 2015 year of women’s empowerment and development towards Africa’s agenda 2063.

From the above, as signatory to these protocols and charters, South Africa is obliged to take the necessary steps to regulate, and in some instances, eradicate, customary practices that violate the rights of the girl-child, discriminate on the basis of gender, or are harmful to women or children.2

RATIFICATION

Not applicable.

REPORTING

Not applicable.

LAW

The South African Constitution enshrines the rights of all people in South Africa and affirms the democratic values of human dignity, equality and freedom (Section 7 of the Constitution), declares its supremacy (Section 1 (c) and 2 of the Constitution), and provides that any law or conduct inconsistent with it is invalid.62 The right to equality, including gender equality, is one of the fundamental pillars of the Constitution, and it is enshrined in the Bill of Rights. Section 31 in the Bill of Rights further states that persons belonging to a cultural, religious or linguistic community may not be denied the right with other members of that community to enjoy their culture, practise their religion and use their language. However, this right may not be exercised in a manner inconsistent with any provisions of the Bill of Rights. Section 10 of South Africa’s Constitution states that everyone has inherent dignity and the right to have their dignity respected and protected. Section 28 of the Constitution states that a child’s best interests are of paramount importance in every matter concerning the child, and that a ‘child’ means a person under the age of 18, therefore custom, cultural or religious rights cannot trump the rights of children, this part of the Constitution can be read as a protection against the practice of ukuthwala.

Other important Acts building on the rights enshrined in the Constitution include the following:

• The Children’s Act: Section 12 (1) and (4) of the Children’s Act, 2005 (Act No. 38 of 2005) states as follows: “(1) Every child has the right not to be subjected to social, cultural and religious practices which are detrimental to his or her wellbeing and (4) Virginity testing of children is prohibited” in an effort to protect children who may not be able to express themselves freely in addressing social, cultural and religious practices.
• Criminal Law (Sexual Offences and Related Matters) Amendment Act
• The Domestic Violence Act 116 of 1998
• PEPUDA
• The Recognition of Customary Marriage Act, age of consent for marriage is 18
• Prevention and Combating of Trafficking in Persons makes it punishable to conclude a forced marriage with another person
• A draft bill on victim support services; the Act is meant to address gaps in existing victim empowerment legislation such as the Domestic Violence Act, which does not give the

62 The Constitutional Court has reiterated the supremacy of the principle of equality in the face of indigenous law that discriminated against women in several decisions. See Gumede v President of the Republic of South Africa 2009 3 BCLR 243 (CC); Bhe v The Magistrate of Khayelitsha 2005 1 SA 580 (CC).
Department of Social Development a role in managing and registering shelters for abused women and children. The legislation will improve victim empowerment services, and strengthen the protection, care and support of victims of crime and violence.

This is thus scored a 2.

POLICY COMMITMENT  2

A number of policies have been put in place to address harmful practices, including the following.

- The White Paper on Welfare was developed as the guiding policy for all welfare provisions in South Africa and highlighted in particular the status of children and the need to adopt a preventive and developmental approach to the well-being of children
- The National Strategy for Child Protection
- The NPF on the management of sexual offences

DEVELOPMENT OF A PLAN  1

The 365-day Programme National Action Plan is the main country plan, which aims to “Say no to gender based violence – turn 16 days into 365 days”. It is the mandate of the National Council against Gender Violence to drive the 365 Days Action Plan, to advise the government on programmes, and to report progress on national and international initiatives against gender-based violence. Every month, the 25th has been declared Orange Day to raise awareness and come up with strategies to fight violence perpetrated against people because of their gender.

Besides domestic violence, the South Africa’s 16 Days of Activism also focuses on human trafficking, harmful traditional practices such as ukuthwala, violence against children, and rape.

The National Plan of Action for children 2012-2017, led annually by the Minister of Social Development, helps raise awareness of the rights of children as articulated in the Children’s Act of 2005. Although these are important plans of action to address harm experienced mostly by girls and women, this is scored a 1 as more could be done to address other cultural practices that harm.

TARGETS  1

The targets are not in particular order as different department implement different plans.

INSTITUTIONAL MECHANISM  2

Harmful cultural practice has prompted government and stakeholders to ponder serious action against the perpetrators and support for the victims. However, the roles and responsibilities of different stakeholders need to be clearly defined in order to have a coordinated and uniform approach in stopping harmful practice and ensuring that the rights of children and women are not compromised. Below are the relevant Government departments, stakeholders and Chapter 9 Institutions involved in dealing with harmful practices.

- The Department of Social Development,
- The Department of Traditional Affairs
- The Department of Justice and Constitutional Development
- The Commission for Gender Equality
- South African Human Right Commission
• South African Police Service
• The National Prosecution Authority
• The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL) Rights Commission.

This is scored a 2 as efforts towards an integrated approach are being made.

BUDGET

The budgets of these various institutions are not gender sensitive. Again, they are not particular when it comes to addressing issues of harmful practices. Therefore, this is scored a 1.

HUMAN RESOURCES

As is the case with most of the indicators, Human Resources in the various government departments is not specifically focused on women specific issues. Where GFPs are employed they experience limitations with regard to decision-making power and role confusion. This is therefore scored a 1.

RESEARCH

The Department of Social Development (DSD) Chief Directorate: Children designed an incidence study of Child Abuse, Neglect and Exploitation, aimed at establishing the incidence of such maltreatment at the national and provincial levels, and reaching a greater understanding of its root causes. A national research team was appointed to conduct the study during 2013/2014.

The CGE conducted an in-depth country-wide study on the experiences of widowhood in different cultures and in different geographical areas in South Africa. There is, however, a need for more research in this area so as to have data to influence evidence-based policy making.

There have been a number of studies on male circumcision challenges in the initiation schools – some of these studies come from the HSRC, the Medical Research Council, and studies from multiple universities. This is therefore scored a 1.

IN Heavenly CIVIL SOCIETY

Civil society has played an important role in facilitating women and the girl child rights in the country. The work of civil society has been significant as watchdog, implementation partner and innovator for women’s rights issues. The following organisations have played, and continue to play, an important role in addressing child protection issues, child-line and the South African Professional Society on the Abuse of Children.

INFORMATION AND DISSEMINATION

CSOs play an important role in disseminating information on the different acts, policies and points for assistance should a particular harmful practice be experienced. There is, however, a need for more to be done to educate and raise awareness in rural settings in particular. This is scored a 1.

MONITORING AND EVALUATION

The Department of Women in the Presidency now holds the main responsibility to monitor and evaluate the government’s progress with regard to women’s rights. However, the institutional changes since 2009 have led to unforeseen instability with regard to this task in particular. A lot more could be done within government departments to mainstream these processes as part of
their annual data gathering and reporting. This is therefore scored a 1.

CAPACITY ENHANCEMENT

The challenges experienced in the gender machinery have negative implications on how capacity to do gender work can be enhanced when the structure to do so is not fully operational. Again, the links to cultural practices makes a change of thinking difficult for many individuals, thus a need for a national strategy on how to move away from cultural practices that harm is much needed. This is thus scored a 1.

ACCOUNTABILITY/TRANSPARENCY

The DSD as the custodian for the rights of the child and the Department of Women are the two main government departments accountable to the public on progress on addressing harmful cultural practice to, in particular, girls and women. However, where the harm that has been affecting young men who go to initiation school is concerned, the DoH and the government in general have been held accountable for not addressing the issue of problematic circumcisions in these spaces. The media and CSOs play a central role in bringing light to some of these issues. However, there is a need for broader transparency from government; thus this is scored a 1.

REVIEW AND MODIFICATION OF CUSTOMARY LAW

South Africa is a multicultural society where customary law and common law coexist. Customary law is the law of the indigenous African people of South Africa. Besides this officially recognised custom, the ‘living customary law’ also enjoys some standing in post-apartheid South Africa. Official customary law refers to laws carried out in courts in accordance with statutes such as the Recognition of Customary Marriages Act. On the other hand, ‘living customary law’ refers to the social experiences of those living according to customary law. There are thus two legal systems that run parallel under the supremacy of the Constitution. Customary law needs no parliamentary and or other sanction to be (or become) effective. As such it enjoys constitutional sanction. However, the coexistence of two legal systems in one legal order poses challenges.

Whilst South African law ratifies that women should be given equal access to land, this is not always socially practised and may be blocked through structures and processes which still tend to be in favour of patriarchal organisations.

During the 1980s and 1990s some law reform took place in South Africa regarding the law of succession. Intestate succession was reformed with the promulgation of the Intestate Succession Act 81 of 1987 [henceforth Intestate Succession Act], which was, in fact, a codification to a great extent of the common law of intestate succession. The law of intestate succession also came under review and resulted in the Law of Succession Amendment Act 43 of 1992 which brought

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63 Customary law’ refers to ‘the customs and usages traditionally observed among the indigenous African peoples of South Africa and which form part of the culture of those peoples’: s 1 of the Recognition of Customary Marriages Act 120 of 1998.
64 Alexkor Ltd and Another v The Richtersveld Community and Others 2004 (5) SA 480 (CC) para 51 at 478; Shilubana and Others v Nwamitwa 2009 (2) SA 66 (CC) para 43; Gumedze v The President of the Republic of South Africa 2009 (3) SA 152 (CC) paras 21-22.
65 In Mabena v Letsao 1998 (2) SA 1068 (T) 1074 the court gave effect to living Pedi law that a woman may be the head of a family and receive lobolo. See also Bhe v Magistrate, Khayelitsha, Shibi v Sithole, South African Human Rights Commission v President of the Republic of South Africa 2005 (1) SA 580 (CC) para 87.
66 Constitution of the Republic of South Africa, 1996 (hereinafter referred to as Constitution), s 8. See s 211(3) that the courts must apply customary law when applicable, subject to the Constitution and any legislation that specifically deals with customary law. See also Mthembu v Letsela 1997 (2) SA 936 (T) at 944B-C.
67 See Marius Pieterse’s ‘It’s a “Black Thing”: Upholding culture and customary law in a society founded on non-racialism’ (2001) 17 South African Journal on Human Rights 364 at 393-403 for forceful arguments that legal dualism should make way for harmonisation and integration of common law and customary law into one legal system instead. Also note his contention that legal dualism could uphold racism and thus frustrates a basic constitutional value: 379-389.
about fundamental changes to both the Intestate Succession Act as well as the Wills Act 7 of 1953 (henceforth Wills Act).  

Initial reform of the South African law of succession did not consider the differences between common law of succession and customary law of succession and inheritance applicable to black South Africans living mainly in rural areas. The principles of customary law of succession and inheritance have become a contentious issue since the advent of the new human rights dispensation in South Africa. The underlying differences in the two systems are based on the unequal treatment of men and women in customary law, which raises questions regarding the harmonising of elements of black intestate succession with the equality clause contained in the Bill of Rights. The Constitutional Court had ruled that most of the differences between common law and customary law were unconstitutional and the legislature revoked existing and adopted new legislation.

The African Charter on the Rights and Welfare of the Child (ACRWC) urges states parties in the preamble to take ‘into consideration the virtues of their cultural heritage, historical background and the values of African civilization’.

Article 31(d) obliges children to preserve African cultural values. State parties have to direct the education of children towards preserving and strengthening African morals, traditional values and cultures, and respecting and promoting children’s participation in cultural activities. The preamble of the ACRWC also speaks to the negative impact of culture on the situation of children in Africa. It also provides that ‘any custom, tradition, cultural or religious practice’ that is inconsistent with the rights, duties and obligations contained in the Charter must be discouraged to the extent that it is inconsistent. The ACRWC furthermore contains an article dedicated to harmful social and cultural practices and the elimination thereof in specific instances.

**RATIFICATION**


**REPORTING**

The South African government combined the reports from 2000-2013 and the report was presented in the African Committee of Experts on the Rights and Welfare of the Child, although there is no specific reporting for customary law reporting on the welfare of the child takes it into account in South Africa, reporting to the CEDAW committee.

**LAW**

The South African Constitution Act 108 of 1996 (3) makes provisions for people to live according to their traditions and customs, provided they do not infringe on anyone else’s freedoms. The Constitution protects women’s rights to property and affirms that everyone has a right to equality and freedom. Despite being difficult to achieve, the Constitution became a cornerstone for the development and re-evaluation of laws that were previously discriminatory to any group (including women).

Legislation enacted since 1994 dealing expressly with or significantly affecting customary law includes the following.

- The Recognition of Customary Marriages Act

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68. Implemented on 1 October 1992. The Wills Act 7 of 1953 (henceforth Wills Act) and common law (also known as civil law) prevail before the amendments.
• The Children’s Act 38 of 2005
• The Communal Land Rights Act 11 of 2004
• National House of Traditional Leaders Act 22 of 2009
• Reform of Customary Law of Succession and Regulation of Related Matters Act 11 of 2009
• Traditional Leadership and Governance Framework Act 41 of 2003
• The Reform of Customary Law of Succession and the Regulation of Related Matters Act of 2009.

There have also been legislative proposals which have not yet made their way through Parliament: for our purposes the most important of these are the Traditional Courts Bill and the Draft Recognition of Customary Marriages Amendment Bill. Therefore, this is scored a 2, as there are substantial laws.

POLICY COMMITMENT 1

The 1997 White Paper on South African land policy places considerable emphasis on gender equity in land access and effective participation of women in decision-making procedures. We also have the National Family Policy; thus this scores a 1.

DEVELOPMENT OF A PLAN 2

The Department of Justice is engaged in the Access to Justice and Promotion of Constitutional Rights Programme. The programme was developed under the framework of the joint EU/SA Country Strategy Paper and National Indicative Plan, which set out South Africa’s development strategy between 2007 and 2013 and identifies the areas to be funded by the EU.

The aim of the programme is to contribute to the promotion, protection and realisation of rights established in the Constitution through the following three key performance areas:

• Improving access to justice,
• Raising awareness of rights
• Strengthening participatory democracy.

This is therefore scored a 2.

TARGETS 1

We were unable to find specific targets. However, we found that for the 2012/13 financial year, 619 matters were enrolled before equality courts. Most of the complaints dealt with included hate speech, unfair discrimination and harassment. The department is preparing legislation that will criminalise hate speech. Therefore, this is scored a 1.

There are institutions that are mandated to promote rights such as the South African Law Development Commission, the South African Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistics Communities, the South African Human Rights Commission, and CGE. Again, CSOs such as NGOs, community-based, and faith-based organisations have a key role to play. The Department of Justice is a key department in terms of the institutional mechanisms, although some of the issues surrounding customary law cut across the work of all departments. Other important institutions include:

70 B1-2012
71 B110-98
The African Gender Development Index (AGDI)
SOUTH AFRICA COUNTRY REPORT 2015
Commission for Gender Equality

- Constitutional Court
- Supreme Court of Appeal
- High courts, including any High Court of Appeal that may be established by an Act of Parliament to hear appeals from high courts
- Magistrates’ courts
- Any other court established or recognised in terms of an Act of Parliament, including any court of a status similar to either high courts or magistrates’ courts.

Other courts include income tax courts, the Labour Court and the Labour Appeal Court, the Land Claims Court, the Competition Appeal Court, the Electoral Court, divorce courts, ‘military courts’, the Constitutional Court, the Supreme Court of Appeal and the high courts. These are an important source of law. This is thus scored a 2.

**BUDGET**

There is no set budget but different departments collaborate. However, this is scored a 1 as the budget of most departments is not gender sensitive.

**HUMAN RESOURCES**

The DSD is tasked with implementing the National Family Policy and provides training in family-preservation services, marriage preparation and enrichment, parenting/primary care-giving and families in crisis to service providers in the area of family services. The Department of Justice and other NGOs in the country have human resources that assist in terms of customary law although there is no mention of the officers solely responsible for customary law-related matters. This is scored a 1 primarily because the gender machinery is not working effectively in government, thus the staff components in these departments are not fully gender sensitive.

**RESEARCH**

The South African Law Commission undertakes research with a view to law reform in the areas of domestic legislation and the harmonisation of customary law as it relates to the Convention on the Rights of the Child. There are different studies conducted by multiple organisations, including the Centre for the Study of Violence and Reconciliation. In the CGE’s *Widowhood, Rites and Rights in South Africa*, the findings of the study aim to inform relevant policy and legislative framework in terms improving widows’ and widowers’ access to justice and social services.

An exploratory study on the interplay between African customary law and practices and children’s protection rights in South Africa, which was commissioned by the Save the Children Sweden Southern Africa Regional Office. This study explored the extent to which South Africa’s and African customary law and practice promotes and/or inhibits the protection of children. This is therefore scored a 1, as there is a limitation in studies that link customary laws and the protection of, in particular, girl children.

**INVOLVEMENT OF CIVIL SOCIETY**

CSOs are involved in advocacy and awareness raising on a number of issues regarding the customary law. There seem to be effective collective advocacy campaigns led by the traditional leaders working in partnership with NGOs, which aim to bring about changes in customary attitudes and practices, especially in the context of addressing gender-based violence and HIV and AIDS. For instance, the Ubuntu Institute and the Population Council of South Africa developed an advocacy
campaign which specifically sought to draw in traditional leaders as key agents in the fight against HIV, gender-based violence and sexual violence. Gender Links has a gender barometer and reports on the SADC protocol and the post-2015 SADC protocol focusing on customary laws and its infringement of women and their freedom. This is scored a 2.

**MONITORING AND EVALUATION**

The National Prosecution Authority (NPA) framework was specifically developed as a process for mainstreaming goals for children. The NPA has a technical steering committee, which is a co-ordinating and monitoring body, and is also responsible for developing and co-ordinating the implementation of the NPA. It is central in playing a monitoring role, although not 100 percent effective on questions of harmful practices, thus it scores a 1.

**INFORMATION AND DISSEMINATION**

The information that gets to be disseminated is done through the NGOs and the departments using different vehicles to engage with the communities and the policy makers. However, these do not have a wide reach due to continued rural and urban divides, thus this is scored a 1.

**CAPACITY ENHANCEMENT**

CSOs constantly recommend improved training to personnel in the government departments and for all stakeholders, so as to improve implementation. The challenge is that actual capacity building is not done effectively across government departments, so is then scored a 1.

**ACCOUNTABILITY/TRANSPARENCY**

The ministers have signed an agreement with the President to account to the communities, making the work of the chief directorate governance and administration central for government’s accountability. Their key performance areas include:

- Facilitating the strategic planning process in government by developing and managing the National Planning Framework and Planning cycle which is meant to align planning across the three spheres of government.
- Implementing a government-wide monitoring and evaluation system across all national departments and provinces to contribute to improved governance and enhance the effectiveness of public sector organisations and institutions as well as monitoring the implementation of the Government’s Programme of Action adopted at the Cabinet Lekgotla.
- Participating in the Forum of South African Directors-General, Governance and Administration Directors-General cluster and Medium Term Expenditure Committee responsible for policy coordination and alignment of policies processes into budgetary processes.
- Providing analytical and advisory support to the three political principals in The Presidency on Cabinet Memoranda that would discussed before the Cabinet Committee on Governance and Administration.
- Supporting activities of the Presidency such as providing notes for speeches, preparing responses to parliamentary questions, and capturing the policy matters that emerges in the presidential Imbizo.

Again, through measures provided for in Parliament, the government is forced to be transparent in reporting, thus this scores a 2.
DOMESTIC VIOLENCE

Domestic violence in South Africa is broadly covered under the GBV umbrella; however, its distinctively complex relation to socioeconomic inequalities between women and men in South Africa continues to make domestic violence one of South Africa’s multifaceted social problems. Domestic violence is regulated by the Domestic Violence Act 116 of 1998, which was constituted for the purpose of protecting victims of domestic violence (predominantly women) from further abuses taking place within their domestic relationships through accessible legislative measures. Although the Act focuses on domestic situations, it extends to the violation of a person by another person or people who may share a living space. In 2010 a study by Jewkes, Dunkle, Nduna, and Shai established that ‘relationship power inequalities and intimate partner violence increases risk of incidents for HIV infection in young South African women’. They also maintained that policy interventions and programmes for HIV prevention must address both of these risk factors and allocate appropriate resources.

With the improvement in technology over the years, domestic violence has extended to other forms of violation, which is commonly defined within the confines of stalking. South Africa does not have anti-stalking legislation even though stalking is widely regarded as a form of harassment. Stalking is conceptualised as a form of intimidation and harassment, defined as a long-term pattern of persistent and repetitive contact with, or attempts to contact, a particular person, which may include direct communication, physical following, indirect contact through friends, work colleagues, family or technology (email or SMS, social network) and other intrusions into the victim’s privacy.

Domestic violence was the highlight of many forms of abuse that happen in intimate spaces in South Africa; however, the complex nature of private and public politics has been a true challenge in handling domestic violence within the legal framework and sociocultural realm.

RATIFICATION X

South Africa has ratified CEDAW without reservation, in 1995, and has adopted the provisions of the Beijing Platform for Action. These play an important role in facilitating the country’s work on domestic violence.

REPORTING 2

The CGE is mandated to monitor the progress of gender development in South Africa and its progress on CEDAW. The 2013 CEDAW report indicates that there is progress and challenges in South Africa’s efforts to tackle violence against women. Again the Beijing +20 South Africa report was submitted in June 2014. Thus this scores a 2.

POLICY COMMITMENT 2

Various government departments have been engaged in GBV work since the beginning of democracy. The policy environment directing GBV work in the country starts from the Constitution’s guarantee of freedom from violence and the Bill of Rights. There are a host of policies that have been set in place to facilitate the reduction of GBV in most government departments including the Departments of Justice, Health, Social Development and Safety and Security. These include the following policies.


South Africa has done well in terms of putting together policies for addressing violence against
women; however research shows that there are challenges with implementation. Given that the policies have been put forward, this is scored a 2.

**LAW**

The first legal measure in South Africa is the South African Constitution. With regard to the need to eliminate violence against women, the Constitution states that everyone has the right to safety and protection. Under section it states that everyone has the right to life. We also have the 1998 Domestic Violence Act, the Criminal Procedure Act 51 of 1997, the Film and Publications Act 65 of 1996, which provides for the establishment of the Film and Publication Board whose role includes combating child pornography and the negative stereotyping and representation of women in film, and the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007. A few other relevant laws include the Protection from Harassment Act. 17 of 2011, and the Prevention and Combating of Trafficking in Persons Act No. 7 of 2013.

All these Acts are in place to ensure that women get justice, protection and equality as a measure to eliminate any form of discrimination and endangerment to their well-being; as a result, a score of 2 is suitable.

**DEVELOPMENT OF A PLAN**

Given the role of various departments in combating GBV as stated in the Domestic Violence Act (DVA), various plans exist in South Africa to address GBV. The 2005 South Africa AGDI report captures the plans from the Department of Justice, the Department of Social Development, the Department of Health and the Department of Safety and Security/Police. Since the 2005 report a few new intervention emanating from these government departments include: the setting up of specialised courts dedicated to sexual offences, Thuthuzela Care Centres to help prevent secondary trauma for victims of violent crimes, the introduction of specialised police units (such as family violence, child protection and sexual offences units), resourcing and establishment of victim-friendly rooms at police service points, the empowerment of prosecutors, police officers, magistrates and doctors with specialised skills, and the move to keep dangerous sexual offenders under long-term supervision on release from prison.

In 2009 a review of the implementation of DVA was finalised resulting in a process of preparing a Domestic Violence Strategy. The 2006 conference on the 365 Days of Action to End Gender-Based Violence was followed by the 365 National Action Plan to End Gender Violence – this plan seeks to extend the 16 Days campaign into a year-long campaign dealing with all aspects of GBV.

The judiciary has since 2008 launched a set of guidelines for handling cases of domestic violence. The National Prosecuting Authority – the Sexual and Community Unit (SOCA) unit – has been running the Ndabezitha Project focused on training traditional leaders and court clerks on domestic violence matters in rural areas.

Police Services has provided public education campaigns through its Social Crime Prevention Programme. This aspect of the report is therefore scored a 2.

**TARGETS**

Implementation of the DVA aims to reach broad targets through the different targets of various authorities.

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73 See the South African Beijing +20 report, 2014.
74 Ibid.
75 See the ANC Discussion Document on Gender Based Violence, anc.org.za/docs/discus/2014/genderz.pdf
government departments. This is thus scored a 1; the targets could be broader and/or more detailed.

**INSTITUTIONAL MECHANISM**

2

Given how big of a problem GBV is, there are a number of institutional mechanisms in various government departments to combat violence against women. These institutional mechanisms include the following.

National Prosecuting Authority\(^{76}\) – The Sexual Offences and Community Affairs Unit, which was established to eradicate all forms of gender-based violence against women and children and to also adopt the uniform protocol for the management of victims, survivors and witnesses of domestic violence and sexual Offences.

The Department of Justice and Constitution Development (DoJ&CD)\(^{77}\) – The re-establishment and implementation of the sexual offences courts and evaluation of the Sexual Offences Act are important institutional developments under this pillar. In addition, public education and information dissemination on these issues is critical.

The Department of Social Development – Continued work with the Victim Empowerment Programme, which has made important strides in especially urban settings, but could improve its implementation in rural areas.

This is therefore scored a 2.

**BUDGET**

1

The implementation of GBV is usually not budgeted for, thus different government departments, including courts and police services, still find themselves under-resourced. In a study by KMPG in collaboration with Sonke Gender Justice and other stakeholders it has been established that GBV costs the government R28.4 billion per annum, which could facilitate appropriate budgeting. Given the lack of a clear budget for addressing GBV, this scores a 1.

**HUMAN RESOURCES**

1

Great strides have been made since the 2005 AGDI South Africa report to train personnel in police stations and at courts to effectively deal with GBV and move away from stereotyping and re-traumatising of victims. However, deep seated patriarchy, coupled with under-resourced implementation, suggests limitations in these endeavours. Even though the DSD has acknowledged these shortages and identified social work as a scarce skill and called for resources to train more social workers – there have been challenges with sustained funding for students and effective placements on completion of the degree. Again, universities have experienced challenges with regard to increased take-up of students in relation to staff components Thus, this is scored a 1.

**RESEARCH**

1

There have been continued good research initiatives from, mainly, the NGO, and higher education sector that has influenced government policy making and improvements on GBV work.

The main challenge as also captured in the 2005 report is continued lack of coordinated research plans by government as seen in literature searches and discussions with researchers in the area. This therefore scores a 1.

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\(^{77}\) CGE report 2013. Out of mind or out of sight? Reviewing implementation of the 365 days of action to end Violence against Women and Children.
 INVOLVEMENT OF CIVIL SOCIETY
There are several gender-specialised NGOs that tirelessly work towards the eradication of domestic violence. These they do through advocacy, training, monitoring, research, counselling and support and awareness raising and education. The biggest lingering challenge for most of these organisations is funding. These organisations continue to do good work despite the financial challenges they experience. This thus scores a 2.

INFORMATION AND DISSEMINATION
Most government departments conduct prevention initiatives aimed at eradicating all forms of violence against women and children through the 16 Days of Activism Campaign for No Violence against Women. The 365 plan is also aimed at improving the constant provision of information on GBV. Work with traditional leaders undertaken by SOCA plays an important role in information sharing and training to change mind-sets. This therefore scores a 2.

MONITORING AND EVALUATION
Administrative data collected by the police and courts provides information for purposes of monitoring how the country is doing with regard to access to rights provided for in terms of the DVA. Other government departments, such as the DoH might also be able to provide data in the evaluation of access to resources for women who experience domestic violence. However, the challenge in relying on this method of data gathering for monitoring is that it might not be accurate. This is scored a 1.

CAPACITY ENHANCEMENT
When the Domestic Violence Act (DVA) was implemented for the first time, there were a lot of initiatives to build capacity through civil society work like the Tshwaranang Legal Advocacy Centre; it is not clear how this continues to be taken further. Thus this is scored a 1.

ACCOUNTABILITY/TRANSPARENCY
Even though government has parliamentary processes that enhance accountability, responsible departments like the police do not have particular processes for reporting on this particular indicator. Thus this is scored a 1.

RAPE
Even though the SAPS sexual offences crime statistics indicate a decrease in rape reporting of 9.4 percent between the years of 2013-2014, rape remains a serious problem in South Africa. Again, these stats should be considered with scepticism since other studies indicate that only 1 out of 7 women who are raped and 1 out of 25 who are raped by their partners, actually report these cases.

Rape as a sexual offence has been predominantly seen as ‘sexual coercion’ or ‘sexual assault’. The more robust the definition the more it reflects that the nature of rape and sexual offences is complex and linked to silences on the perpetrators and racialising of black men as rapists and black women as ‘safe’ to rape (Gqola, 2015).

RATIFICATION
Not applicable.

78 www.rapecrisis.org.za
REPORTING

The CGE monitors progress of gender development in South Africa. As part of this role it produced the CEDAW report which looked at measuring South Africa’s progress on the elimination of all forms of discrimination against women. The report highlights the progress and challenges faced by South Africa in tackling violence against women.

LAW

The first legal measure in South Africa is the South African Constitution; with regard to the need to eliminate the violence against women the Constitution states that everyone has the right to safety and protection. Other legal measures include:

- The Domestic Violence Act No. 116 of 1998
- Criminal Law (Sexual Offences and Related Matters) Amendment Act No. 32 of 2007
- The Protection from Harassment Act, 17 of 2011 (includes Sexual Harassment)
- The Choice on Termination of Pregnancy Act 7
- The National Health Act 8

However, while PEPUDA does target discrimination on a number of grounds, discrimination on the grounds of sexual orientation is not covered by the Act.

POLICY COMMITMENT

South Africa is statutory to some of the most important declarations that are enshrined not only in the Constitution but also shape policies around the protection of women and children against violence. The following are important in the context of rape: The Sexual Offences Act requires the National Commissioner of the SAPS to “develop training courses on the National Instructions on Sexual Offences” as well as “social context training in respect of sexual offences” (section 66(1)(b) of the Sexual Offences Act).

