DISCLAIMER

The information in this report has been provided to the Commission for Gender Equality (CGE) voluntarily by the parties concerned for the purpose of drafting this report. In this regard, every endeavour has been made by the CGE to preserve the authenticity, accuracy and intent of the information that was provided. Accordingly, all errors and omissions that may be patent or latent cannot be attributed to an oversight or negligence on the part of the CGE. Furthermore, in terms of Section 17(3) of the Commission for Gender Equality Act 39 of 1996, no Commissioner, member of staff or any of its experts or consultants that has been engaged shall be liable in respect of anything reflected, any point of view, any recommendation made and anything expressed in this report.
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1. Poverty: The persistent and increasing burden of poverty on women;
2. Education: Inequalities and inadequacies in and unequal access to education and Training.
3. Health: Inequalities and inadequacies in and unequal access to health care and related services
4. Violence against women.
5. Armed Conflict: The effects of armed or other kinds of conflict on women, including those living under foreign occupation.

6. The Economy: Inequality in economic structures and policies, in all forms of productive activities and in access to resources.

7. Power and Decision making: Inequality between men and women in the sharing of power and decision.

8. Insufficient mechanisms at all levels to promote the advancement of women;

9. Human Rights: Lack of respect for and inadequate promotion and protection of the human rights of women;

10. Communication and Media: Stereotyping of women and inequality in women’s access to and participation in all communication systems, especially in the media;

11. Environment: Gender inequalities in the management of natural resources and in the safeguarding of the environment;

LIST OF ACRONYMS AND ABBREVIATIONS

ABET: Adult Basic Education and Training
AET: Adult Education and Training
ADF: African Development Forum
AIDS: Acquired Immune Deficiency Syndrome
APP: Annual Performance Plan
ART: Antiretroviral Therapy
ASH: Amendment of Sexual Harassment
AU: African Union
AWTF: African Women’s Trust Fund
BANC: Basic Antenatal Care
BBSDP: Black Business Supplier Development Programme
BCEA: Basic Condition of Employment Act
BDFA: Being Declaration and Platform For Action
BDM: Business Development Manager
BEM: Boys Education Movement
BPA: Beijing Platform for Action
BPFA: Beijing Platform for Action
BRIC: Brazil, Russia, India and China
BWA: Businesswomen’s Association of South Africa
CAI: Consultancy Africa Intelligence
CARMMA: Campaign for the Accelerated Reduction of Maternal Mortality in Africa
CAS: Crime Administration Systems
CASP: Comprehensive Agriculture Support Programme
CBOs: Community Based Organisations
CBPWP: Community Based Public Works Programme
CIS: Co-operative Incentive Scheme
CED: CIDA Empowerment Fund
CEM: Council of Education Ministers
CEO: Chief Executive Officer
CFO: Chief Financial Officer
CHIETA: Chemical Industries Education and Training Authority
CHE: Council on Higher Education
CHW: Community Health Worker
CMIP: Consolidated Municipal Infrastructure Programme
COGTA: Department of Co-orporative Governance and Traditional Affairs
COO: Chief Operations Officer
COSATU: Congress of South African Trade Unions
COWEB: Community Water Efficiency Programme
CPTD: Continuing Professional Teacher Development
CRC: Convention on the Rights of a Child
CRPD: Comprehensive Rural Development Programme
CSC: Clients Service Centre
CSG: Child Support Grant
CSIR: Council for Scientific and Industrial Research
CSPS: Civilian Secretariat for the Police Service
CTOP: Choice of Termination of Pregnancy
DAC: Department of Arts and Culture
DBE: Department of Basic Education
DDG: Deputy Director General
DEAT: Department of Environmental Affairs and Tourism
DEVAW: Declaration on the Elimination of Violence Against Women
DG: Disability Grant
DLA: Department of Land Affairs
DG: Director General
DHET: Department of Higher Education and Training
DOE: Department of Education
DOJ&CD: Department of Justice and Constitutional Development
DPME: Department of Planning, Monitoring and Evaluation
DPSA: Department of Public Service and Administration
DPW: Department of Public Works
DRDLR: Department of Rural Development and Land Reform
DSD: Department of Social Development
DST: Department of Science and Technology
DTI: Department of Trade and Industry
DVA: Domestic Violence Act
DVLP: Domestic Violence Learning Programme
DWAF: Department of Water Affairs and Forestry
DWCPD: Department of Women Children and People with Disabilities
EAP: Economically Active Population
EC: Eastern Cape
ECD: Early Childhood Development
ECITI: Eastern Cape IT Initiative
ECOSOC: Economic and Social Council
EEA: Employment Equity Act
EEW: Economic Empowerment of Women.
EFA: Education For All
EFAL: English as a First Additional Language
EMIS: Education Management Information System
EPWP: Extended Public Works Programme
ESMOE: Essential Steps in Management of Obstetric Emergencies
ESR: Educator School Ratio
ESAR: (education- safe schools)
ESS: Enterprise Support Services
FCMs: Family Community Motivators
FCS: Family Violence, Child protection and Sexual Offences Unit
FET: Further Education and Training
FS: Free State
FSCS: Financial Service Cooperatives
G-BEM: Girls and Boys Education Movement
GBV: Gender Based Violence
GCIS: Government Communication and Information Systems
GEM: Girls Education Movement
GEMSA: Gender and Southern Africa Media
GER: Gross Enrolment Ratio
GET: General Education and Training
GETC: General Education and Training Certificate
GFP: Gender Focal Point
GHS: General Household Survey
GIA: Grant in Aid
GL: Gender Links
GMDC: Gender and Media Diversity Centre
GMPS: Gender and Media Progress Study
GP: Gauteng Province
GPI: Gender Parity Index
HAART - Highly Active Antiretroviral Therapy
HCT: HIV Counselling and Testing
HE: Higher Education
HEDCOM: Heads of Education Departments Committee
HEIs: Higher Education and Training Institutions
HOD: Head of Department
HPV: Human Papilloma Virus
HR: Human Resource
HRD : Human Resource Development
HIV : Human Immunodeficiency Virus
ICASA: Independent Communications Authority of South Africa
ICESCR: International Covenant on Economic Social and Cultural Rights
ICPD: International Conference on Population Development
ICT: Information and Communications Technology
IDA: International Development Association
IDT: Independent Development Trust
ILO: International Labour Organisation
IPID: Independent Police Investigative Directorate
ITU: International Telecommunications Union
IWF: Isivande Women’s Fund
ISRDP: Integrated Sustainable Rural Development Programme
INSTRAW: International Research and Training Institute for the Advancement of Women
JCPS: Justice, Crime Prevention and Security Cluster
JMC: Joint Monitoring Committee on the improvement of Life and Status of Women
JSE: Johannesburg Stock Exchange
KMS: Kangaroo Mother Care
KP: Kyoto Protocol
**KPACC:** KwaZulu Natal Provincial Advisory Council for Children  
**KZN:** KwaZulu Natal  
**LARP:** Land Agrarian Reform Project  
**LED:** Local Economic Development Programme  
**LER:** Learner Educator Ratio  
**LCMC:** Lower Court Management Committee  
**LP:** Limpopo Province  
**LRA:** Labour Relation Act  
**LRAD:** Land Redistribution for Agricultural Development  
**LSR:** Learner School Ratio  
**LTSM:** Learning and Teaching Support Material  
**MAFISA:** Micro- Agricultural Financial Institutions of South Africa  
**MCL:** Ministerial Committee on Literacy  
**MDDA:** Media Development and Diversity Agency  
**MDG:** Millennium Development Goals  
**M&E:** Monitoring and Evaluation  
**MIG:** Municipal Infrastructure Grant  
**MISA:** Media Institute of Southern Africa  
**MNCWH:** Maternal, New born Child and ‘s Women Health  
**MP:** Mpumalanga Province  
**MRC:** Medical Research Council  
**MST:** (Dinaledi)  
**MTEF:** Medium Term Expenditure Framework  
**NAMA:** Nationally Appropriate Mitigation Actions  
**NAP:** National Adaptation Plans  
**NAPA:** National Adaptation Programmes of Action  
**NC:** Northern Cape
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<td>NCDs</td>
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<td>NCGBV</td>
<td>National Council on Gender Based Violence</td>
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<td>NCOP</td>
<td>National Council of Provinces</td>
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<td>NCPS</td>
<td>National Crime Prevention Strategy</td>
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<td>NDOH</td>
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<td>NEDLAC</td>
<td>National Economic Development and Labour Council</td>
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<td>NEMISA</td>
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<td>NIMART</td>
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<td>National Students Financial Aid Scheme</td>
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<td>National Health Insurance</td>
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<td>NPA</td>
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<td>NSG</td>
<td>National School of Government</td>
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<td>National School Nutrition Programme</td>
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<td>NQF</td>
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<td>NW</td>
<td>North West</td>
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<td>NWA</td>
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THE IMPLEMENTATION OF THE BEIJING PLATFORM FOR ACTION IN SOUTH AFRICA

PAP: Poverty Alleviation Programme
PHC: Public Health Care
OAG: Old Age Grant
ODA: Official Development Assistance
OECD: Organisation for Economic Development and Cooperation
OIC: Operation Inter- Sectoral Committee
OSW: Office on the Status of Women
PALAMA: Public Administration Leadership and Management Academy
PED: Performance Enhancing Drugs
PEP: Post- Exposure Prophylaxis
PEPUDA: Promotion of Equality & Prevention of Unfair Discrimination Act
PMTCT: Prevention of Mother to Child Transmission
POAs: Plans of Action
PPCC: Parliamentary Portfolio Committee on Communications
PSC: Public Service Commission
QPNT: Qhubeka Phambili Network Technology
RDP: Reconstruction and Development
REC: Regional Economic Community
REDD: Reduced Emissions from Deforestation and Forest Degradation
REID: Rural Enterprise and Industrial Development
RID: Rural Infrastructure Development
RSA: Republic of South Africa
RTOs: Resource and Training Organisations
SAATA: South African Agency for Science and Technology Advancement
SABC: South African Broadcasting Cooperation
SADC: Southern African Development Community
SAHRC: South African Human Rights Commission
<table>
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<td>SANEF</td>
<td>South African National Editors’ Forum</td>
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<td>SAMAF</td>
<td>South African Micro-Finance Apex Fund</td>
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<td>SA</td>
<td>South Africa</td>
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<td>SARG</td>
<td>Squid Analysis Report Generator</td>
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<td>SAPO</td>
<td>South African Post Office</td>
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<td>South African Qualification Authority</td>
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<td>SASA</td>
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<td>SASSA</td>
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<td>SAWEN</td>
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<td>SAWIC</td>
<td>South African Women in Construction</td>
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<td>SAWID</td>
<td>South African Women in Development</td>
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<td>SA WISE</td>
<td>Association of South African Women in Science and Engineering</td>
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<td>SBCWC</td>
<td>Saartjie Baartman Centre for Women and Children</td>
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<td>SC</td>
<td>Security Council</td>
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<td>SCCSF</td>
<td>Safe and Caring Child Friendly Schools</td>
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<td>SDGEA</td>
<td>Solemn Declaration on Gender Equality in Africa</td>
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<td>SDA</td>
<td>Skills Development Act</td>
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<td>SEDA</td>
<td>Small Enterprise Development Agency</td>
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<td>SET</td>
<td>Science, Engineering and Technology</td>
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<td>SETA</td>
<td>Sector Education and Training Authorities</td>
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<td>Small, medium and micro-enterprises</td>
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<td>SOA</td>
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<td>SOCA</td>
<td>Sexual Offences and Community Affairs</td>
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<td>SOCPEN</td>
<td>Social Pension System</td>
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<td>SOE</td>
<td>Sate Owned Enterprises</td>
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SORMAA: Sexual Offences and Related Matters Amendment Act
SOS: Scheme for Ownership Support
SPP: Senior Public Prosecutor
STB (manufacturing)
STATSA: Statistics South Africa
STI: Sexually Transmitted Infections
STDs: Sexually Transmitted Diseases
TOT: Training of Trainers
TTCs: Thuthuzela Care Centres
TUT: Tshwane University of Technology
TWIB: Technology for Women in Business
UCT: University of Cape Town
UJ: University of Johannesburg
UNAIDS: United Nations AIDS
UNICEF: United Nations Children’s Fund
UNDP: United Nation Development Programme
UNECA: United Nations Economic Commission for Africa
UNESCO: United Nations Educational Scientific and Cultural Organisational
UNFAO: United Nations Food.....
UNFCCC: United Nations Framework Convention on Climate Change
UNFPA: United Nations Population Fund
UNGEI: United Nations Girls Education Initiative
UNIFEM: United Nations Development Fund for Women
UNISA: University of South Africa
UNWOMEN: United Nation Women
URP: Urban Renewal Programme
USAASA: Universal Service and Access Agency of South Africa
VAW: Violence Against Women
VEP: Victim Empowerment Programme
VFR: Victim Friendly Rooms
WC: Western Cape
WEGE: Women’s Empowerment and Gender Equality
WHO: World Health Organisation
WVG: War Veteran Grant
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FOREWORD

The Commission for Gender Equality is pleased to present its baseline report on the implementation of the Beijing Platform for Action (BPA). The CGE is mandated by the Constitution of the Republic of South Africa and the CGE Act to monitor South Africa’s compliance with any conventions, covenants, protocols or charters acceded to or ratified by the Republic, relating to the object of the Commission. The principles relating to the status of the National Institutions (The Paris Principles) clearly states that institutions like the CGE should prepare reports on the national situation with regard to human rights in general, and on more specific matters. It is in light of the aforementioned, that the CGE has prepared this report.

The report highlights various achievements and challenges. It also acknowledges the comprehensive legislative policy framework in place. The most significant challenge highlighted in this report, is the ineffective implementation of policies and legislation which echoes throughout the report. Non-implementation of policies and legislation could be viewed as an indirect way of perpetuating discrimination against women. This is an anomaly which calls for the national state machinery to improve on the implementation of legislation and policies so that South African women would be free from all forms of discrimination and oppression.

I hope that this report will serve as a catalyst for change and will sensitise the South African Government, civil society organisations and other stakeholders to address the challenges that have been identified. It is our hope that the report will stimulate government to function more effectively to deal with issues raised in the report.

I would like to thank all the contributors who have assisted in the development of this report.

Mfanozelwe Shozi
Chairperson for the Commission for Gender Equality
THE MANDATE OF THE COMMISSION FOR GENDER EQUALITY

The Commission for Gender Equality (CGE) is one of six independent state institutions established in terms of Chapter 9 of the Constitution Act no 108 of 1996 of the Republic of South Africa to support and promote democracy and a culture of human rights in the country. The CGE is charged with a broad mandate to promote respect for gender equality and the protection, development and attainment of gender equality, and to make recommendations to Parliament on any legislation affecting the status of women in South Africa. Furthermore, the CGE is committed to creating a society free from gender discrimination and any other forms of oppression. The mandate of the CGE is achieved through monitoring, investigating, conducting research, education and awareness, advocacy and lobbying, and reporting on issues concerning and or affecting gender equality.

The CGE Act (Act 39 of 1996) mandates the CGE to monitor South Africa’s compliance with all international and regional instruments signed, acceded to, and or ratified that impact directly or indirectly on issues of gender equality in the country.

Section 187 of the South African Constitution Act 108 provides for the CGE’s functions:

1. The Commission for Gender Equality must promote respect for gender equality and the protection, development and attainment of gender equality.

2. The Commission for Gender Equality has the power, as regulated by national legislation, necessary to perform its functions, including the power to monitor, investigate, research, educate, lobby, advise and report on issues concerning gender equality.

3. The Commission for Gender Equality has the additional powers and functions prescribed by national legislation.

The CGE’s enabling Act further ameliorates upon its functions and clearly cites as a key part of its mandate is to monitor the States compliance with international conventions:

Section 11 of the CGE Act (Act 39 of 1996) further states that CGE:

h) shall monitor the compliance with international conventions, international covenants and international charters, acceded to or ratified by the Republic, relating to the object of the Commission;
i) shall prepare and submit reports to Parliament pertaining to any such convention, covenant or charter relating to the object of the Commission"

These instruments include amongst others, the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the Beijing Platform for Action (BPA), the Protocol to the African Charter on Human and People’s Rights, on the Rights of Women in Africa and the Millennium Development Goals (MDGs). The CGE aims to transform society by exposing gender discrimination in laws, policies and practices; advocating for change in sexist attitudes and gender stereotypes; and instilling respect for women’s rights as human rights. Although the institution has a particular interest in the development of women, it pays attention to the gendered needs and concerns of both women and men in the public and the private spheres.
The journey of compilation has been a bumpy one with numerous hurdles threatening the completion of the report. Nevertheless, through hard work, focus and the guidance of Advocate Boogie Khutsoane, the team forged through. The result is CGE’s comprehensive baseline report on the implementation of the Beijing Platform for Action (BPA).

(The diagram below is a visual representation of the CGE’s Report drafting process)

The CGE Beijing Team would like to take this opportunity to thank the following individuals for their contributions and efforts in ensuring the success of this project:

Mr. Mfanozelwe Shozi – Chairperson of the Commission for Gender Equality
Ms. Keketso Maema – CEO of the Commission for Gender Equality
Ms. Joan De Klerk – HOD Public Education & Information, Commission for Gender Equality
Dr. Thabo Rapoo – HOD Research Department

The CGE Beijing team led by Advocate Boogie Khutsoane would like to thank the following individuals for their tireless efforts, hard work and dedication in ensuring that this comprehensive Report sees the light of day.
The team is comprised of the following individuals who conducted extensive desktop research, gathered data and compiled this report:

1. Winnie Mofokeng (Head Office)
2. Lieketseng Mohlakoana-Motopi (Head Office)
3. Keegan Lakay (Western Cape)
4. Nkhensani Hlekane (Limpopo)
5. Lecholo Nkabithi (Free State)
6. Bernard Mahloko (Limpopo)
7. Masilo Letsoalo (Head Office)
8. Mvuleni Tshazibane (Head Office)

The CGE engaged with a number of Government departments and other institutions. Some of the government departments rose to the challenge and provided an abundance of information within the specified time frames.
Table 1: Government Departments contacted by the CGE with regard to the implementation of the Beijing Platform for Action.

<table>
<thead>
<tr>
<th>Color</th>
<th>Description</th>
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<tbody>
<tr>
<td>Green</td>
<td>Departments which responded timeously.</td>
</tr>
<tr>
<td>Red</td>
<td>Departments which failed to respond.</td>
</tr>
<tr>
<td>Orange</td>
<td>Departments which were sent several reminders before responding.</td>
</tr>
<tr>
<td>Purple</td>
<td>Departments which failed to respond to the questionnaire and also failed to respond to a one-on-one meeting with CGE.</td>
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<tr>
<td>DEPARTMENT</td>
<td>REMINDERS</td>
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<td>---------------------------------------------------</td>
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<tr>
<td>1. Department of Health</td>
<td>Questionnaires and Explanatory Letters drafted and served upon all the recipients via email, personal delivery and facsimile on the 26th April 2013</td>
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<tr>
<td>2. The National Prosecuting Authority</td>
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<td>4. The Commission on Law Reform</td>
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<td>5. The Independent Electoral Commission</td>
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<td>6. Department of International Relations and Cooperation</td>
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<tr>
<td>8. Department of Basic Education</td>
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</table>
9. Department of Labour
Recipient to respond by the 24th May 2013. Despite numerous attempts to communicate with the Department via telephone, facsimile and email, no response was forthcoming. A one-on-one meeting was arranged for the 19th September 2013 but the Department failed to avail themselves. The CGE will seek Parliament’s intervention.

10. Department of Social Development
Recipient responded by the 15th July 2013. After several reminders to the Department via telephone and email, a favorable response to the CGE’s request for information was received.

11. Department of Rural Development and Land Reform
Recipient responded by the 6th June 2013.

12. Department of Justice and Constitutional Development
Recipient responded by the 30th July 2013. After several reminders to the Department via telephone and email, a favorable response to the CGE’s request for information was received.

13. Department of Trade and Industry
Recipient responded by the 6th June 2013.

14. Department of Arts and Culture
Recipient responded by the 29th May 2013.

15. Department of Sports and Recreation
Recipient responded by the 25th June 2013.

16. Department of Economic Development
Recipient responded by the 10th July 2013.
<table>
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<tr>
<th><strong>17. Department of Public Works</strong></th>
<th>Recipient responded by the 11th October 2013. Despite numerous attempts to communicate with the Department via telephone, facsimile and email, no response was forthcoming. A one-on-one meeting was arranged for the 19th September 2013. The CGE met with the panel from Public Works where after the Department gave an undertaking to correctly compile a response. The Response was finally received on the 11th October 2013.</th>
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<tr>
<td><strong>18. Department of Public Service and Administration</strong></td>
<td>Recipient responded by the 27th June 2013.</td>
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<tr>
<td><strong>20. Department of Science &amp; Technology</strong></td>
<td>Recipient responded by the 26th June 2013.</td>
</tr>
<tr>
<td><strong>23. Council for Higher Education</strong></td>
<td>Recipient to respond by the 24th May 2013. Despite numerous attempts to communicate with the Department via telephone, facsimile and email, no response was forthcoming.</td>
</tr>
<tr>
<td><strong>24. Department of Cooperative Governance and Traditional Affairs</strong></td>
<td>Recipient to respond by the 24th May 2013. Despite numerous attempts to communicate with the Department via telephone, facsimile and email, no response was forthcoming.</td>
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<td>No.</td>
<td>Ministry/Agency</td>
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<td>26.</td>
<td>Department of Human Settlements</td>
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<td>27.</td>
<td>Department of Public Enterprise</td>
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<td>29.</td>
<td>Public Service Commission</td>
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<td>31.</td>
<td>National Development Agency</td>
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<td>34.</td>
<td>Department of Defence</td>
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<td>PALAMA</td>
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<td>36.</td>
<td>Department of Water Affairs</td>
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THE EXECUTIVE SUMMARY

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 accountability process of the Beijing Platform for Action (BPfA) developed and agreed upon in 1995 requires member States of the United Nations to meet on a five-yearly basis to review their implementation of the Platform for Action with a view to fine tuning, remapping progress and reactivating commitment, taking into account prevailing global and local conditions. These reviews take place at both global and regional levels.

Since the Fourth World Conference on Women in 1995, stakeholders have met at the regional and global levels, in 1999/2000 (Beijing +5) and in 2004/2005 (Beijing +10) in fulfillment of the review process. In line with this sequence, the major review process took place in 2010 (Beijing+15) to review progress made in the achievement of gender equality, development and peace.

The Commission for Gender Equality participated in the major review and produced a report on South Africa’s implementation on BPfA. The CGE focused on the 12 thematic areas of concern around which the BPfA and South Africa’s compliance.

Context and Linkages

The Beijing +15 review process was guided by the 2003 Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (the African Women’s Protocol); the 2009 Gender Policy of the African Union (AU); the AU Solemn Declaration on Gender Equality (2004); and the Africa-wide campaign to end Violence Against Women (VAW), an outcome of the African Development Forum (ADF, 2008). At sub regional level, the Southern African Development Community (SADC) adopted a Protocol on Gender and Development.

Regional Economic Communities (RECs) are also complementing these global and regional frameworks at sub regional levels by integrating various resolutions and commitments into their policies and Plans of Actions (PoAs).
The Review Methodology

The Commission for Gender Equality is mandated by the South African Constitution to monitor and evaluate the implementation of international instruments, including government, private sector and the NGO’s to follow up on BPfA implementation within their respective mandates. This evaluation of South Africa’s performance is based on responses by departments wherein questionnaires prepared and administered by CGE were sent to government department and private entities. The CGE sought qualitative and quantitative data from departments, on key elements of the achievements expected under each of the critical areas of concern.
Achievements and Challenges

1. Women and Poverty

Achievements

South Africa places poverty reduction high on its agenda and continue to heighten actions and policies to address it through a wide range of strategies. There are programmes in place to assist women and children through the social relief strategies that have been put in place.

Challenges

Women in rural and remote areas who constitute the majority of women in South Africa, which is characterized by poverty, still have difficulties in accessing health and social services, and a lack of participation in decision-making processes at the community level. Furthermore, customs and traditional practices, prevalent in rural areas, prevent women from inheriting or acquiring ownership of land and other property.

2. Education and Training for Women

Achievements

Access to education represents one of the successes of Africa, largely attributable to the institution of free and compulsory primary basic education by the South African government. The South African government has attempted to eliminate barriers that hinder boys’ and girls’ access to education and has had high success rates towards parity, at the level of basic education. There are programmes in place that are aimed at empowering the girl child especially in the field of science, mathematics and engineering.

Challenges

It is observed that both males and females face obstacles in enrolment and retention. Although country reports indicate that gender disparities in enrolment and literacy are narrowing but more remains to be done to guarantee equality between the sexes in the sector. Teenage pregnancy is a concern for the country.
3. Women and Health

Achievements

Health programmes have been designed to include sexual and reproductive health care services and education for women and girls. Such programmes include sexual and reproductive health components such as maternal health, safe motherhood, and pre- and post-natal care. Measures have been put in place to reduce maternal morbidity and mortality. They specifically entail the prevention of unsafe abortions, ensuring that girls have continuing access to necessary health and nutrition information and services, and addressing traditional practices which impact negatively on the health of women and girls. The country is also working on improving provision of infrastructure such as health facilities.

There are institutional, legal and policy frameworks to address HIV/AIDS. A substantial number of programmes have been designed in favour of vulnerable groups such as children and adults living with HIV/AIDS.

The introduction and piloting of the NHI in the country proved to be a positive initiative by the department of health.

Challenges

Despite commitments to improving women’s health and specific targeted action on reproductive health, maternal mortality remains the highest in the country. In addition, some parts of the country have hospital and clinic staff members that have negative attitudes to patients and this hinders access to information and services related to sexual and reproductive health.

4. Violence Against Women

Achievements

South Africa has enacted legislation to combat human trafficking. The country has furthermore, domesticated the provisions of the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child. Penal legislations to address various forms of sexual offences are also in place. The government has also created specialized institutions to ensure that victims of abuse receive comprehensive services. It is acknowledged that there is a concerted effort undertaken that involves men and boys in efforts to combat domestic violence.

Challenges

Attitudes of both men and women to the criminality of domestic violence also tend to impede successful and timely prosecution of such acts. There are no statistics on domestic violence because it is not registered as a crime.
Implementing institutions lack the requisite financial and human resources to be able to execute their functions and programmes effectively.

5. Women and the Economy

Achievements

The right to equal access to employment opportunities and social protection benefits are guaranteed by the principle of equality between women and men entrenched in the constitution and labour laws. In addition, there are laws and policies in place to guarantee equal access to employment opportunities and social protection benefits.

Challenges

Data gaps in critical areas with respect to women’s contributions to economic development affect effective planning, monitoring and evaluation of the gendered impacts of economic and social policies. The persistence of customary views of the extent to which women are accessing productive resources, particularly land, remains a barrier to their access to land. Wage discrimination against women persists, with major constraints to effective implementation identified as lack of financial and qualified human resources and the nonexistence of national classification systems of work categories.

6. Women, Governance, Power and Decision-making

Achievements

Democratic and constitutional reforms have generated equal opportunities for women and men to participate at all levels of political process, including election to the highest office. South Africa continues to have recorded increasing numbers of women elected to high political and administrative offices since 1994.

Challenges

There are indications that fewer women than men are presented for electoral processes in situations where political parties do not have gender-sensitive policies, especially in nominating candidates for elections. Despite progress being made in the appointment of women to traditionally male-dominated areas, most ministries headed by women when compared to men remain the same (social sector). Political parties continue to operate gender-biased appointment policies and procedures which generally focus more on ethnic, geographical and political leanings rather than gender.
7. Institutional Mechanisms for the Advancement of Women

Achievements

South Africa created an enabling environment and has established a Women’s Ministry to coordinate the gender machinery. The presence of national and provincial machineries and gender focal points in almost all government departments is an indication of commitment to sector-based gender mainstreaming.

Challenges

The “ineffectiveness” of the gender machinery in the country continues to pose a serious limitation and this is due to limitations in the human and financial resources needed to enable the implementation of its mandate. Persons who are appointed as gender focal persons tend to play other routine functions and neglect their gender mainstreaming tasks which they consider as secondary. Other challenges associated with implementation of this indicator include the tendency to select personnel of lower ranks, the lack of or inadequate systems of accountability and reporting, a general lack of knowledge and understanding of gender mainstreaming in most departments and across all levels.

The gender machinery continues to generally lack clear focus and have broad mandates along with the low funding levels.

8. Human Rights of Women

Achievements

The South African Government has enacted a plethora of legislation to give effect to the advancement and empowerment of women. However, the primary challenge remains the implementation and inadequate costing of such legislation.

Challenges

Enforcement remains the most serious problem. In addition, the persisting, negative attitudes and perceptions of society towards gender equality and women’s empowerment.

9. Women and the Media

Achievements

Efforts to engender media at policy and practice levels have been put in place; as well as eradicating all forms of gender stereotyping in the media. Women are accessing ICT for the promotion of their economic and social activities.
Challenges

Negative and degrading projection of women in media via electronic, print, visual and audio means persists. Violent and degrading or pornographic media products are also negatively affecting women and their participation in society.

10. Women and the Environment

Achievements

Measures have been put in place to integrate gender perspectives into the design and implementation of environmental policies. Gender is mainstreamed into these programmes and important dimensions such as reforestation and new appropriate technologies are being operationalized. Gender issues are taken into account in policies, plans, programmes and projects related to the protection of the environment in South Africa.

Challenges

Women remain absent in policy formulation and decision-making in natural resource and environmental management. Women are rarely trained as professional natural resource managers with policy-making capacities, such as land-use planners, agriculturalists, foresters and environmental lawyers. Women continue to be vulnerable and continue to be affected by the negative impacts of climate change because they comprise the majority of the poor.

11. The Girl Child

Achievements

South Africa has ratified the CRC and has integrated the treaty into domestic law through legislative and constitutional reforms. All legislative enactments contain clauses on non-discrimination, which seek to enhance the well-being of the girl child. The country is also implementing sectoral plans, strategies and programmes targeting children in education, health, etc. Government and private sector work together in programmes aimed at empowering the girl child.

Challenges

Religious and cultural practices such as early marriage, trafficking of girls and unfair distribution of property intestate continue to perpetuate the violation of the rights of the girl-child. Teenage pregnancy also remains high in South Africa.
RECOMMENDED ACTIONS

a. Women and Poverty

Recognize women’s non-market work and advocate for the appreciation and valuing of this work by engendering national accounts and budgets.

b. Education and Training for Women

Put interventions in place to maximize retention and reverse high rate of drop outs among both girls and boys.

c. Women and Health

Develop strategies to address current high levels of maternal mortality through improved equity in access and service delivery, especially with respect to emergency obstetric care.

d. Violence against Women

Enhance the capacity of enforcement agencies responsible for the protection of women and children by providing adequate training on existing laws and policies, and the equipment and mechanisms for effective record keeping. Classify domestic violence as a crime.

e. Women and the Economy

Review existing legal frameworks protecting women’s access to land with the view to removing discriminatory provisions, which work against their interests.

f. Women in Power and Decision-making

Give greater emphasis to supporting increased local-level participation for women, given that the majority of women are located in rural areas.

g. Institutional Mechanisms for the Advancement of Women

Strengthen the existing national machinery, with clearly defined mandates, for the advancement of women.

h. Human Rights of Women

Review and reform customary and religious laws and practices in collaboration with stakeholders, such as traditional and religious authorities, to ensure their progressive conformity and harmony with national legislation and international treaties and ensure implementation and enforcement.
i. Women and the Media

Ensure equal representation of women in decision-making positions in all media houses.

j. Women and the Environment

Ensure women’s participation in climate change planning and decision-making processes as well as in the formulation and implementation of policies and programmes at national, provincial and local levels.

k. The Girl Child

Strengthen programmes and projects that focus on education, health, children’s rights and ending violence against women and girls.
PART A

General information about the background and processes of the Beijing Declaration and Platform for Action.
1. BACKGROUND

The United Nations has organised four world conferences on women since 1975. These conferences have sought to unite the international community behind a set of common objectives with an effective plan of action for the advancement of women in all spheres of public and private life. The World Conferences held at Mexico City in 1975, Copenhagen in 1980, Nairobi in 1985 and Beijing in 1995 contributed greatly to the process of eliminating obstacles to the improvement of the status of women at the national, regional and international levels.

These four world conferences have been instrumental in elevating the cause of gender equality to the centre of the global agenda.

1.1. The Mexico Conference

The First World Plan for Action was adopted in Mexico City in 1975. The General conference identified three key objectives that became the basis for the work of the United Nations on behalf of women:

• Full gender equality and the elimination of gender discrimination;
• The integration and full participation of women in development;
• An increased contribution by women in the strengthening of world peace (read below)

The Plan of Action set minimum targets, to be met by 1980, that focused on securing equal access for women to resources such as education, employment opportunities, political participation, health services, housing, nutrition and family planning.

By the end of United Nations Decade for Women, 127 Member States had responded by establishing some form of national machinery, institutions dealing with the promotion of policy, research and programmes aimed at women’s advancement and participation on development.

The Plan of Action also led to the establishment of the International Research and Training Institute for the Advancement of Women (INSTRAW) and the United Nations Development Fund for Women (UNIFEM). An important milestone had been the adoption by the General Assembly in December 1979 of the Convention on the Elimination of All Forms of Discrimination against Women, one of the most powerful instruments for women’s equality.

1.2. The Copenhagen Conference

In setting the agenda for the second global women’s conference, held in Copenhagen in 1980, the General Assembly focused on the themes of employment, health and education
This conference was also convened to:

- Assess the progress made since the first World Conference and;
- Outline actions to be taken during the second half of the Decade for Women.

The Conference brought together 145 Member States to review the Mexico Plan for Action and stated that despite the progress made, special actions needed to be taken in areas such as employment opportunities, adequate health care services and education. Three sub-themes were added to the theme of equality, development and peace, namely education, employment and health.

The deliberations at the Copenhagen Conference cited a variety of factors for the discrepancy between legal rights and women’s ability to exercise these rights, and these include:

- Lack of sufficient involvement of men in improving women’s role in society;
- Insufficient political will;
- Lack of recognition of the value of women’s contributions to society;
- Lack of attention to the particular needs of women in planning;
- A shortage of women in decision making positions;
- Insufficient services to support the role of women in national life, such as cooperatives, day-care centres and credit facilities;
- Overall lack of necessary financial resources;
- Lack of awareness among women about the opportunities available to them.

To address these concerns, the Copenhagen Programme of Action called for, among other things, stronger national measures to ensure women’s ownership and control of property, as well as improvements in women’s rights to inheritance, child custody and loss of nationality. Delegates at the Conference also urged an end to stereotyped attitudes towards women.

1.3. The Nairobi Conference

In 1985, the third World Conference was convened in Nairobi to review and appraise the achievements of the United Nations Decade for Women: Equality, Development and Peace. The Conference was convened at a time when the movement for gender equality had finally gained true global recognition.

At this conference, delegates were confronted with reports that data gathered by the United Nations revealed that improvements in the status of women and efforts to reduce discrimination had benefited only a small minority of women. It was also reported that improvements in the situation of women in the developing world had
been marginal. This was an indication that the objectives of the second half of the
United Nations Decade for Women (1980-1985) had not been met. This realization
demanded that a new approach be adopted.

Realizing that the goals of the Mexico City Conference had not been adequately
met, the participating governments adopted the Nairobi Forward-looking Strategies
and broke ground in declaring all issues to be women’s issues.

At this conference, the following three sectors were identified:

- Equality in social participation;
- Equality in political participation;
- Equality in decision making.

The conference further recognised the necessity of women to generally participate
in discussions in different areas and not only on gender equality. The Nairobi Forward-
Looking Strategies declared all issues to be women’s issues.

Women’s participation in decision-making and the handling of all human affairs was
recognised not only as their legitimate right but as a social and political necessity that
would have to be incorporated in all institutions of society. Governments were to set
their own priorities, based on their development policies and resource capabilities.

In keeping with the view that all issues were women’s issues, the measures
recommended by the Nairobi Forward-Looking Strategies covered a wide range
of subjects, from employment, health, education and social services, to industry,
science, communications and the environment. In addition, guidelines for national
measures to promote women’s participation in efforts to promote peace, as well as
to assist women in special situations of distress, were proposed.

The Conference introduced a wider approach to the advancement of women.
It was recognised that women’s equality, far from being as isolated issue,
embraced every sphere of human activity. Therefore, women’s perspective and
active involvement on all issues, not only women’s issues, was essential if the goals
and objectives of the Decade for Women were to be attained.

Recommendations proposed in the Nairobi Forward-Looking Strategies were
organized according to the themes of equality, development and peace.

(a) Recommendations under the theme of equality, the most relevant to
women’s human rights, focused primarily on de facto rights and on women’s
participation in decision making, the question of multiple legal systems
(customary and statutory), under use of women’s talents because of
discrimination, discrimination against women in rural areas, and discrimination
in ownership of land and access to credit.

(b) Recommendations under the theme of development focused primarily on
integration of women into socioeconomic development.
(c) Strategies proposed under the rubric of peace dealt primarily with women in situations of armed conflict but, notably, included for the first time attention to violence against women.

The Nairobi Conference was given the mandate to seek new ways to overcome the obstacles to achieve these Decade’s goals (equality, development and peace.)

The Nairobi Conference urged government to delegate responsibilities for women’s issues to all institutional offices and programmes.

1.4. The Beijing Conference

The Fourth World Conference on Women was held in Beijing, China in September 1995. The Platform for Action adopted at that conference is an agenda for women’s empowerment. It aims at accelerating the implementation of the Nairobi Forward-looking Strategies for the Advancement of women and at removing all the obstacles to women’s active participation in all spheres of public and private life through a full and equal share in economic, social, cultural and political decision-making.

The Platform for Action is a consolidation of the agreements reached at the World Summit for Children, the United Nations Conference on Environment and Development, the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development, which set out specific approaches and commitments to fostering sustainable development and international cooperation, and also emphasize the issues of women’s empowerment and equality. Furthermore the Platform acknowledges the importance of agreements made at the Global Conference on the Sustainable Development, the International Conference on Nutrition, the International Conference on Primary Health Care, the International Year for the World’s Indigenous People, the International Year of the Family, the United Nations Year for Tolerance, the Geneva Declaration for Rural Women, the Declaration on the Elimination of Violence against Women and the World Conference on Education for all which have addressed the various facets of development and human rights, within their specific perspectives, paying significant attention to the role of women and girls.

The overriding message of the Fourth World Conference on Women was that the issues addressed in the Platform for Action are global and universal. The Conference signalled a clear commitment to international norms and standards of gender equality.

Significant breakthroughs and achievements were highlighted at the Fourth World Conference on Women in Beijing. A dual approach to the empowerment of women had been embraced. The debate recognized women’s rights as human rights as well the transformational potential of women to achieve gender equality and improve society, locally and globally. Furthermore, a system of global governance on gender equality was emerging, based on a set of principles, norms, rules and institutional mechanisms (national and international), with the Convention on the Elimination of All Forms of Discrimination against Women at its core. The understanding of gender
equality as a “common good” had also been accepted at the international level and, perhaps less fully, embraced at the national and regional levels.

The Platform for Action is intended to improve the situation of all women, without exception, who often face similar barriers, while special attention should be given to groups that are the most disadvantaged. The Platform for Action upholds the CEDAW and builds upon the Nairobi Forward-looking Strategies for the advancement of Women, as well as relevant resolutions adopted by the ECOSOC and the General Assembly. The formulation of the Platform for Action is aimed at establishing a basic group of priority actions that should be carried out during the next five years.

The Platform for Action with its 12 areas ‘critical concern’ became a bible for gender and development actors. Countries subsequently produced National Programmes of Action/ National Plans of Action setting out their strategies and programmes for implementing the commitments made in Beijing.

South Africa participated in this historic conference and welcomed the BPA as soon as it was adopted. The Beijing Declaration and Platform for Action reflects global commitment to the goals of equality, development and peace for all women, everywhere.

South Africa submitted its first BPA report in 2000 and subsequently the second and third reports in 2005 and 2010 respectively.

1.5. Some of the Milestones since the 1975 Mexico conference

1.5.1. Since 1975, (the year which was marked the International Women’s year) knowledge of the status of women and men, respectively, has increased and is contributing to further actions aimed at promoting equality between women and men. The era from 1976 to 1985 was declared UN Decade for Women. This was the time when women sought to examine their status and their rights in relation to getting sufficient women into decision making and address women’s issues;

1.5.2. In 1979, the General Assembly adopted the Convention on the Elimination of all Forms of Discrimination against Women.

1.5.3. In Nairobi in 1985, the World Conference reviewed and appraised the achievements of the UN Decade for Women adopted the Forward-looking Strategies, which were to be implemented by the year 2000.

1.6. The Beijing conference has introduced a focus on the roles and responsibilities of men in working for gender equality, which implied changing roles and identities of women and men and addressing issues of masculinity. The Platform:
• Has advanced the process of gender mainstreaming at all levels for gender equality, shifting the approach from "women in development" to "gender and development".

• Has given formal recognition to the roles of actors other than Government in promoting gender equality. The commitment of a number of actors had increased, including international organizations, civil society, political parties, the media and the private sector.

• Has brought violence against women, including domestic, societal and war-related violence, into the public arena and made it to be understood as a human rights issue.

• Has given rise to national and trans-national women’s networks, which are influencing the global gender agenda in the formulation of principles, norms and institutional mechanisms.
2. THE BEIJING PROCESS

2.1. THE FRAMEWORK OF THE BEIJING PLATFORM FOR ACTION\(^1\)

a. The Platform for Action upholds the Convention on the Elimination of All Forms of Discrimination against Women and builds upon the Nairobi Forward-looking Strategies for the Advancement of Women, as well as relevant resolutions adopted by the Economic and Social Council and the General Assembly.

b. The Platform for Action recognizes the importance of the agreements reached at the conferences which set out specific approaches and commitments to fostering sustainable development and international cooperation and to strengthening the role of the United Nations:

- The World Summit for Children,
- The United Nations Conference on Environment and Development,
- The World Conference on Human Rights,
- The International Conference on Population and Development
- The World Summit for Social Development,
- The Global Conference on the Sustainable Development of Small Island Developing States,
- The International Conference on Nutrition,
- The International Conference on Primary Health Care and
- The World Conference on Education for All

(All these conferences have addressed the various facets of development and human rights, within their specific perspectives, paying significant attention to the role of women and girls. In addition, the International Year for the World’s Indigenous People, the International Year of the Family, the United Nations Year for Tolerance, the Geneva Declaration for Rural Women, and the Declaration on the Elimination of Violence against Women have also emphasized the issues of women’s empowerment and equality.)

c. The objective of the Platform for Action, which is in full conformity with the purposes and principles of the Charter of the United Nations and international law, is the empowerment of all women. The full realization of all human rights and fundamental freedoms of all women is essential for the empowerment of women.

d. The implementation of this Platform, including through national laws and the formulation of strategies, policies, programmes and development priorities, is the sovereign responsibility of each State, in conformity with all human rights and fundamental freedoms, and the significance of and full respect for various religious and ethical values, cultural backgrounds and philosophical convictions of individuals and their communities should contribute to the full enjoyment by women of their human rights in order to achieve equality, development and peace.

e. The full and equal participation of women in political, civil, economic, social and cultural life at the national, regional and international levels, and the eradication of all forms of discrimination on the grounds of sex are priority objectives of the international community.

f. In each critical area of concern, the problem is diagnosed and strategic objectives are proposed with concrete actions to be taken by various actors in order to achieve those

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1 http://www.un.org/womenwatch/daw/csw/critical.htm
objectives. The strategic objectives are derived from the critical areas of concern and specific actions to be taken to achieve them cut across the boundaries of equality and development.

g. The objectives and actions are interlinked, of high priority and mutually reinforcing.

h. The Platform for Action is intended to improve the situation of all women, without exception, who often face similar barriers, while special attention should be given to groups that are the most disadvantaged.

2.2. The Critical Areas of concern

1. The persistent and increasing burden of poverty on women;
2. Inequalities and inadequacies in and unequal access to education and Training;
3. Inequalities and inadequacies in and unequal access to health care and related services;
4. Violence against women;
5. The effects of armed or other kinds of conflict on women, including those living under foreign occupation;
6. Inequality in economic structures and policies, in all forms of productive activities and in access to resources;
7. Inequality between men and women in the sharing of power and decision;
8. Insufficient mechanisms at all levels to promote the advancement of women;
9. Lack of respect for and inadequate promotion and protection of the human rights of women;
10. Stereotyping of women and inequality in women’s access to and participation in all communication systems, especially in the media;
11. Gender inequalities in the management of natural resources and in the safeguarding of the environment;
12. Persistent discrimination against and violation of the rights of the girl child

2.3. THE REVIEW PROCESSES OF THE BEIJING PLATFORM FOR ACTION.

The UN Commission on the Status of Women has been responsible for organizing and following up the world conferences on women in Mexico (1975), Copenhagen (1980), Nairobi (1985) and Beijing (1995).

The Commission has also reviewed progress in the implementation of the twelve critical areas of concern identified in the Beijing Platform for Action at its annual sessions. These reviews are conducted every five years.
2.3.1. The twenty-third special session of the General Assembly (Beijing+5)

The twenty-third special session of the General Assembly on “Women 2000 took place at the United Nations Headquarters from 5 - to 9 June in 2000. Governments were asked to report on their actions to implement the Platform for Action in the 12 critical areas of concern. This review was not intended to renegotiate existing arrangements, but would assess successes, failures and obstacles to goals set at Nairobi and Beijing.

The Governments recognized that the goals set and commitments made in the Platform for Action have not been fully achieved and implemented, and agreed upon further actions and initiatives at the local, national, regional and international levels to accelerate the implementation of the Platform for Action and to ensure that commitments for gender equality, development and peace are fully realized.

2.3.1.1. Achievements in and obstacles to the implementation of the twelve critical areas of concern of the Beijing Platform for Action

<table>
<thead>
<tr>
<th>Area</th>
<th>Achievements</th>
<th>Obstacles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poverty</td>
<td>Incorporation of a gender perspective in policies and programmes; Progress in promoting income-generating activities and financial instruments such as micro-credit combined with provision of access to basic social services. Promotion of employment and income-generating activities for women and providing access to basic social services, including education and health care; Research has enhanced the understanding of the differing impacts of poverty on women and men and tools have been developed to assist with this assessment.</td>
<td>Gender inequalities and disparities in economic power-sharing; Unequal distribution of unremunerated work between women and men; Unequal access to and control over capital and resources, particularly land and credit; Lack of technological and financial support for women’s entrepreneurship.</td>
</tr>
</tbody>
</table>
### Education
- Increased awareness that education is one of the most valuable means of achieving gender equality and the empowerment of women.
- Progress in women's and girls' education and training where there was sufficient political commitment and resource allocation.
- Efforts of alternative education and training systems to reach women and girls in indigenous communities and other disadvantaged and marginalized groups to encourage them to pursue all fields of study, in particular non-traditional fields of study, and to remove gender biases from education and training.

### Health
- Increased attention to high mortality rates among women and girls as a result of malaria, tuberculosis, waterborne diseases, communicable and malnutrition.
- Increased attention to sexual and reproductive health and reproductive right.
- Increased knowledge and use of family planning and contraceptive methods.
- Increased awareness among men of their responsibility in family planning and contraceptive methods and their use.
- Increased attention to sexually transmitted infections, including human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) among women and girls.
- Increased attention to breastfeeding, nutrition, infants' and mothers' health.
- The introduction of a gender perspective in health and health-related educational and physical activities.

### Challenges and Solutions
- Lack of resources and insufficient political will and commitment to improve educational infrastructure and undertake educational reforms.
- Lack of childcare facilities.
- Persistent use of gender stereotypes in educational materials.
- Insufficient attention paid to the link between women's enrolment in higher educational institutions and labour market dynamics.
- The rates of maternal mortality and morbidity remain unacceptably high in most countries.
- The absence of a holistic approach to health and health care for women and girls based on women's right to the enjoyment of the highest attainable standard of physical and mental health throughout the life cycle.
- Lack of access to clean water, adequate nutrition and safe sanitation.
- Lack of gender-specific health research and technology and insufficient gender sensitivity in the provision of health information and health care and health services.
- Women still do not have power to insist on safe and responsible sex practices.
- Lack of communication and understanding between men and women on women's health needs.
<p>| Violence against women | Acceptance that violence against women and girls, whether occurring in public or private life, is a human rights issue. Acceptance that States have an obligation to exercise due diligence to prevent, investigate and punish acts of violence, whether those acts are perpetrated by the State or by private persons, and provide protection to victims introduced or reformed laws to protect women and girls from all forms of violence and laws to prosecute the perpetrators. Efforts towards the eradication of harmful traditional practices, including female genital mutilation, | Inadequate understanding of the root causes of all forms of violence against women and girls and girls hinders efforts to eliminate violence against women and girls. Lack of comprehensive programmes dealing with the perpetrators, Inadequate data on violence further impedes informed policymaking and analysis. Socio-cultural attitudes which are discriminatory and economic inequalities reinforce women’s subordinate place in society. Prevention strategies also remain fragmented and reactive Lack of a coordinated Multidisciplinary approach to responding to violence which includes the health system, the workplace, the media, the education system, as well as the justice system. |</p>
<table>
<thead>
<tr>
<th><strong>Women and armed conflict</strong></th>
<th>Recognition that the destructive impact of armed conflict is different on women and men and that a gender-sensitive approach to the application of international human rights law and international humanitarian law is important.</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Recognition of the contribution of women in the areas of peace-building, peacemaking and conflict resolution;</td>
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<td></td>
<td>Introduction of education and training in non-violent conflict resolution</td>
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<td></td>
<td>Gender-based persecution has been accepted as a basis for refugee status in some countries.</td>
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<td></td>
<td>There is greater recognition of the need to integrate a gender perspective in the planning, design and implementation of humanitarian assistance and to provide adequate resources</td>
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<tr>
<td><strong>The targeting of civilians</strong>, including women and children, the displacement of people, and the recruitment of child soldiers in violation of national or international law, by State and/or non-State actors, which occur in armed conflicts, have had a particularly adverse impact on gender equality and women’s human rights</td>
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<tr>
<td></td>
<td>Armed conflict creates or exacerbates the high level of female-headed households, which in many cases are living in poverty;</td>
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<td></td>
<td>The under representation, at all levels, of women in decision-making positions, such as special envoys or special representatives in peacekeeping, peace-building, post-conflict reconciliation and reconstruction, as well as lack of gender awareness in these areas;</td>
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<tr>
<td></td>
<td>Failure to provide sufficient resources, to distribute adequately resources and to address the needs of increasing numbers of refugees, who are mostly women and children, particularly in developing countries hosting large numbers of refugees;</td>
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<td></td>
<td>International assistance has not kept pace with the increasing number of refugees</td>
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<tr>
<td><strong>Women and the economy</strong></td>
<td>Increased participation of women in the labour market and subsequent gain in economic autonomy. Increased awareness of the need to reconcile employment and family responsibilities and of the positive effect of such measures as maternity and paternity leave and also parental leave, and child and family care services and benefits. Research has been conducted on barriers to economic empowerment faced by women, including the relationship between remunerated and unremunerated work, and tools are being developed to assist with this assessment.</td>
</tr>
<tr>
<td><strong>Women in power and decision-making</strong></td>
<td>Growing acceptance of the importance to society of the full participation of women in decision-making and power at all levels and in all forums, including the intergovernmental, governmental and non-governmental sectors. An increasing number of countries applied affirmative and positive action policies, including quota systems or voluntary agreements in some countries and measurable goals and targets, developed training programmes for women’s leadership, and introduced measures to reconcile family and work responsibilities of both women and men.</td>
</tr>
<tr>
<td>Institutional mechanisms for the advancement of women</td>
<td>National machineries have been instituted or strengthened and recognized as the institutional base acting as catalysts for promoting gender equality, gender mainstreaming and monitoring of the implementation of the Platform for Action and in CEDAW. Gender mainstreaming has been widely acknowledged as a strategy to enhance the impact of policies to promote gender equality.</td>
</tr>
<tr>
<td>Human rights of women</td>
<td>Increased efforts to undertake legal reforms to prohibit all forms of discrimination; eliminate discriminatory provisions in civil, penal and personal status law governing marriage and family relations, all forms of violence, women’s property and ownership rights and women’s political, work and employment rights. The creation of an enabling environment, including the adoption of policy measures, the improvement of enforcement and monitoring mechanisms and the implementation of legal literacy and awareness campaigns at all levels. More countries ratified CEDAW The adoption of the Optional Protocol to CEDAW Women’s NGOs have also contributed to raising awareness that women’s rights are human rights.</td>
</tr>
</tbody>
</table>
### Women and the media

The establishment of women’s media networks has contributed to global information dissemination, exchange of views and support to women’s groups active in media work.

The development of information and communication technologies, especially the Internet, has provided improved communication opportunities for the empowerment of women and girls, which has enabled an increasing number of women to contribute to knowledge sharing, networking and electronic commerce activities.

Progress has been made to combat negative images of women by establishing professional guidelines and voluntary codes of conduct, encouraging fair gender portrayal and the use of non-sexist language in media programmes.

### Women and the environment

Some national environment policies and programmes have incorporated gender perspectives.

Governments have included income-generating activities for women, as well as training in natural resource management and environmental protection in their development strategies.

Projects have been launched to preserve and utilize women’s traditional ecological knowledge, including the traditional ecological knowledge of indigenous women, in the management of natural resources and the preservation of biodiversity.

There was lack of public awareness about environmental risks faced by women and of the benefits of gender equality for promoting environmental protection.

Research, action, targeted strategies and public awareness remain limited regarding the differential impacts and implications of environmental problems for women and men.

Environmental policies and programmes lack a gender perspective and fail to take into account women’s roles and contributions to environmental sustainability.
The girl child

Progress was made in primary and, to a lesser extent, secondary and tertiary education for girls, owing to the creation of a more gender sensitive school environment;

Increased attention was given to the health of the girl child, including the sexual and reproductive health of adolescents.

An increasing number of countries introduced legislation to ban female genital mutilation and imposed heavier penalties on those involved in sexual abuse, trafficking and all other forms of exploitation of the girl child, including for commercial ends.

The persistence of poverty, discriminatory attitudes towards women and girls, negative cultural attitudes and practices against girls;

Poverty, lack of parental support and guidance, lack of information and education, abuse and all forms of exploitation of, and violence against, the girl child in many cases result in unwanted pregnancies and transmission of HIV, which may also lead to a restriction of educational opportunities.

Adolescents continue to lack the education and service needed to enable them to deal in a positive and responsible way with their sexuality.

2.3.1.2. Summary of Key findings (Beijing+5)

- Women entered the labour force in unprecedented numbers, increasing the potential for their ability to participate in economic decision making at various levels, starting with the household.

- Women, individually and collectively, were major actors in the rise of civil society throughout the world, stimulating pressure for increased awareness of the gender equality dimensions of all issues, and demanding a role in national and global decision making processes. Thus, the role of Women’s NGOs, in putting the concerns of women and gender equality on the national and international agenda was acknowledged by many Governments.

- Despite much progress, responses from Member States indicated that much more work needed to be done with regard to implementation of the Platform for Action.

- Two major areas - violence and poverty - continued to be major obstacles to gender equality worldwide.

- Globalization added new dimensions to both areas, creating new challenges for the implementation of the Platform, such as trafficking in women and girls, changing nature of armed conflict, growing gap between nations and genders, the detachment of macroeconomic policy from social protection concerns.

- There had been no major breakthrough with regard to equal sharing of decision making in political structures at national and international levels. In most countries of the world, representation of women remains low.

- There is need for more careful monitoring of progress in ensuring women’s equal participation in these positions of economic power.
2.2.1.3. EMERGING ISSUES: BPA+5 Outcome Document

a. Globalization

• The globalization process resulted in policy shifts in favour of more open trade and financial flows, privatization of State-owned enterprises and in many cases lower public spending, particularly on social services. These changes adversely impacted on the lives of women and increased inequality.

• Globalization also had cultural, political and social impacts affecting cultural values, lifestyles and forms of communication as well as implications for the achievement of sustainable development. The benefits of the growing global economy led to wider economic disparities, the feminization of poverty, increased gender inequality, including through often deteriorating work conditions and unsafe working environments, especially in the informal economy and rural areas.

• While globalization had brought greater economic opportunities and autonomy to some women, many others were marginalized and deprived of the benefits of this process.

• In many countries, women, especially new entrants into the labour market, continued to be among the first to lose jobs and the last to be rehired.

b. Science and Technology

• Science and technology transformed patterns of production, contributing to the creation of jobs and new job classifications, and ways of working, and contributing to the establishment of a knowledge-based society.

• Technological change brought new opportunities for women in different fields. Many women effectively used these new communication technologies for networking, advocacy, exchange of information, business, education, media consultation and e-commerce initiatives.

c. Migration

• The patterns of migratory flows of labour changed. Women and girls were increasingly involved in internal, regional and international labour migration to pursue many occupations, mainly in farm labour, domestic work and some forms of entertainment work.

• While this situation increases their earning opportunities and self-reliance, it also exposes them, particularly the poor, uneducated, unskilled and/or undocumented migrants, to inadequate working conditions, increased
health risk, the risk of trafficking, economic and sexual exploitation, racism, racial discrimination and xenophobia, and other forms of abuse, which impair their enjoyment of their human rights and, in some cases, constitute violations of human rights.

d. Life expectancy

• In some countries, demographic trends showed that lowered fertility rates, increased life expectancy and lower mortality rates contributed to the ageing of the population, and increase in chronic health conditions with implications for health-care systems and spending, informal care systems and research.

• Given the gap between male and female life expectancy, the number of widows and older single women increased considerably, often leading to their social isolation and other social challenges.

e. HIV/AIDS

• The rapid progression of the HIV/AIDS pandemic, particularly in the developing world, had a devastating impact on women. There was need for more effective strategies to empower women to have control over and decide freely and responsibly on matters related to their sexuality, to protect themselves from high risk and irresponsible behavior leading to sexually transmitted infections, including HIV/AIDS, and to promote responsible, safe and respectful behavior by men and to also promote gender equality.

• The burden of care for people living with HIV/AIDS and for children orphaned by HIV/AIDS fell particularly on women as infrastructures became inadequate to respond to the challenges.

• Issues related to prevention, mother-to-child transmission of HIV, breastfeeding, information and education in particular of youth, curbing high-risk behavior, intravenous drug users, support groups counseling and voluntary testing, partner notification and provision and high cost of essential drugs needed to be addressed.

f. Drug and substance abuse

• Growing drug and substance abuse among young women and girls, both in developed and developing countries, raised the need for increased efforts towards demand reduction and fight against illicit production, supply and trafficking of narcotic drugs and psychotropic substances.
g. Natural Disasters

- The increase in casualties and damage caused by natural disasters raised awareness of the inefficiencies and inadequacies of the existing approaches and intervention methods in responding to such emergency situations, in which women, more often than men, are burdened with the responsibility of meeting the immediate daily needs of their families. This situation raised awareness that a gender perspective must be incorporated whenever disaster prevention, mitigation and recovery strategies are being developed and implemented.

h. Gender Relations

- The changing context of gender relations, as well as the discussion on gender equality, led to an increased reassessment of gender roles. This further encouraged a discussion on the roles and responsibilities of women and men working together towards gender equality and the need for changing those stereotypical and traditional roles that limit women’s full potential.

- There was a need for balanced participation between women and men in remunerated and unremunerated work. Failure to recognize and measure in quantitative terms unremunerated work of women, which is often not valued in national accounts, meant that women’s full contribution to social and economic development remains underestimated and undervalued.

2.3.2. TEN-YEAR REVIEW OF THE BEIJING PLATFORM FOR ACTION (BEIJING+10) - (SOME OF THE HIGHLIGHTS)

The ten-year review of the Beijing Platform for Action was carried out by the Commission at its forty-ninth session in March 2005.

At this meeting, the Commission adopted a Declaration in terms of which Member States reaffirmed the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly and pledged to ensure their full and accelerated implementation.4

Among the key issues deliberated upon by the Commission were the linkages between the Beijing Platform for Action with the MDGs.

4 http://www.un.org/womenwatch/daw/csw/critical.htm#beijing
2.3.2.1. Addressing the linkages between the implementation of the Beijing Platform for Action and the outcome documents of the twenty-third special session of the General Assembly and the internationally agreed development goals, including those contained in the Millennium Declaration: progress, gaps and challenges

On 3 March 2005, the Commission on the Status of Women held a panel discussion followed by a dialogue entitled “Addressing the linkages between the implementation of the Beijing Platform for Action, the outcome documents of the twenty-third special session of the General Assembly and the internationally agreed development goals, including those contained in the Millennium Declaration: progress, gaps and challenges.”

One of the panellists was Dr. Nkosazana Dlamini Zuma, the then Minister for Foreign Affairs of South Africa.

Important issues to note from the deliberations as stated in the report include the following:

a. It was stressed that the linkages between the Beijing Platform for Action and the time-bound development goals contained in the Millennium Declaration known as the Millennium Development Goals needed to be explicitly addressed. The High-level Plenary Meeting of the General Assembly to review implementation of the Millennium Declaration, scheduled to take place in September 2005, provided a valuable opportunity for ensuring the linkages.

b. Participants underscored the importance of a rights-based approach to the achievement of the Millennium Development Goals, in particular the protection and promotion of women’s human rights. In this regard, attention was drawn to the contribution of CEDAW.

c. Participants also underscored the point that gender equality and the empowerment of women are goals in themselves, as well as an important means towards the achievement of all the internationally agreed development goals, including the Millennium Development Goals, and thus, the Goals could not be achieved without women’s empowerment and gender equality. Therefore, the integration of gender perspectives into all policies and programmes aimed at the implementation of the Goals was crucial.

d. Participants expressed concern that, although the linkages between gender equality and all the other Millennium Development Goals were

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widely acknowledged, efforts aimed at realizing gender equality and the empowerment of women continued to be largely limited to Goal 3 and its targets and indicators. Connection was rarely made between the other Goals and the Beijing Platform for Action and CEDAW. The participants agreed that much greater efforts were needed to highlight the gender dimensions of the Goals and that policymakers and other stakeholders should continue to fully address the comprehensive objectives of the Beijing Platform for Action. This was especially relevant in regard to women’s sexual and reproductive health, which was not covered in the Millennium Development Goals.

e. It was agreed that it was critical to enhance global partnerships and to honour commitments to official development assistance (ODA) (Goal 8). Debt relief and market access for developing countries would enhance implementation of the Beijing Platform for Action and contribute to the achievement of Goal 3. The impact of globalization on women also had to be taken into account in the implementation of the Beijing Platform for Action and the Millennium Development Goals.

f. Participants noted the seven interdependent strategic priorities that the United Nations Millennium Project Task Force on Education and Gender Equality (Taskforce 3)b had recommended for the achievement of gender equality and the empowerment of women, viz:

(i) strengthening opportunities for post-primary education for girls while simultaneously meeting commitments to universal primary education;

(ii) guaranteeing sexual and reproductive health and rights;

(iii) investing in infrastructure to reduce women’s and girls’ time burdens;

(iv) guaranteeing women’s and girls’ property and inheritance rights;

(v) eliminating gender inequality in employment by decreasing women’s reliance on informal employment, closing gender gaps in earnings, and reducing occupational segregation;

(vi) increasing women’s share of seats in national parliaments and local governmental bodies; and

(vii) combating violence against women and girls. These strategies were in line with the objectives of the Beijing Platform for Action and the outcome document of the twenty-third special session and should be speedily put into practice. The needs of vulnerable groups of women, especially poor women, indigenous women, women living with HIV/AIDS, women in conflict settings and young and adolescent women, required particular attention.
2.3.2.2. Strategic priorities identified by the UN Millennium Project’s Task Force 3 Report:

Taking action: achieving gender equality and empowering women

The Task Force identified seven strategic priorities that required immediate action if Goal 3 was to be met by the MDG target date of 2015. The Task Force stated that these seven interdependent priorities were “the minimum necessary to empower women and alter the historical legacy of female disadvantage that remains in most societies of the world.”

1) Strengthen opportunities for post-primary education for girls while simultaneously meeting commitments to universal primary education.
2) Guarantee sexual and reproductive health and rights.
3) Invest in infrastructure to reduce women’s and girls’ time burdens.
4) Guarantee women’s and girls’ property and inheritance rights.
5) Eliminate gender inequality in employment by decreasing women’s reliance on informal employment, closing gender gaps in earnings, and reducing occupational segregation.
6) Increase women’s share of seats in national parliaments and local governmental bodies.
7) Combat violence against girls and women.

2.3.2.3. IMPORTANT THEMES TO NOTE

A. The need to improve the availability, quality and use of sex-disaggregated data and gender statistics

1. Reviews had shown that data remains poor on basic indicators such as maternal mortality. Sex-disaggregated data is not always available on other basic indicators, such as infant mortality, adult morbidity, school enrolment, and economic activity.

2. Important areas for attention include efforts to strengthen the statistical capacity of national statistical offices and line ministries, together with systematic attention to gender equality issues at all stages of development of statistics, including concepts and methods for data collection through to data presentation.

3. Strategies to improve statistics should consider the demand side as well as the supply of data. Given the differences between women and men in economic activity and in access to resources such as education, health care, capital and time, routine disaggregation of data and analysis should be considered an important element of good practice by policy analysts and planners.

4. Increased awareness among data-users of the need for, and value of, sex-disaggregated data, and increased demand from users for such data, would increase momentum for change. Initiatives to strengthen skills in using sex-disaggregated data in policy and programme analysis are also important elements of an effective strategy.
B. The importance of increased efforts to involve of men and boys

- The increased attention on the role of men and boys in progress toward equality reflects a better understanding of gender relations and related structural inequalities - that is, greater recognition that gender inequality is not only a women’s problem, but is an issue of social relations in the family and wider society that maintain inequality.

- It is increasingly recognized that overcoming inequality between women and men is critical to progress in poverty eradication and to achieving other development goals in health, education, economic justice and democratic governance – that the costs of continued gender inequality are born by society as a whole, and by men as well as women.

- Areas for attention include information campaigns and other programmes targeted at men to increase their awareness and respect for women’s rights, to encourage them to adopt safe and responsible sexual behaviour, to take responsibility for preventing violence against women, and to take a greater share in the care of children and other family members.

- Also important is greater involvement of men and boys in efforts to reach men in all these areas, and in providing leadership to other men in fostering gender equality. This includes, for example, supporting men to take a leadership role in combating violence against women and promoting safe sexual behaviour, and in using their networks, peer programmes, information campaigns and other methods to reach and influence other men.

- Since men continue to dominate policy decision-making in most sectors, effort to increase their capacity to support gender equality is an important area for attention.
C. The potential for effective collaboration between governments and women’s organisations and activists.

Women’s organisations and gender equality activists have played an important role in spurring action in many of the Platform for Action’s critical areas of concern, including for example, campaigns to counter violence and assist victims, mobilizing women to participate in conflict resolution, promoting change in media portrayal of women and equality issues toward more balanced approaches. They have also been important in advocacy for equality and service delivery to women in areas such as health, HIV/AIDS education, and entrepreneurial development, among others.

Governments can benefit from the experience and insights of women’s organisations when identifying priorities and strategies, both in relation to comprehensive initiatives such as poverty reduction strategies, or in considering options in particular areas such as improving reproductive health services or meeting the needs of refugees.

D. The need to recognize and act on the specific needs of particular groups of women

Generalisations about “all women” can be misleading and inaccurate. Age, race, ethnicity, culture, disability are among the factors that result in different barriers to enjoying human rights and to equitable participation in development. Women who are heads of household, refugees, migrants, HIV-positive, or widows may face particular economic and social challenges.

From 1-12 March 2010, the Commission on the Status of Women undertook a fifteen-year review of the implementation of the Beijing Declaration and Platform for Action and the outcomes of the twenty-third special session of the General Assembly. Of significance was the promotion of gender equality and empowerment of women, the 10-year review of progress towards achieving the Millennium Development Goals and the 10-year review of the implementation of Security Council resolution 1325 (2000), on women and peace and security. Emphasis was placed on the sharing of experiences and good practices, with a view to overcoming remaining obstacles and new challenges, including those related to the Millennium Development Goals.

The commission held a number of panel discussions and deliberated on a number of issues. One such panel discussion was on "The evolving status and role of national mechanisms for gender equality."

2.3.3.1. The evolving status and role of national mechanisms for gender equality.

Some of the key issues discussed and conclusions drawn

a. Since the Fourth World Conference on Women, there has been a growing diversification and multiplication of national mechanisms for gender equality, at different levels and branches of Government, as well as outside Government. In addition to the national machinery within Government, parliamentary committees and caucuses have been established. Independent advisory and expert bodies, such as equality commissions and councils, and ombudspersons, are in place.

b. National machineries within Government, which are sometimes at the level of a ministry, commonly have responsibility for preparing or updating and monitoring the implementation of gender equality plans, strategies and programmes; initiating gender equality legislation; and working on the implementation of CEDAW. They are responsible for promoting, supporting and monitoring the incorporation of gender equality perspectives in all policy areas; building the capacity for gender mainstreaming in line ministries, including training and support for gender focal points; and the preparation of tools and other resources to support the use of the gender mainstreaming strategy across Government. Such machineries also advocate for, and support improved collection of data disaggregated by sex and gender-sensitive indicators. Many work collaboratively with a broad range of stakeholders, in particular non-governmental organizations and women’s groups. Political leadership, and technical expertise, are important factors that contribute to the effectiveness of national machineries.

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7 E/CN.6/2010/CRP.11
c. National mechanisms for gender equality continue to face constraints and challenges in the implementation of their mandates, including inadequate human and financial resources. In some cases, national mechanisms are marginalized within the governmental structure and subject to frequent changes in organizational settings. Capacity for coordination, monitoring and accountability remains weak, and lack of political support also constrains their effectiveness. National mechanisms sometimes have to rely on donor support for their work, which raises concerns about donor dependency and sustainability.

d. Parliamentary committees and caucuses can play a leadership role in the promotion of gender equality and the empowerment of women, in particular by working for gender equality legislation, overseeing its implementation, and ensuring that gender perspectives are systematically integrated in all legislation. Parliament can also use its role in approving the State budget for promotion of gender equality. Parliamentary hearings involving the executive branch have been used successfully to assess progress and gaps in implementation. Establishment of “gender audit committees” could be explored to assess the gender sensitivity of proposed legislation and enhance accountability for outcomes. Collaboration among women parliamentarians from different political parties has also contributed to better results for women constituents. Good working relationships between parliamentary committees and the national machinery within Government are instrumental for accelerating effective parliamentary action for gender equality and women’s empowerment. While all parliamentarians are responsible for the promotion of gender equality, having a significant number of women parliamentarians has shown to result in better outcomes for women.

e. Some national human rights institutions are increasingly taking an active part in the promotion of gender equality and women’s empowerment, and national mechanisms should seek opportunities for greater engagement with such institutions. As they could also make a valuable contribution to the work of the Commission on the Status of Women, consideration should be given to enabling their own right.

f. While national mechanisms continue to support the use of the gender mainstreaming strategy, the strategy itself remains inadequately understood and its transformative quality thus not fully realized. Greater efforts are therefore necessary for its institutionalization in all policies and programmes, and at all levels. National mechanisms should play a much stronger role as policy analysts and source of knowledge and expertise for different parts of Government, rather than as service providers. They should assess the gender equality implications of national policies and strategies, including poverty reduction strategies and new aid modalities, and provide policy guidance and advice to different ministries and governmental bodies. The location of the national machinery within Government, and of gender focal points in
line ministries, should be such that they can participate in decision-making and help to shape all policies. Advisory committees to Government on gender mainstreaming can play an important role. Academic research can effectively support policy development and the availability of practical tools, benchmarks and gender-sensitive indicators to measure progress in gender mainstreaming.

g. National mechanisms are also increasingly advocating for, and supporting the use of gender-responsive budgeting as an important gender mainstreaming tool. National mechanisms for gender equality should be involved in planning and budgeting processes, but the ministry of finance needs to take the lead role to ensure the effective use of gender-responsive budgeting across Government, for example through the issuance of relevant budget decrees. Priority should therefore be given to building capacity and technical expertise of ministry staff. There is some experience in allocating a certain percentage of the national budget for the promotion of gender equality, although such efforts have not been evaluated for impact and effectiveness. Non-governmental organizations sometimes play an important role in advocating for the use and effective application of gender-responsive budgeting. Gender-responsive budgeting is also an important accountability tool for the promotion of gender equality and women’s empowerment. For example, disbursement of funds could be delayed or reduced in the absence of gender impact statements.

h. Cooperation and coordination between national mechanisms and multiple stakeholders, including civil society actors, non-governmental organizations and women’s and human rights groups, as well as the private sector, is important for the promotion of gender equality and women’s empowerment, in particular in the light of the growing diversity of relevant mechanisms. While some formal institutional arrangements are in place, many of these efforts occur in an informal or ad hoc manner. Greater efforts are needed to strengthen capacity for coordination at the national level, to engage more systematically with new actors, such as the private sector, and to enhance links with the women’s movement, especially young women and the next generation of leaders. Enhanced interaction with development partners, regional and international networks and academia in support of gender equality is required. The role of men as champions of gender equality should also be further emphasized.

i. The availability of research, sex-disaggregated data and gender-sensitive indicators can greatly enhance targeted policy development and implementation, as well as effective monitoring and evaluation. While some progress has been made, more efforts are needed, especially in terms of evaluating the use of the gender mainstreaming strategy. National machineries should encourage collection of such data and information, and should work more closely with national statistical offices in the development of methodologies and to expand their role in ensuring the availability of data
disaggregated by sex and other variables. The recent establishment of gender equality observatories in a number of countries, and at the regional level, is contributing to greater transparency and better dissemination of gender-specific information. These efforts should be continued and expanded.

**Unite to End Violence against Women**

The Commission on the Status of Women held another interactive panel discussion on the theme “Unite to End Violence against Women”. One of the panellists was Mr. Dean Peacock, Co-Director of the Sonke Gender Justice Network and Co-Chair of the Global Men Engage Alliance;

Some of the important issues coming from the discussion included the following:

a. Since the adoption of the Beijing Platform for Action, the eradication of violence against women has become a priority issue at global, regional and national levels. As a result, the number and type of initiatives have significantly increased, good practices have been identified, and multiple stakeholders have been engaged.

b. New forms of violence against women are emerging. Certain groups of women continue to be exposed to higher levels of violence, including migrant, indigenous and young women, and those from rural areas or ethnic minorities, as well as those in situations of conflict.

c. The strong leadership of the Secretary-General in ending violence against women in all its forms, especially through his campaign “Unite to End Violence against Women”, has galvanized many actors to step up their involvement, and added significant momentum to efforts to prevent and address violence against women at international, regional, national and local levels. It has also drawn attention to the importance of ensuring a holistic, coordinated and cohesive approach to prevention and response. The results and lessons learned through the implementation of the campaign will strengthen areas of cooperation and sharing of expertise.

d. Involving men and boys in efforts to end violence against women is essential. Work with men and boys has expanded and been strengthened worldwide, particularly through civil society groups. Actions such as the fostering of new models of non-violent manhood, educating men about women’s rights, and using theatre to insist on accountability of perpetrators and television series to promote changes in men’s sexual practices, are increasingly being implemented. Other efforts have targeted men and boys who have perpetrated violence against women and focused on psychological counseling, including anger management. As new initiatives engaging men and boys are being implemented, a body of effective evidence-based programming is emerging.
that confirms that men and boys can change their attitudes and practices, and takes a stand for gender equality.

e. While there has been progress in working with men and boys, these efforts have usually been small in scale and limited in impact and sustainability. To address this challenge, it is necessary to expand these interventions into systematic, large-scale and coordinated programmes. It is also important to strengthen the capacity of civil society organizations that work with men and boys and ensure that initiatives include a broad range of strategies that reach large numbers of men. Such work should be guided by the goal of achieving gender equality and advancing women’s human rights.

f. During armed conflict, women face risks of sexual violence, injury and displacement. They face obstacles in accessing services and assistance. Stronger action is needed to ensure women’s full and equal participation at all levels of policy- and decision-making, including as mediators and negotiators, and to systematically consult women’s groups and networks, in peace processes and post-conflict peace-building.

g. Sexual violence is one of the most frequent and traumatic violations that women suffer in times of war. Given the urgency of ending sexual violence committed during armed conflict, the appointment of the Secretary-General’s Special Representative on Sexual Violence in Conflict is a welcome step. Prohibitions of rape and other forms of sexual violence must be included in national law and in military codes and training manuals of arms bearers. Victims of sexual violence must have rapid access to appropriate and adequate medical care and counseling, an appropriate environment in which to report their experiences, and mechanisms for redress. A growing number of countries have adopted national action plans on the implementation of Security Council resolution 1325 (2000) on women and peace and security, thus confirming the important role of that resolution in strengthening national policy frameworks.

h. Many countries have carried out legal and policy reforms which have resulted in strengthened and more comprehensive legal and policy frameworks to prevent and address violence against women. Good practices include provisions in national constitutions which enshrine the right to a life free from gender-based violence and/or prohibit violence against women; and comprehensive legislation on violence against women, which calls for the prosecution and punishment of perpetrators, and mandates support and protection for victims/survivors, as well as prevention measures. Some laws address multiple forms of violence against women, while others focus on one form of violence, such as domestic violence, human trafficking, female genital mutilation/cutting or forced marriage. Legislative improvements also cover stalking, sexual harassment and kidnapping of women, and local regulations have been promulgated to ensure implementation.
i. Dedicated policies and strategies on violence against women have provided overarching frameworks to enhance coordination among relevant entities and provide time-based targets for activities. ... Given its many manifestations and broad impact, violence against women is also being addressed in national action plans on health, HIV/AIDS, education and integration/migration. Given its impact on the achievement of the Millennium Development Goals, at least one country has added indicators on violence against women to its national Millennium Development Goal monitoring framework.

j. The effective implementation of laws and policies remains a challenge, especially when funding and capacity are insufficient. Inadequate data on violence against women and the lack of monitoring and evaluation of the effectiveness of laws and policies also persist. Greater efforts are therefore needed to ensure adequate funding for the implementation of all laws and policies; the systematic and sustained training of all relevant officials; and the establishment of inter-sectoral institutions to monitor and assess the implementation of laws and policies...

k. Inadequate data and statistics on violence against women remains a major gap. More and better quality data, including statistics, on the prevalence of violence against women, reported cases of violence, prosecutions and use/demand of services by victims, are needed.
PART. B

SOUTH AFRICA’S COMPLIANCE WITH THE BEIJING DECLARATION AND PLATFORM FOR ACTION
Population

Table 2: Number of individuals per province, 2002–2013

<table>
<thead>
<tr>
<th>Province</th>
<th>Total population (Thousands)</th>
</tr>
</thead>
<tbody>
<tr>
<td>WC</td>
<td>4,851 4,951 5,051 5,153 5,256 5,360 5,466 5,573 5,682 5,792 5,904 6,017</td>
</tr>
<tr>
<td>EX</td>
<td>6,290 6,316 6,343 6,371 6,400 6,431 6,460 6,491 6,522 6,554 6,586 6,620</td>
</tr>
<tr>
<td>NC</td>
<td>1,056 1,066 1,075 1,085 1,095 1,105 1,114 1,124 1,134 1,143 1,153 1,163</td>
</tr>
<tr>
<td>FS</td>
<td>2,724 2,725 2,726 2,728 2,729 2,732 2,735 2,737 2,740 2,744 2,749 2,753</td>
</tr>
<tr>
<td>KZN</td>
<td>9,326 9,420 9,517 9,616 9,715 9,816 9,918 9,918 10,023 10,129 10,237 10,346 10,457</td>
</tr>
<tr>
<td>GP</td>
<td>10,048 10,273 10,501 10,731 10,965 11,202 11,446 11,694 11,946 12,202 12,464 12,728</td>
</tr>
<tr>
<td>MP</td>
<td>3,560 3,610 3,661 3,711 3,762 3,814 3,866 3,917 3,970 4,022 4,075 4,128</td>
</tr>
<tr>
<td>LP</td>
<td>4,852 4,907 4,964 5,022 5,081 5,141 5,201 5,262 5,325 5,388 5,452 5,518</td>
</tr>
<tr>
<td>RSA</td>
<td>45,809 46,409 47,020 47,640 48,270 48,910 49,561 50,223 50,896 51,580 52,275 52,982</td>
</tr>
</tbody>
</table>

Source: The General Household Survey 2013

The Table above shows that the population of South Africa has increased from 45.8 million in 2002 to 53 million in 2013. In 2013, Gauteng, with approximately 12.7 million residents, was the most populous followed by KwaZulu Natal and Eastern Cape with respectively 10.4 million and 6.6 million residents. Northern Cape remained the least populous province in the country.

Table 3: By province, population group and sex, 2013

<table>
<thead>
<tr>
<th>Province</th>
<th>Black African</th>
<th>Coloured</th>
<th>Indian/Asian</th>
<th>White</th>
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<tbody>
<tr>
<td></td>
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<td>Female</td>
<td>Male</td>
<td>Female</td>
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<td>891</td>
<td>1,764</td>
<td>1,546</td>
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<td>2,835</td>
<td>2,980</td>
<td>5,815</td>
<td>2,353</td>
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<tr>
<td>Northern Cape</td>
<td>297</td>
<td>300</td>
<td>628</td>
<td>229</td>
<td>456</td>
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<td>Free State</td>
<td>1,165</td>
<td>1,301</td>
<td>2,467</td>
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<tr>
<td>KwaZulu-Natal</td>
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<td>4,764</td>
<td>9,116</td>
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<td>1,707</td>
<td>3,367</td>
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<td>5,359</td>
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<td>21,676</td>
<td>42,284</td>
<td>2,307</td>
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</table>

Source: General Household Survey 2013
### Table 4: By age group, population group and sex, 2013

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<th>Age group</th>
<th>Black African Male</th>
<th>Black African Female</th>
<th>Black African Total</th>
<th>Coloured Male</th>
<th>Coloured Female</th>
<th>Coloured Total</th>
<th>Indian/Asian Male</th>
<th>Indian/Asian Female</th>
<th>Indian/Asian Total</th>
<th>White Male</th>
<th>White Female</th>
<th>White Total</th>
<th>Total Male</th>
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<td>172</td>
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<td>278</td>
<td>500</td>
<td>778</td>
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<td>42284</td>
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<td>2363</td>
<td>4602</td>
<td>25823</td>
<td>27159</td>
<td>52982</td>
</tr>
</tbody>
</table>

Source: General Household Survey 2013
1. **POVERTY**: THE PERSISTENT AND INCREASING BURDEN OF POVERTY ON WOMEN
1.1. INTRODUCTION (BPA)

Poverty and gender inequality are among the most pervasive and persistent global problems and challenges. Poverty affects women and men, girls and boys, but the impacts are different based on their sex, age, ethnicity, race, economic status, education, literacy, and disability.

Gender inequality cuts across other forms of inequality. It intersects with economic, social, and political conditions, to often produce more intensified forms of poverty for women and girls than for men and boys. Worldwide, 70% of those living in ‘extreme poverty’ are women and children. According to Statistics South Africa’s (Stats SA) Census 2011 results released in October 2012, approximately 51.3% of the population is female.

In 1995 at the Fourth World Conference on Women in Beijing, poverty was identified as one of the challenges facing humanity. It was therefore imperative for governments to implement strategies aimed at eradicating poverty. According to the Beijing Declaration and Platform for Action (BDPFA) point 16, “Eradication of poverty based on sustained economic growth, social development and social justice requires the involvement of women as agents and also beneficiaries of people-centred sustainable development.”

19 years after the adoption of this Platform for Action, most South African women still live in poor conditions with meagre salaries, with few skills, poor sanitation and inadequate basic necessities.

Several factors contribute to poverty amongst rural women, including gender disparities in economic power-sharing and changes in family structures caused by migration and/or ill-health. All of these factors have placed additional burdens on women, particularly those who provide for several dependants. The feminisation of poverty in South Africa has a rural and a racial dimension, to the extent that it obstructs the well-being of women and sustainable development. Manifestations of poverty include limited or no access to education, increasing mortality and morbidity from illness, chronic ill-health, homelessness and inadequate housing, and unsafe environment. Inadequate housing and homelessness significantly affect poor women, erodes their dignity and undermines social justice and development.

