

THE STATE OF THE NATION, GOVERNMENT PRIORITIES AND WOMEN IN SOUTH AFRICA

*Decent Work, Education, Crime, Health,
Rural Development and Land Reform.*



WOMEN'S LEGAL CENTRE

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Authors: Sanja Bornman, Debbie Budlender, Lisa Vetten,
Christi van der Westhuizen, Joy Watson, Jennifer Williams.



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Women's Legal Centre

February 2012

To be cited as:

Bornman, Budlender, Vetten, Van der Westhuizen, Watson and Williams "The State of the Nation, Government Priorities and Women in South Africa" Women's Legal Centre 2012

This report was made possible with funding from the Heinrich Boell Foundation

 **HEINRICH BÖLL STIFTUNG**

Contact Details:

Women's Legal Centre
7th Floor, Constitution House
124 Adderley Street
Cape Town
tel: 021 424 5660
fax: 021 424 5206
web: www.wlce.co.za
e-mail: jennifer@wlce.co.za

Acknowledgements:

The Women's Legal Centre thanks the following interns who assisted with research: Meghan Finn, Judith Klusener, Keziah Manoek, Vlatka Persin and Kim Van der Veer.

Graphic Design:

Gillian Benjamin (gillianbenj@gmail.com)

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EXECUTIVE SUMMARY

Government's priorities affect all South Africans, the majority of whom are women and girls. Particularly black women and girls suffer multiple forms of discrimination and are among the most socioeconomically disadvantaged groups in South Africa.

This review gauges how government's priorities set for 2012 in President Jacob Zuma's State of the Nation Address (SONA 2012) will affect the social, political and economic status of women, and measures the advances made with regards to the five priorities the president set in the 2009 SONA, namely:

- 01 **DECENT WORK**
- 02 **EDUCATION**
- 03 **CRIME**
- 04 **HEALTH**
- 05 **RURAL DEVELOPMENT
& AGRARIAN REFORM**

DECENT WORK

The president reported in SONA 2012 that during 2011, a total of 365 000 people were newly employed, the country's best performance since the recession of 2008. Upon investigation the actual progress is minimal, as it represents a 2,8% increase, year-on-year. We are concerned that a mere 2.8% increase in employment is regarded as an achievement while the number of discouraged work-seekers increased by 7,7%.

While SONA 2012's focus on infrastructure development seems promising with regards to job creation, we also note that the majority of industries and sectors due to receive investment are in fact all male-dominated, with the exception of the textile and clothing industry.

The Women's Empowerment and Gender Equality Bill mentioned in SONA 2012 cannot be viewed as sufficient to create gender equality in the workplace, given its replication of existing legislation such as the Employment Equity Act, the Labour Relations Act and others. It would be more effective to address the implementation challenges of these laws and women's access to justice.

EDUCATION

President Zuma did not report on the progress made with most of the education commitments in SONA 2011. Moreover, SONA 2012 follows SONA 2011 in ignoring the scourge of sexual violence at schools, which impedes girls' equal access to education. While education receives the largest budget appropriation, there is significant room for improvement in the management of these resources, judging by the findings of the Auditor General.

...the majority of industries and sectors due to receive investment are in fact all male-dominated, with the exception of the textile and clothing industry.

CRIME

While the president announced in the SONA 2012 that 'our country witnessed a decline of 5% in the number of reported serious crimes, compared to the previous year', serious and violent crimes against women actually *increased*, rather than decreased. Female homicides swelled by 5.5%. A similar situation applies to rape: While the total number of sexual offences dropped, this number disguises a hike in the number of reported rapes. Combating these increases requires more than SONA 2012's passing reference to unspecified programmes.

HEALTH

Given the considerable challenges facing the healthcare sector and the limited progress made on the promises in SONA 2011, it is apparent that there is a wealth of planning around health issues but insufficient reporting on implementation and results. This leaves doubt as to whether the presidency's objectives set for women's health in SONA 2011 trickled down sufficiently to the Department of Health to be transformed into departmental objectives and, finally, outcomes. Insufficient departmental report-back in public forums during 2011 hindered the gauging of progress made on SONA 2011 promises, which undermines the authenticity of the objectives proclaimed in the SONA 2011.

The provision of healthcare to survivors of gender-based violence remains inadequate. Healthcare professionals are not meeting their obligations in terms of the Sexual Offences Act (SOA). The implementation of the SOA's National Policy Guidelines and National Instructions for the health department is not monitored satisfactorily, and the department's public reporting on its role

...it is apparent that there is a wealth of planning around health issues but insufficient reporting on implementation and results.

is insufficient. Victim-friendly service has still not been achieved because of the insufficient interface between health department officials and other officials, such as in the police.

In the absence of statistics or a comparison between the programmes on prevention of mother to child transmission of HIV (PMTCT) in February 2011 and February 2012, we are unconvinced of SONA 2012's claim of progress in this regard. We are also worried that women's health is reduced to PMTCT in SONA 2012, when many more women die from HIV and AIDS and South Africa's maternal mortality is worse than many comparable countries, among others.

RURAL DEVELOPMENT & AGRARIAN REFORM

The president in SONA 2012 acknowledges the 'slow and tedious' pace of land redistribution, indicating that the 'willing buyer-willing seller' option has not been satisfactory. Land reform and restitution projects need to be examined critically to ascertain whether they are delivering land in a sustainable way, particularly to rural women who have historically borne the brunt of landlessness.

While the president in SONA 2012 refers approvingly to the Green Paper on Land Reform, this proposed policy does not propose any steps to grant land ownership rights to women in areas controlled by traditional leaders and it fails to address the challenges that rural women face in their everyday lives, such as food security and living conditions.

Land reform and restitution projects need to be examined critically to ascertain whether they are delivering land in a sustainable way, particularly to rural women who have historically borne the brunt of landlessness.

WE FOUND THE LACK OF GENDER-DISAGGREGATED DATA A SEVERE OBSTACLE IN MEASURING GOVERNMENT PERFORMANCE. THIS PERSISTENT UNAVAILABILITY OF GENDER-DISAGGREGATED INFORMATION MAKES A MOCKERY OF GOVERNMENT'S DECLARED COMMITMENT TO GENDER EQUALITY, AS IT IS IMPOSSIBLE FOR GOVERNMENT PROGRAMMES TO TARGET THE MULTIPLE CHALLENGES WOMEN FACE IF NO DATA IS AVAILABLE TO INFORM THOSE PROGRAMMES.

The Traditional Courts Bill makes alarm bells ring for rural women, as it consolidates the power of male traditional leaders to resolve disputes involving land and inheritance rights, which will result in women being evicted or losing their inheritance.

GENERAL FINDINGS

We found the lack of gender-disaggregated data a severe obstacle in measuring government performance. This persistent unavailability of gender-disaggregated information makes a mockery of government's declared commitment to gender equality, as it is impossible for government programmes to target the multiple challenges women face if no data is available to inform those programmes.

This smacks of gender-blindness, a condition which also holds sway in SONA 2012. SONA 2012 is focussed on infrastructure development. Precisely because this sector is male-dominated and typically excludes women, it would have been prudent for SONA 2012 to have pertinently laid down measures to ensure that women fully benefit from the government's infrastructure development drive.

In this analysis, it must be concluded that the president's acknowledgement in SONA 2012 of women as one of the groups suffering under the 'triple challenge of unemployment, poverty and inequality' does not translate into a plan that will substantively improve the lives of women.

INTRODUCTION

This response to government priorities, as set out in President Jacob Zuma's State of the Nation Address (SONA) 2012, assesses the road map for the next year against progress on promises made, or not made, in the past. Government's priorities affect all South Africans, the majority of whom are women and girls. Women and girls, particularly black women and girls, suffer multiple forms of discrimination and are amongst the most socioeconomically disadvantaged groups in South Africa.

This review gauges how the priorities set for 2012 will affect the social and economic status of women, and measures the advances made with regards to the five priorities set in SONA 2009, namely:

- 01 Decent work
- 02 Education
- 03 Crime
- 04 Health
- 05 Rural development and agrarian reform

This year's SONA is not silent on women. At the outset it refers to the 'triple challenge of unemployment, poverty and inequality. Africans, women and the youth continue to suffer most from this challenge'. It quotes ANC Women's League founder Charlotte Maxeke, honours women heroes and refers to the proposed Women's Empowerment and Gender Equality Bill. This paper assesses government's delivery to women and considers how the priorities set for 2012 are likely to affect women, especially as SONA 2012 focused on the development of infrastructure, a sector that typically excludes women.

