

Gender equality in SA

Exploring possibilities

Despite laws and United Nations conventions being in place, South Africa still has a lot of work to do to achieve gender equality, writes **Fundi Nzimande**.

The struggle for gender equality is historically characterised by significant strides forward and then by steps that push back the victories on women's emancipation. This has been the case in the former Soviet Union and the western world. In the former, tremendous strides were made to advance gender equality during Lenin's time but this changed under Stalin as other issues such as industrialisation were prioritised and separated from the social aspects of development. In the latter, strides were made between the 1950s and the 1970s in advancing gender equality, but in the 1980s new trends that pushed back gender equality emerged.

In SA the struggle for gender equality emerged in the early 20th century with the establishment of the Bantu Women's League by Charlotte Maxeke in 1931. The African National Congress (ANC) was launched as a men's organisation with women only being admitted as members in 1943. Five years later, in 1948, the ANC Women's League (ANCWL) was launched under the leadership of Maxeke as the first president.

The following decades registered varying trends which included the launch of the Federation for South African Women (Fedsaw) in 1950 and the Women's March of

1956. The UN Conference on the Decade of Women in Copenhagen 1980 galvanised the ANCWL into making concrete demands on women representation while the ANC Conference of 1991 adopted a 30% quota of women representation in parliament. The Women's National Coalition conducted research on women's needs and pushed alongside the ANCWL for involvement in the negotiations process and the post-1994 period saw the ANC's Polokwane Conference adopting the 50:50 quota on women representation.

In the 21st century historical contradictions on gender emerged much more sharply as witnessed in the continuation of polygamy and the rise of a range of patriarchal tendencies rooted in pre-colonial and colonial cultural practices as well as interpretations of religious texts that resulted in misogyny, battery of women, femicide, rape, group rapes, 'correctional rape', stoning and murder of lesbian women, targeting and murder of isolated old women as witches, uprisings against women leadership as witnessed in KwaZulu-Natal (KZN) and the West Rand, intimidation of women leaders or managers, and the brutal killing of women leaders in KZN. In some of these cases we can see the coming together of race, class and gender dynamics.

Whilst tremendous strides have been made at government level in affirming and increasing women leadership in parliament, in cabinet and in the bureaucracy, this has not been mirrored in the private sector and in broader civil society. Socioeconomic and policy interventions have been introduced to mitigate the conditions and the status of women but these have struggled to take root as a result of patriarchal resistance. This has led us to this moment where there is an unbridled backlash against all the human rights legislation, policies and practices as well as gender equality provisions introduced by the ANC-led democratic government. With an entity called 'Isikhalo samadoda' gaining a foothold in KZN, South Africa is under siege of a patriarchal, misogynistic, anti-gender equality and anti-human rights phenomenon and people seem to have been caught unawares by this state of affairs.

Women and children in developing countries are the most vulnerable when it comes to issues of crime, violence, conflict and political instability. In the South African context it is the same. Even when a country is at peace, women are still the most vulnerable to violent crimes. In addition, they are targeted for sexual crimes in their homes, in schools and in the workplace. In recent years there has been a marked increase in



Following debates closely: Women's day celebrations at Constitutional Hill, Johannesburg.

the rape and murder of women in rural areas whilst at the same time women-headed households in general are targeted for crimes such as break-ins.

In addition, sporadic attacks on Africans from other countries add another strain on safety issues. These have, in the past, been dealt with in unsustainable ways such as establishing poorly managed camps. There is a worrying lack of coherence in the decision-makers' pronouncements and approach on these incidents. Although the different impact on men and women has not yet been studied there are anecdotal indications that women's experiences of 'xenophobic attacks' are more traumatic because of displacement and separation from their children and partners/husbands.

This points to a need for community safety plans that integrate gender concerns to be developed by government. These plans need to be monitored for effectiveness on an ongoing basis and should include prevention of gender-based

violence, violent crimes and women's vulnerability to crime. Issues of human and financial resources for community safety are key to these discussions.