Poverty has various manifestations, including lack of income and productive resources sufficient to ensure a sustainable livelihood; hunger and malnutrition; ill health; limited or lack of access to education and other basic services; increasing morbidity and mortality from illness; homelessness and inadequate housing; unsafe environments; and social discrimination and exclusion. It is also characterized by lack of participation in decision-making and in civil, social and cultural life.
Several factors contribute to poverty amongst rural women, including gender disparities in economic power-sharing and changes in family structures caused by migration and/or ill-health. All of these factors have placed additional burdens on women, particularly those who provide for several dependants. The feminisation of poverty in South Africa has a rural and a racial dimension, to the extent that it obstructs the well-being of women and sustainable development. (7) Manifestations of poverty include limited or no access to education, increasing mortality and morbidity from illness, chronic ill-health, homelessness and inadequate housing, and unsafe environment. Inadequate housing and homelessness significantly affects poor women, erodes their dignity and undermines social justice and development. Adequate housing (or ‘human settlement’ as it is now referred to in South Africa) for women is imperative to sustainable development.

Source: Poverty alleviation strategies in South Africa: Creating dignified living for women through social justice and development – an article written by Rita Ozoemena- 2010

Rita Ozoemena* indicates that the poverty alleviation strategies of the South African Government seem unable to reduce inequalities and the consequences of poverty amongst women in rural areas. Many of the existing policies deal mostly with the formal sector, to the detriment of the informal, non-remunerative roles rural women perform. Most of these policies are furthermore not well implemented and hence do not benefit the maximum number of citizens.

Table 5 : Poverty indicators by sex

<table>
<thead>
<tr>
<th>Sex</th>
<th>Food poverty line (R305)</th>
<th>Lower-bound poverty line (R416)</th>
<th>Upper-bound poverty line (R577)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>P0</td>
<td>P1</td>
<td>P2</td>
</tr>
<tr>
<td>Male</td>
<td>25.2</td>
<td>8.1</td>
<td>3.6</td>
</tr>
<tr>
<td>Female</td>
<td>27.3</td>
<td>8.8</td>
<td>3.9</td>
</tr>
<tr>
<td>RSA</td>
<td>26.3</td>
<td>8.5</td>
<td>3.8</td>
</tr>
</tbody>
</table>

Source: Living Conditions Survey (2008/2009); STATS SA

According to the Living Conditions Survey (2008/2009) results, females had a higher poverty headcount (27.3%) than males (25.2%) during the survey period when using the food poverty line. The Table above indicates that the poverty headcount for females was 2.1% higher than that of males. A similar pattern was observed when using the upper-bound poverty line, yielding 54.1% for females and 50.4% for males. The percentage difference for male and for females using the upper-bound poverty line was higher at 3.7%.

The poverty gap for males was also lower than that of females, indicating that males living below the poverty line were closer to the poverty line compared to females living below the same poverty line. The severity of poverty estimates further highlighted this pattern in gender poverty.

* Poverty alleviation strategies in South Africa: Creating dignified living for women through social justice and development – an article written by Rita Ozoemena- 2010
1.1.1. Facts about Women and poverty: Beijing Platform for Action

(a) The gender disparities in economic power-sharing are an important contributing factor to the poverty of women.

(b) The rigidity of socially ascribed gender roles and women’s limited access to power, education, training and productive resources as well as other emerging factors that may lead to insecurity for families are also responsible.

(c) The proportion of women among the poor has consequently increased. The number of women living in poverty has increased disproportionately to the number of men, particularly in the developing countries.

(d) The feminization of poverty has become a significant problem in the countries with economies in transition as a short-term consequence of the process of political, economic and social transformation.

(e) While poverty affects households as a whole, because of the gender division of labour and responsibilities for household welfare, women bear a disproportionate burden, attempting to manage household consumption and production under conditions of increasing scarcity.

(f) Poverty is particularly acute for women living in rural households.

(g) Women’s poverty is directly related to the absence of economic opportunities and autonomy, lack of access to economic resources, including credit, land ownership and inheritance, lack of access to education and support services and their minimal participation in the decision-making process.

Poverty can also force women into situations in which they are vulnerable to sexual exploitation.

1.1.2. Human rights and poverty (The Human Right to Freedom from Poverty)

Poverty is a human rights violation. Every human being has the human right to a standard of living adequate for health and well-being, to food, clothing, housing, medical care and social services. These fundamental human rights are defined in the Universal Declaration of Human Rights, CEDAW, the International Covenants and other widely adhered to international human rights treaties and Declarations which are powerful tools that can empower efforts for social and economic justice worldwide.

1.1.3. The Human Rights Issues

The human right to live in dignity, free from want, is itself a fundamental right, and is also essential to the realization of all other human rights which are universal, indivisible, interconnected and interdependent.10

10 http://www.pdhre.org/rights/poverty.html [The People’s Movement for Human Rights Education (PDHRE)]
The right to be free from poverty includes the right to:

- An adequate standard of living.
- Work and receive wages that contribute to an adequate standard of living.
- A healthy and safe environment.
- The right to live in adequate housing.
- Be free from hunger.
- Safe drinking water.
- Primary health care and medical attention in case of illness.
- Access to basic social services.
- Education.
- Be free of gender or racial discrimination.
- Participate in shaping decisions that affect oneself and one’s community.
- The right for children to develop in an environment appropriate for their physical, mental, spiritual, moral and social development.

1.1.4. State Parties’ Obligations

The human rights approach to poverty reduction emphasizes obligations and requires that all duty-holders, be held to account for their conduct in relation to international human rights. While duty-holders must determine for themselves which mechanisms of accountability are most appropriate in their particular case, all mechanisms must be accessible, transparent and effective. 11

The principal obligation is to take steps to achieve progressively the full realization of the right to adequate food. This imposes an obligation to move as expeditiously as possible towards that goal.

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1.1.5. BPA’s proposed strategic objectives for addressing poverty

**Strategic objective A.1.**
Review, adopt and maintain macroeconomic policies and development strategies that address the needs and efforts of women in poverty.

**Strategic objective A.2.**
Revise laws and administrative practices to ensure women’s equal rights and access to economic resource.

**Strategic objective A.3.**
Provide women with access to savings and credit mechanisms and institutions.

**Strategic objective A.4.**
Develop gender-based methodologies and conduct research to address the feminization of poverty.
### 1.2. GENERAL INFORMATION

#### Table 6: Percentage share of poverty by sex

<table>
<thead>
<tr>
<th>Sex</th>
<th>Food poverty line (R305) (%)</th>
<th>Lower-bound poverty line (R416) (%)</th>
<th>Upper-bound poverty line (R577) (%)</th>
<th>RSA (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>46.2</td>
<td>46.2</td>
<td>46.4</td>
<td>48.2</td>
</tr>
<tr>
<td>Female</td>
<td>53.8</td>
<td>53.8</td>
<td>53.6</td>
<td>51.8</td>
</tr>
<tr>
<td>RSA</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>


The total number of females in the country is estimated to be greater than that of males by roughly 3.6%. However, looking at the poverty shares using the upper-bound poverty line, the proportion of the female population living below the poverty line exceeded that of males by 7.2% during the period September 2008 to August 2009; while the proportion of the female population living below the food poverty line exceeded that of males by 7.6%.

#### 1.2.1. The Feminisation of Poverty.

Despite large-scale urban migration, most women live in rural areas where the incidence of poverty is much higher than in urban areas. About 59.3% of poor individuals are rural dwellers and the highest prevalence of poor rural dwellers is found in the female population between the ages of 25-49. South Africa is also rated as the 12th most inequitable country on earth. The extent of inequality between rich and poor is so great that it is impossible to bridge the gap by 2015 with current efforts. Such inequalities are defined by several factors such as race, gender and class. This is why poverty is mostly noted among the rural, poor and black communities.

Source: Poverty alleviation strategies in South Africa: Creating dignified living for women through social justice and development - an article written by Rita Ozoemena-2010

Poverty patterns are inherently influenced by gender. Women, particularly female-headed households, are generally much poorer than those headed by men (Bhorat & Van der Westhuizen, 2008). Most women are still unable to access the same economic resources and opportunities as men. The resulting inequality is, intensified by additional race-based discrimination and inequality.
Female-headed households tend to have fewer adults of working age, while also experiencing higher unemployment rates. Women are overrepresented in low-skilled, low-paying jobs and the wage gap between male and female earnings persists, particularly in low and semi-skilled occupations (May, 1998; Bhorat 2009). A continual division in labour between men and women exists; women’s roles are underrated in economic terms and their work is demoted to being domestic and unpaid.

It is also important to note that one fourth of all households worldwide are headed by women and that many other households are dependent on female income even where men are present. Female-maintained households are very often among the poorest because of wage discrimination, occupational segregation patterns in the labour market and other gender-based barriers.

Women’s living conditions are directly affected by the basic services their households receive. In addition to often being responsible to secure basic needs (fetching water and wood), women are often also the primary caregivers of children, orphans, the elderly and people living with disabilities.

Improved access to basic services and social grants often assists marginal households to secure secondary sources of income. Larger percentages of household income is often spent on increasingly less diverse and less nutritious sources of food, which does not promote the health situation in female-headed households.

As Johanna Kehler indicates, in South Africa African rural women are the poorest of the poor, and experience poverty and inequality differently to men. African rural women’s lack of access to resources and basic services are combined with unequal rights in family structures, as well as unequal access to family resources, such as land and livestock. They are not only poorer in society as a whole but also in their own families. Their level and kind of poverty is experienced differently and more intensely than that of men. This translates into reality where African rural women are not only burdened with multiple roles concerning productive and reproductive responsibilities, but also subjected to discrimination and subjugation both in and out of their homes.

1.2.2. Female headed families

Female headed families are a common character in South Africa’s communities. The dissolution of families often leads to the formation of female-headed households or the integration of surviving females into extended family units. Both results increase the challenge households have to face, and it is not surprising to note that female-headed households are disproportionately affected by poverty.

Individuals in female-headed households tend to be more vulnerable than those in male-headed households, as they usually have access to fewer assets, face a different set of constraints, adopt different strategies than men, and pursue different
outcomes. Female-headed households have historically tended to rely more on remittances, as well as pensions and grants than male-headed households.

The percentage of male and female-headed households that reported remittances as a main source of income declined consistently since 2003, while the percentage of households with social grants/pensions as main source of income increased at a seemingly inverse rate.

In 2011, more than one-third (35.6%) of female-headed households reported pensions and grants as their main source of income, compared to only 17.5% of male-headed households.

Table 7: Percentage distribution of female headed household by Province, 2002-2011

<table>
<thead>
<tr>
<th>Province</th>
<th>2002</th>
<th>2003</th>
<th>2004</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>Western Cape</td>
<td>29.4</td>
<td>29.8</td>
<td>30.1</td>
<td>30.3</td>
<td>32.0</td>
<td>31.1</td>
<td>30.5</td>
<td>29.8</td>
<td>30.3</td>
<td>31.3</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>47.4</td>
<td>47.6</td>
<td>46.9</td>
<td>47.6</td>
<td>47.1</td>
<td>46.9</td>
<td>45.5</td>
<td>44.5</td>
<td>43.0</td>
<td>44.7</td>
</tr>
<tr>
<td>Northern Cape</td>
<td>29.2</td>
<td>31.2</td>
<td>30.3</td>
<td>36.4</td>
<td>36.6</td>
<td>36.3</td>
<td>34.3</td>
<td>37.0</td>
<td>37.2</td>
<td>35.2</td>
</tr>
<tr>
<td>Free State</td>
<td>31.3</td>
<td>31.0</td>
<td>29.8</td>
<td>33.3</td>
<td>34.9</td>
<td>36.2</td>
<td>39.1</td>
<td>38.1</td>
<td>36.6</td>
<td>36.5</td>
</tr>
<tr>
<td>Kwazulu-Natal</td>
<td>43.5</td>
<td>43.7</td>
<td>44.2</td>
<td>43.7</td>
<td>41.7</td>
<td>43.1</td>
<td>42.9</td>
<td>44.1</td>
<td>43.7</td>
<td>43.5</td>
</tr>
<tr>
<td>North West</td>
<td>36.5</td>
<td>34.3</td>
<td>34.3</td>
<td>32.9</td>
<td>33.9</td>
<td>34.9</td>
<td>33.9</td>
<td>33.2</td>
<td>33.4</td>
<td>33.3</td>
</tr>
<tr>
<td>Gauteng</td>
<td>28.0</td>
<td>29.1</td>
<td>29.2</td>
<td>28.1</td>
<td>28.0</td>
<td>28.0</td>
<td>27.8</td>
<td>29.1</td>
<td>30.2</td>
<td>29.1</td>
</tr>
<tr>
<td>Mpumalanga</td>
<td>37.2</td>
<td>35.7</td>
<td>38.0</td>
<td>37.6</td>
<td>38.0</td>
<td>38.0</td>
<td>40.1</td>
<td>38.4</td>
<td>38.1</td>
<td>38.6</td>
</tr>
<tr>
<td>Limpopo</td>
<td>50.3</td>
<td>49.6</td>
<td>49.3</td>
<td>50.0</td>
<td>48.9</td>
<td>48.9</td>
<td>50.3</td>
<td>48.6</td>
<td>49.1</td>
<td>49.2</td>
</tr>
<tr>
<td>South Africa</td>
<td>37.4</td>
<td>37.4</td>
<td>37.5</td>
<td>37.5</td>
<td>37.5</td>
<td>37.5</td>
<td>37.5</td>
<td>37.5</td>
<td>37.5</td>
<td>37.5</td>
</tr>
<tr>
<td>Total (thousands)</td>
<td>11,013</td>
<td>11,362</td>
<td>11,712</td>
<td>12,075</td>
<td>12,476</td>
<td>12,901</td>
<td>13,351</td>
<td>13,812</td>
<td>14,304</td>
<td>14,756</td>
</tr>
</tbody>
</table>

Source: STATS SA Social profile of vulnerable groups, 2011

Figure 1: Percentage distribution of female headed household by age group,

Source: STATS SA Social profile of vulnerable groups, 2011
1.2.3. ADDRESSING POVERTY (FOR EXAMPLE - PROVIDING FOOD)

1.2.3.1. Right to food: International Covenant on Economic, Social and Cultural Rights (article 11)

The right to food encompasses two separate norms contained in Article 11 of the ICESCR: the right to adequate food and the fundamental right of everyone to be free from hunger.

The right to food is an inclusive right. It is a right to all nutritional elements that a person needs to live a healthy and active life, and to the means to access them. The holders of the right to food are individuals. This means, in practice, that every person is entitled to this fundamental human right.

The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement.

Core elements of the right to food: Food must be available, accessible and adequate

<table>
<thead>
<tr>
<th>Availability</th>
<th>Accessibility</th>
<th>Adequacy and acceptability</th>
</tr>
</thead>
<tbody>
<tr>
<td>•Requires on the one hand that food should be available from natural resources and that on the other hand, it should be available for sale in markets and shops.</td>
<td>•Requires economic and physical access to food to be guaranteed. Economic accessibility means that food must be affordable. Physical accessibility means that food should be accessible to all, including to the physically vulnerable, such as children, the sick, persons with disabilities or the elderly, for whom it may be difficult to go out to get food. Access to food must also be guaranteed to people in remote areas and to victims of armed conflicts or natural disasters, as well as to prisoners.</td>
<td>•Means that the food must satisfy dietary needs, taking into account the individual's age, living conditions, health, occupation, sex, etc. Food should also be safe for human consumption and free from adverse substances, such as contaminants from industrial or agricultural processes, including residues from pesticides, hormones or veterinary drugs. Adequate food should also be culturally acceptable. For example, aid containing food that is religious or cultural taboo for the recipients or inconsistent with their eating habits would not be culturally acceptable</td>
</tr>
</tbody>
</table>

1.2.3.2. Access to food

According to STATS SA, the percentage of households that had limited access to food decreased from 23.9% in 2010 to 23.1% in 2013. Simultaneously, the percentage of persons with more limited access to food declined from 28.6% in 2010 to 26.0% in 2013.
Graph 1: Vulnerability to hunger and access to food, 2002–2008; 2010–2013

Figure 2: Percentage of households experiencing food adequacy or inadequacy by province, 2013
1.2.3.3. The following are underlying determinants of the right to food:

- The right to health: Nutrition is a component of both the right to health and the right to food.
- The right to water: The right to food cannot be realized if people lack access to safe drinking water for personal and domestic uses.
- The right to life: When people are not able to feed themselves and face the risk of death by starvation, malnutrition or resulting illnesses, their right to life would also be at stake.
- The right to adequate housing: When a house lacks basic amenities, such as for cooking or storing food, the right to adequate food of its residents may be undermined.

1.2.3.4. THE REPORT BY THE PUBLIC SERVICE COMMISSION\(^{15}\)

The PSC undertook an audit to evaluate the poverty reduction programmes of government and produced a report on its findings in 2007.

The aim of the audit was to gain a better understanding of the definitions and criteria used to describe poverty and the interventions implemented to address it. The audit also aimed at developing an integrated database of key poverty reduction programmes and projects implemented at national and provincial levels of government.

SOME OF THE FINDINGS OF THE PSC

- Many of the line department programmes being implemented have an outreach to poor communities and, therefore, can be considered to be poverty reduction programmes. Most of these programmes either have a direct (e.g. job creation) or indirect (e.g. skills development) impact on poverty.

- The focus of government is moving away from direct poverty relief programmes (or so-called “handouts”) towards what is termed “investment” programmes.

- There are large poverty reduction programmes which are not implemented by a single department but by a number of national and provincial departments with functional responsibility allocated to each of these departments. These include...

a. Expanded Public Works programme (EPWP),
b. Integrated Sustainable Rural Development Programme (ISRDP),
c. Urban Renewal Programme (URP),
d. Local Economic Development Programme (LED),
e. Municipal Infrastructure Grant (MIG) and
f. The Consolidated Municipal Infrastructure Programme (CMIP).

- The importance of these different programmes changes from province to province as the emphasis shifts from the building of schools to the building of clinics as an example.

- There are agencies that are implementing other poverty relief programmes. These include the National Development Agency (NDA) that receives its funding mainly from the Department of Social Development and another is the National Lottery Board of the Department of Trade and Industry.

- There are development agencies like the Independent Development Trust (IDT) and the Development Bank of Southern Africa (DBSA) who assist departments in the implementation of the projects and also provide their own funding for the implementation of programmes;

- Many provincial departments did not keep a database of their poverty relief projects or established M&E units.
1.3. LEGAL FRAMEWORK,

The South African Constitution’s Bill of Rights provides everyone the right “to have access to housing, health care services, sufficient food and water and social security. Government can only provide for these rights to the extent of available resources, however. Adopting legislation to give effect to these rights is one of the means to their realisation.

1.3.1. National Legislation

<table>
<thead>
<tr>
<th>No</th>
<th>Legislation</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>SA Constitution Act 108 of 1996</td>
<td>The Constitution of South Africa guarantees the delivery of socio-economic rights. Section 9 of the Constitution Act addressed issues of equality. Section 27 of the Constitution is about <strong>Health care, food, water and social security. Subsection 1(b) provides that everyone has the right to have access to sufficient food</strong> ......</td>
</tr>
<tr>
<td>2</td>
<td>The Provision of Land and Assistance Act, 126 of 1993,</td>
<td>The legislation for redistribution which provides for the making of financial grants for settlement and production purposes in order to assist historically disadvantaged people.</td>
</tr>
<tr>
<td>3</td>
<td>Land Reform and Assistance Act, 1993</td>
<td>The Act requires that the department provides for the designation of certain land, the regulation and subdivision of that land and the settlement of persons on it. It also provides for the acquisition, maintenance, planning, development, improvement and disposal of property and the provision of financial assistance for land reform purposes.</td>
</tr>
<tr>
<td>4</td>
<td>Social Assistance Act No. 13 of 2004</td>
<td>This Act regulates the administration and payment of social grants. The regulations set out the requirements for eligibility and ensure that there are minimum standards for the delivery of social assistance. The act also provides for the establishment of a body to monitor the quality of delivery: the Inspectorate for Social Assistance.</td>
</tr>
<tr>
<td>5</td>
<td>Co-operatives Act No. 14 of 2005</td>
<td>To provide for the formation and registration of co-operatives and matters incidental thereto.</td>
</tr>
<tr>
<td>6</td>
<td>National Empowerment Fund Act No. 105 of 1998</td>
<td>To establish a trust to promote and facilitate ownership of income generating assets by historically disadvantaged persons, particularly assets in state-owned enterprises made available at a discount as part of restructuring programmes; gives powers to the trust to enable it to establish sub-trusts and investment companies to promote black economic empowerment.</td>
</tr>
</tbody>
</table>
1.3.2. POLICIES

The South African government has introduced a number of interventions to address poverty in its various manifestations. Interventions vary from child support and disability grants, subsidized water and electricity, housing, land redistribution and restitution, to various inter-departmental programmes such as the Expanded Public Works Programme.

The South African Constitution also makes provision for relevant legislations, policies and programmes to promote gender equality in various policy sectors, including the land sector. One of these legislations in this regard is the 1997 White Paper on Land Reform which, among others, places emphasis on gender equality in terms of access to land, and the effective participation of women in decision making processes.

1.3.3. EXAMPLES OF ANTI-POVERTY PROGRAMMES

The anti-poverty programmes undertaken by Government since 1994 can be grouped into various categories of public expenditure such as:

1.3.3.1. Social assistance and grants

The overview of South Africa’s Social Security Systems explains Social assistance as a set of social grant payments aimed at supporting vulnerable groups; namely, children, the elderly, people with disabilities and war veterans.

The primary aim of social assistance is to ensure that people do not fall below a certain standard of living. Social assistance provisioning is financed from the general revenue of the government, and provided in a form of monthly income transfer to eligible beneficiaries.

Before a decision to award a grant is taken, certain requirements are taken into account through a means test. The payments are paid through transfers into beneficiaries’ bank accounts or through direct cash payments to beneficiaries at specific pay points throughout the country.

The national Department of Social Development is responsible for social assistance policy development whilst the social grant administration is undertaken by the South African Social Security Agency (SASSA), as from 01 April 2006. SASSA, which is a section 3A public entity, has the responsibility of the management, administration and payment of social assistance grants and ensures that government pays the right grant, to the right person, at a location which is most convenient to that person.

Information from the SASSA Strategic Plan 2012/13 - 2016/17 indicates that over 10 million South Africans receive approximately 15 million social grant benefits (2012).

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16 The Monograph written by officials of the Department Of Social(2010)
These are divided as follows:

- 10.3 million are child benefits.
- 2.6 million are benefits for older persons.
- 1.2 million are for people with disabilities.

The plan also shows that over five years, the demand for grants grew by 35%. The Agency, deals with an average of 4 680 675 transactions per annum, excluding payments.

Social Assistance is provided in the form of one of the following grants:

- Child Support Grant
- Disability Grant,
- Care Dependency Grant,
- Older Persons Grant,
- Foster Care Grant
- War Veterans Grant,
- Grant-in-aid,
- Social Relief of Distress

**a. Child Support Grant**

The Child Support Grant is directed at poor children under age 18, and is provided to the primary care giver of a child, up to a maximum of six children. The grant is aimed at assisting with the basic needs of the child. In addition to the grant, government also provides other developmental measures such as access to free schooling, free health care and school feeding schemes for poor children. The primary caregiver has the responsibility to ensure that the child enrolls and attends school on a regular basis.

**b. Disability Grant**

The Disability Grant (DG) aims to assist disabled individuals between the ages of 18 and 59 years. It is paid to those who cannot support or maintain themselves financially or by some other means due to their daily functioning being severely compromised as the result of a health condition, causing limitations in their ability to provide for their daily needs.

**c. Care Dependency Grant**

The Care Dependency Grant provides financial support for a severely disabled child who is in need of special care. This is given to children under age 18. The grant is for children who have been assessed by a health professional as having a medical
condition or an impairment that affects their functioning and age appropriate independence.

d. Older Persons Grant
The Older Persons Grant is targeted at the elderly men and women from the age of 60 and aims to relieve poverty experienced by the elderly.

e. Foster Care Grant
The grant is paid to foster parents who have received a court order giving them foster parent status after meeting all the assessment criteria set out in the law. This grant is the only grant that is not means-tested, due to the need to encourage families to foster children who would otherwise be placed in institutional care.

f. War Veteran’s Grant
The War Veteran’s Grant is targeted at individuals who are aged 60 years or older and/or disabled; who fought in the Second World War or the Korean War. It is similar in value to the Older Persons Grant, although an additional nominal amount is paid as recognition for participation in the war.

g. Grant-in-Aid
A Grant-in-aid is an additional grant awarded to persons who are in receipt of the Older Persons Grant, Disability or War Veteran’s Grants; and who are unable to care for themselves. An additional amount per month is paid to enable them to obtain some assistance with their daily activities.

h. Social Relief of Distress
This is short term relief provided by the Government mainly for major disasters such as fire, floods and other natural disasters. This support is based mainly on need but it is also means tested. The relief can either be in kind or in cash, and the value of the support is based mostly on need.

A statistical summary of social grants in South Africa
The percentage of individuals that benefited from social grants consistently increased from 12.7% in 2003 to 30.2% in 2013. Concurrently, the percentage of households that received at least one grant increased from 29.9% in 2003 to 45.3% in 2009, before declining slightly to 43.6% in 2012 and rebounding to 45.5% in 2013.

Graph 2. : Percentage of households and persons who have benefited from social grants, 2003–2013

Source: General Household Survey 2013

Figure 3: Percentage of individuals and households benefiting from social grants per province, 2013

Source: General Household Survey 2013

Figure 3, above summarises the provincial distribution of individuals and households that benefited from social grants in 2013.

- More than one-third of individuals in Eastern Cape (40.3%), Limpopo (38.7%), KwaZulu-Natal (37.2%) and Northern Cape (35%) were grant beneficiaries, compared to 17.3% in Gauteng and 21.1% in Western Cape.

- Similarly, more than half of households in Limpopo (60.6%), Eastern Cape (58.5%) and Northern Cape (55.2%) received at least one grant compared to 29.6% of households in Gauteng and 36.5% of households in Western Cape.
• More than one-third of black African individuals (34.2%) received a social grant, compared to 24.4% of coloured individuals, and 11.9% of Indian/Asian individuals. Only 5.3% of the white population received grants.

The fact sheet below provides a statistical summary of social grants in the 9 regions (Provinces) of South Africa which are: Eastern Cape (EC), Free State (FS), Gauteng (GP), KwaZulu-Natal (KZN), Limpopo (LP), Mpumalanga (MP), North West (NW), Northern Cape (NC) and Western Cape (WC) as at 30 June 2013.

Social grants refer to Old Age grant (OAG), War Veteran’s grant (WVG), Disability grant (DG), Grant in Aid (GIA), Child Support grant (CSG), Foster Child grant (FCG) and Care Dependency grant (CDG).

Table 8: Total number of social grants by grant type and region as at 30 June 2013

<table>
<thead>
<tr>
<th>Region</th>
<th>OAG</th>
<th>WVG</th>
<th>DG</th>
<th>GIA</th>
<th>CDG</th>
<th>FCG</th>
<th>CSG</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>EC</td>
<td>508,290</td>
<td>72</td>
<td>182,512</td>
<td>7,369</td>
<td>18,256</td>
<td>121,293</td>
<td>1,834,805</td>
<td>2,672,597</td>
</tr>
<tr>
<td>FS</td>
<td>173,742</td>
<td>8</td>
<td>86,717</td>
<td>1,258</td>
<td>5,956</td>
<td>43,442</td>
<td>638,321</td>
<td>949,444</td>
</tr>
<tr>
<td>GP</td>
<td>430,007</td>
<td>133</td>
<td>120,659</td>
<td>1,427</td>
<td>15,215</td>
<td>60,674</td>
<td>1,599,083</td>
<td>2,217,198</td>
</tr>
<tr>
<td>KZN</td>
<td>588,411</td>
<td>83</td>
<td>299,882</td>
<td>26,545</td>
<td>32,998</td>
<td>140,060</td>
<td>2,716,880</td>
<td>3,804,859</td>
</tr>
<tr>
<td>LP</td>
<td>396,824</td>
<td>41</td>
<td>87,457</td>
<td>11,148</td>
<td>11,645</td>
<td>61,356</td>
<td>1,585,001</td>
<td>2,153,472</td>
</tr>
<tr>
<td>MP</td>
<td>227,120</td>
<td>23</td>
<td>77,861</td>
<td>2,463</td>
<td>8,428</td>
<td>37,030</td>
<td>1,044,654</td>
<td>1,397,579</td>
</tr>
<tr>
<td>NW</td>
<td>219,913</td>
<td>19</td>
<td>84,735</td>
<td>4,207</td>
<td>9,252</td>
<td>43,750</td>
<td>749,966</td>
<td>1,110,242</td>
</tr>
<tr>
<td>NC</td>
<td>75,454</td>
<td>17</td>
<td>49,520</td>
<td>4,123</td>
<td>4,451</td>
<td>14,982</td>
<td>278,675</td>
<td>427,222</td>
</tr>
<tr>
<td>WC</td>
<td>262,218</td>
<td>151</td>
<td>147,223</td>
<td>7,732</td>
<td>10,466</td>
<td>29,110</td>
<td>862,188</td>
<td>1,319,088</td>
</tr>
<tr>
<td>Total</td>
<td>2,881,379</td>
<td>547</td>
<td>1,136,566</td>
<td>66,272</td>
<td>115,667</td>
<td>551,697</td>
<td>11,299,573</td>
<td>16,051,701</td>
</tr>
</tbody>
</table>


Table 9: Total number and growth rate of grant recipients by grant type

<table>
<thead>
<tr>
<th>Year</th>
<th>Older Persons Grant</th>
<th>War Veterans Grant</th>
<th>Disability Grant</th>
<th>Foster Child Grant</th>
<th>Care Dependency Grant</th>
<th>Child Support Grant</th>
<th>Total</th>
<th>Growth rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996/7</td>
<td>1,637,934</td>
<td>13,473</td>
<td>711,629</td>
<td>42,999</td>
<td>2,707</td>
<td>-</td>
<td>2,408,742</td>
<td>-</td>
</tr>
<tr>
<td>1997/8</td>
<td>1,697,725</td>
<td>10,525</td>
<td>660,528</td>
<td>43,520</td>
<td>8,172</td>
<td>-</td>
<td>2,420,470</td>
<td>0.5%</td>
</tr>
<tr>
<td>1998/9</td>
<td>1,812,695</td>
<td>9,197</td>
<td>633,778</td>
<td>46,496</td>
<td>16,835</td>
<td>21,997</td>
<td>2,540,998</td>
<td>5%</td>
</tr>
<tr>
<td>1999/00</td>
<td>1,848,726</td>
<td>7,908</td>
<td>607,537</td>
<td>49,843</td>
<td>22,789</td>
<td>150,366</td>
<td>2,687,169</td>
<td>5.8%</td>
</tr>
<tr>
<td>2000/01</td>
<td>1,900,406</td>
<td>5,617</td>
<td>655,822</td>
<td>66,967</td>
<td>33,574</td>
<td>1,111,612</td>
<td>3,773,984</td>
<td>40.4%</td>
</tr>
<tr>
<td>2001/02</td>
<td>1,903,042</td>
<td>5,336</td>
<td>694,232</td>
<td>67,817</td>
<td>34,978</td>
<td>1,277,396</td>
<td>3,992,801</td>
<td>5.5%</td>
</tr>
<tr>
<td>2002/03</td>
<td>1,943,348</td>
<td>4,638</td>
<td>840,424</td>
<td>83,574</td>
<td>42,355</td>
<td>1,998,936</td>
<td>4,913,275</td>
<td>23.4%</td>
</tr>
<tr>
<td>2003/04</td>
<td>2,050,572</td>
<td>3,996</td>
<td>1,228,231</td>
<td>120,571</td>
<td>76,494</td>
<td>2,996,723</td>
<td>6,476,587</td>
<td>31.8%</td>
</tr>
<tr>
<td>2004/05</td>
<td>2,124,984</td>
<td>2,963</td>
<td>1,293,280</td>
<td>195,454</td>
<td>86,917</td>
<td>4,165,545</td>
<td>7,869,143</td>
<td>21.5%</td>
</tr>
<tr>
<td>2005/06</td>
<td>2,146,344</td>
<td>2,817</td>
<td>1,315,143</td>
<td>317,434</td>
<td>90,112</td>
<td>7,075,266</td>
<td>10,947,116</td>
<td>39.10%</td>
</tr>
<tr>
<td>2006/07</td>
<td>2,195,018</td>
<td>2,340</td>
<td>1,422,808</td>
<td>400,503</td>
<td>98,631</td>
<td>7,863,841</td>
<td>11,983,141</td>
<td>9.5%</td>
</tr>
<tr>
<td>2007/08</td>
<td>2,229,550</td>
<td>1,924</td>
<td>1,408,456</td>
<td>454,199</td>
<td>102,292</td>
<td>8,189,975</td>
<td>12,386,396</td>
<td>3.4%</td>
</tr>
</tbody>
</table>
The implementation of the Beijing platform for action in South Africa

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Grants</th>
<th>Grants</th>
<th>Child Support Grant</th>
<th>Old Age Pension</th>
<th>Disability Grant</th>
<th>Food Parcels</th>
<th>Water and Sanitation</th>
<th>Electricity</th>
<th>Transport</th>
<th>Refuse Removal</th>
<th>Education and Training</th>
<th>Healthcare</th>
<th>RDP Housing</th>
<th>Land Redistribution</th>
<th>Land Restitution</th>
<th>Land Tenure Reform</th>
<th>Programmes by DTI (e.g., Technology for Women in Business, Small Medium Enterprise Development Programme, Skills Support Programme, Micro Credit Outlets, Black Economic Empowerment, Tourism Development, Finance)</th>
<th>Various departmental programmes (DOE, DBE, etc.)</th>
<th>CBPWP</th>
<th>Working for Water</th>
<th>LandCare</th>
<th>CoastCare</th>
<th>other components of the EPWP, etc.</th>
</tr>
</thead>
</table>
1.1.1.2. Employment generating programmes, enterprise development and income support

These include Poverty Alleviation Projects, Community Based Public Works Program, Expanded Public Works Programme, [Working for Water Program and Working for the Coast Programme], Learnerships, Cooperatives, and perhaps special Flagship Programmes such as for example the National Youth Service);

a. Expanded Public Works Programme\(^{18}\)

The EPWP is defined as a nation-wide programme drawing significant numbers of unemployed people into productive work accompanied by training so that participants increase their capacity to earn an income.

In 2002, following lengthy negotiations at NEDLAC (National Economic Development and Labour Council), the Minister of Labour Gazetted a Code of Good Practice for Special Public Works Programmes. This Code allows for special conditions to facilitate greater employment on Public Works Programmes. In exchange for exemption from normal Labour Legislation, it was agreed that “good practice” in public works programmes would require that higher levels of training would be given to participants than they would normally obtain in labour-intensive projects. The intention was that participants would be employed in the Programme for a limited duration after which they are better equipped to seek full time employment. The Code guides the EPWP and provides for a training entitlement of at least 2 days per month of service for workers in this programme. Such training must be linked to possible exit opportunities for workers.

EPWP Objectives

The programme is focused on unemployed, under-skilled and under-qualified persons and aims to provide an opportunity:

- To draw significant numbers of the unemployed into productive work to enable them to earn an income within the first five years of the programme.
- To provide unemployed people with education and skills within the first five years of the programme.
- To ensure that those participants in the EPWP are able to translate the experience and either enabled to set up their own business/service or become employed.
- To utilise public sector budgets to reduce and alleviate unemployment.

Opportunities for implementing the EPWP have been identified in the infrastructure, environmental, social and economic sectors. The EPWP as strategy is therefore directed at a broader goal than merely addressing the short-term effects of

\(^{18}\) Fifteen Year Review of Income Poverty Alleviation Programmes in the Social and Related Sectors, 2008( Friedman& Bhengu)
income poverty but deals also with issues such as the production of community assets, provision of basic needs, the improvement of education, reducing gender inequality, long-term sustainable work creation etc.

a. Its two pillars are:

(1) All government departments and state owned enterprises creating productive employment opportunities by:

- Ensuring that government-funded infrastructure projects use labour intensive methods (i.e. employing people, instead of using machines);
- Offering work opportunities in public environmental programmes (e.g. Work for Water) and social programmes (e.g. Home based care workers); and
- Using government procurement to help small enterprise learnership and support programmes.

(2) Making it possible for people to earn an income after leaving the EPWP either through finding a job or starting a business by:

- Giving unemployed people work experience; and
- Providing education and skills development programmes to people while they are on the Expanded Public Works Programme;
- Helping workers with exit opportunities beyond the EPWP.

b. Target groups

The programme targets the unemployed and marginalized - this includes men and women who:

- are unemployed and willing to work,
- are largely unskilled,
- do not receive social grants,
- are urban and rural poor

The participation of women in the programme reduces the levels of poverty significantly.

c. Analysis of the EPWP Programme.\(^{19}\)

The EPWP is implemented through the following four selected sector programmes:

(i) **Infrastructure Programmes**

The infrastructure sector programme of EPWP aims to increase the labour intensity of government-funded infrastructure projects by focusing on

\(^{19}\) Report on the evaluation of Government Poverty Reduction Programme by the Public Service Commission, 2007
construction, rehabilitation and maintenance activities. Additional areas of labour intensive infrastructure provision and maintenance have been identified including labour intensive construction of civil works in housing, trenching in electrification projects, road maintenance and higher volume roads, building maintenance, and projects of the Consolidated Municipal Infrastructure Programme (CMIP).

The sector is coordinated through the Department of Public Works (DPW), and associated stakeholders include departments of Transport, Housing, Provincial and Local Government, Water Affairs and Forestry, Public Enterprises, Minerals and Energy and Education, as well as the Independent Development Trust (IDT). The infrastructure sector comprises the bulk of the EPWP job creation and training targets.

a. Environment Programmes

The environmental sector of EPWP is focused on creating work opportunities in public environmental programmes. The objectives of the sector include:

- Creating jobs and providing training through these jobs to facilitate long-term employment.
- Linking people in the marginalized “second economy” with opportunities and resources to enable their participation in the developed “first economy.
- Integrating sustainable rural development and urban renewal.
- Creating land-based livelihoods.
- Promoting community-based natural resource management.
- Developing the natural resources and cultural heritage.
- Rehabilitation of natural resources and protection of biodiversity.
- Promoting tourism.

The environmental sector’s approach mainly involves the expansion of pre-existing programmes such as Agriculture’s Land Care programme; the Department of Environmental Affairs and Tourism (DEAT)’s People and Parks, Coastal Care, Sustainable Land-based Livelihoods, Cleaning up SA, and Growing a Tourism Economy programmes; the Department of Water Affairs and Forestry (DWAF)’s Working for Water, Wetlands and Fire programmes; and the Department of Arts and Culture (DAC)’s programmes (e.g. the establishment of historical and community tourism programme).

b. Social Programmes

The EPWP social sector seeks to create work opportunities in public social programmes. It is designed to initially focus on community-based health and social welfare care through the Home/ Community Based Care (HCBC) programme, and
on early childhood development (ECD) which have been identified as areas that are highly labour intensive and having enormous scope for expansion, given the large and growing needs for the services they are delivering. These programmes are considered to be under serviced, and previously relied heavily on volunteer providers.

The EPWP intends to develop these service sectors by providing paid work opportunities (stipends), and developing the skills base and capacity of workers to provide quality services in these important areas. Women are particularly targeted to participate in the programme.

The EPWP Social Sector Plan (DSD, 2004) outlines the following objectives for the HCBC programme:

• Existing HCBC volunteers receive a stipend to allow them to work full time and receive accredited training.

• Expanding the pool of employed volunteers, rolling out a bridging programme to the community healthcare workers (CHW) programme, and working in partnerships towards creating learnerships.

• Expanding the programme beyond the current HCBC sites with the establishment of new sites and work opportunities.

The ECD programme targets the unemployed and/or underemployed parents and caregivers in all ECD programmes by:

• Providing learnerships and training grade R teachers under the existing DoE programme.

• Establishing a workplace employment and skills programme in sites currently receiving the DSD indigent subsidy (the Social Sector Plan indicated that there were 4612 such sites registered with DSD nationally during authoring; Departments of Social Development, Education and Health, 2004).

• Targeting the remaining ECD sites in poor areas for subsidies and employment.

• Designing and running a programme providing short employment opportunities for unemployed parents through existing schools and local authorities.

• Targeting of ECD support staff posts for gardeners, cooks and administrators in 4 targeted schools.

The sector is coordinated by the Department of Social Development, with the Departments of Health and Education as essential partners. Most participants are women.
c. Economic Programmes

The economic sector is focused on “developing small businesses and cooperatives, including utilizing general government expenditure on goods and services to provide the work experience component of small enterprise learnership or incubation programmes. The EPWP economic sector is coordinated by the Department of Trade and Industry (dti).

d. Training programmes

EPWP seeks to deliver both on-the-job and formal training. EPWP workers are entitled to two days per month of training which is then based on the duration of employment. Formal training could be technical (hard) skills for the job, exit training (which might include different skills that would position the beneficiary for ongoing employment or enterprise activity), or also complementary training such as basic life skills.

The main training partner is the Department of Labour, and the Sector Education Training Authorities (SETAs) are also a significant role player.

Table 10: Overview of EPWP Sector Targets- 2004-2009

<table>
<thead>
<tr>
<th>Sector</th>
<th>Work Opportunities (duration)</th>
<th>Training to be provided</th>
<th>EPWP Programme Allocations 2004/5-2008/9</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infrastructure</td>
<td>750,000 (4 months average)</td>
<td>9,000,000</td>
<td>R15 billion</td>
</tr>
<tr>
<td>Environment &amp; Culture</td>
<td></td>
<td>2,005,000</td>
<td>R4 billion</td>
</tr>
<tr>
<td>Social</td>
<td>150,000 (12-18 months average)</td>
<td>4,535,000</td>
<td>R2 billion (up from initial allocation of R600 000)</td>
</tr>
<tr>
<td>Economic</td>
<td>12,000 (18 months average)</td>
<td>39,000</td>
<td>Undefined</td>
</tr>
<tr>
<td>TOTALS:</td>
<td>1 million +</td>
<td>15,579,000</td>
<td></td>
</tr>
</tbody>
</table>

e. Challenges of EPWP

<table>
<thead>
<tr>
<th>The Public Service Commission has identified the following challenges faced by the EPWP:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Conceptual challenges</strong></td>
</tr>
<tr>
<td><strong>2. Implementation challenges</strong></td>
</tr>
</tbody>
</table>

The robust monitoring and evaluation framework that was established for the EPWP recognizes the problem of offsetting. Offsetting happens when the policy intervention is of no consequence to the outcome which would have occurred anyway. Examples of offsetting are where a person would have got a job anyway without participating in EPWP work or training, where the participants are given jobs that would otherwise have gone to someone else, or where the programme displaces non participant target groups by creating market distortions that have negative unintended consequences.

On the one hand, it is identified that these offsetting effects may not be a matter of immediate concern for EPWP during the duration of the projects because the jobs created would be new ones that would not have existed in the absence of the programme. However, given the fact that there are many continuing (pre-existing) programmes and projects that are now ‘relabeled’ as EPWP, there is in fact a real concern that these offsetting effects should be carefully considered and indeed monitored.
3. Training
This has been identified as an area requiring intervention in the EPWP due to inconsistencies in the delivery and quality of training in the programme. There are cases where training is not provided at all, is not accredited, does not adequately focus on hard skills (frequently the only training given is basic life skills which does not specifically meet the objectives of up-skilling towards labour market absorption), or does not match skills shortages. Furthermore, it is not evident that the work and training opportunities are always linked to exit strategies for beneficiaries, and it is therefore difficult to assess the impact of the training.

4. M&E challenges
Monitoring and evaluation is a critical aspect of the EPWP given that it is presented as a target- (or output-) based programme. While the programme is based on a thorough M&E framework that sets out clear processes and indicators, not all of these have been implemented, and there continue to be significant challenges faced in the quality (validity and reliability) of reporting. An issue of concern is that, while the EPWP should be reporting on net jobs created through the programme (total jobs less the jobs which would have been created anyway had the same work been done using machine-intensive methods), there is a concern that the current approach to determining these jobs is grossly inaccurate, while at the same time there is inadequate information available to determine whether there is a significant time, cost or quality premium being paid by implementing the approach. It is therefore difficult to comprehensively assess the programme’s performance and impact based on the available information.


b. THE LAND REDISTRIBUTION PROGRAMME

This is a programme whereby people apply for financial and other assistance with which to acquire land for farming, and sometimes settlement purposes.

The Land redistribution programme is project-based and has overt economic objectives, namely to reduce poverty and promote opportunities for economic advancement through agriculture:

“The purpose of the land redistribution programme is to provide the poor with access to land for residential and productive uses, in order to improve their income and quality of life.... Although the scale of the proposed redistribution is not yet quantifiable, it must achieve the following outputs: a more equitable distribution of land and therefore contribute to national reconciliation and stability; substantially reduce land-related conflict in areas where land disputes are endemic; help solve the problem of landlessness and pave the way for an improvement in settlement conditions in urban and rural areas; enhance household income security, employment and economic growth throughout the country.” (DLA, 1997, p.38.)

Land redistribution is the joint responsibility of the Department of Land Affairs and the national and provincial Departments of Agriculture. Until recently, the main

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approach to land redistribution has been demand-led, meaning that people can apply to the Department of Land Affairs for grants with which to purchase land that they identify, often pooling grants from multiple households or adult members of the same household in order to do so. Where land purchases involve multiple households, some kind of legal entity is formed, for example, a communal property association or a trust. Apart from a relatively small number of redistribution projects involving the disposal of state land (which itself mainly targets erstwhile lessees), land acquisition was through the open market, i.e. the ‘willing buyer/ willing-seller approach’.

The other components are land restitution, which involves the restoration of land or other compensation to victims of forced removals, and tenure reform, which seeks to improve the clarity and robustness of tenure rights, mainly for residents of former homeland areas and Coloured Reserves.

The Land Redistribution for Agricultural Development (LRAD) sub-programme was designed to assist previously disadvantaged citizens from African, Coloured and Indian communities to access land specifically for agricultural purposes, or to make better use of land already accessed.

A formula is used to determine how much an individual will get. This formula is called a sliding scale where one will give a small own contribution and get a large grant amount, and later one will give more and get less.

Most women in South Africa, predominantly in rural areas are involved in agriculture. About 8.5 million people depend directly or indirectly on agriculture for their employment and income. Guided by government’s New Growth Path (NGP), the agricultural sector has been identified as one of the sectors that have significant potential to create jobs. The NGP targets job opportunities for households in agriculture smallholder schemes, which in turn will have the potential to upgrade conditions for farm workers. Government still has to specifically determine how many women will benefit from this initiative.

In terms of the land reform programme, women’s access to land had become easier, but when a man and woman want to acquire a piece of land only the man’s name appears on the title deed. It is only when the man passes away that the name can be changed to the woman’s name and this is mostly predominant in rural South Africa where patriarchal preoccupation is still predominant.

Section 9 of the South African Constitution (i.e. Equality Clause) provides for the state not to discriminate unfairly, directly or indirectly, against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation age, disability, religion, conscience, belief, culture and birth “unless it is established that the discrimination if fair.”
Land redistribution, land restitution and tenure reform and women’s participation

Between 2005 and 2010, the land redistribution and tenure programme benefited about 50,877 people. Of these beneficiaries 18,284 (35.9%) were women. The number of beneficiaries decreased between 2005 and 2010 (i.e. from 11,035 to 9,275). As indicated already, a database of beneficiaries of the land redistribution has been created in all the provinces. However the database contains only women beneficiaries of the programme.

The restitution programme benefited 726,952 people. About 62,077 (9%) of these beneficiaries were females while the rest were men. A major criticism of the restitution programme therefore has been that its conception of claimants is ‘un-gendered’, and that no effort has been made to prioritise women. The acknowledgement of women’s rights is still limited. There is strong perception of negative attitudes from service providers, traditional leaders/chiefs as well as hostile rules and practices of customary law and patriarchal household and community relations. In addition, the ability and prospects of women to make land claims depends largely on their social status and the goodwill of male partners and/or relatives.

It is widely acknowledged that women’s access to land is severely restricted. However their access to other services including credit, technology, marketing and other information that is vital to enhance their contribution to agricultural production is also severely limited. The Comprehensive Agricultural Support Programme does not make any provision to prioritise the interests of women. Also, the Black Economic Empowerment policy does not appear to place any priority on promoting the interests of women in the agricultural sector. One can then conclude on the basis of evidence provided in exposing the situation of women in rural areas, that the Constitutional provisions are overlooked or completely disregarded.

c. Female Entrepreneur of the Year Awards

This project was initiated by the then Department of Agriculture in 1999. The objective of the awards is to empower women in agriculture by recognising their contributions and increasing their visibility. It was later changed to female entrepreneur of the year in order to incorporate women entrepreneurs in fisheries and forestry.

It is also an instrument through which the contributions of women in the fight against poverty, hunger and joblessness can be recognised. This project is an annual event and receives private partnership support through sponsorships.

d. National Youth Service

The National Youth Service (NYS) is an overarching programme, coordinated by the Presidency, which seeks to support departments to deliver youth service programmes that meet departmental objectives as well as the broader vision of young people in service. It engages young people, including young women, in a disciplined process of providing a valued and necessary service to the community in which they live.
while increasing their own skills, education and opportunities to generate income. The activities are intended for unemployed young people between the ages of 18 and 35. It is regarded as critical that the young person participating in the NYS is provided with education and training so that there is a significant increase in opportunities to generate income beyond the project. To ensure that the participants in a youth service programme are not financially disadvantaged because of their involvement, they might receive a stipend in order to facilitate their involvement in a programme. (NYC, 2007)

National Youth Service has three elements, each of which is seen as part of an integrated whole.

Each element has the potential benefit to communities of involving young people in service:

**a) Service element:** Provides the young participants with an opportunity for experiential learning or on-the-job experience linked to the structured learning and individual development element.

**b) Structured learning and individual development:** This requires that young people engage in a structured learning programme that enables them to develop their own skills, knowledge and competence and that promotes individual development. Furthermore, young men and women are enabled to obtain credits registered on the National Qualifications Framework.

**c) Employment/exit opportunities:** Young people are encouraged to be aware of the employment or entrepreneurial opportunities they could realistically access at the end of participating in a youth service programme. At the end of the programme they should have accumulated sufficient experience and competence to be able to access these.

**Institutional support**

1. The Department of Public Works has provided opportunities for young people to undertake service through the Community Based Public Works Programme (CBPWP) and EPWP.

2. The Department of Health has supported the youth service and involved young people in the delivery of community health work - such as home-based care and other primary health care activities.

3. The Department of Labour is expected to fund the training components of the programme and provide support to ensure that these skills programmes are meaningful.

4. The National Youth Commission (NYC) supports the programme by identifying opportunities, encouraging young people to serve and advocating for these programmes.
5. Umsobomvu was established by Government in 2001 as a catalyst for facilitating the creation of opportunities for youth employment and youth entrepreneurship by making strategic investments that deliver effective programmes by working collaboratively with service providers, partners and young people. This has now been replaced by The National Youth Development Agency (NYDA).

6. The NYDA\(^{23}\) was established by an Act of parliament, act no 54 of 2008. The institution was established to address youth development issues at National, Provincial and Local government level. NYDA plays a lead role in ensuring that all major stakeholder’s, i.e. government, private sector and civil society, prioritise youth development and contribute towards identifying and implementing solutions which address youth development challenges. Furthermore, the NYDA designs and implements programmes aimed at improving lives and opportunities available to youth.

These programmes can be clustered as follows:

<table>
<thead>
<tr>
<th>Programmes</th>
<th>Role of NYDA</th>
</tr>
</thead>
<tbody>
<tr>
<td>At an individual level (Micro level),</td>
<td>the NYDA provides direct services to youth in the form of information provision, career guidance services, mentorship, skills development and training, entrepreneurial development and support, health awareness programmes and involvement in sport.</td>
</tr>
<tr>
<td>At a Community level (Meso Level),</td>
<td>The NYDA encourages young people to be catalysts for change in their communities through involvement in community development activities, social cohesion activities, national youth service programmes and dialogue.</td>
</tr>
<tr>
<td>At a Provincial and National level (Macro Level),</td>
<td>Through its policy development, partnerships and research programmes, the NYDA facilitates the participation of youth in developing key policy inputs which shape the socio economic landscape of South Africa.</td>
</tr>
</tbody>
</table>

**e. Learnerships**

Learnerships are primarily workplace learning programmes, supported by structured institutional learning, which result in a qualification. The Programme is intended to address the existing skills shortage and youth unemployment, and also encourage employers to lift the level of skills of potential future recruits and would-be entrepreneurs. An employer may be able to claim a grant towards the cost of a learnership and in the case of an unemployed person a contribution towards the learner allowance.

\(^{23}\) NYDA website(www.nyda.org.za)
For unemployed people or even workers already in employment, learnerships provide an opportunity to improve on existing skills base which may be a route to a permanent job, better promotion (or mobility) and improvements in income prospects as well as job satisfaction and increased job security.

f. Cooperatives and Grants and other programmes that benefit women

A cooperative is defined as an autonomous association of persons united voluntarily to meet their common economic, social, and cultural needs and aspirations through a jointly-owned and democratically-controlled enterprise. A cooperative may also be defined as a business owned and controlled equally by the people who use its services or who work at it.

Some cooperatives are aimed specifically at the creation of financial services (Financial Service Cooperatives – FSCs,) which aim to provide an infrastructure for micro-finance through a ‘community banking’ system. Others fall within a large grouping of production and marketing cooperatives.

In an effort to increase industrial competitiveness and broaden the participation of enterprises in the economy, the DTI provides financial support to qualifying companies in various sectors of the economy. Financial support is offered for various economic activities, including manufacturing, business competitiveness, export development and market access, as well as foreign direct investment.

Women are encouraged to form these cooperatives so that they can access the markets and be able to sell their products in a more organized manner.

g. Black Business Supplier Development Programme (BBSDP)

The revised BBSDP was launched in June 2010 and is a matching grant that offers Enterprise Support Services (ESS) and the acquisition of tools, machinery and equipment to black-owned small enterprises.

As at the time of writing this report,( 2014), information from DTI indicated that the grant was up to a maximum of R1 million, including a network facilitation fee of up to R21 100. A maximum of R200 000 of the grant can be paid for enterprise support services and R800 000 for tools, machinery and equipment.

The figure below shows approved applications and number of Women Owned Companies applied for the grants

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24 The International Co-operative Alliance’s Statement on the Co-operative Identity.
h. Co-Operative Incentive Scheme (CIS)

The CIS was introduced on 1 April 2005 to support co-operative enterprises in the emerging economy with business development services, production efficiency, technological improvement projects, plant and machinery, and start-up and working capital requirements.

Co-operatives can have projects in any of the different economic sectors and be based in a rural or semi-urban area.

Table 11: Overall annual performance – 2011/12 and 2012/2013

<table>
<thead>
<tr>
<th>CIS-approved co-operatives</th>
<th>Funds committed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012/13: 199</td>
<td>2012/13: R84.7 million</td>
</tr>
<tr>
<td>2011/12: 115</td>
<td>2011/2012: R48 million</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Co-operatives</th>
<th>Co-operatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>female members</td>
<td>youth members</td>
</tr>
<tr>
<td>2012/13: 602</td>
<td>2012/13: 218</td>
</tr>
<tr>
<td>2011/12: 819</td>
<td>2011/2012: 233</td>
</tr>
</tbody>
</table>

Source: Guide to DTI incentives schemes 2012/13

Since April 2005, over a thousand co-operatives have been approved for CIS assistance. Almost a third of these were approved during 2012/13, a remarkable increase of 73% from those approved in 2011/12. Fifty-five per cent of the members
of co-operatives approved in 2012/13 are female, 5% less than in 2011/12. Eighteen per cent of the co-operative members approved for CIS during 2012/13 are youth (younger than 35), slightly more than the 17% in 2011/12.  

Source: Guide to DTI incentives schemes 2012/13

Other DTI programmes aimed at assisting female-owned businesses include:

- **South African Women Entrepreneur’s Network (SAWEN):** a networking forum to assist women in the SMME sector.

- **Isivande Women’s Fund (IWF):** an exclusive fund for women established by the DTI in partnership with Old Mutual. The fund aims at accelerating women’s economic empowerment by providing more affordable, usable and responsive finance. IWF targets formally registered enterprises, 60% of which are owned and/or managed by women. The enterprises must have been existing and operating for two or more years and must fall within a loan range of R30 000 to R2 million.

- **Bavumile Skills Development:** DTI indicates that South African women are gifted and talented in designing and crafting fashionable products for both the local and international markets, mainly promoting South African culture and heritage. However, one of their greatest challenges is to produce quality products that can easily occupy the shelves of many local and international retail shops and boutiques, thus catching the eye of the buyer. Bavumile seeks to ensure the quality production of commercially viable products that are produced by women by imparting relevant skills and expertise.

- **The South African Micro-finance Apex Fund (samaf):** The South African Microfinance Apex Fund (samaf) or “Apex” fund is a parastatal company that was formally established by the Government in April 2006 to address poverty and unemployment through provision of:
  - Affordable access and client capacity building;
  - Institutional and client capacity building;
  - Savings mobilization through co-operatives and other indigenous formations such as burial societies and stokvels. (DTI, 2006b)

Department of Trade and Industry Guide to Incentive Schemes 2012/13
Department of Trade and Industry Guide to Incentive Schemes 2012/13
i. Programmes by the Department of Rural Development

Information from the Department indicates that:

- The Department of Rural development has disaster management, technology, research and development capacity building of cooperatives which is largely owned by women in the rural areas. The Rural Enterprise and Industrial Development (REID) Programme ensures that in all projects that are implemented, female beneficiaries/ participants living in poverty are more than male participants. For example: Institutionalized house hold gardens, Backyard/household gardens, self-help groups, art and craft and access to land.

- The poverty reduction unit profiles household in rural areas to assess and deliver on their needs including access to food. The Department in collaboration with the NGO’s dealing with women emancipation has established women cooperatives in the Comprehensive Rural Development Programme (CRDP) Sites, as well as at the districts where anti-poverty projects are implemented to change women’s life. (For example the Lavender Women Group, the Women Recycling Project). In order to put efforts in place to ensure that food market prices are affordable to people living in poverty, the department has a mandate to negotiate markets and market prices for all established for all established Cooperatives and Businesses in the CRDP sites. E.g.
  - the Diyatalawa Dairy project where a Parmalat market has been established.
  - a potato shed in Kholokoeng where Lays Chips is a stakeholder of the Department

- Measures have been put in place by the department to enable women to obtain affordable housing and have access to land, through Restitution claims are lodged and processed and there are housing developments plan in place to provide access to housing after the claims has been finalised.

- There is a database comprising of all interested applicants which is considered in the allocation of land depending on the size of hectares to be distributed.

- The Rural Infrastructure Development (RID) unit of the province has built houses where there is a dire need. In Kholokoeng 50 housing units were built for the community. Through household profiling by REID Tshwane eight (8) RDP houses for the indigent were constructed by South African Women in Construction (SAWiC).

- In order to promote education, training and information programmes for rural and farming women through technology and mass media, Rural Enterprise and Industrial Development (REID) Programme partners with NGOs and offer rural women education and training on farming. The sub-directorate does workshops for rural women on children rights, 16 days campaigns, older persons framework and women dialogues. The unit has also trained women on lavender planting, patchwork and bead making.
• The REID and Land Reform branches have trained women on brick making and on recapitalisation.

• Through Skills development programme a number of women within the wards were identified and trained in farming by Agricultural Research Council, Gauteng Department of Agriculture Rural Development and Department of Agriculture, Fisheries and Forestry.

• Para Professionals train youth including young women in family skills and training skills on poultry farming been provided for cooperatives and is on-going. The Department has in some areas facilitated training through Agri-SETA in vegetable production and a service provider was also contracted to train women on arts and craft.

• The Department is currently facilitating Train-the-Trainer (TOT) with Agri-paraprofessionals who will further train the beneficiaries on household gardens.

1.1.1.3. Government Department’s Responses to the CGE’s Questionnaire on the role of government in alleviating poverty (01/10/2013)

<table>
<thead>
<tr>
<th>Department</th>
<th>Questions</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Energy</td>
<td>1. What mechanisms are in place to ensure that all South Africans have access to electricity or alternative energy by 2015?</td>
<td>Given the various challenges in the electricity industry, raising cost of electrification due to building bulk infrastructure to deep rural areas, a new approach to electrification is required - New Electrification Roadmap (Implementation plan) for South Africa was developed. In March 2012, DoE held an Electrification Indaba where all the relevant sector departments and stakeholders were invited to participate and agreed on the need for a new Electrification Roadmap. A need to create National Electrification Master Plan; plan be based on least cost options (but also taking in account priorities such as SIP projects). The Master plan will also take into consideration the alternative energy. The Department will then re-set target to provide universal access by 2025 pending the approval of the new target by Cabinet.</td>
</tr>
<tr>
<td></td>
<td>2. How does the department ensure that communities are aware of the dangers of electricity?</td>
<td>The implementing agencies (Eskom and Municipalities) have social facilitation which they conduct at the community level regarding the awareness of electricity usage.</td>
</tr>
</tbody>
</table>
3. **What mechanisms are in place to deter illegal connections to communities with access to grid electricity?**

Eskom has a toll free number to report illegal connections.

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4. **How many rural households have been provided with access to electricity since 2005? Provide sex disaggregated statistics.**

- 65,174 rural households were supplied with non-grid technology (Solar panels – Renewable Energy)
- Over 1.2 million rural households were connected to the grid between 2005 and 2012/13. (There is no sex disaggregated statistics currently available)

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5. **Which sources of energy that is more efficient, environmentally friendly and healthy are available for food preparation for those with no access to electricity?**

For non-electrified households, firewood and paraffin predominate as the main energy source for cooking purposes. Although gas is expensive it is seen as more efficient and environmentally friendly used for thermal need within the rural areas.
2. EDUCATION & TRAINING

Inequalities and inadequacies in and unequal access to education and Training

“While education is an enabler, disappointingly women are not as enabled by their education status as their men counterpart. For example, the proportion of women with tertiary education who are employed is almost 10 percentage points lower than that of men with the same level of education. Furthermore, women with tertiary education earn around 82% of what their male counterparts earn”

Source: Gender Statistics : STATS SA 2011
2.1 Introduction (BPA)

Education is a human right and an essential tool for achieving the goals of equality, development and peace. Non-discriminatory education benefits both girls and boys and thus ultimately contributes to more equal relationships between women and men. Equality of access to and attainment of educational qualifications is necessary if more women are to become agents of change.

Literacy of women is an important key to improving health, nutrition and education in the family and to empowering women to participate in decision-making in society. Investing in formal and non-formal education and training for girls and women, with its exceptionally high social and economic return, has proved to be one of the best means of achieving sustainable development and economic growth that is both sustained and sustainable.

Education has a vital role in empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment, and controlling population growth.

In addressing unequal access to and inadequate educational opportunities, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective into all policies and programmes, so that, before decisions are taken, an analysis is made of the effects on women and men, respectively.27

2.1.1.Facts about Women and Education: Beijing Platform for Action

(a) Discrimination in girls’ access to education persists in many areas, owing to customary attitudes, early marriages and pregnancies, inadequate and gender-biased teaching and educational materials, sexual harassment and lack of adequate and accessible schooling facilities.

(b) Many girls undertake heavy domestic work at a very early age. Girls and young women are expected to manage both educational and domestic responsibilities, often resulting in poor scholastic performance and early drop-out from the educational system.

(c) Curricula and teaching materials which are gender-biased reinforce traditional female and male roles that deny women opportunities for full and equal partnership in society.

(d) Lack of gender awareness by educators strengthens existing inequities between males and females by reinforcing discriminatory tendencies and undermining girls’ self-esteem.

27 The Beijing Platform for Action
(e) The lack of sexual and reproductive health education has a profound impact on women and men.

(f) It is important for girls to get education in mathematics and science and technical training, so that they can enhance their employment opportunities. Advanced study in science and technology prepares women to take an active role in the technological and industrial development of their countries, thus necessitating a diverse approach to vocational and technical training.

(g) Access for and retention of girls and women at all levels of education, and all academic areas is one of the factors of their continued progress in professional activities. Nevertheless, it can be noted that girls are still concentrated in a limited number of fields of study.

(h) The creation of an educational and social environment, in which all persons are treated equally and encouraged to achieve their full potential and where educational resources promote non-stereotyped images of women and men, would be effective in the elimination of the causes of discrimination against women and inequalities between women and men.

2.1.2. The right to education

(a) “Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.”\textsuperscript{28}

\textsuperscript{28} Universal Declaration of Human Rights (Article 26)
Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

(b) Core elements of the right to education. Education must be available, accessible, acceptable and adaptable (flexible):

<table>
<thead>
<tr>
<th>Availability</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Functioning educational institutions and programmes have to be available in sufficient quantity;</td>
</tr>
<tr>
<td>• All institutions and programmes are likely to require buildings other protection from the elements, sanitation facilities for both sexes, safe drinking water, trained teachers receiving domestically competitive salaries, teaching materials, etc.</td>
</tr>
<tr>
<td>• The need to have facilities such as a library, computer facilities and information technology; etc.</td>
</tr>
</tbody>
</table>
### Accessibility
- Educational institutions and programmes have to be accessible to everyone, without discrimination. Accessibility has three overlapping dimensions:
  - Non-discrimination - education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds:
    - Physical accessibility - education has to be within safe physical reach, either by attendance at some reasonably convenient geographic location (e.g. a neighborhood school) or via modern technology (e.g. access to a “distance learning” programme);
    - Economic accessibility - education has to be affordable to all. Whereas primary education shall be available “free to all”, States parties are required to progressively introduce free secondary and higher education;

### Acceptability
- The form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality) to students and, in appropriate cases, parents;

### Adaptability
- Education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.

### 2.1.3. STATE PARTIES’ OBLIGATIONS

**General obligations** - States parties have immediate obligations in relation to the right to education, such as the “guarantee” that the right “will be exercised without discrimination of any kind” 29.

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29 (art. 2 (2)
(i) Obligations under CRC\textsuperscript{30}:

1. States Parties agree that the education of the child shall be directed to:

   (a) The development of the child’s personality, talents and mental and physical abilities to their fullest potential;

   (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

   (c) The development of respect for the child’s parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

   (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

   (e) The development of respect for the natural environment.

(ii) Obligations under CEDAW\textsuperscript{31}:

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

   (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

   (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

   (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

   (d) The same opportunities to benefit from scholarships and other study grants;

   (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

   (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

   (g) The same opportunities to participate actively in sports and physical education;

   (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

\textsuperscript{30} Article 29 of the CRC

\textsuperscript{31} Article 10 of CEDAW
i. The BPA Strategic objectives

- Strategic objective B.1. Ensure equal access to education
- Strategic objective B.2. Eradicate illiteracy among women
- Strategic objective B.3. Improve women’s access to vocational training, science and technology, and continuing education
- Strategic objective B.4. Develop non-discriminatory education and training
- Strategic objective B.5. Allocate sufficient resources for and monitor the implementation of educational reforms
- Strategic objective B.6. Promote life-long education and training for girls and women
2.2. GENERAL INFORMATION

Education in South Africa is governed by two national departments, namely the department of Basic Education (DBE), which is responsible for primary and secondary schools, and the department of Higher Education and Training (DHET), which is responsible for tertiary education and vocational training. Prior to 2009, these two departments were represented in a single Department of Education.

The largest section of the education system is the schools which provide a general academic education from Grade 1 to Grade 12 for children aged between 6 and 18 years, which includes nine years of compulsory education. Grades 1 to 9 are part of the general education and training (GET) band of the National Qualifications Framework (NQF), while Grades 10 to 12 fall under the further education and training (FET) band.

Most schooling is provided in public schools, although a small independent schools sector also exists; the latter caters for under 3% of all learners.32

The DBE deals with public schools, private schools (also referred to by the department as independent schools), early childhood development (ECD) centres, and special needs schools. The public schools and private schools are collectively known as ordinary schools, and comprise roughly 97% of schools in South Africa.

The DHET deals with further education and training (FET) colleges, adult basic education and training (ABET) centres, and higher education (HE) institutions.

The nine provinces in South Africa also have their own education departments that are responsible for implementing the policies of the national department, as well as dealing with local issues.

In 2010, the basic education system comprised 12 644 208 learners, 30 586 schools, and 439 394 teachers.33 In 2009, the higher education and training system comprised 837 779 students in HE institutions, 420 475 students in state-controlled FET institutions and 297 900 in state-controlled ABET centres.

According to the national census of 2011, among the South African population, 35.2% of black/African, 32.6% of coloureds, 61.6% of Indians/Asians and 76% of white citizens have completed an education of high school or higher. 41.7% of the total population has completed an education of high school or higher, whereas 8.6% of the population aged 20 years and older has not completed any schooling. South Africa’s Higher education sector is the strongest and most diverse in Africa and has seen nearly 900 000 students enrolled in fewer, but larger, public universities and nearly one in five young South African youths enter Higher education33.

33 Ibid
<table>
<thead>
<tr>
<th>Province</th>
<th>Sector</th>
<th>Gender</th>
<th>GET Band</th>
<th>Pre-Grader Phase</th>
<th>Pre-Gr</th>
<th>Gr.1</th>
<th>Gr.2</th>
<th>Gr.3</th>
<th>Gr.4</th>
<th>Gr.5</th>
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**Table 12: Number of learners in ordinary schools, by province, sector, gender and grade, in 2010**
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<th>Province</th>
<th>Independent</th>
<th>Total</th>
<th>Female</th>
<th>Total</th>
<th>Both</th>
<th>Female</th>
<th>Total</th>
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<td>14,447</td>
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| Source: School Realities : 2010 EMIS
Table 13: Population aged 20 years and older, by highest level of education, population group and sex, 2013

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<th>Coloured Female</th>
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Source: General Household Survey 2013
2.3. LEGAL FRAMEWORK

South Africa places the Bill of Rights at the centre of its democracy, and all state institutions are subject to the Constitution and to the human rights espoused by it. All legislation passed by the Department of Education complies with the constitutional provisions and principles of non-discrimination and equality. The challenge is to take all the legislations and streamline them to get the desired result.

2.3.1. LEGISLATION

<table>
<thead>
<tr>
<th>LEGISLATION</th>
<th>DESCRIPTION</th>
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</table>
| 1. The Constitution Act 108 of 1996 | Sect 29: Education: 
“(1) Everyone has the right-
(a) to a basic education, including adult basic education; and
(b) to further education, which the state, through reasonable measures, must make progressively available and accessible.

(2) Everyone has the right to receive education in the official language or languages of their choice in public educational institutions where that education is reasonably practicable. In order to ensure the effective access to, and implementation of, this right, the state must consider all reasonable educational alternatives, including single medium institutions, taking into account-
(a) equity;
(b) practicability; and
(e) the need to redress the results of past racially discriminatory laws and practices.

(3) Everyone has the right to establish and maintain at their own expense, independent educational institutions that-
(a) do not discriminate on the basis of race;
(c) maintain standards that are not inferior to standards at comparable public educational institutions.

(4) Subsection (3) does not preclude state subsidies for independent educational institutions”. |
| 2. The National Education Policy Act (Act No. 27 of 1996) | • laid the foundation for the establishment of the Council of Education Ministers (CEM), the Heads of Education Departments Committee (HEDCOM),
• provided for the formulation of national policy, and further education and training policies for, inter alia, curriculum, assessment, language and quality assurance.
• embodies the principle of co-operative governance, elaborated upon in Schedule Three of the Constitution. |
3. **The South African Schools Act (Act No. 84 of 1996)**
   - promotes access, quality and democratic governance in the schooling system.
   - ensures that all learners have the right of access to quality education without discrimination, and makes schooling compulsory for children aged 7 to 15.
   - provides for two types of schools, namely independent schools and public schools.
   - provides for democratic school governance, through school governing bodies.

   SASA has been amended by the Education Laws Amendment Act (Act 24 of 2005), which authorizes the declaration of schools in poverty-stricken areas as “no fee schools”, and by the Education Laws Amendment Act (Act 31 of 2007), which provides, among others, for the functions and responsibilities of school principals.

4. **Employment of Educators Act, 1998**
   Regulates the professional, moral and ethical responsibilities of educators, as well as the competency requirements for teachers.

5. **The Basic Education Laws Amendment Act 15 of 2011**
   The Act amends specific provisions of the following legislation:
   - South African Schools Act, 1996
   - the National Education Policy Act, 1996
   - the Employment of Educators Act, 1998
   - the South African Council for Educators Act, 2000

   The Act contains technical and substantive amendments and aims to align the above legislative framework with the new education dispensation that came about during 2009 when the Department of Education was split into two distinct yet interrelated departments.

6. **The Higher Education Act, 1997**
   **Determination of higher education policy**
   The intention of the Act is to regulate higher education; to provide for the establishment, composition and functions of a Council on Higher Education; to provide for the establishment, governance and funding of public higher education institutions; to provide for the appointment and functions of an independent assessor; to provide for the registration of private higher education institutions; to provide for quality assurance and quality promotion in higher education; to provide for transitional arrangements and the repeal of certain laws; and to provide for matters connected therewith.

   The Act provides for the establishment of public and private adult learning centres, funding for AET, the governance of public centres, as well as for quality assurance mechanisms for the sector.
8. The Further Education and Training Colleges Act, 2006 (Act 16 of 2006),
The Act provides for the regulation of further education and training, the establishment of governance bodies and the funding of public FET colleges, the registration of private FET colleges and the promotion of quality in further education and training.

The Act provides for the National Qualifications Framework, the South African Qualifications Authority and the Quality Councils. The National Qualifications Framework is the principal instrument through which national education and training qualifications are recognised and quality assured.

The Act provides for an institutional framework to devise and implement national, sector and workplace strategies to develop and improve the skills of the South African workforce, to integrate those strategies within the National Skills Framework contemplated in the South African Qualifications Authority Act; to provide for learnerships that lead to the recognition of occupational qualifications; to provide for the financing of skills development by means of a levy as well as the financing of skills and the National Skills Fund.

2.3.2. POLICIES


The Education White Paper on Early Childhood Development (2000) provides for the expansion and full participation of 5-year-olds in pre-school reception grade education by 2010, as well as for an improvement in the quality of programmes, curricula and teacher development for 0 to 4-year-olds and 6 to 9-year-olds.


Education White Paper 6 on Inclusive Education (2001) described the intention of the Department of Education to implement inclusive education at all levels in the system by 2020. Such an inclusive system is meant to facilitate the inclusion of vulnerable learners and reduce the barriers to learning, through targeted support structures and mechanisms that will improve the retention of learners in the education system, particularly learners who are prone to dropping out.
c. The National Curriculum Statement Grades R to 12

The National Curriculum Statement Grades R to 12, a policy statement for learning and teaching in schools, replaced the policy document, A Résumé of Industrial Programmes in Schools, Report 550 (89/03). It embodies the vision for general education to move away from a racist, apartheid, rote model of learning and teaching, to a liberating, nation-building and learner-centred, outcomes-based initiative. In line with training strategies, the reformulation is intended to allow greater mobility between different levels and between institutional sites, as well as to promote the integration of knowledge and skills through learning pathways. Its assessment, qualifications, competency and skills-based framework encourages the development of curriculum models that are aligned to the National Qualifications Framework (NQF) in theory and practice.

d. National Policy Framework for teachers and development in South Africa

This policy for teacher education in South Africa is designed to develop a teaching profession ready and able to meet the needs of a democratic South Africa in the 21st century. It brings clarity and coherence to the complex but critical matrix of teacher education activities, from initial recruitment as a student teacher, throughout the professional career of a teacher. The overriding aim of the policy is to properly equip teachers to undertake their essential and demanding tasks, to enable them to continually enhance their professional competence and performance, and to raise the esteem in which they are held by the people of South Africa.

e. National Policy on HIV/AIDS for learners and educators in public schools and students and educators in Further Education;
The purpose / intention of this policy

- To prevent the spread of HIV infection.
- To demystify HIV & AIDS
- Allay fears
- Reduce stigma
- Instill non-discriminatory attitudes

Develop knowledge, skills, values and attitudes in order that they may adopt and maintain behaviour that will protect them from HIV infection and to support infected and affected. The policy provides a framework for development of provincial and schools policies and strategic plans for implementation thereof. It further recommends establishment of health advisory committees.
**f. Language in Education Policy:**
One of the main aims of the Ministry of Education’s policy for language in education is to promote full participation in society and the economy through equitable and meaningful access to education;

**g. Admissions Policy**
The admissions policy articulates the school’s commitment to ensuring that all learners have access to quality education without any fear of discrimination on any grounds whatsoever.

*No learner may be refused admissions on* the basis of unfair discrimination based on race, ethnic or social origin, colour, gender, sex, disability, sexual orientation, religion, conscience, belief, culture, language, pregnancy, HIV/AIDS status or any other illness.

**h. Anti-Bullying Policy**
The overall purpose of the anti-bullying policy is to create an awareness of bullying and put in place mechanisms for the management and prevention of bullying at the school.

**i. Policy document on Adult Basic Education and Training**
The aim is to provide Adult Basic Education and Training (ABET) to adults and out-of-school youth with inadequate or no formal schooling and ensuring access to opportunities for further education and training and lifelong learning and encourage linkages between ABET programmes and training in marketable skills to ensure that, where possible, learners are enabled to enter the formal economy and or initiate self-employment.
2.4. GENERAL INFORMATION AND STATISTICS

Figure 6: Percentage distribution of learners in the Basic education system in 2011

The above Figure and the centrefold show that, of the 12,680,829 learners and students enrolled in all sectors of the basic education system in 2011, 11,808,036 (93.1%) were in ordinary public schools and 479,958 (3.8%) were in ordinary independent schools. Of the learners in other institutions, 284,595 (2.2%) were in ECD centres and 108,240 (0.9%) were in special schools.

In summary, there were 12,680,829 learners and students in the basic education system, who attended 30,992 education institutions and were served by 441,128 educators.

2.4.1. Early Childhood Development

Table 14: Number of learners, educators and institutions in ECD sites, by province, national learner-educator ratio (LER), national learner-school ratio (LSR) and national educator-school ratio (ESR), in 2010 and 2011

<table>
<thead>
<tr>
<th>Province</th>
<th>Year</th>
<th>ECD Learners</th>
<th>Educators</th>
<th>Schools</th>
<th>LER</th>
<th>LSR</th>
<th>ESR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern Cape</td>
<td>2010</td>
<td>17,296</td>
<td>763</td>
<td>366</td>
<td>25.3</td>
<td>52.7</td>
<td>2.1</td>
</tr>
<tr>
<td></td>
<td>2011</td>
<td>17,886</td>
<td>320</td>
<td>335</td>
<td>34.4</td>
<td>53.4</td>
<td>1.6</td>
</tr>
<tr>
<td>Free State</td>
<td>2010</td>
<td>28,104</td>
<td>1,173</td>
<td>495</td>
<td>21.0</td>
<td>64.6</td>
<td>2.7</td>
</tr>
<tr>
<td></td>
<td>2011</td>
<td>13,499</td>
<td>658</td>
<td>450</td>
<td>20.4</td>
<td>31.3</td>
<td>1.5</td>
</tr>
<tr>
<td>Gauteng</td>
<td>2010</td>
<td>33,513</td>
<td>1,333</td>
<td>261</td>
<td>23.4</td>
<td>84.5</td>
<td>2.4</td>
</tr>
<tr>
<td></td>
<td>2011</td>
<td>43,676</td>
<td>1,973</td>
<td>204</td>
<td>23.1</td>
<td>90.3</td>
<td>1.6</td>
</tr>
<tr>
<td>KwaZulu-Natal</td>
<td>2010</td>
<td>3,579</td>
<td>235</td>
<td>90</td>
<td>24.3</td>
<td>62.0</td>
<td>2.6</td>
</tr>
<tr>
<td></td>
<td>2011</td>
<td>17,749</td>
<td>411</td>
<td>278</td>
<td>38.3</td>
<td>56.8</td>
<td>1.5</td>
</tr>
<tr>
<td>Limpopo</td>
<td>2010</td>
<td>129,139</td>
<td>6,352</td>
<td>2,282</td>
<td>21.5</td>
<td>57.2</td>
<td>2.7</td>
</tr>
<tr>
<td></td>
<td>2011</td>
<td>69,187</td>
<td>1,071</td>
<td>4,582</td>
<td>24.0</td>
<td>57.2</td>
<td>2.4</td>
</tr>
<tr>
<td>Mpumalanga</td>
<td>2010</td>
<td>17,538</td>
<td>858</td>
<td>305</td>
<td>28.4</td>
<td>94.1</td>
<td>3.8</td>
</tr>
<tr>
<td></td>
<td>2011</td>
<td>17,536</td>
<td>658</td>
<td>181</td>
<td>28.6</td>
<td>94.8</td>
<td>3.5</td>
</tr>
<tr>
<td>Northern Cape</td>
<td>2010</td>
<td>27,024</td>
<td>671</td>
<td>356</td>
<td>27.6</td>
<td>84.4</td>
<td>3.1</td>
</tr>
<tr>
<td></td>
<td>2011</td>
<td>10,000</td>
<td>125</td>
<td>124</td>
<td>79.4</td>
<td>80.6</td>
<td>1.8</td>
</tr>
<tr>
<td>North West</td>
<td>2010</td>
<td>11,000</td>
<td>239</td>
<td>74</td>
<td>20.1</td>
<td>65.0</td>
<td>3.2</td>
</tr>
<tr>
<td></td>
<td>2011</td>
<td>11,249</td>
<td>245</td>
<td>140</td>
<td>45.9</td>
<td>80.4</td>
<td>1.8</td>
</tr>
<tr>
<td>Western Cape</td>
<td>2010</td>
<td>30,601</td>
<td>1,154</td>
<td>341</td>
<td>19.3</td>
<td>88.7</td>
<td>4.4</td>
</tr>
<tr>
<td></td>
<td>2011</td>
<td>25,117</td>
<td>645</td>
<td>423</td>
<td>24.9</td>
<td>54.3</td>
<td>2.2</td>
</tr>
<tr>
<td>South Africa</td>
<td>2010</td>
<td>279,416</td>
<td>12,804</td>
<td>4,315</td>
<td>22.6</td>
<td>64.6</td>
<td>2.7</td>
</tr>
<tr>
<td></td>
<td>2011</td>
<td>264,915</td>
<td>10,731</td>
<td>4,699</td>
<td>26.0</td>
<td>60.2</td>
<td>2.3</td>
</tr>
</tbody>
</table>

Source: Education Statistics in South Africa 2011 Published by the Department of Basic Education March 2013
Figure 7: Percentage of children attending childcare facilities by age and location, 2011

Table 7 above looks at the children attending early childhood development, school or another form of childcare facility, but excludes those in grade 1 and above. The Table illustrates how the likelihood that a child attends childcare facilities increases steadily with the age of the child until the age of five years. This pattern is found for all types of geographical areas. The drop in the number of children aged six years may be due to the reason that most children who are at this age and going to turn 7 years are in grade 1 and are not included in the analysis.