This review gauges how the priorities set for 2012 will affect the social and economic status of women, and measures the advances made with regards to the five priorities set in SONA 2009...

DECENT WORK

“South Africa is one of the most unequal countries in the world, with unemployment and low earnings affecting women disproportionately.”

Given the persistent problem of unemployment and the world economic downturn that wiped out over a million jobs in South Africa in three years, with joblessness returning to the levels of the early 2000s,¹ SONA 2011 declared last year ‘a year of job creation through meaningful economic transformation and inclusive growth’.² The address emphasised that decent work, and not job opportunities alone, must be at the core of economic policies. The commitment to create decent work was defined as the need to increase the level of employment as well as improve the quality of jobs.³ President Zuma urged that the commitment should be shouldered by the private and public sectors, and by all government departments, and that the New Growth Path (NGP) be used as a guide to achieving employment goals.

South Africa is one of the most unequal countries in the world, with unemployment and low earnings affecting women disproportionately.⁴ The global economic crisis has also generally had a harsher impact on women than men.

1 New Growth Path : The Framework (2010), available at <http://www.info.gov.za/view/DownloadFileAction?id=135748>

2 SONA, 10 February 2011, available at <http://www.info.gov.za/speech/DynamicAction?pageid=461&sid=16154&tid=27985>

3 Framework For South Africa’s Response To The International Economic Crisis, 19 February 2009, available at <http://www.info.gov.za/view/DownloadFileAction?id=96381>

4 Departments of Labour and Economic Development, New Growth Path Implementation Plan, available at <http://www.pmg.org.za/report/20110913-departments-labour-economic-development-implementation-plan-new-growth>

A. KEY COMMITMENTS IN 2011

SONA 2011 emphasised the need for all government departments, as well as every sector and business entity, regardless of size, to focus on job creation and to fill vacancies. A jobs fund of R9 billion was established to fund job-creation initiatives over a three-year period. In addition to this, the Industrial Development Corporation allocated R10 billion over five years for investment in activities with the potential to create many jobs. Tax allowances in the amount of R20 billion were made available to promote investments, expansions and upgrades in the manufacturing sector. However, as most of these measures required some months to come into operation, many of the planned benefits were not felt in 2011.



SONA 2011 identified six priority areas for job creation:

- 01 Infrastructure development (which includes expanded access to basic services);
- 02 Agriculture;
- 03 Mining and beneficiation;
- 04 Manufacturing;
- 05 Green economy; and
- 06 Tourism.

But have these key commitments translated into improved lives for women in South Africa?

B. ACHIEVEMENTS

During a briefing by the Minister for Economic Development on 30 August 2011, a list of achievements regarding the six priority areas identified in SONA 2011, and expanded on in the New Growth Path,⁵ was discussed.⁶ However, the discussion did not report on important un-met targets. It also lacked detail about actual jobs created during 2011 and failed to engage with employment issues for women. As seen in the table, the briefing tended more to report on plans than on actual achievements.

01 Infrastructure

Large-scale developments are expected to sustain 50 000 – 100 000 jobs in construction through 2015.

02 Agriculture

The Department of Economic Development (DED) announced on 12 April 2011 that the Industrial Development Corporation (IDC) would allocate R7.7 billion to the agriculture value chain over a five-year period.⁷

In the medium-term, the Department of Agriculture, Forestry and Fisheries (DAFF) have committed to creating 130 000 jobs by 2014 and to establish 50 000 commercially-oriented smallholder farmers.⁸

5 Department for Economic Development, *New Growth Path: The Framework*, available at <http://www.info.gov.za/view/DownloadFileAction?id=135748>

6 New Growth Path and Job Creation Target of 5 Million, available at <http://www.pmg.org.za/report/20110830-economic-development-department-progress-made-job-creation-target-fivNGP>

7 Department of Education, Minister's Budget Vote Speech, 13 April 2011

8 Department of Agriculture, Forestry, Fisheries, Minister's Budget Vote Speech, 19 April 2011

03 Manufacturing

The DED announced on 12 April 2011 that the IDC would allocate R20.8 billion for manufacturing.

On 19 April 2011 the Department of Trade and Industry (DTI) announced that the Automotive Investment Scheme had been completed, with resultant investments meant to support 24 000 jobs, but no mention was made of the number of such jobs to be held by women.⁹

The DTI also announced that over 200 companies had utilised the clothing and textile competitive programme and production incentive, resulting in the retention of 40 000 jobs and the creation of 1100 new jobs in a sector that features a high number of women workers.

Lastly, the DTI announced that investments of R40 million in the Business Process Services sector led to the creation of 950 new jobs.

04 Mining and Benefaction

The IDC set aside R22.1 billion for investment in this area.

05 Green Economy

The IDC set aside R22.4 billion for green projects in the next five years. On 19 April 2011 the Minister of Environmental Affairs announced that over 10 000 people are employed in the national parks as conservation officers and in the hospitality facilities. As part of the Expanded Public Works Programme (EPWP), the Department of Environmental Affairs (DEA) implemented various natural resources management and social responsibility

9 Department of Trade and Industry, Minister's Budget Vote Speech, 19 April 2011

programmes. These include programmes such as: Working for Water, Working on Fire, Working for Wetlands, Working for Coasts and People for Parks. In the 2011/12 financial year, through these programmes, the DEA planned to provide almost 5 million person-days of employment – a substantial increase from the 3 million person-days achieved in the previous financial year.¹⁰ These natural resources management and social responsibility programmes have made some commendable efforts regarding the employment of women.

06 Tourism

The IDC allocated R14.8 billion for investment and funding. On 20 April 2011 the Department of Tourism announced that it would contribute 10 270 full time equivalent jobs in the 2011/12 financial year through its social responsibility implementation programme and the tourism enterprise partnership. The department recognised that the sector is also a fertile environment for entrepreneurs and small, medium and micro enterprises (SMMEs), and pledged to continue its partnership with the Business Trust in a programme that would support about 530 small, rural enterprises in 2011/12.¹¹ In terms of its economic empowerment goals, the department spent R253 million in 2011/12 to fund tourism projects that are aligned to the EPWP.

10 Department of Environmental Affairs, Minister's Budget Vote Speech, 20 April 2011

11 Department of Tourism, Minister's Budget Vote Speech, 20 April 2011

Gender discrepancies are to be found at both the highest and lowest levels of employment

SECTOR	WOMEN	MEN
FORMAL SECTOR	3 982 000	5 634 000
SENIOR MANAGEMENT	340 000	790 000
INFORMAL SECTOR	874 000	1 260 000
AGRICULTURAL SECTOR	198 000	432 000
MINING SECTOR	34 000	294 000
MANUFACTURING	581 000	1 208 000
CONSTRUCTION	118 000	939 000

THE SONA 2011 ONLY MENTIONED THE WORD ‘WOMEN’ A TOTAL OF FOUR TIMES IN THE ENTIRE TEXT, AND NOT ONCE IN CONNECTION WITH JOB CREATION OUTSIDE A RURAL CONTEXT.

C. CHALLENGES

The SONA 2011 only mentioned the word ‘women’ a total of four times in the entire text, and not once in connection with job creation outside a rural context. Furthermore, the New Growth Path does not take enough account of women, and instead addresses unemployment only in general terms.

According to the Quarterly Labour Force Survey (Quarter 4, 2011)¹² the number of employed women increased by 222 000, compared to the fourth quarter of 2010. However, gender discrepancies are to be found at both the highest and lowest levels of employment. In the formal sector we find 5 634 000 men, and only 3 982 000 women. The number of women in senior management positions total 340 000, while men total 790 000. In the informal sector, employed men total 1 260 000, while women total only 874 000.

The only industries where we see women outnumbering men are the lowest-paid and most menial of jobs (such as work in private households), and work that is traditionally considered ‘women’s work’ (such as community and social services). Thus, the gendered division of labour remains largely unchanged in South Africa. Women’s ability to bear children is still associated with an ability to care for children, to anticipate the needs of

The only industries where we see women outnumbering men are the lowest-paid and most menial of jobs (such as work in private households)... Thus, the gendered division of labour remains largely unchanged in South Africa.