South Africa has various laws that are put in place to ensure that violence against women is not only prosecutable but also preventable. For example, the National Implementation Plan Service Charter for Victims of Crime or the Victim Empowerment policy (Victims Charter) have been put in place to ensure the empowerment victims of crime, particularly women and children.

With regard to what has been termed ‘corrective rape’ in November 2010, the Minister of Justice announced that the DoJ&CD had prepared a draft bill to address the sexual crimes perpetuated against, especially, black lesbians.

Again in 2011 the DoJ&CD announced that they will establish a national task team to address hate crimes and ‘corrective rape’ following a mass public outcry. The National Intervention Strategy for Lesbian, Gay, and Bisexual, Transgender and Intersex (LGBTI) Sector document was, however, put in place. This is scored a 2.

DEVELOPMENT OF A PLAN

In the 2013/2014 Annual Performance Plan, the DoJ&CD set a target of developing a legislative framework to criminalise hate speech and related intolerance. September 2013 was noted as the target date for a Hate Speech Bill to be submitted. This is called the ‘Hate Crimes Bill’ and it is still in a draft format.
The programme of action for the national task team to strengthen interventions aimed at promoting and enhancing the rights of LGBTI communities. The action plan includes the development of a long-term strategy to address violence against LGBTI people as well as the monitoring of pending and unresolved criminal cases involving LGBTI victims. This is scored a 1.

**TARGETS**  
1

In 2013 the CGE reported that a total of 2 622 convictions by the DoJ&CD were recorded, of which 2 320 were recorded electronically on the National Register for Sex Offenders (NRSO). This represents 88 percent of the cases recorded on the NRSO, against a target of 80 percent under the NRSO (CGE, 2013). This is scored a 1 as very little is done about rape specifically.

**INSTITUTIONAL MECHANISM**  
2

The DoJ&CD is the main custodian of women’s rights against rape followed by the police and the DoH. The roles of these departments are intertwined. This is scored a 2.

**BUDGET**  
1

In the study by the KPMG in collaboration with Sonke Gender Justice and other stakeholders, it was established that GBV costs the government R28.4 billion per annum, which is not costed. The lack of a budget to fight GBV is costing the government more. One of the Department of Women’s strategic plans is to make sure that government departments put together gender-responsive budgets. However, given that this is still a target for the 2015-2020 years this is scored a 1.

**HUMAN RESOURCES**  
1

The roles, functions and responsibilities of GFPs in the public sector institutions outlined the National Policy Framework for Gender Equality and Women Empowerment (NGPF). The functions of the GFPs are generally appointed in the lower ranks of the public service, in direct contradiction with the prescriptions of the NGPF. This is thus scored a 1.

**RESEARCH**  
1

Research on rape and other violence experienced by women is mostly undertaken by academic institutions or NGOs. Some of these studies show that 39 percent of girls report having undergone some form of sexual violence (e.g. unwanted touching, forced sex, or being exploited by much older men) before they were 18 years old. Most of this violence is not reported to the police (Seedat, M. et al, 2009). Data from the police also fails to provide details necessary for effective interventions. Such studies are important as they provide evidence on what the complexities in combatting rape and GBV are in South Africa. There have been researchers such as Welcome’s (2012) whose research contributes to the reporting of discrimination of women in South Africa.

However, given that very little of this research comes from government this is scored a 1.

**INVOLVEMENT OF CIVIL SOCIETY**  
2

CSOs play an important role in fighting violence against women in general. However, with regard to rape and ‘corrective rape’ in particular, the national task team was represented by a number of CSOs. Again, civil society also continued to play a vanguard role as the reporting process of the task team was delayed. Therefore, this is scored a 2.
INFORMATION AND DISSEMINATION

The DoJ&CD was mandated to provide public education and information on the Criminal Law Sexual Offences and Related Matters Amendment Act (SORMAA) targeting boys and girls in schools (CGE, 2013). The SAPS produced braille materials on the DVA and the Maintenance Act, targeting vulnerable groups. As part of their awareness initiatives, the SAPS contributed to the publication of the ‘Teacher’ supplement in the Mail & Guardian newspaper on 15 June 2013. Activities included engagements with children and adults and were usually interdepartmental. The department also used the 16 Days of Activism to communicate messages about GBV and how victims can report it. This was also achieved through taking part in the National Vikela Mzansi/Kwanele Campaign of the National Council on Gender-based Violence (NCGBV) (CGE, 2013).

There has, however, not been a strong message coming out of all these initiatives that indicate the unacceptability of rape and its consequences. This is thus scored a 1.

MONITORING AND EVALUATION

The amendments made in legislative frameworks and policies indicate that monitoring and evaluation processes into policies is useful and it is happening. For example, the extension of the definition of domestic violence is an example of how processes of research and monitoring and evaluating change policies.

The NPA reports that the training manual for sexual offences was reviewed and relevant additional sections were included, specifically on the Criminal Justice Act, Children’s Act and case law. Therefore, it is more monitoring and evaluation that needs to happen on how rape, in particular, is being dealt with. This is therefore scored a 1.

CAPACITY ENHANCEMENT

The Department of Health reports that it has provided training to its staff on the management of victims of sexual assaults. This comprehensive training included the provision of counselling, medical treatment, collection of forensic evidence, Post Exposure Prophylaxis (PEP) as well as compulsory HIV testing and referrals (CGE, 2013).

The Victim Empowerment Learning Programme is reported to have trained officials on how to be victim-sensitive and avoid putting victims through further traumatic experiences. It is important that these types of training happen throughout all government institutions that deal with rape; given that it does not this is scored a 1.

ACCOUNTABILITY/TRANSPARENCY

Accountability with regard to rape lies with the institutions that play a role in addressing it. However, there needs to be broader accountability in how the police, health service providers and courts deal with issues of rape. Cases that have been found not guilty in the South African system raise challenges of transparency in the law and its role in the perpetuation of violence against women. Some cases of sexual victimisation will be hidden because educational institutions and workplaces are not compelled to report on their disciplinary proceedings (Vetten, 2014). Again, we were unable to find detailed budgets and plans for the implementation of policies on rape. Given this grey area, this is scored a 1.
STATUTORY RAPE/DEFILEMENT

Children experience sexual violation from adults that they look up to; both boys and girls are exposed to sexual violence, particularly rape. Gqola in her 2015 book on Rape in South Africa indicates that there is no significant difference in the profile of those who rape adults and those who rape children. This is an important contribution to helping us understand the phenomenon of child rape and to come up with solutions to do away with it. Other studies indicate that there is a link between the rape of children and the notion of cure for Aids in sexual intercourse with a minor.

RATIFICATION


REPORTING

The South African government has combined its reports for the CRC for the period 1998 to September 2012 (second, third and fourth periodic State Party report) and this is where the country reports to the Committee extensively on the rights and violations of children in the country and some of the gains that the country has made to curb sexual violation of children in South Africa.

LAW

Some of the significant laws to institutionalise the eradication of statutory rape are indicated below.

- It is worth noting that under the Criminal Law (Sexual Offences and Related Matters) Amendment Act (Act 32 of 2007)
- Children’s Act (2005).

This scores a 2.

POLICY COMMITMENT

One of the important policies we identified is the National Policy Guideline for Victim Empowerment, and the policy that makes provision for all HIV-negative rape survivors have the right to free PEP (post-exposure) treatment. This thus scores a 2.

DEVELOPMENT OF A PLAN

The National Development Plan (2030) is an important government wide plan for address developmental issues. Furthermore, there is the anti-rape strategy, which was drafted by the Interdepartmental Management Team under the leadership of the NPA. However, there is still a lot more that needs to be done to protect children against rape. This is therefore scored a 1.

TARGETS

In 2010 the South African Cabinet set the police the target of reducing rape and other contact crimes by between four percent and seven percent annually. This is therefore scored a 1.

INSTITUTIONAL MECHANISM

The SAPS is the custodian of crimes, and crimes against children in particular. There is a victim-orientated police service through the reintroduction of the Family Violence Child Protection and
Sexual Offences units; this intention has been aligned. This is scored a 1.

BUDGET

Government departments have a budget but it is not clear or overtly stipulated that it is for statutory rape-related matters.

HUMAN RESOURCES

A number of government departments play an important role in providing services to address child rape; one of the departments is the SAPS. The Child Protection and the Sexual Offences Unit National Managements draws on some of the specialised experiences of the police, particularly with regard to the engagement with children who have experienced sexual violence. Another government department that plays a role in addressing the issue of child rape is the DSD (through the Inter-Ministerial Committee), and other key departments like the DoE, which has put in place a partnership protocol agreement with the police. The agreement was renewed by the minister of basic education and police in August 2013. This agreement links schools to police stations and school safety committees. However, given the decreased trust people have of police services this is scored a 1.

RESEARCH

An important study on rape was conducted through the Victims of Crime Survey, in joint collaboration with the HSRC, the DSD, and the Child Justice Alliance. The study also looked at the criminal capacity of children in South Africa. More systemic research is needed, thus this scores 1.

INvolvement of civil society

CSOs play an important role in addressing child rape, for example the Teddy Bear Clinic for Abused Children, provides a safe space and health resources. Again, Rapcan provides resources aimed at the prevention of child abuse and neglect. On the other hand, Tshwaranang Legal Advocacy Centre provides advocacy services for these children. Other organisations contribute in other substantial ways, so this is scored a 2.

INFORMATION AND DISSEMINATION

NGOs in South Africa are doing good work in information dissemination, through the different dialogues and lobbying and advocacy that they organise with different stakeholders. The Government Communication Information System (GCIS) has a responsibility to provide the strategic leadership in communication and coordinating a government communication system that ensures that the public is informed and has access to government programmes and policies that benefit them. Furthermore, the National Communication Strategy Framework continues to ensure that the mandate of government is communicated to the South African population. However, this communication does not reach all that can benefit from the information; this is scored a 1.

MONITORING AND EVALUATION

The different departments in South Africa have monitoring and evaluation units in their respective departments that guide them to look at impact on the systems put in place to protect children. As indicated earlier there are accuracy issues with regard to the data provided by the police on to the

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79 In an article titled ‘Unless the rape crisis is tackled it will backfire at us’, 02 October 2015 – the Institute for Security Studies is quoted as saying that the recently reported statistics of low rape reporting is an indication of a decreasing faith in the police and not necessarily a reduction in the incidences of rape.
reporting of rape cases and actual incidences of rape, therefore this is scored a 1, as more needs to be done to address the efficiency of monitoring and evaluation in government departments that work with child rape.

**CAPACITY ENHANCEMENT**

The capacity enhancement in South Africa is important for the CSOs and particularly for government officials. This is thus scored a 1.

**ACCOUNTABILITY/TRANSPARENCY**

The chief directorate: governance and administration plays an important role to facilitate accountability and transparency. This is scored a 1; the reach of these processes is not always visible.

**SEXUAL HARASSMENT**

Sexual harassment is complex in nature and it is experienced in multiple societal institutions, including workplaces, universities, schools and in other public spaces. In the workplace, three government departments are involved in dealing with issues of sexual harassment. These departments include The Department of Labour through the Employment Equity Directorate and the CCMA, and the Department of Justice, through the labour courts and the equality courts. The DoE is the custodian with regard to complaints of sexual harassment in schools. South Africa has most recently dealt with sexual harassment cases in institutions of higher learning; these cases were made public when the University of the Witwatersrand publicly announced the suspension and subsequently the dismissal of several academics who had been accused of, and found guilty of, sexual harassment. These cases indicated how big this problem is and that we have a long way to go before it is eradicated.

The Sexual Offence Act defines sexual harassment as “any person, who being in a position of authority, or holding a public office, persistently makes any sexual advances or requests which he or she knows, or has reasonable grounds to know, are unwelcome, is guilty of the offence of sexual harassment and shall be liable to imprisonment for a term of not less than three years or to a fine of not less than one hundred thousand shillings or to both”. The Act goes on to underline sexual harassment by the submission or rejection by the person to whom advances or requests are made is intended to be used as basis of employment or of a decision relevant to the career of the alleged victim or of a service due to a member of the public in the case of a public officer; such advances or requests have the effect of interfering with the alleged victim’s work or educational performance or creating an offensive working or learning environment for the alleged victim or denial of a service due to the member of the public from a public office.

Generally, the legal framework of CEDAW, the Beijing Platform for Action, and the African Charter on women’s rights applies to sexual harassment as a form of violence against women.

**RATIFICATION**

Not applicable.

**REPORTING**

The last reporting process took place in March 2015 for the CEDAW report which measured South Africa’s progress on the elimination of all forms of discrimination against women. The CGE also produced a report on the implementation of the Beijing Platform for Action in South Africa, which
also spoke to issues of sexual harassment. This therefore scores a 2.

**LAW**

The legal framework and policies put in place to protect women against violence in the workplace and in the education system are very comprehensive. They include:

- The Labour Relations Act and Amendments
- The Employment Equity Act 55 of 1998 which is to remedy and redress disadvantage and discrimination and to achieve equality in the workplace. Chapter 2, section 5 places a positive duty on an employer to ensure that the workplace is free from unfair discrimination. Section 6 prohibits unfair discrimination on one or more grounds, including race, gender, sex and sexual orientation. Sexual harassment is specifically defined as a form of discrimination on one or more of the above grounds and is now expressly forbidden in terms of section 6(3) of the Act
- The promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 was passed in terms of the Constitution that outlawed gender discrimination in general
- Protection from Harassment Act no 17 of 2011, which provides for the issuing of protection orders against harassment and to afford victims of harassment an effective remedy against such behaviour
- The code of good practice on the handling of sexual harassment cases endeavours to eliminate sexual harassment in the workplace by providing procedures that will enable employers to deal with occurrences of sexual harassment and to implement preventative measures
- Employment of Educators Act 76 of 1998, sets out all the procedures to be followed if an educator is charged with misconduct
- Section 17 of the Education Laws Amendment Act, No. 53 of 2000 prohibits educators from committing sexual or any other form of harassment, which by implication prohibits them from having sexual relations with learners. If any educator is found to have transgressed this prohibition, such an educator is guilty of misconduct in terms of the Act and liable to suspension
- The Criminal Law (Sexual Offences and Related Matters) Amendment Act 29 sets the age requirements of consent for sexual acts. Sections 15(1) and 16(1), read with the definition of “child” in section 1, criminalises so-called consensual penetration or sexual violation of a child (male or female) between 12 and 16. Section 57(1) provides that no person under the age of 12 is capable of consenting to any sexual act. The Act further criminalises any attempt, conspiracy, or incitement to commit a sexual offence
- The Protection from Harassment Act, No 17 of 2011
- The Children’s Act 38 of 2005 protects children’s rights and regulations to the South African Schools Act 84 of 1996 further place an obligation on educators to report any form of maltreatment of children to social welfare or the police, which in itself prohibits the sexual harassment of children at school, either by educators or by other learners.

All these laws justify a score of 2.
POLICY COMMITMENT

Multiple policies are in place to address sexual harassment, the first of which is the Constitution which protects all South Africans.

The Department of Labour’s 2008 Code of Good Practice on Handling Sexual Harassment Cases requires that workplaces and other social institutions like schools and universities are required to put together sexual harassment policies for their individual spaces, and these policies are required to be ‘clearly worded, readily displayed at strategic points and regularly evaluated to ensure that they remain effective (Joubert. P.et. al., 2011). Research indicates, however, that the existence of policies does not necessarily mean they will be implemented. For sexual harassment policies to be effectively implemented research suggests that the following needs to be undertaken:

• Create awareness by including the policy in as many programmes as possible.
• Communicate the policy to all employees at every level of the organisation by providing each one with a copy of the policy and keep signatures on file that employees received the policy.
• Conduct regular training sessions or workshops where the content of the policy and the complaints procedure are explained.
• Ensure that managers and supervisors are aware of their responsibility for implementing the policy and ensuring compliance.
• Provide specialised training for individuals who were assigned an official role in administering the organisation’s complaint procedure (Joubert. P, et. al., 2011).

The fact is the existence of a policy in this regard does not necessarily mean effective implementation; this is therefore scored a 1.

DEVELOPMENT OF A PLAN

A number of plans have been put into place for addressing sexual harassment in multiple sectors of our society. The Department of Basic Education issued the Guidelines for the Prevention and Management of Sexual Violence and Harassment in 2008, which are designed to support schools and school communities in responding to cases of sexual harassment and sexual violence perpetrated against learners. In order to address people’s reluctance to report cases of sexual harassment, the department has produced a user friendly booklet for learners titled: Speak out. Youth Report Sexual Abuse.

The DoJ&CD (Joubert. P.et. al., 2011) National Action Plan for the effective implementation of the Sexual Offences and Related Matters Amendment Act (SORMAA) partially address issues of sexual harassment. Their approach is largely through the promotion and protection of vulnerable groups through ensuring that the national legislation responding to the various obligations to which South Africa is a signatory. More could be done in this area, thus it is scored a 1.

TARGETS

The DSD 2015-2020 Strategic Plan intends to review sexual harassments policy as part of their attempt at gender mainstreaming DSD laws. We were unable to find comprehensive plans from government or the Department of Women as the custodian of women’s issues. Therefore, this scores a 1.

INSTITUTIONAL MECHANISM

The following government institutions play an important role in making sure that sexual harassment cases are addressed.
The DoJ&CD\textsuperscript{80} was mandated to provide public education and information on the SORMAA. The NPA\textsuperscript{81} reported that additional sites had been identified as ideal to construct additional Thuthuzela Care Centres (TCCs) and that there were various stages of implementation. The NPA/JCPS are committed to offering support to victims of sexual violence through providing comprehensive services to victims in a dignified manner.

The SAPS\textsuperscript{82} Victim Empowerment Programme (VEP) is aimed at reducing victimisation and offending, repeat victimisation and offending, and preventing victimisation through the delivery of services. Since the implementation of the programme, particularly the establishment of the Victim Friendly Rooms at police stations and service/contact points, victims are frequenting this facility on a regular basis.

In addition, the following institutions are also important players here: The National Council against Gender Based Violence, the Sexual Offences courts and the TCCs. Therefore, this is scored a 2.

**BUDGET**

A gender-responsive budget is still a problem in the implementation of gender-specific policies. The same was found to be the case here, thus this is scored a 1.

**HUMAN RESOURCES**

The location of the gender units and focal points is still not in the Office of the DG/HOD as provided for in the National Policy Framework on the Empowerment of Women and Gender Equality. Thus this is scored a 1.

**RESEARCH**

South Africa has taken a specific focus on addressing sexual harassment in institutions of higher learning. As a result, the CGE investigated gender equality in the country’s higher education institutions and found that there is a lack of sexual harassment policies in academic institutions. Again, most research into sexual harassment is done by universities and NGOs and not by government. This is therefore scored a 1.

**INVOLVEMENT OF CIVIL SOCIETY**

The involvement of civil society remains central.

**INFORMATION AND DISSEMINATION**

The Sexual Harassment Act is one of the Acts that are considered to be compulsory in all institutions; however, there is evidence that public knowledge of sexual harassment policies in workplaces and higher learning institutions more often fail vulnerable people like women at a junior level, students and school children. Thus, this still scores a 1 as most research in the area is performed by universities.

**MONITORING AND EVALUATION**

The development of the protection from Harassment Act as a revision of the Domestic Violence Act is an indication that the evaluation of laws and policies can produce more effective legislative works.

**CAPACITY ENHANCEMENT**

A number of stakeholders, including civil society, play a role in building capacity. However, this is scored a 1.

\textsuperscript{80} CGE. 2013. Out of mind or out of sight? Reviewing implementation of the 365 days of action to end Violence against Women and Children.
\textsuperscript{81} Ibid
\textsuperscript{82} CGE. 2013. CEDAW Report: Are we there yet? Measuring South Africa’s progress under CEDAW.
not enough, thus this scores a 1.

**ACCOUNTABILITY/TRANSPARENCY**

There are different institutions like labour courts where complainants report and such matters get to be discussed through the offices of Human Resource Development in various departments and institutions. Such information gets published in the annual reports of such departments or institutions. The CGE, through its transformation of gender equality hearings, also interrogates the different institutions’ policies on sexual harassment and the cases reported. However, this scores a 1 as more needs to be done to enhance accountability.

**PROTOCOL ON THE SUPPRESSION AND PUNISHMENT OF TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND CHILDREN**

The lack of statistics on trafficking makes this problem difficult to pin down. However, the Department of Home Affairs has recently implemented strict visa requirements in an attempt to address child trafficking in particular. The book, *Long Walk to Nowhere: Forced Migration, Exploitation and Human Trafficking in South Africa*, by social scientist Philip Frankel, illustrates that South Africa is a source, transit and destination country for human trafficking. The book also illustrates that this problem is much bigger than we are aware of. Trafficking is a complex problem that can affect people from all walks of life; however, the most vulnerable, such as women and children, are usually the most affected.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000), defines such trafficking as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of a threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. Trafficking in children is not limited to the commercial sexual exploitation of those children and legal provisions need to cover trafficking for other purposes such as, for example, labour or trade in organs.

South Africa’s actions on trafficking are guided by the following international instruments.

- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)
- ILO Convention No. 182 on the Worst Forms of Child Labour (1999)

**RATIFICATION**

The South African government ratified the UN Convention on the Rights of Children, the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, and the Palermo Protocol.
REPORTING  
South Africa reports on progress and challenges through Article 6 on the suppression and exploitation of women in CEDAW. Reporting has happened.

LAW  
The Prevention and Combating of Trafficking in Persons Act was signed into Law in July 2013 and this is compliant with Article 6 of CEDAW. The South African government utilised the following laws in the prosecution of trafficking cases.

- Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007)
- Sexual Offences and Related Matters Amendment Act 32 of 2007
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- Children’s Act 38 of 2005: Chapter 18 (section 281-291) 2007 Amendment
- Infringement of Immigration Act 13 of 1996
- Refugee Act 130 of 1998
- Extradition Act 67 of 1962
- Film and Publications Board (FPB) 65 of 1996
- Human Tissues Act 65 of 1983

These laws are substantial; thus this scores a 2.

POLICY COMMITMENT  
A number of policies have been put together to address this problem through a number of government departments. The first of these is section 28 of the Bill of Rights in the Constitution, which obliges government to protect the rights of children. The following policies are also important for addressing these issues.

- A guideline for frontline officers on the management of human Trafficking was developed in 2010
- The National Policy Guidelines for Victim Empowerment
- The Children’s Act, which reflects aspects of the Palermo Protocol and includes, among others, the protection of street children, child labourers, and refugee children
- The Child Care Act, which includes child sexual exploitation and commercial sexual exploitation
- The Sexual Offences Act, which deals with brothels and ‘unlawful carnal intercourse’
- The Criminal Law (Sexual Offences) Amendment Bill, which includes sexual offences trafficking
- The Constitution of the Republic of South Africa
- Patients’ Rights Charter
- Gender Policy Guidelines for the Public Health Sector, 2002
- Sexual Offences and Related Matters Amendment Bill was signed in 2006.
The Sexual Offences and Related Matters Amendment Bill holds several clauses that address trafficking of persons specifically for the purposes of sexual exploitation. Although it does consider such exploitation a criminal act, it does not mandate a specific sanction for this activity. Provisions under this Bill are expressed as a transitional mechanism until more comprehensive legislation is passed. This is scored a 2 given the numerous policies in place.

**DEVELOPMENT OF A PLAN**

The NPA/SOCA under the NPA are mandated to deal with the prevention and reduction of violence against women and children, along with the support of victims of trafficking and to prosecute traffickers. SORMAA establishes the National Register for Sex Offenders which registers persons convicted for sexual offences against children or persons with mental disability. The DoJ&CD has a National Action Plan for the effective implementation of the SORMAA, which partially addresses trafficking. The approach has largely been through the promotion and protection of vulnerable groups through ensuring that the national legislation responding to the various obligations to which South Africa is a signatory.

The Department of Home Affairs 2010-2015 Strategic Plan speaks to the drafting of and facilitating of approval and implementation of the Department of Home Affairs specific regulations on Trafficking in Persons Act (TIP) as part of their plans for secured and responsive immigration system.

In the SAPS Strategic Plan for 2005-2010, strategic priority number one was to address organised crime by focusing on criminal organisations involved in crimes relating to drugs, firearms, vehicles, human trafficking, human organ trafficking, prostitution, endangered species, precious metals and stones. Their 2010-2014 strategic plan also has trafficking as one of its priorities.

These plans mention trafficking; however, these do not speak specifically of women and children. This is therefore scored 1.

**TARGETS**

The plans that we have come across do not provide detailed targets. Thus this is scored a 0.

**INSTITUTIONAL MECHANISM**

Trafficking is tackled through a number of government departments:

- The South African Police Services
- The Department of Health
- The Department of Social Development
- The Department of Home Affairs.

This is therefore scored a 2.

**BUDGET**

The challenge with gender-responsive budgeting in most government departments remains a major one. For example, plans on trafficking do not show the existence of gender-sensitive budgets. This is therefore scored a 1.

**HUMAN RESOURCES**

The South African government has put in place a multi-sectoral national task team set up for
extensive and aggressive educational awareness campaigns around child protection. This task team has spearheaded the development of the National Action Plan.

Furthermore, the South African government has trained practitioners in the identification and screening of victims of human trafficking. The Organised Crime Unit of the SAPS has set up the Human Trafficking Desk for a targeted response to the crime. The National Inter-Sectoral Committee on Combating Trafficking in Persons (NICC: TIP) was established prior to the 2010 FIFA world cup.

Child Protection and International Social Services directorates in the DSD are implementing a strategy for the prevention of child trafficking and supporting foreign child victims in the process of repatriation. The Child Protection Directorate also ensures the safe return of South African child victims and unaccompanied South African minors to their families and legal guardians in South Africa. The South African provinces have formed task teams working with the cluster departments i.e. SAPS, DSD, Education, Health, the Department of Home Affairs and NGOs to fight and raise more awareness about human trafficking. This is thus scored a 2.

RESEARCH 1

Research in the area of migration and trafficking is growing as there is a recognition of the increasing problem of trafficking. Research shows that South African children are increasingly being trafficked by their own parents into slavery or prostitution in order to generate an income or to pay off a debt (South African Law Commission, 2002). However, most of these studies are undertaken by institutions of higher learning and NGOs. Research conducted by the International Organization for Migration (2003) estimated that at least 1000 women were trafficked into South Africa. A research collaboration between the HSRC, NPA and the CGE shows that there is constant knowledge production regarding human trafficking which shows the trends of how women and children are vulnerable. Research done by Molosongololo, revealed that in the year 2000 approximately 30 000 children were trafficked for prostitution. Again, another study by the South African Law Reform Commission (SALRC), the United Nations Educational Scientific and Cultural Organisation (UNESCO) in 2007 found that while trafficking in persons for sexual exploitation and forced labour constitutes the vast majority of incidents of trafficking, there is an increase in the trafficking of human body parts or organ harvesting. Given that none of these studies were conducted by the government, this is scored a 1.

ININVOLVEMENT OF CIVIL SOCIETY 2

A number of NGOs play an important role in awareness raising, victim empowerment and sex worker education. Some of these organisations include Molosongololo, The Sex Worker Education and Advocacy Task Force (SWEAT), and the Masimanyane Women’s Support Centre. This is scored a 2.

INFORMATION AND DISSEMINATION 1

The research done by the International Organization for Migration (IOM) revealed that 52 percent of South Africans are directly aware of internal trafficking in their communities. While 19 percent were indirectly aware of internal trafficking but suspect that it may occur in their communities but unable to provide direct knowledge of cases; and 29 percent were not aware of this phenomenon occurring in their communities.

During 2010-2011 a clear strategy for awareness raising was implemented in conjunction with the NPA through the Red Card Campaign and the Tshireledzane Campaign. This is scored a 1 as information on trafficking and how to deal with is not accessible to all.
MONITORING AND EVALUATION

In its 2013 report the CGE indicated that the DoJ&CD, in collaboration with the NPA, regularly conducted awareness programmes on trafficking of persons, underpinned by the department’s Card Campaign.

The departments that participate as the task team have their monitoring and evaluation sections in their respective departmental planning. This is scored a 2.

The strengthening of law enforcement, particularly on the border control operations and the criminal justice response to smuggling of migrant and trafficking in persons in South Africa has played an important role in terms of the capacity enhancement. This is scored a 1 as these processes have not led to the complete eradication of collaborations with officials.

ACCOUNTABILITY/TRANSPARENCY

1

South Africa’s governance, crime and justice division is constantly involved in summits and conferences, working together with researchers and policy makers – for instance, the involvement of the Office of the Public Protector in an attempt to provide for a transparent implementation of their mandate. This office emphasises the need for proper systems to be put in place, particularly with accountability and transparency by the government.

AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD

The sexual exploitation of children is a big problem in South Africa and the nature of the exploitation varies depending on the circumstances of the particular child and the involvement or non-involvement of the child’s parents. This charter requires the state to take measures to prevent the sexual exploitation of children. It further obliges that children be protected from sexual exploitation and abuse, especially with regard to prostitution and pornography.

Other important international instruments in addressing issues related to the rights of children are:


RATIFICATION

2

The African Charter on the rights and welfare of the child was ratified in 2000.

REPORTING

0

South Africa has not submitted its report to the African Committee of Experts on the Rights and Welfare of the Child, which was ratified in 2000, meaning that the initial ratification report should have been submitted in 2005, with the following periodic reports due in 2005, 2008 and 2011. This therefore scores a 0.

