

south africa four years on

what's really changed for women?

Your vote in the forthcoming elections is the precious expression of your beliefs. But what's really changed for women since 1994? Jo Lennox investigates, while two female foreign journalists give their impressions of women's lives in the new SA.

“It is vitally important that all the structures of government, including the president, should understand fully that freedom cannot be achieved unless women have been emancipated from all forms of oppression.” — President Nelson Mandela, opening South Africa's first democratic parliament on May 24, 1994.

Since these historic words, the South African government has ratified the International Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW). A product of the United Nations' Decade of Women (1976 — 1985), CEDAW aims to protect women's rights and to eliminate gender discrimination, and South Africa must report to the UN every four years.

In 1995, South Africa adopted the Beijing Platform for Action (BPFA), addressing areas like poverty, human rights, violence against women, health and fair sharing of family responsibilities. Most importantly, a 1995 white paper acknowledged that the major threats to South Africa aren't

wars, but poverty and crime, and it pledged to invest former military expenditure in women's economic advancement. A year later, the Commission on Gender Equality began scrutinising the gender policies of business and the government.

But what does all of this mean for women?

the political picture

The 1994 election placed South Africa seventh in the world in terms of political representation for women. Before 1994, barely three percent of MPs were women. In 1994, there were 116 female MPs out of a total of 490. This year, there are 131 female delegates — out of a total of 454.

The importance of democratic duty hasn't been lost on women; more women than men have registered for the upcoming elections. (Out of 17 004 453 registered voters, 9 268 723 are women.)

“South Africa has come a long way in increasing women's participation in government,” says Sonja Boezak, project coordinator at the Gender Commission. “There was once silence about women's issues, now voices are being heard.

Unfortunately, though, many women are unaware of how these new laws increase their rights.”

is affirmative action working?

“The constitution and laws allow for employing women in management positions,” notes Winda Visser, president of the SA Council for Businesswomen, “but businesses often employ women in top positions as affirmative action duty. It's time to stop window dressing, and employ the thousands of qualified women out there.” Is this happening? Not yet.

In 1997, just over 10 percent of top-level public servants were women, while over half the public servants in skilled professions, like teaching and nursing, were women. Similarly, no more than one third of people at governmental management level are women.

In the business world too, South African society is more focused on racial than gender discrimination; affirmative action criteria in tendering positions award 10 points to race, and two to gender.

sexual harassment at work

A code of practice on sexual harassment cases, introduced in 1998, aims to create workplaces free from sexual harassment. According to the code, employers should have policies which explain procedures for victims of sexual harassment, and if a victim is unsatisfied with the company's response, she can go to the Commission for Conciliation, Mediation and Arbitration.

The 1998 Employment Equity Act rules that no one may discriminate against an employee on the grounds of gender, family responsibility, pregnancy or HIV status. Family responsibility includes same sex partnerships and partnerships outside marriage, and pregnancy includes ending pregnancy and planning to become pregnant.

Despite this, Liesl Gerntholtz, head of the Gender Commission's legal department, says problems continue. "It's difficult to define 'sexual harassment'," she explains. "Some women are degraded by a man whistling at them, others are flattered. Legislation on sexual harassment needs to be properly implemented. Many women find it difficult to lay a complaint, fearing that their work might be jeopardised, and men often regard complaints as 'women overreacting'. Corporate human resources managers and legal departments should understand the accuser's rights and correct procedure. In turn, women must know what is viewed as sexual harassment and how to deal with it."

home sweet home ..?

Access to housing is crucial for women's security, but it's still difficult for many women. A key role-player in this area, the Women for Housing Group, established in 1997, ensures that women gain access to housing, and educates women on housing rights. Its significant achievements include facilitating the development of women contractors and women's participation in housing projects.

marriage and divorce

The Recognition of Customary Marriages Act of 1998 abolishes the minority status of women married under customary law; all customary marriages are now legally recognised, even if they were entered into before this Act.

Under the new law, a husband and wife share all the property of the marriage equally. In polygamous marriages, husbands must have a written contract with all their wives and the court must

show us the money

Despite the growing awareness of women's rights, women are more likely than men to be unemployed, and women dominate the lowest economic spectrum although dependence on women's incomes has increased with the recession. Almost one third of South African households are headed by women, and poverty rates are 50 percent higher among women than men. Male-owned businesses also outnumber those run by women by more than two to one.

ensure that property is divided fairly between them.

Relief for divorced women came in the form of the 1998 Maintenance Act which means that maintenance investigators can help bring errant fathers and husbands to court. If a father or husband refuses to appear in court, the court can make a maintenance order without his presence. Investigators can also investigate the father or husband's earnings and expenditure, and the court can order employers to deduct maintenance from a man's salary and hand it over directly to his ex-wife. If he still refuses to pay maintenance, court officials can confiscate and sell his property.

maternity leave

The Basic Conditions of Employment Act (BCEA) provides at least four months maternity leave for women any time from four weeks before the baby is due.

According to this Act, a new mother can't return to work for six weeks after giving birth unless she has medical clearance, and employers are prohibited from requiring or permitting a pregnant or nursing employee from performing work which is hazardous to her health or her child.

Maternity benefits are 45% of an employee's previous salary, and fathers can take three days paid leave when a baby is born or if the child is sick.

women and healthcare

South African women live an average six to seven years longer than men, and this has great impact on women's need for medical care. Significantly, according to 1995 statistics, 23 percent of employed men have access to medical aid, while only 20 percent of women have the same access.

The Council for Medical Schemes, established in 1998, prohibits medical schemes from discriminating on the grounds of gender and marital status.

