



## South Africa

### Gender Country Profile

Framework Contract SIEA 2018 – Lot 3 – Human rights, democracy and peace

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## Abbreviations and Acronyms

AfDB	African Development Bank
ANC	Africa National Congress
APRM	African Peer Review Mechanism
ASGISA	Accelerated Strategy and Shared Growth Initiative South Africa
BEE 2003	Broad-Based Black Economic Empowerment Act of 2003
BIG	Basic Income Grant
CBO	Community Based Organisations
CDWs	Community Development Workers
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CEO	Chief Executive Officer
CGE	Commission for Gender Equality
CLIP	Country Level Implementation Plan
COSATU	Congress of South African Trade Unions
CRL	Culture, Religion and Linguistic Communities
CSDA	Centre for Social Development in Africa
CSO	Civil Society Organisation
DALRRD	Department of Agriculture, Land Reform and Rural Development
DBE	Department of Basic Education
DHET	Department of Higher Education and Training
DOH	Department of Health
DOW	Department of Women
DSD	Department of Social Development
DTI	Department of Trade and Industry
DV	Domestic Violence
DWYPD	Department of Women, Youth and People with Disabilities
EAP	Economic Active Population
EEWiGI	Economic Empowerment of Women in Green Industry
EFF	Economic Freedom Fighters
EU	European Union
FPL	Food Poverty Line
GAP-III	EU Gender Action Plan III (2021-2025); An ambitious agenda for gender equality and women's empowerment in EU external action
GBV	Gender Based Violence

GDP	Gross Domestic Product
GEAR	Growth, Employment and Redistribution
GEM	Girls Education Movement
GHS	General House Hold Surveys
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GoSA	Government of South Africa
HP	Harmful Practices
HSRC	Human Sciences Research Council
ICS	Interim Steering Committee
ICT	Information and Communication Technologies
IDP	Integrated Development Planning
ILO	International Labour Organization
IPAP2	Industrial Policy Action Plan 2
IPV	Intimate Partner Violence
IWF	Isivande Women's Fund
JIPSA	Joint Initiative for Priority Skills Acquisition
JMC	Joint Monitoring Committee
JMCQLSW	Joint Monitoring Committee on the Improvement of the Quality of Life and Status of Women (JMCQLSW).
JSE	Johannesburg Stock Exchange
LBPL	Lower bound poverty line
LCS	Living Conditions Survey
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
LGBTQIA+	Lesbians, Gays, Transgender, Queer, Intersex, Asexual and others
LMICs	Low- and Middle- Income Countries
MRC	Medical Research Council
NCDs	Non-Communicable Diseases
NDP	National Development Plan
NEA	Not Economically Active
NEDLAC	National Economic Development and Labour Council
NEET	Nor in Employment, Education, or Training
NGM	National Gender Machinery
NGO	Non-Governmental Organisation
NGP	New Growth Path
NIDS	National Income Dynamics Survey

NIDS-CRAM	National Income Dynamics Study Coronavirus Rapid Mobile Survey
NPOs	Non-profit Organisations
NPC	National Planning Commission
NRSO	National Register for Sex Offenders
NSM	National Shelter Movement
NSP	National Strategic Plan
NUMSA	National Union of Metalworkers of South Africa
NWPC	National Women's Parliamentary Caucus
OWLAG	The Oprah Winfrey Leadership Academy for Girls
PICC	Presidential Infrastructure Coordination Commission
PLAS	Proactive Land Acquisition Strategy
PR	Proportional Representation
PUW-quote	Paid-Unpaid-Work Quote
QLFS	Quarterly Labour Force Survey, Q3
Q1, Q2, Q3, Q4	Quarter 1 (Jan-Mar), Quarter 2 (Apr-Jun), Quarter 3 (Jul-Sep), Quarter 4 (Oct-Dec)
RDP	Reconstruction and Development Programme
SA	South Africa
SADC	Southern Africa Development Community
SAHRC	South Africa Human Rights Committee
SANAC	South Africa National AIDS Council
SASSA	South African Social Security Agency
SMEs	Small and Medium Enterprises
SMMEs	Small Medium and Micro Enterprises
StatsSa	Statistics South Africa
SRHR	Sexual and Reproductive Health and Rights
STEM	Science, Technology, Engineering and Mathematics
TCC	Thuthuzela Care Centres
TVET	Technical and Vocational Education and Training
UBPL	Upper-bound poverty line
UN	United Nations
UNESCO	United Nations Educational and Scientific Cultural Organization
UNICEF	United Nations Children's Fund
UNIDO	United Nations Industrial Development Organization
VAW	Violence Against Women
VAWC	Violence Against Women and Children

WEF	World Economic Forum
WHO	World Health Organization

## Acknowledgements

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All mistakes remain the sole responsibility of the authors and cannot be assigned to the EU or to any of the persons or institutions consulted for this gender analysis.

The consultants,  
Thera van Osch, team leader  
Rose Gawayu, key expert



## Executive Summary

Since the dawn of democracy, South Africa has made considerable progress towards the attainment of a human-rights-based inclusive society. Gender equality is at the heart of the country's legal and policy frameworks, starting with the Constitution. South Africa is also signatory to a number of international and regional treaties that seek to promote gender equality and social inclusion.

In practice however, socio-economic rights, as guaranteed in the Constitution, still remain inaccessible for the majority of women, girls, people with a handicap, gender non-conforming people and the greater LGBTQI+ community groups. Due to deeply rooted structures of apartheid and the patriarchal cultural customs and norms, their physical integrity rights and their social economic rights are still structurally violated. On average they face higher levels of gender-based violence and femicide (GBV/F) as well as difficulties in accessing public services, social protection and employment. This appears in the perpetuation of the feminisation of poverty and the gender impact of the COVID-19 pandemic that has exacerbated the inequalities in various ways since 2020.

Nevertheless, for the long-term, there is also a tendency towards closing gender gaps, especially in education, in access to electricity, in narrowing the pay gap, in political participation, and in other areas, as will be shown in this Gender Country Profile. There are now more women at the tertiary level of education. Women's empowerment has advanced steadily, despite several threats like the high levels of sexual harassment and GBV, specifically at tertiary institutions

In line with this positive trend, there are new upcoming sectors in the green and digital economy that are not yet historically marked by deeply rooted horizontal and vertical gender/race segregation. These sectors offer new opportunities to create equal-rights-based approaches that ensure equal access to jobs, to innovative techniques and to material and immaterial resources. The green and digital transformation of the South African economy has the potential to create inclusive structures, which may contribute to the enhancement of women's economic independence, create new digital networks that can be used to reduce the risks of GBV/F and increase investments in innovative and green infrastructure and services that reduce women's unpaid work burdens. This transformation is only possible if innovative processes are implemented with an inclusive gender equality perspective.

This Gender Country Profile looks at the critical gender issues that need to be addressed to enhance gender equality and social inclusion, including equal access to the opportunities and resources necessary to overcome poverty and to reduce effects of climate change and food insecurity. It acknowledges the important role of Civil Society Organisations, particularly in the areas of combatting GBV/F, equal access to Sexual and Reproductive Health and Rights (SRHR), equal socioeconomic rights and opportunities,

and as lobbyists and advocates demanding government prioritisation for these issues. While these stakeholders are recognised as crucial in advancing gender equality, this report focuses largely on the government that has the mandate to promote gender equality as enshrined in the country's Constitution.

The report highlights the current urgency to address the increased incidence of Violence Against Women and Children (VAWC) as a result of the COVID-19 lockdown measures and the increased gender gaps in work and income. Additionally, the report acknowledges the concerted efforts made to develop a gender responsive planning, budgeting, monitoring and auditing framework as a key instrument to advance gender equality, particularly in the light of the upcoming multi-annual programming 2021-2027 of the EU support to South Africa, and the implementation of the EU Gender Action Plan (2021-2025)<sup>1</sup> at country level.

In addition to highlighting the recent developments towards attaining inclusive gender equality, the report also highlights some of the key challenges in the area of green and digital transformation and makes recommendations which are informed by representatives of the government, independent agencies, CSOs and development partners in South Africa, including the EU and EU-Member States, the UN, and other important stakeholders in the process towards an inclusive human-rights-based sustainable socioeconomic development that leaves no-one behind.

## **Section 1: Legal and Policy Framework for Gender Equality**

### **1.1. Overview**

South Africa (SA) is currently ranked 18 out of the 156 countries in the 2021 World Economic Forum's (WEF) gender equality index<sup>2</sup>. The country also boasts one of the most progressive Constitutions in the world, which underpins equality and clearly states that "No person may unfairly discriminate directly or indirectly against anyone on one or more grounds including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth"<sup>3</sup>. Measures have been put in place, not only to transform the socio-economic and political circumstances of millions of previously disadvantaged people, but also to transform gender relations and create an environment that empowers women in all sectors of society. In its efforts to

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<sup>1</sup> European Commission, High Representative of the Union for Foreign Affairs and Security Policy, Brussels, 25.11.2020 JOIN (2020) 17 final: *Gender Action Plan (Gap) Iii – An Ambitious Agenda For Gender Equality And Women's Empowerment In Eu External Action*, {SWD (2020) 284 final}.

[https://ec.europa.eu/international-partnerships/system/files/join-2020-17-final\\_en.pdf](https://ec.europa.eu/international-partnerships/system/files/join-2020-17-final_en.pdf)

<sup>2</sup> World Economic Forum (2021), *Global Gender Gap Report*, insight report, March 2021, page 10. South Africa scored 0.781 (on a scale 0-1). This means a positive albeit timid progression from 0.755 in 2018 and 0.765 in 2016. [http://www3.weforum.org/docs/WEF\\_GGGR\\_2021.pdf](http://www3.weforum.org/docs/WEF_GGGR_2021.pdf)

<sup>3</sup> South Africa final Constitution 1996, Chapter 9

achieve this goal, the country has drawn up a series of legislation and policies and is a signatory to regional, continental and global treaties and protocols that aim to attain gender equality. Despite all this, gender equality remains evasive across all sectors in South Africa, be it the judiciary, health, education, financial sector etc. South Africa finds itself in deeply-engrained patriarchal socio-cultural norms and practices, and in a dichotomy between the Constitution (based on Roman-Dutch Law) and customary laws (based on traditional/cultural beliefs).

## **1.2. National Gender Machinery**

Post the Beijing Conference on Women (1995), the South African government established a National Gender Machinery to address the social and economic marginalisation of South African women. The establishment of the National Gender Machinery (NGM) was premised on the need for a multi-pronged structure that would facilitate the advancement of gender equality. Table 1 reflects the structure and components of the NGM as envisioned in South Africa's National Policy Framework for Women's Empowerment and Gender Equality.<sup>4</sup>

In 2009, the Department of Women (DoW) was replaced by the Department for Women, Youth and People with Disabilities (DWYPD). The creation of the Department of Women, Youth and People with Disabilities in 2009 was met with a lot of scepticism; the lumping of women, youth and people with disabilities in one portfolio seemed to send a message that the government was not ready to prioritise women's empowerment and gender equality issues<sup>5</sup>. Following the 2014 national general elections, the President assigned the status of Ministry to the DWYPD, which falls under the Presidency<sup>6</sup>.

DWYPD was created to promote, facilitate, coordinate and monitor the realisation of the rights and empowerment of women, children and people with disabilities.

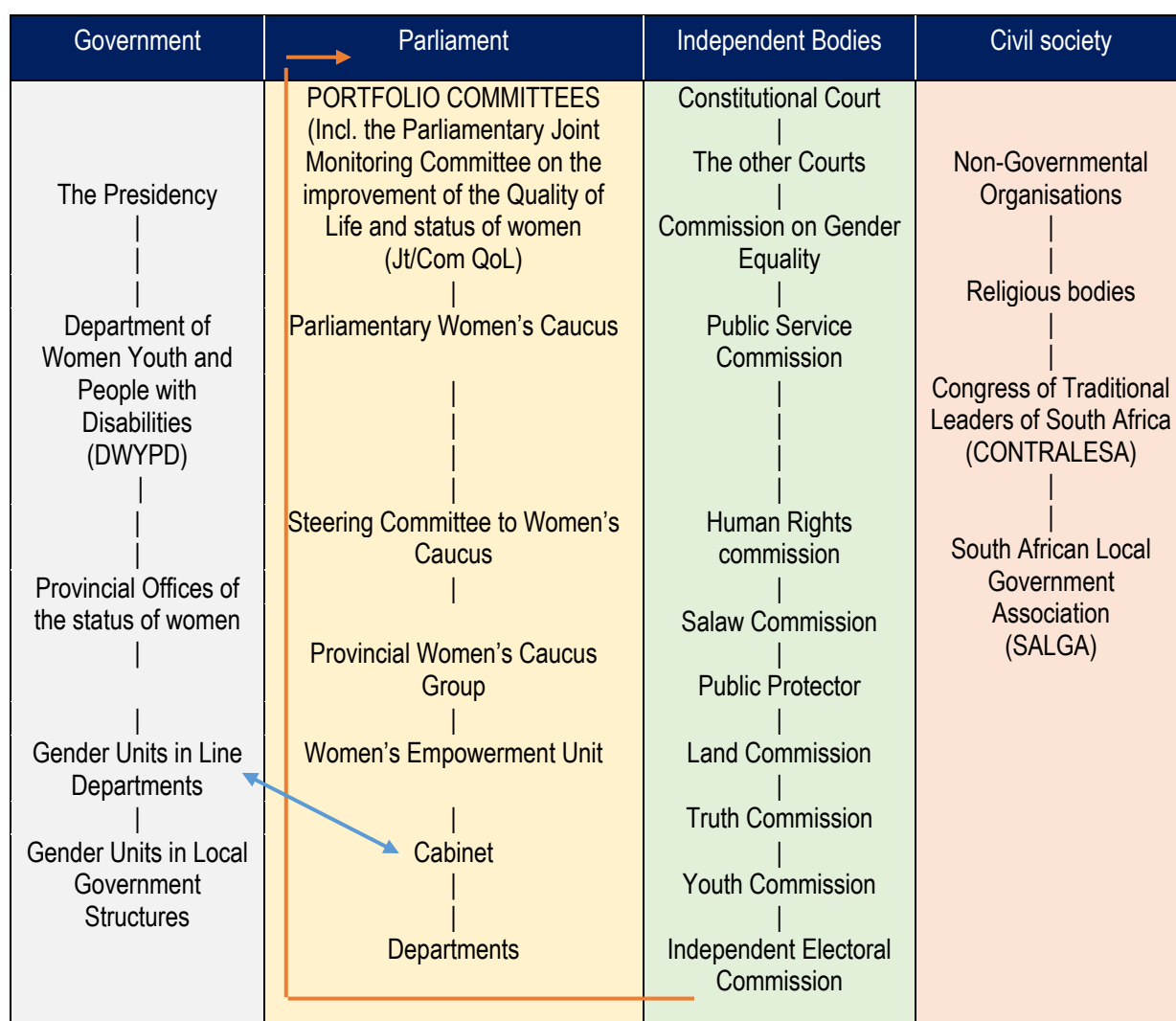
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<sup>4</sup> *The Office on the Status of Women, 2000, South Africa's National Policy Framework for Women's Empowerment and Gender Equality*, page vii.

<sup>5</sup> The cluster of women (51% of the population), youth (35% of the population under 18 years) and people with disabilities (7,5% of the population) together represent about 70% of the population. The remaining 30% of the population consists of adult men without disabilities. It is a huge challenge for the DWYPD to enhance the mainstreaming of gender and diversity perspectives in all ministries and to ensure that the multiple needs and interests of 70% of the population are addressed.

<sup>6</sup> <https://www.gov.za/about-government/contact-directory/ministers/ministers/women-ministry>

Figure 1: Structure of the National Gender Machinery (NGM) of South Africa



Despite the many challenges of DWYPD, such as lack of resources and capacity, the department did produce a Women's Empowerment and Gender Equality (WEGE) Bill in 2012. The bill was to establish a legislative framework for the empowerment of women, including gender mainstreaming in policies, programmes and budgets, ensuring accommodation of the needs and interests of women, enforcing gender equality legislation, policies and strategies, empowering women to participate fully in economic life across all sectors, promoting women's access to economic opportunities and achieve at least 50% representation and meaningful participation of women in decision making structures. This is in line with the ruling party's policy on quotas introduced in 2006, which encourages women to be represented in politics in local elections. The Bill was discussed in the National Assembly in 2014 and withdrawn to allow for further consultation.<sup>7</sup>

<sup>7</sup> <https://pmg.org.za/bill/26/>

The Constitution has also made provisions for the establishment of chapter 9 institutions<sup>8</sup> such as the independent Commission on Gender Equality (CGE), which was created in 1997. Its mandate is to promote respect for gender equality and the protection, development and attainment of gender equality<sup>9</sup>. The Parliamentary Joint Monitoring Committee on the Improvement of the Quality of Life and Status of Women (JMC) was created in 1996 to “monitor and evaluate progress in improvement in the quality of life and status of women in South Africa, with specific reference to the government's commitments to the Beijing Platform for Action and to the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and any other applicable international instruments. The Committee also makes recommendations to both or either of the houses, or any joint or house committee, on any related matter”<sup>10</sup>. The ‘Portfolio Committee on Women, Youth and Persons with disabilities’ has oversight of the Executive and other departments; it coordinates the advocacy, monitoring and evaluation of legislation related to gender.<sup>11</sup>

Although South Africa’s National Gender Machinery is acknowledged to be “best practice,” the lack of human and financial resources and of an integrated co-ordination framework with clear lines of communication and accountability is still a serious challenge. Due to the lack of resources, the DWYPD has not sufficient capacity to thoroughly assess the impact of all key legal and policy documents. There is a serious problem of institutional gender competence and gender performance of the line departments. Although there are Gender Units in all line departments, the Gender Focal Persons (GFP)s in the departments are not placed at strategic levels of decision making and lack power and authority to influence decision making. At high levels of decision making there is limited understanding of gender issues. In the line departments, financial budgets addressing gender issues are limited and mostly activity based and not programmatic.<sup>12</sup>

The Gender Machinery, however, seems to have worked well at a provincial level due to the relatively close proximity to constituencies i.e., CSOs and grassroots groups, which are often the bottom-up drivers for change.

Civil Society Organisations (CSOs) are part of the National Gender Machinery and play a crucial role in gender transformative processes, particularly in response to Gender Based Violence (GBV) and Economic Justice. They often serve as an extended arm of government, by fulfilling the functions of

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<sup>8</sup> The ‘State Institutions Supporting Constitutional Democracy’ – known as the Chapter 9 Institutions, after their place in the Constitution – consist of the Public Protector (PP), the Auditor-General (AG), the Electoral Commission (IEC), the South African Human Rights Commission (SAHRC), the Commission for Gender Equality (CGE), and lastly, the Commission for the Protection of the Rights of Cultural, Religious and Linguistic Communities. These institutions are independent of government, subject only to the Constitution and the law, and report annually to Parliament. <http://www.cplo.org.za/wp-content/uploads/2012/10/BP-287-The-Chapter-9-Institutions-in-South-Africa-April-2012.pdf>

<sup>9</sup> South Africa final Constitution 1996, Chapter 9

<sup>10</sup> [http://www.ipu.org/parline-e/reports/instance/2\\_260.htm](http://www.ipu.org/parline-e/reports/instance/2_260.htm)

<sup>11</sup> <https://www.parliament.gov.za/committee-details/155>

<sup>12</sup> Firsthand information from interviews conducted by the authors with staff of different departments.

service provision, civic education, and advocacy, including holding government accountable.

In 2015, the DWYPD commissioned a study into violence against women in South Africa and found that CSOs are the biggest provider of services in the field of Violence against Women as well as primary and secondary prevention<sup>13</sup>. In terms of service provision, a 2012 study estimated that 60% of social welfare services for women and children are being provided by non-governmental organisations.<sup>14</sup> South Africa has a procurement structure in place for nonprofit organisations that specialise in social work for the benefit of the public and address social needs of different target groups, to apply for funding. Only organisations that meet the criteria can obtain funds<sup>15</sup>. Where funding is provided, it covers only part of the cost.

There have been several campaigns in recent years on the advocacy side - particularly against GBV and femicide<sup>16</sup>. In 2021, the CEDAW Committee on the Elimination of Discrimination against Women gave follow-up to a complaint by eleven women's organisations<sup>17</sup> under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women "alleging that South Africa's failure to prevent and protect women and girls from domestic violence constitutes grave and systematic violations of rights under the Convention"<sup>18</sup>.

During the annual 16 days of Activism<sup>19</sup> to End Violence against Women and Children, CSOs engage in dialogue with the government, private sector and international partner organisations in the country. The month of August is also an annual recurring period of campaigns and activities by women's organisations, most notably August 9, to commemorate the march of 20,000 women in 1956 in protest against the extension of Pass Laws to black women. Despite the unity that has been seen in the past years around the GBV NSP campaign, #TotalShutdown as well as mobilising for the Gender Summit, women's organisations remain largely fragmented around particular issues - and often territorial. There is competition for resources and lack of coordination. Some women's organisations struggle with ideological divisiveness, particularly between the expectations of loyalty from the traditional black community on the one hand and the feminism associated with white women's struggle on the other.

There are, however, emerging voices proposing a new narrative, particular from young generations organised around 'gender justice', tackling the toxic masculine stereotypes with famous opinion leaders such as the rugby captain Siya Kolisi; the empowerment of girls through spiritual transformation

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<sup>13</sup> Department of women, children and people with disabilities (2015); *study on Violence against Women in South Africa; Know your Epidemic – Know your Response*

<sup>14</sup> Bhana, K, Vetten, L, Makhunga, L, and Massawe, D (2012).

<sup>15</sup> Read more: <https://briefly.co.za/54063-how-apply-funding-npo-2021.html>.

<sup>16</sup> <https://ewn.co.za> Work underway to implement gender summit resolutions

<sup>17</sup> These organisations are: Women's Legal Centre, NISAA Institute for Women's Development, New Women's Movement, Ukuthula Advice Centre, Tlhoafalo Advice Centre, Tshwaranang Legal Advocacy Centre, Diocesan Social Responsibility Project, Community Advice Bureau, Free State Network on Violence Against Women, Masimanyane Women's Support Centre, and Mosaic Training, Service and Healing Centre for Women.

<sup>18</sup> CEDAW, 2021, Inquiry concerning South Africa under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. *Report of the Committee on the Elimination of Discrimination against Women*, (CEDAW/C/ZAF/IR/1), 12 May 2021. Advance unedited version.

<sup>19</sup> Annual UN-Campaign from 25 November – 10 December.

introduced by the Oprah Winfrey Leadership Academy for Girls (OWLAG); and the organisations that provide a platform for the rights of LGBTQI+ people, raising awareness about the social and cultural norms that give rise to discrimination, stigma, gender inequalities and GBV.

### **1.3. Legislation and Policies**

In its attempt to reverse the history of apartheid, discrimination and marginalisation, since 1994 the government has adopted numerous laws developed to promote equality between women and men regardless of race, class, disability and sexual orientation. Added to this, South Africa is a signatory to a number of international conventions, declarations, regional charters and protocols, which aim to address inequalities and ultimately achieve gender equality and social inclusion<sup>20</sup>. These laws protect the interests of women and men in all their diversity at family level, in the criminal justice system, employment, health, property, education and training, governance and institutional support and general equality. A sample of these laws is presented below to illustrate the current legal framework, which aims at the empowerment of all women and girls and the promotion of gender equality to build a non-sexist and non-racist society for South African civilians in all their diversity.

- Constitution Act No. 108 of 1996
- Basic Conditions of Employment Act No.75 of 1997
- Employment Equity Act No. 55 of 1998
- Recognition of Customary Marriages Act No. 120 of 1998
- Maintenance Act No. 99 of 1998
- Domestic Violence Act No. 116 of 1998
- The Equality and Prevention of Unfair Discrimination Act No. 4 of 2000
- The Broad-Based Black Economic Empowerment Act of 2003
- Criminal Law (sexual offences and related matters) Amendment Act No. 32 of 2007
- Protection from Harassment Act No.17 of 2011
- Prevention and Combating of Trafficking in Persons Act No. 7 of 2013
- Prevention of Family Violence Act of 1993. No.133 of 1993
- Promotion of Equality and Prevention of Unfair Discrimination Act, 2000
- Legal Aid Act 20 of 1969 and Legal Aid Act 22 of 1969
- Civil Union Act (Act No.17 of 2006)
- Choice on termination of Pregnancy Amendment Act, 2008

In terms of gender specific policies, one of the initial documents developed by the then Office on the Status of Women was South Africa's National Policy Framework for Women's Economic Empowerment

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<sup>20</sup> Annex 4: List of international and regional treaties signed/ratified by the Government of South Africa.

and Gender Equality, also known as the Gender Policy Framework<sup>21</sup>, developed in 2000. This Gender Policy Framework outlined South Africa's vision for gender equality and the approach of the government to realise this goal through gender mainstreaming across laws, policies, procedures and practices. Like other generic policy documents, which are trans-sectoral, it was never meant to be prescriptive for the various sectors of government. Instead, it detailed the overarching principles and set several targets, which needed to be integrated by all sectors into their own sectoral policies, practices and programmes. Implementation of this framework has been marred by various challenges, ranging from lack of coordination to monitoring and accountability.

Gender-relevant important policy instruments that have been approved recently include:

- Gender Responsive planning, budgeting, monitoring and auditing framework, March 2019
- The National Strategic Plan (NSP) to combat GBV and Femicide (NSP-GBV/F), approved in June 2020, but not yet fully resourced
- The South African National Action Plan on Women, Peace and Security (NAP-WPS) of March 2021. This NAP-WPS includes partnerships to eliminate all forms of GBV/F.

The National Development Plan: 2030 (NDP) is South Africa's main policy document meant to put South African society (as a whole) on a healthier development path towards 2030. As such it is important to look at its content and the implications for both men and women. The key issues that the NDP aims to address are what government has termed "triple threat": Inequality, Poverty and Unemployment. The NDP, however, has its own challenges and gaps, which gender and human rights activists have expressed publicly. For instance, the Commission for Gender Equality (CGE) made a gender analysis of the NDP, and found the entire document to be gender blind<sup>22</sup>.

In response to shortcomings within the existing legislative environment, the DWYPD has spearheaded the development of a Gender Responsive planning, budgeting, monitoring and auditing framework that was approved by the Cabinet in March 2019. The approval of this framework occurred in the same period when the President signed the Declaration on Gender Based Violence to demonstrate a commitment from government to prioritise this problem in the country.

Despite all these progressive rights-based laws, gaps and challenges remain. Implementation and coordination are two of the biggest challenges faced by the various structures that have been mandated with turning these policies into practice. A recent CEDAW-Report (2021) stresses the need for awareness raising, institutional capacity building and a comprehensive approach by relevant ministries and departments to effectively address and prevent GBV. It also requires more support and funding for the police and the judiciary in investigating, prosecuting and punishing cases of domestic violence. The report makes a series of recommendations to improve access to remedies, protection and rehabilitation for

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<sup>21</sup> The Office on the Status of Women, 2000, South Africa's National Policy Framework for Women's Empowerment and Gender Equality.

<sup>22</sup> CGE Gender Analysis of the National Development Plan Vision 2030



victims/survivors of domestic violence, including access to justice, victim support, housing, and economic empowerment to guarantee women's socio-economic autonomy and break the chain of dependence from the abuser<sup>23</sup>.

Public awareness is another challenge faced by government. Making these rights accessible to women requires provision of information as well as training of civil servants to ensure that women are able to realise their full rights that are inherent in the legal remedies.

In 2020, a review of the NDP-2030 was conducted by the National Planning Commission (NPC)<sup>24</sup>. As the NDP-2030 is rather gender blind, the review also poorly addressed the gender dimension of the NDP-2030. The NPC commissioned an additional gender review from Professor Vivienne Taylor, whose report "Planning Perspectives on Advancing Women's Emancipation and Gender Equality"<sup>25</sup> was published in March 2021. Some of the findings highlighted by the report of Professor Vivienne Taylor are:

- The lack of recognition of unpaid care work for socio-economic development, the unfair distribution of unpaid care work and the lack of policies to address the disproportionate burden of unpaid care work on women
- The hindering factors to improve access to education and innovation, including infrastructure backlogs such as inadequate sanitation in schools affecting all learners, particularly women learners who are hindered in their right to dignity and well-being
- The access to safe water and sanitation to sustain health and dignity requires a gender equality perspective, because women are especially negatively affected as the ones who undertake the major part of the unpaid care work that requires water

The report further covers women's SRHR in the context of demographic trends, the gender employment gap and the pay gap, as well as social protection. The report concludes that women are the majority of South Africa's population, and their interests and needs cannot be addressed as an add-on. It further highlights that the issues and conditions shaping women's emancipation and gender equality are "complex, intersect with historic inequities and new risks and vulnerabilities that emerge in a global context of economic, environmental, social and epidemiological crises". Future planning requires a focus on "engendering institutional arrangements within and outside of state systems, ensuring gender redistributive policy, legislation and planning structures"<sup>26</sup>.

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<sup>23</sup> CEDAW, 2021, Inquiry concerning South Africa under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Report of the Committee on the Elimination of Discrimination against Women, (CEDAW/C/ZAF/IR/1), 12 May 2021. Advance unedited version.

<sup>24</sup> National Planning Commission, 2020, A Review of the National Development Plan 2030; Advancing Implementation towards a more Capable Nation, NDP Department: The Presidency of the Republic of South Africa. <https://www.nationalplanningcommission.org.za/assets/Documents/NDP%20REVIEW.pdf>

<sup>25</sup> Taylor, Vivienne, 2021, Planning Perspectives on Advancing Women's Emancipation and Gender Equality. NPC, NDP Department: The Presidency of the Republic of South Africa. [https://www.nationalplanningcommission.org.za/assets/Documents/Planning%20Perspectives%20on%20Advancing%20Womens%20Emancipation%20and%20Gender%20Equality\\_March%202021%20.pdf](https://www.nationalplanningcommission.org.za/assets/Documents/Planning%20Perspectives%20on%20Advancing%20Womens%20Emancipation%20and%20Gender%20Equality_March%202021%20.pdf)

<sup>26</sup> Taylor, Vivienne, 2021. Ibid.

As part of implementing the United Nations (UN) Security Council Resolution 1325 and supporting instruments, South Africa is reported to be a leader in driving gender balance in its armed forces and boasts one of the highest proportions of female military personnel it sends to UN peace missions. On the 18<sup>th</sup> of March 2021, the South African National Action Plan on Women, Peace and Security 2020-2025 was approved<sup>27</sup>. The plan provides guidance for a safer and more peaceful South Africa, Africa and world for women, girls and gender non-conforming persons; enables representation and meaningful participation for women in peace processes; and prioritises their needs, experiences and agency in all conflict and non-conflict contexts.

### Conclusion and recommendation

South Africa has legal and policy frameworks in place for a human-rights based society that promotes gender equality and social inclusion. The government created a gender machinery to promote the implementation of the gender policies that has been acknowledged as “best practice”. The gender machinery, however, is not working the way it is supposed to. The DWYPD is underfunded for its complex and extensive tasks, and the process of gender mainstreaming in most line departments is underperforming due to lack of gender competence at middle and top management level. This results in situations where the DWYPD is overwhelmed with work that should be assumed by other departments, such as gender impact assessments of new legal and policy measures and ensuring gender mainstreaming in the workflow of each department.

To increase the gender responsiveness of the national government, institutional capacity building for gender mainstreaming at all levels and in all phases of the policy and budget cycle is required. A government-wide comprehensive approach for institutional transformation would include:

- Strategic gender and diversity training for middle and high-level management of all departments;
- Gender expertise included in the core competences of middle and high management and gender performance included in the performance evaluation procedures of middle and high management at each department;
- Institutionalization of a mechanism that ensures the application of a gender impact assessment of all new laws, policies, projects and programmes as foreseen in the Beijing Platform for Action (Area H: on institutionalization);
- Introduction of gender-responsive budgeting<sup>28</sup>;

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<sup>27</sup> Government of South Africa, 2020, National Action Plan on Women, Peace and Security 2020-2025. [https://www.gov.za/sites/default/files/gcis\\_document/202103/south-african-national-action-plan-women-peace-and-security.pdf#:~:text=The%20National%20Action%20Plan%20on%20Women%2C%20Peace%20and, and%20agency%20in%20all%20conflict%20and%20non-conflict%20contexts.](https://www.gov.za/sites/default/files/gcis_document/202103/south-african-national-action-plan-women-peace-and-security.pdf#:~:text=The%20National%20Action%20Plan%20on%20Women%2C%20Peace%20and, and%20agency%20in%20all%20conflict%20and%20non-conflict%20contexts.)