LAW

2

A number of laws which are meant to protect the rights of children are in place. These include:
The Sexual Offences and Related Matters Act (No 32 of 2007)
• The Basic Conditions of Employment Act No 75 of 1997 as amended by the Basic Conditions of Employment Act, 2002
• Child Justice Act No 27 of 2008
• Children’s Act (No. 38 of 2005) as amended by Children’s Amendment Act (No. 41 of 2007)
• Criminal Law (Sexual and related Matters) Amendment Act No 32 of 2007
• Maintenance Act No 99 of 1998
• Social Assistance Amendment Act (No. 5 of 2010)

This is scored a 2.

POLICY COMMITMENT 1

The Constitution includes important rights for children, and, most recently, the development of the National Youth Policy 2009-2014 and 2015-2020; although it focuses on economic empowerment it does speak to issues of young people of school going age and the challenges they experience with exploitation. This is scored a 1.

DEVELOPMENT OF A PLAN 2

The National Plan of Action for Children (NPAC) is a comprehensive overarching plan that brings together government’s obligations in the realisation of the rights of children in the country. The National Plan of Action for Children 2012–2017 strategic plan was developed in close collaboration with various government departments to ensure that existing priorities, programmes and commitments are included as part of this overall plan. This therefore scores a 2.

TARGETS 1

The NPA had two targets related to the protection and safety of women. The first target focused on Thuthuzela care centres (TCCs) and the second focused on finalising guilty verdicts on sexual offences prosecutions. The plan was to increase the number of fully operational TCCs to 35 by 2014.

The DSD is meant to deal with ukuthwala and cases of child abuse and the violation of children. There are no specific guidelines or standard operating procedures for dealing with ukuthwala. This is therefore scored a 1 as more needs to be done on the setting of detailed targets.

INSTITUTIONAL MECHANISM 2

The function of children now resides with the DSD and a new Department of Women was established. Other important institutions include:

• Children’s courts
• Thuthuzela Care Centres
• Early Childhood Development centres.

This is therefore scored a 2.
The African Gender Development Index (AGDI)  
SOUTH AFRICA COUNTRY REPORT 2015  
Commission for Gender Equality

**BUDGET**

The different departments that deal with children’s rights have their individual budgets. However, it is not clear how much of these budgets are directed to the implementation of children’s rights and the implementation of article 27 of the African Charter on the Rights of the Child in particular. This therefore scores a 1.

**HUMAN RESOURCES**

The various government departments that deal with children’s rights have human resources; however, it is not clear how these HR resources are linked to the achievement of article 27. This is therefore scored a 1.

**RESEARCH**

A number of institutions conduct research in this area. These include the findings in the Discussion Paper on Sexual Offences: The Substantive Law, which recommends a total prohibition of child prostitution, and explicitly criminalises the commercial sexual exploitation of children. Again, the CGE conducted an investigation into the prevalence of ukuthwala in KwaZulu-Natal. It was, however, not clear what other research has been conducted by the state. Therefore, this scores a 1.

**INVOLVEMENT OF CIVIL SOCIETY**

The DSD is the custodian department for the rights of children implements most of its policies in collaboration with CSOs, especially welfare services, NGOs, and Community-based Organisations (CBOs), with around 60 percent of services being delivered by NGOs, and 40 percent by government. This is scored a 2.

**INFORMATION AND DISSEMINATION**

The DSD in KZN, in cooperation with the Office of the Premier’s Human Rights Unit, and other stakeholders embarked on a campaign to prevent and create awareness on ukuthwala. There is, however, a need for more work on information dissemination with regard to the sexual exploitation of children. This therefore scores a 1.

**MONITORING AND EVALUATION**

Government departments, through their administrative data collection and through reviews of policies, engage in evaluation processes. However, given that there are no statistics on ukuthwala illustrates that this is not done effectively, thus this is scored a 1.

**CAPACITY ENHANCEMENT**

Government has been engaged in moves towards integrated operations so as to allow for a cohesive effort in meeting its targets. Although different departments have the capacity to see through their individual mandates, work needs to be done to effectively work in an integrated fashion. The failures of gender mainstreaming are an indication of continued lack of integration, thus this is scored a 1.

**ACCOUNTABILITY/TRANSPARENCY**

The South African Treasury has improved its public finance accountability processes. Furthermore, the different ministers table and make announcements on different activates and strategies that
they have implemented. However, this reporting does not reach the masses, thus this scores a 1.

**OPTIONAL PROTOCOL TO THE CRC ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

Children are the most vulnerable and they suffer more human rights abuses than other sectors of society. As a result, South African laws criminalise the sale of children and the country is committed to implementing the Optional protocol. A number of government systems have thus been put into place to prevent any harm against children, and deal with perpetrators.

**RATIFICATION**


**REPORTING**

South Africa combined its report for the period 2003 to 2011.

**LAW**

A number of important laws have been put in place to protect the plight of children. These include:

- The Children’s Act (2005)

This is scored a 2.

**POLICY COMMITMENT**

The Department of Basic Education’s guidelines on e-safety make provision for the development, by school committees, of an Acceptable Use Policy for ICT, and information to protect children from access to harmful information. This is thus scored a 2.

**DEVELOPMENT OF A PLAN**

The South African government has the 2012-2017 National Plan of Action and it provides a comprehensive approach in the improvement of the lives of children in the country.

**TARGETS**

The plan does not necessarily show the targets in relation to the plan; it only talks about the goal, and the goal points out that it aims to protect all children from all forms of sexual abuse and exploitation. Thus this is scored a 1.

**INSTITUTIONAL MECHANISM**

There are several institutional mechanisms in place to take care of the rights of children with regard to protection from pornography and trafficking. For example, the Broadcasting Code of Conduct for Broadcasting Service Licensees (2009) which is adjudicated by the Complaints and Compliance Committee of the Independent Communications Authority of SA prohibits the broadcasting of
child pornography or other harmful sexual content. It regulates the hours within which material that is harmful to children may be broadcast. It further requires broadcasters to be mindful of the potentially harmful content of children’s programming.

Currently the following organisations play an important role in protecting the rights of children,

- Department of Social Development
- Departments of Justice and Constitutional Development
- Department of Basic Education (DBE)
- Film and Publication Board
- Joint Committee on Children, Youth and the Disabled
- The South African Parliament established the Joint Committee on Children, Youth and Disability to monitor legislation relating to children’s rights

This is thus scored a 2.

**BUDGET**

There are a number of initiatives that speak to a broader budget for the rights of children. These include:

- The DSD provides a child grant to children in need – this grant contributes substantially to the government’s budget for the care of children.
- The state also receives technical and financial support for the implementation of the Convention from the UN family, including UNICEF, the United Nations Programme on HIV/AIDS (UNAIDS), United Nations Population Fund and the United Nations Development Programme.
- The Primary School Nutrition Programme also has a budget allocated to children; however, it is not clear how much this is. The budget was initially allocated to the Department of Women, Children and Persons with Disabilities and the budget has doubled since 2009 (R4.5 billion to R10 billion) in 2012/13.

It is important to note that departmental budgets are not structured according to the protocol, but according to the broader national development plan of action and outcomes within which children’s rights are integrated. There is a substantial attempt to provide for the protection of children’s rights, so this scores a 2.

**HUMAN RESOURCES**

A number of government departments play a role in the protection of children’s rights. These include:

- The Department of Social Development
- The Department of Justice and Constitutional Development
- The South African Police Service
- The National Prosecuting Authority
- The Film and Publication Board
- The National Children’s Rights Machinery
- The South African Human Rights Commission and all relevant National Departments, Provincial
Departments, Provincial Offices on the Rights of the Child, municipalities and CSOs. All of these stakeholders have human resources that specifically focus on the rights of the child and the elimination of the Odisha Public Service Commission. This is thus scored a 2.

RESEARCH

The Department of Labour research report and the Rapcan research on sexual exploitation and other institutions that have conducted the research.

IN Volvement of Civil Society

The children’s sector would not be effective without the tireless work of civil society. Some important CSOs with regard to the rights of children include the National Children’s Rights Committee, which is an umbrella body for NGOs working on children’s issues. The Committee’s mandate is to advocate generally for children’s rights in South Africa and specifically for the implementation of the NPA. This is scored a 2.

INFORMATION AND DISSEMINATION

The South African government and its NGOs work together to disseminate information through various platforms.

MONITORING AND EVALUATION

The office on the rights of the child that used to be in the Presidency and now has been moved to DSD is responsible and has measures in place to monitor and evaluate the protocol. The SAHRC is charged with monitoring and assessing the observance of human rights in the Republic.

CAPACITY BUILDING

Capacity is provided through collaborative effort by the different UN family and Chapter nine institutions and government departments.

ACCOUNTABILITY/TRANSPARENCY

The different government departments have a mandate to report to the portfolio committees in Parliament through their ministers, which includes the SAHRC that has to appear before Parliament on issues of human rights of children in the country and to give the status quo and different measures that the commission has put in place.

OPTIONAL PROTOCOL TO THE CRC ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

South Africa remains deeply concerned about the plight of children in armed conflict, as they are usually deprived of opportunities to grow up in an environment where they can realise their full potential. South Africa is particularly concerned that thousands of children continue to bear arms as child soldiers, and also suffer as victims in armed conflict. Therefore, South Africa remains steadfast in its firm commitment to eradicate the recruitment and use of children in armed conflict.

While South African children are not exposed to armed conflict, levels of violence (including gun-related violence and gangsterism) among the youth in South African communities remain extraordinarily high. Much of the violent crime in South Africa is thought to be driven by formal gangs. The most serious problems with firearms in South Africa are the increasing number of both illegal and legal firearms and

83 http://www.justice.gov.za/m_speeches/2011/20110712_min_unchildarmedconflict.html#sthash.vKQji1oV.dpuf
their direct and indirect contribution to the high levels of violent crime and deaths.

The Bill of Rights in the South African Constitution specifically guarantees that “a child’s best interests are of paramount importance in every matter concerning the child.” By ratifying the United Nations Convention on the Rights of the Child on 16 June 1995, the South African government committed itself to not only promoting and protecting the rights of children, but also to implementing a “first call for children”.

**RATIFICATION**

South Africa ratified the optional protocol to the CRC on the involvement of children in armed conflict on 24 September, 2009.

**REPORTING**

South Africa combined the Second, Third and Forth Periodic State Party Report to the Committee on the Rights of the Child for the 1998-2012 reporting period. Prior to the 2014 election, South Africa reported through the then Department of women, children and people with disabilities. The DSD took over the children portfolio under the new administration.

**LAW**

The Constitution of South Africa is regarded as one of the most progressive in the world and has in it a specific clause protecting the rights of children. The following laws are also important in protecting children from violence:

- Defence Act, 2002 Section 52 states that the Regular Force consists of persons not younger than 18 years of age and not older than 65 years, whether in a permanent or temporary capacity, and is organised in the manner prescribed.

- The Firearms Control Act (2004) aims to reduce the use and distribution of guns. Currently the Civilian Secretariat for Police is consulting on the Draft Firearms Control Amendment Bill, 2015 with a view to submitting it to Cabinet for approval.

- The Children’s Act recognises the need for special care and protection from harm, abuse and neglect of children. It gives effect to South Africa’s commitments in line with the Convention on the Rights of the Child.

This is scored a 2.

**POLICY COMMITMENT**

A number of policies are available in the country to protect children from war and violence in general. These are:

- The National Defence Force policy is in line with the optional protocol in that it defines the age of majority as 18 years; this is also in line with the Constitution.

- The White Paper on Welfare was developed as the guiding policy for all welfare provisions in South Africa and highlighted in particular the status of children and the need to adopt a preventive and developmental approach to their well-being.

- The National Strategy for Child Protection aims to effectively address child abuse, neglect and exploitation in an integrated manner.

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54 Section 28 of the Bill of Human Rights.
- The National Crime Prevention Strategy emphasised the need for South Africa to invest substantially in comprehensive initiatives to combat the culture of violence.

DEVELOPMENT OF A PLAN

In view of South Africa having ratified the CRC, it is obligated to develop a Plan of Action for children. The National Plan of Action for Children provides a holistic framework for the integration of all policies and plans developed by government departments and civil society to promote the well-being of children.

The National Plan of Action for Children 2012-2017 aims to bring together existing international and national priorities for the survival, protection, development and participation of children in South Africa into one coherent framework. It makes provision, within the broader context of the South African Human Rights Framework, for children’s rights impetus to national planning, implementation, monitoring and evaluation of national priorities. The NPAC 2012-2017 is aligned directly with the following five government priorities: Education, Health, the fight against crime and corruption, economic growth, decent work and sustainable livelihoods and rural development, food security and land reform.

Beside the NPAC, we were unable to find any specific plan on the optional protocol to the CRC on the involvement of children in armed conflict. Thus this is scored a 1.

TARGETS

We were unable to find any targets on the Optional Protocol to the CRC on the involvement of children in armed conflict. However, the plan makes reference to the goals, but no specific targets. Thus this is scored a 0.

INSTITUTIONAL MECHANISM

The DSD is responsible for children. However, given the effects of violence, other government institutions have a role to play including the Department of Health, Education and other community organisations. As a result of the multi-faceted nature of issues of violence National and Provincial Child Care and Protection Forums have been set up to facilitate co-operation and co-ordination in the implementation of the Children’s Act (2005) and related matters. This is scored a 1 as integrated service delivery is still a challenge in the country.

BUDGET

We were unable to find a budget for the implementation of the optional protocol to the CRC on the involvement on the children in armed conflict.

HUMAN RESOURCES

This is a collaborative process; therefore, human resources as an area is widespread as per the different departments with particular reference to the Defence Force and the Chapter 9 institutions.

RESEARCH

There is no armed conflict in South Africa and maybe that is why there is not much research in this area.

INVOLVEMENT OF CIVIL SOCIETY

The specific clause protecting the rights of children in the Constitution was inserted as a result of
active lobbying on the part of the Child Rights NGOs including SASPCAN (International Society for the Prevention of Child Abuse and Neglect’s national partner in SA) and Childline SA.

The National Programme of Action 1996 was developed as part of the collaborative efforts of children’s rights activists, the NGO sector and UNICEF. This is thus scored a 2.

**INFORMATION DISSEMINATION**

Information is disseminated through roadshows and different platforms in the country.

**MONITORING AND EVALUATION**

The Department of Defence and the DSD and the SAHRC through its mandate.

**CAPACITY ENHANCEMENT**

The South African Defence Force and the DSD capacity building is guided by the needs in the country – for example, in 2009 Social Work was noted as a scarce skill. However, because of current capacity challenges, this is scored a 1.

**ACCOUNTABILITY/TRANSPARENCY**

The South African Treasury has improved its public finance accountability processes. However, this has not translated to transparency in all spheres of government as it is not followed through by all ministers. This is scored a 1.
HEALTH

In this part of the Social Power chapter of the report we pay particular attention to South Africa’s progress with regard to women’s rights, with specific focus on the following health related issues.

- Sexually transmitted infections (STIs)
- HIV and AIDS
- Maternal mortality
- Contraception (Family planning)
- The Abuja Declaration on HIV and AIDS.

In the health section we look into government’s progress with regard to HIV and AIDS under the ICPD and with regard to the Abuja Declaration on HIV and Aids. Although there will be overlaps an attempt is made to be specific in our discussions.

HEALTH – ICPD PLAN OF ACTION

The Programme of Action of the International Conference on Population and Development (ICPD) in 1994 represented a remarkable consensus among 179 governments that individual human rights and dignity, including the equal rights of women and girls and universal access to sexual and reproductive health and rights, are a necessary precondition for sustainable development. In 1994, the International Conference on Population and Development under the auspices of the UN in Cairo, Egypt, adopted the Programme of Action (PoA) which focused attention on the interestedness of population and development interrelations. After the 2014 review of data on progress, gaps and challenges in delivering the commitments set out in the 1994 ICPD Programme of Action beyond 2014 were formulated. The ICPD emphasises that empowering women, and investing in education and health, including reproductive health, are necessary for both individual welfare, the protection of human rights and for development.

One of the other important strategies of the National Population Policy (1998) is the promotion of “responsible and healthy reproductive and sexual behaviour among adolescents and the youth to reduce the incidence of high-risk teenage pregnancies, abortion and STIs, including HIV/AIDS, through the provision of life skills, sexuality and gender-sensitivity education, user-friendly health services and opportunities for engaging in social and community life”. This has been an important strategy in the South African context.

RATIFICATION

Not applicable.

REPORTING

There have been 5 year periodic reviews of implementation of the ICPD PoA at country, regional and global levels. In South Africa, although reporting is not built into ICPD the Department of Social Development in South Africa through its National Population Unit produces progress review reports every five years, evaluating progress with the implementation of the 1998 White Paper on
Population Policy for South Africa and the Programme of Action of the International Conference on Population and Development (ICPD) 1994. The latest review report, which covered the period 1994 to 2014, was prepared and tabled to the Cabinet in 2015, published in March 2010. Given the Census 2011 data, there is a current review process aiming to update the 2009 report to 2014. The national review reveals that significant progress has been made during the era of the democracy in reducing disparities in access to basic services, including health, education, social services, housing, water, electricity among others. The review also highlights that despite the progress, much more needs to be done to address persistent high levels of poverty, unemployment and widening income equality. The review process for 2014 is primarily concerned with the impact of development activities by partners in the field of population and development, rather than with the activities themselves.

HIV AND STIs

In 2012, it was estimated that 12.2% of the South Africa population were HIV positive, a total of about 6.8 million people, (18% in those aged 15-49 years) and the national incidence stands at 2.5%. Overall, HIV prevalence was significantly higher among female population (14.4%) than males (9.9%). New infections among young females remains concerning: the HIV incidence rate among females aged 15-24 was over 4 times higher than the incidence found in males in the same age groups (2.5 % vs 0.6%). South Africa has made major gains in terms of treatment of people living with HIV. South Africa has the largest Antiretroviral Therapy (ART) program globally, with nearly 3 million people on ART, and has reduced maternal transmission of HIV to infants from 8% in 2009 to around 2.2% 4 years later. The gains made are a clear indication of possibilities in reducing new infections at population level, especially within young people. While treatment is important, prevention should be strengthened.

LAW

Several laws have been put in place to address access to health, including the following.

- The National Health Act No 61 of 2003 makes provision for the rights and duties of users and health care professionals.
- The Employment Equity Act outlaws discrimination of all forms in South African workplaces.
- The Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000 is relevant for the protection of HIV-positive people from discrimination or unfair treatment.

Although these laws put into place processes to improve access, the challenge is mainly with implementing them.

POLICY

The various National Strategic Plans (2000-2005, 2007-2011, and 2012-2016) have provided policy guidelines over the years. The goals of the 2012-2016 NSP are to:

- halve the number of new HIV infections
- ensure that at least 80 percent of people eligible for HIV treatment are receiving it
- halve the number of new TB infections and deaths from TB
- ensure that the rights of people living with HIV are protected
- halve stigma related to HIV and TB.
South Africa introduced free ARVs in the public sector in April 2004 and this was guided by the 2000-2005 National Strategic Plan. The South African antiretroviral treatment guidelines, 2013 have provided specific treatment regulations for the treatment of pregnant women and new-born babies.

**DEVELOPMENT OF A PLAN**

There have been several plans over the years; the previous plan is the HIV and AIDS and STI Strategic Plan for South Africa 2007-2011. This plan like the 2000-2005 Strategic Plan puts forward the broader policy guide for South Africa’s response to HIV and Aids. This is also true as indicated in the 2012-2016 National Strategic Plan for HIV, STIs and TB.

The plans for HIV are also centred on improving prevention, which is implemented through prevention programmes that include access to barrier methods such as male and female condoms. Although gender is not fully recognised in these plans, it is however taken into account that women are a vulnerable group and in need of particular care.

In 2011 Cabinet adopted the National Development Plan – Vision 2030(NDP). The NDP addresses population concerns as identified in the South African Population Policy and articulates its strategy on substantive issues such as job creation, youth, health and education. Although the NDP speaks to issues of health in general it does not address itself directly to issues of HIV and AIDS as required in the ICPD. Given the recognition of gendered difference in experiences with HIV this is scored a 2.

**INSTITUTIONAL MECHANISM**

The South African National AIDS Council (SANAC) is a voluntary association of institutions established by the national cabinet of the South African Government to build consensus across government, civil society and all other stakeholders to drive an enhanced country response to HIV, TB and STIs.

The main objectives of the Council are to:

- Foster dialogue between government, civil society and all other stakeholders and to oversee the country’s response to HIV, TB and STIs and advise government on HIV and AIDS, TB and STI policy and strategy and related matters;
- Strengthen the governance, leadership and management of the response to HIV, TB and STIs at national, provincial, district and local levels;
- Strengthen the multi-sectoral response to HIV, TB and STIs as a contribution to the overall social and economic development of South Africa;
- Mobilise resources domestically and internationally to finance the response to HIV, TB and STIs, including;
- Create and strengthen partnerships for an expanded national response in South Africa to HIV, TB and STI among government agencies, non-governmental organisations (NGOs), donors of funds, agencies of the United Nations, the South African private sector and people living with HIV, TB and STIs.

The Department of Health is improving programmes to eliminate preventable maternal mortality through the provision of comprehensive maternity care. The department, through its provincial and local health sites is able to reach both urban and rural areas. However, given class differences and high unemployment among women, access is not guaranteed for all.
The African Gender Development Index (AGDI)
SOUTH AFRICA COUNTRY REPORT 2015
Commission for Gender Equality

TARGETS  2

The 2012-2016 National Strategic Plan intends to fulfil the following goals.

- To reduce new infections by at least 50 percent by using a combination of prevention approaches.
- To ensure that at least 80 percent of people who are eligible for treatment for HIV are receiving it, with at least 70 percent being alive and still on treatment after five years.
- To reduce new TB infections and deaths from TB by 50 percent.
- To ensure an enabling and accessible legal framework that protects and promotes human rights to support implementation of the plan.
- To reduce the self-reported stigma related to HIV and TB by at least 50 percent.

The 2012-2016 NSP recognises and aims to tackle HIV-related issues of violence against women. There seems to have been progress in the prevention and treatment efforts of the country since there has been an increase in life expectancy since 2005 from 54 years in 2005 to 60 in 2011. This is therefore scored a 2.

INVolVEMENT OF CIVIL SOCIETY  2

Civil society has played an important role in the introduction of ARV treatment in South Africa and continues to play an important role in many aspects of women’s experiences with HIV. For example, the South African National Aids Council (SANAC) women sector strives to promote the interests of women from diverse backgrounds.

BUDGET  1

The budget set aside for HIV has increased over the years; however, the challenge is that this budget is not gender responsive. For example, the treatment operational plan in 2004 proposed to reach 54 000 at a cost of R296 million, but this cost was not gender disaggregated. Therefore, this scores a 1.

HUMAN RESOURCES  1

The South African public health system has experienced overloads post-1994 as the HIV burden has increased the inability of health professionals to deal with increasing workloads (Hall, undated). This confirms the finding in the AGDI South Africa 2005 report that the gender implications of the treatment they provide is not top of their agenda, given the challenges they are already experiencing. This is thus scored a 1.

RESEARCH  2

The Department of Health (2009), when they developed the Policy Strategy on Teenage Pregnancy conducted a review of South Africa’s research and interventions. Another report on teenage pregnancy was conducted by the Department of Basic Education (2009). The broad principles of these reports were for the adoption of a nuanced and critical approach to understanding adolescent pregnancy and the adoption of a human-based approach that underlines much of the South African legislation and policies with respect to youth sexuality and reproductive health. These studies were also important to facilitate sexual education.

The Human Science Research Council (HSRC) together with the Medical Research Council with
support from partners, have been undertaking population based surveys on HIV, starting with the 2002 Nelson Mandela/HSRC survey on HIV and AIDS and followed by the 2005 and 2008 surveys. The surveys covered the epidemiology of HIV from social and biomedical points of view and provided statistical data and information on HIV prevalence, incidence and as well as socio-behavioural and structural aspects that contribute to the spread of HIV infections in the population.

There are, however, a variety of studies on HIV and women, both in the non-governmental sector and the state – reviews that have facilitated the development of the different 5 year NSPs and within universities. Thus this is scored a 2.

**MONITORING AND EVALUATION**

The National Population Unit situated within the National Department of Social Development has been identified as secretariat for the coordination, monitoring and evaluation of the Framework Strategy. Treatment data is also collected on a regular basis. SANAC is mandated to ensure the monitoring of progress against the targets set in the NSP and ensure mid and end of term evaluations for the prevailing NSP.

This is also particularly true for treatment that is directed at pregnant women and new-born babies. This is therefore scored a 2.

**INFORMATION AND DISSEMINATION**

Information on HIV is readily available and with the interventions of NGOs the information that is pertinent to the recognition of women as a vulnerable group is becoming readily available. However, given that women are unequal as a group, given the significance of race and class in South African society, this is scored a 1 as availability of information does not necessarily mean equal access.

**CAPACITY ENHANCEMENT**

In partnership with the UNFPA, the South African government continues to support coordination of the maternal, sexual and reproductive health interventions. Through the UN Joint team on AIDS, the South African National AIDS Council is supported to coordinate the HIV prevention component of the programme in partnership with various departments and CSOs. This is also linked to capacity building.

**ACCOUNTABILITY/TRANSPARENCY**

The health minister has signed negotiated delivery agreements with the president to measure and monitor performance. The minister also reports to the portfolio committee on health in Parliament on a regular basis. This is scored a 1 as information on progress is not always available on request.

**MATERNAL MORTALITY**

Globally, more than half a million women die each year due to complications relating to pregnancy and childbirth. Of the estimated 536,000 worldwide maternal deaths in 2005, developing countries accounted for more than 99 percent. About half the maternal deaths (265,000) occurred in sub-Saharan Africa alone and one third took place in South Asia (187,000). Thus, sub-Saharan Africa and South Asia accounted for 84 percent of global maternal deaths, with haemorrhaging being

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the leading cause of death in these regions.

According to the Saving Mothers 2011-2013 report, the Institutional Maternal Mortality Ratio (IMMR) was decreased from 176 per 100000 live births in 2008-2010 to an IMMR of 154 per 100000 live births in 2011-2013 (a 12.6% decrease) in South Africa. Non-pregnancy related infections mainly due to HIV infections and complication of tuberculosis and pneumonia, accounted for 34.7% of maternal deaths. Maternal deaths due to obstetric haemorrhage and hypertension accounted for 30.4% of deaths (15.8% and 14.8% respectively). Other causes of maternal deaths include sepsis, prolonged or obstructed labour, hypertensive disorders of pregnancy, especially eclampsia,86 and complications of unsafe abortions claim further lives. Most of these deaths occur from health issues that are avoidable but are a result of women’s inability to access affordable maternal health, which is linked to women’s unequal positioning in society.

In South Africa, research illustrates that most maternal deaths are due to just five causes: non-pregnancy related infections (including TB and HIV) accounted for 34.7 percent of deaths; hypertension (14.85%.7 percent); postpartum haemorrhage (152.84 percent); and medical and surgical disorders (11.4%); and pregnancy-related sepsis (9.50 percent) (Saving Mothers, 2011-2013).

In 2013 South Africa illustrated that it was not on track to reach the Millennium Development Goal of reducing maternal mortality by 75 per cent and achieving the maternal mortality ratio of 38 per 100,000 live births by 2015, even though it was showing decreases in this mortality. For example, the rates had gone down from 160 in 2005 to 1410 in 2013. A reduction of 20 is negligible given that the causes of these deaths are avoidable.

RATIFICATION
Not applicable.

REPORTING
Not applicable

Through national MDGs reports, the progress towards achieving the MDG 5 and national targets have been monitored, reported and utilized.

POLICY

The South African government has indicated its recognition for the provision of health to women since 1994. As a result, a number of policies were put in place to facilitate this provision. The first of these policies was put forward in 2001, The Saving Mothers: Policy and Management Guidelines for Common Causes of Maternal Deaths was put together so as to provide guidelines on protecting mothers and beginning the processes for policy development.

The Guidelines stated that, “every institution upon receiving the policy guidelines and the national management guidelines should develop their institutional guidelines. The National Department of Health and the Provincial Maternal, Child and Women’s Health units will assist in the process. The aim was for each institution to have its institutional guidelines by 2002.”

These guidelines were later followed by:

- Negotiated Service Delivery Agreement 2010-2024 – this agreement argued for the reduction in maternal and child mortality (as well as in the reduction of the prevalence of TB and HIV) as key strategic outcomes for the South African health sector.

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86 Eclampsia is a condition in which one or more convulsions occur in a pregnant woman suffering from high blood pressure, often followed by coma and posing a threat to the health of mother and baby.
The African Gender Development Index (AGDI)
SOUTH AFRICA COUNTRY REPORT 2015
Commission for Gender Equality

• The Strategic Plan for Maternal, New-born, Child and Women’s Health (MNCWH) and Nutrition in South Africa 2012 – 2016.

• Campaign for Accelerated Reduction of Maternal and Child Mortality – the focus of this initiative is on the quality of data on the one hand, and the extension of wide-ranging health interventions on the other.

There has been substantial work in recognition of this problem and the need for it to be addressed. This therefore scores a 2.

LAW 1

South Africa’s Constitution (108/1996) is based on international standards that recognise the fundamental principles of human dignity, equality, human rights and freedom for all, as well as healthcare, security and access to health information, and are entrenched in the Bill of Rights. We were unable to identify other specific laws that speak to this issue; this thus scores a 1.

DEVELOPMENT OF A PLAN 2

A number of plans have been put into place to address this challenge. These include:


• The Department of Health committed to a national mobile health initiative which seeks to improve health-seeking behaviour, raise awareness and assist in reminding pregnant women of the importance of early (less than 20 weeks) antenatal visits (NDOH,2013-2014).

• There was a consensus that the post-2015 world health agenda must be characterised by three goals: (1) MDGs 4, 5 and 6 need to continue far beyond 2015 – which means that efforts to reduce child and maternal mortality, and the fight against HIV and AIDS, TB and malaria should not stop in 2015.

