



## WOMEN'S PARLIAMENT 2021<sup>1</sup>



***Advancing Gender Equality under the Auspices of a Capable  
Developmental State***

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***Advancing Gender Equality under the Auspices of a Capable Developmental State:***  
*State Capacity is a critical imperative for the realisation of gender equality.  
Transforming and re-engineering the state machinery is critical for the acceleration of gender equality*

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## Introduction

Gender is a critical feature of both social structures and state institutions. The state and its political and policy making institutions are structured and informed by gendered assumptions, values and beliefs that shape and inform institutional outcomes. These institutional outcomes reproduce broader societal norms and values in relation to gender. The national gender machinery plays an important role as part of the state machinery charged with the promotion of gender equity. South Africa's National Policy Framework for Women's Empowerment and Gender Equality (henceforth 'the Gender Policy') is the policy framework for the promotion of gender equality in South Africa. The Gender Policy created the following institutional framework for the promotion of gender equality:

### Structure of the National Gender Machinery

Government	Parliament	Independent Bodies	Civil Society
The Presidency	Portfolio Committees (including the Joint Monitoring Committee on the Improvement of the Quality of Life and Status of Women)	Constitutional Court	Non-Government Organisations
Office on the Status of Women	Parliamentary Women's Caucus	Other Courts	Religious Bodies
Provincial Offices on the Status of Women	Steering Committee to Women's Caucus	Commission on Gender Equality	CONTRALESA
Gender Units in Line Departments	Provincial Women's Caucus Groups	Public Service Commission	SALGA
Gender Units in Local Government Structures	Women's Empowerment Unit	Human Rights Commission	
		SA LAW Commission	
		Public Protector	
		Land Commission	
		Truth Commission	
		Youth Commission	
		Independent Electoral Commission	

The structuring of the NGM was meant to ensure a platform was created to plan and review progress on gender equity at all levels, within the executive; the legislature; within independent bodies and within civil society at large. Over time, some of the structures of the NGM have become defunct and new structures, such as the Department of Women, Children and Persons with Disabilities have emerged. The policy framework, as it stands, is outdated and needs reviewing to take into account developments since the 1990s.

### **Brief overview of the NGM**

At a regional level, most countries on the African continent have put in place institutional mechanisms for the advancement of gender equity. Fifteen states report that they have a Ministry on Women, 23 have ministries where women's issues are combined with other issues such as families and children and 6 have smaller structures such as women's bureaus or councils.<sup>2</sup> This response by African states is meant to be indicative of a commitment to putting gender on the national agenda. The national gender machinery, in South Africa and elsewhere, has yielded some successes in promoting women's rights.

Notwithstanding the fact that there have been times when the work of the NGM has been hampered by constraints, it has, to some extent, created opportunities for the participation of women. There have been some significant achievements in terms of legislative and policy reform that can be associated with the NGM, an achievement associated with other such institutional mechanisms worldwide.<sup>3</sup> In some instances, NGMs have also played an important role in shaping socially conservative discourses on gender issues.

As much as there have been some achievements in influencing the policy agenda, the ability of the NGM to promote gender equality in South Africa has been hamstrung. While the NGM has contributed towards legislative and policy reform, it has not been as successful in ensuring the implementation of these reforms. In addition, the South African gender machinery, as is the case with such machineries worldwide, is under-resourced and gender analysis expertise in the state has been lacking. Consequently, many of the gains made in relation to gender equality are in those areas where public policy addresses women directly as a category, in areas such as maternal health, termination of pregnancy, violence against women etc. The aspects of public policy where the relationship between men and women must be structurally addressed, such as the patterns of customary law and land ownership, have been harder to take on. The NGM has not led to the redistribution of resources and power in ways that change the structural forces on which women's oppression rests. There therefore appears to be a need to strengthen the NGM to ensure that it is able to deliver on its mandate.

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<sup>2</sup> United Nations Economic Commission for Africa, 2014

<sup>3</sup> Tsikata, 2000; Geisler, 2004

## Key challenges facing the NGM

There are a number of challenges impeding the work of the NGM, which need to be examined and addressed if the NGM is to function effectively. Key amongst these challenges are:

***National Gender Policy outdated:*** The National Gender Policy is outdated and needs to be reworked. Some of the structures in it, such as the Office on the Status of Women, no longer exist. The role of new structures, such as the Department of Women, Children and Persons with Disabilities, are not reflected in it. The nature and structure of the machinery has changed, without updating these structural changes in the related policy framework. The Gender Policy is critical to driving the state's overarching response to promoting gender equity. It is critical that there is a relevant, contemporary and responsive framework in place. The National Gender Policy should therefore be updated as a matter of priority.

***The status of the Gender Focal Points (GFPs) in Government departments is unclear.*** There has been no updated research on how many of these structures are functioning, what they are doing and what their challenges are. In terms of the National Gender Policy, the GFPs had the main responsibility for ensuring the implementation of the policy in Government departments at national and provincial level. All departments were meant to establish GFPs which were tasked with assisting with the formulation of action plans to promote women's empowerment and gender equality in the work of departments.

