

CIVIL SOCIETY RESPONSES TO THE WEGE BILL

Civil society organisations including large national NGOs and locally based CBOs working on gender issues and women's rights around the country strongly support developments for women's empowerment and gender equality, but have come out strongly to reject the bill in its current form. At civil society workshops held in November last year, there was agreement that women in South Africa don't need another piece of legislation that won't be implemented, government's priority should be enforcing existing laws.

In this form, it's not going to bring substantive change in the lives of women.

Delegates at civil society meetings held on the bill last year expressed strong frustration and anger, that after 20 years of law and policy reform on issues affecting women's lives there's been little change. In some instances things are worse. Women are subjected to pervasive violence coupled with weak – and at times non-existent – access to justice. Health, land tenure, access to housing, discrimination in the workplace, education and childcare remain high on the list of issues that undermine social justice for most women.

Black women, rural women, women with disabilities, sex workers, women exposed to gang violence, and gender non-conforming people continue to experience far greater barriers than white, urban and middleclass counterparts. Growing economic inequality is entrenching these discriminations and there's no light at the end of the tunnel at this point.

Developing new laws to address problems, rather than addressing them through stronger service delivery and better community engagement has been a constant shortcoming of government's response to the situation of women in South Africa. There are many laws and policies relating to women's lives, but they are not having the impact they should.

Patriarchal values, where women are valued less than men, remain unchallenged and are often promoted by political leaders. There's no strong political will, budgets and spending on these areas is poor, and most importantly, there's an almost complete lack of accountability from the state on these issues.

The main problems with this bill include:

- Although claiming to make substantial changes to the situation of women, and covering a number of important areas for reform, the bill's provisions on these fail. They are vague and unfocussed and would require greater detail and substance to have impact.
- This bill, and government policy generally, fails to engage with the underlying and pervasive patriarchal systems that undermine transformation for women's equality.
- The bill uses a narrow definition of gender, excluding lesbian, bisexual, gay, transgender and intersex (LGBTI) and other gender non-conforming people also impacted on by patriarchal systems.
- The bill's most substantial clauses relate to 50% representation of women in leadership and management positions across sectors. But, the enforcement clauses in this bill are weak and how accountability would be ensured is unclear. Importantly, these repeat much of what's in existing law.

- These clauses for representation at senior level, will have little impact on the majority of women in this country, particularly working class and unemployed women.
- The provision for gender mainstreaming in government may have potential, but it has previously been tried and failed. The bill gives little hope to suggest that it can work better this time around. On its own, its potential to create the essential shifts in women's lives is weak.

Some ideas for alternatives:

- Consultation, in partnership with civil society, with women across the country to hear directly from women to understand their lived realities and to identify the critical areas for reform and programming.
- Dedicated and realistic 'women's budgets' in all departments across government that are reported on annually.
- A review of the barriers to implementation of the current legal and policy framework relating to women's lives. This must result in a resourced plan to promote implementation. This plan must extend beyond education on content to challenge the budget allocations to these, and to strengthen the systems for monitoring implementation. Most importantly, the mechanisms and systems to ensure the accountability of government officials at every level must be prioritised. These include implementation of laws on sexual and domestic violence, promotion of equality and maintenance amongst many others.
- Critical pieces of proposed law have languished, in some cases for longer than ten years, yet we are now faced with a new law that doesn't address these key issues. The processing and finalisation of laws relating to Muslim marriages, sex work, hate crimes and rural women's security of land tenure are but some examples.
- Embedded patriarchy must be challenged, this will not be a short term or easy project, government leadership and commitment to a national programme relating to this is essential.

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