This therefore scores a 1.

INSTITUTIONAL MECHANISM 2

The following institutions remain central to the achievements of the plans set out in the MNCWH:

• National Department of Health
• Provincial Departments of Health
• Health departments at the district level
• Academic institutions
• Medical schools
• National committee on Confidential Enquiries into Maternal Deaths (NCCEMD)
• Nurse Training Colleges
• Department of Home Affairs.

TARGETS 1

The Department of Health aims to reduce the following health indicators by 10 percent by 2016:

• Maternal mortality ratio (MMR)
The African Gender Development Index (AGDI)  
SOUTH AFRICA COUNTRY REPORT 2015

- Neonatal mortality rate (NMR)
- Infant mortality rate (IMR)
- Child mortality rate.

For these targets to be reached the strategic plan asserts that every woman, mother and child will receive priority intervention services as part of a comprehensive service package at the community, primary health care and hospital levels. The challenge is that these targets are not detailed. Therefore, this is scored a 1.

INvolvement of Civil Society  2

There has been considerable involvement of civil society – at least in respect of research and policy institutions – in this area of women’s health. Thus it scores a 2.

Budget  1

The strategic plans looked at for this report did not have budgets attached to them. The assumption is that the budgets of their respective government departments will carry through the plans suggested. However, the challenge with gender issues and generic departmental budgets is that these issues tend to fall off the list of significant issues. Therefore, without specific budgets, this is scored a 1.

Human Resources  1

The general human resources of health facilities are assumed to be counted as significant for seeing through the plans indicated earlier. In addition, in partnership with the University of Pretoria, with funding from the Department of International Development, 2,967 doctors and 6,776 professional nurses have been trained in the management of obstetric emergencies (ESMOE) and emergency obstetric simulation training (EOST), to ensure that health workers have the skills to deal with obstetric haemorrhaging in particular – which continues to be a major cause of maternal mortality. Preliminary data suggests that the ESMOE and EOST have begun to improve maternal and neonatal safety. This is scored a 1 because the health sector is generally under-staffed.

Research  2

The National Committee on Confidential Enquiries into Maternal Deaths (NCCEMD) Aids Council has been diligent in producing the Saving Mothers Reports over the past few years: 2005-2007; 2008-2010; 2011-2013. These reports have been important in providing evidence on maternal mortality and providing indicators for dealing with the problem. The national population and housing census 2011 provides data for alternative source for maternal mortality. This therefore scores a 2.

Monitoring and Evaluation  2

There is a need for a constant monitoring of maternal and reproductive health policies, guidelines, and norms and standards, including contraception and family planning services. The National Committee on Confidential Enquiries into Maternal Deaths (NCCEMD) was established in 1997 and it investigates maternal death cases in health facilities, and recommends solutions to reduce maternal mortality in the country. The Committee produces a report “Saving Mothers” every three years and provides a comprehensive analysis on maternal deaths. The NSP and Stats SA reveals that major achievements during 2013 included accelerated implementation of the maternal, neonatal, child
and women’s health and nutrition strategy as it impacts on women and maternal health.

According to the 2015 MDG Country Report, the Maternal Mortality Ratio was 141/269/100 000 live births in 2013 (2015 National MDGs report, StatsSA).

The Saving Mothers Reports have also played an important monitoring and evaluation role. Given these different monitoring efforts, this is scored a 2.

INFORMATION AND DISSEMINATION 1

Some of the campaigns entered into for the provision of information to pregnant women are important in facilitating the reduction of maternal mortality. Again given the inequality in urban and rural areas, this is scored a 1.

CAPACITY ENHANCEMENT 2

For the Department of Health, strengthening healthcare systems is critical to improving the quality of emergency obstetric care and conditions of service for maternal healthcare. The DoH continues to work to improve health worker training needs, especially the capacity in human resources skills for emergency obstetric care, by advocacy for strengthening health systems, particularly human resources and skills development, particularly in energy obstetric care and family planning.

ACCOUNTABILITY/TRANSPARENCY 1

Even though progress report meetings happen with Parliament committees, at a general population level more processes to enhance accountability are necessary. This is therefore scored a 1.

FAMILY PLANNING

The interplay of socioeconomic factors and gender inequalities exert a negative outcome on maternal health, affecting not only the extent to which healthcare services are accessed and utilised, but access to family planning services as well, making the empowerment of women and girls essential in lowering maternal mortality. Access to safe, voluntary family planning is a human right. Family planning is central to gender equality and women’s empowerment, and it is a key factor in reducing poverty. The Programme of Action of the ICPD recognized “the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice.” This then makes contraceptive use important as it allows women the ability to space and limit the number of pregnancies. The ability to space births and to control the number of children one wants to have has a direct impact on women’s health and well-being, as well as on the outcome of pregnancy.

When women and couples are empowered to plan whether and when to have children, women are better enabled to complete their education; women’s autonomy within their households is increased; and their earning power is improved. This strengthens their economic security and well-being and that of their families. Without contraceptives women have very little power to control their fertility and thus other aspects of their lives like taking a particular job or studying for long interrupted times. Therefore, access to contraceptives is a significant maker of women’s empowerment in society. Interestingly, contraceptive use is argued to be extensive in South Africa. A 2012 Business Day article indicated that about 60 percent of women aged 15-49 used modern contraceptives (Blaine, 2012).

According to 2003 Demographic Health Survey, 65% of women aged 15-49 were using modern contraceptive. Injectables have mainly been promoted and used, although more recently, the
The introduction of implants has attracted interest from both the public and private health care providers. There is still inequity in access to services: it is estimated that 14 out of every 100 women have no access to contraception even though they have the desire to either space or prevent pregnancies. This is not surprising as the National Contraceptive Guidelines, 2012 puts forward the following five key priorities:

- The provision of quality contraceptive health services
- Stimulating community awareness and demand
- Putting integration into practice
- Strategic multi sectoral collaboration
- Evidence guided planning and provision.

**RATIFICATION**
Not applicable.

**REPORTING**
Not applicable.

**POLICY**

The right for persons to make decisions concerning their reproduction are addressed in the Constitution. This is carried further in a number of policy documents and guidelines on contraceptive use as put forward by the DoH as it pursues the provision of access to reproductive health for women. The updated National Contraception and Fertility Planning Policy and Service Delivery Guidelines were approved by the National Health Council in 2012. One of the key changes in the policy is to increase the range of contraceptive commodities available in the public sector, thereby increasing the contraceptive method mix. The most notable additions are sub-dermal contraceptive implants and a greater variety of intra-uterine devices. These increases in the method mix allow for more choice and security of contraceptive protection to women, thus improving family planning (NDOH, 2012-2013). This is scored a 2.

**LAW**

South Africa’s Constitution (108/1996) is based on international standards that recognise the fundamental principles of human dignity, equality, human rights and freedom for all. It is therefore central to all the laws made to address the rights of women to reproductive health and decision. Other important laws that deal with these include:

- **Choice on Termination of Pregnancy Act, 92 of 1996**, which provides a legal framework for termination of pregnancies based on choice under certain circumstances.
- **Sterilisation Act, 44 of 1998** provides a legal framework for sterilisations.

In 2010, the government launched its National Contraception and Fertility Planning Policy and Service Delivery Guidelines Contraceptive Policy Guidelines after a two-year consultation process. This policy moves away from a ‘population control’ approach towards increasing women’s access to quality health services and to an emphasis on providing them with choice. The Guidelines set out
three policy objectives:

- To remove barriers that restrict access to contraceptive services
- To increase public knowledge of clients’ rights, contraceptive methods and services
- To provide high quality contraceptive services.

Given that there are no laws to address other aspects of family planning, this is scored a 1.

DEVELOPMENT OF A PLAN

Given the need for integration of contraceptive use to other issues like HIV prevention, protection of mothers etc., the plans signify behavioural interventions which include a range of activities designed to encourage people to change behaviours that increase the protective behaviours. The key activities include:

- Delaying sexual debut
- Reducing multiple and concurrent sexual partnerships
- Challenging gender norms that drive risky sexual behaviour
- Promoting correct and consistent use of male and female condoms
- Increasing the population’s knowledge of their HIV, STI and TB status.

The plans also indicate the following interventions.

- Maximise availability of male and female condoms through distribution in health facilities and non-traditional outlets
- Expansion of MMC as part of male sexual and reproductive health programmes
- Develop and implement a national Social and Behaviour Change Communication strategy with a specific focus on key populations to increase demand and uptake of services and promotion of positive norms and behaviours.

This is thus scored a 2.

TARGETS

The following targets have been put in place for contraceptive use.

- Condoms for 1 billion males for 2015/16
- 22 million females for 2015/16
- Expansion of MMC to 1 million males 2015/16
- Increase of uptake and demand of services and promotion of positive norms and behaviour to reach 90 percent of key population.

Given the lack of detail in the plans, this is scored a 1.

INSTITUTIONAL MECHANISM

One of the key objectives for the implementation of the contraceptives guidelines is stated as the support of an enabling regulatory, legislative and institutional framework for all levels of care. Therefore, the healthcare system is a central player in this implementation process – this includes in
particular family planning clinics located mainly in community clinics. It is, however, important to note that research into family providers indicates that some providers lack technical knowledge of some methods and thus impede access for some users (Kelner et al, 2010). Therefore, this scores a 1.

**BUDGET**  
1

The overall budget for the year 2012 to 2017 for implementation was R1.255 million for maximising coverage and male condoms and R741 000 for access to female condoms. The expansion of MMC is costed at R2100 million and R665 000 for the increase of demand and uptake of services. It is clear in these respective budgets that female-specific reproductive health is budgeted at lower for males, thus this is scored a 1.

**HUMAN RESOURCES**  
1

No specific stats were found on how capacitated the reproductive and sexual health sectors are as instrumental to enabling the implementation of ensuring that women access contraception. However, research into the sector indicates some challenges (Kelner et al, 2010). This is scored a 1.

**RESEARCH**  
1

Research into contraceptive use is mostly undertaken by universities, with the Wits Reproductive Health and HIV Institute being at the centre of most of these studies. The Department of Health (2009), when they developed the Policy Strategy on Teenage Pregnancy conducted a review of South Africa’s research and interventions. Another report on teenage pregnancy was conducted by the Department of Basic Education (2009). The broad principles of these reports were for the adoption of a nuanced and critical approach to understanding adolescent pregnancy and the adoption of a human-based approach that underlines much of the South African legislation and policies with respect to youth sexuality and reproductive health. The last Demographic Health Survey (DHS) was conducted in 2003 and national statistics on contraceptives use, unmet needs for family planning are outdated. However the 2016 DHS is being planned and conducted by NDOh, StatsSa and MRC.

Given the significance of family planning for women’s access to freedom to choose, limited research on this is thus scored a 1.

**INVOLVEMENT OF CIVIL SOCIETY**  
1

There has been considerable involvement of civil society in respect of research and policy in the area of women’s health. For example, the national strategy for the control and management of STIs was introduced in collaboration with a broad spectrum of stakeholders, including academic and research institutions, NGOs and private initiatives. This is scored a 1 because civil society struggles with funding.

**INFORMATION AND DISSEMINATION**  
1

Information on male condoms is more readily available as compared to information on the female condoms. Information is also not easily available for many other methods of contraception. This therefore scores a 1.

**MONITORING AND EVALUATION**  
1

Progress in most of the targeted areas for contraceptive use is easy to collect through administrative data collected by clinics and other health organisations. However, there is a need for specific monitoring and evaluation on an ongoing basis. This is therefore scored a 1, since it can do with improvement.
CAPACITY ENHANCEMENT

In collaboration with the UNFPA and the World Health Organisation, the DoH reviewed the guidelines for contraception and for screening cervical cancer, conducted capacity-building activities among healthcare workers to implement sexual and reproductive health policies, and training of health workers on new family planning methods (implants).

ACCOUNTABILITY/TRANSPARENCY

The department ensures that publication in relation to family planning/contraception is available to the public in different languages.

The DoH ensures that circulation of relevant documents is supported by facilitated conversations to better communicate and engage with all those involved. This health impact and evaluation unit play an important role in providing the necessary public health intelligence, including guidance based on local and international research, to demonstrate which interventions are most cost effective.

SAFE ABORTIONS

South Africa reformed the abortion law in order to improve the health of women and prevent deaths among them. It is arguably one of the most significant steps in respecting the rights of women to choice and to bodily integrity. The Choice on Termination of Pregnancy Act, 1996 represents a departure from the past where women were regarded as minors irrespective of their age or marital status. It also represents a departure from the philosophy that the doctor would always know what is best, and make a decision based on his or her judgment. Access to safe pregnancy termination is easier, and maternal deaths from illegal abortions, though still occurring, are reduced (Mhlanga, 2003).

Before the enactment of the Choice on Termination of Pregnancy Act, abortion was governed by the Abortion and Sterilization Act, 1975, which only allowed abortions when the woman’s mental or physical health was seriously threatened, or where there was a likelihood that the child would be born with a severe handicap, or the pregnancy was the result of rape or incest. It required the approval of two doctors independent of the one performing the abortion, and in some cases also of a psychiatrist or a magistrate (Guttmacher et. al., 1998).

The Choice on Termination of Pregnancy Act was introduced in the first post-apartheid parliament. It implemented the statement in the governing African National Congress’s policy framework that “every woman must have the right to choose whether or not to have an early termination of pregnancy according to her own beliefs.” Although it was requested that Parliament members be allowed to vote according to their personal beliefs, the ruling party ruled that its own members may not vote against the Act, and it was passed by 209 votes to 87 (5 abstained, 99 were absent). It came into force on 1 February 1997 (Guttmacher et al., 1998).

With the political liberation of South Africa in 1994, it was imperative that laws should start responding to the needs of the majority, and women were among those who needed their human rights respected, protected and promoted. South Africa started responding to the reproductive health needs of women by tackling one of the most contentious issues, abortion. South Africa was responding to the recommendations of the International Conference on Population and Development and CEDAW (Mhlanga, 2003).

Since the legalisation of abortion in 1996, the number of unsafe abortion-related deaths has decreased by as much as 90 percent (Hoffman et al. 2006; Mbele, 2006). Nevertheless, there are still
serious challenges nationwide on the implementation of the Choice on Termination of Pregnancy Act. Most notably, the Act has had no impact on decreasing the rate of illegal abortions taking place in South Africa (Meel, B. et al. 2009).

RATIFICATION
Not applicable.

REPORTING
Not applicable.

LAW
The right to reproductive health care is an internationally recognised human right and should be secured through legislation. The South African Constitution (1996) provides a broad framework for the protection and promotion of reproductive rights and health, especially Sections 12(2) (a) and (b), and Section 27(1) (a). According to these provisions, all South Africans have the right to make reproductive decisions, the right to security in and control over their bodies, and should have access to reproductive healthcare services.

The Choice on Termination of Pregnancy Act, 1996 (Act No. 92 of 1996) (“the Act”) is the law governing abortion in South Africa. It allows abortion on demand up to the 12th week of pregnancy, under broadly specified circumstances from the 13th to the 20th week, and only for serious medical reasons after that. The Act has been described by the Guttmacher Institute as “one of the most liberal abortion laws in the world” (Althaus, 2000).

The Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007), further amended the Choice on Termination of Pregnancy Act, 1996 by updating the definitions of ‘rape’ and ‘incest’, making these statutory instead of common law crimes.

The Choice on Termination of Pregnancy Amendment Act, 2008 (Act No. 1 of 2008), also amended the Choice on Termination of Pregnancy Act, 1996 with effect from 18 February 2008. These amendments further amended definitions, devolved power in relation to making of regulations, relaxed registration requirements for some facilities, provided for records, and related matters. These different laws have been defined as progressive, this thus scores a 2.

POLICY
The 10-year policy entitled Sexual and reproductive rights and health: Fulfilling our Commitment 2010-2021 provides for the delivery of integrated sexual and reproductive health services as part of the primary health-care approach within a district health system. The concept of ‘sexual and reproductive health and rights’ takes as its starting point the Department of Health’s commitment to the provision of integrated responses in prevention, treatment and care. It aims to bring together the different components that are often organised separately with separate names, such as ‘maternal and child health’, ‘family planning’ and ‘sexually transmitted infections’ because they all relate to each other, and were central to the achievement of the MDGs. The Policy, Sexual and Reproductive Health and Rights: Fulfilling our Commitments clarifies the rights and responsibilities of health service managers and providers, ensuring quality services at every level of care. The population policy for South Africa (1998) is also central to facilitating safe abortions.

The National Adolescent Sexual and Reproductive Health and Rights Framework Strategy 2014–
The African Gender Development Index (AGDI)
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2019, is also important for access to safe abortions for young people. This is therefore scored a 2.

DEVELOPMENT OF A PLAN

In partnership with relevant stakeholders, the national DoH had developed a National Strategic Plan for the improvement of termination of pregnancy service delivery in South Africa (2004) with the overall goal to provide women with acceptable, accessible, affordable, cost effective, safe and user-friendly termination of pregnancy services that are located within a comprehensive and integrated reproductive health system. However, these plans are not detailed, so this is scored a 1.

TARGETS

According to the DoH, a total of 77,771 legal abortions were performed in South Africa in 2011, which indicated a 31 percent increase since 2010. The province with the highest abortion rate is the Free State, where 21,994 abortions were performed during 2011, followed by 12,138 in the North West and 11,239 in Gauteng.

Even though two-thirds of sexually active women in South Africa use contraceptives to prevent unplanned pregnancy, almost 90,000 abortions were performed in government clinics and hospitals in the 2012-2013 financial year, almost 20,000 more than the previous year. We were unable to find specific plans; thus this is scored a 1.

INSTITUTIONAL MECHANISM

The National Directorate for Maternal Child and Women’s Health is responsible for the implementation of the Act. Clinics and hospitals across the country are also well placed to perform safe abortions; however, not all of them might have the appropriate expertise and resources. This therefore scores a 1.

BUDGET

Sexual and reproductive health interventions include contraceptive information services, safe termination of pregnancy, and reproductive health education and services. According to the DoH’s annual report 2013-2014, a budget of R11,036,505,000 (i.e. R11,036bn) for the HIV and AIDS, TB and maternal, child and women’s health. Given that this budget is not disaggregated this is scored a 1.

HUMAN RESOURCES

In South Africa, as in many other countries, gynaecological procedures are performed by trained doctors only. Doctors are trained to perform termination of pregnancy as part of their competencies during their internship year. However, it was necessary to equip nurses to perform the pregnancy termination, as there are very few doctors in the rural areas. The demand for the service would also increase, thus overwhelming the available resources (Mhlanga, 2003). This is therefore scored a 1.

RESEARCH

The 1996 Choice on Termination of Pregnancy Act, 1996 (Act No.92 of 1996) was put forward as a result of research evidence. Health workers provided inputs on the likely positive impact of easier access to safe termination of pregnancy services (Mhlanga, 2003). Given continued challenges and new technologies it was also necessary to look at newer and easier ways to conduct abortions so that the service could be provided at primary healthcare level. An advisory group of practitioners

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89 http://www.ngopulse.org/newsflash/abortions-increase-south-africa
90 http://www.ngopulse.org/newsflash/limited-access-contraceptives-increases-abortion
was constituted to carry out these functions. They looked at, among other things, the appropriate route for administration and the recommended dosage of misoprostol (Mhlanga, 2003). There is, however, a need to continue doing more research in the area. This is scored a 1.

**INvolvement of Civil Society**

The South African state in partnership with the non-governmental sector, conducted abortion values clarification workshops. These workshops were piloted prior to the promulgation of the Choice of Termination of Pregnancy (CTOP) Act by the Planned Parenthood Association of South Africa (PPASA) which ran seven workshops in the Cape Town Metropolitan Area attended by some 110 nurses, doctors and paramedics (Engelbrecht, 2005). After the Act was passed countrywide the abortion values clarification workshops were run by PPASA in association with the Reproductive Health Research Unit and the Reproductive Rights Alliance. A further set of workshops were run in Limpopo Province jointly by Ipas91 and the Department of Health. The aim of the workshops was to ‘educate health workers on the new abortion law; promote non-judgemental attitudes towards abortion; and to encourage health workers to treat women seeking abortions with dignity and respect (Engelbrecht, 2005). Given the important work of civil society this is scored a 2.

**INFORMATION AND DISSEMINATION**

Information on safe abortion is available for private providers like Marie Stopes. However, there is a need to broaden awareness about public provision of these services.

Marie Stopes, endorsed by three organisations (Sex Worker Education and Advocacy Task Force, Wish Associates and Ipas) began a flyer distribution campaign in terms of which 500 000 flyers, warning of the danger of illegal abortion providers, are being handed out in 33 districts across the country. They serve to remind women that they are legally entitled to access abortion in South Africa, according to the Act and to advise them against visiting unsafe, illegal abortion providers and to opt for a legal provider instead.

This therefore scores a 1.

**MONITORING AND EVALUATION**

The DoH is responsible for the accurate collection of service statistics and routine monitoring and evaluation at different state healthcare facilities. Regular monitoring of outputs and outcomes on a quarterly basis against the targets of the annual performance plan is strengthened.

Most research initially conducted after the implementation of the new abortion legislation focused on monitoring and evaluating abortion services, commissioned by the National Department of Health and undertaken by local and international NGOs such as the Reproductive Rights Alliance, Ipas, the Women’s Health Project and the Reproductive Health Research Unit. This is thus scored a 1.

**Capacity Enhancement**

The DoH provides services for the termination of pregnancy. These services are performed by a registered professional nurse or registered doctor in a specifically designated facility such as a clinic. Doctors and nurses who perform abortions are registered with the Healthcare Professions Council of South Africa and must have received special training to perform abortions. A ‘designated facility’ is one that has been accredited by the DoH, and safe, legal abortions are only available at designated facilities. This scores a 2 as specifics are provided for these services to be possible.

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91 Ipas is a global nongovernmental organisation dedicated to ending preventable deaths and disabilities from unsafe abortion.
ACCOUNTABILITY/TRANSPARENCY

The DoH is responsible for ensuring safe abortion in the country. The health minister has signed a delivery agreement with the presidency and also reports to the health committee in Parliament on all health-related matters. Information on the departmental programmes, projects, activities and budgets are available in the annual report and strategic plans.

The DoH’s website provides information on how to access free abortion services. The DoH is aware that not all health workers are willing to be involved in this service, but they are obligated by law to inform the client of her rights and must refer the client to a health worker or facility where she can get the service. This scores a 1 as access to information and transparency is usually deterred by those who hold different views.

EDUCATION: POLICY TO PREVENT AND PROTECT FEMALE DROPOUTS

Progress in education of the girl child in South Africa in particular has been impeded by the high rates of school dropout, at high school level in particular. See Chapter 2. This has implications for the eradication of extreme poverty and hunger, improving the health of children and mothers, achieving gender equality and the empowerment of women. South Africa has also developed flexible school policies regarding pregnancy; however, the effective implementation of such policies is hampered by inconsistent implementation.

RATIFICATION

Not applicable.

REPORTING

Not applicable.

LAW

In order to align already existing laws with current imperatives towards the protection of women and girl’s education, the Basic Education Laws Amendment Act no 15 of 2011 has revised the following Acts and incorporated relevant aspects of them.

- The Basic Education Laws Amendment Bill, 2011
- The Basic Education Laws Amendment Bill amends specific provisions of the following legislation:
  - South African Schools Act, 1996

All these take into account the positioning of the girl child and try to account for her dropout rates. However, what has not been accounted for in law is the high dropout rates of boy children in high school. This is therefore scored a 1.

POLICY

In relation with school policies on learner pregnancy and the discrimination and victimisation that girls are facing, the good news is that teenage pregnancies have been on the decline as a result of multiple policies that have been put in place for girls and women. These include:

- Measures for the Prevention and Management of Learner Pregnancy, 2007 – the challenge
with this measure, however, is that it advocates for an up to two-year waiting period before girls can return to school in the interest of the rights of the child.

- Family planning policy
- Policies on Termination of pregnancy,
- Policies on life-skills education in schools
- The Choice on Termination of Pregnancy Act, 92 of 1996
- The Admission Policy for Public Ordinary Schools requires the norm of repetition at one per school phase, effectively allowing learners to complete a 12-year schooling career in 16 years.

Although the policies are in place, the challenge is with equitable access. Research on women’s rights suggests that the rural areas do not have the same access and policies are not seen the same in rural and urban areas as a result of inequitable access to resources. Therefore, this is scored a 1.

DEVELOPMENT OF A PLAN

The action plan ‘Towards the realisation of Schooling 2025’ provides a high-level statement of how government plans to reach ‘Improved quality of basic education’. Its purpose is both to provide specific guidance in the preparation of provincial plans and national plans that speak to teacher development, curriculum planning, school funding and infrastructure. It also provides reflections on best practices. The main focus of the action plan is currently on the 25 000 schools known as public ordinary schools and the 418 public special schools.

The Department of Basic Education in its Annual Performance Plan for 2013-2014 indicated that it intends to finalise regulations on learner pregnancy in 2015. It indicates that once introduced, national regulations should require that school pregnancy policies ensure minimal disruption to pregnant learners schooling, that learners are allowed to stay in school for as long as they are willing and able, and are allowed to return to class as soon as they feel fit.

The Girls and Boys Education Movement (GEM/BEM) was first launched in South Africa in 2002, and formalised as a national programme in 2003. It is an international movement operating in many other countries in the world. The movement operates through the GEM/BEM clubs in public schools. These are school-based clubs made up of learners who are committed to the promotion of human rights, dignity for all, as well as mutual respect between girls and boys as well as providing social support for learners, skills development, academic and environmental care. The Girls Education Movement (GEM) and the Boys Education Movement (BEM) are ongoing programmes that the department have developed in partnership with UNICEF, catering for the learners’ psycho-social needs through using life orientation as a platform for implementation. GEM is now part and parcel of the government’s strategy for girls’ education and is a nationwide programme.

TARGETS

We were unable to find specific targets related to dropouts. However, according to the Action Plan – Towards the Realisation of Schooling 2025 – there is an intention to retain about 60 percent of learners between Grades 9 and 12.

INSTITUTIONAL MECHANISM

School governing bodies and the DoH in general deal with teenage pregnancy. No specific institutional mechanisms have been put in place to address the challenge of girls’ dropout rates in general (Ladbroke, 2009). This therefore is scored a 1.
BUDGET
We were unable to locate a budget specific to this issue.

HUMAN RESOURCES
Educators are available; however, with regard to school dropouts resulting from teenage pregnancy in particular, research finds that educators are usually negative, and too hard on the girls. This lack of support in terms of human resources means government is not doing well on this, thus it is scored a 1.

RESEARCH
A relevant study was undertaken by the HSRC as requested by the Department of Basic Education on teenage pregnancy in South Africa, with a specific focus on school going learners in 2009. Early in 2015 there were also media reports on the high school dropout rates in South Africa, but these discussions were not focusing directly on girls but on both boys and girls as statistics on dropout rates indicates significant dropout rates for both (See Chapter 2). The score of 1 is given as there is a need for qualitative research on what the high dropout rates mean.

INVOLVEMENT OF CIVIL SOCIETY
The school governing bodies play an important role in dealing with dropout rates and other related issues. However, these bodies are differentially empowered given the geographic socioeconomic inequalities; this then is scored a 1.

INFORMATION AND DISSEMINATION
Available information also shows that the department has put in place measures to incorporate gender mainstreaming into the curriculum. The aim is to change the mindset of boys and girls at an early age as part of early socialisation. However, more information could be provided to facilitate broad awareness, which is why this is scored a 1.

MONITORING AND EVALUATION
The National Education Evaluation Unit is one of the mechanisms established to improve education. The body’s role is to ensure that the schooling system is effectively monitored and evaluated.

Through the use of school administrative data, the DoE is able to collate data on school enrolments and dropouts. See Chapter 2. We also found that this data is disaggregated by gender and an annual departmental report provides these stats and an analysis to try and explain the reasons for the dropout rates. This is thus scored a 2.

CAPACITY ENHANCEMENT
South Africa has improved access to early childhood development and there is growing research knowledge in the area to demonstrate that children, who have experienced ECD interventions, or minimum pre-primary schooling, are better achievers at school than those who have not experienced ECD interventions or minimum pre-primary schooling.

Strong legislative framework and policies that encourage children of school going age to attend school regardless of their social or economic status are being implemented to increase the participation of children in school. Policies such as the no-fee school policy and school fee exemptions are designed to encourage participation in primary and secondary education. These policies apply to all eligible children attending primary and secondary schools. These policies have
been accompanied by intensive staff development programmes for teachers in order to improve their skills and ability to identify learners with learning disabilities and those who are at risk of dropping out of school.

On another hand the Ministry in the Presidency Responsible for Women, the Department of Basic Education, UNICEF, the State Information Technology Agency and Uweso Consulting have partnered to implement the Techno-girls programme. Techno-girls further builds on and supports the values of girls’ education movements in that it aims to tap into the value of young women and allows them to excel in the previously male-dominated fields of science and technology. It creates a platform for young girls to gain experience as interns in companies and organisations that could support their growth and development in these areas. Techno-girls therefore become the vehicle to realise the values of independence and girls’ rights to achieve their maximum potential in every social arena of their choice.

The Department of Basic Education, in partnership with UNICEF and other stakeholders is implementing the ‘keeping girls in school’ programme across South Africa by distributing sanitary towels and providing puberty education to empower girls to stay in school.

ACCOUNTABILITY/TRANSPARENCY

The Department of Basic Education has a responsibility to account for all children of school going age, whether they attend school or not. The Minister of Basic Education has signed negotiated delivery agreements with the president to measure and monitor performance. The minister also reports to the portfolio committee on education in Parliament. The government has established a ministerial portfolio on performance monitoring and evaluation where all departmental programmes, projects and reports are assessed.