An estimated three million South Africans are HIV positive — most of them women. "Figures on HIV-infected women are the tip of the iceberg," says Joy Wilson of Joy for Life (an organisation which cares for AIDS sufferers). "Women aren't educated enough about HIV, and though the government has made promises for years, very little money is being invested in improving the situation. Discussing sex is taboo in many societies; men refuse to wear condoms, women aren't educated about the female condom and AIDS is spreading rapidly."

contraception

More women than men use contraceptives, and Dr Margaret Moss, Head of Contraceptive and Sexual Health Services, says user habits haven't shifted much in recent years.

"Sadly, although many women are aware of sexual risks, we're not seeing enough behavioural changes," she notes. "Many men won't use condoms and women must still negotiate the use of the female condom. Contraceptive services have increased, but more needs to be done to encourage the use of contraceptives. HIV, STDs and unwanted pregnancies are still major problems."

This year, South Africa ordered 1,5 million female condoms in its fight against AIDS, unwanted pregnancy and sexually transmitted diseases, and in

adoption

The Adoption Matters Amendment Act of 1998 balances the rights of unmarried mothers and fathers. An unmarried father can acknowledge paternity with the mother's consent, and if she refuses, he can obtain a court order to confirm his paternity without her consent. If an illegitimate child is put up for adoption, the father's consent is required, provided he's acknowledged paternity and accepted parental responsibility. The father of such a child can also adopt his own child.

April 1998 a meeting in Pretoria was devoted entirely to the female condom. Eighty delegates from 15 African countries called for greater availability and access.

women and abortion

According to a 1994 study, over 44 000 women presented themselves to hospitals with incomplete abortions every year, the vast majority of which were illegal. In addition, over 400 women died in

hospitals every year from illegal abortions — and these were just cases which reached hospitals.

The 1997 Termination of Pregnancy Act provided for legal abortion; women can now have abortions without their partners' consent, or, in the case of minors, without their parents' permission. Abortion can be performed during the first 12 weeks of pregnancy (after then, certain conditions apply), at facilities approved by the Department of Health.

According to Marie Adamo of the Department of Health in the Western Cape, the new law has

reduced deaths caused by faulty abortions. "The accessibility and efficiency of services vary from province to province, but everything is being done to improve the situation," she says. "More needs to be done to inform women of these services."

Between February 1997 and September 1998, 46 759 abortions were performed in South Africa.

domestic violence

In 1995, the National Commissioner of the police committed the police to fighting violence against women and children. Four years later, South Africa still has one of the world's highest levels of violence against women. One in every six South African women is assaulted by her partner, and at least one woman is killed by her partner every six days. Some 60 percent of South African women experience some form of abuse in their relationships.

The 1998 Domestic Violence Act, which has been passed but not yet promulgated, provides protection against domestic violence, including



Jamaican-born Angella Johnson grew up in London and came to South Africa three years ago. She is a freelance journalist.

"As a black woman, everyone tells me this is my time. Thanks to affirmative action, I can be a boardroom superwoman, climb Mount Everest or discover an AIDS cure. Well, excuse me! So why do I feel like a third-class citizen and prey to sexual predators in this land of opportunity? Will someone please tell South African men that women aren't punching-bags for male frustrations or meat to paw.

"Yes, we have free abortion on demand, and legislation will make sexual harassment an offence, but women still live in fear of sexual violence, particularly in the black community, as men struggle to find their place in this young democracy.

"One black girlfriend told me: 'Over the past four years, I've felt patriarchy more profoundly than ever:'

why do I feel like a third-class citizen?

It's as if, with apartheid dead, women have become the new enemy — which might explain why rape and assault figures have rocketed. I've never before dealt with so much road rage, when men of all races try to drive me off the road or threaten violence for a minor infraction.

"I arrived here three years ago looking for new rules for women and men's interactions. Instead, I've been acutely aware of women's lack of freedom. It's unsafe to walk the streets, and a lunch-time walk can be like running the gauntlet of sexual innuendo. The predatory, proprietorial comments range from the popular "I love you" to the aggressive "I want to f*** you sistah".

"It's little wonder that the first sexual encounter for most township girls is invariably rape or incest (and it's not just a black thing). Not even the elderly are immune, and even in deep rural areas, women don't feel safe going out alone after dark. 'Men act as if we're their property to use as they like,' said one young black girl.

"South Africa is still a man's world: why else would lobola (buying a wife) and polygamy (even Nkosasana Zuma accepted being a junior wife) proliferate?

So when a magnificently-built black male friend from Britain complained that women here are so assertive — 'They think nothing of going up to a man and saying what they'd like to do with him in bed.' — I eyed him

quizzically. 'I feel like a piece of meat,' he whined. I felt hugely unsympathetic and doubled up with laughter. 'Now you know how women feel,' I taunted.

"The general lack of respect for women often reflects in a belief that women are less competent than their male counterparts and should be at home baking cookies. A black woman photographer says male subjects (especially whites) constantly quiz her. 'They usually ask if I'm using the right lens.' Only after handing over her camera for inspection does she get due respect.

"It's the lack of respect displayed by a delivery man who demanded to discuss a bill with my husband, or the Soweto policeman who urinated against a police van seconds before I stepped into it to go on patrol with him.

"South Africa has more women MPs than many developed countries and a constitution which protects their rights, but without freedom of movement, these benefits are virtually worthless. Affirmative action has meant that more women have broken through the glass ceiling, but what's the point when you can't really enjoy it?

"The instruments for genuine equality and an appreciation of women's rights are there, but it will take an aggressive societal attack on the problems facing women to create genuine change."