

## **ILITHA LABANTU**

N.Y. 22 NO 26  
GUGULETU  
7750  
Cape Town  
T: +27 21 633 23 83  
F: +27 21 633 9524

Email address:  
[info@ilithalabantu.co.za](mailto:info@ilithalabantu.co.za)

Web:  
[www.ilithalabantu.org.za](http://www.ilithalabantu.org.za)

## **ILITHA LABANTU REPORT**



**For the 54<sup>th</sup> Session of the United Nations  
Commission on the Status of Women, 2010.**

**Assessing the Implementation of the Beijing  
Platform for Action in South Africa**

**Compiled and Edited by:**  
Mandisa Monakali & Lesego Mokone

## **Conclusion**

As South Africa grapple with the developmental challenges facing the country and has made stride in terms of women's empowerment, however, the resurgence of patriarchy continues to undermine the progress being made as women's realisation of rights is seen as an abandoning of traditional roles and customs. Traditional beliefs often carry with them varying levels of patriarchy and can therefore be a hindrance to the acceptance of gender equality.

Transformation in gender roles can be extremely challenging for people in South Africa who feel tradition is vitally important and integral to the success of a family or community. It is often felt that because traditions have existed for a long time they therefore should not change. The Constitution protects the right to culture, meaning that traditions are offered protection by the law, to the extent that they do not violate other human rights. While much progress has been made in South Africa in terms of women's rights, the growing empowerment of women has caused many men to feel threatened, causing a backlash of resurgent patriarchy. It is increasingly important for this resistance to change to be recognised and addressed, as continuing to encourage female empowerment.

Ilitha Labantu has continued to see an increase in the number of women living in poverty. This has largely been caused by the impact of international influences including globalisation and the policies and practices of bodies such as the World Trade Organisation, World Bank, International Monetary Fund and multi-national corporations.

For many women, these policies and practices have resulted in unemployment, deterioration in wages and working conditions, the shift of labour from the formal to the informal sector and from regulated to unprotected, sub contracted labour. The rise of the new poor and an increase in homeless people in industrialized communities has been identified as an emerging issue.

### **Towards Beijing+15**

Ilitha Labantu believes that indeed, in 2010, Beijing+15 must confront the dark side of globalization and the market economy. It must also address the current financial crisis and its impact on women. This impact has been particularly severe in three major areas: first, in loss of jobs and decreased real wages and benefits; second, in the reduction of social services as government budgets are used to rescue bankrupt firms; and third, in increased work burden and stress resulting from unpaid responsibilities in the household and community.

The economic message of Beijing+15 is that we need to make economic stimulus packages work for women and communities in the short term. In the long term, governments have to use the financial crisis as an opportunity to move from profit to provisioning, and must create a new financial and economic architecture that includes a gender perspective. Only then will a balance be established between the production system and not-for-profit activities; only then will the welfare of people and the planet come before the growth of the financial market.

### **Appreciation**

Ilitha Labantu is grateful to all who worked tirelessly to ensure that this report is successfully compiled. We are extremely grateful to all our board members and staff who share information that has informed this Report. Special thanks to our donors for their generous support.

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### Schools

- Proactively create new curricula to improve self-image, perception of study/work opportunities for girls, especially in fields where women have been under represented.
- Promote full/ equal participation of girls in extra-curricular activities.
- Provide full/ free access to appropriate health education/ counselling to adolescent girls.
- Fund/ Promote more research on the situation of the girl-child. Require women researchers to disaggregate/ analyze their data on children by gender/ age.
- Lobby for their research findings to be included in policy-making/ program development for the girl-child.
- Increasing rate of reproductive health problems among adolescent girls
- Promote services or facilities for both pre-adolescent and adolescent girls, especially girl street children

## 5. WOMEN AND POVERTY

### *Women and Poverty*

The Beijing Platform for Action states that "**More than 1 billion people in the world today, the great majority of whom are women, live in unacceptable conditions of poverty...**" (para 47. p. 18, BPFA)

Across South Africa, women are deprived of a lifestyle or aspects of a lifestyle that is regarded as fair and reasonable within the society in which they live. There is poverty of low wage earners and utter destitution of those who fall outside family support systems, social institutions and safety nets. The gap between rich and poor is widening.

Environmental degradation and lack of local services has continued to impact severely on women especially those in townships and in rural communities. Lack of response to issues of poverty has impacted especially hard on ordinary women. Funding cut-backs in some government programs has resulted in an increase in the poverty traps for the unemployed, low income earners and women workers.

family and counselling, It should also pursue programs geared toward providing alternative

- Employment to families of children-victims and reorienting them on the role of upholding/ protecting children's rights, welfare, and development.

#### **Child participation**

- Maximize children's role in advocacy work by tapping to participate in the design/ implementation of advocacy materials, in the formulation of statements/ slogans, and in actual lobbying/ mobilization activities.
- Organize children-victims in clusters per area to promote "sense of community" which in turn can enhance the feelings of self-worth/ sense of power to advance their cause against abuse/ exploitation.

#### **Training and capacity building**

- The Ministry of social development should continue to provide technical/ capacity-building assistance to managers/ service providers particularly on proper management/ handling, monitoring, documentation of cases of commercial sexual exploitation of girl-children, e.g. building of capabilities of service managers/ implementers: pooling/ exchange of expertise among organizations.

#### **Advocacy and social mobilization**

- Tap/ Encourage media in campaigns to protect/ promote children's rights/ welfare.
- Take part in advocacy against commercialization of young women, particularly in the film industry.
- Focus their reports on the crime perpetrators than on victims.
- Conduct gender-sensitivity programs focused on girl's rights, and an advocacy campaign emphasizing on role of mass media in curbing commercial sexual exploitation of girl-children.
- Strengthen community action, reorient community values, conduct

#### **1. (a) Executive Summary**

South Africa is a party to the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). It is bound by the standards set forth in this Convention, as they have been interpreted and applied by the Committee on the Elimination of Discrimination against Women. In this context, special important must be accorded to South Africa Constitution on Human Rights.