EDUCATION ON HUMAN/WOMEN’S RIGHTS

The South African government is obligated by the Constitution and international standards like CEDAW to ensure that it puts policies and programmes in place to guarantee education for all. Education is both a human right in itself and an indispensable means of realising other human rights. The South African government has demonstrated its commitment by reporting periodically to different committees.

RATIFICATION

South Africa ratified the CRC on 16 June 1995.


REPORTING

Under article 44 of the CRC, state parties are required to submit an initial report within two years of ratification of the Convention and thereafter submit periodic reports every five years. Consequently, in line with article 44, it submitted its initial report to the CRC Committee on 4 December 1997.

The second, third and fourth periodic reports were therefore due in 2000, 2005 and 2010 respectively. The reports were overdue but the South African government has taken steps towards the preparation of these reports (as a combined second, third, and fourth periodic report spanning 1998 to 2014).
The country did submit a report to the CRC Committee in 2014.

At the end of October 2013, the South African government submitted its initial report before the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) while a delegation of civil society representatives submitted a ‘complementary’ or ‘shadow’ report.

South Africa released a report in 2011 on the implementation of the SADC Protocol titled South African Country Report: Progress on the implementation of the Regional Education and Training Plan. Furthermore, South Africa reports periodically on the international instruments reports, i.e. CEDAW, MDG and BPA, and ACRWC.

LAW

Laws on Education are substantial in South Africa. They include:

- The Basic Education Laws Amendment Act 15 of 2011
- The Basic Education Laws Amendment Bill amends specific provisions of the following legislation:
  - South African Schools Act. No. 84 of 1996:
  - South African Council for Educators Act, 2000
  - The Higher Education Act, 1997

This is scored a 2.

POLICY

South Africa has a number of policies for facilitating rights to education. However, they are not necessarily focused on the rights of women or girl children. They include:

- National Education Policy Act No. 27 Of 1996 – Admission Policy for Ordinary Public Schools
- Accelerated Schools Infrastructure Delivery Initiative Disbursement, Professional and Management Fee Policy and Procedure
- Improving access to free and quality basic education to all
- National Policy on an Equitable Provision of an Enabling School Physical Teaching and Learning Environment,
- Policy Document on Adult Basic Education and Training
- Policy on Learner Attendance
- Regulations relating to minimum uniform norms and standards for public school infrastructure
- Rights and responsibilities of parents, learners and public schools: public school policy
Given that these policies are not specific to women’s rights to education this is scored a 1.

DEVELOPMENT OF A PLAN

The National Development Plan (NDP towards 2030) argues that quality early childhood development, basic education, further and higher education are required to build national capabilities, and proposes urgent action to improve the quality of the education system. Early childhood development should be provided to all children and be broadly defined, taking into account all the development needs of a child. The priorities in basic education are human capacity, school management, district support, infrastructure and results-oriented mutual accountability between schools and communities. Further Education and Training colleges, public adult learning centres, sector education and training authorities, professional colleges and community education and training centres are important elements of the post-school system that provide diverse learning opportunities.

The sector plan, Action Plan 2014: Towards the Realisation of Schooling 2025, produced by the Department of Basic Education, reiterates many of the priorities outlined in the NDP.

TARGETS

In 2010, the government announced that 60 percent of learners should attain a basically acceptable level of performance in literacy and numeracy by 2014. However, the challenge with this is that it failed to speak to the rights of women to education. This is then scored a 1.

INSTITUTIONAL MECHANISM

The DoE is the main custodian for education in South Africa. The following organisations also play an important role in the SA education landscape.

- A Gender Equity Task Team was appointed in 1996 to mainstream gender into education.
- The Committee on the Rights of the Child.
- The Department of Basic Education.

Gender mainstreaming in these institutional arrangements remains a challenge, therefore this is scored a 1.

BUDGET

It is not clear how the education budget is gender responsive.

HUMAN RESOURCES

Even though the education sector is primarily female, the patriarchal nature of the country influences how education is accessed and this is seen in the disparities in the labour market. Even though women enter higher education institutions in large numbers (See Chapter 2), they are in low income jobs and hold less positions of leadership. This is also a result of the challenges in gender mainstreaming in both government and the private sector. This thus scores a 1.

RESEARCH

A number of important studies have come out to indicate the challenges with regard to access to education. The following have been useful.
A study by Calderhead (2011) was conducted in 2011 on the right to adequate and equal education in South Africa, based on an analysis of s. 29(1)(a) of the South African Constitution and the right to equality as applied to basic education. The study was conducted on behalf of two non-governmental organisations, SECTION27 and EQUAL EDUCATION.

The HSRC’s research on Gender inequalities in education in South Africa, amongst other findings highlighted that the prevalent bureaucratic systems in place within the DoE, as well as the financial constraints faced by the department, have constrained the effective implementation of policies and programmes intended to address gender inequalities. This is scored a 2.

INFORMATION AND DISSEMINATION

Initiatives that are supported by the government such as the National Adult Learners Week and International Literacy Day are important in ensuring that education and literacy in South Africa are still prioritised. The DoE holds national seminars, workshops for both teachers and learners across different provinces. These do not necessarily speak to the rights of girls and women to education specifically; therefore, this is scored a 1.

ACCOUNTABILITY/TRANSPARENCY

The education ministers (DBE and DHET) have signed negotiated delivery agreements with the president to measure and monitor performance. The ministers also report to the portfolio committee on education in parliament. The government has established a ministerial portfolio on performance monitoring and evaluation where all departmental programmes, projects and reports are assessed.

A key accountability instrument of the DBE is the annual national sector review. It is in the annual report that the national department must explain what progress was made against the Action Plan and how problems and bottlenecks should be addressed. However, what is mostly reported at national level is the Grade 12 exam outcomes. Other than that, information on other education deliverables is not publicly reported on, thus this is scored a 1.
CHAPTER 5: ECONOMIC POWER

ILO CONVENTIONS

This chapter provides an evaluation of the progress made by government with regard to advancing women in the workplace. In the SA 2005 AGDI report it was concluded that much had been achieved at policy and legislative levels and with regard to institutional mechanisms for implementation. The challenges were mainly with regards to the availability of monitoring and evaluation information and disaggregated data.

In October 2001, the ILO launched the first series of ground-breaking participatory gender audits in accordance with the ILO Gender Mainstreaming Policy. This was the first exercise of its kind to be introduced in the United Nations system. The objective of these gender audits was to promote organisational learning on how to implement gender mainstreaming effectively in the policies, programmes and structures of the institution, and to assess progress made in achieving gender equality. The departments have utilised this ILO auditing tool to establish their level of gender equality within the respective organisations. These audits further contribute to enhancing individual and joint efforts to promote gender equality in their various interventions.

An ILO Participatory Gender Audit Manual guides the audit by addressing the following 12 key elements.92

- Current gender issues, debate and relationship to the NGM
- Mainstreaming as a cross-cutting concern within the institution’s objectives, programme and budget
- Mainstreaming in implementation of programmes and technical cooperation activities
- Existing gender expertise and competence
- Information and knowledge management on gender issues
- Systems and instruments in use for accountability, evaluating and monitoring gender equality
- Choice of partner organisations
- Advocacy products and public image
- Decision-making on gender mainstreaming
- Staffing and human resources concerning gender balance and gender-friendly policies
- Organisational culture and its effects on gender equality
- Perception of achievement on gender equality.

The findings in this chapter echo those of the 2005 report. However, it goes on to show that gender equality in work is still a long way from being achieved. An important study by Orr and Melees (2014:31-2) captures some of the challenges in the following ways.

- Women’s share of employment has risen, but men still form the majority of the employed.
- African women and black women in general are least likely, of all women and men, to be in paid employment.

• They are most likely to be counted as ‘economically inactive’ meaning that they have never had a paid income of their own, nor are they seeking one.

• The growth in women’s employment has not reflected an improvement in the quality of jobs and economic position of women.

• The new areas of employment for women have tended to be insecure, with increased flexibility, low pay and low status, thus the ‘feminisation’ of work has been accompanied by declining quality of jobs, pay and working conditions.

• Unemployment remains high for women, young African women in particular; in fact, there was an increase in unemployment rates in the first decade of democracy, and while this has since tapered off, there are still not enough new jobs being created to make much of a dent in the levels of unemployment.

• African women are still clustered within the lowest income groups.

• Women in general, and African women particularly, continue to occupy jobs associated with ‘women’s work’ and the gendered division of labour in the home, such as domestic work, cleaning, nursing and teaching.

The sections that follow measure progress with regard to the standards found in ILO conventions.

• Convention 100 – Equal Pay

• Discrimination

• Maternity rights

• HIV and AIDS.

CONVENTION 100 – EQUAL PAY

Convention 100 calls for positive measures to promote the objective appraisal of the job on the basis of the work performed. It puts forward the notion that remuneration should not be based on discrimination by sex. It also deals with basic or minimum wages as well as any additional emoluments that arise out of the employees’ work, payable in cash or in kind to the employee directly or indirectly by the employer.

The concept of equal pay for equal work should be understood in a context of continuing gender inequality in the workplace. It should thus be understood to imply that, ‘women employed in traditionally female-dominated environments, whose work has the same value as that of men working in traditionally male-dominated environment. The men and women should earn similar remuneration, despite different role descriptions.93

RATIFICATION

The Convention was ratified on 3 March, 2000 by the South African government.

REPORTING

Reporting is compulsory and is expected annually in line with article 22 of the ILO Convention.

LAW

This convention is largely applied through the Employment Equity Act, 55 of 1998 and the Basic


In order to avoid exploitation of workers and ensure decent work amendments to the Labour Relations Act and the Basic Conditions of Employment Act came into effect from January 2015. The changes to these Acts are also intended for the protection of employment relationships, introduce laws to regulate contract work, subcontracting and outsourcing, address the problem of labour broking and prohibit certain abusive practices that come with labour broking. The amendments also make provision for the protection and cover of vulnerable workers. The changes are also intended to improve the functioning of the Commission for Conciliation Mediation and Arbitration (CCMA), and to fulfil SA’s obligations to the ILO.

An important consideration with regard to Law is linked to issues of minimum wages for vulnerable workers. Although SA does not have a statutory minimum wage the Basic Conditions of Employment Act allows the Minister of Labour to set minimum terms and conditions of employment, including Minimum Wage for vulnerable workers. Vulnerable workers include domestic workers, farm workers, contract cleaning, private security sector, wholesale and retail, farm worker sector, forestry sector, taxi sector, learnerships, and children in the performance of advertising, artistic and cultural activities. According to StatsSA most women are found in these vulnerable sectors (see Chapter 2). An important point to note thus is that research into minimum wages shows that both compliance and enforcement of sectoral minimum wage laws in South Africa was weak (DPRU, 2010). This might explain why, unlike in the agricultural sector, minimum wages in other sectors in South Africa have not had a negative effect on employment (Bhorat, H. & Mayet N., 2011). These are comprehensive laws that deal with equal pay.

POLICY COMMITMENT

The SA Constitution is the overarching legislation in respect of unfair discrimination. It calls for fair labour practices in terms of section 23. Section 9 of the Constitution also makes provision for equality, which an employee may raise in the event of an equal pay dispute.

It is, however, important to note that in August 2014 the amendments to the Employment Equity Act came into effect. An important amendment to this Act is the section that deals with work of important value. It deals with unfair discrimination by an employer in respect of wages and other terms and conditions of employment of employees doing the same or similar work or work of equal value. A differentiation in wages based on a ground envisaged by the Act will be deemed as unfair discrimination unless the employer can show that differences in wages or other conditions of employment are in fact based on fair criteria such as experience, skill, and responsibility. This is an important move as initially the EE Act had not expressly included unequal pay provisions.

Given these changes and the Constitution, this scores a 2.

DEVELOPMENT OF A PLAN

The Draft Code of Good Practice on Equal Pay for Work of Equal Value, although not a plan, provides guidelines to workers and employers on how to apply the principles of equal remuneration. Even though there were unable to find any plans, there are however several mechanisms for addressing unequal pay, these are found in the:

- Employment Equity Commission (EEC)
- Employment Conditions Commission (ECC)
- The Equity Directorate.
The African Gender Development Index (AGDI)
SOUTH AFRICA COUNTRY REPORT 2015
Commission for Gender Equality

TARGETS
Given the lack of plans we were unable to find any targets on this.

INSTITUTIONAL MECHANISM
Mechanisms for claims of unequal pay are in place. Claims of unfair sex/gender discrimination based on unequal pay can be heard by the CCMA and the Labour Court as well as the Equality Courts. However, as illustrated by research, enforcement and monitoring on equal pay practices could be strengthened (DPRU, 2010). This is scored a 1.

BUDGET
We were unable to find specific budgets for this particular indicator. However institutional budgets for the CCMA and the courts could be argued to be budgets for the enforcement of equal pay imperatives. For example, the CCMA received a budget increase of R607 million to take account of the amendments in the EEA and the BCEA.

Although there is an acknowledgment a budget overall for complaints, there is no data found that deals with how much is located to gendered unequal pay cases.

Therefore, this scores a 1.

HUMAN RESOURCES
Although the staff components of the CCMA, the labour court and the Department of Labour are at the forefront of handling inquiries, cases and disputes relating to discrimination and employment equity. It is not clear with the amendments how the staff complements will be affected and whether there are any plans to employ more people with a specific focus on gendered pay inequalities. This is thus scored 1.

RESEARCH
The amendments in the different laws are derived from research evidence. The 2010 Development Research Unit (DPRU) study on Addressing the Plight of Vulnerable Workers, looks at minimum wages as experienced in vulnerable sectors, and indicates the challenges with compliance and enforcement.

Although studies on gender and inequalities in pay are limited the Time Use Survey (2010) illustrates how work is distributed in a gendered way, showing us how women continue to spend more of their time in unpaid activities as compared to men.

Although the 2011 StatsSA Gender Statistics Report indicates that there is very little difference in the proportion of women and men who are involved in both market and non-market economic activities (i.e. 7.1 percent for women and 6.0 percent for men), the report fails to provide indications on the continuing wage inequality experienced by women and black women in particular.94

INVolVEMENT OF CIVIL SOCIETY
The SA government is generally open to civil society participation. Again, the role played by trade unions in wage determination is an important marker of civil society participation. The challenge,

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Research indicates that the private sector continues to pay white men nine times more than black men and white women nine times more than black women respectively. There is however a continued and consistent indication that black women, on average, are the lowest paid workers (Ledwith & Munakwame, 2014) Gender regimes and inequalities in labour markets, pay and trade union leaderships – the case of South Africa. Paper presented at 9th Global Labour University Conference Inequality within and among nations: causes, effects and responses. 15-17 May 2014. Berlin School of Economics and Law, Germany.
however, is that most trade union negotiators are men, therefore their wage negotiation strategies might be limited in representing issues specific to women (Karamessini & Loakimoglou, 2007). Research suggests that bargaining processes are masculinised as a result of the longstanding shared understanding between the mainly male trade union negotiators and employers about the culture and workings of the bargaining process is at the heart of gender power relations, working to exclude and marginalise gender agendas.95

There is a need for a more structural involvement of civil society with a significant representation of women. As a result, this scores a 1.

INFORMATION AND DISSEMINATION

The available information is still not gender specific.

MONITORING AND EVALUATION

The different Acts calls for constant monitoring and evaluations. For example, the BCEA allows for the Department of Labour to keep records of applications where the minister of labour is required to make a determination in order to replace or exclude any basic condition of employment provided for in the act or a sectoral determination. Although these applications might not necessarily be on gendered pay inequality, they provide data for understanding how these laws are interpreted and enforced.

Again the amendment process could be argued to be an important indicator of policy review, which is a monitoring and evaluation activity.

On a more constant basis the Household Survey and Labour Force Survey play the functions of monitoring. The EEA also requires that employers report on pay and benefits to employees. This data could then be used to evaluate compliance or non-compliance with the Act in general. The challenge is however that these processes are not put in place to monitor and evaluate the gender pay gap. Therefore, this scores a 1.

CAPACITY ENHANCEMENT

Productivity South Africa aims to develop and enhance productive capacity in South Africa by continuously improving labour practices. It works to build institutional capacity through sound project management skills, and through developing working relationships with other government agencies.

ACCOUNTABILITY/TRANSPARENCY

The Department of Labour is the custodian department for the issues of labour in the country. As a result, this is the department that is obliged to ensure compliance in terms of the implementation of ILO Conventions. The leadership of this department consists of 11 members led by the minister who accounts to Parliament.

The department is transparent with regard to its budget allocation as it is disbursed to different segments and targets within the department to drive the department agenda. The breakdown of how the budget is used is clearly outlined within the annual reports. However, with regard to gender, it is not clear how this is distributed.

CONVENTION 111 – DISCRIMINATION

The purpose of this Convention is to ensure that no person shall be discriminated against on the
basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

Racial and sexual discrimination perpetuates income inequalities, stifles development, productivity and competitiveness in the workplace, and ignites political and economic instability.

This Convention requires each member for which this Convention is in force to pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating all forms of discrimination. The South African Constitution is central in pursuing the imperatives of this.

RATIFICATION

The Convention was ratified on 5 March, 1997 by the government.

REPORTING

South Africa reported on this Convention and is due to submit the ILO Convention 111 Regular report in 2017.

LAW

The South African government has in place the following laws that address forms of unfair discrimination. These are:

- The Employment Equity Act No. 55 of 1998
- The Basic Conditions of Employment Act (no.75) of 1997
- Skills Development Act (no. 97) of 1998

The amendments to the BCEA and the Labour Relations Act are all in line with making sure that gendered discrimination is checked and addressed effectively. It sets up a framework to ensure the development of skills and equal access to training. This thus scores a 2.

POLICY COMMITMENT

The South African Constitution Section 9 guarantees the right to equality and permits measures to advance and protect persons who have been unfairly discriminated against in the past. This is a clear indication that the government is committed to anti-discrimination.

Policy standards are also set by the Convention, which is regarded as persuasive in South African law. The Employment Equity Act is also important in creating space to address gender discrimination in the workplace. This is scored a 2.

DEVELOPMENT OF A PLAN

Under the Employment Equity Act, employers are required to compile and implement an employment equity plan, submit statutory employment equity reports, conduct employment equity and diversity awareness training, and compile workforce profiles which are representative of designated employees (Africans, Indians, Coloureds, white women and people with disabilities) amongst the economically active population. To avoid non-compliance penalties from the Labour Court, employers are required to submit progress reports annually.

There have been debates in the media challenging the practices of South African higher education
Institutions with regard to how those who are not necessarily from disadvantaged (that is those who were not necessarily historically excluded from access) are being employed so as to deal with loopholes in the Employment Equity Act, thus evading non-compliance.

**TARGETS**

The EE Act requires individual employers to set their own targets based on issues in their particular workplaces. As a result, this scores a 1.

**INSTITUTIONAL MECHANISM**

The following institutions are in place to implement the requirements of the convention and the law as set up as indicated in the convention.

- CCMA
- The Labour Court – labour inspectors
- Trade Unions and employers
- The Commission for Employment Equity
- Employment Conditions Commission.

The challenge with these institutions is that they are not necessarily set up to address the gendered discrimination in the workplace and given some of the gender mainstreaming challenges in government institutions this scores a 1.

**BUDGET**

The new R607 million budget allocation to the CCMA is a great indicator of moves to improve access to the law. However, it is not clear if there are other significant budgetary allocations to address the amendments and/or to facilitate anti-discrimination in the workplace.

The biggest challenge in SA budgets is lack of a gender budget, thus this scores a 1.

**HUMAN RESOURCES**

The CCMA, Equality Court and the Department of Labour are at the forefront of handling inquiries, cases and disputes relating to discrimination and employment equity. Between 2002 and 2008 the case load for unfair discrimination at the CCMA stood at 5356.96.

Although there is increased budgetary provision with the amendments, it is not clear if these funds will go into human resources for the existing institutions. Therefore, given the historical challenges with compliance and enforcement, the amendments will require tighter controls and thus more capacity from these institutions.

Therefore, without clear indications of plans to increase the capacity this scores a 1.

**RESEARCH**

In 2008 the Department of Labour commissioned the Development Policy Research Unit (DPRU) the Sociology of Work Programme (SWOP) and the HSRC to track the progress on the implementation and impact of the Employment Equity Act. This study makes the following recommendations for

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97 According to a 2015 City Press article the CCMA has received a R607 million budget as a result of the amendments. See http://www.citypress.co.za/business/ccma-gets-work-sexism-racism
the Department of Labour to effectively implement the Act: it has to shift away from a ‘macro approach to a sectoral approach’, where policy interventions are oriented towards addressing equity at industry level. As we showed, labour markets are often sector-specific. The categories used to guide reporting often have little bearing on the specificities of sectors and hence it becomes extremely difficult to compare, say, higher education with agriculture or mining. This would help to establish useful benchmarks at a sector level.98

The annual reporting provided by employers on their EEA plans and implementation is important data and reports on the status of equity on gender, race and disability. However, lack of critical analysis of these reports is a limitation. Again, although new or amended policies derive from research evidence, we were unable to find other studies looking at other sectors and how the EE Act was implemented in those sectors.

INVOlVEMENT OF CIVIL SOCIETY

Civil society continues to be an important player in SA work-related issues. Trade unions play an important role in bringing to the fore issues of discrimination in the workplace.

However, given how gendered trade unions are and their historical undertaking to address racial discrimination in the workplace, their role in advocating for sex/gender discrimination is challenged.99

According to the ILO South African country report (2010-2014), the community constituency’s role is to represent the views of civil society, including local communities, women, youth and people with disabilities, in the NEDLAC participatory process on social and economic issues. NEDLAC is a national social dialogue institution established by an act of Parliament in September 1994. There are representatives from government, business, and organised labour are represented in three Chambers at NEDLAC and they are joined by representatives of civil society, the community, in the Development Chamber of NEDLAC. The community constituency consists of the following CSOs: Women’s National Coalition (WNC), South African National Civic Organisation (SANCO), South African Youth Council (SAYC), Disabled Peoples of South Africa (DPSA), the National Association of Cooperatives of South Africa (NACOSA), and the Financial Sector Campaigns Coalition (FSCC).

INFORMATION AND DISSEMINATION

The Act was publicised using multiple media platforms; however, its implementation and challenges thereof have not been circulated widely. For example, the study report by SWOP, DPRU and the HSRC is not widely circulated. We were also unable to find simply written policy briefs emanating from this report.

MONITORING AND EVALUATION

The annual EE reports submitted by employers annually are part of the monitoring and evaluation function of the Employment Equity Directorate. The CCMA systems are also important in a sense of providing a general monitoring and evaluation function for discriminatory practices in the workplace.

The challenge, however, is with regards to specific monitoring and evaluation for gender-specific discrimination.

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CAPACITY ENHANCEMENT

The Department of Labour’s annual plan under Strategic Objective 3 of Programme 2 provides for conducting advocacy and educational seminars in identified sectors to enhance compliance with labour legislation per year. The following were achieved for the financial year 2013/2014:

four seminars were conducted as planned, i.e.: Construction, Chemical, Wholesale and Retail.

ACCOUNTABILITY/TRANSPARENCY

1

Through the provision of annual reports, the Department of Labour attempts to be accountable and transparent; however, not all classes of citizens have access to the information needed to build the necessary confidence.

CONVENTION 183 - MATERNITY RIGHTS

The Convention recognises the significant contribution of domestic workers to the global economy. That includes increasing paid job opportunities for women and men workers with family responsibilities. The greater scope is for caring for ageing populations, children and persons with disabilities and substantial income transfers within and across the countries. Domestic work continues to be undervalued and invisible and is mainly carried out by black African women and girls, many of whom are migrants or members of disadvantaged communities. In most cases women and girls are vulnerable to discrimination in respect of conditions of employment and of work, and to other abuses of human rights. The 2005 AGDI reported that there had been substantial improvements in maternity and parental rights in SA workplaces in general with regard to including domestic workers and seasonal workers into the Unemployment Insurance Fund and maternity leave payment to women.

In the interests of equality for women in the workplace, this convention focuses on issues of maternity leave, pay and benefits, job security and non-discrimination.

RATIFICATION

0

In the 2005 AGDI report it was indicated that the convention was tabled in Parliament. We were however unable to find evidence that it was ratified. South Africa has not ratified this convention.

REPORTING

0

There scoring on reporting is 0, based on the fact that the convention has not been ratified. However, South Africa has other measures that look at maternity rights and protection.

LAW

2

SA labour laws make provision for maternity leave through the BCEA and for a cash payment through the Unemployment Insurance Fund Act. The Constitution also provides for protection against discrimination. This is taken further in the BCEA which extends this protection against discrimination to pregnant women in the workplace.

The White Paper on Families in South Africa (2013) recognises parental leave and the significance of this for both mothers and fathers. It has, however, emerged that there is still discrimination against women working in the informal sector as the law does not cover them in terms of qualifying for maternity benefits. This happens despite the fact that Cosatu represents many who work in the
informal sectors, such as domestic workers, farm workers, sex workers, etc.

**POLICY COMMITMENT**

South Africa has not yet ratified the convention; however, the legislative framework is in place to address the issues related to maternity benefits within the formal labour sector. The COSATU draft policy addresses the issue of maternity benefits by providing for that pregnancy and maternity are biologically unique to women and that such biological characteristics should not restrict women from their right to work and that they should not constitute grounds for discrimination against them.\(^{100}\)

The BCEA provides for maternity leave. The Act stipulates that all employees are entitled to maternity leave. This Act not only covers biological parents; it also acknowledges parents who have adopted. The BCEA also prohibits an employer from permitting a pregnant female employee to work in the period commencing four weeks before her expected date of childbirth and in the eight weeks after her childbirth. It provides for 4 months’ maternity leave with a cash benefit sourced from the country social security system. From 2010 foreign workers are allowed to claim the Unemployment Insurance Fund (UIF) from the Department of Labour if their employers pay UIF levies and when the employees have a valid work permit. The female employee must work a minimum of 24 hours a month for her employer to be required to grant her maternity leave. However, other private sector employers provide maternity leave ranging between 6 and 11 months. Parental leave also makes some provision for 3 days’ paternity leave, which provides fathers with time off after the birth of the child. This is, however, not a traditional paternity leave even though it allows the father to take time off after the birth of a child.

The Code of Good Practice regarding the protection of employees during pregnancy and after the birth of a child issued in terms of the BCEA obliges employers to eliminate and control hazards in the workplace.

Other important policies for the health of women in the workplace are captured in the Occupational Health and Safety Act.

The Labour Relations Act section 187 (1) deems the dismissal of women on the grounds of pregnancy or concealment of pregnancy to be unfair.

The SA Constitution also makes provision for the health and anti-discrimination of, for example, pregnant women in all spheres of life and thus in the workplace.

**DEVELOPMENT OF A PLAN**

We were able to find the UIF 2015/16 Strategic Plan, which intends to improve the following: financial management, service delivery, compliance with the UIF acts, revenue collection from employers, benefit payment to beneficiaries, participation in government initiatives of creating and sustaining decent employment, effective administration of UIF operations. Although these have implications for the improvement of the institutional set-up and the implementation of the Act, gender is not mentioned as a significant consideration in the strategic plan.

**TARGETS**

None of the targets of the 2015/2016 plan are directly linked to maternity benefits. However, some of them are aimed at improving general implementation and operation of the UIF.

\(^{100}\) COSATU Gender Policy. October 2015
INSTITUTIONAL MECHANISM

The UIF is important as it is linked to the financial benefits which are central to whether women can effectively take their maternity leave. Application and payment of the first instalment of the benefit take between 6-8 weeks from the date of submission.

The CCMA plays an important role in implementing the imperatives of this convention as it provides space for addressing discrimination that might arise in non-compliant organisations.

The Labour Courts are also a significant institution as they enforce the discrimination provisions of the EEA.

The Department of Labour plays an overarching role as the guardian of the other institutions with a role in provisions for maternity leave.

Equality Courts were established within the courts across the country to make sure that there is no contravention of Section 9 of the Constitution that is implemented thought he Promotion of Equality and the Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000), which was enacted and came into operation in September 2000.

BUDGET

The UIF Strategic Plan indicates a budget of R2019 530 for the improvement and implementation of the UIF Act for year 2015/16. The Department of Labour has an overall budget for the implementation of the other acts that have a bearing on maternity leave and non-discrimination. Again, the CCMA received an increased budget of R607 million, but although this is not necessarily geared only towards anti-discrimination for maternity leave or parental leave it creates some space for improvement. There is lack of a specific budget on the imperatives of this convention.

HUMAN RESOURCES

All the relevant institutions have capacity for the implementation of the relevant acts. In the UIF 2015/16 plans there is an indication of a need for training; capacity building is also indicated as a significant point in the budget breakdown.

RESEARCH

We were unable to find recent government specific research on this convention; however, research in universities and other research institutes continues.

INVolVEMENT OF CIVIL SOCIETY

In 2014 COSATU and other NGOs have called for an increase in the length of maternity leave to 11 months. Currently the only employer who provides 9 to 11 months of maternity leave is Pick n Pay.

Sonke Gender Justice has been at the forefront for the recognition of parenting for fathers, thus making calls for mothers and fathers to get equal months of maternity and paternity leave. In 2014 Sonke Gender Justice signed the 10 days Paternity Leave petition started by Terblanche—a father, calling for an amendment to the BCEA (1997). This petition was drawn up on the premise that the Department of Labour and the DSD are mandated in the White Paper on Families in South Africa (2013) to explore the feasibility of paternity leave. This thus scores a 2.
INFORMATION AND DISSEMINATION

Information on the rights of maternity leave is widely available. However, this mainly applies to the rights of women. However, through the work of organisations like Sonke, information on the rights of fathers on paternity leave is slowly becoming available. This is thus scored a 1.