¹² Statistics South Africa, *Quarterly Labour Force Survey*, Fourth Quarter, 2011, available at <http://www.statssa.gov.za/Publications/P0211/P02114thQuarter2011.pdf>

other people, to provide emotional nurturing and to supply the physical conditions for people's wellbeing by cooking, cleaning and maintaining homes. Women's work is largely undervalued and unpaid.

If we look at some of the priority sectors listed in SONA 2011, there are only 198 000 women working in the agricultural sector in contrast to more than twice as many men, at 432 000. There are only 34 000 women working in mining, compared to 294 000 men. There are 581 000 women working in manufacturing, but 1 208 000 men in the same sector. There are 118 000 women working in construction, compared to 939 000 men.

D. MOVING FORWARD IN 2012

SONA 2012 reiterated the same priority sectors for job creation that appeared in SONA 2011 and the National Growth Path. The president reported that during 2011, a total of 365 000 people were employed, the best improvement since the recession of 2008. This seems like progress, but upon investigation the actual results are less than dramatic. There were 365 000 more people employed in the fourth quarter of 2011 than in the same period in 2010. This is a mere 2,8% increase, year-on-year. Moreover, the unemployment rate did not change at all for men, remaining at 21,8%. And the unemployment rate for women improved only marginally, from 26,6% to 26,5%.¹³

The number of discouraged work seekers meanwhile increased by 7% for women and 8% for men. These are people who are not counted among the unemployed as they have given up looking for work. The expanded unemployment rate, which included these people, increased from 28,9% to 29,4% for men, and from 36,4% to 36,5% for women.

13 Statistics South Africa, *Quarterly Labour Force Survey*, Fourth Quarter, 2011, available at <http://www.statssa.gov.za/Publications/P0211/P02114thQuarter2011.pdf>

In SONA 2012 the president stated that new jobs were created in the formal sector of the economy, in sectors such as mining, transport, community services and trade. This is good news, but it does not take account of the decrease in employment in the informal sector in 2011, which suggests that poorer workers lost jobs. This drop in informal employment has been more severe for women, at 5%, than for men, at 3%.

The president also announced that the National Treasury's Jobs Fund, which began operating in June 2011, had committed over one billion rand in project allocations. However, in the absence of any information on what amount has in fact been paid out, and how many jobs created, we remain unconvinced that the Jobs Fund made an impact in the 2011 financial year.

We are encouraged by the announcement that progress has been made in amalgamating small business institutions, and that a new entity will be launched in 2012. Support for small business is especially important for women, who form a significant portion of the labour force in trade.

In terms of job creation in other sectors, SONA 2012 announced that the government would invest in producing more teachers. While this promise is encouraging, it is entirely lacking in detail compared to the particulars given around infrastructure development.

Overall, we are concerned that a mere 2.8% increase in employment nationally is regarded as an achievement, when in fact unemployment also increased by 2,6%, and the number of discouraged work-seekers increased by 7,7%. While the focus on infrastructure seems promising, we also note that the majority of industries and sectors due to receive investment are in fact all male-dominated, with the exception of the textile and clothing industry.

While the focus on infrastructure seems promising, we also note that the majority of industries and sectors due to receive investment are in fact all male-dominated, with the exception of the textile and clothing industry.

The emphasis in the SONA 2012 seems to fall on business, as opposed to people. SONA 2012 was vague about the expansion of basic services, simply stating that '(w)ork is at an advanced stage to improve water, sanitation, electricity, roads, human settlements, airport development and institutional and governance issues'. We concur with COSATU and other civil society stakeholders that there is not enough information in the address on how the focus on infrastructure development will improve people's standard of living, especially in rural areas.¹⁴

Most significantly, there is a complete lack of gender disaggregation or analysis in the reporting on job creation. Given the persisting gender gaps in the workforce, and the considerable gender gaps in the priority industries for 2012, we are disappointed that no express effort has been made to confront those gaps in SONA 2012.

In this context, the Women's Empowerment and Gender Equality Bill highlighted in SONA 2012 cannot be viewed as sufficient to create gender equality in the workplace. It is envisaged that the Bill will include provisions which reduce gender-based discrimination in employment and place obligations on all organisations to promote gender equality – with sanctions for those who do not comply. However, the Employment Equity Act (EEA)¹⁵ already prohibits discrimination based on gender in the workplace, obliges employers to take steps to eliminate discrimination against women, and provides for affirmative

14 COSATU, 10 February 2012, available at <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71654?oid=279631&sn=Detail&pid=71616>; Press release by the Black Sash, 9 February 2012, available at <https://www.facebook.com/#!/BlackSashSouthAfrica>; blog post by the Mandela Rhodes Scholars, 13 February 2012, available at <http://www.thoughtleader.co.za/mandelarahodesscholars/2012/02/13/an-industrial-revolution-for-whom/>

15 Employment Equity Act, 55 of 1998

action measures to redress inequalities based on gender. The EEA has been in force for over ten years, and adequately covers the anti-discrimination provisions that are being considered for the Bill. Since 1994, we have seen a host of other legislative instruments aimed at combating discrimination and inequality in the workplace. These include the Labour Relations Act,¹⁶ the Promotion of Equality and Prevention of Unfair Discrimination Act¹⁷, the Basic Conditions of Employment Act,¹⁸ and the Skills Development Act¹⁹. Consequently, we are not convinced that yet another legislative intervention that is broadly similar to the EEA will achieve equality for women in the workplace. Instead, it would be more effective to address the implementation challenges of the EEA and women's access to justice.

Things to watch:

- Infrastructure development jobs for women;
- Progress and consultation on the Green Paper Towards a Gender Equality Bill;
- Gender gaps in priority sectors;
- Other departmental budget speeches, to gauge job creation through gender disaggregation;
- Labour Force Surveys of the first, second and third quarter;
- The new entity that amalgamates small business institutions, to be launched in 2012.

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16 The Labour Relations Act, 66 of 1995

17 The Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000

18 The Basic Conditions of Employment Act, 75 of 1997

19 The Skills Development Act 97 of 1998

EDUCATION

“Access to quality education is particularly important for women. Education enables women to make more strategic choices about employment, sexual and reproductive health and rights and childcare and generally allows women to actualise a better quality of life.”

Education has been a government priority for many years. At the start of President Zuma’s term, it was identified as one of five key priorities and in 2011 it enjoyed the largest single slice of the budget, with an allocation of R189.5 billion.²⁰ However, South Africa’s poor national and international performance in the education sector indicates that, despite significant financial investment, desired outcomes are still not being achieved.

Access to quality education is particularly important for women. Education enables women to make more strategic choices about employment, sexual and reproductive health and rights and childcare and generally allows women to actualise a better quality of life.²¹

A. KEY COMMITMENTS IN 2011

SONA 2011 announced a ‘Triple T’ concept for basic education: ‘Teachers, textbooks and time’. This means that teachers must be at school, on time, and teaching for at least seven hours a day. In relation to higher education, the focus was on expanding access for poor children, with no specific mention of girls. Also, qualifying final-year students would be entitled to convert their National Student Financial Aid Scheme loans into bursaries, but again, there were no specific opportunities available to women students.

It should also be noted that SONA 2011 contained no reference to sexual violence at schools, one of the most pressing obstacles to girls’ education.

20 Budget 2011, A people’s guide, Department National Treasury South Africa, available at http://www.treasury.gov.za/documents/national%20budget/2011/guides/Eng%20PGB%202011_.pdf

21 Millennium Development Goals, Country Report 2010, available at http://www.statssa.gov.za/news_archive/Docs/MDGR_2010.pdf.

B. ACHIEVEMENTS

Given the lack of a gender-specific focus in the prevailing education plans and goals, it is not easy to discern how improvements might enhance the lives of women and girls. This is a serious shortcoming. The Department of Basic Education's technical report on the national senior certificate examination 2011 does not disaggregate the results of girl and boy learners.

In the absence of indicators referencing, we can only assume that progress made and goals reached must have had either direct or indirect results on girls and women teachers, but the gendered impact cannot be readily measured.

OBJECTIVES EXPRESSED IN SONA 2011

PROGRESS IN 2011

Implementing the "Triple T" concept for basic education: Teachers, textbooks and time'.

