



women

Department:
Women
REPUBLIC OF SOUTH AFRICA

**COUNTRY REPORT ON
SOCIAL PROTECTION SYSTEMS,
ACCESS TO PUBLIC SERVICES AND
SUSTAINABLE INFRASTRUCTURE
FOR GENDER EQUALITY AND THE
EMPOWERMENT OF WOMEN AND GIRLS**

**In preparation for South Africa's participation in
THE 63RD SESSION OF THE UNITED NATIONS
COMMISSION ON THE STATUS OF WOMEN, 2019**



Minister Lulu Xingwana, Minister Bathabile Dlamini, Deputy Minister Soty, Adv Thoko Majokweni and Ambassador Mamabolo, among delegates from other UN Member States at the 57th Session of the UN CSW, 2013 at the UN Headquarters, New York

1. INTRODUCTION

This is a country report developed in preparation for South Africa's participation at the sixty third session of the United Nations Commission on the Status of Women (CSW63), which is scheduled to take place at the UN Headquarters in New York from 11 to 22 March 2019. Representatives of UN Member States, UN Entities and NGOs accredited by the UN from all regions of the globe are expected to participate in the CSW, which is the main global policy making body on gender equality and women's empowerment.

The report seeks to provide a background to the thematic area under focus and provide an overview of progress by South Africa as well as prospects and challenges on issues of social protection systems, access to public services and sustainable infrastructure for gender equality and the empowerment of women and girls. The document will serve as a basis for the position which the country will adopt at CSW63.

2. BACKGROUND

In accordance with its multi-year programme of work (2017-2019), the 63rd session of the Commission on the Status of Women (CSW) in 2019 will consider **“Social protection systems, access to public services and sustainable infrastructure for gender equality and the empowerment of women and girls”** as its priority theme.

Social Protection refers to policies and programmes designed to reduce and prevent poverty, vulnerability and social exclusion. Social protection systems usually comprise a number of schemes that provide comprehensive protection across the life course, including child and family benefits, maternity protection, unemployment support, employment injury benefits, sickness benefits, old-age benefits, disability benefits, and survivor's benefits as well as access to medical care” (UN Women, 2019). The International Labour Organisation (ILO) 2012 (No.202) recommends social protection floors which emphasise a human rights based approach to social security by providing universal protection, social inclusion and life in dignity; an integrated design of social protection through basic guarantees, flexible structures and coherence of policies and the right to social security as an economic necessity to reduce poverty, more sustainable economy and with growth equity (ILO, 2016). Consequently, globally, governments have made commitments to reach the Sustainable Development Goals (SDG). It is against this background that social protection is embedded in SDG Goal 1: “End poverty in all its forms everywhere”; Goal 5 in relation to recognising unpaid care work; Goal 8 on achieving decent work (UNWOMEN, 2017) and Goal 10 to Reduce inequality within and among countries.

More specifically, target 1.3 requires the implementation of nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable, whilst target 3.8 on achieving universal health coverage (UHC), including financial risk protection, access to quality essential health care services, and access to safe, effective, quality, and affordable essential medicines and vaccines for all is essential to access public services. The SDG target 5.4 calls for the recognition and valuing of unpaid care and domestic work through the provision of public

services, infrastructure and social protection policies, and the promotion of shared responsibility within the household and the family as nationally appropriate. By 2030, SDG target 8.5 aims to achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value. Lastly, SDG target 10.4 calls for the adoption of policies, especially fiscal, wage and social protection policies, and progressively achieve greater equality.

The International Labour Organisation Convention 1952 (No. 102) sets out minimum standards on social security. However South Africa has not ratified this convention. Notwithstanding, South Africa has progressive policies on social protection. Prior to 1994, social protection in South Africa was a privilege of the white minority through pensions, provident funds; disability cover and medical aid cover (Di Lollo, 2012). The year 1994, the dawn of democratic South Africa, marked an important period for the provision and expansion of social security to South Africans. Recognising social security as a constitutional right, in South Africa social security draws on section 27 of the constitution and the country formulated and implements a legislatively derived comprehensive social security/protection system; comprising contributory forms of social insurance and needs-based social assistance, the latter in the form of grants. Consequently social protection is aimed at addressing the triple challenges of poverty, unemployment and inequality. It is also aimed at addressing the history of racial discrimination, denial of opportunities for human, social and economic development. Thus the country paper will largely focus on the programmes that are pro poor. This however does not negate the fact that all citizens must be covered by social protection.

The National Development Plan (NDP) sets out an inclusive social protection system that addresses all areas of vulnerability, that is responsive to the needs, realities, conditions and livelihoods of those that are most at risk. The NDP relates to South Africa's economic growth and the ability of the growth initiative to broaden socio-economic transformation in the country by 2030 through the following interventions:

- Provide support that builds and utilises the capabilities of individuals, households, communities and NGO's to promote self-reliant sustainable development.
- Encourage a culture of individual saving for risks associated with loss of income due to unemployment, old age, and illness by providing appropriate frameworks and incentives.
- Enhance services and programmes for labour market activation for the unemployed and create opportunities in public employment.

The Commission on the Status of Women (CSW) 2019 calls upon countries to work towards universal and gender-responsive social protection systems, including the ILO recommended Social Protection Floors, that ensure the income security of women across their life course; **(E/CN.6/2019/3, para 43, (j))**. In order to achieve women's empowerment a synergy has to be established between social protection, public services and infrastructure as these are integral to achieving the Beijing Declaration and Platform of Action, the 2030 Agenda on sustainable development, the Addis Ababa Agenda for financing development and the Paris Agreement (UNWomen, 2019). This country paper provides the status on social protection, access to public services and infrastructure with a gender dimension. It begins with a section on the policy and legal environment that governs social protection. The second takes stock of the extent to which social protection systems, public services and sustainable infrastructure investments contribute to the achievement of

gender equality and sustainable development.. The paper then considers the opportunities and challenges in these thematic areas and ends with a section on conclusions and recommendation.

It is globally recognized that social protection systems, public services and sustainable infrastructure are human rights critical for the achievement and enjoyment of other human rights. It is also recognized globally that realization of socio-economic rights of people are dependent on the availability , accessibility, affordability and quality of related services and on the adequacy of social protection benefits, such as pensions, family allowances or unemployment benefits.

3. POLICY AND LEGISLATIVE FRAMEWORKS

3.1 Global policy frameworks governing the implementation of social protection systems, public services and sustainable infrastructure

The right to social security is enshrined in several global human rights frameworks, including:

- The Universal Declaration of Human Rights adopted by the UN General Assembly in 1948;
- The International Covenant on Economic, Social and Cultural Rights adopted by the UN General Assembly in 1966, which obliges States Parties to respect, protect and fulfill with discrimination on the basis of sex, a set of rights, including
 - The right to social security (article 9)
 - The right to an adequate standard of living, including adequate food, clothing and housing (article 11)
 - The right to the highest attainable standard physical and mental health (article 12)
 - The right to education (article 13)
- The UN General Assembly Resolution on the Human Rights to Water and Sanitation (A/Res/64/292) adopted in 2010 which recognizes that safe and clean drinking water and sanitation is a human right necessary for the full enjoyment of life and all other human rights;
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) adopted in 1979 which enshrines the right to social security for women and girls specifically. CEDAW requires States Parties to eliminate discrimination against women to ensure their equal enjoyment of the right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave (article 11);
- The Convention on the Rights of the Child (UNCRC) adopted in 1989
- The Convention on the Rights of All Migrant Workers and Their Families adopted in 1990
- The Convention on the Rights of Persons with Disabilities adopted in 2006
- The Beijing Declaration and Platform for Action adopted in 1995 also recognizes the importance of social protection, public services and infrastructure for poverty eradication and progress for women and girls generally. Under the Critical Area A on Women and Poverty, member states are committed to creating social security systems wherever they do not exist, or review them with a view to placing individual women and men on equal footing, at every stage of their lives. Under Critical Area F on Women and the Economy and Critical Area K on Women and the Environment member states are called upon to provide public infrastructure to ensure equal market access for women and men entrepreneurs and to support the development of women's equal access to

housing infrastructure, safe water, and sustainable and affordable energy technologies, such as wind, solar, biomass and other renewable sources.

- In the UN CSW 53rd Session in 2009, the Agreed Conclusions adopted recognized the clear link between unpaid care work and social protection systems, public services and sustainable infrastructure. It furthermore called for the development of adequate social protection schemes; investments in quality, accessible and affordable public services; and enhanced access to infrastructure to reduce the burden of care on women.
- In the UN CSW 61st Session in 2017, the Agreed Conclusions reiterated the need to recognize, reduce and redistribute the unequal share of unpaid care and domestic work on women, among others, through the provision of infrastructure, technology and public services such as water, sanitation, renewable energy, transport, information and communications technology, as well as accessible, affordable and quality child care and care facilities. Furthermore the link to women's productive activities and advancement in paid employment was also established, stressing the need for gender responsive rural development strategies and urban planning and infrastructure. Including sustainable, safe, accessible and affordable public transportation systems, street lighting, and separate and adequate sanitation facilities to facilitate women's access to places, products, services and economic opportunities;
- In the UN CSW 62nd Session in 2018 the Commission reiterated the need for investments in gender responsive social protection, public services, infrastructure and technology with a particular focus on rural women and girls;
- The 2030 Agenda for Sustainable Development affirms the critical importance of gender equality and the empowerment of women and girls as a goal in its own right and a key factor towards the attainment of the 17 SDGs. Furthermore, social protection, public services and sustainable infrastructure are critical for achieving gender equality and women's empowerment and the attainment of all 17 SDGs.

3.2 National Legislative and Policy Frameworks

The pre-1994 segregationist and apartheid era in South Africa (pre-1994) was characterized by the systematic oppression of black women who were forced to live under a wide range of repressive laws that denied them freedom in a political, social and economic context. The ushering in of democracy in 1994 marked a new era for women, in particular black women in South Africa. The new post-apartheid government committed itself to the empowerment of women and gender equality. Former president Nelson Mandela stated in his inaugural address in 1994 that genuine liberation in the country would not be achieved "unless we see in visible and practical terms that the condition of women in our country has radically changed for the better and that they have been empowered to intervene in all spheres of life as equals with any member of our society".

South Africa adopted the Beijing Declaration and Beijing Platform of Action (BPA) in 1995. In the same year South Africa ratified without any reservations, the United Nations Convention on the Elimination of Discrimination against Women (CEDAW).