<sup>28</sup> Better said: Re-introduction of gender responsive budgeting, as South Africa was one of the pioneer countries that introduced gender budgeting already in the second half of the 1990's.

- Gender-proof human resource management, including gender-proof job-descriptions, recruitment and selection.

## **Section 2: Call for freedom from all forms of Gender-Based Violence and Femicide (GBV/F)**

South Africa's Constitution and its human rights-based legal and policy frameworks are a radical transformative break with the apartheid system of the past. Unfortunately, the deeply rooted sexist and racist patriarchal system that dominated for several centuries and was institutionalised under apartheid could not be abolished by law or decree. Over and above the challenges confronting the realisation of gender equality, the scourge of violence perpetrated against girls and women is identified as one of the most critical challenges facing South Africa. The Minister of Social Development, Susan Shabangu, warned that we are at a point where gender violence has become unbearable in the country. "With all the good laws we have passed since 1994, why are we still in this place today?" asked Shabangu during a Summit on GBV in November 2018<sup>29</sup>.

The incidence of femicide in South Africa is five times higher than the global average according to a report from the World Health Organisation (WHO) in 2016. The country has one of the highest rates of violence against women and gender-non-conforming persons in the world. As many as 51% of South African women have experienced violence at the hands of someone with whom they are in a relationship. As in other parts in the world, the Covid-19 pandemic and lockdown regulations have contributed to an increase in GBV cases. Women also face a disproportionately high HIV prevalence, while the poor conditions of South Africa's public healthcare system remain an obstacle for guaranteeing legal rights to access to sexual and reproductive health for all. President Ramaphosa has declared that GBV constitutes South Africa's second pandemic.

A broad range of civil society organisations (CSOs) have been working hard for many years to address the needs of the survivors of GBV to prevent and to put an end to all forms of GBV against women and non-gender-conforming persons. Over the past years, CSOs have repeatedly called on the government to prioritise a zero-tolerance policy for GBV, to assign a proper budget and to put effective measures in place to free South African society from all forms of GBV.

### **2.1. Root causes of GBV**

The normalisation of violence, the breadth of violence and extent of violence (e.g. rape, murder, sexual assault, common assault, 'ukhutwala', trafficking), the continuum along which women and non-gender-

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<sup>29</sup> Presidential Summit against Gender-Based Violence and Femicide, 1-2 November 2018. South Africa.

conforming persons are rendered vulnerable to violence (e.g. sexual orientation, sexual identity, sex work) are recognised as expressions of 'hyper masculinity' and '(toxic) patriarchy'.<sup>30</sup>

A recent CEDAW report<sup>31</sup> highlights a series of causes that hinder women and girls from fully enjoying their human rights, including South Africa's legacies of colonialism and apartheid, which undermined local family and household systems, strengthened patriarchal structures and was a system regulated through institutionalised racist violence and inequality. Generalised violence within all communities, criminal violence, poverty, unemployment, women's economic dependence, drug use, alcoholism and the impact of HIV/AIDS all contribute to the extremely high levels of GBV in South Africa.

The continuation of patriarchal values and power structures is also mentioned as the main root cause of GBV by South African CSOs. "Patriarchy can be understood as any social system which has a gender-based hierarchy, in which most power is assigned to men. It is rooted in a deeply binary notion of gender, in which men are seen as very different from, and more highly valued than women. It is maintained, in part, by strongly defined and enforced gender roles"<sup>32</sup>. Toxic patriarchal norms and values allow, excuse and legitimise the use of violence against those who are not acting, behaving or dressing themselves in conformity with the assigned gender roles in the patriarchal hierarchy.

Patriarchy did not surge as a natural process. In Europe, it has been enforced with witch trials that terrorised millions of women between the 14th and 18th centuries and burned innocent women alive after having them cruelly tortured and accused of witchcraft. In this threatening misogynistic context, a gender-apartheid system was created in Europe that considered women as inferior, prohibited women's access to private property, to education, to paid work and to decision making. The ruling men drafted family laws that made women the private property of their husbands, forcing them to stay at home to assume the unpaid domestic chores, whereas the public spaces were only reserved for men<sup>33</sup>. This patriarchal model spread across the globe during colonialism and gender-apartheid was converted into a gender/racist apartheid system in South Africa, where it was institutionalised, forcing black women to stay in their homelands while black men were allowed to enter the public areas as proletarians to work for the white ruling class. Family structures were torn apart, and this is still visible in the rural areas where women-led families are the majority and they still live under the poorest conditions of mere survival.

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<sup>30</sup> Not all forms of patriarchy are toxic. Patriarchy expresses itself in a range of social formations, going from the responsible father who works hard for his family and expects from his wife to stay at home and be a good housewife and private servant for him, to the toxic patriarchy of the abusive man who sees women as objects and potential prey and imagines himself as a superior heterosexual norm-male who is free to possess, abuse or even kill a woman or non-conforming person.

<sup>31</sup> CEDAW, 2021, Inquiry concerning South Africa under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Report of the Committee on the Elimination of Discrimination against Women, (CEDAW/C/ZAF/IR/1), 12 May 2021. Advance unedited version.

<sup>32</sup> The Other Foundation, and Human Sciences Research Council (HSRC), 2016, *Progressive Prudes, A survey of attitudes towards homosexuality & gender non-conformity in South Africa*. P.10. [https://theotherfoundation.org/wp-content/uploads/2016/09/ProgPrudes\\_Report\\_d5.pdf](https://theotherfoundation.org/wp-content/uploads/2016/09/ProgPrudes_Report_d5.pdf)

<sup>33</sup> Van Osch, T., 1980, *De koloniale oorsprong van imperialistische beheersing van de levende arbeid*. Universiteit van Tilburg, Faculteit voor Economische Wetenschappen.

There are several risk factors that trigger GBV in a patriarchal context, including alcoholism, women's economic dependence, unemployment, social insecurity, lack of support networks (family, friends), access to weapons and impunity for perpetrators of GBV. During the consultation meetings with CSOs on 28 June 2021, one of the participants reported: "Absence of alcohol during the lockdown has made a tremendous difference. We can compare the situation as we work on grassroot level, and there was overwhelming evidence that alcohol is a trigger of violence against women and children".

## **2.2. Gender Based Violence and Femicide (GBV/F)**

Gender Based Violence and Femicide (GBV/F) remains the most pervasive violation of women's rights in South Africa. It is a defining feature of the social formation in South Africa, which threatens to undermine the hard-fought values of human rights, equality and freedom embedded in the country's Constitution.

Violence against Women (VAW) is defined by the United Nations (UN) Declaration (1993) on the elimination of violence against women: as "Any act of GBV that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life<sup>34</sup>".

Femicide is defined by Statistics South Africa (Stats SA) as: "The intentional killing of females (women or girls) because they are females."

Usually femicide is perpetrated by men, although sometimes female family members may be involved. Many femicides are underreported because of being classified as homicides by police officers. There are specific differences between femicide and male homicide: "For example, most cases of femicide are committed by partners or ex-partners, and involve ongoing abuse in the home, threats or intimidation, sexual violence or situations where women have less power or fewer resources than their partner<sup>35</sup>".

Domestic Violence (DV) against women, Intimate Partner Violence (IPV) and Harmful Practices (HP) remain widespread and under-reported and are often linked to the cycle of poverty, poor health conditions and low levels of wellbeing. Alcohol use by the perpetrators is a key trigger for DV and IPV. The country still has an alarmingly high incidence of sexual assault and murder.

The exposure to violence and the threat of violence leave deep pain and traumas. Survivors of GBV often suffer from post-traumatic stress disorder (PTSD) and pass their traumatic experiences on to the next generations at a sub-conscious level. Children of abused women often have learning problems at school, which influences their future opportunities in life. It also has social and economic consequences, educational problems, and it reproduces inter-generational cycles of poverty from one generation to the next.

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<sup>34</sup> United Nations Human Rights Office of the High Commissioner: Declaration on the Elimination of Violence against Women; Proclaimed by General Assembly resolution 48/104 of 20 December 1993  
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/ViolenceAgainstWomen.aspx>

<sup>35</sup> World Health Organization (WHO), 2012, *Understanding and addressing violence against women*.  
[http://apps.who.int/iris/bitstream/handle/10665/77421/WHO\\_RHR\\_12.38\\_eng.pdf;jsessionid=0EB51069867098DD635F47E8F474F5DC?sequence=1](http://apps.who.int/iris/bitstream/handle/10665/77421/WHO_RHR_12.38_eng.pdf;jsessionid=0EB51069867098DD635F47E8F474F5DC?sequence=1)

In 2000 the National Prosecuting Authority introduced Thuthuzela Care Centres (TCC)<sup>36</sup> as places for prevention, response and support for rape survivors. Currently there are 55 TTCs functioning across the country, spread over all 9 provinces. Within the TCC programme CSOs provide social support to government service providers and fill the gaps in the provision of psychosocial services to survivors<sup>37</sup>. According to some CSOs, survivors and victims of violence are not effectively supported by public services. There is particularly a lack of access to therapeutic interventions to address mental health issues and foster increased employability and economic independence of women<sup>38</sup>.

As such, it influences the extent to which women are able to participate in society, undermining the realisation of their social and economic rights, additional to the violation of women's physical integrity rights. It is clear that GBV is a serious multi-dimensional and complex problem<sup>39</sup>.

GBV also leads to economic costs, which include absenteeism, a loss in productivity, medical costs, costs for police services and judicial costs. A KPMG study (2014) calculated that GBV costs South Africa between ZAR 28.4 billion and ZAR 42.4 billion per year – or between 0.9% and 1.3% of GDP annually<sup>40</sup>.

The latest crime statistics presented by Minister Bheki Cele on 20 August 2021<sup>41</sup> are revealing. He compared the first quarter of the financial year 2021/2022 (April-May-June) with the first quarter of the previous financial year, that coincided with lockdown level 5, level 4 and level 3 respectively. During the lockdown, overall crime strongly decreased, whereas it jumped back to the old level with an increase of 60.6%. Compared to the first quarter of the year previous to the pandemic, it would have been much lower.

The data on femicide and domestic violence is not specified in the crime reports of the SAPS. In the period April – June 2021, 5,760 people were murdered in South Africa. The data from SAPS is not disaggregated by sex; therefore it is impossible to determine how many of these murders could potentially be classified as femicide. A sample of the murder cases revealed that almost one third of the murders occurred at the home of the victim or of the perpetrator<sup>42</sup>. It is probable that a large portion of these

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<sup>36</sup> Thuthuzela is the Xhosa word for “comfort”.

<sup>37</sup> Briginshaw, L., et al., 2018, Process Evaluation of NGO Services at Thuthuzela Care Centre, Report compiled by Creative Consulting & Development Works. NACOSA, July 2018  
<http://www.nacosa.org.za/wp-content/uploads/2018/09/GBV-Evaluation-Report-Web.pdf>

<sup>38</sup> Source: EU Online Consulting meeting with CSOs on 28 June 2021.

<sup>39</sup> World Health Organization, (2002) *World Report on violence and health*. WHO: Geneva

<sup>40</sup> KPMG, Sunke Gender Justice, 2014, *Too costly to ignore - the economic impact of gender-based violence in South Africa*  
<https://assets.kpmg/content/dam/kpmg/za/pdf/2017/01/za-Too-costly-to-ignore.pdf>

<sup>41</sup> South African Government, Minister Bheki Cele: Quarter One Crime Statistics 2021/2022: Speaking notes delivered by Police Minister General Bheki Cele (MP) at the occasion of the release of the Quarter One Crime Statistics 2021/2022 hosted in Pretoria, Gauteng. 20 Aug. 2021. <https://www.gov.za/speeches/minister-bheki-cele-quarter-one-crime-statistics-20212022-20-aug-2021-0000>

<sup>42</sup> South African Government, Minister Bheki Cele: Quarter One Crime Statistics 2021/2022: Speaking notes delivered, Pretoria, 20 August 2021.

murders can be classified as femicide. Table 1 shows the GBV data for the first quarter of three financial years.

Table 1: Crimes related to sexual offenses as registered by the South African Police Services (SAPS) – April – June 2019-2020-2021

Gender-based Violence	1 <sup>st</sup> quarter of fiscal year (covering April, May and June)		
	April-June 2019	April-June 2020 (lockdown-period)	April-June 2021
Rape	9.737	5.805	10.006
Sexual assault	1.668	1.070	1.900
Attempted sexual offences	454	271	514
Contact sexual offences	235	150	282
Sexual offences detected as a result of police action	2.189	411	1.428
Domestic violence	n.a.	n.a.	n.a.
Femicide	n.a.	n.a.	n.a.

Source: SAPS, Q1 Crime Statistics, fiscal year 2021/2022, 20 August 2021

In the most recent report from WHO, the IPV data appears to be closer to the worldwide average and below the average of the African Region as shown in the following table. The reasons for this huge difference with the WHO report of 2016 remain unclear. Is the data comparable, correct and reliable? Or have the tremendous efforts and awareness raising campaigns of CSOs on gender justice been so effective as to reduce the incidence of GBV in just a couple of years. More deep research is required to find out the current situation with respect to GBV and what are the most effective strategies to put an end to it.

Table 2: Incidence of Intimate Partner Violence (IPV) during lifetime and in the past 12 months

	South Africa	African Region	World
Lifetime IPV	24%	32%	26%
Past 12 months IPV (WHO-data)	13%	18%	10%

Source: WHO, Violence Against Women Prevalence Estimates, 2018 (Publication 9 March 2021)

### 2.3. Increased Domestic and Intimate Partner Violence during COVID-19 crisis

A brief by the United Nations Entity for Gender Equality and the Empowerment of Women entitled “COVID-19 and Ending Violence Against Women and Girls,” highlights emerging evidence of the impact

of the global pandemic of COVID-19 on violence against women and girls<sup>43</sup>. Recent data demonstrates that since the outbreak of COVID-19 levels of violence against women and girls, in particular IPV, have increased and been exacerbated due to mandatory lockdowns, quarantine and self-isolation, where security, health and money worries heighten tensions and strains are accentuated by cramped and confined living conditions<sup>44</sup>.

Being locked up with their perpetrators in crowded homes, under substance abuse, with limited access to services and reduced peer support have aggravated circumstances and the risks of becoming victim of violence for women<sup>45</sup>. Parry and Gordon report that the COVID-19 outbreak further isolated the abused from family, friends and social networks, as well as from the services that could support them, leaving the individuals essentially trapped with their abuser with no physical respite from the abusive relationship. They also highlight how some perpetrators may have used the threat of COVID-19 exposure as a method to coerce the women away from seeking medical or psychological treatment. For many women, the home was an unsafe space filled with violence. Black working women were particularly at risk of experiencing intimate partner violence (IPV) because of their “poor living conditions with already burdened access to health, safety, policing and socio-economic needs<sup>46</sup>”.

Overall, it can be noted that crises can exacerbate existing vulnerabilities and risk factors, leading to an increase in gender-based violence (GBV), abuse and neglect, as well as an increased lack of access to professional care and support services for survivors. Moreover, some measures required to contain COVID-19 (lockdown/stay at home policies) are also exacerbating GBV risks. Leburu-Masigo and Kgadima (2021) emphasize that social work must be a useful resource to address GBV during the COVID-19 pandemic<sup>47</sup>. Additionally, this period could be an opportunity to assess government responses and initiatives in addressing GBV, learn lessons and develop strategies that respond to women's needs. It is also important to build the capacity of social workers and the government in appreciating the specific needs of women, specifically offering appropriate protection and services in the context of the COVID-19 pandemic. Other suggestions focus on the importance of addressing GVB and IPV, not only as the shadow pandemic of increasing violence against women during COVID-19, but as the overwhelming and devastating pandemic it is for the women in South African society, day after day, hour after hour. This so-called shadow pandemic of gender-based violence needs to be treated with the same determination and

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<sup>43</sup> UN Women and UNFPA, East and Southern Africa Regional Offices, 2021, *The Impact of COVID-19 on women and men*. Nairobi, March 2021.

<https://esaro.unfpa.org/en/publications/impact-covid-19-gender-equality-and-womens-empowerment-east-and-southern-africa> on 1 July 2021.

<sup>44</sup> UN Women and UNFPA, East and Southern Africa Regional Offices, 2021, *The Impact of COVID-19 on women and men*. Nairobi, March 2021. Ibid.

<sup>45</sup> ‘Crime against Women in South Africa’. Statistics South Africa, Pretoria, 2018, pp.1-24.

<https://www.statssa.gov.za/publications/Report-03-40-05/Report-03-40-05June2018.pdf>

<sup>46</sup> Parry, B.R., & Gordon, E (2021), *The shadow pandemic: Inequitable gendered impacts of COVID-19 in South Africa*. Feminist Frontiers. Vol.28, No.2. Special Issue: Changing Writing/Writing for Change March 2021, pp. 806

<sup>47</sup> Leburu-Masigo GE & Kgadima N.P., *Gender-based violence during the Covid-19 pandemic in South Africa: Guidelines for Social Work Practice*. Gender and Behaviour Vol. 18 No. 4, Online, 2020



severity as seen in the practices used against the contagion of COVID-19<sup>48</sup>.

## 2.4. Harmful cultural and traditional practices

Culture, tradition and religious practices play a huge role in maintaining some harmful traditional practices. “Ukuthwala” is a form of abduction that involves the kidnapping of a girl or a young woman by a man and his friends or peers with the intention of compelling the girl or young woman’s family to endorse marriage negotiations.

The origins of “ukuthwala” are difficult to trace as hardly any written historical literature or archival evidence is available. As is the case with any other practice, ukuthwala has changed over time and evolved under different socio-economic and political circumstances<sup>49</sup>. A similar tradition was widespread among farming communities (boeren) in the Netherlands in the 17th century, who might have brought the seed of this practice to South Africa. According to this custom, men in search of a bride were allowed to sneak into the bedroom of a young woman at night to have pre-marital intercourse. This practice was encouraged for the purpose of discovering if the girl could bear children. Once she was pregnant, the man had to marry that woman. Several historical interpretations are given for this practice; some romanticised the practice, others describe it as a practice related to marriage negotiations, but it was subsequently increasingly opposed as sinful and indecent and in the end it disappeared. Two villages in the Netherlands, Staphorst and Rouveen are the last places where the custom still occurred in the early twentieth century<sup>50</sup>. Similarly, some historians also romanticised “ukuthwala” as an adventurous and exotic Zulu practice and related it to marriage contracts and negotiations as described by Makho Nkosi and Johan Wasserman<sup>51</sup>. However, the practice has evolved into violations of the human rights of girls and young women and is increasingly seen as a relic of the patriarchal past, which makes it lose its validity in the new human-rights based and gender equality focused post-1994 historical context.

Despite legislation that prohibits marriage or engagement of a boy or girl under a minimum age, or above that age without the child’s consent<sup>52</sup>, customary marriages are recognised if they were established before the Recognition of Customary Marriages Act (1998). Those entered into thereafter are valid if both prospective spouses are above 18 years and consent to be married to each other under customary law

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<sup>48</sup> Parry, B.R., & Gordon, E. (2021), Ibid, pp. 795-806

<sup>49</sup> Nkosi, Makho; and Johan Wassermann, 2014, *A history of the practice of ukuthwala in the Natal/KwaZulu-Natal region up to 1994*. New Contree, No. 70, Special Edition (November 2014), School of Education University of KwaZulu-Natal, pp. 131-146.

<sup>50</sup> Cooper, Paulette, 1971, *Getting stoned by the natives in Staphorst*, The New York Times, 24 October 1971. <https://www.nytimes.com/1971/10/24/archives/getting-stoned-by-the-natives-in-staphorst-getting-stoned-by-the.html>

<sup>51</sup> Ibid, 2014.

<sup>52</sup> The old Marriage Act (1961) prohibits marriage of boys under 18 years and girls under 16 years except with the written permission of the Minister of Home Affairs. The Children’s Act (2005) also prohibits the marriage or engagement of a child below the above-mentioned minimum age or a child above that age without the child’s consent (section 12(2)).

(section 3(1)). If either of them is a minor, both parents or a legal guardian must consent to the marriage (section 3(3)(a))<sup>53</sup>.

The CEDAW-report of 12 May 2021 recalls NGOs in South Africa criticising 'ukuthwala' as often resulting in forced marriage. Members of the CEDAW Committee on the Elimination of Discrimination against Women interviewed the Commission on Culture, Religion and Linguistic Communities (CRL), who explained that 'ukuthwala' is the consensual elopement of a bride leading to negotiations for a customary marriage. "The CRL did not answer a designated member's question as to how the State party would ensure that 'ukuthwala' takes place only with the woman's free, prior and informed consent and does not result in child marriage<sup>54</sup>".

South Africa's Children's Act (2005) prohibits the marriage or engagement of a boy under 18 years and a girl under 16 years or a child above that age without the child's consent (section 12(2)). NGOs in South Africa accuse the Government of being reluctant to challenge customary marriages that violate this act "to avoid conflict with the powerful National House of Traditional Leaders. Child marriage, often involving rape, is prevalent in rural areas where poor families receive bride prices (lobolo)<sup>55</sup>".

The CEDAW report notes that – although the CRL and traditional and religious leaders are engaged in awareness raising programmes for rural communities on domestic violence – they are not adequately sensitised to deal with victims of domestic violence. The South Africa Human Rights Committee (SAHRC) and NGOs reported that these leaders often justify 'ukuthwala' and other harmful practices as consensual cultural practices and often send girls back to their families after they have reported harmful practices<sup>56</sup>. Religious counsellors advise survivors of sexual violence and abuse to "keep silent", if it is committed by a religious leader, or to "make peace" with their abuser if committed by their husband<sup>57</sup>.

In addition to 'ukuthwala', there are other cultural and religious practices that undermine equality, violate constitutional rights and cause harm to women and girls. These include issues relating to "virginity inspection (ukuhlolwa), allegations of witchcraft and assaults and killings of elderly women and discriminatory practices associated with widowhood across diverse cultures. Many religious denominations interpret their religious scripts in a patriarchal way and undermine women's equality. There is a general neglect of lesbian, gay, bisexual, transgender and intersex (LGBTI) issues, rural women, women with disabilities and sex workers, as well as violence against these communities<sup>58</sup>".

South Africa has committed itself to be bound by the provisions of CEDAW and its Optional Protocol, Article 16 of CEDAW, requires state parties to take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations. It further obliges state parties to

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<sup>53</sup> CEDAW, 2021. Ibid.

<sup>54</sup> CEDAW, 2021, Inquiry concerning South Africa under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, Ibid., par. 35.

<sup>55</sup> CEDAW, 2021, Ibid. par. 37.

<sup>56</sup> CEDAW, 2021, Ibid. par. 38-40.

<sup>57</sup> CEDAW, 2021, Ibid. par. 41.

<sup>58</sup> Hicks, J., Lowe Morna, C., and and M. Fonnah, 2016, *Gender in the 2016 South African local government elections. Gender Links for Equality and Justice*, 2016. Page 10.

ensure that “the betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory<sup>59</sup>”. The government is implementing various measures to address the issue of ukuthwala<sup>60</sup> through, amongst others, prosecution. Perpetrators are now charged in terms of the common law offences of kidnapping and assault with intent to do grievous bodily harm, and the statutory offence of rape in contravention of section 3 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007.

## **2.5. GBV against non-gender-conforming persons and the LGBTI+ Community**

South Africa is the first country in the world to enshrine protection for its citizens on the basis of sexual orientation in its Constitution. Provision 9 (3) in the South African constitution specifically includes sexual orientation as a category protected from discrimination. South Africa is also the only country in Africa that has legalised same-sex marriage.

“The constitutional protection clause was won through hard work by activists to get ‘sexual orientation’ included by leveraging the widely held sentiment in a post-apartheid South Africa that no-one should suffer discrimination, exclusion and violence because of who they are. The constitutional clause, however, did not in any way reflect a consensus - nor even a common understanding - about sexual orientation within the wider public. While gay and lesbian people have been much more visible and vocal in post-apartheid South Africa, in particular by successfully ensuring that discriminatory laws that violated the constitutional guarantee of equality were repealed or enacted, disturbing levels of violence against lesbian and gay people persisted and increased (in reporting at least) both in number and brutality. Worryingly, more recently there have also been some calls to repeal the sexual orientation clause in the Constitution<sup>61</sup>”.

A challenge that South Africa faces in its efforts to combat violence against women is the rising prevalence of physical and sexual attacks against lesbians, especially black lesbians. Sexual attacks against lesbians are particularly carried out under the guise of trying to ‘cure’ lesbians of their sexual orientation. The matter has further been aggravated by the somewhat unsatisfactory response of the criminal justice system to such attacks.

The National Prosecuting Authority has acknowledged that ‘hate crimes’ of a sexual nature need to be prioritised by the government as one of the first steps in addressing the matter of violence against lesbian

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<sup>59</sup> <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>

<sup>60</sup> Ukuthwala is a form of abduction that involves kidnapping a girl or a young woman by a man and his friends or peers with the intention of compelling the girl or young woman’s family to endorse marriage negotiations. <https://www.justice.gov.za/brochure/ukuthwala/ukuthwala.html> on 29 June 2021.

<sup>61</sup> The Other Foundation, and Human Sciences Research Council (HCRC), 2016, *Progressive Prudes, A survey of attitudes towards homosexuality & gender non-conformity in South Africa*. [https://theotherfoundation.org/wp-content/uploads/2016/09/ProgPrudes\\_Report\\_d5.pdf](https://theotherfoundation.org/wp-content/uploads/2016/09/ProgPrudes_Report_d5.pdf) P.10

women. South Africa therefore established a National Hate Crime Task Team in 2011. The main tasks of the team included developing a legislative intervention plan, a public awareness strategy and LGBTI sensitive shelters. In 2013, the task team developed a programme of action following a series of intensive workshops. The action plan includes the development of a long-term strategy to address violence against LGBTI people, as well as the monitoring of pending and unresolved criminal cases involving LGBTI victims. Training and sensitisation have also been identified as one of the priority areas. The results of these efforts are not further investigated in this gender country profile.

A ground-breaking survey published in 2016 by “The Other Foundation” about “what the broader public in South Africa really thinks about non-gender-conforming persons”. One of the alarming findings reveals that simply how you dress may carry a great risk, as it may trigger around 7% of the people around you to use violence, if your dress code does not conform to the socially expected traditional gender role within the patriarchal power structure. “Based on the survey, it is estimated that over the previous 12 months, around half a million (450,000) South Africans have physically harmed women who dressed and behaved like men in public, and 240,000 have beaten up men who dressed like women. Approximately 700,000 South Africans verbally abused (shouted at or teased) gender non-conforming people. Perhaps of most concern is the fact that between 6.2 and 7.4 percent of South Africans think that they might use violence against gender non-conforming people in the future. This is about three million South Africans who think that they might commit acts of violence against gender non-conforming people<sup>62</sup>.”

## **2.6. Sex work**

Adult sex work in South Africa (women 18 years and older) is a highly contested issue in which societal opinions are often highly polarised. In this regard, the perspective ranges from the Constitutional protection of human rights and human dignity to that of enforcing particular moral or religious values.

In March 2016, the Deputy President of South Africa, in his capacity as the Chairperson of the South African National AIDS Council (SANAC), announced groundbreaking new interventions to address the high HIV infection rates among sex workers. These measures include the provision of pre-exposure prophylaxis to help prevent HIV in sex workers and early treatment for those that are already HIV-positive. This announcement was made at the launch of the National Sex Worker HIV Plan, which is a comprehensive response to the needs of sex workers.

Many sex workers experience barriers when attempting to report a crime, and “sexual violence experienced by sex workers will often go unreported to police as a result of fear of the police themselves (with reports of extreme violence, torture and rape by police), and fear of arrest. Additionally, with cases of rape, many are not believed. As such, it is possible that sex workers may not even be referred to TCCs by police. They may, in fact, rather be detained at police stations, preventing them from accessing Post-

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<sup>62</sup> The Other Foundation, and Human Sciences Research Council (HCRC), 2016, Ibid.

Exposure Prophylaxis (PEP) medication within the 72 hour window<sup>63</sup>”.

## **2.7. Government Response to Gender Based Violence**

South Africa has a strong legal framework designed to protect and promote the rights of women confronted with gender-based violence. The legislative frameworks, which are aimed at combating, preventing, eliminating and eradicating all forms of violence against women; trafficking and promoting women's rights include the following.

### Overview of Legislative frameworks on GBV

- The Criminal Procedure Act 51 of 1997: This Act further amended the provisions relating to bail to ensure that persons who are accused of having committed serious offences are not released on bail. These offences often involve women and children as victims.
- Criminal Procedure Second Amendment Act 75 of 1995: This, among other things, deals with bail guidelines that cover violence against women.
- Film and Publications Act 65 of 1996: provides for the establishment of the Film and Publication Board whose role includes combating child pornography and the negative stereotyping of women.
- Criminal Procedure Second Amendment Act 85 of 1997: Tightens bail provisions relating to serious crimes, including violence against women.
- The Domestic Violence Act 116 of 1998: Seeks to strengthen protection against domestic violence. The Act broadens the scope of domestic relationships and domestic violent actions. It defines violence against women as including, in addition to physical violence, other forms such as emotional, economic, threatened violence and stalking. The main strength of the legislation lies in protection orders against perpetrators and the possibility of imprisonment of recidivist offenders.
- The Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000: This Act defines discrimination on the ground of gender to include gender-based violence.
- The Firearms Control Act 60 of 2000: Enables the State to remove illegally possessed fire arms from society, control supply, possession, storage, transportation and use of firearms and to detect and punish the negligent and criminal use of firearms.
- The Children's Act 38 of 2005: The Act gives effect to certain rights of children as contained in the Constitution, to set out principles relating to the care and protection of children, define parental responsibilities and rights to make further provision regarding children's courts among others.
- Older Persons Act 13 of 2006: Provides for the protection of older persons from all forms of violence, including from intimate partners; abuse; and neglect.

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<sup>63</sup> Briginshaw, L., et al., 2018, *Process Evaluation of NGO Services at Thuthuzela Care Centre*, Report compiled by Creative Consulting & Development Works. NACOSA, July 2018, page 52-53.  
<http://www.nacosa.org.za/wp-content/uploads/2018/09/GBV-Evaluation-Report-Web.pdf>

- Criminal Law (Sentences) Amendment Act, 38 of 2007: To provide that certain circumstances shall not constitute substantial and compelling circumstances justifying the imposition of a lesser sentence when a sentence must be imposed in respect of the offence of rape.
- The Criminal Law Amendment (Sexual Offences and Related Matters) Act 32 of 2007: This Act seeks to protect women and children by, inter alia, criminalising a wide range of acts of sexual abuse and exploitation. It defines a new expanded statutory offence of rape, applicable to all forms of sexual penetration without consent, irrespective of gender. It also defines a new offence of sexual assault, which contains a wider range of acts of sexual violation without consent than in previous common law. It establishes punishment of sexual predators that prey on children and people with disabilities. It criminalises the sexual exploitation or grooming of children and people with disabilities and child pornography.
- The Prevention and Combating of Trafficking in Persons Act, Act 7 of 29 July 2013: Giving South Africa, for the first time, a single statute that tackles human trafficking holistically and comprehensively. With regard to trafficking in women and girls, South Africa is aware of it being a source, transit route and final destination of trafficked victims. In recognition of the grave consequences of this phenomenon, South Africa addresses this problem with this act.
- Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill, adopted in 2021 [https://static.pmg.org.za/B16B-2020\\_Sexual\\_Offences.pdf](https://static.pmg.org.za/B16B-2020_Sexual_Offences.pdf): Extends the ambit of the offence of incest of Act 32 of 2007, introduces a new offence of sexual intimidation; further regulates the inclusion of particulars of persons in the National Register for Sex Offenders (NRSO); extends the list of persons who are to be protected in terms of Chapter 6 of the Act, as well as those who are entitled to submit applications to the NRSO, further regulates the removal of particulars of persons from the NRSO, and further regulates the reporting duty of persons who are aware that sexual offences have been committed against vulnerable persons, and to provide for connecting therewith.
- Domestic Violence Amendment Bill, adopted in 2021 to amend the Domestic Violence Act of 1998 to amend definitions; provide further instructions on how to deal with domestic violence; further regulate protection orders in response to acts of domestic violence; amend provisions of certain laws; and provide for matters connected therewith. <https://pmg.org.za/bill/966/?via=homepage-card>

In November 2019, a two-day ‘Presidential Summit against Gender-Based Violence and Femicide’ took place, after pressure from CSOs that were outraged by several brutal murder cases. The Summit resulted in a “Declaration of the Presidential Summit against Gender-Based Violence and Femicide, 2 November 2018<sup>64</sup>”. The declaration contains a set of comprehensive recommendations to effectively address the problem of GBV/F.

