



Women in South Africa: Strength, Resistance, Resolve



Entrance to The Women's Jail; Constitution Hill, Johannesburg

SOUTH AFRICAN WOMEN: STRENGTH, RESISTANCE, RESOLVE

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Atrium of The Women's Jail

By: Janice Dowson

Living Under Apartheid

Fighting Racial Oppression and Patriarchy

On 9 August 2016, South Africa marked the 60th Anniversary of the famous Women's March, when approximately 20,000 women marched to the Union Buildings in Pretoria in protest of the extension of the application of pass laws to women. On the anniversary of the occasion, and in celebration of National Women's Day, held annually on 9 August, President Jacob Zuma unveiled the 'Living Women's Monument' honouring the four leaders of the 1956 Women's March. At the unveiling, President Zuma, speaking of the 1956 marchers, declared, "They wanted a better life. The extension of basic services such a water, sanitation, electricity, education, health and other benefits for women and children. The struggles of women enabled the ushering in of freedom and democracy, so that these services can be extended to all." However, the ushering in of freedom and democracy has not ensured the liberation of South African women, and for many women the better life has yet to be realized. Indeed, despite gaining strong rights provisions as part of the democratic transition, women's living conditions have not meaningfully improved and transformation toward gender equality has stalled.

Prior to South Africa's 1994 democratic transition, women in South Africa were a subjugated class. White, coloured and black women alike were subordinate to men, however, this subordination intersected forms of racial and class subordination. Despite differences between races, all women in South Africa were seen primarily as baby-factories, responsible for social reproduction, child-rearing, and domestic labour. For the majority of women, their place in the private sphere left them vulnerable to domination by their husbands or fathers, and many suffered domestic violence with little opportunity to leave or protect themselves. In the mid-20th century, rapid urbanisation provided some opportunities for women to gain independence and social mobility, however, for women remaining in rural areas, patriarchal familial relationships continued to flourish. Further, as apartheid laws took hold, and the rural areas were made self-governing "Bantustans", black women were further subjected to customary law which deemed women perpetual minors and kept them isolated from urbanisation and industrialisation that was aiding some women's independence.

Under apartheid, women's resistance struggles were, for the most part, racially segregated. While white women gained the right to vote in 1930, their campaigns to gain the vote were premised on excluding non-white women. Prior to the onset of apartheid, black and coloured women started organising protests against pass laws as early as 1913, and their protests were often met with police violence. Pass laws, which aimed to limit the ability of

black and coloured rural women to come into cities for work, remained a major foundation for women's organised resistance. The famous Women's March on 9 August 1956 was in protest of pass laws. Because women were not able to access positions in state institutions, women's resistance flowed through a vibrant and active civil society.

Black, coloured and white women fought for equality by highlighting the importance of women in social reproduction. Indeed, both African and Afrikaner women used language of women as "mothers of the nation" to promote their importance in the struggle for defining South Africa under apartheid. Where women trained and fought as militant fighters they did so to "save the nation for their children". The language of 'mothers of the nation' gave women the moral authority and political power to organise against apartheid laws and state violence, but did so while reinforcing patriarchy and the sexual division of labour. Union activity and activism provided another forum for women to assert some political resistance, and although women's labour activity was limited to a few specific industries, union opportunities provided women with valuable training and experience in negotiations, mobilisation, and strategies for mass action. Women were also able to organise within the trade unions to address issues of sexual harassment, maternity leave and how shift work affected their ability to care for their families.

Prior to the 1980s, women involved in the struggle against apartheid were unable to break into the ranks of leadership. However, many women in exile gained advanced degrees and received military training, which allowed them to serve as government officials after the democratic elections. Further, in the 1980s, when opposition to apartheid was at its highest, the United Democratic Front emerged as a conglomeration of nearly 400 civil society groups with women's groups playing a prominent role, and prominent women in political leadership roles for the first time. This allowed women to organise effectively to get their demands recognised during constitutional negotiations.

Pass Laws

In 1923, the Natives (Urban Areas Act) required that all black men in cities and towns had to carry passes at all times. These worked as an internal passport to control the movement of black men throughout the country. The law was amended in 1952 to stipulate that all black people over 16 were required to carry passes at all times and could not spend more than 72 continuous hours in an urban area unless they had lived there since birth, or worked in the area continuously for ten years. Pass books contained information about the bearer including: full name, photograph and fingerprints, as well as information about the bearer's employment, including the name of their employer, the address of their employer, and the length of their employment. If found without a pass, or found with a pass with invalid information, the person was subject to arrest.



RESISTANCE: “YOU STRIKE A WOMAN, YOU STRIKE A ROCK”

Women’s March: 9 August 1956

August 9th, 2016 marked the 60th anniversary of the 1956 march led by the Federation of South African Women. The Federation was founded on 17 April 1954; it adopted a Women’s Charter, and established its broad aims of: “...uniting all women in common action for the removal of all political, legal, economic and social disabilities” [2]. The Federation, and their Women’s Charter, contributed to the Congress of People in 1955 – the gathering where the Freedom Charter was adopted. Further, the Federation sought to challenge the idea that a woman’s place is in the kitchen, instead declaring that a woman’s place is EVERYWHERE.

The 9 August 1956 protest march, led by Federation leaders, Lilian Ngoyi, Helen Joseph, Rahima Moosa and Sophia Williams-De Bruyn, was attended by approximately 20,000 women from all over the country. It was scheduled on a Thursday, as this was the traditional day off given to domestic workers. For those not off, many of the black women carried the children of their white bosses along the march. The march was organized by the Federation of South African Women and was a non-racial, peaceful protest march aimed at challenging the extension of pass laws to African women, which was being enforced as of January 1956.

