****MAY 2016

SPEAKER’S NOTES: MALAWI DELEGATION

1. INTRODUCTION

Women in South Africa have a history of uniting across racial and party lines to lobby and advocate for attainment of women’ rights. The first multi- party women’s organisation to be launched in South Africa was the Federation of South African Women. The FEDSAW was a national site of women’s resistance against shared oppression. Amongst the aims of the FEDSAW was to fight and combat sexism within the State and within various political organisations. In 1954 the FEDSAW developed and adopted a Women’s Charter in its inaugural conference. The 1954 Women’s Charter was a result of women’s experiences; their needs, their expectations and their demands. The 1954 Women’s Charter preamble provided as follows:

“*As women, citizens of South Africa, we are here to claim our rights. We want recognition and respect for the work we do in the home, workplace and in the community. We claim full and equal participation in the creation of a non-sexist, non-racial democratic society…”*

The Federation of South African Women's main campaign was in response to the amendment of the Urban Areas Act which was aimed at restricting movement of African women to towns and cities; carrying of pass books; compulsory medical examination for all African women town dwellers. The FEDSAW organised a march of more than 20,000 women to the Union Buildings in Pretoria on 9 August 1956. The 09 August is now a national holiday in South Africa, known as Women's Day.South African women from diverse races and backgrounds participated in this march and effectively confronted the apartheid government by demonstrating women’s collective power.

Due to various reasons including the treason trials, declaration of state of emergency and the banning of political parties most members of the FEDSAW were either detained in prisons; under house arrests; banned or forced into exile. This weakened the FEDSAW until it ceased to exist.

After the unbanning of political parties, the women organised and formed a Women’s National Coalition (WNC) which was comprised of women from different political parties; races; religious organisation; civil society organisations and special interests groups. One of the objectives was to conduct a research and develop a women’s charter that was set out to identify protections and guarantees for the full achievement and attainment of freedom and equality for women in the new political dispensation. The Charter was also aimed at influencing the Constitution to guarantee these protections. The Women’s Charter for Effective Equality with 12 articles was then adopted and officially handed over to the former President Nelson Mandela on 09 August 1994. The WNC successfully challenged the exclusion of women during CODESA negotiations.

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1. RETAINING WOMEN IN POLITICS

* **Domestic Laws**

The RSA has enacted a number of laws aimed at ensuring that women as citizen of this country are able to achieve their full potential. One of the most important laws in this country is the Constitution Act which promotes equality and non- sexism. The Constitution is the supreme law of this country.

* **The Ministry responsible for Women in the Presidency( Department of Women)**
* **Involuntary quotas**

Currently the RSA is ranked at number eight (08) by the Inter- Parliamentary Union with 42% representation of women in National Parliament. This is largely attributed to the involuntary quotas set up by the ruling party (ANC) which committed itself in ensuring that there is 50/50 representation. Even although RSA is a constitutional democratic country but at the present moment there are no legislated qoutas for ensuring 50/50 representation of women in politics. The available legislation encouraging 50/50 representation is local government legislation, the Municipal Structures Act. The Structures provides for discretional 50/50 representation in submission of party list for elections within the local government. For National and Provincial elections the Electoral Act does not even provide for discretional 50/50 representation.

* **SALGA women’s commission**

The establishment of the SALGA women’s commission is another initiative with local government that is aimed at ensuring that there is 50/50 representation of women in local government. The SALGA women’s commission is also credited for ensuring that there are Multi party women’s caucuses in local government established as section 79 committees under Structures Act. The SALGA women’s commission also has undertaken to conduct educational campaigns urging women to support women candidates during local government elections.

* **Multi-Party Women’s Caucuses**

The establishment of Multi- Party women’s caucuses at National and Provincial Legislatures is aimed at ensuring that interests and concerns of women MPs are taken into consideration. The MPWC is also established to make parliament more gender sensitive.The MPWC are also established to provide a platform for women MPs to share and support each other and to introduce a women’s perspective and focus in parliamentary activities. The MPWC also are there to encourage women MPs to raise the issue of 50/50 representation in all political organisations.

* **Commission on Gender Equality(CGE)**

The CGE is an institution supporting constitutional democracy in South Africa. It is established in terms of section 187 of the Constitution in order to advance and promote gender equality in South Africa through research; public education and monitoring.

* **SA Human Rights Commission(SAHRC)**

The SAHRC is another chapter 9 institution supporting constitutional democracyin South Africa established in terms of section 184 of the Constitution. Its function is to promote respect, protection and development of human rights in South Africa.

* **Public Protector**

The Public protector is another chapter 9 institution that is established to receive complaints from the public against government agencies and officials and investigates cases of unfair conduct. Women can take advantage of this office when they have been treated unfairly****

1. ROLE OF WOMEN PARLIAMENTARIANS IN PROMOTING WOMEN’S RIGHTS THROUGH LEGISLATION

The Republic of South Africa is a constitutional democracy with a three-tier system of government, which are, judiciary, legislative authority and executive authority. The national, provincial and local levels of government all have legislative and executive authority in their own spheres. The national legislature authority is held by the Parliament of South Africa and is comprised of two houses; the National Assembly and the National Council of Provinces. The National Parliament is tasked to make laws that apply to the whole country. It is also the role of Parliament to promote the values of human dignity, non-racialism, equality, the supremacy of the Constitution, non-sexism, multi-party democracy and universal adult suffrage. The Parliament promulgates legislation that prohibits unfair discrimination, upholds citizens’ political rights and the basic values and principles governing public administration, and oversees the implementation of constitutional imperatives. It also facilitates public involvement in legislative and other processes as it has the responsibility to promote the principle of co-operative government and intergovernmental relations.