Furthermore, the international standards on state obligations concerning violence against women have been spelt out by the UN Special Rapporteur on Violence against Women. The conceptualization of violence against women and girls as a violation of human rights was one of the achievements of the women's movement during the world conference on Human Rights in Vienna in 1993.

South Africa has ratified the Convention on the Elimination of All Forms of Discrimination against Women (the CEDAW) and other International Human Rights Instruments. In doing so it has accepted an obligation to act with due diligence in order to prevent violence against women. This has been clearly expressed by the Committee on the Elimination of All Forms of Discrimination against Women in its General Comment. It considers that discrimination against women includes gender-based violence and furthermore that this form of violence directed against women impairs or nullifies a range of fundamental human rights under international human rights law.

Thus, the ratification of CEDAW carries an obligation for South Africa to provide for an adequate and effective legal framework for violence against women, including against domestic violence. While South Africa generally complied timely with its obligation to submit periodic reports to the CEDAW Committee, it failed to implement an effective legal framework relating to domestic violence. In its observations on South Africa's last periodic report to the CEDAW Committee in January 1998, the Committee noted many gaps in the legislative framework and urged South Africa to introduce comprehensive legislative reforms to promote human rights of women. The Committee also expressed its concern over the higher incidence of gender-based violence against women and requested the South African government to strengthen law enforcement and introduce legal reforms proposed by various women's organizations and activists in particular to domestic violence.

### **1(b) Protocol on the Rights of Women in Africa**

On 26 October 2005, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa received its 15th ratification, meaning the Protocol entered into force on 25 November 2005. This marked a milestone in the protection and promotion of women's rights in Africa, creating new rights for women in terms of international standards. Solidarity for African Women's Rights, a coalition of groups across Africa in which the Africa Regional Office of Equality Now plays a leading role, has been campaigning for the ratification, domestication and popularization of the Protocol since April 2004. After learning that the pace of ratification was very slow and it raised concern that it might take years for the Protocol to come into force, unless member states were held publicly and consistently accountable for their promises to ratify it.

This groundbreaking Protocol, for the first time in international law, explicitly sets forth the reproductive right of women to medical abortion when pregnancy results from rape or incest or when the continuation of pregnancy endangers the health or life of the mother. In another first, the Protocol explicitly calls for the legal prohibition of female genital mutilation, and prohibits the abuse of women in advertising and pornography. The Protocol sets forth a broad range of economic and social welfare rights for women.

The rights of particularly vulnerable groups of women, including widows, elderly women, disabled women and "women in distress," which includes poor women, women from marginalized populations groups, and pregnant or nursing women in detention are specifically recognized

### **What the government is not doing**

#### **Prevention**

- Advocate in grassroots communities, schools, church groups to make them aware of the hazards faced by girls working in tourism, entertainment and hotel industry
- Make schools/ other social services accessible/ affordable to poor families
- Raise the level of awareness of policy-makers, planners, and administrators in all areas of the government on the disadvantaged situation of the girl-child.
- Require all government/ public-funded research on health, education, labor, and other areas to disaggregate/ analyze data by gender/ age of children.

#### **Protection**

- Prioritize rescue operations for children working in extremely hazardous or abusive working conditions, especially in prostitution
- Government interventions must be strengthened in cases where parents are the perpetrators of child abuse
- Community-based intervention programs must be encouraged/ Institutionalized. It is not enough that community members are aware of commercial sexual exploitation of girl –children

#### **Recovery and reintegration**

- Develop specialized program responses to commercial sexual exploitation of
  - girl-children so that NGOs do not have to use generic types of responses
  - but can choose more appropriate, focused, deliberate responses, such as
  - psychological and psychiatric treatments. This will enhance mix-matching of
- organizational responses to causes/ effects of commercial sexual exploitation of girl –child and to victims's need
- Develop/ strengthen intervention programs focused not only on the child victim but on the family, i.e. family reconciliation program, parent effectiveness,

### **Urgent need for a comprehensive database on the girl-child**

- there is lack of sex-disaggregated data/ information to serve as basis for policy-makers/planners for project development/ impact evaluation of development programs/ projects
- vis-à-vis improving the girl-child's situation

### **Protection issues**

#### **These urgent concerns reinforce violence against the girl-child:**

- Violence against the girl-child highlights need for increased protection greater number of girl-children involved in prostitution or other forms of commercial sexual exploitation
- High incidence of sexual abuse, especially incestuous rape among girl-children
- Bias of law enforcers and judiciary in handling cases where victims are women and children

### **Sustaining the efforts for genuine child participation**

- Need for advocates to integrate project goals that focus on child participation in their initiatives/ programmes
- Need for government units to forge "a nation that respects/ values the rights of every child
- Need for structures to sustain young people's participation both at the local and provincial levels
- Need for adults to reorient their perceptions about young people's capacity to make meaningful contribution to society
- Need for adults to provide support to young people in going through the entire project cycle
- Need to ensure that young people's perspectives on participation are articulated,
- Recognized, and integrated into the conceptualization of children's right to participate

## **2. Background**

Ilitha Labantu together with other South African women's organisation have not been left out in the global struggle for women's rights, which has gained momentum during the past three decades. The South African Government and South African women have participated actively in the various world conferences on women, NGO's, Forums and the series of agenda-setting UN World Conferences and NGO forums of 1990s including the 1995 Fourth World Conference on Women in Beijing.

In September 1995, representatives of 189 governments and more than 2,100 non-governmental organizations (NGOs) met in Beijing, China, to create a new agenda for women's empowerment and equality. The official conference and parallel NGO forum were the largest in U.N. history, attracting over 50,000 participants and observers.