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<sup>64</sup> Declaration of the Presidential Summit against Gender-Based violence and Femicide, 2 November 2018. [https://www.gov.za/sites/default/files/gcis\\_document/201903/summit-declaration.pdf](https://www.gov.za/sites/default/files/gcis_document/201903/summit-declaration.pdf)

On the programming side, the government has put in place several interventions which are managed by different line ministries. A sample of them includes:

- In 2020, the publication of a National Strategic Plan on GBV and Femicide.
- In April 2020, the President announced the establishment of a GBV and Femicide Council
- The Annual 16 Days of Activism Campaign on No Violence against Women and Children.
- The establishment of Equality Courts and dedicated Sexual Offences Courts
- Victim Empowerment programmes and the Thuthuzela Care Centres as 24-hour one-stop centres where victims have access to services such as the police, counselling, doctors, court preparation and prosecution.

Dr Lesley Ann Foster, Executive Director of the Masimanyane Women's Rights Intl, observes changes going on: "There are moves to address this crisis, and we need to recognise that and get involved. We can't sink into negativity around this because that doesn't pay homage to the often dangerous and costly work of many volunteers and councilors. Having worked in the sector for the last 25 years, this is the most political action I have ever seen, and the changes appear to be moving fast and progress is being made in addressing gender-based violence, and that give us hope<sup>65</sup>".

## **2.8. Access to Healthcare**

Following the approval of the NDP, the National Department of Health (NDOH) published its vision for 2030, which reads thus: "We envisage that in 2030, South Africa has a life expectancy rate of at least 70 years for men and women. The generation of under 20s is largely free of HIV. The quadruple burden of disease has been radically reduced compared to the two previous decades, with an infant mortality rate of less than 20 deaths per thousand live births and an under-five mortality rate of less than 30 per thousand. There has been a significant shift in equity, efficiency, effectiveness and quality of health care provision. Universal coverage is available. The risks posed by social determinants of disease and adverse ecological factors have been reduced significantly<sup>66</sup>".

In order for this vision to be realised, women's healthcare needs to be central and prioritised by government. Statistics on the burden of disease show that women often bear the brunt not only of the diseases themselves but also due to their role as care givers.

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<sup>65</sup> Quoted by: Edey van Wijk, C., 2021, SA's shadow pandemic: a scourge too costly to ignore. [https://www.investec.com/en\\_za/focus/beyond-wealth/sa-shadow-pandemic-a-scourge-too-costly-to-ignore.html](https://www.investec.com/en_za/focus/beyond-wealth/sa-shadow-pandemic-a-scourge-too-costly-to-ignore.html)

<sup>66</sup> Government of South Africa (2015). Minister Aaron Motsoaledi: Health Department Budget Vote 2015/16 <https://www.gov.za/speeches/minister-aaron-motsoaledi-health-dept-budget-vote-201516-5-may-2015-0000>

The current leadership has made great strides in overhauling the entire health system and putting measures in place to improve health outcomes, but the country still has a long way to go. Women younger than 25 are up to four times more likely to be infected with HIV than men of the same age. While the overall infection rate is levelling off in South Africa, it continues to grow among women, especially young women. More females (1,038,000) than males (639,000) are living with HIV<sup>67</sup>. By geographical variation, KwaZulu-Natal (522,000), Gauteng (291,000) and the Eastern Cape (223,000) have the highest number of people living with HIV<sup>68</sup>.

The co-existence of the epidemics of HIV, TB and violence against women has raised the costs of health care for South African women and girls - both physically and psychologically. The report recommended that the government increase its efforts to address the wider social and economic inequalities that act as barriers to effective prevention, treatment and care for HIV and AIDS<sup>69</sup>.

The lack of prioritisation of women's Sexual and Reproductive Health and Rights (SRHR) is also something that has been brought into the spotlight in recent years. Women have the right to reproductive choice that should encompass fertility management, including contraceptive counselling, choices between different types of contraception (taking into consideration a woman's age) as well as termination of pregnancy options. Women should be helped to plan safe and desired pregnancies. SRHR arrangements should also include sexual and reproductive health information and treatment as well as access to these health services. For women who are HIV positive, information and birth control choices should be provided with HIV and AIDS counselling and treatment in line with the latest treatment guidelines.

South Africa is also dealing with the adverse effects of neglecting Non-Communicable Diseases (NCDs). The rise in NCDs such as cardiovascular diseases, diabetes, obesity, cancers, chronic respiratory diseases and mental illness has put an enormous amount of pressure on health care expense both at a personal and countrywide level. A 2016 study found that more than 68% of women aged 15 years and older are overweight or obese (2016 Demographic and Health Survey).

It is therefore clear that if women are not a central part of the government's health strategies, policies and programming, Vision 2030 cannot be realised.

### Conclusions and Recommendation

The government and civil society are deeply concerned about the high incidence and wide-spread manifestation of GBV/F as one of the major threats to South African democracy. Year after year they

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<sup>67</sup> Department of Statistics South Africa (2019), General Household Survey, Publications Office of the South African Government, South Africa.

<http://www.statssa.gov.za/publications/P0318/P03182019.pdf>

<sup>68</sup> Department of Statistics South Africa (2019), General Household Survey, Ibid.

<sup>69</sup> Amnesty International (2008), South Africa: *Rural women the losers in HIV response*, Publications Office of Amnesty International, United Kingdom. <https://www.amnesty.org/en/press-releases/2008/03/south-africa-rural-women-losers-hiv-response-20080318/>



have been calling for freedom from all forms of Gender-Based Violence and Femicide (GBV/F). Many legal and policy frameworks have been put in place in the past, although effective implementation remains a challenge. During the Presidential Summit on GBV/F in November 2019, a declaration was formulated with the broad-based support of CSOs, containing recommendations of all key issues that need to be addressed. President Ramaphosa declared the situation of GBV/F a national priority and launched a new strategy, the National Strategic Plan on GBV and Femicide (NSP GBV/F). Bold measures and sufficient budget should now be assigned to free the country from all forms of GBV and femicide, and transform SA into a truly human-rights-based society as foreseen in the Constitution. One of the problems is that data about GBV/F is fragmented and not consistent.

Recommendation: To monitor the upcoming changes with the new political priority and NSP GBV/F, it is important to set clear baselines on the incidence of GBV/F. A comprehensive survey is required to gather reliable data on the different forms of GBV/F and harmful practices.

### **Section 3: Economic and Social Empowerment**

After 1994, the principle of gender equality influenced policy and legislation formulation in economic and social development-related areas such as access to employment, land, housing, water, health care and public works programmes. Furthermore, the government understands that investing in women is one of the most effective development tools of our time to uplift the entire nation in general and women and children in particular. It stops generational poverty and, in the process, stimulates economic growth.

The South African Government developed and implemented key domestic development programmes with an overarching focus to address the legacy of colonialism and apartheid. These include, for example, programmes such as the Reconstruction and Development Programme (RDP); Growth, Employment and Redistribution (GEAR); Accelerated Strategy and Shared Growth Initiative South Africa (ASGISA); the Joint Initiative for Priority Skills Acquisition (JIPSA); New Growth Path (NGP), which targets the creation of 5 million jobs; and the Industrial Policy Action Plan 2 (IPAP2). These programmes have culminated in a master development plan, the National Development Plan 2030 (NDP). Other important programmes that address equality and inclusion are the Presidential Infrastructure Coordination Commission (PICC), Operation Phakisa<sup>70</sup>, Green Economy<sup>71</sup> and a recent Directive of the President that establishes a preferred public procurement system that has set aside a target of 40% that must be allocated to women-owned or women-led enterprises<sup>72</sup>.

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<sup>70</sup> Operation Phakisa was initiated in 2014 and focuses on unlocking the economic potential of South Africa's oceans, which could contribute up to ZAR177 billion to the GDP by 2033 and between 800 000 and 1 million direct jobs.

<sup>71</sup> The Department of Forestry, Fisheries and the Environment, has set out a New Growth Path with critical markers for employment creation and structural changes that generate a more inclusive and greener economy.

<https://www.environment.gov.za/projectsprogrammes/greeneconomy/about#introduction>

<sup>72</sup> Information obtained during interview (16 Aug. 2021) by one of the authors with high-level staff of the DWYPD.

The Medium-Term Budget Policy Statement 2020 of the National Treasury of the Republic of South Africa<sup>73</sup> addresses the impact of COVID-19 and is focused on economic recovery and fiscal consolidation as a medium-term priority. Recovery of the growth of GDP and tax revenues, reduction of budget deficit and national debt are at the core of this budget statement. Within these limits, a social compact was agreed between government, business, labour and civil society that prioritises short-term measures to support the economy and boost energy production, infrastructure investment and public employment, alongside crucial structural reforms that will raise long-term growth. “And structural reforms will promote faster, more inclusive growth and employment over the medium to long term.” The Budget Policy Statement is completely gender blind<sup>74</sup>, and does not take into consideration the Gender Responsive planning, budgeting, monitoring and auditing framework that was approved by the Cabinet in March 2019.

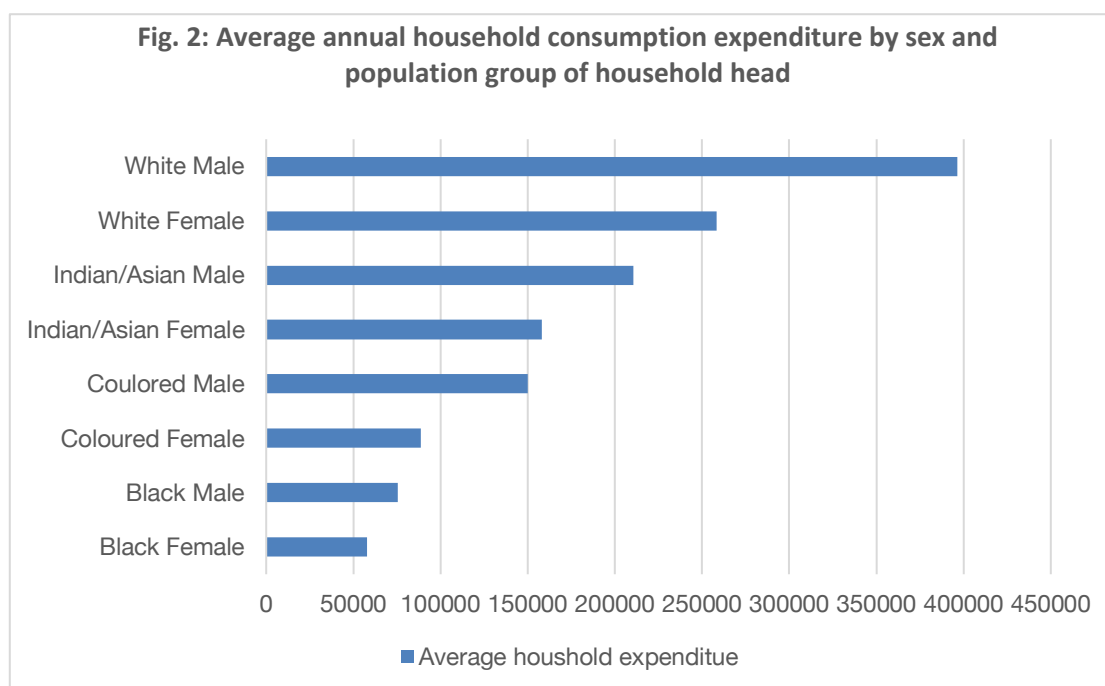
### **3.1. Who gets the smallest part of the pie?**

South Africa’s history of colonisation and apartheid has left an indelible mark – a deeply divided society, with significant social and economic disparities across race, geographic location, gender and ability that cannot be overcome by decree. Socio-economic rights, as guaranteed in the Constitution, remain inaccessible for the majority of those who do not conform to the patriarchal norm of white heteronormative male, including women, girls, people with disabilities, gender-non-conforming people and the greater LGBTQI+ community. Additionally, the promotion of patriarchal cultural customs and norms by black African traditional leaders, makes the situation more complicated, leading to structural violations of their right to physical integrity and their socio-economic rights. On average they face higher levels of gender-based violence (GBV) and difficulties in accessing public services, social protection and employment. This appears in the continuation of the gender/race segregation of society and in the perpetuation of the feminisation of poverty. Figure 1 shows that by the end of every day in human life, Black African women have the smallest part of the pie in South Africa.

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<sup>73</sup> National Treasury of the Republic of South Africa, 2020, Medium Term Budget Policy Statement 2020 <http://www.treasury.gov.za/documents/mtbps/2020/mtbps/FullMTBPS.pdf>

<sup>74</sup> Gender budget assessment of the Medium-Term Budget Policy Statement 2020 of the National Treasury of the Republic of South Africa was made by the authors.



Source: Statistics South Africa, 2018, Men, Women and Children; Findings of the Living Conditions Survey 2014/15. Based on data from table 6, Page 10.

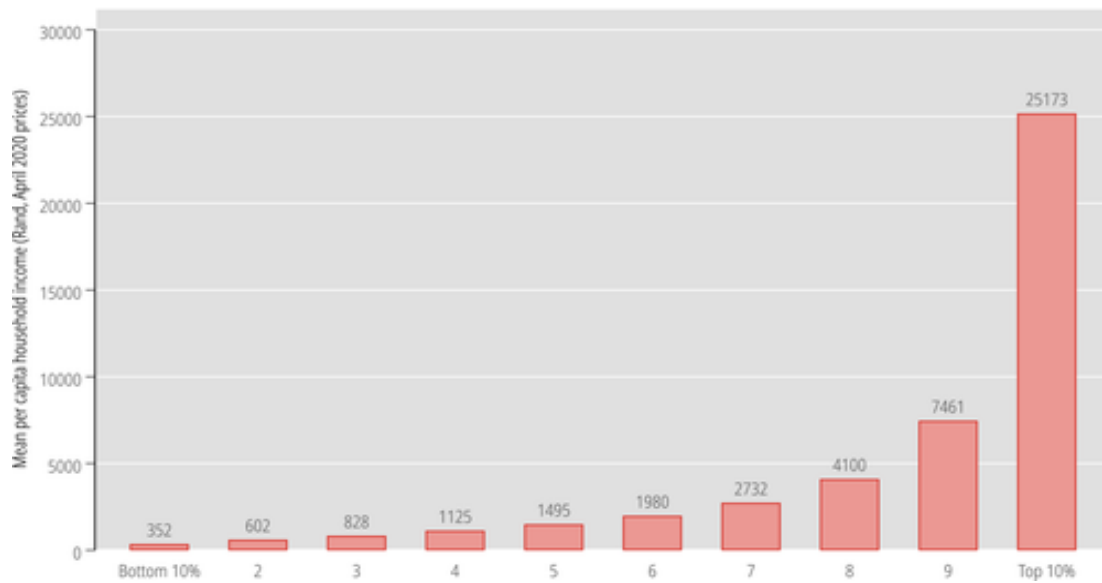
### 3.2. Economic inequalities and poverty

South Africa is one of the world's most unequal countries, with a Gini coefficient of 0.63. "While there has been some debate about the precise levels of inequality, all researchers who work on this topic agree on the substantive point that inequality in South Africa is extremely high and has remained so since 1993<sup>75</sup>". The figure below shows South African household income distribution, by decile, using average real per capita household income as the measure of welfare, in 2020 prices. The richest 10% of the population resides in households with an average per capita income of ZAR 25,412 per month, while the poorest 10% resides in households with an average income of only ZAR 352 per capita per month. Notably, between 70% and 80% of the country's population resides in a household where monthly per capita income is less than the legislated national minimum wage for a single worker, which is ZAR 3,500 per month. The National Minimum Wage (NMW) for each ordinary hour worked has been increased from R20,76 to R21,69 for the year 2021 with effect from 01 March 2021<sup>76</sup>.

<sup>75</sup> Statistics South Africa, *Inequality Trends in South Africa: A multidimensional diagnostic of inequality*, report no. 03-10-19, Pretoria, 2019.

<sup>76</sup> Republic of South Africa, Department Employment and Labour, 2021, Employment and Labour Minister TW Nxesi announces minimum wage increases. 09 February 2021.  
<http://www.labour.gov.za/employment-and-labour-minister-tw-nxesi-announces-minimum-wage-increases?platform=hootsuite>

Figure 3: Average per capita household income by decile (April 2020 Rands)



Source: Haroon, B., Oosthuizen, M., Stanwix, B., (2021). 'Social Assistance Amidst the COVID-19 Epidemic in South Africa: A Policy Assessment'

Women are at a higher risk of falling into poverty and are more deeply affected by it than men. Women make up over 51% of the 59.6 million (2020) population of SA<sup>77</sup>. Women's poverty<sup>78</sup> levels are significantly higher than those of men: South Africa's Living Conditions Survey (LCS) indicates that 52.2% of women fall below the Upper-Bound Poverty Line (UBPL), compared to 46.1% of men<sup>79</sup>; 74.8% of women-led households fall below the UBPL, compared to 59.3% of men-led households<sup>80</sup>. Women-led households represent 41.2% of households in South Africa in 2019<sup>81</sup>, and they consume only 26% of the national pie, whereas the 57.8% of households led by men consume 74%<sup>82</sup>.

The South African government measures poverty by three threshold points: the Upper-Bound Poverty Line (UBPL) indicates an income of 1,127 ZAR (\$70) per month; the Lower-Bound Poverty Line (LBPL) and the Food Poverty Line (FPL) indicate incomes of 810 ZAR (\$47) and 561 ZAR (\$32) respectively

<sup>77</sup> Stats SA (2021), 2020 Mid-year population estimates <http://www.statssa.gov.za/?p=13453>,

<sup>78</sup> Statistics South Africa, Men, Women and Children: Findings of the Living Conditions Survey 2014/15, report no. 03-10-02 (2014/15), Pretoria, 2018. <http://www.statssa.gov.za/publications/Report-03-10-02%20Report-03-10-02%202015.pdf>.

<sup>79</sup> <https://borgenproject.org/poverty-in-south-africa/> on 25 June 2021.

<sup>80</sup> <https://borgenproject.org/poverty-in-south-africa/> on 25 June 2021.

<sup>81</sup> <http://www.statssa.gov.za/publications/P0318/P03182019.pdf> on 25 June 2021

<sup>82</sup> Statistics South Africa, *Inequality Trends in South Africa: A multidimensional diagnostic of inequality*, report no. 03-10-19, Pretoria, 2019.

(2020 Poverty Lines<sup>83</sup>). There is a gender gap at each line of poverty (UBPL, LBPL, and FPL) with women consistently lagging behind. This gender gap has remained relatively stable over the past years.

Poor families, in majority black Africans, face overwhelming institutionalised challenges to get equal access to land ownership, housing, financial resources, employment and political representation, particularly black African women who remain largely unrecognised by and excluded from equal access to the formal economy and are more affected by climate change and food insecurity. The Stats SA report from 2019 registered that 11.1% of women-led households reported hunger, compared to 9.7% of men-led households<sup>84</sup>.

The Marginal Groups Indicator Report of 2019 indicates that on average 40.6% of the women-led households do not have any employed household member, as compared to 22% of male-led households<sup>85</sup>.

During the COVID-19 pandemic, gender disparities were exacerbated, particularly in two major areas: women-led households and greater unpaid care demands at home. Women-led households, by their very nature, are more likely to exist as lower-income households and are more vulnerable to extreme poverty<sup>86</sup>. A report on the Socio-Economic Impact Assessment of COVID-19 in South Africa, compiled by the United Nations Development Programme, found that “households headed by casually employed, black African women, who had not completed secondary education, had a 73.5% chance of falling into poverty due to the coronavirus lockdown<sup>87</sup>”.

In 2020, on the side of positive consumer policies following COVID-19, the Department of Social Development, working with community-based organisations and the Solidarity Fund, scaled up its food distribution programme for households in need<sup>88</sup>.

As in other countries, COVID-19 sharpened existing socio-economic inequalities in South Africa, boosting recent policies and conversations around the conditions of poverty and strategies towards reducing poverty and closing the gender/race gaps of inequality.

The past years show a trend towards reduced employment in the formal sector and increased employment in the informal sector. Between 2013 and 2019, employment for men in the formal sector as a percentage of the total employment of men reduced more for men - from 74.7% to 69.8% - than for

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<sup>83</sup> Stats SA, 2020, National Poverty Lines, 2020. Department Statistics South Africa, Statistical Release P0310.1 <http://www.statssa.gov.za/publications/P03101/P031012020.pdf>

<sup>84</sup> Statistics South Africa, Marginalised Groups Indicator Report, 2019, report no. 03-19-05, Pretoria,

<sup>85</sup> Ibid.

<sup>86</sup> Parry, B.R., and Gordon, R., 2020, *The shadow pandemic: Inequitable gendered impacts of COVID-19 in South Africa*. Feminist Frontiers. <https://onlinelibrary.wiley.com/doi/epdf/10.1111/gwao.12565>

<sup>87</sup> Parry, B.R., and Gordon, R., 2020, Ibid.

<sup>88</sup> During the COVID-19 lockdown, schools were to consider ways to distribute food to learners through the National School Nutrition Programme (NSNP) and, in the event of community spread of COVID-19 to consider options such as “grab-and-go” bagged lunches or meal delivery in order to avoid meal distribution in settings where people might gather in groups (DALRRD, 2020).

women - from 66.9 to 66.8%. Informal employment increased more for men - from 16.1% to 20.2% - than for women from 14.6 to 15.8%<sup>89</sup>.

The Quarterly Labour Force Surveys of South Africa show that the gender pay gap reduced by 5% between 2013 and 2018. Women's median monthly earnings rose from 71% to 76% of men's median monthly earnings<sup>90</sup>.

The government has worked to address poverty levels mainly through a programme called the New Growth Path (NGP). This policy works to support small businesses through financing and enhancing multiple sectors of the economy. NGP also aims to expand public work projects to ensure that more individuals will have access to consistent income.

### Conclusion and recommendation

The most logical and obvious option to make rapid progress in the fight against poverty and gender inequality is to target poor black women, especially female heads of households who are the most marginalised group and have therefore become the poorest of the poor. Poor women are not by definition vulnerable women. In fact, they have become masters in complex survival strategies and they keep their families alive with a low ecological footprint.

Small investments to upgrade their economic activities can lead to big leaps forward in their economic empowerment. Training, digital literacy and capacity building to engage them as leaders in local initiatives to create new jobs for the poorest women, particularly in the areas of the green and circular economy<sup>91</sup>, will bring high returns on investment in terms of poverty reduction, gender equality, improved health and nutrition levels, education and life-long learning, expansion of the green economy and other targets related to South Africa's NDP-2030 and the Sustainable Development Goals (SDGs).

We recommend the international community of development partners to align the procurement procedures with the Government of South Africa and follow the directive to establish a target of 40% of procurement funds to be allocated to women-owned or women-led enterprises<sup>92</sup>.

### **3.3. Distribution of paid and unpaid work**

The Sustainable Development Goal 5 on Gender Equality and Women's Empowerment includes Target 5.4: Recognize and value unpaid care and domestic work through the provision of public services,

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<sup>89</sup> Gender Series Volume VII: *Informal economy, 2013–2019* (Report 03-10-23), page 7

<sup>90</sup> Quarterly Labour Force Survey of South Africa, 2018

<sup>91</sup> For example, local initiatives for the green economy may include PV-solar energy systems, waste management, rainwater harvesting, medical herbs and plant, maintenance of bio-diversity, create green belts around urban and rural communities, nature-based solutions to increase resilience for climate change, etc.

<sup>92</sup> See also UN-Women, 2017, *The power of procurement: How to source from women-owned businesses. Corporate Guide for Gender-Responsive Procurement*.

<https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2017/the-power-of-procurement-how-to-source-from-women-owned-businesses-en.pdf?la=en&vs=237>

infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.

As in other countries, South Africa's distribution of paid and unpaid work is gender segregated. On average, women assume 70% of unpaid care work in South Africa<sup>93</sup>. Unpaid care work falls under 3 categories:

- a) unpaid domestic work
- b) unpaid care
- c) unpaid community services.

High Court judge Teresia Matheka (Kenya) recently decided that financial value in a marriage is more than visible income, as it should also value the non-monetary contribution to the family's wealth. "Housewives offer full-time services at home and should not regard themselves as jobless. It is easy for the spouse working away from home and sending money to lay claim to the whole property purchased and developed with that money. Raising children is a full-time job that families pay a person to do as well as cooking and cleaning. Hence, for a woman in employment who has to balance childbearing and rearing this contribution must be considered<sup>94</sup>".

"Women give more than what society gives to them", stated the South African eco-feminist Adenike Oladuso<sup>95</sup>. This can be expressed in the volume of unpaid work. Although necessary for the life-sustaining home economy, the unpaid care work is not recognised and not taken into account in political decision making, because it is not part of the calculations of the GDP. Women in South Africa dedicate on average 229 minutes a day to unpaid care work, and 129 minutes to paid work. Their paid and unpaid work comes to a total average of 358 minutes a day. South African men only dedicate 98 minutes on average to unpaid care work and 214 minutes to paid work, which totals 312 working minutes a day on average. This means that every day women in South Africa work about 46 minutes more than men. Per year this adds up to 280 hours, representing about 35 full time working days of 8 hours.

The Paid-Unpaid-Work-quote (PUW-quote) indicates the percentage of the total working hours that is paid<sup>96</sup>. In South Africa, 36% of total working hours of women are paid, whereas the PUW-quote for men is 68.6%. In other words, roughly a bit more than one-third of women's working hours are socially recognised in monetary terms, whereas over two-thirds of men's working hours are paid and thus a recognised part of the monetary economy.

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<sup>93</sup> Charmes, Jacques, 2019, *The Unpaid Care Work and the Labour Market. An analysis of time use data based on the latest World Compilation of Time-use Surveys*. International Labour Office – Geneva: ILO, 2019.

<sup>94</sup> Osoro, Jmr, 2021, High Court judge declares being housewife a full-time payable job. In: K24live, 24 Sep, 2021 <https://www.k24tv.co.ke/news/high-court-judge-declares-being-housewife-a-full-time-payable-job-46309/>

<sup>95</sup> Statement made by Adenike Oladusa as keynote speaker in the Webinar "Economic empowerment of Women in Green Industry: Waste Sector", organized by UNIDO on 30 August 2021,

<sup>96</sup> Van Osch, T., 2008: *The PUW Quote: Context Indicator to address gender gaps in development*. Utrecht, the Netherlands (ISEC), 2008. [https://www.academia.edu/37229384/The\\_PUW\\_Quote\\_Context\\_Indicator\\_to\\_address\\_gender\\_gaps\\_in\\_development](https://www.academia.edu/37229384/The_PUW_Quote_Context_Indicator_to_address_gender_gaps_in_development)

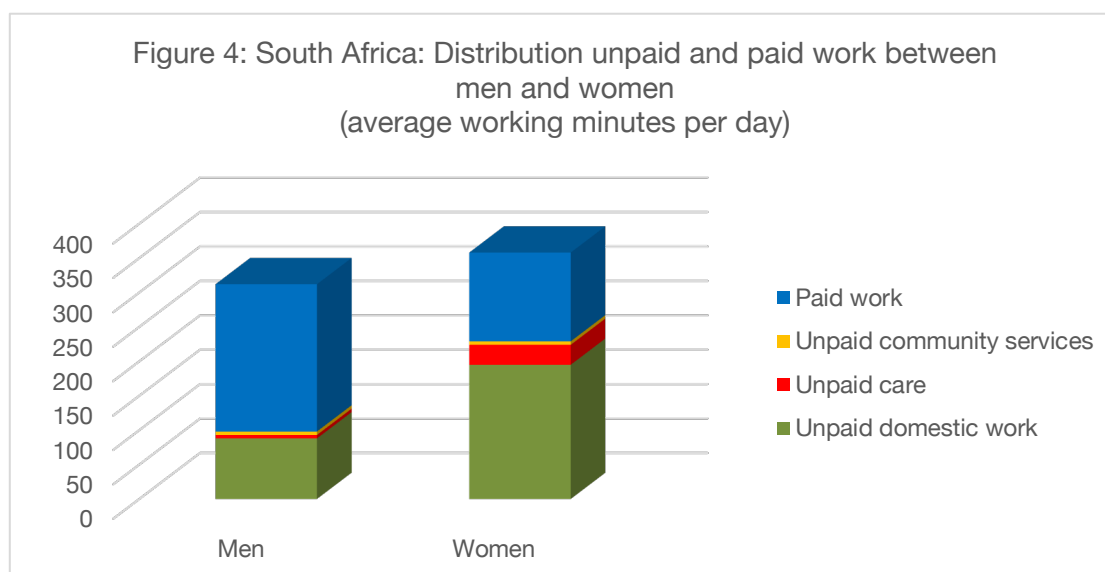


Figure composed with data from ILO publication, 2019, *The Unpaid Care Work and the Labour Market*. An analysis of time use data based on the latest World Compilation of Time-use Surveys. J. Charmes, ILO, Geneva.

Women's organisations in South Africa who were consulted for this study stated that there is a lack of recognition of women's unpaid work. It should be counted and made visible in the statistics. Investments in social infrastructure should contribute to reducing women's unpaid work burdens, particularly in rural areas. Women need a fairer distribution of paid and unpaid work between women and men, which will require a change of mindset<sup>97</sup>.

Also, one of the gender review findings on the implementation of the NDP-2030 was the lack of recognition of unpaid care work for socio-economic development, unfair distribution of unpaid care work and the lack of policies to address the disproportionate burden of unpaid care work on women<sup>98</sup>.

To tap into the reservoir of women's talents and to increase women's contribution to socio-economic development, it is key to reduce women's unpaid work burdens. This is a question of investing in improved access of families to electricity, piped water, sanitation and social infrastructure, including safety, public transport, child care facilities and access to health and medical care. Many studies have shown that investing in gender equality brings many benefits to people and to the economy, including increased GDP, increased employment rates, reduced gender gaps, reduced violence against women, etc. A study by the

<sup>97</sup> Online consultation meetings with CSOs in South Africa on 28 June 2021.

