

# Gender and Political Participation in South Africa

*Paper presented by Commissioner Themba Kgasi in Sweden at the IDEA conference celebrating Ten Years of South African Democracy, April 2004.*

## 1 Introduction

Democracy in South Africa is this year being celebrated with great enthusiasm and optimism because South Africa remains a true miraculous example of human forgiveness and reconciliation. South African men and women have contributed considerably to their freedom and enjoy them, as they should. With their participation, South African men and women, continue to add immense value to improving the lives for all South Africans. Yet as we acknowledge from the global experience of historical discrimination stemming from a deeply embedded global ideology of male superiority/ or patriarchal Kyriachy, women have fallen to the bottom of the global social structures. This has resulted in gross gender in-equality and sometimes inactive participation in democratic structures. The lack of direct political participation on the part of all has also been influenced to some extent by the type of democratic system that South Africa has chosen. According to IDEA "South Africa used a classically proportional electoral system for its first democratic elections of 1994, and with 62.65% of the popular vote the African National Congress (ANC) won 63% of the national seats"<sup>1</sup> This proportional representative approach is also going to be used in the coming elections on the 14<sup>th</sup> April 2004.

The rationale underpinning all proportional representation (PR) system is to consciously reduce the disparity between a party's share of the national vote and its share of the parliamentary seats; if a major party wins 40% of the votes, it should win approximately 40% of the seats, and a minor party with 10% of the parliamentary seats. Proportionality is often seen as being best achieved by the use of party lists, where political parties presents lists of candidates to

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<sup>1</sup> Reynolds et al. The International IDEA Handbook of Electoral System Design 1997:17

the voters on a national original basis but it can be achieved just as easily if the proportional component of MMP system compensates for any dis-proportionality which comes out of the majoritarian district results.<sup>2</sup>

The electoral system is one of the processes of engendering democracy in South Africa. It should be noted however in that the Apartheid system the right to vote was extended to white people only and later extended to communities of Asian and mixed descent. This changed in 1994.

In all liberation struggles there are beginnings towards true emancipation. It can be said that each liberation struggle is a seed that is planted to be nurtured through its growth.

I would like to share with you briefly on how gender equality has been theoretically and practically achieved in South Africa. I will explain to you the importance of Gender South African Democratic Dispensation, the Gender status before Democracy, the Gender Status during the ten years of Democracy, and the challenges that lie ahead for Gender Equality in South Africa.

Indeed the seed of Gender Equality has been planted and it is being nurtured in South Africa.

### **The Importance of Gender and the South African Democratic Dispensation**

Our understanding of political participation in South Africa is that it is direct and indirect. Direct involvement refers to participation in legislative processes, being a member of parliament framing and forming bills. Indirect participation involves citizens voting for particular parties, monitoring democratic systems and processes. This raises the argument of whether women fully participate in the political processes of South Africa. Arguments can be made that women are proportional represented at the direct level of political

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<sup>2</sup> Ibid. 19

participation, that is to say that there are statistics on the number of women in national, and provincial government. In the case of women and men who are involved in direct political participation as members, leaders and members of parliament it is easy to disaggregate their participation in terms of gender. However, it is difficult to disaggregate the numbers of men and women who are politically active at an indirect level. It is therefore imperative to engender some norms and values that promote gender equality in all democratic processes. Below are some examples of norms and standards that entrench gender equality. These are:

1. An empowering definition of *citizenship* should be inherent and should encourage a commitment to substantive equality with regard to gender.
2. The *conduct of elections* at all levels must be committed to the concept of gender equality
3. Registration of voters should encourage women to exercise their rights to vote. The right of *women to vote* in a non-discriminatory basis in elections should be protected, the right of women to vote without fear or violence.
4. Women should have the right to present themselves as candidates for election to *public office*, there should be a clear expression of commitment to gender equality on the part of political parties, women should be included in the decision making process in relation to the composition of party lists and choice of election candidates
5. In terms of *voter education*, the state must ensure, through national programs of civic and voter education, that the electorate becomes familiar with gender equality as ventral to electoral issues and procedures, the programs must develop an understanding of substantive equality with regard to gender.
6. The right of women to express their *political opinions* without interference other than permitted by law should be protected

7. Women should have the right to *access of information* to seek, receive and impart informed electoral choices. Women have the right to *freedom of association, assembly and movement*.
8. Women party members have the right to *campaign* on an equal basis with their male counter-parts, the right of women party members and candidates to access to the media in order to put forward political views on an equal basis as their male counter parts
9. Women should have the unrestricted right to vote in secret and the *secrecy of their ballot* should be protected.
10. *A review of electoral procedures or decisions* where the right of women citizens to vote or to be registered, or any other political right is negatively affected by an action or an omission of the state, its organs, or officials, there must be access to a procedure which permits investigation.