The conference also produced the Beijing Platform for Action (BPFA), which still stands as the most wide-reaching international commitment to women's rights. South African delegates to the 4<sup>th</sup> World conference on women in Beijing in 1995 constituted one of the largest contingents to that Conference. Non-governmental organisations participation demonstrated the interest and commitment towards the outcome of the Beijing Conference.

Consequently, the first step taken by Ilitha Labantu and other Non Governmental Organisations was to bring home the landmark results evidenced by the BPFA to its women and girl children in the nooks and crannies of the country. This was done by demystifying the contents through simplification and translation into local languages for better understanding of the grassroots community and holding of several workshops and seminars for public awareness raising purposes.

Ilitha Labantu in South Africa has been in the fore of ensuring the implementation of the BPFA and holding the Government accountable to the covenants made at the Conference. During the United Nations General Assembly's Special Session year 2000, 178 Governments including the South African Government reviewed the commitments to the goals of gender equality and women empowerment made at the fourth World Conference on Women 1995 in Beijing, China. The theme for the Special Session was **"Women 2000: Gender Equality, Development and Peace for the Twenty-first Century"**. The special session held that while the countries had reported, there was still a huge gap in the realisation of the commitments thus the MDG's put deadlines of 2015 in terms of Goal 4

Ilitha Labantu is a non-governmental organization that is in a unique position to use law reform initiatives to hold government accountable to the promises made in the Constitution in terms of women's rights. The result of these initiatives is that the State is compelled to allocate resources and spend in areas where they are constitutionally and legally committed to do so. Thus, Ilitha Labantu does not undertake work that the State should be funding, rather seeks to unlock government spending in the appropriate areas.

South Africa has since developed the Reconstruction and Development Plan 1994 and all other development has been able to put in place policy frameworks that address issues raised in the BPPA, however the blockages and failures in implementation has ensured that grassroots women are not finding the realisation of these policies.

Our mandate is to contribute to the bringing about a society, where attitudes to the use of violence (sexual, physical, or psychological) have been transformed. Our goal is to work to build respect for the rights of women, men, children and youths to live free of violence and the threat of violence and also for them to develop alternative ways of handling power and resolving conflicts. Ilitha Labantu is the premier organization leading the fight against violence in the townships and in rural communities of South Africa, particularly in the areas of domestic, sexual and child abuse and other related areas of work are to educate victims and other persons on linkages between abuse and HIV/AIDS, trafficking in persons, public awareness and research

Our mission remains focused on eradicating violence against women and children, and towards giving emotional and practical support to survivors of domestic violence and rape. In working towards achieving our mission, we have adjusted our services, from focusing more on curative solutions (through counseling), to now emphasizes on the approach of both preventative and curative solutions that suit the current needs of the community.

To ensure the realization of its founding mandate, the overall objective of Ilitha Labantu is to end violence against women and children in the townships and in rural communities and advance the struggle for equality for women, particularly black women who suffer socio-economic disadvantage, by improving women's access to justice. The overall aim of Ilitha Labantu is to provide educational programs and services that support and empower women and children in the black community and in rural areas.

### **Issues facing the girl-child in South Africa identified by Ilitha Labantu are:**

#### **Health issues**

- The following health issues impact on the girl-child's survival:
- Traditional practices detrimental to health or development of the girl-child
- Lack of attention to special nutritional needs essential for her future role as child bearer and care-giver
- Effects of pregnancy on health status of child-bride/ unwed adolescent and her offspring
- Access to sexual reproductive health services

#### **Development issues**

- Drop-out from school due to poverty, teen-age pregnancy, and disability
- Sex-role stereotyping/ sexist concepts in school curricula, textbooks, instructional materials
- Gender-tracking in choice profession
- Stereotyped/ Negative portrayal as sex objects/ victims in advertisements/ tri-media
- Proliferation of pornographic materials that promote/ reinforce sexual abuse
- Sensational coverage of rape cases/ other crimes against girl-children

#### **Working children forego schooling and other development needs, its reported impact showing:**

- more girl-children are being hired as domestic helpers, thus living away from home
- girl-children living away from home are highly vulnerable to physical/ psychological abuse/interrupted schooling
- Violence and drugs in some schools is very high
- girl-children from rural areas are victims of illegal recruitment
- working girl-children do not have access to adequate leisure/ rest

#### **The girl-child's concerns/needs mainstreamed in the women's sector agenda**

- there is a lack of in-depth awareness among development policy-makers/ program
- implementers on the situation of the girl-child/ its relation to the general pattern of gender discrimination

Five years on the situation remains the same in spite enactment of the comprehensive Children's Act.

Unfavourable culture practises such as "ukuthwala" and virginity testing continues to bring harm to the Girl child .Engagement with traditional practitioners have failed to curb the practices in spite the fact that forced marriages have been criminalised but ineffective policing in particular the rural outskirts of the country have failed to address the problem. The Children's Act allows for Virginity testing taking place but puts in place stringent provision as to circumstances under which it can take place however these provision do not indicate punitive measure for failure to adhere to them.

Young women and girls lack access to information, education and services as well as a lack of meaningful participation in the community at various levels of the decision making process. This situation reinforces the exploitation and vulnerablability of young women and girls in such positions

Global economic trends and policies in South Africa have negatively impacted on young women and girls as reflected in the increase in child prostitution and trafficking, child labour, child homelessness and culturally sanctioned child marriages and sexual exploitation. Rising number of economic migrants from the Rural to Urban areas as negatively impacted on the provision of services such as over-crowding of schools and public health facilities. This has led to urban areas unable to deal with resulting consequences of this rapid urbanisation such as informal settlements which have been

Ilitha Labantu has been involved in developing and empowering the girl child. In 1997, Ilitha Labantu developed a The Framework for the Girl-child which adopts a gender and development perspective which, highlights distinct but complementary roles or responsibilities of the two genders and addresses Issues of inequity or inequality that have negated the development and growth of the girl-child over a long period of neglect; and is provided for from the gender perspectives of the CEDAW and the CRC.