<sup>98</sup> Taylor, Vivienne, 2021, *Planning Perspectives on Advancing Women's Emancipation and Gender Equality*. NPC, NDP Department: The Presidency of the Republic of South Africa.  
[https://www.nationalplanningcommission.org.za/assets/Documents/Planning%20Perspectives%20on%20Advancing%20Womens%20Emancipation%20and%20Gender%20Equality\\_March%202021%20.pdf](https://www.nationalplanningcommission.org.za/assets/Documents/Planning%20Perspectives%20on%20Advancing%20Womens%20Emancipation%20and%20Gender%20Equality_March%202021%20.pdf)

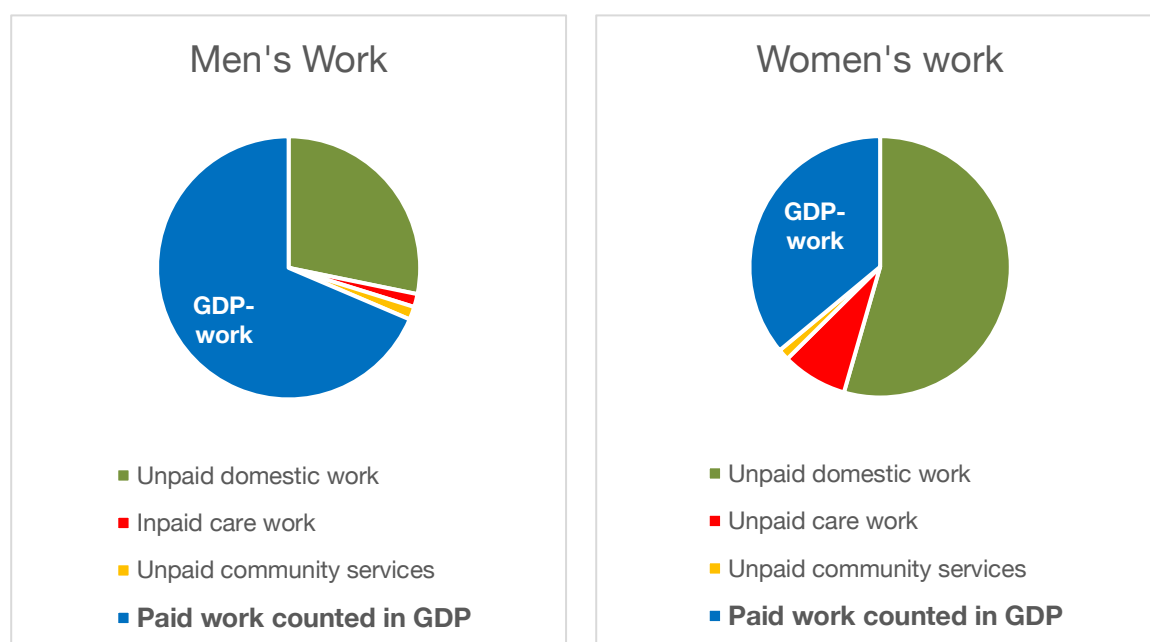


European Institute for Gender Equality (EIGE) shows the economic benefits of gender equality for European countries<sup>99</sup>.

During the COVID-19 lockdowns, almost the entire economy had to fall back on an unpaid care economy that functioned as a life-sustaining resilient cushion of the crisis. The COVID-19 crisis made the life-sustaining home-economy visible as the largest sector of the economy. Figure 4 shows that in terms of aggregated working hours of men and women, it is the largest sector of the economy and the biggest blind spot in the economic model and macroeconomic policies. The work consists of taking care of children and sick family members, facilitating life for elderly people or family members with a disability, managing the home (shopping, cleaning, cooking, washing clothes, growing food for home-consumption, etc.) and providing long-term unpaid support to the community of friends, neighbours, (ex-)colleagues and other acquaintances who have a disability or suffer from chronic illness. During the lockdown, these tasks increased due to school closures, and less capacity of the hospitals to attend to non-urgent illnesses. Additionally, new tasks – including paid work that is part of the monetary production economy - were passed on to the home-economy, particularly home-based online work.

As long as the current economic model is used, the economic performance of most countries, including South Africa, is measured in Gross Domestic Product (GDP). Although women work more hours than men, it is supposed that men are contributing more to GDP, because unpaid care work is not counted in the economic model, as shown in figure 5.

Figure 5: South Africa: Contribution of women and men to GDP



<sup>99</sup> EIGE, 2017, *Economic Benefits of Gender Equality in the European Union Report on the empirical application of the model*. Vilnius, Lithuania.  
<https://eige.europa.eu/gender-mainstreaming/policy-areas/economic-and-financial-affairs/economic-benefits-gender-equality>

Unpaid care work by women in South Africa was estimated to be over three times higher during the COVID-19 response: 180 additional working hours for women and 66 for men<sup>100</sup>. For the year 2020, this means that one of the gender effects of the lockdown was that women had more than 22 extra working days, and men about 8 extra working days due to additional unpaid care work.

Survey data from NIDS-CRAM covering the first lockdown in South Africa shows a destabilisation of the distribution of work in the paid and unpaid economy. The crisis affected women's paid work more than men's, both in net job losses and in decline of number of paid working hours. Additionally, women's unpaid workload increased, particularly unpaid child care responsibilities due to school closures<sup>101</sup>. During the first 'hard' lockdown in South Africa, there was a 22% decline in the share of women employed, compared to a 10% decline in the share of men employed between February and April 2020, causing a tremendous increase in the employment gender gap. Among those who kept their jobs, the average number of paid working hours per week had fallen to about 23 hours for women and 29 hours for men. This constitutes a 35% decline for women and a 26% decline for men, thus increasing the gender gap in paid working hours. "Of the approximately 2.9 million net job losses that occurred between February and April (2020) among all adults aged 18 and older, women accounted for two-thirds<sup>102</sup>". Unpaid care work increased for both women and men due to the closing of all schools, early childhood development centres (ECDs) and childcare facilities. Also domestic workers and childminders were unable to work in private households. Among those living with children, in April 2020 a larger percentage of women than men reported spending more time than usual on childcare. Of these, nearly 80% of women and 65% of men reported spending more than 4 extra hours a day on childcare<sup>103</sup>.

### Conclusion and recommendation

Economic empowerment of women is obstructed by the unfair distribution of paid and unpaid work between women and men of all ages and diversity. Annual statistics on the distribution of paid and unpaid work among women and men are needed to bring this issue to the policy dialogue and to national reporting on target 5.4 of the SDGs.

Solid baselines on the gender-specific distribution of paid and unpaid work are required to include the life-sustaining home-economy in the policies and planning of local and national authorities. We recommend that the Department of Statistics of South Africa (Stats SA) produce Annual Statistical Reports on unpaid

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<sup>100</sup> <https://www.cgdev.org/publication/global-childcare-workload-school-and-preschool-closures-during-covid-19-pandemic> on 26 June 2021

<sup>101</sup> Casale, D. and Posel, D., 2020, *Gender and the early effects of the Covid-19 crisis in the paid and unpaid economies in South Africa*. University of the Witwatersrand, CRAM/NIDS, 15 July 2020. <https://cramsurvey.org/wp-content/uploads/2020/07/Casale-Gender-the-early-effects-of-the-COVID-19-crisis-in-the-paid-unpaid-economies-in-South-Africa.pdf>

<sup>102</sup> Casale, D. and Posel, D., 2020, CRAM/NIDS, Ibid.

<sup>103</sup> Casale, D. and Posel, D., 2020, CRAM/NIDS, Ibid.

work disaggregated by sex/age/race/rural/urban and calculate the sex-disaggregated PUW-quote<sup>104</sup>, which can be taken into account when measuring the gender impact of policies, particularly macro-economic, fiscal and labour market policies.

Future investments and the creation of new job opportunities, education and training in green and digital transformation should include target setting to reduce unpaid work and to enhance a fair distribution of paid and unpaid work between women and men in all their diversity.

### 3.4. Social security

Section 27 (Act No. 108 of 1996)<sup>105</sup> of the South African Constitution makes provision for all citizens to have the right to social security, including appropriate social assistance from the government, should they be unable to support themselves and their dependents. South Africa's social assistance system, (one of the largest in Africa), is the government's most direct means of combating poverty. According to Statistics South Africa's 2019 General Household Survey, the number of people receiving social grants increased from 12.8% in 2003 to 30.9% in 2019 and the number of households receiving at least one social grant was 45.5%<sup>106</sup> in 2019 (from 30.8% in 2003).

Social assistance grants play a crucial role in the survival of the household, especially for women who carry most of the duty of care. Evidence shows that women in South Africa who received social grants have been empowered as they exhibit enhanced self-esteem, agency and decision making<sup>107</sup>. In addition, social grants have a holistic effect on household welfare and health, by bringing an income into the household and thereby acting as a preventive rather than a palliative intervention.

The majority of child grant beneficiaries are women (96%), and a study by the Centre for Social Development in Africa (CSDA) at the University of Johannesburg shows that the grant has had an impact on women's empowerment in very poor communities: "The [child support grant] enhances women's power and control over household decision-making in financial matters, general household spending and in relation to child well-being". According to a child grant evaluation report by the United Nations Children's Fund (UNICEF), the grant has a positive impact on school attendance and health care. An impact report using data from the same survey shows that the child grant significantly reduces adolescent

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<sup>104</sup> Van Osch, T., 2008: *The PUW Quote: Context Indicator to address gender gaps in development*. Utrecht, the Netherlands (ISEC), 2008.

[https://www.academia.edu/37229384/The\\_PUW\\_Quote\\_Context\\_Indicator\\_to\\_address\\_gender\\_gaps\\_in\\_development](https://www.academia.edu/37229384/The_PUW_Quote_Context_Indicator_to_address_gender_gaps_in_development)

<sup>105</sup> South Africa final Constitution 1996, Section 27

<sup>106</sup> Stats SA, 2020, General Household Survey. Department Statistics, Government of South Africa, (Statistical release P038). <http://www.statssa.gov.za/publications/P0318/P03182019.pdf>

<sup>107</sup> Patel, L, Sugiyama, N, B., and Wendy Hunter. 2021. *Landmark Study Shows How Child Grants Empower Women in Brazil and South Africa*. The Conversation. Accessed 25 June 2021.

<http://theconversation.com/landmark-study-shows-how-child-grants-empower-women-in-brazil-and-south-africa-157537>.

risky behaviour, such as unprotected sex, alcohol use, drug use, criminal activity and gang membership. That is because teenagers are usually allowed some pocket money from the grant<sup>108</sup>.

Given these high levels of economic vulnerability at the household level, and in the face of the widespread negative economic impacts of the lockdown, the expansion of social support to those negatively impacted appears critical.

COVID-19 exposed some gaps at the heart of South Africa's social security system, leaving informal workers with no access to unemployment benefits or temporary employee relief, without income. On the other hand, many workers were employed by people who never bothered to register them with the Unemployment Insurance Fund (UIF). As a result, they could not benefit from the insurance when they lost their job due to the COVID-19 lockdown. The impact was particularly felt in the hospitality industry, where most of the workers who were not registered with the UIF were women<sup>109</sup>. In South Africa only about 7% of unemployed people are covered by unemployment insurance<sup>110</sup>. At least three million people lost their jobs or livelihoods in the first month of lockdown<sup>111</sup>.

The COVID-19 pandemic and associated lockdowns led to a dramatic increase in hunger in South Africa. Survey data showed that much of the gains since the introduction of the Child Support Grant (CSG) in 2000 have been reversed<sup>112</sup>. In the May/June 2020 period (Wave 1), up to 47% of households reported having no money for food. Reports from the Eastern Cape were particularly bad, with NGOs reporting levels of hunger typical of war zones<sup>113</sup>.

Table 1: Households reporting some type of food insecurity over the lockdown period

	WAVE 1	WAVE 2	WAVE 3
Child hunger	15%	12%	16%
Adult hunger	23%	16%	18%
No money for food	47%	38%	41%

Source: Institute for Economic Justice (2021:4)

<sup>108</sup> Quoted from: European Delegation to South Africa, 2019, Gender Country Profile South Africa 2016, revised 2019. (internal document)

<sup>109</sup> Information obtained during interview by one of the authors with high-level staff of the DWYPD, 16 august 2021.

<sup>110</sup> Institute for Economic Justice, 2021: Social Security During Covid-19: The Rights to Social Security and an Adequate Standard of Living. 2021 Covid-19 Economics and Human Rights Factsheet #3

<sup>111</sup> Institute for Economic Justice, 2021: Idem

<sup>112</sup> Bridgman, G, van der Berg, S and Patel, L. 2020. *Hunger in South Africa during 2020: Results from Wave 2 of NIDS-CRAM*. Retrieved: <https://cramsurvey.org/wp-content/uploads/2020/09/3.->

<sup>113</sup> Institute for Economic Justice, 2021: Idem.

A primary concern amongst policymakers, researchers and civil society organisations has been how to soften the impact of the lockdown on the working poor who are formally or informally employed, earn low incomes and are unlikely to have access to unemployment insurance or private income safety nets. As Haroon et al. (2021) shows, a significant number of workers in low-wage sectors have not been able to earn an income during the lockdown, including those employed in most service sector jobs, hospitality, construction, food and non-food trade, domestic work and manufacturing<sup>114</sup>. Many of these workers are amongst the most vulnerable and negatively affected individuals. Moreover, among those who were retrenched between February and April 2020, 30% did not live in households that receive social grants. In an attempt to minimise the negative economic impacts of COVID-19 on vulnerable households, the South African government allocated ZAR 50 billion in additional social assistance spending. The cash transfer package included a temporary increase in existing grants and introduced a new “Covid grant”<sup>115</sup>. These included top-ups to existing social grants (ZA R250 per month), a caregiver grant (ZAR 500 per month), a COVID-19 Social Relief of Distress grant (ZAR 350 per month), a Temporary Employee Relief Scheme and food parcels<sup>116</sup>.

Women were overrepresented in jobs in the informal sector that are particularly vulnerable during times of economic upheaval and often poorly covered by social protection systems, including domestic workers, hospitality, tourism, food and non-food trade. Hence, women and girls are likely to be hardest hit by compounded economic impacts<sup>117</sup>.

### Conclusion and recommendation

COVID-19 has raised awareness about the weak points of the social security system. UNICEF<sup>118</sup> recommends long-term planning that includes explicit gender-responsive outcomes in social protection plans, including:

- Social cash transfers;
- Life-skills and mentoring components focused on sexual and reproductive health rights;
- Adolescent and women’s economic empowerment as a central part of economic recovery for households;
- Labelling and messaging to support girls’ access to education.

To avoid increased levels of poverty and inequality in the post-pandemic phase, there is a need to plan for gender responsive economic recovery with social protection coverage for sectors predominantly occupied by women and the poorest.

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<sup>114</sup> Haroon,B., Oosthuizen,M., and Stanwix, B. (2021). *Social Assistance Amidst the COVID-19 Epidemic in South Africa: A Policy Assessment*. South African Journal of Economics 89 (1): 63–81.

<sup>115</sup> Haroon, et al, 2021, Idem.

<sup>116</sup> Haroon, et al, 2021, Idem.

<sup>117</sup> O'Donnel, M.,Buvinic,M.,Bourgalt, S.(2021), *What Are the Impacts of the COVID-19 Pandemic, Global Recession, and Associated Policy Measures on Women's and Girls' Outcomes?* Center for Global Development. <https://www.jstor.org/stable/resrep30884.5> (June 23, 2021).

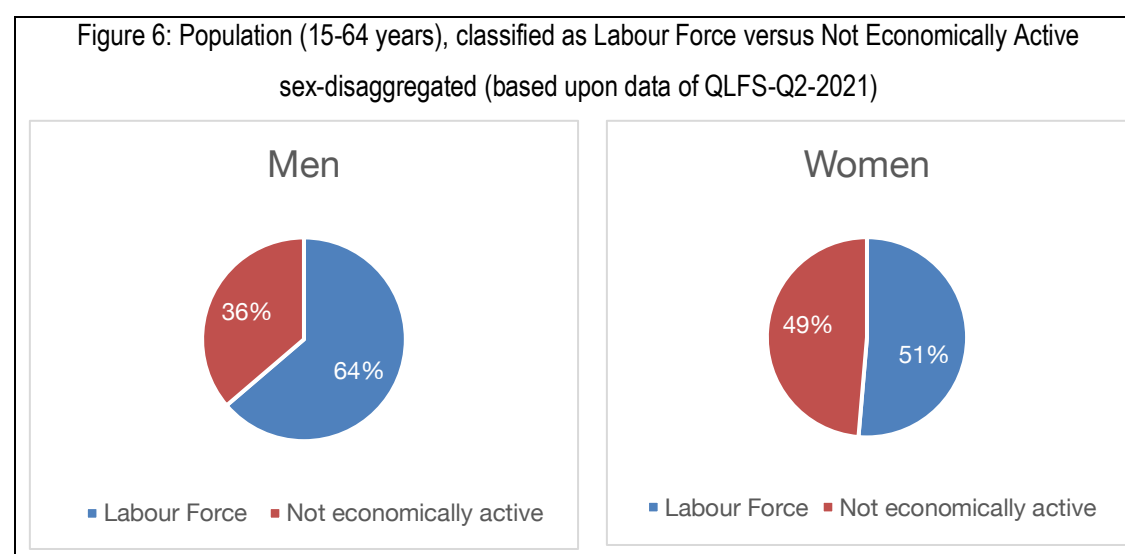
<sup>118</sup> UNICEF, 2020. Gender-Responsive Social Protection during COVID19: Technical note

### 3.5. Employment

South Africa is the most industrialised and diversified economy in Africa and the second largest economy (after Nigeria) on the African continent. With the largest GDP per capita of the continent, it ranks as an upper middle-income country. However, income inequality is high, poverty persists and a persistently high rate of unemployment remains a challenge. Among the key sectors that keep South Africa's economic engine running are manufacturing, wholesale and retail trade, financial services, transport, mining, agriculture and tourism.

The Quarterly Labour Force Survey of the 2nd quarter (QLFS-Q2) of 2021 classifies 57.5% of the population between 15-64 years as belonging to the labour force, 63.7% composed of the male population and 51.4% of the female population (see figure 6).

Fig 6 shows that 49% of the women and 36% of the men between 15 and 64 years in South Africa are classified as Not Economically Active (NEA). Par. 2.2. has shown that annually women work on average 35 days more than men in South Africa, if we combine both paid and unpaid work working hours (annual volume of work). The ILO-definition of "Not-Economically Active", which is applied in South Africa and worldwide, has been criticised by several generations of feminist economists and women's organisations, because it denies the huge volume of women's unpaid reproductive working hours, including raising children, caring for children, for sick family members, for the elderly and people with a disability, assuming domestic work and community work. Women's unpaid care work creates a life-sustaining home-based economy of care, which is the source of life on which the monetary economy floats, as was shown by the COVID-19 crisis: "Care is a key feature of the global human context in which the market economy is embedded. Even if markets collapse, the economy of care continues to function<sup>119</sup>".



<sup>119</sup> Van Osch, T., 2020, *The gender impact of Covid-19; how to move to an economy that cares for people and the planet*. Medium.com. <https://thera-vanosch.medium.com/the-gender-impact-of-covid-19-99b8208174ae>

The 2020 lockdown resulted in hundreds of thousands of South Africans losing their jobs or having their incomes reduced. Statistics South Africa noted 1.4 million job losses in 2020<sup>120</sup>. COVID-19 lockdowns increased the employment gender gap, as more jobs for women were lost, and where new jobs were created, women were less likely to benefit. “Of those women who started out employed in February 2020, only 70% still had employment in January 2021. For men, the corresponding figure was 78%. And, of women who started out not employed pre-COVID, 19% had employment in January 2021, with the corresponding figure for men 31%. Of women who were employed pre-COVID, only 47% stayed employed across all four waves – what we might call ‘stable employment’; for men, the corresponding figure was 61%<sup>121</sup>”.

In the 2nd quarter of 2021, the employment rate for men was 43.1%, and for women 32.4%. The rate of unemployment among women was 36.8% compared to 32.4% among men. Black African women are in the worst position in the labour market. Their unemployment rate was 41% during this period compared to 8.2% among white women, 22.4% among Indian/Asian women and 29.9% among coloured women. Statistics show that more women than men are likely to be under temporary employment, which increases their risk of falling into poverty<sup>122</sup>. Before COVID-19, the unemployment rate of women was 30%; in the fourth quarter of 2020, the unemployment rate for women was approximately 34.3% of the total labour force<sup>123</sup>.

Both in 2020 and 2021, young people often were neither employed nor enrolled in education or training: 48.1% of young women and 40.5% of young men aged 15–34 years were “not in employment, education or training” (NEET).

Trade unions play a key role in defending labour rights and decent work for both women and men in democratic South Africa, with 3.93 million members representing 24% of the formal work force<sup>124</sup>. As of May 2017, there were 191 registered trade unions in South Africa<sup>125</sup>. COSATU is the Confederation of Trade Unions that played a vital role in the demise of the apartheid state and the reconstruction of a democratic one. Since 1994, it has continued to be at the forefront of the fight to protect and develop the rights of workers, notably through its involvement in the National Economic Development and Labour Council (NEDLAC) and collective negotiations to defend the interest of the workers. The role of trade unions in the process of tripartite deliberations with employer organisations and the government is crucial for the promotion of the effective implementation of gender relevant ILO-Conventions ratified by South

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<sup>120</sup> Stats SA, 2021, Ibid

<sup>121</sup> Casale, D., and Shepherd, D., *Gendered employment dynamics during the COVID-19 pandemic: Evidence from four waves of a South African longitudinal survey*, National Income Dynamics Study (NIDS) – Coronavirus Rapid Mobile Survey (CRAM), 12 May 2021.

<https://cramsury.org/wp-content/uploads/2021/05/4.-Casale-D.-Shepherd-D.-2021-Gendered-employment-dynamics-during-the-Covid-19-pandemic-Evidence-from-four-waves-of-a-South-African-longitudinal-survey.pdf>.

<sup>122</sup> Institute of Race Relations, 2016 South African Survey

<sup>123</sup> <https://www.statista.com/statistics/1129142/unemployment-rate-by-gender-in-south-africa/> on 26 June 2021

<sup>124</sup> Graham, V. 2020. Ibid.

<sup>125</sup> South African Labour Guide, Registered Trade Unions in South Africa, statement on May 31 2017

Africa, including the ILO-Conventions 100 (equal pay) and 111 (non-discrimination), as well as lobby for the ratification of ILO-Conventions 156 (on family responsibilities), 183 (maternity protection), and 190 (on violence and harassment).

### Informal sector

The (non-agriculture) informal sector, which accounts for 18% of total employment in Q2-2021, plays an important role in providing employment to those who cannot find a formal and decent paid job. Non-agriculture informal sector employment is mainly concentrated in trade. There are more women than men employed in the informal trade sector<sup>126</sup>, according to a study by Posel and Casale, 2019. Black African women turn out to be enterprising women, as they are the largest self-employed group in the population, with the majority of them running informal businesses<sup>127</sup>.

Figures from the QLFS-Q2-2021 show that more men than women are working in the informal sector, not taking into account private household workers. In the second quarter of 2021, 946,000 women were employed in the (non-agriculture) informal sector. They represented 14.6% of the total number of employed women, which was 6,480,000 women. In the same period 1,740,000 men were working in the (non-agriculture) informal sector. This is 20.6% of the total of 8,462,000 employed men.

Figure 7 shows the distribution of total employment by sector and sex for the years 2013 and 2021. The data shows that the percentage of employed men in the formal sector has decreased by 6.2 points, whereas the percentage of employed men in the informal and in the agricultural sectors has increased by 4.5 and 1.1 points respectively. For employed women, a small increase in employment in the formal sector of 1.1 points took place between 2013 and 2021, whereas the percentage of employed women in the informal sector has not changed and remained at the same level of 14.6%.

Work in private households decreased for women by 1.6 points between 2013 and 2021, from 15.1% to 13.5%, whereas it increased for men by 0.8 points from 3% in 2013 to 3.8%<sup>128</sup>.

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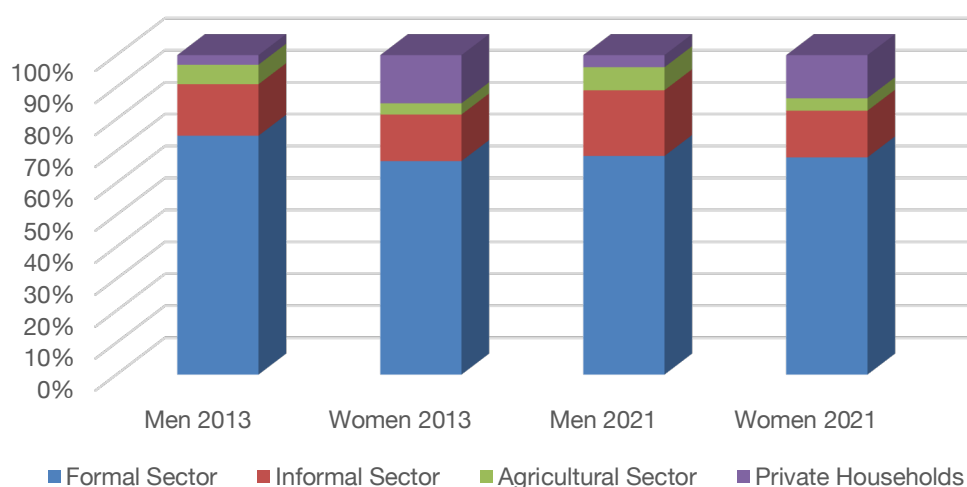
<sup>126</sup> Posel,D and Casale,D. *Gender and the economy in post-apartheid South Africa: Changes and challenges*. Agenda Volume 33, 2019 - Issue 4Pages 3-10 | Published online: 03 Dec 2019

<sup>127</sup>Naidoo, S. and Hilton A, 2006, *Access to finance for women entrepreneurs in South Africa*, The DTI, IFC, FinMark Trust, November 2006. [link](#)

<sup>128</sup> Statistics South Africa, 2020, *Gender Series Volume VII: Informal Economy, 2013–2019*. Pretoria: (Report no. 03-10-23). <http://www.statssa.gov.za/publications/Report-03-10-23/Report-03-10-232019.pdf> Updated with: Statistics South Africa, 2020, Quarterly Labour Force Survey, Quarter 2: 2021: <http://www.statssa.gov.za/publications/P0211/P02112ndQuarter2021.pdf>



**Fig. 7: Distribution of total employment by sector and sex, 2013 and 2021**



Employment in:	Men 2013	Women 2013	Men 2021	Women 2021
Private Households	3.0	15.1	3.8	13.5
Agriculture Sector	6.1	3.5	7.21	3.9
Informal Sector	16.1	14.6	20.6	14.6
Formal Sector	74.7	66.9	68.5	68.0

Source: Stats Sa, Quarterly Labour Force Survey, Q3: 2013 and Q2: 2021.

Figure from: Gender Series Volume VII: Informal economy, 2013–2019 (Report 03-10-23) and updated by authors with QLFS-Q2-2021

### Gender pay gap

South African women earned on average 30% less than men in the same jobs<sup>129</sup>. In 2020, the median gender pay gap was between 23% and 35% according to a study by Bosch and Barit<sup>130</sup>.

In 2018/19, the data on the gender pay gap indicated that women's incomes in South Africa were 28% less than those of men on average. For full-time work, women earned 22.7% less than men, and women in part-time work earned 39% less than their male counterparts<sup>131</sup>.

A recent study by Mattie Susan Landman and Neave O'Clery on the impact of the Employment Equity Act No. 55 of 1998 on female inter-industry labour mobility and the gender wage gap in South Africa<sup>132</sup>

<sup>129</sup> Statistics South Africa, 2020, *Inequality Trends in South Africa: A multidimensional diagnostic of inequality*, report no. 03-10-19, Pretoria, November 2019

<sup>130</sup> Bosch, A and Barit, S., 2020, *Gender pay transparency mechanisms. Future directions for South Africa*, Vol.116, No.3/4, 2020, pp.1-6.

<sup>131</sup> The Global Wage Report 2018/19

<sup>132</sup> Landman, Mattie Susan and Neave O'Clery, 2020, *The impact of the Employment Equity Act on female inter-industry labour mobility and the gender wage gap in South Africa*; Working Paper United Nations University. <https://www.wider.unu.edu/sites/default/files/Publications/Working-paper/PDF/wp2020-52.pdf>

shows that if a firm becomes compliant with the Act, this increases the diversity of sectors from which the firm hires new female workers (the female inflow diversity) and increases the firm's average female wage. The findings also show that the more male-dominant an industry is, the higher its female inflow diversity and the smaller its gender wage gap. The study concludes that "this relationship is significantly stronger among the group of firms that comply with the Act compared to those that are exempt. These results suggest that firms that comply with the Act, and particularly those in male-dominant industries, have adopted the following two recruitment strategies in order to feminize their workforce: they have diversified recruitment to a larger number of sectors and they have increased the average female wage".

### Gender and diversity in boards and management

It is estimated that men make up 68% of all senior management positions. Women make up only 20.7% of board members on the Johannesburg Stock Exchange (JSE) listed companies<sup>133</sup>. A significant proportion of JSE-listed companies have no female board representation<sup>134</sup>. "Only 13% (81 women) of the ED population is female (including CEOs and CFOs). The overall level of female representation is also consistent across companies of different sizes (large, medium and small cap). Although diversity (specifically gender representation) has become a greater focus point, there is still significant under-representation of female EDs, particularly at CEO level<sup>135</sup>".

The representation of black women in top management positions has lightly increased in South Africa, but still remains far below the targets set in the Broad-Based Black Economic Empowerment Act in 2003 (BEE 2003) for company boards and top management positions to promote the economic empowerment of black women and men. These targets are: 60% black representation among top management where the share of black women must be 40% of all black top managers. The share of black women in top management positions increased from 18% in 2003 to 37% in 2015 as a share of all black senior managers<sup>136</sup>. Black African senior managers, however, only represent 15.2% of top managers, although Africans account for 78.9 percent of the national economically active population (EAP).

The Commission for Employment and Equity in its 20<sup>th</sup> annual report, shows that top management positions in 2019 were still mainly occupied by the white group at 65.6%, whereas the Indian group counts 10.3%, and the coloured group 5.6% of top management. Women's share of top management positions increased from 22.9% in 2017 to 26.4% in 2019<sup>137</sup>.

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<sup>133</sup> Daniels, Nabeelah, and Riyaan Davids, 2020, *Gender Equality in the Workplace*. <https://www.accountancysa.org.za/gender-equality-in-the-workplace/>.

<sup>134</sup> Daniels, Nabeelah, 2020, Ibid.

<sup>135</sup> PWC, 2020, Executive Directors Report 2021. PwC, South Africa. <https://www.pwc.co.za/en/publications/executive-directors-report.html>

<sup>136</sup> Klasen, Stephan; Minasyan, Anna (2020) : *Affirmative Action and Intersectionality at the Top: Evidence from South Africa*, GLO Discussion Paper, No. 467, Global Labor Organization (GLO), Essen <https://www.econstor.eu/bitstream/10419/213568/1/GLO-DP-0467.pdf>

<sup>137</sup> South African Government, 2020, Employment and Labour on 20th Commission for Employment Equity (CEE) Annual report 2019/20. <https://www.gov.za/speeches/employment-and-labour-20th-commission-employment-equity-cee-annual-report-2019%E2%80%9320-19-aug>

South Africa is witnessing a rapid increase of numbers of highly qualified academic women. A study by the University of Johannesburg shows that in 2017, women students enrolled at universities constituted 58.5% as compared to 42.5% of men students. Despite the growing number of highly qualified academic women, they remain poorly represented in academic leadership functions, as well as in the private sector, where white men still dominate at the decision-making levels. “The rapid growth in female enrolments and the fact that there seems little room for increasing male enrolments in the foreseeable future reflects and is underpinned by the better performance of girls in the school system. It is ironic that in a society in which patriarchy and misogyny loom large, women are performing better than men<sup>138</sup>”.

#### Access to finance and productive resources

In terms of banking, 38% of black women are formally banked compared to 44% of black men and 94% and 91% respectively of white men and women<sup>139</sup>. Since the democratic shift in 1994, the South African government has put in place several initiatives aimed at increasing women’s access to credit in order to promote economic empowerment. The Department of Trade and Industry (DTI) operates several incentive programmes pertaining to women’s economic empowerment and financial assistance, including the Small Enterprise Development Agency Technology Programme; Support Programme for Industrial Innovation; Technology and Human Resources for Industry Programme; and the Isivande Women’s Fund (IWF).

When it comes to women start-ups and entrepreneurs, other barriers impede women from competing under equal conditions with male entrepreneurs in the market. Out of all the small business owners in South Africa, women comprise the majority, yet make up the minority of workers in the formal sector. The lack of formal sector employment limits women’s access to house ownership or productive resources that could be used as collateral for financing. Access to finance/credit, to land and other productive resources is therefore limited and remains an obstacle for the growth of women-owned businesses.