## **The Gender Status of Women in South Africa before 1994**

Men and Women struggled against their chains of oppression with resolute resistance to the systems of discrimination epitomized and culminated in Apartheid. Documented evidence reveals that women in the liberation struggle are dated back to the 1950's. Women significantly played their part in the organizations which they were part and in which they formed. Throughout the decades preceding the 1994 elections women participated in the struggle.

From the early 1950s the Women's League of the African National Congress (ANC) took part in campaigns such as transport and education boycotts. Being a discriminated group at the racial and gender level the Women's League and the multi-racial Federation of South African Women united and put up strong resistance when the government tried to extend pass laws to women. But the Apartheid machinery was resolute about maintaining its dominance.

The 1960's, the 1970's, also saw increasing massive organized resistance to Apartheid by women. Still even then the Apartheid systems of oppression crushed the social resistance.

During the 1980's, women came together to form organizations such as the Cape-based United Women's Organization and the Natal Organization of Women. These organizations worked alongside the male-dominated unions and community organizations. Women filled important leadership roles within the mixed-sex organizations and were often targeted for banning or assassination.

At the same time there was a growth of non-governmental organizations (NGOs) and community-based organizations (CBOs) which worked with and for poor women and men. In the late 1980s the Rural Women's Movement became one of the first mouthpieces of the special interests and problems of rural women.

During the 1980s and 1990s there were many debates about the relationship between women's struggles and the broader ones against apartheid and capitalism. Some schools of thought argued that separate organizations for women would weaken the broader

struggle. Others argued that without this special focus, women's issues would be neglected. In a final advocative push against the oppressive system women in exile and activists inside South Africa met for the first time to discuss these issues at the Malibongwe conference in Amsterdam in the early 90's.

During the 1990's women from across the South African political spectrum, racially divided in most instances, again, came together to form the Women's National Coalition (WNC). The Coalition drew up the Women's Charter of Effective Equality. This Charter was based on the demands of women at the grassroots as well as within women's organizations. Its aim was to ensure that women's issues were addressed in the drawing up of the Constitution of post-apartheid South Africa. Towards the mid 90's the culmination of resistance from all sectors of South Africa with the momentum of the international concerned communities broke the back of the Apartheid machinery.

Indeed also the Women struggled against their chains of oppression with resolute resistance to Apartheid and women also contributed, politically, to the dismantling of the Apartheid machinery.

### **The Gender Status during the ten years of Democracy**

Demands for gender equality accelerated during the negotiations for a democratic South Africa. From the early nineties a number of significant developments set the pace towards building a non-racial and non-sexist democracy. During the first phase of democratic government, groundwork was laid for gender mainstreaming. This has included the development of policies and programs by public institutions, commitments made by government as well as new legislation, a review of existing legislation, and the allocation of resources for mainstreaming gender. NGOs have been involved, amongst other things, in carrying out gender studies and publications, mobilization around specific areas of concern (e.g. violence against women), the development of gender and development training programs, and contribution to country reports on international commitments.

The negotiation for a democratic South Africa, initiated significant milestones. Key areas of government responsibility were covered in respect of ensuring that every South African citizen, male and female, enjoyed their human rights as spelt out in the Bill of Rights. Developments were particularly significant for women, the majority of whom were not only disadvantaged as blacks, but as women in general. Until 1994 many women experienced discrimination that was spelt out in law.

Since 1994 there have been major developments aimed at improving the status of women and their quality of life. Most significant and bringing back into the international community was South Africa's ratification of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) without reservations. South Africa has established a national gender machinery, and introduced legislation to address social, economic and political inequalities between the men and women. Within the policies of government, political parties and business, women have since taken up opportunities to demonstrate their capabilities and participate in matters for the benefit of society. Noteworthy has been the participation of women in the political sphere, in terms of numbers and portfolios.

Various role players in government, the private sector and civil society were involved in developing legislation, establishing institutional mechanisms and implementing programs aimed at addressing people's practical and strategic needs. However, entering an increasingly economically interconnected world and inheriting a divisive government infrastructure contributed to women's further disenfranchisement. A macro-economic inability to overcome poverty in South Africa has and continues affect women severely. Women lack access to, and control over fundamental economic resources such as land. For some women, lack of those resources is disempowering. Land, for example, does not simply provide agricultural or housing opportunities but a sense of belonging and identity. Rights to water are intrinsically linked to land rights, which means that control, access, and quality of water inequitably reside with those enjoying riparian rights and land ownership.

