

COMMISSION FOR GENDER EQUALITY

South Africa's
Compliance with the
Beijing Declaration
and
Platform for Action

March 2010



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

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ISBN:	978-1-920308-16-2
Cover Design:	Commission For Gender Equality Communications Unit
Research:	Commission For Gender Equality
Design and Typesetting	CGE Communications Unit
Editing:	Commission For Gender Equality

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ACKNOWLEDGEMENTS

The Commission for Gender Equality would like to thank the following individuals and institutions for their contributions to this report:

- National government departments,
- Statistics South Africa,
- People Opposing Women Abuse,
- Media Development and Diversity Agency,
- South African Women In Dialogue,
- Masimanyanyane Women Support Centre,
- Treatment Action Campaign,
- The Development Bank of Southern Africa,
- Democratic Alliance,
- Parliament of South Africa and
- Ms Debbie Budlender.

The Commission further expresses its sincere gratitude to Commissioner Boogie Khutsoane (overall seer of the project) and Commissioner Kenosi Meruti (project leader) and the team:

- Ms Winnie Mofokeng
- Ms Mashudu Nefhere (Team leader of the working group)
- Ms Masefako Segooa
- Mr Thembani Chamane
- Ms Sibongile Mathibela
- Mr Bernard Mahloko

Further gratitude is extended to Ms Joan De Klerk (Head of Department, Public Education and Information) Mr Tshipinare Marumo (Information Resource Manager) Ms Malebo Boikanyo (Communications Unit) and all Commission staff s that lent their valuable time to the project.

FOREWORD

The 1995 Beijing Platform for Action (BPFA) issued by the United Nations Fourth World Conference on Women and signed by South Africa contains key commitments that governments all over the World should comply to. The Platform places the empowerment of women at the centre stage and it also recognizes that women's rights and empowerment are a requirement for advancement of all humanity

As a country, South Africa has ratified the Beijing Platform for Action (BPFA), SADC Declaration on Gender and Development and the UN Convention on the Elimination of All Forms of Discrimination against Women and other international instruments.

Since the ratification of these international instruments we have seen the passing of progressive legislations in line with our constitution and international commitments.

One of the Commission for Gender Equality's (CGE) powers and functions at a national level is to monitor the compliance with international conventions, covenants and international charters, acceded to or ratified by the Republic of South Africa relating to the objective of the Commission and to further prepare and submit reports to Parliament pertaining to any such convention.

Given this mandate, the Commission decided to review the progress that has been made in terms of South Africa's compliance with the Beijing Declaration and Platform for Action. This is the first time that the Commission reviewed the implementation of the International instruments by the South Africa Government.

Throughout the World, lack of action by governments and little advocacy from gender organizations and civil society have been factors that have also contributed to the slow implementation of the Beijing Platform for Action.

This report should be viewed as an evaluation of how much progress has been made in the implementation at national level following the adoption of the Platform for Action.



Mfanozelwe Shoji
Acting Chairperson – Commission for Gender Equality

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LIST OF ACRONYMS

ACCORD	African Centre for the Constructive Resolution of Disputes
AU	African Union
APDF	African Project Development Facilities
BEM	Boys Education Movement
BPA	Beijing Platform for Action
BWA	Business Women Association
CAS	Crime Information and Analysis Centre
CASP	Comprehensive Agricultural Support System
CGE	Commission for Gender Equality
COPE	Congress of the People
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
DBSA	Development Bank of Southern Africa
DPSA	Department of Public Service and Administration
DTI	Department of Trade and Industry
EISA	Electoral Institute of Southern Africa
EPWP	Extended Public Works Programme
GBV	Gender Based Violence
GEM	Girls Education Movement
GFP	Gender Focal Point
HIV	Human Immunodeficiency Virus
AIDS	Acquired Immune Deficiency Syndrome
IDASA	Institute for Democracy in South Africa
IEC	Independent Electoral Commission
IFP	Inkatha Freedom Party
JIPSA	Joint Initiative for Priority Skills Acquisition
JSE	Johannesburg Stock Exchange
JMC	Joint Monitoring Committee
LRAD	Land Redistribution for Agricultural Development
MEC	Member of the Executive Council
MDDA	Media Development and Diversity Agency
NCS	National Curriculum Statement
NDS	National Development Strategy

NSP	National Strategic Plan
NGM	National Gender Machinery
NGO	Non Governmental Organisation
OSW	Office on the Status of Women
PEPUDA	Promotion of Equality and the Prevention of Unfair Discrimination Act
POWA	People Opposing Women Abuse
PRSP	Poverty Reduction Strategy Papers
SADC	Southern African Development Community
SANAC	South African National Aids Council
SAPS	South African Police Services
SAWEN	South African Women Entrepreneurs
SAWIC	South African Women in Construction
SAWID	South African Women in Dialogue
SAWIMA	South African Women in Mining
STAT-SA	Statistics South Africa
UNICEF	United Nations Children's Fund
UNIPOL	United Nations Police
UNSC	United Nations Security Council
WIPHOLD	Women Investment Portfolio Holdings

INTRODUCTION

The Commission for Gender Equality (CGE) is an independent institution established in terms of Section 187 of the Constitution Act no 108 of 1996 of the Republic of South Africa. The CGE is charged with a broader mandate to promote respect for gender equality and the protection, development and attainment of gender equality in South Africa. Part of its mandate is to monitor the implementation of the international and regional conventions, covenants and charters signed, or acceded to, and or ratified by South Africa, that impact directly or indirectly on gender equality. These instruments include amongst others the Beijing Declaration and Platform for Action (BPA) (1995), Convention on the Elimination of Violence Against Women (CEDAW), Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa and the Solemn Declaration on Gender Equality in Africa.

In terms of section 11 of the CGE Act, Act 39 of 1996, the Commission is specifically given the mandate to monitor compliance with these international instruments, which relate to the mandate of the CGE and further prepare and submit reports to parliament pertaining to compliance with any such conventions, covenants or charters.