The Department of Basic Education (DBE) promised a national management agency to manage the provision of a textbook for every learner in every subject.

In her budget speech on 13 April 2011, Minister Angie Motshekga stated, 'We have agreed with provinces on the need to consolidate the selection process of quality textbooks to ensure that we get the best books, cost-effectively, with 2014 being our target for full coverage. This process will be linked to the enforcement of a book policy which has already been developed.'

Teacher training also featured prominently in the 2011/12 budget. Through the Funza Lushaka bursary programme, the DBE claims to have produced close to 5 534 teachers in 4 years; with over 65% employed in quintile 1 - 3 schools, and serving the poorest.

In 2011/12, Funza Lushaka bursaries increased to R449.44 million.²²

Despite these mechanisms and financial provisions, textbooks were not delivered on time to learners in the beginning of the 2012 school year.

Creating the annual national assessment (ANA) of literacy and numeracy for grades 3, 6 and 9.

The results of the 2011 ANAs were made public in a speech by Minister Motshekga on 28 June 2011.

In Grade 3, the national average performance in literacy stood at 35%. In numeracy, learners are performing at an average of 28%. Provincial performance in these two areas is between 19% and 43%, the highest being the Western Cape and the lowest Mpumalanga.

In Grade 6, the national average performance in literacy is 28%. For numeracy, the average performance is 30%. Provincial performance in these two areas ranges between 20% and 41%, the highest being the Western Cape and the lowest Mpumalanga.²³ Grade 9 results were not released.

The minister stated this performance was to be expected, given the poor performance of South African learners in recent international and local assessments.

Investing in teacher training, with an emphasis on mathematics and science.

The department's maths and technology strategy, to reinforce the Dinaledi Schools programme, was strengthened by a conditional grant of R70 million in 2011/12.

22 Department of Education, Minister's Budget Vote Speech, 13 April 2011.

23 Minister of Basic Education, Statement on the release of the Annual National Assessments Results for 2011, 28 June 2011.

Expanding access to higher education, especially for the poor.

In the past, the National Student Financial Aid Scheme (NSFAS) charged interest on student loans throughout the period when students were studying, resulting in students leaving university with large debts. In future, NSFAS will not charge interest on student loans until 12 months after a student has left university.

R200 million has been provided to enable NSFAS to grant loans to students who have completed their studies but have not received their certificates or graduated due to outstanding debt. This will enable an estimated 25 000 students to receive their certificates and enter the job market.

A further R50 million has been provided for postgraduate students who require financial assistance to complete their honours, masters and doctoral degrees.

The Department of Higher Education and Training has asked NSFAS to remove from the credit bureaux all blacklisted students. The department will also engage with the National Credit Regulator on this matter.²⁴

C. CHALLENGES

Improved education has a multiplier effect on key developmental outcomes, such as women's empowerment, access to better employment opportunities, increased participation in decision-making processes and improved maternal health.²⁵ The government's MDG report contains evidence that South Africa has made significant progress since 1994 in addressing the huge education disparities and inequities inherited from apartheid. Notwithstanding, there is still great inequity in the quality of education provided to those in higher income brackets compared to those who are poor. Many schools, particularly those in rural areas, are deprived of resources, facilities and qualified teachers, rendering efficiency, effectiveness and quality in education

²⁴ Minister of Higher Education and Training, Budget Vote speech, 26 May 2011

²⁵ Millennium Development Goals Country Report 2010, available at http://www.statssa.gov.za/news_archive/Docs/MDGR_2010.pdf

Improved education has a multiplier effect on key developmental outcomes such as

WOMEN'S EMPOWERMENT

BETTER EMPLOYMENT OPPORTUNITIES

INCREASED PARTICIPATION IN DECISION-MAKING

IMPROVED MATERNAL HEALTH

unlikely under the circumstances. While the measurement of quality in education is complicated, facts indicate high enrolment but poor outcomes²⁶, particularly in numeracy and literacy.

In part, the education system struggles to deliver quality education to many due to South Africa's high levels of poverty.²⁷ Large numbers of children still have to attend schools without adequate facilities such as running water, libraries or computers or even classrooms. Poor nutrition affects the ability of learners to concentrate and impedes performance. Lack of adequate toilet facilities affects general hygiene and, in the case of girls who menstruate, tends to reduce attendance. While education alone cannot erase poverty and inequality, it evidently underpins the entire set of MDGs.

Many children experience a broken journey through school, interrupted by irregular attendance, absent teachers, teenage pregnancy and school-related abuse and violence.²⁸ Several reports have identified sexual violence directed at girls in and around schools as a serious problem. The South African Human Rights Commission found that 40% of children are victims of violence in South African schools, and more than a fifth of sexual assaults on South African children take place at school. This context creates a disabling environment that ultimately impacts on life choices and opportunities available to learners, particularly girls.

The Department of Health introduced *Guidelines for the Prevention and Management of Sexual Violence and Harassment in Public Schools* (2008) to assist public schools in addressing sexual violence and harassment, and to detail how public schools should treat both the victims and perpetrators of sexual violence

The South African Human Rights Commission found that 40% of children are victims of violence in South African schools, and more than a fifth of sexual assaults on South African children take place at school.

26 Millennium Development Goals, Country Report 2010, available at http://www.statssa.gov.za/news_archive/Docs/MDGR_2010.pdf

27 UNICEF South Africa, Education and Child Friendly Schools, Overview: Education and adolescent development, available at <http://www.unicef.org/southafrica/education.html>

28 UNICEF South Africa, Education and Child Friendly Schools, Overview: Education and adolescent development, available at <http://www.unicef.org/southafrica/education.html>

and harassment. The guidelines aim to assist victims of sexual violence and harassment with reporting and support.²⁹ These guidelines are nevertheless insufficient to combat this problem, and further measures should include both a proactive and reactive response concentrating on the prevention of violence and sexual harassment. Regrettably, this significant problem faced by girls on a daily basis was not addressed specifically in the 2011 SONA.

In 2003, the Department of Basic Education launched a Girls' Education Movement (GEM) to address gender disparities and promote girl learners' access to education, including retention and achievement rates and the provision of sanitary pads to indigent girl learners. It is unclear whether an evaluation of the programme has been done since 2003 to identify shortcomings.

D. MOVING FORWARD IN 2012

SONA 2012 highlights a number of government achievements in the education sector, including an increase in the matric pass rate; doubling of Grade R enrolment; the improvement of school attendance to close to 100% for the compulsory band 7 – 15 years of age; workplace learning opportunities for an estimated 14 000 learners and over 11 000 artisans completing their trade tests; and assistance to 25 000 tertiary students to pay off their debts. However, no gender disaggregation of these gains is provided and it is unknown whether girls benefitted sufficiently from these initiatives.

Of concern is the fact that President Zuma did not report on the progress made with most of the education commitments in SONA 2011. Moreover, SONA 2012 follows SONA 2011 in ignoring the scourge of sexual violence at schools which impedes girls' equal access to education.

... SONA 2012 follows SONA 2011 in ignoring the scourge of sexual violence at schools which impedes girls' equal access to education.

29 Implementation Guidelines: SCCF Schools in South Africa, available at http://www.unicef.org/southafrica/SAF_resources_cfsimplement2.pdf

From a finance point of view, education received the largest appropriation in terms of the 2011/2012 national budget. Yet, there is significant room for improvement in monitoring how these resources are managed. For example, the Auditor General in 2010/11 pointed out a risk which could affect the Department of Basic Education in future: the department had incurred irregular expenditure to the value of R81.1771 million due to non-compliance with supply-chain management processes. This is a significant amount. In addition, the Auditor General noted that the department had materially underspent on 'Curriculum Policy, Support and Monitoring'. From the perspective of developing a good quality curriculum, this is a serious indictment. In addition, the Auditor General found that 55% of the planned and reported targets for the following programmes were not measurable:

- Curriculum policy, support and monitoring;
- Teachers and education human resources development and management;
- Planning, quality assessment and monitoring and evaluation;
- Social responsibility and support services.

How is the department to improve the quality of education, including through gender mainstreaming, if it cannot produce measurable targets? The Auditor General also found that leadership in the department did not ensure the development of processes and procedures to ensure accurate financial and performance reporting. The internal audit function failed in maintaining effective control systems and the financial systems submitted for audit did not comply with section (40)(1)(a) of the PFMA.