Post Apartheid South Africa has created and developed a number of bodies which address gender issues. The Beijing Platform for action recommends that national machinery be established by UN member states to design, promote the implementation of, execute, monitor, evaluate, advocate and mobilize support for policies that promote the advancement of women. In South Africa the gender machinery includes structures in government, the legislature, parliament and statutory bodies of which the Commission on Gender Equality is one.

These mechanisms are collectively known as the “National Gender Machinery”. The principles of South Africa’s National Gender Machinery include:

*1. Substantive equality*

Equality can be used to bring about social justice between women and men. As enshrined in clause 9 in the Bill of Rights, everyone is equal before the law, and may not be discriminated directly or indirectly on one or more grounds including disability, age, gender, sex, pregnancy and marital status. Women and men have the right to equal enjoyment of rights and freedoms including opportunities and responsibilities in the social, economic, cultural and political spheres. Gender equality means that women and men should be treated with equal concern and respect and should be entitled to develop to their full human potential. This should be a key objective of planning processes, policies and programmes.

Substantive equality for women and men in social, political, cultural and economic life means that women and men are given the same benefits and opportunities. It does not mean that women and men should always be treated in the same way. A commitment to substantive equality recognises that differential treatment of women and men, and of different groups of women (rural/urban women, women living with disability, young/old women, women in politics, women in the informal sector, etc.), may be necessary to ensure equal outcomes. It also recognises that women may be entitled to benefit from positive action by way of legislative and other measures designed to advance gender equality.

This understanding of and commitment to equality is also found in the Women's Charter for Effective Equality, the Southern African Development Community (SADC) Declaration on Gender and Development, the Africa Platform for Action (adopted before the Beijing Conference), the Beijing Declaration and Platform for Action, the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), and the Copenhagen Declaration and Programme of Action (WSSD - World Summit on Social Development).

## *II. Recognition of women's rights as human rights*

The full enjoyment of equal rights by women and girls is often undermined, within the cultural and economic contexts (e.g. determining systems. Procedures using men as points of reference, – being considered more of risk a by virtue of being a woman in respect of certain financial transactions), as well as by administrative procedures and requirements that are discriminatory (the right to use a second name of one's choice).

Recognition of the human rights of women as an inalienable, integral and indivisible part of all human rights and fundamental freedoms. These rights are universal, indivisible, interdependent and interrelated. Every citizen has the right to freedoms and rights expressed in the Bill of Rights, irrespective of their race, gender, sex, disability, pregnancy, marital status, sexual orientation, religion, age, belief, culture, and language, amongst other things. Access to and the enjoyment of social, cultural, religious, educational and economic opportunities form a significant part of people's citizenship. The adoption and implementation of positive measures to achieve equality, the removal of discriminatory laws and practices, and women's proportionate participation in public life are essential in South Africa's democracy. South Africa also created a friendly environment to women by promulgating laws that are gender sensitive: Employment Equity Act, Basic Condition of Employment Act, Domestic Violence Act, Maintenance Act, Promotion of Equality and Prevention of Unfair Discrimination Act, Recognition of Customary Marriage Act, Termination of Pregnancy Act(protected by

the constitution on right to choose for individual), Skills Development Act, Communal Land Act, etc.

### *III. Advocating for women's involvement in public policy*

One of the essential questions policy makers continuously face is whether budget allocations are reaching the intended population efficiently and effectively. The South African budgeting process requires that government departments decide on internal priorities and cost these, and that they reflect gender equity objectives in their mainstream programs. This therefore suggests that the views and needs of women need to be taken into account. This task is facilitated by input from the women themselves participatory planning and management – from need assessment to adoption of policies. Long has been the realization that women are not a homogenous group, and have different needs (e.g. illiterate women, women living with disability, the aged, rural women, unemployed, farm workers, domestic workers, women politicians) - beneficiary assessments such as community hearings, case studies, selected or group interviews are used to ensure that the views of all groups are adequately represented. *Participatory methods help establish rational criteria for making public investment choices that incorporate both social and efficiency objectives* (World bank, 1995), and since 1994 participation in South Africa has increased the ownership levels of public policy.

In order for communities to benefit from public policy that aims to empower them, they need to be informed and understand the policy and its intentions.

### *IV. Transparency and accountability*

Since 1994 the government has made substantial commitments towards the transformation of gender relations. The implementation of, and compliance with these commitments, is facilitated by transparency, clear objectives and the establishment of accountability mechanisms (Beijing Declaration and Platform for Action, 1995; Copenhagen Declaration and Programme of Action (1995).