The South Africans became a State Party to the CEDAW in 1998; to the UN CRC in 1995. In spite of the existence and domestication of these two international instruments, it cannot be denied that major issues continue to confront girl-children. In the South Africa, health, protection, and participation issues impact the lives of girl-children in different ways.

We have used a preventative approach through education (about HIV and Aids), raising awareness (about domestic violence, and rape), and mobilizing men, families, and the community at large to understand and support the movement for the empowerment of women. This approach has been greatly successful among the youth, who, through discussions about abuse, sex, children's rights and the Sexual Offences Act; are mobilized through services of Ilitha Labantu to influence the rest of the community positively, in re-establishing community responsibility, and 'Ubuntu'.

Ilitha Labantu is celebrating its 21<sup>st</sup> birthday, meaning that it emerged five years before our liberation, but something is lacking, thus people's minds are not liberated nor comprehend democracy enough to have the ability to reflect onto themselves as a free citizen in a free society. South African women continue to face severely high levels of violence, which prevent them from enjoying their rights. Domestic violence and sexual assault are pervasive and are directed almost exclusively against women. While women and the government in South Africa have established the new Ministry of Women ,Youth and Persons with Disabilities' less than a year ago , its is still early days to assess the impact of the Ministry in terms of strengthening the gender machinery of the country.

#### **Actions Taken by Ilitha Labantu in 2004-2009**

After the Beijing Platform for Action was launched, Ilitha Labantu has taken the initiative of promoting and increasing the meaningful participation of women in local and national issues. Ilitha Labantu have been instrumental in promoting socio-economic advancement of women especially in mobilizing community members to address negative social cultures and norms that hinder women's empowerment. Ilitha Labantu has been able to organize and build the capacity of women self-help groups to register with the government and access funds to support their activities.

As a result, there has been an increase in the number of women's groups taking up and utilizing funds and this can largely be attributed to both awareness creation and capacity development on different economic issues carried out by survivors of domestic abuse. Policy advocacy has been another area where Ilitha Labantu has greatly contributed especially in pushing for amendments of the Domestic Violence Act and the ratification of the African Union Protocol of the Rights of Women in Africa. Ilitha Labantu has also acted as watchdogs to ensure that laws and policies were put into practice and benefit women in an equitable fashion.

## **Problems addressed**

Family violence is one of the most brutal and damaging crimes in our society today. In South Africa, even though reliable statistics are not available, the level of violence is depicted by the number of reported cases since the Domestic Violence Act has been implemented in 1999. Furthermore, the level of Femicide cases of women in the hands of their partners highlights the seriousness and cruelty of women abuse.

Ilitha Labantu, having decided to focus on public awareness, counseling, advocacy, lobbying, and research and support individual survivors of gender based violence.

These activities fit in with the vision and mission of Ilitha Labantu, which is to eliminate all kinds of gender violence, especially those that occur in the domestic domain where the ideology of privacy is strong. The predominant manner of dealing with domestic violence is to focus on the immediate victims. But Ilitha Labantu also stands to prevent the occurrence of these situations by relating to the community and providing education to the community as to what rights they have and ensuring that this is followed by the community as a whole to curtail violence before it begins.

## **Introduction**

The United Nations Platform for Action (PFA) aims to remove obstacles for women's active participation in all areas of public & private life, sharing power, decision making & responsibility with men at home, in the workplace and in the wider national and international communities. Equality is about social justice; a fundamental prerequisite for development and peace; and so women and men can work together for themselves, their children and for society to meet the challenges of the 21st century.

It is noted in the report that there has been some progress in the implementation of the Beijing Platform for Action since the last review in 2004, however the progress has been slow, uneven, and curtailed by the failure by government to swiftly and effectively implement policies, laws and the national reform process. Some of the major achievements noted include the enactment of the Sexual Offences Act in 2007 and the establishment of the Women's Ministry in 2009.

It is recognised within the BPFA that the multiple concerns of different groups of girls and young women have yet to be met. It was noted in the South African Statement to CSW 49th that there has been some responses made by governments to address the special needs of the girls and young women, especially in the areas of violence.

In 2004 Ilitha Labantu noted that number of women and girls in South Africa are "missing" victims of varied forms of violence. Acts of Violence such as domestic violence, including honour killings and abduction.

These seem to be forming a part of a society that is dire need of changes. As violence against women and children continue to be a problem in the country, schools as a microcosm of this society has unfortunately are no different.

The girl-child has continued to be unsafe in schools. In the work that Ilitha Labantu undertakes with the assistance of Siyasingisa schools visitation programme has found that girls experience various forms of violence such verbal abuse, sexualised touching , rape ,assault and sexual harassment ,largely from boys and also educators. There has been hostility towards girls, reporting has led to under-reporting and the victim having to quit school entirely.

The government has introduced a revised curriculum that is gender sensitive but it is not taught at schools as educators indicate lack of capacity to teach the curriculum. The Safer schools programme that introduced by government and private sector has since then been abandoned.

It was noted in the South African Statement to CSW 49th that there has been some responses made by governments to address the special needs of the girls and young women, especially in the areas of violence. During the Beijing + 10 review, there was great concern that violence against young women and girls was unashamedly rising in both the private and public spheres.

This was manifested in experiences being noted of the rising levels of verbal, physical and emotional abuse, sexual harassment and bullying (particularly because of their sexual orientation, religion or disability). Negative representations of young women and girls in the media were thought to perpetuate low self esteem and condone violence.