On 8 May 1996, South Africa adopted the South African Constitution as the supreme law of the country. The Bill of Rights (Chapter 2 of the Constitution of RSA, 1996) proclaims the equality of all and prohibits

discrimination, including discrimination based on race, gender, sex, pregnancy and marital status. The Constitution of the Republic of South Africa, Act 108 of 1996 promotes non-sexism, non-discrimination, equality and human dignity to all citizens of the country. The right to equality is provided for in s9 (1) of the Constitution and states “that everyone is equal before the law and has the right to equal protection and benefit of the law”. In s9 (3), the Constitution provides that the “state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth”.

Chapter 2 of The Bill of Rights, the cornerstone of democracy in South Africa, enshrines the rights of all people in the country and affirms the democratic values of human dignity, equality and freedom. The State must respect, protect, promote and fulfill the rights in the bill of Rights. The State is responsible to ensure a peaceful, harmonious and prosperous society characterized by a culture of human rights.

The right to equality, the right to human dignity, the right to life, the right to freedom and security of the person and in particular Section 12 (c) refers to the right to be free from all forms of violence from either public or private sources. The right to be free from slavery, servitude and forced labour, the right to privacy, the right to freedom of religion, belief and opinion, the right to freedom of expression, the right to freedom of association, the right to freedom of movement, the right to property, the right to have access to adequate housing, the right to access adequate health care, food water and social security, the rights of children, the right to education, the to practice culture, religion and use of language and join linguistic associations, the right to access to information and the right to just administrative action, the right of access to court and the right of arrested, detained and accused persons, and the right of enforcement of rights are instruments and processes, if upheld, would sustain and improve the quality of life for women and the girl child.

In 2000 Cabinet adopted The South African National Policy Framework for Women’s Empowerment and Gender Equality. The implementation of this policy paved the way towards mainstreaming gender equity goals into current and future government policies and priorities.

South Africa signed and ratified several key treaties and instruments advancing women’s rights, empowerment and the achievement of gender equality at the United Nations (UN) level; African Union (AU) and Southern African Development Community (SADC) levels. The country has also ratified a total of 27 out of 189 UN International Labour Organisation (ILO) Conventions. Of these 27 conventions ratified by South Africa, 24 are in force¹. The main ones include:

- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1972. Adopted in 1995
- Universal Declaration of Human Rights, 1948
- Vienna Declaration for the Promotion and Protection of Human Rights, 1993
- The Beijing Declaration and Platform for Action, 1995.

¹ Ibid

- The UN Millennium Development Goals, 2000
- The UN Sustainable Development Goals, 2015
- The Optional Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, 2004
- The AU Solemn Declaration on Gender Equality in Africa, 2004
- The SADC Protocol on Gender and Development, 2008
- ILO Conventions C 100, C111, C182, C004, C041, C045, C189

The Promotion of Equality and the Prevention of Unfair Discrimination Act, No 4 of 2000 (PEPUDA) also acknowledges the international legal obligations of the State as a signatory to such instruments promoting equality and prevention of unfair discrimination. In this regard, the mandate is therefore covering matters related to the obligations stemming from the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the AU Optional Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, as well as the SADC Protocol on Gender and Development, among others, as legally binding instruments.

In the first few years following the nascent of democracy, certain key areas of the law required immediate attention in respect of promoting and upholding the principles of the new Constitution of the country. These in the main included issues related to women's employment and labour rights; women and girls' access to basic education; women's access to justice and protection against domestic violence and sexual crimes; maintenance of children and spouses; age of majority for women; women's citizenship rights; women's health rights, including the issue of abortion and sexual and health rights, among others.

This culminated in the enactment of pieces of critical legislation that have huge impact on particularly women's lives such as the Employment Equity Act; the Choice of Termination of Pregnancy Act; the Labour Relations Act; The Basic Conditions of Employment Act; the Domestic Violence Act; the Sexual Offences and Related Matters Act; the Maintenance Act; the Commission for Gender Equality Act; the Promotion of Equality and Prevention of Unfair Discrimination Act, among the many laws repealed and / or amended to impact positively on the lives of the general populace of the country, especially Black South Africans.

3.3 Legislation related to Employment

Discrimination and sexism in the workplace

One of the greatest challenges women have faced, and continue to experience, is that of discrimination and sexism in the area of employment and the labour force. These gender challenges are exacerbated by issues of race and class. Working class Black African women remain the most discriminated against in terms of employment, occupational levels and unfair labour practices to date. This is compounded by unequal pay disparities. In the early years following the advent of democracy, the intention was to unravel and dispel the stereotypical image of a worker as male, unhindered by family responsibilities and child care,

unencumbered by household chores, one who enjoys leisure time, and one who is the bread winner and ultimately the decision-maker. Many pieces of legislation have been enacted over the past 25 years, and in instances of continuing discrimination, further amendments have been made. This is in recognition of equality under section 9 of the Constitution, Article 11 of CEDAW and the ILO Conventions, including the Convention of 1958 on Discrimination (Employment and Occupation) (C111); and the Convention of 1951 on Equal Remuneration (C100), among others.

Unfortunately, these forward-looking laws have not translated into practical reality for many women and poor and inadequate implementation has resulted in women's unemployment, especially that of young women, being the highest in the country. Young women are the most discouraged work seekers². They also continue to dominate the lower levels of the job market and have low representation in the top echelons of management and decision-making levels, especially in the corporate world.

Basic Conditions of Employment

The Labour Relations Act, No 66 of 1995 prohibits both direct and indirect unfair discrimination, and added the ground of family responsibility as a ground of discrimination. The issue of affirmative action adopted as a special measure to advance and promote women's rights, empowerment and advancement in the workforce continues to prevail, and is not regarded as unfair discrimination. This principle is corroborated as well by the Basic Conditions of Employment Act, No 75 of 1997 and the Employment Equity Act, No 55 of 1998 and as amended in 2017. The Promotion of Equality and Prevention of Unfair Discrimination Act, No 4 of 2000 further reinforced these principles adopted legally.

Some of the basic rights gained over the past 25 years are that of maternity and paternity benefits (leave and pay); job security while on leave and family leave; right to freedom of association and participation in trade unions; no dismissal on the grounds of pregnancy; disability or HIV/AIDS; and access to unemployment insurance, among others.

Domestic Workers

Nineteen years into democracy and one of the areas where discrimination and inequality persisted was that in the domestic work sector, where 90%³ of the workers were Black, African females. These women were generally abused, violated, paid inadequately, treated badly and had no protection of their rights as workers. A most significant stride made is that of the protection of the domestic worker through the Sectoral Determination No 7: Domestic Worker Sector⁴ (under s51 (1) of the Basic Conditions of Employment Act, No 75 of 1997), adopted on 15 August 2002. This guarantees domestic workers certain basic conditions of work, a minimum wage, and their access to UIF and sought to regulate this sector.

Given the rampant unemployment in the country the reality in 2019 is that more than a million black women are employed in the domestic sector. Although Government has made great progress in improving the working conditions, in theory at least, of domestic workers through legal means, the main challenge

² According to data released in QLFS by Stats SA

³ According to the report produced by the ILO

⁴ Department of Labour: www.gov.za

remains that of the domestic workers work-space being private work-spaces (employer's home). Thus, Government has very limited access to enforce implementation of domestic workers' protections and rights and this remains in large part the arduous task of the trade unions to which domestic workers belong.

Sexual Harassment in the Workplace

Although sexual harassment in the workplace has been designated an unfair labour practice in the Labour Relations Act, No 66 of 1995, and also regulated through a Code of Good Practice on Sexual Harassment (1998) and the Code of Good Practice on the Handling of Sexual Harassment Cases (2005), this is an on-going scourge in the workforce to date. The Employment Equity Act, No 55 of 1998 includes harassment as a form of unfair discrimination.

Until 19 December 2018, employers had to apply 2 Codes of Good Practice on Sexual Harassment in the workplace⁵. The first Code was issued in 1998 and amended on 4 August 2005. The amended Code introduced a new definition for what constitutes sexual harassment and provides guidance on determining whether the act of sexual harassment has occurred; as well as steps for employers to implement a sexual harassment policy. On 19 December 2018, the Minister of Labour formerly repealed and replaced the 1998 Code with the Amended Code of 2005 which now provides clarity and certainty to the process.

Wage Gap

Wage discrimination over the past 25 years remains the biggest bane to the working woman. This form of inequality has been overt and practised indiscriminately and with impunity, because the workforce is skewed towards men and lies fundamentally in the hands of men, mainly white males. Wage discrimination continues despite prohibition under the Labour Relations Act, No 66 of 1995 and the Wage Act, No 5 of 1957. However, both acts had little impact over the past two decades as they related only to minimum wages.

The ILO Equal Remuneration Convention 1951 (C 100), which South Africa ratified in 2000, obliges the state to give effect to the principle of equal pay for women and men workers for work of equal value. The Minister of Labour issued a Code of Good Practice on Equal Pay / Remuneration for Work of Equal Value on 1st June 2015, issued in line with s54 (1) of the Employment Act, No 55 of 1998, as amended. The Code promotes the elimination of unfair discrimination in respect of pay / remuneration by applying the principle of equal pay / remuneration for work of equal value. It was only in 2017 with the adoption of the amendments to the Employment Equity Act that there is legal redress for equal pay for work of equal value. In practice nothing has really changed in this regard for women. This inequality persists to date.

Parental Leave

Labour legislation in the country has also paid heed to family responsibility, both as a criterion on which discrimination is prohibited as well as a factor to be considered in terms of regulations related to working times of employees. The Basic Conditions of Employment Act, No 75 of 1997 provides for three days paid family responsibility leave per annum, where the employee has worked for longer than four months and

⁵ As extracted from <http://www.polity.org.za> on 21/01/2019 @ 14:39

works at least four days per week. This leave is intended for time off to care for a sick child and on the death of a spouse / life partner, parent, grandparent, child, grandchild or sibling⁶.

Pregnancy and Reproductive Health

No person may be discriminated against or dismissed on account to pregnancy (s9(3) and (4) of the Constitution). Pregnant employees are strongly protected under South African Law since 1994. There are no fewer than 6 pieces of legislation protecting pregnancy and post-pregnancy employees.