Many corporations and international agencies are overlooking women-owned businesses in their procurement processes, and therefore missing opportunities to expand their impact, diversify their supply chains, contribute to social economic development and simultaneously to improve the lives of women and girls. The untapped potential of women entrepreneurs as suppliers of goods and services is highlighted by UN Women<sup>140</sup>. “Each year, corporations spend trillions of dollars acquiring goods and services, yet

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<sup>138</sup> Essop, Ahmed, 2020, *The Changing Size and Shape of the Higher Education System in South Africa, 2005-2017*. University of Johannesburg, Ali Mazrui Centre for Higher Education Studies. Page 26.  
<https://heltasa.org.za/wp-content/uploads/2020/08/Size-and-Shape-of-the-HE-System-2005-2017.pdf>

<sup>139</sup> Naidoo, S. and Hilton A, 2006, *Access to finance for women entrepreneurs in South Africa*, The DTI, IFC, FinMark Trust, November 2006.  
<https://www.ifc.org/wps/wcm/connect/dd73ba18-a3fd-4331-bca8-7ef9430a282c/Access%2Bto%2BFinance%2B-%2BWomen%2Bin%2BSouth%2BAfrica.pdf?MOD=AJPERES&CACHEID=ROOTWORKSPACE-dd73ba18-a3fd-4331-bca8-7ef9430a282c-jqetmCL>

<sup>140</sup> UN-Women, 2017, *The Power of Procurement: How to source from Women-Owned Businesses. Corporate Guide to Gender-Responsive Procurement*.  
<https://www.unwomen.org/en/digital-library/publications/2017/3/the-power-of-procurement>

purchases from women-owned businesses account for a mere one per cent of the total spend<sup>141</sup>". The South African Government is setting an example with the Presidential Directive (2021) that establishes a target of 40% of governmental procurement at the benefit of women-led or women-owned businesses. The first report over the period April and May 2021 shows that about 13% has been spent on goods and services from women's businesses. There is also a percentage breakdown for youth and for persons with disabilities. Although this percentage is a good first achievement as compared to the worldwide average (a mere 1%), the DWYPD is far from satisfied: "So, we're not yet at 40, but at least the needle is moving, we are pushing hard to make sure that per month the 40% spending is realised within the procurement process, using procurement as a lever to empower women at the end of the day<sup>142</sup>".

The Small Business Development Ministry is supporting the aspirations of women who want to play an active role in the economy. Programmes are in place for their greater skills development and re-skilling. Small and Medium Enterprises (SMEs) in South Africa are a vital component of the economy, creating jobs and enabling inclusive growth. SMEs are the lifeblood of South Africa's economy. They represent more than 98% of businesses, employ between 50% and 60% of the country's workforce across all sectors and are responsible for a quarter of job growth in the private sector. Also, 38% of SMEs are owned by women<sup>143</sup>.

The COVID-19 lockdowns had an indelible impact on SMEs, given their limited cash reserves, smaller client bases and less capacity to manage commercial pressures<sup>144</sup>. Given the importance of the SMEs for the economy as a whole, banks and financial institutions have taken a number of initiatives globally and in South Africa to support SMEs, including the suspension of loan repayments or the reworking of principal repayments; the provision of resources and communication tools to clients; interest and fee waivers; relief loans; and pre-approved or expedited loan approvals<sup>145</sup>.

### Conclusion and recommendation

There is a slight trend that points towards an approximation of the male and female profile of the working population, at least as regards the percentage of men (68.5%) and the percentage of women (68.0%) employed in the formal economy.

Unemployment rates are high and there is a gender/race/age gap. The highest unemployment rates are among young women and black women.

The gender pay gap is 30%, despite the ratification of ILO-Convention 100 on equal pay for work of equal value.

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<sup>141</sup> UN-Women, 2017, Ibid.

<sup>142</sup> Online interview by one of the authors with high-level staff of the Department of Women Youth, and People with Disabilities (DWYPD). 16 August 2021.

<sup>143</sup> Kalidas, S., Magwentshu, N., and Rajagopaul A., 2020, *How South African SMEs can survive and thrive post COVID-19*. McKinsey&Company, <https://www.mckinsey.com/featured-insights/middle-east-and-africa/how-south-african-smes-can-survive-and-thrive-post-covid-19>

<sup>144</sup> Kalidas, et al, Ibid.

<sup>145</sup> Kalidas, et al, Ibid.

Despite BEE-2003 to promote black men and women in top management, only 15% of senior management positions are occupied by black Africans in JSE listed companies, including black African women, who occupy almost 2/5 of these positions. Still over 65% of the senior management positions in these JSE listed companies are occupied by white men and women.

38% of SMEs are women's businesses. Women-owned or women-led businesses are often overlooked in procurement procedures or excluded due to particular threshold criteria.

We recommend the following to the EU and other partners of international cooperation in South Africa:

- Promote the engagement of JSE listed and multinational companies in South Africa with the Women's Empowerment Principles (WEPs)<sup>146</sup> that cover the key aspects of creating a safe, fair, equal and gender diverse work environment;
- Trade Unions and Employer's organisations should give more priority to promoting gender equality in the labour market by promoting the ratification and/or effective implementation of gender relevant ILO Conventions (100, 111, 156, 183, 190)
- Strengthen existing programmes to support SMEs, particularly the gender equality perspective for all ages and races, by supporting governmental initiatives to apply gender responsive budgeting to these programmes.
- Establish preferential procurement rules that ensure the inclusion of women-led and women-owned businesses.
- Specific actions are required with sufficient and time-bound budgets and clear gender-transformative target indicators to increase the freedom of choice for the most marginalised groups, particularly black women, female heads of poor households and young NEET people, to enhance their talents, capacities and capabilities to create a better future for themselves, their family and the country.

### 3.6. Land Ownership

South Africa is committed to the Maputo Protocol on Human and Peoples' Rights on the Rights of Women in Africa<sup>147</sup>, which guarantees women's right to land and productive resources in Articles 7, 15, 19 and 21. Rural Women from all over Africa formulated the "2016 Kilimanjaro charter of Demands; actualizing

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<sup>146</sup> These 7 Women Empowerment Principles cover the following areas of action: 1) Establish high-level corporate leadership for gender equality; 2) Treat all women and men fairly at work, equal pay, respect and support human rights and nondiscrimination; 3) Ensure the health, safety and well-being of all women and men workers; 4) Promote education, training and professional development for women; 5) Implement enterprise development, supply chain and marketing practices that empower women; 6) Promote equality through community initiatives and advocacy; 7) Measure and publicly report on progress to achieve gender equality. See: UN Global Compact: <https://www.unglobalcompact.org/take-action/action/womens-principles>

<sup>147</sup> Maputo Protocol on Human and Peoples' Rights on the Rights of Women in Africa, 2003. <https://www.ohchr.org/Documents/Issues/Women/WG/ProtocolontheRightsofWomen.pdf>

women's land rights in Africa<sup>148</sup>", which consists of 15 points to promote the right of women and girls to access, to use, to have control over, to own, inherit and dispose of their land and natural resources.

Women's access to land and property is central to their economic empowerment, as land can serve as a basis for food and income generation, collateral for credit, and as a means of holding savings for the future. There is a significant gender gap in land ownership as a result of women having limited participation in local and traditional land administration structures and the lack of land being allocated to single women.

"Statistics show that 72% of South Africa's agricultural land is in largely white ownership, while up to 80% of labour is provided by women, who control only about 5% of the land. Women in rural societies are particularly prejudiced, despite their heavy dependence on land for farming and natural resources. Rules of access and inheritance favour men over women, and women with children over childless women<sup>149</sup>". Women's constitutional rights to equal access to land is a question that in practice can only be achieved in court. An example from June 2021 is the decision in the Pietermaritzburg High Court on the case of the Ingonyama Trust, which controls 2.8 million hectares of tribal land in KwaZulu-Natal. The Trust forced people to sign lease-contracts to live on their ancestral land. The Court ruled that this was unlawful and ordered the trust to pay back the money. Additionally, the trust violated women's constitutional right to rent land, as only men could rent land<sup>150</sup>.

Women's participation within land redistribution, land restitution, and tenure programmes has been slow. Progress in increasing access to land for women in South Africa depends substantially on the geographical, urban versus rural, and cultural context.

The land report review shows that women constitute less than a quarter of the beneficiaries of the land redistribution programme<sup>151</sup>. The same report notes that the land redistribution programme is being geared to commercial agriculture, whereas the majority of women are small holders within the agricultural sector, which is an additional factor for being excluded. Although the Customary Marriage Act 120 of 1998 guarantees equality to a wife in customary marriage to acquire and dispose of assets, no law provides for women's independent access to land<sup>152</sup>. Rural black women are even more disadvantaged considering that their access to land is largely through men, and the traditional customary systems impact on the

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<sup>148</sup> Women to Kilimanjaro stand up for women's land rights: Charter of Demands, Actualising women's land rights in Africa. Arusha, October 2016. [http://us-cdn.creamermedia.co.za/assets/articles/attachments/68327\\_english\\_charter\\_to\\_print\\_final.pdf](http://us-cdn.creamermedia.co.za/assets/articles/attachments/68327_english_charter_to_print_final.pdf)

<sup>149</sup> O'Regan, V. and Sandisiwe Shoba, S., 2021, *A decade in review: What it means to be a woman in South Africa*. In: Daily Maverick, 9 August 2021. <https://www.dailymaverick.co.za/article/2021-08-09-a-decade-in-review-what-it-means-to-be-a-woman-in-south-africa/>

<sup>150</sup> O'Regan, V. and Sandisiwe Shoba, S., 2021, *Ibid*.

<sup>151</sup> Advisory Panel on Land Reform and Agriculture, 2019, *Final report of the Presidential Advisory Panel on Land Reform and Agriculture*.

[https://www.gov.za/sites/default/files/gcis\\_document/201907/panelreportlandreform\\_0.pdf](https://www.gov.za/sites/default/files/gcis_document/201907/panelreportlandreform_0.pdf)

<sup>152</sup> Advisory Panel on Land Reform and Agriculture, 2019, *idem*.

administration of land. Patriarchy is said to exist in the customary systems of land administration, which are male dominated<sup>153</sup>.

Women form the majority of rural residents who depend on customary land for livelihoods in Southern Africa, making them the dominant gender that derives livelihoods from such land. However, the precariousness of their land rights and access regimes coupled with the productivity on the farms and the insecure markets that they depend on to sell any excess produce worked together to negatively impact their livelihoods and those of their families in the face of COVID-19<sup>154</sup>. The disproportionate impact of COVID-19 on women compared to men in this sub-group is simply because they form the majority of rural residents who depend on customary land for livelihoods in South Africa.

The COVID-19 pandemic has had negative implications on women's customary land-based livelihoods. Available research shows that "while most commercial farming and corporate supply chains [remained] intact [in countries such as South Africa], production and distribution chains in the informal food system were severely disrupted or closed down completely (...) small-scale farmers and fishers [were] either unable to continue with production or unable to access their normal markets<sup>155</sup>".

Land-related gender inequalities are culturally created. According to Eniola and Akinola (2019), "the social legitimacy of these traditions is a stumbling block in realizing women's property rights as these traditions regard women as being incapable of exercising control over land property". Based on this principle, devolution of property is patrilineal. Land ownership "follows the blood line and is based on the belief that men as permanent members of the family will perpetuate the father's dynasty while women are expected to marry and cease to be members of their father's family". While statutory law may be gender neutral, customary law prevails and is based on a patriarchal system<sup>156</sup>.

Land rights are usually conceived as the rights and legitimacy to access, use, ownership, control, enjoyment and exploitation of land. In terms of gender construction, land rights go beyond merely the rights to use or control land as a vital economic asset, but also involve laying claim to information about, decision-making around (e.g. lease or sell) and ultimately enjoying the benefits thereof. In South Africa, both men and women have been 'historically oppressed'; that is dispossessed of their land and habitation and restrained to the former homelands. However, the reform agenda of the government reinforced the

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<sup>153</sup> Advisory Panel on Land Reform and Agriculture, 2019, *ibid*

<sup>154</sup> Advancing Rights in Southern Africa (ARISA), 2020: Impact of COVID-19 on Women's Customary Land Rights and Livelihoods in Southern Africa

[https://www.usaid.gov/sites/default/files/documents/ABA-ARISA\\_Impact\\_of\\_COVID\\_19\\_on\\_Womens\\_Customary\\_Land\\_Rights\\_and\\_Livelihoods\\_Dec\\_2020.pdf](https://www.usaid.gov/sites/default/files/documents/ABA-ARISA_Impact_of_COVID_19_on_Womens_Customary_Land_Rights_and_Livelihoods_Dec_2020.pdf)

<sup>155</sup> Advancing Rights in Southern Africa (ARISA), 2020, *ibid*. page 12

<sup>156</sup> Daramola M.A. (2021), *Land Reform and the Quest for Women's Land Rights in South Africa: A Case of KwaZulu-Natal Province*. In: Akinola A.O., Kaseeram I., Jili N.N. (eds) *The New Political Economy of Land Reform in South Africa*. Palgrave Macmillan, Cham.

Eniola, B., and Akinola, A. O. , 2019. "Women rights and land reform in Africa: Nigeria and South Africa in comparison" in *The Trajectory of Land Reform in Post-Colonial African States: The Quest for Sustainable Development and Utilization*, eds A. O. Akinola and H. Wissink (Cham: Springer International Publishing).

patriarchal nature of the communal land system to the detriment of the women who have shown evidence of 'land-related injustices' and a need for land resource<sup>157</sup>.

On a positive note, a study has shown that land redistribution can create new jobs in agriculture in South Africa<sup>158</sup>. The COVID-19 crisis has clearly demonstrated the vulnerability of the livelihoods of many South Africans and highlighted food insecurity as one key aspect. Many argue now that reducing the vulnerability of the livelihoods of the poor and associated food insecurity must become a key focus of policy. Some assert that structural reform, which tackles these problems at their root, is required more urgently than before. Land reform has this potential. It is, in any case, a political necessity. If successful, it could play a significant role in reducing the vulnerability and food insecurity of the rural population, who represent are one-third of the population, as well as of some urban residents. Enhancing employment and thus incomes is one key thrust of pro-poor land reform<sup>159</sup>.

As a response to the COVID-19 outbreak, the Department of Agriculture, Land Reform and Rural Development (DALRRD) made ZAR 1.2 billion in assistance available to address the effects of COVID-19 and ensure sustainable food production post pandemic, mainly targeting financially distressed small-scale farmers. ZAR 400 million of this has been allocated to farmers within the Proactive Land Acquisition Strategy (PLAS) programme. The remainder is allocated to farmers in the poultry sector (to purchase day-old chicks, point of lay chickens, feed, medication and sawdust); livestock sector (to purchase feed and medication); and vegetables sector (to purchase seedlings, fertiliser, pesticides, herbicides and for soil correction), with other commodity sectors to be targeted on a case-by-case basis. A number of qualifying criteria apply, and women, youth and people with disabilities are prioritised<sup>160</sup>. DALRRD has also made ZAR 100 million available to the Land Bank to assist farmers under duress.

To ensure the functioning of the agro-food supply chain, the government has put in place a number of measures. The government is monitoring the availability and stability of food supply via an End-to-End Agricultural Value Chain Tracker. In the event that the security of supply of staple commodities is threatened, DALRRD will make a recommendation to the Department of Trade, Industry and Competition to impose export restrictions. DALRRD is also working to ensure that critical agricultural production activities such as harvesting continue uninterrupted under strict hygiene protocols (DALRRD, 2020).

### Conclusion and recommendation

Land ownership is a complicated political issue that includes many stakeholders with conflicting interests and a 100-year-old agrarian bank that seems to work with the paradigms of the old economy, that excludes the marginalised women and men in all their diversity.

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<sup>157</sup> Akinola, A. O. (2018). *South African land reform: An appraisal*. Africa Review, 10(1), 1–16.

<sup>158</sup> Cousins, B., 2020: *Land redistribution can create new jobs in agriculture in South Africa*. The Conversation, South Africa.

<sup>159</sup> Cousins, B., 2020, *ibid*.

<sup>160</sup> Department of Agriculture, Land Reform and Rural Development (DALRRD), 2020: *Agricultural Policy Monitoring and Evaluation 2020: Support to Agriculture*. South Africa



Although the gender gap in land ownership has been acknowledged and documented, there is no explicit tangible gender responsive Land Reform policy that ensures equal access to and control over land by women.

- The “2016 Kilimanjaro charter of Demands; actualizing women’s land rights in Africa” contains clear tangible recommendations to promote gender equality in land rights.
- One of the many recommendations of the Advisory Panel on Land Reform and Agriculture is that “Land reform must contribute towards the achievement of a ‘just transition’ to a low-carbon and climate-resilient economy, by promoting sustainable land-use practices in ways that create jobs and livelihoods as well as responding to climate variability. The consideration of climate risks and vulnerability assessments should be central to land reform process”.
- This recommendation creates opportunities for small-scale female farmers to become beneficiaries of land reform and the potential to increase jobs when they adopt climate-smart agricultural practices.
- Women farmers must be prepared and trained to adopt conservation agriculture and agroecology methods so that they can obtain access to land, to finance, and to extension services for climate change.
- The women farmers must be targeted explicitly by specialised extension services, get access to climate information services and learn how to adopt conservation agriculture practices that are low-input, low-emission and more resilient to climate change and water scarcity. “Transitions towards climate-smart agriculture will require new financing mechanisms to assist farmers to cope with the adjustment, and it is proposed that the Land Reform Fund advance financing options to incentivize agroecological and conservation agriculture<sup>161</sup>”. By putting this recommendation into practice, a gender responsive approach may increase women’s access to land and finance.

### **3.7. Green Economy**

The green economy refers to a transformative economic approach with a human and ecological dimension. On the one hand it addresses climate change, promotes the circular economy, protects the environment and biodiversity, saves and manages resources, recovers and protects ecosystems, conserves water and prevents natural disasters; on the other it simultaneously promotes a human rights-based sustainable economy that enhances social inclusiveness, gender equality and social justice, serving all citizens, including those yet to be born. In principle the green economy is relevant for all sectors: agriculture, forestry, fisheries, transport, manufacture industry, construction and many more. South Africa has an advanced policy framework on gender and the green economy, as compared to many other countries. The South African Department of Forestry, Fisheries and the Environment describes the

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<sup>161</sup> Advisory Panel on Land Reform and Agriculture, 2019, Final report of the Presidential Advisory Panel on Land Reform and Agriculture.  
[https://www.gov.za/sites/default/files/gcis\\_document/201907/panelreportlandreform\\_0.pdf](https://www.gov.za/sites/default/files/gcis_document/201907/panelreportlandreform_0.pdf)

green economy as a “sustainable development path based on addressing the interdependence between economic growth, social protection and natural ecosystem<sup>162</sup>”. The important roles of women in environmental management and development are recognised in the “National Environmental Management Act” (Act 107 of 1998). The South African vision on sustainable development is enshrined in the “National Framework for Sustainable Development” (2008) that outlines a rather practical approach to promoting the green economy. It builds upon best practices and indigenous knowledge in key sectors to achieve a resource efficient, low carbon and pro-employment growth path, which includes collaboration between the government, the private sector and civil society organisations. The strategy foresees the creation of a wide array of new green jobs in nine focus areas, including construction, transport, energy, waste management, agriculture and water management. In 2011, the “National Strategy for Sustainable Development and Action Plan (NSSD-1) 2011-2014” was approved, which included a strategy of “gender mainstreaming and gender equality within its environmental programmes that include Climate Change, Biodiversity Management, Waste Management, Air Quality Management, Oceans and Coasts Management, and the Green Economy to ensure equal access and participation in the sector by both men and women<sup>163</sup>”.

Building upon these previous experiences, the “Framework and Strategy Toward Gender Mainstreaming in the Environment Sector 2016–2021” is a key policy framework to integrate women’s needs and perspectives in the green economy.

Over many generations, women have passed on indigenous knowledge on sustainable living in the unpaid life-sustaining home economy: they were the main energy providers (e.g., firewood collectors), transported large loads of goods on their heads for daily use and for the market over large distances; they have been the managers of water supply and efficient use of scarce water in the villages for centuries; they are the waste managers in their communities; they produced most of the organic food for daily subsistence, herbs and medical plants ensuring the survival and health of many generations. Human history shows that as soon as these key-roles of women are transformed from the unpaid life-sustaining home-economy towards a profitable monetary business economy, large parts of the work are taken over by men, as is the case in the development of cash crops, pharmacy, transport, water and waste management sectors. The reasons why women are often excluded when unpaid work is transformed into paid work are manifold.

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<sup>162</sup> <https://www.environment.gov.za/projectsprogrammes/greeneconomy/about>

<sup>163</sup> Republic of South Africa, Department of Environmental Affairs, 2011, National Strategy for Sustainable Development and Action Plan (NSSD 1) 2011–2014.  
[https://www.environment.gov.za/sites/default/files/docs/sustainabledevelopment\\_actionplan\\_strategy.pdf](https://www.environment.gov.za/sites/default/files/docs/sustainabledevelopment_actionplan_strategy.pdf)

The recent study of UNIDO on “Economic Empowerment of Women in Green Industry<sup>164</sup>” (EEWiGI - 2021) analysed the industrial sectors in South Africa<sup>165</sup> and listed the obstacles for women’s empowerment. Table 2 summarises the obstacles identified by this study. Another study suggests that “there still remains a need to raise awareness of the available opportunities and interventions to build capacity at project conceptualisation and management levels. The involvement of women further requires meaningful public participation, social inclusion, and the devolution and decentralisation of decision-making processes.”<sup>166</sup>

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<sup>164</sup> United Nations Industrial Development Organization, 2021, Policy Assessment for the Economic Empowerment of Women in Green Industry; Executive summary: South Africa. (the DTIC, DWYPD, German Cooperation, UNIDO, UN-Women).

<https://www.unido.org/resources-publications-safeguarding-environment/green-industry-publications-and-documents>

<sup>165</sup> The study was focused on 3 sectors of particular relevance for the South African context: the renewable energy sector (sub-sector: wind and solar); waste management (sub-sector: plastics); and land transport (sub-sector: public transport).

<sup>166</sup> Godwell Nhamo, Chipso Mukonza, 2020, *Opportunities for women in the green economy and environmental sectors*. (Research article, 02 January 2020)  
<https://onlinelibrary.wiley.com/doi/abs/10.1002/sd.2033>

Table 2: Summary table of reported barriers to women's economic empowerment in green industry (UNIDO, EEWiGI-2021)

Barriers to advancement	Barriers to transformation
Lack of awareness about policies and programmes designed to benefit women and/or encourage participation in green industry: only 27% are aware of any policies or programmes encouraging women to start businesses in green industry	Discriminatory social norms that discourage women from starting their own business: 77% of respondents reported that growing up, they did not feel girls were encouraged to pursue their own businesses
Green industry is perceived to require strong STEM skills: lack of girls taking up STEM subjects, therefore women face increased barriers to enter green industry or are perceived to be unsuitably qualified.	Institutionalised and internalised sexism: women entrepreneurs either lack self-confidence or are pressured to adopt an attitude of "hyper self-confidence".
Lack of access to technology necessary to start green businesses or upscale existing businesses: the technology required in the new green industry is difficult for women to access, especially those without internet, electricity or situated in rural areas	Caretaking responsibilities: 63% of entrepreneurs surveyed worry often or always about work-life balance: 61% of green entrepreneurs worry often or always about childcare arrangements.
Women entrepreneurs have difficulty in finding and hiring skilled women: 55% reported it is (very) difficult to find women workers with relevant skills	Intersectional inequalities: systems of discrimination built on limiting women's opportunities because of gender, race, rurality, poverty, and ability.
Women entrepreneurs do not have the informal networks of influence that men counterparts have	Violence and harassment: only 13% of green businesses in the online survey had policies on the prevention of sexual harassment in place.
Women's lack of access to mentoring, which impacts formal networks, potential investment sources and job opportunities: the prevalence of male dominated informal networks in green industry, "Boys Clubs" that exclude women and give men preferential access to investment funding, decision makers and power	Discriminatory hiring practices and ineffective quota systems: not being hired because of the perceived risk of potential maternity leave entitlements.
Women lack access to necessary capital, collateral, and credit resources: 65% of entrepreneurs surveyed think that it is easier for men to secure financing for their business ventures	

Women lack access to markets to sell their products: 63% of entrepreneurs reported lack of access to markets to sell their products as being a key barrier; 50% of female green entrepreneurs reported it would be difficult to identify new markets	
Women face other value chain challenges and “hidden costs” of doing business (lack of social capital): accessing basic supplies (32%), paying kickbacks (27%), obtaining a license (23%), and dealing with law enforcement (14%) were also listed by women entrepreneurs.	

Source: United Nations Industrial Development Organization, 2021, Policy Assessment for the Economic Empowerment of Women in Green Industry; Executive Summary: South Africa. Page 13.

The UNIDO EEWIGI-report identified a list of key gaps between policy and implementation on the ground, and recommends to close these gaps by focusing on the following actions:

- Providing free training for women;
- Information campaign about the need for skills diversity (e.g., STEM-studies for girls);
- Increasing M&E and accountability on gender performance;
- Ensuring that women are integrated in decision making processes across the value chain;
- Closing loopholes in policy that favour men and exclude women;
- Zero tolerance policy towards gender-based violence;
- Quotas combined with training and capacity building to prepare women for the job;
- Transform work culture to include flexible working hours, and fair travel expectations and practices;
- Create funding calls, especially for women start-ups;
- Gender mainstreaming implementation planning by using the gender-responsive green industry policy framework introduced<sup>167</sup>.

The National Treasury is currently in the process of introducing two separate reforms in support of the economic empowerment of women and in creating an enabling environment for the green economy. The Director General (DG) of the National Treasury of South Africa, Mr. Dondo Mogajane, recently explained that “while these two reform agendas are at different stages of implementation, it is the intention to build interlinkages so that women owned business secure economic opportunities in the development of the

<sup>167</sup> United Nations Industrial Development Organization, 2021, Ibid.

green economy and as the green economy grows so too will the development of women owned enterprises<sup>168</sup>”.

The two budgetary mechanisms to support women's economic empowerment are:

- Preferential Procurement to support the economic development of women owned business, by setting aside procurement targets for both women and youth owned enterprises.
- Gender Responsive Budgeting to mainstream a gender equality perspective in the budget cycle for all government departments. The National Treasury contributes to the implementation of the Gender Responsive Planning, Budgeting, Monitoring, Evaluation and Auditing Framework (GRPBMEA) that was approved by Cabinet in March 2019.

The transition to a Green Economy also “requires a collective effort by all sectors of society to consciously change our policy decisions, economic actions and personal behaviour<sup>169</sup>”. The National Treasury will use a range of policy instruments to support the systemic change needed to transition to a low carbon and climate resilient economy including carbon pricing, green taxonomy<sup>170</sup>, financial incentives for green investments and reorienting public spending towards green infrastructure investments.

Additionally, the National Treasury is currently undertaking game changing initiatives such as the City Support Programme to integrate climate change considerations to city planning and decision-making to strengthen the resilience of cities and the wellbeing of citizens. The programme drives reforms and strengthens resilience in the metropolitan management of water scarcity and electricity businesses as well as solid waste management. The DG of National Treasury communicated that “harnessing opportunities in the just transition to strengthen service delivery particularly in underserved areas and communities and to address inequality has to be foremost in our agenda<sup>171</sup>”.

An example of a project that has demonstrated the potential to create an enabling environment for the economic empowerment of women in green industries is the development of a business model for the integration of waste pickers in the waste value chain within the City of Tshwane. This project aims at the socio-economic upliftment of waste pickers and the improvement of the natural environment by encouraging the diversion of waste from landfills, enterprise development and reuse of diverted waste resources for the manufacturing of new or recycled products. It was implemented by the City of Tshwane in collaboration with the South African Waste Pickers Association (SAWPA), Groundwork, the Department

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<sup>168</sup> Dondo Mogajane, 2021, Speech during the Online Webinar for the Launch of the Report on the Economic Empowerment of Women in the Green Industry in South Africa. UNIDO, 30 August 2021.

<sup>169</sup> Ibid.

<sup>170</sup> A green taxonomy is “an official classification or catalogue that defines minimum criteria for assets, projects, and sectors that are eligible to be defined as “green” in line with international best practice and national priorities. This means they address climate change and other environmental priorities, while also seeking to reduce social risks and enhance social impacts.” A green taxonomy, therefore, helps financial sector participants to track, monitor and demonstrate the credentials of their green activities in a more confidently and efficiently way. Dondo Mogajane, 2021, Ibid.

<sup>171</sup> Dondo Mogajan, 2021, Ibid.

of Forestry, Fisheries and Environment, the Government Technical Advisory Centre and the European Union (EU) through the Capacity Building Programme for Employment Promotion (CBPEP), supported by the National Treasury.

### Conclusion and recommendation

The transition towards a green economy requires a double paradigm shift in socio-economic approaches and policies. On one hand, it requires a human rights-based gender equality and social inclusion strategy that leaves no one behind, and on the other, it needs an economic and fiscal environment that allows for a reorientation of economic decision making towards a sustainable green economy.

South Africa has the legal and policy frameworks in place to promote this double paradigm shift, although there is still space for improvement as indicated in the recent report on “Women’s Economic Empowerment in Green Industry, in South Africa” (2021)<sup>172</sup>.

There are many opportunities to integrate women in green value chains at local level, particularly in areas that have been managed by women in the unpaid life-sustaining home-economy including decentralised energy production (bio-gas, solar or wind energy), water and sanitation management, organic food production (horticulture) and production of medical herbs and plants. There are many examples of successful green projects at grassroot level that contribute to women’s economic empowerment. To expand these initiatives and ensure their sustainability, more attention is needed to address the barriers to women’s economic empowerment (see Table 2) as identified in the report EEWiGI.<sup>173</sup>

#### Recommendations:

At macro-level it is important that the enabling environment for strengthening the paths of change towards an inclusive and green economy is strengthened, particularly the efforts of the National Treasury to link policy instruments for women’s economic empowerment and green economy and to support all departments in gender responsive budgeting and preferential procurement. A follow-up of the UNIDO-EEWiGI-project could provide support to this process given the solid base of expertise developed by this project in this area.

At meso level, it is important to involve social partners (trade unions, employer’s organisations) and civil society organisations in the process of raising awareness, change of mind and economic behaviour.

At micro level, the example of the waste pickers in the City of Tshwane shows that collaboration between municipalities and grassroots organisations is key to the success of the socio-economic upliftment of marginalised women and men in all their diversity, and their inclusion in new value chains of the green economy through public-private-partnerships.

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<sup>172</sup> United Nations Industrial Development Organization, 2021, Ibid.

<sup>173</sup> United Nations Industrial Development Organization, 2021, Ibid.

### 3.8. Access to Education

South Africa has put in place legislation and policy frameworks for advancing access to education and gender equality. The Constitution of the Republic of South Africa (Act No. 108 of 1996) contains the Bill of Rights that protects the right to basic and further education for all, and that mandates the government to make education progressively available and accessible by also eliminating barriers and discrimination. The South African Schools Act (SASA) (Act 84 of 1996) is aimed at ensuring that all learners have access to quality education without discrimination and makes schooling compulsory for children aged 7 to 15 years. Education in South Africa is governed by two national departments, namely the Department of Basic Education (DBE), which is responsible for primary and secondary schools, and the Department of Higher Education and Training (DHET), which is responsible for tertiary education and vocational training. South Africa has achieved gender parity (1%) at primary and secondary school levels, as per the 2019 General Household data<sup>174</sup>, while the gross gender parity index (GPI) at tertiary level was 1.32.

According to the 2021 Budget Speech, education continues to be a priority. Over the medium term, the learning and culture function accounts for R1.23 trillion (23.5%) of the consolidated expenditure. The function will continue to receive the largest share of government spending over the period, rising from ZAR 387.2 billion in 2020/21 to ZAR 416 billion in 2023/24<sup>175</sup>.

Technical and vocational education and training (TVET) is very important to create the skills needed by the economy and thus for a country's sustainable economic development. If education fits the needs of the labour market, it increases not only students' employability but also contributes to political and social participation<sup>176</sup>. At Grade 9, students may stay in school until Grade 12 and should finish school with the National Senior Certificate (NSC), which is also known as the matriculation or matric certificate. Alternatively, they may continue with vocational education at TVET colleges<sup>177</sup>.