### **What the government is not doing**

- To allocate additional resources to organisations that promotes and protects women's rights and the rights of girl children.
- To promote legal literacy for women in ways that take into account the language issues in South Africa as well as the comparatively low levels of literacy, particularly amongst rural women
- Development of Human capacity to ensure effective and cross cutting implementation of Law and policy within the Justice System through provision of Magistrates and Judges to Civil courts and expansion

### **4. THE GIRL CHILD**

*"Girls are often treated as inferior and are socialised to put themselves last, thus undermining their self esteem. Discrimination and neglect in childhood can initiate a lifelong downward spiral of deprivation and exclusion from the social mainstream. Initiatives should be taken to prepare girls to participate actively, effectively and equally with boys at all levels of social, economic, political and cultural leadership"* (para260, p. 110, BPFA)

The BPFA does not recognise that girl children fall into distinct age and demographic groupings, each with its own set of needs. The distinct rights of the girl child are not specifically mentioned in the Convention of the Rights of the Child. However, it was also recognises in the Beijing + 10 NGO review that the BPFA does not recognise that girls and young women fall into distinct age groupings, each with their own set of needs.

Diversity in demographic characteristics has yet to be recognised, including differences in sexual orientation, race, marital status, indigenous identities, cultural and linguistic backgrounds, disability, refugee status, rural communities, and migrants.

Distinction has to also be made of internally displaced people and the impact of their socioeconomic status.

Additionally, progress has been widely acknowledged in the formulation of various policies and laws that seek to bridge the gender gap and end discrimination, particularly in the areas of employment and education. Moving beyond measurements of progress, tangible results are evident in the elimination of gender gap in primary school enrolment. The current reform agenda underway in the country is also widely acknowledged by women's civil society organisations as a positive step forward in addressing the broad spectrum of injustices and inequalities faced by women in South Africa, particularly in reference to access to land, justice, and participation in governance and democratic processes.

Ilitha Labantu believes that the Beijing Platform for Action (BPFA) is a strategic document for women and girls empowerment, human rights, peace, human security, and gender-inclusive development and as a key tool for advancing government's commitments to the Millennium Development Goals (MDGs)

We acknowledge the role played by government in advocating the principles and strategies to make societies free of poverty, violence, conflict, and discrimination against women, and to achieve these goals through pursuit of democratic principles of dialogue, consensus building, transparency, and respect for equity and plurality. Ilitha Labantu recognizes and celebrates the contributions of our government, especially on advancing women's rights, to support the empowerment of women and girls, and to facilitate their access to social, economic and political opportunities.

In 2005, the Beijing +10 review showed that although there have been gains under each of the critical areas of concern, there were still large gaps, particularly between policy and implementation and there was still low representation of women in decision-making processes, inequality in employment and economic opportunities, unequal access to education and health care, persistence of violence against women, and the feminization of poverty and HIV AIDS.

To this end, the Beijing+5 and the Beijing + 10 review processes have served as a platform to further analyze and promote the development of women's rights. The successes realized at the Special Session actively demonstrate the unity and singular purpose that women commit to issues affecting them.

It has been nearly over 15 years since the United Nations Fourth World Conference on Women (FWCW) was held in Beijing, China, in 1995. Every five years, the U.N. conducts a review (Beijing+5, Beijing+10) of the Platform for Women approved at the initial conference, they stand to a procedure of identifying gains and gaps in its implementation as well as promises kept and promises broken. In anticipation of Beijing+15, Ilitha Labantu will reflect on the issues of violence against women, women and the economy, including progress made since 1995 and the challenges ahead.

2005 CSW review of the Beijing Platform for Action (Beijing +10) Ilitha Labantu prepared a Civil Society Report in this way it has showed some case studies on mobilizing and re-energize women's movements at different levels, particularly grassroots organisations and it helped to identify new issues and challenges that women's face not covered adequate in the Platform. The report managed to show case best practices of governments and obstacles thwarting good intentions

## **What the government is doing**

### **Access to Justice**

The Mediation in Certain Divorce Matters Act of 1987 made provision for the appointment of family advocates and counsellors to guide parents through divorce procedures and to look after the interests of children. This service, that offered real help to many women, was under-utilised and under- resourced. Since 1995, there has been a significant increase in the number of family advocates and this has directly benefited women who are, and always have been, disadvantaged under the adversarial legal system that operates in South Africa.

The Department of Justice has established five Family Courts in the Judicial districts of the Country. Each Family Court consists of a Divorce Court, Maintenance Court, a Children's Court and a Family Violence Court. This type of 'one-stop' service will be of great benefit to women, The Maintenance Act allows courts to grant maintenance orders in the absence of defaulters, and to make deductions directly from the wages of defaulters. This has made it much easier for women to collect the maintenance money that is due to them.

The status of women married under customary law is now recognized in South Africa. This is of significance to the hundreds of thousands of women, particularly, rural women who were married according to customary tradition and whose marriages were not recognised within the legal system, thus visiting great financial hardship on them when the marriage broke up. The passing of the Recognition of Customary Marriages Act has ensured that the patrimonial property rights of women are granted and the women are afforded the necessary legal recourse in the event of a divorce. However, women's right activist continue to be divided on the issues polygamy/polygyny whose recognition by the Act undermines the principle of equality.

In some prisons, special mother and child units are being established for female prisoners. These facilities are especially designed to interfere in the least degree with the normal functions of motherhood, despite the mother's incarceration. They also allow for contact visits with the prisoner's older children.

The rights of disabled women now receive additional protection by virtue of the fact that an Office on the Status of Disabled People has been established in the South African Presidency.

### **What government should be doing?**

Action has been slowest in the area of development strategies, particularly macro-economic policy. South Africa has been said to be the first economy which has seen much formal growth with target intervention from Government through GEAR, which aimed at growing the "growing the pie" to ensure more people can share it than addressing the fundamental inequalities inherent in the economy.