On the issue of reproductive health, the Basic Conditions of Employment Act, No 75 of 1997 prescribes particular safeguards in cases of pregnancy. It ensures that pregnant women, and nursing mothers, are protected against performing work that is hazardous to her health or that of her child. The Code of Good Practice on the Protection of Employees during Pregnancy and after the Birth of a Child refers to s26 (1) of the Basic Conditions of Employment Act, No 75 of 1997, which in turn protects breast-feeding mothers upon their return to work. This is further entrenched in the Labour Relations Act, No 66 of 1995 and the Employment Equity Act, No 55 of 1998. In the matter of reproductive health and safety at the workplace, the Occupational Health and Safety Act, No 85 of 1993 also comes into play.

Farm/ Casual / Temporary / Seasonal Workers

In the early years following the advent of democracy, there was little to no protection for domestic and farm workers. This category of people, where poor, black and African women were mainly confined, suffered tremendous discrimination, inequality and abuse at the hands of their employers, particularly white employers. Employment of female farm workers, often tied directly to their husband's employment with the farmer, over the past few years, enjoy a degree of extended protection offered by the Labour Relations Act, No 66 of 1995 and the Basic Conditions of Employment Act, No 75 of 1997, as well as the Sectoral Determination 7: Domestic Workers and the Sectoral Determination 8: Farm Workers

Part-time workers tend in the main to be women, and previously did not qualify for rights and benefits because of this status. However, over the past 25 years, this issue has been addressed through the Basic Conditions of Employment Act, No 75 of 1997.

3.4 Economic Issues

According to CEDAW, State Parties must ensure that there is social and economic equality between women and men, and women must have the same rights as men to family benefits, banking systems, credit and loans, and mortgages. Unfortunately, economic policies (macroeconomic) have largely tended to be gender blind over the past 25 years.

Attempts to redress this challenge have been instituted through various measures, including the Women's Budget Initiative from 1996. This resulted in the 1997/98 Budget Review of the country being more gender sensitive than in other years and provided programmes and policies that targeted women. Unfortunately, this initiative was not sustained, and in 2018, the country is still attempting to embark upon a gender responsive planning and budgeting process to ensure that the National Budget Mandate Paper is

⁶ Section 27 of the BCEA

engendered and therefore responsive to the needs of women and girls. This process requires that there is gender-disaggregated statistics and data, targets and indicators of gender equality.

Unpaid labour inclusion into the GDP

Women's unpaid labour within the household can be regarded as an indirect tax on women in the main, given that it is chiefly women who perform household and care work, including in the fetching of water and fire wood/fuel for cooking.

Taxes

In terms of taxation, prior to 1994, there was unequal taxation between men and women, especially in the instance of married women. In 1995/96 discriminatory aspects of the tax structure for married women were removed. Value Added Tax (VAT) was introduced as part of the shift from direct to indirect taxation. Although some items, mainly of foodstuffs, were exempt from VAT, women continued to struggle for additional items to be zero-rated, given that the burden of poverty, household food insecurity and hunger rested chiefly in the hands of women. Sanitary pads will be VAT exempt with effect from 1 April 2019.

Inclusion into economic activities and opportunities

On the matter of women's inclusion in the economy and in particular in SMMEs and the provision of funding/grants/incentive schemes remain largely in the hands of men. Over the past 25 years various measures and programmes were put into place to address the inequality between men and women in the economy or to expand economic opportunities and growth.

3.5 Social security systems

In South Africa poverty bears the face of an African woman. This has been the situation over the past 25 years where women bore the burden of structural and systemic poverty in the country. In 2018, the situation remains the same where poverty is depicted by the face of a Black African young woman.

One of the socio-economic rights contained in the Bill of Rights is the right to social security (S 27(1)(c) of the Constitution). The state is obliged under section 27(2) to ensure that this right is promoted and provided for. CEDAW, Articles 11(1)(e), 11(2)(b) and 14(2)(c) supports the right to social security as espoused in our Constitution. The White Paper for Social Welfare defined widely the parameters for the provision of social security or a social floor/net. In 2018, given the ever-increasing rate of unemployment, especially for women and young women, provision of social security by the state is a very critical function in addressing women's poverty.

Social security takes the form of cash provisions such as social grants or in-kind benefits such as food parcels, seeds, fertilisers and implements for sustainable and household farming/gardening; provision of free sanitary pads to indigent women and children; free medical care in public health facilities for pregnant women and children up to 6 years; free condoms and other forms of family planning measures; free basic water and electricity to indigent households; free or No-Fee Schools for indigent children, etc.

Health

The right to accessible health care, bodily and psychological integrity; reproductive health care as well as the right to make decisions concerning reproduction (reproductive self-determination) are entrenched in section 12 (especially s 12(2) and 27(1)(b)) of the Constitution. Since 1994 the State has put in place several measures to ensure the realisation of health care rights. In CEDAW, Articles 12(1), 12(2), 14(2)(b), 6, 10(f), 11(1)(f) and 11(2)(d) pronounces on health issues related to women, and especially to rural based women. The Cairo Declaration and International Convention of Population Development (ICPD) states that women have the right to make decisions concerning reproduction free from coercion and discrimination,

Reproductive rights include an assortment of different rights and issues related to the right to security, dignity, physical autonomy, reproductive technology and trial testing; HIV and AIDs, sex education and access to health care and health care facilities.

Over the past 25 years there has been progressive changes as well to the access to in vitro fertilisation treatments to include single women and lesbian couples and where married women could previously only access this service with the consent of their husbands, since 1996 it is possible for married women to do so without acquiring the consent of their husbands.

Forced Sterilisation

Since 1994, sterilization was provided free of charge at state institutions and women did not need the consent of their husbands or partners/spouses for this procedure. In cases where the woman is incapable or legally incompetent to give her consent to sterilisation, this is protected for in the law. Hence this means that forced sterilisation is illegal and against the human rights of women. Unfortunately, there were instances of this in the country over the past 25 years.

Termination of Pregnancy / Abortion and Illegal Abortion

On the matter of termination of pregnancy or abortion as it is commonly known, prior to 1994, it was an illegal practice and a criminal offence. Hence illegal abortions and “backstreet” abortion clinics were rife. The Choice of Termination of Pregnancy Act, No 92 of 1996 was enacted and ensures that women and girls from 12 years on are able to access the procedure at designated institutions. In addition, consent from a partner or parents in the instance of a girl of 12 years and older is not needed. Discrimination on the basis of HIV is outlawed in the workplace in the Employment Equity Act as well as in the Equality Act of 2000.

Primary health care including family planning, HIV/AIDS education and counselling, maternal and child health services (deliveries, antenatal, postnatal and neonatal care) are provided for in legislation. Since June 1994 pregnant women, women 42 days post pregnancy, women with complications arising from delivery and children under the age of 6 years are able to access free primary health care, with a particular emphasis on the urban poor, rural and farm workers.

Housing

Section 26 of the Constitution provided for the right of access to adequate housing, prohibits arbitrary evictions, and together with S9 provides for equality in access to adequate housing. It allowed for the progressive realisation of these rights and provided for special measures to promote achievement of

equality in housing for vulnerable groups previously disadvantaged by unfair discrimination such as women. Article 14(2)(h) of CEDAW recognises the right to enjoy adequate housing. This is also contained within other international instruments such as the International Covenant on Economic, Social and Cultural Rights; the Istanbul Declaration on Human Settlements; the Beijing Platform for Action and the UN Resolution on “Women and the Right to Adequate Housing and to Land and Property”.

Female headed households, the elderly, rural households, the poor, the disabled and farm workers were since 1994 identified as part of the special measures for the provision of houses by Government through the RDP Housing Programme.

Over the past 25 years housing subsidies have been provided for by government in order to enable people to purchase and own their own homes through the National Housing Subsidy Scheme. Unfortunately, women have not been the main beneficiaries of this programme given their socio-economic disadvantages experienced. This scheme excluded single men and women and only made provision for those in a relationship or those with dependents. Given power relations in a household/relationship as well, many women were not the owners of houses in which they lived, but mainly registered them under their partner's names. However, this situation has gradually been changing over the years.

The Development Facilitation Act, No. 67 of 1995⁷ was enacted to introduce extraordinary measures to facilitate and speed up the implementation of reconstruction and development programmes and projects in relation to land for residential purposes, small-scale farming or other needs and uses; to promote security of tenure while ensuring that end-user finance in the form of subsidies and loans becomes available as early as possible during the land development process. It operated on the basis of gender neutrality with no specific reference to either female headed households or women. This legislation was repealed by the enactment of the Spatial Planning and Land Use Management Act, No 16 of 2013.

The Prevention of Illegal Evictions and the Unlawful Occupation of Land Act, No 19 of 1998 aimed to prohibit unlawful evictions. The preamble in the Act noted that special consideration must be given to the rights of certain vulnerable groups such as female headed households.

Education

Education was one of the core areas in which racial and economic discriminations under the Apartheid regime was most significantly observed. This resulted in deep divisions between the different population groupings in

⁷ The Development Facilitation Act, No. 67 of 1995 was enacted to introduce extraordinary measures to facilitate and speed up the implementation of reconstruction and development programmes and projects in relation to land; and in so doing to lay down general principles governing land development throughout the Republic; to provide for the establishment of a Development and Planning Commission for the purpose of advising the government on policy and laws concerning land development at national and provincial levels; to provide for the establishment in the provinces of development tribunals which have the power to make decisions and resolve conflicts in respect of land development projects; to facilitate the formulation and implementation of land development objectives by reference to which the performance of local government bodies in achieving such objectives may be measured; to provide for nationally uniform procedures for the subdivision and development of land in urban and rural areas so as to promote the speedy provision and development of land for residential, small-scale farming or other needs and uses; to promote security of tenure while ensuring that end-user finance in the form of subsidies and loans becomes available as early as possible during the land development process; and to provide for matters connected therewith.

the country in terms of provision, quality and equity of education. It was also divided along geographical lines – between urban and rural areas. However, the greatest ramification as a result of this past has been the effect and impact on women and girls where, especially those in the rural areas, suffered deep inequality in terms of accessing basic education, compounded by the burden of their domestic and care duties which their male counterparts did not share. As a consequence there was an inequitable educational system in the country and this still has consequences for young women and girls's education in present day. Despite the great strides made in the education sector since 1994, there is endemic gender discrimination, sexual harassment, teenage pregnancies and early dropouts, increasing HIV and AIDs infection rates, and violence (especially rape and sexual offences) experienced by girls and young women in the educational sphere. In addition, there is the issue of the "sugar daddy" or "blessors" syndrome that is part of the life of young women and girls.