During the same period, spending on skills development is projected to increase by 10.2% annually. Sector education and training authorities will fund skills programmes, learnerships, internships and apprenticeships and workplace experience. Over the period, ZAR 65.5 billion will help an estimated 89,000 new artisans to register for training, develop 71,500 qualified artisans and provide more than 32,000 work-based learning opportunities.<sup>178</sup>

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<sup>174</sup> The World Bank, School Enrollment, primary and secondary (gross), gender parity index (GPI) – South Africa. Data as of September 2020.

<https://data.worldbank.org/indicator/SE.ENR.PRSC.FM.ZS?locations=ZA>

<sup>175</sup> 2021 Budget Speech, in Parliament South Africa

<https://www.gov.za/speeches/minister-tito-mboweni-2021-budget-speech-24-feb-2021-0000>

<sup>176</sup> Kuehn, M. (2019). *The South African Technical and Vocational Education and Training System from a German Perspective*, Sciendo, pp.226-234

file:///C:/Users/HP/Downloads/The\_South\_African\_Technical\_and\_Vocational\_Educati.pdf on 6 Sept 2021

<sup>177</sup> McGrath, S., Ramsarup, P., Zeelen, J., Wedekind, V., Allais, S., Lotz-Sisitka, *Vocational education and training for African development: a literature review*. Journal of Vocational Education & Training Vol. 72, No.4, Published online, 2020, pp. 465-487

<sup>178</sup> 2021 Budget Speech, in Parliament South Africa. Ibid.



The South African education system is struggling with a drop-out crisis, where about 50% of the students drop out before reaching grade 12. The Department of Basic Education (DBE) calculated the percentages of pupils that reach the 12th grade over a 10-year period (2009-2018) and concluded that the highest rates of drop-outs are among the African and coloured population, almost 50% drop-out in 2018. Indian and white students have a drop-out rate of about 20% before 12th grade. Findings from one of the studies indicate that “over 24% of girls claimed they had dropped out because they had fallen pregnant. The most common reason given by male pupils for leaving was that they could not afford to stay in school<sup>179</sup>”. Drop-outs were found to be unemployed and not studying two years later.

“A concern on gender matters and education is the performance of boys. Research shows that boys are also more likely to leave school early. Some of the negative social impacts associated with boys dropping out of school include crime and gender-based violence<sup>180</sup>”.

The government of South Africa encourages school attendance with a range of measures and subsidies including feeding schemes, fee exemptions, and school transport. Thanks to these measures, school attendance has increased. Despite all these measures, a minority of children still does not attend school. The number of children at primary school age (6-13 years) who were not attending school decreased from 122,000 in 2009 to 98,000 in 2018. Boys are the majority of the children not attending school: 55.1% of these children were boys and 44.9% were girls (in 2018).<sup>181</sup>

Boys are also the majority (57.6%) of the children at lower secondary school-age (14-15 years) that did not attend school in 2018. The total number of boys and girls who were not attending lower secondary school declined from 60,000 (in 2009) to 33,000 (in 2018).<sup>182</sup>

Young people aged 15–19 years who have never been to school declined from 41,000 to 26,000 between 2009 and 2018<sup>183</sup>. Again, the share of boys and young men among those who had never gone to school was 68.1%, and is structurally higher than the share of girls and young women. It was highest among young people living in metropole areas, where the young men represented 74.4% of those who never went to school (2018)<sup>184</sup>.

Table 4 shows the reasons that were given in the General Household Survey (GHS) on the question why household members aged 5-18 years are not currently attending an educational institution. “No money” ranked the highest reason for not attending school for both boys and girls and for both years of reporting. The data also shows some differences in reasons between boys and girls. A significantly higher proportion

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<sup>179</sup> Shaun Smillie, Kgopi Mabotja, 2019, *Matric Results: Drop-out crisis in SA schools*. In: Saturday Star | News, 5 January 2019.

<https://www.iol.co.za/saturday-star/news/matricresults-drop-out-crisis-in-sa-schools-18693946>

<sup>180</sup> Statistics South Africa, 2020, Gender Series report VI: Education and Gender, 2009-2018. (Report 03-10-20), p. 2.

<sup>181</sup> Stats SA, 2020, Gender Series report VI: Education and Gender, 2009-2018. (Report 03-10-20)

<sup>182</sup> Stats SA, 2020, Ibid.

<sup>183</sup> Stats SA, 2020, Ibid.

<sup>184</sup> Stats SA, 2020. Ibid.

of boys (19.6% and 15.9%) for both years perceived education to be of no use. On the other hand, girls are more likely to stay at home due to family commitments (17.8 and 10.8%)<sup>185</sup>.

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<sup>185</sup> Stats SA, 2020, Ibid.

Table 4: Reasons for not attending an educational institution for persons aged 5–18 years by sex, 2009 and 2018

Reasons	2009		2018	
	Male	Female	Male	Female
Transport difficulties	1.1	1.5	0.5	1.4
No money	21.6	25.5	17.4	21.7
Working/Too busy	6.1	4.8	3.6	2.5
Education useless	19.6	9.8	15.9	9.4
Family commitments	1.1	17.8	0.1	10.8
Poor academic performance	11.5	9.3	14.4	13.8
Illness	3.9	4.5	2.4	1.8
Disability	5.2	3.3	7.4	5.6
Other	29.8	23.4	38.4	33.0

Source: Stats SA, 2020, Gender Series report VI: Education and Gender, 2009-2018.  
(Report 03-10-20), page 18.

The 2019 General Household Survey (GHS) revealed that non-attendance of an educational institution varied by age group. Among the 7–15 year-olds, disability was the main reason why some children were out of school, constituting 24.5%<sup>186</sup>, while “no money for fees” was the main reason given by adolescents between 16-18 years for not being in school. Among other reasons, family commitments (e.g. child minding) affected 1.3% among 7–15-year-olds who were not in school and pregnancy 0.9% in the same age-group<sup>187</sup>. Comparatively, family commitment affected 7.1% and pregnancy 2.3% among the 16–18-year-olds<sup>188</sup>. Although statistics on teenage pregnancy were not available at the time of writing this report, anecdotal evidence suggests that there was a surge in teenage pregnancies during COVID-19.

In South Africa, it is estimated that 182,000 teenagers become pregnant each year, and many are still in school<sup>189</sup>. In 2019, it was estimated that 5% of females aged 14 to 19 years in South Africa stated that they were going through different stages of pregnancy and the prevalence of pregnancy increased with age. While 0.4% of young women aged 14 stated that they were pregnant, the number of 19-year-old pregnant women was 32 times higher. Furthermore, pregnancy amongst women aged 19 years increased by 2.8% points between 2018 and 2019<sup>190</sup>.

<sup>186</sup> Statistics South Africa, 2019, General Household Survey (GHS): Focus on Schooling 2018

[https://www.education.gov.za/Portals/0/Documents/Reports/20191104\\_GHS\\_final.pdf?ver=2019](https://www.education.gov.za/Portals/0/Documents/Reports/20191104_GHS_final.pdf?ver=2019)

<sup>187</sup> [https://www.education.gov.za/Portals/0/Documents/Reports/20191104\\_GHS\\_final.pdf?ver=2019](https://www.education.gov.za/Portals/0/Documents/Reports/20191104_GHS_final.pdf?ver=2019) on 27 June 2021.

<sup>188</sup> [https://www.education.gov.za/Portals/0/Documents/Reports/20191104\\_GHS\\_final.pdf?ver=2019](https://www.education.gov.za/Portals/0/Documents/Reports/20191104_GHS_final.pdf?ver=2019) on 27 June 2021.

<sup>189</sup> <https://www.bbc.com/news/world-africa-45889366>

<sup>190</sup> Galal, Saifaddin, 2021, Share of teenage pregnancies in South Africa, July 15, 2021.

<https://www.statista.com/statistics/1115755/share-of-teenage-pregnancies-in-south-africa-by-age/>

South Africa's Constitution provides for non-discrimination on the basis of pregnancy and the education policy of 1996 provides for every person to be protected against unfair discrimination within or by an education department or educational institutions on any ground.

Violence against girls in school and young women in tertiary education is a serious issue in South Africa. Girls face sexual harassment and assault in schools and universities from both fellow students and teachers. These occurrences cause girls to fear going to school, drop out of universities and some to stop going altogether. Women's organisations that deal with this problem have advocated for producing annual reliable statistics to reveal the scope of this problem and to claim measures to be taken against the perpetrators<sup>191</sup>. Girls cannot learn well under these circumstances.

Girls are also at a disadvantage in attaining quality education because of the patriarchal nature of South African society. Women occupy a lower social status than men and are socialised to work in the home and be mothers. This de-emphasizes the importance of receiving an education<sup>192</sup>. It also encourages girls to choose studies in so-called typical studies for women (health care, education, social work, etc.), and boys in Science, Technology, Engineering and Mathematics (STEM).

Over the years various programmes have been developed to improve girls' education in South Africa. One is the Girls Education Movement (GEM), which was launched in South Africa in 2003. The programme aims to give girls equal access to education, make schools safer for girls and improve the quality of girls' education. GEM is run via school-based boys' and girls' clubs and has been implemented in each of South Africa's nine provinces.

"Techno-girls" is a project that works to support girls in pursuing careers in math, science and technology — typically male-dominated fields. Girls from rural disadvantaged communities are given priority in the selection process. Girls who are selected become interns in various companies and enter a mentoring and skills development programme with scholarship opportunities.

The United Nations Educational and Scientific Cultural Organization (UNESCO) works to ensure that every person has access to quality education. The continent of Africa and gender equality are two of UNESCO's top global priorities, and UNESCO is active in promoting gender equality in South Africa's education system (UNESCO, 2020).

All in all, equal access to education, while essential, has not guaranteed gender equality. Schools, as formal state institutions, tend to reproduce existing gender regimes and power relations rather than subvert them. Furthermore, gender and gender equality can be buzzwords that produce different interpretations across contexts and actors. Paying attention to the specificities of contexts in which gender equality discourses are interpreted, negotiated and enacted is, therefore, crucial to understanding the construction of gender and the hope of its transformation in and through education<sup>193</sup>.

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<sup>191</sup> Online Consultation Meeting with CSOs in South Africa on 28 June 2021.

<sup>192</sup> Durrani, N and Halai, A., 2020: *Gender Equality, Education, and Development*. E-Book ISBN: 9789004430365: Brill: 02 Apr 2020

<sup>193</sup> Durrani, N and Halai, A., 2020, Ibid.

An innovative and unique gender transformative initiative is the “Oprah Winfrey Leadership Academy for Girls” (OWLAG)<sup>194</sup>, located near Johannesburg and educating girls “from economically disadvantaged backgrounds, but not poor in mind or spirit” (Oprah Winfrey, 2007) in Grades 7 through 12. Each year, over 6,000 of the smartest and brightest girls across the country apply to the school, although the school can only enrol an average class of 60 students. There is tremendous potential among girls to assume leadership roles, and the OWLAG can only address 1% of the demand for leadership training among girls. At the opening of the school (2007), Nelson Mandela highlighted: “The school is important because it will change the trajectory of these girls' lives and it will brighten the future of all women in South Africa. Oprah understands that in Africa, women and girls have often been doubly disadvantaged. They have had the curse of low expectations and unequal opportunities.” (Nelson Mandela, 2007). 528 girls graduated from the OWLAG between 2007-2020. In 2020, graduates formed the OWLAG Alumni Network, created and run by alumni with 300 members at the start. The group follows the OWLAG guiding principles of leadership and sisterhood.

### Conclusion and recommendation

South Africa's commitment to education for all, as enshrined in the legal and policy frameworks, and expressed in the priority-setting and the amount of budgetary allocation to education, has led to a steady increase of access to education and gender parity. Gender parity (1%) has been achieved at primary and secondary school levels. At grade 12 there is however a huge drop-out rate of about 50% of the learners, in majority boys. At tertiary level, the number of women surpassed the men, as reflected in the gross GPI of 1.32 (2019). Despite women's increasing qualifications, their job opportunities are still limited due to the horizontal and vertical gender segregation of the labour market.

#### Recommendation:

Strengthen strategies that engage men and boys, and empower women and girls, making them drivers for change towards a human-rights based society with gender equality and social inclusion that leaves no one behind. Address the root causes of gender inequality and intersectional discrimination by questioning, examining and challenging the existing gender roles, norms, responsibilities and power relations. The aim is to transform people at individual level, relations between people, organisations, institutions, communities, national and global policies to change the old power structures and to create a new system that allows every person to fully enjoy their human rights. Opinion leaders who are followed by young men and women (sports heroes, television and movie stars, popular singers, etc.), who share the vision of inclusive gender equality, can play an accelerating role in the gender transformative process.

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<sup>194</sup> <https://www.oprahfoundation.org/portfolio-item/oprah-leadership-academy>

### 3.9. Digital Inclusion

During the AU Summit in February 2019 “The African Union strategy on Gender Equality and Women’s Empowerment (GEWE) 2018-2028” was launched as a framework policy for AU Member States. It pursues a gender transformative strategy to ensure equal participation of women and girls in economic activities, political affairs and social endeavours. It is a guiding document on how to implement the AU’s GEWE commitments and how to design gender transformational programmes. The strategy has four pillars. Pillar 1 focuses on maximising opportunities, outcomes and e-tech dividends. It recognises, amongst others, that for women to be economically empowered and to be able to effectively contribute to sustainable development, they must have access to quality education and control over productive resources. The GEWE strategy advocates for e-Tech firms and financial institutions to fund start-ups and innovation hubs that promote gendered solutions and increase women and girls’ equal and effective participation in the technology space<sup>195</sup>.

Digital inclusion is the ability of individuals and groups to access and use information and communication technologies (ICTs). Examples of ICTs include smart mobile phones, computers, tablets, e-books, downloadable music, internet radio, internet television and streaming media; fonts, logos, photos and graphics; digital subscriptions; online ads, internet coupons and electronic tickets.

In terms of mobile internet, the latest evidence shows that there are still 234 million fewer women than men accessing mobile internet in low- and middle-income countries (LMICs)<sup>196</sup>. Globally, during the COVID-19 pandemic, women’s mobile internet use stayed the same or increased in every surveyed market, and the gender gap in mobile internet use improved or stayed the same in every survey country except Kenya<sup>197</sup>.

On a more positive note, survey data of NIDS-CRAM covering the first lockdown in South Africa indicates that “in the longer-run, the crisis might also have a transformative role through changing behaviour and norms. Firms have had to allow employees to work from home, which may translate into greater flexibility in work arrangements in the future. This would benefit both mothers and fathers, but particularly mothers for whom flexibility have been shown to be very important as they try to juggle childcare and work responsibilities. The extent to which women in lower-income jobs could benefit from this, remains to be seen<sup>198</sup>”.

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<sup>195</sup> AU Strategy for Gender Equality and Women’s Empowerment, August 30, 2021, Women, Gender and Development Department. <https://au.int/en/directorates/women-gender-and-development-wgdd>

<sup>196</sup> GSMA (2021), Connected Women - The Mobile Gender Gap Report, Publications Office of GSMA, United Kingdom. GSMA (2021), Connected Women. The Mobile Gender Gap 2021, London <https://www.gsma.com/r/wp-content/uploads/2021/06/The-Mobile-Gender-Gap-Report-2021.pdf> (retrieved on 25 June 2021).

<sup>197</sup> GSMA (2021), Ibid. <https://www.gsma.com/r/wp-content/uploads/2021/06/The-Mobile-Gender-Gap-Report-2021.pdf> on 25 June 2021.

<sup>198</sup> Casale, D. and Posel, D., 2020, *Gender and the early effects of the Covid-19 crisis in the paid and unpaid economies in South Africa*. University of the Witwatersrand, CRAM/NIDS, 15 July 2020. <https://cramsurvey.org/wp-content/uploads/2020/07/Casale-Gender-the-early-effects-of-the-COVID-19-crisis-in-the-paid-unpaid-economies-in-South-Africa.pdf>

The development of the digital economy also carries the risk of consolidating or increasing gender and racist segregation of society, if old stereotypes are used for online bullying and harassment, or if old patterns of discrimination creep into the algorithms that are used by companies and governments to increase efficiency by digitalising their services. Several examples have already been documented about this phenomenon<sup>199</sup>.

### Conclusion and recommendation

Digital transformation offers many new opportunities for both women and men in all their diversity to participate in the global market of goods and services and to work from a home-base with flexible working times. It also promises to support efficient decision making and digitalization of public and private service delivery (banking, social grant assignment, tax fraud control, customer desks, etc.).

To enhance the process of digital inclusion and equal access to internet, gender transformation and digital transition must go hand in hand in order to avoid gender inequalities and intersectional discrimination being taken over by computer learning processes and consolidated in the future digital economy. A more comprehensive analysis on gender and digital transition will be elaborated in a separate document.

## **Section 4: Voice and Participation**

Since the first democratic election on 27 April 1994, huge changes have taken place in the white-male dominated apartheid system of South Africa, particularly with regard to women's participation in politics. 54.9% of women are registered to vote in the country (2019)<sup>200</sup>. In less than three decades, very promising shifts have taken place in parliament: 46% of the seats in Parliament are occupied by women (2021)<sup>201</sup>. As of September 2021, South Africa ranks in 9<sup>th</sup> place in the global top-10 for women's representation in Parliament on the list of the Inter-Parliamentary Union<sup>202</sup>, and in 14<sup>th</sup> place in terms of political empowerment of women in the 2021 Global Gender Gap Report of the World Economic Forum. In Africa, South Africa is in 2<sup>nd</sup> place, after Rwanda.

Not only in Parliament, but also in the national Cabinet, in diplomacy, and in the military, women's voices have become stronger as is shown by the following data:

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<sup>199</sup> Van Osch, T., 2021: *De Vierde Industriële Revolutie; uitdaging voor een nieuw economisch model* <https://theravanosch.medium.com/de-vierde-industrie%C3%ABle-revolutie-f63d1a22e280>

<sup>200</sup> Department of International Relations and Cooperation (2019), Ibid

<sup>201</sup> IDEA, International Institute for Democracy and Electoral Assistance (2021), Women's Political Participation: Africa Barometer 2012, Publications Office of International IDEA, Sweden.  
<https://www.idea.int/sites/default/files/publications/womens-political-participation-africa-barometer-2021.pdf>

<sup>202</sup> IPU Parline, Monthly ranking of women in national parliaments, 2021, <https://data.ipu.org/women-ranking/?month=9&year=2021> (on 7 September 2021)

50% of South Africa's Cabinet is composed of women for the first time ever (2019)<sup>203</sup>;  
41% of the embassy heads of mission are women in 2021 (from 17,2% in 2001)<sup>204</sup>;  
40% of senior management in the Public Service are women (2019)<sup>205</sup>;  
31% of South African's UN Military Experts on Mission and Staff Officers are women.<sup>206</sup>

#### 4.1. Political participation and affirmative action

History from other patriarchal societies shows that it takes more than a century and several generations of women's struggle to break through the male-dominated power structures and claim women's legitimate share in decision making. To accelerate the process, the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW-1979) defined Temporary Special Measures (art. 4) aiming at de facto equality between men and women. These measures may consist of affirmative action, quota systems, positive discrimination, and "shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved<sup>207</sup>." States Parties can use CEDAW as a legal instrument to enhance the acceleration of equal political participation.

The Southern African Development Community (SADC) Protocol on Gender and Development, ratified by South Africa in 2012, includes the commitment of States Parties to achieve 50% representation of women in decision-making bodies in the public and private sectors (Art. 12 and 13).

South Africa has "an electoral system of Proportional Representation (PR) or "list system" in which citizens vote for parties that are allocated seats in parliament according to the percentage of vote they receive. Individual candidates get in according to where they sit on the list. In an "open" list system, voters determine where candidates appear on the list. In a "closed" list system, the party determines where candidates appear on the list. This is usually based on democratic nomination processes within the party<sup>208</sup>. If this system is combined with voluntary or legislated quota setting, it will lead to a rapid increase in women's participation, as is shown in Africa Barometer 2012 on Women's Political Participation<sup>209</sup>. After the voluntary adoption of a 50/50 quota in 2006 by the ANC, we saw a rise in women's political participation. Unfortunately, not all political parties in South Africa apply the quota-setting voluntarily. Some put women at an unfavourable place on the list of candidates, while others officially oppose and

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<sup>203</sup> World Economic Forum (2019), South Africa's Cabinet is Now 50% Women for the First Time Ever, Publications Office of the World Economic Forum, Switzerland.

<https://www.weforum.org/agenda/2019/06/south-africa-s-cabinet-is-now-50-women-for-the-first-time-ever/>

<sup>204</sup> In 2021 there were 47 women diplomatic representatives out of 114, i.e. 41%.

[http://www.dirco.gov.za/foreign/sa\\_abroad/hom.htm](http://www.dirco.gov.za/foreign/sa_abroad/hom.htm)

<sup>205</sup> Department of International Relations and Cooperation (2019), Ibid

<sup>206</sup> UN-Peacekeeping, Data over the year 2021, as per 21 July 2021. <https://peacekeeping.un.org/en/gender>

<sup>207</sup> CEDAW, article 4: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

<sup>208</sup>

<sup>209</sup> IDEA, 2021, Women's Political Participation: Africa Barometer 2012. Ibid, page 40-41



argue against quotas, such as the Democratic Alliance.

South Africa could do better and achieve the 50:50 goal if it would be a legal obligation for each political party. For several years, women's organisations have been advocating to adopt a 'ZEBRA listing' where men and women alternate in the party lists to parliament, as a specific requirement in the legalisation of the quota system to make the 50% gender parity goal effective.

#### Conclusion and recommendation

In the past 25 years, South Africa has made tremendous advances in promoting gender parity in political participation and now ranks at the top of the list of countries with best performance in Africa and worldwide.

Legally arranging the Zebra-listing, as proposed by CSOs in South Africa, would contribute to achieving the 50:50 goal.

#### **4.2. Gender in local governance**

The next local government elections will be conducted in October 2021. In the elections for local councils, parties must seek to ensure that 50% of the candidates on the party list are women according to the Local Government Act. In past years, many measures have been taken to achieve this 50:50 target, but there is still a lot of space for improvements, particularly at local level.

Women's representation at local level shows a mixed picture, although overall there is steady progress. Table 5 shows that women's representation increased from 19% in 1995 to 29% in 2000; and went up further to 40% after the ANC adopted a 50/50 quota in 2006. "Of particular significance in 2006 was the increase in the representation of women in ward seats (where women traditionally do not do as well as in Proportional Representation or PR seats) from 17% in 2000 to 37% in 2006. The decline in women's representation in ward seats from 37% in 2000 to 33% in 2011, and a corresponding overall decline of women's representation by two percentage points is a bitter blow for the 50/50 campaign<sup>210</sup>".

Table 5: South Africa: Women's Representation in Local Government 1995 - 2016

Year	% Women Ward	% Women PR <sup>211</sup>	Overall
1995	11%	28%	19%
2000	17%	38%	29%
2006	37%	42%	40%
2011	33%	43%	38%

<sup>210</sup> Hicks, J., Lowe Morna, C., and and M. Fonnah, 2016, *Gender in the 2016 South African local government elections*. Gender Links for Equality and Justice, 2016

[https://genderlinks.org.za/wp-content/uploads/2016/12/Gender-and-Local-elections-2016-ReportFINAL\\_jhmfclm\\_092016f.pdf](https://genderlinks.org.za/wp-content/uploads/2016/12/Gender-and-Local-elections-2016-ReportFINAL_jhmfclm_092016f.pdf)

<sup>211</sup> PR = Proportional Representation

2016	33%	48%	41%
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Source: Hicks, J., Lowe Morna, C., and and M. Fonnah, 2016, Gender in the 2016 South African local government elections. Gender Links for Equality and Justice, 2016, p.

A civil society shadow report on the implementation of CEDAW<sup>212</sup> found a lack of compliance (50/50 principle) in terms of women's representation at local government and in traditional leadership structures. It also found that the Traditional Leadership and Governance Framework Act (2003) entrenches patriarchal values and excludes women from participating in traditional governance. It does this by entrenching the power and status of the apartheid-era tribal authorities to select 60% of the members of the traditional council (a key traditional governance structure). Very few women are selected because of traditional views that women's appropriate place is in the domestic rather than political arena.

In the 2016 local elections, there were only two parties that voluntarily set quotas for women on their party list, the ANC and the EFF. Despite these quotas, the hindrances for women's participation at local level are manifold, particularly in the areas where a traditional patriarchal context prevails. "They face sexism, patriarchal attitudes and sexual harassment. It is very difficult for them to make a difference by putting women's issues on the agenda<sup>213</sup>".

Another obstacle is the lack of attention to women candidates and gender issues in the media. In the campaigns of previous elections there seemed to be neglect of the position of poor rural women, women with disabilities, LGBTIQ+ people, sex workers and violence against women and girls in traditional communities. "Media Monitoring Africa's (MMA) gendered analysis of media coverage in the build up to the elections reveals a disturbing downward trend in reporting on gendered dimensions of development issues, framed in party campaigning. Shockingly, coverage of gender-related issues during the 2016 municipal elections plummeted to 0.002% of news stories about the elections. Women comprised a mere 22% of news sources in the local elections coverage<sup>214</sup>". Additionally, toxic patriarchy is expressed in sexist language, bullying, intimidation and threats against women candidates in politics, and spread through social media as is the case in many other countries.

### Conclusion and recommendation

Women's political participation at local level meets some obstacles. On one hand, women have to face

<sup>212</sup> Centre for the Study of Violence and Reconciliation People Opposing Women Abuse Western Cape Network on Violence Against Women (2011), South African Shadow Report on the Implementation of the Convention on the Elimination of All Forms of Discrimination Against Women, Publications Office of the Committee on the Elimination of Discrimination against Women, South Africa.

[http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/Joint\\_NGO\\_Report\\_for\\_the\\_session\\_SouthAfrica.pdf/](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/Joint_NGO_Report_for_the_session_SouthAfrica.pdf/)

<sup>213</sup> Quote from Professor Amanda Gouws, Professor of Political Science and Sarchi chair in Gender Politics. Quoted by: Jennifer Smout, 2021, Women in South Africa's local government elections: Equality and representation lessons for 2021/22, In: MSN/DM, 31 August, 2021.

<https://www.msn.com/en-za/news/other/women-in-south-africas-local-government-elections-equality-and-representation-lessons-for-2021-22/ar-AANWhp4>

<sup>214</sup> Hicks, J., Lowe Morna, C., and and M. Fonnah, 2016, Ibid.

sexist harassment and bullying in a local context where women are neither expected nor accepted to assume a role as political leader, often aggravated by social media. On the other, they have to deal with the internal culture of political parties and the willingness of male political leaders to share power with women. Not all political parties are willing to voluntarily introduce a quota system.

Recommendations: For the upcoming local government elections in October 2021, there is a new opportunity to break through the old power structures by applying temporary special legal measures – including Zebra-listing - to enhance the 50:50 goal for gender parity at local level. For effective implementation, there may be a need for gender training and awareness-raising among political leaders, gender capacity building for the local media, and leadership training for women local candidates. To protect women candidates in politics against sexist language, bullying, intimidation and threats, we recommend to establish a National Observatory that systematically addresses these obstacles for political participation of women.

### **4.3 Representative democracy and participative democracy**

Beyond gender parity, the SADC Gender Protocol calls on governments to devise policies, strategies and programmes to enhance women's effective participation in decision-making. The picture is a bit mixed in this regard. Much of the debate has been around quotas and not on meaningful participation of women in the positions they occupy, whether parliament, national or local government. Representation does not necessarily lead to policy change in favour of women or improvements in implementation and monitoring of existing policies. Party politics also play a huge role in how women in public office perform. The perception that women have to toe the party line or risk losing their positions has led to a lack of confidence in women elected to public office. Capacity building for women in public office is one aspect which is often overlooked.

Democracies flourish when citizens are voluntarily engaged in political participation, whether it is through the ballot box, direct (legal) political action, civil society participation, involvement in social movements, participation in public debate, electing representatives, joining political parties, attempting to influence political leaders or holding them accountable<sup>215</sup>.

Gender equality and good governance are two of the most immanent themes in development debates in recent times as evidenced in the growing body of literature and thought around gender, democracy and good governance. Politics and governance involve all aspects of power: who has power, what power relations exist, how power is exercised, the institutions of power, how they operate, what policies and laws are produced by these institutions and what impact they have on people. Through the patriarchal

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<sup>215</sup> Graham, V. 2020. *South Africa's Democracy: The Quality of Political Participation over 25 Years*. Journal of African Elections Volume 19 No 1.

powers vested in them by society, men become the “directors” of virtually all public life - the “face” of politics and governance<sup>216</sup>.

Where women venture into public spaces, they are expected to play roles similar to the home; that is, nurturing roles. Also grafted onto the gendered “division of labour” is a difference in power relations. Whether in the home, the community, or national life, men occupy the decision-making roles<sup>217</sup>. Breaking through these gender-stereotyped power structures requires a gender transformative process at all levels of society, individual, organisational, and institutional. Civil society organisations play a key role in this transformative process.

The importance of participation in South Africa’s democratic model is an historical response to decades of apartheid during which the majority of the population was excluded from formal avenues of political participation. Various government strategies and mechanisms have been initiated in the past two decennia to strengthen public participation and facilitate dialogue between citizens and their representatives. These have included public hearings and public awareness workshops; ward committees; community development workers (CDWs); integrated development planning (IDP); citizen satisfaction surveys; petitions; and Izimbizo (public meetings). Additional participatory strategies to promote public and civil society participation in government programmes have included: various public information programmes, government websites, newsletters, and school visits; the deployment of MPs to constituencies; calls for oral and written submissions from the public and civil society on Green/White papers; public events such as Public Participation Forums, the ‘Taking Parliament to the People’ programme, Women’s Parliament, and Youth Parliament (African Peer Review Mechanism (APRM))<sup>218</sup> (Graham, 2020).

Also prominent are women’s voluntary associations, groups and social movements. In South Africa, strong political engagement (both organised and otherwise) has been a tradition. The past 25 years of democracy have revealed that South African civil society is becoming more diverse, dynamic and assertive in holding government accountable, especially in relation to the delivery of constitutional goals, fighting corruption and supporting democratic institutions<sup>219</sup>.

This atmosphere has given social movements the impetus to engage with the state. Civil society organisations have often plugged the gaps left by the state over the last two decades, and thus have complemented or substituted the state. Civil society groups have also defended the rights of vulnerable and socially excluded groups in society.

### Conclusion and recommendation

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<sup>216</sup> Gender Links., Women’s political participation,2021

Retrieved from ; <https://www.idea.int/sites/default/files/publications/womens-political-participation-africa-barometer-2021.pdf>

<sup>217</sup> Gender Links., Women’s political participation,2021, Ibid.

<sup>218</sup> Graham, V., 2020, Ibid.

<sup>219</sup> Graham, V., 2020. Ibid.

Representative democracy and participative democracy are complementary processes of civil engagement that strengthens social coherence and makes society flourish. The government of South Africa has supported the long tradition of political engagement and facilitated this process by maintaining an open dialogue with CSOs. The world of CSOs in South Africa is diverse, dynamic and assertive.

Recommendation: To engage CSOs in a more effective way in the process of holding the government and politicians in representative bodies accountable for the country's constitutional goals, and for its legal and policy commitments on gender equality and social inclusion, it is recommendable to introduce a mechanism of participative gender budgeting. This would allow civil society to check the budget with a gender and diversity lens and to raise questions at any phase of the budgetary process, in order to ensure that no one is left behind.

#### **4.4. The role of Civil Society Organisations**

Civil Society Organisations (CSOs) are formally recognised in "The Non-Profit Organisations Act No. 71 of 1997". The Directorate for Nonprofit Organisations (NPOs), situated in the Department of Social Development, is installed to deal with CSOs. According to the Department of Social Development's NPO 2019 Register, there were 223,004 registered organisations in South Africa in 2019<sup>220</sup>.