Among those under 12 months of age, there is not much difference in the percentage of children attending childcare facilities, with the lowest proportion being 7.4% in the rural areas and the highest being 8.1% in the urban areas. Amongst those aged six years, 32.8% and 22.9% respectively in the urban and rural areas attend childcare facilities as compared to 73.4% and 68.5% of those aged five years in urban and rural areas respectively. For ages one to six years, a significantly higher proportion of urban children also attend childcare facilities. The relative difference between rural and urban is smallest for five-year olds (4.9 percentage points) and largest for two-year-olds (16.6 percentage points).
Table 15: Progress in ECD service delivery

<table>
<thead>
<tr>
<th>Service</th>
<th>Measure</th>
<th>Progress</th>
<th>Access, equity and quality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maternal and child health</td>
<td>Antenatal care</td>
<td>In 2011, 40% of pregnant women attended antenatal care early, before 20 weeks. Women attending antenatal care on average only attend three visits. Overall coverage is high at over 90%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Immunisation</td>
<td>In 2011, 95% of one year olds were fully immunised. Significant provincial and district disparities exist.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>HIV testing</td>
<td>In 2011, 63% of HIV-exposed infants received a PCR test at eight weeks. Infants living in rural districts are less likely to get tested.</td>
<td></td>
</tr>
<tr>
<td>Nutrition</td>
<td>Breastfeeding</td>
<td>In 2003, 8% of infants were exclusively breastfed for the first six months. Subsequently the 2008 survey suggested 26% but the sample was very small.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Vitamin A</td>
<td>In 2011, 43% of children 1-5 years received vitamin A supplements. Provincial variation is a concern and malnutrition is highest in rural and urban informal areas, and in children under three years.</td>
<td></td>
</tr>
<tr>
<td>Birth registration and social grants</td>
<td>Birth registration</td>
<td>In 2011/12 90% of births were registered within the year of birth. In 2008, 90% of 0-9 year olds had a birth certificate, while only 11% of 0-3 year olds did not.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Child Support Grant (CSG)</td>
<td>In 2011, 6.6 million young children received the CSG. Access is lower for children under three years.</td>
<td></td>
</tr>
<tr>
<td>Early learning</td>
<td>Access to early learning and support for children aged 0-4 years</td>
<td>In 2012, 485,500 children under five years received a subsidy at an ECD centre. However, there are age, geographic, race and income disparities.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Access to early learning for children aged 5-6 years</td>
<td>In 2011, 89% of 5-6 year olds attended an ECD or formal school. 735,000 children attended school based grade R classes while others attended community based ECD centres. Quality remains a challenge.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Access to early schooling for children aged 7-9 years</td>
<td>In 2011, 99% of 7-9 year olds attended school. Quality and educational outcomes are a concern.</td>
<td></td>
</tr>
</tbody>
</table>

Key: Insufficient progress Some progress, needs attention Good progress

Source: South African Child Gauge 2013

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South African Child Gauge 2013, Lizette Berry, Linda Biersteker, Andrew Dawes, Lori Lake and Charmaine Smith
## 2.4.2. General Information about learners

Table 16: Number of learners in ordinary schools, by province, sector, gender and grade, in 2010

<table>
<thead>
<tr>
<th>Province</th>
<th>Sector</th>
<th>Gender</th>
<th>General Education and Training (GET) Band</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Pre-Grade R Phase</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Pre-Gr.R</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Female</td>
<td>1,047</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Male</td>
<td>7,250</td>
</tr>
<tr>
<td>Gauteng</td>
<td>Independent</td>
<td>Female</td>
<td>3,147</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Male</td>
<td>5,648</td>
</tr>
<tr>
<td></td>
<td>Public</td>
<td>Female</td>
<td>3,991</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Male</td>
<td>5,172</td>
</tr>
<tr>
<td>KwaZulu-Natal</td>
<td>Independent</td>
<td>Female</td>
<td>1,565</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Male</td>
<td>5,172</td>
</tr>
<tr>
<td>Limpopo</td>
<td>Independent</td>
<td>Female</td>
<td>826</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Male</td>
<td>1,622</td>
</tr>
<tr>
<td>North West</td>
<td>Public</td>
<td>Female</td>
<td>1,382</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Male</td>
<td>1,457</td>
</tr>
<tr>
<td>Orange Free</td>
<td>Public</td>
<td>Female</td>
<td>1,398</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Male</td>
<td>2,865</td>
</tr>
</tbody>
</table>

The table provides a detailed breakdown of the number of learners in ordinary schools across different provinces, sectors, and grades. The data includes information on the number of learners by gender and grade across various regions. The table highlights the significant numbers of learners across different sectors and grades, emphasizing the importance of education in South Africa.
### Implementation of the Beijing Platform for Action in South Africa

#### South Africa

<table>
<thead>
<tr>
<th>Source: Education statistics in South Africa 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern Cape</td>
</tr>
<tr>
<td>Independent Female</td>
</tr>
<tr>
<td>Public Female</td>
</tr>
<tr>
<td>Both Female</td>
</tr>
<tr>
<td>Male</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>Western Cape</td>
</tr>
<tr>
<td>Independent Female</td>
</tr>
<tr>
<td>Public Female</td>
</tr>
<tr>
<td>Both Female</td>
</tr>
<tr>
<td>Male</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>North West</td>
</tr>
<tr>
<td>Independent Female</td>
</tr>
<tr>
<td>Public Female</td>
</tr>
<tr>
<td>Both Female</td>
</tr>
<tr>
<td>Male</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>Eastern Cape</td>
</tr>
<tr>
<td>Independent Female</td>
</tr>
<tr>
<td>Public Female</td>
</tr>
<tr>
<td>Both Female</td>
</tr>
<tr>
<td>Male</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>Gauteng</td>
</tr>
<tr>
<td>Independent Female</td>
</tr>
<tr>
<td>Public Female</td>
</tr>
<tr>
<td>Both Female</td>
</tr>
<tr>
<td>Male</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>National Total</td>
</tr>
</tbody>
</table>
The Figure above indicates that, in 2010, females and males were almost equally represented in ordinary schools in South Africa (females 49.7% and males 50.3%). There were more males than females in the foundation and intermediate phases, as many males as females in the senior phase, and more females than males in the other two phases. The highest percentage of females (52.6%) was found in the FET band.

Table 17: Gross enrolment ratio (GER) and gender parity index (GPI) in ordinary schools, by province and gender, in 2011

<table>
<thead>
<tr>
<th>Province</th>
<th>School Phases (GR.1-12)</th>
<th>School Phases (GR.1-12)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>GER(%)</td>
<td>GPI</td>
</tr>
<tr>
<td></td>
<td>Primary Phases (Gr 1-7)</td>
<td>Secondary Phase (Gr 8-12)</td>
</tr>
<tr>
<td></td>
<td>GET Band (Gr R-8)</td>
<td>FET Band (Gr 10-12)</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>Female 106 83 95</td>
<td>Male 112 72 95</td>
</tr>
<tr>
<td></td>
<td>Female 94 89 92</td>
<td>Male 99 86 93</td>
</tr>
<tr>
<td></td>
<td>Female 82 87 84</td>
<td>Male 80 81 81</td>
</tr>
<tr>
<td>Free State</td>
<td>Female 92 92 92</td>
<td>Male 94 89 92</td>
</tr>
<tr>
<td></td>
<td>Female 97 98 97</td>
<td>Male 101 101 100</td>
</tr>
<tr>
<td></td>
<td>Female 96 84 92</td>
<td>Male 102 75 91</td>
</tr>
<tr>
<td></td>
<td>Female 91 84 88</td>
<td>Male 98 80 91</td>
</tr>
<tr>
<td></td>
<td>Female 85 82 84</td>
<td>Male 84 71 79</td>
</tr>
<tr>
<td></td>
<td>Female 81 75 81</td>
<td>Male 85 84 91</td>
</tr>
</tbody>
</table>

Source: Education Statistics in South Africa 2011 Published by the Department of Basic Education March 2013
In 2011, as shown in the Table above, the national total GER for the combined GET and FET bands (Grades R to 12) was 89%, which is lower than the GER of 91% for the combined primary and secondary phases (Grades 1 to 12). This is due, mainly, to the fact that a significant number of Grade R learners of the appropriate school age are not in ordinary primary schools.

Some provinces reflected GER values of more than 100% for the various GER groupings, suggesting that inappropriately-aged learners were enrolled in those groupings. For the secondary phase and the FET band, the national GER was higher for females than for males, indicating that, relative to the appropriate school-age population, there were more female learners than male learners in the school system. It could also mean that, for a variety of reasons, female learners remain in the system longer than male learners.

Graph 3: Gross enrolment ratio (GER) for Grades R to 12 in ordinary schools, by province and gender, in 2011

SOURCE: Education Statistics in South Africa 2011 Published by the Department of Basic Education March 2013

Figure 9: Gender parity index (GPI) for Grades R to 12 in ordinary schools, by province, in 2011
The above Figure shows the GPI for Grades R to 12 (GET and FET bands), by province, in 2011. Gender parity is considered to have been attained when the GPI lies between 0.97 and 1.03 (Global Education Digest 2005, UNESCO Institute for Statistics). Gender parity in the combined GET and FET bands has been achieved in six of the nine provinces.

However, in Gauteng and the Western Cape the GPI was greater than 1.03. The GPI deviated from the norm most strongly in the FET band. Every province reveals a GPI of greater than 1.03.

**Figure 10**: Percentage distribution of learners in ordinary schools, by phase and gender, in 2011

The above Figure indicates that, in 2011, females and males were almost equally represented in ordinary schools in South Africa (females 49.6% and males 50.4%). There were more males than females in the foundation and intermediate phases, equal males and females in the senior phase, and more females than males in the other two phases. The highest percentage of females (52.7%) was found in the FET band.

**Figure 11**: Percentage distribution of female learners in ordinary schools, by grade, in 2011

The above Figure indicates that, in 2011, females and males were almost equally represented in ordinary schools in South Africa (females 49.6% and males 50.4%). There were more males than females in the foundation and intermediate phases, equal males and females in the senior phase, and more females than males in the other two phases. The highest percentage of females (52.7%) was found in the FET band.
In 2011, as indicated in the above Figure, there were fewer female than male learners (less than 50%) in Grades R to 9, and other, while the opposite was true for the Other grades. Grade 12 females (53.8%) accounted for the highest female enrolment in all the primary and secondary-level grades. The lowest female enrolment was for Other (39.2%).

2.4.3. General information about people from 20 years and older

Figure 12: Percentage of persons aged 20 years and older with no education by sex: 1996, 2001 and 2007

The analysis of data pertaining to school attendance of the population aged 5–24 years shows an improvement in attendance levels from 1996 to 2007. Provincial differences in school attendance are minimal, with all provinces’ school attendance percentages increasing between 2001 and 2007. The gender disparities for those attending an educational institution are also minimal, showing that in terms of attendance, males and females have similar opportunities to access educational institutions.

For those aged 20 years and above, improvements in educational attainment can be seen from the percentage decline from 1996 to 2007 of persons with no schooling. The percentage of persons that have completed higher education also increased slightly from 1996 to 2007. Significant gender and population group disparities exist.
The Figure above shows that the percentages of adults aged 25 years and above with no formal schooling were highest among black African women and men, at 14.8% and 10.8% respectively in 2011. Less than one per cent of white women and men had no schooling. Among coloured women and men, three-fifths or more had not completed grade 12. For this group, the percentage was higher for women than for men. Conversely, less than 10% of black African and Coloured women and men had a qualification higher than Grade 12. However, at this level black African women were slightly better off than black African men, with 8.9% of black African women recording higher qualifications compared with 8.3% 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.

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The above Figure shows that the percentage of people aged 25 years and above and who read in at least one language was higher in urban than non-urban areas. In both urban and non-urban areas, men were more likely than women to be able to read in at least one language. However, the gender disparity is noticeably larger in non-urban areas (8.3 percentage points) than in urban (4.4 percentage points).

Figure 15: Field of Education for persons aged 20 years and above by sex, 2001 and 2011

The Table above illustrates the distribution of the highest qualifications of persons aged 20 years and older that have attained post-school qualifications. In 2001 most of these qualifications for men were in the field of business, commerce or management science (19.4%) and engineering or engineering technology (19.1%), whilst most women tended to have qualifications in the fields of education, training and related fields (30.8%) as well as being represented in low levels in business, commerce or management science (16.8%). The picture in relation to the main fields of qualifications did not change in 2011 for men albeit with greater proportions qualifying in the two dominant categories. However, for women, a significant shift took place in 2011 towards business, commerce or management science (26.1%) and away from education, training and related fields (19.8%) making the former the dominant field of higher education. Healthcare and health sciences remained important for women in both periods with 12.8% in 2001 and 11.5% in 2011, whilst qualifications in the third most dominant field for men decreased significantly from 16.1% in 2001 to 9.4% in 2011.
### 2.4.4. General information related to examination results

#### Table 18: National Senior Certificate examination results, by province and gender, in 2011

<table>
<thead>
<tr>
<th>Province</th>
<th>Candidates Who Wrote</th>
<th>Candidates Who Failed/Did Not Achieve</th>
<th>Candidates Who Passed/Achieved Admission to Higher Education</th>
<th>Qualified for Bachelor's Programme</th>
<th>Qualified for Diploma Programme</th>
<th>Qualified for Higher Certificate Programme with NSC</th>
<th>No Admission to Higher Education</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Eastern Cape</strong></td>
<td>Female 36,534</td>
<td>5,609 (15.4)</td>
<td>8,615 (22.4)</td>
<td>5,677 (15.7)</td>
<td>15,530 (23.8)</td>
<td>6,655 (18.2)</td>
<td>20,481 (56.1)</td>
<td>63,359</td>
</tr>
<tr>
<td></td>
<td>Male 28,825</td>
<td>4,662 (16.2)</td>
<td>7,345 (25.5)</td>
<td>5,447 (18.9)</td>
<td>12,102 (18.5)</td>
<td>7,787 (18.5)</td>
<td>17,516 (60.8)</td>
<td>56,340</td>
</tr>
<tr>
<td><strong>Free State</strong></td>
<td>Female 13,625</td>
<td>3,664 (26.8)</td>
<td>4,130 (30.3)</td>
<td>2,287 (16.8)</td>
<td>6,062 (47.2)</td>
<td>4,565 (35.4)</td>
<td>4,043 (30.3)</td>
<td>27,362</td>
</tr>
<tr>
<td></td>
<td>Male 12,307</td>
<td>3,171 (25.8)</td>
<td>4,241 (34.5)</td>
<td>2,216 (17.3)</td>
<td>6,948 (56.0)</td>
<td>4,732 (37.4)</td>
<td>4,176 (33.6)</td>
<td>25,614</td>
</tr>
<tr>
<td><strong>Gauteng</strong></td>
<td>Female 45,781</td>
<td>8,906 (19.5)</td>
<td>13,936 (30.4)</td>
<td>5,815 (12.7)</td>
<td>27,776 (32.5)</td>
<td>11,394 (31.3)</td>
<td>36,875 (80.5)</td>
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</tr>
<tr>
<td></td>
<td>Male 39,586</td>
<td>7,245 (18.3)</td>
<td>13,840 (35)</td>
<td>5,579 (14.0)</td>
<td>21,331 (57.7)</td>
<td>4,522 (12.1)</td>
<td>32,341 (81.7)</td>
<td>79,972</td>
</tr>
<tr>
<td><strong>KwaZulu-Natal</strong></td>
<td>Female 63,397</td>
<td>20,530 (32.4)</td>
<td>14,792 (23.2)</td>
<td>10,267 (17.5)</td>
<td>4,057 (6.6)</td>
<td>8,615 (13.2)</td>
<td>69,216 (81.1)</td>
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</tr>
<tr>
<td></td>
<td>Male 58,729</td>
<td>12,925 (22.4)</td>
<td>12,917 (22.6)</td>
<td>10,955 (18.5)</td>
<td>4,990 (8.5)</td>
<td>10,290 (17.1)</td>
<td>63,677 (73.8)</td>
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</tr>
<tr>
<td><strong>Limpopo</strong></td>
<td>Female 39,316</td>
<td>16,151 (18.9)</td>
<td>30,037 (35.2)</td>
<td>27,797 (32.4)</td>
<td>36,875 (42.5)</td>
<td>21,331 (25.3)</td>
<td>58,273 (68.1)</td>
<td>79,589</td>
</tr>
<tr>
<td></td>
<td>Male 34,145</td>
<td>10,975 (19.5)</td>
<td>27,797 (48.6)</td>
<td>21,331 (38.5)</td>
<td>31,397 (54.8)</td>
<td>15,293 (26.9)</td>
<td>39,586 (67.1)</td>
<td>68,731</td>
</tr>
<tr>
<td><strong>MPumalanga</strong></td>
<td>Female 73,731</td>
<td>26,640 (31.9)</td>
<td>12,946 (17.6)</td>
<td>15,253 (20.7)</td>
<td>7,064 (9.0)</td>
<td>6,726 (9.5)</td>
<td>47,091 (63.9)</td>
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<tr>
<td></td>
<td>Male 60,135</td>
<td>22,476 (32.6)</td>
<td>8,866 (13.4)</td>
<td>13,195 (21.4)</td>
<td>27,776 (45.2)</td>
<td>9,638 (15.8)</td>
<td>41,041 (68.1)</td>
<td>92,569</td>
</tr>
<tr>
<td><strong>Northern Cape</strong></td>
<td>Female 5,003</td>
<td>1,732 (31.5)</td>
<td>1,170 (21.3)</td>
<td>1,117 (20.3)</td>
<td>9,072 (16.8)</td>
<td>1,117 (20.3)</td>
<td>3,186 (68.1)</td>
<td>11,194</td>
</tr>
<tr>
<td></td>
<td>Male 4,613</td>
<td>1,427 (30.9)</td>
<td>940 (18.3)</td>
<td>1,117 (22.7)</td>
<td>9,072 (16.8)</td>
<td>707 (13.7)</td>
<td>3,186 (68.1)</td>
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<tr>
<td><strong>North West</strong></td>
<td>Female 13,216</td>
<td>3,116 (23.6)</td>
<td>3,827 (29.0)</td>
<td>2,194 (16.6)</td>
<td>10,100 (76.3)</td>
<td>2,194 (16.6)</td>
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<tr>
<td></td>
<td>Male 12,148</td>
<td>2,511 (20.7)</td>
<td>3,360 (27.7)</td>
<td>2,494 (19.3)</td>
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<td>Female 22,213</td>
<td>4,009 (18.0)</td>
<td>6,719 (39.2)</td>
<td>6,347 (38.6)</td>
<td>18,206 (82.0)</td>
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<tr>
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<td>Male 17,745</td>
<td>4,841 (22.6)</td>
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<td>6,063 (34.2)</td>
<td>16,041 (92.6)</td>
<td>6,063 (34.2)</td>
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<td>24,586</td>
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<tr>
<td><strong>South Africa</strong></td>
<td>Female 265,246</td>
<td>83,184 (31.4)</td>
<td>65,228 (24.6)</td>
<td>71,316 (26.9)</td>
<td>46,304 (17.1)</td>
<td>213 (0.1)</td>
<td>182,060 (68.1)</td>
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</tr>
<tr>
<td></td>
<td>Male 230,846</td>
<td>64,787 (28.1)</td>
<td>55,539 (24.1)</td>
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<td>267 (0.1)</td>
<td>166,057 (71.9)</td>
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<td>Total</td>
<td>496,090</td>
<td>147,972 (29.8)</td>
<td>120,767 (24.3)</td>
<td>141,584 (28.5)</td>
<td>85,296 (17.2)</td>
<td>470 (0.1)</td>
<td>348,117 (70.2)</td>
<td>884,207</td>
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</table>

Source: Education Statistics in South Africa 2011 Published by the Department of Basic Education March 2013

In 2011, as indicated in the above Table, the overall national pass rate in the NSC examination was 70.2%. In all the provinces more females than males wrote the NSC examination. However, in relative terms, as indicated in the table 14, the national pass rate of male candidates (71.9%) was higher than the national pass rate of female candidates (68.6%). A similar trend was seen in all nine provinces. In all the provinces, more female than male candidates passed.

Furthermore, this Table shows that the overall pass rate, by province, varied from 82.91% in the Western Cape to 56.1% in the Eastern Cape.
2.4.5. General information related to disability

Table 19: Number of learners in SNE sectors, by primary disability and province, in 2011

<table>
<thead>
<tr>
<th>Province</th>
<th>Gender</th>
<th>Attention Deficit Disorder</th>
<th>Autistic Spectrum Disorder</th>
<th>Behavioral Disorder</th>
<th>Blind</th>
<th>Cerebral Palsied</th>
<th>Deaf</th>
<th>Deaf/Blind Disabled</th>
<th>Epilepsy</th>
<th>Hard of Hearing</th>
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</thead>
<tbody>
<tr>
<td>Eastern Cape</td>
<td>Female</td>
<td>10</td>
<td>18</td>
<td>104</td>
<td>51</td>
<td>207</td>
<td>368</td>
<td>0</td>
<td>19</td>
<td>39</td>
</tr>
<tr>
<td></td>
<td>Male</td>
<td>37</td>
<td>161</td>
<td>287</td>
<td>56</td>
<td>263</td>
<td>412</td>
<td>0</td>
<td>13</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>47</td>
<td>179</td>
<td>391</td>
<td>107</td>
<td>470</td>
<td>780</td>
<td>0</td>
<td>32</td>
<td>79</td>
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<td>Female</td>
<td>1</td>
<td>12</td>
<td>161</td>
<td>52</td>
<td>293</td>
<td>224</td>
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</tr>
<tr>
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<td>17</td>
<td>72</td>
<td>207</td>
<td>78</td>
<td>473</td>
<td>225</td>
<td>0</td>
<td>69</td>
<td>24</td>
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<td>130</td>
<td>766</td>
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<tr>
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<td>111</td>
<td>578</td>
<td>119</td>
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<td>864</td>
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<tr>
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<td>558</td>
<td>1,434</td>
<td>151</td>
<td>1,345</td>
<td>881</td>
<td>13</td>
<td>718</td>
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<td>2,012</td>
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<td>2,288</td>
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<td>1,132</td>
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<td>152</td>
<td>170</td>
<td>246</td>
<td>79</td>
<td>541</td>
<td>636</td>
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<td>257</td>
<td>187</td>
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<tr>
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<td>Total</td>
<td>409</td>
<td>598</td>
<td>861</td>
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<td>1,390</td>
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<td>3,404</td>
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<td>6,470</td>
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</tbody>
</table>
THE IMPLEMENTATION OF THE BEIJING PLATFORM FOR ACTION IN SOUTH AFRICA

2.5. CONCEPTUAL ANALYSIS ON BASIC EDUCATION AND ADULT BASIC EDUCATION AND TRAINING

The 1996 Constitution guarantees the right of all South Africans to a basic education. The South African Schools Act of 1996 (SASA), which forms the legal foundation for schools in the country, makes schooling compulsory for all learners aged seven to 15.

The core business of the Department is the facilitation of policy to realise educational outcomes, especially quality learning.

The vision of access to education and support for learners with special educational needs was to provide inclusive schools, provide an effective education to the majority of children, improve the efficiency and cost-effectiveness of the entire education system, and build an inclusive and tolerant society.

<table>
<thead>
<tr>
<th>Province</th>
<th>Gender</th>
<th>Mild or Moderate Intellectually Disabled</th>
<th>Moderate to Severe Intellectually Disabled</th>
<th>Other</th>
<th>Partially Sighted</th>
<th>Physically Disabled</th>
<th>Psychiatric Disorder</th>
<th>Severe Intellectually Disabled</th>
<th>Specific Learning Disabled</th>
<th>Total</th>
</tr>
</thead>
<tbody>
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<td>145</td>
<td>251</td>
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</table>

Source: Education Statistics in South Africa 2011 Published by the Department of Basic Education March 2013
2.5.1. EXAMPLES OF PROGRAMMES AND STRATEGIES

2.5.1.1. Early Childhood Development

ECD services in South Africa are implemented largely by the non-profit sector. Training, materials, and other resources are provided by resource and training organisations (RTOs), and direct services are delivered by community-based organisations (CBOs) and individual crèches and preschool centres. The Department of Social Development (DSD) and the Department of Basic Education (DBE) provide the main sources of government funding and oversight.35

NGOs are also the main supporters and providers of home-based ECD programmes in South Africa. Home-based interventions – including home visits by trained Family Community Motivators (FCMs) and informal playgroups – are an essential option for ECD in South Africa, where the demand for ECD services is far greater than the capacity of centre-based ECD programmes.

Figure 17: Percentage of children attending learning centres and being exposed to early childhood development per province, 2010

The above Figure summarises attendance of centres for young children aged 0–4 years and the extent to which they were exposed to activities across provinces during 2010.

- Approximately 32.3% of South African children attended ECD centres.
- The highest attendance was reported in Gauteng (42.6%) and Western Cape (39.4%).

By contrast, less than a third of children attended ECD centres in five or more provinces.

The lowest proportion of attendees (21.1%) was recorded in Northern Cape.

2.5.1.2. SAFE AND CARING CHILD-FRIENDLY SCHOOLS (SCCFS)

In December 2004 the Nelson Mandela Foundation, the Hamburg Society for the Promotion of Democracy and International Law and UNICEF launched a joint international initiative “Child Friendly Schools for Africa”.

According to the United Nations Girls Education Initiative (UNGEI) Newsletter, this global initiative attempts to accelerate access to quality basic education for all children and especially for girls, orphans and other vulnerable children in six ESAR countries: Angola, Malawi, Mozambique, Rwanda, South Africa and Zimbabwe.

The initiative aims at creating and supporting learning environments that among others:

- use participatory learning / teaching methods;
- ensure safe, protective, equitable and gender sensitive environment for children;
- provide access to clean water and sanitation;
- have strong links to surrounding communities; and
- have care, support and outreach services for orphans and other vulnerable children.

A child-friendly school is a quality school in all possible ways as it is:

- inclusive
- effective
- safe and protective

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Nelson Mandela, former president of South Africa has a dream for schools in Africa: to have every child in Africa to go to school and have learning environments that are child friendly

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36 Volume 5, Number 3 of the UNGEI FORUM, ESAR Education Newsletter has the theme of Child Friendly Schools and Care & Support in Schools.
• equity and equality promoting
• health promoting
• school with school/community linkages and partnerships.

SCCFS schools are rights-based and inclusive in their approaches to management and governance, and in their classroom practices, all of which should result in a safe and protective school environment. These schools advocate healthy lifestyles and promote the values of gender sensitivity, equality and dignity for all. The schools are required to be community-centred and to work through linkages and partnerships with all relevant stakeholders.

The six pillars of the SCCFS Framework are aimed at increasing the knowledge and capacity of school communities to build safe, caring and child-friendly schools.37

The Department has developed guidelines for the SCCFS. They include a chapter that addresses gender equality. According to the guidelines, a safe and caring child-friendly school promotes gender sensitivity, equity and equality. It aims to realise the equal right to education for all girls and boys.

**A gender sensitive school:**

- Mainstreams gender issues in learning and provides a secure and intellectually challenging educational setting for both boys and girls. This learning encompasses personal empowerment and social responsibility.
- Ensures that the curriculum is gender-responsive and the educators are professionally capable and committed, and able to deal with gender issues.
- Provides all children with an environment that is psychologically supportive, as well as safe and protective.
- Accommodates the needs of pregnant learners.
- Addresses issues of sexual harassment and sexual and gender-based violence against boys and girls.
- Is accepting of lesbian, gay, bisexual, transgendered and inter-sexed children and educators and addresses issues of discrimination and harassment against them.

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37 Implementation Guidelines : Safe and Caring Child-Friendly Schools in South Africa
2.5.1.3. Teenage Pregnancy and support rendered to girl-children

"A third of adolescent girls in South Africa become pregnant before the age of 20, despite contraception being free and mostly accessible."\(^{38}\)

Within the Basic Education sector, it is widely recognised that one of the major contributing factors to the high drop-out rate of girl-children from the education system relates to teenage pregnancy and the barriers teenage mothers encounter when they are reintegrated back into the schooling system.

Despite safe-sex programmes being included in the school curriculum through the Life Orientation course, School Governing Bodies ultimately affect, either positively or negatively, the manner in which teenage pregnancy incidents are dealt with. Teenage mothers are sometimes subjected to harsh treatment, harassment and discrimination by fellow learners, teachers and community members, as teenagers engaging in sexual intercourse remains a taboo.

Teenage pregnancy in South Africa is driven by many factors including:

- gender inequalities;
- gendered expectations of how teenage boys and girls should act;
- sexual taboos (for girls) and sexual permissiveness (for boys);
- poverty;
- poor access to contraceptives and termination of pregnancies;
- inaccurate and inconsistent contraceptive use;
- judgmental attitudes of many health care workers;
- high levels of gender-based violence; and
- poor sex education.\(^{39}\)

**A Review of Teenage Pregnancy in South Africa, 2013: (Report by the Department of Basic Education)**

Of all teenage girls who fall pregnant only around a third stay in school during their pregnancy and return following childbirth, with the highest return rate among those in Grade 12 (Grant and Hallman, 2008). Even so for the majority of teenage girls, falling pregnant has a devastating effect on their secondary schooling, with consequent negative impacts on their lives.

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\(^{38}\) Blood Blockages and Scolding Nurses: Barriers to Adolescent Contraceptive Use in South Africa- A study conducted by Kate Wood and Rachel Jewkes

\(^{39}\) Jewkes, Morrell and Christofides, 2009; Panday et al., 2009; Chigona and Chetty, 2007; Bearinger, 2007; Pettifor et al., 2005).
Addressing teenage pregnancy and sexual abuse in schools

The Department commissioned a study in 2008: to review and critically analyze data with focus on learner pregnancy. The research report – “Teenage pregnancy in SA- with specific focus on school going learners” was released at a National seminar on teenage pregnancy – August 28 2009.

Some of the findings of the research include the following:

- Older adolescents aged 17-19 account for the bulk of teenage fertility in SA. While rates are significantly higher among Black (71 per 1000) and Coloured (60 per 1000) adolescents, fertility among White (14 per 1000) and Indian (22 per 1000) adolescents approximates that of developed countries.

- There was an increase in learner pregnancies between 2004 and 2008.

- Learner pregnancies are higher in schools that are poorly resourced (lower in specialised schools), those located in poor neighbourhoods (no fee schools and schools located on land independently owned), as well as in schools that involve considerable age mixing (combined schools).

Figure 18: Percentage of females aged 13–19 who were pregnant during the year preceding the survey, 2009-2010

It is clear from the above Figure that the prevalence of pregnancy increases with age and that nineteen-year-old girls were much more likely than thirteen-year-old girls to have been pregnant, 12.5% compared to less than 0.1%. Just under five percent (4.9%) of all females aged 13–19 years were reported to be pregnant during the reference period. These figures confirm the results obtained in 2009 and are useful in explaining the observation in Figure 3 that just over 2% of girls between the ages of 7 and 24 years who were not attending any educational institution blamed pregnancy for their plight.
The Table below reveal the areas of concern / outcomes & recommendations as highlighted in the Department of Basic Education’s Research Report “Teenage Pregnancy in S.A” 2008

<table>
<thead>
<tr>
<th>1. Research findings in brief</th>
<th>2. Post research process</th>
</tr>
</thead>
<tbody>
<tr>
<td>• That there is a decline in teenage fertility;</td>
<td>• Developing a <strong>comprehensive strategy</strong> preventing and managing teenage pregnancy in SA (with emphasis on school going learners)</td>
</tr>
<tr>
<td>• That remaining in the education system is a strong factor in preventing teenagers from falling pregnant. Thereby necessitating that we spare no effort in keeping young people at school, by contributing to fighting poverty, removing economic barriers to learning – and to reintegrating drop out learners back into the schools system as soon as possible;</td>
<td>• Rights based</td>
</tr>
<tr>
<td>• That learner pregnancies are concentrated in Kwazulu-Natal, Eastern Cape as well as Limpopo provinces; thereby necessitating concerted efforts in these provinces;</td>
<td>• Multi-sectoral and Inter-departmental</td>
</tr>
<tr>
<td>• That learner pregnancies are more concentrated in schools located in poor neighbourhoods, schools that are under-resourced; and schools with a significant age differential / age mixing between learners</td>
<td>• This include setting up an inter-departmental task team or a cluster sub-committee (Health; Basic Education; Social Development; Sports and Recreation; Women, Youth, Children and Persons with Disability; and the NYDA)</td>
</tr>
<tr>
<td>• That poor school performance, regular absenteeism, history of child sexual or physical abuse are strong risk factors to watch out for; and</td>
<td></td>
</tr>
<tr>
<td>• That there are cohorts of learners who remain uninformed and ill – informed about their sexuality, and the dangers of engaging in early and unprotected sexual activities</td>
<td></td>
</tr>
</tbody>
</table>
### 3. Keeping young people in school (Prevention)

- Basic Education - no fee schools, school nutrition programme, school safety, sexual harassment and sexual violence
- Health - access to quality basic health care services, youth friendly clinics, accessible contraceptives
- Social Development – social grants, support to orphaned children
- Higher Education - accessible higher and further education opportunities for learners post matric (counter the chances for learners being vulnerable to early pregnancy)

### 4. Improving resourcing in schools (Prevention)

- Learner pregnancies are more concentrated in schools located in poor neighbourhoods, schools that are under-resourced (Kwazulu-Natal, Eastern Cape, Limpopo)
- Strengthen efforts to provide essential resources to public schools. This includes necessary infrastructure (classrooms, labs, water, sanitation), text books, availability of teachers for all subjects, other resources
- Give priority to highly affected provinces

### 5. Improving access to sexuality education and awareness (Prevention)

- There are cohorts of learners who remain uninformed and ill-informed about their sexuality, and the dangers of engaging in early and unprotected sexual activities
- Implement age appropriate sexuality education programmes through the life skills programme
- Parents need to take a much more active role in educating their children about their sexuality
- Maximize opportunities to utilize mass media campaigns to educate learners of their sexuality and dangers of teen pregnancy
- Active involvement of other key stakeholders to leverage on their strengths and role in building society. These include the churches and traditional leaders, civil society organizations, etc.
<table>
<thead>
<tr>
<th>6. Develop and implement an early warning system (Prevention)</th>
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<tr>
<td>• research states that poor school performance, regular absenteesism, and history of child sexual or physical abuse are strong risk factors to watch out for in order to preempt teenage pregnancy</td>
</tr>
<tr>
<td>• this necessitates the need for development of an early warning system; through which educators and school principals can use to be able to identify children at risk – and be able to attend to through providing support resident in the school system, as well as referring them to other institutions of support</td>
</tr>
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<table>
<thead>
<tr>
<th>7. Resuscitate mobile clinic and social worker occasional visits to public schools (Prevention)</th>
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<tbody>
<tr>
<td>• to conduct health screenings, educational programmes and sharing information on sexuality and other health related subjects</td>
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<tr>
<td>• health officials would assist the schools to be able to determine learners that are pregnant</td>
</tr>
<tr>
<td>• visits by social workers would respond to the needs of vulnerable learners, orphans, those who have a history of sexual and physical abuse (guard against dropout)</td>
</tr>
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<table>
<thead>
<tr>
<th>8. Involvement of teachers and teacher unions in preventing teenage pregnancy in public schools (Prevention)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• There is concern that some educators engage in sexual relationships with learners</td>
</tr>
<tr>
<td>• partnership with teacher unions and associations, to engage in a robust programme to raise awareness among educators of the implications of these acts</td>
</tr>
<tr>
<td>• effective management of cases of sexual harassment and sexual violence in schools</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>9. Management and support</th>
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</thead>
<tbody>
<tr>
<td>• reintegrating drop out learners (due to pregnancy and child birth) back into the schools system as soon as possible (second chance opportunities)</td>
</tr>
<tr>
<td>• clearly defined catch-up programmes</td>
</tr>
<tr>
<td>• providing proper support to pregnant learners to ensure that they receive the necessary support during pregnancy</td>
</tr>
<tr>
<td>• provision of support to teenage mothers in caring for the children</td>
</tr>
<tr>
<td>• implementation some form of training on parenting, coupled with sexuality training</td>
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2.5.1.4. Girls / Boys Education Movement (GEM / BEM)

The Girls and Boys Education Movement (GEM/BEM) is an international movement practiced in many other countries in the world. It was first launched in South Africa in 2002, and formalised as a national programme in 2003\(^{40}\). 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\(^{41}\). At present, the clubs are supported by both the National and Provincial Departments of Basic Education and UNICEF\(^{42}\).

The clubs are supported by the Department and UNICEF. They are assisted at the local level by the provincial and district personnel with responsibility for gender equity and empowerment. The clubs are meant to be a self-help platform for learners that look into all issues within the school that might inhibit proper teaching and learning. Upon making a diagnosis, members of the G-BEM clubs get together to come up with solutions well suited for their schooling context. Learner pregnancy, the environment and gender based violence continue to be the most challenges that learners in the clubs have had to contend with. The philosophy behind the G-BEM clubs is that learners have their own agency and they themselves know best the learning situation and are able to come with innovative ideas in solving most problems pertaining to teaching and learning. The G-BEM clubs are also a way of the Department saying learners need to also take responsibility for their own learning.

2.5.1.5. The Cape Town Science Centre and Nelson Mandela Bay Science and Technology Centre

The Department of Science and Technology in collaboration with the Department of Basic Education entered into a joint venture whereby they undertook to promote interest and facilitate access to the field of science through the establishment of new state of the art Science centres\(^{43}\) namely the Cape Town Science Centre and Nelson Mandela Bay Science and Technology Centre. Subsequently, a further 30 science centres were established across the country to target learners. The official opening of the Cape Town Science Centre took place in 2013.\(^{44}\) The Western Cape Education Department assisted in focusing the project on community outreach and provides support to teacher empowerment and training in areas of maths, sciences, and technology.

\(^{40}\) Ibid
\(^{41}\) Ibid
\(^{42}\) Ibid
2.5.1.6. Curriculum Policy, Support and Monitoring

The Programme: Curriculum Policy, Support and Monitoring is the primary vehicle for ensuring quality delivery of the curriculum in the basic education sector.

The Life Skills curriculum is meant to encourage girls after completion of Matric to venture into careers which were previously male dominant such as science and technology to mention a few. In addition, the Department organises career and life skills fairs in selected districts supported by other partners including SAQA, DHET, and some of the professional bodies such as the Engineering Council etc.

The Department offers Funza Lushaka Bursary scheme, meant for those who have exited the schooling system successfully and want to take teaching as a career. The Funza Lushaka Bursary scheme is more biased towards women than men.

While women are majority in terms of the teaching profession, they are a noticeable minority in terms of the management layers in the system – from HoD, Deputy Principal, Principal, Chief Education Specialist, Circuit Manager, District Director levels etc.

2.5.1.6. Inclusive Education

The system facilitates the inclusion of vulnerable learners and reduce the barriers to learning, through targeted support structures and mechanisms that improve the retention of learners in the education system, particularly learners who are prone to dropping out, namely, the girl child.

The DBE promotes inclusive education because:

• It acknowledges that all children can learn;
• It enables education structures, systems and methodologies to meet the needs of all children;
• It can contribute to the quality of education for all;
• It enables children with disabilities to stay with their families and communities;
• It is part of a wider strategy to promote an inclusive society; and
• It is consistent with the key principles of the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disability.

The Human Resource Development (HRD) Strategy for Inclusive Education was approved and made available to PEDs and Higher Education Institutions. The strategy makes provision for Continuing Professional Teacher Development (CPTD) and targets educators, school managers as well as district officials so as to ensure that the necessary capacity exists at all levels to support the implementation of Inclusive Education up to 2014.45

2.5.1.7. Learning and Teaching Support Material (LTSM)

The workbook project in the Department is one of the innovative ways in which to ensure that all learners have adequate material. This ensures that both girl and boy learners can access information and perform at the required level in their Grades. There is concerted effort also in ensuring that the Learner Support Material is free of gender, race, religious and other biases so that learners, especially the previously oppressed groups feel positively represented in the material and that there is nothing disparaging about them.

In eliminating bias, the Department has designed Learner and Teacher Support Material (LTSM) screening instrument that should ensure that material containing prejudice and bias is not prescribed for learners.

The screening of learner support material is partly meant to also mainstream gender – it does this, among others, in terms of the graphical representation of the roles men and women play in science and technology, paying attention to gender stereotypes.

The development of the National Catalogue of Textbooks for Grades 7-9 and 12 commenced in November 2012 and was completed on 23 March 2013. The catalogue was released to provinces by the end of March 2013.

An implementation plan for improving access to library and information services was developed in collaboration with provinces as part of ongoing efforts to improve access to library services.

2.5.1.8. National School Nutrition Programme (NSNP)

Some of the measures to keep learners at school include the Integrated School Health Programme, the National School Nutrition Program, and the no-fee school policy. These measures are geared at retaining learners (girls and boys) in schools as well as making learning a positive experience for all learners.

The objectives of the NSNP are:

- to contribute to enhanced learning capacity through school feeding programmes
- to promote and support food production and improve food security in school communities
- to strengthen nutrition education in schools and communities

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Figure 19: Percentage of children attending public schools and who are benefiting from the school nutrition programme, 2009-2010

The Figure above presents the percentage of individuals attending public schools and who benefited from a school nutrition programme. Almost seventy percent (68.5%) of learners attending public schools were reported to receive food at school, up from 66.2% in 2009. Learners in Limpopo (87.7%), Northern Cape (85.7%) and Eastern Cape (78.9%) were the most likely to benefit from this programme while learners in Gauteng (45.2%) and Western Cape (53.9%) were less likely to benefit from the same programme.

2.5.1.9. DINALEDI SCHOOLS PROGRAMME

There are efforts to improve maths, science and technology e.g. the Dinaledi schools project. This is a school based intervention benefiting both girls and particular schools that have been chosen to be in the Dinaledi league. These schools are maths and science focused and are given additional resources. However, for them to remain in the league, they have to meet certain minimum standards of performance.

The Dinaledi programme aims to significantly improve performance and increase participation in Mathematics, Life Sciences and Physical Sciences.

The Minister for Basic Education ordered the creation of a dedicated Dinaledi Unit in August 2012 to:

- increase the quality and quantity of NSC (matric) passes in Mathematics, Physical and Life Sciences with a definite focus on girl learners.
- improve the content knowledge, pedagogies and didactic skills of Mathematics, Physical Sciences and Life Sciences teachers
- Provide English language support for pupils whose indigenous home language
is not English, but receive instruction and write examinations in this medium, taking English as a First Additional Language (EFAL).

2.5.1.10. Safety measures at schools

In order to combat an apparent increase in the incidence of crime at schools, the Department of Education has undertaken various initiatives. Training materials for educators have been developed on the prevention of Violence against women, Sexual harassment etc. and training sessions have been held.

Guidelines on various issues have been developed in order to address prevention, awareness, early intervention and the management of specific incidents. They are used as the basis for developing management strategy for each school. The Guidelines provide guidance for educating and assisting learners who are not involved in drug abuse as well as intervention and support for those who need help. They encourage a holistic approach to counteracting the various problems.

a. Guidelines for the prevention and management of sexual violence & harassment in public schools

The Guidelines on the Prevention and Management of Sexual Violence and Harassment have been developed to support schools and school communities in responding to cases of sexual harassment and sexual violence that are perpetrated against learners.

It responds to the need to set out the appropriate responses to allegations by learners of incidents of sexual violence and harassment, whether they are perpetrated by fellow learners, by educators or by any other person on school premises.

The purpose of the guidelines is to assist public schools in maintaining minimum standard procedures when addressing allegations of sexual violence and harassment, and to specifically detail how public schools should treat victims of sexual violence and harassment and those who have, or are alleged to have committed such acts. They are also intended to assist victims of sexual violence and harassment with reporting procedures and in seeking intervention and support. Furthermore, the guidelines seek to create a safe, caring and enabling environment for learning and teaching.

b. Opening your eyes

The Department of Education has produced and distributed to all schools Opening our Eyes, a manual for addressing gender-based violence in schools.

The handbook was written specifically to assist learners to handle any sexual abuse they may encounter while at school or at home. It is aimed at helping them to understand what Sexual Harassment and Violence is, so that they can be able to recognise it. It also guides them on what steps to take so that the person guilty of sexual abuse is forced to stop and to face the consequences of his/her unacceptable behaviour.

2.6. Adult Basic Education and Training (ABET)

For official purposes, the Department of Education has defined ABET as follows:

“Adult basic education and training is the general conceptual foundation towards lifelong learning and development, comprising of knowledge, skills and attitudes required for social, economic and political participation and transformation applicable to a range of contexts. ABET is flexible, developmental and targeted at the specific needs of particular audiences and, ideally, provides access to nationally recognised certificates.” 47

Literacy rates are used as a key social indicator of development by government and international development agencies. Although a simple definition of literacy is the ability to read and write, its simplicity is confounded by questions such as: “Read and write what, how well and to what purpose?” 5 Because it is so difficult to measure literacy, the GHS has historically measured adult literacy rates based on the individual’s completing at least Grade 7.

Analyses shows that 91.9% of South Africans can read and write, but that a larger percentage of men (93%) than women (91%) are literate. Past inequalities in access to educational opportunities are reflected by the fact that white individuals are most likely to be literate (99.7%), compared to individuals from Indian/Asian descent (97.9%), coloured individuals (95.7%) and black African individuals (90.1%). 48

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47 http://www.abet.co.za/about.html
48 General Household Survey 2010: STATS SA
The provincial picture, presented in the Figure above, is influenced by the literacy rates among population groups. The literacy rates in Western Cape (97.4%) and Gauteng (97%) were much higher than the rates in the seven remaining provinces, as attested by the observation that rates in these provinces all fell below the average, with the lowest rate calculated for Northern Cape (84.3%).

2.6.1. THE IKHWELO PROJECT (Department of Education Poverty Alleviation Programme)

The Ikhwelo Project has been initiated as a response to providing support to the Eastern Cape (EC) and Limpopo Province (LP) Department of Education (DOE) in the area of adult education and training (ABET). This was part of the implementation of a pilot project in the two elective sub-fields, Agriculture and Small, Medium and Micro-Enterprise (SMME) over a period of 36 months.

The goal of the project is to implement a pilot project in Agriculture and SMME that would provide access to the General Education and Training for adult learners to enhance their social and economic capacity.

The project commenced operations in 1999. At the end of April 2001, there were 25 centres operating in the Limpopo Province and 20 in the Eastern Cape. Most Ikhwelo learners wrote summative examinations in Agriculture and SMME at ABET Level 4 (NQF 1) during October 2001. In the Eastern Cape, 206 learners wrote the SMME exam and 194 the AAAT (applied agriculture and agricultural technology), exam. In the Limpopo Province 347 learners wrote the Agriculture paper and 350 the SMME paper.
Co-operative Agreement between USAID, DOE & Project Literacy

Primary purpose of the Ikhwelo Pilot Project: assist the Department of Education to implement affective ABET programmes in AGRICULTURE and SMME at the GETC Level through the following

OBJECTIVES:

2. Enhance the skills of Adult Learners in SMME and Agriculture
3. Enhance the skills of Educators to deliver learning programmes in SMME & Agriculture
4. Enhance the capacity of Governance Structures to effectively/efficiently manage the pilot project
5. Develop/provide appropriate Learner Support Materials to facilitate learning/teaching within the project
6. Establish mechanisms for Mobilising Resources to ensure sustainability/replication of Ikhwelo pilot project.

2.6.2. The Kha Ri Gude Campaign

The Kha Ri Gude (let us learn) Unit has been established under the mandate of the Minister of Education (the now Minister of Basic Education)

In 2006, the Minister of Education established a Ministerial Committee on Literacy (MCL), which was required to inter alia develop a strategic plan for a mass literacy campaign in South Africa to enable millions of illiterate South Africans who had never been to school to achieve a level of basic literacy, and thereby enable South Africa fulfil its commitment made at Dakar in 2000 of reducing illiteracy by 50%.

As part of the initial plan, the projected learner participation in 2008 was targeted at 275 000 learners. For 2008 the Campaign:

(a) enrolled 360 000 learners;
(b) established approximately 22 000 learning sites, and
(c) recruited volunteer educators, supervisors and coordinators.

The Campaign also caters for the needs of deaf learners.

Kha Ri Gude plays an important role in youth development as well as youth service, and makes a contribution towards the alleviation of poverty, to some extent, since the stipends are paid directly to the volunteers. 66% of the volunteer educators recruited by the Campaign are youth below the age of 35 years. Volunteers are coordinated, managed and supported by sufficiently skilled coordinators.
The Campaign thus plays an important function in organising the youth and conscientising them on their social responsibility to the nation.

In addition to targeting the youth, the Campaign makes specific efforts to ensure that women and the disabled are specifically targeted both as volunteers in the implementation and also as beneficiaries of the Campaign. The large majority (79%) of the learners and 80% of the volunteer educators are women. The Campaign has specifically targeted learners with disabilities, with 7.8% of the learners enrolled being disabled.

The curriculum for the Campaign is equivalent to ABET level 1, and the teaching of the required skills is integrated into the relevant context and focuses on various social issues. The materials focus on a range of life skills such as budgeting; hygiene and health (including dealing with HIV and AIDS); livelihoods; nutrition; anti-xenophobia; environmental education; active citizenship – thus providing a sound platform for continued as well as lifelong learning.

2.7. HIGHER EDUCATION IN SOUTH AFRICA

2.7.1 GENERAL INFORMATION

The National Plan for higher education gives effect to the vision for the transformation of the higher education system outlined in Education White Paper 3.49

It provides an implementation framework and identifies the strategic interventions and levers necessary for the transformation of the higher education system. It provides an opportunity and challenge to chart a path that locates the higher education system as key engine driving and contributing to the reconstruction and development of South African society.

The National Plan provides a framework for ensuring the fitness of the higher education system to contribute to the challenges that face South Africa. Its primary purpose is to ensure that:

- the higher education system achieves the transformation objectives set out in the White Paper and is responsive to societal interests and needs;
- there is coherence with regard to the provision of higher education at the national level;
- limited resources are used efficiently and effectively and there is accountability for the expenditure of public funds;
- the quality of academic programmes, including teaching and research, is improved across the system.

49 A Programme for the Transformation of the Higher Education System (DoE: July 1997).
Language Policy in Higher Education

The framework for language in higher education takes into account the requirements of the Constitution, the advice received, as well as the objectives and goals of the National Plan for Higher Education (2001). In particular, it recognizes the need to ensure equity of access and fair chances of success for all who seek to realize their potential through higher education. The framework also reflects the values and obligations of the Constitution, especially the need to promote multilingualism. For the first time, a genuine attempt will be made to ensure that all of our official languages are accorded parity of esteem.

The Constitutional provisions in respect of language in education explicitly state that such rights as receiving education in the official language(s) of choice in public educational institutions are subject not only to considerations of equity and the need to redress the results of past racially discriminatory laws and practices, but also to those of practicability (Section 29(2) of the Constitution).

The policy framework for language in higher education addresses the following issues:

- languages of instruction;
- the future of South African languages as fields of academic study and research;
- the study of foreign languages; and
- the promotion of multilingualism in the institutional policies and practices of institutions of higher education.

2.7.2. National Students Financial Aid Scheme

The NSFAS was formed in 1999. The fund played a critical role in enabling financially disadvantaged students to access higher education. According to government sources, bursaries and loans worth R4.7 billion were expected to be awarded to students during the academic years 2011/2012, estimated to benefit over 150,000 students.

The scheme has been further tweaked during 2011 to postpone interest accruing to the loan until a year after the graduation. Upon successful graduation the final year’s loan was to be converted into a bursary.

In 2009, 316,320 (48%) students that had borrowed from NSFAS had dropped out without completing their studies. Higher education has a 45% dropout rate among students, negatively affecting the access gains of universities.

It is important to note that the number of graduates produced annually by South African universities has been steadily growing, from 74,000 in 1994 to more than...
144 000 in 2009\textsuperscript{52}. This is as a result of the availability of accessing financial aid. The National Student Financial Aid Scheme provides student financial assistance to all students that are eligible for funding and meet the NSFAS means test. The means test determines financial eligibility and the financial aid office provides the evidence of academic performance.

This is a general criteria based on the NSFAS means test which is not specific to gender. However, out of the 194 504385 000 students funded by NSFAS in universities last year, 116 233 female students (60%) were assisted through study loans and bursaries.

2.7.3. Post-School Education and Training Institutions\textsuperscript{53}

The provision of post-school education and training in South Africa occurs through three main types of public and private education and training institutions, namely:

- Higher Education and Training Institutions (HEIs),
- Further Education and Training (FET) Colleges and Adult Education and
- Training (AET) Centres.

The government has established 21 SETAs to advance the training of workers and unemployed persons. These SETAs facilitate the training of workers and unemployed persons via a levy-grant system.

According to Statistics\textsuperscript{54}, in 2011, there were 23 public higher education institutions, 50 public FET Colleges and 3 239 public AET Centres in South Africa. There were also 449 registered private FET Colleges and 66 registered private AET Centres in the country in 2011.

Close to 2 million students were enrolled in both public and private post-school education and training programmes in 2011. As the Table below shows, almost half of these students (over 900 000 students) are in public higher education institutions, while over 500 000 students are in public and private FET Colleges and close to 300 000 students are enrolled at public and private AET Centres.

<table>
<thead>
<tr>
<th>Table 20: Number of institutions and student enrolment: 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Public higher education institutions</strong></td>
</tr>
<tr>
<td>-------------------------------------------</td>
</tr>
<tr>
<td><strong>Total number of institutions</strong></td>
</tr>
<tr>
<td><strong>Student enrolment</strong></td>
</tr>
</tbody>
</table>


\textsuperscript{52} Ibid


\textsuperscript{54} Statistics on Post-School Education and Training in South Africa: 2011: Dept. of Higher Education and Training
a. Enrolments

Table 21: Overview of enrolment in public higher education institutions: 2011

<table>
<thead>
<tr>
<th>Institution</th>
<th>Contact Headcount</th>
<th>Distance Headcount</th>
<th>Total Headcount</th>
<th>Contact as Proportion of Headcount Totals (%)</th>
<th>Distance as Proportion of Headcount Totals (%)</th>
<th>Female Students as Proportion of Headcount Totals (%)</th>
<th>PERCENTAGE OF CONTACT AND DISTANCE HEADCOUNT ENROLMENTS IN MAJOR FIELDS OF STUDY (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cape Peninsula University of Technology</td>
<td>32,479</td>
<td>27</td>
<td>32,506</td>
<td>85</td>
<td>37</td>
<td>53</td>
<td>59</td>
</tr>
<tr>
<td>University of Cape Town</td>
<td>25,301</td>
<td>0</td>
<td>25,301</td>
<td>51</td>
<td>n.a.</td>
<td>52</td>
<td>n.a.</td>
</tr>
<tr>
<td>Central University of Technology, Free State</td>
<td>12,363</td>
<td>281</td>
<td>12,644</td>
<td>89</td>
<td>95</td>
<td>47</td>
<td>72</td>
</tr>
<tr>
<td>Durban University of Technology</td>
<td>24,540</td>
<td>0</td>
<td>24,840</td>
<td>96</td>
<td>n.a.</td>
<td>51</td>
<td>n.a.</td>
</tr>
<tr>
<td>University of Fort Hare</td>
<td>11,144</td>
<td>0</td>
<td>11,144</td>
<td>97</td>
<td>n.a.</td>
<td>57</td>
<td>n.a.</td>
</tr>
<tr>
<td>University of the Free State</td>
<td>24,796</td>
<td>4,790</td>
<td>31,586</td>
<td>69</td>
<td>78</td>
<td>50</td>
<td>6</td>
</tr>
<tr>
<td>University of Johannesburg</td>
<td>50,528</td>
<td>0</td>
<td>50,528</td>
<td>85</td>
<td>n.a.</td>
<td>55</td>
<td>n.a.</td>
</tr>
<tr>
<td>University of KwaZulu-Natal</td>
<td>35,514</td>
<td>6,248</td>
<td>41,762</td>
<td>90</td>
<td>99</td>
<td>57</td>
<td>71</td>
</tr>
<tr>
<td>University of Limpopo</td>
<td>20,504</td>
<td>0</td>
<td>20,504</td>
<td>99</td>
<td>n.a.</td>
<td>54</td>
<td>n.a.</td>
</tr>
<tr>
<td>Nelson Mandela University Metropolitan University</td>
<td>24,358</td>
<td>1,898</td>
<td>26,256</td>
<td>73</td>
<td>98</td>
<td>52</td>
<td>75</td>
</tr>
<tr>
<td>North West University</td>
<td>31,603</td>
<td>24,978</td>
<td>56,641</td>
<td>50</td>
<td>87</td>
<td>50</td>
<td>75</td>
</tr>
<tr>
<td>University of Pretoria</td>
<td>44,745</td>
<td>13,383</td>
<td>58,128</td>
<td>46</td>
<td>100</td>
<td>55</td>
<td>72</td>
</tr>
<tr>
<td>Rhodes University</td>
<td>7,278</td>
<td>0</td>
<td>7,278</td>
<td>90</td>
<td>n.a.</td>
<td>50</td>
<td>n.a.</td>
</tr>
<tr>
<td>University of South Africa</td>
<td>10</td>
<td>328,851</td>
<td>328,854</td>
<td>54</td>
<td>82</td>
<td>77</td>
<td>61</td>
</tr>
<tr>
<td>University of Stellenbosch</td>
<td>27,266</td>
<td>0</td>
<td>27,266</td>
<td>92</td>
<td>n.a.</td>
<td>51</td>
<td>n.a.</td>
</tr>
<tr>
<td>Tshwane University of Technology</td>
<td>49,025</td>
<td>1,050</td>
<td>50,075</td>
<td>92</td>
<td>96</td>
<td>52</td>
<td>47</td>
</tr>
<tr>
<td>University of Venda</td>
<td>10,342</td>
<td>0</td>
<td>10,342</td>
<td>100</td>
<td>n.a.</td>
<td>54</td>
<td>n.a.</td>
</tr>
<tr>
<td>Vaal University of Technology</td>
<td>21,861</td>
<td>21,061</td>
<td>42,922</td>
<td>97</td>
<td>n.a.</td>
<td>45</td>
<td>n.a.</td>
</tr>
<tr>
<td>Walter Sisulu University</td>
<td>27,029</td>
<td>0</td>
<td>27,029</td>
<td>100</td>
<td>n.a.</td>
<td>57</td>
<td>n.a.</td>
</tr>
<tr>
<td>University of Western Cape</td>
<td>18,764</td>
<td>0</td>
<td>18,764</td>
<td>94</td>
<td>n.a.</td>
<td>50</td>
<td>n.a.</td>
</tr>
<tr>
<td>University of Witwatersrand</td>
<td>29,004</td>
<td>0</td>
<td>29,004</td>
<td>74</td>
<td>n.a.</td>
<td>54</td>
<td>n.a.</td>
</tr>
<tr>
<td>University of Zululand</td>
<td>15,592</td>
<td>0</td>
<td>15,592</td>
<td>100</td>
<td>n.a.</td>
<td>65</td>
<td>n.a.</td>
</tr>
<tr>
<td>Mangosuthu University of Technology</td>
<td>10,285</td>
<td>0</td>
<td>10,285</td>
<td>100</td>
<td>n.a.</td>
<td>51</td>
<td>n.a.</td>
</tr>
<tr>
<td>Total &amp; average</td>
<td>556,695</td>
<td>381,506</td>
<td>938,201</td>
<td>70</td>
<td>83</td>
<td>54</td>
<td>63</td>
</tr>
</tbody>
</table>


The above Table shows that:

- Almost one million students (938 201) were enrolled in South African public higher education institutions (HEIs) in 2011. Of these, 59% (556 695) enrolled in contact programmes, while close to 41% (381 506), enrolled in distance education programmes.

- Over one-third of all students who enrolled in public HEIs in 2011 are registered with the University of South Africa (UNISA), making UNISA the largest public university in South Africa in terms of student enrolment.

- In general, public HEIs vary greatly in terms of enrolment, ranging from about 7 000 to about 60 000 students per institution (excluding UNISA).
Of the 23 public HEIs in the country, nine offer distance education programmes. UNISA is the only public HEI which is an exclusively distance education institution. It is therefore not surprising that over 85% of all distance-education students are enrolled at UNISA.

Many of the other public HEIs that offer distance education programmes have relatively small proportions of their students enrolled in distance education programmes, with the exception of North West University, where over 40% of its students are enrolled in distance education programmes.

Among public HEIs that offer mainly contact mode education programmes, the University of Johannesburg (UJ) and Tshwane University of Technology (TUT) had the highest headcount enrolment in 2011, at approximately 50 000 students each.

Over 40% of all university students enrolled in humanities programmes in 2011, while 28% enrolled in Science, Engineering and Technology (SET) programmes.

The majority of students enrolled in public HEIs are female and Black (African, Coloured and Indian/Asian).

Female students comprise 54% of all students enrolled in contact programmes, and 63% of those enrolled in distance education programmes. Black African students comprised 78% of all students enrolled in contact programmes, and 83% of all those enrolled in distance education programmes.

The racial composition of students across HEIs reflects both racial demographic distribution patterns across the country as well as historical continuities. For instance, over 95% of all students who enrolled at the University of Venda, the University of Zululand and the Mangasothu University of Technology are Black (African, Coloured, Asian/Indian), while the University of Pretoria and the University of Stellenbosch have more White than Black students.
### Table 22: Headcount enrolments in public higher education institutions by attendance mode, population group and gender: 2011

<table>
<thead>
<tr>
<th>Institution</th>
<th>Contact</th>
<th>Indian Asian</th>
<th>White</th>
<th>Total</th>
<th>Female</th>
<th>Male</th>
<th>Distance</th>
<th>Contact</th>
<th>Indian Asian</th>
<th>White</th>
<th>Total</th>
<th>Female</th>
<th>Male</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cape Peninsula University of Technology</td>
<td>17,035</td>
<td>10,249</td>
<td>372</td>
<td>4,523</td>
<td>32,479</td>
<td>17,298</td>
<td>15,181</td>
<td>6</td>
<td>3</td>
<td>1</td>
<td>17</td>
<td>27</td>
<td>16</td>
<td>11</td>
</tr>
<tr>
<td>University of Cape Town</td>
<td>7,252</td>
<td>3,745</td>
<td>1,559</td>
<td>9,306</td>
<td>25,279</td>
<td>13,127</td>
<td>12,152</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Central University of Technology Free State</td>
<td>10,540</td>
<td>403</td>
<td>41</td>
<td>1,304</td>
<td>12,363</td>
<td>5,810</td>
<td>6,553</td>
<td>153</td>
<td>81</td>
<td>4</td>
<td>13</td>
<td>291</td>
<td>203</td>
<td>78</td>
</tr>
<tr>
<td>Durban University of Technology</td>
<td>19,334</td>
<td>396</td>
<td>4,125</td>
<td>962</td>
<td>24,840</td>
<td>12,333</td>
<td>12,507</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>University of Fort Hare</td>
<td>10,516</td>
<td>211</td>
<td>55</td>
<td>259</td>
<td>11,144</td>
<td>6,404</td>
<td>4,740</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>University of Free State</td>
<td>17,039</td>
<td>1,231</td>
<td>313</td>
<td>5,211</td>
<td>26,796</td>
<td>15,834</td>
<td>10,912</td>
<td>3,282</td>
<td>339</td>
<td>130</td>
<td>1,039</td>
<td>4,795</td>
<td>3,016</td>
<td>1,774</td>
</tr>
<tr>
<td>University of Johannesburg</td>
<td>35,945</td>
<td>1,609</td>
<td>2,299</td>
<td>7,675</td>
<td>50,528</td>
<td>27,942</td>
<td>22,586</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>University of KwaZulu Natal</td>
<td>20,157</td>
<td>863</td>
<td>11,050</td>
<td>3,252</td>
<td>35,514</td>
<td>20,110</td>
<td>15,404</td>
<td>5,791</td>
<td>55</td>
<td>326</td>
<td>71</td>
<td>6,248</td>
<td>4,450</td>
<td>1,798</td>
</tr>
<tr>
<td>University of Limpopo</td>
<td>20,053</td>
<td>35</td>
<td>143</td>
<td>253</td>
<td>20,904</td>
<td>11,148</td>
<td>9,396</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Nelson Mandela Metropolitan University</td>
<td>13,515</td>
<td>3,624</td>
<td>365</td>
<td>6,530</td>
<td>24,358</td>
<td>12,740</td>
<td>11,618</td>
<td>1,509</td>
<td>48</td>
<td>9</td>
<td>32</td>
<td>1,898</td>
<td>1,427</td>
<td>471</td>
</tr>
<tr>
<td>North West University</td>
<td>11,577</td>
<td>992</td>
<td>379</td>
<td>15,711</td>
<td>31,662</td>
<td>18,825</td>
<td>12,837</td>
<td>20,283</td>
<td>1,368</td>
<td>46</td>
<td>945</td>
<td>24,978</td>
<td>15,657</td>
<td>6,291</td>
</tr>
<tr>
<td>University of Pretoria</td>
<td>12,553</td>
<td>965</td>
<td>2,023</td>
<td>24,172</td>
<td>44,745</td>
<td>24,542</td>
<td>20,203</td>
<td>13,156</td>
<td>81</td>
<td>48</td>
<td>96</td>
<td>13,320</td>
<td>9,588</td>
<td>3,732</td>
</tr>
<tr>
<td>Rhodes University</td>
<td>3,750</td>
<td>296</td>
<td>279</td>
<td>2,993</td>
<td>7,278</td>
<td>4,284</td>
<td>2,994</td>
<td>0</td>
<td>0</td>
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<td>0</td>
</tr>
<tr>
<td>University of South Africa</td>
<td>1</td>
<td>6</td>
<td>0</td>
<td>6</td>
<td>13</td>
<td>10</td>
<td>3</td>
<td>228,158</td>
<td>17,537</td>
<td>24,571</td>
<td>58,088</td>
<td>328,850</td>
<td>201,992</td>
<td>126,858</td>
</tr>
<tr>
<td>University of Stellenbosch</td>
<td>3,555</td>
<td>4,362</td>
<td>566</td>
<td>18,453</td>
<td>27,266</td>
<td>13,863</td>
<td>13,403</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>婉然 University of Technology</td>
<td>44,642</td>
<td>368</td>
<td>215</td>
<td>3,800</td>
<td>49,025</td>
<td>25,613</td>
<td>23,412</td>
<td>824</td>
<td>154</td>
<td>35</td>
<td>37</td>
<td>1,050</td>
<td>491</td>
<td>559</td>
</tr>
<tr>
<td>University of venda</td>
<td>10,335</td>
<td>1</td>
<td>3</td>
<td>3</td>
<td>10,342</td>
<td>5,560</td>
<td>4,782</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Vaal University of Technology</td>
<td>20,762</td>
<td>352</td>
<td>86</td>
<td>661</td>
<td>21,861</td>
<td>10,043</td>
<td>11,818</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Water Stku University</td>
<td>26,813</td>
<td>44</td>
<td>109</td>
<td>63</td>
<td>27,029</td>
<td>15,273</td>
<td>11,756</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>University of Western Cape</td>
<td>7,776</td>
<td>8,777</td>
<td>1,073</td>
<td>813</td>
<td>18,764</td>
<td>11,243</td>
<td>7,521</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>University of Witwatersrand</td>
<td>16,359</td>
<td>1,027</td>
<td>4,050</td>
<td>7,530</td>
<td>29,004</td>
<td>15,675</td>
<td>13,329</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>University of Zululand</td>
<td>15,435</td>
<td>13</td>
<td>75</td>
<td>59</td>
<td>15,592</td>
<td>10,164</td>
<td>5,428</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Mangosuthu University of Technology</td>
<td>10,251</td>
<td>10</td>
<td>9</td>
<td>6</td>
<td>10,296</td>
<td>5,266</td>
<td>5,030</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>366,948</td>
<td>39,547</td>
<td>29,528</td>
<td>117,025</td>
<td>566,672</td>
<td>303,127</td>
<td>253,545</td>
<td>273,403</td>
<td>19,765</td>
<td>25,170</td>
<td>60,340</td>
<td>381,442</td>
<td>239,870</td>
<td>141,572</td>
</tr>
<tr>
<td><strong>Percentage</strong></td>
<td>66%</td>
<td>7%</td>
<td>5%</td>
<td>21%</td>
<td>100%</td>
<td>54%</td>
<td>46%</td>
<td>72%</td>
<td>5%</td>
<td>5%</td>
<td>7%</td>
<td>100%</td>
<td>63%</td>
<td>37%</td>
</tr>
</tbody>
</table>

Figure 22: Percentage distribution of headcount enrolments in public higher education institutions, by attendance mode and gender: 2011

The above Figure shows that in 2011, about 58% of all students enrolled in public HEIs were female.

2.7.4. FET COLLEGES

According to information from the Dept. of Higher Learning and Training, there were 50 public FET Colleges in South Africa, with a student population of over 400 000 in 2011. The number of public FET Colleges ranged between 2 and 9 across the provinces.

Public FET Colleges vary considerably in size, with student enrolment in individual colleges ranging between 22 000 and 2 000. Tshwane South FET College, with 22 352 students, is the biggest Public FET College in the country. Ikhala is the smallest Public FET College in the country, with just over 2 000 students.

Gauteng and KwaZulu-Natal provinces enrolled relatively higher numbers of students in public FET Colleges (about 98 000 and 88 000, respectively), while the Northern Cape and Mpumalanga enrolled relatively lower numbers (at about 9 000 and 18 000, respectively).

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55 Statistics on Post-School Education and Training in South Africa: 2011- Dept. of Higher Learning and Training
2.7.4.1. Examination results of public and private FET Colleges

Table 23: Number of NC(V) Level 4 students registered, wrote and passed, per course and gender in 2011

<table>
<thead>
<tr>
<th>NC(V) Level Course</th>
<th>Female Entered</th>
<th>Female Wrote</th>
<th>Female Passed</th>
<th>Male Entered</th>
<th>Male Wrote</th>
<th>Male Passed</th>
<th>Total Entered</th>
<th>Total Wrote</th>
<th>Total Passed</th>
</tr>
</thead>
<tbody>
<tr>
<td>L4: Civil Engineering and Building Construction</td>
<td>471</td>
<td>449</td>
<td>200</td>
<td>874</td>
<td>815</td>
<td>326</td>
<td>1,345</td>
<td>1,264</td>
<td>526</td>
</tr>
<tr>
<td>L4: Education And Development</td>
<td>101</td>
<td>95</td>
<td>59</td>
<td>10</td>
<td>9</td>
<td>6</td>
<td>111</td>
<td>104</td>
<td>65</td>
</tr>
<tr>
<td>L4: Electrical Infrastructure Construction</td>
<td>1,066</td>
<td>969</td>
<td>416</td>
<td>1,874</td>
<td>1,694</td>
<td>720</td>
<td>2,940</td>
<td>2,663</td>
<td>1,136</td>
</tr>
<tr>
<td>L4: Engineering And Related Design</td>
<td>624</td>
<td>555</td>
<td>192</td>
<td>2,070</td>
<td>1,835</td>
<td>616</td>
<td>2,694</td>
<td>2,390</td>
<td>808</td>
</tr>
<tr>
<td>L4: Finance, Economic And Accounting</td>
<td>1,132</td>
<td>985</td>
<td>495</td>
<td>537</td>
<td>461</td>
<td>204</td>
<td>1,669</td>
<td>1,446</td>
<td>699</td>
</tr>
<tr>
<td>L4: Hospitality</td>
<td>769</td>
<td>690</td>
<td>216</td>
<td>333</td>
<td>299</td>
<td>108</td>
<td>1,102</td>
<td>989</td>
<td>324</td>
</tr>
<tr>
<td>L4: Information Technology And Computer Science</td>
<td>478</td>
<td>420</td>
<td>135</td>
<td>604</td>
<td>528</td>
<td>122</td>
<td>1,082</td>
<td>948</td>
<td>257</td>
</tr>
<tr>
<td>L4: Management</td>
<td>618</td>
<td>546</td>
<td>280</td>
<td>343</td>
<td>294</td>
<td>149</td>
<td>961</td>
<td>840</td>
<td>429</td>
</tr>
<tr>
<td>L4: Marketing</td>
<td>511</td>
<td>461</td>
<td>269</td>
<td>396</td>
<td>347</td>
<td>187</td>
<td>907</td>
<td>808</td>
<td>456</td>
</tr>
<tr>
<td>L4: Mechatronics</td>
<td>43</td>
<td>40</td>
<td>21</td>
<td>92</td>
<td>81</td>
<td>29</td>
<td>135</td>
<td>121</td>
<td>50</td>
</tr>
<tr>
<td>L4: Office Administration</td>
<td>3,607</td>
<td>3,251</td>
<td>1,462</td>
<td>966</td>
<td>858</td>
<td>323</td>
<td>4,573</td>
<td>4,109</td>
<td>1,785</td>
</tr>
<tr>
<td>L4: Primary Agriculture</td>
<td>333</td>
<td>297</td>
<td>86</td>
<td>279</td>
<td>241</td>
<td>84</td>
<td>612</td>
<td>538</td>
<td>170</td>
</tr>
<tr>
<td>L4: Safety In Society</td>
<td>309</td>
<td>287</td>
<td>143</td>
<td>276</td>
<td>258</td>
<td>112</td>
<td>585</td>
<td>545</td>
<td>255</td>
</tr>
<tr>
<td>L4: Tourism</td>
<td>787</td>
<td>716</td>
<td>466</td>
<td>386</td>
<td>355</td>
<td>212</td>
<td>1,173</td>
<td>1,071</td>
<td>678</td>
</tr>
<tr>
<td>Total</td>
<td>10849</td>
<td>9761</td>
<td>4440</td>
<td>9040</td>
<td>8075</td>
<td>3198</td>
<td>19,889</td>
<td>17,836</td>
<td>7638</td>
</tr>
</tbody>
</table>


In 2011, less than half of the 17 836 candidates who wrote the NC (V) Level 4 examinations, passed. Pass rates among females were slightly higher than among males.

The pass rates in engineering and related design, and information technology and computer science courses were significantly lower than the overall average pass rate, while students who wrote the education and development course performed better than their counterparts.

Table 24: Number of NSC students registered, wrote and passed, per course and gender in 2011

<table>
<thead>
<tr>
<th>NSC course</th>
<th>Female Entered</th>
<th>Female Wrote</th>
<th>Female Passed</th>
<th>Male Entered</th>
<th>Male Wrote</th>
<th>Male Passed</th>
<th>Total Entered</th>
<th>Total Wrote</th>
<th>Total Passed</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSC:Art</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>NSC:Business Studies Accounting/Admin</td>
<td>103</td>
<td>103</td>
<td>78</td>
<td>127</td>
<td>127</td>
<td>81</td>
<td>230</td>
<td>230</td>
<td>159</td>
</tr>
<tr>
<td>NSC:Business Studies Secretarial</td>
<td>29</td>
<td>29</td>
<td>13</td>
<td>24</td>
<td>24</td>
<td>10</td>
<td>53</td>
<td>53</td>
<td>23</td>
</tr>
<tr>
<td>NSC:Engineering</td>
<td>18</td>
<td>18</td>
<td>16</td>
<td>16</td>
<td>16</td>
<td>14</td>
<td>34</td>
<td>34</td>
<td>30</td>
</tr>
<tr>
<td>Total</td>
<td>150</td>
<td>150</td>
<td>107</td>
<td>170</td>
<td>170</td>
<td>105</td>
<td>320</td>
<td>320</td>
<td>212</td>
</tr>
</tbody>
</table>

The Table above demonstrates that of the 320 students who wrote the National Senior Certificate (NSC) examinations in 2011, over two thirds (212) passed. Students who wrote the engineering studies course performed much better than those who wrote the two Business Studies courses.

Table 25: Number of Report 191 N3 students registered, wrote and passed, per course and gender in 2011

<table>
<thead>
<tr>
<th>NSC course</th>
<th>Female Entered</th>
<th>Wrote</th>
<th>Passed</th>
<th>Male Entered</th>
<th>Wrote</th>
<th>Passed</th>
<th>Total Entered</th>
<th>Total Wrote</th>
<th>Total Passed</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSC:Art</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>NSC:Business Studies Accounting/Admin</td>
<td>103</td>
<td>103</td>
<td>78</td>
<td>127</td>
<td>127</td>
<td>81</td>
<td>230</td>
<td>230</td>
<td>159</td>
</tr>
<tr>
<td>NSC:Business Studies Secretarial</td>
<td>29</td>
<td>29</td>
<td>13</td>
<td>24</td>
<td>24</td>
<td>10</td>
<td>53</td>
<td>53</td>
<td>23</td>
</tr>
<tr>
<td>NSC:Engineering</td>
<td>18</td>
<td>18</td>
<td>16</td>
<td>16</td>
<td>16</td>
<td>14</td>
<td>34</td>
<td>34</td>
<td>30</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>150</td>
<td>150</td>
<td>107</td>
<td>170</td>
<td>170</td>
<td>105</td>
<td>320</td>
<td>320</td>
<td>212</td>
</tr>
</tbody>
</table>


Less than half of the approximately 2 900 students who wrote the N3 (Report 191) examinations in 2011, passed. The number of passes and pass rates in almost all of the N3 courses was generally very low in 2011, with only the N3 Engineering course showing a pass rate of just over 50%.

A significantly higher number of males wrote and passed the N3 examination as compared to females. Close to 1 000 males passed the N3 examination as compared to 370 females.

Table 26: Number of Report 191 - N6 students registered, wrote and passed, per course and gender in 2011

<table>
<thead>
<tr>
<th>Report 191 N3 course</th>
<th>Female Entered</th>
<th>Wrote</th>
<th>Passed</th>
<th>Male Entered</th>
<th>Wrote</th>
<th>Passed</th>
<th>Total Entered</th>
<th>Total Wrote</th>
<th>Total Passed</th>
</tr>
</thead>
<tbody>
<tr>
<td>N3: Business Studies Accounting/ Admin(Revised)</td>
<td>130</td>
<td>130</td>
<td>17</td>
<td>79</td>
<td>79</td>
<td>12</td>
<td>209</td>
<td>209</td>
<td>29</td>
</tr>
<tr>
<td>N3: Business Studies Secretarial (revised)</td>
<td>31</td>
<td>31</td>
<td>2</td>
<td>15</td>
<td>15</td>
<td>7</td>
<td>46</td>
<td>46</td>
<td>9</td>
</tr>
<tr>
<td>N3: Engineering Studies (Revised)</td>
<td>692</td>
<td>692</td>
<td>350</td>
<td>1,929</td>
<td>1,929</td>
<td>973</td>
<td>2,621</td>
<td>2,621</td>
<td>1,323</td>
</tr>
<tr>
<td>N3: Laboratory Assistants</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>N3: Water And Waste-Water Treatment Practice</td>
<td>16</td>
<td>16</td>
<td>1</td>
<td>14</td>
<td>14</td>
<td>4</td>
<td>30</td>
<td>30</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>870</td>
<td>870</td>
<td>370</td>
<td>2,039</td>
<td>2,039</td>
<td>996</td>
<td>2,909</td>
<td>2,909</td>
<td>1,366</td>
</tr>
</tbody>
</table>


The Table above demonstrates that close to 2 500 students wrote the N6 examinations in 2011. Of these, 1 488 (60%) passed.
Student performance in engineering studies was significantly higher than that in all of the other courses.

The number of students who wrote the N6 examinations in certain courses was very low. For instance, only 3 students in the country sat for the clothing production and textiles examination and only 5 sat for both the hospitality and catering services examinations.

2.7.5. ADULT EDUCATION AND TRAINING (AET) CENTRES

Adult Education and Training is offered in public and private adult learning centres, which are located mainly in the townships and rural areas of South Africa. The majority of public adult learning centres utilise schools for the provision of adult education and training programmes.

The provision of adult education and training in the country is regulated through the Adult Education and Training Act, 2000 (Act No. 52 of 2000).

AET Centres offer programmes to both adults, as well as out-of-school youth, which, in the main, culminate in the General Education and Training Certificate (GETC) qualification equivalent to the National Qualifications Framework (NQF) level 1 and the Senior Certificate (Grade 12).

In 2011, out of 62,044 students who wrote AET examinations, 17,000 passed the examinations.

Table 27: Number of learners per province and per level: 2011

<table>
<thead>
<tr>
<th>Province</th>
<th>AET</th>
<th>Level 1</th>
<th>AET</th>
<th>Level 2</th>
<th>AET</th>
<th>Level 3</th>
<th>AET</th>
<th>Level 4 (NQF1)</th>
<th>Grade 10 (NQF 2)</th>
<th>Grade 11 (NQF 3)</th>
<th>Grade 12 (NQF 4)</th>
<th>Other/Skills Development</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern Cape</td>
<td>5,058</td>
<td>7,077</td>
<td>6,807</td>
<td>18,403</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>431</td>
<td>37,776</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Free State</td>
<td>423</td>
<td>1,517</td>
<td>1,739</td>
<td>7,828</td>
<td>65</td>
<td>30</td>
<td>4,249</td>
<td>19</td>
<td>15,869</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gauteng</td>
<td>2,884</td>
<td>3,477</td>
<td>4,567</td>
<td>18,826</td>
<td>42</td>
<td>61</td>
<td>50,854</td>
<td>3,406</td>
<td>84,117</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>KwaZulu-Natal</td>
<td>4,227</td>
<td>5,659</td>
<td>6,020</td>
<td>14,283</td>
<td>0</td>
<td>98</td>
<td>870</td>
<td>84</td>
<td>31,241</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limpopo</td>
<td>2,266</td>
<td>4,715</td>
<td>4,045</td>
<td>27,672</td>
<td>20</td>
<td>0</td>
<td>0</td>
<td>9</td>
<td>38,727</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mpumalanga</td>
<td>4,576</td>
<td>4,833</td>
<td>4,769</td>
<td>12,942</td>
<td>8</td>
<td>15</td>
<td>403</td>
<td>0</td>
<td>27,546</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North West</td>
<td>2,944</td>
<td>3,232</td>
<td>3,608</td>
<td>7,379</td>
<td>0</td>
<td>0</td>
<td>1,495</td>
<td>2,011</td>
<td>20,669</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northern Cape</td>
<td>878</td>
<td>860</td>
<td>760</td>
<td>2,505</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>104</td>
<td>5,107</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Western Cape</td>
<td>4,506</td>
<td>3,597</td>
<td>2,759</td>
<td>8,072</td>
<td>78</td>
<td>61</td>
<td>138,688</td>
<td>3,641</td>
<td>36,582</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>27,762</td>
<td>34,967</td>
<td>35,074</td>
<td>117,910</td>
<td>213</td>
<td>265</td>
<td>71,738</td>
<td>9,705</td>
<td>297,634</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Statistics on Post-School Education and Training in South Africa: 2011- Dept. of Higher Learning and Training

The Table above shows that close to 300,000 students enrolled at AET Centres in 2011. A relatively higher proportion of these students were enrolled in centres located in Gauteng. Although Western Cape had a relatively lower number of AET Centres as
compared to Limpopo and KwaZulu-Natal, its student enrolment was similar to these two provinces, respectively.

The majority of AET students were enrolled at the higher end of qualification levels. Enrolment in the AET Level 4 programme (NQF Level 1) and Grade 12 (NQF Level 4) programmes was significantly higher than those at other levels. Almost 40% of all AET students were enrolled in the AET Level 4 programme, while 24% were enrolled for the Grade 12 programme.