MONITORING AND EVALUATION

The Department of Labour ensure that labour laws are implemented in all sectors. Through administrative data from the UIF, the CCMA and the Department of Labour the convention is monitored. The calls by Sonke and COSATU for improved maternity leave are in themselves a call for the evaluation of implementation, as it is for amendments. We were not able to find any recent reviews of implementation.

CAPACITY ENHANCEMENT

The National School of Government plays a significant role in overseeing the professional common purpose in addressing the systemic challenges of public service delivery through the building of capacity of public officials. In doing so, it integrates lessons and experiences from the past to develop and improve current skills and empower the current generation of public servants. What could be improved is training to enhance a transformed mind-set with regards to repositioning women as significant beneficiaries in an equal society.

ACCOUNTABILITY/TRANSPARENCY

Although South Africa has not ratified this specific Convention the Department of Labour is obliged to ensure the protection of constitutional rights of people in the labour sector, including putting in place measures to protect pregnant women during pregnancy and post pregnancy. Again through the department’s annual reports, participation in Parliament and the monitoring of policy implementation the department attempts to be transparent on this issue. However, more needs to be done to build confidence where the equal positioning of women is concerned.

ENGENDERING NPRS

The legacy of Apartheid has continued to be visible in how the determinants of poverty are still racially biased. This is evident in how black women’s historical geographical residential areas continue to be affected by poverty in unprecedented ways. Social indicators, such as education, health and life expectancy, further illustrate this challenge. Poverty is therefore one of the biggest challenges experienced in South Africa. While there is evidence of efforts by the government to alleviate poverty, there is no over-arching gendered focus in these activities.

In 2008 South Africa came up with a discussion document detailing the Anti-Poverty Strategy. The main objectives of this strategy were to:

- eradicate poverty
- create economic opportunities
- enable or empower communities and individuals to access these opportunities
- providing a safety net in the form of social assistance

http://www.thensg.gov.za/
• provide basic services.
This strategy moved from an understanding of poverty as multidimensional, thus the strategy was anchored on the following pillars:

• Creation of economic opportunities  
• Investment in human capital  
• Income security  

• Basic services and other non-financial transfers  
• Improving healthcare  
• Access to assets  
• Social inclusion and social capital initiatives  
• Environmental sustainability  
• Good governance.

Although this was a government strategy the DSD played an important role in the development and implementation of the strategy.

RATIFICATION  
Not applicable.

REPORTING  
Not applicable.

LAW  
The Constitution makes provision for the well-being of those unable to make such provision. This could generally mean children, the old, those differently able and the unemployed.

POLICY COMMITMENT  
There is no policy that specifically speaks to national poverty reduction, but the departments of Social Development, Health, Education, Agriculture and Land Reform have aims and programmes targeted at ensuring food security and eliminating poverty. Given the multiple dimensional conception of poverty in the Anti-Poverty Strategy and the aims of the Strategy to reinforce partnership at all levels among government departments and agencies, business, organised labour and other civil society and NGOs, the plans here will reflect and be influenced by the functions of the particular department, sector or individual organisation. The strategy also maintains that over and above the current poverty reduction initiatives by government, its intentions with the strategy is also about doing some things differently as well as emphasising implementation and coordination. Most importantly, the strategy emphasised the role of other sectors, such as business, in the eradication of poverty. Through a number of different policies by these departments attempts have been made to address the general well-being of the South African population.

Although the aim to eliminate poverty is not gender-specific it can be acknowledged that women and children are the most impacted by poverty. Therefore, this scores a 1.
DEVELOPMENT OF A PLAN

Although at the end of the Anti-Poverty Strategy there is an indication of development of a plan as a next step, we were unable to locate such a plan. However, the current plan for the provision of well-being is the National Development Plan discussed in the following sections.

Following moves to democratise since 1994, the government put together a number of strategies and plans to address the multi-faceted poverty experienced in the country. These strategies include the following.

The Reconstruction and Development Programme (RDP) was adopted as South Africa’s socioeconomic policy framework to address the immense socioeconomic problems, challenges and backlogs emerging from apartheid neglect, and, as a flagship programme, it also had a hundred-day action plan focused on delivery schedules for health, education and electrification in particular. The major challenge was that while the problem, and its genesis, was well known, its quantification both in numbers and space remained elusive.

Building onto RDP in 1996, the government launched The Growth, Employment and Redistribution (GEAR) as a macro-economic strategy. This strategy aimed to achieve a competitive, fast-tracked economic growth in order to create employment for all job seekers.

Integrated Sustainable Rural Development Programme (ISRDP) was one strategy that was designed to accelerate rural development, create economic opportunities in rural areas, decrease levels of poverty and unemployment, and implement access to free basic services (water, sanitation and electricity).

In 2006, building on to GEAR, the country introduced Accelerated and Shared Growth Initiative for South Africa (ASGISA). This strategy was devised to speed up employment creation and halving unemployment levels by 2014. Through the development of the strategy it became clear that the country had serious skills inadequacies that hindered economic growth.

The Joint Initiative on Priority Skills Initiative (JIPSA) is the strategy that aimed to build on ASGISA with the realisation of lack of skills for the majority of unemployed beneficiaries. The strategy therefore aimed to improve the skills base required by the economy for accelerated growth and to focus on scarce and critical skills (StatSa, 2013).

Later the National Development Plan 2030 is the milestone plan that takes cognisance of all the other plans and strategies that were put in place since 1994 as poverty reduction strategies. It is the plan for the country to eliminate poverty and reduce inequalities by 2030 through uniting South Africa, unleashing the energies of its citizens, growing an inclusive economy, building capabilities, enhancing the capability of the state and leaders working together to solve complex problems.

Three priorities of this plan are:

- Raising employment through faster economic growth
- Improving the quality of education, skills development and innovation
- Building the capability of the state to play a developmental, transformative role.

This is scored a 2.

TARGETS

The Anti-Poverty Strategy put forward the following targets:

• Public and community works for 1 million full-time employment equivalents a year by 2010
• Interventions to enhance the conditions of street/informal traders to reach 200 000 people by 2010
• Assist 300 000 very poor households (those with under R400 a month) to improve agricultural production by practising three or four core strategies, such as incomes from livestock and chickens and intensive peri-urban farming
• Create more sustainable and quality employment through:
  • 200 000 new employment opportunities annually in addition to anticipated expansion in retail and construction employment, targeting at least R800 a month, from sector strategies and SMEs
  • Smallholder schemes, environmental services, government services, agro processing and tourism for an additional 100 000 rural employment opportunities a year
  • Reviewing the creation and implementation of government policies through the lens of job creation, beginning with the Industrial Policy Framework and trade policy.

As the strategy indicates, all departments will develop their detailed plans, and more specific targets, we assume, would be articulated in those plans However, we were unable to locate these plans. These targets are not gender disaggregated. This thus scores a 1.

**INSTITUTIONAL MECHANISM**

The intent of the Anti-Poverty Strategy was to bring together multiple institutions so as to create coherence in how South Africa addresses poverty. Most of the government departments already have programmes that address themselves to the specific determinants of citizens' well-being.

**BUDGET**

Given that the Anti-Poverty Strategy draws on the work of already existing government departments; its implementation was drawn on their already existing budgets. The challenge is that the strategy does not make provision for the strategic position of women as beneficiaries of the departmental plans and thus their budgets.

**HUMAN RESOURCES**

The Anti-Poverty Reduction Strategy relies on the already existing staff profile of government departments and does not make provision for specific posts.

**RESEARCH**

The National Development Plan 2030 is an evidence-based document drawing on research from multiple sectors of society. Although the research guiding the plan is adequate, specific research on women-specific poverty can be found in other institutions, such as the universities. Some of this research illustrates that South Africa’s experience does not offer simple solutions to the problem of poverty eradication. Instead its economy has proved to be inefficient in terms of its ability to translate what economic growth has taken place into the prosperity of its population (May, 2010: 11). This is thus scored a 1.
IN Volvement of Civil Society

Even though CSOs are a central player in addressing everyday experiences of poverty among individuals and communities, the National Development Plan does not lay out how civil society should be involved within the process of fighting poverty. However, the plan acknowledges that it is critical to build an inclusive society and working together towards the alleviation of poverty is signified. This is thus scored a 2.

Information and Dissemination

Although information on poverty eradication is not easily available, information on the provision of grants and other services provided by the DSD in particular, is accessible. However, this could be improved.

Monitoring and Evaluation

The establishment of the Department of Planning, Monitoring and Evaluation came as one of the milestones for South Africa in ensuring impact-based service delivery to South African society. The mission of the Department is to facilitate, influence and support effective planning, monitoring and evaluation of government programmes aimed at improving service delivery, outcomes and impact on society.

The monitoring and evaluation of anti-poverty programmes is also performed internally by different departments, organisations and institutions for administrative purposes, and as a reporting mechanism. The biggest challenge, however, is availability of sex-disaggregated data to enable effective monitoring, facilitate continuing evaluation, and allow for the revision or supplementation of programmes that may be appropriate for the advancement of women. This is thus scored a 1.

Capacity Enhancement

Human resources development, in particular education and skills development, plays a significant role in preventing the intergenerational transmission of poverty. An economy that creates jobs, including self-employment opportunities, and the ability of a country to improve the educational outcomes, skills and aspirations of children and young people are the most important factors in breaking generational cycles of poverty. South Africa, through the provision of free basic education, attempts to address this issue. However, recent protests around the affordability of university fees have raised important questions about the accessibility of higher education to, in particular, younger people from poor families.

The CGE CEDAW report established that the Department of Rural Development and Land Reform had the following plans in ensuring women’s families survive through capacitating human resources to assist the fight against women poverty. This is ensured by:

• Training women and encouraging them to form co-operatives.
• Training Project Officers and coordinators (who are directly involved with rural women) on how to address issues of women, children and people with disabilities.
• Developing intervention programmes to address identified issues without compromising the dignity of women.
• Employing strategic partners to assist project members with skills development, farm and finance management, as well as identification of markets.
• Working in partnership with the Department for Women, Children and People with Disabilities to conduct advocacy programmes for women in rural areas and assisting stakeholders with
economic empowerment projects such as self-help groups. This scores a 1 as the reach of education is still unequal.

ACCOUNTABILITY/TRANSPARENCY

The issue of poverty alleviation is central to all government departments in partnership with agencies, business, organised labour and other civil society and non-governmental organisations. Poverty reduction programmes as a result should be made a top priority within all the departments in all government spheres.

Government, in exercising the accountability ensured that anti-poverty initiatives have been successfully mainstreamed into the planning and implementation of all government programmes and in the budgeting process. All these processes are reported by the respective government departments in the annual report and the budget is also broken down according to how the departments utilised, in particular, on poverty reduction programmes as alluded to. Although important work is being done to show accountability, more could be done with regard to addressing questions of unequal distribution.

ACCESS TO AGRICULTURAL EXTENSION SERVICES

Even though women have historically worked in agriculture and continue to do so, agriculture is seen as a masculine field. As nurturers, women constitute a large portion of the economically active population engaged in agriculture, both as farmers and as farm workers, and they play a crucial role in ensuring household food security. The agricultural sector in many developing countries is underperforming in part because women who represent a crucial resource in agriculture and the rural economy through their roles as farmers, labourers and entrepreneurs, are constrained.

RATIFICATION

Not applicable.

REPORTING

Not applicable.

LAW

The Bill of Rights and the Constitution compel the country to promote the achievement of equality through enactment of legislation and other measures designed to protect and advance persons, or categories of persons previously disadvantaged by unfair discrimination. Although there are no specific laws that focus on agriculture and gender, the South African Constitution makes provisions to address access for historically disadvantaged individuals (HDI). Some of the relevant legislation is listed below.

- The Competition Act (No. 89 of 1998 as amended by Act No. 35 of 1999)
- Extension of Security of Tenure Act (No. 62 of 1997)
The Employment Equity Act (No. 55 of 1998)

The Skills Development Act (No. 97 of 1998)

Restitution of Land Rights Act (No. 22 of 1994).

POLICY

A number of policies on agriculture post-1994 were focused on making the sector stronger and increase equity among farmers with regard to access to land for different racial groups and among the genders.

However many of the post-1994 policies and programmes such as the 1995 White Paper on Agriculture, the 1998 Agricultural Policy in South Africa discussion document, the 2001 Strategic Plan for South African Agriculture and the 2004 Comprehensive Agricultural Support Programme, came under criticism from many sectors for their evident diversion from supporting poor and vulnerable female farmers with focus on more commercially-oriented and well-resourced black farmers. Regardless of the issues brought forth by the critics, skewed participation has been highlighted within the Strategic Plan for South African Agriculture as one major challenge to the agricultural sector, given the legacy of exclusion and discrimination on the bases of race and gender. In an attempt to address the skewed participation of women the ‘equitable access and participation’ is noted in the Strategic Plan for South African Agriculture as a core strategy. The strategy seeks to promote new entrants into the agricultural sector, through economic empowerment initiatives with a special focus on women, the disabled, youth of all races, and black people.

DEVELOPMENT OF A PLAN

Following the development of the Strategic Plan for South African Agriculture in 2001, by the Government, AgriSA (including Agribusiness Chamber) and the National African Farmers Union (NAFU), the former minister of agriculture, Thoko Didiza, and the former president Thabo Mbeki launched the Agricultural Broad-based Black Economic Empowerment (AGRIBEE) framework as a measure of redress for centuries of past racial discrimination and the consequences thereof. In line with the government policy and the Constitution the AGRIBEE framework seeks to address the challenges of globalisation, the absence of visible participation of women, the appalling conditions, and the job threats facing the agricultural sector. Increasing the number of black people and women that manage, preferential procurement and the establishment of the BEE enterprises are also core strategies of the AGRIBEE framework.

TARGET

The Department of Labour, as part of the Beijing declaration and platform for action, and the 2000 MDGs has highlighted land as a crucial factor for women’s economic empowerment as well as for food security and the well-being of rural households; the goal is to allocate equal access of land for rural women by 2025. Women in rural areas are encouraged to participate in the agricultural sector; the department has committed money and loans to this aim. The customary tenure no longer has that advantage to prohibit women from accessing land in rural areas. This is due to the formulation of tenure reform law, the Communal Land Right Act of 2004.

105 www.hsrc.ac.za/uploads/pageContent/3025/InequalitiesLR.pdf
106 http://www.nda.agric.za/docs/sectorplan/sectorplanE.htm
The main aim of the Strategic Plan and AgriBEE is to create an equitable sector and attempt to comply with the Employment Equity Act and Skills Development Act. As a result, all enterprises in the sector undertake to achieve the following:

- Progressively achieve a 10 percent representivity of black women at executive management of each enterprise by the year 2006
- Progressively achieve a 25 percent representivity of black women at senior management of each enterprise by year 2008
- Progressively achieve a 30 percent representivity of black women at middle management of each enterprise by year 2008
- Progressively achieve a 45 percent representivity of black women at junior management of each enterprise by year 2008.

**INSTITUTIONAL MECHANISM**

Important institutions for agriculture are:

- Department of Agriculture, forestry and fisheries
- Department of Land Affairs.

**BUDGET**

In 2003 R7.9 million was allocated for the Medium Term Expenditure Framework for Agriculture which was also meant to also cover the National Extension Strategy as a departmental target. However, the budget came under criticism for lack of the disaggregation necessary to monitor the allocation towards women.

Recently, the Department of Agriculture has channelled funds towards the Comprehensive Agricultural Support Programme (CASP) programme that aims to increase and assist smallholder producers. Attracting more women and young people in the sector is also one of CASP’s objectives and the programme was allocated R1.861 billion in 2014 and R 1.6 billion in 2015. In addition, there are similar other programmes with some focus on women and the youth such as Ilima/Letsema, which was allocated R460 million in 2014 and R471 million in 2015. For the Land Care Programme R66.4 million was allocated for 2015 and R67.8 million had been made available in the preceding year of 2014. While women are mentioned as targets in these programmes it is not clear how these budgetary allocations trickle down to impact women in the sector, due to the lack of gender disaggregation.

**HUMAN RESOURCES**

The South African agricultural sector is characterised by challenges such as low absorption rate of skilled and trained labour that is inconsistent with its needs in terms of human capital and high levels of illiteracy. The Department of Agriculture’s interventions with regard to skills development is the investment in training through bursary schemes. For example, in the academic year of 2015, 99 bursaries were awarded. Furthermore, through the government’s collaborative training project with the People’s Republic of China, 19 students completed postgraduate programmes with 2 doctoral and 17 at Masters level.

Although there are more graduate students in the process of completing postgraduate studies, there was no indication of the gender representation and little attention has been paid to gender
mainstreaming.

RESEARCH
1

The Department of Land Affairs has commissioned three Quality of life (QOL) surveys since the start of the land reform programme documenting, among other things, the experiences of land reform beneficiaries after land transfers had taken place. Production loans, agricultural extensions, infrastructure and project management training were the critical support services identified for the sustainability of land reform projects in the first QOL report.

INVolVEMENT OF CIVIL SOCIETY
1

In the previous AGDI report the Department of Land and Agriculture was said to be undergoing a process to draw female farmer winners into three agriculture-related business forums. In the drawing of the recent National Strategic plan for the sector, AgriSA and the NAFU were consulted for their agricultural perspectives.

INFORMATION AND DISSEMINATION
1

To some extent, information regarding land reform and agriculture is publicly available. Although the Department of Agriculture emphasises specific areas of reporting, such as the high potential and unique agricultural land disposal and transfer to HDIs; Human Resource Development Programmes in place; Employment Equity and Representivity targets achieved; BEE procurement spent and the Agricultural Support Services initiatives, the disseminated information is not gender disaggregated.

MONITORING AND EVALUATION
1

Programme for Land and Agrarian Studies (PLAAS) has been in the forefront of evaluating programmes that focus on land use, land redistribution, and rural restitution.

Government monitoring and evaluation is not available, with the exception of the AgriBEE framework which aims to monitor broad based BEE and codes of good practice through the Broad Based Black Economic Empowerment Act of 2003. According to the Act each institution within the sector should disclose in the annual report the progress towards achievements of targets as set by the Act. The Act further places emphasis on other aspects such as the Human Resource Development programmes in place; Employment Equity and Representivity targets achieved; BEE procurement spent, and so forth. Overall, the monitoring systems set by the state seem to be in tied to the monitoring of targets set for Employment Equity rather than gender mainstreaming, and so far gender-sensitive monitoring systems are yet to be developed.

CAPACITY ENHANCEMENT
2

There is a need for enhanced capacity building – for, in particular, young women in this sector – as it continues to be dominated by men. Again the black population, which is impacted more by poverty, could benefit from skilling in this area. Moves by the government to setup a new University of Agriculture is an important move towards addressing this, access to the skilling should be monitored so as to provide for equality for, especially, women. This is scored a 2.

ACCOUNTABILITY/TRANSPARENCY
1

Even though all government departments provide monitoring and evaluation data annually and also report to Parliament, it is not easy to find information on this indicator. Thus it is scored a 1 as it
needs to improve its transparency.

ACCESS TO TECHNOLOGY

Technology assists in improving provision of healthcare services and better education in many countries of the world and in some sectors of the South African economy; however, not everyone has access to it. Women are still underrepresented in the technology sector. The reasons for this are identified as financial constraints before and during tertiary studies, gender stereotyping, legacies of disadvantage in black communities, negative dynamics at workplaces and the lack of attention to women’s specific needs. With regard to women already in the science and technology sector, research suggests that, the participation of women in terms of access and employment constitutes 33 percent. Their contribution in terms of publications only makes a quarter of all the outputs produced by South African scientists over the past 10 years. It is also highlighted that academic publishing ranks and the key research infrastructure is dominated by people who are about to retire and that women tend to publish considerably less than their male counterparts.

However, since 1994 the Department of Higher Education and the Department of Science and Technology have put in place strategies to draw women to study Science Engineering and Technology (SET) fields. The numbers of women have therefore increased in the field but race still plays a critical role, as the majority of women joining the field are to a large extent white women rather than black women (Salo et al., 2014). Even though there seems to be a lack of intervention initiatives to facilitate change, the South African Reference Group of Women in Science and Technology known as Science, Engineering and Technology for Women was established as a subcommittee of the National Advisory Council on Innovation (NACI) so as to strengthen the participation of women within the science and technology sector, from school and retaining them in their career.

The Research and Development Strategy of 2002, as quoted by Salo et al. (2014) noted that South Africa is faced with a problem in human resources because ‘the scientific workforce in South Africa is shrinking and growing older and that the key research infrastructure is composed of people who will soon retire.

RATIFICATION

South Africa has ratified a number of instruments that provide for access to technology, these are:

- Convention on Elimination of All Forms of Discrimination against Women (Article 14 (g)).
- The Beijing Platform for Action, F3.
- The Agenda 2063.

REPORTING

South Africa is up to date with the submission of periodic reports to the treaty bodies such as CEDAW and the Beijing Platform for Action.

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108 Ibid
109 Black women’ here is used to include women who were classified as ‘black’ under the apartheid system, which consisted of Indian, Coloured and African Women
110 Ibid
The African Gender Development Index (AGDI)
SOUTH AFRICA COUNTRY REPORT 2015
Commission for Gender Equality

LAW

The legisHuman Science Research Act 23 of 1968
- Africa Institute of South Africa Act
- National Advisory Council on Innovation Act
- Academy of Science of South Africa Act
- Technology Innovation Agency Act of 2008
- South African National Space Agency Act
- Promotion of Access to Information Manual.

This is scored a 2 as the law is comprehensive.

POLICY

A number of policies are in place to facilitate access to technology in the country. The language policy of the Department of Science and Technology (DST) is one of the most important. This policy gives effect to Section 4 of the use of Official Languages Act 12 of 2012. The policy is intended to set out how the DST will use the official languages of South Africa to communicate effectively with the public and other stakeholders. This is set to facilitate broad access to the majority of citizens who do not speak English.

DEVELOPMENT OF A PLAN

According to the National Development Plan 2030, developments in science and technology are critical as they alter the way people live and contribute effectively to economic growth and development. The DST developed their five-year Strategic Plan 2015-2020. The department further has annual plans that they execute every year.

The DST indicates their first priority in the 2015-2020 Strategic Plan is human capital development with a special emphasis on addressing gender and racial imbalances in the make-up of the science and technology workforce. However, it is indicated that the department does not have the capacity to train all the researchers they need, especially at doctoral level, in South Africa. They highlight that they need to train more than 5 000 PhDs per annum. The current challenges in training PhDs include lack of research capacity and a narrow supply pipeline. The department therefore plans to support emerging researchers through partnerships with the private sector, increasing the number of research chairs, and sending some of the students overseas to expand the departmental capacity.

The department’s 2015-2020 Strategic Plan is part of the vision of South Africa’s National Development Plan to tackle the interlinked challenges of poverty, inequality and unemployment.

TARGETS

The target includes a mandate to increase the number of undergraduate and postgraduate students and technicians, and also to put unemployed graduates through an internship programme. In the 2013 financial year, some of these were achieved, including the placing of 50 interns in private sector companies. Part of the placement included an understanding that 60 percent or 70 percent of those companies agreed to offer those students employment. Other achievements of the 2013 plans include the following.

The South African National Space Agency (SANSA) honoured the data requested by the number of end users from the satellite imagery.

The National Intellectual Property Management Office (NIPMO) trained candidates in the area of intellectual property and technology transfer training programme.

One Meerkat antenna was designed and aligned to SKA design requirements.

Of the target to have four Offices of Technology Transfer established and/or capitalised by 31 March 2013, 10 were achieved.

The target to develop one prototype and one patent registered locally or internationally was also achieved.

The target that NIPMO be established as a government component and staff permanently appointed was partly achieved as the Technical Assistance Unit recommended that NIPMO be established as a Special Service Delivery Unit (SSDU) instead of a government component.

The target to develop five new technology-based enterprises through funding support to the Technology Innovation (TIA) was partly achieved due to misalignment of targets between TIA and the DST.112

INSTITUTIONAL MECHANISM

A number of institutions play a role in facilitating access to technology in multiple sectors of the political economy including the following.

The National Advisory Council on Innovation (NACI). NACI was appointed by Cabinet to advise the minister of science and technology and was supported by an executive committee and a secretariat. Previously NACI had a small grouping of sub committees. This was changed to expert panels/project teams. These teams were headed by a councillor and supported by a secretariat made up of experts from the higher education sector and the private sector. The teams focused on the following issues.

- Gender mainstreaming in STI
- Skills in mathematics, science and technology
- Infrastructure for research and innovation
- Innovation for economic development and social upliftment
- Monitoring evaluation and indicators
- Development of a National Innovation Framework.

BUDGET

The budget that the department uses on the different projects is derived from the EU’s Sector Budget Programme – €30 million. We were unable to find a gender disaggregated budget. Thus this is scored a 1.

HUMAN RESOURCES

The DST is one of the departments that have proven to take the gender mainstreaming agenda seriously. This was attested by the study that the CGI conducted with the department, assessing the department’s compliance in terms of mainstreaming gender within itself.

112 https://pmg.org.za/committee-meeting/16480/
The Department’s Strategic Plan indicates that building the capacity of human resources within the department is one of their key priorities. It is also indicated that special emphasis is on addressing gender and racial imbalances in the make-up of the science and technology workforce.113

RESEARCH

There has been much research activity on the science and technology area in the past few years. The different government departments have commissioned a lot of research to create knowledge and awareness on ICTs and human capital and science promotion, basic sciences and infrastructure, science missions, astronomy, retention of women in the field of science, engineering and technology.

The research is commissioned through collaboration with a number of academic organisations around the country; these provide capacity and expertise on different issues. The organisations include:

- the Academy of Science of South Africa (ASSAF)
- the Council for Scientific and Industrial Research (CSIR)
- the Human Sciences Research Council (HSRC)
- the National Research Foundation (NRF)
- the South African National Space Agency (SANSA)
- National Advisory Council and Innovation (NACI)
- The Technology Innovation Agency (TIA).

INvolvement of civil society

The DST involves civil society as well as small and medium business enterprises through empowering them to alleviate poverty through the use of science and technology.114 CSOs, although not as active in the use of and access to technology could be called to play an important role as they already interface with communities on many of the gender development issues. This is thus scored a 1.

INFORMATION DISSEMINATION

Given the multiple players in the research on science and technology there is available data in multiple spaces. The challenge is however its availability at levels of the community through schools, and other spaces where communities can easily access the information. This is thus scored a 1.

MONITORING AND EVALUATION

The Department of Planning, Monitoring and Evaluation has been put in place as the structure to execute the monitoring and evaluation of work implemented by the various government departments. The annual reports that the department publishes are the monitoring and evaluation mechanism that the department uses. The department also submits reports to the development partners that support their programmes.

CAPACITY ENHANCEMENT

The Department of Technology provides postgraduate bursaries every year to enhance capacity within the SET field and as a way of also investing in environmental services and technologies

programmes. The rationale for the bursaries is also to enhance and drive emerging areas such as Bio-mimicry. The total number of postgraduate students supported was 11 335 in 2014/15.\(^{115}\)

The department also provides funding to institutions and agencies to support technology solutions in the areas of waste management, water research and environmental services. Beneficiaries are public research institutions, science councils, universities and entities. The Department of Technology also provides funding to support institutions and agencies that support technology solutions in the areas of space science, energy and biosciences. These are important endeavours; however, their contribution towards the inclusion of women is still to be fully recognised as women are still a minority in technology fields. Thus this is scored a 1.

**ACCOUNTABILITY/TRANSPARENCY**

The department is led by nine executive management members that include the minister and the deputy minister for the department. The minister’s office accounts to Parliament on the work of the department. However, it could improve its public reach.

**EQUAL ACCESS TO LAND**

Land is a very important resource in poverty alleviation because people depend on it for cultivation, food production and their livelihoods. Unequal access to land remains one of the most important forms of economic inequality, which has dire consequences for women, both as social and political actors in society. Land reform, redistribution and access are therefore key issues that still need attention in South Africa (CGE, 2009).

The South African government portrays gender equity as an important objective of land policy. So far, the key means of achieving this have been:

- the removal of legal restrictions on women’s access to land
- the promotion of women’s active participation in decision-making
- the registration of land assets in the names of beneficiary household members and not solely in the name of the household head.

However, reality on the ground does not reflect real gender parity in the implementation of land reform. In many land-reform projects, women beneficiaries are marginalised from controlling and benefiting from the land and other productive resources (Kleinbooi, 2010).

South Africa has ratified several international legal instruments on gender equality.

One of these is the Beijing Platform for Action (BPFA). The Beijing Platform for Action recognises that women face barriers to full equality and advancement because of such factors as their race, age, language, ethnicity, culture, religion or disability, because they are indigenous women or because of other statuses. Consequently, governments must ensure that all barriers are being removed with regard to access and that special measures are put in place in order to meet the needs of women, especially those living in poverty, and female-headed households. Another key treaty is the CEDAW which South Africa has also ratified. CEDAW aims to eliminate discrimination on the basis of sex, which undermines women. CEDAW obliges state parties to establish equal property rights for women in relation to marriage, divorce and death. At the continental level, South Africa has also ratified the

African Charter on Human and People’s Rights. This Charter sought to address the gap in existing international human rights instruments when it came to addressing human rights from an African perspective. With regard to economic, social and cultural rights, this regional instrument upholds the right to own property, to work under equitable conditions and to receive equal work for equal pay.

RATIFICATION  
Not applicable.

REPORTING  
Not applicable.

POLICY  
Among the institutional instruments and policies put in place to advance gender rights in South Africa, we have:

- the Reconstruction and Development Programme
- the Land Reform and Gender Policy Framework (South Africa 1997b),
- the White Paper on South African Land Policy which endorsed gender equity as a key outcome in targeting women as beneficiaries.

The Land Reform Policy was one of the priority areas for the RDP. As of 2010, the Land Reform Policy is still a priority, as it is one of the five priority areas of the current government.