NPOs and the Department of Social Development (DSD) both provide social care services in an arrangement dating back to 1938 and the establishment of the country's first Department of Welfare. Because these NPO services fulfil the mandate of the state, they are subsidised by DSD, in the expectation that NPOs will raise funding to meet the balance of their costs elsewhere. However, the decrease in funding availability mentioned above has made it more difficult for organisations to find alternative funding sources and they are not all in a position to offer fair pay and sustainable employment to their employees, more than 70% of whom are women. The subsidy system is a long-standing source of complaint and has been the subject of multiple legal actions. Numerous reports have called for a review and standardisation of the system across provinces. Armed with this information, the NDP review 2019 highlighted the issue and the relationship between care services and women and inequality. The Covid-19 pandemic and lockdown has exacerbated pre-existing weaknesses and difficulties in the financing of NPOs' social care services at a time where the need for social care and other support services is very likely to increase.

Civil Society plays a key role in primary and secondary prevention interventions to combat GBV/F. A mapping exercise conducted in 2014/15 revealed that most efforts were focused on strengthening the criminal justice system through supporting survivors' access to services and provision of counselling

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<sup>220</sup> Graham, V. 2020. *South Africa's Democracy: The Quality of Political Participation over 25 Years*. *Journal of African Elections* Volume 19 No 1. <https://www.eisa.org/pdf/JAE19.1Graham.pdf> on 6 Sept 2021

services, as well as advocacy<sup>221</sup>. CSOs are also instrumental in ensuring proper implementation of the Sexual Offences Act and Domestic Violence Act. Not only do they play a role in awareness raising and victim empowerment, they also provide psychosocial support, make referrals and provide shelters to survivors. This is despite the financial and capacity constraints under which most CSOs operate.

Whilst there is a clear obligation on the government to provide services as part of the victim empowerment programme, data over the past years shows that NGOs provide significant support with social welfare services for women and children.<sup>222</sup> Some, but not all, receive funding from government to do so. Where funding is provided, it covers only part of the cost. This is different from instances such as construction of roads or provision of other services, where government pays service providers the full cost-plus profit. This is a challenge, which has been raised at various fora with the department of social development. The issue was also discussed at great length at the 2014 gender summit and the following recommendations were made<sup>223</sup>:

- Development of Policy Framework for funding of Civil Society Organisations: even though there are funds given by the Department of Social Development and Lotto to assist with funding of civil society organisations, these organisations still experience shortages.
- There is an urgent need for state efforts to support civil society organisations and this requires the development of policy in consultation with CSOs and in partnership with international aid agencies.
- Develop mechanisms for civil society participation in the National Gender Machinery: civil society organisations' participation in the National Gender Machinery is valuable and must be seen as such. For this to happen, the NGM has to develop mechanisms aimed at ensuring substantive participation of CSOs at this level.

The follow-up to these recommendations remains unclear.

A Gender Summit against Gender Based Violence and Femicide, held in November 2018, again saw the need for prioritised government responses to gender based violence. The Declaration that was formulated following this Gender Summit identified a list of 17 commitments of which the Top 5 commitments are as follows<sup>224</sup>:

- Political and community leadership must support and champion the cause of eradicating gender-based violence and femicide;

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<sup>221</sup> Department of women, children and people with disabilities (2015); study on Violence against Women in South Africa; Know your Epidemic – Know your Response

<sup>222</sup> European Delegation to South Africa, 2019, Gender Country Profile South Africa 2016, revised 2019. (internal document)

<sup>223</sup> Parliamentary Monitoring Group, Commission for Gender Equality reports on CSW 57th Session; IBISA Conference; 365 Days of Action to End Violence; National Council on Gender Based Violence; Gender Focal Points; Courts; National Gender Summit; 2014 elections stated on 21 April 2015  
<https://pmg.org.za/committee-meeting/20711/> on 6 Sept 2021

<sup>224</sup> South African Government (2018), National Summit against Gender Based Violence and Femicide  
<https://www.gov.za/nationalgendersummit> on 6 Sept 2021

- Political, community, family and business leadership should be held accountable through, amongst others, a Code of Conduct;
- Immediately set up an Interim Structure, which is funded, with the eventual objective of establishing a national, multi-stakeholder Council. The composition of the Council must be inclusive and representative with consideration of at least 51% civil society and appointments must be transparent. The interim structure should establish a functional Council within six months, the President should champion it and adequate resourcing should be in place for its optimal functioning. Subsequent legislation will govern its operation;
- Adequate resourcing of Thuthuzela Care Centres, sexual offences courts and shelters that respond to the needs of all people including people with disabilities and LGBTQIA+;
- A National Strategic Plan (NSP) on gender-based violence and femicide is developed within the next six months. The NSP should be resourced, implemented and monitored and evaluated on a regular basis.

It is clear that while GBV continues unabated in South Africa, the issue is receiving a lot of renewed attention from multiple stakeholders ranging from government and chapter 9 institutions, to civil society organisations. A growing discussion alongside the need for prioritised responses to gender-based violence is that of costing and prioritisation with respect to budgetary allocations. This discussion has seen greater attention directed towards the need for prevention services. Unfortunately, a discussion that polarises interventions to address gender-based violence into prevention OR response services, creates the false impression that these interventions are distinct from each other, when in fact they are inter-related and of equal importance to address this scourge.

Coordination of all these efforts, as well as implementation of the various legislative frameworks have been and will continue to enhance progress. Strong and proactive leadership accompanied by accountability measures are urgently needed in order to stop the continuous violation of women's rights and the rights of gender-queer people in South Africa.

UN Women (2020) identified responses to address the urgent gendered impacts of the COVID-19 pandemic. They emphasized the need to include women and women's organisations at the centre of the COVID-19 response<sup>225</sup>. Given their front-line interaction with communities, as well as their socially prescribed care roles, women are placed in a prime position to identify social and health needs at the local level, thus empowering women's voices and improving outbreak preparedness and response.

Furthermore, most of the Covid-19 response focused on the distribution of food parcels. Civil society organisation (CSO) consultations revealed that the distribution of food parcels was left to the formal

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<sup>225</sup> UN Women and UNFPA, East and Southern Africa Regional Offices, 2021, *The Impact of COVID-19 on women and men*. Nairobi, March 2021.  
<https://esaro.unfpa.org/en/publications/impact-covid-19-gender-equality-and-womens-empowerment-east-and-southern-africa> on 1 July 2021

economy and big organisations, leaving out the informal economy. The emergence of big companies, such as Shoprite, in rural areas and small townships marginalised the informal sector in the food distribution chains. While food parcels meet the basic needs of families, they are not empowering to women, and they are not sustainable. Access to means of production in a meaningful way is more sustainable, for example land, financing and agricultural inputs. During a consultation meeting of CSOs on 28 June 2021, it was recommended to include small and micro producers and informal local traders of food for basic needs of families – the majority of whom are women – as actors for change in the planning of programmes of the green economy.

Shelters are struggling with funding, and the situation has worsened with COVID-19. The Nisaa Institute for Women's Development coordinates the National Shelter Movement (NSM) in South Africa. As of June 2021, the NSM coordinates 98 shelters. There is a need to support NSM in its support for abused women. In the context of GBV, CSOs noted that abused women return to their same environments after receiving psychosocial support, or accessing GBV shelters. This is caused largely by women's economic dependance on their spouses. Therefore, women's economic empowerment is a powerful and sustainable way of preventing and mitigating GBV. Interventions, such as microfinance for women, supporting women enterprises and the development of agricultural infrastructure through cooperatives, are recommended by CSOs as more sustainable ways to empower women. In addition, there is a need to invest in interventions that change the mindsets of men and women in their various diversities about the capability of women to meet their own financial needs<sup>226</sup>.

Funding for small CSOs and grassroots organisations in rural areas and townships is limited, yet they reach the majority of the vulnerable groups in their communities. CSOs working at grassroots level recommend a funding model (e.g. outsourcing the fund to an institution that manages the small projects) that supports small CSOs and innovative grassroots organisations. There is a need to intentionally reach out to grassroots organisations with socially innovative strategies that empower women from the bottom-up, who would ordinarily not qualify for direct funding from the EU and other big donors<sup>227</sup>.

The full enjoyment of human rights, as guaranteed in the Constitution, still remains inaccessible for the majority of women, girls, people with disabilities, gender-non-conforming people and the greater LGBTQI+ community due to the prevalence of patriarchal cultural customs and norms. The structural violation of their right to physical integrity and their socio-economic rights gave rise to new organisations that defend and protect the rights of a broad and diverse range of socially innovative and dynamic CSOs with new narratives on freedom of choice.

Research shows that the process of breaking taboos around LGBTIQ+ people is moving forward and that CSOs defending their constitutional rights have an increasing impact in society. The findings of a survey by The Forum on "attitudes towards homosexuality & gender non-conformity in South Africa" show that

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<sup>226</sup> Visions provided by representatives of CSOs during two online consultation meetings on 28 June 2021.

<sup>227</sup> Recommendation from online consultation meeting with South African CSOs on 28 June 2021.



in three years (from 2012 – 2015), the number of people who ‘strongly disagree’ with allowing same sex marriage dropped 48% to 23%, and the number of South Africans who “strongly agree” with allowing same-sex marriage increased from 1% to 10%<sup>228</sup>.

An NGO that promotes safe and equitable workplaces for LGBT+ professionals to contribute to their fullest potential is the South African LGBT+ Forum. Each year it publishes the “South African Workplace Equality Index” (SAWEI), and invites companies to participate in this benchmark exercise, where they can obtain a gold, silver or bronze distinction for their inclusiveness policies. In 2019, SAWEI was completed by 27 companies across a range of sectors that employed 144,000 people in South Africa<sup>229</sup>.

CSOs that are engaging men in gender transformation have seen increased interest among young people in South Africa. Working with men is necessary to overcome obstacles for gender equality. The Sonke Gender Justice and MenEngage movement in that regard implement several interventions to rally men as partners in the quest for gender equality.

Collaboration with Men and Boys to Curb Gender-Based Violence is also one of the flagships of the Eugenia Nothemba Gxowa Foundation (ENG-Foundation). The programme supports and is based on the ethos and principles of the UN Women “HeForShe Global Solidarity Campaign” that seeks to actively involve men and boys as agents of change for the achievement of gender equality and women’s rights<sup>230</sup>. The ENG-Foundation works with men in positions of power at universities in South Africa to address SGBV. During the EU CSO online consultation meeting on 28 June 2021, an official from the ENG Foundation, Ms Nomkhitha Gysman noted that the extent of sexual harassment and rape at universities is not known. Yet, young women have been victims of sexual harassment and rape at universities with young men mostly being the perpetrators. For that reason, the ENG-Foundation collaborates with men and boys to curb gender-based violence against women and girls (GBVAW/G) at universities and other tertiary institutions by holding male leadership to account (Vice Chancellor, lecturers and Vice Chairs of council), following the UN Women HeForShe model of male engagement.

Representative and participative democracy are complementary and strengthen each other.

During two consultation meetings with CSOs on 28 June 2021, the following issues were mentioned as the main obstacles to the attainment of women’s empowerment in South Africa:

- Lack of recognition of women’s unpaid work;
- Increased gender gaps due to impact of COVID-19 measures;

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<sup>228</sup> The Other Foundation, and Human Sciences Research Council (HCRC), 2016, *Progressive Prudes, A survey of attitudes towards homosexuality & gender non-conformity in South Africa*.

[https://theotherfoundation.org/wp-content/uploads/2016/09/ProgPrudes\\_Report\\_d5.pdf](https://theotherfoundation.org/wp-content/uploads/2016/09/ProgPrudes_Report_d5.pdf)

<sup>229</sup> LGBT+ Forum, 2019, *The South African Workplace Equality Index 2019*  
[file:///C:/Users/31640/Downloads/20191119\\_SAWEI-Results\\_Final-Report.pdf](file:///C:/Users/31640/Downloads/20191119_SAWEI-Results_Final-Report.pdf)

<sup>230</sup> ENG-Foundation, *Concept Note: Collaborating with Boys and Men to curb Gender-Based Violence against Women and Girls*, 2021,  
<http://engfoundation.org.za/wp-content/uploads/2021/06/WOMEN-WITH-BOYS-AND-MEN-TO-CURB-GBVAW.pdf>

- Gender Based Violence (GBV), Domestic Violence (DV), Intimate Partner Violence (IPV) and Harmful Practices (HP), linked to the cycle of poverty, poor health and low level of wellbeing; Alcohol-use as a key trigger for domestic violence;
- Lack of access to Sexual and Reproductive Health and Rights (SRHR), particularly in rural areas, in communities where harmful traditional customs persist and among migrants;
- Lack of economic and financial independence of women;
- Lack of access to land ownership, and to finance for women start-up entrepreneurs;
- Digital gap due to lack of access to the ICT-structure, particularly lack of proper devices and equipment for home-based work;
- Lack of support structures to facilitate the combination of work and family responsibilities for working women;
- Disconnection between ICT-sector and real life challenges of women which causes them to not fully benefit from advances to support the multiple challenges in life, such as apps to call for support in case of DV or IPV or communications with a support network;
- Exclusion of women working in the informal sector from social benefit programmes, particularly the exclusion of informal food sellers from food voucher systems;
- Sexual harassment and abuse of young women students at universities;
- Lack of access to therapeutic interventions to address mental health issues and foster increased employability of women, particularly for survivors of GBV, DV, IP and HP;
- Lack of qualitative child care facilities for working women;
- Stereotyped portrayal of women, particularly non-conformist women in the media; need for a new narrative that creates positive role models for girls and women;
- Lack of reliable statistics on gender discrepancies in all of the above-mentioned areas.

### Conclusions and Recommendations

During two online consulting meetings with CSAs on 28 June 2021 and in additional interviews with representatives of CSOs and governmental representatives, the following recommendations were brought forward;

- a) The overall challenge currently facing South Africa across all sectors is implementation. South Africa has some of the world's most progressive and rights-based policies and legal frameworks and has ratified several international and regional treaties, but they are often not accompanied by detailed and costed implementation plans. The main challenge is often lack of capacity from line Ministries. Recommendation: Development partners can play a catalytic role in this regard by investing in institutional capacity building aimed at unblocking bottlenecks faced by government. One example of the technical assistance needed is gender budgeting. In the second half of the 1990s, South Africa was a pioneer on gender budgeting. This is something that unfortunately fell off the radar in the past

decade, but is a crucial step in ensuring that sufficient resources are allocated for programmes that address gender equality across all government departments. Development of common gender indicators to allow for monitoring of progress and measurement of results/impact is also another area, which might benefit from this kind of support.

- b) Coordination and collaboration are further challenges that remain relevant over the years. This cuts across government as well as civil society. In order for the gender machinery to function optimally there needs to be better coordination, with clear lines of accountability between line Ministries. Addressing gender equality cuts across all spheres of government from national, provincial and local as well as all the line departments. Clear leadership is required to coordinate all these departments as well as to provide guidance and direction. Collaboration not just within government but also with other stakeholders, such as civil society organisations. It is clear that the State alone cannot do everything and that civil society also has a crucial role to play.

Recommendation: Programmes such as the Joint Gender Fund<sup>231</sup> were important in providing a platform for government and civil society to jointly address some of the challenges facing the country and potential solutions. The Joint Gender Fund also played a key role in affording civil society a safe space where it can also reflect on challenges faced by the sector and how to coordinate better and increase collaborations where applicable.

- c) At the legislative level, the consulted CSOs noted the neglect of the National Women's Parliamentary Caucus (NWPC) by most development partners. The NWPC is a powerful lobby within the National Assembly that could advance gender sensitive legislative change. Organisations such as the ENG-Foundation support the NWPC and noted that it needs support to build evidence on gender equality that can be a useful resource for the NWPC.
- d) Consultations with stakeholders revealed that the inability at policy level to recognise unpaid work as work, and hence lack of compensation for those whose unpaid work burdens increased. For example, during the implementation of the Disaster Management Act No. 57 of 2002 during the Covid-19 response, no compensation was provided for unpaid care work. Most of this work is done by women in the homes and it is often repetitive, unrecognised and unrewarded. In addition, the Basic Income Grant (BIG) is intended to provide an income source to people who cannot access employment or make meaningful income<sup>232</sup>. However, CSO consultations revealed that the universality of BIG irrespective of sex and age is problematic. The burden of care on women implies that they have more responsibilities than men. Thus, they would require more funding than their male counterparts.

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<sup>231</sup> The Joint Gender Fund was established in 2008 by a group of concerned and committed donors who spent many hours over a two and a half year period discussing, debating, deliberating and eventually formulating a joint response to the unacceptably high rates of gender-based violence in South Africa. The driving forces behind the establishment of the fund formed a Joint Steering Committee made up of the Ford Foundation, HIVOS and Irish Aid representatives. The Fund was being hosted and managed from the Johannesburg offices of HIVOS. HIVOS now trades as HiDSA in South Africa, and the JGF ceased.

<sup>232</sup> <https://www.pa.org.za/blog/here-what-you-need-know-about-call-basic-income-gr> on 29 June 2021.

Furthermore, the impact of HIV and AIDS and the immigration patterns developed during the apartheid system created situations where women were left behind in rural areas and the townships to look after the children. Many elderly women continue to live with their grandchildren as their parents are either dead or have migrated to work in other areas. There is a need for advocacy for the Department of Social Development (DSD) to review the BIG.

Recommendation: Include SDG Target 5.4 on the recognition and visibility of unpaid work, in socio-economic policies, programmes, and projects, particularly by linking it to the extension of the right to a BIG for those who carry the burden of unpaid care and life-sustaining home-based work, and to investments to improve the social infrastructure in support of unpaid care work

- e) Achieving substantive gender equality – moving beyond numbers. Quotas have played an important role in ensuring that women are represented at different levels in the different fields. However, the work does not end there. Gender sensitive programming on its own will not yield sustainable change. Recommendation: More focus is needed on gender responsive and transformative programmes. Examples could be programmes focusing on voice and agency including the promotion of women's access to the justice system; awareness raising to shift norms regarding violence against women and girls; breaking harmful gender stereotyping, particularly towards women in parliament and in leading positions.
- f) There are data gaps on what is working to address gender inequality and about successful women. CSO consultations revealed their data on female headed households working with small organisations, early marriages, Ukuthwala, teenage pregnancies, and strategies used by small grassroots women's organisations to overcome patriarchy and meet the needs of their communities. Recommendations: support the generation of new and disaggregated data and information through commissioning consultancies, support the generation of monitoring, evaluation, learning and research (MELR) undertakings that routinely generate data from small grassroots CSOs and women's groups. In addition, facilitate knowledge sharing and learning, in person and virtually. For example, the annual EUD CSO consultations in February can be expanded to two per year. At provincial level, women's CSOs could be facilitated to organise annual consultations with grassroots community-based organisations (CBOs) and women's groups in local languages that they understand. Outcome from these consultations can be packaged into different knowledge products such as policy briefs and media releases to support advocacy and lobby for policy change. In addition, CSOs that have been consulted recommended the documenting of female role models who could serve as motivators for other women. As noted by Mr Paul Kasango of Space Links, "we need women stars...create a few pockets of successful women...create comic stories where the woman is the hero".
- g) While access to mobile phones has increased in general, digital illiteracy and lack of money to afford a mobile phone still exist, especially among the rural women. CSO consultations revealed that there were a lot of digital applications in place, which were developed by organisations to assist in access

to services. However, many people do not know how to use them. Even those that own smart phones are unable to use most of the applications they contain. Furthermore, it is not clear how these applications are linked to government systems e.g. of access to the Thuthuzela centres<sup>233</sup>, social grants and private sector initiatives.

Recommendation: More research is needed in the area of digital literacy, access to services and linkage of app developers to South Africa government systems, and user-friendly applications to inform citizens about policies and implementation measures<sup>234</sup>.

## **Section 5: Challenges and EU GAP-III in South Africa**

This Gender Country Profile (GCP) is based on desktop research and informed by online consultations with governmental staff and CSO representatives in South Africa as well as staff of the EU Delegation, EU Member States, UN-agencies and other International agencies in South Africa (see Annex 3). Here we summarise the main conclusions and recommendations:

### **5.1. Conclusions**

#### ***Legal and policy frameworks***

South Africa has one of the most progressive constitutions in the world and in 2006, it became the first and only African country to legalise same-sex marriage. Gender equality and the rights of women and men in all their diversity have been embedded in the country's transformation agenda, generating a plethora of policies and legislative frameworks for the advancement of gender equality and evolving national gender machinery, which includes the Department of Women, Youth and People with Disabilities (DWYPD) and the independent Commission for Gender Equality. South Africa is a signatory to a number of international conventions, declarations, regional charters, protocols and policy frameworks, which aim to address inequalities and ultimately achieve gender equality.

Effective implementation of all these progressive, rights-based laws and policies is lagging behind in several areas, and gender gaps and challenges remain. South Africa's history of colonisation and

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<sup>233</sup> Thuthuzela Care Centres (TCCs) are one-stop facilities that have been introduced as a critical part of South Africa's anti-rape strategy, aiming to reduce secondary victimisation and to build a case ready for successful prosecution. <https://www.gov.za/TCC> on 29 June 2021

<sup>234</sup> For example, the work done by Civic Tech Innovation Network (CTIN) informs such a research. "CTIN works to bring together a community of practitioners — from the public and private sector — to promote quicker, smarter innovation that enables accountability, governance, and citizen participation. CTIN encourages people to participate in the network through its Medium publication. For more on CTIN follow and engage with them on their Facebook page and on Twitter (@CivicTechAfrica)" <https://civictech.guide/southafrica/> on 29 June 2021

apartheid has left an indelible mark – a deeply divided society, with significant social and economic disparities across race, gender, geographic location and ability.

The gender machinery DWYPD is underfunded for its complex and extensive tasks, and the process of gender mainstreaming in most line departments is underperforming due to lack of gender competence at middle and top management level.

### ***Strategy to ensure freedom from all forms of GBV and femicide***

South Africa is deeply concerned about the high incidence and wide-spread manifestation of GBV/F as one of the major threats to the South African democracy. Data on crime published by the South African Police Service includes statistics on GBV/F, but they are not sex-disaggregated, and underestimate the incidence of GBV, because only a minor percentage of GBV is reported to the police. President Ramaphosa declared the GBV/F situation a national priority and launched in 2020 the National Strategic Plan on GBV and Femicide (NSP GBV/F), which aims to free the country from all forms of GBV/F and transform SA into a truly human rights-based society as foreseen in the Constitution.

One of the problems is that data about GBV/F is incomplete, fragmented and not consistent. Clear baseline data on the different forms and incidence of GBV/F is required for the monitoring of the implementation of the NSP GBV/F.

### ***Distribution of wealth and income***

South Africa is one of the world's most unequal countries, with a Gini coefficient of 0.63. About half of the population lives in poverty. Black women, particularly female heads of households in rural areas and townships are the most marginalised group and are overrepresented among those who live in extreme poverty. The impact of HIV and AIDS and the immigration patterns developed during the apartheid system created situations where women were left behind in rural areas and the townships to look after the children. Many elderly women continue to live with their grandchildren as their parents are either dead or have migrated to work in other areas. They have developed complex survival strategies to raise their (grand)children, and care for the elderly and the sick. They are most severely hit by the impacts of climate change, although they are amongst those with the lowest ecological footprint.

### ***Distribution of paid and unpaid work***

The economic empowerment of women is obstructed by the unfair distribution of paid and unpaid work between women and man of all ages and diversity. Data on the gender-specific distribution of unpaid work is fragmented and not systematically gathered. Consultations with CSOs revealed that the inability at policy level to recognise unpaid work as work, and hence lack of compensation for those whose unpaid work burdens increase in times of crisis, disaster or pandemic (HIV/AIDS, Covid-19), no compensation is provided for increased unpaid care work. Most of this work is done by women in the homes and it is often

repetitive, unrecognised and unrewarded. There is a lack of annually updated baseline data on unpaid work, which is required to design national and local policies and planning to reduce and reward women's unpaid work burdens in the life-sustaining home-economy.

### ***Gender impact of the Covid-19 crisis***

The existing inequalities were exacerbated during the COVID-19 lockdown. Domestic violence and IPV increased; women's unpaid work burdens increased; significantly more women lost their job compared to men; and the weak points of the social security system became more evident. CSO consultations revealed that the universality of the Basic Income Grant (BIG) irrespective of sex and age is problematic. The burden of care and unpaid domestic work on women implies that they have more responsibilities than men, and more obstacles to access employment or make meaningful income. Thus, they would require more funding from social security than their male counterparts.

### ***Labour market***

The labour market is gender and race segregated. Despite the BEE-2003 to promote black men and women in top management, only 15% of senior management positions are occupied by black Africans in JSE listed companies, including black African women who occupy almost 2/5 of these positions. Still, over 65% of the senior management positions in these JSE listed companies are occupied by white men and women. Data from 2021 (SA Stats) shows that a little more than two-thirds of both working men (68.5%) and working women (68%) are employed in the formal economy (2021). Employment in the informal economy has increased for men in past years, and is 20.6%, whereas it remained stable for women at 14.6%. Employment in private households is 13.5% for women and 3.8% for men. 7.21% of working men and 3.9% of working women are employed in agriculture. 38% of SMEs are women-owned or women-led businesses. The gender pay gap is 30%. Unemployment rates are high and there is a gender/race/age gap. The highest unemployment rates are among young women in all their diversity, and black women of all ages.

### ***Land ownership***

Land ownership is a complicated political issue that includes many stakeholders with conflicting interests. About 72% of South Africa's agricultural land is in largely white ownership, while the major part of agriculture labour is provided by women, who control only about 5% of the land. Despite women's constitutional rights to equal access to land, customary laws and rules in rural areas on access to and inheritance of land still favour men over women. The land reform policy is not explicitly gender responsive.

### ***Opportunities for women's empowerment in green and digital transformation***

The South African economy is passing simultaneously through several transformative processes. In addition to the ongoing transformation to a human rights-based society with gender equality and social

inclusion as a core strategy, the country is reorienting its economic decision-making towards a sustainable green economy, and to promoting digitalization of governance, private sector, civil society and private life. This comprehensive transformation process creates new opportunities to integrate women in green value chains at local level, and to connect women from remote areas to the mainstream economy. There are many opportunities to create new jobs, particularly in areas that have been managed by women for centuries in the unpaid life-sustaining home-economy, including provision of energy, water management, food production and conservation, health care, waste management and trade. There are many examples of successful green projects at grassroot level that contribute to women's economic empowerment. Access to new jobs and empowerment of poor black women in remote areas can be created through decentralised energy production (bio-gas, solar or wind energy), water and sanitation management, organic food production (horticulture), production of medicinal herbs and plants, recycling and waste management, and many more.

Digital transformation offers new opportunities to participate in the global market of goods and services and to work from a home-base with flexible working times. While access to mobile phones has increased in general, digital illiteracy and a lack of money to afford a mobile phone still exist, especially among rural women in remote areas. Furthermore, it is not clear how these applications are linked to government systems e.g. access to the Thuthuzela Care Centres, social grants and private sector initiatives.

### ***Education***

South Africa's strong commitment to education is expressed in the policy priorities and budget allocation to education, which has led to a steady increase in access to education for all. Gender parity (1%) has been achieved at primary and secondary school levels. At grade 12 there is however a huge drop-out of about 50% of the learners, the majority boys. At tertiary level, the number of women has surpassed that of men. Despite women's increasing academic qualifications, their job opportunities in the private sector are still limited due to the horizontal and vertical gender and race segregation of the labour market. Meanwhile, women's participation at decision making level in political life has made huge steps forward.

### ***Political participation***

South Africa has made tremendous advances in promoting gender parity in parliament over the past 25 years. With regard to women's participation in parliament, the country now ranks at the top of the list of countries with best performance, both in Africa and worldwide.

At local level, women's political participation still encounters some obstacles. On one hand, women have to face sexist harassment and bullying in a local context in which women are neither expected nor accepted to assume a role as political leader, a situation which is often aggravated by social media. On the other, they have to deal with the internal culture of political parties and the willingness of male political leaders to share power with women. Not all political parties are willing to voluntarily introduce a quota system, or zebra-listing



### ***Civil society***

Representative democracy and participative democracy are complementary processes of civil engagement that strengthens social coherence and makes society flourish. The world of CSOs in South Africa has a long tradition of political engagement, and is diverse, dynamic and assertive. The government of South Africa has supported and facilitated the engagement of CSOs by maintaining an open dialogue with civil society.

## **5.2. Recommendations**

The recommendations will be focused on the selected thematic areas of engagement and objectives of the EU Delegation to South Africa, particularly with regard to the EU Gender Action Plan III (2021-2025); in short GAP-III, which is an ambitious agenda for gender equality and women's empowerment in EU external action.

Informed by this gender analysis of South Africa, the recommendations include:

- Advise future programmes and targeted actions of the EU Delegation to support South African efforts to promote gender equality and women's empowerment;
- Issues for the permanent policy dialogue between South Africa and the European Union;
- Recommendations for further research and mapping studies to obtain information and baselines for design, planning, implementation, monitoring and evaluation of policies to promote gender equality.

### **5.2.1. Recommendations for future programmes and targeted actions**

#### **A. Ensuring freedom from all forms of GBV**

The overall thematic objective pursued under this area of engagement of the EU Delegation is: women, men, girls and boys are free from all forms of GBV in the public and private spheres, in the workplace and online.

#### **Recommendations:**

1. Support the National Strategic Plan to combat Gender Based Violence and Femicide in South Africa (NSP-GBV/F). The adoption of the NSP-GBV/F in 2020 and the recommendations of the 2021 CEDAW report to end the extreme violence against women and girls in South Africa provide a solid common ground for action between the EU Delegation, the Government of South Africa, CSOs operating as actors for change on GBV/F, as well as other like-minded development partners. This creates potential for synergies, cooperation, partnerships, training and joint implementation.
2. Empower women, men, girls and boys in all their diversity as agents of change, by strengthening gender transformative strategies that engage men and women of all ages and diversities to address the root-causes of gender inequality and intersectional discrimination by questioning, examining and

challenging the existing gender roles, norms, responsibilities and power relations. The aim is to transform people at individual level, relations between people, organisations, institutions, communities, national and global policies to change the old power structures and to create a new system that allows every person to fully enjoy their human rights. Opinion leaders who are followed by young men and women (sports heroes, television and movie stars, popular singers, etc.), who share the vision of inclusive gender equality can play an accelerating role in the gender transformative process

3. Support the efforts to increase access to essential services, particularly services that reduce women's unpaid domestic work, including access to safe drinking water, sanitation services, electricity, health, public transport, and other basic services. Include SDG Target 5.4 on the recognition and visibility of unpaid work into socio-economic policies, programmes and projects, particularly by linking it to the extension of social services to those who carry the heaviest burden of unpaid care and life-sustaining home-based work, and by advocating for investments to improve the social infrastructure in support of unpaid care work
4. Enhance the systematic data gathering and use of quality, disaggregated and globally comparable data on GBV, femicide, and harmful practices.

#### **B. Promoting economic and social rights and empowering girls and women**

This area of engagement aims to address the many gender disparities in poverty, access to decent work, pay, entrepreneurship and other economic and social rights. The overall thematic objective under this topic is: women, men, girls and boys, in all their diversity, fully enjoy and exercise their equal economic, labour and social rights.