Things to watch:

- The development of the strategic plan of the department and its performance in this regard, against the backdrop of the Auditor General's findings;
- If and when sexual violence at schools will receive the necessary high-level attention to not only react to the scourge but proactively prevent it.
- The critical situation regarding learning and teaching in the Eastern Cape, acknowledged by President Zuma in SONA 2012, particularly as the Eastern Cape is the poorest province in the country and its youth, and particularly girls, are most in need of the life opportunities afforded by a good quality education.
- SONA 2012 commitments, such as:
 - Producing more teachers who can teach mathematics, science and African languages;
 - Promoting universal access to education will be promoted, including by continuing no-fee schools and school feeding schemes to keep learners in school;
 - The government target of 100% Grade R enrolment by 2014;
 - Tracing learners who have dropped out of school and providing them with appropriate support;
 - Expanding access to tertiary education.

CRIME

“Crime is a constant concern in South Africa, and gender-based violence is one of the most significant contributors to an unsafe and unequal society.”

Crime is a constant concern in South Africa, and gender-based violence is one of the most significant contributors to an unsafe and unequal society. Despite legislation aimed at combating gender-based violence (such as the Domestic Violence Act of 1998 and the Sexual Offences Act of 2007), women and girls continue to be victimised.

A. KEY COMMITMENTS IN 2011

SONA 2011 stipulated that government would continue to prioritise crimes against women and children and provide support to victims through Thuthuzela Care Centres. The specific mention of crimes against women, and by implication, gender-based violence, was encouraging. However, conversely, no specific steps were set out for the achievement of this goal, making it vague.

The more specific Justice, Crime Prevention and Security Cluster media briefing on 20 February 2011 also failed to expand satisfactorily on steps to be taken to reduce such crimes. The alleged commitment, therefore, did not appear to filter down to the cluster responsible for carrying out the presidency's vision in SONA 2011.

B. ACHIEVEMENTS

OBJECTIVES EXPRESSED IN SONA 2011

PROGRESS IN 2011

Prioritise crimes against women

The Department of Justice and Constitutional Development in 2011 emphasised access to courts and the improvement and streamlining of court management in general but made no mention of measures in place to reduce crimes against women.³⁰ The minister did, however, raise the introduction of the Muslim Marriages Bill, which aims to give statutory recognition to Muslim marriages, the absence of which gives rise to countless instances of hardship for women. Mention was also made of the national task team set up to address violent crimes against lesbian, gay, bisexual, transgender and intersex (LGBTI) people. Also, R86 million, R202 million and R214 million was allocated over 3 years for the implementation of the Children's Act, Child Justice Act and Sexual Offences Act.

To ensure collaboration amongst departments in the Justice, Crime Prevention and Security cluster, the South African Police Service (SAPS) in 2011 stressed the need for active participation in the interdepartmental forums established across various spheres of government.³¹ SAPS was active in task teams dealing with child justice, sexual offences, childcare and protection, child labour, human trafficking, domestic violence, restorative justice, victim empowerment, social crime prevention forums and community safety. Many of these task teams have a direct role in combating crime against women and gender-based violence against women and girls.

30 Department of Justice and Constitutional Development, Minister's Budget Vote Speech, 7 June 2011

31 South African Police Services, Minister's Budget Vote Speech, 13 April 2011

MONEY ALLOCATED OVER 3 YEARS

Sexual Offences Act
R214 MILLION

Child Justice Act
R202 MILLION

The Children's Act
R86 MILLION

Provide support through Thuthuzela Care Centres.

None of the ministers in the Justice, Crime Prevention and Security Cluster mentioned the Thuthuzela Centres in their budget speeches.

C. CHALLENGES

In order to gauge progress on crime against women and girls, much more detailed and disaggregated reporting is required. While there are many government initiatives aimed at combating and mitigating the effects of these crimes, those initiatives are not meaningful in the absence of proper monitoring and evaluation. The annual reports of the relevant service delivery agents in the Justice, Crime Prevention and Security Cluster generally do not include monitoring reports on the implementation of National Instructions and Directives to the Sexual Offences Act, the National Policy Guidelines for Police, or the Victim's Charter. These policies and documents are particularly aimed at reducing gender-based violence and secondary human rights violations by state service providers and it is critical that their implementation be monitored as part of annual reporting and planning.

Relevant departments must give a detailed overview of the budgetary allocation in respect of gender-based violence and start gathering specific data relating to such crimes. Currently no such data is readily available. Policies should be evidence-based and depend on sound research and information for their formulation.

Government should also prioritise particular challenges in combating crime against women, such as the attrition rate in rape cases. In this regard, service delivery to victims is in dire need of improvement. The Tshwaranang Legal Advocacy Centre's study of selected rape cases in Gauteng in 2008 demonstrates the ways in which rape cases fall through the criminal justice system's cracks.

Recommendations for reversing attrition rates include:

- Expanding victim involvement;
- Improving SAPS' record-keeping systems;
- Ensuring arrests;
- Training healthcare professionals in the collection of medico-legal evidence;
- Enhancing the use of DNA evidence in trials;
- And challenging existing assumptions around rape that influence police investigations.³²

D. MOVING FORWARD IN 2012

SONA 2012 deals with crime in a cursory four lines. With the most serious violent crimes now on the decline, government will continue 'to implement (its) programmes of making South Africans feel safe and to be safe'. The booklet accompanying the speech³³ goes slightly further by stating that government has increased the number of victim support rooms at police stations from 806 to 900. The purpose of these rooms is to demonstrate empathy to victims of crime, especially children and those harmed by domestic violence or sexual offences.

There are a number of inadequacies to this approach, beginning with the fact that serious and violent crimes against women actually *increased*, rather than decreased, during the previous year. While the number of murders overall did indeed decline, this was only true in relation to the number of male victims. Female homicides actually increased by a significant 5.5%. A similar point can be made about rape: Again, while the total

While the number of murders overall did indeed decline, this was only true in relation to the number of male victims. Female homicides actually increased by a significant 5.5%.

32 Tshwaranang Legal Advocacy Centre, *Tracking Justice: The Attrition of Rape Cases Through the Criminal Justice System in Gauteng*, July 2008, available at <http://www.tlac.org.za/wp-content/uploads/2012/01/Tracking-Justice.pdf>

33 Government Communication and Information System, *Government's Year of Delivery 2011/12: An update on progress and achievements*, available at <http://www.info.gov.za/events/2012/sona/sona-2012-booklet.pdf>

THE NEED FOR COUNSELLING AND OTHER INTERVENTIONS AIMED AT RESTORING WOMEN AND MEN'S COPING SKILLS AND RESILIENCE CANNOT BE UNDERESTIMATED IN BOTH THE SHORT AND MEDIUM TERM. YET THIS IS NOT A FOCUS OR PRIORITY, DESPITE THE BODY OF RESEARCH SHOWING THAT BOYS WHO ARE VICTIMISED ARE AT RISK OF BECOMING PERPETRATORS OF VIOLENCE WHILE GIRLS MAY BE RE-VICTIMISED AS ADULTS.

number of sexual offences overall decreased, this number disguises an increase in the number of reported rapes.

Combating these increases requires more than a passing reference to unspecified programmes. The absence of concrete details in this regard makes it impossible to measure progress or achievement. Further, government's implementation of laws and other measures addressing gender-based violence leaves much to be desired. To allow matters to continue as they are will produce no real improvement in the lives of most women who have experienced, or are at risk of, violence.

There is more to empathy than a nicely decorated room in a police station, important as such a room may be in the immediate aftermath of a crime. The need for counselling and other interventions aimed at restoring women and men's coping skills and resilience cannot be underestimated in both the short and medium term. Yet this is not a focus or priority, despite the body of research showing that boys who are victimised are at risk of becoming perpetrators of violence while girls may be re-victimised as adults. Mental health programmes are preventive and should be part of any project intended to address crime and violence.

Finally, if the president can be said to have put measurable indicators in place, these relate chiefly to the police in relation to the reporting of crime and the establishment of victim support rooms. Crime does not, however, stop with the police. The courts and their dispensing of justice ought also to be spotlighted.