Table 28: Number of learners entered, wrote and passed, per province and gender: 2011

<table>
<thead>
<tr>
<th>Province</th>
<th>Female Entered</th>
<th>Female Wrote</th>
<th>Female Passed</th>
<th>Male Entered</th>
<th>Male Wrote</th>
<th>Male Passed</th>
<th>Total Entered</th>
<th>Total Wrote</th>
<th>Total Passed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern Cape</td>
<td>18,889</td>
<td>5,247</td>
<td>1,369</td>
<td>2,161</td>
<td>1,193</td>
<td>240</td>
<td>11,050</td>
<td>6,440</td>
<td>1,609</td>
</tr>
<tr>
<td>Free State</td>
<td>3,882</td>
<td>2,661</td>
<td>769</td>
<td>1,665</td>
<td>993</td>
<td>257</td>
<td>5,547</td>
<td>3,654</td>
<td>1,026</td>
</tr>
<tr>
<td>Gauteng</td>
<td>16,723</td>
<td>4,717</td>
<td>1,616</td>
<td>4,360</td>
<td>2,975</td>
<td>844</td>
<td>11,083</td>
<td>7,692</td>
<td>2,460</td>
</tr>
<tr>
<td>KwaZulu-Natal</td>
<td>9,575</td>
<td>6,039</td>
<td>2,346</td>
<td>2,346</td>
<td>1,431</td>
<td>486</td>
<td>11,939</td>
<td>7,470</td>
<td>2,832</td>
</tr>
<tr>
<td>Limpopo</td>
<td>26,849</td>
<td>19,540</td>
<td>4,991</td>
<td>4,443</td>
<td>3,146</td>
<td>901</td>
<td>31,292</td>
<td>22,686</td>
<td>5,892</td>
</tr>
<tr>
<td>Mpumalanga</td>
<td>11,509</td>
<td>5,911</td>
<td>1,266</td>
<td>2,515</td>
<td>1,214</td>
<td>278</td>
<td>14,024</td>
<td>7,125</td>
<td>1,544</td>
</tr>
<tr>
<td>North West</td>
<td>5,435</td>
<td>3,302</td>
<td>788</td>
<td>2,067</td>
<td>1,205</td>
<td>271</td>
<td>7,502</td>
<td>4,507</td>
<td>1,059</td>
</tr>
<tr>
<td>Northern Cape</td>
<td>1,198</td>
<td>518</td>
<td>82</td>
<td>504</td>
<td>219</td>
<td>43</td>
<td>1,702</td>
<td>737</td>
<td>125</td>
</tr>
<tr>
<td>Western Cape</td>
<td>1,250</td>
<td>948</td>
<td>209</td>
<td>1,063</td>
<td>785</td>
<td>245</td>
<td>2,313</td>
<td>1,733</td>
<td>454</td>
</tr>
<tr>
<td>Total</td>
<td>75,310</td>
<td>48,883</td>
<td>13,436</td>
<td>21,142</td>
<td>13,161</td>
<td>3565</td>
<td>96,452</td>
<td>62,044</td>
<td>17,001</td>
</tr>
</tbody>
</table>


The Table above shows that females comprised a very high proportion of the learners who wrote examinations at AET Centres in 2011. Close to 50 000 females wrote examinations in AET Centres in 2011, as compared to just over 13 000 males. Pass rates were very low among both male and female learners.

2.7.6. Provision of Distance Education in South African Universities

South Africa’s higher education system has transformed since 1994, providing considerable access to larger numbers of previously marginalised groupings. From 2000 to 2009, enrolments in public higher education rose from 578 134 to 837 779 students – an increase of 45%. By 2009, the proportion of black South African students in the overall higher education system had grown to 65% and the proportion of women had risen to 57%.

The Draft Policy on Distance Education was the first policy document initiated by the Department of Higher Education and Training, which focused entirely on the use of distance education in higher education programmes.

56 Ibid
57 Draft Policy Framework for the Provision of Distance Education in South African Universities, May 2012.
2.7.7. EDUCATION AND WOMEN IN GENERAL

According to the General Household Survey of 2010\textsuperscript{58} there has been an upward trend since 2002 in the educational attainment of individuals aged 20 years and older. The percentage of persons with the highest level of education being Grade 12 has increased from 21.5% in 2002 to 26.2% in 2010. In addition to that the percentage of persons with a tertiary qualification increased from 9.2% in 2002 to 11.2% in 2010. The percentage of persons with no formal education decreased significantly from 10.8% (2002) to 7% (2010) and the percentage classified as functionally illiterate (highest level of education lower than Grade 7) decreased from 27.9% to 19.2%. Provinces with the highest percentages of persons without a formal education were: Limpopo (13.4%), Mpumalanga (11.3%), Northern Cape (10.9%) and North West (10.2%)

Figure 23: Percentage distribution of women and men aged 25 years and above for each population group by highest level of education, 2011

Source: Gender Statistics 2011: STATS SA

Figure 23 above shows that the percentages of adults aged 25 years and above with no formal schooling are highest among black African women and men, at 14.8% and 10.8% 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% 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% of black African women recording higher qualifications compared with 8.3% of black African men.

\textsuperscript{58} Stats SA 2010
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.

**Graph 4: Percentage of persons aged 20 years and above with no formal education or highest level of education less than Grade 7 within each gender group, 2002–2010**

![Graph showing percentage of persons aged 20 years and above with no formal education or highest level of education less than Grade 7 within each gender group, 2002–2010.](image)

Source: General Household Survey 2010 : STATS SA

According to the Figure above, the proportion of individuals over the age of 20 years who could be regarded as functionally illiterate has declined from 27.9% in 2002 to 19.2% in 2010. Individuals over the age of 60 years remain most likely to be functionally illiterate due to the few educational opportunities historically afforded to black people. Functional illiteracy has dropped significantly over time and dipped below 10% in 2010 for individuals in the age group 20–39.

Women over the age of 20 years remain slightly more likely than men in the same age group (20.4% compared to 17.9%) to be functionally illiterate. However, the difference between men and women has declined significantly over time. Whereas women over the age of 60 years were much more likely to be functionally illiterate than males in 2010 (51.3% compared to 43.3%), the difference has declined in each successive age group, to the point that women in the age group 20-39 were actually less likely to be functionally illiterate than their male peers in 2010 (7% compared to 9%).
Graph 5: Percentage persons aged 15–59 years and 60 years and older who are functionally illiterate by gender, 2002–2011

Although elderly literacy is generally increasing because of various adult based literacy programmes and improved literacy levels among new entrants into this age group, the gender gap persists.

Females in the age groups 60 years and older, and 15–59 years have consistently remained more likely to be functionally illiterate than men.

Source: Social profile of vulnerable groups in South Africa 2002–2011 Report No. 03-19-00-Statistics South Africa
Figure 24: Highest level of education of persons aged 60 years and older, by gender, 2002 and 2011

The above Figure illustrates the improvement of older persons’ education by gender between 2002 and 2011. Although the percentage of older people, and particularly elderly women who have not attended school remained very high in 2011, substantial reductions took place since 2002. In addition, the percentage of older persons who had achieved at least a Grade 7 education (completed primary school) are slowly increasing, as is the percentage of older people who had completed, or partially completed secondary school and beyond.

Since very few large-scale programmes target elderly people directly, most of the future improvements will probably be through the entrance in this age group of better qualified individuals from younger generations that enjoyed better opportunities to access education.
The Figure above shows that the percentage of people aged 25 years and above who can read in at least one language is higher in urban than non-urban areas.

In both urban and non-urban areas, men are more likely than women to be able to read in at least one language. However, the gender disparity is noticeably larger in non-urban areas (8.3 percentage points) than in urban (4.4 percentage points).

In South Africa, female teachers are in the majority at primary school level. Invariably, teachers of Grade 6 classes would normally teach both reading and mathematics, although the tendency to have subject specialists seems to be on the increase.

Despite the fact that female teachers were in the majority in primary schools, relatively few of them were school heads or principals. In 2000, only 21 percent of Grade 6 learners were in schools where the principal was a female. This percentage increased to 35 percent by 2007, but was still relatively low. With relatively fewer female principals as role models, fewer girls are likely to aspire to lead roles again widening gender inequality in the process.

2.7.8. PROGRAMMES AND PROJECTS THAT SUPPORT WOMEN

HERS-SA69

HERS-SA is a self-sustaining non-profit organisation (NPO), which was registered in September 2003 by the Department of Social Development. HERS-SA Alumnae comprise of over 1,000 women.

The organisation is dedicated to the advancement and leadership development of women in the Higher Education sector and has advocated for, and contributed to, the career and leadership development of women employed in the higher education sector via carefully crafted programmes. They work in partnership with

69 http://www.hers-sa.org.za/
Higher Education Institutions to support their gender equity agenda through their nomination of women to attend HERS-SA programmes.

Their activities include:

- Hosting the annual HERS-SA ACADEMY in September, which is a week-long interactive professional development opportunity for women employed in higher education both in South Africa and internationally. This programme is aimed at those women in, or aspiring to hold, senior leadership positions and typically attracts on average 80 women.

- The annual HERS-SA mini-ACADEMY which is a three-day programme offered exclusively to HERS alumnae who have participated in a residential HERS programme based either in South Africa and/or in the USA.

- Maintaining a flow of information between women in higher education via our newsletters, website and other social media platforms.

- Circulating information about development opportunities, advocacy, gender research and jobs in higher education via the Vacancy page on the HERS-SA website.

- Facilitating networking between women in higher education institutions.

- Seeking research collaborations into, and advocacy for, gender equity in higher education. In 2013 we have commissioned research on the conflict and cohesion experiences of women working in higher education. This research topic also constitutes the area of focus of the 2013 mini-ACADEMY.

- Seeking funding opportunities to increase the participation in our programmes of women in higher education institutions that have limited access to funding to support their career development needs.

### 2.8. SOUTH AFRICA’S BASIC EDUCATION REPORTS ON COMPLIANCE WITH OTHER GLOBAL AND REGIONAL COMMITMENTS


Education for All (EFA) is an international pledge shaped at the World Conference on Education in Jomtien, Thailand in 1990 with the goal of ensuring that all children have access to good quality education.60

Participating countries assembled again in Dakar, Senegal, in 2000 and concluded that the goal of quality education for all by 2000 was far from being realised and subsequently renewed their commitments to education for all. They adopted six goals, three of which had time-lines attached to them, namely:

- to see every child completing a quality basic education, to increase literacy levels by 50% and to ensure gender equity in education – all by 2015.61

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60 South Africa’s Country Report “Education For All” 2008, Pg. 8
61 Ibid
The Department of Education’s EFA compliance Report of 2008 provides an appraisal of the progress made in South Africa towards the achievement of the EFA goals and further expands on the policies and programmes that have been introduced by the Department of Education (DoE) in achieving the EFA goals and targets.\(^6\)

**Goal 5 of EFA: Relates to the elimination of gender disparities in primary and secondary education by 2005, and the achievement of gender equality in education by 2015, with a special focus on ensuring female learners’ full and equal access to, and achievement in basic education of good quality**

The Country Report acknowledges that gender parity in accessing primary and secondary education, inclusive of Early Childhood Development, has almost been achieved in South Africa.\(^5\) However, the proportion of male learners to female learners is marginally higher in primary schools, and that of female learners to male learners is marginally higher in secondary schools.\(^6\) According to this report, this could primarily be attributed to higher levels of male learners repeating a grade compared to female counterparts.\(^7\)


The Second Decade of Education Plan of Action has eight priorities. These are:

- Gender and Culture,
- Education Management Information Systems,
- Teacher development,
- Tertiary education, Technical and Vocational Education and Training,
- Curriculum and teaching and learning materials,
- Quality management and Early Childhood Development.

The special emphasis of the DBE is on the Quality Management priority of the Second Decade Plan of Action. The quality management priority has been integrated into the Department of Basic Education’s Action Plan to 2014: Towards Realisation of the Schooling 2025. The focus is on improving the quality of education and reducing the financial burden of education costs for parents, to improve access to quality education and to give effect to the right to education.

DBE has also introduced several initiatives to realise all other SADC/AU priorities. These include review of the curriculum, Girls Education Movement (GEM), Boys Education Movement (BEM), national school nutrition programme, scholar transport and no fee school policy amongst others.

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\(^6\) Ibid
\(^5\) South Africa’s Country Report “Education For All” 2008, Pg. 56
\(^6\) Ibid
\(^7\) Ibid
The following text boxes indicate achievements, challenges and emerging lessons as outlined in the report.

2.8.3. Gender Parity Index (as reflected in the reports of the DBE)

(Table 29: A tabulated illustration of the Gender parity index of 5 year olds attending educational institutions by gender)

<table>
<thead>
<tr>
<th></th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>62.5</td>
<td>62.2</td>
<td>60.7</td>
<td>76.5</td>
</tr>
<tr>
<td>Female</td>
<td>60.5</td>
<td>58.3</td>
<td>65.9</td>
<td>80.2</td>
</tr>
<tr>
<td>GPI</td>
<td>0.97</td>
<td>0.94</td>
<td>1.12</td>
<td>1.05</td>
</tr>
</tbody>
</table>


Table 30: A tabulated illustration of the percentage of primary aged school children out of school: 2006 – 2009

<table>
<thead>
<tr>
<th></th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>1.2</td>
<td>1.9</td>
<td>2.0</td>
<td>1.2</td>
</tr>
<tr>
<td>Female</td>
<td>1.0</td>
<td>1.8</td>
<td>1.4</td>
<td>1.0</td>
</tr>
<tr>
<td>Total</td>
<td>1.9</td>
<td>1.9</td>
<td>1.8</td>
<td>1.1</td>
</tr>
</tbody>
</table>


Table 31: The percentage of female teachers

<table>
<thead>
<tr>
<th></th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage of female teachers</td>
<td>67</td>
<td>67</td>
<td>67</td>
</tr>
<tr>
<td>Annual Growth %</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: DoE, Educator Profile Report, PERSAL, 2009
3. HEALTH CARE

Inequalities and inadequacies in and unequal access to health care and related services

If women are healthy and empowered to make decisions about their bodies, they will be more economically empowered and able to gain more social power. Thus, appropriate health care and gender equality is strongly related, just as gender inequality is linked to disease and neglect.

Nearly seven in every ten (69.9%) households reported that they went to public clinics and hospitals as their first point of access when households members fell ill or got injured. By comparison, a quarter 24.2% of households indicated that they would go to private doctors.

A further 4.7% preferred private clinics or hospitals. Most households (92.1%) went to the nearest facility of its kind.

Of those that preferred to travel further to access health facilities, 15.7% presented long waiting periods as a reason for securing services beyond their normal catchment areas.

Nearly a quarter (24.5%) of South African households had at least one member who belonged to a medical aid scheme.

A relatively small proportion 18.4% of the individuals in South Africa belonged to a medical aid scheme in 2013.

82.5% of households that attended public health-care facilities were either very satisfied or satisfied with the service they received compared to 98% of households that attended private health-care facilities. A slightly larger percentage of households that attended public facilities (5.7% as opposed to private facilities 0.7%) were very dissatisfied with the service they received.

Source: GHS 2013 STATS SA
FIGURE 26 SOUTH AFRICA’S HEALTH PROFILE

Selected indicators (2009)

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Country</th>
<th>Regional average</th>
<th>Global average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total population (thousands)</td>
<td>55,110</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Population living in urban areas (%)</td>
<td>61</td>
<td>39</td>
<td>50</td>
</tr>
<tr>
<td>Gross national income per capita (PPP int 5)</td>
<td>10,265</td>
<td>2,801</td>
<td>11,380</td>
</tr>
<tr>
<td>Life expectancy at birth (years)</td>
<td>Male</td>
<td>54</td>
<td>52</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>52</td>
<td>54</td>
</tr>
<tr>
<td>Mortality rate (per 1000 live births)</td>
<td>Birth</td>
<td>140</td>
<td>365</td>
</tr>
<tr>
<td></td>
<td>Both</td>
<td>36</td>
<td>54</td>
</tr>
<tr>
<td>Maternal mortality rate (per 100,000 live births)</td>
<td>410</td>
<td>628</td>
<td>210</td>
</tr>
<tr>
<td>Prevalence of HIV (per 1000 adults 15-49 years)</td>
<td>170</td>
<td>47</td>
<td>0</td>
</tr>
<tr>
<td>Prevalence of tuberculosis (per 100,000 population)</td>
<td>828</td>
<td>475</td>
<td>201</td>
</tr>
</tbody>
</table>

DTP3 immunization among 1-year-olds

South Africa is located in the WHO African Region.

Children aged 5 stunted

Distribution of years of life lost by causes (2008)

<table>
<thead>
<tr>
<th>Cause</th>
<th>Communicable</th>
<th>Noncommunicable</th>
<th>Injuries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cerebrovascular</td>
<td>79</td>
<td>76</td>
<td>15</td>
</tr>
<tr>
<td>ischemic</td>
<td>15</td>
<td>15</td>
<td>5</td>
</tr>
<tr>
<td>IHD</td>
<td>13</td>
<td>12</td>
<td>11</td>
</tr>
<tr>
<td>HNC</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Other</td>
<td>13</td>
<td>12</td>
<td>11</td>
</tr>
</tbody>
</table>

Distribution of causes of deaths in children under-5 (2008)

<table>
<thead>
<tr>
<th>Cause</th>
<th>Percentage of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>IHD</td>
<td>12%</td>
</tr>
<tr>
<td>HNC</td>
<td>11%</td>
</tr>
<tr>
<td>Other</td>
<td>12%</td>
</tr>
<tr>
<td>Pretermity</td>
<td>13%</td>
</tr>
<tr>
<td>Neonatal sepsis</td>
<td>4%</td>
</tr>
<tr>
<td>Neoplasms</td>
<td>2%</td>
</tr>
<tr>
<td>Other</td>
<td>7%</td>
</tr>
</tbody>
</table>

Under-5 mortality rate

http://www.who.int/gho/countries/zaf.pdf?ua=1
3.1 Introduction (BPA)

Women have the right to the enjoyment of the highest attainable standard of physical and mental health. The enjoyment of this right is vital to their life and well-being and their ability to participate in all areas of public and private life.

Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. Women’s health involves their emotional, social and physical well-being and is determined by the social, political and economic context of their lives, as well as by biology. However, health and well-being elude the majority of women. A major barrier for women to the achievement of the highest attainable standard of health is inequality, both between men and women and among women in different geographical regions, social classes and indigenous and ethnic groups.67

3.1.1. Facts about Women and Health: Beijing Platform for Action

- The prevalence of poverty and economic dependence, gender based violence, negative attitudes towards women and girls, and other forms of discrimination, the limited power many women have over their sexual and reproductive lives and lack of influence in decision-making are social realities which have an adverse impact on their health.

- Inadequate access to safe water, sanitation facilities and fuel supplies, particularly in rural and poor urban areas, and deficient housing conditions, all overburden women and their families and have a negative effect on their health.

- The lack of emergency obstetric services is of particular concern.

- Health policies and programmes often perpetuate gender stereotypes and fail to consider socio-economic disparities and other differences among women and may not fully take account of the lack of autonomy of women regarding their health.

- Conditions that force girls into early marriage, pregnancy and child-bearing and subject them to harmful practices, such as female genital mutilation, pose grave health risks.

- Early sexual experience, combined with a lack of information and services, increases the risk of unwanted and too early pregnancy, HIV infection and other sexually transmitted diseases, as well as unsafe abortions.

- Early marriage and early child-bearing can severely curtail educational and employment opportunities and are likely to have a long-term, adverse impact on the quality of their lives and the lives of their children.

- Women are subject to particular health risks due to inadequate responsiveness and lack of services to meet health needs related to sexuality and reproduction.

67 BPA
• Complications related to pregnancy and childbirth is among the leading causes of mortality and morbidity of women of reproductive age.

• Unsafe abortions threaten the lives of a large number of women, representing a grave public health problem as it is primarily the poorest and youngest who take the highest risk;

• HIV/AIDS and other sexually transmitted diseases, the transmission of which is sometimes a consequence of sexual violence, are having a devastating effect on women’s health, particularly the health of adolescent girls and young women. They often do not have the power to insist on safe and responsible sex practices and have little access to information and services for prevention and treatment.

• Sexual and gender-based violence, including physical and psychological abuse, trafficking in women and girls, and other forms of abuse and sexual exploitation place girls and women at high risk of physical and mental trauma, disease and unwanted pregnancy. Such situations often deter women from using health and other services.

• Mental disorders related to marginalization, powerlessness and poverty, along with overwork and stress and the growing incidence of domestic violence as well as substance abuse, are among other health issues of growing concern to women.

• Cancers of the breast and cervix and other cancers of the reproductive system, as well as infertility affect growing numbers of women and may be preventable, or curable, if detected early.

• With the increase in life expectancy and the growing number of older women, their health concerns require particular attention. The long-term health prospects of women are influenced by changes at menopause, which, in combination with life-long conditions and other factors, such as poor nutrition and lack of physical activity, may increase the risk of cardiovascular disease and osteoporosis.

• Other diseases of ageing and the interrelationships of ageing and disability among women also need particular attention.

• Women, like men, particularly in rural areas and poor urban areas, are increasingly exposed to environmental health hazards owing to environmental catastrophes and degradation.

3.1.2. The Right to health

Health is a fundamental human right indispensable for the exercise of other human rights. Every human being is entitled to the enjoyment of the highest attainable standard of health conducive to living a life in dignity. The realization of the right to health may be pursued through numerous, complementary approaches, such as the formulation of health policies, or the implementation of health programmes developed by the World Health Organization (WHO), or the adoption of specific legal instruments. Moreover, the right to health includes certain components which are legally enforceable.68

68 Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights: General Comment no. 14.
3.1.3. Reproductive health

Reproductive health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. Reproductive health implies that people are able to have safe sex life and that they have the capability to reproduce and the freedom to decide it, when and how often to do so. Implicit in this last condition are 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, as well as other methods of their choice for regulation of fertility and the right of access to appropriate health-care services.

The reproductive and sexual human rights of all women include the right to:

- The highest attainable standard of physical and mental health, including reproductive and sexual health.
- Equality in marriage, including the equal right of women and men to decide on the number and spacing of children.
- Access to education and information, in particular relating to family planning to enable couples and individuals to exercise their right to decide freely and responsibly all matters of reproduction and sexuality.
- Access to adequate social services, including access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility, and the right of access to appropriate health-care services that will enable women to go safely through pregnancy and childbirth.
- Privacy.
- Freedom from discrimination and discriminatory social practices, including female genital mutilation, prenatal gender selection, and female infanticide.
- Freedom from coercion and violence, sexual exploitation, forced prostitution.

These human rights are inextricably linked to other fundamental human rights guaranteed to all women, rights that are universal, indivisible, interconnected and interdependent, including the right to:

(a) Equality between men and women and to full and equal partnership in the family and society.
(b) Full respect for the inherent dignity of the person.
(c) Full and equal participation in all aspects of public life and decision-making.
(d) Adequate standard of living.

The right to health generally is not to be understood as a right to be healthy. The right to health contains both freedoms and entitlements.

3.1.4. THE CORE ELEMENTS OF HEALTH

**The freedoms**
- The right to control one’s health and body (including sexual and reproductive freedom)
- The right to be free from interference (such as the right to be free from torture, non-consensual medical treatment and experimentation)

**The entitlements**
- Right to a system of health protection which provides equality of opportunity for people to enjoy the highest attainable level of health.

**Availability**
- Functioning public health and health-care facilities, goods and services, as well as programmes, have to be available in sufficient quantity within the State party. They will include the underlying determinants of health such as safe and potable drinking water and adequate sanitation facilities, hospitals, clinics and other health-related buildings, trained medical and professional personnel receiving domestically.

**Accessibility**
- Health facilities, goods and services have to be accessible to everyone without discrimination, within the jurisdiction of the State party. Accessibility has four overlapping dimensions:
  - Non-discrimination: health facilities, goods and services must be accessible to all, especially the most vulnerable or marginalized sections of the population, in law and in fact.
  - Physical accessibility: health facilities, goods and services must be within safe physical reach for all sections of the population, especially vulnerable or marginalized groups. Accessibility also implies that medical services and underlying determinants of health are within safe physical reach, including in rural areas. Accessibility further includes adequate access to buildings for persons with disabilities.
  - Economic accessibility (affordability): health facilities, goods and services must be affordable for all. Payment for health-care services, as well as services related to the underlying determinants of health, has to be based on the principle of equity, ensuring that these services, whether privately or publicly provided, are affordable for all, including socially disadvantaged groups. Equity demands that poorer households should not be disproportionately burdened with health expenses as compared to richer households.
  - Information accessibility: accessibility includes the right to seek, receive and impart information and ideas concerning health issues.

**Acceptability**
- All health facilities, goods and services must be respectful of medical ethics and culturally appropriate, i.e. respectful of the culture of individuals, minorities, peoples and communities, sensitive to gender and life-cycle requirements.

**Quality**
- As well as being culturally acceptable, health facilities, goods and services must also be scientifically and medically appropriate and of good quality. This requires, _inter alia_, skilled medical personnel, scientifically approved and unexpired drugs and hospital equipment, safe and potable water, and adequate sanitation.
3.1.5. OBLIGATIONS OF THE STATE

**Article 12 of ICESCR**

- The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

- The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
  
  (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

  (b) The improvement of all aspects of environmental and industrial hygiene;

  (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

  (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

The right to health imposes three types of obligations on States parties: the obligations to respect, protect and fulfill.

**The obligation to respect** requires States to refrain from interfering directly or indirectly with the enjoyment of the right to health by refraining from:

- denying or limiting equal access for all persons to preventive, curative and palliative health services
- prohibiting or impeding traditional preventative care, healing practices and medicines
- marketing unsafe drugs and from applying coercive medical treatments
- limiting access to contraceptives and other means of maintaining sexual and reproductive health
- censoring, withholding or intentionally misrepresenting health-related information, including sexual education and information, as well as from preventing people’s participation in health related matters
- unlawfully polluting air, water, soil and from limiting access to health services as a punitive measure (e.g., during armed conflicts of violation of international humanitarian law)

**The obligation to protect** requires States to take measures that prevent third parties from interfering with article 12 guarantees. These include:

- to adopt legislation or to take measures ensuring equal access to health care and health-related services
  
  - provided by third parties
  - to ensure that privatization of the health sector does not constitute a threat to the availability, accessibility, acceptability and quality of health facilities, goods and services
  - to control the marketing of medical equipment and medicines by third parties; and to ensure that medical practitioners and other health professionals meet appropriate standards of education, skill and ethical codes of conduct.
  - to ensure that harmful social or traditional practices do not interfere with access to pre- and post-natal care and family-planning (to prevent third parties from coercing women
to undergo traditional practices, e.g., female genital mutilation; and to take measures to protect all vulnerable or marginalized groups of society, in particular women, children, adolescents and older persons, in the light of gender-based expressions of violence.)

The obligation to fulfill requires States to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures towards the full realization of the right to health. These include:

(a) to give sufficient recognition to the right to health in the national political and legal systems, preferably by way of legislative implementation, and to adopt a national health policy with a detailed plan for realizing the right to health.

(b) to ensure provision of health care, including immunization programmes and equal access for all to the underlying determinants of health.

(c) to ensure the appropriate training of doctors and other medical personnel, the provision of a sufficient number of hospitals, clinics and other health-related facilities, and the promotion and support of the establishment of institutions providing counseling and mental health services, with due regard to equitable distribution throughout the country. Public health infrastructures should provide for sexual and reproductive health services, including safe motherhood, particularly in rural areas.

(d) The provision of a public, private or mixed health insurance system which is affordable for all, the promotion of medical research and health education, as well as information campaigns, in particular with respect to HIV/AIDS, sexual and reproductive health, traditional practices, domestic violence, the abuse of alcohol and the use of cigarettes, drugs and other harmful substances.

(e) to adopt measures against environmental and occupational health hazards and against any other threat as demonstrated by epidemiological data.

(f) to formulate, implement and periodically review a coherent national policy to minimize the risk of occupational accidents and diseases, as well as to provide a coherent national policy on occupational safety and health services.

International obligations - In its General Comment No. 3, the Committee drew attention to the obligation of all States parties to take steps, individually and through international assistance and cooperation, especially economic and technical, towards the full realization of the rights recognized in the Covenant, such as the right to health. In the spirit of article 56 of the Charter of the United Nations, the specific provisions of the Covenant (articles 12, 2.1, 22 and 23) and the Alma-Ata Declaration on primary health care, States parties should recognize the essential role of international cooperation and comply with their commitment to take joint and separate action to achieve the full realization of the right to health.
3.1.6. BPA Strategic Objectives

- **Strategic objective C.1.**: Increase women’s access throughout the life cycle to appropriate, affordable and quality health care, information and related services

- **Strategic objective C.2.**: Strengthen preventive programmes that promote women’s health

- **Strategic objective C.3.**: Undertake gender-sensitive initiatives that address sexually transmitted diseases, HIV/AIDS, and sexual and reproductive health issues

- **Strategic objective C.4.**: Promote research and disseminate information on women’s health

- **Strategic objective C.5.**: Increase resources and monitor follow-up for women’s health
3.2. GENERAL INFORMATION (FROM STATS SA & OTHER SOURCES)

3.2.1. Health self-assessment

Figure 27: Percentage distribution of self-reported health status of individuals by sex and population group, 2013

Source: General Household Survey 2013

The figure above shows that:

- The majority of South Africans perceived their health as good.
- Males were more likely to rate their health as ‘good’ than females (86.5% compared to 82.4%).
- Although white individuals were most likely to rate their health as ‘good’ and least likely to rate it as ‘poor’, the figure generally shows very little variation between the self-perceived health assessments of different population groups.
The above Figure depicts the percentage of women and men who rate their health as ‘very good’, ‘good’, ‘fair’ or ‘poor’. The Figure shows that close to half of both women and men self-rate their health status as ‘good’, followed by about a third who self-rate their health as ‘very good’.

However, a larger proportion of men than women rate their health as either ‘good’ or ‘very good’, while women are more likely than men to rate their health as ‘fair’ or ‘poor’.

Figure 29: Percentage of women and men in each population group who visited a health worker during the month prior to the interview, 2011

Source: Gender Statistics 2011
The above Figure reveals that among both women and men, white people are more likely than those in other population groups to have visited a health worker in the past month.

At the other end of the continuum, among both women and men, black African people are least likely to visit a health worker.

Across all four population groups, women (8.2% for all groups combined) are more likely than men (6.2%) to have visited a health worker.

This pattern is expected, as in addition to other health care-related needs, women tend to have more needs than men for reproductive health care, including health care related to pregnancy and childbearing.

**Figure 30: Percentage of women and men aged 18 years and older in each population group with access to medical aid benefits, 2002 and 2011**

Source: Gender Statistics 2011

The above Figure shows that in both 2002 and 2011, white women and men were far more likely than those in other population groups to have access to medical aid benefits.

- For men in 2011, access ranged from 9.1% for black African men to 70.5% for white men.
- For women in 2011, access ranged from 9.3% for black African women to 70.7% for white women.
- For both 2002 and 2011, gender differences in access to medical benefits are small within each population group.

Access to medical aid benefits appears to have increased between 2002 and 2011 in all four population groups, and for both women and men.
3.2.2. Women and Reproduction

**Figure 31 : Women who have given birth by age and marital status, 2011**

Source: Gender Statistics 2011

The Figure above shows the distribution by marital status of women of different ages who have ever given birth.

The likelihood that a woman would have ever borne a child increases with age. Differences in child birth according to marital status are most marked in the age groups 15–24 years and 35–50 years, for example, a higher proportion among women aged 15–24 years who have ever given birth has never been married -28.2% as opposed to 10.3% for those that are married. In contrast, among older women aged 35–44 years and 45–50 years who have given birth, a higher proportion are married (54.0% and 55.5% respectively).
3.2.3. THE NATIONAL HIV PREVALENCE

Figure 32: The HIV prevalence trends among antenatal women, South Africa 1990 to 2011.

According to the 2011 National Antenatal Sentinel HIV & Syphilis Prevalence Survey in South Africa:

- The estimated 2011 national HIV prevalence was 29.5% (95% CI 28.7-30.2%) showing a slight drop of 0.7% from the 2010 national HIV prevalence. The 2011 confidence interval includes the 2010 point estimate of 30.2% and the 2011 estimate is also in line with estimates from 2007 – 2009.

Information from this survey indicates a stable prevalence of HIV infections among pregnant women aged 15 – 49 years and attending their first antenatal care during their current pregnancy in public health clinics in South Africa over the past 5 years as indicated below:

- 29.4% (95% CI: 28.5 – 30.1) in 2007
- 29.3% (95% CI: 28.5 – 30.1) in 2008
- 29.4% (95% CI: 28.7 – 30.2) in 2009
- 30.2% (95% CI: 29.4 – 30.9) in 2010
- 29.5% (95% CI: 28.7 – 30.2) in 2011.

According to the UNAIDS SPECTRUM model the estimated national HIV prevalence among the general adult population aged 15-49 years old has remained stable at around 17.3% since 2005. In 2011, an estimated 5,600 000 [5 300 000-5 900 000] people living with HIV resided in South Africa.

The 2011 National Antenatal Sentinel HIV & Syphilis Prevalence Survey in South Africa
Graph 6: HIV prevalence epidemic curve among antenatal women, South Africa, 1990 to 2011

The 2011 National Antenatal Sentinel HIV & Syphilis Prevalence Survey in South Africa

Table 32: HIV prevalence among antenatal women by age groups (years), South Africa, 2009 to 2011

<table>
<thead>
<tr>
<th>Age group (Years)</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>% Prev.</td>
<td>95% CI</td>
</tr>
<tr>
<td>15 - 19</td>
<td>6,143</td>
<td>13.7</td>
<td>12.9 - 14.7</td>
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<tr>
<td>20 - 24</td>
<td>10,224</td>
<td>26.6</td>
<td>25.8 - 27.6</td>
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<td>25 - 29</td>
<td>7,004</td>
<td>37.1</td>
<td>35.0 - 39.4</td>
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<td>30 - 34</td>
<td>4,776</td>
<td>41.5</td>
<td>39.9 - 43.1</td>
</tr>
<tr>
<td>35 - 39</td>
<td>2,650</td>
<td>32.4</td>
<td>31.3 - 33.5</td>
</tr>
<tr>
<td>40 - 44</td>
<td>732</td>
<td>25.6</td>
<td>22.5 - 29.0</td>
</tr>
<tr>
<td>45 - 49</td>
<td>82</td>
<td>23.9</td>
<td>15.8 - 34.6</td>
</tr>
</tbody>
</table>

The 2011 National Antenatal Sentinel HIV & Syphilis Prevalence Survey in South Africa

Nationally, the HIV prevalence among women in the age group 30-34 years remains the highest increasing from 41.5% in 2009 to 42.2% in 2011. This age group constituted 14.9% of the sampled survey population.

The age groups 15 – 19 years, 20 – 24 years and 25 – 29 years show a small decrease in HIV prevalence whereas the prevalence in the women 35+ years continues to increase significantly.
Figure 33: HIV prevalence trends among antenatal women by age group, South Africa, 2009 to 2011.

The 2011 National Antenatal Sentinel HIV & Syphilis Prevalence Survey in South Africa

The HIV prevalence has increased in the 3 age categories as summarized below:

- Among the 35 – 39 years the HIV prevalence has increased from 35.4% in 2009 to 39.4% in 2011, by 4.0%.

- Among the 40 – 44 years the HIV prevalence has increased from 25.6% in 2009 to 31.7% in 2011, by 6.1%.

- Among the 45 – 49 years the HIV prevalence has increased from 23.9% in 2009 to 30.4% in 2011, by 6.5%.
3.2.4. Access to facilities

Table 33: Level of satisfaction with public and private health care, 2011

<table>
<thead>
<tr>
<th>Type of Institution</th>
<th>Statistic</th>
<th>Western Cape</th>
<th>Eastern Cape</th>
<th>Northern Cape</th>
<th>Free State</th>
<th>KwaZulu-Natal</th>
<th>North West</th>
<th>Gauteng</th>
<th>Mpumalanga</th>
<th>Limpopo</th>
<th>South Africa</th>
</tr>
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<tbody>
<tr>
<td>Public health Care</td>
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<td>Number</td>
<td>521</td>
<td>923</td>
<td>122</td>
<td>383</td>
<td>973</td>
<td>344</td>
<td>1,177</td>
<td>446</td>
<td>863</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Per cent</td>
<td>65.6</td>
<td>67.0</td>
<td>54.5</td>
<td>68.4</td>
<td>51.5</td>
<td>52.0</td>
<td>57.6</td>
<td>62.2</td>
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<td></td>
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<td>Number</td>
<td>145</td>
<td>298</td>
<td>59</td>
<td>94</td>
<td>648</td>
<td>145</td>
<td>468</td>
<td>150</td>
<td>137</td>
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<tr>
<td></td>
<td></td>
<td>Per cent</td>
<td>18.3</td>
<td>21.6</td>
<td>26.5</td>
<td>16.7</td>
<td>34.3</td>
<td>21.9</td>
<td>22.9</td>
<td>21.0</td>
<td>12.4</td>
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<tr>
<td></td>
<td>Neither satisfied nor dissatisfied</td>
<td>Number</td>
<td>48</td>
<td>75</td>
<td>19</td>
<td>29</td>
<td>155</td>
<td>49</td>
<td>208</td>
<td>50</td>
<td>38</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Per cent</td>
<td>6.1</td>
<td>5.5</td>
<td>8.7</td>
<td>5.1</td>
<td>8.2</td>
<td>7.4</td>
<td>10.2</td>
<td>6.9</td>
<td>3.4</td>
</tr>
<tr>
<td></td>
<td>Somewhat dissatisfied</td>
<td>Number</td>
<td>48</td>
<td>54</td>
<td>8</td>
<td>21</td>
<td>60</td>
<td>48</td>
<td>78</td>
<td>23</td>
<td>29</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Per cent</td>
<td>6.0</td>
<td>3.9</td>
<td>3.7</td>
<td>3.8</td>
<td>3.2</td>
<td>3.3</td>
<td>3.8</td>
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<td>2.6</td>
</tr>
<tr>
<td></td>
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<td>Number</td>
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<td>34</td>
<td>35</td>
<td>75</td>
<td>111</td>
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</tr>
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<td></td>
<td></td>
<td>Per cent</td>
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<td>2.0</td>
<td>6.7</td>
<td>6.0</td>
<td>2.9</td>
<td>11.4</td>
<td>5.5</td>
<td>6.8</td>
<td>3.5</td>
</tr>
</tbody>
</table>

Source: STATSA, General Household Survey (2011)

The above table illustrates the level of dissatisfaction due to the use of public health care by South Africans. It is worth noting that the leading provinces with dissatisfactions is the North West Province, with (11.4%), access to facilities is still an issue in South Africa, particularly when comparing between the public health care and the private care services. Table 2 below shows the level of satisfaction by South Africans on the private health care with (92.9%).

Table 34: Level of satisfaction with public and private health care, 2011

<table>
<thead>
<tr>
<th>Type of Institution</th>
<th>Statistic</th>
<th>Western Cape</th>
<th>Eastern Cape</th>
<th>Northern Cape</th>
<th>Free State</th>
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</thead>
<tbody>
<tr>
<td>Private health Care</td>
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<td>670</td>
<td>317</td>
<td>76</td>
<td>307</td>
<td>505</td>
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<td>1,167</td>
<td>263</td>
<td>169</td>
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<tr>
<td></td>
<td></td>
<td>Per cent</td>
<td>92.0</td>
<td>98.6</td>
<td>89.9</td>
<td>95.3</td>
<td>85.9</td>
<td>89.9</td>
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<td>94.8</td>
<td>97.2</td>
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<td></td>
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<td>3</td>
<td>5</td>
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<td>41</td>
<td>16</td>
<td>59</td>
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<td>2</td>
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<tr>
<td></td>
<td></td>
<td>Per cent</td>
<td>6.4</td>
<td>0.9</td>
<td>6.2</td>
<td>3.6</td>
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<td>0.9</td>
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<td>2</td>
<td>1</td>
<td>9</td>
<td>3</td>
<td>8</td>
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<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Per cent</td>
<td>0.8</td>
<td>0.0</td>
<td>2.3</td>
<td>0.4</td>
<td>1.5</td>
<td>1.2</td>
<td>0.6</td>
<td>0.6</td>
<td>1.3</td>
</tr>
<tr>
<td></td>
<td>Somewhat dissatisfied</td>
<td>Number</td>
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<td>1</td>
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<td>5</td>
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<td>14</td>
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<tr>
<td></td>
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<td>0.4</td>
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<td>0.8</td>
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<td>0.0</td>
<td>0.4</td>
<td>0.3</td>
<td>4.9</td>
<td>1.8</td>
<td>1.2</td>
<td>1.8</td>
<td>0.5</td>
</tr>
</tbody>
</table>

Source: STATSA, General Household Survey (2011)
3.3. LEGAL FRAMEWORK


The Constitution of South Africa, “enshrines the rights of all people and affirms the democratic values of human dignity, equality and freedom”. The rights to human dignity, life, freedom from slavery, privacy, housing, education and access to information are all important for good health. So are the rights to equality and non-discrimination.

As a result today, South Africans can no longer be denied health services because of factors like their race, gender or religion. People cannot be discriminated against because they have an illness, which is what used to happen to people living with HIV/AIDS. In addition to protecting people’s rights to dignity and privacy, our Constitution specifically says that the government has a legal duty to “respect, protect, promote and fulfil” people’s rights. In particular, it says that:

“Everyone has the right of access to –
 a) Health care services, including reproductive health care,
 b) Sufficient food and water, and
 c) Social security, including, if they are unable to support themselves and their dependants, appropriate social assistance.”

Section 27(3) of the Constitution of South African further states that “no one may be refused emergency medical treatment”.

b. The National Health Act, 61 of 2003, provides a framework for a single health system for South Africa.

**Objects of Act**

2. To regulate national health and to provide uniformity in respect of health services across the nation by-

(a) Establishing a national health system which-
(i) Encompasses public and private providers of health services; and
(ii) Provides in an equitable manner the population of the Republic with the best possible health services that available resources can afford.

(b) Setting out the rights and duties of health care providers, health workers, health establishments and users; and

(c) Protecting, respecting, promoting and fulfilling the rights of-

(i) The people of South Africa to the progressive realisation of the constitutional right of access to health care services, including reproductive health care;

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Act No. 108 of 1996
(ii) The people of South Africa to an environment that is not harmful to their health and well being;
(iii) Children to basic nutrition and basic health care services contemplated in section 28(1)(c) of the Constitution; and
(iv) Vulnerable groups such as women, children, older persons and persons with disabilities.

The Act provides for a number of basic health care rights, including the right to emergency treatment and the right to participate in decisions regarding one’s health.

c. **The Choice on Termination of Pregnancy Act, 92** was passed in 1996. The Act promotes reproductive rights and extends freedom of choice by affording every woman the right to choose whether to have an early, safe and legal termination of pregnancy according to her individual beliefs. Government has ensured that services for termination of pregnancy are provided in designated facilities. In 2011/12, 57% of designated facilities provided safe CTOP services, which exceeded the annual target of 45%.

Other legislation relating to health care, some recently passed:

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The National Health Amendment Act, 2010</strong></td>
<td>ensures all health establishments comply with minimum standards through an independent entity</td>
</tr>
<tr>
<td><strong>Sterilizing Act, 44 of 1998</strong></td>
<td>ensures that a person capable of consenting may not be sterilised without his or her consent. The Act provide the right to sterilization; to determine the circumstances under which sterilization may be performed and, in particular, the circumstances under which sterilization may be performed on person incapable of consenting or incompetent to consent due to mental disability; and to provide for matters connected herewith.</td>
</tr>
<tr>
<td><strong>Medicines and Related Substances Amendment Act, 59 of 2002</strong></td>
<td>makes drugs more affordable and provide for transparency in the pricing of medicines.</td>
</tr>
<tr>
<td><strong>Nursing Act, 2005</strong></td>
<td>provides for the introduction of mandatory community service for nurses.</td>
</tr>
<tr>
<td><strong>Mental Health Care Act, 2002</strong></td>
<td>introduces a process to develop and redesign mental health services so as to grant basic rights to people with mental illnesses.</td>
</tr>
<tr>
<td><strong>Pharmacy Amendment Act, 2000</strong></td>
<td>allows non-pharmacists to own pharmacies, with the aim of improving access to medicines.</td>
</tr>
</tbody>
</table>
3.4. Policies

The national department of health has put in place policies which offer many opportunities for ensuring improved access, acceptability, availability for South Africans.

3.4.1. National Health Insurance Policy

The goal of National Health Insurance (NHI) is to ensure that all South Africans, irrespective of their socio-economic status, have access to good quality and affordable health services. The department has planned its National Health Initiative to be in different phases. The Green Paper outlines key principles and proposals for the implementation of NHI in South Africa and phases over which it will be implemented. According to the Green Paper’s proposal, the implementation of NHI will be gradual, and in three phases over a fourteen year period starting in 2012. The first phase, which occurs in the first five years of the rollout, involves policy and legislative reform, strengthening of the health system, improving the service delivery platform and piloting various components of the NHI.

According to the Annual Performance Plan (APP) of the National Department of Health the first five years will be used to strengthen the health system in preparation for the full roll out of NHI, with focus on improving the management of health facilities and health districts including hospital CEO’s; quality improvement; infrastructure development; improvements to medical equipment and supplies; Human Resources planning and development; information management and system support; and in the latter years of the first phase, the establishment of the NHI Fund.

The APP of the department also shows that a number of programmes have been developed, based on the NHI Policy. These include:

- **Technical Policy and Planning** - which provides advisory and strategic technical assistance on policy and planning and supports policy implementation. A National Health Information Warehouse developed in the National DoH, which will support health planning in general, and in preparation for the implementation of National Health Insurance.

- **Health Information Management and Monitoring and Evaluation** - develops and maintains a national health information system, and commissions and coordinates research. This entails the development and implementation of disease surveillance programmes, coordination of health research and the monitoring and evaluation of strategic health programmes.

- **Sector-wide Procurement** - provides rules and regulations that are set in place to govern the process of acquiring goods and services required by the department to function.

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71 2011/2012
• **Health Financing and National Health Insurance** - undertakes health economics research, develops policy for medical schemes and public-private partnerships, and provides technical oversight for the Council for Medical Schemes.

The programme develops and implements policies, legislation and other necessary frameworks for the expansion of health insurance to the broader population; and oversees the coordination of research into alternative healthcare financing mechanisms for achieving universal health coverage.

• **International Health and Development** - develops and implements bilateral and multilateral agreements to strengthen the health system, including agreements on the recruitment of health workers from other countries; and provides technical capacity to South Africa in fields such as health technology management and surveillance systems, among others.

• **National Contraception Clinical Guidelines 2012**

Contraception is one of the World Health Organization’s four strategic points for the prevention of mother-to-child transmission of HIV. This policy reflects the Department of Health’s focus on human rights, quality and integration.

The department of health has prioritised the following key actions\(^2\):

(i) **The provision of quality contraceptive health services:** emphasis is on the need to ensure that there is a robust health system so that the department can provide the contraceptives and services. This involves improved access, expanded choice, quality care, staff training and continuous and efficient commodity supply.

(ii) **Stimulating community awareness and demand:** the department aims to ensure that the communities understand the importance of contraception and planning for healthy pregnancies, the range of methods available and where they can be obtained. The Policy also stresses the need for advocacy and demand creation, effective communication strategies which encourage informed decision-making and contraceptive use.

(iii) **Putting integration into practice:** the department has planned to deal with the dual challenges of HIV and unwanted pregnancies, through the promotion of condom use and dual contraception as well as through the active promotion of integrated HIV and sexual and reproductive health services –the need for commitment, creativity and flexibility to actively operationalise integration is emphasised.

(iv) **Strategic multi sectoral collaboration:** there is a call to expand access beyond traditional clinical settings and strengthen provision. This call is extended to the need to have vibrant, responsive partnerships - with civil society, the private sector, and development and implementing partners.

(v) **Evidence guided planning and provision**: the department aims to ensure that the implementation of the policy is monitored, evaluated, and that international and local research informs decisions and planning.

### 3.4.2. The National Schools Health Policy

The National Department of Health (NDoH) and the National Department of Basic Education have jointly produced a costed school health policy and implementation plan. The first phase of the policy targets quintile 1 and 2 schools (the poorest schools). The two departments have gone into a partnership in order to implement programmes which are based on the policy. Retired nurses have been registered on the database with a view to assist with the implementation of the programme. The key health workers involved in the programme include nurses and health promotion practitioners. Services provided include HIV prevention, counselling and testing, prevention of teenage pregnancies and drug abuse prevention.

In an effort to take services to various communities, mobile facilities that provide a comprehensive health service are used to ensure that learners do not need to travel long distances to health facilities. Learners that require higher level services than those offered by the mobile health teams are referred as appropriate.

### 3.4.3. Guidelines for Maternity Care in South Africa 2007

The purpose of the guidelines on maternity care is to give guidance to Health Care Workers providing obstetric and anaesthetic services in clinics, community health centres and district hospitals.

The guidelines have been prepared to assist health workers (doctors and midwives) providing obstetric, surgical and anaesthetic services for pregnant women in district clinics, health centres and hospitals, where there is limited access to specialist services.

According to the *Maternity Care guidelines* the following are considered to be ‘pillars’ of safe motherhood (based on the World Health Organisation’s Safe Motherhood Initiative):

- **Choice on contraception** – to ensure that individuals and couples have the information and services to plan the timing, number and spacing of pregnancies;
- **Antenatal care** – the identification of risk factors and early diagnosis of pregnancy complications and appropriate management, and health education;
- **Clean and safe delivery** – to ensure that all health workers have the knowledge, skills and equipment to perform clean and safe delivery and provide postpartum care to mother and baby.

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73 Guidelines for Maternity Care in South Africa. 2007. A manual for clinics community health centres and district hospital.
• Essential obstetric care – to ensure that essential care for high risk pregnancies and complications is made available to all women who need it;

• Choice on termination of pregnancy – to provide women who have unwanted pregnancies with a legal, safe and acceptable choice.

The maternity Care guidelines points out that maternal death may be divided into:

• Direct obstetric deaths – resulting from obstetric complications of pregnancy, labour or the puerperium, from interventions, omissions, incorrect treatment or from a chain of events resulting from any of these.

• Indirect obstetric deaths – resulting from previously existing disease which was aggravated by the physiological effects of Pregnancy.

Problems with maternity care in South Africa currently include:

• AIDS (acquired immune deficiency syndrome) has become the leading cause of maternal death in South Africa

• Hypertension accounts for a large number of maternal deaths, in many cases associated with inappropriate management of eclampsia and pulmonary oedema.

• Haemorrhage remains an important cause of maternal death, associated with substandard care and poor referral systems in outlying areas

• A significant number of preventable maternal deaths are due to pregnancy-related sepsis (Maternity Care Guidelines)

3.4.5 Policy and Guidelines for the implementation of Prevention of Mother to Child Transmission (PMTCT) Programme 2008

This policy document seeks to provide continued guidance towards successful reduction of mother to child transmission. In line with the International standards for a comprehensive strategy, the PMTCT policy recognises that in order to prevent HIV among women and children, the following four elements of PMTCT are integral:

- Primary prevention of HIV especially among women of childbearing age;
- Preventing unintended pregnancies among women living with HIV
- Preventing HIV transmission from a woman living with HIV to her infant; and
- Providing appropriate treatment, care and support to women living with HIV and their children and families.
The provincial health departments are responsible for the implementation of these guidelines. The Heads of Department are fully responsible for the successful implementation of the policy and guidelines in their provinces.

3.4.6. HIV Counseling and Testing (HCT) Policy Guidelines

This policy provides guidelines with regard to HIV counselling and testing in South Africa, and was used as the basis for implementation of the HCT campaign which was conducted between April 2010 and June 2011.

The policy makes provision for children and adolescents to be tested within the context of a youth-friendly service, and provides guidance with regard to pre-and post-test counselling and consent, taking into account issues related to age and maturity of those undergoing HCT.

3.4.7. The Youth and Adolescent Health Policy

This policy presents a holistic and integrated approach to health that covers children and youth aged 10 to 24 years, both in and out of school. The policy outlines a range of strategies to address health priorities, such as promoting a safe and supportive environment, providing information, building skills, providing counselling and improving health services. Schools are identified as one of seven intervention settings where these strategies can be applied.

3.4.8. Policy Guidelines for Youth & Adolescent Health

The purpose of the policy guidelines is to give guidance to health workers in clinics, community health centres, youth centres and hospitals, first in preventing and responding to specific health problems in adolescence and youth, such as unsafe sexual behaviour, and secondly, promoting a healthy development of all adolescents and youth. The focus is on the positive potential of young people as opposed to the “problems” they manifest74.

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3.5. PROGRAMMES OFFERED BY THE NATIONAL DEPARTMENT OF HEALTH

3.5.1. HIV/AIDS

In 2010 the WHO/UNAIDS EPP and Spectrum models estimated that the HIV prevalence in the general population was 17.9% and that the number of people living with HIV in South Africa for 2010 were 5.575 million. Of these an estimated 518,000 were children under 15 years and 2.95 million were adult females over 15 years. The UNAIDS model also estimated that there were 3,332,512 new infections in adults above 15 years.

The Department of Health has a National Strategic Plan in place to fight against HIV/AIDS and TB. The National Strategic Plan is aligned with the international obligations commitments and targets related to HIV/AIDS. The goals of the NSP by 2016 are:

- Halving the number of new HIV infections
- Ensuring that at least 80% of people who are eligible for treatment for HIV are receiving it (at least 70% should be alive and still on treatment after five years)
- Halving the number of new TB infections and deaths from TB
- Ensuring that the rights of people living with HIV are protected
- Halving the stigma related to HIV and TB.

The National Strategic Plan of DoH, (NSP 2007-2011) indicates that the public health approach emphasizes the need to adopt a holistic approach to reducing the occurrence of new cases of any condition, rather merely focusing on an exclusively treatment based approach.

The previous trend in South Africa was that only two million people on average would volunteer for HIV counselling and undergo HIV testing every year. However, the HIV Counselling and Testing (HCT) campaign officially launched by the President of South Africa in April 2010 changed this significantly.

Between April 2010 and end of June 2011 a total of 15 million people volunteered for HIV counselling, and 13.7 million of these had agreed to be tested. Two million people tested HIV positive, which translated to a positivity rate of 16%. During 2011/12, the HCT campaign was incorporated into the routine services provided in the public sector.

For the three month period July – September 2011, the HCT target was to provide counselling to approximately 1,993,695 people across the nine Provinces. This target was exceeded when a total of 2,504,423 people received counselling, and 2,145,270 people accepted for HIV testing.
The department has decided that people must be routinely tested for HIV.

The HIV prevalence measured among pregnant women attending public health antenatal clinics has increased from 0.7% in 1990 to 30.2% in 2010. The Provincial trends in HIV show variations across provinces, districts and age groups.

- In 2010, the highest provincial HIV prevalence was recorded in KwaZulu-Natal (KZN) which increased from 38.7% in 2008 to 39.5% in 2009 and stabilized at 39.5% in 2010.
- Provinces with ‘higher’ HIV prevalence estimates compared with 2009 are:
  d) Eastern Cape (29.9%),
  e) Gauteng (30.4%),
  f) Limpopo (21.9%),
  g) Mpumalanga (35.1%),
  h) Northern Cape (18.4%), and
  i) Western Cape (18.5%).

The provinces with ‘lower’ HIV prevalence estimates compared with 2009 were North West (29.6%) and Free State (30.6%). This is seen as an indication that the HIV prevalence is stabilising.

### 3.5.2. Prevention of Mother-To-Child Transmission (PMTCT)

The prevention of mother-to-child transmission (PMTCT) is a programme offered to every pregnant woman for HIV testing and counselling. The programme integrates PMTCT interventions into routine maternal, child and women’s health services. This programme has historically focused on providing voluntary testing and counselling, antiretroviral therapy and infant feeding support. There is an expanded PMTCT package, with four key pillars that includes additional services which target both HIV positive and HIV-negative mothers.

These include:
- primary prevention of HIV among young women,
- prevention of unintended pregnancies amongst adolescents and HIV positive women and
- involving men in decision-making.

New guidelines for the ART component of PMTCT have been introduced by the department of health, and it is important that all eligible women receive care according to these guidelines.

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75 Annual Performance Plan 2012
76 Ibid.
Under the national prevention of mother-to-child (PMTCT) programme, every pregnant woman is offered HIV testing and counselling. If a woman tests positive for HIV, she is put onto a regime of anti-retroviral therapy to avoid transmitting the virus to her baby, and is offered a continuum of treatment, care and support for herself and her infant.

3.5.3. Antiretroviral Therapy (ART) programme

South Africa has made progress towards improving access to Antiretroviral Therapy (ART) for adults living with HIV and AIDS. According to the Annual Performance Plan by the end of March 2011, the country’s Antiretroviral Therapy (ART) programme had reached a total of 1.4 million people since its inception. This marked an increase from the 1.1 million people who were on treatment by the end of March 2010. By September 2011 a cumulative total of 1.6 million patients (adults and children) had been initiated on ART. As a result of this, South Africa has the largest number of patients on ART in the world.

Given the high co-morbidity of HIV and TB in South Africa, screening for Tuberculosis (TB) was a key component of the HCT Campaign. From April 2010 to the ends of June 2011, a total of 8 million people were screened for TB. Of these, 1 million were referred for further diagnoses and management at relevant health facilities.

The number of nurses trained and certified to initiate ARV treatment in the absence of a doctor were increased from only 250 in February 2010 to 23,000 nurses to date. This programme is called Nurse Initiated Management of Antiretroviral Therapy or NIMART. NIMART made it possible to increase the number of people on treatment from 923,000 in February 2010 to 1.9 million to date – that is actually doubling the number on treatment.

3.5.4. Maternal and Child Mortality rates in South Africa

According to statistics from WHO, South Africa has a maternal mortality ratio of 310 deaths per 100,000 live births. The infant (under-1) mortality rate in 2010 was 41 deaths per 1,000 live births, while the under-5 mortality rate was 57 per 1,000 live births.

<table>
<thead>
<tr>
<th>Indicator</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>Target 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under-5 Mortality Rate (U5MR)</td>
<td>56 per 1 000 live births</td>
<td>53 per 1 000 live births</td>
<td>42 per 1 000 live births</td>
<td>50 per 1 000 live births (10% reduction)</td>
<td></td>
</tr>
<tr>
<td>Infant Mortality Rate (IMR)</td>
<td>40 per 1 000 live births</td>
<td>37 per 1 000 live births</td>
<td>30 per 1 000 live births</td>
<td>36 per 1 000 live births (10% reduction)</td>
<td></td>
</tr>
<tr>
<td>Neonatal Mortality Rate (&lt;28 days)</td>
<td>14 per 1 000 live births</td>
<td>13 per 1 000 live births</td>
<td>14 per 1 000 live births</td>
<td>12 per 1 000 live births (10% reduction)</td>
<td></td>
</tr>
<tr>
<td>Maternal Mortality Rate (MMR)</td>
<td>310 per 100 000 live births</td>
<td>333 per 100 000 live births</td>
<td>333 per 100 000 live births</td>
<td>270 per 100 000 live births (reverse increasing trend)</td>
<td></td>
</tr>
</tbody>
</table>

Source: National Department of Health, 2011;8 Medical Research Council, 2012

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77 2011/2012
78  APP of NDOH 2011/12
According to the above Table, maternal deaths were estimated to increase from 310 per 100,000 live births in 2008 to 333 per 100,000 live births in 2009.

During the period 2009 – 2011, the health sector implemented targeted interventions to improve Maternal Health care through improving access to antenatal services for pregnant women and postnatal services for new mothers. The interventions included increasing the health seeking behaviour by encouraging women to present early to the health services. This was coupled with increasing the proportion of deliveries that happen in the formal health establishments and reducing home deliveries. Other interventions included increased access to antiretroviral treatment (ART) for HIV positive pregnant women resulting in improved coverage. All these interventions contribute towards the reduction of maternal and child mortality rates.

During 2010/11, a total of 72% of primary level health facilities provided Basic Antenatal Care (BANC), which exceeded the set target of 60%. During the same period, a total of 96.9% of pregnant women agreed to be tested for HIV and were tested. From the prevention of mother to child transmission (PTMCT) program, there were also major improvements with 79.4% of eligible HIV positive pregnant women were placed on the Highly Active Antiretroviral Therapy (HAART), which exceeded the target of 70%. This also exceeded the 76.6% recorded in 2009/10.

According to the Health of our Children report (2010)\textsuperscript{79}, which surveyed 8,966 children, found that HIV prevalence among infants (age 0 to 2 years) was 2.1%, lower than the 3.3% average in the age 0 to 4 years, suggesting a positive impact of the national Prevention of Mother-to-Child Transmission programme which begun in 2006.

It is worth noting that (40%) percent of all maternal deaths are avoidable. These are related to community, administrative and clinical factors. The consequences of maternal mortality are well documented e.g. the effect on children’s lives, the family, the community, the economic status of the country. Much pain and suffering is caused when mothers die in childbirth.

3.5.4.1. The Campaign for the Accelerated Reduction of Maternal Mortality in Africa (CARMMA)

CARMMA was introduced in Africa through the Fifteenth Ordinary Session of the African Union Assembly held in Kampala, Uganda in July 2010, under the theme “Maternal, Infant and Child Health and Development in Africa” endorsed CARMMA\textsuperscript{80}. The decisions of the Assembly included amongst others a list of Actions on Maternal, Newborn and Child Health and Development in Africa by 2015, which Heads of State and Government committed to undertake.

\textsuperscript{79} Health of our Children Report, 2010.
\textsuperscript{80} South Africa’s National Strategic Plan for a campaign on accelerated reduction of maternal and child mortality in Africa (CARMMA). 2011. “South Africa cares: No woman should dies while giving life”.

Commission for Gender Equality
The first action reads as:

“...We Commit to Launch CARMMA in our countries and broaden it as an advocacy strategy for the promotion of Maternal, Newborn and Child Health and involve all key stakeholders such as the women, children and young people, persons with disabilities, parliamentarians, community and religious leaders, civil society organizations, the media, and the private sector and institutionalize an annual CARMMA week in solidarity with the women and children of Africa for the next four years”.

The goal of the campaign in South Africa is to accelerate the reduction of maternal and child morbidity and mortality through accelerated implementation of evidence-based interventions essential to improve maternal health and child survival. The key components of CARMMA in South Africa are as follows:

b) Strengthen and promote access to comprehensive SRHR services, with specific focus on family planning services;

c) Advocacy and health promotion for early antenatal care and attendance/booking;

d) Improve access to Skilled Birth Attendants by:

e) Allocating dedicated obstetric ambulances to every sub-district to ensure prompt transfer of women in labour and women and children with obstetric and neonatal emergencies to the appropriate level of care.

f) Establishing of maternity waiting homes;

g) Strengthening Human Resources for Maternal and Child Health by:

h) Providing training on Essential Steps in Management of Obstetric Emergencies (ESMOE) to doctors and midwives.

i) Intensifying midwifery education and training.

Improve child survival by:

a. Promoting and supporting exclusive breastfeeding for at least 6 months.

b. Providing facilities for lactating mothers (boarder mothers) in health facilities where children are admitted.

c. Promoting of Kangaroo Mother Care (KMC) for stable low birth weight babies at all levels of care.

d. Advocating for appropriate care and support for pregnant women and lactating mothers in the workplace.

e. Improving immunization and vitamin A coverage.

f. Intensifying management of severe malnutrition in health facilities.
Intensifying case management of sick children through:

- Improving implementation of key family practices including diarrhoea management at home
- Strengthening implementation of all primary health care facilities
- Strengthening clinical skills for the management of severe diseases including pneumonia and diarrhoea in referral facilities

Intensifying management of HIV positive mothers and children by:

- Improving access to treatment for both mothers and children
- Improving management of co-infections and
- Eliminating Mother to Child Transmission of HIV

The National Department of Health has prioritised the following interventions for addressing maternal mortality:

<table>
<thead>
<tr>
<th>Basic Antenatal Care (four visits for every pregnant women beginning during the first trimester)</th>
<th>The Basic Antenatal Care (BANC) approach, which aims to ensure that all women receive four focussed antenatal visits, has been shown to be as effective as more traditional models in terms of maternal and peri-natal outcomes and to be acceptable to users*. All pregnant women should receive supplementation with iron and folate during pregnancy. All pregnant women should also be given calcium supplementation (at least 800 – 1000μg per day) to prevent pre-eclampsia†.</th>
</tr>
</thead>
<tbody>
<tr>
<td>HIV testing during pregnancy with initiation of ART and provision of other PMTCT where indicated</td>
<td>The expanded PMTCT package, with its four key pillars, includes additional services which target both HIV positive and HIV-negative mothers. These include primary prevention of HIV among young women, prevention of unintended pregnancies amongst adolescents and HIV positive women and involving men in decision-making.</td>
</tr>
<tr>
<td>HIV testing during pregnancy with initiation of ART and provision of other PMTCT where indicated</td>
<td>The key goals of the HIV &amp; AIDS and STI Strategic Plan for South Africa is to reduce mother-to-child transmission of HIV, with a target of less than 2% transmission at 6 weeks by 2016‡.</td>
</tr>
<tr>
<td>Improved access to care during labour through introduction of dedicated obstetric ambulances and establishment of maternity waiting homes (where appropriate)</td>
<td>Ensuring that pregnant women can access care once labour begins is also important. Some hospitals in rural areas make use of waiting areas, and this practice should be extended to other areas where women experience difficulties and delays in accessing care once labour has begun.</td>
</tr>
</tbody>
</table>
Improved intrapartum care (with specific focus on the correct use of the partogram, and standard protocols for managing complications)  

Access to Caesarean section is imperative, and blood for transfusion must be available at every health facility where these operations are performed. Skills in anaesthesia should be improved at all levels of care.

Post-natal care within six days of delivery  
The early post-natal period is important for mothers and their infants - not only do many maternal and neonatal deaths occur in this period, but mothers require support in caring for and breastfeeding their babies.

3.5.5. The Access to contraceptive services

The National Department of Health has made a call on all the public health care (PHC) facilities to provide a full range of contraceptive services and methods, and promote the use of dual methods (contraceptive and condom use). The NDOH acknowledges the special need to ensure that adolescents have access to reproductive health services, including contraceptive and pregnancy testing. It is indicated in their APP that all PHC facilities provide these services in a youth-friendly manner and ensure that all users (and their sexual partners) are empowered with information on sexual and reproductive health and contraceptive use.

<table>
<thead>
<tr>
<th>Effectiveness group</th>
<th>Method</th>
<th>Pregnancies per 100 women in first year</th>
<th>Percentage of women continuing at one year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>As commonly used</td>
<td>Used correctly and consistently</td>
</tr>
<tr>
<td>Highly effective, do not rely on clients ability to use them correctly</td>
<td>Vasectomy</td>
<td>0.15</td>
<td>0.1</td>
</tr>
<tr>
<td></td>
<td>Female sterilisation</td>
<td>0.5</td>
<td>0.5</td>
</tr>
<tr>
<td></td>
<td>Cu 380 IUD</td>
<td>0.8</td>
<td>0.6</td>
</tr>
<tr>
<td></td>
<td>LNG-IUS</td>
<td>0.2</td>
<td>0.2</td>
</tr>
<tr>
<td></td>
<td>Implants</td>
<td>0.05</td>
<td>0.05</td>
</tr>
<tr>
<td></td>
<td>Progestogen-only pills (during breastfeeding)</td>
<td>1</td>
<td>0.5</td>
</tr>
<tr>
<td></td>
<td>Progestogen-only injectables</td>
<td>3</td>
<td>0.3</td>
</tr>
<tr>
<td></td>
<td>Combined injectables</td>
<td>3</td>
<td>0.05</td>
</tr>
<tr>
<td></td>
<td>LAM</td>
<td>2</td>
<td>0.5</td>
</tr>
<tr>
<td></td>
<td>Combined injectables</td>
<td>8</td>
<td>0.3</td>
</tr>
<tr>
<td></td>
<td>Progestogen-only pills (not breastfeeding)</td>
<td>&gt;8</td>
<td>&gt; 0.3</td>
</tr>
<tr>
<td>Effective as commonly used: Very effective when used correctly and consistently</td>
<td>Male condoms</td>
<td>15</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Coitus interruptus</td>
<td>27</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Diaphragm with spermicide</td>
<td>16</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Fertility awareness-based methods</td>
<td>25</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Female condoms</td>
<td>21</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>No method</td>
<td>85</td>
<td>85</td>
</tr>
</tbody>
</table>

Source: National Department of Health, Contraception Clinical Guidelines
3.5.6. TEENAGE PREGNANCY

Teenage pregnancy in South Africa is driven by many factors including:

- gender inequalities;
- gendered expectations of how teenage boys and girls should act;
- sexual taboos (for girls) and sexual permissiveness (for boys);
- poverty;
- poor access to contraceptives and termination of pregnancies;
- inaccurate and inconsistent contraceptive use;
- judgmental attitudes of many health care workers;
- high levels of gender-based violence; and
- poor sex education

Factors Contributing to teenage pregnancy

Source: Flanagan et al., 2013, Teen pregnancy in South Africa: A literature review examining contributing factors and unique interventions

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Jewkes, Morrell and Christolides, 2009; Panday et al., 2009; Chigona and Chetty, 2007; Bearinger, 2007; Pettifor et al., 2005.
Figure 34: Percentage of females aged 14–19 who were pregnant during the year preceding the survey, 2013

The above Figure shows that 5.4% of females in the age group 14–19 years were pregnant during the 12 months before they were surveyed. The prevalence of pregnancy increased with age, rising from 0.7% for females aged 14 years, to 12.1% for females aged 19 years.

According to Jewkes, Morrell and Christofides (2009) teenage pregnancy is not just an issue of reproductive health and young women’s bodies but, rather one in its causes and consequences that is rooted in women’s gendered social environment.\(^{82}\)

Despite significant advancements at policy and programmatic levels to improve the availability and accessibility of health services to young people, usage is compromised by lack of acceptability of services. Even with the roll-out of the Adolescent Friendly Clinic Initiative in SA, young people are still confronted with the negative and stigmatising attitudes of health staff. Thus young women would rather not use contraception, delay accessing antenatal care when they are pregnant, and resort to illegal means for termination of pregnancy.

It has been recommended that quality of health care services be improved for young people and further that consideration should be given to making health services available outside of the formal health system. For example, mobile services to provide voluntary counselling and testing services to young people, and in particular, to young men, who do not generally attend traditional health services.\(^{83}\)


The Department of Health launched a booklet for teenagers in 2012, entitled ‘Preventing Teenage Pregnancy’. It aims to assist teenagers to learn about and avoid teenage pregnancy by empowering teenagers through knowledge.

Figure 35: Percentage of females aged 13-19 who were pregnant during the year preceding the survey, 2009-2011

![Figure 35: Percentage of females aged 13-19 who were pregnant during the year preceding the survey, 2009-2011](image)

Source: GHS

The figure above illustrates that teenage pregnancy increases with age. Girls of 19 years of age are more likely to have been pregnant than 13 year olds. About 4.5% of all females in the age group 13-19 were reported to have been pregnant during the 2009-2011 survey\(^{84}\)

### 3.5.7. Choice on Termination of Pregnancy Act

In South Africa the Choice on Termination of Pregnancy Act\(^{85}\) was adopted in 1996 and a recorded 60 000 terminations are conducted each year\(^{86}\). The State has an obligation to ensure that services are available to those who need them and that CTOP services are accessible in all districts for both first and second trimester terminations. It has however been noted that in some instances many women experience barriers to accessing the service.

The government initiated a National Adolescent Youth Friendly Clinic Initiative service in partnership with NGOs. It was only after this initiative that there was an increase in accessing safe termination of pregnancy services for women, giving greater effect to the constitutionally guaranteed right to access to healthcare services, including reproductive healthcare.

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\(^{84}\) Statistics South Africa 18 April 2011.

\(^{85}\) Choice on Termination Of Pregnancy Act, No. 92 of 1996

\(^{86}\) MNCWH and Nutrition in South Africa 2012-2016
It is reported that 216,718 safe terminations were performed in the first four years of the Act being passed in 1996.

It must be noted that the implementation of the Choice on Termination of Pregnancy Act, 92 is not without challenges. This issue still needs attention as there are escalating numbers of “back street” abortions. It was reported that the number of “backstreet abortions” increased (between 2005 to 2007, South Africa saw an increase from 4.7 to 4.9% in maternal deaths related to unsafe abortion87). It is also reported that the number of teenage pregnancy was high during the 2010. The judgmental approach of some health care providers in South Africa has acted as a barrier to the use of a range of facilities.

Despite believing that adolescent pregnancy is a problem that should be prevented, some nurses still do not feel good about providing contraception to girls88. Their attempts to discourage youth sex appear to further stigmatise sexual activity and act as a barrier to contraceptive use. The gap between nurses’ personal politics (reflecting wider social norms), and public health imperatives is an important challenge for health services, as it jeopardises the delivery of high quality, effective services.

It must be acknowledged that, even with the roll out of the Adolescent Friendly Clinic Initiative in SA, some young people in different parts of the country are still confronted with the negative and stigmatizing attitudes of health staff. Consequently young women would rather not use contraception, delay accessing antenatal care when they are pregnant, or resort to illegal means for termination of pregnancy.

3.5.8. Cervical cancer screening Programme

According to the Strategic Plan (2012-2016), for Maternal, Newborn, Child and Women’s Health (MNCWH) and Nutrition in South Africa89 cancer of the cervix and breast cancer were the most common cancers in women with an incidence rate of approximately 30 per 100,000 women for each condition in 200490.

To date, these cancers still account for more than 50% of all cancer-related deaths in women.

The national guidelines of the cervical cancer screening programme’s goal is to screen at least 70% of women nationally within the target group of women 30 years and older within 10 years of initiating the programme. Cervical cancer screening is an important intervention to protect women against this condition.

- By 2007, 30% of Primary Health Care facilities had at least one health care provider trained to conduct pap smears.
- Close to 20% of women were screened for cervical cancer during 2006/7.

87 Trueman, K. Director, Ipas South Africa, as quoted in SANAC, 2010
89 MNCWH and Nutrition in South Africa 2012-2016
90 Ibid.
• A cervical screening coverage rate of 55.0% was achieved during 2011/12, which exceeded the annual target of 52%.

The NDOH states that in order to improve cervical cancer screening there is a need to focus on increasing coverage and ensuring that women who are identified as having abnormal smears receive appropriate follow-up and care. The department stresses that almost all cervical cancers are associated with Human Papilloma Virus (HPV) and has confirmed that effective vaccines against HPV are now available. It must be noted that it would be a challenge for women though to have a formal follow up, if they are not aware of the processes. There seem to be a challenge in the follow-up and care of women, as in some cases women might not have resources to access hospitals and clinics.

3.5.9. Gender-based violence and post-rape services

Prevention of all forms of violence against women is a critical component of efforts to empower women, and high rates of violence against women and girls are of concern.

Statistics from the South African Police Service (SAPS) show that 56 272 rapes of women and children were reported during 2010/11. There is no reliable national data on rates of domestic violence, but the most recent community-based surveys have shown that 33% of women disclosed ever being victims of physical intimate partner violence and 13% had been so in the previous 12 months. Domestic and other violence against women have been shown to be associated with an increased risk of HIV-infection and mental health problems.

Some women in relationships are still financially dependent on their partners. Violence or the threat of violence is also clearly a barrier to disclosure. Some women face the denial of their partners who “know, but don’t want to know” and refuse to discuss it. Most women are critical of men in general, blaming them for spreading HIV.

According to the NDOH response to the Commission for Gender Equalities questionnaire completed on the 14th November 2013, post-rape health services have been substantially improved over the last decade.

Many health professionals providing care are still untrained and services for children are particularly limited. It is indicated that continued efforts are needed to ensure that services meet the physical and mental health needs of adult and child survivors.

Standardizing training using the recently developed national curriculum for training sexual assault care providers is important in improving service quality, and this needs to be extended to all post-rape service providers. The department of health continues to strengthen service infrastructure, and to ensure 24-hour access to all post-rape services.

The Commission for Gender Equality study, conducted in 2012\textsuperscript{92} revealed that working with victims of sexual assault requires specialised training, for example, training in forensic medicine and forensic nursing. This has a positive impact in that victims are attended to by specialist and in an environment that provided confidentiality and privacy\textsuperscript{93}.

The Integrated Strategic Framework for the Prevention of Injury and Violence (i.e. interpersonal violence) in South Africa which incorporates a plan for response to violence was developed in November 2011. This was done through a multi-sectoral approach that included National Departments, Provincial Departments of Health, Civil Society Organizations as well as Academic and Research institutions including the Medical Research Council. This strategy enhances the department of health’s capacity to reduce the high burden of injury and trauma especially from road accidents, interpersonal violence and violence against women and children.

One of the gendered social environments is highlighted in the vulnerable group survey report (2011)\textsuperscript{94}. The graph below shows that more females suffer from both acute and chronic illnesses.

3.5.10. Research and development in the department of health

The Department of Health introduced a Directorate on Research, which has oversight responsibilities for health research including coordination with the Medical Research Council.

Female researchers lead numerous key programmes in the MRC such as the Gender programme, the health promotion programme, Health Information Programme and the Burden of Disease programme.

The MRC as an important partner in health research encourages mainstreaming gender in research. The Council has a women’s health programme dedicated to research on women’s health matters. There are numerous other academic and research institutions such as the Human Sciences Research Council and Health Systems Trust undertaking critical health research in South Africa. The Directorate has been involved in numerous initiatives aimed at promoting women as researchers and protection of the rights of women in scientific research.

The National Health Research Committee (NHRC) which was established by the Minister in terms of the National Health Act of 2003, has the following functions:

- To determine the health research to be carried out by public health authorities;
- Ensure that health research agendas and research resources focus on priority health problems;

\textsuperscript{92} CGE, Victims Charter Report, 2013
\textsuperscript{93} Social Vulnerable Groups Survey, 2011.
• Develop and advise the Minister on the application and implementation of an integrated national strategy for health research; and
• Coordinate the research activities of public health authorities.

South Africa has recruited hundreds of Cuban doctors to practice here, and is in the meantime able to send medical students to Cuba to study. The country believes that the Cuban opportunity will help train the doctors needed for the implementation of the National Health Insurance Scheme (infuse information on NHI). Other agreements exist with Tunisia and Iran, as well as between Johannesburg Hospital and Maputo Central Hospital. The government has also made it easier for other foreign doctors to register in South Africa.

3.5.11. Tuberculosis and other Non-Communicable Diseases

With regard to TB, the Annual Performance Plan\textsuperscript{95} indicates that South Africa is one of 12 countries globally that are classified as having a high burden of Tuberculosis (TB). Tuberculosis remains a major public health programme in South Africa because 73\% of TB patients are HIV positive.

It is stated that, regarding Non-communicable diseases (NCD’s) (which include chronic conditions such as hypertension, diabetes and obesity), around 35\% of all deaths in South Africa result from such non-communicable conditions. The Department foresees that over the next 10 years deaths due to NCDs, notably cardiovascular diseases, cancer, diabetes and respiratory diseases are projected to increase by 24\%.

Globally and in South Africa, it has been identified that the lack of focused disease prevention programmes and interventions, poor health seeking behaviour and late detection of diseases are some of the factors contributing to the high burden of non-communicable diseases. Consequently, healthcare costs, morbidity and mortality associated with the management and treatment of NCDs will increase\textsuperscript{96}.

\textsuperscript{95} 2011/2012
\textsuperscript{96} Ibid
4. VIOLENCE AGAINST WOMEN

“Violence Against women is a form of discrimination and a violation of human rights. Violence against women impoverishes women, their families, communities and nations. It lowers economic production, drains resources from public services and employers, and reduces human capital formation. Women who experience violence suffer a range of health problems, and their ability to earn a living and to participate in public life is diminished. Their children are significantly more at risk of health problems, poor school performance and behavioural disturbances.”

Source: Ending violence against women From words to action Study of the Secretary-General UNITED NATIONS
4.1. Introduction (BPA)

Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated. This can be achieved by legal measures and through national action and international cooperation in such fields as economic and social development, education, safe maternity and health care, and social support.

Gender-based violence is a form of discrimination that seriously inhibits women’s ability to enjoy their rights and freedoms on a basis of equality with men.

The Declaration on the Elimination of Violence against Women defines violence against women as:

“any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”

a) According to General Recommendation No 19 of CEDAW, Violence against women shall be understood to encompass, but not be limited to, the following:

b) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

c) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

d) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

4.1.1. Facts about Violence against Women

(a) Traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion, such as family violence and abuse, forced marriage, dowry deaths, acid attacks and female circumcision.

(b) Such prejudices and practices may justify gender-based violence as a form of protection or control of women.

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97 A/RES/48/104-1993
98 General Recommendation 19 of CEDAW
(c) The effect of such violence on the physical and mental integrity of women is to deprive them the equal enjoyment, exercise and knowledge of human rights and fundamental freedoms.

(d) The underlying consequences of these forms of gender-based violence help to maintain women in subordinate roles and contribute to the low level of political participation and to their lower level of education, skills and work opportunities.

(e) In many instances, poverty and unemployment force many women, including young girls, into prostitution. Prostitutes are especially vulnerable to violence because their status, which may be unlawful, tends to marginalize them.

(f) Equality in employment can be seriously impaired when women are subjected to gender-specific violence, such as sexual harassment in the workplace.

(g) Rural women are at risk of gender-based violence because of traditional attitudes regarding the subordinate role of women that persist in many rural communities;

(h) Within family relationships women of all ages are subjected to violence of all kinds, including battering, rape, other forms of sexual assault, mental and other forms of violence, which are perpetuated by traditional attitudes. Lack of economic independence forces many women to stay in violent relationships. The abrogation of their family responsibilities by men can be a form of violence, and coercion. These forms of violence put women’s health at risk and impair their ability to participate in family life and public life on a basis of equality.

http://www.who.int/mediacentre/factsheets/fs239/en/
4.1.2. The Right to a life free from violence

Violence against women violates fundamental human rights and is an affront to women’s inherent human dignity. Physical, psychological, and sexual violence against women and girls, public and private, plagues all societies and classes and poses tremendous obstacles to the achievement of equality, development and peace. Governments have the obligation not to engage in any form of violence against women and to prevent violence against women wherever it occurs.

Gender-based violence, which impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of article 1 of the Convention.

These rights and freedoms include the right:

a. To life;

b. Not to be subject to torture or to cruel, inhuman or degrading treatment or punishment;

c. To equal protection according to humanitarian norms in time of international or internal armed conflict;

d. To liberty and security of person;

e. To equal protection under the law;

f. To equality in the family;

g. To the highest standard attainable of physical and mental health;

h. To just and favourable conditions of work
4.1.3. Consequences of addressing violence against women as a human rights concern

(a) There are important consequences that flow from categorizing violence against women as a matter of human rights.

(b) Recognizing violence against women as a violation of human rights clarifies the binding obligations on States to prevent, eradicate and punish such violence and their accountability if they fail to comply with these obligations.

(c) These obligations arise from the duty of States to take steps to respect, protect, promote and fulfill human rights. Claims on the State to take all appropriate measures to respond to violence against women thus move from the realm of discretion and become legal entitlements.

(d) The human rights framework provides access to a number of tools and mechanisms that have been developed to hold States accountable at the international and regional level. These include the human rights treaty bodies and international criminal tribunals, as well as the African human rights systems.

(e) Human rights provide a unifying set of norms that can be used to hold States accountable for adhering to their obligations, to monitor progress and to promote coordination and consistency.

(f) Addressing violence against women as a human rights issue empowers women, positioning them not as passive recipients of discretionary benefits but as active rights-holders.

(g) It also enhances the participation of other human rights advocates, including men and boys, who become stakeholders in addressing violence against women as part of building respect for all human rights.

(h) Recognizing violence against women as a human rights issue has also enabled human rights discourse and practice to become more inclusive by encompassing the experiences of women.

(i) When women’s particular experiences remain invisible, they do not inform the understanding of human rights violations and remedies for them.

(j) Human rights norms therefore must take into account the particular circumstances of women in order to be fully universal.

(k) An integrated and inclusive human rights regime should take into account not only gender perspectives but also the wide variety of factors that shape and reinforce women’s, and men’s, experiences of discrimination and violence, including race, ethnicity, class, age, sexual orientation, disability, nationality, religion and culture.

(l) Understanding violence against women as a human rights concern does not preclude other approaches to preventing and eliminating violence, such as education, health, development and criminal justice efforts. Rather, addressing violence against women as a human rights issue encourages an indivisible, holistic and multi-sectoral response that adds a human rights dimension to work in all sectors.

(m) It calls for strengthening and accelerating initiatives in all areas to prevent and eliminate violence against women, including in the criminal justice, health, development, humanitarian, peace-building and security sectors.

99 Ending Violence Against Women: Words to Action; Study of the Secretary-General (United Nations Publication- 2006)
4.1.4. STATE PARTY’S OBLIGATIONS

Article 4 of the Declaration on the Elimination of Violence Against Women (DEVAW) outlines the duty of the State as follows:

States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination.