Land-related policies, such as the RDP (1994); the Constitution (1996); the White Paper on South African Land Policy (WPSALP) (1997) and its related programmes, the BBBEE, 2003 and its Agricultural Black Economic Empowerment (AgriBEE) were developed to support the Land Reform Policy initiatives. Land and agrarian policy reform in South Africa holds the promise of increasing efficiency, equity and generating jobs (van den Brink et al., 2006:25).

The introduction of the Comprehensive Rural Development Programme (CRDP) in 2009 by the Department of Rural Development and Land Reform (DRDRL) is an initiative towards linking land reform to poverty alleviation, as mandated. Initiatives such as the CRDP, which put the emphasis on growth and development, are basically reinforcing the original prescripts given by the RDP (1994), the WPSALP (1997), the Constitution (1996), and the BBBEE Act (2003).

Others planned policies initiatives on:

- land ownership by foreign nationals (2011)
- the proposed Rural Development Agency (2011)
- the establishment of a Land Management Commission (2011/12)
- land valuation and the establishment of a Valuer-General (2011/12)

LAW  
The South African government is obliged by the country’s Constitution to implement land reform processes. In order to operationalise this constitutional requirement, the Department of Land Affairs

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116 The reconstruction and development programme (RDP). Retrieved from https://www.nelsonmandela.org/omalley/index.php/site/q/03lv02039/04lv02103/05lv02120/06lv02126.htm
developed a white paper on land reform in 1997. The white paper begins by acknowledging that land ownership in South Africa has long been a source of conflict and that the history of conquest and dispossession, of forced removals and a racially imbalanced distribution of land resources left the country with a complex legacy.

The legislations and laws that deal with land in South Africa are as follows:

- Provision of Land and Assistance Act (1993)
- Land Reform (Labour Tenants) Act of 1996
- The Communal Property Association Act
- Deeds Registry Act
- Restitution Act of 1998
- Extension of Security of Tenure Act of 1997
- Green Paper on Rural Development and Land Reform, gazetted by May 2011

DEVELOPMENT OF A PLAN

The NDP introduces its overview by the following quotation from the RDP, 1994: “No political democracy can survive and flourish if the mass of our people remain in poverty, without land, without tangible prospects for a better life. Attacking poverty and deprivation must therefore be the first priority of a democratic government. The national development plan proposes that an additional 1 million jobs be created in agriculture and related industries by 2030. The department contributes to the proposed rural development strategy in the national development plan by facilitating the provision of basic services infrastructure and delivery to rural households and assisting them with livelihood projects to promote community economic development. Agriculture is the primary economic activity in rural areas.” The department’s land reform and rural development programmes are committed to acquiring and allocating land for agricultural projects. To ensure that these projects are productive, agricultural support is being provided through recapitalisation, mentoring and development programmes as well as the animal and veld management programme. The department is committed to supporting rural enterprises and employment in various ways including the training of rural entrepreneurs. It also ensures that, where infrastructural projects take place, labour from local communities is contracted.

INSTITUTIONAL MECHANISM

The Department of Agriculture is the custodian of women’s rights to land.

TARGETS

With the abolition of apartheid in 1994, South Africa began the process of redressing past injustices.
through land reform and a broad-based programme of economic empowerment of the black population in the agricultural sector. The South African government embarked on a land reform programme that rested on three pillars, namely, restitution (settling claims of land lost under apartheid through either restoration or financial compensation), redistribution (transferring of white-owned agricultural land to blacks) and tenure reform (aimed at providing more secure access to land in communal areas and commercial farms). Through these programmes, the government set itself the target of delivering 30 percent of commercial agriculture land by 2014, which is 24.6 million hectares.

By the end of January 2013, 77 979 claims had been settled, which makes 97 percent the total claims, translating to 1.443 million ha and benefiting 13 968 female-headed households and 672 persons with a disability. However, these totals have not been expressed in terms of the percentage of women that should be assisted, or in terms of the level of poverty that could be alleviated by redistributing the 30% of agricultural land. As per DRDLR statistics, the restitution programme has benefited about 91 percent males and 9 percent females during the 2005/6 to 2008/9 financial years. In 2005/6 the programme benefited about 92 percent males and only 8 percent females. In the following year (2006/7), only 9 percent of women benefited from the programme compared to 91 percent of their male counterparts. Although the restitution programme is criticised for failing to prioritise women in the way compensation is granted, it is, however, commendable that the monitoring and evaluation unit has disaggregated data on restitution based on gender (CGE, 2009).

The concern is that most of the claims settled were urban claims and were settled with monetary compensation (Pepeteka, 2013). It is regrettable that most claims have been settled with monetary compensation rather than with land, as the rural poor are in need of land in order to pursue their livelihoods and thus alleviate poverty. Claimants, as conceived in this policy, are viewed as largely ‘un-gendered’ despite the fact that the denial of land rights for black women was only a part of a broad legacy of centuries of land dispossession through racially discriminatory laws. The programme has thus failed to acknowledge the specific gender-based experiences that underpinned much of colonial and apartheid land dispossession experiences. The overarching concern of the restitution programme is on the claimants, who are seen as ‘victims’ of a brutal and violent past, of which land dispossession was a key feature. The programme was broadly conceived as rights-based, and has in the past been evaluated on the basis of the number of claimants who have received compensation (CGE, 2009).

Access to land in rural communities is male dominated. Inheritance after the death of a spouse, is taken up by male members of the family and women are often left destitute. Many women’s groups report how they are asked to assist women who have lost their homes and possessions after the death of a partner. Some are thrown out into the street without any further support. This practice increases poverty and women’s vulnerability in general. Customs or traditions further contribute to the poverty of women. An example of this can be seen in the Eastern Cape, where some women are subjected to the customary assumption that only men can own property.

INVolvement OF civiL Society

The departments involved with the issues of land have an obligation to develop a partnership with NGOs/CBOs who are often a key source of support to women. This partnership can strengthen community-based women’s groups who are engaged in campaigns to increase women’s awareness of their rights in land as well as assist the department to build the necessary capacity to implement land reform which is gender equitable (CGE, 2009).

Certain CSOs, such as the National Land Committee and the Landless People’s Movement, have

sought to provide a forum and voice for the landless and vulnerable. Although there are often concerns about whose voice is eventually represented – as with all organisations, it is nonetheless imperative to incorporate these CSOs’ views into any strategic planning around land since their members are often the people most directly affected by policy decisions. The following are the more visible stakeholders in the land reform process.

- The Legal Resources Centre
- The National Land Committee
- The Land Bank
- AgriSA.

AgriSA is the new name of the South African Agricultural Union. The union was initially resistant to land reform, but recently it has been working, in a limited capacity, with the process. It has illustrated a willingness to cooperate in those aspects of reform, such as the Land Redistribution for Agricultural Development programme which falls into the commercially friendly category. The organisation is, however, still strongly opposed to secure tenure on commercial farms.

BUDGET

The government is providing grants to enable the poor to purchase land. According to the chief land claims commissioner, land redistribution seeks to provide land for “urban and rural very poor, labour tenants, farm workers as well as new entrants to agriculture.”

In regard to the restitution facet of the land reform, the budget for restitution has been cut since the 2008/09 financial year, with the argument that there were fewer claims to settle.

HUMAN RESOURCES

The human resources area is among the challenges faced by the Land Claims Commission during the past years. Under-staffing for both core and corporate services, was made worse by high staff turnover. Most positions within the Commission were offered on a contract basis until the end of 2005, which led to a rapid increase in staff turnover as this date approached. The process of conversion of staff from contract employment to permanent status has not sufficiently addressed the problem of staff turnover.

In relation to human resources capacity within the gender directorate in the promotion of gender equality within the Department of Agriculture, Forestry and Fisheries (D AFF) and land reform programmes, the GFP, appointed at the assistant manager level, is overloaded, as she is dealing with special programmes which include gender, youth, disability and elderly. This has therefore made it difficult for her to do justice to all the programmes (CGE, 2009).

RESEARCH

Since land is a political and emotive issue in the South African context, much has been written on the subject. As a result of the various perspectives on the state of land reform in South Africa, governmental as well as non-governmental and civil society reports on the land issue are widely available for public consumption. Research about the gender dimensions of land reform in South Africa were conducted by many institutions namely the CGE, the HSRC, PLAAS, and many universities.

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Commission on Restitution of Land Rights. Achievements and Challenges.
The objective of the CGE study was to assess the extent to which land reform policy and implementation programmes have incorporated gender consideration at policy and implementation levels between 2006-2008/2009. Furthermore, the study looked at the impact of land reform policy and implementation on female beneficiaries and employment equity profiles in both the departments mandated with implementing the land reform process. Thus this scores a 2.

**INFORMATION AND DISSEMINATION**

The CGE reports are accessible to the public regarding gender mainstreaming matters.

**MONITORING AND EVALUATION**

The CGE is mandated to monitor and evaluate gender mainstreaming in all public and private sectors in South Africa.

In relation to monitoring and evaluation, the CGE had noted in one of its studies that both the DRDLR and DAFF, despite the ability to generate gender-disaggregated data on the various programmes of land reform in response to a request made by the CGE fell short of having a standard comprehensive system of monitoring and evaluating gender-disaggregated data that is used consistently across the provinces (CGE, 2009).

This gap is evident despite the fact that the DRDLR has, for example, developed a guide for monitoring and evaluation which clearly outlines its role as part of project and programme management. It involves agreeing in the planning phase on how performance will be measured by developing indicators that will ultimately assist in the amendment of policies and procedures. The M & E Directorate at the DRDLR has a system in place called Management Information System (MIS), which is used to ensure that there is gender sensitivity in land reform programmes. The MIS has variables such as women, youth and the disabled, which are supposed to be disaggregated whenever reports are compiled for those programmes. However, at the provincial level, it was not evident that such a standard system existed as noted in the Comprehensive Report, which has been submitted as a separate document from the National Perspective Report.

**CAPACITY ENHANCEMENT**

The department needs to build into their programmes capacity=building programmes to allow for increased ownership of land by women.

**ACCOUNTABILITY/TRANSPARENCY**

The department is accountable through its participation in Parliament.
CHAPTER 6: POLITICAL POWER

UN SECURITY COUNCIL RESOLUTIONS 1325, 1820, 1888 AND 1889 ON WOMEN, PEACE AND SECURITY

“In war-torn societies, women often keep societies going. They maintain the social fabric. They replace destroyed social services and tend to be the sick and wounded. As a result, women are the prime advocates of peace”. Former UN Secretary-General Kofi Annan.

The United Nation Security Council adopted Security Council Resolution 1325 on ‘Women and peace and security’ on 31 October 2000 (S/RES/1325/2000). This was the first Security Council resolution to explicitly mention the impact of armed conflict on women and the contribution of women in conflict resolution and lasting peace.\(^1\) The member states were therefore requested to be periodically invited by the Security Council to strengthen their commitment to the implementation of the resolution through domesticating it and enshrining its provisions in the national action plans. As the former UN secretary general indicated, the role and plight of both physical and sexual violence against women and children during the conflict situations are critical as they get affected the most. On the other hand, they are the ones who strive to keep war-torn societies together by replacing social services and taking care of the sick and wounded, despite the fact that they are also wounded.

Women exposed to armed conflict have first-hand experience of the controversies and the consequences of wars within their societies, hence it is imperative that they are included in the decision making processes of conflict resolutions. It is encouraging to note that the resolution 1325 takes cognisance of sexual abuse against women and children in conflict situations.

In terms of the above, the objectives of the resolution are:

- to protect women’s rights during armed conflicts
- to prevent impunity for gender-based crimes
- to mainstream gender aspects in peacekeeping operations
- to increase women’s participation in various phases before, during and after armed conflicts.

RATIFICATION

Resolution 1325 has been adopted into a number of other international and regional instruments aimed at addressing the issues of women and gender equality in an effort to emphasise the importance of an inclusion of women during the decision-making processes of conflict resolution. Such instruments include:

- Article 11 of African Charter on Human and People’s Rights on the Rights of Women (Protection of Women in Armed Conflicts)
- Article 28 of SADC Protocol on Gender and Development (Peace Building and Conflict Resolution).

Security Council Resolution 1325 and other related resolutions were adopted as an initiative to increase the visibility of gender in all situations of armed conflict. Resolution 1889 called for further strengthening of women’s participation in peace processes and the development of indicators to measure progress on Resolution 1325. Resolution 1820, on the other hand, recognised the impact that sexual violence in

\(^{120}\) National Action Plan of Italy on Women, Peace and Security 2010 - 2013
conflict has on the maintenance of peace and security. This resolution explicitly links sexual violence as a tactic of war with women peace and security issues. Security Council Resolution 1820 reinforces Resolution 1325 and highlights that sexual violence in conflict constitutes a war crime and demands parties to armed conflict to immediately take appropriate measures to protect civilians from sexual violence, including training troops and enforcing disciplinary measures.\textsuperscript{121}

Resolution 1888 was adopted as a follow-up to Resolution 1820 and seeks to strengthen peacekeeping missions and the protection of women and children from sexual violence during armed conflict. These initiatives request that the secretary-general appoint a special representative on sexual violence during armed conflict (Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict). Most recently, Resolution 1960 was adopted which builds on and deepens the women, peace and security agenda on sexual violence.\textsuperscript{122}

In the South African context, when looking into Security Council Resolution 1325 and the related resolutions is unique in that, since the apartheid regime, there have not been internal wars; instead, the country has been playing a conciliatory role in war zones. It has been relatively peaceful and the assessment of how it is doing as far as women and armed conflict is concerned is limited to gender mainstreaming measures that are put in place when troops are deployed to war zones.

The United Nations have cited South Africa as one of the top troop contributing countries with female representation. Therefore, implementation of Resolution 1325 in the South African context is outward in nature because South Africa provides resources and support aimed at addressing the plight of women in conflict zones within Africa.

REPORTING

South Africa’s report on the resolutions 1325, 1820, 1888 and 1889 under CEDAW.

LAW

The Defence Act is one of the most important laws to address resolution 1325. The other important laws include the Constitution as it protects all citizens and calls for equality. Other important laws include:

- The Internal Security Act, 1982 – Terrorism
- The Internal Security Act, 1982 – Sabotage
- The Intimidation Act, 1982
- The Armaments Development and Production Act, 1968
- Non-Proliferation of Weapons of Mass Destruction Act, 1993
- The Nuclear Energy Act, 1999
- State of Emergency Act, 1997
- Defence Act, 1957
- National Key Points Act, 1980
- Protection of Information Act, 1982
- Civil Protection Act, 1977.
However, most of these do not speak directly to women issues.

POLICY

For the realisation of full implementation member states are required by the CSR 1325 to form partnerships with civil society and communities to promote women’s rights. The White Paper on Participation in International Peace Missions, which was initially tabled in the National Assembly in 1999, has been revised by the South African government to place more emphasis on the role of women in peace missions abroad (CGE, 2013). Furthermore South Africa has strong rape laws and the South African Department of Justice, as well as other government agencies, has issued National Policy Guidelines for Victims of Sexual Offences.123

DEVELOPMENT OF PLAN

Although the UN commended South Africa for its contribution in terms of the deployment of women in their peacekeeping troops, thus complying with article 8 of CEDAW (equal representation), true compliance with the UN resolution 1325 requires that such representation of women be at decision-making levels. There is no national action plan to fully implement the UN resolution 1325.124 Therefore, this scores a 1.

TARGETS

We were unable to find any specific targets.

INSTITUTIONAL MECHANISM

A number of institutions are in place to see through the implementation of resolution 1325. These include the following.

- Department of Defence
- Department of Home Affairs
- Department of Justice and Constitutional Development
- Department of Social Development
- National Gender Machinery
- South African Police Service.

This is thus scored a 2.

BUDGET

We were unable to find any specific budget.

HUMAN RESOURCES

The different government departments are well resourced with personnel. What is, however, not visible is the personnel’s particular roles with the inclusion of women in decision making. South Africa has mandated disciplinary action against their peacekeepers if found guilty of sexual abuse or exploitation.125 This is especially problematic as mainstreaming is not effective and these norms have tended to be prohibitive rather than preventative and community based.126

124 Ibid
125 Ibid

127 Ibid.
This is therefore scored a 1.

**INVERVOLVEMENT OF CIVIL SOCIETY**

Innovative initiatives aimed at the implementation of SCR 1325 (2000) have been organised by civil society organisations, for example ‘Women Talk Peace’ a radio programme series produced by the Liberia Women Action Committee and the International Women’s Tribune Centre (IWTC) airs in South Africa and other African countries. Again, CSOs have been involved with training women on the resolution, for example the Centre for Conflict Resolution at the University of Cape Town in South Africa, used the resolution to train women’s groups. Sonke Gender Justice and other CSOs have also worked to address misconceptions about human rights and ideas that standing up to injustice is un-African. This is therefore scored a 2.

**RESEARCH**

The CGE has conducted a series of studies in response to gender-based violence and violence against women. From 2011/2012 to 2013/2014 the Commission has been monitoring and evaluating the implementation of the 365 Days National Action Plan that came out of the Kopanong Declaration. The Commission has also been conducting a study on the implementation of the Victims Charter from 2009 to 2013, and focused on the Justice Cluster departments to determine the level of compliance in terms of victims’ rights within the criminal justice system. From 2013/2014 to 2014/2015, the CGE has been monitoring the activities of the National Council on Gender Based Violence, as the structure that was established in response to CEDAW Committee’s Recommendation number 19 during South Africa’s last periodic reporting in February 2011. A number of other university-based research organisations continue to do important research in the area of gender-based violence which contributes to our understanding of violence against women in general, but also how we can begin to address issues raised in resolution 1325. Important to note here is research undertaken by the Institute for Security Studies. This is thus scored a 2.

**INFORMATION AND DISSEMINATION**

Information on resolution 1325 is not broadly shared as South Africa is currently not in conflict; however important information on GBV is widely shared through the work of CSOs and government initiatives. This thus scores a 1.

**MONITORING AND EVALUATION**

The Department of Women in the Presidency is entrusted with the main responsibility to monitor and evaluate the government’s progress with regard to women’s rights. In addition, the CGE holds CEDAW reporting responsibilities. However, a lot more could be done within government departments to mainstream these processes as part of their annual data gathering and reporting. This therefore scores a 1.

**CAPACITY ENHANCEMENT**

The adoption of SCR 1325 (2000) has led to the increase of training as a form of capacity building for many CSOs throughout the continent. For instance, in Southern and West Africa, women’s groups have received training designed by the Centre for Conflict Resolution at the University of Cape Town. Work on capacity around GBV continues throughout the country and it contributes to the protection of women and children during conflict but it empowers officials to address the issue should it occur.

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127 Sonke and South African civil society and human rights groups condemn Zuma’s inaction against Al-Bashir 19 June 15 Refugee Health & Rights.
ACCOUNTABILITY/TRANSPARENCY

One of the difficulties with resolution 1325 is possibilities of lack of evidence to address violations that might occur during conflict. This suggests that there is a need to build mechanism in place for accountability by personnel during conflict and war.

PARTICIPATION OF WOMEN IN TRADITIONAL GOVERNANCE

The South African Constitution makes provision for the reintegration of traditional leadership and the coexistence of customary law and common law. This called for the restoration of traditional institutions and harmonising their interests with the standards of democracy as enshrined in the Constitution. Democratic governance as identified by the UN is a cornerstone for women’s empowerment and as a signatory member South Africa is compelled to comply with the strategies of the Beijing Platform for Action (BPFA) in increasing women’s participation in governance and decision making. This calls for signatory states to take measures to ensure women’s equal access to and full participation in power structures and decision-making. Again it is important to note that participation in decision making by women can only increase through improved capacity and leadership training of women. As much as there have been important moves to improve capacity and access of women into other spaces of the democratic society, there is an important need to see space created for women to have access in traditional governance as well.

RATIFICATION

Not applicable.

REPORTING

Not applicable.

LAW

The Constitution Act 108 of 1996 (3), is the supreme law in the country as it protects the rights to equality for all and it provides for the enactment of:

- Council of Traditional Leaders Act, 1994 (Act No. 31 of 1994)
- National House of Traditional Leaders Act, 2000 (Act No. 20 of 2000)
- Traditional Leadership Authority Act of 2003
- The White Paper on Traditional Leadership and Governance of 2003 enunciated that the legislation establishing the National House of Traditional Leaders should be aligned with the principles of non-sexism, co-operative governance between the houses, nation building, unity and peace among the houses and traditional communities, as well as enhancing traditions and culture.

Important to note here is also that the affirmation of equal rights for women within the Constitution was a precursor for the development and re-evaluation of laws that were previously discriminatory to women and other groups in society. As a result of the Constitution, a number of Laws have been

reformed since 1994. These include:

- the Recognition of Customary Marriages Act
- Traditional Leadership and Governance
- The Framework Act 41 of 2003
- the Communal Land Rights Act 11 of 2004
- National House of Traditional Leaders Act 22 of 2009

Other important legislative proposals that are yet to be tabled in Parliament include the Traditional Courts Bill and the Draft Recognition of Customary Marriages Amendment Bill. This is scored a 2 as the legislative framework for equal access for women is adequate.

POLICY

A policy for *ukuthwala* in African cultural practices was developed in the 2011/2012 financial year by the department. The policy will serve as a guideline in addressing issues relating to the practice of *ukuthwala* to safeguard the rights of women within and under traditional leadership. In addition, a parallel process is underway towards the development of a policy regulating the practice of Initiation. This policy is developed against the backdrop of the 1997 White Paper on South African Land Policy which placed emphasis on women’s effective participation in decision-making procedures as well as land ownership. This is scored a 2.

DEVELOPMENT OF A PLAN

The national framework and norms and standards that define the role and place of the institution of traditional leadership within South Africa’s system of democratic governance are stated in the White Paper on Traditional Leadership and Governance of 2003. The national framework further seeks to support and transform the institution in accordance with constitutional imperatives and to restore the legitimacy of the institution in line with the African indigenous law and customs subject to the Constitution (COGTA, 2013). This is scored as 1 as more needs to be done to indicate how women will be included.

TARGET

We were unable to find specific targets.

INSTITUTIONAL MECHANISM

A number of institutions are in place to institutionalise traditional governance and leadership. These include the following.

- Department of Traditional Affairs
- National House of Traditional Leaders
- Traditional Councils
- Congress of Traditional Leaders of South Africa (CONTRALESA)
- Commission on Traditional Disputes
- Commission on the Promotion and Protection of the Rights of Cultural, Religious and Linguistics Communities
The African Gender Development Index (AGDI)
SOUTH AFRICA COUNTRY REPORT 2015
Commission for Gender Equality

• Commission for Gender Equality.

BUDGET 1

Under the Cooperative Governance and Traditional Affairs ministry (COGTA) the Department of Traditional Affairs (DTA) has been allocated a budget of R119.4 million for the 2015/16 financial year. Although the budget would cover all departmental programmes, the amount allocated to gender mainstreaming is unclear.\(^{131}\) Thus this is scored a 1.

HUMAN RESOURCES 1

In the strategic plan, the Human Competence Capacity was highlighted by COGTA as a serious challenge to the organisation in general. In particular, personnel necessary to embolden institutional capacity for effective gender mainstreaming was insufficient and it would seem there was a lack of training for the personnel on gender issues (CGE, 2014). Given this realisation, the department also recognised the need for the development of a human resource development strategy and programme to support and enhance DTA human resource capability (COGTA, 2013).

RESEARCH 1

COGTA, together with other relevant bodies engages on periodic research in order to enhance knowledge and policy development. Succession planning, genealogies, protocols and exchange programmes are some of the focal areas covered by the research thrust and in spite of the notable output, the coverage of gender and related topics seems insufficient or lacking. Thus this is scored a 1.

INVOLVEMENT OF CIVIL SOCIETY 2

The recognition of traditional leaders by the government has been welcomed in many quarters of society. Most importantly, the institution of traditional leadership has been denounced by some CSOs for being hostile to the promotion of democratic values such as gender parity in accordance with the dictates of the Constitution. Opposition to traditional leaders has been backed by a number of land rights activists who, together with PLAAS and the National Land Committee launched litigation against the government over what Lungisile Ntsebeza refers to as the “retreat from democracy” (HSRC, 2008). This is scored a 2 as these engagements are in line with protecting the position of women.

MONITORING AND EVALUATION 1

As a result of the recommendations of the Nhlapo Commission, COGTA conducts frequent monitoring. These monitoring processes constitute an elementary level of monitoring of the intradepartmental work, especially when it comes to gender mainstreaming. Although there was evidence of disaggregated data in terms of gender, race and disability, the lack of clearly defined gender-specific indicators limits attempts for effective gender mainstreaming.\(^{132}\) This is thus scored a 1.

INFORMATION AND DISSEMINATION 1

In an attempt to improve communication and marketing COGTA uses the following entities.

• The SA Broadcasting Corporation
• Government Communications and Information System


\(^{132}\) Commission for Gender Equality, op cit., p.24
• Brand SA
• The Media Development and Diversity Agency.

However, the messages shared in these platforms are general and not necessarily specific to the empowerment of women; thus this is scored a 1.

CAPACITY ENHANCEMENT

Outcome 12, which deals with “an efficient, effective and development orientated public service and empowered, fair and inclusive citizenship” is a further responsibility for the DTA following its elevation by the Cabinet in 2008. Pursuing the attainment of these responsibilities requires the development of a coherent capacity-building strategy which was one of their key projects for the years 2011-12. A holistic three-tiered approach to capacity building is strongly advocated in the DTA’s capacity-building strategy. The approach was informed by the identified gaps in the capacity-building interventions and the intended beneficiaries which include kings, queens, principal and senior traditional leaders, Headmen/women and their spouses, members of Houses and traditional councils, all royal families, traditional communities, all officials in the public and private sector supporting the institution and any other role player or stakeholder who has an interest in the development of the institutions of traditional leadership.

The strategy further seeks to put forward qualification-based training, formal/informal skills programmes as well as retired experts and seminars as progressive models for capacity building. What is not clear in the capacity-building strategy is an emphasis on gender-sensitive training, thus this scores a 1.

ACCOUNTABILITY AND TRANSPARENCY

The institutions of traditional leadership are not viewed favourably by some quarters of civil society and have been criticised for being undemocratic and generally do not have systems of accountability to their people. In the 2012/13 Financial Year, the DTA reported on the completion of the first phase of the systems of the oversight role of traditional affairs. In this phase, the development of policies, frameworks, legislation and strategies were centralised. The 2013/14 financial year saw the commencement of the second phase, which was dominated by implementation and monitoring. Given the developmental stages of systems of accountability for traditional governance, this is scored a 1.

PARTICIPATION IN PEACE PROCESSES AND NEGOTIATIONS

The adoption of CEDAW was subsequently followed by the UN General Assembly’s Declaration on the Participation of Women in Promoting International Peace and Cooperation, the UN’s Beijing Declaration and Platform for Action and the resolution 1325 (2000) of the Security Council ensured women’s participation in all aspects of peacekeeping, peace-making and peace building. The deployment of women has made a positive impact in peacekeeping environments in protecting women’s rights.

Women formed one percent of deployed uniformed personnel in 1993 and three percent of peacekeepers in 2014. Women were first incorporated into the South African National Defence Force (SANDF) and formed 26.6 percent of the uniformed services in 2011.

It is, however, imperative that it is acknowledged that even though there are no predominant civil wars in the South Africa, it is faced with conflict emanating from poverty, such as xenophobia. This type of violence can be equated to war against African foreign nationals that is based on misconceptions of the place of South Africa in Africa.

Another type of war that is overwhelming the country is femicide and it occurs mainly in the private realm of the home. At a community level we see a similar type of war against women and children’s being and bodies, where women, children, widows and the elderly are routinely victimised, assaulted and at times killed from accusations of witchcraft, whereas the LGBTI community experiences unprecedented violence because they are not heterosexual.

RATIFICATION
Not applicable.

REPORTING
Not applicable.

LAW
The Constitution is the overarching law with regard to freedom for all and equitable treatment for maintaining peace or dealing with conflict should it arise.

POLICY
The White Paper on Participation in International Peace Missions, which was initially tabled in the National Assembly in 1999, has been revised by the South African government to place more emphasis on the role of women in peace missions abroad. Furthermore South Africa, has strong rape laws and the South African Department of Justice, as well as other government agencies, has issued National Policy Guidelines for Victims of Sexual Offences.

DEVELOPMENT OF PLAN
Although the UN commended South Africa for its contribution in terms of the deployment of women in their peacekeeping troops, thus complying with article 8 of CEDAW (equal representation), true compliance with the UN resolution 1325 requires that such representation of women be at decision-making levels. The CGE is concerned that there is no national action plan to fully implement the UN resolution 1325.

After the xenophobic attacks in 2008, and most recently in 2015, the state has taken initiatives to address the challenge through putting forward Operation Fiela as a strategy to address this type of violence.

TARGETS
We were unable to find specific targets for this indicator.

INSTITUTIONAL MECHANISM
Various government departments play a role in facilitating equitable participation in peace processes these include:

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135 CGE CEDAW Report 2013
137 Ibid
• The Department of Defence
• The Department of Women in the Presidency
• The South African Police Services
• The Department of Justice and Constitutional Development

**BUDGET**
We were unable to find any specific budget.

**HUMAN RESOURCES**
The UN has cited South Africa as one of the top troop-contributing countries with female representation. Therefore, implementation of Resolution 1325 in the South African context is outward in nature because South Africa provides resources and support aimed at addressing the plight of women in conflict zones within Africa.

**RESEARCH**
A number of institutions (MRC, Treatment Action Campaign), including the CGE have produced important research evidence in this area. This is thus scored a 2.