Section 29 of the Constitution provides for the right to receive basic education. CEDAW, article 10 provides for the right to equity of access to basic education. In 1994, there was no legislation that directly addressed the discrimination and harassment which female learners and students experienced. In 1995, the White Paper on Education and Training acknowledged that the right to education included gender equity. Since then the following legislation has been enacted:

Environment and Water

Section 24 of the Constitution recognises the right to a healthy environment. In CEDAW, Article 14 recognises the right to enjoy adequate living conditions including access to adequate sanitation and water. The African Charter on Human and People's Rights, article 24 also asserts a right to satisfactory environment favourable to development. Within this framework, women have been increasingly recognised as being the most vulnerable to and affected by climate change, environmental changes, drought and natural disasters.

The right to access adequate clean drinking water is provided for in S27 (1)(b) of the Constitution. Article 14(2)(h) of CEDAW and Section 2 of the Water Services Act, No 108 of 1997 also provide for this right. The right to water is intrinsically linked to land rights. Thus, control, access to and quality of water inequitable resides with those enjoying riparian (ownership alongside a river) rights and land ownership. This means that rural women, who in the main are not land owners in their own right, and whose gender labour of division is to ensure that water is provided to the household, have to travel distances to fetch this water, burdened with heavy loads. This bears negatively on women's health as well as decreases time available to women to use in other beneficial ways. Another significant factor is that it is mainly elderly women in rural areas that find themselves in this situation, and young girls whose education is either disrupted as they are not in schools or that they have to perform this task after school itself. It is also quite frequently that this practice results in young girls and women experiencing gender based violence especially rape when traveling to fetch water.

Inadequate water supply also has implications in terms of menstrual health and hygiene for females.

4. INTERNATIONAL, REGIONAL, SUB-REGIONAL AND NATIONAL PREPARATIONS

4.1 International Level

At the international level, during the 62nd Session of the UNCSW held in March 2018, the Commission held a high-level experts panel discussion on the theme for the 63rd Session.

At the global level in pre-CSW63 preparations, UN Women, convened an expert group meeting (EGM) on “13-15 September, 2018 The findings and recommendations of the EGM, as outlined in its report, have been incorporated into the discussion throughout this paper.

In 2018, UN Women also convened a Stakeholders Forum to engage a range of stakeholders in the preparations for CSW63. This was held in New York.

4.2 Regional Level

The SADC Secretariat hosted a meeting of SADC officials and experts responsible for Women and Gender Affairs on 2 February 2019, preceding the AU Ministerial meeting on 5 and 6 February 2019. The focus was to develop a common SADC and Africa common position ahead of CSW63.

4.3 National Level

DOW, as the lead coordinating department for the country’s participation in the 63rd Session of UNCSW undertook national consultation on 15 February, 2019.

5. SOUTH AFRICAN REPORT ON PROGRESS MADE ON SOCIAL PROTECTION⁸

South Africa's social welfare system is fully funded by the South African government; and highly gender-responsive. South Africa's social safety net consists of multiple conditional cash grants. This social protection network has expanded considerably since 2002 to date, and it is subjected to an annual increase. It includes the following cash payments: Child Support Grant, Old Age Pensions and Disability Grants, War Veteran's Grants, Single Care Grant and Social Relief of Distress. This is the country's society safety net that is well-targeted at the poor households including child-headed households.

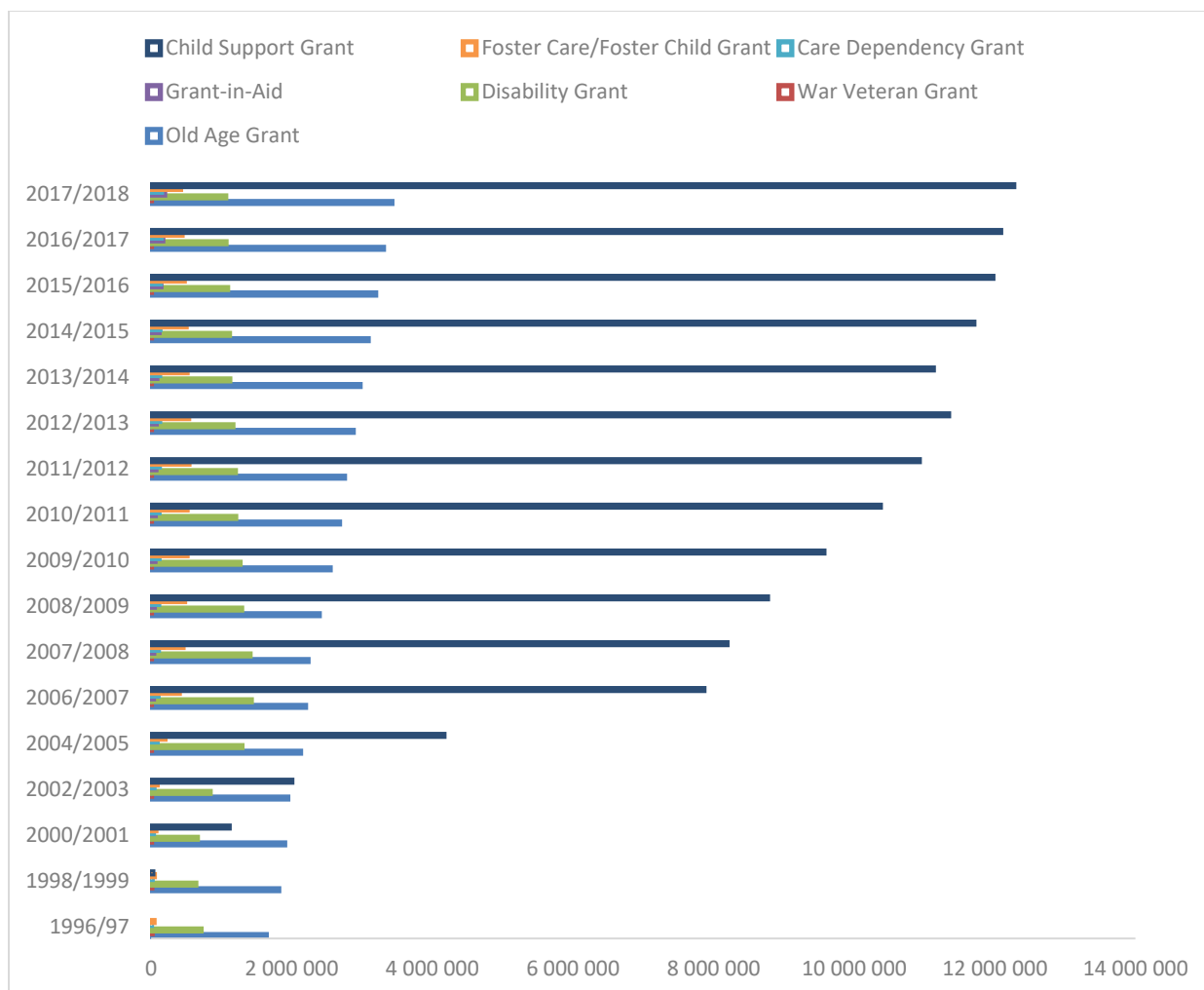
Cash transfers have been associated with progress in poverty reduction, increasing school attendance and health service use and a reduction in child labour.

Social grants contribute towards food security and reducing poverty in the country. The **National Development Plan** recognizes that reducing the cost of living is essential for broadening economic participation and eliminating poverty. According to the WHO (2011), in the period from 1999 to 2003, approximately 2.6 million South Africans received social grants and by 2007 this figure increased to 12 million. Despite this remarkable achievement, not all South Africans who qualify for grants are managing to access them. In 2013 social assistance contributed to the monthly incomes of over 16 million people⁹. By 2018, 17.5 million people received social assistance. In 2018, 29% of the South African population was in receipt of a social grant. By December 2018, 64.88% of the country's children were in receipt of a social grant. (SASSA, 2018)¹⁰.

⁸ Stats SA: MDG Country Report 2013, Pretoria

⁹ Social Security and social wage. Review. (2013). Department of Treasury. <http://www.treasury.gov.za/documents/national%20budget/2013/review/chapter%206.pdf>

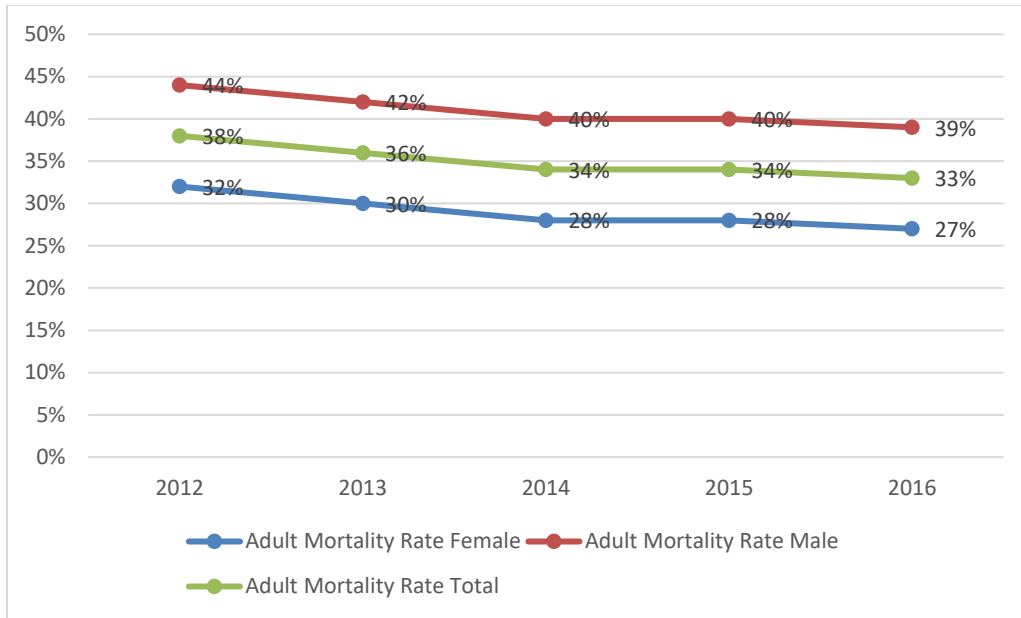
¹⁰ Fourth Quarter Report on Social Assistance, 2018. SASSA. Downloads/3%20q%20social%20grants%202018_19%20final%20oct%20dec%202018.pdf