States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should:

a) Ratify CEDAW without reservations;
b) Refrain from engaging in violence against women;
c) Exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons;
d) Develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence; women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered; States should also inform women of their rights in seeking redress through such mechanisms;
e) Develop national plans of action to promote the protection of women against any form of violence, taking into account such cooperation as can be provided by non-governmental organizations, particularly those concerned with the issue of violence against women;
f) Develop, in a comprehensive way, preventive approaches and all those measures of a legal, political, administrative and cultural nature that promote the protection of women against any form of violence, and ensure that the re-victimization of women does not occur because of laws insensitive to gender considerations, enforcement practices or other interventions;
g) Ensure that women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counseling, and health and social services, facilities and programmes, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation;
h) Include in government budgets adequate resources for their activities related to the elimination of violence against women;
i) Take measures to ensure that law enforcement officers and public officials responsible for implementing policies to prevent, investigate and punish violence against women receive training to sensitize them to the needs of women;
j) Adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women and to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women;

k) Promote research, collect data and compile statistics, especially concerning domestic violence, relating to the prevalence of different forms of violence against women and encourage research on the causes, nature, seriousness and consequences of violence against women and on the effectiveness of measures implemented to prevent and redress violence against women; those statistics and findings of the research will be made public;

l) Adopt measures directed towards the elimination of violence against women who are especially vulnerable to violence;

m) Include, in submitting reports as required under relevant human rights instruments of the United Nations, information pertaining to violence against women and measures taken to implement the present Declaration;

n) Encourage the development of appropriate guidelines to assist in the implementation of the principles set forth in the present Declaration;

o) Recognize the important role of the women’s movement and non-governmental organizations worldwide in raising awareness and alleviating the problem of violence against women;

p) Facilitate and enhance the work of the women’s movement and non-governmental organizations and cooperate with them at local, national and regional levels;

The obligation of States to prevent violence against women includes:

- Ratification of relevant treaties
- Enactment of special legislation,
- Development of policies, action plans and programmes,
- Organising public education campaigns,
- Collection of data to assess the status of the problem,

100 15 years of the United Nations Special Rapporteur on Violence Against Women, its causes and consequences: (1994-2009)—A Critical Review
Summary of the obligations of the state.

States should:

Take urgent and concrete measures to secure gender equality and protect women’s human rights. The exercise of leadership is essential to end violence against women close the gaps between international standards and national laws, policies and practices

Build and sustain strong multi-sectoral strategies, coordinated nationally and locally

Allocate adequate resources and funding to programmes to address and redress violence against women allocate adequate resources and funding to programmes to address and redress violence against women

N.B. The knowledge base on all forms of violence against women should be strengthened to inform policy and strategy development

4.1.5. DUE DILIGENCE

The due diligence standard for violence against women (VAW) is laid out in the Declaration on the Elimination of Violence against Women (1993) in Article 4(c), where States are urged to “exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by privates persons.”

The due diligence standard serves as a tool for rights holders to hold States accountable, by providing an assessment framework for ascertaining what constitutes effective fulfilment of a State’s obligations, and for analysing its actions or omissions. An assessment framework is especially important where the potential infringement comes through a State’s failure to act, as it can be difficult for rights bearers to assess if an omission constituted a violation of their right, in the absence of a normative basis for the appraisal.

The State responsibility to act with due diligence must continue to evolve in a cumulative and inclusive approach.

Relevant factors can include: measuring States’ obligations and duties to prevent violence; ensuring both State and non-State actor accountability and addressing root causes of violence and the sources of discrimination that intersect in the actual experiences of women

Eliminating violence against women requires a multi-stakeholder approach to accountability that includes monitoring State and non-State actors for compliance
and including them as direct duty bearers for prevention, protection and change. Human rights due diligence requires an investigation and evaluation to assess whether universally accepted human rights principles apply in a State’s own behaviour and in a State’s monitoring of third party behaviour – be they individuals or organization.

The due diligence standard requires that remedies not only formally exist, but that they are available and effective. The due diligence obligation in respect of remedies cannot be just about returning women to the situation they were in before the individual instance of violence, but instead should strive to have a transformative potential. This implies that remedies should aspire, to the extent possible, to subvert instead of reinforce pre-existing patterns of cross-cutting structural subordination, gender hierarchies, systemic marginalization and structural inequalities that may be at the root cause of the violence that women experience. As the Special Rapporteur argued in her 2010 report, the notion of a right to reparation is located within the framework of the law of remedies and can serve both individual and societal goals, the underlying purposes of which include corrective justice, deterrence, retribution and restorative justice (A/HRC/14/22, para. 12). Reparations should include a gender perspective, more so when dealing with women victims of acts of discrimination and violence, including in the spheres of satisfaction, rehabilitation, guarantees of non-repetition and compensation.  

With regard to non-State actors, it has been argued that: “International human rights law requires a state to take measures – such as by legislation and administrative practices – to control, regulate, investigate and prosecute actions by non-state actors that violate the human rights of those within the territory of that state. These actions by non-state actors do not have to be attributed to the state, rather this responsibility is part of the state’s obligation to exercise due diligence to protect the rights of all persons in a state’s territory.”

4.1.6. BPA Strategic Objectives

- **Strategic objective D.1.**: Take integrated measures to prevent and eliminate violence against women;
- **Strategic objective D.2.**: Study the causes and consequences of violence against women and the effectiveness of preventive measures;
- **Strategic objective D.3.**: Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking.

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101 Gonzalez et al., para.446 ff.
4.2. GENERAL INFORMATION

"At present no figures exist regarding the number of domestic violence cases reported to the SAPS because there is no such crime as "domestic violence". Incidents of domestic violence are included amongst figures relating to assault GBH, assault common, rape, attempted murder, pointing of a firearm, etc."  

Source: SA news.gov.za (28-2-2013)

4.2.1. The Multi-Sectoral Approach to dealing with Gender Based Violence

Violence against women is multi-faceted, complex and devastating to women. For States to meet the due diligence standard and strengthen their accountability on ending violence against women and girls, a holistic multi-sectoral approach is needed to ensure that the range of inter-related needs and rights of women survivors are addressed, and that the responses to, the protection against and prevention of violence against women is covered by policies and programmes.

Sector-wide approach with corresponding interventions from each of the sectors involved, is critical in complementing national action plans meant to address violence against women.

Multi-sectoral approaches entail the coordination of resources and initiatives across sectors, involving both government institutions and civil society. Coordinated and collaborative responses to violence against women result in better outcomes for victims and perpetrators, enhanced processes in and between agencies involved in addressing such violence, improved service delivery and provision; and reduces violence against women.

A comprehensive multi-sectoral approach covers:

a. Comprehensive response mechanisms
b. Prevention initiatives;
c. Protection and support mechanisms;
d. Transparent decision-making, participatory planning;
e. Capacity development needs and strategies across sectors;
f. Resource management;
g. Data collection mechanisms;
h. Monitoring and evaluation plans and mechanisms as well as consistent monitoring and measuring of safety and accountability.

103 Ensuring holistic multi-sectoral policies and national plans of actions
4.2.1.1. Comprehensive response system

It is important to have the agencies involved in responding to incidents of violence against women, working together as an integrated system. The establishment of a collaborative and coherent response of such agencies will ensure the safety of victims/survivors of violence against women and create a system that will be able to work against the perpetrators, for the good of the victims.

A multi-sectoral approach will require that a coordinated community and government response be developed. Such a response involves different sectors such as:

- health,
- police,
- judicial and legal services,
- social services including shelters
- protection services,

Effective intervention in domestic assault situations occurs when each agency in the criminal justice system clarifies and coordinates their policies, procedures and protocols in order to meet the three major goals of intervention which are:

- to provide for the safety of the victim;
- to hold the offender accountable, creating a specific deterrent to his repeated use of violence; and
- to change the climate in the community, creating a general deterrence to the use of violence as an acceptable practice in the home.

It is important to note that the system-wide response can be monitored effectively only when appropriate information, tracking and data collection systems have been established and regular meetings take place to "identify, analyse and resolve possible systemic problems."

4.2.1.2. Prevention of violence against women

National Action Plans should have a specific focus on ‘primary prevention,’ with strategies aimed at the whole population to transform attitudes, practices and behaviours that support discrimination and violence against women.
The obligation of States to prevent includes:

(i) Ratification of relevant treaties
(ii) Enactment of special legislation,
(iii) Development of policies, action plans and programmes,
(iv) Organising public education campaigns,
(v) Collection of data to assess the status of the problem, etc.

Legislation and National Plans should prioritize prevention of violence against women and should include provisions on measures to prevent violence against women such including:

- awareness-raising activities regarding women’s human rights, gender equality and the right of women to be free from violence;
- use of educational curricula to modify discriminatory social and cultural patterns of behaviour, as well as derogatory gender stereotypes; and
- sensitization of the media regarding violence against women.

Primary prevention initiatives should address various audiences at different levels and addressing the underlying causes of violence against women to stop it before it occurs. The aims of such initiatives should include fostering equal, respectful and healthy relationships in the family, the workplace, schools; promoting non-violent norms; challenging social constructions of masculinity; raising awareness; changing attitudes; and strengthening communities.

4.2.1.3. Protection, support and assistance for the victims/survivors of the violence

The due diligence principle and other aspects of international law make it the obligation of States to ensure that those whose human rights have been violated have not only access to justice, but also to healthcare and support services that respond to short-term injuries, protection from further violations and address longer-term harms.

The state is obliged to ensure that there are mechanisms in place for the protection and safety of victims of VAW. While the State can play an important role in establishing and funding services, it is often not the most appropriate body to run the services. Where possible, services should be run by independent and experienced women’s non-governmental organizations and other NGOs providing gender-specific, empowering and comprehensive support to women survivors of violence.

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105 Hand Book for legislation on VAW
The obligation to Protect requires the State to establish or promote institutional arrangements that provide comprehensive and integrated support services such as:

(i) counselling,
(ii) shelters,
(iii) health care,
(iv) crisis support, (e.g. Rape crisis centres)
(v) restraining orders,
(vi) financial aid Financial support to victims of violence,
(vii) Support for the survivor in her employment
(viii) Ensuring observation to housing rights of the survivor
The model presented in the above figure brings together the ecological model that identifies a number of “arenas” in which GBV is reinforced or can be challenged from the individual, to the community, to society at large within the context of the prevention, response and support model.

The model also recognizes that interventions can be short, medium or long term, and that one may be necessary for the other. It further recognizes that the ultimate objective of any intervention is to progress from information, to awareness to changes in attitude to behaviour change.
The continuum between response, support and prevention

The Saartjie Baartman Centre for Women and Children [SBCWC] is a ‘one-stop’ centre for women and children who experience domestic and/or sexual violence. Though primarily a response-support initiative, the centre serves a preventive function in that women are empowered to leave their abusive relationship. The centre also plays an important awareness raising function against GBV.

The surrounding area of the SBCWC, the Cape Flats and Manenberg have particularly high incidence of domestic violence and gang-related rape (Maharaj, 2005).

Established in 1999, the SBCWC aims to support women and children who have experienced gender-based violence and prevent secondary trauma all under one ‘roof’ through four programme areas: a shelter, jobs skills training project; legal advice and research.

The Centre houses organisations with which it has forged strategic partnerships to provide comprehensive intervention programmes to both the Shelter residents and local communities.

“The overall aim of the Centre is to develop a replicable model of a one-stop centre for women, which is sensitive to gender, ‘race’ and sexual orientation” (Maharaj, 2006, p. 9). The intervention programmes include counselling, support, and training in fields such as trauma, rape, substance abuse, HIV/AIDS, contraception, and parenting skills (2006, Maharaj).

Approximately 981 women have come in and out of the Shelter between August 2001 and December 2007. The SBCWC has intervened and prevented secondary trauma (for periods of time spent at the Shelter) for approximately 1000 women. Between 2003 and 2007 alone, over 700 children have benefited from the SBCWC’s vision to serve women and their children who have been abused and are at risk of female homicide.

For the children, staying at the Shelter, they witness a different mother; one who becomes empowered to make good and safe decisions for her life and theirs instead of one that was oppressed and battered—this is a kind of primary prevention that allows the child to see alternatives to violence.

Source: South Africa Violence Prevention Model and Action Plan
4.3. LEGAL FRAMEWORK

4.3.1. International Commitments

International instruments that provide guidance regarding how to address issues of Violence Against Women, include:

- The Beijing Platform for Action
- The Declaration on the Elimination of Violence against Women (DEVAW)
- CEDAW
- The Protocol to the African Charter on Human and People’s Life on the Rights of Women in Africa
- The SADC Protocol on Gender and Development.

**a. The Beijing Declaration and Platform for Action (BPA)**

The Beijing Platform for Action underlines that violence against women is both a violation of women’s human rights and an impediment to the full enjoyment by women of all human rights. States have an obligation to protect women from violence, to hold perpetrators accountable and to provide justice and remedies to victims.

**b. The Declaration on the Elimination of Violence against Women (DEVAW)**

In article 1 the DEVAW defines violence against women as:

> any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Article 3 of the Declaration states that: Women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, and civil or any other field. These rights include inter alia:

- The right to life;
- The right to equality;
- The right to liberty and security of person;
- The right to equal protection under the law;
- The right to be free from all forms of discrimination;
- The right to the highest standard attainable of physical and mental health;
- The right to just and favourable conditions of work;
- The right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment.
c. General recommendation No. 19 of CEDAW

The General Recommendation 19 of 1992, by the CEDAW Committee interpreted the term “discrimination" in Article 1 of the Convention to include gender based violence on the basis that it is

“violence that is disproportionately directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Gender based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence.”

d. The General Assembly Resolution 58/147

General Assembly resolution on the Elimination of Domestic Violence against Women Recognizes that “domestic violence can include economic deprivation and isolation and that such conduct may cause imminent harm to the safety, health or well-being of women.” (General Assembly resolution 58/147)

e. The AU Protocol to the African Charter on Human and People’s Rights, on the Rights of Women in Africa


f. The SADC Protocol on Gender and Development

SADC Countries that are signatories to the Protocol have made a commitment to enact and enforce legislation prohibiting all forms of gender based violence by 2015.; and ensure that perpetrators of gender based violence, are tried by a court of competent jurisdiction
4.3.2. National Legislation

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>2.</td>
<td>Criminal Law (Sexual Offences and Related Matters) Amendment Act No. 32 of 2007</td>
</tr>
<tr>
<td>4.</td>
<td>Criminal Procedure Act No. 51 of 1977</td>
</tr>
<tr>
<td>5.</td>
<td>Prevention and Combating of Trafficking in Persons Act No. 7 of 2013</td>
</tr>
<tr>
<td>7.</td>
<td>Child Care Act No 74 of 1983</td>
</tr>
</tbody>
</table>

4.3.2.1. The SA Constitution Act No. 108 of 1996

The Bill of Rights, as contained in chapter 2 of the Constitution entrenches the right of every person to equality and to freedom and security. It applies to all people in the country and requires respect for the rights of all people. It imposes a duty on the government (including the police) to take appropriate steps to ensure that the human rights of persons are respected. In doing so, the Constitution guarantees the rights contained in the Bill of Rights.

Section 11 of the constitution provides that “Everyone has the right to life.” Furthermore, section 12 provides for the freedom and security of the person, which includes the right to be free from all forms of violence from either public or private sources; and further that everyone has the right to bodily and psychological integrity, which includes the right to security in and control over their body.

4.3.2.2. The Domestic Violence Act No. 116 of 1998

The DVA is widely regarded as one of the progressive examples of legislation that addresses Violence Against women.

The purpose of the Act is to afford the victims of domestic violence the maximum protection from domestic abuse that the law can provide; and to introduce measures which seek to ensure that the relevant organs of state give full effect to the elimination of domestic violence.

The Act sets out the remedies available to a victim and how the victim may gain access to help. It outlines procedures for applying for a protection order, how it should be issued as well as the powers that the courts have in terms of such protection orders.
According to the DVA, members of the SAPS have a duty to:

- Assist the complainant and render such assistance as may be required in the circumstances, including assisting or making arrangements for the complainant to find a suitable shelter and to obtain medical treatment;
- Inform complainant of their rights, including the remedies at his or her disposal in terms of the Act and the right to lodge a criminal complaint, if applicable.

The Act also obliges the police to arrest the abuser if he does not obey the protection order. Failure by a member of the South African Police Service to comply with an obligation imposed in terms of the DVA constitutes misconduct.

The National Commissioner of the South African Police Service must, every six months, submit a report to Parliament regarding-

1. the number and particulars of complaints received against its members in respect of any failure to implement provisions of the DVA;
2. the disciplinary proceedings instituted as a result thereof;
3. the decisions which emanated from such proceedings; and
4. steps taken as a result of recommendations made by the Independent Complaints Directorate.

With the establishment of the Civilian Secretariat for the Police Service, (CSPS) there has been a shift in terms of monitoring the implementation of the DVA. That responsibility now rests with the CSPS.

**Domestic Violence Guidelines for Magistrates**

A forum comprising of all Regional Court Presidents and Chief Magistrates in South Africa (The Lower Court Management Committee (LCMC), developed the Domestic Violence Guidelines for Magistrates. The guidelines are based on the experiences of magistrates presiding over domestic violence cases. Furthermore, these guidelines are intended to assist and guide magistrates in implementing the Domestic Violence Act so as to ensure both legal consistency and legal uniformity.

The Guiding Principles on which the guidelines are based include:

- Treating each case seriously, fairly, expeditiously and with sensitivity to the race, class, gender and culture of the parties involved;
- Treating cases with the appropriate urgency that each case demands;
- Dealing with applications for protection orders promptly.
- Avoid minimizing the abuse or the perceived risk that the applicant believes she/he is in.
4.3.2.3. Criminal Law (Sexual Offences and Related Matters) Amendment Act No. 32 of 2007

The main aims of the Act are to:

- Include all sexual crimes in one law;
- Define all sexual crimes;
- Make all forms of sexual abuse or exploitation a crime;
- Make sure that both men and women can use the law with regard to sexual crimes;
- Make sure that government departments work together to protect complainants from unfair treatment or trauma;
- Improve the way the criminal justice system (the courts and police) works;
- Make the age when both men and women can give permission (consent) to have sex, 16 years;
- Make sure that rape survivors get post-exposure prophylaxis (PEP), which is medical treatment that can reduce their chances of getting HIV from the rape;
- Allow rape survivors to find out if the person who raped them has HIV; and
- To establish a National Register (a list of names) for Sex Offenders.

The Act also addresses the archaic law on sexual offences that existed prior to this law coming into effect. Amongst other things, the Act repeals the common law offence of rape and replaces it with an expanded statutory offence of rape, applicable to all forms of sexual penetration without consent, irrespective of gender. This means that a woman, a man (or a child) can now be raped by another woman or man. Another development in this Act is the enactment of expanded or amended sexual offences against children and persons who are mentally disabled, including offences relating to sexual exploitation or grooming, exposure to or display of child pornography or pornography to children and the creation of child pornography.

The Act also makes provision for the establishment of the National Inter-Sectoral Committee on the Sexual Offences Amendment Act. The Committee must, among others, advice the Minister for Justice and Constitutional Development on various matters including the implementation of the Act.

This Committee consists of several Government departments including the following:

- The South African Police Services (SAPS);
THE IMPLEMENTATION OF THE BEIJING PLATFORM FOR ACTION IN SOUTH AFRICA

- The National Prosecuting Authority;
- Correctional Services;
- Justice and Constitutional Development;
- Social Development; and
- Health.

Sexual offences (including sexual assault, rape and domestic sexual abuse)

The main aims of the Act are to:

i. Include all sexual crimes in one law;

ii. Define all sexual crimes;

iii. Make all forms of sexual abuse or exploitation a crime;

iv. Make sure that both men and women can use the law with regard to sexual crimes;

v. Make sure that government departments work together to protect complainants from unfair treatment or trauma;

vi. Improve the way the criminal justice system (the courts and police) works;

vii. Make the age when both men and women can give permission (consent) to have sex, 16 years;

viii. Make sure that rape survivors get post-exposure prophylaxis (PEP), which is medical treatment that can reduce their chances of getting HIV from the rape;

ix. Allow rape survivors to find out if the person who raped them has HIV; and

x. To establish a National Register (a list of names) for Sex Offenders

4.3.2.4. Prevention and Combating of Trafficking in Persons Act No. 7 of 2013

The Department of Justice and Constitutional Development (DoJCD) reported that the Criminal Law (Sexual Offences and Related Matters) Act\textsuperscript{106} and the Children’s Act\textsuperscript{107} did not adequately address human trafficking. The Prevention and Combating of Trafficking in Persons’s Bill sought to prosecute culprits of human trafficking. The Bill would also make it possible for both victims of trafficking and the State to sue convicted culprits for damages. The Bill would allow rescued victims to remain in the country for 90 days to receive adequate healthcare. Victims, who, in assisting the police in investigations, endangered their lives in their home country, would be allowed to apply for permanent residence in South Africa. All organizations that assisted such victims would have to go through an accreditation process.

\textsuperscript{106} No. 32 of 2007

\textsuperscript{107} No. 38 of 2005 as amended by the Children’s Amendment Act No. 41 of 2007 and Child Justice Act No. 75 of 2008
Major concerns raised by Members included the lack of statistics on human trafficking in SA, the lack of clear coordination in the roles of different departments dealing with human trafficking, and the possibility of foreigners making false claims about being victims of trafficking so as to be allowed to stay in the country for extended periods of time. The Committee decided to hold off on the discussion until the following week when all the relevant departments would be present\textsuperscript{108}.

4.4. KEY POLICIES / STRATEGIES

- National Crime Pre Strategy (NCPS) 1996
- Justice Crime Prevention Strategy 1999
- Service Charter for Victims of Crime in South Africa 2004
- Minimum Standards on Services for Victims of Crime 2004
- Policy Framework on Orphans and other Children made vulnerable by HIV/AIDS South Africa, 2005
- Integrated Victim Empowerment Policy, 2007, Department of Social Development (fourth draft)

4.5. SOUTH AFRICA’S APPROACH TO DEALING WITH GENDER BASED VIOLENCE

4.5.1. Sexual Offences

4.5.1.1. The National Policy Framework on the Management of Sexual Offences matters: June 2012

Department of Justice and Constitutional Development have compiled the National Policy Framework (NPF) on the Management of Sexual Offences.

“The NPF intends to achieve the broad objects of the Act, which primarily seeks to establish a Criminal Justice System that is quick, more protective, least traumatising, more sensitive to the plight of victims, and promotes cooperative response between all government departments and institutions.”

Its General Objectives are to:

(i) Ensure a uniform and co-ordinated approach by all Government departments and institutions in dealing with matters relating to sexual offences;

(ii) Guide the implementation, enforcement and administration of the Act; and

(iii) Enhance the delivery of services, as envisaged in the Act through the development of a plan for the progressive realisation of services for victims of sexual offences within available resources.
### 4.5.1.2. Roles of the different stakeholders in the implementation of the Sexual Offences Act

**In terms of section 66. (1) (a) of the Sexual Offences Act:**

<table>
<thead>
<tr>
<th>THE NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICE must, in consultation with the Minister of Safety and Security and after consultation with the Minister, the National Director or Public Prosecutions, the National Commissioner of Correctional Services and the Directors-General: Health and Social Development,</th>
</tr>
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<tbody>
<tr>
<td>• issue and publish in the Gazette national instructions regarding all matters which are reasonably necessary or expedient to be provided for and which must be followed by all police officials who are tasked with receiving reports of and the investigation of sexual offence, including the following:</td>
</tr>
<tr>
<td>(i) The manner in which the reporting of an alleged sexual offence is to be dealt with by police officials;</td>
</tr>
<tr>
<td>(ii) the manner in which sexual offence cases are to be investigated by police officials, including the circumstances in which an investigation in respect of a sexual offence may be discontinued;</td>
</tr>
<tr>
<td>(iii) the circumstances in which and the relevant sexual offence or offence in respect of which a police official may apply for the HIV testing of an alleged offender as contemplated in section;</td>
</tr>
<tr>
<td>(v) the manner in which police officials must execute court orders for compulsory HIV testing contemplated in section 33 in order to ensure the security, integrity and reliability of the testing processes and test results;</td>
</tr>
<tr>
<td>(vi) the manner in which police officials must deal with the outcome of applications made and granted in terms of section 31 or 32 in order to ensure confidentiality; and</td>
</tr>
<tr>
<td>(vii) the manner in which police officials must hand over to the victim or to the interested person, as the case may be, and to the alleged offender the test results.</td>
</tr>
<tr>
<td><strong>(b) The National Commissioner of the South African Police Service must develop training courses.</strong></td>
</tr>
</tbody>
</table>
THE NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS must, in consultation with the Minister and after consultation with the National Commissioners of the South African Police Service and Correctional Services and the Directors-General: Health and Social Development, issue and publish in the Gazette directives regarding all matters which are reasonably necessary or expedient to be provided for and which are to be followed by all members of the prosecuting authority who are tasked with the institution and conducting of prosecutions in sexual offence cases, including the following:

(i) The manner in which sexual offence cases should be dealt with in general, including the circumstances in which a charge may be withdrawn or a prosecution stopped;

(ii) the criteria to be used and circumstances in which the prosecution must apply to court for an order that witnesses and, in particular, child complainants below the age of 16 years give evidence by means of closed circuit television as provided for in section 158 of the Criminal Procedure Act, 1977, if the court does not make an order on its own initiative in terms subsection (2)(a) of that section or an application in terms of subsection (2)(b) of that section is not made;

(iii) the criteria to be used and circumstances in which the prosecution must request the court to consider appointing a competent person as an intermediary as provided for in section 170A of the Criminal Procedure Act, 1977, in respect of witnesses and, in particular, child complainants below the age of 16 years;

(iv) the circumstances in which the prosecution must request the court to consider directing that the proceedings may not take place in open court as provided for in section 153 of the Criminal Procedure Act, 1977;

(v) the circumstances in which the prosecution must request the court to consider prohibiting the publication of the identity of the complainant in the case as provided for in section 154 of the Criminal Procedure Act, 1977, or of the complainant’s family, including the publication of information that may lead to the identification of the complainant or the complainant’s family;

(vi) the criteria to be used, circumstances and manner in which Directors of Public Prosecutions should authorise and institute a prosecution contemplated in section 16(2), dealing with consensual sexual violation with a child with the view to ensuring uniformity;

(vii) the criteria to be used, circumstances and manner in which Directors of Public Prosecutions should authorise and institute a prosecution contemplated in section 38(1), dealing with the ascertaining of the HIV status of an alleged offender or disclosure of the results of any HIV tests, with the view to ensuring uniformity;

(viii) the information to be placed before a court during sentencing, including pre-sentence reports and information on the impact of the sexual offence on the complainant; and

(ix) the manner in which prosecutors must ensure that an order contemplated in section 5Q(2)(a) (dealing with an order of a court to include the accused’s name in the Register) is forwarded to and received by the Registrar of the National Register for Sex Offenders.
(b) The National Director of Public Prosecutions must develop training courses, which must—
  i) include training on the directives referred to in paragraph (a);  
  ii) include social context training in respect of sexual offences; and  
  iii) provide for and promote the use of uniform norms, standards and procedures, with a view to  
  ensuring that as many prosecutors as possible are able to deal with sexual offence cases in an  
  appropriate, efficient and sensitive manner.

(c) The National Director of Public Prosecutions must, in consultation with the National  
Commissioner of the South African Police Service, issue and publish in the Gazette  
directives regarding the manner in which prosecutors and other officials in the national  
prosecuting authority must deal with the HIV test results that were disclosed by police  
officials, as contemplated in section 33(l)(e)(ii), in order to ensure the confidentiality of  
such test results.
THE DIRECTOR-GENERAL: HEALTH must, in consultation with the Minister of Health and after consultation with the Directors-General: Justice and Constitutional Development and Social Development and the National Commissioners of the South African Police Service and Correctional Services, publish in the Gazette directives regarding all matters which are reasonably necessary or expedient to be provided for and which are to be followed by all medical practitioners and any other relevant persons when dealing with sexual offence cases, in order to achieve the objects of this Act as set out in section 2 and the Preamble, particularly those objects which have a bearing on complainants of such offences, with particular reference, among others, to—

(i) the administering of Post Exposure Prophylaxis;
(ii) the manner in which court orders for compulsory HIV testing contemplated in section 33 must be executed in order to ensure the security, integrity and reliability of the testing processes and test results;
(iii) the manner in which the HIV test results contemplated in section 37 must be dealt with in order to ensure confidentiality;
(iv) the manner in which the reporting of an alleged sexual offence is to be dealt with if the offence is reported to a designated public health establishment; and
(v) the manner in which assistance in the investigation and prosecution of sexual offences, generally, must be provided.

(b) The Director-General: Health must develop training courses, which must—

(i) include training on the directives referred to in paragraph (a);
(ii) include social context training in respect of sexual offences; and
(iii) provide for and promote the use of uniform norms, standards and procedures, with a view to ensuring that as many medical practitioners and any other relevant persons as possible are able to deal with sexual offence cases in an appropriate, efficient and sensitive manner.

(4) (a) The national instructions and directives by each Department or institution, contemplated in this section, must be:

(i) Submitted to Parliament within six months after the commencement of this section, before publication in the Gazette; and
(ii) published in the Gazette.

(b) Paragraph (a) applies to any new or amended national instructions or directives issued under this section with the changes required by the context.

(5) (a) The training courses contemplated in this section must be tabled in Parliament within six months after the commencement of this Act.

(b) The cabinet members responsible for safety and security, the administration of justice and health must, within a year after the commencement of this Act and every 12 months thereafter, table a report in Parliament relating to the implementation of the training courses.
4.5.1.3. Sexual Offences Courts

The specialised Sexual Offences Court was first introduced in South Africa as a pilot project aimed at improving the adjudication of sexual offences in 1993. The court was considered as an intervention mechanism to prevent secondary victimisation that is suffered by the victims at the hands of the criminal justice system.

The main objectives for the Sexual Offences Court were:

- To reduce insensitive treatment of victims in the criminal justice system by following a victim-centred approach;
- To adopt a coordinated and integrated approach among the various role-players who deal with sexual offences;
- To improve the investigation and prosecution, as well as the reporting and conviction rates in sexual offences case.

The establishment of the Sexual Offences Court led to increased conviction rate of over 80% in less than a year. However the courts were closed due to a number of challenges such as lack of specialised personnel and resources (Structures, financial and human resources).

The Sexual Offences Courts have been re-establishment in 2013. The re-establishment of these Courts will ensure that the court system deals more promptly, responsively and effectively to sexual violence. Some 57 Regional Courts have been identified for upgrading to operate as Sexual Offences Courts. The DoJ& CD plans to have 57 courts fully operational by the end of 2017.

4.5.1.4. THE SHUKUMISA CAMPAIGN

The National Working Group on Sexual Offences (a network of 20 civil society organisations from around South Africa) have embarked on a campaign called the Shukumisa Campaign, which periodically carries out monitoring at police stations, hospitals and courts to determine the extent to which the South African Police Service, the Department of Justice and Constitutional Development and the Department of Health are meeting their commitments to providing services for victims of sexual offences.

The first pilot Shukumisa Campaign monitoring was undertaken in 2008 during the 16 Days of Activism to End Violence Against women and was repeated in 2010. During the 16 Days of Activism in 2011, and in January of 2012, civil society organisations participating in the Shukumisa Campaign conducted monitoring at 83 police stations, 29 courts and 30 hospitals across Gauteng, the Western Cape, Limpopo, the Eastern Cape, the Northern Cape and KwaZulu-Natal to assess the services which these facilities provide to rape victims.

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109 Minister of Justice Speech at the Media Brief on The Re-Establishment of the New Sexual offences Court Model on the 6th August 2013 at Tshedimosetso House in Pretoria.
(i) **Findings of the 2011 Shukumisa Campaign.**

Assessment was done on:

(a) Accessibility, including whether the building was easy to identify as a police station, if there were direction markers leading to it, whether they catered for people living with disabilities and whether or not it was close to public transport routes

(b) The Client Service Centre (CSC), including the pamphlets and posters available at the CSC;

(c) Availability of the documentation associated with the SOA; and

(d) Specialised station-level services.

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According to the **National Instruction 3/2008**, the following documents should be readily available at all stations:

- the Sexual Offences Act;
- the National Instructions 3/2008;
- the station orders around sexual offences;
- the regulations and forms related to the SOA (forms for the HIV testing of the rape accused and information sheets for rape survivors about PEP and HIV testing);
- information about hospitals providing PEP to rape survivors; and
- a list of organisations providing services to rape survivors.
A summary of Findings from the Shukumisa Report: 2011/2012

### The South African Police Service

A sample of 87 police stations were taken:
- Gauteng (26),
- Western Cape (8),
- Limpopo (15),
- Northern Cape (15),
- Eastern Cape (20)
- KwaZulu-Natal (3).

<table>
<thead>
<tr>
<th>Issues for assessment</th>
<th>Results</th>
<th>Comments by Shukumisa Monitors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessibility</td>
<td></td>
<td>On the whole, the level of service appeared to be good. Despite the stations being quite busy, there were sufficient officers to help clients and sufficient space for clients to wait for assistance.</td>
</tr>
</tbody>
</table>
| Client Service Centre | Not all police stations displayed posters and pamphlets relating to sexual offences—  
- 17% of stations where this information was available could produce all of the documentation stipulated by the National Instructions.  
- 60% of stations had a copy of the SOA.  
- 53% had copies of the Notice of Services Available to Victims.  
- 71% had a copy of the National Instructions 3/2008.  
- 51% were able to produce the station orders around sexual offences.  
- 53% had a list of organizations providing services to rape survivors.  
- 48% had a list of hospitals providing PEP to rape survivors. | When asked about these documents, some police officers appeared confused and in a few cases (34%), the documentation was not located easily. Where they were available, most of these posters and pamphlets were in English, with very few printed in any of South Africa’s indigenous languages. Not only are police stations legally obligated to make these documents readily available, but they also serve to inform rape victims of their rights and relevant services. |
<table>
<thead>
<tr>
<th>Station orders (to guide staff in the treatment of sexual offence cases)</th>
<th>Only half of the stations monitored could produce station orders</th>
<th>Police stations are required to develop station orders. If there are no station orders, officers run the risk of making errors in procedure that can harm the survivor’s case.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specialized station-level services.</td>
<td>o 94% of stations had access to specialist detectives; 74% of stations had a trauma room.</td>
<td>Rape victims require these services as they minimize risks of further victimization. The trauma rooms should allow for non-governmental organizations (NGOs), community-based organizations (CBOs) or volunteers to provide psychosocial support to survivors.</td>
</tr>
<tr>
<td>Assistance from detectives who are specially trained on sexual offences policies and legislation, as well as access to psychosocial support</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Availability of specialist detective services and whether there was a separate trauma room or Victim Empowerment centre (VEC) to ensure privacy, safety and comfort.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Facilities available to deaf, mentally disabled and lesbian, gay, bisexual, transgender and intersex (LGBTI) rape victims. | o There was some understanding about the special needs of these marginalized groups.  
 o Most of the police stations did not have access to interpreters for deaf survivors of sexual violence.  
 o Just over half the police stations monitored had made provision for survivors with a mental disability. | A lack of specialized assistance to marginalized groups serves to exclude them further. |

### The courts

A total of 28 courts were approached to be monitored:

- Gauteng (5)
- Western Cape (4)
- Limpopo (11),
- Eastern Cape (7)
- KwaZulu-Natal (1).

Only two courts denied monitors access, and at one court the person on duty, could not adequately assist the monitors.
### Signage, physical accessibility of the court and condition

- 57% had clear direction markers to the court.
- 82% had access for people with physical disabilities.
- 89% of courts were easily accessible by public transport.

Fifteen of the 25 courts monitored were specialist Sexual Offences Courts.

Intermediary services are vital for rape victims, particularly children. Not all the courts monitored provided these services. They were provided by 17 of the 25 courts.

### The witness waiting room

64% of courts had witness waiting rooms.

### Rooms for NGOs

36% of courts had a room/office for NGO use.

### Specialised court services and facilities

- 88% of courts had CCTV facilities.
- 56% of courts had court preparation officers.

### The health facilities

**Health facilities monitored:**
- Gauteng (8),
- Eastern Cape (12),
- KwaZulu-Natal (2),
- Limpopo (5) and
- Western Cape (3).

**Access was granted to 26 facilities**

- 19 of these provided services to rape survivors
- 18 of these health facilities provided post exposure prophylaxis (PEP) to rape survivors.
- 12 of the 19 facilities conducted compulsory HIV testing of offenders when they were brought in.
- In four of these facilities there were no separate waiting rooms for offenders and survivors

#### Services to rape survivors

- 19 of these provided services to rape survivors
- 18 of these health facilities provided post exposure prophylaxis (PEP) to rape survivors.
- 12 of the 19 facilities conducted compulsory HIV testing of offenders when they were brought in.
- In four of these facilities there were no separate waiting rooms for offenders and survivors
4.5.1.5. General information and Stats on Sexual Offences

Table 36: Ratios of all sexual offences from highest decreases to highest increases between 1 April 2010 and 31 March 2011

<table>
<thead>
<tr>
<th>Province</th>
<th>2009/10</th>
<th>2010/11</th>
<th>Increase/Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>RSA</td>
<td>138.5</td>
<td>132.4</td>
<td>-4.4%</td>
</tr>
<tr>
<td>Gauteng</td>
<td>148.6</td>
<td>125.0</td>
<td>-15.9%</td>
</tr>
<tr>
<td>KwaZulu-Natal</td>
<td>127.0</td>
<td>120.2</td>
<td>-5.4%</td>
</tr>
<tr>
<td>Limpopo</td>
<td>93.8</td>
<td>89.8</td>
<td>-4.3%</td>
</tr>
<tr>
<td>Mpumalanga</td>
<td>127.6</td>
<td>122.8</td>
<td>-3.8%</td>
</tr>
<tr>
<td>Western Cape</td>
<td>180.7</td>
<td>178.0</td>
<td>-1.5%</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>136.1</td>
<td>139.1</td>
<td>2.2%</td>
</tr>
<tr>
<td>Northern Cape</td>
<td>160.8</td>
<td>169.2</td>
<td>5.2%</td>
</tr>
<tr>
<td>North West</td>
<td>137.9</td>
<td>147.0</td>
<td>6.6%</td>
</tr>
<tr>
<td>Free State</td>
<td>157.0</td>
<td>171.3</td>
<td>8.6%</td>
</tr>
</tbody>
</table>

Source: Crime report 2010/11

Between 2010 and 2011:

- The highest incidence of all reported sexual offences was recorded in the Western Cape, followed by the Free State and Northern Cape, while Limpopo featured at the bottom of the list.
- Five of the nine provinces recorded decreases in sexual offences, while four experienced increases.
- Only one of the five provinces which experienced decreases, namely Gauteng, also met the reduction target with a significant decrease of -15.9%.
- The increases in sexual offences of 8, 6% in the Free State, 6, 6% in North West and 5, 2% in the Northern Cape are cause for concern.

Table 37: All Sexual Offences: 2009/10- 2012/13

<table>
<thead>
<tr>
<th>Province</th>
<th>CRIME RATIO PER 100 000 OF THE POPULATION</th>
<th>% Inc or Decrease08/09-09/12/13</th>
<th>% Inc or Decrease11/12-12/13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern Cape</td>
<td>143.7, 143.1, 139.1, 135.3, 145.2, 1.0%</td>
<td>7.3%</td>
<td></td>
</tr>
<tr>
<td>Free State</td>
<td>157.2, 157.8, 171.3, 119.9, 21.6%</td>
<td>7.1%</td>
<td></td>
</tr>
<tr>
<td>Gauteng</td>
<td>174.0, 148.6, 125.0, 191.1, -10.0%</td>
<td>-10.0%</td>
<td></td>
</tr>
<tr>
<td>KwaZulu-Natal</td>
<td>131.4, 127.0, 120.2, 119.9, 5.5%</td>
<td>5.5%</td>
<td></td>
</tr>
<tr>
<td>Limpopo</td>
<td>88.6, 93.8, 89.8, 102.4, 116.6, 15.8%</td>
<td>15.8%</td>
<td></td>
</tr>
<tr>
<td>Mpumalanga</td>
<td>130.8, 127.6, 122.8, 104.7, -6.4%</td>
<td>-6.4%</td>
<td></td>
</tr>
<tr>
<td>North West</td>
<td>146.6, 137.9, 147.0, 152.8, 155.7, 1.9%</td>
<td>1.9%</td>
<td></td>
</tr>
<tr>
<td>Northern Cape</td>
<td>170.3, 160.8, 169.2, 158.5, 159.9, 0.9%</td>
<td>0.9%</td>
<td></td>
</tr>
<tr>
<td>Western Cape</td>
<td>166.7, 180.7, 178.0, 173.1, 146.6, -14.2%</td>
<td>-14.2%</td>
<td></td>
</tr>
<tr>
<td>RSA</td>
<td>144.8, 138.5, 132.4, 127.5, 127.0, -0.4%</td>
<td>-0.4%</td>
<td></td>
</tr>
</tbody>
</table>

Source: An Analysis of the National Crime Statistics 2012/13- Addendum the Annual report: SAPS
The Table above indicates that between 2009/10-2012/13 this crime has come down by 12.3%, an average reduction of 3.1% per annum.

- The highest contributing provinces include: Gauteng (43.3%), Mpumalanga (20.0%), Western Cape (10.9%).

- The highest increases were in Limpopo (33.9%) and Free State (21.6%). During the current reporting period, there was a marginal decrease of 0.4% and only 3 provinces contributed to the reduction, i.e. Western Cape (14.2%), Gauteng (10.0%) and Mpumalanga (6.4%).

- The highest increase was Limpopo (15.8%).

Information from the 2012/12 Crime Stats\textsuperscript{111} indicates that increased victim friendly services in police stations and community-police partnerships, including volunteer programmes, are critical and further that the introduction of specialised courts will help to bring impetus to the finalisation of the cases mentioned above.

**Figure 36: Percentage of selected individuals who knew the perpetrator, and their relationship, if any, to the perpetrator by type of crime, 2011**

\textsuperscript{111} An Analysis of the National Crime Statistics 2012/13 - Addendum the Annual report: SAPS

The figure above shows that a large proportion (44.1%) of the victims (from selected individuals) of sexual offences were attacked by a known community member(s) from the area, followed by those attacked by a relative (17%), while only 15.4% stated that the perpetrators were an unknown people from outside their area.
Only 14.4% were victimised by known people from outside. As far as assault was concerned, 27.9% of individuals were victimised by a known community member, followed by 15.1% of those who were victimised by unknown community members and unknown people from outside respectively.

**Fig37: Percentage of sexual offence victims who know where to access help after an incident, 2011**

![Bar chart showing percentages of sexual offence victims who know where to access help after an incident, 2011.](chart)

**SOURCE:** Victims of crime survey 2012: Reference period January to December 2011

The above Figure provides an insight into whether victims of a sexual offence know where they can go to get help. More than 60% of victims identified medical assistance (62.7%), while 55.7% identified counselling as the places to get help. A total of 31.9% of the victims indicated that they would apply for a protection order, and only 19.4% indicated they would get anti-retroviral.

**4.5.1.6. UKUTHWALA**

**A Publication by the Department of Justice and Constitutional Development (DoJ&CD)**

![UKUTHWALA poster](image)

*Produced by the Department of Justice and Constitutional Development*

According to the Publication of the DoJ&CD, Ukuthwala is a form of abduction that involves kidnapping a girl or a young woman by a man and his friends or peers with the intention of compelling the girl or young woman’s family to endorse marriage
negotiations. In ancient Africa, particularly among the Nguni. Ukuthwala was a condoned albeit abnormal path to marriage targeted at certain girls or women of marriageable age. But it did not involve raping or having consensual sex with the girl until marriage requirements had been concluded.

The act of Ukuthwala, however, was not with impunity; it incurred Delictual liability for the culprit, in the form of the payment of one or more herd of cattle to the father or legal guardian of the girl.

Today Ukuthwala, particularly in the Eastern Cape, increasingly involves the kidnapping, rape and forced marriage of minor girls as young as twelve years, by grown men old enough to be their grandfathers.

The Following Legislation, policies and strategies are applicable to address address issues around Ukuthwala:

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Child Care Act</strong></td>
<td>Health care professionals, social workers, educators, and staff and managers of children’s homes have a duty to report the ill treatment of children and young people in care.</td>
</tr>
<tr>
<td><strong>Children’s Act</strong></td>
<td>The Children’s Act provides that in all matters involving children, the best interest of the child are of paramount importance. It also stipulates the age of consent to marriage as 18 years.</td>
</tr>
<tr>
<td><strong>Domestic Violence Act</strong></td>
<td>A victim of Ukuthwala may apply for a protection order under the Domestic Violence Act against family members involved in her abduction.</td>
</tr>
<tr>
<td><strong>Rights under Criminal Law</strong></td>
<td>A girl or woman that has been subjected to Ukuthwala may lay a charge of abduction, kidnapping, rape and trafficking in persons.</td>
</tr>
<tr>
<td><strong>Family law</strong></td>
<td>A girl-child or woman that has been subjected to Ukuthwala has a right to have the marriage annulled and, where appropriate, claim maintenance.</td>
</tr>
<tr>
<td><strong>Civil remedies</strong></td>
<td>A girl-child or woman may also claim damages for all harmful consequences of the Ukuthwala. This may include pain and suffering, missed educational opportunities, and long-term medical needs.</td>
</tr>
<tr>
<td><strong>Victim’s Charter</strong></td>
<td>The Victim’s Charter holds law-enforcement officers to specific standards, including victim participation and accountability to the victim.</td>
</tr>
<tr>
<td><strong>Social assistance</strong></td>
<td>It is open to a victim of Ukuthwala to approach the South African Social Security Agency or any Department of Social Services for a social grant for their children.</td>
</tr>
</tbody>
</table>
4.5.1.7. The investigation by the CGE on Ukuthwala in KwaZulu-Natal

The CGE conducted an investigation into the prevalence of Ukuthwala in KwaZulu Natal. The purpose of the investigation was to present the CGE with an opportunity to understand the challenges facing government departments and private companies in terms of implementing measures for the advancement of women, and gathering information on best practices and lessons learnt.

A Summary of the findings:

<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>FINDINGS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Education</td>
<td>Incidents of Ukuthwala have subsided in a number of places. This is as a result of the intervention by one of the Inkosis in the area of Bergville. The Inkosi has reportedly developed a programme of visiting areas and addressing residents on the evils of Ukuthwala. The departments of Education, SAPS and DoJCD have established a partnership and have continued to visits schools to bring awareness to learners about the dangers of ukuthwala and its implications.</td>
</tr>
<tr>
<td>Department of Health</td>
<td>The Department stated that it does not collect data relating to the practice of ukuthwala, and that all sexual offences cases are routinely managed and recorded without indicating the underlying cause.</td>
</tr>
<tr>
<td>The Dept. of Cooperative Governance and Traditional Affairs (COGTA)</td>
<td>The Department is not in a position to furnish any statistical data on ukuthwala in KZN. No information was provided on whether the practice of ukuthwala was receiving the attention of this Branch</td>
</tr>
<tr>
<td>Office of the Premier</td>
<td>The KZN Office of the Premier has assumed the coordination of the multi sectoral Ukuthwala Provincial Task Team, through its Office on the Rights of the Child (ORC). The establishment of the Task Team was recommended by the KwaZulu-Natal Provincial Advisory Council for Children (KPACC), a provincial institution that promotes the respect of the rights of children.</td>
</tr>
</tbody>
</table>

The CGE was provided with the following information:

- The Province has no statistics on ukuthwala which can be handed over to the CGE. In this regard, the Premier’s Office noted that research on ukuthwala and affected issues should be undertaken;
- Capacity building led by the Office of the Premier should be on-going.
- It was indicated that there is no media strategy in place to raise awareness on the issue of ukuthwala. The Office of the Premier noted that this should be undertaken by the Ukuthwala Provincial Task Team.

112 An investigation into state prevention and response- report by the CGE 2013
### Dept. of Social Development

- Social workers, when coming across ukuthwala, reportedly deal with such cases the same way they deal with any other case where the rights of children are violated, such as child abuse and neglect, offering the necessary counselling services;
- There are no specific guidelines or standard operating procedures for dealing with ukuthwala. Existing procedures in relation to child abuse, neglect and exploitation are deemed applicable;
- Currently the Department does not have statistical data on cases of ukuthwala.
- The Department notes that since ukuthwala is an arrangement between parents of the girl and the boy or young man in question, there is never any reporting by the families concerned.
- The Department noted that should child victims of ukuthwala require protection in the form of a shelter, such service will be availed to them just like any other person requiring such intervention;
- The Department, in cooperation with the Office of the Premier’s Human Rights Unit, and other stakeholders embarked on a campaign to prevent and create awareness.
- The Department will deal with reported cases of ukuthwala through the application of section 110 of the Children’s Act 38 of 2005. Should any adult be convicted of an offence against a child his name will be included in both the child protection register in accordance with the Act as well as in the Sexual Offences register in accordance with the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007.

### The National Prosecuting Authority (NPA)

Prosecutions are undertaken in relation to ukuthwala. Perpetrators are charged in terms of the common law offences of kidnapping and assault with intent to do grievous bodily harm, and the statutory offence of rape in contravention of section 3 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007;

The draft provincial action plan has not been finalized and to date, it has not been implemented;

As no separate statistics are retained in respect of ukuthwala cases, the NPA reported that it is not in a position to provide statistical data on possible cases of ukuthwala in KZN;

No guidelines have been developed for prosecutors to strategically respond to cases of ukuthwala.

### South African Police Services

The Family Violence, Child Protection and Sexual Offences Unit (FCS) members are mandated to investigate ukuthwala cases in terms of their FCS mandate;

The standing operating procedures for reporting of FCS related to crimes provide the investigating officer with guidelines on investigating ukuthwala cases;

Members have received the necessary training on FCS, including matters relating to sexual offences and child justice.
The CGE Recommendations

In order to address the gaps highlighted in the findings of this report the CGE makes the following recommendations:

1. That the Ukuthwala Provincial Task Team finalize the provincial action plan and oversee its implementation, which the CGE will monitor;

2. All departments develop the necessary protocol, guidelines and training for district staff on how to recognize, respond to and report cases of ukuthwala;

3. Adopt a multi-sectoral approach where all departments and the NPA work together to gather and track statistics and data in relation to ukuthwala to enable the province to monitor its incidence. This should be used to assess the impact of the provincial action plan;

4. Further awareness raising initiatives with more collaborative outreach interventions by schools, amakhosi, SAPS and other stakeholders to speak out against ukuthwala and provide communities and children with information on what steps to take to report and address incidents;

5. Traditional leadership structures are urged to visit communities and speak to residents about the dangers and consequences of ukuthwala stating clearly that the practice is not supported;

6. The KZN Provincial Cabinet is encouraged to hold an urgent debate on ukuthwala;

7. The Women’s Portfolio Committee in the KZN Legislature is encouraged to exercise the requisite oversight and to demand action as well as reports from various stakeholders on the practice of ukuthwala;

8. The NPA and SAPS are called upon to respond to reported cases and thereby prosecute. The requisite protocol guidelines must be developed and a more concerted effort made to gather appropriate statistics on ukuthwala. The CGE must monitor this process.

9. The CGE is to convene a national gender summit and include the issue of harmful traditional practices as an agenda item in an endeavour to foster debate on this issue

10. All departments that are mandated to respond to sexual offences must apply gender analysis lenses to all cases so that proper referrals to the SAPS, counselling services, and places of safety can be addressed immediately

11. The establishment of a local monitoring committee which includes members of the Victim Empowerment Forums across KZN

The CGE expressed concern at instances prevalent in the Eastern Cape and KwaZulu-Natal where girl children between the ages of 11 and 18 have been abducted and compelled to marry boys or men, under the pretence of the customary practice of ukuthwala. Reported instances of ukuthwala indicate that often the friends or peers of the abductor assist and participate in the rape and beating of the girl child, often administering narcotics in an endeavour to ensure that the minor girl succumbs to the suitor’s advances.
4.5.2. EXAMPLES OF EXINITIATIVES BY DIFFERENT SECTORS TO ADDRESS VIOLENCE AGAINST WOMEN

4.5.2.1. The Thuthuzela Care Centres (TTCs)- a programme by the Sexual Offences and Community Affairs (SOCA) Unit of the National Prosecuting Authority

This is one of the programmes coordinated by the SOCA Unit of the NPA. The TTCs are one-stop facilities that have been introduced as a critical part of South Africa’s anti-rape strategy, aiming to reduce secondary victimisation, improve conviction rates and reduce the cycle time for finalisation of cases.

According to SOCA, the Thuthuzela model is based on the concept of comprehensive, integrated, intersectoral provision of services to victims of sexual violence. This model adopts a victim-centred approach and facilitates victim empowerment by supporting the victim through the criminal justice system with the objective of transforming him or her from a victim to a survivor. It has the aim of both improving the care and treatment of rape victims at all points in the criminal justice system, and thereby reducing secondary victimisation, as well as ensuring the speedy, effective investigation and prosecution of sexual offences cases, thus ensuring a reduction in cycle times and an increase in conviction rates.

In terms of this model, health care providers play a critical role in attending to the medical, emotional and psychological needs of victims by collecting and documenting evidence, networking and interacting with other professionals involved in the care and management of victims, as well as referral of patients for longer-term care.

4.5.2.2. The Ndabezitha Project - National Prosecuting Authority (NPA)

The Ndabezitha Project is an initiative led by the NPA Sexual Offences and Community Affairs Unit in partnership with the DOJ& CD Chief Directorate of the Promotion of the Rights of Vulnerable Persons, the National House of Traditional Leaders and the Malibongwe Women Development Organisation. It is a public awareness and legal education initiative aimed at empowering rural women.

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Table 38: Ladysmith FCS, SAPS reports as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Received</th>
<th>Court</th>
<th>Withdrawn</th>
<th>Undetected</th>
<th>J 50 Issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>5</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2012</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Ukuthwala In Kwazulu-Natal: An Investigation Into State Prevention And Response- Report by the CGE
communities on the issues of domestic violence. The project seeks to bridge the gap in service provision between urban and rural communities and also between men and women, and boys and girls. The broad objective of the Ndabezitha Programme is to fight domestic violence in rural communities.

The project also aims to:

- Empower rural men and boys on domestic violence and its laws.
- Engage men and boys in developing strategies to combat and prevent domestic violence, and also engender positive behavioral changes in domestic relationships.
- Develop strategies to integrate restorative justice as an intervention mechanism in domestic violence.
- Educate people in rural communities on sexual violence and human trafficking, particularly in instances linked to domestic relationships.
- Empower rural women and girls on issues of domestic violence and legal intervention.
- Engage rural women and girls in collaborative work with men and boys towards developing strategies to combat and prevent domestic violence in rural communities.
- Educate rural women and girls on restorative justice as an effective intervention measure in domestic violence.

4.5.2.3. One Stop Centres (Khuseleka Model) (Dept. of Social Development)

The “one-stop centres” is a specific programme implemented by the Department of Social Development. The programme offers a range of integrated services to victims of violent crime, including legal assistance, medical care, psycho-social support and shelter services. It is part of the Victim Empowerment Programme.

The first one-stop centre, the Khuseleka One-Stop Centre, was launched in Limpopo in 2011. The centre provides service on a 24 hour basis and brings together a diverse number of government departments and civil society organisations which had previously operated in separate locations. It has the capacity to house up to 30 adults and 12 children for a period of up to 6 months. It provides all required services for women and children who are victims of violence such as trauma counselling and psychosocial support, health care, police services, legal assistance, and shelter services.
4.5.2.11. The 365 Days National Action Plan

The Purpose of the plan:

“The National Action Plan is a multi-sector framework and approach for ending gender violence. The plan is in recognition that no single sector, government ministry, department or civil society organisation is by itself responsible or has the singular ability to address this challenge. It is envisaged that all the South African government departments and civil society organisations will as stakeholders 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 this scourge. “\(^{114}\)

\(^{114}\) 365 Days National Action Plan
365 Day National Action Plan at a Glance

Vision: A South Africa free from gender based violence where women, men, girls and boys can realize their full potential.

Mission: To devise a comprehensive and concerted plan for ending gender violence with measurable targets and indicators to which South Africans from all walks of life, in all spheres of government, and at all levels of society can contribute.

Goals:
- To ensure that all relevant legislation is passed, budgeted for, thoroughly canvassed and implemented.
- To reduce cases of rape by seven to ten % per annum in line with the SAPS target.
- To ensure that South African Police Service (SAPS) crime statistics provide particulars on domestic violence and that there is significant reduction of domestic violence each year.
- To increase conviction rates by 10 percent per annum, including through the roll out of more Sexual Offences Courts.
- To ensure comprehensive treatment and care for all survivors of gender violence, including the provision of Post Exposure Prophylaxis (PEP) to reduce the chances of HIV infection; treatment for the possibility of STD’s and pregnancy as well as counselling.
- To provide support and empowerment for victims through places of safety, secondary housing and employment opportunities as well as rehabilitation of offenders.
- To ensure coordination and communication among those involved in the implementation of the plan including through the establishment of appropriate institutional mechanisms.
- To set targets and indicators that are regularly monitored, evaluated and reported on.
- To ensure that the plan is widely canvassed and adapted for implementation at all levels: national, provincial and local.

Source: Mapping Violence Prevention Models And Action Plan South Africa Violence Prevention Model and Action Plan (Gender Links; UNICEF; NPA)

4.5.2.5. The 16 Days of Activism on GBV

The sixteen days are actually the days between two UN dates - International Day of No Violence Against Women on 25 November, and Human Rights Day on 10 December (Human Rights Day).

There are several other key dates for women’s rights in the intervening days. These are:
- 1 December: World Aids Day;
- 3 December: International Day for the Disabled;

The United Nations usually announces a global theme for Sixteen Days which is then locally adapted.

Government coordinates an overall calendar of events. National, Provincial and Local Government representatives in the National Gender Machinery prepare sector-specific, rural and urban-based activities for the campaign. This information is fed into a national calendar of events, overseen and managed by the Government.
Communication and Information System (GCIS). GCIS also produces and distributes the Sixteen Days National Communication Strategy throughout the provinces. GCIS and the broader media also play a key strategic role in employing a media strategy for the campaign. The GCIS is to develop a 365 Days communications strategic plan that includes the activities on the Implementation Plan for the 16 Day of Activism.

NGOs have often coordinated their work and campaigns to have a specific theme for each day of the Sixteen Days. Some of the themes adopted for different days include:

- Media:
- part of the problem or of the solution;
- Gender violence and Sexual Orientation;
- Trafficking;
- Role of Local Government in Ending Gender Violence;
- Imagine a world free from gender violence and HIV and AIDS, Peace begins at home;
- Empowerment of women and children;
- Gender Violence and the Workplace;
- Role of Men and Boys;
- Gender Violence in Schools;
- Economic Costs of Gender Violence and Speaking out on Gender Violence.

Community Based Organisations (CBOs) have taken up the campaign in different ways to ensure participation. For example ‘Take Back the Night’ campaign which in the past has been coordinated by NGOs in collaboration with local government to reclaim unsafe spaces.

4.5.2.6. Orange Day (UN)

Orange Day is a partnership campaign between government and civil society, which is dedicated to combating gender-based violence. The initiative was launched amid commemoration of Gender Based Violence Day; a United Nations (UN) global campaign to urge the world to unite against violence on women and children. It is also celebrated on August 25. This campaign will provide a platform to unite and seek resources from civil society organizations, government and donors to reach women and children in the remote areas of South Africa.

4.5.2.7. Opening Our Eyes Manual- Department Of Education

Children in schools experience discrimination and victimisation of different types, despite the fact that there are many laws and policies, which prohibit any form of unfair discrimination. Research reports as well as many personal stories; confirm
that children do experience various levels of harassment and victimization based on race, gender, sexual orientation, HIV status, or in cases of pregnancy. Some learners even experience incidents of sexual violence at schools, and all of these are matters of great concern to the Ministry of Education.115

This school-based manual is intended to assist teachers, parents and learners in reducing or eliminating such cases of discrimination and violence. It is a professional development tool that should be used by school management teams and by school governing bodies to understand the bases for such actions, and to develop strategies and approaches which can assist in managing such unacceptable behaviours.

4.5.2.8. The National Council on Gender-Based Violence

South Africa has established the National Council on Gender Based Violence. The council is a multi-sectoral structure that is geared towards employing multi-disciplinary approach in tackling the plight of violence against women. This structure was established in December 2012 and its impact has not yet been felt at the grassroots level since most of the work that has been done so far was focusing on setting up the strategies and popularizing the structure. The establishment of NCGBV is also a response to objective 1 under Violence against Women Area of Concern. This structure among other things has been established to employ integrated measures to prevent and eliminate violence against women in the country.

The purpose of the NCGBV includes:

- Ensuring a comprehensive helpful response to victims and survivors of Gender-Based Violence;
- Formulating and implementing strategies to prevent gender based violence;
- Reviewing and monitoring the implementation of the existing 365 Days National Action Plan for no Violence against Women and Children which was adopted on 8th May 2007;
- Providing government with an advisory platform by leading the development and maintenance of consensus on policy and strategic issues; and
- Building commitment and fostering high level relationship to prevent, decrease and eliminate gender based violence.

The Council introduced its own programme called the Vikela Campaign which basically means protection. The communities are sensitized about being the whistle blowers and making sure that cases of violence against women are reported and prosecuted.

The Council has to monitor the implementation of all programmes dealing with gender-based violence in the country including the 365 days action plan, and advising the Women’s Ministry in fulfilling their leadership responsibilities relating to the national response against GBV.

Opening our eyes- Addressing Gender Based Violence in South African Schools- Manual for Educators the Department of Education
4.6. HUMAN TRAFFICKING

4.6.1. Facts about Human Trafficking

- Approximately 80% of persons trafficked are women and girls, of whom 50% are minors. The vast majority of those trafficked under 18 years of age are girls.
- People are trafficked for many purposes – sexual exploitation, begging, underpaid and exploited forced labour in the agriculture, manufacturing and construction industries, domestic service and organ harvesting.
- Increased poverty for survivors, particularly widows and female headed-households, is an endemic feature of armed conflicts.
- The increase in demand for cheap labour continues to attract people flows from poorer to more prosperous locations. As a result, with populations moving in search of employment, with the attendant opportunities for exploitation, there is often overlap between trafficking source, transit and destination sites.
- The globalization of the commercial sex industry has greatly expanded and become integrated with other aspects of modernization. The demand factors dominating commercial sex work require a constant supply of women and children.
- Widespread gender discrimination that denies women their rights, as well as attitudes that consider women and girls inferior and weak and thence objectify them, and tolerate violence against women supports the existence of trafficking practices that deliver women and girls into appalling living and working conditions.
- Destitute families, unable to support their children, are vulnerable to persuasion to hire out or sell them, girls being most vulnerable to commercial exploitation.

In spite of international conventions, there remains indifference and a lack of domestic commitments to protect those most at risk through legislation, awareness and information, and training of the authorities responsible to provide protection.

4.6.2. Trafficking in Women and Girls

According to the UNESCO’s policy paper116, women and girls are more susceptible to fall into trafficking because of the following factors:

Women’s perceived suitability for work in labour-intensive production and the growing informal sector which is characterized by low wages, casual employment, hazardous work conditions and the absence of collective bargaining mechanisms;

The increasing demand for foreign workers for domestic and care-giving roles, and lack of adequate regulatory frameworks to support this;

The growth of the sex and entertainment industry, while women in prostitution are criminalized and discriminated against;

The low risk-high profit nature of trafficking encouraged by a lack of will on the part of enforcement agencies to prosecute traffickers (which includes owners/managers of institutions into which persons are trafficked);

The ease in controlling and manipulating vulnerable women;

Lack of access to legal redress or remedies, for victims of traffickers; and devaluation of women and children’s human right

Lack of legitimate and fulfilling employment opportunities particularly in rural communities;

Traditional community attitudes and practices, which tolerate violence against women.

Furthermore, the effects of HIV/AIDS have compounded the links between poverty, violence, and trafficking, as, women and girls trafficked for prostitution is among the most vulnerable groups exposed to HIV infection.

4.6.3. The Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons117, especially Women and Children

Article 3 of the Palermo Protocol, defines human trafficking as follows:"


4.6.4. INITIATIVES TO ADDRESS TRAFFICKING IN PERSONS’ WORK DONE BY SAPS

The box below illustrates the process followed by SAPS when assisting a trafficked victim.

According to SAPS, the Prevention and Combating of Trafficking in Persons Law has placed certain obligations upon officials to render the necessary assistance and protection to victims of trafficking. Victims of domestic violence and trafficked victims are first removed from the crime scene after identification and after being interviewed by police officials at victim friendly rooms located at police stations. Victims in need of immediate medical attention are taken to a health care facility for treatment or provided with temporary accommodation with the assistance of accredited organisations or shelters within 24 hours, pending a police investigation and ultimately prosecution of perpetrators.

In situations where trafficked victims are foreign nationals, SAPS officials are obligated to notify the victims Embassies and an Interpreter will be assigned for translation and interpretation during initial interviews where victims are unable to communicate in the spoken and written language of the country where the victim finds him or herself. An application is then made to outsource and procure the services of an accredited interpreter during the course of the investigation process. Police officials will accompany the victim/s to the designated Medical Practitioner for any medical assistance or care. The Department of Social Development has designated social workers who work closely with police to assist victims with psychological counselling. In cases where the victim’s safety is threatened, or that of his / her family, the police official investigating the case must assist with an application to be place the victim under witness protection particularly when the victims testimony is required by the court.

As an initiative to raise awareness and provide information on Trafficking, SAPS has established “Trafficking in Human Beings Desks” in all Provinces to deal with trafficking matters. Each desk is capacitated with a full time coordinator with investigators focusing on Human Trafficking. Training material has been developed in partnership with the NPA and IOM to continue with education whilst waiting for the human trafficking legislation to be enacted.

Community awareness campaigns in all Provinces remain an ongoing activity and presentations are made in schools as well as churches from time to time. The media, both print and visual, is utilised as a vehicle to raise awareness in communities. Community Radio Stations in remote
places like Namaqualand is often used to educate communities. During the 16 days of activism pamphlets and promotional material are distributed in and around malls, intersections and some Government buildings. Training sessions are conducted at different border posts (Ports of entries) for SAPS members

South Africa finally has the Prevention and Combating of Trafficking in Person’s Act No. 7 of 2013. The Department of Justice and Constitutional Development must ensure that there is a plan for the implementation of the Act.

4.6.5. Concerns relating to the Exploitation and Prostitution of Women

Academics and human rights advocates in South Africa have championed a movement towards decriminalising or legally regulating adult commercial sex work. There are views that criminalising prostitution only locks women deeper into sex work and exacerbates the abuse they endure at the hands of their ‘handlers’. Attempts to win constitutional protection for sex workers to practice their profession are ongoing. The South African government’s 2008 CEDAW report notes the challenges that criminalisation of prostitution places on sex workers but it does not mention how government is protecting them. There are also reports that police abuse women sex workers, and request money or sexual favours in exchange for non-conviction.

Institutions such as the Tshwaranang Legal Advocacy Centre, in their submission to the South African Law Reform Commission, proposed that sex work be decriminalised as “it fuels crime against sex workers, encourages police corruption, subverts the human rights values within the police force and violates the basic human rights of sex workers”[118].

4.7. The CGE’S interaction with DoJ & CD and SAPS

Information gathered by the CGE when interacting with DoJ & CD and SAPS

<table>
<thead>
<tr>
<th>ISSUES ON VIOLENCE AGAINST WOMEN</th>
<th>RESPONSES FROM GOVERNMENT DEPARTMENTS</th>
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<tbody>
<tr>
<td>Laws</td>
<td>o Domestic Violence Act 116 of 1998</td>
</tr>
<tr>
<td></td>
<td>o Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007</td>
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<tr>
<td></td>
<td>o Prevention and Combating of Trafficking in Persons Act 7 of 2013</td>
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<tr>
<td>Standards Complied with in terms of implementing the laws</td>
<td>High standards have been set by the SORMAA in ensuring that measures are taken to punish the redress of sexual violence committed against women, girls and mentally disabled. Whilst the SORMAA does not expressly mention women, it clearly stipulates that (in its objectives), “certain measures” must be undertaken to protect “certain victims” of sexual violence.</td>
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<td></td>
<td>Special measures that are clearly provided for in the SORMAA include the fact that:</td>
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<td>Both the SORMAA and the Prevention and Combating of Trafficking in Persons Legislation create obligations at the highest political and administrative levels of government. At political level, there is accountability imposed through requiring the Minister of Justice and Constitutional Development to ensure that the role player departments report on the implementation of the SORMAA and similar provisions exists in the current Trafficking law. In both instances the management of the implementation of the SORMAA and the Trafficking law is placed at the level of the accounting officers of the various departments/role player institutions. Thus Inter-sectoral Committee is established at the level of Directors-General of the Department of Justice and Constitutional Development; Department of Social Development and Health, National Commissioners for Correctional Services and South African Police Services and the National Director of Public Prosecutions.</td>
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<tr>
<td></td>
<td>The SORMAA and the Trafficking in Persons legislation prescribe that the legislation must be implemented from an Inter-sectoral perspective and so even by requiring that the National Policy Frameworks must be developed from an Inter-sectoral approach.</td>
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<tr>
<td></td>
<td>Women victims of sexual violence can now apply to courts to have the alleged perpetrators go through compulsory HIV testing. This measure is a strong measure as it can be placed before court as an aggravating circumstance if the alleged perpetrator is found guilty.</td>
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<tr>
<td></td>
<td>The police also have the powers to use the compulsory testing provisions as part of the investigation into the sexual violence committed. A public stance has been taken by the SAPS in Limpopo and Gauteng Provinces to use compulsory testing as part of the investigative steps.</td>
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<td></td>
<td>Chapter 3 and Chapter 4 create specific statutory offences against children and against persons who are mentally disabled. These offences include sexual exploitation, sexual grooming, exposure or display of or causing exposure or display of pornography of or to children or persons with mental disability etc. The offences are comprehensive in nature.</td>
</tr>
<tr>
<td></td>
<td>Furthermore Chapter 6 of the SORMAA establishes the National Register for Sex Offenders which registers persons convicted for sexual offences against children or persons with mental disability. Whilst the current conviction process is progressing well, concerted efforts have been made to ensure that there are entries of historical convictions, i.e. before September 2009, of persons convicted for sexual offences against children or persons with mental disability.</td>
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<tr>
<td></td>
<td>The Trafficking in Persons law goes further and provides for the systematic collection of data by all relevant role players.</td>
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<td></td>
<td><strong>SAPS</strong></td>
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<td></td>
<td>The SAPS contributes to country reports compiled by the DWCPD regarding compliance to international instruments regarding violence against women. In addition the training curricula for front line services and investigators that address domestic violence and sexual offences include such instruments as the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) and United Nations’ Convention on the Rights of the Child (UNCRC).</td>
</tr>
<tr>
<td>Access to information on legislation for persons with disabilities</td>
<td>The Department produced materials dealing with vulnerable groups in Braille. Braille materials have been produced on the Domestic Violence Act and Maintenance Act. Audio based information is also encouraged although this trend has not yet picked up. More still needs to be put in place to ensure the responsiveness of the state resources to the needs of people with disabilities. Currently, Court Services provides specialized services for disabled people in courts through the provision of the following services:</td>
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<tr>
<td>Review of Legislations</td>
<td>In 2008, the Department conducted two studies on the implementation of Domestic Violence Act. One study focused on identifying weaknesses within the Criminal Justice System including the processes, systems and protocols that are existing to ensure the effective implementation of the Domestic Violence Act and identification of gaps to introduce improvements in internal processes. <strong>SAPS</strong> Legislation is required to be reviewed after five (5) years of implementation. In addition, the SAPS review legislation on violence against women from time to time and when the need arises. The current legislation of DV is in the process of being reviewed and is led by the Department of Justice and Constitutional Development (DoJCD) with the SAPS as a member of the DV review Task Team. In November 2012 the SAPS convened a two (2) day National Work Session for the purpose of establishing, through a facilitated process, whether and to what extent the existing National Instruction 7/1999 and the Domestic Violence Act (116 of 1998) require amendment. As a way of taking this process forward, the SAPS is in the process of developing a project plan to draft proposed changes to relevant clauses in the legislation in terms of SAPS obligations embedded in the Act and the National Instruction 7 / 1999 which will be used. The summary of proposed changes agreed by SAPS will be used to engage with the DoJ&amp;CD in the envisaged review process in respect to Domestic Violence.</td>
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<tr>
<td>National Plans</td>
<td>The Department has a National Action Plan for the effective implementation of the SORMAA which partially address this issue. 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 to.</td>
</tr>
<tr>
<td>Multi-sectoral approach to end VAW</td>
<td>The Department is the lead department in ensuring the Inter-sectoral implementation of the Domestic Violence Act, 2008; the SORMAA, 2007 and the management of trafficking in person’s offences. The Inter-sectoral structures are mandates by the SORMAA and the TIP Bill. Currently there are also Inter-sectoral structures focusing on Victim Empowerment Programmes. Various structures have different strengths and challenges. The Inter-Sectoral Committee on the Management of Sexual Offences consists of the Directors-General (DGs) of the various departments with explicit roles and responsibilities in the implementation of the SORMAA. A number of stakeholders have been invited to extend the scope of stakeholder involvement. These include the Department of Basic Education, Legal Aid South Africa, Department of Women, Children and People with Disabilities, Department of Cooperative Governance and Traditional Affairs (CoGTA).</td>
</tr>
</tbody>
</table>
In addition to this the SAPS is represented on the Gender Based Violence Council that was established by the DWCPD whose purpose includes the following:

- Ensuring a comprehensive helpful response to victims and survivors of Gender-Based Violence;
- Formulating and implementing strategies to prevent Gender-Based Violence;
- Reviewing and monitoring the implementation of the existing 365 Days National Action Plan for no Violence against Women and Children which was adopted on 08 May 2007;
- Providing government with an advisory platform by leading the development and maintenance of consensus on policy and strategic issues; and
- Building commitment and fostering high level relationships to prevent, decrease and eliminate gender based violence.

Response

The SAPS 10111 hotline is currently the main tool used for reporting all crimes including gender based violence crimes. In addition the Human Trafficking Helpline is in place but is not currently funded by any of the Departments. Both the SAPS and Human Trafficking Helpline are published in the Department’s Public Education and Awareness Programmes.

The SAPS is empowered by legislation to investigate violent crimes against women and girls for the purpose of prosecution by courts. The relevant Acts are as follows:

- Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007)
- Sexual Offences Act, 1957 (Act No 23 of 1957)
- Protection from Harassment Act, 2010 (Act No 17 of 2011)
- Children’s Act, 2005 (Act No 38 of 2005)

In order to support the implementation of this legislation, the SAPS developed and are implementing National Instructions which are the National Instruction on Sexual Offences (3 / 2008) and Domestic Violence National Instruction (7 / 1999) which direct members on the services to be provided for victims of domestic violence and sexual offences. In addition, the National Instruction for Children in Need of Care and Protection 3 / 2010 provides measures that can be taken by the police to address crimes against children (including the girl child).

The SAPS established specialized investigative capacity through the Family Violence, Child Protection and Sexual Offences (FCS) Units in every policing cluster (176) in South Africa. These units detect, investigate and disrupt FCS-related crimes.

The SAPS is also guided in the provision of victim-friendly services through the National Instruction on Victim Empowerment (No 2 / 2012). This National Instruction is aimed at ensuring that members comply with Government’s Service Charter for Victims of Crime (the Victims Charter). The National Instruction requires victims to be treated with respect, provided with information, be given the opportunity to provide information with regard to their case as well as ensuring that practical assistance is given to all victims of crime.
**Protection and Support**

The Constitution of South Africa (1996) contains a Bill of Rights which protects all people in the Republic of South Africa regardless of gender, race, religion and any other social distinction.

This is further affirmed in the following legislation and directives:

- Domestic Violence Act 116 of 1988,
- National Instruction 7 1999,
- Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007,
- Sexual Offence National Instruction 3/2008,
- National Instruction 2/2012 Victim Empowerment,
- Standing Operating Procedures for the reporting of FCS-related crimes

**DOJCD**

Currently, psycho-social support services are provided through the National Prosecuting Authority’s programmes as when before and during the court processes. These support services are offered through the Court Preparation process which introduces the victim or complainants to the processes involved in court. In addition, the National Prosecuting Authority coordinates the Thuthuzela Care Centre which uses a one-stop-service for the effective coordination of evidence and to reduce secondary victimization of victims. The Thuthuzela Care Centers are being rolled out progressively in areas where there are no coordinated services for victims of sexual offences.

Other support services are provided by the Department of Social Development and the Department of Health through the provision of social workers who provide crisis counseling and trauma counseling services. Where the victim has been assessed by a social worker and advanced therapy such a victim is then referred for psycho-therapy offered by the psychologists from the Department of Health.

**SAPS**

The SAPS Victim Empowerment Programme (VEP) is aimed at reducing victimization and offending, repeat victimization and offending and preventing victimization 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. This is evident when visiting VFRs and perusing the attendance registers.

Victim Friendly Rooms (VFRs) have been developed at most of the service points which includes police stations, satellite police stations, contact point, international airports, Family Violence, Child Protection and Sexual Offences (FCS) Units and railway police stations. In cases where police stations have no VFR’s an alternative rooms have been identified in which victims can be interviewed to ensure that all victims receive victim friendly services. To date there are 919 victim Friendly Rooms (VFRs) including contact points, airports, railway points and satellite police stations.

The FCS Units are encouraged to follow a victim-sensitive approach when investigating FCS-related crime. The SAPS continues with its public education and awareness which are conducted by Provinces and stations, particularly in support of calendar events and festive seasons. These include Child Protection Week, Youth Month, Women’s Month, and the 16 days of Activism Campaign and during the Ministers Izimbizos. During these events communication material is distributed to all communities and interested groups.

The Development and dissemination of promotional materials including posters, pamphlets and booklets for police is also distributed to all police stations to capacitate members. This encourages reporting as well as alleviates the fear of being victimized. During these public education and awareness programmes, women, girls and boys are encouraged to report acts of violence against them.
Prevention

Programmes are generally tailored to address members of the community. However, in the previous year the Department has taken a concerted effort to understand the public education by targeting children and youth in schools. Attached is a report outlining the desegregation of data regarding public education conducted targeting boys and girls in schools. Such outreaches are not focusing on a separate group because of the time constraints and the need to present general information on the SORMAA.

A needs analysis has been conducted to determine the viability of the use of educational games to conduct educational programmes for children and youth in schools. This study will result in the development of a game that will target both girls and boys as part of the Public Education on the SORMAA.

The Departmental approach is to provide support to courts to implement legislation relating to vulnerable groups. Therefore, a generic gender based violence evaluation has not been conducted. However, the Domestic Violence Act was assessed after 10 years of its implementation by the Gender Directorate within the Department.

The SORMAA has not been evaluated as it has only been implemented since 2008 and its National Policy framework had to be resubmitted to Parliament in August 2011 after further consultations with the Non-Governmental Organizations. The evaluation of the implementation of the SORMAA is done as and when challenges are experienced. In terms of the National Policy Framework on the management of sexual offences, a comprehensive evaluation will be conducted in the third year of its implementation and on the fifth year.

Therefore the first mid-term evaluation of the SORMAA will be conducted and finalized by August 2014.

Effectiveness of measures to prevent violence

Whilst there are no formal “mechanisms” between the NPA and the DOJ&CD, there are such within the National Operational Inter sectoral Committee on the Management of Sexual Offences (the National OISC) which includes the NPA.

These include targeted messaging such as the Newspaper Spread produced in 2012. The development of the JCPS cluster Business Process Map on the Sexual Offences was primarily initiated by the National OISC but was finalized by the DOJ&CD and the NPA.

SAPS

The SAPS constantly monitors the effectiveness of the Domestic Violence Act, 1998 (DV Act) with the view to improving compliance and service delivery towards victims of domestic violence and other related crimes against women and children. The National Office also conducts compliance visits to provinces and police stations to monitor the effectiveness of the implementation of the DV Act.
### Training

The Department has recently established the Judicial Education Institute (SAJEI) which will be responsible for providing training for the judiciary. The SAJEI is a fully funded state institution and provides training by judicial officers to maintain the separation of powers.

The Justice College is responsible for training other court officials and other officials within the Department to improve their capacity in the administration of justice. These court based role players include court clerks, cash hall clerks, Court Manager, Cluster Court Managers, Investigators, Registrars, and Information Management Officers etc.

Legislation prescribes that the training of health professionals, the police officers and the prosecutors must include the Social Context training to help create the sensitivity that is required from these role players. Whilst no corresponding provision exists in the Domestic Violence Act, 2008, the Inter-Departmental Training Manual on Domestic Violence which is used to train various stakeholders contains a module on social context.

The trafficking in Persons Bill also requires the inclusion of social context training of health professionals, police officers and prosecutors.

All training sessions include Social Context Training. Through the Inter-Departmental Training Manual Developed by the NPA, all the role-player departments include the Social Context which sensitizes the trainees of the social context and dynamics that may affect effective implementation of the SORMAA if not identifies and if the officials are not aware of such social context.

The Department in conjunction with the Department of Social Development has started a programme through which frontline officers are provided training on the SORMAA, Victims Charter and Victim Empowerment. This training addresses the social context training and sensitizes officials on the difficulties relating to taking gathering statements/information from victims of sexual abuse and how to sensitive approach to victims of sexual offences.

**SAPS**

As part of In-Service Training the SAPS introduced the five (5) day Domestic Violence Learning Programme (DVLP) which is presented throughout the year at the various decentralized training institutions as well as basic training. This training includes sensitizing members on the social context and complex nature of domestic violence and addressing gender-based and other social myths justifying domestic violence, especially against women.

The Victim Empowerment Learning Programme also sensitizes members to gender and other social distinctions in order to prevent secondary victimization.

**Domestic Violence Learning Programme (DVLP) – 5 days aims include:**

- Developing the necessary skills to enable members to deal with incidents of domestic violence in a sensitive, professional and efficient manner; and
- Improving the services rendered to victims of Domestic Violence within a gender-sensitive and victim-centered context.

HRD to provide breakdown of figures on VEP, DV, SO (1st responders and investigating offices)
The Department for Women, Children and Persons with Disabilities (DWCPD) are developing a comprehensive Strategy to address the harmful cultural and religious practice example being ukuthwala and initiation schools for young women. In the absence of a specific crime the South African Police Service (SAPS) has utilized existing related crimes to address this issue. These include kidnapping, abduction and sexual offences. In this regard detection, investigations and arrest of perpetrators are conducted.

The Police conduct public education and awareness campaigns that include content on addressing crimes against women and children on an ongoing basis. The police in partnership with traditional leaders address harmful cultural practices that are linked to crime. These are identified in terms of local practices. An example, the practice of fining rape perpetrators in lieu of reporting is explained as encouraging repeat offending.

During the events the police distribute the promotional material to sensitize girls and boys about the detrimental effect of violence in the family. The development promotional materials including leaflets, pamphlets and booklets to make the victims aware of the violence and enable them to protect themselves, coupled with the intensive public education and awareness campaigns.

Public education and awareness. Duty Calls programme on TV, Corporate Communication Services arrange press conferences that indicate status of cases that attract the public interest. The SAPS engages in public education and awareness campaigns targeting women, girls, men and boys during calendar events throughout the year. Programmes include workshops, round table discussions, door to door campaigns, pamphlet distribution, radio /TV interviews, adopting school projects and skills development.

The Victims Empowerment Programme (VEP) Directorate has strategy of creating dialogue with active participation from women groups and also men groups. Through the Strategy to Engage Boys and Men as Partners in the Prevention of Gender Based Violence (GBV), the Directorate is able to engage at a communal level to assess profile and bring to the fore matters prevalent in communities such as rape, abuse, domestic violence and patriarch poverty.

The Directorate has in the past supported the Girl Child concept through the funding of the South African Girl Child Alliance in recognition of CEDAW and the ILO on child labour practice. Through our Change Agent concept we are able to generate dialogues and identify societal issues prevailing in households and communities.

The Department is also a member of the National Council on GBV (NCGBV) chaired by the Deputy President and will priorities issues of GBV. The Inter-ministerial Committee (IMC) on GBV is led by the Minister of Social Development and has developed a plan to eradicate GBV with special attention to the pillar of prevention.