Focus for government has been to look at target the so called Second economy through programmes such as ASGISSA , this Second economy has been largely in formal in nature and majority of women seek their livelihoods in the sector . However, it begs the question as to why the focus and to drive for fundamental shifts in the inequitable nature of the South African economy and also facilitate the inclusion of women in First economy.

Government should be looking at the fundamental shifts in the demographics of the socio-economic profile of the country.

### **3. HUMAN RIGHTS AND WOMEN**

The Beijing Conference reaffirmed that the full and equal enjoyment of all human rights and fundamental freedoms by women and girl children, is essential for the advancement of women. It stressed that governments must not only refrain from violating the human rights of women, but must work actively for the promotion and protection of their rights.

This idea of positive action in relation to human rights is echoed in the Preamble to the South African Constitution. The South Africa constitution through the Bill of Right has articulated the Rights to all South Africans; the right to equality is paramount and non -derogable.

This has been reinforced by judicial precedents as the judiciary contunes to make judgements that confirm the non-derogability of the right to equality.

### **THE REPORT**

This report will highlights key initiatives by Ilitha Labantu in attempt to gauge progress made post Beijing +10 focusing on the following critical areas of concern and under each; we will detail achievements and challenges. It will also verify whether the government has honoured its commitments around issues that Ilitha Labantu focuses on.

This report has monitored the implementation of the government commitment around issues of violence against women and human rights it will focus on five key areas which Ilitha Labantu is currently lobbying and advocating on.

#### **Themes:**

- Violence against women
- Women and Poverty
- Women and economy
- Women and Human Rights
- The Girl Child

## 1. VIOLENCE AGAINST WOMEN

***Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms***" (para 112, p. 48, BPFA)

### **Strategic objectives in the Beijing Platform for Action:**

- Take integrated measures to prevent and eliminate violence against women.
- Study the causes and consequences of violence against women and the effectiveness of preventive measures.
- Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking

Violence against Women (VAW) is a global problem affecting millions of women and girls of all cultures, religions, socio-economic strata, educational levels and other diversity. It is recognized as a human rights' issue that manifests itself in physical, psychological, sexual, social and cultural forms. Violence is the result of the complex interplay of individual, relational, social, cultural and environmental factors.

The root cause of violence in most societies is the unequal power relations between females and males, which makes violence a critical gender issue. VAW has serious consequences, which are far reaching and include the erosion of self-esteem, self-worth, physical, mental and psychological health, loss of productivity, costs of health care, unwanted pregnancies, HIV AIDS and other STDs, legal and judicial costs.

### **Violence against women includes but is not limited to:**

Criminal assault at home and other forms of domestic and family violence, including but not limited to marital rape and other intimate relationships rape and sexual abuse, child rape and sexual abuse, child abuse, marital murder and other intimate relations murder, rape, sexual assault and stalking;

Economic violence including but not limited to monetary deprivation and control, sexually transmitted debt, and coercion into social security or benefits fraud, embezzlement, theft and other monetary or property offences; Sexual and sexist harassment, bullying and harassment in paid work and unpaid work, voluntary work, education and services including but not limited to accommodation.

### **Under-recording and Undervaluing of Women's Work.**

*Women are active in a variety of economic areas, which they often combine, ranging from wage labor to subsistence farming and fishing to the informal sector. Women contribute to development not only through paid work but also through unpaid domestic and community work, such as caring for children and elderly, preparing food for the family, protecting the environment, volunteering assistance to disadvantaged groups and the like. Women's contribution to development is seriously underestimated, and thus its social recognition is limited.*

The economy-related strategic goals of the Beijing Platform for Action fall into four major categories: (1) Gender-sensitive development strategies and macro-economic policy; (2) Equal access to and control over economic resources; (3) Gender-based methodologies; (4) Education, training and other support services.

One area where we have seen significant gains is in the economic resources made available to women through targeted grant provision schemes. In many parts of the country, women now have increased access to savings and credit services, micro-credit schemes and livelihood programs. Government has made undertaken various empowerment initiatives to enhance the participation of women entrepreneurs such as the Broad based Black Economic Empowerment and Preferential Procurement policy. Since Beijing, more gender-disaggregated data on poverty (as well as all aspects of economic activity) have been collected. Benchmarks were developed to make it easier to assess economic performance from a gender perspective. However, these methodologies are not yet widely used.

As Ilitha labantu we have initiated a programme Building Bridges which uses Skills development to generate economic empowerment of survivors of violence through ensuring that the survivors receive marketable skills. This Programme allowed women to end dependency on their abusive partners. This programme includes a focus on providing rural women with equal opportunities for training in new technologies and in organizational and management skills (particularly financial management).

Women entrepreneurs are also networking more, in both traditional and non-traditional economic activities, and women are working together to help strengthen partnerships between small, medium and large enterprises.

The economic empowerment of women has been a major area of concern at the initial Beijing Conference. In its analysis of women and the economy, the Platform for Action identified the following key issues:

#### **Feminization of Poverty.**

The majority of the South African poor are women. While poverty affects men, women and households as a whole, women bear a disproportionate burden because domestic labor is divided along gender lines: household management, caring for children and elderly, and other aspects of family welfare. Women often have to manage consumption, work harder to make ends meet, and run the household--all with increasingly limited resources.

The South African government poverty reduction strategy has heavily relied on the social grants as a poverty alleviation tool this has however may have mitigated on the impact of poverty on families it has however not done sufficiently to look at creation of opportunities for women to generate their own income.

#### **Unequal Access to and Control over Economic Structures.**

Across societies, women lack economic opportunities, independence and access to resources such as credit, land ownership and inheritance. In most parts of our country, women have little or no representation in high-level economic decisions about financial, monetary, commercial and other economic policies as well as tax systems and rules governing pay.