South Africa’s Parliament has various committees which are proportionally representative of the political parties in Parliament. These Parliamentary committees are regarded as engine rooms of the South African Parliament, responsible for drafting legislation, examining and revising the proposals submitted to them by the executive, as well as holding executive accountable for implementation of legislation. Parliamentary committees are empowered to monitor, investigate, enquire into, and make recommendations relating to any aspect of the legislative programme, budget, policy formulation or any other matter falling within the category of affairs consigned to the committee.

From 1994-2009 the Parliament established a Joint monitoring Committee on Office and Status of Women(JMC on women).The JMC had a great influence on creation of legislation promoting and protecting the rights of women. The JMC was disbanded in 2010 to pave a way for portfolio committee and select committee on women, children and people with disabilities. Currently these committees are called Portfolio and Select committee on women. These committees have a responsibility of monitoring and overseeing the work and budgets of national Department of women holding them accountable. These committees may require any department; person; institution to report to them on any matter that affects women.

The Multi- Party Women’s Caucus (MPWC) is established in terms of Joint Rules and is comprised of all female Members of Parliament for all political parties represented.This is a platform for female Members of Parliament to champion gender equality and women’s issues in and outside of Parliament, across party political lines.The MPWC does not have any oversight function but is mandated by Joint rules to make submissions to any parliamentary committee on any matter affecting women both within and outside Parliament.

The launching of gender responsive budget in South Africa in 1995 was a collaborative effort of women MP’s and Non- Governmental Organisations. At the time it was known as Women’s Budget Initiatives. At the present not all government Departments have gender responsive budget, and in response to that the department of Women is in the process of developing a gender responsive budgeting framework which will be used as a yard stick for fiscal allocation.

The following are some of the laws passed by Parliament:

* PEPUDA;
* Employment Equity;
* Civil Union;
* Domestic Violence Act;
* Recognition of customary marriages Act;
* Prevention and combatting of trafficking in person’s Act,
* Maintenance Act,
* Labour relations work- prohibits sexual harassment in the work place,
* Legal aid board Act

1. HOW WOMEN PARLIAMENTARIANS UNDERTAKE ISSUES OF DOMESTIC VIOLENCE AND SEXUAL RELATED OFENCES

* **Passing legislation** with regards to domestic violence and sexual related offences.

The Parliament has passed laws and adopted programmes aimed at curbing domestic violence.

* **Parliament Public participation** initiatives including public hearings; taking parliament to the people; local government weeks; sectoral parliaments (Women’s parliament). The aim of public participation is to inform; consult; involve and collaborate with the broader public about matters that concern them. Public hearings are a platform for informing, consulting, involving the broader public on policy issues and matters.
* **Parliament debates, statements and questions in both Houses**
* **Oversight h**olding the state accountable for implementation of domestic violence laws. Parliamentary oversight is aimed at monitoring the implementation of policies and at detecting and preventing misuse of government resources. Parliament oversight is not only about inviting the government departments to provide information but also about scheduling oversight visits to projects implemented.
* **Constituency work**- educating the public in various constituencies
* **Petitions** -receiving and consideration of individual or group complaints against government Departments and state entities
* **Establishing and strengthening relations with civil society organisations**-
* **Study tours – learning best practices from other countries**
* **Participation in regional platforms, for example SADC**

1. HOW TO ENSURE THAT GOVERNMENT RESOURCES AND SERVICE DELIVERY ARE BENEFICIAL TO WOMEN

* Portfolio and select committees on women have an oversight role on all departments that deal with women issues to ensure implementation of laws and fiscal accountability. The Department of Women is currently working on standardization of gender focal points/person (GFP) for all spheres of government. The GFP will be responsible for gender mainstreaming to ensure maximum benefit by women of all government services. The GFP are to be appointed at senior management levels to be able to influence and impact on budget allocations.
* Ring fencing funds for programmes that are benefitting women- for example Women Entrepreneurial programmes by Independent Development Corporation (IDC); funding for provision of antenatal care; cervical cancer screenings and Human papilloma virus immunisations by Department of Health.

1. USE OF MEDIA AND ADVOCACY TO PUSH THE GENDER AGENDA

* The MPs use all media channels that are available in South Africa, for example television, radio, social media platforms, newspapers and information booklets. Moreover committee meetings are open to public and media and Parliamentary Monitoring Group (PMG) always publishes the committee proceedings in its website. Each committee has an assigned communication officer who issues alerts and assist members with communicating with the media.
* In South Africa there is a government department responsible for government communication services and Information systems (GCIS). GCIS is responsible forproactively communicating with the public about government policies, plans, programmes and achievements. The GCIS issues out newsletters and magazines and is also responsible for providing community radio stations, newspapers and other media, locally and internationally with easy access to fresh government news and information, at no cost through the South African Government News Agency.
* The National School of Government has designed a capacity and a training programme for Members of Parliaments called Legislatures Capacity Building Programme (LCBP) and one of the modules is about media communication. Media communication is aimed at empowering MP’s to effectively use written and spoken communication to get their messages across and an ability to engage with the media.****