The Department is also actively involved in promoting the UN Orange Day “Unite to End Violence Against Women and Girls” campaign.
### Data Collection

Currently, data is collected from the Departments within the JCPS cluster through the manual submission of data requested. The Inter-sectoral Committee on the Management of Sexual Offences has recommended the development of a manual data collection tools and committee. The Department is in the process of establishing such a committee which will facilitate the continuous provision of information rather than provision of information on a reactive basis.

This committee will focus on sexual violence and later on trafficking in persons. In addition to this initiative, the Department, in 2012/2013 initiated a project to collect data from Non-Governmental Organizations. This data collection mechanism will enhance exchange of information between the government departments and Civil Society Organizations where cases are not handled appropriately. The project is currently managed by the University of Pretoria and still needs to be strengthened.

### SAPS

The Crime Administration System (CAS) captures all full details of the incident reported and Crime Information Management Centre is able to retrieve data on CAS regarding crimes related to domestic violence and those committed in terms of legislation for sexual offences and other related crime codes.

### Harmful Traditional practices and Female circumcision

The Children’s Act 38 of 2005, S12 (1-7) prohibits social, cultural and religious practices that are detrimental to the well-being of girl children.

The Department has undertaken educational workshops and awareness drive to educate stakeholders including traditional communities about provisions in the legislation on the protection of girl children from early and forced marriages.

Through national workshop on the violation of the rights of girl children through the abuse of the cultural practice of ukuthwala; the Department mobilized State Departments, Civil Society and traditional communities to promote and protect the rights of girl children in cultural and traditional practices. The Department held dialogues on ukuthwala of girl children with the stakeholders in Lusikisiki in the Eastern Cape.

The Gender Directorate conducts Gender Sensitization workshops that cover issues of negative and harmful practices. This topic is also usually covered during Gender and Masculinity Workshops specifically targeting male officials. There is need to also promote positive and constructive traditional practices.

### Sanctions against the Law enforcement officers who engage in acts of violence against women in the course of their duties or refuse to conduct investigation

In terms of the South African Police Act, 1995 the current Independent Police Investigative Directorate (IPID) has extensive powers to investigate gender based violence committed by the police in intimate relationships they are part of including murder and domestic violence. It further provides powers to the IPID to investigate police refusal to investigate or process a domestic violence case. Detailed reports can be obtained from the IPID.
### Challenges that lead to the withdrawal of cases

Prosecution of the cases is the sole purview of the NPA. However, the department captures court statistics and lists some of the delays in criminal matters recorded in courts. As there is no general data capturing tool for gender-based violence as an offence in general, the statistics to be provided will be based on legislation relating to gender-based violence.

The input provided is specific to the following forms of violence against women:
- Sexual Offences
- Domestic Violence
- Trafficking for Sex Purposes
- Trafficking of Children
- Cases may collapse for various reasons including
- Postponement where further evidence came to light.
- Postponement on the request of the defendant’s attorney or advocate
- Postponement on the basis of ill-health of the victim or witness or the defendant
- Unavailability of one of the court officials etc. for valid reasons

The following are examples of reasons why cases of violence against women are withdrawn:

1. The offender is the breadwinner and his/her arrest will have an impact on the quality of their life (accommodation, income, support, etc);
2. Intimidation/threats on the part of the offender;
3. Requests/recommendations/pressure on the complainant (usually the victim) from family members;
4. Lack of trust in the legal system; and
5. Long postponements of cases (court). The following procedures are prescribed for the withdrawal of cases.

#### Withdrawal before court 1st date and appearance:

1. The investigating officer obtains the complainant’s withdrawal statement and places in the case docket;
2. The case docket is submitted to the Senior Public Prosecutor (SPP);
3. The SPP will decide to prosecute or will decline to prosecute.

#### Withdrawal during the court process:

1. If the complainant (victim) indicates their intention to withdraw once the court process has commenced, he/she needs to inform the prosecutor;
2. The prosecutor will submit the request to the presiding officer in court for their consideration.

### Challenges in the implementation of legislation

The Department in conjunction with the JCPS cluster departments/institutions compiles an Annual Report on the implementation of the SORMAA. This report is due for submission in Parliament. Current challenges include the need for a comprehensive information management system which will reduce the amount of time taken in coordinating reports, information coordination and the need to rationalize the Child Protection Register and the National Register for Sex Offenders.

As indicated earlier, the Departmental Information Management Tools and Systems do not include the victim’s data. It would therefore require a special research project to assess the extent of access of services by women. Victims of trafficking for sex purposes are often girl children and women.
5. ARMED CONFLICT

The effects of armed or other kinds of conflict on women, including those living under foreign occupation
5.1. Introduction (BPA)

International humanitarian law, prohibiting attacks on civilian populations, is at times systematically ignored and human rights are often violated in connection with situations of armed conflict, affecting the civilian population, especially women, children, the elderly and the disabled.

Violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law. Massive violations of human rights, especially in the form of genocide, ethnic cleansing as a strategy of war and its consequences, and rape, including systematic rape of women in war situations, creating a mass exodus of refugees and displaced persons, are abhorrent practices that are strongly condemned and must be stopped immediately, while perpetrators of such crimes must be punished.

The factors that cause the flight of refugee women, other displaced women in need of international protection and internally displaced women may be different from those affecting men. These women continue to be vulnerable to abuses of their human rights during and after their flight.

Peace is inextricably linked with equality between women and men and development

5.1.1. Facts about Women and Conflict

(a) While entire communities suffer the consequences of armed conflict and terrorism, women and girls are particularly affected because of their status in society and their sex. Parties to conflict often rape women with impunity, sometimes using systematic rape as a tactic of war and terrorism. The impact of violence against women and violation of the human rights of women in such situations is experienced by women of all ages, who suffer displacement, loss of home and property, loss or involuntary disappearance of close relatives, poverty and family separation and disintegration, and who are victims of acts of murder, terrorism, torture, involuntary disappearance, sexual slavery, rape, sexual abuse and forced pregnancy in situations of armed conflict, especially as a result of policies of ethnic cleansing and other new and emerging forms of violence. This is compounded by the life-long social, economic and psychologically traumatic consequences of armed conflict and foreign occupation and alien domination.

(b) The equal access and full participation of women in power structures and their full involvement in all efforts for the prevention and resolution of conflicts are essential for the maintenance and promotion of peace and security.

(c) Although women have begun to play an important role in conflict resolution, peace-keeping and defense and foreign affairs mechanisms, they are still underrepresented in decision-making positions.
(d) If women are to play an equal part in securing and maintaining peace, they must be empowered politically and economically and represented adequately at all levels of decision-making.

(e) Women and children constitute some 80 per cent of the world’s millions of refugees and other displaced persons, including internally displaced persons. They are threatened by deprivation of property, goods and services and deprivation of their right to return to their homes of origin as well as by violence and insecurity.

(f) Particular attention should be paid to sexual violence against uprooted women and girls employed as a method of persecution in systematic campaigns of terror and intimidation and forcing members of a particular ethnic, cultural or religious group to flee their homes.

(g) Women may also be forced to flee as a result of a well-founded fear of persecution, including persecution through sexual violence or other gender-related persecution, and they continue to be vulnerable to violence and exploitation while in flight, in countries of asylum and resettlement and during and after repatriation.

(h) Women often experience difficulty in some countries of asylum in being recognized as refugees when the claim is based on such persecution.

(i) Refugee, displaced and migrant women in most cases display strength, endurance and resourcefulness and can contribute positively to countries of resettlement or to their country of origin on their return. They need to be appropriately involved in decisions that affect them.

(j) In addressing armed or other conflicts, an active and visible policy of mainstreaming a gender perspective into all policies and programmes should be promoted so that before decisions are taken an analysis is made of the effects on women and men, respectively.
### 5.1.2. BPA Strategic Objectives

<table>
<thead>
<tr>
<th>Strategic objective E.1.:</th>
<th>Increase the participation of women in conflict resolution at decision-making levels and protect women living in situations of armed and other conflicts or under foreign occupation;</th>
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<tbody>
<tr>
<td>Strategic objective E.2.:</td>
<td>Reduce excessive military expenditures and control the availability of armaments;</td>
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<tr>
<td>Strategic objective E.3.:</td>
<td>Promote non-violent forms of conflict resolution and reduce the incidence of human rights abuse in conflict situations;</td>
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<tr>
<td>Strategic objective E.4.:</td>
<td>Promote women's contribution to fostering a culture of peace;</td>
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<tr>
<td>Strategic objective E.5.:</td>
<td>Provide protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women;</td>
</tr>
<tr>
<td>Strategic objective E.6.:</td>
<td>Provide assistance to the women of the colonies and non-self-governing territories.</td>
</tr>
</tbody>
</table>
5.2. GENERAL INFORMATION


5.2.1. UN SECURITY COUNCIL RESOLUTION 1325

Security Council Resolution 1325 indicates that the Security Council has recognized the relevance of women’s experiences of conflict to its peace and security mandate, and it engages the Security Council in advancing women’s rights in conflict resolution and peace processes.

The resolution contains 18 provisions to support women’s participation in peace negotiation and consolidation, and these range from calls to increase the representation of women at all levels of decision-making in institutions promoting security, calls to all parties in conflict and peace-building to respond to women’s needs in post-conflict justice and governance institutions, calls to address women’s needs in disarmament, demobilization and reintegration efforts, to protect women and girls from sexual violence, and to end impunity for crimes against humanity affecting women.

5.2.2. THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

CEDAW:

- often described as the international bill of rights for women - is the human rights treaty devoted exclusively to gender equality.

- establishes legal standards for the achievement of gender equality through the elimination of discrimination against women. It aims for the equality for women in all aspects of political, social, economic and cultural life. The provisions of CEDAW require governments to take measures to realize equality for women in law and in fact, as well as to confront the underlying social and political inequalities that perpetuate asymmetrical power relations based on gender.

- is a binding source of international law for those states that have become parties. It details the measures that a state should undertake within its jurisdiction to achieve gender equality. To date, 183 countries have ratified or acceded to CEDAW, which means that they are legally bound to implement its provisions.
In particular, States parties to CEDAW are required to:

- incorporate the principle of gender equality and non-discrimination in their legal systems, and abolish discriminatory laws;
- establish institutional protections against discrimination;
- take positive measures to advance gender equality;
- eliminate discrimination against women by private persons and organizations.

The articles of CEDAW identify steps needed to achieve gender equality in a wide range of areas.

**5.2.3. Peace and security and women’s human rights: sharing the gender equality agenda**

SC resolution 1325 and CEDAW share a common gender equality agenda. They both demand women’s full participation in decision-making at national, regional and international levels as a critical component in the achievement of gender equality.

The invidious and pervasive nature of violence against women, which impedes the advancement of women and maintains their subordinate status, is repudiated by both SC resolution 1325 and CEDAW.

Both documents call for legal equality of men and women and for the protection of women and girl children through the rule of law. Each places an emphasis on security and requires that security forces and systems protect women from gender-based violence.

A recognition of the distinct experiences and burdens of women and girls that stem from systemic discrimination lies at the core of both standards. Both SC resolution 1325 and CEDAW seek to ensure that women’s experiences, needs and perspectives are incorporated into the political, legal and social decisions that determine whether durable peace, reconciliation and development are achieved.

With these commonalities, SC resolution 1325 and CEDAW together fortify demands that commitments to gender equality and women’s human rights in conflict and post-conflict environments be transformed into concrete reality. They give gender equality advocates a choice of strategic tools, as well as the opportunity to insist that working for gender equality is the obligation of all players in conflict settings.

**5.2.4. Using 1325 to extend the application of CEDAW.**

The broad reach of SC resolution 1325 provides a valuable means for expanding the application of CEDAW. As a human rights convention, CEDAW is legally binding on
states, and more specifically on those states that have become parties to this treaty. However, states engaged in conflict have sometimes not ratified CEDAW, and non-state actors, such as paramilitary and armed insurgent groups, are often directly responsible for the violations of women’s human rights.

SC resolution 1325 demands that all actors engaged in every stage of conflict, peace negotiations and post-conflict reconstruction protect and respect women’s human rights and are accountable to the international law applicable to the rights of women and girls.

SC resolution 1325 also specifically addresses the peacekeeping context and the role of the United Nations and the international community within this. By doing so, 1325 mandates a very broad application of international women’s human rights standards, and makes them central to maintaining peace and security.

By doing so, 1325 mandates a very broad application of international women’s human rights standards, and makes them central to maintaining peace and security.

5.2.5. Using CEDAW to enrich the interpretation and implementation of 1325

While SC resolution 1325 provides a political framework and outlines goals for making women’s participation and a gender perspective relevant to all aspects of conflict prevention, management and resolution, it does not provide detailed normative or operational guidance about how these goals should be met. CEDAW can offer entry points, specific steps and guidance to meet these obligations.

CEDAW explains what discrimination against women is and how to eliminate it. It defines the ways in which discrimination works to disadvantage women in all aspects of life, including within the peace and security context. It addresses the consequences of discrimination, such as violence against women that perpetuate their vulnerability. CEDAW challenges discriminatory perceptions of the value, roles and responsibilities attributed to men and women in society and the unequal exercise of power based on these relationships.

Most importantly, specific measures that should be taken to achieve gender equality have been set out in CEDAW’s articles, and in its general recommendations and concluding comments. For example, while SC resolution 1325 demands women’s increased participation, it is CEDAW that has set out concrete measures that should be taken regarding women’s role in the formulation of policy, and their representation at national and international levels of decision-making, voting, eligibility for election, quotas and other temporary special measures.

For this reason, CEDAW can be an invaluable resource for identifying measures that need to be taken to achieve the goals outlined in SC resolution 1325.

SC resolution 1325 and CEDAW can have an impact when they are brought together that neither standard could have alone. For each of the stages involved in conflict
management, resolution and transition, there is a direct link with the standards laid out in SC resolution 1325 and CEDAW as well as advice on ways to meet the standards, indicated by CEDAW and its Committee’s General Recommendations.

In the chapters that follow, the combined application of CEDAW and SC resolution 1325 is explored in relation to critical issues such as conflict prevention, protection, organizing for peace, rehabilitation, reintegration, and reconstruction.

5.3. South Africa’s compliance

South Africa does not have an implementation plan for the UN Resolution 1325
6. ECONOMY & RESOURCES

Inequality in economic structures and policies, in all forms of productive activities and in access to resources

"Women perform 66 percent of the world’s work, and produce 50 percent of the food, yet earn only 10 percent of the income and own 1 percent of the property. Whether the issue is improving education in the developing world, or fighting global climate change, or addressing nearly any other challenge we face, empowering women is a critical part of the equation."

Former President Bill Clinton addressing the annual meeting of the Clinton Global Initiative (September 2009)

Women’s economic empowerment is a prerequisite for sustainable development and pro-poor growth. Achieving women’s economic empowerment requires sound public policies, a holistic approach and long-term commitment and gender-specific perspectives must be integrated at the design stage of policy and programming.

Women must have more equitable access to assets and services; infrastructure programmes should be designed to benefit the poor, both men and women, and employment opportunities must be improved while increasing recognition of women’s vast unpaid work.

Innovative approaches and partnerships include increased dialogue among development actors, improved co-ordination amongst donors and support for women organising at the national and global level.
6.1. Introduction (BPA)

Women play a significant role in the world’s economy. The income of a woman contributes to the household income and a woman is more likely than a man to invest her resources into the welfare of her family. However, women face many barriers. Challenges are faced upon entering the workforce. Once they enter the workforce, they face additional challenges of lesser pay, harassment, and more.

Women are virtually absent from or are poorly represented in economic decision-making, including the formulation of financial, monetary, commercial and other economic policies, as well as tax systems and rules governing pay. The actual development of these economic structures and policies has a direct impact on women’s and men’s access to economic resources, their economic power and consequently the extent of equality between them at the individual and family levels as well as in society as a whole.

Women’s economic empowerment – that is, their capacity to bring about economic change for themselves – is increasingly viewed as the most important contributing factor to achieving equality between women and men.

6.1.1. Facts about Women and the economy: Beijing Platform for Action

- Women’s participation in remunerated work in the formal and non-formal labour market has increased significantly and has changed during the past decade.

- Women have become increasingly involved in micro, small and medium-sized enterprises and, in some cases, have become more dominant in the expanding informal sector.

- Due to, among other things, difficult economic situations and a lack of bargaining power resulting from gender inequality, many women have been forced to accept low pay and poor working conditions and thus have often become preferred workers.

- Women have entered the workforce increasingly by choice when they have become aware of and demanded their rights. Some have succeeded in entering and advancing in the workplace and improving their pay and working conditions. However, women have been particularly affected by the economic situation and restructuring processes, which have changed the nature of employment and, in some cases, have led to a loss of jobs, even for professional and skilled women.

- Many women have entered the informal sector owing to the lack of other opportunities.

- Women’s participation and gender concerns are still largely absent from and should be integrated in the policy formulation process of the multilateral
institutions that define the terms and, in cooperation with Governments, set the goals of structural adjustment programmes, loans and grants.

- Discrimination in education and training, hiring and remuneration, promotion and horizontal mobility practices, as well as inflexible working conditions, lack of access to productive resources and inadequate sharing of family responsibilities, combined with a lack of or insufficient services such as childcare, continue to restrict employment, economic, professional and other opportunities and mobility for women and make their involvement stressful.

- Attitudinal obstacles inhibit women’s participation in developing economic policy and in some regions restrict the access of women and girls to education and training for economic management.

- Women’s share in the labour force continues to rise and almost everywhere women are working more outside the household, although there has not been a parallel lightening of responsibility for unremunerated work in the household and community.

- Women’s income is becoming increasingly necessary to households of all types.

- In the informal sector, there has been a growth in women’s entrepreneurship and other self-reliant activities.

- Women are the majority of workers in non-standard work, such as temporary, casual, multiple part-time, contract and home-based employment.

- Women migrant workers, including domestic workers, contribute to the economy of the sending country through their remittances and also to the economy of the receiving country through their participation in the labour force. However, in many receiving countries, migrant women experience higher levels of unemployment compared with both non-migrant workers and male migrant workers.

- Insufficient attention to gender analysis has meant that women’s contributions and concerns remain too often ignored in economic structures, such as financial markets and institutions, labour markets, economics as an academic discipline, economic and social infrastructure, taxation and social security systems, as well as in families and households. As a result, many policies and programmes may continue to contribute to inequalities between women and men. Where progress has been made in integrating gender perspectives, programme and policy effectiveness has also been enhanced.

- Customary barriers to ownership of or access to land, natural resources, capital, credit, technology and other means of production, as well as wage differentials, contribute to impeding the economic progress of women.

- Women contribute to development not only through remunerated work but also through a great deal of unremunerated work. On the one hand, women
participate in the production of goods and services for the market and household consumption, in agriculture, food production or family enterprises.

- Women still also perform the great majority of unremunerated domestic work and community work, such as caring for children and older persons, preparing food for the family, protecting the environment and providing voluntary assistance to vulnerable and disadvantaged individuals and groups. This work is often not measured in quantitative terms and is not valued in national accounts. Women’s contribution to development is seriously underestimated, and thus its social recognition is limited. The full visibility of the type, extent and distribution of this unremunerated work will also contribute to a better sharing of responsibilities.

- More analysis needs to be done of the impact of globalization on women’s economic status.

- Women, particularly those who are heads of households with young children, are limited in their employment opportunities for reasons that include inflexible working conditions and inadequate sharing, by men and by society, of family responsibilities.

- In addressing the economic potential and independence of women, Governments and other actors should 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.

### 6.1.2. BPA Strategic Objectives

<table>
<thead>
<tr>
<th>Strategic objective F.1.:</th>
<th>Promote women’s economic rights and independence, including access to employment, appropriate working conditions and control over economic resources;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategic objective F.2.:</td>
<td>Facilitate women’s equal access to resources, employment, markets and trade;</td>
</tr>
<tr>
<td>Strategic objective F.3.:</td>
<td>Provide business services, training and access to markets, information and technology, particularly to low-income women;</td>
</tr>
<tr>
<td>Strategic objective F.4.:</td>
<td>Strengthen women’s economic capacity and commercial networks;</td>
</tr>
<tr>
<td>Strategic objective F.5.:</td>
<td>Eliminate occupational segregation and all forms of employment discrimination;</td>
</tr>
<tr>
<td>Strategic objective F.6.:</td>
<td>Promote harmonization of work and family responsibilities for women and men.</td>
</tr>
</tbody>
</table>
6.1.3. Examples of International instruments that support women’s economic empowerment

<table>
<thead>
<tr>
<th>CEDAW</th>
<th>Article 5: Affirmative Action</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>“State parties shall put in place affirmative action measures with particular reference to women in order to eliminate all barriers which prevent them from participating meaningfully in all spheres of life and to create a conducive environment for such participation”.</td>
</tr>
</tbody>
</table>

<p>| BPA   | The BPA highlights that “there are considerable differences in women’s and men’s access to and opportunities to exert power economic structures in their societies. In most parts of the world, women are virtually absent from or are poorly represented in economic decision-making, including the formulation of financial, monetary commercial and other economic policies, as well as tax systems and rules governing pay. Since it is often within the framework of such policies that individual men and women make their decisions, inter alia, on how to divide their time between remunerated and unremunerated work, the actual development of these economic structures and policies has a direct impact on women’s and men’s access to economic resources, their economic power and consequently the extent of equality between them at the individual and family levels as well as in society as a whole” (BPFA, 1995:79-80). Moreover, taking into cognisant the fact that inequality is continuing and this call for rethinking of employment policies as to integrate the gender perspective and draw attention to a wider range of opportunities as well as to address any negative gender implications of current patterns of work and employment. According to BPFA 1995:83 “In addressing the economic potential and independence of women, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that before decisions are taken, analysis is made of the effects on women and men, respectively”. Moreover, new concepts and development approaches have materialized to ensure increased equality between men and women. Opportunities for women to engage in the housing and construction sectors are greater now than ever. Government has played a key role in opening the doors for women and encouraging our participation in all aspects of the economy, including construction. Women’s contributions to the economic, cultural, technological, political, and human development of societies, past and present, are firmly acknowledged. The future brings opportunities for even greater contributions to these components of socio-economic development. Gender equality and the development and advancement of women have become key national goals. As a result of the Broad Based Black Economic Empowerment Act (BEE) and numerous other government policies that promote racial and gender equality, we are beginning to see the formation of a more representative economic and social landscape. Government sees the housing and construction sectors as critical areas of opportunity for transformation in terms of both race and gender. For a variety of reasons, many women are venturing into the housing and wider construction industries.” |</p>
<table>
<thead>
<tr>
<th>AU Protocol on the Rights of Women in Africa</th>
<th>Economic and Social Welfare Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>States Parties shall adopt and enforce legislative and other measures to guarantee women equal opportunities in work and career advancement and other economic opportunities. In this respect, they shall:</td>
<td></td>
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<tr>
<td>a) promote equality of access to employment</td>
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<tr>
<td>b) promote the right to equal remuneration for jobs of equal value for women and men;</td>
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<tr>
<td>c) ensure transparency in recruitment, promotion and dismissal of women and combat and punish sexual harassment in the workplace;</td>
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<tr>
<td>d) guarantee women the freedom to choose their occupation, and protect them from exploitation by their employers violating and exploiting their fundamental rights as recognised and guaranteed by conventions, laws and regulations in force;</td>
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<tr>
<td>e) create conditions to promote and support the occupations and economic activities of women, in particular, within the informal sector;</td>
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<tr>
<td>f) establish a system of protection and social insurance for women working in the informal sector and sensitize them to adhere to it;</td>
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<tr>
<td>g) introduce a minimum age for work and prohibit the employment of children below that age, and prohibit, combat and punish all forms of exploitation of children, especially the girl-child;</td>
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<tr>
<td>h) take the necessary measures to recognize the economic value of the work of women in the home; guarantee adequate and paid pre- and post-natal maternity leave in both the private and public sectors;</td>
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<tr>
<td>j) ensure the equal application of taxation laws to women and men;</td>
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<tr>
<td>k) recognize and enforce the right of salaried women to the same allowances and entitlements as those granted to salaried men for their spouses and children;</td>
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<tr>
<td>l) recognize that both parents bear the primary responsibility for the upbringing and development of children and that this is a social function for which the State and the private sector have secondary responsibility;</td>
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<tr>
<td>m) take effective legislative and administrative measures to prevent the exploitation and abuse of women in advertising and pornography.</td>
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The SADC Protocol on Gender and Development

The Protocol states the following:
• To advocate for the promotion of a gender responsive environment and practices as well as the enforcement of human rights, gender equality and women’s empowerment commitments made at international, continental, regional and Member states level;
• To promote equitable access for both women and men to and control over resources, knowledge, information, land and business ownership, and services such as education and training, healthcare, credit, and legal rights; and To facilitate the implementation of remedial measures to address existing inequalities in access to and control over factors of production including land.

Article 15: Economic Policies and Decision
“States that state parties shall by 2015 ensure equal participation, of women and men, in policy formulation and implementation of economic policies. It further states that states parties shall ensure sensitive and responsive budgeting at the micro and macro level, including tracking, monitoring and evaluation”.

Article 17: Economic Empowerment
“States parties shall by 2015, adopt policies and act laws which equal access, benefit and opportunities for women and men in trade and entrepreneurship, taking into account the contribution of women in the formal and informal sectors”.
Furthermore, states parties shall by 2015, review their national trade and entrepreneurship policies, to make them gender sensitive”. In addition, affirmative action provisions mentioned in article 5, introduce measures to ensure that women benefit equally from economic opportunities, including those created through public procurement processes”.

Article 19
States parties shall review, adopt and implement legislative, administrative and other appropriate measures to ensure
- Equal pay for work and equal remuneration for jobs of equal value for women and men
- The eradication of occupational segregation and all forms of employment discrimination
- The recognition of the economic value of, and protection of persons engaged in agricultural and domestic work; and
- The appropriate minimum remuneration of persons engaged in agricultural and domestic work.

State parties shall enact and enforce legislative measures prohibiting the dismissal or denial of recruitment on the grounds of pregnancy or maternity leave.
States parties shall provide protection and benefits for women and men during maternity and paternity leave.
States parties shall ensure that women and men receive equal employment benefits, irrespective of their marital status including on retirement.
<table>
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<tr>
<th>Article 13</th>
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</table>
According to African Union Gender Policy 2009, “The growing recognition of the leadership role of women in all spheres of development including their participation in decision – making at the international, regional and national level are reflected in the creation of platforms of action related to gender. It is in this context that the AU developed a gender policy that focuses on closing the equality gap between men and women in general and particularly addressing gender inequalities which have resulted in women’s disempowerments and feminization of poverty, in order to have a better understanding of the contribution of women in development”.

This policy is conceived as a tool to facilitate the advancement of Africa’s political and social economic integration, guarantee that gender issues are included in the African agenda, accelerate gender mainstreaming, contribute to higher living standards and enhance the efforts exerted by African peoples to play a rightful role in a globalising world. The desired effect and impact of this policy is to offer opportunities for empowerment of women, guarantee their protection against violence and rape, as well as their participation in public and economic life. To achieve this, a paradigm shift is inevitable. The policy underpins the requisite need for identifying ways and means to foster interventions focused on gender such as the creation of the African Women’s Trust Fund, reorientations of existing institutions and to pay better attention to gender equality.

The vision of the African Union Gender Policy is to achieve an African society founded on democracy, gender equality, human rights and dignity and recognizes the equal status of women and men, girls and boys, with both sexes thriving together harmoniously, in a peaceful and secure environment characterized by equal partnership in decision-making in the development of the Continent. Further alludes several objectives but for the sake of this part only the objectives which seek to address economy and environment are to be highlighted.
6.2. South Africa’s Compliance.

6.2.1. General information on SA Women and the Economy

Empowering women to participate fully in economic life across all sectors and throughout all levels of economic activity is essential to:

- Build strong economies;
- Establish more stable and just societies;
- Achieve internationally agreed goals for development, sustainability and human rights;
- Improve quality of life for women, men, families and communities; and
- Propel businesses’ operations and goal

6.2.1.1. Study by the DTI\textsuperscript{119}

“The term women’s economic empowerment refers to the ability of all women to fully participate in, contribute to, and benefit from economic growth and development. It is a broad term encompassing a range of diverse but integrated socio-economic strategies. It recognises that within this framework there are a variety of sub-groups deserving special attention, including women from historically disadvantaged communities, young women, women with disabilities, and women living in rural areas.”

The South African Framework for women’s empowerment and gender equality defines empowerment as:

“The process of ‘conscientisation’ which builds critical analytical skills for an individual to gain self-confidence in order to take control of her or his life. Empowerment of women is an essential process in the transformation of gender relations because it addresses the structural and underlying causes of subordination and discrimination (Republic of South Africa, 2000:xvii).”

According to the DTI study\textsuperscript{120} women’s economic empowerment in South Africa has been formulated within a broader framework of economic empowerment and transformation that was defined in response to the legacy of apartheid. The BBBEE Act is the centrepiece of the government’s economic strategy to transform the inequality of the South African economy. The Act creates a framework for promoting and measuring empowerment, and leverages the state’s power to promote and encourage empowerment and transformation in the private sector. The BBBEE Act promotes the development of sectoral charters and codes to promote and measure empowerment within specific sectors.

\textsuperscript{119} Towards an enabling Environment for Women Economic Empowerment In South Africa – A status quo report- 31 may 2011by DTI

\textsuperscript{120} Ibid
The code defines BBBEE as:

The economic empowerment of all black people including women, workers, youth, people with disabilities and people living in rural areas, through diverse but integrated socio-economic strategies that include, but are not limited to:

(a) increasing the number of black people that manage, own and control enterprises and productive assets;
(b) facilitating ownership and management of enterprises and productive assets by communities, workers, co-operatives and other collective enterprises;
(c) human resources and skills development;
(d) achieving equitable representation in all occupational categories and levels in the workforce;
(e) preferential procurement; and
(f) investment in enterprises that are owned or managed by black people (Republic of South Africa, 2004a:11)

Women’s economic empowerment through enterprise development requires an analysis of a range of policy and programme domains. While specific women’s interventions may be developed to ensure women achieve specified development goals, such as women’s enterprise development programmes, there is also a case for the mainstreaming of gender issues within generic development programmes.

Gender mainstreaming is a goal-oriented process that ‘recognises that most institutions consciously and unconsciously serve the interests of men and encourages institutions to adopt a gender perspective in transforming themselves.

In addition to gender mainstreaming, women’s economic empowerment through enterprise development requires that women have at least equal access to broader, more generic programmes and services designed to promote economic empowerment and the development of new enterprises. Within this context, all policies, organisations, programmes and services require targets that are disaggregated by gender. Such targets should be regularly monitored and compared against delivery.

6.2.1.2. Employment status

Figure 39: Percentage distribution of women and men aged 15–64 years in each population group by work status, 2011

Source: Gender Stats 2011- STATSA
The Figure above shows that within each population group, a smaller proportion of women than men are employed and a larger proportion of women than men are not economically active.

Among both men and women, the percentage employed is highest for whites and lowest for black Africans.

**Figure 40: Involvement in economic activities by type of economic activity and sex, 2011**

![Chart showing involvement in economic activities by type of economic activity and sex, 2011](source: Gender Stats 2011- STATSA)

Men are more likely than women to be engaged only in market activities, while women are more likely than men to be engaged only in non-market activities. Women are thus more likely than men to be doing unpaid economic work.

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% for women and 6.0% for men).

Market economic activities are those where goods or services are produced for people from outside the household, either in the private or public sector and where workers generally receive earnings for the work they do. Non-market economic activities are those where goods are produced for consumption within the household and where people do not earn money from the work done. Subsistence agriculture is the most common form of non-market economic activity. Non-market economic activities do not include unpaid services in the household such as housework and care for older people and children, as these are not considered to be “economic” activities.
Figure 41: Official unemployment rate of population aged 15–64 years by sex and population group, 2001 and 2011

Source: Gender Stats 2011- STATSA

The above Figure reveals that the unemployment rates for women are higher than those for men, and that this pattern is found for both 2001 and 2011. Further, for both years, the unemployment rates are higher for black Africans than for the other population groups. Black African women are thus most likely to be unemployed in both 2001 and 2011.

In 2001, the largest differences in unemployment rates between women and men were observed among the Indian/Asian and black African population groups (7.2 and 5.1 percentage points respectively).

The figure suggests a substantial decrease in the unemployment rate among Indian/Asian women in 2011, which reduces the difference between Indian/Asian women and men to 1.4 percentage points. This pattern must be treated with caution as the sample size for the Indian/Asian group is relatively small.
6.2.1.3. Occupation

Figure 42: Percentage distribution of women and men aged 15–64 years by occupational category, 2011

The above Figure shows that 35.4% of employed women are in unskilled occupations, with 20.8% working in elementary jobs and 14.6% working as domestic workers. Among employed men, 22.7% work in unskilled occupations, with the overwhelming majority work in elementary jobs.

The next largest occupational categories for women are clerical (17.0%), sales and services (14.8%) and technician (14.1%). For men the next largest occupation groupings are craft and related trade (19.1%) and sales and services (14.5%). A higher proportion among women (14.1%) are more likely to be technicians compared to men (8.7%). 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 more prone among men (10.4%) as opposed to among women (6.1%). Suggesting that men are more likely to be decision makers in their jobs compared to women.
Figure 43: Percentage distribution by education of employed women and men aged 15–64 years in the top three occupational categories, 2011

![Percentage distribution by education of employed women and men](image)

Source: Gender Stats 2011- STATSA

The Figure above shows, for women and men, the educational distribution for those who are in managerial, professional and technician and associate profession jobs. The figure shows that for managers and technicians, women are more likely than men to have tertiary qualifications. The difference between women and men is largest for the technical category, where 58.8% of women but only 44.1% of men have tertiary qualifications.

For all three categories, the percentage of women who have less than grade 12 is smaller than the percentage of men with limited education. For this education level, the difference is 6.1 percentage points in the technician category, and 2.8 percentage points in the managerial category and 1.3 percentage points in the professional category.

Figure 44: Mean minutes per day spent by women and men aged 15–64 years on productive and unproductive activities, 2010

![Mean minutes per day spent by women and men](image)

Source: Gender Stats 2011- STATSA
In the above Figure, they are referred to as ‘unpaid work’. All other activities – such as sleeping, eating, socialising, learning and engaging in cultural activities – are not regarded as production. They are referred to in this publication as ‘other activities’.

The Figure shows that men between the ages of 15 and 64 years spend an average of 254 minutes per day on GDP work, and 102 minutes per day on unpaid work. In contrast, women in this age group spend an average of 155 minutes on GDP work, and 253 minutes on unpaid work. Overall, women spend an average of 408 minutes per day on paid and unpaid productive activities combined, compared to 356 minutes for men.

Paid work in the formal and informal sectors is included in the calculation of the gross domestic product (GDP), which is the standard measure of the size of the economy. The value of goods produced in subsistence agriculture is also included in the calculation of GDP. In Figure 41, these activities are referred to as ‘GDP work’.

Activities such as unpaid housework, caring for other members of the household, caring for other members of the community, other community work, and collection of fuel and water are also productive activities, but they are not included in the calculation of GDP.

Figure 45: The labour absorption by sex and population group

<table>
<thead>
<tr>
<th>Sex</th>
<th>Black African</th>
<th>Coloured</th>
<th>Indian/Asian</th>
<th>White</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Men</td>
<td>40,8</td>
<td>52,0</td>
<td>64,9</td>
<td>75,7</td>
<td>46,0</td>
</tr>
<tr>
<td>Women</td>
<td>28,8</td>
<td>42,3</td>
<td>43,9</td>
<td>62,5</td>
<td>33,6</td>
</tr>
</tbody>
</table>

Source: Census 2011, the South Africa the home I understand

The Figure above reflects a skewed distribution of employment opportunities among men and women by population group. The labour absorption rate among black African men was 40.8% compared with 75.7% among white men, while the LFPR among black African women was 28.8% compared with 62.5% among white women.

The above figure also shows that in terms of the other population groups, the labour absorption rate among men in the coloured population group was 52.0% and among women in that group it was 42.3%. Among the Indian/Asian population group, the absorption rate was 64.9% among men and 43.9% among women.
Men are more likely than women to be engaged only in market activities, while women are more likely than men to be engaged only in non-market activities. Women are thus more likely than men to be doing unpaid economic work. 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% for women and 6.0% for men).

Market economic activities are those where goods or services are produced for people from outside the household, either in the private or public sector and where workers generally receive earnings for the work they do. Non-market economic activities are those where goods are produced for consumption within the household and where people do not earn money from the work done. Subsistence agriculture is the most common form of non-market economic activity.

Non-market economic activities do not include unpaid services in the household such as housework and care for older people and children, as these are not considered to be “economic” activities.
The Table above reveals that the community and social services sector is the most common sector of employment among women (28.7%) while the most common sector among men is trade (21.1%). A large part of community and social services is accounted for by government employment. Among women, trade provides a further 24.4% of the main jobs, followed by private households (14.9%), finance (12.7%) and manufacturing (10.3%). The private household sector consists primarily of domestic work. Among men, community and social services is the second largest job provider (15.9%), followed by manufacturing (15.6%) and financial services (13.1%). Employed women tend to cluster into a smaller number of industries than men. The top three industries for women together account for more than two-thirds (68.0%) of women employment, while the top three industries for men account for 52.6% of the male total.

6.2.1.4. Access to finance for women entrepreneurs

Access to finance in South Africa is not equal across all groups. Race and gender remain important variables in the lack of access, and black African women are at the bottom of the pile.

This fact sheet evaluates the challenges and opportunities to government and financial institutions in addressing this key issue.

Women in business face a number of barriers and prejudice remains an issue, as illustrated by the fact that women have better credit repayment records than men, yet still find it harder to raise finance than their male counterparts.

Obstacles to access

Financial literacy: poor understanding of financial terminology and lack of awareness of bank and microfinance services are an obstacle. A lack of understanding of credit processes and the role of credit bureaus also places women at a disadvantage.

Attitudes of banks: only one out of South Africa’s four major banks is contemplating a specific programme to increase its share of women-owned enterprises.
**BEE code targets:** codes and industry charters do not have sufficient targets for women's financial services outreach or business activity.

**Lack of awareness of development finance:** despite the resources available from private and public development finance institutions, few women in business know about the different institutions, their products or how to access them.

**Lack of financial confidence:** overall women have less financial confidence than men.

**Lack of appropriate products:** bank services and products, including savings products are often unaffordable, and the emphasis on collateralised and asset based lending disqualifies most women from accessing business loans.

Source: Access to finance for women entrepreneurs in South Africa: challenges and opportunities
6.3. THE LEGAL FRAMEWORK

South Africa has tried to address gender inequality through its constitution, legislation, policies and programmes.

| Business Act No. 71 of 1991 |
| The National Credit Act, 2005 |
| National Small Business Amendment Act No. 29 of 2004 |
| Broad Based Black Economic Empowerment Act No. 53 of 2003 |
| Draft of Women’s Economic Empowerment Policy in 1995 which laid the foundation for the Gender Policy Framework |
| Skills Development Act No. 97 of 1998 |
| Labour Relation Act No. 66 of 1995 |
| Basic Condition of Employment Act No. 75 of 1997 |

The government implemented various policies, strategies and programmes aimed at overcoming economic inequalities and underdevelopment, including the Integrated Human Resources Development Strategy; Urban Renewal Programme; Integrated Sustainable Rural Development Programme; the Tourism Transformation Strategy; the Strategic Sector Plan for Agriculture; and, the National Small Business Development Promotion Programme121

The National Strategic Framework on Women’s Economic Empowerment

The framework outlines several programme initiatives that focus specifically on women enterprise, women in business and other target groups, and addresses gender inequalities with the aim of enhancing resource allocation and paving the way for women’s full participation in the economic growth of the country.

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121 The DTI (2003), South Africa’s Economic Transformation: A Strategy for Broad-based BEE, Pretoria, SA Government
6.4. PROGRAMMES

Women in the Information and Communication Technology Sector in South Africa

The ICT industry is seen as one of the key drivers of the South African economy and the ICT sector has been identified as one of the key sectors by the South African government through its various national initiatives.

6.4.1. Government initiatives in the ICT Sector

Overview of National Government Department Initiatives that Specifically Address Women in ICTs in 2006

<table>
<thead>
<tr>
<th>Department</th>
<th>Activities</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Science and Technology</td>
<td>Human Capital Development Programme</td>
<td>• Identify impediments to progress in SET</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Identify needs deficits of the SET sector in attracting and retaining women</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Analyse the impact lack of mentoring and coaching roles of senior women researchers and businesswomen in technology sector as role models and high achievers.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Identify and develop appropriate rewards and recognition systems</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Monitor survival and progress at institutions</td>
</tr>
<tr>
<td>SET4Women Reference Group</td>
<td>The SARG has undertaken</td>
<td>• Equity audit of Science Councils</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• South African Women in Science Awards</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Research project on Gender Equity in Science and Technology in Science Councils and Higher Education Institutions (HEIs)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• SARG website and on-line discussion forum</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Poverty relief programme</td>
</tr>
<tr>
<td>Women Scientist Scholarship</td>
<td></td>
<td>Created for women who are currently in full-time postgraduate study or research leading towards a PhD and who have two years post Master research experience. These fellowships recognise outstanding ability and promise in research.</td>
</tr>
<tr>
<td>Women in Science Awards</td>
<td>Several awards in 2006</td>
<td>• Distinguished Woman Science Award</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Distinguished Scientist award for contribution to the Improvement of the Quality of Life of Women</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Best Emerging Young Woman Scientist Award</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Two L'Oreal South Africa 2006 Fellowships for Women in Science</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Three Women Scientist Fellowship</td>
</tr>
<tr>
<td>Public Service Administration</td>
<td>SITA Internship Programme</td>
<td>The State IT Agency SITA falls under the Department of Public Service Administration- this Programme aims to the existing skills shortages in the ICT sector in the country by targeting 51% female and 4% disabled persons, with the intention to reach a national target of 54%.</td>
</tr>
<tr>
<td>Education</td>
<td>Dinaledi</td>
<td>Seeks to produce by 2008 at least 50,000 mathematics and science graduates at the Senior Certificate level.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>See Chapter 5 for detailed description of the activities of the Department</td>
</tr>
<tr>
<td>Policy on ICTs in Education</td>
<td></td>
<td>See Chapter 5 for detailed description of the activities of the Department</td>
</tr>
<tr>
<td>Communications</td>
<td>Gender Desk</td>
<td>Addresses gender within the Department. Engendering of all policies and standards and to institutionalise gender into all policies and programmes of the Department of Communications and its operating partners.</td>
</tr>
<tr>
<td>Universal Service Agency</td>
<td>Incubator support for free women to plan and install telecentres. Has partnered with the State IT Agency (SITA) to establish learnerships, including for women. Numerous Telecentres (13) School Cyberlabs (235) and Community Digital Hubs (21) have been established. ICT training was offered to teachers, which included women.</td>
<td></td>
</tr>
<tr>
<td>ISSA Institute for Satellite and Software Applications</td>
<td>Has run various post graduate training programmes for BSc graduates. Strong emphasis on participation of 50% women on courses. Past achievements include (1) the establishment of Qhubeka Phambili Network Technologies (QPNT), which was 100% owned by a group of 24 women graduates and (2) two incubation companies owned by 16 other women graduates. (2003)</td>
<td></td>
</tr>
</tbody>
</table>

122
6.3.1.1. Examples of programmes that encourage participation of young women and girls in science and technology and communications

a. The Dinaledi (Stars) Initiative

In 2001, a National Strategy for MST – Dinaledi - was launched following on a national consultative conference involving the Departments of Education, Arts and Culture, and Science and Technology. Dinaledi is an initiative to develop the mathematics and science skills base in the country, through a programme that is implemented at both national and provincial levels.

The overall aim is to improve the number of successful passes in higher grade mathematics and sciences at the Grade 12 level.

The Dinaledi Schools initiative has also built into its goals and objectives a specific interest and commitment to build girl-learners’ skills and performance in mathematics and science.

The Department of Science and Technology sponsors a ‘best girl learner’ award and draws competitors from the Dinaledi schools.

The participation and performance of girl learners in mathematics and science has shown consistent improvement. The existence of the award is credited both with encouraging the entry of more girls into MST studies, as well as driving better support from mathematics and science teacher for girl learners.

One way in which provincial education departments are providing support to girl learners is through the implementation of girl-only MST camps. The camps are often targeted at girl learners in the FET band, and schools are instructed to select one of their top girl learners to attend the camps.

b. SAASTA Programmes for Young Learners

The South African Agency for Science and Technology Advancement (SAASTA) implements a number of projects on behalf of other agencies, including the national Department of Science and Technology (DST). One of these is Primary Science Day, which is devoted to promoting science in primary schools and is intended to address directly the weak international ranking of South African mathematics and sciences, especially in younger learners.

The second initiative of SAASTA, with similar aims, is the National Science Week event which, amongst others, aims to excite youth about science from an early age and to encourage them to develop an interest in studying mathematics and science subjects.

National Science Week is typically implemented at provincial level. Some of the key activities include interactive exhibitions, science shows, workshops, theatres, and career information sessions hosted at provincial venues throughout the week. Schools are encouraged to take their learners on excursions to participate in the National Science Week activities.

SAASTA also coordinates the National Science Olympiad, which aims to promote the participation of Grade 10-12 learners in the sciences with the aim that these learners will be encouraged to pursue careers in the science fields. The Olympiad comprises four components - general knowledge, physics, chemistry and biology. The Olympiad includes the administration of an examination, the hosting of a Science Week, an Awards Ceremony for top performers and the sponsorship of a few learners to attend the International Youth Science Forum in London.

c. Mathematics and Science Camps for Girls

There are a number of initiatives – often ad hoc and not always consistently implemented – to build girl learners’ mathematics and science abilities, and to encourage their entry into SET fields. In some cases, the initiatives take the form of girls’ camps to create an environment that allows for intensive engagement with science and maths concepts.

Girls’ camps are run by the DoE, DST and the Chemical Industries Education and Training Authority (CHIETA). The DoE camps are often implemented in partnership with initiatives such as Technology for Women in Business (TWIB) and UNICEF's Global Girls Education Programme.

The Gender Equity Directorate of the DOE runs activities under its Girls’ Education Movement (GEM), a programme designed to target young girls in South Africa.
6.4.1.2. Examples of Women empowerment Programmes / organisations

a. B’avumile Skills Development Initiative

The B’avumile skills development programme is a women’s empowerment capacity-building initiative aimed at identifying talent in the arts and crafts and textiles and clothing sectors. It is a formal training programme to develop women’s expertise in the production of marketable goods and the creation of formal enterprises in the creative industry.

The programme places emphasis on both skills development and the economic empowerment of women. B’avumile seeks to:

- Recruit women involved in the creative, clothing and textile industries, with skills in embroidery, sewing, weaving and beading;
- Provide specialist skills training and assist women to establish their own enterprises or co-operatives;
- In partnership with the Small Enterprise Development Agency (sedā), provide additional training in packaging, customer service, basic bookkeeping and registering a business; and
- Provide training sessions in municipalities. The training includes training on business skills. A number of women who have undergone this training run successful businesses and have been further assisted through other products offered by the DTI.

Each year a particular province is selected and women enterprises are identified to participate in the process. A selection process is undertaken with the panel of experts in the sector, provincial partners, including the provincial government departments and SEDĀ.

b. Technology for Women in Business (TWIB)

Technology for Women in Business (TWIB) was introduced to accelerate women’s economic empowerment and the development of women-owned enterprises through the recognition of technology-based business applications and systems, and to unlock constraints to enterprise innovation and growth as well as global competitiveness.

The awards are part of the broader TWIB vision of linking women with relevant science and technology-driven business solutions that will improve their business creativity and potential, and reward those women who have used technology to grow their business.

TWIB targets women entrepreneurs who use enterprising technological innovations to increase the production and enhance the quality of their products. Their business must be a profit-making enterprise that demonstrates diffusion of technology.

The TWIB Awards are held every year.
c. Techno-girls Programme

The current theme of the programme is “A Girl Today, a Successful Entrepreneur Tomorrow”. Through the campaign the DTI aims to encourage young girls to contribute to the country’s economic development and growth by becoming the creators of wealth and job opportunities.

The programme, which is conducted annually in different provinces, targets 10 schools from previously disadvantaged communities and 10 learners per school are selected to participate. A total of 100 learners per province participate. Each school comes up with an entrepreneurial idea, which is measured in terms of credibility and feasibility, practicality, originality and durability. Cell C is the partner in the programme.

The winning schools receive computers and fax machines as well as gifts from Cell C such as cell phones, bags or T-shirts. The learners are given the opportunity to present at the Budget Vote day as well as a trip to the Annual Global Summit.

d. South African Women Entrepreneurs’ Network (SAWEN)

SAWEN is a membership organisation with a mandate to represent and articulate the aspirations of all women entrepreneurs who operate within the South African SMME sector.

The DTI identified and adopted SAWEN to fast-track support provided to women in addressing challenges faced when establishing, strengthening and sustaining their enterprises.

Support services under the banner of SAWEN programme include:

- Effective network forums;
- Training and capacity-building programmes;
- The provision of pertinent business information and advice that leads to business opportunities;
- Facilitating trade missions and exposure to global economy; and
- Maintaining a reliable database of South African women entrepreneurs.
### More examples of programmes

<table>
<thead>
<tr>
<th>Description of Programme</th>
<th>Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expanded Public Works Programme (EPWP)</td>
<td>Provides poverty and income relief through temporary work for the unemployed. EPWP includes the Home-Based Community Care and Food for Waste Programmes.</td>
</tr>
<tr>
<td>The New Growth Path (NGP)</td>
<td>Aimed at enhancing growth, employment creation and equity.</td>
</tr>
<tr>
<td>The Department of Trade &amp; Industry</td>
<td>Provides financial support to qualifying companies in various sectors of the economy. Financial support is offered for various economic activities, including manufacturing, business competitiveness, export development and market access, as well as foreign direct investment.</td>
</tr>
</tbody>
</table>
| Finance for Small Businesses                                 | o Khula Enterprise Finance Ltd  
                       o South African Micro-Finance Apex Fund  
                       o Technology for Sustainable Livelihoods  
                       o Registering Your Business                                                                                                               |
| Working for Water                                             | Eradicates invasive alien vegetation to conserve water and the environment, providing jobs and training to approximately 20 000 people per annum.                                                             |
| Working on Fire                                               | A multi-partner organisation focused on integrated fire management and veld and wild fire fighting, combined with the need to create jobs and develop skills.                                           |
| Working for Wetlands                                          | Uses wetland rehabilitation as a vehicle for job creation, skills development, and the wise use of wetlands.                                                                                             |
| Small Medium Enterprise Development                          | Grant programme offering financial help to tourism-related projects.                                                                                                                                     |
| Tourism Enterprise Development                                | Grant-making, training and on-going assistance programme.                                                                                                                                               |
| The South African Decent Work Country programme               | Through this programme, the International Labour Organisation and government, organised business, organised labour and the community constituency give support to initiatives aimed at promoting the decent work agenda. |
| Women Economic Empowerment Financial Assistance              | Financial incentives from the Department of Trade and Industry (the DTI) that assist women in various areas of business development.                                                                     |
| Female Farmer of the Year                                     | Empowers women in agriculture by recognising their contributions and increasing their visibility.                                                                                                        |
| Micro-Agricultural Financial Institutions of South Africa (Mafisa) | A micro and retail agricultural finance scheme for financially active poor people.                                                                                                                    |
| Land Redistribution for Agricultural Development              | Provides grants to previously disadvantaged individuals to get land for agriculture.                                                                                                                   |
Integrated Food Security and Nutrition Programme | Provides relief to households affected by food security, in the form of agricultural help.

Land Care | A community-based and government-supported approach to the sustainable management and use of agricultural natural resources.

Comprehensive Agriculture Support Programme (Casp) | Provides support to new and existing smallholder farmers

Land and Agrarian Reform Project (LARP) | Aims at accelerating and aligning land and agrarian reform.

Ilima/Letsema Campaign | Motivate communities to plough, plant and produce their own food.

- Grants to facilitate access to land.
- Settlement of land restitution claims.
- Registration of deeds.
- Cadastral related information.

6.4.1.3. Women Economic Empowerment Financial Assistance (Incentives)

<table>
<thead>
<tr>
<th>Isivande Women’s Fund (IWF)</th>
<th>Isivande Women’s Fund is an exclusive fund that aims to accelerate women’s economic empowerment by providing more affordable, usable and responsive finance than is currently available. The IWF assists with support services to enhance the success of businesses. It pursues deals involving start-up funding, business expansion, business rehabilitation, franchising and bridging finance.</th>
</tr>
</thead>
</table>
| ABSA Women Empowerment Fund | For South African women permanently residing in South Africa with a Small, Medium or Micro-sized Enterprise (SMME) as defined by the Department of Trade and Industry (DTI) - includes new start-ups, existing businesses, franchises and businesses switching from other banks, subject to credit approval.
- someone who would not qualify for a business loan under normal banking criteria due to poor credit records (must be justifiable).
- the business’ major shareholder (more than 66%) is fully involved in the day-to-day operation of the business.
- with skills and or expertise relevant to business and/or the industry or sector.
- have a well-researched business plan.
- the business can show profitability through historical financials or a realistic cash flow forecast. |
<table>
<thead>
<tr>
<th>The CIDA Empowerment Fund (“CEF”)</th>
<th>CEF: A One-stop solution to broad-based Black Economic Empowerment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• 100% black-owned and controlled</td>
</tr>
<tr>
<td></td>
<td>• Managed by black woman professionals</td>
</tr>
<tr>
<td></td>
<td>• Meaningful and measurable empowerment through education and entrepreneurship</td>
</tr>
<tr>
<td></td>
<td>• 100% of beneficiaries designated black YOUTH</td>
</tr>
<tr>
<td></td>
<td>• 60% of beneficiaries black WOMEN students</td>
</tr>
<tr>
<td></td>
<td>• National representation</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>The National Empowerment Fund (NEF)</th>
<th>It is a government agency set up to provide capital for black economic empowerment transactions. It has as its strategic objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• promotion and support of business ventures pioneered and run by black people;</td>
</tr>
<tr>
<td></td>
<td>• promotion of the understanding of equity ownership among black people;</td>
</tr>
<tr>
<td></td>
<td>• provide black people with direct and indirect opportunities to acquire share interests in state-owned and private business enterprises;</td>
</tr>
<tr>
<td></td>
<td>• encourage and promotion of investments, savings and meaningful economic participation among black people</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CO-OPERATIVE INCENTIVE SCHEME (CIS)</th>
<th>The CIS was introduced in 2005 to support co-operative enterprises in the emerging economy with business development services, production efficiency, technological improvement projects, plant and machinery, and start-up and working capital requirements. Co-operatives eligible for CIS assistance must:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Be incorporated and registered in South Africa in terms of the Co-operatives Act of 1999;</td>
</tr>
<tr>
<td></td>
<td>• Have a majority black ownership;</td>
</tr>
<tr>
<td></td>
<td>• Be owned by a historically disadvantaged individual;</td>
</tr>
<tr>
<td></td>
<td>• Be biased towards women, youth and people with disabilities; and</td>
</tr>
<tr>
<td></td>
<td>• Adhere to the co-operative principles.</td>
</tr>
<tr>
<td></td>
<td>• Co-operatives can have projects in any of the different economic sectors and be based in a rural or semi-urban area.</td>
</tr>
</tbody>
</table>

Fifty-five per cent (1 421) of the members of co-operatives approved in 2012/13 are female, 5% less than in 2011/12 (1 426). Eighteen per cent (451) of the co-operative members approved for CIS during 2012/13 are youth (younger than 35), slightly more than the 17% (233) in 2011/12.

Source: Source: 2012/13 incentive performance: selected projects
6.3.1.4. More examples of the cooperatives assisted through the DTI incentives

Brick-making cluster of Co-operatives124

The following table provides background information on the co-operatives that form part of the cluster, as well as the CIS intervention each cooperative applied for:

<table>
<thead>
<tr>
<th>Co-operative Background</th>
<th>CIS Intervention (October 2012)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ithreling Bricks Manufacturing was formed by seven members in 2010. Three of the members are female and three are younger than 35. The co-operative currently employs five people.</td>
<td>Ithreling Bricks Manufacturing applied for training on how to operate a forklift machine worth R5 515, as well as a pan mixer worth R323 968. The total contribution for these activities from the dti was R332 503.</td>
</tr>
<tr>
<td>Dikapa Projects was formed by seven members in 2010. Three of these members are female. The co-operative has seven employees.</td>
<td>Dikapa Projects applied for training on how to operate a front end loader worth R8 515, as well as a Buffel two-ton front end loader worth R311 610. The total contribution from the dti for these activities was R320 134.</td>
</tr>
<tr>
<td>Rankgope Construction was formed by seven members in 2010, of which five are female. The co-operative has seven employees.</td>
<td>Rankgope Construction applied for a surface-mounted road weigh bridge worth R341 430. The dti's contribution for this activity was R307 287.</td>
</tr>
<tr>
<td>Agisanang Construction was formed by five members in 2010, of which two are female. Two of the co-operative members are also younger than 35 and two are disabled. The co-operative has five employees.</td>
<td>Agisanang Construction applied for training to operate a forklift worth R8 515, as well as a 2.5-ton diesel truck worth R214 320. The total contribution from the dti was R222 835.</td>
</tr>
</tbody>
</table>

From left: Example of a pan mixer received by Ithreling Bricks Manufacturing; Front-end loader received by Dikapa Projects; a surface-mounted road weigh bridge received by Rankgope Construction; a 2.5-ton diesel truck received by Agisanang Construction

EXPECTED OUTCOMES FROM CIS ASSISTANCE

It is expected that the CIS assistance will allow these four co-operatives to improve the quality of bricks manufactured and become more competitive in the brick manufacturing industry. These co-operatives expect their turnover will increase by 10% per year after receiving CIS assistance.

Source: 2012/13 incentive performance: selected projects

124 Source: 2012/13 incentive performance: selected projects
7. DECISION – MAKING

Inequality between men and women in the sharing of power and decision

"It is important that businesses understand the benefits that a more gender balanced decision-making process can provide to growth prospects"

Madeleine Blankenstein; Grant Thornton (Brazil)
7.1. Introduction

The empowerment and autonomy of women and the improvement of women’s social, economic and political status is essential for the achievement of both transparent and accountable government and administration and sustainable development in all areas of life.

The power relations that prevent women from leading fulfilling lives operate at many levels of society, from the most personal to the highly public. Achieving the goal of equal participation of women and men in decision-making will provide a balance that more accurately reflects the composition of society and is needed in order to strengthen democracy and promote its proper functioning.

Equality in political decision-making performs a leverage function without which it is highly unlikely that a real integration of the equality dimension in government policy-making is feasible. In this respect, women’s equal participation in political life plays a pivotal role in the general process of the advancement of women.

Women’s equal participation in decision-making is not only a demand for simple justice or democracy but can also be seen as a necessary condition for women’s interests to be taken into account. Without the active participation of women and the incorporation of women’s perspective at all levels of decision-making, the goals of equality, development and peace cannot be achieved. 125

7.1.1. Facts about Women and Decision Making: Beijing platform of action

- Women are still largely underrepresented at most levels of government, especially in executive bodies, and have made little progress in attaining political power in legislative bodies.
- Although women make up at least half of the electorate and have attained the right to vote, women continue to be seriously underrepresented as candidates for public office.

Globally, fewer than one in 10 businesses are led by women, indicating that it is even harder for women to reach the very top of the business world. 9% of businesses have a female CEO.

125 BPA
• The traditional working patterns of many political parties and government structures continue to be barriers to women's participation in public life.

• Women may be discouraged from seeking political office by discriminatory attitudes and practices, family and child-care responsibilities, and the high cost of seeking and holding public office.

• Women in politics and decision-making positions in Governments and legislative bodies contribute to redefining political priorities, placing new items on the political agenda that reflect and address women's gender-specific concerns, values and experiences, and providing new perspectives on mainstream political issues.

• Socialization and negative stereotyping of women and men, including stereotyping through the media, reinforces the tendency for political decision-making to remain the domain of men.

• The under representation of women in decision-making positions in the areas of art, culture, sports, the media, education, religion and the law have prevented women from having a significant impact on many key institutions.

• The unequal division of labour and responsibilities within households based on unequal power relations also limits women’s potential to find the time and develop the skills required for participation in decision-making in wider public forums.

• The equitable distribution of power and decision-making at all levels is dependent on Governments and other actors undertaking statistical gender analysis and mainstreaming a gender perspective in policy development and the implementation of programmes.

• In addressing the inequality between men and women in the sharing of power and decision-making at all levels, Government and other actors should 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.

7.1.2. Rights and decision making

The Universal Declaration of Human Rights states that everyone has the right to take part in the Government of his/her country.

**CEDAW Article 7**

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

a. To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
b. To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

c. To participate in non-governmental organizations and associations concerned with the public and political life of the country.

**Article 8**

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.
7.2. GENERAL INFORMATION

7.2.1. International comparison

In the international context, South Africa’s ranking (including JSE and SOE firms) actually shows substantially higher levels at the executive management level, in comparison to for example the US Fortune 500, and the UK FTSE 350 share of women executive managers in 2011.

No country in the world has yet reached equality between men and women, but according to the index, the most progress made in closing the gap has been seen in a number of Scandinavian countries, including Iceland (1st), Norway (2nd), Finland (3rd) and Sweden (4th).

In terms of closing the gender gap, South Africa is one of the top 20 countries as measured by the World Economic Forum’s Global Gender Gap Report that demonstrates increasing equality between men and women. South Africa was ranked 12th in the world by the said report in 2010.

While the country dropped from 6th place in the 2009 index, it remains the only African country, along with Lesotho, in the top 20. It also ranked higher than some of the world’s most developed countries, such as the United States (19), Germany (13) and the United Kingdom (15).

South Africa scored particularly well in political empowerment, ranking 9th overall. The country ranked 43rd in educational attainment, 101st in health and survival and 55th in economic participation and opportunity, indicating the gaps that still exist especially in education, health and economic participation of women in comparison to men. Combined, the figures give South Africa a point score of 75.3% - the percentage of the gender gap that has been closed. This ranks similar to the results of Switzerland, Spain, Germany and Belgium.

The index measures the size of the gender gap in 134 countries with focus on four areas of inequality: political empowerment, economic participation, educational attainment and health and survival. The report also highlights the correlation between the gender gap and economic performance of a country.
7.2.2. Information from the study conducted by Grant Thornton International\textsuperscript{126}

The International Business Report indicates that for proponents of greater gender diversity in the leadership of businesses around the world, the results from this report are a disappointment. The data shows that less than a quarter of senior management roles are held by women (24%). This is unchanged from 2013, and even from 2007, and suggests that the proportion of women in senior management has returned to its ‘natural level’ following the financial crisis during which women were disproportionately hit.

There is a strong message from the report that business need to consider women for a greater spectrum of management roles.

Globally, fewer than one in 10 businesses are led by women, indicating that it is even harder for women to reach the very top of the business world. 9% of businesses have a female CEO. Women are best represented in finance and human resources positions. In terms of finance, 13% of businesses have female Chief Financial Officers (CFO), and a further 13% of businesses employ women in other senior finance roles such as Corporate Controller.

Source: Grant Thornton International Business Report 2012

\textsuperscript{126} Grant Thornton International Business Report 2014
Research shows that the majority of women in senior management – 20% each – are either Human Resource Directors or Finance Directors. Furthermore, it is indicated that the global average for women as CEOs and COOs is 9% and 12% respectively.

The 2013 Grant Thornton International Business Report (IBR) on women in business reveals that:

- Just over one quarter of top decision-making roles in SA businesses are filled by women. This is seen as a long way off government’s ambition to ensure that 50% of senior management positions are filled by women.

- As has been the case since 2009, only 28% of SA senior management positions are filled by women and the statistic has disappointingly flat-lined for five years. This stagnant five-year trend is the same when global averages are reviewed, with international businesses also showing no improvement since 2009, at 24%.

- 21% of SA businesses surveyed for 2013 have no women at all in senior management positions.

- When SA businesses were asked whether they would support the introduction of quotas to legislate for more women on executive boards of large listed companies, 60% of SA businesses surveyed said they would support the quota system.

- In comparison, only 37% of businesses surveyed globally support government-enforced quotas, despite the same static position prevailing internationally.

- 15% of board members in SA are women, compared to 19% globally and 26% in the BRIC economies.

- There is a significant improvement in terms of women in CFO positions in South Africa. Women Chief Financial Officers in SA more than doubled in 2013 compared to 2012, up 128% from 14% to 32%.

- The number of CEOs continues to be low although slightly up from 2012 (from 8% last year to 10% for 2013). However, this is a big jump since 2011 when this number was only 3%.

- The good news for SA women is that local businesses are among the leaders who plan to hire
more women. 32% of SA organisations indicated intentions in this direction, compared to BRIC (17%) and global (15%) businesses.

“This steady improvement – although still small at this stage – may fair well in the long term – the number of accomplished women in CFO positions could just be the launch pad for women achieving a greater presence at a corporate board level…”.

One of the keys to attracting and retaining women in companies is supporting them through motherhood, allowing them the time and flexibility to work and raise children at the same time.

Figure 50: Women in business – Top six roles for women in senior management level

The IBR continued

A few suggestions:

• There needs to be a shift in the approach to hiring women and this could include additional programmes and incentives designed specifically to attract women into these decision-making roles.

• Most women often have numerous life roles and business must become more innovative.

• A critical way in which SA business could make itself more appealing to women is to provide more flexible working hours.

• Just over half (53%) of SA businesses surveyed offer flexible working options for their employees. By contrast, 67% of global businesses offer organisational flexibility. BRIC businesses, on the other hand, are significantly less flexible than SA organisations with only 40% offering flexible working conditions such as flexi-time or the ability to work remotely.

• “Offerings such as flexible working hours, compressed work weeks, flexi time, part year work and flexi leave arrangements are just a few incentives available to businesses. Alternative work locations and the introduction of child care facilities in the workplace are also women-friendly options for consideration.”
7.2.3. INFORMATION FROM REPORTS ABOUT WOMEN IN SOUTH AFRICA

Women make up 52.0% of the population in South Africa yet only 43.9% of working South Africans are women. Even more telling is that they constitute only 21.4% of all Executive Managers and as low as 17.1% of all Directors in the country. The 9.1% of women as CEOs (3.6%) and Chairpersons (5.5%) in South Africa remain a minority within a minority.

Source: Businesswomen’s Association of South Africa (BWA); South African Women in Leadership Census 2012

According to Gender Statistics (2011), South Africa ranks fourth among the 87 countries\(^\text{127}\) covered by the 2012 Social Institutions and Gender Index of the Organisation for Economic Cooperation and Development\(^\text{128}\). It is considered the highest ranking country in Africa which is as a result of the strong legal framework in respect of gender equality and women’s rights.

The Report however highlights the fact that despite the attractive statistics and being so close to 50/50 representation of women, in practice there is still a challenge in terms of discrimination with regard to social norms and stereotypes that shape inequitable access to opportunities and power. It is therefore necessary that since women constitute the majority population of the country they should be equitably included in the decision making positions and where laws are made.\(^\text{129}\) This is important because it is their fundamental right to participate in the law making and facilitate the implementation of the laws and policies efficiently. Research has

\(^{127}\) http://www1.uneca.org/Portals/00/2012Social%20Institutions%20and%20Gender%20Index.pdf

\(^{128}\) http://www1.uneca.org/Portals/00/Publications/33Participation%20of%20Women%20in%20Public%20and%20Political%20Decision-making.pdf

\(^{129}\) www.parliament.gov.za/content/women%20en.pdf
actually testified that the inclusion of women in decision making positions as well as policy and law making leads to improved access to basic services such as housing, education and welfare.\textsuperscript{130}

The National Planning Commission’s (NPC) Vision and Diagnostic Report\textsuperscript{131} released in 2011 alludes to the fact that the inclusion of women in decision making positions still remains a challenge especially in the cooperate sector.

The African Women’s Forum Report on the Status of Women in South Africa in terms of economic empowerment highlights a number of factors that hinder women to be eligible to participate in the decision making positions.

Such factors include:

a. High levels of unemployment and the role of women

An important obstacle to the achievement of gender equality in South Africa is the high level of unemployment which has been caused by historical factors such as economic stagnation during the time of apartheid, years of racial and gender discrimination as well as recent factors such as the global economic downturn in 2008. Employment increased between 1997 and 2008 with job creation resulting from the trend of growth amongst emerging economies. However this growth was not enough to benefit poor households, many of which have high dependency ratios with few earners supporting many family members. These households therefore live close to or below the poverty line.

b. Inadequate levels of education

In a report titled Taking Action: Achieving Gender Equality and Empowering Women the UNDP states that secondary and higher levels of education is an important ‘vehicle for transforming attitudes, beliefs, and entrenched social norms that perpetuate discrimination and inequality’.

As noted in the NPC’s report, South Africa’s public education system has severe inefficiencies and hinders poverty reduction, development and gender equity. It is especially the poor quality of education that remains challenging, with low literacy and numeracy test scores in schools with poorer students. Some of the reasons for this low performance include a lack of funding from the government in schools in poor communities, as well as low literacy among parents, poor nutrition, household violence and structural problems such as the curriculum and inadequate support for teachers. Education can lead to more employment opportunities, increased income prospects and more resources at the household level. Therefore the poor quality of public education in South Africa is an obstacle for women’s empowerment and limits their ability to gain future employment opportunities.

\textsuperscript{130} Ibid
\textsuperscript{131} The National Planning Commission’s (NPC) Vision and Diagnostic Report (2011)
c. Women empowerment and the need for efficient and enabling infrastructure

There is a lack of investment in economic infrastructure, and information and communication technology sectors in South Africa. According to the NPC, the government needs to work with the private sector to improve the efficiency of these sectors and ensure they have the capacity to increase economic growth and include marginalised groups such as women.

The ability of women to empower themselves economically and politically through education, and participating in productive and civic activities, is hindered by the gender-based household division of labour and their responsibility for household tasks. Women who live in deprived areas have a greater burden as they must spend more time on these tasks due to a lack of infrastructure and related services in their communities.

The most important difficulties women face in terms of a lack of infrastructure are energy, transport, water and sanitation which means that time is spent collecting fuel, fetching water, cooking and walking long distances for resources.

The impact of an apartheid defined infrastructure continues to be a challenge as many people from disadvantaged areas have to spend a lot of time and money travelling to and from work. This adds to the challenges of promoting the role of women in the mainstream of the economy.

d. Resource exploration and the role of women

South Africa’s development path has historically relied heavily on exploitation of its abundant resources, and this legacy remains today. The result of this over-dependence means that South Africa is vulnerable to external forces such as international commodity price shocks.

The emphasis on resource exploitation is also threatening the environment and South Africa’s biodiversity. Although resource-exploitation contributes to economic growth, it is not gender-sensitive. This means that women are unable to benefit from some of the positive aspects of resource-extraction such as job-creation and the opportunity to participate in the economy. One example is the mining sector. The South African Mining Charter introduced in 2002, made a 10% target for women participation in mining by 2009, to redress the inequality in this sector. The target has been reached and there are now approximately 600,000 women miners in South Africa. However these numbers also include office personnel and cleaners, and female applicants in the core technical disciplines are uncommon.

e. Patriarchal culture and violence against women

There are also still many cases of violence against women and a high rate of sexual offences. According to the Medical Research Council (MRC) estimates in 2009, one in four women experiences physical violence at some point of her life, and a national study of female homicide showed that a woman is killed every six hours by her intimate partner. This is not the full reality of the vulnerability of South African women.
In 2002 MRC estimated that 88% of rape cases go unreported. The NPC Report makes some recommendations as to how the government, civil society and the private sector should tackle the key challenges mentioned. More specifically in terms of gender equity, the report recommends that decision-makers should focus on creating jobs and increasing access to the social wage, improving education, enabling career mobility and entrepreneurship, in order to increase the number of women participating in the economy.

The government needs to develop tools to enable women to be empowered and have more opportunities despite the restrictions of a traditionally patriarchal society. The report also emphasizes that leaders and citizens need to commit to a bold, long-term programme that goes beyond short-term personal or political gain to build a better future.

f. Inequity in earning capacity of women

One of the founding principles of the South African Constitution is non-sexism. Gender activist groups and the Ministry for Women, Children and People with Disabilities work to improve women’s lives. The government has produced a number of policies and legislation to enable women’s empowerment. While successes are evident, as elaborated, South Africa still carries elements of a patriarchal society. On average women still earn less than men there still is the expectation that the role of women be restricted to child care, caring for the sick, and fetching water and fuel, rather than being economically productive and employed, and engaging adequately with the broader economy.\textsuperscript{132}

According to STATS SA Time Use (2010), South Africa is one of the few countries that conduct Time Use Surveys. The first Time Use Survey in South Africa was conducted in 2000 and the second one in 2010. This study assists to account for the time spent on performing unpaid activities such as household chores which are often performed by the women in different strata. The results from these studies can be used to determine what activities are performed, how they are performed and how long it takes to perform such activities.\textsuperscript{133}

The Commission for Gender Equality has embarked on a series of studies executing its mandate of monitoring and evaluating the level of gender transformation among the government departments. The Gender Barometer is the web based tool that the Commission for Gender Equality has been devised as a standard tool to monitor gender transformation in the country. Governance, Power-sharing and decision making is a combined variable key indicator that is used to measure progress on women empowerment and gender equality.\textsuperscript{134}

The findings in all the studies conducted indicate that although South Africa ranks high in terms of statistics with regard to women’s representation, in practice it does not reflect as women are still saturated in the middle management level, where they do not have the strategic stance in decision making.

To mitigate this issue, Government has adopted a Strategic Framework for Gender Equality in Public Service (2006-2015). The Cabinet revised the equity target of 50%

\textsuperscript{133} A Survey of Time Use 2010. STATS SA 
\textsuperscript{134} South African Gender Barometer Project: The State of Women Empowerment and Gender Equality (2007)
representation of women at all levels of the senior Management by 31st march 2009. The CGE findings on the baseline study conducted in 2007 projected that due to the then persistent trends, it was not possible to attain the goal of 50% women’s representation by 2009. This was due to the fact that the goal was not systematically pursued hence could not be reached in the near future.\textsuperscript{135} The Strategic Framework for Gender Equality within the Public Service was put in place aimed at achieving women’s empowerment and gender equality in the work place. It was also aimed at portraying better quality of life for all women thorough improved and accelerated service delivery by the Public Service, to promote non-sexism and non-racialism.

This framework was also aimed at increasing the number of women at all levels of senior management service. That was designed in a way that goes beyond numbers, and including the element of empowerment, development and leadership of women. This is the strategy that was designed to put gender at the centre of transformation process in the public sector. Its fundamental objective was to spearhead the creation of an enabling environment that would facilitate the development of strategies, mechanisms and interventions by government departments and provincial administrators to achieve the strategy objective of women’s empowerment and gender equality. Gender equality is currently measures against the government’s 8 priority areas which are accounted for by the accounting offers within the departments.

All these initiatives that have been made to ensure that women are empowered to participate in the economic development of the country emanate from the statement that was made by the late former President of the Republic Nelson Mandela at his Inauguration address, where he stated that genuine liberation in our country would not be achieved “unless we see in visible and practical terms that the condition of women in our country has radically changed for the better and that they have been empowered to intervene in all spheres of life as equals with any member of our society.”\textsuperscript{136}

\textsuperscript{135} Ibid
\textsuperscript{136} A Strategic Framework for Gender Equality within the Public Service (2006-2015). Department of Public Service and Administration; Consultation Document Issued Nov. 2006.
# 7.3. LEGAL FRAMEWORK

## 7.3.1. International, regional or Continental Instruments

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<table>
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<tr>
<td><strong>1. CEDAW</strong></td>
<td>Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined 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.</td>
</tr>
<tr>
<td><strong>2. Beijing Platform for Action</strong></td>
<td>In addressing the inequality between men and women in the sharing of power and decision-making at all levels, Governments and other actors should 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.</td>
</tr>
</tbody>
</table>
| **3. ILO Convention** | – attainment of equality in a work place through the abolition of discrimination
- Convention (No. 100) – Equal Remuneration for Men and Women Workers of Equal Value
- Convention (No. 111) – Discrimination in respect of Employment and Occupation |
| **4. SADC Protocol Gender and Development (2008)** | **ARTICLE 13**

**PARTICIPATION**

2. State Parties shall ensure the equal participation of women and men in decision-making by putting in place policies, strategies and programmes for:
   (a) building the capacity of women to participate effectively through leadership and gender sensitivity training and mentoring;
   (b) providing support structures for women in decision-making positions;
   (c) the establishment and strengthening of structures to enhance gender mainstreaming; and
   (d) changing discriminatory attitudes and norms of decision making structures and procedures.

3. State Parties shall ensure the inclusion of men in all gender related activities, including gender training and community mobilisation. |

<table>
<thead>
<tr>
<th>Article 9</th>
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<tr>
<td><strong>Right to Participation in Decision-Making Process</strong></td>
</tr>
<tr>
<td>1. States Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that:</td>
</tr>
<tr>
<td>c) women are equal partners with men at all levels of development and implementation of State policies and development programmes.</td>
</tr>
<tr>
<td>2. States Parties shall ensure increased and effective representation and participation of women at all levels of decision-making.</td>
</tr>
</tbody>
</table>

### 7.3.2. Domestic Legislations

- The South African Constitution Act 108 of 1996
- Skills Development Act No. 97 of 1998
- Labour Relations Act No. 66 of 1995
- Basic Conditions of Employment Act No. 75 of 1997
- Employment Equity Act No. 55 of 1998
- Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000
- Broad-Based Economic Empowerment Act No. 53 of 2003.ª
7.4. Women in decision making in the public sector.

The fact that South Africa's women are strongly represented in senior management relative to many other parts of the world, says a lot about the progress the country has made in promoting gender equality. However, the fact that this figure has changed very little in the past five years, indicates that we need more innovative solutions in order to make a significant dent in the number of women still excluded from senior management,” says Jeanette Hern, partner and head of corporate finance at Grant Thornton Johannesburg.

In 2009 the representation of women at senior levels of the public service increased to an average of 36.1%, and women made up 26% of the higher courts and 40% of the lower courts.

7.4.1. National School of Government (NSG),

The National School of Government (NSG), which replaces the Public Administration Leadership and Management Academy (PALAMA), is established because of the decision to professionalise the public service as a means to realise the national development objectives of the country and thereby support sustainable growth, development and service delivery. The purpose of the NSG is to build an effective and professional public service through the provision of relevant, mandatory training programmes.

According to the findings, PALAMA has partnered with institutions such as Canadian International Development Agency and DWCPD in the development and implementation of an accredited Gender Mainstreaming training Programme that foster the achievement of gender equality and non-discrimination. The programme was tailor made for the public service managers to improve their knowledge and skills to develop and implement policies and programmes that promote gender equality within their respective departments. The findings therefore indicate that 4000 managers have been trained in all the spheres of government including 140 senior managers at the Department of Justice. It is important to highlight that 75% of the participants at the trainings were women.

7.4.2. The Gender Equality Strategic Framework

The Department of Public service and Administration (DPSA) has developed the Gender Equality Strategic Framework which all government departments have to implement and report on at half yearly intervals to the DPSA. The framework creates an enabling environment, provision of equal opportunities and removes barriers. The departments also identify barriers to the achievement of employment of women at senior management levels to achieve the set 50% employment equity target.

The Department has also established the Public Service Women Management Week. The programme is implemented during the last week of the August Month.

http://www.palama.gov.za/
every year, to monitor progress that each department is making to empower women and to achieve gender equality in a work place as well as the achievements in the implementation of the 8-principle action plan.

Figure 51: Statistical profile: women workforce representation in %

![Graph showing workforce representation by gender](image)

Source: Businesswomen’s Association of South Africa (BWA); South African Women in Leadership Census 2012

Senior Management Staff in government

<table>
<thead>
<tr>
<th>Position</th>
<th>Men</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director Generals National</td>
<td>30</td>
<td>8</td>
</tr>
<tr>
<td>Deputy Director – Generals * National. No provided is all employees at Level 15 in National departments , not all of them are DDG’s</td>
<td>586</td>
<td>235</td>
</tr>
<tr>
<td>Heads of Departments – stats are for level 15 positions – minus the ones of DDG’s of National Departments above</td>
<td>55</td>
<td>30</td>
</tr>
<tr>
<td>Directors</td>
<td>5773</td>
<td>3729</td>
</tr>
<tr>
<td>Total</td>
<td>6444</td>
<td>4002</td>
</tr>
</tbody>
</table>

Source: Statistics provided by the DPSA as at 2013
7.5. Women in decision making in parliament

According to the survey by the SA Institute of Race Relations, there were 111 women out of the 400 Members of Parliament (MPs) in the National Assembly, in 1994, equating to 28% of all MPs. By 2009 the number of women in the National Assembly had increased to 173, or 43% of all MPs.

Furthermore, Gender Links indicated that women’s representation in the South African national assembly jumped to 45% in 2009, giving South Africa a third place spot in the global women in parliament rankings during that period.

Figure 52: Women in parliament - 2010

Source: NPC Development Indicators (2010)
7.6. Women in decision making in the private sector.

<table>
<thead>
<tr>
<th>Facts about women in business</th>
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<td><strong>FACT 1:</strong></td>
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</table>
| **FACT 2:** | Female Executive Managers 21.4%  
Female Directors 17.1%  
Female CEOs 3.6%  
Female Chairpersons 5.5% |

According to the report by the Businesswomen’s Association of South Africa, (BWA) a firm ownership by women at the corporate level, remains limited as well as women in top management and director positions. The annual BWA Census indicates that the share of women in executive manager and director positions have been on the rise since 2004, with women executive managers constituting almost 16% in 2011 (but still falling short of 20%) of the companies surveyed (JSE-listed firms and SOEs) in the study.

Figure 53: Share of women in executive manager and director positions, % (2004-2011)

According to the annual BWA Census, the share of women in executive manager and director positions have been on the rise since 2004, with women executive managers constituting almost 16% in 2011 (but still falling short of 20%) of the companies surveyed (JSE-listed firms and SOEs) in the study. Major variations are visible at the sector-level, with SOEs showing the most promising results, together with sectors such as consumer services, financials, technology and communication.

(At the corporate level, firm ownership by women remains limited as well as women in top management and director positions)

Source: August 2012 | Management Today BWA

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138 Businesswomen’s Association of South Africa (BWA); South African Women in Leadership Census 2012 - Amanda Dormehl
According to the report on the Status of Women in SA\footnote{The status of women in South Africa: a preliminary report incorporating the findings of consultative roundtable discussions on Women Empowerment in South Africa}, in 2010 there was a percentage increase of 18.4% from the 2009 Census. In 2012, the percentage increased to 43.5% from 41.6% in 2011. The number of companies with three or more women seen as progressing steadily toward the 50% mark. The decrease in companies with zero women directors reflects the strides South African companies are making to ensure the inclusion of women on boards.
Figure 56: Percentage of Executive Managers that are women: JSE-listed companies and SOEs by industry

Source: Businesswomen’s Association of South Africa (BWA); South African Women in Leadership Census 2012

Although Healthcare showed a significant increase of 16.6%, all percentages are still below 30%.

Industries which have shown significant declines are Industrials and Customer Services. Industrials show a dramatic drop to 15.8% - lower than the 2009 reporting period of 18.1%.

“It needs government, business and civil society to act as one in order to achieve at least 50% representation by 2015. The global economy has changed dramatically yet we continue to operate on old assumptions and practices. It cannot be business as usual.
If we are to change the landscape of business in South Africa and truly draw on all of South Africa’s human resources, then we need to change the way we think and conduct our business. management and reward.”
Kunyalala Maphisa,
President of the BWA
7.7. Women in Trade Unions

COSATU has indicated that they have the measures that they employ to encourage the achievement of gender equality and equal participation in the decision making positions.