ECONOMY AND GENDER

The South African economic structure is quite rigid and favours white males. Economic policies introduced in the post-1994 period have had minimal impact on the structure of the economy because of a hesitant or indecisive approach by the ruling ANC government. This hesitation is worsened by the challenges of implementing policy at various levels which tend to have varied interpretations. The de-industrialisation of SA towards the end of the 20th century, caused by the rise of competition and the emergence of the Asian Tigers and China as a powerhouse, made the economic situation worse. The growth of the service and financial sectors in the 21st century has not provided growth in sustainable and secure employment. These factors

coupled with corruption have ensured that policies only served to keep the structure of the economy whilst locking black people, the youth, the disabled and women outside.

The negative impact of the international economic crisis is still with us and saw the South African economy shedding over a million jobs where four out of five jobs were lost by women. Other sectors such as mining and finance continue to shed jobs.

Michael Rogan argues: 'the Multidimensional Poverty Index (MPI) analysis confirms the existence of a large, and statistically significant, gender poverty gap: women are significantly worse off than men, and female-headed households are significantly worse off than male-headed households - despite overall poverty being much lower in 2008 than in 1993.'

This analysis argues that economic policy and practice should be directed at eradicating poverty by using a combination of interventions

that seek to create new entrants into the productive or real economy in the context of capital flight. Economic policy should also seek to ensure that it is able to access and contribute to skills development, create jobs on a mass scale that are properly integrated with and responsive to environmental and climate change concerns. Additionally, it should be fairly integrated with the regional and continental economy and seek to remove the rigidity of the apartheid-era economic structure. Building collectively-owned enterprises in addition to existing ones and consciously seeking to eradicate poverty, ignorance, discrimination, prejudice, inequality and racism should be other functions of the economy.

The International Covenant on Economic Social and Cultural Rights (ICESCR) was signed in 1994. However, SA ratification was done in 2015 giving rise to the question why such an important covenant was delayed for so long by a country which inherited so many challenges from apartheid's legislated racism. Article 3 of the Convention has not been met and a lot of work still has to be undertaken by the state to ensure that, 'The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.'

Article 11(1) is not a reality in the SA context as so many women and children live in poverty: 'The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions ...'

EDUCATION AND SKILLS DEVELOPMENT

Education is still a sore issue. Whilst some attempts have been made to improve access to education and to support poor learners,

these initiatives have been located at lower grades. In transforming education in a manner that advances the interests of socially excluded groups including black, rural, and disabled people and women, there is need to look at the system in a meaningful way including adult education, worker education and higher education. The interventions that have been instituted so far are welcome and appreciated but are not bringing long-term or sustainable improvement in education for both social and economic development.

Education should contribute to the transformation of society not only in terms of developing skills for economic participation or employment but also for humane engagements informed by awareness and ethics of gender equality and basic respect for all human beings and children. These ethics need to be integrated with those of community service, trustworthiness (in managing public funds as the victims of poor public finance management are poor people, the majority of whom are women and children).

The discussion and application of religious texts need to include an eradication of hatred which often leads to crimes against some social groups. In the distant past this has resulted in sustained attacks on Arabic, Moslem, Jewish and African people with the most vulnerable being women as these attacks tend to have an added sexual aspect for women around the globe. In the modern era these attacks include gay people especially women in SA. There is no religious text which advocates violence against people because of their sexual orientation and yet certain groups insist on haranguing and in extreme cases physically attacking gays and killing lesbian women under the name of religion.

Faith-based communities need to be brought into the discussion around human rights in SA and to be engaged in the promotion of the right to life and the right to security

which are trampled on, sometimes with impunity under the guise of religious belief.

The media has also failed vulnerable groups, not least women and children. The media is well-positioned to provide education on gender equality and other community building and pro-people matters. Instead it focuses on sensational and destructive stories that target carefully-selected victims and fails to inform society in a consistent manner on women's and men's rights. The media has also failed to educate society on respecting poor people as well as women and children thus running the risk of becoming irrelevant on the basis of their negativity and on isolating certain individuals and groups for sustained attacks instead of providing information that people can use to transform their lives and live peacefully. They have failed to inform our society about the dangers of gender-based violence (GBV) which costs the country annually. For example, health costs that are borne by individual women and children. GBV also enslaves women and children which ultimately costs society especially from the loss of social and economic contributions.