Things to watch:

- Crime statistics throughout the year, especially gender disaggregation;
- Justice, Crime Prevention and Security Cluster budgets and strategic plans;
- Reporting from other departments with regards to their role in service delivery to victims of gender-based violence, such as the Department of Social Development, Department of Health and the Department of Women, Children and People with Disabilities;
- Government progress on taking over the funding of Thuthuzela centres which rely on foreign funding;
- The Law Reform Commission report on legislation dealing with the legal position of sex workers.

HEALTH

“... a recent report by Human Rights Watch (HRW) confirms that South Africa is one of only six countries in sub-Saharan Africa that made no progress in reducing maternal deaths by 2008, and one of five that experienced the largest percentage increases.”

Despite some gains in the healthcare system, South Africa continues to have an unacceptably high maternal mortality rate. The South African government has identified reducing maternal mortality as a national priority. Decreasing maternal and child mortality is one of four ‘strategic outputs’ that the healthcare sector must achieve by 2014. However, a recent report by Human Rights Watch (HRW) confirms that South Africa is one of only six countries in sub-Saharan Africa that made no progress in reducing maternal deaths by 2008, and one of five that experienced the largest percentage increases.³⁴ The same HRW report found that important steps can only positively impact maternal healthcare, ‘if authorities implement South Africa’s existing health policies and laws, identify barriers to care, and use that information to strengthen the health system’. The main reasons behind South Africa’s high and increasing maternal deaths, according to public health experts, are HIV and AIDS, poor administrative and financial management, poor quality of care and lack of accountability.³⁵

Another important health issue affecting women is closely linked to crime levels. South Africa’s high incidence of domestic violence, rape, female homicide and other forms of gender-based violence impact women’s health negatively. The link between gender-based violence and public health is acknowledged in the new 2012 – 2016 National Strategic Plan for HIV and AIDS, STIs and TB (new NSP).³⁶ Young women between the ages of 15 and

34 Human Rights Watch, ‘*Stop Making Excuses*’. *Accountability for Maternal Healthcare in South Africa*, August 2011, available at <http://www.hrw.org/sites/default/files/reports/sawrd0811webwcover.pdf>

35 National Department of Health, *National Service Delivery Agreement: A Long and Healthy Life for All South Africans*, 2011, available at <http://www.doh.gov.za/docs/summit/nsda.pdf>

36 Presidency, Address at the Launch of the National Strategic Plan for HIV and AIDS, STIs and TB 2012 – 2016, 1 December 2011, available at <http://www.cabsa.org.za/book/export/html/6505>

YOUNG WOMEN BETWEEN THE AGES OF 15 AND 24 YEARS ARE FOUR TIMES MORE LIKELY TO CONTRACT HIV THAN MALES OF THE SAME AGE.

24 years are four times more likely to contract HIV than males of the same age. This risk is especially high among pregnant women between 15 and 24 years and survivors of violence. Girls and women are particularly vulnerable to HIV infection because of gender norms, roles and practices.

On average, young females become HIV positive about five years earlier than males.³⁷ Cervical cancer also continues to be one of the leading causes of death among South African women, and teenage pregnancy remains a worrying phenomenon, the brunt of which is borne by girls.

A. KEY COMMITMENTS IN 2011

Given the significant health challenges faced by many South African women, most often the poor and those in marginalised rural settings, stakeholders were greatly encouraged by the special mention of women's health in SONA 2011. President Zuma affirmed the government's 'emphasis on women's health', and promised to:

- Broaden the scope of reproductive health rights;
- provide services related to contraception;
- provide services related to sexually transmitted infections;
- provide services related to teenage pregnancy; and
- provide sanitary towels for the indigent.

³⁷ Department of Health, National Strategic Plan for HIV and AIDS, STIs and TB 2012 – 2016, at page 25, available at http://www.doh.gov.za/docs/stratdocs/2011/hiv_nsp.pdf

B. PROGRESS MADE IN 2011

OBJECTIVES EXPRESSED IN SONA 2011

PROGRESS IN 2011

Broadening the scope of reproductive health and rights.

The new NSP was drafted and, after extensive consultation, was finalised and released on 1 December 2011 by the South African National AIDS Council (SANAC). Strategic Objective 2 of the new NSP is to prevent new HIV, sexually transmitted infections (STI) and tuberculosis infections.

The new NSP envisages that comprehensive education on sexuality and reproductive health and rights, inclusive of life-skills education, will be provided in all schools through the curriculum and co-curricular activities, to build skills, increase knowledge and shift attitudes; change harmful social norms and risky behaviour; and promote human rights values.³⁸

The new NSP also has as its objective the delivery of an integrated package of services. The package should include fertility management services, including termination of pregnancy services, contraception counselling and dual contraceptive method use. The range of contraceptive methods available to all women will be increased. Appropriate contraception should be offered to all HIV-positive women and men at every opportunity, and contraceptive services should be integrated into antiretroviral therapy (ART) services.³⁹

³⁸ Department of Health, National Strategic Plan for HIV and AIDS, STIs and TB 2012 – 2016, at page 41, available at http://www.doh.gov.za/docs/stratdocs/2011/hiv_nsp.pdf

³⁹ Department of Health, National Strategic Plan for HIV and AIDS, STIs and TB 2012 – 2016, at page 41, available at http://www.doh.gov.za/docs/stratdocs/2011/hiv_nsp.pdf

Providing services related to contraception and sexually transmitted infections.

Sub-objectives under Strategic Objective 3 of the new NSP include the improvement of screening and treatment of pregnant women for syphilis. In terms of the new NSP, a package of combination prevention may include female and male condoms; medical male circumcision; HIV counselling and testing; TB screening and preventive therapy; social and behaviour change communication promoting health-seeking behaviour, changing socialisation practices and interventions to eliminate gender-based violence; increasing access to sexual and reproductive health services; providing post-exposure prophylaxis (PEP); peer education; and prevention of mother to child HIV transmission (PMTCT) services.⁴⁰ No other progress was reported by the Department of Health in this regard.

Providing services related to pregnancy.

The Department of Health (DoH) continues to commence ART when the CD4 count is 350 or less in pregnant women and PMTCT at 14 rather than 28 weeks, and treats HIV positive new-borns regardless of CD4 count. Medical Research Council research shows a significant reduction of transmission of HIV and AIDS from mother to child by six weeks post-delivery. A reduction of 50% in transmission has been achieved.

All public health facilities in South Africa now offer services to pregnant women, which include HIV testing. Prenatal screening for STIs is also to be promoted.⁴¹

Providing sanitary towels for the indigent.

No progress reported in this regard.

40 Department of Health, National Strategic Plan for HIV and AIDS, STIs and TB 2012 – 2016, at page 39, available at http://www.doh.gov.za/docs/stratdocs/2011/hiv_nsp.pdf

41 Presidency, Address at the Launch of the National Strategic Plan for HIV and AIDS, STIs and TB 2012 – 2016, 1 December 2011, available at <http://www.cabsa.org.za/book/export/html/6505>.

The promotion of HIV testing.

The national testing campaign was taken further on 12 June 2011. Together with the House of Traditional Leaders, the DoH launched a massive HIV counselling and testing (HCT) campaign at village level at Mafefe in Limpopo.⁴² The new NSP envisages provider-initiated counselling and testing being offered to all patients accessing healthcare services of any kind. The possibility of introducing home-based CD4 testing combined with HCT may also be explored.⁴³

Development of the National Health Insurance policy and its implementation.

The policy document was released for comment on 12 August 2011.

C. CHALLENGES

Given the considerable challenges outlined in the introduction to this section, the limited progress made on promises in SONA 2011 and lack of health outcomes reported in the course of 2011, it is apparent that there is a wealth of planning around health issues but insufficient reporting on implementation and impact. This leaves some doubt as to whether the presidency's objectives set for women's health in SONA 2011 trickled down sufficiently to the DoH to be transformed into departmental objectives and, finally, outcomes. There was also insufficient report-back in public forums by the DoH in the course of 2011 to gauge progress made on SONA 2011 promises in particular, and this undermines the authenticity of the objectives proclaimed in the SONA 2011.