Such measures entail:

- Specific empowerment programmes for women;
- Provision of childcare facilities at meetings;
- Arranging meeting times to accommodate the needs of women;
- Ensuring a conducive environment where women are able to participate freely e.g. speak in language of their choice;
- Addressing sexual harassment and ensuring a sexual harassment free environment.
- Establishment of gender/women structures to create a safer space for women to address their issues;
- Representation/ensuring that women are also elected through: Quota system/proportional representation/ex-officio representation/creating portfolio position for women/measurable targets
- Gender mainstreaming
- Having gender specific research on issues

The information provided by COSATU is very vague in terms of the mechanisms that are put in place to ensure that women get to be represented in the decision making positions.
8. ADVANCEMENT OF WOMEN

Insufficient mechanisms at all levels to promote the advancement of women
8.1. Introduction (BPA)

National machineries for the advancement of women are established to, inter alia, design, promote the implementation of, execute, monitor, evaluate, advocate and mobilize support for policies that promote the advancement of women. National machineries can be diverse in form and uneven in their effectiveness. Often marginalized in national government structures, these mechanisms are frequently hampered by unclear mandates, lack of adequate staff, training, data and sufficient resources, and insufficient support from national political leadership.

National mechanisms and institutions to promote the advancement of women as an integral part of mainstream political, economic, social and cultural development, and of initiatives on development and human rights, encounter similar problems emanating from a lack of commitment at the highest levels.

8.1.1. Facts about mechanisms to promote the advancement of women: Beijing Platform for Action

(a) National machinery for the advancement of women is the central policy-coordinating unit inside government. Its main task is to support government-wide mainstreaming of a gender-equality perspective in all policy areas. The necessary conditions for an effective functioning of such national machineries include:

- Location at the highest possible level in the Government, falling under the responsibility of a Cabinet minister;
- Institutional mechanisms or processes that facilitate, as appropriate, decentralized planning, implementation and monitoring with a view to involving non-governmental organizations and community organizations from the grass-roots upwards;
- Sufficient resources in terms of budget and professional capacity;
- Opportunity to influence development of all government policies.

(b) In addressing the issue of mechanisms for promoting the advancement of women, Governments and other actors should 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.

(c) Methodologies for conducting gender-based analysis in policies and programmes and for dealing with the differential effects of policies on women and men have been developed in many organizations and are available for application but are often not being applied or are not being applied consistently.
8.1.2. BPA Strategic Objectives

<table>
<thead>
<tr>
<th><strong>Strategic objective H.1.:</strong></th>
<th>Create or strengthen national machineries and other governmental bodies</th>
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<tr>
<td><strong>Strategic objective H.2</strong></td>
<td>Integrate gender perspectives in legislation, public policies, programmes and projects</td>
</tr>
<tr>
<td><strong>Strategic objective H.3.:</strong></td>
<td>Generate and disseminate gender-disaggregated data and information for planning and evaluation</td>
</tr>
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</table>

One of the major challenges to the realization and enjoyment of rights by women is that the responsibility for women’s rights and empowerment has been laid exclusively at the feet of national women’s machineries.

8.2. GENERAL INFORMATION

A gender equality machinery is an institutional governmental and, in some cases, parliamentary structure set up to promote women’s advancement and to ensure the full enjoyment by women of their human rights.

National machineries have been instituted or strengthened and recognised as the institutional base acting as “catalysts” for promoting gender equality, gender mainstreaming and monitoring of the implementation of the Platform for Action and in many instances of the Convention on the elimination of all forms of discrimination against women.

One of the functions of such machinery is to monitor and to ensure the implementation of the law, of the principle of non-discrimination and equality between women and men.

The success of the machinery depends largely on the support of civil society. The main sources of support are the women’s movement in all its various forms, such as women in political parties, especially those in decision-making positions, NGOs, women’s associations and groups, grassroots movements, researchers on women’s issues, and women professionals in, for example, the media.

Through these actors, women have been able to articulate their interests and concerns and have placed women’s issues on the national, regional and international agendas. Particularly important for the good functioning of a national gender equality machinery are women’s studies. A firm link between the machinery and women’s studies is mutually rewarding. The machinery can also identify areas that need further research and request research concerning topical issues. However, a respect for the autonomy of research is a precondition for good relations.

Source: Handbook on National Machinery to promote gender equality and action plans: Guidelines for establishing and implementing National Machinery to promote equality, with examples of good practice: Prepared by Giorgia Testolin
8.3. LEGAL FRAMEWORK

8.3.1. National

The SA Constitution

- Section 1 of the Constitution, the founding values of the democratic state of the Republic of South Africa are human dignity, the achievement of equality and the advancement of human rights and freedoms, non-racialism and non-sexism. Section 2 of the Constitution provides that obligations imposed by the Constitution as the supreme law of the Republic must be fulfilled.

- Section 9 of the Constitution creates the basis for the obligation of the public sector, the private sector and civil society to eliminate and remedy gender and race inequalities. Section 9(2) of the Constitution guarantees the full and equal enjoyment of all rights and freedoms by people of all genders. Section 9(2) of the Constitution furthermore provides that legislative and other measures designed to protect or advance persons or categories of persons disadvantaged by unfair discrimination, may be taken to promote the achievement of equality.

- Section 9(3) and (4) of the Constitution prohibit unfair discrimination by the state or another person against anyone on the ground of gender, race and other factors. Based on section 9(3) and (4) of the Constitution, legislation such as the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000), the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997), the Employment Equity Act, 1998 (Act No. 55 of 1998), and the Preferential Procurement Policy Framework Act, 2000 (Act No. 4 of 2000), seek to prevent and prohibit unfair discrimination on the basis of, inter alia, race, class, gender and people with disabilities and to promote equality.

- Based on section 9(2) of the Constitution, legislation such as the Employment Equity Act, 1998 (Act No. 55 of 1998), and the Broad Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003), seek to provide for the implementation of affirmative action programmes aimed at advancing blacks, women and people with disabilities.

8.3.2. South Africa's National Policy Framework for Women’s Empowerment and Gender Equality

According to the National Policy framework, the mechanisms and processes contained in the national machinery must aim and also show progression towards the:

- achievement of equality for women as active citizens, decision makers and beneficiaries in the political, economic, social and cultural spheres of life.
- women most in need of social upliftment must be given priority;
- development and implementation of mechanisms through which South Africa can meet its constitutional, sub-regional, regional and international commitments towards gender equality, human rights and social justice;
8.4. SOUTH AFRICA'S NATIONAL GENDER MACHINERY (NGM)

“The national machinery has limited funds. With regard to OSW there is no uniformity on the budget and human resource allocation issues. Some departments make budget allocations for gender work. On the whole it is inadequate and is not linked to any clear plan and programme. With regards to the majority of gender work within government, it would seem that it is financed through bilateral aid from foreign governments and aid agencies.

In terms of staff establishment, the trend is to have an individual serving as a gender focal point rather than a unit. Usually GFP staff are also responsible for a range of other tasks within government departments. Many are human resource officers responsible for gender equity (among other equity measures) and have little expertise in gender mainstreaming or gender analysis.”


South Africa’s NGM consisted until May 2009 of the following elements:

- The Office on the Status of Women (OSW) situated in the Office of the Presidency at national level and in the Office of the Premiers at provincial level. Gender Focal Units or Points in government departments also exist at both national and provincial level, and were coordinated by the OSW.

- The CGE - an independent body and constituted as one of the six state institutions listed in Chapter 9 of the South African Constitution. The CGE also has provincial offices.

- The Parliamentary Joint Monitoring Committee on the Improvement of the Quality of Life and Status of Women (JMC), which comprised members from the National Assembly and members from the National Council of Provinces (NCOP).

- Gender focused NGOs which are also seen as forming part of the NGM.

In May 2009 a Ministry of Women, Children, Youth and the Disabled was established.

8.4.1. The Ministry for Women, Children and Persons with Disability

The establishment of this structure was approved in December 2009. “The ministry is mandated to coordinate compliance with State’s obligations under international instruments and to address challenges and concerns regarding social justice and
marginalization of women, children and persons with disabilities” (United Nations Report, 2010: 26). Its mandate is advocacy and mainstreaming, institutional support and capacity building, and monitoring and evaluation of considerations related to the equality and empowerment of women, children and people with disabilities. Among the main functions of the DWCPD is to:\(^{140}\):

- Monitor and evaluate performance of government departments, and other stakeholders in meeting targets for women, children and people with disabilities;
- Accelerate domestic implementation of international obligations on the rights of women, children and people with disabilities;
- Initiate and facilitate the implementation of research (development and use of disaggregated data) and programmes for the empowerment of women, children and people with disabilities.

Since the ministry was established to replace the OSW it was anticipated that, this structure would overcome the shortcomings of the OSW. From the onset the ministry was perceived to have started on a wrong note. Gouws (2010) stated that the ministry started off the ground with a limited budget.

A research with different stakeholders revealed the following perceptions about the ministry (UNDP, 2010:28-29).

- Civil Society reported that there is a general lack of gender technical capacities and that it has limited powers to make the government departments to account. They further noted that since the ministry was not implemented as a result of consultation with civil society, they were uninformed of its strategic framework and they also thought that its role was limited by insufficient monetary resources.
- Government’s officials felt that the impact of the ministry is insignificant due to its invisibility and its failure to coordinate between national and provincial levels.

8.4.2. The Gender Focal Points (GFPS)

The National Policy Framework requires all departments to establish dedicated gender units or focal points to assist in the formulation and implementation of effective action plans to promote women’s empowerment and gender equality in the work of the departments.

Gender Focal Points are supposed to be dedicated units within government departments both nationally and provincially.

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\(^{140}\) Annual Performance Plan 2012-2013 “Women, children and people with disabilities”
The main responsibility for ensuring the effective implementation of the National Gender Policy rests with individual government departments at national and provincial levels.

GFPs are to make sure that departments comply with gender mainstreaming directives and put in place gender sensitive projects and programmes. Their role includes assisting in the formulation and implementation of plans for gender equality and promotion of women’s empowerment (NGPF).

Functions of the GFP’s were anticipated to be as follows:

- To ensure that each department implements the national gender policy;
- To ensure that gender issues are routinely considered in departmental strategic planning exercises;
- To ensure that departments reflect gender considerations in their business plans and routinely report them;
- To review departmental policy and planning in line with the NGPF;
- To review all policies; projects and programmes for their gender implications;
- To ensure that departments provide and use gender disaggregated data in their work;
- To establish mechanisms to link and liaise with civil society;
- To co-ordinate gender training and education of all staff within departments so as to ensure that gender is integrated into all aspects of the work;
- To monitor and evaluate departmental projects and programmes to assess whether they are consistent with national gender policy.

The NGPF further regulate the placement of the GFP’s at the offices of the Director General in all departments.

The DG in each department is the chief accounting officer and is responsible for all departmental functions. The placement of GFPs within this office would therefore afford them easy access to all programmes and officials within the department.

A report by Public Service Commission (2006:35) reported the following challenges faced by the GFP’s:

- None of the departments surveyed had senior managers who seem to support the role of GFP’s; there did no clear understand or commitment to gender issues;
- gender was not mainstreamed instead it was seen as a stand alone issue that needed be attended to on ad hoc basis;
• In all departments that were sampled, gender focal persons were placed as assistant directors, a level with no authority to influence policy.

• GFP’s were found to be working alone with minimal or no support because managers were not familiar with gender issues, instead thought to be about women only.

• Departments had no dedicated budgets for gender mainstreaming and for conducting proper programmes. As a result the only funding available was prioritised for events such as National Women’s day.

• Departments sampled, had no gender strategy in place and there was generally lack of cooperation from other departments.

8.4.3. The Commission for Gender Equality

The CGE was established in 1997 in line with chapter 9 of the Constitution through the Gender Equality Act (39 of 1996). The mandate is wide and it includes the following:

• Monitoring and evaluating state the policies; and practices of both government and private-sector institutions;

• Public education and information;

• Making recommendations to government to promote gender equality, including suggestions for law reform and new legislation (with regard to personal and family law, indigenous law, customary law, and any other law);

• Following up complaints (with its powers to subpoena); investigating gender matters and complaints; and resolving conflicts by mediation; conciliation and negotiation;

• Monitoring government’s complaints with international conventions; and

8.4.4. Civil society and NGOs

Several authors have noted that “one of the most notable changes in the landscape of the women’s movement in the post-1994 period was the fragmentation and stratification of women’s organizations in civil society”. On the whole, South Africa’s women’s movement is considered to be weak, largely with regard to the ability to articulate the interests of its constituencies, to mobilize them and to develop independent strategies to achieve its aims while holding open the possibilities of alliances with other progressive movements.
8.4.5 The CGE’s interaction with the Department of Women, children and persons with disabilities.

The CGE sent a questionnaire to the Department and received responses as indicated in the Table below.

<table>
<thead>
<tr>
<th>BPA Actions by government</th>
<th>RESPONSE FROM THE DEPARTMENT</th>
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<tbody>
<tr>
<td>1. Create or strengthen national machineries and other governmental bodies</td>
<td>(i) What government has done:</td>
</tr>
<tr>
<td>1.1. Ensure that responsibility for the advancement of women is vested in the highest possible level of government; in many cases, this could be at the level of a Cabinet minister;</td>
<td>• Established the Office on the Status of Women (OSW) in 1997 in the Presidency with the mandate to act as the nerve centre for government’s gender agenda in the country</td>
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<tr>
<td></td>
<td>• Adopted Cab Memo 3 of 2000 in which government departments were to create gender units headed by Focal Points at minimum Director level and to be located in the DG’s Office</td>
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<tr>
<td></td>
<td>• In 2009, subsequently established the Ministry for Women, Children and People with Disabilities to drive among others, the mandate of gender equality and women’s empowerment. This is headed by a Cabinet Minister.</td>
</tr>
<tr>
<td>(ii) The role of the department</td>
<td>The Department seeks to promote, protect, facilitate, coordinate and monitor the realisation of rights and empowerment of women, children and people with disabilities through ensuring equity and access to development opportunities for the three groups, mainstreaming of gender, children’s rights and disability considerations into the day to day work of government at all levels and to monitor the extent to which the social and economic circumstances of women, children and people with disabilities are significantly improved.</td>
</tr>
<tr>
<td>(iii) Achievements</td>
<td>The DWCPD as leading on the gender agenda in the country, has:</td>
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<tr>
<td></td>
<td>• Developed and consulted widely on Women Empowerment and Gender Equality Bill</td>
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<td></td>
<td>• Developed Draft National Policy on Women’s Empowerment and Gender Equality</td>
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<td></td>
<td>• Undertaking rural women’s economic empowerment programme – working with other departments and funding agencies to foster more income generating opportunities</td>
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<tr>
<td></td>
<td>• Successfully hosted a National Women’s Conference in 2011</td>
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<td></td>
<td>• Established and launched a National Council against Gender Based Violence and reviewed the National 365 Day Plan of Action</td>
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<td></td>
<td>• Developed integrated National Mainstreaming Framework; National Integrated Advocacy Strategy; National Integrated Institutional Support and Coordination Framework; and Integrated National M&amp;E Strategy with monitoring tools with appropriate and relevant indicators</td>
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<tr>
<td></td>
<td>• Monitored women-owned or managed projects in provinces and compiled a monitoring report</td>
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<tr>
<td></td>
<td>• Embarking on a gender responsive budgeting process in government – four departments have been part of a resuscitation of GRB analysis exercise. Recommendation by the Financial Fiscal Commission to pilot GRB in provinces will be undertaken in 2013/14 in 4 provinces. SADC guidelines have been developed and training conducted. A process to develop a training manual in partnership with UNDP &amp; UN Women is underway.</td>
</tr>
</tbody>
</table>
1.2. Create a national machinery, and strengthen, as appropriate, existing national machineries, for the advancement of women at the highest possible level of government;

1.3. Ensure that the machinery has clearly defined mandates and authority;

(i) what government has done

- In line with the National Policy Framework for Women’s Empowerment and Gender Equality, adopted in 2000 by Cabinet, the OSW had established a fully functional National Gender Machinery as a “package of integrated structures located in different levels of government”. At the highest level of Government, the NGM comprised the OSW, the Parliamentary Joint Monitoring Committee on the Improvement of the Status of Women and Quality of Life and the CGE. Parliament also comprised a Women’s Caucus. These structures were replicated at the provincial legislative levels as well. The NGM was also co-chaired by the OSW, CGE and JMC. All Cabinet Ministers were expected to be custodians of the gender issues for their relevant sectors and to report to Cabinet appropriately.
- Since 2009, the NGM is headed by the Minister for Women, Children and People with Disabilities
- In 2009, National Parliament established the Portfolio Committee on Women, Youth, Children and People with Disabilities.

(ii) the role of the department

- The Department continues to lead the National Gender Machinery comprising government sector, GCE, NGOs and civil society.
- The Department has also undertaken to host joint Machineries in an effort to pull together the work done in the three sectors in an integrated manner
- TOR for the strengthening of the machinery have been developed to allow for adequate engagement towards the advancement of women
- The department provides capacity development and institutional support to departments and provinces to convene and align Provincial Machineries to the deliverables of the sector at national level
- Engagement and support of local sphere to strengthen machineries for more direct delivery of services
## 1.4. Provide staff training in designing and analysing data from a gender perspective;

### (i) what government has done

- The former OSW, in collaboration with PALAMA (then known as SAMDI) as the training arm of Government, developed a training manual and module on Gender Mainstreaming in the Public Service. This training was targeted at all Public Servants from the Director-General down, and is a training module that is SAQA accredited.
- PALAMA was able to roll-out the programme to approximately 5000 officials across Government through the funding it received from the Canadian CIDA.
- Since then government departments were expected to cover the costs for such training of their officials.
- PALAMA has also designed within the training course a module to build capacity for gender responsive budgeting.

### (ii) the role of the department

- DWCPD rolled out the training for 25 officials of the dept, other departments and provincial focal points from the Northern Cape Environment department and legislature and an additional 25 officials from departments and 3 provinces to date
- The DWCPD has also been able to collaborate with UN Women on training on a gender score card. The training was conducted with 11 national departments, including officials from DWCPD and the Limpopo province on building capacity to utilise the gender score card as an instrument to aide in the process of gender mainstreaming within the South African context. It comprises indicators that can be used as yard sticks for monitoring gender mainstreaming in government institutions
- In May 2013, the DWCPD facilitated the training of approximately 22 women entrepreneurs from different provinces through the Global Institute of Business on business skills for the women
- In the 2013/14 fiscal year, the DWCPD will be undertaking three programmes on training viz. gender mainstreaming (5 groups of 25 participants each at a total cost of R500 000.00) and responsive budgeting (total cost of R55 000); women empowerment in agriculture and leadership (total cost of R60 000 000.00) and the gender score card (M&E) (total cost of R300 000.00).

## 1.5. Establish procedures to allow the machinery to gather information on government-wide policy issues at an early stage and continuously use it in the policy development and review process within the Government;

- The DWCPD’s integrated M&E Strategy has three elements to its monitoring and evaluation process – one of which looks at large scale data that is available in various institutions; the second at government departments M&E systems itself and lastly the voice of the people through surveys, forums, imbizos, research, etc
- This information that will be obtained by the DWCPD therefore cuts across all structures of the machinery which allow for information gathering and analysis.

## 1.6. Report, on a regular basis, to legislative bodies on the progress of efforts, as appropriate, to mainstream gender concerns, taking into account the implementation of the Platform for Action;

- The DWCPD reports regularly to both the Portfolio and Select Committees on Women, Youth, Children and People with Disabilities in National Parliament on its work
- In addition, the DWCPD is responsible for all global reporting obligations on commitments made on women’s empowerment and gender equality and therefore develops country reports to various international, regional and continental bodies. These reports, in particular treaty body reports, are submitted to legislative bodies for final approval. As such hearings are called for by these bodies.
1.7. Encourage and promote the active involvement of the broad and diverse range of institutional actors in the public, private and voluntary sectors to work for equality between women and men.

- The DWCPD works closely with different institutional actors in advancing gender equality and women’s empowerment for e.g.
  - DWCPD coordinates the participation of relevant departments in close collaboration in the National Council against Gender Based Violence such as NPA, SAPS, Justice, Correctional Services, among others.
  - Different government departments/entities on specific areas of focus. Examples included working with DTI on women’s cooperatives; Economic Development Department on including women into the economy and the New Growth Path, Department of Rural Development and Land Reform on the rural women’s programme; Department of Environmental Affairs on women and climate change and the green economy; Department of Education and Dti on the sanitary dignity campaign, among others
  - Traditional leaders and healers especially on issues of gender based violence
  - Rural women’s movement especially on the traditional courts bill
  - Men’s groups and NGOs – especially on gender based violence and advancing gender equality
  - Institutions such as the Motsepe Foundation especially on gender responsive budgeting
  - SANAC especially on the issue of women and HIV and AIDS
  - UN and other development partners in gender equality and women’s empowerment issues
  - SEDA, IDC and funding agencies especially on women’s economic initiatives

2. Integrate gender perspectives in legislation, public policies, programmes and projects

2.1. Seek to ensure that before policy decisions are taken, an analysis of their impact on women and men, respectively, is carried out;

- The DWCPD by virtue of its mandate encourages such analysis and envisages compliance through the enactment of the WEGE Bill
  - One such example is when the DWCPD indicated that the Traditional Courts Bill tabled in Parliament did not take women’s issues into proper consideration and promoted that the Bill in its current form needs to be more widely consulted to take into account the gender implications of the Bill.
  - Another example is the influence of the Minister in ensuring that the draft BBBEE Amendment Bill takes on board women’s issues and representivity more seriously.
  - The Ministry is also collaborating with the Department of Labour for alignment between the drafts Employment Equity Amendment Bill with that of the WEGE Bill to take into account gender issues.
2.2. Regularly review national policies, programmes and projects, as well as their implementation, evaluating the impact of employment and income policies in order to guarantee that women are direct beneficiaries of development and that their full contribution to development, both remunerated and unremunerated, is considered in economic policy and planning:

- The DWCPD is not an implementing department and such policies lie with the custodian department as implementers. Any reviews undertaken by these departments also include collaborating with DWCPD to ensure a gender lens. For example, the Department of Economic Development is currently working towards a policy on inclusive economy for women across the sectors and is now collaborating closely with the DWCPD in designing form the initial stages.

- The DWCPD also collaborates with the Dti on reviewing the programme of cooperatives to ensure issue of women’s cooperatives are taken on board.

2.3. Promote national strategies and aims on equality between women and men in order to eliminate obstacles to the exercise of women’s rights and eradicate all forms of discrimination against women:

- DWCPD has developed the WEGE Bill towards this end.

- By virtue of its mandate, the DWCPD seeks to promote national and strategies and aims on women’s empowerment and gender equality by facilitating mainstreaming initiatives through advocacy, capacity building, institutional support and monitoring and evaluation.

- Quarterly reporting by departments and provinces to the DWCPD is also a way for the DWCPD to foster non-discrimination, non-sexism and empowerment of women and girls.

2.4. Work with members of legislative bodies, as appropriate, to promote a gender perspective in all legislation and policies:

- The DWCPD works closely with different Portfolio Committees in Parliament in this regard for example:
  - on the issue of the Traditional Courts Bill, the DWCPD worked with the Portfolio Committee on Women, Youth, Children and People with Disabilities
  - Report by the department s on mainstreaming of gender in their work. DWCPD was invited for the report by the Departments of Energy, Labour, among others

- The DWCPD worked with the Women’s Caucus on the issue of gender based violence in April 2013 to identify ways to accelerate the elimination of such violence through a round table discussion with relevant key departments.
2.5. Give all ministries the mandate to review policies and programmes from a gender perspective and in the light of the Platform for Action. Locate the responsibility for the implementation of that mandate at the highest possible level.

2.6. Establish and/or strengthen an inter-ministerial coordination structure to carry out this mandate and monitor progress and to network with relevant machineries.

• This has not been undertaken in an official capacity by the department as yet. However it is envisaged as one of the initial implementation tasks once the WEGE Bill is enacted as the Bill seeks to provide such a mandate to the Department. It will be located at the level of the Cabinet Ministers

• The Minister does not as yet lead an Inter-Ministerial Committee in this regard, but is a member of the IMC established on addressing the root causes of gender based violence. In addition the DWCPD does not lead on any of the 12 National Delivery Outcomes of Government as gender is a cross cutting issue and cuts across all 12 outcomes. Hence the DWCPD does not have any specific Implementation Forums that it would lead in this regard. Furthermore the MWCPD also falls into more than more Cabinet Committees and as such Minister sits in the G&A as well as Social Sector Cabinet Committees, but also will be invited to all the other Cabinet Committees because of the cross cutting nature of the mandate. Through these various ways the mandate is promoted and progress across the sectors can be monitored.

2.7. Facilitate the formulation and implementation of government policies on equality between women and men, develop appropriate strategies and methodologies, and promote coordination and cooperation within the central government in order to ensure mainstreaming of a gender perspective in all policy-making processes;

• DWCPD has developed the WEGE Bill which promotes equality between men and women

• DWCPD has drafted a national policy on WEGE which furthers the work of the National Policy Framework adopted for the country in 2000

• DWCPD has developed the National Mainstreaming Framework, National Advocacy Strategy, National Institutional Support and Capacity Building Framework and the National M&E Strategy

• DWCPD is coordinating the development of a national Rural Women’s Empowerment strategy

• DWCPD coordinates the national sanitary dignity campaign

• DWCPD is coordinating the national programme on eliminating gender based violence and acts as Secretariat for the National Council. To date the following has been achieved: (i) Drafted document on the processes to be followed in establishing a Board of Trustees; (ii) document on the Role of the Secretariat of the National Council on GBV; the structure of the Council; vision, mission, mandate, strategic and programmatic priorities; and the (iii) Leadership and membership of the National Council; (iv) Drafted procedural Guidelines for the National Council on Gender-based Violence; (v) Worked on the funding proposal for the work of the Executive Committee of the NCGBV; (vi) the Framework towards the development of the 5 year National Strategic Plan; (vii) Compiled a report on the processes that were embarked upon before the establishment of the NCGBV; (viii) Compiled a report on the work of the National Council since its inauguration to be presented to the Deputy President; (ix) Report on the analysis of the implementation of the 365 Days National Plan; and (x) Conceptualised and produced the logo for the National Council on Gender-Based Violence.

• Coordinating the national women’s economic empowerment programme especially on cooperative establishment and income generation activities
2.8. Promote and establish cooperative relationships with relevant branches of government, centres for women’s studies and research, academic and educational institutions, the private sector, the media, non-governmental organizations, especially women’s organizations, and all other actors of civil society;

- The NGM comprises these various sectors of stakeholders with whom the DWCPD works with from time to time depending on the relevance of a particular entity or person to the issue under consideration.
- Currently the DWCPD is collaborating with Stats SA and the OECD (Organisation for Economic Cooperation and Development) on the Social Institutions and Gender Index (SIGI) study in SA. A steering committee has been established comprising researchers, academicians, government departments, NGOs etc.
- Cooperative partnership between Motsepe Foundation and DWCPD on gender responsive budgeting.
- Cooperative partnership between UNFPA, UNICEF, DWCPD, DBE, DSD and DFID on the Joint Programme on a Safer SA addressing the prevention of gender based violence.
- Cooperative partnership between UN Women and DWCPD on the issue of women and informal cross border trade.
- Cooperative partnership between IDC and the DWCPD on the women entrepreneurial activities.
- Cooperative partnership between DWCPD, DRDLR and UNFAO on the rural Women’s Development Programme.
- Partnership with NYDA and DWCPD on economic empowerment of young women.
- Partnership with UN Women and DWCPD on the Gender Score Card.
- Partnership between UNICEF, Avusa Consulting and DWCPD on the TECHNOGIRL project.

2.9. Undertake activities focusing on legal reform with regard, inter alia, to the family, conditions of employment, social security, income tax, equal opportunity in education,

- This has not been undertaken on individual issues as yet, but the DWCPD will aim to look at legal reform of focused issues once the WGE Bill is enacted and greater compliance is therefore legislated. It will foster more effective delivery on the mandate especially in advocating / directing for legal reforms on particular issues.
- One of the immediate considerations of the department is to advocate for the draft Employment Equity Amendment Bill to take on board the target of 50/50 while in its current review process.
- The second immediate consideration is that of advocating for the legal reform of the Electoral Act in line with the WEGE Bill and 50/50 across all political parties.
- These activities have been cited already within the paragraphs above. All the activities are aimed at positive measures for promoting women’s empowerment.
- However, specific programmes will be instituted by the National Council against Gender Based Violence that targets behaviour and attitudinal changes. This includes programmes aimed at traditional leaders, religious leaders, women and girls themselves, men and boys. The private sector employers, trade unionists etc. Special focus has also been placed on changing behaviour and attitude as it impacts on practices such as Ukuthwala and early and forced marriages; attacks, rapes and killings of members of the LGBTI communities; patriarchal practices; witch-killings; rites of widowhood; etc.
2.11. Promote the increased participation of women as both active agents and beneficiaries of the development process, which would result in an improvement of quality of life for all;

- DWCPD ensures that women are involved and participate in all issues that concern them. In this regard, the department has:
  - Included women on national delegation teams to attend the UN CSW in 2012 on Rural Women; Chicago on Economic Opportunities meeting with the US Government; IBSA in India which focussed on women's economic empowerment initiatives.
  - Women have been part of all meetings of the department, especially rural women
  - Women participated in the traditional courts bill process where the Department facilitated this.
  - Women were involved in the DWCPD Budget vote in Parliament – women were even given an opportunity to hold a fair / exhibition of their products in Parliament
  - Women have been widely consulted on the WEGE Bill including SAWID, PWMSA, Rural Women; trade unions, etc

2.12. Establish direct links with national, regional and international bodies dealing with the advancement of women;

- By virtue of its mandate the DWCPD links with national, regional and international bodies dealing with the advancement of women. These include:
  - At the national level: the ANC Women’s League; political party women’s wings; women’s caucuses, SAHRC; representative bodies of global institutions located in SA
  - At the global level: the UN entities (such as UN Women, UNFPA, ILO, UNFAO, UNICEF, UNAIDS, UNHRC, UNHCR on Refugees, etc); Human Rights bodies (UN CEDAW, Special Rapporteur on Violence, HRC, etc); Commonwealth Secretariat, AU Commission and AU Gender Directorate, UNECA, SADC and SADC Gender Directorate, PAWO, etc

2.13. Establish direct links with national, regional and international bodies dealing with the advancement of women;

- AS ITEMISED IN 2.12 ABOVE

3. Generate and disseminate gender-disaggregated data and information for planning and evaluation

3.1. Ensure that statistics related to individuals are collected, compiled, analysed and presented by sex and age and reflect problems, issues and questions related to women and men in society;

- The DWCPD by virtue of its mandate is not able to generate primary data. This is done by various line function institutions of Government. The DWCPD is able to obtain secondary data from the relevant departments for utilisation.
  - Data in some instances is sex and gender disaggregated, including age and disability. However disability data is the most difficult to obtain. In some instances data is not gender/sex disaggregated by departments.
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<th>Section</th>
<th>Description</th>
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| 3.2. Collect, compile, analyse and present on a regular basis data disaggregated by age, sex, socio-economic and other relevant indicators, including number of dependants, for utilization in policy and programme planning and implementation and to reflect problems and questions related to men and women in society; | - The DWCPD is able to periodically collate, analyse and report on the data that is sourced from the various institutions.  
- The DWCPD has developed a quarterly monitoring tool with indicators that are results based which will institutionalise the provision of data (disaggregated) on a quarterly basis. |
| 3.3. Involve centres for women’s studies and research organizations in developing and testing appropriate indicators and research methodologies to strengthen gender analysis, as well as in monitoring and evaluating the implementation of the goals of the Platform for Action; | - The DWCPD is looking at forming a Think Tank on the indicators of the M&E Tool as well as for analysing data and identifying trends etc. This will include women academicians, researchers, women’s studies units in higher education sectors, etc.  
- The DWCPD is involved in the SIGI SA study which is utilising this process of working with research institutions, universities, women’s studies institutes and academics as part of a larger advisory body. |
| 3.4. Designate or appoint staff to strengthen gender-statistics programmes and ensure coordination, monitoring and linkage to all fields of statistical work, and prepare output that integrates statistics from the various subject areas; | - The DWCPD has an M&E Chief Directorate in the Women’s Empowerment and Gender Equality Branch which is specifically tasked with all monitoring and evaluation of the progress made on women’s empowerment and gender equality in the country. The unit is head by a Chief Director. The current challenges are that the unit is underfunded in the MTEF and no staff has been appointed into the unit as per the organogram of the department. Technical assistance is also being sourced from UN entities to strengthen the M&E processes of the unit.  
- The DWCPD also has a research unit with researchers. However the challenge is once again the total underfunding of this unit by MTEF funds. |
| 3.5. Improve data collection on the full contribution of women and men to the economy, including their participation in the informal sector(s); | - Stats SA through its Labour Force Surveys and Household surveys are responsible for the collection of this data and for storage of the large scale data sets. DWCPD is working closely with the NSS Division of Stats SA to ensure that the indicators for the labour force surveys, household surveys and social profile studies are inclusive of all sectors and categories of women. |
### 3.6. Improving data collection on the unremunerated work which is already included in the United Nations System of National Accounts, such as in agriculture, particularly subsistence agriculture, and other types of non-market production activities;

- Stats SA is beginning to look at how data in this regard can be collected. The most recent Census was able to assist in providing such information. Stats SA will be releasing these findings in a publication titled Statistics on Women and Men in the near future. This together with the landmark publications of Time Use Surveys by Stats SA will begin to provide a clearer picture of the situation in the country on unpaid care and subsistence work.

### 3.7. Improving measurements that at present underestimate women’s unemployment and underemployment in the labour market;

- This is currently a challenge which the DWCPD will embark on collaborating upon with Stats SA and the Department of Labour. In fact the EAP (economically active population) needs to be looked at from a gender perspective more closely as well as what the implications are for gender issues if EAP is used as rigidly as it is now.

### 3.8. Developing methods, in the appropriate forums, for assessing the value, in quantitative terms, of unremunerated work that is outside national accounts, such as caring for dependants and preparing food, for possible reflection in satellite or other official accounts that may be produced separately from but are consistent with core national accounts, with a view to recognizing the economic contribution of women and making visible the unequal distribution of remunerated and unremunerated work between women and men;

- Currently Stats SA does a lot of work in this regard with UNECA to begin to look at how it can capture unpaid work and assign a value to this unpaid work. The DWCPD will collaborate with Stats SA on this in the future.
| 3.9. Develop an international classification of activities for time-use statistics that is sensitive to the differences between women and men in remunerated and unremunerated work and collect data, disaggregated by sex. At the national level, subject to national constraints: | • Time use surveys are produced by Stats SA. This process and the resultant publications are highly acclaimed on the continent where SA is regarded as a leader in terms of statistic collection and collation processes. In fact Stats SA is also part of the UN Statistical Commission and the work done on time use surveys by Stats SA is highly acclaimed at this international front as well. |
| 3.10. Conduct regular time-use studies to measure, in quantitative terms, unremunerated work, including recording those activities that are performed simultaneously with remunerated or other unremunerated activities; | • Done by Stats SA periodically |
| 3.11. Measure, in quantitative terms, unremunerated work that is outside national accounts and work to improve methods to accurately reflect its value in satellite or other official accounts that are separate from but consistent with core national accounts; | • Refer to work done by Stats SA in this regard |
| 3.12. Improve concepts and methods of data collection on the measurement of poverty among women and men, including their access to resources; | • Stats SA does the collection of data on poverty. Collection tools do include the indicators for access to resources however data may not always be disaggregated. DWCPD is in the process of consulting with departments on including indicators to close such gaps and Stats SA is one of the departments targeted for this collaboration. |
### 3.13. Strengthen vital statistical systems and incorporate gender analysis into publications and research; give priority to gender differences in research design and in data collection and analysis in order to improve data on morbidity; and improve data collection on access to health services including access to comprehensive sexual and reproductive health services, maternal care and family planning, with special priority for adolescent mothers and for elder care:

- DWCPD is in the process of consulting with departments on including indicators to provide data that is gender disaggregated and will foster that the analysis of data for research and other purposes by departments can therefore be more inclusive of a gender perspective. Department of Health has been identified as a key department in this regard. However, currently the Health Department releases its annual publication on the Confidential Enquiry into Maternal Deaths in SA which provides data on morbidity.

### 3.14. Develop improved gender-disaggregated and age-specific data on the victims and perpetrators of all forms of violence against women, such as domestic violence, sexual harassment, rape, incest and sexual abuse, and trafficking in women and girls, as well as on violence by the agents of the State:

- SAPS, DoJ and NPA do collect data in this regard. However the DWCPD has identified areas of challenge or gaps in data and as part of its one-on-one collaboration on indicators with Departments will seek to address these issues.

### 3.15. Improve concepts and methods of data collection on the participation of women and men with disabilities, including their access to resources:

- The DWCPD has an M&E Chief Directorate in the Disability unit that will be focusing on ensuring that disaggregated data is being generated in the future by the various institutions of government.
- In addition, DWCPD is collaborating with Stats SA to ensure that the social profile data collection method includes indicators on disability which has been a gap thus far.
- The DWCPD is also working with DPME to ensure that disability indicators are mainstreamed into the Government wide M&E system.

### 3.16. Ensure the regular production of a statistical publication on gender that presents and interprets topical data on women and men in a form suitable for a wide range of non-technical users:

- Currently this is being done by Stats SA and included the Time Use Surveys, Social Profile publication and the most recent is the yet to be published “Statistics on Women and Men”.

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**Commission for Gender Equality**
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<th>3.17. Ensure that producers and users of statistics in each country regularly review the adequacy of the official statistical system and its coverage of gender issues, and prepare a plan for needed improvements, where necessary;</th>
<th>• The DWCPD is one of the main users of data (disaggregated) on women and girls. In this regard it is experiencing several challenges in obtaining up to date data. The M&amp;E strategy has taken heed of this challenge and seeks ways of addressing it, one of which is the implementation of a tool against which departments are expected to report periodically (at least once a quarter/biannually/annually) so that trends, patterns and emerging issues can be determined.</th>
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| 3.18. Develop and encourage the development of quantitative and qualitative studies by research organizations, trade unions, employers, the private sector and non-governmental organizations on the sharing of power and influence in society, including the number of women and men in senior decision-making positions in both the public and private sectors; | • Research is undertaken regularly by various institutions in South Africa.  
• The DWCPD is sometimes consulted during various stages of the research or is part of the team for final validation of the findings/study.  
• These cover various research topics some of which include the issue of decision making positions. Research that focuses on decision-making levels in the Public Service includes those done by the Public Service Commission, while the Business Women’s Association has an annual Census Survey on women in the corporate institutions in SA. |
| 3.19. Use more gender-sensitive data in the formulation of policy and implementation of programmes and projects. | • DWCPD’s role is to utilise data for policy decision-making as well as in programme and project implementation. In this regard, the M&E unit in the WEGE Branch works closely with the other units in the branch so that the monitoring process feeds into the advocacy, mainstreaming, capacity building and programme and project formulation processes. |
9. HUMAN RIGHTS OF WOMEN

Lack of respect for and inadequate promotion and protection of the human rights of women

The importance of total emancipation of women including political freedom was emphasised by the late Honourable Dr Nelson Mandela in his May 1994 address wherein he espoused that:

“Freedom cannot be achieved unless the women have been emancipated from all forms of oppression. All of us take this on board that the objectives of the Reconstruction and Development Programme will not have been realized unless we see in visible practical terms that the conditions of women in our country has radically changed for the better, and that they have been empowered to intervene in all aspects of life as equals with any other member of society.”

141 The Former President Dr Nelson R. Mandela. State of the Nation Address in May 1994
9.1. Introduction (BPA)

The principle of the equal rights of women and men is contained in the Charter of the United Nations, the Universal Declaration of Human Rights and all subsequent major international human rights instruments. It is most comprehensively elaborated in the Convention on the Elimination of All Forms of Discrimination against Women, which codifies women’s rights to non-discrimination on the basis of sex, and equality as self-standing norms in international law. It also establishes that women and men are entitled, on a basis of equality, to the enjoyment and exercise of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and thus moves beyond the two Covenants by incorporating both families of rights in one instrument, establishing them as mutually reinforcing.

Critical areas, such as political participation and access to equal opportunity in public life, and in the professions are covered comprehensively in CEDAW, as are standards on nationality. The Convention also addresses women’s equal right to education and training, health and employment. The Convention underlines the equal responsibility of women and men in family life and stresses the social services needed for combining family responsibilities and participation in public life.

The Convention calls for the introduction of temporary special measures to redress inequalities between women and men, and special attention is given to rural women and their equal involvement in development processes. Importantly, the Convention obliges States parties to take all appropriate measures to ensure that women do not experience discrimination in certain areas of private life. Thus States parties are required to ensure that all contracts and other private instruments which restrict the legal capacity of women “shall be deemed null and void”, while they are also obliged to take steps to eliminate discriminatory practices in the family. 142

Unless the human rights of women, as defined by international human rights instruments, are fully recognized and effectively protected, applied, implemented and enforced in national law as well as in national practice in family, civil, penal, labour and commercial codes and administrative rules and regulations, they will exist in name only. 143

Human rights and fundamental freedoms are the birth-right of all human beings; their protection and promotion is the first responsibility of Governments.

9.1.1. Facts about Women and Human Rights: Beijing Platform for Action

- Many women face additional barriers to the enjoyment of their human rights because of such factors as their race, language, ethnicity, culture, religion, disability or socio-economic class or because they are indigenous people, migrants, displaced women or refugees.

142 A rights-based approach to realizing gender equality: Professor Savitri Goonesekere
143 Beijing Platform for Action
• While women are increasingly using the legal system to exercise their rights, lack of awareness of the existence of these rights is an obstacle that prevents women from fully enjoying their human rights and attaining equality.

• Women can be empowered and motivated to assert their rights, regardless of their level of education or socio-economic status.

• Legal literacy programmes and media strategies have been effective in helping women to understand the link between their rights and other aspects of their lives and in demonstrating that cost-effective initiatives can be undertaken to help women obtain those rights.

• Provision of human rights education is essential for promoting an understanding of the human rights of women, including knowledge of recourse mechanisms to redress violations of their rights.

• It is necessary for all individuals, especially women in vulnerable circumstances, to have full knowledge of their rights and access to legal recourse against violations of their rights.

• Non-governmental organizations and women's organizations have played a catalytic role in the promotion of the human rights of women through networking and advocacy and need encouragement, support and access to information from Governments in order to carry out these activities.

• In addressing the enjoyment of human rights, Government and other actors should 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.

9.1.2. Women's rights are Human Rights

b. Human rights and fundamental freedoms are the birth-right of all human beings; their protection and promotion is the first responsibility of Governments

c. Gender equality is a human right.

d. Women are entitled to live in dignity and in freedom from want and from fear.

e. Empowering women is also an indispensable tool for advancing development and reducing poverty.

9.1.3. OBLIGATIONS OF THE STATE

The obligation to respect requires the State and thereby all its organs and agents, to abstain from doing anything that violates the integrity of the individual, or infringes on her or his freedom, including the freedom to use the material resources available to that individual in the way she or he finds best to satisfy basic needs.
The obligation to protect requires from the State and its agents the measures necessary to prevent other individuals or groups from violating the integrity, freedom of action, or other human rights of the individual, including the prevention of infringements of his or her material resources.

The obligation to fulfil requires the State to take the measures necessary to ensure for each person within its jurisdiction opportunities to obtain satisfaction of those needs, recognized in the human rights instruments, which cannot be secured by personal efforts.

The gap between the existence of rights and their effective enjoyment derives from a lack of commitment by Governments to promoting and protecting those rights and the failure of Governments to inform women and men alike about them. The lack of appropriate recourse mechanisms at the national and international levels, and inadequate resources at both levels, compound the problem.

Governments must not only refrain from violating the human rights of all women, but must work actively to promote and protect these rights. The full and equal enjoyment of all human rights and fundamental freedoms by women and girls is a priority for Governments and the United Nations and is essential for the advancement of women.

9.1.4. BPA Strategic Objectives

<table>
<thead>
<tr>
<th>Strategic objective I.1.:</th>
<th>Promote and protect the human rights of women, through the full implementation of all human rights instruments, especially the Convention on the Elimination of All Forms of Discrimination against Women</th>
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<tr>
<td>Strategic objective I.2.:</td>
<td>Ensure equality and non-discrimination under the law and in practice</td>
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<td>Strategic objective I.3.:</td>
<td>Achieve legal literacy</td>
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Commission for Gender Equality
9.2. GENERAL INFORMATION ABOUT WOMEN’S RIGHTS

“South African women still face serious challenges in realising their human rights as enshrined in the Constitution”, the South African Human Rights Commission (SAHRC) Deputy-Chairperson Pregs Govender said on 08 March 2013, at the Commissions commemoration the International Women’s Day. “We need to understand why there are still such high levels of poverty, inequality, unemployment and violence directed at women and girls,” said Govender.144

Although women comprise about 52% of the South African population, it has been acknowledged that they constitute one of the most marginalised and vulnerable groups in this country.

Women are protected by rights guaranteed in the Constitution - the rights to life, dignity, privacy and others. They receive specific protection in section 9, entitled “Equality,” which states that:

“The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.”

The prohibition of discrimination on the grounds of gender, sex, pregnancy and marital status is clearly intended to protect women. The implication of this section is that no unfair discrimination based on any feature of being a woman will be tolerated.

144 http://www.sahrc.org.za/home/index.php?pk_articleID=139
9.3. LEGAL FRAMEWORK

9.3.1. International Obligations

<table>
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<tr>
<th>CEDAW</th>
<th>Countries that ratify CEDAW commit themselves to:</th>
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<td>• embody the principle of equality of men and women in their national constitutions and to ensure its practical realization;</td>
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<td>• adopt appropriate legislative and other measures to prohibit all forms of discrimination against women;</td>
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<td>• establish legal protection of the rights of women on an equal basis with men and ensure the effective protection of women against any act of discrimination;</td>
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<td></td>
<td>• refrain from engaging in any discrimination against women and ensure that public authorities and institutions similarly do so;</td>
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<td></td>
<td>• take all appropriate measures to eliminate discrimination against women by any person or organization;</td>
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<td></td>
<td>• take all measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women and finally;</td>
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<td>• repeal all national penal provisions which constitute discrimination against women.</td>
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| African Charter on Human and Peoples’ Rights (African Charter) | The African Charter on Human and People’s Rights, which came into force in 1986, was an attempt by African states to imbue their understanding of human rights with the historical tradition and values of Africa. The African Charter guarantees many of the same human rights provisions found within the Human Rights Bill of Rights such as the right to life, the right to liberty, freedom of association, freedom of movement, the right to education and the right to health. |
|                                                              | The Charter differs from the Bill of Rights, however, in that in the spirit of African values, it identifies the rights of peoples notably the right to self determination, to freely dispose of their wealth, to their development and to peace and security. It also goes further by not only specifying individual rights but also to individual responsibilities. |
| The Protocol to the African Charter Human and People’s Rights, on the Rights of Women | **Elimination of Discrimination against Women:**  
State parties are obligated to combat all forms of discrimination against women. This should be done by, among other things:  
• including the principle of equality in the national constitutions and other laws  
• enacting legislation that prohibits discrimination  
• integrating a gender perspective in all decisions, and  
• ensuring that harmful traditional practices are eliminated.  

**Right to life, integrity and security of person:**  
The Protocol prohibits all forms of exploitation, cruel, inhuman or degrading punishment and treatment. It therefore, obligates state parties to:  
• enact and enforce laws to prohibit all forms of violence against women  
• identify the causes and consequences of violence against women and take measures to  
• prevent and eliminate such violence  
• actively promote peace education in order to eradicate elements in traditional and cultural  
• beliefs, practices and stereotypes that legitimize violence against women.  
punish the perpetrators, when violence does occur and implement programmes for the rehabilitation of women victims.  

| **Article 8**  
**Access to Justice and Equal Protection before the Law**  
Women and men are equal before the law and shall have the right to equal protection and benefit of the law. States Parties shall take all appropriate measures to ensure:  
a) effective access by women to judicial and legal services, including legal aid;  
b) support to local, national, regional and continental initiatives directed at providing women access to legal services, including legal aid;  
c) the establishment of adequate educational and other appropriate structures with particular attention to women and to sensitise everyone to the rights of women;  
d) that law enforcement organs at all levels are equipped to effectively interpret and enforce gender equality rights;  
e) that women are represented equally in the judiciary and law enforcement organs;  
f) reform of existing discriminatory laws and practices in order to promote and protect the rights of women. |
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<tr>
<th><strong>Millennium Development Goals</strong></th>
<th>MDG 3 in particular deals with women’s rights. The Goal is to promote gender equality and women’s empowerment, and towards this goal countries commit to eliminate gender disparity latest by 2015.</th>
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| **SADC Protocol on Gender and Development** | State Parties shall put in place legislative and other measures which promote and ensure the practical realization of equality for women. These measures shall ensure:  
(a) equality in the treatment of women in judicial and quasi-judicial proceedings, or similar proceedings, including customary and traditional courts, and national reconciliation processes;  
(b) equal legal status and capacity in civil and customary law, including, amongst other things, full contractual rights; the right to acquire and hold rights in property, the right to equal inheritance and the right to secure credit;  
(c) the encouragement of all public and private institutions to enable women to exercise their legal capacity;  
(d) that positive and practical measures are taken to ensure equality for women complainants in the criminal justice system;  
(e) the provision of educational programmes to address gender bias and stereotypes and promote equality for women in the legal system;  
(f) that women have equitable representation on, and participation in, all courts including traditional courts, alternative dispute resolution mechanisms and local community courts; and  
(g) accessible and affordable legal services for women. |
### 9.3.2. National Legislation

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| 1. | The Constitution of South Africa Act No 108 of 1996 | Section 9 of the Constitution (the equality clause) provides as follows:  
Everyone is equal before the law and has the right to equal protection and benefit of the law. 
The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. 
"No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination. |
PEPUDA seeks to advance equality in public and private life. It provides a framework to tackle unfair discrimination, harassment and hate speech, and works towards the transformation of South African society in line with the ideals expressed in the Constitution. It prohibits unfair discrimination on any grounds, including the 16 explicitly listed in the Bill of Rights. The Act provides for the establishment of Equality Courts. |
|   | The Choice on Termination of Pregnancy Act of 1996 | The Choice on Termination of Pregnancy Act was passed to recognise women's reproductive health rights and prevent the sometimes fatal consequences of illegal backstreet abortions. 
The Act says a woman who wishes to may terminate a pregnancy in the first 12 weeks. From week 13 to week 20, abortion is available if a doctor advises, and after that only if there is risk to the woman or the fetus. |
|   | The Recognition of Customary Marriages Act 120 of 1998 | The Act was passed in 1998 and endeavours to protect women who are married under customary law, by recognising their full legal status and protects their financial position in the event of a divorce or death of a spouse, and further secures the rights of women in terms of claiming maintenance and their right to inherit. |
|   | The Employment Equity Act No. 55 Of 1998 | The Act deals specifically with workplace discrimination, including sexual harassment, which predominantly affects women, and is automatically deemed to be unfair discrimination. |
The purpose of the Bill is to give effect to section 9 of the Constitution insofar as the empowerment of women and gender equality is concerned; to establish a legislative framework for the empowerment of women; to align all aspects of laws and implementation of laws relating to women empowerment, and the appointment and representation of women in decision-making positions and structures; and to provide for matters connected therewith.

9.3.3. Policies

9.3.1. South Africa’s National Policy Framework for Women’s Empowerment and Gender Equality

g. Principles and Guidelines

Ensuring that:

- There is equality of all persons and that non-sexism and non-racism be enshrined in the Constitution of South Africa;
- There is an understanding that women are not a homogenous group. This principle must inform all policies and programmes that will lead to the implementation of Gender equality. Distinctions according to race, class, sexuality, disability, age and other variables should not to be overlooked or taken for granted. However, similarities should also be used to strengthen initiatives designed to reverse past gender discrimination;
- Women’s rights be seen as human rights;
- customary, cultural and religious practices be subject to the right to equality; affirmative action programmes targeting women be developed and implemented;
- Economic empowerment of women be promoted;
- Serious attention be placed on changing policies and practices which have
- Where the need arises, additional legislation be developed to make it possible for women’s empowerment and gender equality to be attained;
- Efficient machinery be set up at national and provincial levels and in public and private organisations to ensure that the policy is implemented. Adequate structures and resources must be set aside to guarantee the implementation of programmes;
- Appropriate training to improve knowledge, skills and attitudes in gender analysis and gender equality be provided to all policy makers, strategic and operational managers;
- Effective collaborative strategies to enhance relationships between formal political structures such as the Cabinet, Ministries, Government Departments, the Commission for Gender Equality, etc. be developed
9.3.2. The Women Empowerment and Gender Equality Bill

The objectives of the Proposed Act are to:

(a) give effect to the letter and spirit of the Constitution, in particular—
   (i) the equal enjoyment of all rights and freedoms by every person;
   (ii) the promotion of equality, specifically gender equality; and
   (iii) the values of non-racialism and non-sexism contained in section 1 of the Constitution;

(b) facilitate compliance by designated public bodies and designated private bodies, with the country’s commitments to international agreements, including—
   (i) the Convention on the Elimination of All Forms of Discrimination Against Women (December 1979);
   (ii) the Beijing Declaration and Platform for Action (September 1995);
   (iii) the Millennium Declaration and Development Goals (September 2000);
   (iv) the Solemn Declaration on Gender Equality in Africa (July 2004); and
   (v) the SADC Protocol on Gender and Development (August 2008);

(c) align all aspects of the laws and the implementation of the laws relating to women empowerment and the appointment and representation of women in decision-making positions and structures;

(d) facilitate the development and implementation of plans and strategies by designated public bodies and designated private bodies for the promotion of women empowerment and gender equality, and the submission of those plans and strategies to the Minister for consideration, evaluation and guidance;

(e) provide for the implementation of measures to achieve a progressive realisation of a minimum of 50 per cent representation and meaningful participation of women in decision-making structures including Boards by designated public bodies and designated private bodies, as contemplated in section 7;

(f) provide for the implementation of gender mainstreaming by designated public bodies and designated private bodies as contemplated in section 8; and

(g) provide for the development and implementation of public education programmes on practices that unfairly discriminate on grounds of gender as contemplated in the applicable legislation and in international agreements in order to promote gender equality and social cohesion.
9.4. SOME OF THE KEY CONSTITUTIONAL COURT JUDGMENTS\textsuperscript{145}

The Constitutional Court has handed down a number of judgments that have affirmed women’s rights.

9.4.1. Brink v Kitshoff NO

Section 44 of the Insurance Act of 1943 deprived married women, but not married men, of all or some of the benefits of life insurance policies made in their favour by their husbands.

The Court held that, since the common-law rule prohibiting donations between spouses had been abolished, the argument that the section provided married women with a benefit was no longer applicable. The Court also rejected the argument that the section was necessary to prevent collusion between spouses: such collusion could as easily occur where husbands rather than wives were beneficiaries.

The Court ruled that sections 44(1) and 44(2) were invalid as from 27 April 1994, but exempted payments already made on the strength of those provisions.


Ms. Van Eeden was assaulted, raped and robbed by Andre Gregory Mohamed, who had escaped from prison, where he was facing 22 charges for indecent assault, rape and armed robbery. Ms. Van Eeden sued the State for damages arguing that the police owed her a legal duty to take reasonable steps to prevent Mohamed from escaping and causing her harm and that they had negligently failed to comply with such duty. The Constitutional Court applied its recent holding in Carmichele and held that the state is obliged both by the Constitution and by international law to protect women from violence and the police should be held liable for its negligence in not taking reasonable action to prevent Mohamed’s escape, especially in light of the fact that they knew that Mohamed was a dangerous serial rapist who was likely to commit further offenses against women should he escape.

9.4.3. Daniels v Campbell NO and others

In this case the Constitutional Court decided that persons married according to Muslim rites were spouses for the purposes of inheriting or claiming from estates where the deceased died without leaving a will.

The applicant, Mrs Daniels, was married to her husband according to Muslim rites in 1977. The marriage was not solemnised under the civil law. When her husband died intestate in 1994, the house in which they lived was transferred to the deceased estate.

\textsuperscript{145} http://www.constitutionalcourt.org.za/text/rights/know/women.html
The applicant was told that she could not inherit from the estate because she did not qualify as a "surviving spouse".

She approached the High Court, which held that "spouse" could only be applied to people married according to South African law and did not include people married according to Muslim rites. The High Court found that this interpretation violated the applicant’s rights to practise her religious and cultural beliefs, and ordered that words be read in to the Intestate Succession Act and the Maintenance of Surviving Spouses Act to give her the relief she sought.

But on appeal, Justice Sachs of the Constitutional Court held that the word “spouse” included parties to a Muslim marriage: it was not necessary to read in words into the Acts.

*Also, the objective of the Acts was to protect widows - and there was no reason why the equitable principles underlying the statutes should not apply to Muslim widows as well.*

In a concurring judgment, Justice Ngcobo considered whether previous Constitutional Court decisions that dealt with the interpretation of the word “spouse” prevented it from upholding the appeal. He held that previous decisions did not prevent the adoption of a construction of the word “spouse” to include parties to a Muslim marriage.

**9.4.4. Minister of Safety and Security v. Katise, Supreme Court of Appeal of South Africa, 2013.**

Mr. Katise was arrested when police were called to his home and found that he had attacked his wife. Charges for domestic violence under South Africa’s Domestic Violence Act 116 of 1998 were eventually dropped and after suing for unlawful arrest and detention on the grounds that there was no warrant for his arrest, Mr. Katise was awarded damages. In an appeal, the judge overturned this ruling, citing s 40(1)(q) of the Criminal Procedure Act which allows peace officers to arrest anyone reasonably suspected of violating the Domestic Violence Act of 1998.

*The judge in this case took an important stand against leniency on domestic violence cases, giving peace officers far more latitude to protect the rights of women and furthering the protection of women’s rights in South Africa, a country marred by sexual violence.*

**9.4.5. SONKE Gender Justice Network v. Malema, South Africa, Johannesburg Equality Court, 2009.**

The respondent made comments at a political rally regarding the consent of the alleged rape victim involved in the Zuma rape trial. He was charged with uttering hate speech. The court found that the respondent’s comments were based on prohibited grounds as outlined in South Africa’s Equality Act; namely sex and gender. The court also found the comments expressed by the respondent constituted “generalizations

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about women, rape, and consent which reinforce[d] rape myths.” Moreover, the respondent’s words suggested “that men need not obtain explicit [sexual] consent from women.” For these reasons, the court concluded that the respondent infringed the rights of women and ordered him to pay a fine and make a public apology.


Ms. Carmichele was sexually assaulted by a man who was awaiting trial for the attempted rape of another woman. Despite the seriousness of the alleged crime and the fact that the man had a prior rape conviction, the police and prosecutor had recommended that the man be released pending trial.

Ms. Carmichele sued the Minister for damages, arguing that the police and prosecutors had negligently failed to comply with a legal duty they owed to her to take steps to prevent the man from causing her harm. The High Court dismissed Ms. Carmichele’s claim and the Supreme Court of Appeal affirmed, holding that the police and prosecution did not owe her a duty of protection.

On appeal, the Constitutional Court set aside the orders of the lower courts and remanded the case to the High Court for trial. It held that the State is obligated by the Constitution and international law to protect the dignity and security of women and in the circumstances, the police recommendation for the assailant’s release could amount to wrongful conduct giving rise to liability. The Court also held that prosecutors, who are under a duty to place before the court any information relevant to the refusal or grant of bail, may be held liable for negligently failing to fulfill that duty.


Mr. Kolea was convicted of repeatedly raping a woman with another man and sentenced to 15 years in prison under s 51(2) of the Criminal Law Amendment Act 105 of 1997 (the Act). When Mr. Kolea appealed the ruling and the sentence it was found that his conviction should in fact be read under s 51(1) of the Act which imposes a minimum sentence of life in prison when the victim was raped more than once by more than one person. Mr. Kolea was duly sentenced to life in prison and his appeal was dismissed.

This case broke a previous trend of judges neglecting to impose life sentences under s 51(1), instead giving lighter sentences under s 51(2) even in the case of multiple rapes. The real threat of life imprisonment is a crucial precedent to set in South Africa, where rape is common and often overlooked or punished with leniency.
9.4.8. *Mayelane v Ngwenyama (CCT 57/12) [2013] ZACC 14 (30 May 2013)*

The Constitutional Court of South Africa has ruled that, in polygynous marriages (polygamy in which a man has more than one wife) under customary law, the first wife’s permission must be obtained before a second marriage can be entered into.

The court drew on the Constitutional requirement that customary law be developed in line with Constitutional principles. As failure to obtain the first wife’s consent would breach the Constitutional principles of equality and inherent dignity of the person, such a requirement could legitimately be imposed upon customary law in South Africa.

**Facts**

Ms Mayelane (the applicant) and Mr Moyana, both of the Xitsonga people, married in 1984 in accordance with Xitsonga customary law. In 2008, Ms Ngwenyama (first respondent) also purported to marry Mr Moyana according to Xitsonga customary law. In 2009, Mr Moyana passed away. Ms Mayelane brought a claim stating that Ms Ngwenyama’s marriage was invalid as, among other things, she had not consented to the second marriage and that, under either the Recognition of Customary Marriages Act 120 of 1998 (the Act), the Constitution of South Africa or customary Xitsonga law, consent of the first wife is required for a second marriage to be entered into.

Ms Ngwenyama claimed that consent was not required under the Act. Ms Ngwenyama also argued that there is insufficient information on record to make definitive findings on whether consent is a requirement under customary law for the validity of subsequent marriages and what the consequences would be if consent is not obtained.

**Decision**

The court stated that a requirement for consent could arise in one of three ways: as an express stipulation of the Act, as a rule of Xitsonga customary law or as a requirement of the Constitution.

The court held that the Act makes no mention of the first wife’s consent being a requirement. The court declined to interpret the Act as imposing further validity requirements other than those expressly laid out as it would undermine the scheme of the Act which specifically allows for the recognition of customary requirements.

In regards to customary Xitsonga law, the court found that while there was contradictory evidence as to whether a first wife could refuse consent for a second marriage.

The court considered whether the rights to equality and human dignity amount to a requirement that customary law be developed to require the consent of the first wife before a subsequent customary marriage can be validly entered into.

The court took note of the fact that if a woman is unable to control whether or not a second wife enters into her family, she is rendered incapable of considering

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or protecting her own position. She cannot take an informed decision on her personal life, her sexual or reproductive health or the proprietary consequences of a subsequent marriage, completely undermining any notion of a wife’s equality with her husband. In addition, the right to dignity includes the right-bearer’s entitlement to make choices and decisions about her or his life: “Autonomy and control over one’s personal circumstances is a fundamental aspect of human dignity...a wife has no effective autonomy over her family life if her husband is entitled to take a second wife without her consent.” The court went on to say, “given that marriage is a highly personal and private contract, it would be a blatant intrusion on the dignity of one partner to introduce a new member to that union without obtaining that partner’s consent”.

The court therefore concluded that customary law (not merely Xitsonga law) must be developed to include, to the extent that it does not yet do so, a requirement that the consent of the first wife be obtained in order for a second customary marriage to be valid.

The court specifically noted that polygynous marriages “differentiate between men and women” in this way but that their validity was not challenged by either party and so the court “must work within a framework that assumes its existence and validity”. The court thus left open the possibility for a constitutional challenge to the validity of polygyny as inherently discriminatory on the basis of gender and therefore unconstitutional.


Mashaya, an article clerk, concealed her pregnancy due to the fact that she had been newly appointed as an article clerk and was serving her probation period. Mashaya was dismissed on the grounds that the trust between her and her principal had been compromised due to the concealment of her pregnancy. The judge ruled in favour of Mashaya, holding that her dismissal was based on her pregnancy and not her performance as an article clerk.


Wallace’s services were terminated after the respondent discovered that she was pregnant. Wallace referred the dispute to the Labour Court, claiming that she had been unfairly discriminated against due to her pregnancy, and sought compensation under the LRA. Du Toit claimed that, during the pre-employment interview, it had been agreed with Wallace that her services would be terminated if she fell pregnant. Wallace denied having entered into such an agreement.

The Labour Court held that, since it could not be accepted that not being pregnant or a parent was an inherent requirement of the work, her dismissal constituted unfair discrimination. The law of contracts is clear that an unlawful clause in a contract is null and void. The judge ruled in Wallace’s favour.

One cannot enter into a contract that conflicts with an individual’s human rights or the law, for example, entering into a contract agreeing to enslavement. These types of agreements infringe on the constitutional right to freedom. Agreeing to not falling pregnant conflicts with the right to reproductive health. The right to reproductive health is a human right that every woman is entitled to, whether she is young or old, living with HIV or not, differently-abled, heterosexual or lesbian. Reproductive health rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly about the number, spacing, and timing of their children, and to have the information and means to do so. This includes the right to make decisions concerning reproduction that is free of discrimination, coercion and violence. Employees lack correct and accurate information regarding these rights, which diminishes their decision-making capacity.

10. COMMUNICATION & MEDIA

Stereotyping of women and inequality in women’s access to and participation in all communication systems, especially in the media

SADC Protocol on Gender and Development

GENDER IN MEDIA

State Parties shall take measures to discourage the media from:

- Promoting pornography and violence against all persons, especially women and children;
- Depicting women as helpless victims of violence and abuse;
- Degrading or exploiting women, especially in the area of entertainment and advertising, and undermining their role and position in society; and
- Reinforcing gender oppression and stereotypes. State Parties shall encourage the media to give equal voice to women and men in all areas of coverage, including increasing the number of programmes for, by and about women on gender specific topics and that challenge gender stereotypes.

State Parties shall take appropriate measures to encourage the media to play a constructive role in the eradication of gender based violence by adopting guidelines which ensure gender sensitive coverage.
10.1. Introduction

More women are involved in careers in the communications sector, but few have attained positions at the decision-making level or serve on governing boards and bodies that influence media policy.

The lack of gender sensitivity in the media is evidenced by the failure to eliminate the gender-based stereotyping that can be found in public and private local, national and international media organizations.

The continued projection of negative and degrading images of women in media communications - electronic, print, visual and audio - must be changed.

10.1.1. Facts about Women and the media: Beijing Platform for Action

- Print and electronic media in most cases do not provide a balanced picture of women’s diverse lives and contributions to society in a changing world.
- Violent and degrading or pornographic media products are negatively affecting women and their participation in society.
- Programming that reinforces women’s traditional roles can be equally limiting.
- The world-wide trend towards consumerism has created a climate in which advertisements and commercial messages often portray women primarily as consumers and target girls and women of all ages inappropriately.
- Most women, especially in developing countries, are not able to access effectively the expanding electronic information highways and therefore cannot establish networks that will provide them with alternative sources of information. Women therefore need to be involved in decision-making regarding the development of the new technologies in order to participate fully in their growth and impact.
- Women should be empowered by enhancing their skills, knowledge and access to information technology. This will strengthen their ability to combat negative portrayals of women internationally and to challenge instances of abuse of the power of an increasingly important industry.
- Self-regulatory mechanisms for the media need to be created and strengthened and approaches developed to eliminate gender-biased programming.
- In addressing the issue of the mobilization of the media, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in policies and programmes.

10.1.2. BPA Strategic Objectives

<table>
<thead>
<tr>
<th>Strategic objective J.1:</th>
<th>Increase the participation and access of women to expression and decision-making in and through the media and new technologies of communication</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategic objective J.2:</td>
<td>Promote a balanced and non-stereotyped portrayal of women in the media</td>
</tr>
</tbody>
</table>
10.2. GENERAL INFORMATION

“While there are now roughly equal numbers of women and men in South African newsrooms, women, and especially black women, are still scarce in senior and top management echelons, as well as in the hard news beats. On average, women earn twenty percent less than men in newsrooms; and black women earn twenty-five percent less than white men.”

Source: Glass Ceiling Two: An Audit of Women and Men in South African Newsrooms 2007 SANEF & GL

In 1994, with freedom and a Constitution centred on human rights, many of the laws and regulations that restricted media freedom were removed and new structures to deal with media policy were created.

The Parliamentary Portfolio Committee on Communication (PPCC) and the Independent Broadcasting Authority have now been merged with the telecommunications authority and is now called the Independent Communications Authority of South Africa (ICASA).

The Communication Rights and Public Voices: Gender and Communication initiative supports civil society organisations to conduct gender-focussed media monitoring and to engage with media professionals on gender issues in media policy and practice. The media coverage on gender equality and women empowerment appears to be seasonal and event driven, and has shown to increase during Women’s Month (August) each year and dropping in the subsequent months.

From February 2013, reporting on issues affecting women has shifted from that of empowerment to issues of violence against women, specifically rape. This was further fuelled by high profile cases of violence against women and children.

The graph below shows that issues of gender equality and women empowerment generally received significant coverage during Women’s Month.
Graph 7: Overall coverage on women issues, June 2009 – June 2013

Source: Insight: GCIS 2013

Graph 8: Overall tonality on women issues, June 2009 – June 2013

Source: Insight: GCIS 2013
10.2.1. Entities that report to the Minister

<table>
<thead>
<tr>
<th>Name of Entity</th>
<th>Legislative Mandate</th>
<th>Financial Relationship</th>
<th>Nature of Operations</th>
</tr>
</thead>
<tbody>
<tr>
<td>NEMISA</td>
<td>To train previously disadvantage individuals, particularly women, to equip them with the necessary skills to play significant roles in the constantly changing broadcasting environment.</td>
<td>Transfer of funds</td>
<td>Offers hands-on training in the electronic media, including content design and production, technical operations and content transmission. It also provides skills training at an advanced level for broadcasting industry. National certificate and short courses are also offered.</td>
</tr>
<tr>
<td>SAPO</td>
<td>To conduct postal services in the country and offer financial services through Postbank.</td>
<td>Transfer of funds</td>
<td>Provided postal and related services including the financial services activities of Postbank to the public.</td>
</tr>
<tr>
<td>SENTECH</td>
<td>To provide broadcasting signal distribution for broadcasting licensees.</td>
<td>Transfer of funds</td>
<td>Provides broadcasting signal distribution for broadcasting licensees.</td>
</tr>
<tr>
<td>SABC</td>
<td>To provide broadcasting services to all South Africans in all the official languages.</td>
<td>Transfer of funds</td>
<td>Provides Broadcasting services that informs, educates and entertains and which reflects the diversity of South Africans; whilst maintaining the freedom of expression and journalistic, creative and programming independence.</td>
</tr>
<tr>
<td>ICASA</td>
<td>To make regulations and issue communications licenses in terms of the Electronic Communications Act (2005) and Postal Services Act (1998)</td>
<td>Transfer of funds</td>
<td>Enforces compliance with rules and regulations, protects consumers from unfair business practices and poor quality services, hears and decides on disputes and complaints brought against licenses, and controls and manages the frequency spectrum.</td>
</tr>
<tr>
<td>USAASA</td>
<td>To manage the Universal Service Fund in the promotion of universal service and universal access to electronic communications services, electronic communications networks, and broadcasting services.</td>
<td>Transfer of funds</td>
<td>Through research USAASA advises on policy matters. Through the disbursement of projects subsidies, it enforces universal access obligations in under-served areas.</td>
</tr>
<tr>
<td>.za DNA</td>
<td>To administer and manage the .za domain name space in compliance with international best practice.</td>
<td>Transfer of funds</td>
<td>To administer and manage the .za domain name space in compliance with international best practice as well as licenses and regulates registries.</td>
</tr>
</tbody>
</table>

Source: Department of Communications Annual Report 2012/2013

Gender parity in South African media houses:

In the Southern African region Lesotho has the highest number of female media employees (73%) followed by South Africa with 50%. The proportion of women in media houses in South Africa is considerably higher than the 41% women in Southern African media houses overall. The findings of the Glass Ceiling Two study indicate that there are 45% women in South African newsrooms….

**Source:** Glass Ceilings Women and men in Southern African media: An Audit of Women and Men in South African Newsrooms- Gender Links

Women are more likely to be identified by a personal tag than men: Of the total number of women sources 9% are identified by personal tags such as mother, wife or daughter as compared to 3% of men being identified as father, son or husband. But women predominate as radio reporters: An interesting finding in South Africa is that women (55%) predominate as radio reporters (compared to the regional average of 30%). The lack of voice in decision-making is also found in the key institutions influencing public opinion and promoting accountability, such as the media and civil society, as well as in private-sector institutions.

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10.3. Legal framework

10.3.1. National legislation

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<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1.</td>
<td>Constitution of South Africa 1996</td>
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<tr>
<td>2.</td>
<td>Broadcasting Act (Act 4 of 1999);</td>
</tr>
<tr>
<td>3.</td>
<td>Electronic Communications and Transactions Act (Act 25 of 2002);</td>
</tr>
<tr>
<td>4.</td>
<td>Electronic Communications Act (Act 36 of 2006);</td>
</tr>
<tr>
<td>5.</td>
<td>Independent Communications Authority of South Africa Act (Act 13 of 2000);</td>
</tr>
<tr>
<td>6.</td>
<td>Sentech Act (Act 63 of 1996);</td>
</tr>
<tr>
<td>7.</td>
<td>Postal Services Act (Act 124 of 1998);</td>
</tr>
<tr>
<td>8.</td>
<td>South African Post Office SOC Ltd. Act No. 22 of 2011;</td>
</tr>
</tbody>
</table>

10.3.2. Policies of the Department of Communications

While post apartheid policy on media diversity and ownership and broadcasting policy has largely removed state control of the media and opened up media to previously excluded voices, media transformation has been uneven.

In relation to the print media, after an initial period of diversification, the sector reconsolidated into four large groups, namely Caxton, Media 24, Avusa and Independent Newspapers. The government and the community media sector championed the establishment of a statutory Media Development and Diversity Agency (MDDA), which offered subsidies to small commercial and community media.

10.3.2.1. ICT Policy Review

The Minister of Communications launched a process to review Information and Communications Technology (ICT) policies through the hosting of a National ICT Policy Colloquium in 2012. The ICT Policy review was initiated to examine the policy and regulatory frameworks that apply to telecommunications, broadcasting, postal and e-commerce. The Policy is meant to lead to an adoption of a White Paper on Integrated ICT policy Framework for South Africa which will take into account greater technology and services convergence mainly for ensuring universal service and access to all South Africans.
10.3.2.2. Broadcasting Digital Migration

As part of the implementation of the Broadcasting Digital Migration Policy, the Department of Communications planned to focus on, amongst others, increasing national digital coverage, rolling out the Scheme for Ownership Support (SOS), implementing the STB Manufacturing Sector Development Strategy as well as ensure digital migration awareness and provision of technical user support through the establishment of a National BDM Call Centre; starting from 2013.

10.3.2.3. Broadband

Broadband is an enabling infrastructure for building the knowledge economy and information society and for accelerating the socio-economic growth and development of South Africa. The National Broadband Policy was approved by the Cabinet in June 2010.

10.3.2.4. Gender policies in media houses

Gender policies have been neglected within the media. Only 9% of the media in the sample stated they had a gender policy lower than the regional average of 16%. Some 64% of the media houses in South Africa and 68% the region want a gender policy or an improved gender policy.
### Table 39: Workplace indicators by media house

<table>
<thead>
<tr>
<th>Work place indicators that exist within media houses in South Africa</th>
<th>SABC</th>
<th>Mail and Guardian Media Ltd</th>
<th>Dispatch Media (Avusa)</th>
<th>Sunday Times (Avusa)</th>
<th>Sowetan</th>
<th>Avusa Publishing Eastern Cape</th>
<th>Kaya FM</th>
<th>Grocotts Mail</th>
<th>Media 24</th>
<th>Gender Lebowa Kgomotso Community Radio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Targeting women</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Data banks for women</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>Gender-balanced panels</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
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<td>✓</td>
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<tr>
<td>Fast-tracking</td>
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<td>✓</td>
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<td>✓</td>
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<td>✓</td>
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<td>✓</td>
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<tr>
<td>Promotion</td>
<td>✓</td>
<td>✓</td>
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<td>✓</td>
<td>✓</td>
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<td>✓</td>
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<tr>
<td>Succession</td>
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<td>✓</td>
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<tr>
<td>Flexi-hours</td>
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<tr>
<td>Maternity leave</td>
<td>✓</td>
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<tr>
<td>Paternity leave</td>
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<tr>
<td>Child care facilities</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>Women’s participation</td>
<td>✓</td>
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<tr>
<td>Sexual harassment policy</td>
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<tr>
<td>Gender policy</td>
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<tr>
<td>Need a gender policy</td>
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<td>✓</td>
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<td>✓</td>
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<td>✓</td>
</tr>
</tbody>
</table>

**Source:** Glass Ceilings Women and men in Southern African media: An Audit of Women and Men in South African Newsrooms- Gender Links -2009

The Table above shows that Avusa-Dispatch Media, a media house with no women at senior management level, had the most number of ticks against its policies or policy intentions, while the SABC (which has 60% women) had the least number of ticks. This is to some extent explained by the fact the latter media house has already implemented progressive practices. But the ticks also raise the suspicion that policies on paper are not necessarily being implemented in practise.
10.4. Programmes of the Department of Communications

10.4.1. The Techno-Girl Program

The Department implemented the Techno-Girl Program which hosted the first intake of ten girls in June 2012, while the second intake of the Techno Girl Program was hosted in October 2012 as part of the continued implementation of the project. The ten girls were mentored by a number of managers in the Department during the second intake.

10.4.2. The Mobinet Project

The Mobinet Project has been implemented since 2012, as part of the content generation component of the project which focused on issues of sexuality and identification of how it is portrayed on the internet.

10.4.3. The Child Online Dialogue

The Department hosted the Child Online Dialogue in partnership with the Film and Publication Board, supported by the Ministry for Women, Children and Persons with Disabilities in December 2012.

10.4.4. The Gender and ICT Strategy

The Department developed and presented a draft Gender and ICT Strategy focusing on the Young Women and ICT Program at the launch of the Women and ICT Forum that was held in November 2012.

10.4.5. The e-Cadre programme

The Department embarked on implementing the Service deployment component of the e-Cadre programme for 3 FET Colleges and has recruited students for the e-Cadre programme, after liaising with the relevant colleges.
10.5. INFORMATION FROM SOME OF THE KEY STUDIES CONDUCTED ON WOMEN AND THE MEDIA IN SOUTH AFRICA


The Study was conducted by SANEF in collaboration with Gender Links. This was the second phase of the Glass Ceiling study.

The study collected quantitative data on:

- The overall proportion of women and men in newsrooms.
- Occupational levels of women and men in newsrooms.
- Conditions of employment (open ended contracts; fixed contracts; part time; freelance).
- Comparative information on what, on average, women and men earn in newsrooms;
- The gender division of labour within the newsroom (which areas women and men work in – editorial, design, technical, administrative etc).
- Policies in place for bridging gender gaps such as recruitment, career pathing and work place policies

Findings from both phases (Glass ceiling one and two) are summarised below.

| There are now nearly equal numbers of women and men in newsrooms | With 45% women in newsrooms (compared to 33% in a 1995 study) there is a progressive move towards achieving gender balance in newsrooms. |
| But there are differences between media houses. | Kaya FM and Primedia have over 70% women in newsrooms compared to the Citizen (29%). The SABC, Mail and Guardian and Media 24 are close to achieving gender parity. |
| And major differences between racial groups. | Black women, who constitute 46% of the population only account for 18% of newsroom staff (compared to 45% of the population and 28% of newsroom staff in the case of black men and four percent of the population and 28% of newsrooms in the case of white men.) |

| **Women are still scarce in the upper echelons** | Women occupy less than 30% of top management posts and constitute one out of three senior managers in newsrooms. Conversely, they comprise 48% of junior managers and almost 70% of all semi-skilled workers in the newsroom. Several newsrooms do not have any women at top and senior management levels. However, others like Kaya (100%) and Primedia (78%) have well over half women at top and senior management levels. |
| **Change is happening for black males** | There have been deliberate investments into redressing the racial imbalances of the past, especially when it comes to black men. Black men constituted 16% of top and senior managers in 1999 (Goga, 2000); in 2006 this percentage has increased to 23.5%. |
| **Black women are the furthest down the ladder** | accounting for a mere six percent of top and senior management in newsrooms. |
| **There is a correlation between women in management and gender equality in newsrooms** | In general, newsrooms with a higher proportion of women in decision-making positions also have higher levels of gender parity among the overall staff. |
| **Men get better working deals** | Men are more likely than women to be employed in open-ended full time contracts while women are more likely to be contracted on a part-time basis (65%) or a fixed full time contract (52.61%). This varies however in different media houses. |
| **Men earn more on average than women** | At R184 387 per annum the annual average salary of women in newsrooms is 21% less than the average annual salary of men (R233 737). |
| **The income differential between white men and black women is especially pronounced** | While the income differential between white men and black men in newsrooms is narrowing, black women earn, on average 25% less than white men in newsrooms. |
| **There is a gender division of labour in newsrooms** | While there are now roughly equal proportions of women and men in the editorial divisions of newsrooms, women dominate the presenter and administrative categories while men make up 86 percent of the technical category. |
| **The gender division of labour in beats is still pronounced** | Male journalists dominate in all of the hard beats (such as politics, economics, investigative reporting and crime). They constitute over 90% of sports reporters. The only beats in which women journalists predominate are entertainment, education and general reporting. |
| **There are no specific targets in place** | None of the media houses in the study could point to specific targets for ensuring gender equality as part of the Employment Equity Act obligations. |
| **Policies to guide change:** | Only two companies have gender policies although 12 have sexual harassment policies. Almost half of the media houses (46%) showed interest in developing a gender policy. |
Figure 57: Women and Men in SA Newsrooms

Most newsrooms had more men than women.

- Kaya FM and Primedia had over 70% women in their newsrooms.
- SABC, the public broadcaster, had 58% men and 42% women.
- The Mail and Guardian and Media 24 came close to having equal numbers of women and men.
- The biggest gender gap was in the Citizen (71 percent men and 29 percent women).

Source: Glass Ceiling Two: An Audit of Women and Men in South African Newsrooms 2007 SANEF & GL
Figure 58: The Position of men and women in newsrooms

The figure illustrates that there were lower proportions of women than men in all three of the top categories (top management, senior management, and middle management) and conversely less men than women in all the four lower categories (junior management, semi skilled, unskilled, and non permanent staff).

Women were least well represented in top management (27%) and most well represented in the semi skilled category (70%).

Glass Ceiling Two: An Audit of Women and Men in South African Newsrooms 2007 SANEF & GL
The above Figure shows that the media houses with higher levels of women managers (Kaya, Premedia, Media 24 and the Mail and Guardian) had higher proportions of women employees and conversely that media houses with low levels of women managers such as the Citizen also had the lower proportions of women in their newsrooms. (2007)

**Figure 60: Conditions of employment by media house**

The Figure above shows that there were variations between media houses.

- In the case of the Citizen, only men (no women) had full time, open ended contracts. In the SABC, SAPA, Independent, Johncom and Mail and Guardian a higher proportion of men than women had full time, open ended contracts.

- Only three media houses - Kaya, Media 24 and Primedia - had a higher proportion of women than men with full time, open ended contracts.

It is significant that these were the media houses that also had the highest proportion of women managers and women staff in the study.

The study took place in the context of the Southern African Development Community (SADC) Protocol on Gender and Development, which urges the media and all decision-making bodies in the region to achieve gender parity by 2015.

The study was conducted by Gender Links (GL) in partnership with a network of researchers, gender and media activists and partners in the Gender and Media Southern Africa (GEMSA) network as well as the Gender and Media Diversity Centre (GMDC).

This study, which is a follow-up of Glass ceiling one and two, focused specifically on the media houses not newsrooms.