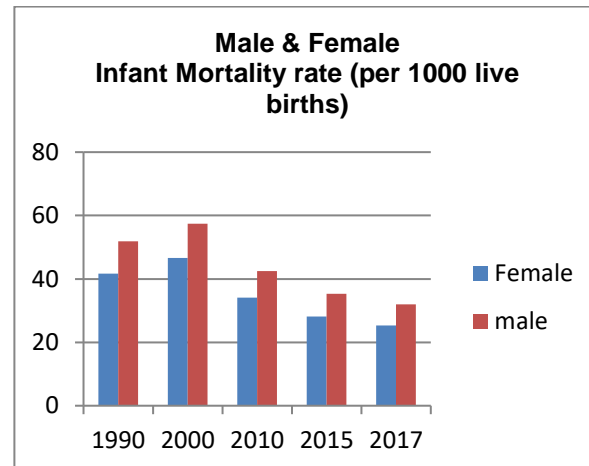
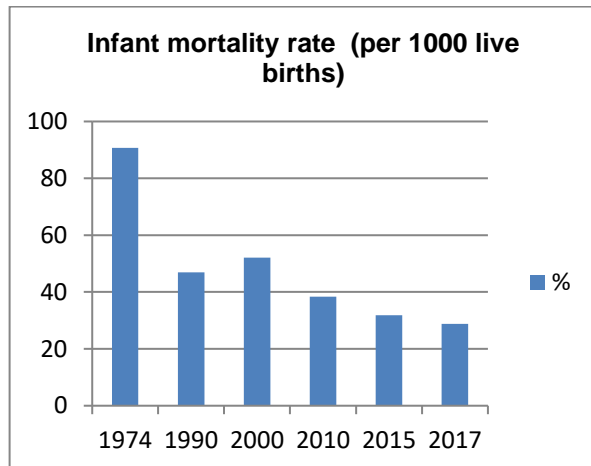
Progress has been made in the access of women and girls to public services, in particular health and education.

The life expectancy (LE) of South Africans has continued to increase from 2005 to 2016 as shown in the table below. Female life expectancy increased from 54.8 in 2005 to 65.1 in 2016. Male life expectancy increased from 52.8 in 2005 to 59.7 in 2016. (StatsSA). The Rapid Mortality Surveillance Report (RMS) of the SA Medical Research Council (MRC)¹¹ established in 2009 reflects an increase in LE for females from 59.7 in 2009 to 66.4 in 2015 whilst the LE for males in 2009 was 54.6 and 60.3 in 2015 for males. Life expectancy has shown rapid progress between 2010 and 2011.

¹¹ Dorrington RE, Bradshaw D, Laubscher R, Nannan N (2018). Rapid mortality surveillance report 2016. Cape Town: South African Medical Research Council. ISBN: 978-1-928340-30-0. <http://www.mrc.ac.za/sites/default/files/files/2018-02-22/RapidMortalitySurveillanceReport2016.pdf>



The infant mortality rate in South Africa has declined over the years and by 2017 it is the lowest it has ever been in the history of the country. In 1974 (Apartheid era) the infant mortality rate was 90.70, decreasing to 28.8% in 2017. The female infant mortality rate decreased from 41.7% in 1990 to 25.3% in 2017. The male infant mortality rate decreased from 51.9% in 1990 to 32% in 2017. (World Bank)¹².

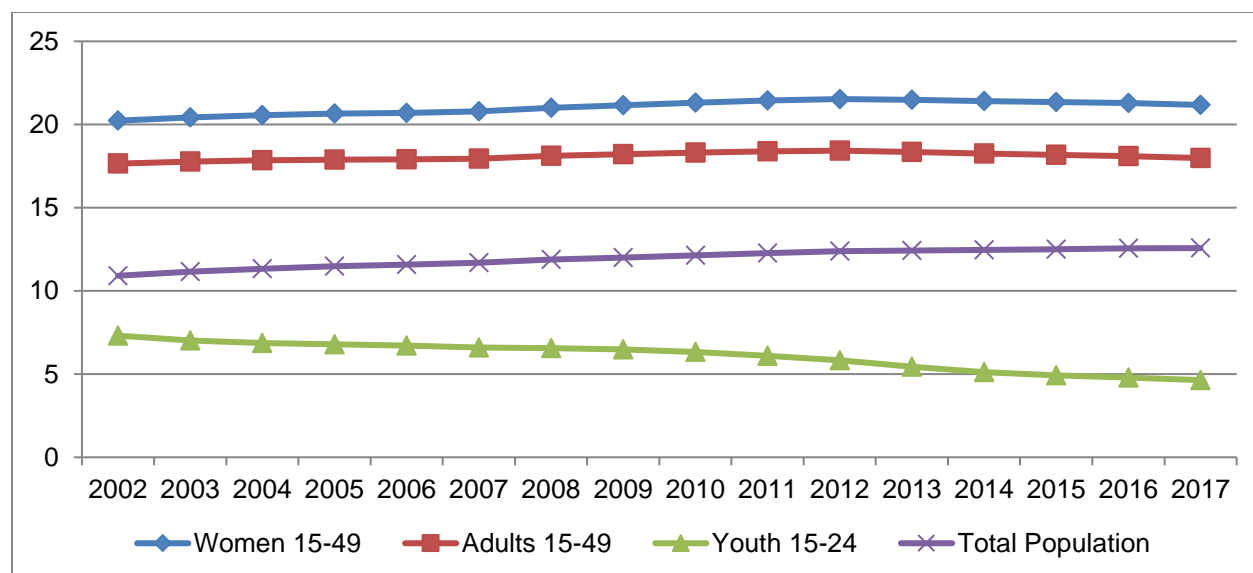


South Africa still has high rates of HIV and unintended pregnancy, with one in three young women aged 15-24 years experiencing an unintended pregnancy before age 20. Among females aged 15 to 24, HIV incidence is four times higher than the incidence of males in the same group. The total number of persons

¹² Infant Mortality rate (per 1000 live births), South Africa <https://data.worldbank.org>

living with HIV in South Africa increased from an estimated 4, 25 million in 2002 to 7, 52 million by 2018. In 2018, an estimated 13, 1% of the total population is HIV positive. Approximately one-fifth of South African women in their reproductive ages (15–49 years) are HIV positive. HIV prevalence among the youth aged 15–24 has declined over time from 6, 7% in 2002 to 5, 5% in 2018 (Mid-year Population Estimate 2018, StatsSA).

HIV prevalence by selected age groups, 2002 -2017



Source: Statistics South Africa.

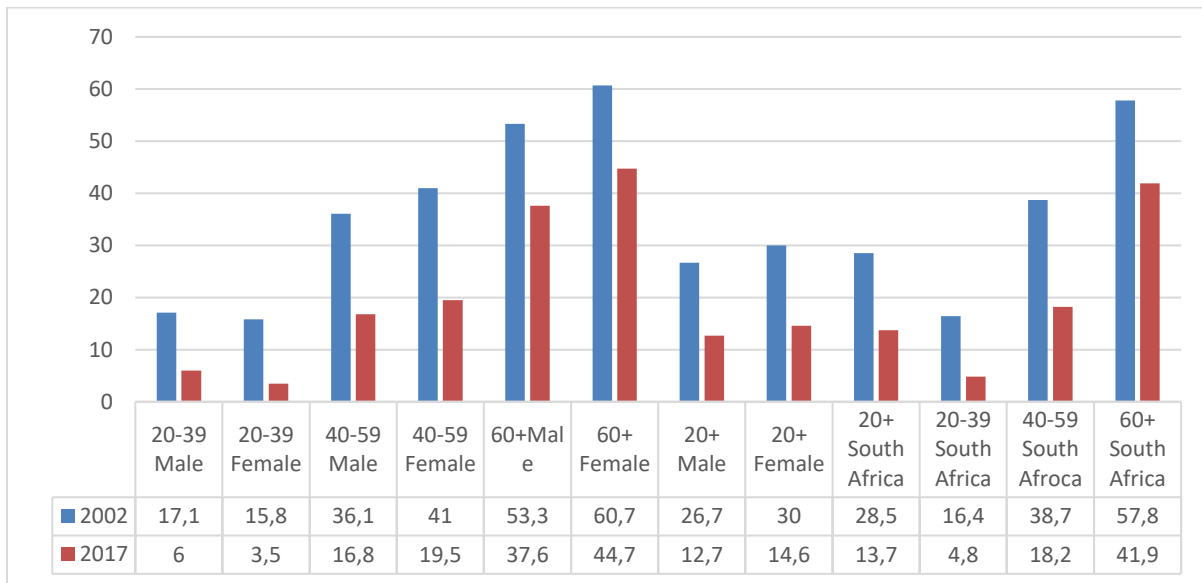
Universal health coverage also requires attention to non-financial barriers that constrain access.

Since 1994 South Africa has been a global leader in the conceptualisation and development of the Primary Health Care approach. Despite over a decade of structural reform and genuine commitment to achieving ‘Health for All’, a series of obstacles continues to limit the full implementation of Primary Health Care, including the HIV and AIDS pandemic, health worker shortages and inequities in resource distribution, and a complex and protracted health transition. The Department of Health is currently committed to introducing a National Health Insurance for South Africa. It has published the policy document, ***National health insurance for South Africa: towards universal health coverage***, which lays the foundation for moving South Africa towards universal health coverage (UHC) through the implementation of National Health Insurance (NHI) and establishment of a unified health system.

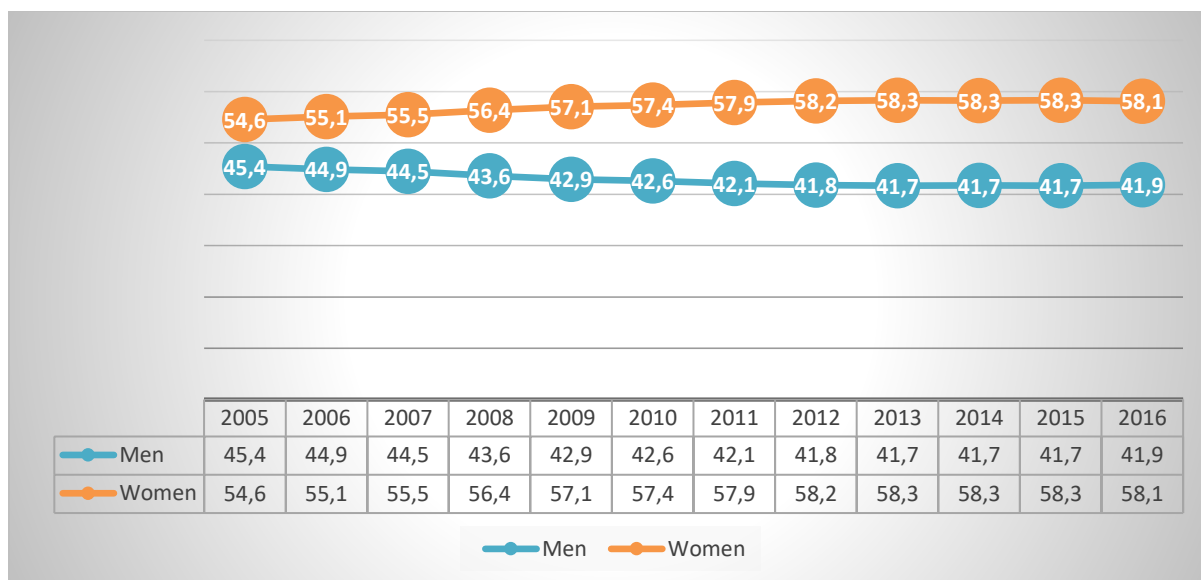
Education is widely considered to be a public service, but it cannot function without adequate physical infrastructure, including school buildings with safe sanitation facilities for girls.