The work of the GFPs was as follows:

- To ensure that each department implements the national gender policy.
- To ensure that gender issues are considered in departmental strategic planning exercises.
- To ensure that departments reflect gender considerations in their business plans.
- To review departmental policy and planning in line with the National Gender Policy Framework.
- To review all policies, projects and programmes for their gender implications.
- To ensure that departments provide and use gender disaggregated data in their work.
- To establish mechanisms to link and work with civil society.
- To coordinate gender training and the education of all staff within departments so as to ensure that gender is integrated into all aspects of the work.
- To monitor and evaluate departmental projects and programmes to assess whether they are consistent with the National Gender Policy.

In terms of the policy framework, GFPs were meant to be located in the office of the Director General so as to facilitate access to all programmes and programme officials within the department and thereby enabling gender mainstreaming. The

policy further recommended that GFPs were appointed at 'Director' level to ensure that competent, skilled staff were tasked with gender mainstreaming. In 2003, the JMC on Improvement of Life and Status of Women conducted an investigation into the level at which GFP staff had been appointed. It found that the vast majority had not been appointed at 'Director' level and that GFPs comprised of junior staff with no skills or authority to take up gender mainstreaming in the Department. As a result, the work of most GFPs was limited to organising events around Women's Day and the 16 Days of Activism for No Violence Against Women and Children. Most of the GFPs were not working on departmental policy and gender mainstreaming in departments.

**Resources:** The lack of adequate resources has been a critical issue hampering the work of the NGM. There is a need to cost the work of the NGM and to ensure that it is properly resourced.

**Coordination:** In the early years following its inception, the NGM met regularly to plan and coordinate its work. There is a need to ensure that the NGM is properly coordinated. One of the key challenges in this regard is that the former Office on the Status of Women took on the role of the coordinating the NGM. The OSW has since become defunct and the Gender Policy does not speak to the role of the Department of Women, Children and Persons with Disabilities in this regard.

### **Ensuring that the NGM is strengthened**

For the NGM to be utilised effectively as a mechanism for gender equality it is imperative that:

- Ways of strengthening the work of the national gender machinery are identified.
- The policy framework for promoting gender equality is reviewed.
- The work of the NGM is costed and efficiently resourced

## **The National Strategic Plan on Gender Based Violence and Femicide – Developing States Structures for Gender-Based Violence**

The Presidential Summit on Gender-based Violence and Femicide (henceforth 'GBVF') took place on 1-2 November 2018. The summit aimed to strengthen the response to gender-based violence at the highest levels, as well as across all levels of Government and all levels of society. The Summit appointed an Interim Steering Committee to develop a National Strategic Plan on Gender-Based Violence and Femicide (henceforth 'NSP'). The scope of the plan is to focus on violence against women across age, physical location, disability, sexual orientation, sexual and gender identity, nationality and other identities and violence against children.

The NSP outlines the role of the four related structures responsible for implementing the National Strategic Plan on Gender Based Violence and Femicide. These structures are:

- Inter-Ministerial Committee

- National Council on Gender-based Violence
- Executive Board
- GBV Council Secretariat

### ***Inter-Ministerial Committee***

- Plays a key facilitation role and takes political responsibility for the NSP and GBVF processes;
- Ensures that Government provides the needed financial support, spending approvals and policy inputs to the National Council on GBVF;
  - Oversees the implementation of GBVF programmes and activities; and
- Ensures that the National Council on GBVF has the requisite operating environment to perform its functions free of manipulation and undue influence.

### ***National Council on Gender Based Violence***

- Is an independent and non-partisan Advisory Body. The Department of Justice and Constitutional Development (DOJCD) is tasked with drafting legislation that sets out the powers and functions of the National Council on GBVF.
- The National Council on GBVF will be legislated to protect its institutional integrity, provide clear provisions for its existence, operations, powers and functions, independence and future, to facilitate adequate resourcing and ensure accountability.
- The Council's overarching role is to provide strategic leadership and political guidance towards the elimination of GBVF in South Africa. It will play this role through inter alia:
  - » Setting the national agenda for responding to GBVF through inter alia, implementation of the NSP and processes to engage all stakeholders;
  - » Set priorities at three-year intervals (short-term), five-year intervals (medium term) and long term, aligned with the National Development Plan (NDP) outcomes, MTSF and MTEF priorities.
  - » Facilitate programming, resourcing and monitoring and evaluation coherence to respective NSP pillars and the Gender Responsive Planning, Budgeting, Monitoring and Evaluation and Auditing Framework (GRPBM&EA).
  - » Ensure that resources are equitably distributed for a comprehensive response to GBVF.
  - » Increase accountability, strengthen coordination and reduce impunity on GBVF.
  - » Facilitate strategic partnerships, as and when required.

### ***Executive Board***

The Executive Board will comprise a maximum of thirteen persons, constituted of six representatives from relevant Government departments, at a Ministerial level and seven representatives from civil society that will be appointed through a process of public nomination. The public nomination process will be overseen by the Presidency through the Ministry of Women, Youth and People with Disability, supported by a technical team of no more than five persons. Specific criteria will be defined in the overall Terms of Reference for the structure.

### ***GBV Council Secretariat***

The GBVF National Council Secretariat Unit will be led by a Chief Executive Officer (CEO) who will provide technical and administrative support to the National Council. The Secretariat will be responsible for the day to day running of the National Council on GBVF with adequate human and financial resources in place and is accountable to the Council.

These structures will play a critical role in addressing and preventing gender-based violence. It is therefore critical that there is ongoing discussion on how they are set up and resourced to function effectively.