The broader powers and functions of the CGE are to:

- monitor and evaluate policies and practices of organs of state at any level; including statutory bodies or functionaries, public bodies and authorities, private businesses, enterprises and institutions, in order to promote gender equality and may make any recommendations that the Commission deems necessary
- develop, conduct or manage information programmes and education programmes, to foster public understanding of matters pertaining to the promotion of gender equality and the role and activities of the Commission
- evaluate any Act of Parliament; any system of personal and family law or custom; any system of indigenous law, customs or practices; or any other law, in force at the commencement of this Act or any law proposed by Parliament or any other legislature after the commencement of this Act, affecting or likely to affect gender equality or the status of women and make recommendations to Parliament or such other legislature with regard thereto
- recommend to Parliament or any other legislature the adoption of new legislation which would promote gender equality and the status of women
- investigate any gender-related issues on its own accord or on receipt of a complaint, and shall endeavour to i) resolve any dispute or ii) rectify any act or omission, by mediation, conciliation or negotiation: Provided that the Commission may at any stage refer any matter to:

- a) the Human Rights Commission to deal with it in accordance with the provisions of the Constitution and the law
 - b) the Public Protector to deal with it in accordance with the provisions of the Constitution and the law or
 - c) any other authority, whichever is appropriate
- as far as is practicable maintain close liaison with institutions, bodies or authorities with similar objectives to the Commission, in order to foster common policies and practices and to promote co-operation in relation to the handling of complaints in cases of overlapping jurisdiction or other appropriate instances
 - liaise and interact with any organisation which actively promotes gender equality and other sectors of civil society to further the object of the Commission
 - prepare and submit reports to Parliament pertaining to any such convention, covenant or charter relating to the object of the Commission
 - conduct research or cause research to be conducted to further the object of the Commission
 - consider such recommendations, suggestions and requests concerning the promotion of gender equality as it may receive from any source.

Organisational Information

The CGE is a statutory body. It is established in terms of section 181 of the Constitution of South Africa and its functions are provided for under Section 187 of the Constitution. The empowering provisions are contained in the Commission for Gender Equality Act 39 of 1996. This means that the CGE is an organ of state and therefore a juristic person in terms of the Constitution.

The Goal of the Commission for Gender Equality is encapsulated in its Vision and Mission which are as follows:

- a) Vision : A society free from all forms of gender oppression and inequality.
- b) Mission : Promotion, Protection, Monitoring and Evaluation of Gender Equality in South Africa.

The Physical address of the CGE is :

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PART 1

The Enabling Environment

1. Institutional Arrangements for Gender Equality, Equity and Empowerment of Women

South Africa's National Policy Framework for Women's Empowerment and Gender Equality.

This policy establishes the national goal, proposes central objectives and defines the key indicators for attaining these goal and objectives. It also identifies expectations of key national structures that are mandated to implement gender equality. The policy provides guidance regarding the specific roles of the National Gender Machinery which should consists of the following:

WITHIN GOVERNMENT

Institutional Arrangements	Year of Establishment	Functions
The Cabinet	1994 (revisited every 5 years)	<ul style="list-style-type: none"> ▪ Ensure the adoption and implementation of the national gender policy contained in the Gender Policy Framework ▪ Ensure that cabinet discussions are engendered ▪ Ensure that ministers actively assert the implementation of gender policy ▪ Provide access to information, including documentation, on budgetary measures with specific reference to its implication on gender ▪ Ensure that the integrated coordination framework results in measurable sector specific outputs ▪ Make recommendations on policy and legislation with regard to gender for discussion and approval by cabinet
Office on the Status of Women	1997	<ul style="list-style-type: none"> ▪ To advance a national policy on women's empowerment and gender equality ▪ To prioritise key concerns and initiate policy and action-oriented research relevant to gender mainstreaming; ▪ To advise and brief the President, the Deputy President and the Minister in the Presidency on all matters pertaining to the empowerment of women ▪ To liaise between NGOs dealing with women's and gender issues And the Presidency; ▪ To liaise between international bodies (e.g. United Nations) and the Presidency; ▪ To work with Ministries and departments, provinces and all publicly funded bodies in mainstreaming gender in policies, practices and programmes; ▪ To develop key indicators for measuring the national progression towards Gender equality; ▪ To arrange for training in gender analysis and gender sensitisation; ▪ To act as a catalyst for Affirmative Action with respect to gender equality;

		<ul style="list-style-type: none"> ▪ To initiate and promote cross-sectoral action on cross cutting issues such as The girl child, violence against women and HIV/AIDS; ▪ To facilitate awareness-raising and confidence-building among women at all Levels; ▪ To provide a co-ordination framework for the effective implementation of the gender programme at the national, provincial and local government levels; ▪ To consult and liaise with civil society and Parliament
Gender Focal Points		<ul style="list-style-type: none"> ▪ 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 on them; ▪ To review departmental policy and planning in line with the National Gender Policy Framework; ▪ To review all policies, projects and programmes for their gender implications; ▪ To ensure that departments provide and use ex disaggregated data in their work; ▪ To establish mechanisms to link and liaise with civil society; ▪ To co-ordinate gender training and education for 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
INDEPENDENT BODIES		
<p>The other statutory bodies such as the Human Rights Commission, the Public Protector, The Independent Electoral Commission, the Public Service Commission, Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, Auditor General, The Land Commission, The National Youth Development Agency and the South African Law Reform Commission complement the work of the Commission for Gender Equality.</p>		
Institutional arrangement	Year of establishment	Functions
Commission for Gender Equality	1996	<ul style="list-style-type: none"> ▪ To monitor, evaluate and make recommendations on all policies and practices of organisations, bodies and institutions in South Africa to ensure that they promote gender equality in their work; ▪ To develop, conduct and manage information and education programmes, to enable the public to promote gender equality as well as to understand the role of the Commission; ▪ To evaluate any bill or proposed legislation likely to affect gender equality, or the status of women, and make recommendations accordingly to Parliament or the appropriate provincial legislatures; ▪ To recommend to Parliament or the provincial legislatures the adoption of new legislation which

		<p>would promote gender equality and the status of women</p> <ul style="list-style-type: none"> ▪ To investigate any gender related issue on its own accord or on receipt of a complaint; and attempt to resolve any dispute or rectify any act or omission by mediation, conciliation and negotiation; ▪ To liaise closely with institutions, bodies or authorities with similar objectives to the CGE, in order to foster common policies and practices and promote coordination and co-operation in relation to the handling of complaints in cases of overlapping jurisdiction; ▪ To liaise and interact with any organisation which actively promotes gender equality, as well as with other sectors of civil society, to further the objectives of the Commission; ▪ To monitor compliance with international conventions, covenants and charters, acceded to or ratified by the Republic of South Africa, and related to the objectives of the Commission; ▪ To prepare and submit reports to Parliament pertaining to any such convention, covenant or charter related to the objectives of the Commission; ▪ To conduct or commission research to further the objectives of the commission; ▪ To consider recommendations, suggestions and requests concerning the promotion of gender equality.
<p>The Joint Monitoring Committee on the Improvement of the Quality of Life and the Status of Women</p>		<ul style="list-style-type: none"> ▪ Monitor and evaluate progress with regard to the improvement in the quality of life and status of women in South Africa, with specific reference to the Government's commitments: <ol style="list-style-type: none"> i. to the Beijing platform of action; ii. with regard to the implementation of the Convention on the Elimination of Discrimination against Women; and iii. to any other applicable international instruments; ▪ May make recommendations to both or either of the Houses, or any joint or House committee, on any matter arising
<p>CIVIL SOCIETY</p>		
<p>The National Gender Forum</p>		<ul style="list-style-type: none"> ▪ Creates a forum for civil society organizations to make inputs on its needs and interests
<p>THE NEW STRUCTURES</p>		