#### **Differential Impact of Policy on Women.**

Too often, women's contributions and concerns are ignored, whether in the analysis of economic structures (such as financial markets, financial institutions and labor markets); in economics as an academic subject; in taxation and social security systems; or in families and households. As a result, many policies and programs continue to contribute to inequalities between women and men. Broad-level economic policies fail to consider how women and men are impacted differently.

Sexual harassment is understood to be "unwanted conduct of a sexual nature" that includes coercing someone sexually to get a job; keep a job; be promoted; enjoy better working conditions or pass examinations. It includes the concept of "hostile environment" harassment and can take verbal, physical and nonverbal forms. We believe that these broad and comprehensive definitions can, through dissemination and discussion, contribute significantly towards a better understanding of the nature of violence against women, and ultimately towards its eradication.

Ilitha Labantu has been playing a major role in advocating on ending violence against women and in children in the townships and in rural communities of South Africa. Ilitha Labantu played a key role on the implementation of the Domestic violence act. Since 1994, South Africa has been faced with many challenges, but none so widely experienced by society as much as violence against women, rape and poverty. While South Africa has a sound Constitution and stable government in place, the majority of Black women have not experienced a real improvement in their everyday lives. Levels of violence against women and children are extremely high, women are left impoverished and vulnerable on the dissolution of their relationships (losing access to assets acquired during the relationship), and many women do not have basic access to land or shelter.

The Domestic Violence Act, 116 of 1998 came into operation on 15 December 1999. The Act was passed with the aim of affording victims of domestic violence the fullest of protection within the criminal justice system with provision of specialized civil courts. In fulfilling this aim the Act introduced role and responsibilities of the relevant role players such as the police, magistrate and communities and also most importantly the Act introduced a broad definition of not only domestic violence but also of the domestic relationship.

However, the Domestic Violence Act has been lacking in that it did not provide protection for women who were not in a domestic relation in particular in instances of harassment and stalking, thus the Protection from Harassment Bill has been forwarded to Parliament for enactment. This will close the gap that the existing civil law framework, namely an interdict, and criminal law framework, namely the punishing of stalking conduct as a crime or the prohibition. Thereof by means of a binding over of a person to keep the peace in terms of section 384 of the Criminal Procedure Act, 1955, did not provide adequate recourse to victims of stalking who are not in a domestic relationship.

While violence against women remains permissive in South Africa, the lack of fundamental changes to patriarchal nature of South African society continues to undermine any efforts to address the issues surrounding violence against women. There continues to be an absence of resources to support programs or develop mechanisms to address all forms of violence against women including domestic violence, sexual violence, trafficking of women for forced prostitution or pornography, honour killings and violence based on culture, religion or other identity based constructs.

South Africa to date has put in place a comprehensive Program of Action with the Kopenong Declaration of 2006 but implementation remains vastly lacking as insufficient resources has been allocated . The policy framework has hindered by the lack of capacity and capacity building efforts for example on the part of SAPS with the current police force of an estimated 180 000 personnel only 8 913 members have been trained as part of the Domestic Violence learning Programme. This goes to show the dearth in the implementation of the Act.

There are clearly short comings in implementation of policy directives. For example, one of the key focus areas for the police is crimes against women and children and the Domestic Violence Act, No. 116 of 1998 provides clear direction to the police and Regulations, Station Orders and National Instructions are available. However, in the oversight work of the Parliamentary Portfolio Committee on Safety and Security it has become clear that these have not been implemented on the ground.

Some police stations do not even have Domestic Violence Registers, and many of those that do, do not complete them properly. It is vital that the SAPS identifies problems in implementation and sets in place formal monitoring mechanisms and strategies to address these problems. Hopefully, the performance tool and the provision of training at police stations will improve implementation at that level.

However, in Beijing + 10 it was noted that significant initiatives have been made at the national, regional and international levels condemning various forms of violence against women. National action plans and regional and international mechanisms on violence are in place in many regions Among the significant initiatives that have been developed are landmark legislations criminalizing domestic violence, trafficking in women, rape, sexual harassment as well as innovative approaches and strategies in prevention, prosecution and protection.

- A greater emphasis should be place on the practical training of police officers, border and immigration officials, social and health workers, and other relevant actors to recognize trafficking and effectively assist victims.
- Increased research should be conducted on the root causes of trafficking, particularly those factors that make women vulnerable to traffickers such as poverty, displacement and violence

## **2. WOMEN AND THE ECONOMY**

The Beijing Declaration expressed concern about the barriers to economic empowerment and entrepreneurship faced by women, and identified the economic disparities between men and women as one of the critical areas of concern. South Africa has high rates of unemployment. While women and men, and people of different races, have the same right to work, in practice the opportunities open to them differ and their rates of unemployment differ. Among all racial groups unemployment is higher for women than men. Unemployment rates are highest for African people and lowest for whites, and higher for women than men in any race group.

South African working women are concentrated in certain sectors of the economy, and in particular occupations, such as the community, social and personal services sector, (many of these women are domestic workers); wholesale or retail trade, catering and accommodation services; and manufacturing. Only 3% of all South African women are classified as managers or senior officials and 4 percent as professionals. A high proportion of the women professionals and are employed by the state as teachers and nurses.

While Apartheid institutionalised gender inequalities across all racial groups, African women were the most severely discriminated against. They were, and still are, predominantly located in rural areas, whereas white women are urban-based. Women and children dominate the population in the poverty-stricken rural areas and have neither industrial nor commercial jobs, nor land on which to support themselves. A key contributing factor to women's inability to overcome poverty is the lack of access to, and rights in, they have towards the land.