The percentage of individuals over the age of 20 years who could be regarded as functionally illiterate has declined from 28, 5% in 2002 to 13,7% in 2017. Between 2002 and 2017, the prevalence of functional illiteracy in the age group 20–39 years declined noticeably for both men (17,1% to 6,0%) and women (15,8% to 3,5%). With the exception of women in the age group 20–39, women remain more likely to be

functionally illiterate across all age groups. The difference between men and women has, however, declined significantly over time. Although a higher percentage of women than men over the age of 60 years were functionally illiterate in 2017 (44,7% compared to 37,6%), the difference has declined in each successive age group, to the point that, in 2017, a smaller percentage of women in the age group 20–39 were functionally illiterate than their male peers (3,5% compared to 6,0%) (2017 General Household Survey, StatsSA, 2018).



The gender distribution in South African higher education has changed since 2001. Women accounted for 54% of the total headcount enrolment in 2001, 55% in 2005 and 58% in 2011 when 542 997 women were enrolled in the public higher education. However, the graph above indicates that the gender distribution in South African higher education has not changed significantly over the past six years. In 2011 there were 542 997 women enrolled in the public higher education section, which constituted 58% of the total headcount enrolment for that year. Women still accounted for 58% of the total headcount enrolment in 2016.



It is crucial to ensure that social protection, public services and infrastructure policies complement one other in their objectives, functions and financing.

Affordable childcare services

In South Africa, Grade R is part of the Department of Basic Education's national curriculum. A child must be at least four years old to be registered for Grade R and must turn at least five on 30 June of his Grade R year. The department has made Grade R compulsory with roll-out in 2019. Through the Department of Social Development early childhood development centres provide affordable child care for working parents. ECD centres are places for the care of more than six pre-school children for part of the day or night. To establish or operate an ECD centre the facility must be:

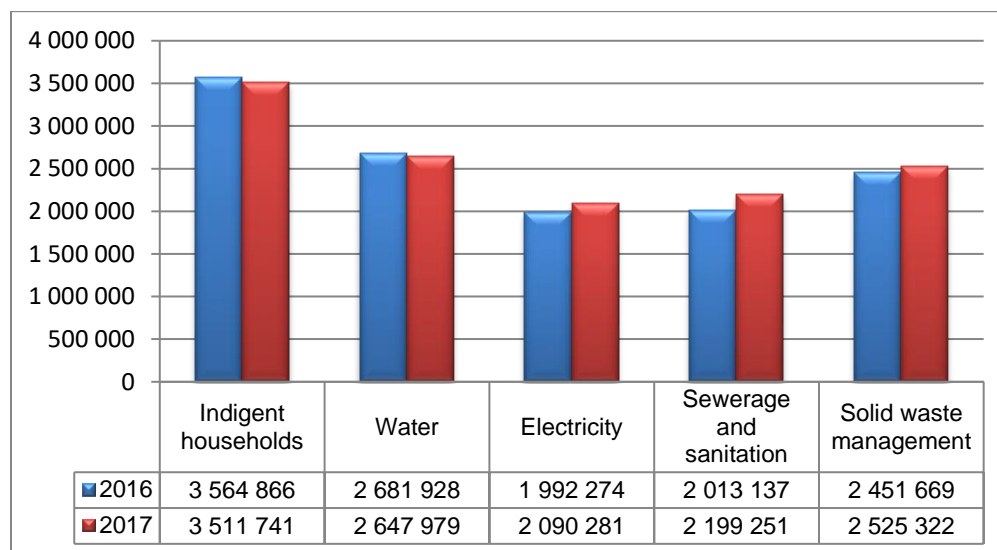
- Registered with the provincial government where the facility is situated;
- Managed and maintained according to the Guidelines for Early Childhood Development Centres;
- In compliance with the following national norms and standards.

Access to social protection, public services and sustainable infrastructure

Government has sought to promote women's rights through targeted interventions, putting measures in place to address access to basic services, which includes water, electricity, sanitation, housing and food security, affordable transport and access to information. The poverty narrative in South Africa requires understanding of the triple challenge: poverty, unemployment and inequality. Accordingly, social wages in South Africa are packaged in different targeted forms. These include free primary health care; no-fee paying schools; social grants, (such as old age pensions, and child support grants) and RDP housing; provision of basic and free basic services in the form of reticulated water; electricity; sanitation and sewerage as well as solid waste management to households and in particular those categorized as indigent. In this regard and since 2001 the indigent households are entitled to a monthly free six kiloliters of water, fifty kWh of electricity, R50 worth of sanitation, sewerage and refuse removal. The Municipal Indigent

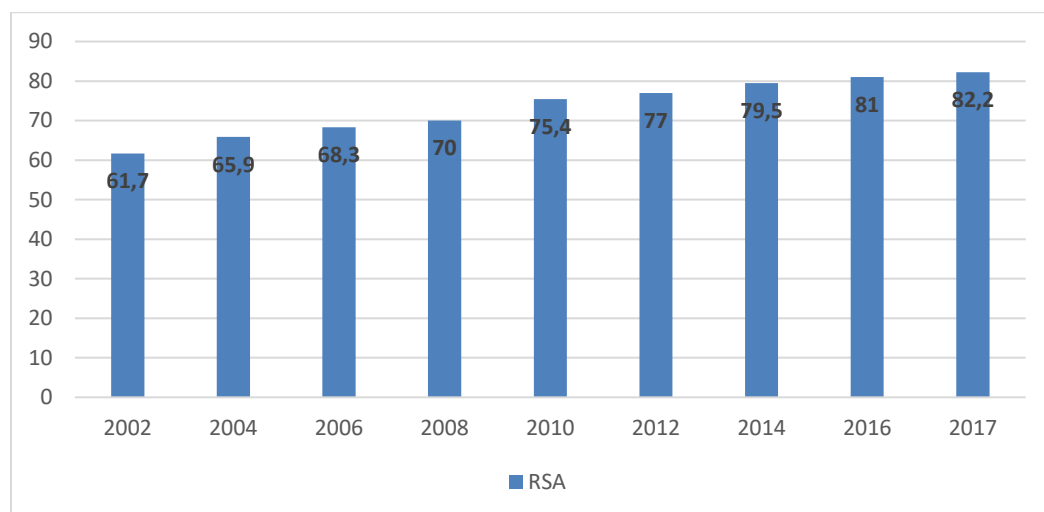
Policy was approved in 2005 to provide the indigent with free basic water, sanitation, electricity and refuse removal. (SAHRC, Report, 2015).

Prior to 1994 the commercial sector and the white minority were the beneficiaries of the government's energy investments. The deliberate neglect of the apartheid government to render basic services to the black majority prior 1994 resulted in gas, wood and paraffin serving as the major source of domestic energy in the country. In addition to the Free Basic Energy Policy, the Department of Minerals and Energy introduced a Free Basic Alternative Energy Policy (FBAE, 2007) as a parallel intervention strategy specifically aimed at servicing indigent households (those who suffer from energy poverty) in un-electrified areas. These interventions fall under Department of Energy's (DOE's) 2010 Integrated Resource Plan (IRP) which aims to cover secured access to energy over the next 20 years. The inadequate supply of electricity to the population had the worst effects on the poor who cannot afford the cost of electricity. Their desperation to access electricity has been expressed through protest action and the many illegal reconnecting of electricity supplies which has become a nationwide survivalist tactic for the poor.

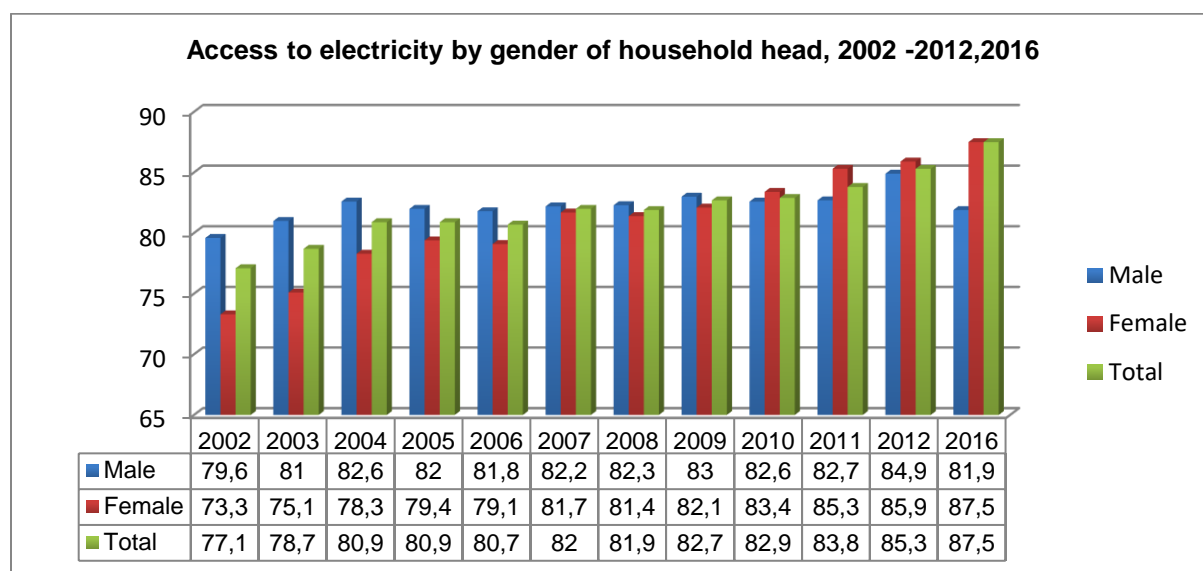


Alleviating poverty and inequality in South Africa are associated with the quality of service delivery that municipalities render in different communities, particularly sanitation and energy. The main aim of government is to ensure that all households have access to decent toilets – a clean environment that remains free of harmful impacts of sanitation system. (Statistics South Africa, 2016 Community Survey). Environmental hygiene plays an essential role in the prevention of many diseases. It also impacts on the natural environment and the preservation of important natural assets, such as water resources. Proper sanitation is one of the key elements in improving environmental sanitation (2017 GHS, Statistics South Africa, 2018).