Department of Women, Children and People with Disabilities (DWCPD)		
The Ministry replaced the original multi-agency national organisations for women, children and persons with disabilities, including the National Office on the Status of Women (NOSW), the National Office on the Status of Disabled Persons (NOSDP) and the Office on the Rights of the Child (ORC). Several factors made it difficult for these entities to deliver on their mandates, in particular, inadequate financial and human resources and the low rank of the officials responsible for driving programmes		
Institutional arrangement	Year Established	Functions
Department of Women, Children and People with Disabilities (DWCPD) The DWCPD is composed of the following: <ul style="list-style-type: none"> ▪ Children's Rights Programme ▪ Women's Empowerment and Gender Equality Rights of Persons with Disabilities 	2009	<ul style="list-style-type: none"> ▪ The purpose of the DWCPD is to drive the government's equity, equality and empowerment agenda on Women, Children and Persons with Disabilities especially disadvantaged communities Strategic objectives of the Women's Empowerment and Gender Equality branch of the DWCPD are: <ul style="list-style-type: none"> ▪ To create an enabling policy environment for translating Government policy mandates through the empowerment, advancement and socio-economic development of women, and the transformation of gender relations ▪ To mainstream WEGE considerations into government policies, governance processes and programmes through the establishment of relevant structures, mechanisms and catalytic projects ▪ To facilitate, coordinate, oversee and report on the national gender equality programme, and on regional, continental and international initiatives and commitments¹.
Portfolio Committee on Women, Youth, Children and People with Disabilities (which replaced the JMC) and Select Committee on Women, Children and People with Disabilities	2009	Different kinds of committees have one or more of the following functions: <ul style="list-style-type: none"> ▪ They monitor and oversee the work of national government departments and hold them accountable ▪ They oversee the accounts of national government departments and state institutions ▪ They take care of domestic parliamentary issues ▪ They examine specific areas of public life or matters of public interest ▪ They consider bills and amend them, and may initiate bills ▪ They consider private members' and provincial legislative proposals and special petitions ▪ They consider international treaties and agreement

¹ DWCPD: The Republic of South Africa's Narrative Report on the Implementation of the Beijing Platform for Action (1995) and the Outcome of the Twenty-third Special Session of the General Assembly (2000)

2. Major constraints that prevent the National Gender Machinery from being effective

A number of structural problems exist that limit the National Gender machinery from functioning effectively.

- The mandates of the three major structures which are the CGE, OSW and the JMC are often confused and as a result perceived as overlapping, even though they are clear:

The Joint Monitoring Committee on the Improvement of Quality of Life and Status of Women is part of the South African gender Machinery, and must monitor and evaluate progress with regard to the improvement of the quality of life and status of women in South Africa. It does so with specific reference to the Government's commitments to the Beijing platform of action; with regard to the implementation of the Convention on the Elimination of Discrimination against Women; and to any other applicable international instruments.

The Commission for Gender Equality's mandate, based on the CGE Act 39 of 1996, is to promote respect for gender equality and the protection, development and attainment of gender equality, monitor, investigate, research, educate, lobby, advise and to report on issues concerning gender equality.

The OSW is the principal co-coordinating structure for the National Gender Machinery. It develops framework and monitors their implementation.

- The OSW did not exercise the necessary authority during its tenure. This was partly as a result of the national policy framework which was never elevated to an Act. Secondly the most senior position within the OSW was at a director level and not Chief Director level. Chief Director level is a policy-making decision making level in the absence of a Director- General level where the political will to succeed can be enforced.
- There was a lack of coordination between the national and provincial OSWs: There was also a lack of continuity in the work done by the OSW at national and at provincial level. In some provinces the OSW was non-existent.
- Poor coordination of the National Gender Machinery which often led to cancellation of meetings. Furthermore, there was a lack of continuity because different people are often sent to represent the structures at meetings.

- Insufficient consultation and lack of proper coordination and communication within the gender machinery when the country reports are compiled.
- Failure by government to meet the deadline in the submission of reports, (The deadline for the submission of the Beijing+15 national report to the UN Economic Commission for Africa was 31st March 2009 but the South African report was submitted in November 2009).
- The appointment of gender focal persons (GFPs) in the national policy framework is supposed to be at Director level, but is often not the case. This is often coupled with lack of resources and skills.

The OSW survey² of June 2006 conducted amongst national departments revealed that:

- 13 of the 30 departments have appointed persons responsible for gender-related issues at a Director level or higher.
- Of the 30 GFPs, 9 (30%) focus only on gender issues while 21 (70%) have responsibilities that include gender, disability, youth, child rights, HIV and AIDS, employment equity, human resource management and/or employee assistance in various combinations.
- None of the GFPs report directly to Director-Generals in the departments.

3. Commitment to CEDAW

South Africa became a signatory to CEDAW in 1993 and ratified it without reservation in 1995. The Optional Protocol was ratified in March 2005.

A relative amount of work has been conducted to adhere to the commitment to Cedaw. Under the Legal Framework, the following Acts have been promulgated;

- The Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA),
- The Employment Equity Act number 55 of 1998 and
- The Domestic Violence Act 116 of 1998.

The biggest challenge lies in the implementation of these laws and with reporting to bodies such as the UN.

The First CEDAW country report was submitted in February 1998. It has taken the State eleven years to come up with a subsequent report, and when that report was finally written, it incorporated the 2nd, 3rd and 4th reports.

² Source; JMC report November, 2006

Problems with the CEDAW report.

The structure of the report which was submitted to the CEDAW Committee in 2009 is not in line with the reporting format of the CEDAW Committee, namely,

- Concerns and recommendations of the CEDAW Committee raised during the previous reporting (1998) have not been addressed in this report. It is one of the critical issues that the Committee expects Countries to reflect on and address
- General Recommendations of the Convention were neither considered nor applied in the report. These include General Recommendations 19, 21 & 25, which are very critical because they provide important information about the convention and how its provisions should be interpreted.
- There was lack of proper consultation with relevant stakeholders in the drafting of the report

4. Commitment to Continental Level Gender Equality Protocols

1. South Africa signed the AU Solemn Declaration on Gender Equality in Africa in 2004. Three reports have been submitted to the African Union Commission. However, stakeholders were not sufficiently consulted in the compilation of this report.

2. South Africa signed the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa in 2003 and ratified it with reservations in 2005. . South Africa has never submitted a report on this Protocol.