<table>
<thead>
<tr>
<th>Findings of the Study</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>High proportion of women in the South African media generally:</strong></td>
</tr>
<tr>
<td>Six of the eleven media houses in the sample have more than 50% women. The other five have between 42% and 49% women. The proportion of women in the South African media is between 42%-60%. This is the smallest differential between the highest and lowest proportion of women in media in the region. Women remain under represented on boards of directors (38%), top management (25%) and senior management (35%). This is in line with both the regional findings and the Glass Ceiling Two findings for newsrooms.</td>
</tr>
<tr>
<td><strong>Women constitute just over one third of the boards of directors</strong></td>
</tr>
<tr>
<td>Women constitute 38% of those on boards of directors in media houses in South Africa, compared to 28% in the regional study.</td>
</tr>
<tr>
<td><strong>Women barely feature in top management</strong></td>
</tr>
<tr>
<td>Women occupy a quarter of top management posts in media houses in South Africa; slightly more than the regional average of 23% women in top management and slightly less than the 27% of women in top management in newsrooms in the Glass Ceiling Two report.</td>
</tr>
<tr>
<td><strong>There are low levels of women in senior management positions:</strong></td>
</tr>
<tr>
<td>Women constitute 35% of those in senior management in media houses in South Africa; higher than the regional average of 28% and the Glass Ceiling Two finding of 33%. The findings for women in senior management point to the “glass ceiling” that women experience in the media and the challenges they face in breaking into management.</td>
</tr>
<tr>
<td><strong>High proportions of women in the South African media are employed part time or on a non permanent basis:</strong></td>
</tr>
<tr>
<td>Women (61%) are more likely than men (39%) to be employed in part time positions. Women constitute 56% of those employed on a non permanent basis. The regional average for women in part time positions is 23% and 36% for non-permanent employment. This reflects a much higher level of job insecurity for women in the South African media.</td>
</tr>
</tbody>
</table>
There are substantially more women in the support departments | Women in the South African media predominate in human resources (74%); advertising/marketing (61%) and finance and administration (59%). These areas are considered to be “women’s work”.

In the region women dominate in finance and administration (54%) and in advertising and marketing (57%). The Glass Ceiling Two study found that women constitute 69% of those in the administration category.

More women in editorial departments than in the region: | In South Africa 52% of those in the editorial departments in media houses are women; this is higher than the regional average of 42%. The South Africa findings are similar to the Glass Ceiling Two where there were roughly equal numbers of women and men in editorial.

The gender division of labour in certain beats are extreme. | Based on the data collected, education; gender violence, health, HIV and AIDS, human rights, lifestyle, media and youth are the sole preserve of women while science and technology, investigative/in depth reporting, disaster/war/conflict and agriculture are the sole preserve of men.

Interesting gender benders in some beats | In a finding that defies regional trends, economics/business/finance reporting is dominated by women (83%). The difference in the proportion of women (40%) and men (60%) in sports reporting is not as wide as in the region (24% for women and 76% for men). In the Glass Ceiling Two report men dominated economics and crime while women dominated the entertainment beat.

Gender balance in surprising beats | There is gender balance in the coverage of crime; entertainment/Arts/culture and gender equality.

There are no specific targets in place for achieving gender parity in media houses: | None of the media houses in the study could point to specific targets for ensuring gender equality in all areas and at all levels of media work in line with the SADC 2015 parity target.

Fast tracking women is not a priority in South African media houses | In a finding similar to the region, only 18% of media houses in South Africa have strategies in place to fast track women within the organisation.

There is not enough effort to target women candidates: | Of the sample only 18% of the media houses stated that they have a database of women candidates and 36% target women specifically. In the regional sample a much higher proportion of media houses (40%) have a database of women candidates and a 57% of media houses in the region target women specifically for jobs.

More commitment to maternity than paternity leave. | In the South Africa, 91% of the media houses offer maternity leave; this is higher than the regional average of 81%. Only 64% of South African media houses have paternity leave, higher than the regional average of 33%.

Child care is not a priority but flexi time is high on the agenda in South African media houses: | A very small proportion (9%) the media in the sample offered child care, compared to 17% in the regional sample. But 82% of media houses in South Africa (and 75% of media houses in the region) said they offered flexitime.
Very few South African media houses have gender policies. Only 9% of the media houses in South Africa stated that they have gender policies although 82% have sexual harassment policies. Some 64% of media houses showed interest in developing or improving an existing gender policy. Only 16% of media houses in the region said they had gender policies while 28% said they had sexual harassment policies.

Figure 61: Representation of Women and men in the South African media: Variations by media house: 2009

<table>
<thead>
<tr>
<th>Media House</th>
<th>% Women</th>
<th>% Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>SABC</td>
<td>60%</td>
<td>40%</td>
</tr>
<tr>
<td>Mail and Guardian Media Ltd.</td>
<td>55%</td>
<td>45%</td>
</tr>
<tr>
<td>Dispatch Media-Avusa</td>
<td>52%</td>
<td>48%</td>
</tr>
<tr>
<td>Sowetan-Avusa</td>
<td>51%</td>
<td>49%</td>
</tr>
<tr>
<td>Avusa Publishing Eastern Cape</td>
<td>49%</td>
<td>51%</td>
</tr>
<tr>
<td>The Citizen</td>
<td>43%</td>
<td>57%</td>
</tr>
<tr>
<td>Daily Sun</td>
<td>42%</td>
<td>58%</td>
</tr>
<tr>
<td>City Press</td>
<td>48%</td>
<td>52%</td>
</tr>
<tr>
<td>Ground Breaking</td>
<td>42%</td>
<td>58%</td>
</tr>
<tr>
<td>The Citizen, Eastern Province</td>
<td>43%</td>
<td>57%</td>
</tr>
<tr>
<td>Star Media</td>
<td>48%</td>
<td>52%</td>
</tr>
<tr>
<td>The Citizen, Northern Province</td>
<td>43%</td>
<td>57%</td>
</tr>
<tr>
<td>Ground Breaking, Northern Province</td>
<td>48%</td>
<td>52%</td>
</tr>
<tr>
<td>Ground Breaking, Eastern Province</td>
<td>42%</td>
<td>58%</td>
</tr>
<tr>
<td>Ground Breaking, Northern Province</td>
<td>48%</td>
<td>52%</td>
</tr>
<tr>
<td>Ground Breaking, Northern Province, Eastern Province</td>
<td>42%</td>
<td>58%</td>
</tr>
<tr>
<td>Ground Breaking, Northern Province, Eastern Province</td>
<td>48%</td>
<td>52%</td>
</tr>
</tbody>
</table>

Source: Glass Ceilings, Women and men in Southern African media: An Audit of Women and Men in South African Newsrooms: Gender Links

The Figure above illustrates that:

- the South African Broadcasting Corporation (SABC), the public broadcaster, had 60% women followed by the Mail and Guardian (55%), Dispatch Media-Avusa (52%) and Sowetan-Avusa (51%).
- Avusa Publishing Eastern Cape had equal representation of women and men. The five additional media in the sample had between 42 and 49%.
- According to the Gender Links study, it is very likely the media in this sample that have not achieved gender parity in overall numbers will do so by 2015.

Women constitute a quarter of the top management in South Africa; slightly higher than the regional average of 23%.

In South Africa women constitute 38% of Boards of Directors which is higher than the regional average of 28%. But there are only 35% women in senior management in South Africa. This is higher than the regional average of 28% for women.

South Africa media has a high proportion of women in non-permanent employment (56% as compared to 36% in the region). However, South Africa is similar to the rest of the region in that women comprise 23% of unskilled staff, compared to 29% in the region.

The skilled technical category is generally a male preserve: in South Africa however there are marginally more women (51%) than men in this category; higher than the regional average of 45%. However, at 42%, South Africa has more women in the professionally qualified category than...
the regional figure of 31%. This suggests that women are making it into journalism but not into management positions.

**Source:** *Glass Ceilings* Women and men in Southern African media: An Audit of Women and men in South African Newsrooms- Gender Links

**Variations by media house**

**Figure 62:** Women and men on the board of directors houses in media houses in South Africa

![Graph showing the representation of women and men on the board of directors in various media houses in South Africa.](image)


The above Figure shows that Kaya FM had zero representation of women on their Board of Directors compared to 63% at The Citizen; 58% at the SABC; 50% at Grocott’s Mail; 43% at Greater Lebowakgoma Community Radio; 27% at Mail and Guardian Media Ltd and 18% at Media 24.

**Figure 63:** Women and men on the senior management in media houses in South Africa

![Graph showing the representation of women and men in senior management positions in various media houses in South Africa.](image)

The figure above indicates that at the time of the study (2009), Dispatch Media-Avusa; Sowetan-Avusa and The Citizen had no women in senior management. Only a quarter of the top management are women.

The overall parity between women and men in the media in South Africa belies serious gaps in the decision making positions in South African media. Therefore, there is still much work to be done to promote the equal representation of women at all occupational levels in the South African media.

While there are now roughly equal numbers of women and men in South African newsrooms, women, and especially black women, are still scarce in senior and top management echelons, as well as in the hard news beats. On average, women earn twenty percent less than men in newsrooms; and black women earn twenty five percent less than white men. There are however considerable differences between the nine media houses surveyed (representing over half of all newsroom employees in the country) with some having a majority women in senior management and others none at all.

10.5.3. The Gender and Media Progress Study (GMPS)\textsuperscript{152}

In 2009/2010, Gender Links, the Gender and Media Southern Africa (GEMSA) Network and the Media Institute of Southern Africa (MISA) undertook the Gender and Media Progress Study (GMPS).

The purpose of the study was to:

- Obtain baseline data on coverage of gender, gender-based violence, and HIV and AIDS in the media in 14 SADC countries;
- Compare the performance of the media in these countries against their performance in the GMBS, the HIV and AIDS and Gender Baseline Studies and the Mirror on the Media;
- Use the data generated as an overall assessment of the effect of the policy, advocacy and training work on HIV and AIDS and gender; and
- Use this data as the basis for the roll-out of gender policies and backstopping for gender, HIV and AIDS policies.

\textsuperscript{152} Southern African Gender and Media Progress Study by Gender Links- 2010
The following are some of the key findings of that study.

<table>
<thead>
<tr>
<th>Media practice</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender equality is not given top priority in South Africa, constituting only 0.3 % of all topics covered during the monitoring period</td>
<td>Sport received the most coverage at 29% followed by economics at 15% and politics at 13%.</td>
</tr>
<tr>
<td>The proportion of primary sources is higher in South Africa than the regional average</td>
<td>Primary sources make up 78% of all sources compared with the overall regional average of 69%. City Press, Rapport, Ukhozi FM and The Citizen lead with between 92% and 96% primary sources. News coverage on the two main news bulletins in the public broadcaster, SABC 1 and SABC 3 had 84% and 79% primary sources. The lowest proportion of primary sources, between 51% and 58% was at SAFM, The Argus, eTV and 702 Talk Radio.</td>
</tr>
<tr>
<td>Most of the news sources in South Africa are identified by name, with unknown sources making up only 12% of sources:</td>
<td>The highest proportions of unknown sources are in the same media that have the lowest proportion of primary sources. These include SAFM, The Argus, eTV and 702 Talk Radio.</td>
</tr>
<tr>
<td>The proportion of single-source stories is marginally lower than the regional average and a cause for concern</td>
<td>Single-source stories in South Africa constitute 62% of the total compared to the overall regional average of 67%. More than half of all stories in South Africa rely on a single source. This, in part, does account for the low proportion of women sources since if there is only one source the chances are high in our male-dominated society that this will be a male source.</td>
</tr>
<tr>
<td>The voices of experts and spokespersons dominate news in South Africa:</td>
<td>Experts make up 39% of sources with spokespersons closely behind at 28%. Subjects of stories only account for 14% of news sources with eye witnesses and popular.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gender in media content</th>
</tr>
</thead>
<tbody>
<tr>
<td>There has been a marginal increase in the proportion of women sources from 19% in the 2003 GMBS to 20% in this study</td>
</tr>
<tr>
<td>There are differences in the way print, television and radio gain access to women sources</td>
</tr>
<tr>
<td>Women are more likely to be seen than heard</td>
</tr>
</tbody>
</table>
There are differences between individual media entities

| Kaya FM (29%) has the highest proportion of women sources followed by 702 Talk Radio (26%). Sowetan and eTV with 23% women sources. Highway Radio, a community radio station, comes in fifth with 23% women sources. Sunday Independent, SABC 3, Business Day and The Citizen have the lowest proportions of women sources. Women constitute 18% of sources in the first two and 13% in the latter two entities. |

Women’s voices are most likely to be heard in “soft” beats:

| These include sex and sexuality (45%), gender equality (38%) and education (33%). Women’s voices are least heard in topics such as sports (10%), mining and culture and tradition (15%) and economics (16%). |

The voices of older women and girl children are absent from the media

| Most women sources are in the 26-49 age group. Before and after this women and girl children disappear from the news. |

Gender biases in occupational categories are pronounced

| Women predominate as homemakers (78%), beauty contestants (67%), social workers (64%) and sex workers (60%). There were no women miners who were interviewed and only 3% of the sources in sports coverage were women. Only 9% of those interviewed in the occupational category criminal were women. |

Women are more likely to be identified by a personal tag than men

| Of the total number of women sources 9% are identified by personal tags such as mother, wife or daughter as compared to 3% of men being identified as father, son or husband |

Gender in newsrooms

| Women constitute 49% of all reporters (higher than the regional average of 29%) and 55% of TV presenters. Women constitute 33% of print reporters (25% in the region). This suggests that women are more valued for their physical than mental attributes. |

There are more women presenters than women reporters

| An interesting finding in South Africa is that women (55%) predominate as radio reporters (compared to the regional average of 30%). |

Women predominate as radio reporters:

| While there is still a gender division of labour in newsrooms with men predominating in hard and women in soft beats, this is not as clear cut in South Africa as in the past. Women reporters constitute 40% and 29% of those reporting on economics and politics respectively. |

There are interesting gender benders in beats:

| While sport reporting is dominated by men at 87% there has a shift since the GMBS women now constitute 13% reporting sports compared to 7% in 2003. |
Having more women in top and senior management positions does not necessarily result in more women sources.

In South Africa women constitute just over a third of those in senior management positions (34%) and a quarter of those in top management yet women make up less than a quarter of media sources.

Women journalists do access more women sources but not enough.

Women journalists access 29% women sources while men journalists access 16% women sources.

<table>
<thead>
<tr>
<th>Gender-based violence (GBV)</th>
</tr>
</thead>
<tbody>
<tr>
<td>High incidence of GBV is not reflected in the media:</td>
</tr>
<tr>
<td>Gender based violence and stories that mentioned GBV accounted for 3% of the topics covered. This is lower than regional average of 4% despite South Africa having amongst highest levels of gender based violence in the world.</td>
</tr>
<tr>
<td>Men speak on GBV while women are most affected:</td>
</tr>
<tr>
<td>Women make up only 24% of sources in stories about or that mention GBV.</td>
</tr>
<tr>
<td>Men speak for women even on issues that affect them most intimately.</td>
</tr>
<tr>
<td>Survivors constitute a low proportion of all sources on GBV</td>
</tr>
<tr>
<td>Women who have experienced and survived GBV only constitute 15% of those who speak on GBV. This is lower than the regional average of 19%.</td>
</tr>
<tr>
<td>Rape dominates GBV coverage in South Africa:</td>
</tr>
<tr>
<td>Rape coverage at 24% constitutes the highest proportion of coverage on GBV, followed by child abuse (18%) and domestic violence (12%).</td>
</tr>
<tr>
<td>Stories on support for survivors and sexual harassment are barely covered in the media, both constitute 1% of the total coverage.</td>
</tr>
<tr>
<td>There is gender parity in the coverage of gender based violence</td>
</tr>
<tr>
<td>Women and men reporters cover the topic equally.</td>
</tr>
</tbody>
</table>
### 10.6. The CGE’S interaction with SANEF

Information gathered by the CGE when interacting with SANEF

<table>
<thead>
<tr>
<th>ISSUES RAISED BY CGE</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support women’s education, training and employment to promote and ensure women’s</td>
<td>SANEF has an Education &amp; Training Subcommittee that organizes workshops, debates and training courses in leadership, reporting, and management collaborating with academic tertiary institutions and independent institutions such as the Advancement of Journalism.</td>
</tr>
<tr>
<td>equal access to all areas and levels of the media and the sex disaggregated data of</td>
<td></td>
</tr>
<tr>
<td>all top management</td>
<td></td>
</tr>
<tr>
<td>Media watch groups that monitor the media and consult with the media to ensure that</td>
<td>SANEF has a Diversity &amp; Ethics Subcommittee that “budget permitting” organizes research within media houses/companies to access such activities.</td>
</tr>
<tr>
<td>women’s needs and concerns are properly reflected?</td>
<td></td>
</tr>
<tr>
<td>Training of women in to make greater use of information technology for communication</td>
<td>We have recently engaged Google company to run around the country helping journalists, women attendance was in majority, understand the medium. However, individual media houses play a better role in organising in house training. Therefore SANEF’s role is often limited and much less than media houses.</td>
</tr>
<tr>
<td>and the media, including at the international level</td>
<td>Networks among and develop information programmes for nongovernmental organisation, in order to increase the participation of women in communication in particular at the international level, and to have dialogues among and between these organisations to promote the human rights of women and equality between women and men.</td>
</tr>
<tr>
<td></td>
<td>These are ad-hoc and based on availability of resources. We also collaborate with NGOs such as Gender Links which as a SADC perspective on matters. But we have not gone beyond SADC.</td>
</tr>
<tr>
<td>Develop appropriate languages, traditional, indigenous and other ethnic group forms</td>
<td>Tertiary institution have representatives as friends of SANEF attending our quarterly council meetings where editors’ challenges and problems are discussed and academics are able to immediately design courses to respond to these issues.</td>
</tr>
<tr>
<td>of media, such as storytelling, drama, poetry and song reflecting their cultures and</td>
<td></td>
</tr>
<tr>
<td>utilize these forms of communication to disseminate information on development and</td>
<td></td>
</tr>
<tr>
<td>social issues.</td>
<td></td>
</tr>
<tr>
<td>Develop, consistent with freedom of expression, professional guidelines and codes of conduct and other forms of self-regulation to promote the presentation of non-stereotyped images of women.</td>
<td>Every SANEF quarterly council meetings gets presentations from NGOs such as Gender Links where these issues are discussed and advocacy leveraged.</td>
</tr>
<tr>
<td>Prevent the projection of pornography and gender based violence in the media?</td>
<td>Refer to above... also this topic is often regularly debated and resolutions taken to thwart people from using the media for this purpose.</td>
</tr>
<tr>
<td>Increase women’s participation in decision making at all levels of the media and sex disaggregated data.</td>
<td>Media house are lobbied to increase the appointment of women in high position. But we get insufficient response from them hence balance has not yet been reached.</td>
</tr>
</tbody>
</table>
11. ENVIRONMENT

Gender inequalities in the management of natural resources and in the safeguarding of the environment
11.1. Introduction

Poverty and environmental degradation are closely interrelated. While poverty results in certain kinds of environmental stress, the major cause of the continued deterioration of the global environment is the unsustainable pattern of consumption and production, which is a matter of grave concern, aggravating poverty and imbalances.

The deterioration of natural resources displaces communities, especially women, from income-generating activities while greatly adding to unremunerated work. In both urban and rural areas, environmental degradation results in negative effects on the health, well-being and quality of life of the population at large, especially girls and women of all ages.

Particular attention and recognition should be given to the role and special situation of women living in rural areas and those working in the agricultural sector, where access to training, land, natural and productive resources, credit, development programmes and cooperative structures can help them increase their participation in sustainable development.

By now, there should be some progress in the development paradigm that integrates environmental sustainability with gender equality and justice within and between generations as contained in chapter 24 of Agenda 21. There is a need to re-visit government’s recognition and support for women’s contribution to conservation and management of natural resources and safeguarding the environment.

Governments and other actors made commitments to promote active and visible policies of mainstreaming a gender perspective in all policies and programmes, including, as appropriate, an analysis of the effects on women and men, respectively, before decisions are taken.

11.1.1. Area of Concern K: Women and the Environment

<table>
<thead>
<tr>
<th>STRATEGIC OBJECTIVE</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategic Objective K.1</td>
<td>Involve women actively in environment decision-making at all levels</td>
</tr>
<tr>
<td>Strategic Objective K.2</td>
<td>Integrate gender concerns and perspectives in policies and programmes for sustainable development</td>
</tr>
<tr>
<td>Strategic Objective K.3</td>
<td>Strengthen or establish mechanism at the national, regional and international levels to assess the impact of development and environmental policies on women</td>
</tr>
</tbody>
</table>
11.1.2. Obligations of the State

Governments’ Commitments to Ensuring the Human Right to a Healthy and Safe Environment include commitments made at the Earth Summit in Rio, the Habitat II conference in Istanbul.

a. “Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.... In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it....”
   -- Rio Declaration, Principles 1 and 4

b. " Sustainable development is essential for human settlements development, and gives full consideration to the needs and necessities of achieving economic growth, social development and environmental protection.... We commit ourselves to the goal of sustainable human settlements in an urbanizing world by developing societies that will make efficient use of resources within the carrying capacity of ecosystems..., and by providing all people ... with equal opportunities for a healthy, safe and productive life in harmony with nature.... We...commit ourselves to :... promoting changes in unsustainable production and consumption patterns...; population policies ... that are ... sustainable, reduce environmental stress, promote ... efficient ... use of natural resources... and meet basic needs, ... providing a healthy ... environment ... and reducing the ecological footprint of human settlements....”
   -- Habitat Agenda, paras. 29, 42 and 43

11.1.3. Facts about women and the environment.: Beijing Platform for Action

- Women have an essential role to play in the development of sustainable and ecologically sound consumption and production patterns and approaches to natural resource management.

- Awareness of resource depletion, the degradation of natural systems and the dangers of polluting substances has increased markedly. These worsening conditions are destroying fragile ecosystems and displacing communities, especially women, from productive activities and are an increasing threat to a safe and healthy environment.

- Environmental risks in the home and workplace may have a disproportionate impact on women’s health because of women’s different susceptibilities to the toxic effects of various chemicals. These risks to women’s health are particularly high in urban areas, as well as in low-income areas where there is a high concentration of polluting industrial facilities.

- Through their management and use of natural resources, women provide sustenance to their families and communities. As consumers and producers, caretakers of their families and educators, women play an important role in promoting sustainable development through their concern for the quality and sustainability of life for present and future generations.
• Women remain largely absent at all levels of policy formulation and decision-making in natural resource and environmental management, conservation, protection and rehabilitation, and their experience and skills in advocacy for and monitoring of proper natural resource management too often remain marginalized in policy-making and decision-making bodies, as well as in educational institutions and environment-related agencies at the managerial level.

• Women are rarely trained as professional natural resource managers with policy-making capacities, such as land-use planners, agriculturalists, foresters, marine scientists and environmental lawyers. Even in cases where women are trained as professional natural resource managers, they are often underrepresented in formal institutions with policy-making capacities at the national, regional and international levels.

• Often women are not equal participants in the management of financial and corporate institutions whose decision-making most significantly affects environmental quality. Furthermore, there are institutional weaknesses in coordination between women’s non-governmental organizations and national institutions dealing with environmental issues, despite the recent rapid growth and visibility of women’s non-governmental organizations working on these issues at all levels.

• Women have often played leadership roles or taken the lead in promoting an environmental ethic, reducing resource use, and reusing and recycling resources to minimize waste and excessive consumption.

• Women can have a particularly powerful role in influencing sustainable consumption decisions. Furthermore, women’s contributions to environmental management, including through grass-roots and youth campaigns to protect the environment, have often taken place at the local level, where decentralized action on environmental issues is most needed and decisive.

• Women, especially indigenous women, have particular knowledge of ecological linkages and fragile ecosystem management.

• Women in many communities provide the main labour force for subsistence production, including production of seafood; hence, their role is crucial to the provision of food and nutrition, the enhancement of the subsistence and informal sectors and the preservation of the environment.

• Women are generally the most stable members of the community, as men often pursue work in distant locations, leaving women to safeguard the natural environment and ensure adequate and sustainable resource allocation within the household and the community.

• Women’s experiences and contributions to an ecologically sound environment must therefore be central to the agenda for the twenty-first century. Sustainable development will be an elusive goal unless women’s contribution to environmental management is recognized and supported.
11.1.4. The Right at Issue

Human rights relating to the environment are set out in basic human rights treaties and include the right to:

- A safe and healthy environment.
- The right to clean water
- The right to proper sanitation
- The right to adequate housing
- The highest attainable standard of health.
- Ecologically sustainable development.
- An adequate standard of living, including access to safe food and water.
- Freedom from any type of discrimination.
- Safe working conditions, including adequate safeguards for pregnant and lactating women.
- Education and information, including information relating to links between health and the environment.
- Full and equal participation in environmental decision-making and development planning, and in shaping decisions and policies affecting one’s community, at the local, national and international levels.
- Share in the benefits of scientific progress.
- The human right of the child to live in an environment appropriate for physical and mental development.
11.2. GENERAL INFORMATION ON ENVIRONMENT AND WOMEN IN SOUTH AFRICA

11.2.1. Environmental trends

Since 2003, waste removal problems and littering (36%) as well as land degradation and soil erosion (33.9%) were the two environmental problems that concerned the highest percentage of households. The percentage of households that felt that there were problems with littering and waste removal in their areas and that these increased significantly since 2003. Then 28.8% of households regarded this as a problem. In 2013, a lower percentage of households considered air pollution as a problem (19%) than almost a decade earlier in 2003 when 22.8% of households considered this to be a problem.

Graph 9: Percentage of households who experience specific kinds of environmental problems, 2003–2013

General household survey 2013

The above graph reveals that:

- Waste removal problems and littering (36.0%) as well as land degradation and soil erosion (33.9%) were the two environmental problems that concerned the highest percentage of households.

- The percentage of households that considered land degradation and soil erosion a problem increased from 15.5% in 2003 to 33.9% in 2013.

- The proportion of households that felt that there were problems with littering and waste removal in their areas increased notably since 2003 when 28.8% of households regarded this as a problem.
• The percentage of households that perceived water pollution as a problem has fluctuated significantly before settling on 15.6% in 2013.

• Households that considered air pollution to be a problem decreased from 22.8% in 2003 to 19.0% in 2013.

11.2.2. Access to water

Water is a limited natural resource and a public good fundamental for life and health. The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights.\(^1\) The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. An adequate amount of safe water is necessary to prevent death from dehydration, to reduce the risk of water-related disease and to provide for consumption, cooking, personal and domestic hygienic requirements.

The realization of the right to water must be sustainable, ensuring that the right can be realized for present and future generations.

While the adequacy of water required for the right to water may vary according to different conditions, the following factors apply in all circumstances:

**Availability.** The water supply for each person must be sufficient and continuous for personal and domestic uses. These uses ordinarily include drinking, personal sanitation, washing of clothes, food preparation, personal and household hygiene. The quantity of water available for each person should correspond to World Health Organization (WHO) guidelines.

**Quality.** The water required for each personal or domestic use must be safe, therefore free from microorganisms, chemical substances and radiological hazards that constitute a threat to a person’s health.

**Accessibility.** Water and water facilities and services have to be accessible to everyone without discrimination, within the jurisdiction of the State party. Accessibility has four overlapping dimensions:

- **Physical accessibility:** Water, and adequate water facilities and services, must be within safe physical reach for all sections of the population. Sufficient, safe and acceptable water must be accessible within, or in the immediate vicinity, of each household, educational institution and workplace. All water facilities and services must be of sufficient quality, culturally appropriate and sensitive to gender, life-cycle and privacy requirements. Physical security should not be threatened during access to water facilities and services;

- **Economic accessibility:** Water, and water facilities and services, must be affordable for all. The direct and indirect costs and charges associated with securing water must be affordable, and must not compromise or threaten the realization of other Covenant rights;

- **Non-discrimination:** Water and water facilities and services must be accessible to all, including the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds; and

- **Information accessibility:** accessibility includes the right to seek, receive and impart information concerning water issues.

**Source:** General Comment No. 15 (2002): The right to water (arts. 11 and 12 of the international Covenant on Economic, Social and Cultural Rights)

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\(^1\) General Comment No. 15 (2002): The right to water (arts. 11 and 12 of the international Covenant on Economic, Social and Cultural Rights)
According to the South African Human Rights Commission, water should be viewed first as a right rather than a commodity. Private companies contracted to provide access to water should understand this basic principle to ensure that basic access is provided to all households, regardless of the availability of finances.

The right to water is specifically entrenched in two international human rights treaties. Article 14 (2) of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) obliges states to eliminate discrimination against women in rural areas and ensure to such women the “right to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communication.”

It recognises the particular needs of women, to have access to water. Access to socio-economic rights take on special significance in light of traditional gender roles that make women and girls responsible for social reproduction, in addition to improving the quality of their lived experiences.

Under Article 24 (2) of the Convention on the Rights of the Child (CRC), states are obliged to take steps to ensure the realisation of a child’s right to health and in particular to take appropriate measures:

c) to combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution.

Other regional treaties that enshrine the right to water and sanitation include:

- The African Charter on Human and People’s Rights (1981);
- The African Charter on the Rights and Welfare of the Child (1990); ...

On 30 September 2010, the UN Human Rights Council, responsible for mainstreaming human rights within the UN system, adopted by consensus a resolution affirming that the right to water and sanitation are human rights. The resolution adopted by the Human Rights Council took an important further step in affirming that:

“[T]he human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity. This means that for the UN, the right to water and sanitation is contained in existing human rights treaties and is therefore legally binding. The right to water and sanitation is a human right, equal to all other human rights, which implies that it is justiciable and enforceable.”

Source: Water is Life. Sanitation is Dignity: Accountability to People who are Poor- SAHRC

Significant differences in access remain between black African households and other population groups.

According to Stats SA:154

- In 2001, 50.5% of black African households were reliant on off-site sources for water.

154 Gender Statistics in South Africa- 2011
• By 2011, the percentage had dropped to 34.9%. This is still high when compared to other population groups for whom the percentage is less than 10% for both 2001 and 2011.

• Among coloured, Indian/Asian and white households the percentage without access also decreased between 2001 and 2011. However, coloured households continue to have poorer access to piped water on site than Indian/Asian and white households.

Table 40.: Comparison of the main water source for drinking used by households, 2002–2011

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</table>

Source: General household survey 2011- STATS SA

The percentage of households who received piped water supplies from their local municipalities increased from 78.2% in 2002, with a low point of 74.5% in 2008, to 84.2% in 2011.
Figure 64: Percentage of households without piped water on site by population group, 2001 and 2011

The Figure above shows that a minority of South Africans do not have access to piped water inside their dwelling or on site. It shows further that the proportion without such access fell sharply between 2001 and 2011, from 41.3% to 28.4%.

Figure 65: Proportion of households that had access to piped water inside the dwelling or onsite at the time of the survey by poverty status (R577)

According to the above Figure, approximately 72.3% of the households in South Africa had access to piped water inside their dwellings or on-site. Broken down by poverty status, 51.8% of poor households had piped water, while 84.8% of non-poor households had this service.
Figure 66: Percentage of women and men (without water on site) spending time on water collection, for each distance from the dwelling, 2010

Where water must be collected, female members of the household are more likely than male members to be responsible for the task. The Figure above shows the percentage of female and male members who are likely to collect water on any one day for households at different distances from the water source. The figure provides information about household members aged 10 years and older.

The figure also confirms that, whatever the distance, a larger proportion of female than male members of the household are likely to be involved in water collection.

The difference in the likelihood of male and female members collecting water is smallest when the water is collected from less than 100 metres from the dwelling. When the water source is very distant (a kilometre or more), female members of the household are almost twice as likely as male members to collect water.

Almost three quarters of all households had full access to water through a piped tap in their dwelling or in their yard. Just over a fifth (22.1%) had some access to water of one kind or another while the remaining (5.1%) had no access at all.\footnote{Living Conditions Survey 2008/2009}

11.2.3. Housing

It is widely recognised that shelter satisfies a basic human need for physical security and comfort.

The GHS 2013 indicates that between 2002 and 2013, the percentage of households...
that lived in formal dwellings increased slightly from 73.7% to 77.7 while households that lived in informal dwellings increased by +0.4% to 13.6%. The percentage of households that lived in traditional dwellings declined by +2.5% over this period.

The percentage of households that lived in formal dwellings increased slightly from 73.7% in 2002 to 74.6% in 2008, and continued to increase to 77.7% in 2013. Households that lived in ‘other’ types of dwellings remained the same in 2012 and 2013 while both ‘traditional’ and ‘informal’ dwelling categories experienced a decrease of 0.5% and 0.3% respectively.

**Figure 67: Percentage distribution of dwelling ownership status for households living in formal dwellings, 2002–2013**

![Percentage distribution of dwelling ownership status for households living in formal dwellings, 2002–2013](image)

Source: General household survey 2013

The above Figure shows the percentage of households according to their tenure status and that:

- The percentage of households that fully own the dwellings they inhabit increased slightly from 52.9% in 2002 to 61.4% in 2008, before declining to 54.9% in 2013. This increase was accompanied by a decrease of four percentage points for households that partially owned their houses, and a slight increase in the percentage of households that rented accommodation. Households that maintained ‘other’ tenure arrangements increased from 11.7% in 2002 to 12% in 2013.

- In 2013, more than three-quarters (77.7%) of South African households lived in formal dwellings, followed by 13.6% who lived in informal dwellings, and 7.8% in traditional dwellings.

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156 General household survey 2013
• The highest concentration of households in Limpopo (92.8%) lived in formal dwellings (92.8%), followed by the households in Mpumalanga (85.6%).

• Although the highest concentration of informal dwellings were found in North West (22.1%) and Gauteng (19.8%), it is worth noting though that the majority of households in these two provinces lived in formal dwellings: with 78.6% of Gauteng households living in formal dwellings and 76.5% of North West living in formal households.

• Almost one-third of households in Eastern Cape resided in traditional dwellings compared to 18.4% of households in KwaZulu-Natal. No household

**Figure 68: Percentage of households that lived in formal, informal and traditional dwellings by province, 2013**

The percentage of dwelling units with six rooms or more per population group is depicted in the Figure above. The number of rooms includes all rooms in the dwelling (including toilets and bathrooms). This reflects the standard of living of the household and can be tied to other characteristics such as education.

White headed (82.9%) and Indian/Asian headed (76.4%) households were much more likely to live in dwellings with six or more rooms than coloured headed (43.6%) or black African headed (34.9%) households.

Black African-headed households inhabited dwellings with an average of 5.2 rooms, compared to six rooms for coloured, 8.7 for Indian/Asian and 9.2 for white-headed households.
The above Figure shows that

- 15.9% of households with subsidised dwellings reported weak or very weak walls while 15.3% reported the same for their roofs.
- Households in Eastern Cape were least satisfied with the quality of walls (28.7%) and roofs (29.0%), while those in Gauteng complained least about walls (7.9%) and roofs (6.0%).
11.2.4. Household sources of energy

Graph 10: Percentage of households connected to the mains electricity supply by province, 2002–2013

The above graph shows that:

- The percentage of South African households that were connected to the mains electricity supply increased from 77.1% in 2002 to 85.4% in 2013. The largest increases (in percentage points) were noted in Eastern Cape (+26 percentage points), Limpopo (+17.8 percentage points) Mpumalanga (+13.4 percentage points) and KwaZulu-Natal (+11 percentage points).

- The percentage of households with access to mains electricity grew by less than one percentage point in Western Cape over this time, while the percentage of households with access to mains electricity actually declined by 3.5 percentage points between 2002 and 2013. The decline noted in Western Cape is almost certainly linked to the high influx of migrants and creation of informal dwellings.

- Households in Free State (91.7%) and Limpopo (90.3%) were most likely to have access to electricity, while those in KwaZulu-Natal (79.9%) and Eastern Cape (81.3%) were least likely to have access.

Source: General household survey 2013
Figure 71: Percentage distribution of main sources of energy used for cooking by year, 2002–2013

![Percentage distribution of main sources of energy used for cooking by year, 2002–2013](chart)

General household survey 2013

Figure 72: Percentage distribution of main sources of energy used for cooking by province, 2013

![Percentage distribution of main sources of energy used for cooking by province, 2013](chart)

Source: General household survey 2013
The above figure presents main sources of energy used for cooking in 2013 by province.

- The use of electricity as a source of energy for cooking was highest in Free State (88.8%), Western Cape (88.4%) and Gauteng (84.6%) and lowest in more rural provinces such as Limpopo (53.5%), Eastern Cape (71.5%) and KwaZulu-Natal (75.5%) where alternative fuels such as wood are, perhaps, more accessible and affordable.

- More than one-tenth of households in Eastern Cape (10.7%) and Gauteng (10.3%) used paraffin, compared to only 2.1% in Western Cape.

- The use of wood was particularly noticeable in Limpopo (41.4%), KwaZulu-Natal (16%), Mpumalanga (15.4%) and Eastern Cape (13.2%).

- Less than one percent of households usually used wood for cooking in Western Cape and Gauteng.

- The use of gas was more common in Western Cape (8.5%), Northern Cape (5.3%) and Gauteng (2.9%).

**Figure 73: Percentage of household rating the quality of electrical supply services as ‘good’, 2010–2013**

<table>
<thead>
<tr>
<th>Year</th>
<th>WC</th>
<th>EC</th>
<th>NC</th>
<th>FS</th>
<th>KZN</th>
<th>NW</th>
<th>GP</th>
<th>MP</th>
<th>LP</th>
<th>RSA</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>81.5</td>
<td>65.3</td>
<td>70.6</td>
<td>61.1</td>
<td>65.0</td>
<td>69.6</td>
<td>58.7</td>
<td>75.3</td>
<td>78.4</td>
<td>67.4</td>
</tr>
<tr>
<td>2011</td>
<td>75.5</td>
<td>59.0</td>
<td>67.3</td>
<td>62.9</td>
<td>67.1</td>
<td>66.4</td>
<td>50.4</td>
<td>75.3</td>
<td>77.7</td>
<td>63.9</td>
</tr>
<tr>
<td>2012</td>
<td>76.5</td>
<td>53.7</td>
<td>70.8</td>
<td>60.1</td>
<td>61.4</td>
<td>66.7</td>
<td>49.5</td>
<td>66.5</td>
<td>75.0</td>
<td>61.6</td>
</tr>
<tr>
<td>2013</td>
<td>84.3</td>
<td>53.3</td>
<td>73.5</td>
<td>65.7</td>
<td>67.2</td>
<td>74.8</td>
<td>59.9</td>
<td>72.4</td>
<td>81.1</td>
<td>68.2</td>
</tr>
</tbody>
</table>

Source: General household survey 2013

The above Figure presents information on households that rated their electrical supply services as ‘good’. The figures shows that households in Western Cape (84.3%), Limpopo (81.1%) and North West (74.8%) rated their supply services as ‘good’, while only 53.3% of households in Eastern Cape and 59.9% of households in Gauteng did likewise. Having dropped between 2010 and 2012, the percentage of households that rated electricity supply as ‘good’ have increased to 68.2% nationally.
11.2.5. Sanitation

Proper sanitation is one of the key elements in improving environmental sanitation. Environmental hygiene plays an essential role in the prevention of many diseases. It also impacts on the natural environment and the preservation of important natural assets, such as water resources.

Despite the improved access to RDP-standard sanitation facilities, many households continue to be without any proper sanitation facilities.

**Graph 11: Percentage of households that have access to improved sanitation per province, 2002–2013**

Source: General household survey 2013

The above Figure identifies the percentage of households per province that had access to RDP standard toilet facilities, i.e. flush toilets connected to a public sewerage system or a septic tank, and a pit toilet with a ventilation pipe.

- Nationally, the percentage of households with access to RDP-standard sanitation increased from 62.3% in 2002 to 77.9% in 2013.
- The majority of households in Western Cape (94.8%) and Gauteng (90.2%) had access to adequate sanitation, while about half those in Limpopo (50.0%)
and just under two-thirds of those in Mpumalanga (62.7%) had adequate access. It is notable that access to adequate sanitation grew most rapidly in Eastern Cape (+37.7 percentage points) between 2002 and 2013.

Graph 12: Percentage of households that have no toilet facility or that have been using bucket toilets per province, 2002–2013

The above Figure shows the percentage of households that either had no sanitation facilities or that had to use bucket toilets.

- Nationally, the percentage of households that continued to live without proper sanitation facilities had been declining consistently between 2002 and 2013, decreasing from 12.3% to 5.1% during this period.

- The most rapid decline over this period was observed in Eastern Cape (_26.8%), Limpopo (_13.3%), Northern Cape (_9.9%) and Free State (_9.5%).

- Scores of households in Eastern Cape (10.0%), Free State (7.7%), Northern Cape (7.4%) and Limpopo (7.2%) remained without any sanitation facilities in 2013.

Source: General household survey 2013
Figure 74: Problems experienced by households that share sanitation facilities - 2013

Source: General household survey 2013

The above Figure outlines the extent to which households that share toilet facilities, regardless of its modality, have experienced some problems.

- About one-quarter of households were concerned by poor lighting and inadequate hygiene, while 22% felt that their physical safety were threatened when using the toilet.
- One-fifth complained that there was no water to wash their hands after they had used the toilet, and another 21% pointed to long waiting times.
- Only 13.1% of households complained that the toilets were not properly enclosed. More than a quarter (25.6%) complained about the cleanliness of the toilets.

11.2.6. Refuse removal

The right to development should be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations. The World Conference on Human Rights recognizes that illicit dumping of toxic and dangerous substances and waste potentially constitutes a serious threat to the human rights to life and health of everyone. Consequently, the World Conference ... calls on all States to adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and waste and to cooperate in the prevention of illicit dumping.

- Vienna Declaration and Programme of Action, Part I, para. 11

The proper disposal of household waste and refuse is important to maintain environmental hygiene of the households’ neighbourhoods.

Various modes of refuse removal are closely aligned with particular geographic areas. Households in urban and metropolitan areas were most likely to have had refuse removal services which are usually provided through local municipalities, while rural areas mostly relied on their own refuse dumps.
According to STATS SA, in 2013, 56.8% of South African households were paying for the removal of their refuse. In addition to the 60.8% of households for whom refuse was removed on a weekly basis by the municipality, the municipality less frequently removed refuse for a further 2.3% of households.

**Figure 75: Percentage distribution of household refuse removal, 2002─2013**

Source: General household survey 2013: Statistics South Africa

The above Figure shows that the percentage of household for which refuse was removed at least once per week increased from 56.7% in 2002 to 63.5% in 2013, while the percentage of households that had to rely on their own or communal rubbish dumps, or who had no facilities at all, decreased.
### Table 41: Households refuse removal by province and geotype, 2013

<table>
<thead>
<tr>
<th>Province</th>
<th>Geo-type</th>
<th>Removed at least once a week</th>
<th>Removed less often than once a week</th>
<th>Communal refuse dump</th>
<th>Own refuse dump</th>
<th>Dump or leave rubbish anywhere</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Western Cape</td>
<td>Rural</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td></td>
<td>Urban</td>
<td>95.5</td>
<td>0.3</td>
<td>2.8</td>
<td>1.1</td>
<td>0.3</td>
<td>0.0</td>
</tr>
<tr>
<td></td>
<td>Metro</td>
<td>93.0</td>
<td>0.6</td>
<td>6.1</td>
<td>0.1</td>
<td>0.2</td>
<td>0.0</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>91.2</td>
<td>1.8</td>
<td>5.0</td>
<td>1.8</td>
<td>0.3</td>
<td>0.1</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>Rural</td>
<td>0.1</td>
<td>0.0</td>
<td>0.0</td>
<td>98.0</td>
<td>1.9</td>
<td>0.1</td>
</tr>
<tr>
<td></td>
<td>Urban</td>
<td>75.1</td>
<td>4.2</td>
<td>1.0</td>
<td>16.9</td>
<td>0.7</td>
<td>2.2</td>
</tr>
<tr>
<td></td>
<td>Metro</td>
<td>61.9</td>
<td>35.8</td>
<td>0.0</td>
<td>0.7</td>
<td>1.2</td>
<td>0.4</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>35.2</td>
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<td>0.3</td>
<td>54.6</td>
<td>1.5</td>
<td>0.8</td>
</tr>
<tr>
<td>Northern Cape</td>
<td>Rural</td>
<td>0.0</td>
<td>0.0</td>
<td>1.6</td>
<td>94.6</td>
<td>3.7</td>
<td>0.0</td>
</tr>
<tr>
<td></td>
<td>Urban</td>
<td>85.3</td>
<td>3.1</td>
<td>1.3</td>
<td>2.8</td>
<td>7.1</td>
<td>0.4</td>
</tr>
<tr>
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<td>Metro</td>
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<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>69.8</td>
<td>2.4</td>
<td>1.7</td>
<td>18.8</td>
<td>6.6</td>
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</tr>
<tr>
<td>Free State</td>
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<td>0.0</td>
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<td>73.5</td>
<td>24.2</td>
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</tr>
<tr>
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<td>90.1</td>
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<td>0.3</td>
<td>3.1</td>
<td>4.0</td>
<td>0.4</td>
</tr>
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<td></td>
<td>Metro</td>
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<td>0.0</td>
<td>0.0</td>
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</tr>
<tr>
<td></td>
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<td>76.1</td>
<td>1.8</td>
<td>0.8</td>
<td>14.0</td>
<td>6.9</td>
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</tr>
<tr>
<td>KwaZulu-Natal</td>
<td>Rural</td>
<td>1.4</td>
<td>0.8</td>
<td>1.2</td>
<td>92.5</td>
<td>4.2</td>
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</tr>
<tr>
<td></td>
<td>Urban</td>
<td>72.4</td>
<td>4.4</td>
<td>0.0</td>
<td>21.3</td>
<td>1.4</td>
<td>0.5</td>
</tr>
<tr>
<td></td>
<td>Metro</td>
<td>86.6</td>
<td>3.9</td>
<td>0.3</td>
<td>8.9</td>
<td>0.3</td>
<td>0.0</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>51.9</td>
<td>3.1</td>
<td>0.6</td>
<td>42.5</td>
<td>1.9</td>
<td>0.1</td>
</tr>
<tr>
<td>North West</td>
<td>Rural</td>
<td>32.5</td>
<td>3.8</td>
<td>0.9</td>
<td>59.0</td>
<td>3.8</td>
<td>0.0</td>
</tr>
<tr>
<td></td>
<td>Urban</td>
<td>90.1</td>
<td>2.4</td>
<td>1.2</td>
<td>2.5</td>
<td>3.8</td>
<td>0.1</td>
</tr>
<tr>
<td></td>
<td>Metro</td>
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<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>58.1</td>
<td>2.9</td>
<td>1.1</td>
<td>32.8</td>
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<tr>
<td>Gauteng</td>
<td>Rural</td>
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<td>0.0</td>
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<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td></td>
<td>Urban</td>
<td>89.3</td>
<td>2.9</td>
<td>0.4</td>
<td>6.5</td>
<td>1.0</td>
<td>0.0</td>
</tr>
<tr>
<td></td>
<td>Metro</td>
<td>90.9</td>
<td>0.8</td>
<td>2.0</td>
<td>4.4</td>
<td>1.7</td>
<td>0.2</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>90.1</td>
<td>1.0</td>
<td>1.8</td>
<td>5.2</td>
<td>1.7</td>
<td>0.2</td>
</tr>
<tr>
<td>Mpumalanga</td>
<td>Rural</td>
<td>7.4</td>
<td>2.4</td>
<td>0.4</td>
<td>84.1</td>
<td>5.6</td>
<td>0.2</td>
</tr>
<tr>
<td></td>
<td>Urban</td>
<td>75.8</td>
<td>2.9</td>
<td>2.1</td>
<td>14.1</td>
<td>5.1</td>
<td>0.0</td>
</tr>
<tr>
<td></td>
<td>Metro</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>38.2</td>
<td>2.7</td>
<td>1.9</td>
<td>51.0</td>
<td>6.1</td>
<td>0.1</td>
</tr>
<tr>
<td>Limpopo</td>
<td>Rural</td>
<td>4.9</td>
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<td>0.6</td>
<td>87.7</td>
<td>5.7</td>
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</tr>
<tr>
<td></td>
<td>Urban</td>
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<td>2.0</td>
<td>0.5</td>
<td>8.3</td>
<td>0.3</td>
<td>0.0</td>
</tr>
<tr>
<td></td>
<td>Metro</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>20.2</td>
<td>1.3</td>
<td>0.9</td>
<td>71.1</td>
<td>6.3</td>
<td>0.3</td>
</tr>
<tr>
<td>South Africa</td>
<td>Rural</td>
<td>6.9</td>
<td>1.2</td>
<td>0.6</td>
<td>86.5</td>
<td>4.6</td>
<td>0.1</td>
</tr>
<tr>
<td></td>
<td>Urban</td>
<td>84.3</td>
<td>2.8</td>
<td>1.0</td>
<td>9.0</td>
<td>2.6</td>
<td>0.4</td>
</tr>
<tr>
<td></td>
<td>Metro</td>
<td>89.2</td>
<td>2.9</td>
<td>2.4</td>
<td>4.2</td>
<td>1.2</td>
<td>0.1</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>63.5</td>
<td>2.6</td>
<td>1.6</td>
<td>29.2</td>
<td>3.0</td>
<td>0.2</td>
</tr>
</tbody>
</table>

Source: General household survey 2013: Statistics South Africa

The Table above shows that households in Western Cape (91.1%) and Gauteng (90.2%) were most likely to have had their refuse removed at least once per week, while households in Limpopo (20.2%), Eastern Cape (35.2%) and Mpumalanga (38.2%) were least likely to have had regular refuse removal.

Nationally, more than nine-tenths (91.1%) of households in rural areas relied on their own or no refuse dumps compared to only 11.6% of households in urban, and 5.4% of households in metropolitan areas.
### 11.3. LEGISLATIVE FRAMEWORK

#### 11.3.1. National Laws

<table>
<thead>
<tr>
<th>Act</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waste Act, 2008 (Act No. 59 of 2008).</td>
<td>Reforms the law regulating waste management in order to protect health and the environment by providing reasonable measures for the prevention of pollution; provides for national norms and standards for regulating the management of waste by all spheres of government; and provides for the licensing and control of waste management.</td>
</tr>
<tr>
<td>Air Quality Act, 2004 (Act No. 39 of 2004).</td>
<td>Reforms the law regulating air quality in order to protect the environment by providing reasonable measures for the prevention of pollution and ecological degradation and for securing ecologically sustainable development; and provides for national norms and standards regulating air quality monitoring.</td>
</tr>
<tr>
<td>The Communal Land Rights Act 2004 (Act No. 11 of 2004)</td>
<td>Provides for legal security of tenure by transferring communal land, including KwaZulu Natal Ingonyama land, to communities, or by awarding comparable redress; to provide for the conduct of a land rights enquiry to determine the transition from old order rights to new order rights;</td>
</tr>
<tr>
<td>Agricultural Development Fund Act, 1993 (Act No. 175 of 1993)</td>
<td>The Act provides for the establishment of and control over an agricultural development fund for the handling of money received for development.</td>
</tr>
<tr>
<td>Land and Agricultural Development Bank Act, 2002 (Act No. 15 of 2002)</td>
<td>The Act provides for a juristic person known as the Land and Agricultural Development Bank; to provide for the mandate and governance of the bank and regulate the management and control of the bank.</td>
</tr>
<tr>
<td>The National Water Act 36 of 1998</td>
<td>The National Water Act (NWA) reaffirms the role of the state by confirming in Section 3 that “as the public trustee of the nation’s water resources the National Government, acting through the Minister, must ensure that water is protected, used, developed, conserved, managed and controlled in a sustainable and equitable manner, for the benefit of all persons and in accordance with its constitutional mandate.” The NWA provides the legal framework for the management of water resources, which includes the allocation of water for beneficial use and the redistribution of water.</td>
</tr>
</tbody>
</table>

#### 11.3.2. Policies of the Department

- Principle of sustainable development
- Equitable access to resource
- Public participation in planning, development and management of resources
• An integrated approach to environment issues that relates to all sectors of society
• Public right of access to information and the courts on issues of environmental concern

11.3.3. Strategies
South Africa adopted the National Strategy for Sustainable Development in 2011.

The goals of the strategy are:
• Develop and promote new social and economic goals based on ecological sustainability and build a culture that recognises that socioeconomic systems are dependent on and embedded in ecosystems
• Increase awareness and understanding of the value of ecosystem services to human wellbeing
• Ensure effective integration of sustainability principles into all policies, planning and decision-making at national, provincial and local levels
• Ensure effective system-wide integration and collaboration across all functions and sectors
• Monitor, evaluate and report performance and progress in respect of ecological sustainability in relation to socioeconomic goals.

The objectives of the strategy are:
• Enhance effective governance, and institutional structures and mechanisms to achieve sustainable development and meeting the Millennium Development Goals (MDG) and Johannesburg Plan of Implementation (JPOI) goals and targets • Strengthen monitoring and reporting for improved environmental performance by government and the private sector.
11.4. EXAMPLES OF PROGRAMMES OF THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS

<table>
<thead>
<tr>
<th>Programme</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Quality and Protection</td>
<td>Protect and improve the quality and safety of the environment to give effect to the right of all South Africans to an environment that is not harmful to health and wellbeing.</td>
</tr>
<tr>
<td>Oceans and Coasts</td>
<td>Ensure that government, industry and the public are informed, supported and regulated to act responsibly to conserve the ocean and coastal environment as well as to honour South Africa’s local and global obligations.</td>
</tr>
<tr>
<td>Climate Change</td>
<td>Promote, coordinate and manage an effective national mitigation and adaptation response to climate change</td>
</tr>
<tr>
<td>Biodiversity and Conservation</td>
<td>Promote the conservation and sustainable use of natural resources to contribute to economic growth and poverty alleviation.</td>
</tr>
<tr>
<td>Environmental Sector Programmes and Projects</td>
<td>Implement environmental sector projects and assist in job creation</td>
</tr>
</tbody>
</table>

11.5. SOME OF THE KEY FINDINGS FROM THE STUDY BY THE SAHRC:157

Areas which lack water and sanitation mirror apartheid spatial geography. Former homelands, townships and informal settlements are the areas in which communities and schools, who are black and poor, predominantly do not enjoy these rights and many others. The lack of access to sanitation has an impact on other rights including rights to dignity, education, health, safety and the environment.

While national averages seem to indicate progress, when these statistics are disaggregated in historically poor areas, they reflect limited access to these services. ……

There is a lack of a human rights-based approach to the delivery of water and sanitation services.

This relates to the principles of transparency and public participation, in the delivery of basic services and access to information;

There is a disproportionate impact on vulnerable groups, including women, children and people with disabilities. The Commission found that women were impacted as the main caregivers and people with disabilities had to use services that did not cater for their needs;

Farm workers are unable to access water and sanitation mainly because they live on privately owned land. People in farming communities raised the concern that they were reliant on the landowner for the provision of basic services;

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157 Water is Life. Sanitation is Dignity: Accountability to People who are Poor- SAHRC
The above problems indicate that water is viewed mainly as an ‘economic good’ or commodity by government departments and the private sector. The result is that most of South Africa’s water is used by business, especially agribusiness, mining and other industries, at a relatively lower cost per kilolitre than poor households.

By not holding businesses that pollute and waste water to account, government is not protecting water as a basic human right.
At the same time, people who cannot afford to pay for water are denied access and their bodies bear the cost through illness linked to serious chemical pollution;

The report highlights systemic failures in governance and budgeting, particularly in the implementation of and spending on projects. These failures point to the need for government to evaluate the current models of governance and funding;

A key issue with access to water is the poor quality of infrastructure. In some cases, the infrastructure that is provided was broken or dysfunctional. In other cases, those businesses contracted to provide infrastructure, did not deliver on their contracts or delivered in a manner which did not uphold human rights. Participants at the hearings complained of an apparent lack of monitoring and evaluation by government, particularly of external contractors. They also highlighted cases of corruption and maladministration;

In all nine provincial hearings, people complained of the poor condition of waste and water treatment plants. Many municipalities testified that water treatment plants were collapsing, mainly due to the heavy loads of treatment required.
11.6. The CGEs’ engagement with the Department of Water Affairs

The Commission for Gender Equality requested the department of Water Affairs to provide information regarding the issues listed in the Table below.

<table>
<thead>
<tr>
<th>Issues raised by the CGE</th>
<th>Response by the Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access to clean water</td>
<td>The programme to facilitate access to basic water services consists of two support programmes, the first being that of the municipal support grant which is overseen by the department of cooperative governance and which focuses on rural areas and formal backlogs. The second programme is overseen by the department of human settlement, which focuses on informal settlements and housing related needs. The role of the department is that of oversight and support. It supports the core municipal infrastructure grant programme (MIG) in partnership with COGTA. The department has initiated the Blue Drop Certification (BDC) programme which is an innovative means to regulate. The objective of the programme is to protect tap water and ensure quality management. The programme measures, monitors and reports drinking water quality in South Africa. In addition, the water services regulation strategy 4 gives drinking water priority supported by dedicated country wide regulation programme, providing monthly updates on the quality of water. Between April and December 2011, 449 082 South Africans gained access to clean water. During the period from January to December 2012, an additional estimated 700 000 people were served with basic water supply.</td>
</tr>
</tbody>
</table>
### Women’s Empowerment

The department has developed a draft national water resource infrastructure empowerment strategy which shows how women are to be empowered. The strategy enforces the following targets: procurement for women owned enterprises; 2012/13 = 35%; 2013/14 =45%; 2014/15= 55%.

Women are empowered through:

- the procurement processes (contracts of buying construction materials) and the actual implementation (e.g. laying of pipes)
- Contracts of supplying rain water harvesting tanks and installations
- Contract of sinking boreholes and buying of equipment materials
- Participation in regional bulk infrastructure programmes

The department has established partnerships with the following women networks:

- South African Women Entrepreneurs Network (SAWEN)
- Technology for women in Business (TWIB)
- South African Women in Construction (SAWIC)
- National Youth

### Women’s Participation in Planning and Implementation of Departmental Programmes

The delivery of water services is the mandate of the Local Government whilst the department provides support. Therefore project planning and implementation is done by municipalities.

### Access to basic services

The department was that they were implementing the free basic water implementation strategy since 2002. This strategy is aimed at the poor households who cannot afford to pay for the water services. The department also stated that they were reviewing a strategy in order to align it with free basic sanitation implementation strategy of 2009 and to address past implementation challenges. The revised strategy will also call for the water services authorities to prioritise the provision of free basic water to vulnerable groups including women.
| Water Preservation | The department has embarked on a number of awareness campaigns around water conservations and demand management. These include:

- **Community water efficiency programme (COWEP).** This is a programme that was initiated in 2002 in response to a request from municipalities for support in educating and raising awareness within communities about the importance of water, why it should be paid for, and the need to conserve it. The programme is initiated in partnership with municipalities.

- **Be Water Wise Campaign.** The campaign was launched in 2008 with the aim of elevating the importance of water conservation. The objective of the campaign was to get the country to recognise the importance of water. In 2009, the Be Water Wise Blue Bus Campaign was launched as an outreach programme implemented in a form of a road show.

- **South African Youth Water Price (SAYWP).** This is a youth programme aimed at encouraging learners to actively participate in the water resource management. The programme is run in a form of competition where learners identify water-related problems in their communities and then develop innovative technical solutions and or inventions to solve the identified problems or alternatively identify awareness raising projects to solve the problem. Since the beginning of the programme, 30 bursaries have been awarded to learners to study careers in the water sectors.

- **Greening the Hospitality Industry.** The department in partnership with the department of tourism and Eskom are implementing this programme. The industry is capacitated to implement water conservation measures in the hospitality industry e.g. hotels and guest houses.

- **War on Leaks.** Municipalities have embarked on various retrofitting programmes focusing on repairing leaks within private properties and where necessary replacing inefficient devices such as toilet cisterns.
PERSISTENT DISCRIMINATION AGAINST AND VIOLATION OF THE RIGHTS OF THE GIRL CHILD

“A society is measured by the quality of life it affords its children;

Almost 18 million of South Africa’s present population of approximately 40 million people are children, 9 million of whom are girl children;

The majority of these children live in different degrees of want – lack of shelter, food, clothing, proper education, etc. Children need to be children here and now. They cannot be the future unless they live the lives of children when they are children. In fact, if children cannot be children when they are children, they will negate the very future they are supposed to be.158”

12.1. INTRODUCTION

The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.

The Beijing Platform for Action recognises that girls are often treated as inferior and are socialized to put themselves last, thus undermining their self-esteem. Discrimination and neglect in childhood can initiate a lifelong downward spiral of deprivation and exclusion from the social mainstream. States must therefore come up with initiatives to prepare girls to participate actively, effectively and equally with boys at all levels of social, economic, political and cultural leadership.

The World Conference on Human Rights has urged Governments, institutions, intergovernmental and non-governmental organizations to intensify their efforts for the protection and promotion of human rights of women and the girl-child.

The Convention on the Rights of the Child provides that “States Parties shall respect and ensure the rights set forth in the Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or status” (art. 2, para. 1).

However, there are still indicators showing that the girl child is discriminated against from the earliest stages of life, through her childhood and into adulthood. The reasons for the discrepancy include, among other things, harmful attitudes and practices, such as female genital mutilation, son preference - which results in female infanticide and prenatal sex selection - early marriage, including child marriage, violence against women, sexual exploitation, sexual abuse, ukuthwala and other practices related to health and well-being.

12.1.1. Facts about the girl child

- Girls are often treated as inferior and are socialized to put themselves last, thus undermining their self-esteem.

- Discrimination and neglect in childhood can initiate a lifelong downward spiral of deprivation and exclusion from the social mainstream. Initiatives should be taken to prepare girls to participate actively, effectively and equally with boys at all levels of social, economic, political and cultural leadership.

- Gender-biased educational processes, including curricula, educational materials and practices, teachers’ attitudes and classroom interaction, reinforce existing gender inequalities.

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159 Vienna Declaration and Programme of Action: Adopted by the World Conference on Human Rights in Vienna on 25 June 1993

160 Convention on the Rights of the Child: Adopted by the UN General Assembly resolution 44/25 of 20 November 1989
• Girls and adolescents may receive a variety of conflicting and confusing messages on their gender roles from their parents, teachers, peers and the media.

• Women and men need to work together with children and youth to break down persistent gender stereotypes, taking into account the rights of the child and the responsibilities, rights and duties of parents.

• In many cases, girls start to undertake heavy domestic chores at a very early age and are expected to manage both educational and domestic responsibilities, often resulting in poor scholastic performance and an early drop-out from schooling.

• Girls are often not motivated enough or encouraged or even given the opportunity to pursue scientific and technological training and education, which limits the knowledge they require for their daily lives and their employment opportunities.

• Girls are often less encouraged than boys to participate in and learn about the social, economic and political functioning of society, with the result that they are not offered the same opportunities as boys to take part in decision-making processes.

• Motherhood at a very young age entails complications during pregnancy and delivery and a risk of maternal death that is much greater than average. The children of young mothers have higher levels of morbidity and mortality.

• Early child-bearing continues to be an impediment to improvements in the educational, economic and social status of women in all parts of the world. Overall, early marriage and early motherhood can severely curtail educational and employment opportunities and are likely to have a long-term adverse impact on their and their children's quality of life.

• Sexual violence and sexually transmitted diseases, including HIV/AIDS, have a devastating effect on children's health, and girls are more vulnerable than boys to the consequences of unprotected and premature sexual relations.

• Girls often face pressures to engage in sexual activity. Due to such factors as their youth, social pressures, lack of protective laws, or failure to enforce laws, girls are more vulnerable to all kinds of violence, particularly sexual violence, including rape, sexual abuse, sexual exploitation, trafficking, possibly the sale of their organs and tissues, and forced labour.

• The girl child with disabilities faces additional barriers and needs to be ensured non-discrimination and equal enjoyment of all human rights and fundamental freedoms in accordance with the Standard Rules on the Equalization of Opportunities for Persons with Disabilities.
• Some children are particularly vulnerable, especially the abandoned, homeless and displaced, street children, children in areas in conflict, and children who are discriminated against because they belong to an ethnic or racial minority group.

All barriers must therefore be eliminated to enable girls without exception to develop their full potential and skills through equal access to education and training, nutrition, physical and mental health care and related information.

In addressing issues concerning children and youth, Governments should promote an active and visible policy of mainstreaming a gender perspective into all policies and programmes so that before decisions are taken, an analysis is made of the effects on girls and boys, respectively.

12.1.2. The Rights of the girl-child

The human rights of children and the girl-child include the following indivisible, interdependent and interrelated human rights:

• The right to freedom from discrimination based on gender, age, race, colour, language, religion, ethnicity, or any other status, or on the status of the child’s parents.

• The right to a standard of living adequate for a child’s intellectual, physical, moral, and spiritual development.

• The right to a healthy and safe environment.

• The right to the highest possible standard of health and to equal access to health care.

• The right to equal access to food and nutrition.

• The right to life and to freedom from prenatal sex selection.

• The right to freedom from cultural practices, customs and traditions harmful to the child, including female genital mutilation.

• The right to education — to free and compulsory elementary education, to equal access to readily available forms of secondary and higher education, and to freedom from all types of discrimination at all levels of education.

• The right to information about health, sexuality and reproduction.

• The right to protection from all physical or mental abuse.

• The right to protection from economic and sexual exploitation, prostitution, and trafficking.

• The right to freedom from forced or early marriage.
• The right to equal rights to inheritance.

• The right to express an opinion about plans or decisions affecting the child's life

12.1.3. Obligations of the State

Actions to be taken include:

• Advance the goal of equal access to education by taking measures to eliminate discrimination in education at all levels on the basis of gender, race, language, national origin, age or disability, or any other form of discrimination;

• Provide universal access to basic education and ensure completion of primary education by at least 80 per cent of primary school-age children;

• Close the gender gap in primary and secondary school education;

• provide universal primary education

• Reduce the female illiteracy rate

• Set specific target dates for eliminating all forms of child labour that are contrary to accepted international standards and ensure the full enforcement of relevant existing laws and implement the Convention on the Rights of the Child and International Labour Organization standards, ensuring the protection of working children, ... street children, through the provision of appropriate health, education and other social services.

• Address the acute problems of children by supporting efforts aimed at the prevention and eradication of female infanticide, harmful child labour, the sale of children and their organs, child prostitution, child pornography and other forms of sexual abuse.

12.2. BPA Strategic Objectives

<table>
<thead>
<tr>
<th>Strategic objectives</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategic objective L.1.</td>
<td>Eliminate all forms of discrimination against the girl child</td>
</tr>
<tr>
<td>Strategic objective L.2.</td>
<td>Eliminate negative cultural attitudes and practices against girls</td>
</tr>
<tr>
<td>Strategic objective L.3.</td>
<td>Promote and protect the rights of the girl child and increase awareness of her needs and potential</td>
</tr>
<tr>
<td>Strategic objective L.4.</td>
<td>Eliminate discrimination against girls in education, skills development and training</td>
</tr>
<tr>
<td>Strategic objective L.5.</td>
<td>Eliminate discrimination against girls in health and nutrition</td>
</tr>
<tr>
<td>Strategic objective L.6.</td>
<td>Eliminate the economic exploitation of child labour and protect young girls at work</td>
</tr>
</tbody>
</table>
Strategic objective L.7. Eradicate violence against the girl child
Strategic objective L.8. Promote the girl child’s awareness of and participation in social, economic and political life
Strategic objective L.9. Strengthen the role of the family* in improving the status of the girl child

b. THE LEGAL FRAMEWORK AND POLICIES

ii. Legislative framework

Section 28 of the Constitution

1. Every child has the right:

a. to a name and a nationality from birth;
b. to family care or parental care, or to appropriate alternative care when removed from the family environment;
c. to basic nutrition, shelter, basic health care services and social services;
d. to be protected from maltreatment, neglect, abuse or degradation;
e. to be protected from exploitative labour practices;
f. not to be required or permitted to perform work or provide services that:
   i. are inappropriate for a person of that child’s age; or
   ii. place at risk the child’s well-being, education, physical or mental health or spiritual, moral or social development;
g. not to be detained except as a measure of last resort, in which case, in addition to the rights a child enjoys under sections 12 and 35, the child may be detained only for the shortest appropriate period of time, and has the right to be:
   i. kept separately from detained persons over the age of 18 years; and
   ii. treated in a manner, and kept in conditions, that take into account the child’s age;
h. to have a legal practitioner assigned to the child by the state, and at state expense, in civil proceedings affecting the child, if substantial injustice would otherwise result; and
   i. not to be used directly in armed conflict, and to be protected in times of armed conflict.

2. A child’s best interests are of paramount importance in every matter concerning the child.

Children’s legal rights in South Africa derive from international conventions, the South African Constitution and South African laws.

In 1995, South Africa ratified the United Nations Convention on the Rights of the Child which committed South Africa to implementing a “first call for children.” This makes the needs of children paramount throughout government departments’ strategies particularly for a girl child. The Convention rests on four pillars: survival rights, development rights, protection rights and participation rights.

South Africa is thus required to measure progress towards fulfilling children’s rights and to report to the UN Committee every five years. The specific provisions for
children’s rights in the Constitution are aligned with the CRC, which must be taken into account in interpreting the constitutional rights of children in South Africa.

a. SA Constitution

The Bill of Rights in South African constitution specifically guarantees that “a child’s best interests are of paramount importance in every matter concerning the child.” Article 28 provides for children’s socio-economic rights without any limitation, as well as protection from neglect, abuse and exploitation, and particular provisions for children in detention. Article 29 provides for the right to basic education.

b. The Child Care Act & The Criminal Law (Sexual Offences and related matters) Amendment Act No 32, 2007

They address among others:

- issues of sexual offences against children, sexual exploitation and sexual grooming of children, exposure or display of or causing exposure or display of child pornography or pornography to children and using children for pornographic purposes or benefiting from child pornography;
- Sexual offences against persons who are mentally disabled

The establishment of the Sexual Offences Courts as well as the essential human and financial resources, have all been put in place for achieving the goals of relevant initiatives to promote the rights of children.

iii. Policies

- **The National Policy Guidelines for Victims of Sexual Offences** introduces the concept of one-stop integrated services.
- **The National Strategy for Child Protection**: the policy, which provides for child protection principles, protocols and systems, is presently being costed both at national and provincial government level.
12.4. PROGRAMMES

12.4.1. Girls Education

a. The Girls and Boys Education Movement\textsuperscript{162}

The Girls Education Movement was launched in the South Africa in 2002. It is referred to as the Girls and Boys Education Movement. The GEM/BEM clubs are organised in schools and run by learners, with support from the school management, the Department of Basic Education and UNICEF.

The Girls and Boys Education Movement provides children and young people a platform to make the best of their potential. It gives them access to skills and information, helps them to mobilise their communities to support the rights of girls, and provides a space where they can discuss issues that matter to them.

The movement aims to\textsuperscript{163}:

- Give girls equal access to education
- Improve the quality of education, especially in disadvantaged rural schools
- Make the school curriculum and school books gender responsive
- Create schools that are safe and secure for children, especially girls
- Work with boys as strategic partners
- Reduce gender-based violence
- Abolish harmful cultural practices such as early marriage for girls

These goals can be reached by lobbying for:

- Equal access to education for girls
- Improved quality of education for both boys and girls
- Gender-sensitive curricula and learning materials
- Safe learning environments
- Abolition of harmful cultural practices
- Life skills training to empower girls against sexual abuse, exploitation and HIV/AIDS

Examples of GEM activities include:

- Teams of girls and boys cleaning their school yard on a regular basis so an attractive learning environment is created for all,
- A suggestion box at school in which children can anonymously report cases of sexual abuse,
- A drama group that performs skits, plays and songs on gender-related topics.

\textsuperscript{162} http://www.unicef.org/southafrica/education_4718.html

\textsuperscript{163} Girls Education Movement South Africa
In 2011, the clubs promoted education and HIV prevention by organising ‘Back to School’ and awareness drives on HIV counselling and testing. It is estimated that half a million girls and boys were reached through these activities. In addition, 60 ‘Gemmies’ and ‘Bemmers’ participated in the 17th Conference of the Parties (COP17) to the United Nations Framework Convention on Climate Change to raise awareness of the impact of climate change on children in South Africa.

Key challenges to girls’ education include:

(1) Gender Inequality
   j) South African society is to a large extent patriarchal. Girls and women are accorded lower social status and find themselves under the control and authority of men.
   k) The high levels of gender-based violence and the higher HIV infection rates among girls and women are tragic consequences of female disempowerment.
   l) Girls are socialised to become home keepers and child-bearers, placing less value on their educational attainment.
   m) When girls perform well in subjects such as maths or science, they are not encouraged nor do they have the confidence to pursue careers that rely on these skills.

(2) Safety and Security
   n) Many schools are not child or girl friendly. Some are situated far from homes, exposing girls to danger when they walk long distances to and from school.
   o) Girls are at risk of being sexually harassed and exploited in schools by teachers and fellow students.
   p) The lack of separate school toilets for boys and girls increases girls’ vulnerability to sexual violence.
   q) Teenage pregnancies, which are said to be on the rise, are still stigmatised, making it difficult for young mothers to continue their studies despite legislation that protects their right to education.

(3) Impact of HIV and AIDS
   r) A considerable number of child
   s) Girls often drop out of school to look after sick family members and younger siblings.
   t) Sexually active children and young people do not have sufficient access to testing, counselling and treatment because of the lack of access to child and youth friendly health services.
   u) A culture of taboo and silence revolves around matters such as sexuality, sex and reproductive health, making it difficult for children to get accurate knowledge to protect themselves.
12.4.2. Techno-girls

The Department of Education, with UNICEF’s support, started the Techno-girls mentorship programme in 2005. The initiative, which is part of the Girls and Boys Education Movement, helps girls make informed career choices, with an emphasis on science, technology and engineering. Techno-girls further build on and supports the values of GEM 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.

The Techno-girls programme identifies high achieving 15–18 year old school girls from disadvantaged communities, especially those coming from rural areas. The girls are placed in corporate mentorship and skills development programmes where they also benefit from academic scholarships. Career mentorship is important as it helps the students link what they learn at school with the skills needed to succeed in the business world. Many participants have received university or college scholarships as a result. 164

The programme recently launched the Techno Girl Alumni Association, giving girls who have been through the programme the opportunity to mentor younger girls with dreams of becoming doctors, scientists or engineers. Now, more than 10,000 girls have been enrolled in mentorship opportunities as part of the programme. Not only does it expose them to real-life work experience, it also broadens their

164 http://www.unicef.org/southafrica/education_6101.html
outlook on technical subjects outside the classroom. A number of techno-girls in the Eastern Cape have been placed in mining companies and some of them will get scholarships to study mining\textsuperscript{165}.

The Techno-girls project supports and guides girls in making informed career and life choices, with an emphasis on professions using maths, science and technology. School girls aged between 15 and 18 are drawn from previously disadvantaged communities, with participants from rural areas are given priority.

Learners come from public schools and are selected on the basis on their scholastic potential. They are placed in corporate companies where they undergo a mentoring and skills development programme with opportunities for scholarships.

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.

12.4.3. Take the Girl Child to Work Programme:

Cell C believes that strong, smart, young girls with leadership qualities will one day produce a future where women will be vibrant contributors to the economy and leading job creators for South Africans.

The Company launched the Take the Girl Child to Work Programme in 2003. To date, over 2 300 companies and government departments have participated in Cell C’s Take a Girl Child to Work Day. The Programme is an indication to show the support of Cell C’s call to action for the advancement of women. It targets Grade 10 to 12 South African girl learners, giving them the opportunity to visit a place of work and to experience first-hand, the various career opportunities available to them within the public service sectors and business world.

Over 650 000 girl learners have been exposed to a multitude of businesses and various career and job opportunities. The project found its most ardent support from the Presidency, which has hosted girl learners since the inaugural event. The project has also been endorsed by the Department of Education\textsuperscript{166}.

Annually the campaign prompts dialogue around the needs of girl learners, their role in socio-economic development, the promotion of gender equality and empowerment of women.

12.4.4. Girl Child Institute of Mentorship programme

Cell C launched a pilot mentorship programme called Girl Child Institute of Mentorship (GCIM), in 2014.

GCIM, involves a network of 35 leading business women and Cell C female

\textsuperscript{165} http://www.statssa.gov.za/vcs/SpeakerPresentations/Acropolis I/Day1/SessionIIIA/Session%20IIIA_Prof%20Denise%20Ivevselev_acrop%201_Angie%20Nhantsi%20pres.pdf.
\textsuperscript{166} Accessed via http://www.cellc.co.za/girlchild
executives, who will pledge their time and support to high achieving Grade 12 female learners. Cell C has partnered with the Adopt-A-School Foundation to assist in finding these learners from across South Africa. The mentorship programme will also extend to the bursary students on Cell C’s Girl Child Bursary programme. Instead of the girls experiencing a day in the business world, they will now be in a 12-month programme under the guidance of a mentor.

12.4.5. Association of South African Women in Science and Engineering (SA WISE)

The Association of South African Women in Science and Engineering (SA WISE) is a dynamic association that supports the idea of strengthening the role of women in science and engineering in South Africa.

SA WISE aims to strengthen this role by inter alia:

- raising the profile of women scientists and engineers
- highlighting and addressing problems faced specifically by women in these fields
- lobbying for the advancement of women in science and engineering
- providing leadership and role models for young people wishing to enter the fields of science and engineering

An important function of SA WISE is to improve communication among women scientists and engineers, with e-mail being the preferred medium of communication. Members are encouraged to send ideas and information to SA WISE. SA WISE also maintains contact with other associations of women in science and engineering world-wide.

12.4.6. Girls and Health: School girls to be immunised against HPV

Cancer of the cervix is the most common cancer diagnosed in women in South Africa. Primary school girls will from 2014 be immunised against the Human Papilloma Virus (HPV), which causes cervical cancer.

The President (Hon Jacob Zuma,) made the announcement and stated that government will target girls aged between nine and twelve years of age, through the Integrated School Health Programme.

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167 SAnews.gov.za : 17-1-2014
The President said:

“The introduction of the HPV vaccine is a significant public health milestone for South Africa. It will significantly contribute to the control of the cancer and reduce associated deaths within the next two to three decades.

The Departments of Basic Education and Health will work closely together in this national programme to protect our girls from this disease. Vaccination teams from the Department of Health will visit schools twice a year to ensure that each girl-child receives two doses of the HPV vaccine.

The introduction of the HPV vaccine is a significant public health milestone for South Africa. It will significantly contribute to the control of the cancer and reduce associated deaths within the next two to three decades”.

12.4.7. Teenage pregnancy in South Africa - with a specific focus on school-going learners

Rates of teenage pregnancy remain unacceptably high in South Africa. Despite high levels of knowledge about modern methods of contraception, a large number of young people do not use contraception.

According to a study conducted by the HSRC teenage fertility is, in fact, the result of a complex set of varied and inter-related factors, largely related to the social conditions under which children grow up. These factors include:

• When young people dropout of school early on, often because of economic barriers and poor school performance, they are at significantly heightened risk for early pregnancy;

• When they grow up in residential areas where poverty is entrenched (informal areas and rural areas), they are at risk of experiencing an early pregnancy;

• When both parents, and in particular, the mother, is present in the home, risk for early pregnancy is decreased;

• When stigma about adolescent sexuality abounds, few opportunities exist for open communication about sex with parents and partners, and access to judgement-free health services are constrained. As a result, gaps in knowledge about, and access to, contraception is limited;

• When young women are involved in relationships where power is imbalanced, men decide the conditions under which sex happens. All too often, this involves coerced or forced sex;

• When young women struggle to meet immediate material needs, they make trade-offs between health and economic security. Reciprocity of sex in exchange for material goods leads to young women remaining in dysfunctional relationships, engaging in multiple sexual partnerships and involvement with older men.

168 Teenage pregnancy in South Africa - With a specific focus on School-going learners: Produced by the Human Sciences Research Council on behalf of The Department of Basic Education, with support from UNICEF: 2009
The study further indicates that under such conditions, there are few opportunities to negotiate safe sex and the risk for pregnancy is increased, and further that pervasive poverty in SA stacks these overlapping sources of risks among some young people, offering them limited information to make optimal choices and few incentives to protect themselves against pregnancy.

**Figure 76 : Percentage of females aged 13–19 who were pregnant during the year preceding the survey, 2009–2011**

![Bar chart showing the percentage of females aged 13–19 who were pregnant during the year preceding the survey, 2009–2011.](chart)

Source: General household survey 2011 - Stats SA

The Figure above shows that the prevalence of pregnancy increases with age and that nineteen-year-old girls were much more likely than thirteen-year-old girls to have been pregnant (11.5% compared to less than 0.2% in 2011). About 4.5% of all females in the age group 13–19 years were reported to be pregnant during the reference period.
ANNEXURES

Governments’ Obligations to Ensuring the Human Right to Freedom from Poverty

“Everyone ... is entitled to the realization ... of the economic, social and cultural rights indispensable for his dignity ... Everyone has the right to work .... Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services.... Everyone has the right to education.....” -- *Universal Declaration of Human Rights*, Articles 22, 23, 25, 26

“States Parties ... recognize the right to work.... to the enjoyment of just and favourable conditions of work which ensure ... fair wages and equal remuneration for work of equal value without distinction of any kind.... a decent living for themselves and their families.... the right of everyone to social security, including social insurance.... the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions..... the fundamental right of everyone to be free from hunger..... to the highest attainable standard of physical and mental health.... to education....” -- *International Covenant on Economic, Social and Cultural Rights*, Articles 6, 7, 9, 11, 12, 13

“States Parties shall ... ensure to women equal rights with men in ... education,..... the right to work.... access to health care.... bank loans ... credit.... States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure ... that they participate in and benefit from rural development and ... shall ensure to such women the right ... to have access to adequate health care facilities:.... to benefit .... from social security programmes; ... to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications." -- *Convention on the Elimination of All Forms of Discrimination against Women*, Articles 10, 11, 12, 13, and 14

“States Parties undertake to prohibit and to eliminate racial discrimination ... and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, ... in the enjoyment of ... the right to economic, social and cultural rights, in particular ... the right to work ... to just and favourable remuneration ... to housing ... to public health, medical care, social security and social services ... to education and training ....” -- *Convention on the Elimination of All Forms of Racial Discrimination*, Article 5

“States Parties recognize the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.... States Parties ... shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need, provide material assistance and support.... particularly with regard to nutrition, clothing and housing.” -- *Convention on the Rights of the Child*, Article 27
### Governments' Commitments to Ensuring the Human Right to Freedom from Poverty:

What commitments have governments made to ensure the realization of the Human Right to Freedom from Poverty for all?

<table>
<thead>
<tr>
<th>Includes commitments made at the Earth Summit in Rio, the World Summit for Social Development in Copenhagen, the World Conference on Women in Beijing, and the Habitat II conference in Istanbul.</th>
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<table>
<thead>
<tr>
<th>“All States and all people shall cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development....” --Rio Declaration, Principle 5</th>
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<th>“A specific anti-poverty strategy is... one of the basic conditions for ensuring sustainable development. An effective strategy for tackling the problems of poverty, development and environment simultaneously should begin by focusing on resources, production and people and should cover demographic issues, enhanced health care and education, the rights of women, the role of youth and of indigenous people and local communities and a democratic participation process....” --Agenda 21, Chapter 3, para. 2</th>
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<th>“We commit ourselves to... eradicating poverty.... We will... Formulate... policies... geared to... eradicating absolute poverty by a target date... specified by each country...; address the root causes of poverty... food security, education, ... livelihood,.... health,... shelter....” --Copenhagen Declaration, Commitment 2</th>
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<th>“More than one billion people in the world today, the great majority of whom are women, live in unacceptable conditions of poverty.... Women’s poverty is directly related to the absence of economic opportunities and autonomy, lack of access to economic resources... lack of access to education and support services and their minimal participation in the decision-making process....” --Beijing Platform for Action, paras. 47 and 51</th>
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<th>“We are determined to... eradicate the persistent and increasing burden of poverty on women by addressing the structural causes of poverty through changes in economic structures, ensuring equal access for all women... as vital development agents, to productive resources, opportunities and public services....” --Beijing Platform for Action, para. 26</th>
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<th>“We... are committed to a political, economic, environmental, ethical and spiritual vision of human settlements based on the principles of equality... human dignity, respect and cooperation.... Violations of human rights... economic imbalances, poverty... are destructive to human settlements and should... be denounced and discouraged by all States.... Promoting equitable, socially viable and stable human settlements is inextricably linked to eradicating poverty.... Poverty has various manifestations, including homelessness and inadequate housing.... People living in poverty must be empowered through freely chosen participation in all aspects of political, economic and social life.... Key elements of a poverty eradication strategy include policies geared to reducing inequalities, increasing opportunities, improving and providing... access to resources, employment and income....” --Habitat Agenda, paras. 25 and 115</th>
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