**INVolVEMENT OF CiViL SoCiETy**
For the realisation of full implementation of resolution 1325 member states are required to form partnerships with CSOs and communities to promote women’s rights. Again, CSOs have come up with innovative initiatives aimed at the implementation of resolution 1325. For example, the Nairobi Training Workshop organised by the Women as Partners for Peace in Africa DRC chapter and Femmes Africa Solidarite (FAS) was aimed to build Congolese women’s capacity for and technique of negotiation in preparation for the Inter-Congolese Dialogue in Sun City, South Africa.138

**MONITORING AND EVALUATION**
The Security Council regularly reports on progress across all areas of the women and peace and security agenda, highlighting gaps and challenges.139

**INFORMATION AND DISSEMINATION**
Information dissemination on this indicator was limited as the assumption is that South Africa is free from war, whereas the everyday experiences of women and the LGBTI community is marred by violence.

**CAPACITY ENHANCEMENT**
Together with the Centre for the United Nations Peacekeeping (CUNPK) of India, UN Women aims to train female military officers to address gender-based violence in armed conflict. The course builds on the previous courses targeting peacekeeping personnel, men and women, and South Africa was amongst 24 countries that took part in the training.140

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140 UN Women Female peacekeepers take the helm, to end gender-based violence - See more at: http://www.unwomen.org/en/news/stories/2015/5/female-peacekeepers-take-the-helm#sthash.91nyuggc.yVOWoWvT.dpuf
female military officers was conducted in South Africa through the collaboration of UN women and in collaboration with the South African government and was also aimed at increasing capacity of women military personnel in for CSO:s the UN peacekeeping missions. In addition, there has been an increase in training throughout the continent. Women’s groups in both Southern and West Africa have received training designed by the Centre for Conflict Resolution at the University of Cape Town on the implementation of the SCR 1325 (2000). There is, however, still a need for internally focused training to allow different personnel to deal with the everyday violence experienced by women and communities.

ACCOUNTABILITY/TRANSPARENCY

There needs to be more transparency and accountability on the everyday violence that women experience and commitment to address it.

GENDER MAINSTREAMING IN ALL DEPARTMENTS

Gender equality is essential for the achievement of human rights for all. Multiple forms of discrimination based on gender and other factors such as race, ethnicity, caste, disability, persons affected by HIV/AIDS, sexual orientation or gender identity further compounds the risk of economic hardship, exclusion and violence against women. These forms of discrimination against women are incompatible with women’s empowerment.

The Beijing Platform for Action is one of the international instruments set up to guide governments on gender equality practices. Gender mainstreaming was officially adopted by UN member states, of which South Africa is one. The Beijing Platform for Action was adopted as a strategy for accelerating the advancement of women and the realisation of women’s human rights. South Africa further committed itself to the implementation of gender mainstreaming as one of its National Commitments, through the implementation of the Beijing Declaration and Platform for Action, 1996.

RATIFICATION

Not applicable.

REPORTING

Not applicable.

LAW

The Constitution is an important law for South Africa’s achievement of equality and gender mainstreaming. Other important laws include the following.

- Women Empowerment and Gender Equality Bill, 2013.


CGE Report2014: The implementation of the Beijing platform for action in South Africa
• Broad-Based Black Economic Empowerment Act, No. 53 of 2003.
• Protection from Harassment Act, Act No. 17 of 2011.

These are just a few of the laws in place; there are a few more that are relevant for mainstreaming gender. This thus scores a 2.

**POLICY**

The South African vision for gender equality is contained in the National Policy Framework for Women’s Empowerment and Gender Equality, drafted under the auspices of the Office on the Status of Women (OSW, 1999)). The South African approach to gender equality is a rights-based approach congruent with the fundamental principles under the Bill of Rights of the Constitution of the Republic of South Africa, 1996.

In addition to the institutionalisation of the South African National Gender Machinery, the South African government is a signatory to international commitments in relation to gender equality, the most important of which are discussed throughout this report.

This is scored a 2.

**DEVELOPMENT OF A PLAN**

The 365 Days Programme National Plan of Action was developed in 2006 and launched in 2007. The plan complies with the Addendum to the SADC Declaration on Gender and Development for Eradicating Violence against Women and Children as well as several other regional and international instruments. The plan recognises that no single sector can address issues of mainstreaming by itself. Therefore, all South African government departments and CSOs are compelled to use this National Action Plan as the basis to develop their own strategic and operational plans to ensure unity of purpose and cohesion of efforts to achieve maximum impact in the process of eradicating violence against women.

The South African government’s National Development Plan Vision for 2030 places emphasis on building safer communities through an integrated approach. One of the outcomes identified in the Medium Term Strategic Framework (2009-2014) is to ensure that all people in South Africa are safe. In order to realise this vision of safer communities there is a need to prevent GBV and to strengthen the response of the law. Government departments have GFPs as part of the drive to mainstream gender; however, the Gender Machinery is ineffective as mainstreaming is not integrated in most departmental plans.

This is therefore score a 2.

**TARGETS**

South Africa has 8 Principles for Heads of Departments on mainstreaming gender. The Department of Public Service and Administration (DPSA) is the custodian department for gender mainstreaming processes within all government departments. Each government department is required to employ a GFP with decision-making power; however, most of these people are employed at junior levels.

**INSTITUTIONAL MECHANISM**

Currently the NGM is made up of the Department of Women. Following the dismantlement of the Office of the Status of Women and the JMC, the Department of Women, Children and People with Disabilities (DWCPD) was approved in December 2009. The DWCPD was dismantled in 2014 after
five years, and repositioned and named Department of Women in the Presidency. Although this move appears significant as the department will be solely focusing on women’s empowerment and a gender-mainstreaming agenda, some feminists are weary of the positioning of the department. Its mandate is to lead, coordinate and oversee the transformation agenda on women’s socioeconomic empowerment, rights and equality.\textsuperscript{143}

We also have the Portfolio Committee on Women in the Presidency. Another important institution in the machinery is the CGE, which is a Chapter 9 organisation; its functions have been outlined earlier in the report. The machinery also includes the SALGA Women’s Commission (SWC). This commission was set up as a result of the identified disparities between gender mainstreaming policies and actual implementation, the South African Local Government Association (SALGA) decided to establish its Women’s Commission in 2010. The aim of the SALGA Women’s Commission is therefore to strengthen gender equality and centralise women’s voices at local government level. The SWC seeks “to coordinate, promote and advocate for gender appropriate strategies and practices within member municipalities and feed into regional and continental processes.”\textsuperscript{144}

Finally, the machinery is made up of the GFP meant to be found at all government levels. It should also be noted that even though the Office of the Status of Women is no more, we still have offices at provincial level. This scores a 2 as the machinery is available.

**BUDGET**

Although the idea of a gender budget was introduced in 1996 it is not followed through as most government plans do not illustrate a disaggregated budget. Therefore, gender mainstreaming is not budgeted for other than by including funds for programmes such as the 365 days and the employment of GFPs – a more disaggregated budget with specifics would go a long way. Given the limitations with gender budgeting this is scored a 1.

**HUMAN RESOURCES**

Gender units are in place in some government departments. Gender focal persons have been appointed in most quarters of the public sector and are stationed in various departments such as human resources, diversity, and transformation desks. However, GFPs are at junior levels and thus not in line with the recommendations of the National Policy Framework for Women’s Empowerment. This is therefore scored a 1.

**RESEARCH**

The Public Service Commission (PSC) completed a once-off audit report on the status of GFPs in 2007.\textsuperscript{145} The audit sought to measure compliance with current gender-mainstreaming policies. The audit found that a number of national, provincial and local departments did not have GFPs.

However, the recent trend has been that in increasing numbers government departments are appointing their GFP posts at national and provincial level. Again, according to another study by the CGE it was found that many of the GFPs are appointed at lower levels (e.g. assistant director level) as opposed to the level of director or above. Other research indicates that GFPs are unable to be effective as they lack authority and resources.\textsuperscript{146} This in turn affects the effectiveness of the National Gender Machinery.\textsuperscript{147} This was further confirmed by Mvimbi, who argued that the OSW

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\textsuperscript{143} http://www.women.gov.za/index.php/about-us
\textsuperscript{144} SALGA (2010), Women in local Government Summit report, p. 19
\textsuperscript{146} Gouws, A. (2005), Assessing the National Gender Machinery in South Africa: Gains and Weaknesses, pp. 112-115; cited in Christie van der Westhuizen (ed.), Gender Instruments in Africa: Critical Perspectives, Future Strategies, p. 123
\textsuperscript{147} Ibid
and GFPS lacked the political authority to hold anyone accountable for government commitments to gender equality. This scores a 2 as there is availability of research in the area.

**IN Volvement of Civil Society**

CSOs are perceived as key and central to the struggle for gender equality and therefore their contributions towards gender equality have led to many successful legislative, economic, political and other milestones in a democratic South Africa. Although there are many challenges that are faced by NGOs around issues of funding and capacity, their work in gender equality and reshaping particularly women’s and girls’ participation in economic and political spheres, has been more than commendable. This thus scores a 2.

**Information Dissemination**

A number of organisations, including CSOs and most of the institutions in the Gender Machinery provide information on gender mainstreaming through training, dialogues, their websites and the provision of brochures. This scores a 2.

**Monitoring and Evaluation**

The research mentioned earlier provided for by the PSC and periodic assessments by the CGE are important for the continued monitoring and evaluation of gender mainstreaming in the country. This scores a 2 as this work is ongoing and relevant for South Africa’s compliance to most UN protocols.

**Capacity Enhancement**

The legal framework on women’s empowerment is made up of a range of policies, acts and agreements which serve as guideline for departments in approaching gender mainstreaming. Capacity building through the training of staff and awareness workshops is also contained within the framework.\textsuperscript{148} Again, in an attempt to increase capacity of departments to conduct their own internal gender training programmes the DPSA, together with the South African Management Development (SAMDI)and the former Office on the Status of Women embarked on the roll out of a gender mainstreaming training programme for public sector employees that includes executive, senior and middle managers.\textsuperscript{149} There is, however, still a need to build capacity as the lack of capacity has an effect on the successful working of the machinery. Thus this is scored a 1.

**Accountability and Transparency**

In accordance with the NGPF, collective efforts and a range of role players are required to carry out effective gender- mainstreaming programmes. The role of the DPSA is to ensure compliance and accountability from all government departments. However, such compliance and accountability has proven difficult to police, thus this scores a 1.

**Support for Women’s Quotas and Affirmative Action**

The introduction of the quotas has revealed an effective strategy of increasing the number of women in parliament in many sub-Saharan African countries. According to Tripp\textsuperscript{150} and Bauer\textsuperscript{151}, there are two most common forms of quota systems, that is the voluntary political party-based quotas and the ‘reserved’ or ‘special’ seats for women. Scholars have generally argued against an assumption...
that increasing women’s representation has a potential of changing women’s environment, as a lot more needs to accompany the quotas to effect real change. CEDAW articulates that the adoption by state parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as denied in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

The Beijing Platform for Action puts measures forward for governments and other actors to promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that before decisions are taken, an analysis is made of the effects on women and men, respectively. Again the ILO Convention, the attainment of equality in the workplace through the abolition of discrimination, the Convention No.100, relates to the equal remuneration for men and women workers of equal value, and the Convention No.111 discrimination in respect of employment and occupation.

The SADC Protocol on Gender and Development, in its article 12, states that state parties shall make an effort that, by 2015 at least 50 percent of decision-making positions in the public and private sectors are held by women. Use of affirmative action measures as provided for in Article 5 should, where possible, be taken to achieve this increase. On the same note the, Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (2003), in its Article 9, states that state parties shall take specific positive action to promote the participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that women are equal partners with men at all levels of development and implementation of state policies and development programmes. The state parties shall ensure increased and effective representation and participation of women at all levels of decision making.

**RATIFICATION**

Not applicable.

**REPORTING**

South Africa does its reporting through the CEDAW Committee and the CSW on the Beijing Platform for Action, and other protocols, as well as the ILO reporting for the South African government. The Commission for Employment Equity collects transformation of gender equality reports annually.

**LAW**

One of the key provisions of the Women Empowerment and Gender Equality Bill is that 50 percent of all decision-making positions must go to women in ‘designated public bodies and designated private bodies’. (The Women Empowerment and Gender Equality Bill is still not enacted due to a number of issues, but the discussions are ongoing as this Bill still needs to undergo more consultation). A few other relevant laws include:

- The Employment Equity Act No. (55 of 1998)
- Labour Relations Act (97 of 1998)
- Broad-Based Economic Empowerment Act No. 53 of 2003
POLICY
There is no policy regulating the participation and representation of women in the political arena. However, the ruling party is well known for the equal participation of both men and women. Although this strategy has undoubtedly been credited for being instrumental in influencing favourable results in women’s representation in Parliament, it has not been adopted by other political parties. Nonetheless, there is an overall enabling environment set by the Constitution.

The Constitution of South Africa provides for the quota system. According to SALGA, it also calls for 50/50 – get the balance right campaign for political parties. This campaign was put forward in 2005 which campaigned vigorously for the inclusion of more women in local government.

DEVELOPMENT OF A PLAN
There are a commendable number of women in parliament serving in various portfolios as ministers and deputy ministers. However, this is not a result of any particular government plan.

TARGETS
As a UN member state, South Africa is obliged to comply with the targets set by the MDGs with regard to women’s participation in Parliament. The SADC Gender Protocol is also well known for setting its sights on the 50/50 target at both local government and cabinet levels.

The Municipal Structures Act provides a 50 percent guideline for parties.

The Traditional Leadership and Governance Framework Act, 41 of 2003 indicates that at least 30 percent of members of the National House of Traditional Leaders must be women.

The quota in terms of Cabinet members currently stands at 38.7 percent. This indicates a decrease when taking into account the percentage for 2006 – 42.8 percent and 2009 – 42 percent and back to 40 percent in 2014.

The ANC Conference in Polokwane adopted the principle of parity in gender representation and in its manifesto for the 2009 election the ANC committed itself to “increase women representation in parliament and government to 50 percent by 2009”, which was substantially achieved as far as the National Assembly was concerned, for 49.2 percent of ANC members were women (Moran et al 2009: 16). The overwhelming dominance of the ANC in the National Assembly, combined with this commitment to women’s representation, ensured the sizeable representation of women in the body from its inception.

On a provincial level in 2009, 48.3 percent of the ANC seats in the provincial legislatures were occupied by women (Moran et al 2009: 16). The National Assembly saw a decrease in the number of women in Parliament, from 43 percent in 2009 to just below 40.5 percent in 2014. The DPSA developed the Gender Equality Strategic Framework which all government departments have had to implement and report on at half-yearly intervals to the DPSA. The departments also identified barriers to the achievement of employment of women at senior management levels to achieve the set 50 percent employment equity target.

INSTITUTIONAL MECHANISM
The South African National Gender Machinery is made up of a web of institutions and collectively these serve as instruments to promote the implementation of commitment towards more women in decision-making positions and to protect equality. Although these institutions operate at different levels, their combined effort is crucial in ensuring the advancement of gender equality in South Africa. The National Gender Machinery includes the National Task Team on Gender Equality, the Gender Equality Co-ordination Committee, and the Gender Equality Strategic Framework.

levels of government and include the CGE, Ministry and the Department of Women it should be noted that by definition the composition of the National Gender Machinery is fluid.

**BUDGET**

There is no dedicated budget for supporting the representation of women in the political arena.

**HUMAN RESOURCES**

Despite the lack of human resources, the CGE, CSOs and other relevant bodies under the label of national gender machinery continue to expend a smaller proportion of manpower on reporting and monitoring of the representation of women in politics.

**RESEARCH**

There is research output carried out by the various structures of the NGM including most institutions of higher learning. The Department of Women has also indicated research as an important strategic priority for its 2015-2020 plans. Again, different institutions have conducted research on the 50/50 quota system, involving CSOs and the public and private sectors. For instance, in the private sector research conducted by Grant Thornton revealed that support for gender quotas has dwindled. Other institutions like Business Unity South Africa which argues that the 50 percent target is ‘unrealistic and unattainable’.

Institutions like the SA Institute of Race Relations conduct surveys and have revealed that in 2009 the number of women in the National Assembly had increased to 173, or 43 percent of all MPs. Business Women South Africa also conducts its census on the status of women in JSE-listed firms and state-owned enterprises. Other research conducted by Gender Links reports that there is a decline in women’s representation at local government elections. The CGE has conducted numerous studies; in 2009 the Commission made an observation on women in the national and provincial government elections, while in 2011 the same was done for the country’s municipal elections. Finally, another study was done in 2014 for both national and provincial elections to assess the extent to which women’s participation and representation in the political and political parties is being promoted by the selected political parties. This thus scores a 2.

**ININVOLVEMENT OF CIVIL SOCIETY**

The CGE has been involved in engagement with various political parties aimed at influencing party processes in the increasing of women’s involvement. As part of its monitoring exercise, the CGE has held dialogues and discussions with party leadership structures on the promoting of gender mainstreaming in 2013.153

**INFORMATION AND DISSEMINATION**

The CGE and the IEC convened a national political party dialogue in 2011 solely as a platform where the political parties and different stakeholders could deliberate and raise awareness on gender representation in the political parties.

**MONITORING AND EVALUATION**

In accordance with Section 11 of the CGE Act of 1996 the Commission is specifically given the mandate to monitor compliance with international instruments. As part of fulfilling its mandate the CGE has played an oversight role in monitoring gender mainstreaming within political parties and election. Further periodic monitoring is also conducted by the other members of the NGM such as Gender Links.

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CAPACITY ENHANCEMENT

We were unable to establish measures related to capacity enhancement.

ACCOUNTABILITY/TRANSPARENCY

Section 28 of the Employment Equity Act has made provisions for the establishment of the Commission for Employment Equity which is mainly responsible for holding both public and private entities accountable with regard to employment equity. In terms of the Act the Commission is required to submit a report to the Minister of Labour annually on matters pertaining to the adherence to the EEA. The report is compiled from the information derived from Employment Equity Reports submitted by employers. Prior to 2013, the annual submissions were only restricted to large employers; small employers or those with employees of less than 150 were required to make submissions every two years. This has since changed due to the commencement of the amended EE Act and henceforth all designated employers, irrespective of size, are required to report to the department every year.\textsuperscript{154} This scores a 1 as compliance is still a challenge.

\textsuperscript{154} Commission for Employment Equity, Report 2015

\textsuperscript{155} Crenshaw, K (2014). Justice Rising: Moving Intersectionality In The Age Of Post Everything. (Public Lecture at the London School of Economics, 24th March.


\textsuperscript{158} Employment Equity Commission Report, 2011-2012


CHAPTER 7: CONCLUDING OBSERVATIONS AND RECOMMENDATIONS

CONCLUDING OBSERVATIONS

In our attempts to measure South Africa’s compliance with international and regional instruments in regard to gender equality, it is important for us to understand how multiple oppressions intersect to create particular experiences for women. Although patriarchy and male prejudice remain important makers of the oppression of women, in South Africa the stark racial inequalities make the position of African women especially deplorable. Research on race and gender shows how this inequality manifests. argues that experiences of intersections of oppression for especially African women is seen in how cheap their lives are. This is seen in multiple ways including experiences of structural and actual violence, for example in 2011 they represented 66 percent of the unemployed. When in jobs they are largely underemployed and constitute practically all domestic workers. Those who are in management are said to experience the most resistance.

Research illustrates that black women in South Africa are negatively affected in all spheres of life as a result of the multiple burdens of their social positioning. further indicates that this is because historically black women’s lives were considered the cheapest form of life. This is then seen in how inequality is skewed more against this group of women. They experience inequality as women, as black women, and most of them as working-class women.

The findings captured in this report illustrate the differential privileging of women and men. For example, the education statistics shown in Chapter 2 illustrate that more girls finish school and enter institutions of higher learning. However, when we look at employment and leadership statistics, we see that more men are in wage paying jobs, in high paying jobs and in managerial/decision-making positions more so than women. We found that this is a result of a few factors that are linked to the patriarchal dividend for men. The notion of the patriarchal divide as stated in Connell speaks of a system that guarantees power for men. Connell suggests that men benefit from patriarchy because of their gender. This conceptualisation suggests that even though race, class and sexuality positions men differently, all men benefit from this patriarchal divide. However, Connell acknowledges that race, class and other factors affect men’s lives differently, thus men do not necessarily benefit equally from the patriarchal divide. This is true when one looks at the differential positioning of black men as compared to black women. What is complicated, however, is that though black men experience racial exclusion in similar ways as black women, they are privileged differently because they are men.

As a result, patriarchy and its tendency to privilege men makes a mockery of the strides made to reach gender equality as women continue to be unequally positioned. For example, the efforts made with regard to reducing gender segregation in terms of access to paid work, business loans, and women in management, have not seen substantial increases as women are still the minority as the economic space is still predominantly masculine. Again, when looking at the 2013 quarterly

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Matlala. L.S. (2012). The impact of business support for women owned small business enterprises in Agriculture-A South African Perspective A Research report presented to the Graduate School of Business Leadership University of South Africa In partial fulfilment of the requirements for the MASTERS DEGREE IN BUSINESS ADMINISTRATION, UNIVERSITY OF SOUTH AFRICA.
labour force survey, women make up only 23 percent of employers in the South African economy. This is due to continuing social, cultural and economic sanctions that still disadvantage women’s access to leadership in society. Although we have seen fundamental shifts in women’s leadership in the public sector, the same is not true in the private sector. Canham\textsuperscript{161} shows that even in post-apartheid South Africa women still constitute the highest group of the unemployed or underemployed, a clear indication of their continued inferior position in society. Furthermore, women are more likely to adjust working time in response to family responsibility at some stage in their careers, and this then delays their career advancement. The career interruptions that women experience as a result of the motherhood role often mean losses in superior job training and thus the downgrading of their skills. This explains to some extent why men continue to occupy senior positions even when more women finish school and enter higher education institutions as compared to men – see Chapter 2.

The agricultural sector is no exception in terms of the underrepresentation of women. The South African agricultural sector is dualistic in nature, with a well-developed commercial sector comprising about 46 000 commercial farmers occupying 86 percent of agricultural land, while small-scale communal farmers occupy the remaining 14 percent of farmland.\textsuperscript{162} The international development community has recognised that agriculture is an engine of growth and poverty reduction in countries where it is the main occupation of the poor\textsuperscript{163}. But the agricultural sector in many developing countries is underperforming in part because women who represent a crucial resource in agriculture and the rural economy through their roles as farmers, labourers and entrepreneurs, face more severe constraints than men in access to productive resources\textsuperscript{164}. Efforts by national governments and the international community to achieve their goals for agricultural development, economic growth and food security will be strengthened and accelerated if they build on the contribution that women make and take steps to alleviate these constraints\textsuperscript{165}.

There are serious constraints which militate against the promotion of an effective role of women in development in societies bound by gender exclusionary and discriminatory traditions and beliefs\textsuperscript{166}. Matlala also asserts that patriarchal modes and practices motivated by culture and/or interpretation of religions sanctions and illiteracy hinders women’s freedom to opt for various choices to assert greater mobility in social interactions. As a result, women’s contribution to agriculture and other sectors in the economy remain concealed and unaccounted for, and thus women’s needs remain almost invisible in government plans and programmes as implementation remains the main challenge.

Even though agriculture dominates female employment in many African countries, opportunities for women’s leadership in agriculture are hindered by formal and informal rules restricting their opportunities for more productive employment and income. These constraints manifest themselves as challenges with recruitment of women as workers, access to credit by women for improving production, as at times they are not the recognised owners of the land. Also even if more conducive property systems were eventually implemented a large group of women would not find space to grow in agriculture as most have very little education, and most importantly low social status. Our findings in Chapter 2 also show that the patriarchal divide would stand in their way even if they could have the necessary education.

The South African legislative landscape looks very good when considering existing laws and policies to secure the well-being of women. In one of the meetings with the National Advisory Panel it was observed that the African Women’s Progress Scoreboard scores were too high, suggesting that South African women have achieved equality and do not experience access challenges. On reflection we found that this might be the result of the work done in putting together equality-driven policies, so South Africa should be commended on its attempt to acknowledge women’s
equality in its policies and legislations. However, we found that the lack of change is as a result of the misalignment between the legislative priorities and implementation, South Africa thus needs to do more work in making these policies a reality for women. The measures taken to secure the well-being of women are not sufficient, as real change for women and their everyday life experiences remain confined. For example, the Women Employment and Gender Equality Bill, which aimed to ensure that there was gender equality in the business sector, was subsequently pulled by the Minister of Women in the Presidency. This clearly indicates a misalignment with regard to what women need and what should be done to address those needs.

In the domestic sphere we also found that women are still not safe, as women and children still continue to suffer violation within domestic issues. Domestic violence is a multi-layered violation which affects the body, psyche and emotions of the ‘victim’ and those that experience it at a secondary level. Violence threatens the fabric of democracy, as it is a human problem that affects communities and the broader society. Research indicates that in South Africa domestic violence is mostly experienced by poor black women\textsuperscript{167}. This does not necessarily mean other race groups\textsuperscript{168} do not experience violence, but that the position of black women needs attention.

Domestic violence is one form of gender oppression. Women also experience violation in public spaces through sexual harassment. Sexual harassment is a crime that is made ambiguous by how power works – hence it is usually thrown back at the ‘victim’. For instance, it is found in learning institutions, workplaces, entertainment spaces and on the streets where women are unable to walk freely for fear of all sorts of harassment. This oppression owes its origin to patriarchy and the need for men to exercise their power over women. Sexual violence emanating from the same need to use power is also a big challenge in South Africa.

We have found that the continued unequal positioning of women is mainly because of a lack of a change in mind-set which can only be improved through nation-wide awareness-raising campaigns and efforts to provide employment and other relevant opportunities to women.


\textsuperscript{168} A number of public cases indicate that this challenge is experienced in all classes and by all racial groups in South Africa; the Oscar Pistorius cases is worth noting.
RECOMMENDATIONS

The findings of this report illustrate important points for consideration on the improvement of women’s lives and ensuring equality between women and men in South Africa.

As we make our recommendations we would like to emphasise that inequality in South Africa is as racial as it is gendered. Thus even though black men in general benefit from the patriarchal divide and use their power to subordinate women, black men also experience inequality as they are denied access due to experiences of poverty and racial oppression. Therefore, the recommendations formulated below are aimed at advising policy makers and other key institutions and stakeholders in terms of developing the necessary approaches and interventions to ensure equality between men and women through the elimination of gender as well as racial inequalities.

- There is an urgent need to enact the Women Empowerment and Gender Equality Bill which will enforce the implementation of SADC protocol of 50/50 representation in the political discourse, among other things. This will hinder the visible declining of women representation in governance and bind political parties to enforce the quota system.
- The statistics relating to education have revealed a significant drop-out rate for male and female students respectively at basic and higher education levels. It is necessary for the government, especially the Departments of Basic Education and Higher Education to develop clear strategies, in collaboration with other stakeholders, including the unions and relevant CSOs in the sector, to address the underlying causes of such high levels of drop-outs.

  Our findings suggest that one of the key causal factors is notions of masculinities perpetuating social stereotypes about the role of males in the family, community and society. As a result of these social stereotypes, boys tend to either drop out of school to find employment and or, alternatively, do poorly at school, resulting in higher repeat rates.

- Our findings also indicate high rates of drop-out for girls, mainly due to teenage pregnancies. We are convinced that the measures put in place for the prevention and management of learner pregnancy perpetuate school drop-outs for girl children and failure to reintegrate young mothers after delivery as they stipulate a period of up to two years of waiting before the girls could return to school. We therefore recommend for the Department of Basic Education to develop effective programmes and strategies to address some of the underlying socioeconomic and cultural factors in order to encourage greater retention of both female and male students within the education system.

- The findings of this assessment show that the scourge of HIV/AIDS remains an intractable challenge within the school system. We urge the DoE, collaborating with the DoH, to review the HIV/AIDS National Strategic plan 2012-2016 in order to address the gaps that appear to perpetuate the prevalence of HIV/AIDS infections especially among the 15-to-24 year old females. There are also socio-economic and cultural factors that appear to exacerbate the spread of the pandemic among girls in this age group.

- The findings show that despite numerous policy and legislative frameworks in the country to address the challenge of black economic empowerment, black women continue to suffer from enormous economic disadvantages, leading to high levels of unemployment and poverty amongst them. We recommend that the government, through the Ministry of Women in the Presidency, undertake a thorough review and investigation into current economic empowerment policy and legislative frameworks to gain a clearer understanding of the constraints and limitations of these frameworks and, where necessary, introduce the
necessary reforms to address the limitations.

- South Africa is one the countries in the continent affected by harmful traditional practices such as forced/child marriages, genital mutilation and virginity testing. While the necessary legislation has been put in place to combat these practices, the laws are not applied effectively and are therefore routinely ignored. We recommend that the government reviews such laws as the Children’s Act, anti-human trafficking legislation, the Domestic Violence Act, the Sexual Offices Act and other related pieces of legislation to assess the effectiveness of implementation and factors undermining effective implementation. Where necessary, better resources should be allocated to institutions tasked with implementing and monitoring the implementation of such laws.

- In terms of access to resources, the findings of this assessment have demonstrated that control over and access to land is not only a contentious matter, but also highly gendered. Women beneficiaries of the government’s land restitution programmes are routinely marginalised and prevented from controlling and benefiting from the land and other related resources without proper and effective recourse. We recommend that the government undertakes a thorough review of the implementation of the land restitution programme and, where necessary, set clear legislative criteria and targets to address the marginalisation of women beneficiaries from the programme.

- This assessment has also found that South Africa often fails to report on time on its activities in compliance with African protocols. We urge the government therefore to create a clear institutional mechanism, with a dedicated budget, to ensure that the country not only complies with its obligations in line with the relevant African and global instruments, but also fulfils its reporting requirements on time.
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