5. Emerging Issues

Examples :

5.1. Gender Responsive budgeting as a mechanism

Despite the known fact that gender budgeting strengthens the capacity of governments to incorporate a gender analysis in the planning and evaluation of revenue-raising measures and expenditure allocations at all levels, the government has not done much to ensure that it is implemented.

Gender-sensitive and gender-responsive budgeting has only been introduced, but has not been implemented seriously.

According to the Development Bank of Southern Africa (DBSA), South Africa has expertise in gender-responsive budgeting but does not utilise it. There are gender –responsive budgeting initiatives that are already in place by some national and provincial

government departments. The following departments have engaged in gender-responsive budgeting:

- The Department of Social Development's managers held a workshop on gender-responsive budgeting and gender mainstreaming.
- The provincial Treasury office of the Premier of Gauteng has an initiative to infuse gender-budgeting in their departmental budget statements.

5.2. Statistics on Gender-Based Violence

Availability of gender-based violence (GBV) statistics in South Africa is still insufficient. The South African Police Services (SAPS) indicated that the availability of statistics on GBV are average. Access to gender-based violence case statistics are problematic. There has been cases where statistics were alleged to be manipulated to reflect lower numbers of gender-based violence cases. One such example is the Western Cape. Incorrect categorising of cases such as rape have been recorded as assault which indicates a major problem. The other concern raised by Stats-SA and some NGOs indicate that statistics on GBV/violence against women are not reliable.

6. Lessons learnt in implementing and monitoring the National Gender Policy

According to the Gender Mainstreaming Initiative in the Public Service report³, the following have been indicated as challenges in gender mainstreaming in government departments:

- The concept of gender mainstreaming is not understood by most of the staff members. This lack of understanding is not confined to only junior level staff but includes many senior staff members.
- It is evident that there are not many women in executive structures in departments, hence limiting their involvement in decision-making. Women in executive structures that participated in the research argue that the predominantly male culture has made it difficult for their voices to be effectively heard.
- 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.
- In general the empowerment of women is not happening in any significant or meaningful way within the departments.

The report also cited the following as limitations to gender mainstreaming:

- Senior staff did not take the gender policies seriously
- Senior staff did not know the 'how' of gender mainstreaming, in other words the guidelines and toolkits on how to implement gender mainstreaming

³ Gender Mainstreaming Initiative in the Public Service, 2006

- There has been no one with authority to drive gender mainstreaming
- There were time constraints and other departmental priorities

The Engendering the Political Agenda; A south African Case Study⁴, notes the following gaps in the South African National Policy Framework for Women's Empowerment and Gender Equality:

- The relative marginality of the Gender Focal Points' (GFP's) in terms of the core functions of departments.
- GFP's are still seen as 'add-ons' to the 'core' work, and they are under-staffed
- GFP's do not generally have access to decision-making forums within departments; this limits the impact of gender mainstreaming. This marginality is exacerbated by the junior status of the staff of GFPs.
- Most staff members in the GFPs do not have experience in working with gender issues. Many are career driven civil servants instead of gender activists.

PART II:

REVIEW OF CRITICAL AREAS OF CONCERN AND OTHER EMERGING ISSUES- ACHIEVEMENTS AND CHALLENGES

AREA OF CONCERN	ACHIEVEMENTS	CHALLENGES
A. The persistent and increasing burden of poverty on women	<ul style="list-style-type: none"> • Reallocation of public spending in favour of programmes and projects aimed at empowering women. • The South African government has adopted micro policy framework as a base for poverty alleviation through the following programmes: <ul style="list-style-type: none"> - Funding non governmental organisations (NGOs) through the National Development Agency. ⁵ - Transformation of the non-profit sector for an enabling environment for non-profit organisations⁶ • Social grants are effective as a mechanism of poverty alleviation. The larger percentage of social grant recipients in South Africa is females. 	<ul style="list-style-type: none"> • While poverty, deprivation and economic inequality continue to reflect racial inequalities, they entrench gender inequalities. The "feminisation" of poverty is significant because poverty is experienced differently by women and men. • Monitoring and Evaluation programmes are not sufficiently administered. • Insufficient accountability of the use of donor funds use is a problem. • Non-application of gender-responsive budgeting to programmes is a challenge. • There are still difficulties with access to finance for land programmes. • Failure by government to come up with an exit strategy for the recipients of grants perpetuates dependency. This has a negative effect on the empowerment of women, especially young mothers

⁴ Engendering the Political Agenda: *A South African Case Study*, July 1999.

⁵ Based on the National Development Act 108 of 1998

⁶ Based on the Non Profit Organisation Amendment Act 17 of 2000

<ul style="list-style-type: none"> • Women's benefits of access to land through the implementation of programmes like Land Redistribution for Agricultural Development (LRAD) and Comprehensive Agricultural Support System (CASP). • Social grants : child support grant, old age grant, disability grant, care dependency grant and foster care grant • In 2006 two policies were launched i.e. Accelerated and Shared Growth Initiative for South Africa (ASGISA) and Joint Initiative for Priority Skills Acquisition (JIPSA) aimed at addressing the countries chronic problem areas: unemployment and the skills shortage. The aim of ASGISA is to halve unemployment from 28% in 2004 to 14% by 2014, and halve the poverty rate over the same period. • ASGISA also takes into account the women and youth sectors in its second economy interventions with assertions to intensify policies relevant to these groups • The 2008 JIPSA annual report-the last one published by the Presidency says that, by March 2008, 18 879 people had been registered for artisan training over the two years since the founding of the programme. Local placements have benefited at least four thousand (4000) candidates whilst international placement have benefited 700 people, most of whom were women • Extended Public Works programme (EPWP) will increase women's participation in the EPWP. 	<ul style="list-style-type: none"> • In the context of a global and local recession, skepticism about the government's ability to achieve this is prevalent. Since the beginning of the crisis in September 2008, about one million jobs have been lost, and the official unemployment rate has risen from under 23% to around 25%. • According to the ASGISA Annual report (2008), Unemployment is a structural problem; additional factors skew its distribution with unemployment levels for black youth, women and rural dwellers disproportionately high.
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AREA OF CONCERN	ACHIEVEMENTS	CHALLENGES
B. Inequalities and inadequacies in unequal access to education and training	<ul style="list-style-type: none"> • Gender parity in total school enrolment has been achieved.⁷ • In 2007 the government adopted a no-fee schools policy. This is in alignment with the right to basic education. • Through Life Orientation in the National Curriculum Statement (NCS), there is support for gender-sensitive learning programmes. • The introduction of <i>Dinaledi schools</i> encourages more girls to take Science and Math. 	<ul style="list-style-type: none"> • South Africa has not yet achieved gender parity in literacy amongst adults. (according to the 2005 General Household Survey, 72.1% women were functionally literate as compared to 76.6% men) • Though participation of girls and women in science and technology has improved, the ratio is still unbalanced • Poverty is a challenge that affects girls

⁷ Department of Education: Education for All, Country Report, South Africa, 2008.