Percentage of households that have access to improved sanitation

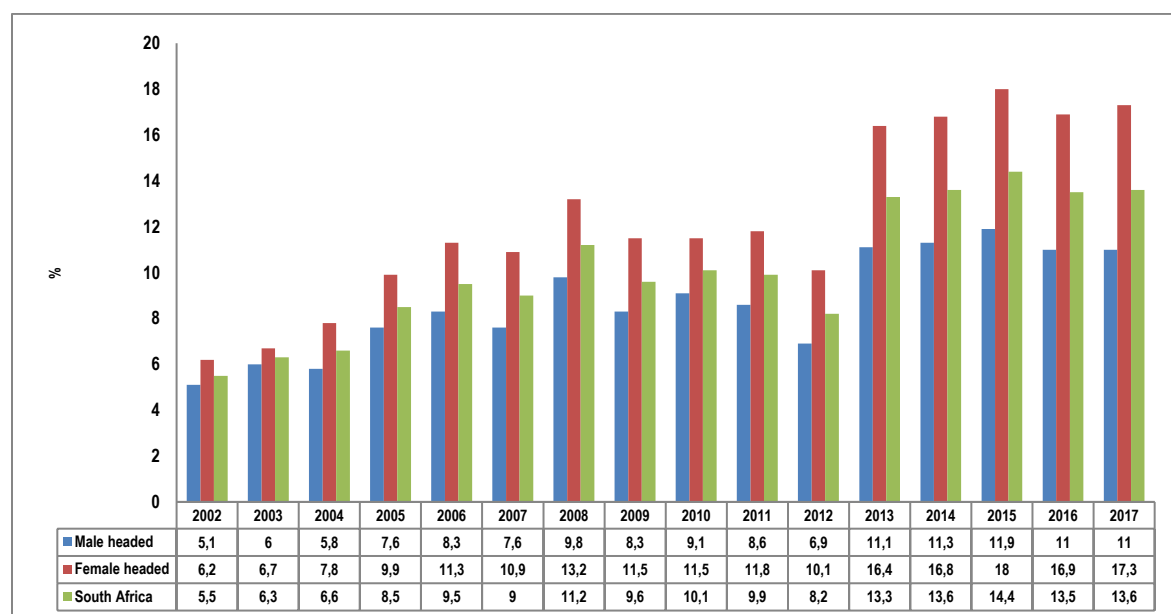


The percentage of South African households that were connected to the mains electricity supply increased from 76.7% in 2002 to 84.4% in 2017. (StatsSA).



By 2015, South Africa had made significant progress since 1994 with the provision of an estimated 3.7 million housing opportunities providing to around 12.5 million people, along with further improvements in access to other basic services including adequate water, sanitation, electricity and refuse removal. Despite these gains the country faces significant challenges to provide access to adequate housing to poor and vulnerable persons who live without access to basic services or economic opportunities to escape poverty. (SAHRC Report, 2015:9). In 2016, 79.3% of households lived in formal dwellings compared to 73.3% in 2002, indicating that 8 out of every 10 households live in a formal dwelling. The number of households living in informal dwellings increased from 13.2% in 2002 to 13.9% in 2016, indicating that 1 in 7

households still lived in informal housing. (Selebalo & Webster, 2017)¹³. The country's state subsidized housing programmes are almost unparalleled internationally and have expanded access to adequate housing to many poor households, despite major challenges. (Selebalo & Webster, 2017)¹⁴



Gender-responsive budgeting can be used to analyse and transform fiscal policies to direct resources to address inequalities and to monitor the impact of public spending decisions on empowering women and girls.

Commitments were made in the **Declaration of the Gender Responsive Planning and Budgeting Summit** to ensure the development and implementation of a Gender-Responsive Planning, Budgeting, Monitoring, Evaluation and Auditing Framework in South Africa. All government Departments and public entities at national, provincial and local level are expected to Institutionalise gender-responsive planning and budgeting systems, including within the Mandate Paper, Medium Term Strategic Plan, Strategic Plans, Annual Performance Plans and Budgets. They are also expected to develop and implement gender-responsive monitoring, reporting and evaluation systems including regular performance and expenditure reviews on gender equality and women's empowerment. The Department of Women has developed a Gender-Responsive Budgeting Framework. The approach works on the assumption that the achievement of country gender outcomes and sustainable impacts requires:

- Setting clear gender-responsive policy priorities across government based on evidence;

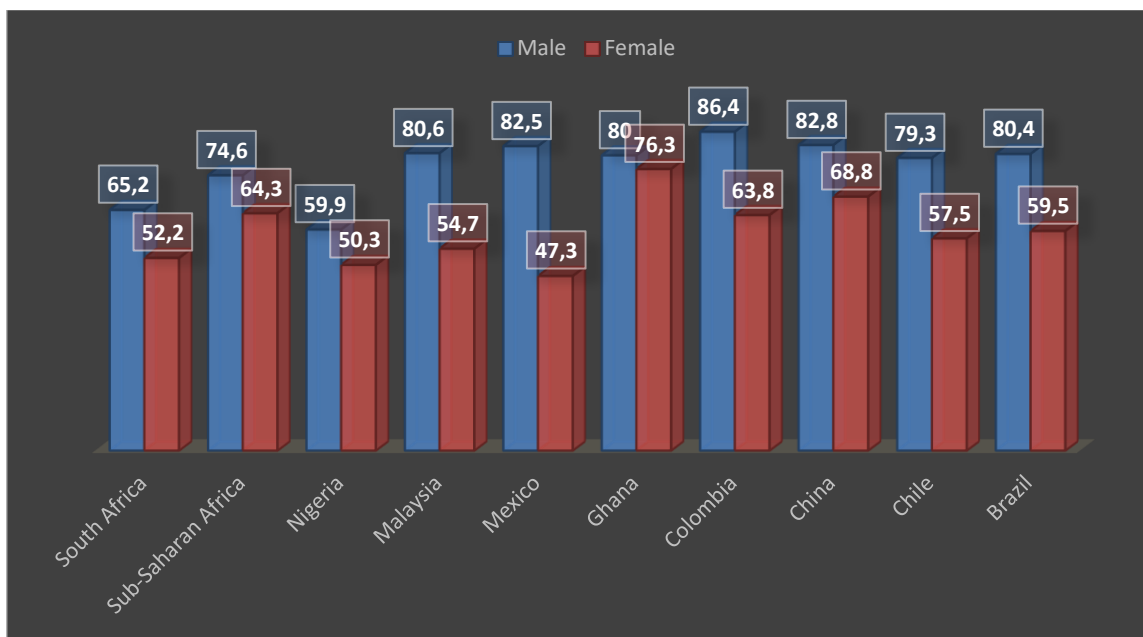
¹³ Selebalo, H & Webster D, 2017. Monitoring the Right to Access of Adequate Housing in South Africa. Studies in Poverty & Inequality Institute (SPIII) http://spii.org.za/wp-content/uploads/2018/02/Right-to-Housing_2017.pdf

¹⁴Selebalo, H & Webster D, 2017. Monitoring the Right to Access of Adequate Housing in South Africa. Studies in Poverty & Inequality Institute (SPIII) http://spii.org.za/wp-content/uploads/2018/02/Right-to-Housing_2017.pdf

- The translation of policy priorities into programmes with measurable programme outcomes and gender-responsive indicators and targets;
- Ensuring the necessary budget allocations to achieve gender priorities as well as regular expenditure reviews to assess the extent to which particular expenditures indeed resulted in the intended gender equality and women’s empowerment outcomes.

Notwithstanding a significant increase in women’s labour force participation, women continue to participate less in the labour market than men, earn lower wages and interrupt their participation more often to care for dependants.

Labour force participation rates in South Africa are low by international standards: of eight other developing countries from around the world and the Sub-Saharan Africa region as a whole, South Africa’s male labour force participation rate is the second-lowest (62.0 percent), and the female labour force participation rate - at 52.2 percent - is lower than in all the listed countries, except Mexico and Nigeria. The participation rate for women in South Africa is 12.1 percentage points lower than for the entire Sub-Saharan African region, and this gap is even wider when considering the participation rates for the population aged 15 years and older (as opposed to 15 to 64-year olds). Two immediate factors contribute to this low level of labour force participation: first, the relatively small size of the informal sector in South Africa and, second, the constrained smallholder and subsistence agriculture sector as a source of employment in South Africa.