42 Department of Health, Minister's Budget Vote Speech, 31 May 2011

43 Department of Health, National Strategic Plan for HIV and AIDS, STIs and TB 2012 – 2016, at page 41, available at http://www.doh.gov.za/docs/stratdocs/2011/hiv_nsp.pdf

NATIONAL STRATEGIC PLAN FOR HIV AND AIDS, STIs AND TB (NEW NSP)

If the new NSP could be successfully implemented, many of the women's health goals set by the president in 2011 will receive the attention they require from government between 2012 and 2016. The new NSP is impressive in scope and progressive and integrated in its approach.

GIVEN THAT HIV AND AIDS IS THE BIGGEST DRIVER OF MATERNAL DEATH, AND THE GENDERED NATURE OF THE PANDEMIC, WE LOOK FORWARD TO THE IMPLEMENTATION OF THE NEW NSP.

An important potential women's health milestone in 2011, however, was the new NSP that was developed and released by SANAC on 1 December 2011. No mention was made in SONA 2011 of the development of the new NSP in the course of the year but, if it could be successfully implemented, many of the women's health goals set by the president in 2011 will receive the attention they require from government between 2012 and 2016. The new NSP is impressive in scope and progressive and integrated in its approach. Through SANAC, the document came about as a result of extensive consultation and much work and input by civil society in 2011, including the Women's Sector, often working to tough deadlines. Given that HIV and AIDS is the biggest driver of maternal death, and the gendered nature of the pandemic, we look forward to the implementation of the new NSP. We hope that the last minute removal of the proposal to decriminalise sex work will be reconsidered.

Unfortunately, the provision of health services to survivors of gender-based violence remains inadequate. Healthcare professionals are not meeting the obligations in terms of the Sexual Offences Act⁴⁴. Healthcare professionals and other service providers, such as SAPS, are not interfacing sufficiently to deliver a victim-friendly service. Compliance with the Sexual Offences Act's National Policy Guidelines and National Instructions for the DoH is not sufficiently monitored, and there is insufficient public reporting from the DoH on its role in this regard. Similarly, the Domestic Violence Act⁴⁵ should be amended to include the DoH's role in providing services to survivors.

D. MOVING FORWARD IN 2012

The most significant information on health that was given in SONA 2012 pertained to infrastructure, which is in keeping with the general theme of this year's SONA. Health infrastructure was

⁴⁴ The Sexual Offences Act, 32 of 2007

⁴⁵ The Domestic Violence Act, 116 of 1998

chosen as one of several critical social infrastructure projects, and will lay the basis for the National Health Insurance (NHI). Activities in this project will include refurbishment of several hospitals and nurses' homes.

Health infrastructure development is a welcome and commendable priority for 2012. Some believe a lack of infrastructure to be the single greatest challenge to the successful implementation of the NHI, and prioritising it will certainly aid in getting South Africa closer to quality health care for all.

However, it is surprising that SONA 2012 did not elaborate on progress with the NHI itself. As already mentioned, an NHI policy was released in August of 2011, and enough time has lapsed to be able to provide brief feedback on public comments and engagements to date.

Generally, there was a disappointing lack of detail on women's health in SONA 2012. No progress was reported on any of the women's health objectives set in SONA 2011. The president made only cursory mention of PMTCT (prevention of mother to child transmission of HIV), reporting that, 'we are doing well with regards to treatment and the prevention of mother to child transmission'. In the absence of statistics or a comparison between the programmes or government position on PMTCT in February 2011 and February 2012, we are unconvinced of the nature and extent of the progress. While PMTCT is an important aspect of public health and a government priority, it does not speak sufficiently to the state of women's health to be understood as constituting attention to women's health in SONA 2012. Consequently, we must conclude that SONA 2011's emphasis on women's health seems to have disappeared in SONA 2012.

In the absence of an express focus by government on women's health in 2012, there will be a number of important developments and issues for stakeholders to take note of during the course of 2012.

Health infrastructure development is a welcome and commendable priority for 2012. Some believe a lack of infrastructure to be the single greatest challenge to the successful implementation of the NHI, and prioritising it will certainly aid in getting South Africa closer to quality health care for all.

Things to watch:

- The Minister of Health's budget vote speech, to be made shortly after the Minister of Finance's budget speech on 22 February 2012. At that time stakeholders should discern what the more detailed national women's health priorities are by scrutinising the budgeting for individual services and programmes for disaggregation of men, women and children. We also hope to hear a report on progress made since the minister's last speech in 2011.
- The implementation of the new NSP. The DoH has a responsibility to distribute the new NSP as widely and as swiftly as possible and to ensure that all its officials and service points have a common understanding and working knowledge of the document – especially at provincial and district level. Similar monitoring of provincial, district and strategic plans will be important to get a sense of whether lower-level government departments are implementing the NSP.
- The Sexual Offences Act's National Policy Guidelines and the National Instructions for the DoH. Civil society should seek information and reports on the DoH's efforts in this regard.
- The continuing integration of the Millennium Development Goals in the DoH strategic plan during 2012, as the MDG deadline of 2015 looms.
- Strategic plans, policies and budgets of the DoH, DoE and DoSD, as these departments all have a responsibility to pregnant girls and should be implementing programmes to keep teenagers in school, sex-educated and knowledgeable about government services designed for them.

RURAL DEVELOPMENT & AGRARIAN REFORM

“It generally accepted that rural black women are amongst the most socioeconomically disadvantaged in our country. The government recognises that ‘women constitute the majority of people living in rural areas and that they should be the largest number of beneficiaries in the country’s rural development programme’.”

The area of rural development and land reform is important from a gender perspective. Women and girls undertake much of the domestic and agricultural household labour in the rural areas and women increasingly head rural households. It generally accepted that rural black women are amongst the most socioeconomically disadvantaged in our country. The government recognises that ‘women constitute the majority of people living in rural areas and that they should be the largest number of beneficiaries in the country’s rural development programme’.

A. KEY COMMITMENTS IN 2011

SONA 2011 highlighted the Comprehensive Rural Development Programme (CRDP) and the National Rural Youth Service Corps in relation to rural development and land reform. The Department of Rural Development and Land Reform’s strategic plan for 2010/2011 included as its objectives the equitable and democratic allocation of land and use across gender, race and class; continued focus on the development of small-scale farms; and financial assistance for these farms.⁴⁶ In the minister’s Budget Vote speech, he committed the government to women’s empowerment and the attainment of gender equality⁴⁷ through legislative and rural interventions and land reform programmes.

⁴⁶ Presidency, SONA 2011.

⁴⁷ Department of Rural Development and Land Reform, Strategic Plan 2009 – 2012, p. 31, available at <http://www.pmg.org.za/docs/2009/090623stratplan.pdf>

B. PROGRESS IN 2011

OBJECTIVES EXPRESSED IN SONA 2011

PROGRESS IN 2011

A Comprehensive Rural Development Programme (CRDP), directed at reviving land reform projects and irrigation schemes in former homelands and distressed farms owned by individuals.

In its 2010/2011 Annual Report the department reported establishing 1 918 community and institutional gardens of the targeted 16 225. Two agri-parks were established, out of the targeted 20.

A National Rural Youth Service Corps (NARYSEC) to:

- Train youth through specifically developed programmes linked to community needs in rural areas;
- develop youth with multi-disciplinary skills through civic education;
- capacitate youth in retaining knowledge and technical skills;
- increase the number of rural communities receiving support in their self-development.

The stated recruitment target was 20 000 over 3 years (2010-2012). According to the deputy minister⁴⁸, the figure stood at 10 000 in August 2011.⁴⁹ The minister reported that 50% of recruits from each ward must be female. The number of community members trained was 1 869, as opposed to a target of 2 500.

48 Deputy Minister of Rural Development and Land Reform, Address to the women's parliament, Cape Town, 21 August 2011, available at <http://www.ruraldevelopment.gov.za/DLA-Internet/content/news/DM-Speech-22082011.jsp>

49 This number conflicts with the number of 7 000 reported in the Government's Year of Delivery 2011/2012: An update on progress and achievements, available at <http://www.info.gov.za/events/2012/sona/sona-2012-booklet.pdf>

Developing infrastructure to boost agricultural sector, thereby boosting food security and creating job opportunities for women.

A total of 9 260 jobs were created as of March 2011 through community profiling, NARYSEC, infrastructure and community enterprises. This falls far short of the projected 50 000.