	<ul style="list-style-type: none"> • The <i>Girls and Boys Education Movement</i> (GEM and BEM) promote gender equity in education. • The National Education Infrastructure Management gathers information on public schools infrastructure and improves the infrastructure for safety. The number of schools without water has been reduced from 8 823 in 1996 to 3 152 in 2006. The number of schools without on-site toilets has been reduced from 3 265 in 1996 to 1 532 in 2006. • An educator-training manual called <i>Opening Our Eyes</i>, a cartoon-designed manual for learners called <i>Stopping Sexual Harassment in Schools</i> and <i>Guidelines for the Prevention and Management of Sexual Harassment and Violence in Public Schools</i> have been produced. • In 2008, the department of Education in collaboration with UNICEF commissioned the Human Sciences Research Council to conduct a study on prevalence of learner pregnancy in South African schools. 	<p>more than boys. It leads to more girls dropping out of school as compared to boys. Most bursaries are limited to tuition fees and as such students end up dropping out due to lack of accommodation etc.</p> <ul style="list-style-type: none"> • Gender-based violence is still rife in South African Schools. • Gender in the curriculum is still questionable. Although the new curriculum (NCS) teaching materials are a lot better than the previous ones, there are still challenges in several aspects: The criteria used in choosing teaching materials are not homogenous throughout the country. • Gender training for educators is poorly done or non-existent in most cases.
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AREA OF CONCERN	ACHIEVEMENTS	CHALLENGES
<p>C. Inequalities and inadequacies in unequal access to health care and related services and HIV and AIDS</p>	<ul style="list-style-type: none"> • The South African AIDS Council (SANAC) adopted the National Strategic Plan (NSP) of South Africa in 2007. The NSP is engendered and this is a huge achievement. • There are laws and policies in place to address the vulnerability of women and girls: -The Choice on Termination of Pregnancy Amendment Act 38 of 2004 • A new policy is in place that caters for the recruitment and selective deployment of HIV-positive members of the defense force. 	<ul style="list-style-type: none"> • Unnecessary and prolonged delays in finalizing documents e.g. the Treatment Guidelines have not been updated since 2004. • As a result of the HIV and AIDS crisis, there is an increase in the number of patients' in clinics and hospitals but there is no increase in human resources: doctors and nurses. The current number of people trained in the health profession the in South Africa is insufficient. • Shortage of essential medicine is a problem. In 2008 the Free State province experienced a shortage of essential medicines for four month. • Policies are not backed by enough allocation of resources • Rising maternal and child mortality rate due to HIV and AIDS

AREA OF CONCERN	ACHIEVEMENTS	CHALLENGES
<p>D. Violence Against Women</p>	<ul style="list-style-type: none"> • The Promulgation of the Domestic Violence Act 116 of 1998. A protection order has a deterring effect on offenders. It provides a mechanism to deal with subliminal forms of domestic violence such as emotional and financial abuse, threats and intimidation. • Promulgation of Criminal Law Amendment (Sexual Offenses and Related Matters) Act 32 of 2007. This Act provides for gender neutral definitions of rape victims, special protection for children and mentally disabled persons etc. It also criminalizes trafficking for sexual purposes. • Criminal Procedure Act 51 of 1977. The act provides for procedural mechanisms for the prosecution of criminal activities which encompass acts of violence perpetrated against women. • Protection from Harassment Bill. The proposed bill is an initiative to prohibit and punish harassment and stalking, which mostly affect women and children. • Human trafficking Bill. This is another bill which, when it becomes law, will bridge the gap currently in our law when it comes to dealing with human trafficking as an offence. • Establishment of Thuthuzela Care Centers for Rape Victims. The centres assist victims of rape by offering a victim-friendly environment that helps eliminate secondary victimization. • The provision of Minimum Standards for Shelters enables the outsourcing and subsidisation of shelters for abused victims. • The Crime Information and Analysis Centre (CAS) of SAPS keep gender-based violence statistics. • The Service Charter for Victims of Crime in South Africa (the Victims Charter) which is consonant with the provisions of Section 234 of the Constitution. The charter aims to ensure that victims remain central to the justice process in South Africa, to eliminate 'secondary victimization', to clarify the standard of service to be accorded to victims and to provide for recourse when these standard are not met. 	<ul style="list-style-type: none"> • Inadequate implementation of supporting legislation by officials, mainly by the police and the court. • The introduction of Thuthuzela Care Centres is a good initiative; the number of these centres per province though, is insufficient taking into consideration the vastness of the provinces. In most cases, these centres seem to serve urban areas only. • Lack of provision of comprehensive health services for survivors of gender-based violence • Policies are not backed by enough allocation of resources • Availability of gender statistics are still not satisfactory in South Africa. It is disturbing that the statistics on gender-based violence/violence against women are not sufficiently documented and accessible • There has been cases of allegations of such statistics being manipulated to reflect lower numbers of gender-based violence cases • Incorrect categorising of cases(for example, a rape recorded as an assault) • According to STATS-SA and some NGOs, statistics on GBV/violence against women are ineffective • Training on programmes like the implementation of the Victims Charter is not uniform (efficient). The CGE research report on implementation of the Victims' Charter notes a huge challenge in non-uniformity of officers' training on the Charter. • Though the Charter is a very good tool, there is a problem in the implementation. • Another challenge noted in the report is the lack of anti-rape strategies in most police stations. Some police stations have worn-out rape kits which lead to victims having to be sent to hospitals instead. • Enforcement of protection orders is still a challenge.

AREA OF CONCERN	ACHIEVEMENTS	CHALLENGES
<p>E. The effects of armed or other kinds of conflict of women, including those living under foreign occupation</p>	<ul style="list-style-type: none"> • Promulgation of the Refugee Amendment Act 33 of 2008 • Three female South African Police Service officers were trained in UN Senior mission Leaders course • All female SAPS members are trained in conflict prevention • All members of the SAPS (female and male) are trained in SAPS Generic United Nations Police (UNPOL) Officers course. The course encompasses the International and Humanitarian Law, Violence against Women and Children, Sexual Exploitation and Abuse. • In bilateral assistance programmes with police in countries affected by war/violence like the Democratic Republic of the Congo and Sudan, The SAPS has shared experience and expertise and supported training programmes that incorporate gender perspectives. • SAPS disciplinary regulations, Conduct and Policies has a specific provision for violence against women which applies also to members in peace keeping missions. • Members of the SAPS established women's desks in Sudan • United Nations Security Council (UNSC) resolutions are implemented in SAPS training for members who are deployed for peace keeping missions. • AU protocol on Women's Rights are implemented in SAPS training for members who are deployed in peace keeping missions • Ratified and domesticated protocols are incorporated in training for members who are deployed in peace missions. 	<ul style="list-style-type: none"> • Violation of human rights in times of xenophobic attacks. Women and girls get raped in addition to being displaced.