The South African Broadcasting Corporation (SABC), for example, still has a long way to go in ensuring that it plays a meaningful role in education and information – not only on gender equality and women's advancement – but on other areas that could be taking society forward such as climate change. This means that as the South African public we remain poorly or not at all informed about gender equality and women's rights (amongst other things) and the UN Committee comments: 'It is further concerned that women themselves are not aware of their rights under the Convention or of the complaints procedure under the Optional Protocol, and thus lack the necessary information to claim their rights'.

JUSTICE, POLITICS AND DECISION-MAKING

The judiciary needs input to ensure that it serves women, men and children and contributes to gender equality. The judiciary, in the main, (because there are pockets of gender consciousness) has failed society. This is informed by the massive losses suffered by women and children in cases of divorce, child maintenance and sexual violence. In some of the cases it is clear that only men's interests are considered at the expense of women and children. Men also do not seem to understand the new legislation especially their rights to have relationships with their children. Judgments are archaic or based on apartheid-era legislation as well as patriarchal tendencies which is why gender activists need to continue to wage a struggle for the comprehensive transformation of the judiciary.

The UN committee monitoring the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (Cedaw) had this to say about SA: 'However, the Committee is concerned about the general lack of awareness of the Convention and its Optional Protocol in the State Party, in particular among the judiciary and other law enforcement officials.'

The UN Committee also added that there should be free legal aid for women, that the Traditional Courts Bill be aligned to the Constitution, and that training on UN Convention and Optional Protocol is necessary.

These inputs from the UN Committee do not seem to have moved the State Party in terms of ensuring that plans are set in motion to make the entire judiciary and other law enforcement organs aware of the Convention and its Optional Protocol. This Convention was ratified by SA enthusiastically in 1995 but it has not been implemented as comprehensively. The incomplete application of the Convention necessitates the need for the organisation and

mobilisation of women's rights and gender activists to ensure that there is no backtracking or backlashes when implementing policies that advance women's rights and gender equality. On-going public education is necessary to ensure the complete eradication of gender inequalities.

South Africa has done relatively well on the involvement of women in decision-making in the public sector. We can mark huge advancement in terms of the participation of women in the appointment and election of women into decision-making positions in the bureaucracy and in parliament and provincial legislatures, although the same is not reflected at local government level. It is hoped that the SALGA Women's Commission will address this.

In traditional leadership circles women are still a huge minority because of persisting traditional and patriarchal interpretations of inheritance and legacy. The UN Committee noted as follows:

'The Committee is concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes concerning women's roles and responsibilities that discriminate against women and perpetuate their subordination within the family and society. It notes that such discriminatory attitudes and stereotypes constitute serious obstacles to women's enjoyment of their human rights and the fulfilment of the rights enshrined in the Convention. The Committee is thus concerned by the insufficient, effective and comprehensive actions to modify or eliminate stereotypes and negative traditional values and practices in South Africa. The Committee also expresses serious concern about the persistence of entrenched harmful cultural norms and practices, including *Ukuthwala* (forced marriages of women and girls to older men through abduction), polygamy and the killing of 'witches'. The Committee also expresses its concern at the continuing stereotypical portrayal of women

in the media, which encourages discrimination and undermines the equality of women...'

In the private sector women are barely visible in decision-making structures and in the parastatals women are still a minority in such structures. Where women have been appointed; the backlash has been severe and this is attested by the quick nature in which they move out of these decision-making positions. In the NGO and CBO movement women are still a minority at decision-making level. This situation is reflected more harshly in the trade union movement with notable exceptions in a very few public sector unions.

The Committee noted that, 'the same level of progress (on women participation in public life) has not been achieved and that obstacles to the advancement of women still remain in other areas of public and professional life and in decision-making positions, including in the judiciary, local government, trade unions and the private sector'.

CONCLUSION

South Africa has not been immune from the gender backlash experienced by other countries that attempted to ensure the protection of women's rights and dignity as well as to advance gender equality. Many of the gender equality commitments that are in the Constitution and international conventions, recommendations and covenants that SA has ratified as a nation-state have been inadequately implemented as a result of the intransigent patriarchal practices that are gaining strength in the current backlash. It is hoped that all those who are in leadership will note the concerns about the backlash and the backtracking that is occurring on building a culture of human rights and put measures in place to further advance gender equality. ¹⁸

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