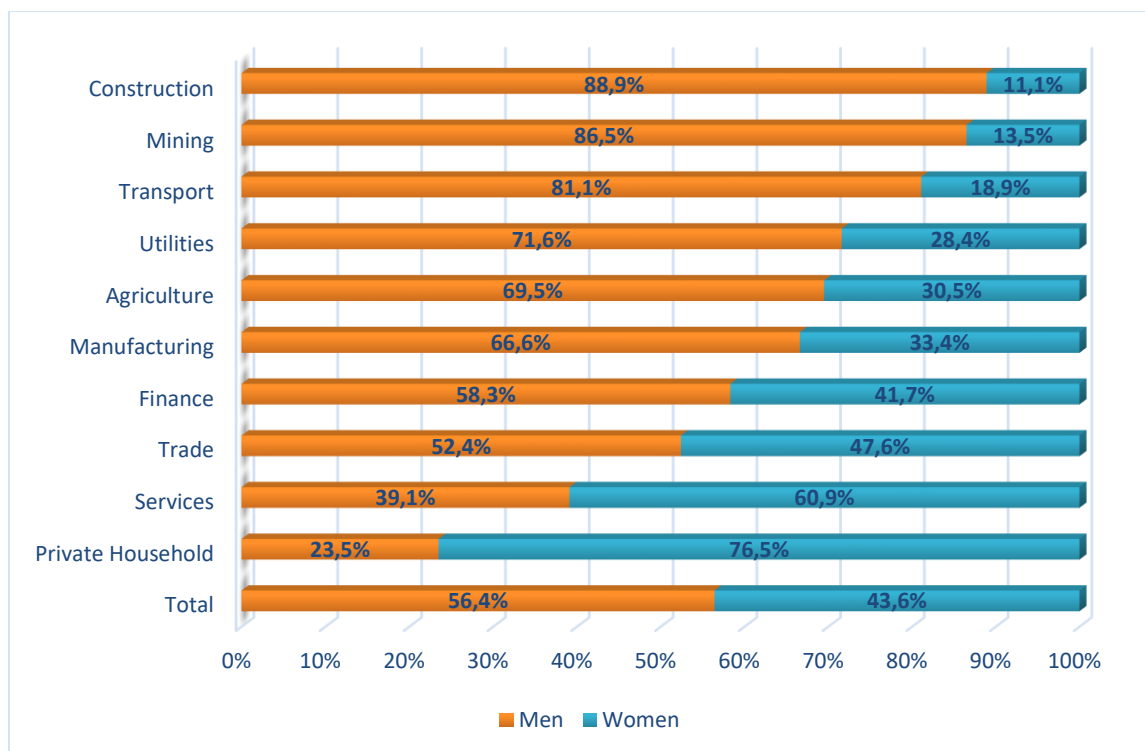
Gender differences extend beyond high-level labour market outcomes and are observable in various areas of employment. Even though women are exposed to formal labour markets, including in the extractive industries, opportunities are minimal or limited for them. One main factor in this is ‘occupational segregation’ defined as the division of the labour markets based on gender, which limits women’s

employment opportunities in the sector, regardless of their experience or educational qualifications.¹⁵ Female employment is concentrated in four industries: community, social and personal (CSP) services (31.4 percent); wholesale and retail trade (22.1 percent); private households (14.6 percent); and finance (13.2 percent). Together, these four industries account for 81.3 percent of total female employment. In contrast, male employment is less concentrated with five industries each accounting for between 13 percent and 19 percent of total male employment. The four industries accounting for the largest proportions of total male employment—wholesale and retail trade (18.6 percent), CSP services (15.6 percent), finance (14.6 percent), and construction (14.1 percent)—together account for 62.9 percent of male employment.

Women dominate employment in only two industries: CSP services, which include government, and private households, which is primarily domestic work. In CSP services, the ratio of male-to-female employment is 0.6, indicating that for every ten women employed in the industry, there are six men. Within private households, the gap is even larger, with only three men for every ten women in the industry. In contrast, construction, mining and transport are heavily male dominated, with ratios of 8.0, 6.4 and 4.3. Thus, in construction, there are eight times as many men in the industry than there are women. In manufacturing, agriculture and utilities, men outnumber women by a ratio of between 2.0 and 2.5 to one, while in wholesale and retail trade (1.1) and finance (1.4) the ratios are much lower.

There are various reasons for these differences between industries. For instance, women have historically not been employed in large numbers in industries where jobs are dangerous and require physical strength. Thus, relatively few women have been employed in mining and construction. Such patterns may be perpetuated by attitudes towards women's employment in those sectors (held by both men and women), as well as attitudes, preferences or even discrimination on the part of firms. Conversely, women's dominance in CSP services is explained by the fact that female-dominated occupations such as nursing and teaching are concentrated within the industry; similarly, the vast majority of domestic workers in South Africa are female, explaining their dominance within private households. Globally, services sectors are found to be more accessible to women (ILO, 2010), explaining the relatively narrow gap in wholesale and retail trade and finance and business services.

¹⁵ CGE, 2016, Talking the Talk, Not Walking the Walk, pg.22.



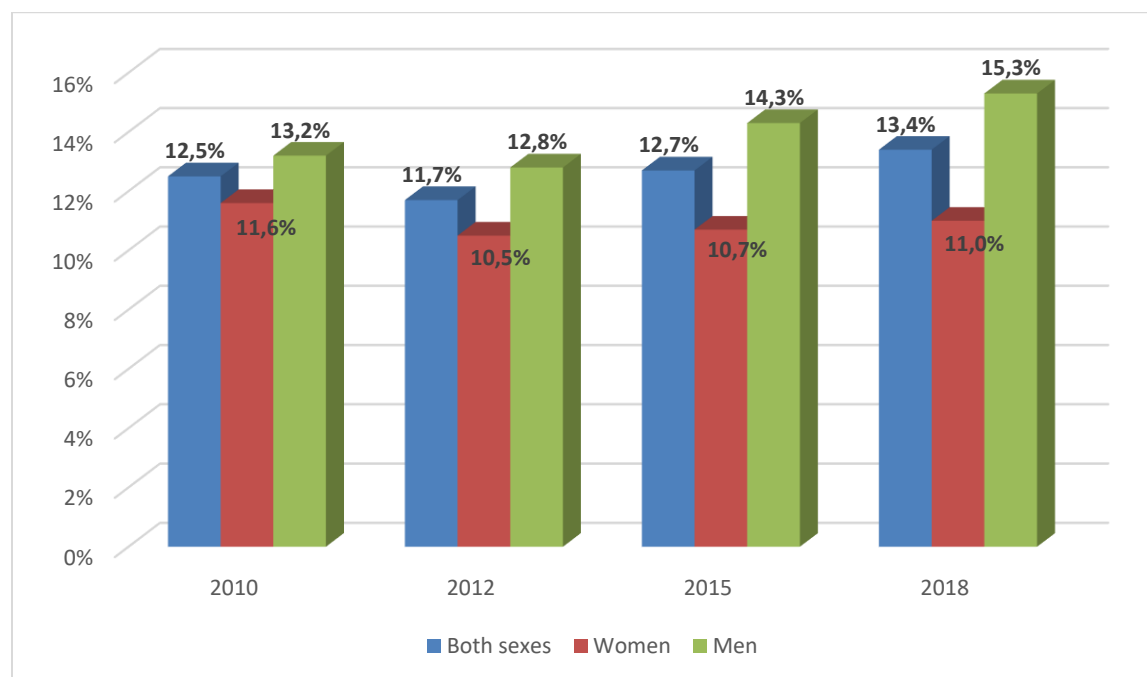
Efforts to extend coverage to informal workers have increased and are essential for supporting transitions to formality.

The informal economy has since the early 1990s grown considerably. According to the 3rd quarter 2018 Quarterly Labour Force Survey statistics, 3,017,000 South Africans work in the informal sector. Although far smaller than developing country counterparts, this still represents 13.4% of total employment in the country. Notwithstanding this, unlike most other developing countries, the informal economy in South Africa continues to be small. What is more remarkable however is the change in the informal-sector component of male and female employment, which shows a significant divergence¹⁶. The informal sector is a declining source of employment for women. This divergence demonstrates a rapid, significant and sustained decrease in the informal-sector share of total female employment in the period between 2008 and 2014. The data suggest that there has been a particular drop in women’s participation in trade, and a significant decline in street vendors selling food – an occupation that traditionally has been dominated by women¹⁷.

¹⁶ Rogan, M. and Skinner, C. 2017. The nature of the South African informal sector as reflected in the quarterly labour-force survey, 2008-2014

¹⁷ Ibid.

Figure: Women as a % of the labour force working in the informal sector (non-agricultural)



Social protection systems have also been redesigned to reduce gender bias

The level of social assistance spending in South Africa at present is extremely high and social grants in South Africa are therefore an important instrument of poverty alleviation. For households above the household subsistence level, both the income and distribution effect are positive, indicating that state welfare transfers both increase the income received by households and contribute to a more equal distribution of income amongst these households. The social security system in South Africa plays an important role in mitigating the impact of socio-economic challenges among female-headed households¹⁸.

Parental leave provisions have been reformed to incentivize men to take on more child care.

In November 2018 President Cyril Ramaphosa signed the much-anticipated **Labour Laws Amendment Bill** into law. This legislation gives fathers in South Africa the right to 10 days paid parental leave. Previously, the Basic Conditions of Employment Act only catered for four months maternity leave and three days' paid family responsibility leave in certain circumstances – including the birth of a child.

¹⁸ Dubihlela, J. and Dubihlela, D. 2014. Social Grants Impact on Poverty among the Female-Headed Households in South Africa: A Case Analysis.

6. CHALLENGES AND OPPORTUNITIES

While South Africa has made tremendous progress in expanding access to social protection, a number of challenges and opportunities can be identified. These are listed below.

Limited access to social protection to all sectors of society

According to Lollo (2012) there is currently no real policy framework on including migrants into social protection systems. However, people with refugee status are able to claim the Foster Care grant and disability grants if all requirements are met. Women and girls in the informal sector are not covered by UIF as would be the cases among women who are in low paid jobs or in small and medium enterprises. Generally social protection in South Africa caters for the children and older persons. However there is need to cater for women and girls during the life course hence a need to pay attention to the missing middle (19-60 years old). Girls that are not in education, employments and training may not have any access to social protection as would be the case with their peers.

Lack of sex-disaggregated data and indicators

One of the biggest challenges faced in social protection is that data is hardly sex disaggregated and there are no indicators to measure the impact of such programmes. Sex-disaggregated data and gender statistics including targets and indicators of gender equality are needed so as to achieve women empowerment. An opportunity exists to include unpaid labour in the GDP through data collection efforts that value women's unpaid labour within the household.

Implementation of social protection policies and legislation.

While South Africa has commendable policies and legislation these policies cannot be enforced. This is true for minimum wage conditions for domestic workers (Sectoral determination 7: Domestic workers) and farm workers (Sectoral Determination 8), as well as UIF contributions for these groups. Further, the equal pay for work of equal value is difficult to implement in the private sector.

Although disability grants are available to women and girls, these are not known from those who might need them. A particular case in point would be those suffering from mental health illness. There is a need to raise awareness on mental health and to ensure that women and girls know their rights.

Limited access on public services to sectors of society

public transport systems do not cater for the disabled such as ramps for those on wheel chairs or even space on the bus where the wheel chair can be placed. This is also similar for women travelling with children who are on a pusher.

The tax burden on providing social security remains a challenge for the country. However, social assistance has been able to alleviate poverty in many sectors. It is incumbent on government and the private sector to ensure that investments in education and employment are prioritised as well as focusing on girls and women so that this can reduce the dependency on the state but instead have contributory social protection which comes from social insurance. Prioritising ECD remains an important intervention to improve on educational outcomes in the country.

The recently promulgated National Health Insurance bill brings hope to the many who cannot afford private medical aid but it also will improve infrastructure in the health facilities.