AREA OF CONCERN	ACHIEVEMENTS	CHALLENGES
<p>F. Inequality in economic structures and policies, in all forms of productive activities and in access to</p>	<ul style="list-style-type: none"> • There is meaningful participation of women in the economy through organisations such as Business Women Association (BWA), South African Women in Construction (SAWIC), South African Women in 	<ul style="list-style-type: none"> • There is a lack of sex-disaggregated data that informs policy decisions about economic development. Gross Domestic Product does not consider

<p>resources</p>	<p>Mining (SAWIMA), and Women Investment Portfolio Holdings Ltd (WIPHOLD).⁸</p> <p>According to the Development Bank of Southern Africa, the following are achievements of women and the economy:</p> <ul style="list-style-type: none"> • International, African, regional and national legislation in economic, social and political spheres ensure that women have an equal right to economic involvement and empowerment as their male counterparts. • The gender instruments in South Africa were a landmark achievement for securing South African women's rights and are rarely mirrored in the rest of the global South. • South African companies are increasing the number of women in their executive levels leading to a significant number of women able to make decisions about where to make economic investment. however the ratio of women to men is still too low. A recent census on <i>South African Women in Corporate Leadership</i>, found that only 7.1 per cent of directors in South Africa are women was compared to Australia's 8.4 per cent, the US's 13.6 per cent and Canada's 11.2 per cent. • Women are able to apply for loans and own businesses, unlike in other African countries. • More women are entering business in previously male-dominated sectors, for example, mining and construction. This allows women to work in jobs that are not related to the care industry or to 'women's work'. South African Women in Construction (SAWIC) has made great inroads in supporting women in the construction sector. • South Africa has developed 'bottom-up' approaches that have involved communities in development decisions and have had success with these projects. The government has placed much emphasis on 'people-centred', comprehensive, sustainable and integrated development processes that take into consideration the needs of recipients and beneficiaries. 	<p>'home work' or care work that women do in the household in addition to their 'formal' jobs. Care work is paid for if it is procured outside the home but those same services are 'free' when they are performed in the domestic sphere.</p> <ul style="list-style-type: none"> • Industrial policies do not provide security to those industries where women are the dominant labour group, for example, services. • There is still a challenge to fast-track women in business into more senior positions without raising questions about their qualifications and suitability. • Most women are employed in the informal sector; there is still a challenge to move them into the 'formal sector'. • Moving women from subsistence-level economic activities to growing their own businesses and improving their liquidity is still a challenge. • There is lack of gender instruments to ensure the enforcement of companies' and institutions' compliance to gender equality legislation
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⁸ Report on Reflection on South African Women in Dialogue; progress towards the Implementation of the Beijing Platform of Action since 2005

	<ul style="list-style-type: none"> • Land rights in SA have significantly improved women's ability to survive and prosper economically as small holder farmers. • Girl children have been the target group for professional development and exposure programmes in the economic sector, for example, the bring a Girl Child to Work programme that is very popular and successful. This exposes our girls to corporate life and to career opportunities in the future. • The establishment of the South African Women Entrepreneurs Network (SAWEN which is an initiative of the DTI and a strategy for fast-tracking support provided to women in addressing challenges they faced when establishing, strengthening and sustaining their enterprises. It is a women entrepreneurs' link to business opportunities. • Through SAWEN, the DTI has successfully managed to secure two strategic partners to support women entrepreneurs. These include the Johannesburg Securities Exchange SA (JSE), which provides training to women on stock marketing. Through the Africa Project Development Facility (APDF), SAWEN members are able to access business advice and support for the successful management of their enterprises.⁹ 	
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AREA OF CONCERN	ACHIEVEMENTS	CHALLENGES
G. Inequality between men and women in the sharing of power and decision making at all levels	<ul style="list-style-type: none"> • The South African Constitution which has an equality clause. • Improved political representation in national government has worked in women's favour as the quota system ensures that more women gain political office. The numbers are encouraging in terms of women to men in parliament and provincial governments. 	<ul style="list-style-type: none"> • Although South Africa is advancing towards a 50/50 gender composition in government, the target is not yet reached. There is a setback in that there are now 41% female ministers as compared to the 42% in the previous administration, and 39% female deputy ministers as compared to 60% in the previous administration. The appointment of a male deputy president and a male speaker of parliament is a setback to the previous

⁹ Celebrating the journey of the Economic Emancipation of Women in South Africa through the DTI (2006)

		<p>achievement of such posts being held by females.</p> <ul style="list-style-type: none"> • The reduction of female judges of the constitutional court is also a setback. • There is a challenge in the Western Cape Members of Executive Committee (MECs) gender composition. The MECs are all male which is a setback in advancement of a 50/50 composition in government. •
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AREA OF CONCERN	ACHIEVEMENTS	CHALLENGES
<p>I. Lack of respect for, and inadequate promotion and protection of human rights of women</p>	<ul style="list-style-type: none"> • The introduction of the Bill of Rights through the Constitution ushered in the formal recognition of women as equal citizens to men in South Africa. The section further prohibits unfair discrimination on the grounds of gender, sex, pregnancy and marital status. • Since its establishment, the Constitutional Court, being the highest court in the land, has handed down a number of judgments that have affirmed women's rights. A brief synopsis of the relevant cases is given below: <p>Brink v Kitshoff NO 1996 (4) SA 197 CC This case dealt with a section of the Insurance Act of 1943 which treated women differently from men by depriving women of all or some of the benefits of insurance policies made in their favour by their husbands. The court considered such differentiation to be discriminatory and thus unconstitutional.</p> <p>Daniel V Campbell NO and others 2004 (5) SA 331 CC A surviving spouse to a monogamous Muslim marriage is entitled to inherit from the deceased estate of her late husband. The word "spouse" as used in the Intestate Succession Act 81 of 1987 includes parties to a Muslim marriage.</p> <p>In a Kwazulu Natal High Court decision in the case of Govender v Ragavayah NO and Others 2009 (3) SA 178 (d), the court extended the right to inherit to a surviving spouse in a Hindu marriage.</p> <p>Bhe and others v Magistrate, Khayelitsha and others (2004) This case involved gender equality and the right of African women to inherit under the African customary law of intestate succession, which was previously not the case.</p> <p>In Volks NO v Robinson¹⁰, the Court refused an application for maintenance to a life partner in a heterosexual relationship on the basis that she was not a "spouse" as envisaged by the Maintenance of Surviving Spouse Act 27 of 1990. The Constitutional Court recognized the need for legislation as women generally remain less powerful in these relationships. The</p>	<ul style="list-style-type: none"> • The implementation of good laws and policies are still a problem. People do not know about these laws. • The use of culture to perpetuate gender inequality is another challenge facing the human rights of women and girl children. Practices like polygamy, "ukuthwala", female genital mutilation and virginity testing, to name a few, are all done under the guise of culture and tradition. These entrench discrimination of women and girl children. • Financial/economic dependency of women is a problem. Many women are forced to endure abusive and often violent relationships because they are financially dependent on the abuser.