#### **Recommendations:**

1. Enhance decent work, including women's transition to the formal economy and coverage by non-discriminatory and inclusive social protection by:
  - a. Promoting a plan for gender-responsive recovery from the COVID-19 crisis;
  - b. Advocating for social protection coverage of sectors predominantly occupied by women and the poorest as recommended by UNICEF;
  - c. Supporting the government to include explicit gender-responsive outcomes in social protection plans, including basic income grants, access to sexual and reproductive health rights; messaging to support girls' access to education, and economic empowerment of women and adolescents, with emphasis on black women head of households in rural areas and townships.
2. Promoting equal access to financial services and products and productive resources, by:

- a. Strengthening existing programmes to support SMEs, particularly the gender equality perspective for all ages and races, and by supporting governmental initiatives to apply gender responsive budgeting to these programmes;
  - b. Promoting and supporting women's economic and financial independence, particularly survivors of GBV, to make women less vulnerable to GBV/F.
- 3. Enhancing equal access to entrepreneurship, including alternative livelihoods and strengthened participation in the green and circular economies, by:
  - a. Encouraging the international community of development partners to align the procurement procedures with the Government of South Africa and follow the preferential procurement rules that ensure the inclusion of women-led and women-owned businesses by pursuing a target of 40% procurement funds to be allocated to women-owned or women-led enterprises;
  - b. Supporting the creation of an enabling environment to ensure equal access for women to decent jobs, socio-economic rights, financial services, technical and vocational education and training as well as basic services to reduce the unpaid workload and facilitate the combination of work and family responsibilities, particularly for women-led families.
  - c. Support women's economic empowerment, particularly in the areas of green transition and digital transformation.
- 4. Reduce gender disparities in enrolment, progression and retention at all levels of education and lifelong learning by putting in place specific actions with sufficient budgets and time-bound clear gender-transformative target indicators to increase the freedom of choice for the most marginalised groups, particularly black women, female heads of poor households and young NEET people, to enhance their talents, capacities and capabilities to create a better future for themselves, their family and the country.
- 5. Improve access to safe water and sanitation facilities, by:
  - a. ensuring that all interventions in this area promote gender equality in access to and control over water and sanitation, by using sex-disaggregated data and gender equality targets;
  - b. Create new economic opportunities for women by transforming unsustainable unpaid work (e.g. carrying water and firewood) into decent paid jobs and start-up opportunities for the production and maintenance of decentralised safe water and green energy installations.

**C. Addressing the challenges and harnessing the opportunities offered by the green transition and the digital transformation**

New, upcoming sectors linked to the green and digital transformation of the South African economy offer new opportunities to enhance women's economic independence, create new digital networks that can be used to reduce the risks of GBV/F and invest in innovative and green infrastructure and services that

reduce women's burden of unpaid work. Emerging sectors that are not yet historically marked by deeply rooted horizontal or vertical gender or racial segregation offer an opportunity to create new approaches based on equal rights that ensure equal access to jobs, innovative techniques, and material and immaterial resources.

### **Recommendations on Green Transition**

The green transition can create a leverage effect for gender equality if women's practical and strategic gender needs are taken into consideration at all levels of decision-making. Innovations to promote the circular economy, green energy and sustainable water management are all relevant for a life-sustaining, home-based economy, and may contribute to reduce women's burden of unpaid work, particularly in poor areas where women are still responsible for carrying water and firewood. Capacity-building for waste recycling at the local level requires the full participation of both women and men.

The overall objective of the EU GAP-III with regard to climate change and the environment is: women in all their diversity influence decision-making processes on environmental conservation and climate change policies and actions.

South Africa offers many opportunities to contribute to this objective by:

1. Participation in and improved access to jobs, entrepreneurship opportunities and alternative livelihoods in the green and circular economy by:
  - a. Promoting bottom-up initiatives of the circular economy, learning from successful examples such as the waste pickers in the City of Tshwane. This example shows that collaboration between municipalities and grassroots organisations is key to the success of the socio-economic upliftment of marginalised women and men in all their diversity, and their inclusion in new value chains of the circular economy through public-private-partnerships<sup>235</sup>.
  - b. Including target setting to promote equal opportunities, to reduce unpaid workloads and to enhance a fair distribution of paid and unpaid work between women and men in all their diversity in the design of future projects/investments in job-creation, education and training in green transition and circular economy;
  - c. Enhancing a process of 'just transition' to a low-carbon and climate-resilient economy, by promoting sustainable land-use practices in ways that respond to climate change and create jobs and livelihoods as well. Just transition in Land Reform requires a gender responsive approach that ensures equal access to land, to finance, and to extension services for climate change for small-scale female farmers, and the creation of new jobs for the most marginalised and poorest women in rural areas and townships.
2. Increased participation in decision-making processes on environmental and climate change issues

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<sup>235</sup> UNIDO-report EEWiGI, 2021.

- a. Support specific actions with adequate funding targeted towards poor black women in rural areas and township, training them in digital literacy and capacity building for leadership to engage them as leaders in local initiatives to create new jobs for the poorest women and young people, particularly in the areas of the green and circular economy.
  - b. Monitor tangible results of green investments in terms of poverty reduction, gender equality, improved health and nutrition levels, education and life-long learning, expansion of the green economy and other targets related to South Africa's NDP-2030, and the Sustainable Development Goals (SDGs).
  - c. Engage with social partners (trade unions, employer's organisations) and civil society organisations in the process of raising awareness, changing minds and economic behaviour.
- 3. Enhance gender-responsive strategies and agreements on climate mitigation, adaptation, disaster risk reduction and sustainable management of natural resources and biodiversity, by:
  - a. Creating an enabling environment at macro-economic level to strengthen the paths of change towards an inclusive and green economy, particularly the efforts of the National Treasury to link policy instruments for women's economic empowerment and green economy and to support all departments in gender responsive budgeting and preferential procurement. A follow-up of the UNIDO-EEWiGI-project could provide support to this process given the solid base of expertise developed by this project in this area.
  - b. Targeting women farmers explicitly, particularly small-scale farmers, as beneficiaries of specialised extension services, ensuring their access to climate information services and to share conservation agriculture practices that are low-input, low-emission and more resilient to climate change and water scarcity.
  - c. Ensuring small-scale women farmer's access to land and to new financial mechanisms to cope with the adjustments required for smart agroecological and conservation agriculture, by adopting a gender responsive approach in Land Reform initiatives.

### **Recommendations on Digital transformation**

The overall objective for digitalisation is: women, men, girls and boys, in all their diversity, can equally participate in shaping the digital world of tomorrow.

Recommendations for gender-responsive digital transformation processes:

- 1. Public digital literacy:
  - a. Close the digital gender gap by creating equal access to information and communication technology (ICT), and proper devices and equipment for home-based work.
  - b. Promote public digital literacy, particularly in the creation of new jobs and income opportunities in the area of decentralised home-based economic opportunities. The COVID-

- 19 lockdowns have boosted new forms of decentralised digital working methods with flexible working hours, reducing traffic and air pollution.
- c. Promote the effective use of digital apps developed to call for assistance in case of GBV or other challenges in real life, and to mobilise the support network (police, medical services, child care, transport, refugee housing, etc.).
2. Equal access to affordable and secure broadband, technology and digital tools
    - a. Promote equal access to affordable and secure broadband, technology and digital tools for women, men, girls and boys in all their diversity.
    - b. Specific actions targeting marginalised women in rural areas, particularly heads of household, to receive training and to get access to the digital world, to new home-based job-opportunities and start-up entrepreneurship.
  3. Equal participation and representation in policy- and decision-making for the digital world.
    - a. Promote gender transformation in the process of digitalisation of society in order to avoid gender inequalities and intersectional discrimination being taken over by computer learning processes and consolidated in the future digital economy.
    - b. Install an observatory task force for digitalisation of governance to prevent racist and sexist stereotypes from sneaking into algorithms and digitalised decision-making processes.

### **5.2.2. Recommendations for Policy Dialogue on Gender Equality Topics**

1. Engage with South Africa's Women, Peace and Security agenda. One of the priorities under the Multi-Annual Indicative Programme (MIP) of the EU Delegation to South Africa is to promote partnering with South Africa in the region and globally. South Africa championed the Women, Peace and Security agenda with the adoption of Resolution 2493 in 2019, and the South African National Action Plan on Women, Peace and Security in March 2021. The European Delegation and several Embassies of European Member States are engaged in supporting the Government of South Africa with the implementation of these policy frameworks.
2. Include the engagement of CSOs in peace negotiations, triangular cooperation on peace and security, promotion of the rule of law, partnerships and alliances to eliminate all forms of violence against women and girls, and enhancing the human rights of migrants.
3. Engage internally as well as with the Government of South Africa and CSOs to pursue the implementation of the NSP-GBV/F, to address the social norms that underpin inequalities and GBV, to prioritise integration of women's economic empowerment and gender-responsive budgeting, to promote women's and girls' participation in the green transition and digital transformation, and to address women, peace and security.
4. Enter into dialogue with the National Women's Parliamentary Caucus (NWPC), which is a powerful lobby within the National Assembly that could advance gender sensitive legislative change, gender

budgeting, gender mainstreaming in line ministries, and a National Observatory to address misogynistic language, insults and other expressions of hatred against female politicians.

5. Promote the engagement of all International Development Partners in South Africa, both bilateral, and multilateral organisations at the highest level (Ambassadors, Head of Cooperation and Country Representatives meetings), to address in the political dialogue the national strategy to free the country from all forms of GBV and femicide.
6. Enter into dialogue with JSE listed and multinational companies in South Africa, particularly European investors and private companies, to promote their engagement with the 7 Women's Empowerment Principals of the UN Global Compact<sup>236</sup> that cover the key aspects of creating a safe, fair, equal and gender diverse work environment. Encourage these companies to implement the gender relevant ILO-Conventions, particularly ILO-Convention 190 on eliminating violence and harassment in the world of work.
7. Ensure that gender issues are mainstreamed in all policy engagements of the EU Delegation with the Government of South Africa. Continue the annual policy dialogue with the Government of South Africa, in particular the Department of Women, Youth and People with Disabilities, and strengthen the DWYPD's initiatives to promote gender-responsive budgeting, capacity-building for gender mainstreaming in line-ministries, and women's economic empowerment. Align the procurement policies of the EU Delegation with South Africa's procurement guidelines and target setting to increase the percentage of women-owned and women-led companies that are awarded.
8. Establish a mechanism for structured and regular dialogue and engagement with civil society, including a sounding board with representatives of women's organisations. Introduce a mechanism for participative gender budgeting to engage CSOs in a more effective way in the process of holding the government and politicians in representative bodies accountable for the country's constitutional goals, and for its legal and policy commitments on gender equality and social inclusion. This would allow civil society to check the budget with a gender and diversity lens and to raise questions at any phase of the budgetary process in order to ensure that no one is left behind. Increase the leverage and influence of CSOs that promote gender equality and social inclusion by organising an annual visible activity or consultation with CSOs in the month of August (South Africa's Women's Month), and use social media to amplify important messages from CSOs on gender equality and social inclusion and highlighting common commitments to equal rights for all. Engage in gender-transformative initiatives with opinion leaders and celebrities in South Africa who speak out against GBV and toxic forms of masculinity and who create new perspectives for girls and women as leaders of change.

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<sup>236</sup> See: UN Global Compact: <https://www.unglobalcompact.org/take-action/action/womens-principles>

### **5.2.3. Recommendations for further research on gender issues**

This final paragraph provides some recommendations for further research.

#### **1. Stocktaking assessment on the need for capacity building on gender mainstreaming**

To increase the gender responsiveness of the national government, institutional capacity building for gender mainstreaming at all levels and in all phases of the policy and budget cycle is required. A government-wide comprehensive approach to institutional transformation would require particular gender competences, such as:

- Strategic visions of middle- and high-level management of all departments on gender and diversity issues at stake in their particular policy areas;
- Gender expertise included in the core competences of middle- and high-level management at each department, and gender performance included in their performance evaluation procedures;
- Institutionalization of a mechanism that ensures the application of a gender impact assessment of all new laws, policies, projects and programmes as foreseen in the Beijing Platform for Action, (Area H: on institutionalization);
- Capacity to produce and manage sex-disaggregated data and gender-equality target setting where relevant;
- Capacity to manage gender-responsive budgeting;
- Gender-proof human resource management, including gender-proof job descriptions, recruitment and selection.

A stocktaking assessment would be needed to assess the needs for institutional capacity building and targeted gender training, and to design a strategy for the upgrading of each government department.

#### **2. Comprehensive survey on the incidence of GBV, Femicide and Harmful Practices**

The effective implementation and monitoring of the National Strategic Plan to combat GBV/F requires clear baselines on the incidence of GBV, femicide and harmful practices, the victims in all their diversity and the profile of the perpetrators. Currently, statistics on GBV/F/HP are fragmented, incomplete, and sometimes contradictory. The high political priority at presidential level for the implementation of NSP GBV/F (2020) requires in the short term a comprehensive survey to gather reliable baseline data on the different forms of GBV/F and harmful practices. This might include capacity building for the SAPS to enable them to disaggregate their crim statistics by sex, and to gather more reliable data on GBV/F/HP.

#### **3. Statistics on unpaid work – building value chains that turn unpaid work into decent jobs**

We recommend that the Department of Statistics of South Africa (Stats SA) produce Annual Statistical Reports on unpaid work disaggregated by sex/age/race/rural/urban, and calculate the sex-disaggregated



Paid-Unpaid-Work-quote<sup>237</sup>, which measures the degree of monetarization of working time, and can be taken into account when measuring the gender impact of climate change, pandemics and policies, particularly macro-economic, fiscal and labour market policies.

Statistics about the volume and distribution of unpaid work are important for both a fair distribution of paid and unpaid work between men and women, and for gender-responsive policies on green and digital transformation by building new value chains that turn unpaid work-burdens into decent jobs.

#### **4. Mapping study of CSOs and funding**

A comprehensive mapping study of CSOs is required to enhance joined strategic engagement at country level and to streamline the support of international development agencies, avoiding overlap and increasing efficiency and effectiveness.

In the past, there was a Joint Gender Fund in South Africa that provided a platform for government and civil society to jointly address some of the challenges facing the country and potential solutions. The Joint Gender Fund played a key role in affording civil society a safe space where it could reflect on challenges faced by the sector and how it could coordinate better and increase collaborations where applicable.

A mapping study would be required to create a similar mechanism to the Joint Gender Fund. Moreover, such a mapping study would allow the identification of local experts to support the generation of new and disaggregated data and information through commissioning consultancies, supporting the generation of monitoring, evaluation, learning and research (MELR) undertakings that routinely generate data from small grassroots CSOs and women's groups, including in local languages packaged into different knowledge products such as policy briefs, media releases to support advocacy and lobby for policy change.

#### **5. Digital literacy**

More research is needed to get a clear picture of digital literacy (by sex/age/race/urban/rural), access to digital services and information from the South African government and the specific actions needed to reach out to those who have been excluded so far, leaving no one behind.

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<sup>237</sup> PUW-quote = Volume of paid working hours/(volume of paid + unpaid working hours).

See: Van Osch, T., 2008: The PUW Quote: Context Indicator to address gender gaps in development. Utrecht, the Netherlands (ISEC), 2008.

[https://www.academia.edu/37229384/The\\_PUW\\_Quote\\_Context\\_Indicator\\_to\\_address\\_gender\\_gaps\\_in\\_development](https://www.academia.edu/37229384/The_PUW_Quote_Context_Indicator_to_address_gender_gaps_in_development)



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## **Annex 2: Terminology**

### Cisgender

Describes a person whose gender identity matches their sex assigned at birth. The word cisgender is the antonym of transgender.

### Femicide

The intentional killing of females (women or girls) because they are females

### Gender

Refers to the socially constructed roles and responsibilities of women and men. It includes the expectations held about the characteristics, aptitudes and likely behaviour of both women and men (femininity and masculinity). The roles and expectations are learned, changeable over time and variable within and between cultures. In almost all societies, women and men differ in their activities with consequences for their access to and control over resources and their rights and opportunities to participate in decision-making processes as well as their access to and participation in accessing power.

### Gender Analysis

A diagnostic study of the real situation in a country/sector on the different roles of women, men and trans people at different levels and from different ages and backgrounds; the differences in how they enjoy their human rights and their respective access to justice; their access to and control over the material and non-material benefits of society; their priorities, interests, needs & responsibilities.

### Gender Audit

An inspection of an organization's gender responsiveness, by assessing its work and its contribution towards gender equality. It focuses on the conditions created to achieve gender equality and women's empowerment, the initiatives implemented to achieve the goals, perceptions of those involved and recommendations for improvement.

The gender audit is a tool to enhance accountability and transparency, with regard to the organisation's gender policy.

### Gender Blind

An approach that assumes that socially constructed roles between women and men have no influence on the outcome of policy measures, programmes and projects. A gender blind approach mostly leads to consolidation or increase of gender gaps.

### Gender Discrimination

Discrimination against a particular individual/ group of individuals as a result of their sex. Both women and men can be victims of gender discrimination. However, in a patriarchal society women and girls are most often in a disadvantaged position as compared to as boys and men, and do not have equal opportunities in education, political influence, and economic advancement. The gender pay gap, the unequal access to land titles and property rights, and the unequal distribution of paid and unpaid work are expressions of structural gender discrimination.

### Gender Identity

Refers to one's sense of oneself as male or female or queer.

### Gender Impact Assessments

Aim to monitor the positive and negative impact of a particular project on gender relations. The findings should be fed back into the project and into gender policies at large.

### Gender Mainstreaming

An approach to integrating gender dimensions and aspects into all processes, institutions, programmes and stakeholders within society. Refers to the necessity to create and sustain gender aware and sensitive societal structures and demands that all groups (women and men, girls, and boys) of any institution and/or society are a visible part, actively participating in the process.

### Gender Neutral policy, programme, project

A policy, programme, or project that has no impact on gender relations, and that is doing no harm to any gender. This qualification can only be obtained after a gender analysis or gender impact analysis of the respective policy measures, programme, or project.



### Gender Perspective/ gender lens

People-centred situation analysis to inform policies, programmes and projects, aiming at an inclusive human rights based approach. Looking at the society through a gender lens; observing gender-based differences. Not taking gender-differences for granted but investigating how they hamper men and women of different ages and in all their diversity, to live in dignity and to fully enjoy their human rights.

### Gender Relations

The social relations between women and men. These are socially constituted and do not derive from biology. Biological differences are permanent except for those who undergo sex change surgery. Gender relations are dynamic and are also impacted on by other factors such as 'race', social class, age, ethnicity, disability, sexual orientation, etc.

### Gender Responsive

An approach in which programmes and policy actions are developed to deal with and counteract problems, which arise out of socially, constructed differences between women and men. It seeks to address the unequal gender power relations in society, with specific actions targeted at women/ girls and men/ boys respectively in all their diversion.

### Gender responsive budgeting

Mainstreaming a gender equality perspective in all stages of the budgetary process.

### Gender Sensitive

An approach which recognises the socially constructed differences between women and men, including differences in their needs, as well as the use of such knowledge to identify and understand the problems arising from such differences and to act purposefully to address them<sup>239</sup>.

### Gender sensitive indicator

Measures gender related changes e.g. female-male literacy gaps, percentage of a budget on gender-specific programming. It points to a change in the status and roles of women and men over time, and therefore to measure whether gender equity is being achieved.

### Gender Stereotype

Ideas about women and men that have been socially constructed and arise from the dominant gender norms and expectations. Stereotypes limit women and men in their education, self-reliance and aspirations for growth and development, in different ways. They are generally categorized into those deemed feminine (associated with being female) and those deemed masculine (associated with being male).

### Gender Transformation

Strategy that addresses the root-causes of gender inequality and intersectional discrimination by questioning, examining, and challenging the existing gender roles, norms, responsibilities, and power relations. The aim is to transform persons, relations between persons, organizations, institutions, communities, national and global policies into drivers for change towards a human-rights based society with gender equality and social inclusion, that leaves no one behind.

### Intersectionality

Refers to the ways in which different aspects of a person's identity can expose them to overlapping forms of discrimination and marginalisation. Attitudes, systems and structures in society and organisations can interact to create inequality and result in exclusion.

### Practical gender needs

These are basic needs and interest for effective functioning and survival, such as food, health, shelter, education, and access to clear water, access to security and access to a job. Practical gender needs represent the means that enable persons to perform their gender roles efficiently and effectively. These needs vary according to context. Example: childcare is a practical gender need for parents with children but not for childless women and men.

### Patriarchy

Patriarchy is an analytical concept referring to a system of political, social, and economic relations and institutions structured around the gender inequality of socially defined men and women. Within patriarchal relations, women are collectively excluded from full participation in political and economic life. Those attributes seen as 'feminine' or as pertaining to women are undervalued. Patriarchal relations

structure both the private and public spheres, with men dominating both domestic and public life.

### Queer

Queer is an umbrella term for sexual and gender minorities who are not heterosexual or are not cisgender.

### Sex

Identifies the biological differences between women, men, and transsexual people.

### Sex-disaggregated data:

This is statistical information on differences between women, men and trans people. Information systems should routinely be disaggregated by sex, where applicable.

### Strategic gender interests

Critical changes that need to be made if women are to realize their rights and equal position in society. Addressing strategic interests involves challenging men's power to transform unequal gender power relations and transform society.

### Strategic Gender Needs

These needs require change in existing gender roles to create greater equality of influence, opportunity and benefit. An example would be access to decision-making in local structures on how to improve health care services at a community level.

### Transgender

Sometimes shortened as "trans" is an umbrella concept that includes all people whose gender identity or gender expression differs from the sex that they were assigned at birth, or whose gender identity is the opposite of their assigned sex, or genderqueer and non-binary people. Sometimes transgender people are conceptualized as "third gender".

### Unequal gender power relations

Patterns of power relations between masculinities and femininities that are shaped by the sexual division of labour between the sexes within the home and in the workplace; power relations such as authority, violence and ideology in institutions, the state and domestic life, and the dynamics of personal/sexual/ emotional relationships, including marriage, sexuality, and child-rearing.

### **Annex 3: Consultation meetings and interviews**

The writers of this report are deeply grateful to all those who have contributed to the Gender Country Profile. We thank all the participants of the consultation meetings and the resource persons who have been interviewed by us for their contributions to this gender country analysis. In case we have not correctly reflected the visions and information they have shared with us we take full responsibility for that. Here we reflect the names of contributors, and we apologize in advance in case we have overlooked anyone.

#### **17 June 2021: Online Consultation with the Gender Coordination Group of International Partners**

EU Delegation, Thomas Tiedemann and Aurélie Voix

Embassy Denmark, Rebecca Ramsamy

Embassy France, Alice Jansseune

Embassy Germany, Elke Wolff

Embassy Netherlands, Linda Diedericks

Embassy Canada, Jennifer Cooper

UNFPA, Siziwe Jongizulu

USAID, Paula van Dyk

Geraldine Reymenants

Shakespear Mudombi

Consultants, Thera van Osch and Rose Gawayu.

#### **28 June 2021 from 10:00 – 12:00: Online consultation meeting with CSOs**

The topics discussed during this online consultation meeting covered:

- Gender Based violence;
- Access to Sexual reproductive health rights;
- Poverty and food security;
- Peace and security.

The following participants registered for this online consultation:

<b>Name</b>	<b>Organisation</b>	<b>Function</b>
Dangor Zubeda	Nisaa Institute for Women Development	CEO
Denile Samuel	AFIT	Project Manager

Name	Organisation	Function
Eister Thokozile	J-PAL Africa	Policy Associate
Gysman Nomkhitha	ENG Foundation	Director
Harding Joanne	Social Change Assistance Trust	Director
Kasango Paul	SpaceLinks/Lajava	Director
Lebjane Cincinantia	Resoketswe Lebjane Foundation	Director
Loraine Odendaal	N/A	N/A
Mmatshilo Motsei	N/A	National advisor to the government on women and gender
Nande Nodada	ENG Foundation	Volunteer Research Officer
Ndaba Thokozani	Ntethelelo Foundation in Johannesburg	Founder and Executive Director
Ndlovu Matilda	N/A	N/A
Ndondo Bongiwe	Hlanganisa Institute for Development Southern Africa	Chief Executive Officer
Nelamvi Millicent	N/A	N/A
Ngcobo Zinhle	Eshowe Child and Family Welfare Society	Project Coordinator and Administrator
Nkomo, Phelisa	Generation Equality Economic Justice and Rights Action Coalition	Co-ordinating Team
Nokwanda Dlamini	Kathrada foundation	N/A
Odendaal Loraine	N/A	N/A
Poswayo Sibulele	Afesis-corplan	Project Coordinator
Shozi Penny	Australian Trade Commission	Business Development Manager
Skosana Nonhlanhla	SONKE Gender Justice	Community Education and Mobilisation Unit Manager
Smith Thandi	Media Monitoring Africa	Head of Programmes
Tshabalala Masego	Department of Health	ARV Social Worker

Name	Organisation	Function
Thenjiwe Ngcobo	Incema NPO	Director
Watson Joy	Parliament of the RSA	Senior Researcher
Zisengwe Melissa	Civic Tech Innovation Network at Wits Governance School	Program Project Officer
Zulu Nobukhosi	Institute for Strategic Litigation in Africa	Knowledge Production and Capacity Strengthening Manager

### **28 June 2021 from 14:00 – 16:00: Online consultation meeting with CSOs**

The topics discussed during this online consultation meeting covered:

- Green economy;
- Land issues/marriage;
- Employment and social security;
- Education;
- Digital Economy.

The following participants registered for this online consultation meeting:

Name	Organisation	Function
Coopoo Sikhander	Hard Black Cube	Project Manager
Gysman Nomkhitha	ENG Foundation	Director
Hayangah Awour Rosemary	Regional Director	Women Across Borders
Kasango Paul	SpaceLinks/Lajava	Director
Liggett Brian	Impande South Africa	Director
Nodada Nande	Environmental Learning Research Centre	Research Assistant
Nokwanda Dlamini	Global Shapers Community	serves on the Board of Directors for Kwakha Indvodza/ also Curator of the Global Shapers Community
Richards Ruben	Ruben Richards Foundation	Director
Samaai Seehaam	Womens's Legal Centre (WLCE)	Director
Smith Thandi	Media Monitoring Centre	Head of Programmes
Spires Meggan	ICLEI	Director Climate Change: Energy & Resilience

Name	Organisation	Function
Tshabala Masego	Department of Health	ARV Social Worker
Thame Rose	N/A	N/A
Thenjiwe Ngcobo	N/A	N/A
Zungu Zinhle	Eshowe Child and Family Welfare Society	Project Coordinator/ Administrator

### **27 July 2021 from 14:00 – 16:00 Online World Café on Green Transition<sup>238</sup>**

The central question for the World Café was: How could the European Union best support a process of green transition that enables all people, in all their diversity, to participate in, contribute to and benefit from the green economy as equals.

There were 3 subgroups on the following thematic issues:

- What should be done to promote gender equality and social inclusion in sustainable tourism, biodiversity, and conservation? Sub-group led by Rose Gaway
- What should be done to promote gender equality and social inclusion in circular economy? Sub-group led by Aurélie Voix
- What should be done to promote gender equality and social inclusion in transition to green energy? Sub-group led by Thera van Osch

The following participants registered for this online World Café on Green Transition:

Name	Organisation	Function
Ford Micealah	Women on Farms Project	Coordinator, Women's Health and Empowerment Programme
Gysman Nomkhitha	ENG Foundation	Director
Harding Joanne	Social Change Assistance Trust	Director

<sup>238</sup> The method of World Café was an adjusted online version. Instead of moving participants from one group to the other, only the chairs of the subgroups moved. There were 3 subgroups for engagement (breakout groups of 5 - 7 persons pe). The chair of the sub-group introduced the topic of engagement. After 20 minutes dialogue the chair left and went with her topic to the next group. A new chair came in the group with a new topic. She summarized the dialogue on this topic in the previous group and invited the group to continue their engagement on her topic. After 20 minutes the chairs switched again, and the subgroups were invited to discuss the third topic. When time was over, all came back in plenary and the chairs of the tables presented all ideas, recommendations, and proposals in plenary. (Unfortunately, the method did not 100% work out as foreseen, which caused some confusion).

Name	Organisation	Function
Hayangah Rosemary	Khulanikahle Trading Enterprise	Managing Director
Kasango Paul	SpaceLinks/Lajava	Director
Lebjane Cincinantia	Resoketswe Lebjane Foundation	Director
Letlojane Corlett	Human Rights Institute of South Africa (HURISA)	Executive Director
Liggett Brian	Impande South Africa	Director
Loraine Odendaal	Nlauma Institute for Integration Studies	Member
Louw Carmen	Women on Farms Project	Director
Mbangula Meshack	Ekurhuleni Environmental Organisation	National Coordinator
Mmatshilo Motsei	Agisanang Domestic Abuse Prevention and Training program (ADAPT)	CEO
Mogale Constance	Rural Democracy Trust	National Coordinator
Moosajee Naadiya	Women in Engineering	Co-Founder
Mzamo Sindi	Circle of Global Business Women	Founder and Global President
Ndlovu Matilda	N/A	N/A
Ndondo Bongiwe	Hlanganisa Institute for Development Southern Africa	Chief Executive Officer
Ngcobo Zinhle	N/A	N/A
Nkosingiphile Solomon Thipe	N/A	N/A



Name	Organisation	Function
Nokwanda Dlamini	Global Shapers Community	See above
Ntombi Ngobese	N/A	N/A
Odendaal Loraine	N/A	N/A
Patrickson Shela	WWF-South Africa	Public Sector Partnerships Coordinator
Poswayo Sibu-Sandile	Inequality Movement (IMOVE)/ Border Rural Committee (BRC)	Executive Director/ Gender
Sikhander Coopoo	Afesis-corplan	Manager Policy & Strategic Communication
Smith Thandi	Smith Thandi	Head of Programmes
Spires Meggan	ICLEI	Director Climate Change: Energy & Resilience
Thame Rose	N/A	N/A
Zungu Zinhle	Eshowe Child and Family Welfare Society	Project Coordinator/ Administrator

**16 August 2021: Online Consultation meeting with the Department of Women, Youth and Persons with Disabilities (DWYPD)**

The online consultation meeting had the character of an open interview and was led by the consultant Rose Gawayo.

On behalf of the DWYPD the following officials participated in the meeting:

Name	Role in the DWYPD
Shoki Tshabalala	Director General
Ranji Reddy	Deputy Director General and Chief Director of Policy, Research, Knowledge Management
Kelebogile Moruane	Chief Director International Relations
Mabelebele Phuti	Chief Director PWD
Bernice Hlagala	Chief Director for Development

Nhlalenhle Nhlapo	International Relations Department
Nkosana Kose	Director: Director General's Office

### **13 September 2021, 10:00 – 12:00: Online consultation meeting Digital**

#### **Transition**

The following questions were used for the consultations in the online meeting:

- How are CSOs involved in discussions on gender-responsive ICT policies and plans?
- What measures are in place to address online abuse, violence, and bullying?
- How can digitalisation contribute to reducing GBV?
- How can the digital sector contribute to avoiding discriminatory gender-stereotyping? (For example, in the use of algorithms, and in the digitalisation of decision-making in public and private organisations)
- How could equal access to digital education and training be improved, particularly in marginalised communities of South Africa?
- What measures are needed to create a gender balance at all levels of the ICT-Sector?
- What should be done to make the ICT-sector more attractive for women and girls?
- How to achieve equal access for women and girls to new jobs and entrepreneurship in the digital sector?
- How has access to e-banking evolved among men and women in all their diversity? (Gender, age, head of household, province, income, urban/rural, etc.)
- What added value can the EU provide in terms of enhancing women's economic empowerment and entrepreneurship opportunities in the digital sector?

The following experts participated in this online consultation:

<b>Name</b>	<b>Function</b>	<b>Organisation</b>
Bird William	Manager	Media Monitoring Arica
Fortuin Celeste	Research, Monitoring and Evaluation Consultant	Dockda Rural Development Agency
Manganye Winnie	Manager, International programmes and partnerships	SALGA
N/A	N/A	Zanandele Leadership
Sipula, Mwaka	Intern	UNISA

**Online Open Interviews:**

Date	Name	Institution	Role
11 Aug 2021	Ramadimetja Lekganyane	DSBD	Consultant
16 Aug 2021	Makgotlho Nomvula	Department for Small Business (DSBD)	CD-Mainstreaming of disadvantaged groups
18 Aug 2021	Moleko Nthabiseng	Commission for Gender Equality (CGE)	Commissioner
20 Aug 2021	Renee Scheltema	Foundation “Normal Is Over”	Producer/filmmaker <sup>239</sup>
23 Aug 2021	Molopyane Kelebogile	Africa Beyond the Fourth Industrial Revolution (ab4ir)	CEO
24 Aug 2021	Geen Valerie	UNIDO	Project Coordinator
1 Sept 2021	Labet Ariane	EU Delegation to South Africa	Programme Officer Green Transition

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<sup>239</sup> Film maker living in South Africa since 1998, and producer of the award winning Film ‘Normal is Over’ <https://www.normalisover.org/>