The CGE and other institutions of the national machinery have been established to ensure that government respects its commitment to

gender equality. In this respect the CGE is really in a unique position to hold accountable, state organs, statutory and public bodies, as well as the private sector, in order to promote gender equality.

#### ***V. Women and economic decision-making***

The Women's National Coalition (WNC) represents women's interests in the National Economic, Development and Labor Council (NEDLAC), the negotiating forum between business, government and the unions. The WNC's influence, whilst recognized as important is not fully exploited. The WNC participates in the development chamber of NEDLAC where discussions are focused on "community" issues, while economic issues are debated in the other chambers.

Women workers are represented in discussions on economic policy through their trade unions. South Africa is one of the few countries where union membership is currently growing. Growth is especially strong in the public sector, where half of all workers are women. Nevertheless, even in unions such as SACTWU, whose members are mainly women, many leaders are men. The unions represented on NEDLAC also do not address the interests of workers in the informal sector. There are far more men than women managers in the private sector in South Africa. Women managers and owners are, however, beginning to organize themselves.

#### ***VI. Women's Budget Initiative***

The Women's Budget Initiative started its work in 1995. It analyses the impact on women and men of the government budget. It focuses, in particular, on the needs of poor women. It looks at whether government is allocating enough money to implement its gender-sensitive policies. The Initiative was set up by NGOs and parliamentarians. In 1997 the Department of Finance started to do its own gender analysis of the budget. The Department is conducting a pilot exercise for a Commonwealth initiative to make macroeconomic policy gender-sensitive.

#### ***VII. Gender in Development, Policies and Programs***

As stated above women are entitled to the enjoyment of all human rights, including those relating to sustainable human development. However, women's gender roles have an impact on their ability to access rights, resources and opportunities, and to be treated on an equal basis with men. Not only is the enjoyment of rights - including the right to access resources on an equal basis - an end in itself, it is an essential ingredient in achieving the empowerment of women, social justice and overall social and economic development.

Since 1994, government was quick to draw up new policies to address gender inequalities in development policies and programs. In partnership with civil society and the private sector, government established the National Development Agency (NDA) which channels government and donor funds to non-government partners to conduct development work in South Africa.

#### *VIII. Government services and programs*

Many government programs bring important benefits for poor women because of the institutionalized principles stated above. Public works programs, water and sanitation provision and free reproductive health services benefit large numbers of poor women.

Many policies depend on the unpaid labor of women for their success. For example, often in public works programs there is no provision for creches and nurseries. HIV/AIDS policy does not yet take into consideration on who will bear the burden of caring for people with HIV/AIDS. Most policies also do not consider how violence prevents women accessing services. Bureaucratic, patronizing and discriminatory attitudes among both old and new staff create further problems for women in accessing services even where the policy is working. The provinces are responsible for most social services such as education and health and there are large differences between the provinces in terms of poverty and need, as well as in terms of financial and other capacities of government. Often people in poor provinces get worse services than those in richer provinces. Women generally predominate in the poorer provinces, and so will suffer on account of both their gender and their level of poverty.

The above principles of the 'gender machinery' of the South African government then have made it possible since 1994 to mainstream gender equality within the services, and laws of the government. As a result of the principles of the gender machinery is:

***Commission on Gender Equality*** (CGE) an independent, statutory body established in terms of the Commission on Gender Equality Act no. 39 of 1996. The Gender Commission is tasked with the following:

- monitoring and evaluating government and the private sector;
- public education and information;
- making recommendations about laws, policies and programmes to government;
- resolving disputes through mediation and conciliation;
- investigating inequality and commissioning research

In terms of the Act the CGE must monitor and evaluate policies and practices of state organs at any level, statutory and public bodies, and private institutions, in order to promote gender equality and make recommendations that it deems necessary.

The ***Office of the Status of Women*** (OSW) was established in early 1997, and resides in the President's Office. *Office on the Status of Women* coordinates the work of the gender desks in line departments and of provincial OSWs as part of government's gender management system

Its functions include:

- developing a national gender policy
- promoting affirmative action in government
- supporting government bodies to integrate a gender perspective in all policies and programs
- organizing gender training for government departments and,
- assisting different government departments to work together on issues , particularly pertaining to gender

It should be noted that South Africa does not have a separate ministry for 'women's affairs' as in many countries. Instead, South Africa hopes that by having gender units in all government departments, it will ensure that each department takes responsibility for addressing gender issues in their policies and programs. Since 1994 and to date, almost all national departments have gender units that are often described as Gender Focal Points.