In a speech to the women's parliament in August 2011, the Minister⁵⁰ reported that the Department of Rural Development and Land Reform recognised the need for gender-disaggregated data and has applied a gender analytical tool to measure the impact of its programmes on women. He mentioned an intention to develop a gender-responsive budgeting framework.

C. CHALLENGES

Delivery in rural development and land reform is inordinately slow. The number of beneficiaries (taking into account that the departmental reports are only up to March 2011) would have to increase radically to meet the promises made in SONA 2011. This, of course, affects women, who should be the primary beneficiaries of these programmes.

SONA 2011 did not refer to the land reform and restitution programmes of the department. In the deputy minister's speech to the women's parliament in Cape Town, he reported that 48% of the beneficiaries of land reform for the period April 2010 to January 2011 were women and 51% of restitution beneficiaries were women.

50 Deputy Minister of Rural Development and Land Reform, Address to the women's parliament, Cape Town, 21 August 2011, available at <http://www.ruraldevelopment.gov.za/DLA-Internet/content/news/DM-Speech-22082011.jsp>

However, many of the beneficiaries of restitution opted for financial compensation, and it is not clear how many women beneficiaries received land and the extent and position of that land. The government's own report on progress during 2011⁵¹ refers to 700 restitution claims being settled, with financial compensation being paid to beneficiaries of more than R460 million. This report also refers to more than 540 117 hectares of land acquired for land reform purposes. Land reform is about more than hectares acquired. It is important, from a gender perspective, who has ownership and power to allocate land use and what resources are put towards making projects successful. The previous lack of support led to many land reform projects collapsing. The Recapitalisation and Development Project is an acknowledgement of the need to resuscitate under-resourced and poorly planned land reform projects. More importantly, many women are excluded from the direct benefits of land redistribution programmes. These programmes are delivered through communal and traditional power structures, which exclude women.

In this regard, the Traditional Courts Bill is of concern to gender activists. The Bill does not guarantee women participation in traditional courts, either as decision makers or as litigants. The Bill deepens gender inequality by limiting women's access to traditional courts and their access to legal representation, or their right to represent themselves. The Bill consolidates the power of male traditional leaders to resolve disputes involving land and inheritance rights, which will result in women being evicted or losing their inheritance. Further, the jurisdiction of the courts is not voluntary as rural people cannot choose whether to have their cases decided in a civil or traditional court.

Land reform is about more than hectares acquired. It is important, from a gender perspective, who has ownership and power to allocate land use and what resources are put towards making projects successful.

TRADITIONAL COURTS BILL

- 1 The Bill does not guarantee women participation in traditional courts, either as decision makers or as litigants.
- 2 The Bill deepens gender inequality by limiting women's access to traditional courts and their access to legal representation, or their right to represent themselves.
- 3 The Bill consolidates the power of male traditional leaders to resolve disputes involving land and inheritance rights, which will result in women being evicted or losing their inheritance.
- 4 The jurisdiction of the courts is not voluntary as rural people cannot choose whether to have their cases decided in a civil or traditional court.

51 Government Communication and Information System, *Government's Year of Delivery 2011/12: An update on progress and achievements*, at page 9, available at <http://www.info.gov.za/events/2012/sona/sona-2012-booklet.pdf>

D. MOVING FORWARD IN 2012

SONA 2012 omits any mention of the CRDP, NARYSEC and rural infrastructure development. There is also no mention of women in relation to rural development and land reform. SONA 2012 refers to the 'slow and tedious' pace of land redistribution, indicating that the 'willing buyer-willing seller' option has not been satisfactory, and goes on to say, 'that is why we have introduced a new policy framework, the Green Paper on Land Reform'.

The Green Paper on Land Reform was gazetted to allow for public input in May 2011. The ruling African National Congress adopted a resolution at its national conference in Polokwane in 2007 which calls for the allocation of land in customary ownership in a manner that 'empowers rural women and supports the building of democratic community structures at village level, capable of driving and coordinating local development process'. In contrast, the Green Paper on Land Reform does not propose any steps to grant land ownership rights to women in areas controlled by traditional leaders⁵². It fails to address the challenges that rural women face in their everyday lives, such as food security and living conditions. The Green Paper emphasises large-scale commercial farming with regards to food security while making insufficient provision for the development of small-scale farms, and is largely silent on the empowerment of rural women. It is therefore unlikely that the Green Paper will be a panacea for the challenges that rural women face in relation to rural development and land ownership.

The Green Paper emphasises large-scale commercial farming with regards to food security while making insufficient provision for the development of small-scale farms, and is largely silent on the empowerment of rural women.

52 Legal Resources Centre statement, 9 January 2012.

Things to watch:

- Number of women and men benefiting from the CRDP;
- Number of women and men benefiting from NARYSEC;
- Number of jobs created for women and men by infrastructure development;
- Number of women and men benefiting from land reform projects and restitution;
- The potential effects of the Traditional Courts Bill on women;
- Amendments to the Green Paper on Land Reform in relation to women;
- Delivery on promised gender-responsive budgetary framework.

CONCLUSION

“In compiling this review, we found the lack of gender-disaggregated data a severe obstacle in measuring government performance.”

‘THIS WORK IS NOT FOR YOURSELVES – KILL THAT SPIRIT OF SELF, AND DO NOT LIVE ABOVE YOUR PEOPLE, BUT LIVE WITH THEM. IF YOU RISE, BRING SOMEONE WITH YOU’

– Charlotte Maxeke,
quoted in SONA 2012

While President Zuma acknowledges women in SONA 2012 as one of the groups suffering under the ‘triple challenge of unemployment, poverty and inequality’, this emphasis comes to nought as the SONA does not spell out measures that would substantively improve the lives of women. There are two inter-related questions of concern:

1. How does the government decide which areas and/or programmes to prioritise?
2. Does this prioritisation take women along or leave them behind? Or, to paraphrase the words of Charlotte Maxeke which President Zuma quotes, ‘if we rise, do we bring women with us?’

Maxeke’s call remains unanswered when it comes to women, as SONA 2012 does not pay any particular attention to women apart from the ‘triple challenge’ comment. Again, in compiling this review, we found the lack of gender-disaggregated data a severe obstacle in measuring government performance. This persistent unavailability of gender-disaggregated information makes a mockery of government’s declared commitment to gender equality, as it is impossible for government programmes to target the multiple challenges women face if no data is available to inform those programmes.

AS COMMENTATORS HAVE POINTED OUT, SONA 2012 IS FOCUSED ON INFRASTRUCTURE DEVELOPMENT. PRECISELY BECAUSE THIS SECTOR IS MALE-DOMINATED AND TYPICALLY EXCLUDES WOMEN, IT WOULD HAVE BEEN PRUDENT FOR SONA 2012 TO HAVE PERTINENTLY LAID DOWN MEASURES TO ENSURE THAT WOMEN FULLY BENEFIT FROM THE GOVERNMENT'S INFRASTRUCTURE DEVELOPMENT DRIVE.

This smacks of gender-blindness, a condition which also holds sway in SONA 2012. As commentators have pointed out, SONA 2012 is focussed on infrastructure development. Precisely because this sector is male-dominated and typically excludes women, it would have been prudent for SONA 2012 to have pertinently laid down measures to ensure that women fully benefit from the government's infrastructure development drive. Instead of this kind of gender mainstreaming, we are faced with a situation where gender issues seem to be parked with the Ministry of Women, Children and People with Disabilities. In this context, the throwaway reference to the proposed Women's Empowerment and Gender Equality Bill acts as a mere sop. While gender representivity in the upper echelons of the work force should be attended to, it cannot be allowed to displace the life-or-death issues that the vast majority of South African women have to deal with every day. This dismal state of affairs remains almost completely unaddressed in the State of the Nation Address for 2012.

The Women's Legal Centre (WLC) is an independent law centre that conducts litigation and advocacy for the advancement of women's human rights. The WLC and the co-authors, with the support of the Heinrich Boll Foundation, release an annual review on the state priorities from a gender perspective.



WOMEN'S LEGAL CENTRE

HEINRICH BÖLL STIFTUNG

Women's Legal Centre
7th Floor, Constitution House
124 Adderley Street
Cape Town

tel: 021 424 5660
fax: 021 424 5206
web: www.wlce.co.za
e-mail: jennifer@wlce.co.za