¹⁰ 2005 (5) BCLR 446 CC

	<p>Court held that:</p> <p><i>"The consequences are that women are taken advantage of and the essential contributions made by women to the joint household through labour and emotional support are not compensated for"</i>¹¹.</p> <ul style="list-style-type: none"> In addition, several progressive laws aimed at entrenching the human rights of women have been passed. The following are some examples of legislation passed: Recognition of Customary Marriages Act of 1998, Promotion of Equality and Prevention of Unfair Discrimination Act of 2000, General Law Amendment (Sexual Offences and Related Matters) Act of 2007, Civil Union Act of 2006. 	
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AREA OF CONCERN	ACHIEVEMENTS	CHALLENGES
<p>J. Stereotyping of women and inequality in women's access to and participation in all communication systems, especially in the media</p>	<ul style="list-style-type: none"> There are 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. Women journalists are more gender sensitive in dealing with day to day news events. Therefore, one can conclude that a critical mass of women in these positions will lead to a change in how women – and thus society – are represented in the media¹² Media houses have not set specific targets on how to achieve gender parity. 	<ul style="list-style-type: none"> 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. Despite having a Constitution that entrenches equal rights, discriminatory practices, structural inequalities, cultural factors, prejudices, patriarchy and sexism are still alive and well in our South African newsrooms and these clearly prohibit South African women journalists from realizing their potential.¹³ High proportions of women in the South African media are employed part time or on a non permanent basis There are no specific targets in place for achieving gender parity in media houses:¹⁴

¹¹ Robinson at Para 64

¹² The Glass Ceiling and beyond Realities, challenges and strategies for South African media : By the South African National Editor's Forum (SANEF) July 2006

¹³ Glass Ceiling : by SANEF

¹⁴ Glass ceilings: Women and men in the South African Media

AREA OF CONCERN	ACHIEVEMENTS	CHALLENGES
<p>K. Gender inequalities in the management of natural resources and in the safeguarding of the environment</p>	<ul style="list-style-type: none"> • South Africa launched National Climate Change Response Strategy in 2004. The department of Provincial and Local government is responsible for popularising the strategy. • South Africa ratified the Kotyo Protocol. 	<ul style="list-style-type: none"> • The last national climate change policy was drawn in 2004 and needs to be updated. • The country is not utilizing the national strategy sufficiently for women. • The big issue is Renewable Energy funding. It is not user-friendly, particularly not for the poorest of the poor (who are mainly women); lack of knowledge forces them to use middlemen who take up to 40% of the funding in fees. • Funding does not assist with "soft issues" like self-development, capacity building or conflict resolution, which are critical when one is trying to ensure that an oppressed group is empowered • The gender differences, especially in developing countries, make the whole climate change discourse a male domain. As a result, women end up being "sidelined" even in policy-making because it is assumed that they do not have knowledge of the subject • The problem with South African climate change policies/strategies is that they are still discussed in boardrooms behind closed doors; and they do not filter down to the local level • There is a need to align climate change policies in South Africa with initiatives that support and promote the filtering of the climate change discipline to grassroots. There needs to be a strong recognition that women and men have different gender-based roles, as well as different levels of access to, and control over, natural resources. The impacts of climate change in terms of exacerbating the vulnerability of women to natural

disaster make this link clear.¹⁵

AREA OF CONCERN	ACHIEVEMENTS	CHALLENGES
L. Persistent discrimination against and violation of the rights of the girl-child	<ul style="list-style-type: none"> • Cell C's "Take a Girl Child to Work Day" initiative provides an opportunity to look at gender equity in the South African workplace • Efforts have been made to tackle the scourge of child trafficking head on. • The legal age for marriage is 18 Marriage Act No 25 of 1961 as amended. Below 18, one has to get a court order in order to get married. • The General Law Amendment (Sexual Offences and Related Matters) Act of 2006 has been promulgated with the aim of tightening and closing loopholes that have hitherto allowed accused persons to get easy acquittals. • The Child Care Amendment Act 13 of 1999, the amendment is to ensure enforcement of the protection of children against commercial sexual exploitation. • The Film and Publications Act 65 of 1996 provides for the Films and Publications Review Board to accommodate the role to combat child pornography. 	<ul style="list-style-type: none"> • Child abduction / ukuthwala There has been a resurgence of a phenomenon in South Africa where young girls are abducted and married off to older men under the guise of a traditional and cultural practice called "ukuthwala". This practice is most common in the Eastern Province of South Africa. Various efforts are being undertaken to deal with this problem, which deprives girls of their rights and freedoms to lead progressive lives. • The girl child still faces the challenge of 'care burden' especially in child-headed households • Women and girl children are easy prey for human trafficking both for sexual as well as labour exploitation. • School dropout rape is still high amongst girls

PART III

D. Limitations in compiling the report

at the time of compiling this report not all data was available; hence some information is not captured. The following government department and entities did not submit the requested information:

- Department of Health
- Department of Water and Environmental Affairs
- IEC
- Gender Links
- Universities
- COPE
- IFP

¹⁵ S. K. Mgquba, *Environmental Specialist, CSIR Environmentek* ; The Gender and equity gap in climate change policy making In South Africa: An issue of Mainstreaming

PART IV

RECOMMENDATIONS

For all areas, it is recommended that there be:

- Effective implementation, monitoring and evaluation of legislation, strategies, policies and programmes.
- Mechanisms in place to use expert knowledge the country has on Gender-responsive budgeting. Apply gender responsive budgeting at national, provincial and local government levels.

The persistent and increasing burden of poverty on women

- Mechanisms should be put in place for sufficient accountability of donor funds.

