

Press release

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

Women's rights organisation Women's Legal Centre (WLC) responds to President Jacob Zuma's state of the nation address and the current SONA debates.

The Presidents proposed radical social economic transformation will exclude millions of vulnerable women due lack of access.

The WLC acknowledges President Jacob Zuma's state of the national address on Thursday 09 February, and its focus on transforming the economy so that all South Africans will benefit, in particular the poor, and as noted by the President the majority being black women.

South Africa is lauded for having some of the most progressive laws and policies intended to advance women's rights and gender equality. But women are disproportionately represented. Some of the most pervasive challenges facing women in South Africa can be summarised as follows:

- Black women continue to be the face of poverty and the people who shoulder the social burden emanating from high levels of poverty and inequality in the country
- The sustained oppression and marginalization of rural women, worsened by a context of resurging retribalization of South Africa, women living under a dual legal system wherein customary practices often take precedence
- Women are an exploited labour force: marginalized from the formal economy, paid less than males for same work and performing minimally paid or wholly unpaid social reproductive labour
- Gender-based violence is endemic in domestic environments, society at large and even in schools. This is fuelled by among other things, pervasive sexism, patriarchal norms, attitudes and beliefs and a culture of impunity
- Inadequate access to essential services such as health care, education, water, and electricity means that women spend large amounts of their time filling the gap.
- Women constitute the highest number of those living with or shouldering the burden of HIV and AIDS

According to Seehaam Samaai, director of the WLC; "what concerns us is the contents of the President's speech which lacked any commitment or prioritisation in addressing issues that are faced by women. More specifically in regards to employment, land reform, fair access to resources in a relationship, and protection from gender based violence."

The result is that millions of vulnerable women in South Africa who, due to the lack of access in these areas, will not share in the advantages of the proposed radical social economic transformation.

Employment

Although the President stated that his Government would champion the role of women in Government and in accessing economic opportunities and, in particular, to business financing and credit. He however failed to acknowledge the critical barriers that these women face on a daily basis.

There was no mention of the disproportionate impact of unemployment on women, or details of any measures to improve women's position in the labour market, or any additional approach to create jobs beyond infrastructure development plans.

The Global Gender Gap also shows that women earn less than men with women in South Africa earning 38% less than men.

Considering this, one cannot discern any significant commitment from the SONA 2017 which may contribute toward the reduction of female unemployment in the year ahead. The government's focus on the development of infrastructure is expected to generate jobs in sectors dominated by men and which will therefore have little benefit to women.

Land Reform

Although the President boldly acknowledged the role women play in the agricultural sector, and we applaud 2016 Female Farmer of the Year, Ms Vanecia Janse from Koukamma municipality in the Eastern Cape.

There was no data to indicate how many women benefited from the land reform programmes and what targets are being set for women - just broad statements.

Beneficiaries to the various land reform programmes have suffered many failures and the skewed land patterns have not been addressed. This was primarily due to inadequate post settlement support and projects which do not consider their livelihood interests or existing tenure interest.

Women have been disproportionately impacted by these failed processes which impacted significantly on their property rights and tenure security. In South Africa women, have historically managed and shouldered the responsibilities of domestic labour, family care, and food security – which are inherently gendered roles in our society and it has become critical that women are able to secure land and property.

Fair access to resources in a relationship

The reference to realising socio-economic rights and acknowledging the vulnerability of black women especially must go further to approach the legislation around the consequences of intimate permanent relationships from a perspective which considers the lived reality of women in a South African context. Due consideration must be given to the fact that women within relationships generally do not have the same power as their male counterparts and are consequently vulnerable because of the patriarchal stereotyping and history of apartheid which marginalizes women socially and economically from having an independent right to land and property.

There has also been an absence of any comprehensive policy that results in adequate state shelters for women who seek to escape situations of domestic violence points to a housing programme that is not sufficiently equipped to deal with one of the most pressing crises experienced by women.

It is estimated that three women are killed every day by their partners in South Africa. However, many women are forced to stay in abusive relationships to retain their housing or secure their tenure interests in land

Gender Based Violence

We are particularly disappointed that the President did not mention the roll out of the Sexual Offences Courts (SOC's). The legislation providing the legal framework for these courts has still not come into operation, there is little clarity on the strategy informing their roll out, and there are concerns that the

current SOC's are not complying with the court model accepted by the previous Minister of Justice, Mr Jeff Radebe based on the recommendations of the Ministerial Advisory Task Team on the Adjudication of Sexual Offences in 2013. The model requires the allocation of appropriate infrastructure, trained personnel and support services for sexual offences victims. On the ground, there are indications that the quality of services in these courts is being compromised to achieve targets of numbers of courts rolled out.

In 2017 women affected by sexual violence remain alarmingly high and the urgency for these courts cannot be understated. According to Africa Check in 2015/16, 51,895 sexual offences were recorded – an average of 142.2 per day.

As a women's rights organisation it saddens us that the concept of specialised sexual offences courts was first introduced in 1993 and South Africa is considered a global pioneer in the establishment of victim-centred courts, the current lack of priority in implementation undermines this achievement.

We believe these issues represent an absence of political will in government, the judiciary and in the SAPS in relation to the prioritisation of victims, especially in terms of crimes against women and children.

Samaai states that the WLC believes that the government's priority areas, women will continue to carry disproportionately heavy burdens – whether due to historical legacies of gender injustice, current gender inequities or generalised failures in government services. Notably, however, solutions proposed in SONA 2017 disproportionately benefit men.

"Government needs to make it a priority to properly understand the scale of the social economic realities of marginalised women in South Africa. It is impossible for government programmes to target the multiple challenges women face if no gender-specific data is available to inform those initiatives," concludes Samaai.

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About the Women's Legal Centre

The WLC is a non-profit, independently funded law centre, started by a group of lawyers in Cape Town in 1999, with a vision to achieve equality for women in South Africa. The centre has identified five strategic focus areas. These are: violence against women; fair access to resources in relationships; access to land/housing; access to fair labour practices; and access to health care (particularly reproductive health care).

The WLC has been at the forefront of legal reform in relation to women's equality in South Africa since the Constitution came into effect, having won several precedent setting cases in the past.

To empower women through knowledge of their rights, the Centre also offers free legal advice to women. Women are assisted or referred to the relevant body, NGO or court for assistance.

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