## **What government should be doing?**

The South African government having ratified the CEDAW and SADC Declaration on Violence against women has a legal obligation to ensure that it allocates the necessary resources to the realisation of goals of these instruments. While we have put in place all the necessary policies, the need to build the capacity and effectiveness of service providers through capacity building for Criminal Justice system, allocation of funds to civil society and comprehensive implementation of the Kopenong Declaration continue to haunt the country

## **Elements to be considered**

- Take integrated measures to prevent and eliminate violence against Women
- To create or strengthen institutional mechanisms so that women and girls can report acts of violence against them in a safe and confidential environment to formulate and implement plans of action to eliminate violence against women
- To provide well-funded shelters, relief support and medical, psychological and other counselling services and free or low-cost legal aid; and to organize and fund information campaigns and educational and training programmes to sensitize girls and boys and women and men to the personal and social detrimental effects of violence
- Strategies designed to enforce existing laws, protect women and girls from violence, or assist the victims of violence are still lacking,
- Governments should accelerate the development of comprehensive legislative frameworks to criminalize all forms of violence against women and ensure that violence against women is prosecuted and punished Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking
- Increased attention should be given to research and training on the treatment of trafficked women - who should be regarded as victims of a crime, and empowered in their rights, including the right to adequate and appropriate medical care and psychosocial support services, the right to protection under the law, and the right to participate or not in court proceedings, without fear of losing protection and support.
- Investigation and prosecution of trafficking should be prioritized in national and international law enforcement, with a focus on the development and dissemination of concrete methods based on existing experiences.

It is also noted that trafficking in women and children received considerable attention and support from governments, international organisations and NGOs. Many governments passed specific laws on trafficking except South Africa. This continues to be criminalised in a piecemeal of legislative provisions with the only comprehensive law being the provisions of the Children's Act. Though the Upcoming World Soccer Cup has thrust the issue on the public agenda, there has been lack of political will in ensuring that the proposed Trafficking legislation is place before the Legislature for enactment.

An important development was the significant increase in the awareness of human rights instruments as benchmarks for government accountability in fulfilling their obligations to protect women's human rights. Standards and norms such as those in CEDAW and its Optional Protocol, and other human rights instruments including the Rome statute, have been ratified by our government and effectively utilized by women in pushing for legislative reform and other measures.

South Africa in 2009 under the leadership of the Late Minister Manto Tshabala-Msimanga finally submitted the country's report to CEDAW. The report has been a critical analysis of the domestication of the CEDAW and its protocol in the country and has highlighted the areas of work that has to be done. Emerging issues were the sites of privatised employment settings and the globalised markets for the movement of persons in the service sector. This increased levels of migration into South Africa. This has brought another issue facing undocumented women and girls into the fore, as South Africa grapples with issues of immigration and accompanying xenophobia. The need for a comprehensive overhaul of immigration policy and capacity to put the policy into practice has to be instituted.

South Africa continues to deal with putting in place a proper method of handling foreign nationals, but this has been even more difficult due to the growing discontent amongst South Africans, which resulted in the violent xenophobic attacks on foreign nationals in 2008. These attacks exposed women and children to violence and secondary victimisation as they sought refuge in police stations and displacement camps, where instances of rape and sexual assault were reported.

Violence targeting lesbians, in particular corrective rape, has not been properly address by the Criminal justice system, with lack of due diligence in the investigations and prosecution of perpetrators.

The perpetrators are able to walk free without the victims achieving their right to justice. While advocacy groups and women's organizations, have been able to highlight this scourge, but lack of reciprocating action by government and political parties in addressing the problem has ensures that many victims are denied justice.

### **Achievements**

The passing of the 1998 Domestic Violence Act extends the range of relationships that are protected, and places obligations on law enforcement agents to actively assist women to assert their rights under the Act.

The enactment of the Sexual Offences Act in December 2007 was welcomed by all stakeholders and was drawn from various discussions and consultations across the spectrum of the South African society.

The act expanded the definition of rape and sexual assault. It also made provision for services to victims of violence to minimise and eliminate secondary traumatisation. This in turn has led to the adoption of the national policy framework on sexual offences and to bring uniformity to deal all related matters in a co-ordinated and sensitive manner.

The One-Stop Victim Empowerment Centres commonly known as Thuthuzela crisis centres have been set up in all Metropole areas in the country with particular focus on crime zones, it is used in this areas as part of the National Crime Prevention Strategy. These centres include the services of law enforcement and health professionals and provide immediate assistance to victims.

A Victim Empowerment Programme has been initiated to reduce the effects of crime on people's lives, and a Victim's Charter has been promulgated to protect the rights of victims of crime.

The Department of Health also intensified and further rolled out specialised training for forensic nurses and doctors. The aim of the training is to enable health professionals to collect and record evidence, provide medical and some psychological support for victims of rape and other sexual offences, to understand how their evidence fits into the criminal justice system. This will greatly improve the conviction rate of sexual offenders.

Primary health care workers are being trained to identify, counsel and treat victims of domestic violence and rape.

Legislation on minimum sentencing for serious crimes including rape has been enacted. Twenty-five specialist Sexual Offences Court's were set up during 2008 and all personnel who work in the courts will receive specialised training.

South Africa is a signatory to the SADC Declaration on the Prevention and Eradication of Violence against Women and Children.

A conference on witchcraft violence was held in 1998 to examine the seriousness of the problem and to attempt to find solutions.

### **Challenges facing South Africa**

- Lack of funding and support from provincial and local government
- Lack of Shelters and support for survivors of violence
- Further training for law enforcement, justice and health workers is essential if the policies and laws are to be implemented effectively.
- More media coverage around domestic violence in order to "break the silence and stop the violence".
- More state funding for services such as shelters for women seeking safety.
- More resources and support services for women in poorly-resourced areas, particularly rural areas.
- More public education on violence against women, including information on women's human and legal rights and how to access support.
- School curriculum's to include gender violence prevention programmes, and there should be an intensification of the life-skills programmes in the primary and secondary schools.
- Parents and caregivers to have access to information on gender violence and to raise their children to view violence against women as unacceptable.
- For religious and faith-based organisations to condemn violence against women and to participate in preventing and dealing with the problem.