Inequalities and inadequacies in unequal access to education and training

- Improve on mechanisms for the participation of girls and women in science and technology. It is necessary to have educational camps with more female role models in the science and technology fields.
- Remedy the drop out rate in tertiary level - most bursaries usually do not cover accommodation expenses they cover tuition only. A mechanism should be put in place to provide bursaries that cover even accommodation and other living expenses. This could be provided in a quota system for female students.
- Revisit gender-based violence measures in schools. Emphasis should be placed also on the issue of teachers having sex with learners.
- Revisit the criteria used in choosing teaching materials - to make the criteria which include gender sensitivity of materials, homogenous throughout the country.
- There should be accredited gender training for educators and teacher unions.

Inequalities and inadequacies in unequal access to health care and related services

- There should be means to increase human resources in the health profession (especially doctors and nurses).
- There should be sufficient provision of essential medicine at all times.
- Address cultural and religious hindrances to access health and reproductive care as these aspects affect women's access to health care.

Violence against women

- Provide means to popularize the Kopanong Declaration Plan of Action.
- Deal with violence against women in an integrated manner by pulling in all stakeholders. Focus should not only be on the perpetrator, but it should be on the victims, psychological needs, educating people about domestic violence, looking at the issue holistically.
- Violence against women should be seen as a development issue.
- Strengthen research on culture and tradition and religion identity links to violence against women.
- Continuous training on and application of the victim's charter will ensure effective implementation.
- Increase the number of the Thuthuzela Care Centres to cater vastness of provinces.

The effects of armed or other kinds of conflict of women, including those living under foreign occupation

- Put measures in place to protect the human rights of refugees. Develop measures to address the issue of rape of refugee women and girls.

Inequality in economic structures and policies, in all forms of productive activities and in access to resources

- Develop a sex-disaggregated database to inform policy decisions in economic development.
- Ensure that the industrial policies provide security to industries where women are the dominant labour groups, for example, services.
- Fast-track women in business and ensure that more get into senior positions.
- Formalise the informal sector and secure more work.
- Put measures in place to accelerate the formalisation of the informal sector to ensure that more women get job security.
- Make efforts to move women from subsistence-level economic activities to growing their businesses and improving their liquidity.
- Recognise women's unpaid work by quantifying and including it in national statistics indicating our economic status.
- Strengthen the gender instruments to ensure that they enforce companies' and institutions' compliance to gender equality legislation.

Inequality between men and women in the sharing of power and decision making at all levels

- Strive for a 50/50 and above representation in government
- Develop mechanisms to enforce the same in the private sector.
- Address the negative impact of cultural and religious influences on decision making, including the belief that men are leaders, in both the private and public spheres.

Insufficient mechanisms at all levels to promote the advancement of women

- Clear mandate and structure of the new department of Women, Children and Persons with Disabilities.
- Sufficient training on gender mainstreaming and gender-responsive budgeting
- Commitment to gender equality: the role of parliament should be clear and precise.
- Commitment by top /senior management: Performance assessment should cater for such- provisions around gender mainstreaming in job descriptions and performance
- Capacitate the GFPs sufficiently. According to the South African National Gender Policy Framework for Women's Empowerment and Gender Equality, it is recommended that GFPs be appointed at director level and be located in the Director-General's office. GFPs should be 100% gender units.
- A National Gender Equality Act which gives teeth to the NGPF, with adequate resourcing as per Beijing Platform of Action.
- Review for supporting legislation e.g. ring fencing of fines under Employment Equity Act and consideration of more severe penalties.
- Adequate resourcing of Chapter 9 institutions

Lack of respect for, and inadequate promotion and protection of the human rights of women

- Remove the reservations on the Protocol to the African Charter on Human and People's Rights of Women in Africa.
- Popularise the CEDAW and other international, continental and regional instruments.
- Create partnerships with traditional leaders (custodians of culture) and train them on women's rights.

Stereotyping of women and inequality in women's access to and participation in all communication systems, especially in the media

- There should be more efforts on the sensitization about gender stereotypes in the media.
- Mechanisms should be put in place to constantly monitor the media on gender sensitivity.

Gender inequalities in the management of natural resources and in the safeguarding of the environment

- There is a need for raising awareness amongst women on issues of climate change and to encourage their involvement.
- Climate change policies need to be reviewed and engendered.
- There is a need to :

- Review the gender based objectives of Agenda 21 for the implementation of the Kyoto process;
 - Engage women in the climate change debate, including policy and implementation of measures on climate change;
 - Put more emphasis on the gender dimension of climate change, especially risk and vulnerability to impacts of climate change;
 - Give focus to the relationships between poverty, livelihoods, coping and adaptation to climate change impacts and what this means for women.
- South Africa needs to strive towards a more balanced climate change policy that takes into consideration the importance of gender roles.¹⁶

Persistent discrimination against and violation of the rights of the girl-child

- Put mechanisms in place to address the 'care burden' in households headed by girl children (due to HIV and AIDS) on the girl child.
- Put mechanisms in place to address the 'ukuthwala' phenomenon on underage girls.

CONCLUSION

South Africa has achieved notable progress in the implementation of the Beijing Declaration and Platform for Action. It has adopted a National Policy Framework to address gender mainstreaming in all government departments. There is a Constitution in place which protects against unfair discrimination on the basis of race, colour, ethnic or social origin, sex, religion or language. It is important to note that there is more to be done since challenges in most areas of concern still exist.

Although information on how programmes like JIPSA, ASGISA and EPWP are successful in poverty alleviation, the challenge of no sex-disaggregated breakdown of the information on implementation still exists. The introduction of the National Curriculum Statement brought an improvement in gender-sensitive learning materials. However there is lack of homogeneity in the criteria used in choosing learning materials across the provinces.

The country has a comprehensive 365 days programme to address gender based violence. However implementation of the 365 days programme is still a challenge. In terms of women and decision making, there is a lot of improvement as more women hold higher positions as Ministers, and play key roles in the economy. However, men still hold higher positions in the majority and South Africa still has to reach the 50/50 representation in parliament as per SADAC protocol.

¹⁶ S. K. Mgquba

The establishment of the MDDA is an achievement. However as the MDDA was established to encourage research regarding media development and diversity, there is still a gap to establish a media monitoring institution.

Though the country also has good policy formulation as far as climate change is concerned, there is a need for proper implementation taking into account indigenous knowledge systems¹⁷. The country launched the National Climate change Strategy in 2004; however it is not utilised sufficiently for women.

There are laws, policies and plans in place to address vulnerability of women and girls. For example the Choice on Termination of pregnancy Amendment Act 38 of 2004, and the NSP, Promotion of Equality and the Prevention of Unfair Discrimination Act (PEPUDA). The country has done a lot on addressing the issue of the girl child, for instance there is a number of policies and programmes in place, for example the Child Justice Act 2008 (which has not been operational though) which came into effect on 1 April 2010.

¹⁷ SK Mguba- Environmental specialist, CSIR, 2005.

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