*Gender Focal Points (GFPs) in Government Departments.*

At the operational level, the main responsibility for ensuring the effective implementation of the National Gender Policy, contained in this Women's Empowerment and Gender Equality Policy Framework, rests with individual government departments at national and provincial levels. All departments are required to establish dedicated Gender Units or Focal Points to assist in the formulation and implementation of effective action plans to promote women's empowerment and gender equality in the work of departments.

Other formations focusing on gender empowerment include the:

*The Joint Monitoring Committee (JMC)* The JMC is a multi-party women's caucus aims to make parliament more gender sensitive. It also works as a mechanism to monitor and implement checks and balances to legislature such that issues of gender justice are not ignored or left out. Also to identify and address the obstacles to women's full participation in law-making processes.

Despite the organizational efforts there has been a gap in the national machinery at local government level. This is problematic since it is local government, which delivers many of the services for lessening the burden of women's household responsibilities. The South African Local Government Association (SALGA) brings together representatives of local councils from around the country. SALGA has established a Gender Working Group, which is at present concentrating on supporting women councilors in local government to perform their duties more effectively.

### *The development of a South African Gender Policy*

Since 1994, a national gender policy has been developed in South Africa. It makes reference to the Reconstruction Development Program (RDP), the Constitution, the Women's Charter, CEDAW, and other instruments. Fundamentally the policy document recognizes that majority of women are the most systematically oppressed by socio-economic factors.

The document includes sections on: context and vision, situational analysis, policy context, vision and principles for gender equity, a framework for implementation, guidelines for policy and monitoring and evaluation methods. The gender policy seeks to address the systemic inequalities between men and women in society. It also prioritizes the specific empowerment of women as a way of achieving equality. It is premised on the fact that gender inequality is all about power, and that any policy, plan or practice that seeks to achieve gender equality. The purpose of a gender policy is to bring a gender perspective along gender lines into all aspects of planning , policy , implementation and transformation. This means looking not only at women alone, but rather at the relationship between women and men and how societies are structured

The gender policy is aimed at assisting in eradicating sexist or gender discriminatory policies in the workplace. It provides a framework for the implementation of positive measures to advance women in order to achieve fair play between men and women. It attempts to address issues such as sexual harassment and affirmative action, among others.

### **The Challenges that lie ahead for Gender Equality in South Africa.**

South Africa's vision for the full realization of gender equality is faced with many challenges and obstacles. To achieve a society free of racism and sexism the country must undergo a paradigm shift with regard to how resources are allocated and how people relate to each other. These challenges need to be translated into national priorities which they have been theoretically and practically. All of these

priorities have compelling gender dimensions which need to be addressed if the country is to advance towards gender equality.

One of the major challenges is poverty. This is a major problem for women in South Africa. The systematic and socially engineered location of women in rural areas, and the underdevelopment of infrastructure in these areas, has been directly responsible for the poor conditions under which the majority of South Africa's rural women live. Apartheid laws coupled with repressive customs and traditions, disempowered women in ways that will take generations to reverse. While the democratic government has established enabling legislation, it now moves towards delivery to alleviate and eventually, eradicate poverty. There is further within the same content the issue of intersectionality of Gender, Poverty and HIV + Aids. The reality is the most affected are women.

It is noteworthy that gender relations are not static, and can be transformed for all to enjoy equitable access to opportunities and benefits. Challenges faced in South Africa today include HIV/AIDS, access to employment opportunities, eradication of all forms of violence against women, and compliance with the policy and legislative framework that forbids discrimination against women.

While there are women who have taken advantage of the policy and legal framework aimed to decrease gender inequalities, the majority of women (particularly those in rural areas) are still ignorant of this enabling environment. For those who know, stereotypes and attitudes of service providers, as well as limited resources, continue to hinder enjoyment of their rights.

The following facilitates an enabling environment:

- Raising awareness and educating communities on the current enabling policy and legislative environment;
- The strengthening of the women's movement;
- Adequate resources for gender machinery;
- Improvement of the material condition of women and their socio-politico-economic position relative to that of;

Yet, until all role players take responsibility to ensure that there are enough resources, adequate dissemination of information and appropriate sanctions for those who do not comply with policies and the law, gender equality will remain largely an individual and not a national achievement. In the same way that all South Africans will benefit from the transformation of South African society, and the elimination of racial discrimination, men as well as women will benefit from achievement of gender equality.

Written and Presented by:

*THEMBA KGASI  
COMMISSIONER  
COMMISSION ON GENDER EQUALITY (CGE)*

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