The women marched from Strijdom Square to the Union Buildings in Pretoria in order to deliver 14,000 petitions signed by 100,000 women to Prime Minister J.G. Strijdom’s office. Once the petitions were delivered, the women stood in silence for 30 minutes. The women then stood together and sang the freedom song: *Wathint’ abafazi, Strijdom!* Since this march, the phrase “*Wathint’ abafazi, wathint’ imbokodo*” (You strike a woman, you strike a rock) has come to signify the strength of South African women, particular with regards to their role in the struggle against the apartheid state. This march was the first such demonstration to be organized and participated in by women, for women.

In the years following the 9 August march, the Federation of South African Women came increasingly under government pressure and in 1962 many of its leaders were banned, which resulted in its activities being largely curtailed. And, although the Federation was never banned, most of its leaders were forced into exile. The Federation relaunched in 1987 and remained active in South African politics up to the 1994 elections.



Leaders of the Women's March: Rahima Moosa, Lilian Ngoyi, Helen Joseph and Sophia Williams-De Bruyn

We, the women of South Africa, have come here today. We African women know too well the effect of this law upon our homes, our children. We, who are not African women know how our sisters suffer. For to us, an insult to African women is an insult to all women.

- That homes will be broken up when women are arrested under pass laws*
- That women and young girls will be exposed to humiliation and degradation at the hands of pass-searching policeman*
- That women will lose their right to move freely from one place to another*

We, voters and voteless, call upon your government not to issue passes to African women. We shall not rest until we have won for our children their fundamental rights of freedom, justice and security.

- Abridged Text of the petition presented to Prime Minister J.G. Strijdom

Leading the March

Lilian Ngoyi – born 1911

Anti-apartheid activist and politician. She joined the ANC Women's League in 1952 and later became its president. She was one of the final 30 defendants named as part of the treason trial.

Helen Joseph – born 1905

Anti-apartheid activist, teacher, and social worker. Founding member of the Congress of Democrats and helped to found the Federation of South African Women. Along with Ngoyi, was one of the final 30 defendants named as part of the treason trial.

Rahima Moosa – born 1922


Trade unionist and shop steward for the Cape Town Food and Canning Workers' Union. Active member of the Transvaal Indian Congress. She later became a member of the ANC.

Sophia Williams-De Bruyn – born 1938

Anti-apartheid activist and founding member of South African Congress of Trade Unions (SACTU), which later became the Congress of South African Trade Unions (COSATU).

Albertina Sisulu (1918-2011) - "Mother of the Nation"

Also known as Ma Sisulu, Albertina Sisulu was an early woman leader in the African National Congress joining in 1948. She took on a leadership role in the ANC Women's League in 1950 and in the Federation of South African Women. Virulently opposed to the Bantu Education Act, Ma Sisulu used her home in Orlando West to provide alternative education to students. Both Albertina and her husband, famed Walter Sisulu, were jailed multiple times for political activities. Walter Sisulu and Nelson Mandela formed the ANC's armed wing Umkhonto we Sizwe, and facing charges, Walter fled and went underground to continue the resistance. After Walter fled, Albertina and her young son Zwelakhe were arrested by police. Albertina was placed in solitary confinement and denied any personal contact or communication for two months. During her time in police custody, Albertina was routinely psychologically tortured by the guards and it was not until she was released from prison that she learned Walter had been found and arrested. After Walter was jailed, Albertina continued to be politically active despite being banned and under dusk-to-dawn house arrest for 17 years. She continued to organise resistance, distribute aid, and help those facing police brutality and oppression. In 1983, she was elected co-president of the United Democratic Front (UDF), and began travelling to meet with European politicians. After the 1994 elections, Albertina served in Parliament as a member of the ANC until retiring from politics in 1999.

A black and white portrait of Albertina Sisulu, a prominent South African anti-apartheid activist. She is shown from the chest up, turned slightly to her left, looking off-camera with a gentle smile. Her hair is styled in a short, textured bob. She is wearing a dark, high-collared garment under a light-colored, patterned shawl or jacket. The background is a plain, light color.

“The women of South Africa have been leading the struggle hand in hand with the men. There has never been any difference except that the women’s side is more vulnerable to any oppression, the side of their home and the children.” (Albertina Sisulu 1997)

TRANSITION TO DEMOCRACY

Making Women's Voices Heard

Constitutional Negotiations

By the end of the 1980s, the apartheid government and anti-apartheid forces faced various constraints that opened a path for negotiation. For the government, a struggling economy, international sanctions, increasing violence and decreasing legitimacy both domestically and internationally increased the desire to negotiate a transition. For the anti-apartheid movement, changes within the ANC leadership toward a pro-negotiation outlook, a stagnant armed struggle and increased difficulty accessing weapons and resources also prompted a desire for negotiation. In 1990, after more than forty years of apartheid policies, the NP under President F.W. de Klerk began renouncing those policies and rescinded bans on the African National Congress (ANC), the South African Communist Party (SACP), the Pan-African Congress (PAC), and 31 other organizations, and signalled a willingness to start negotiations. The negotiated settlement set the terms for South Africa's transition to constitutional democracy. The settlement contained three provisions. First, full-suffrage elections would take place in April 1994 through a party-list proportional representation electoral system. Second, the government formed after the 1994 election would be a Government of National Unity, in which each party that received at least 5 percent of the popular vote would be given a share of executive power. Third, the democratically elected parliament (led by the Government of National Unity) would have the final say in enacting the final constitution, but the final constitution would have to adhere to 33 binding provisions, which were designed to ensure that the political compromises remained intact. Thus, the negotiations set the course and priorities for South Africa's political reform away from apartheid and toward democracy.

Initial negotiations took place through the Convention for a Democratic South Africa (CODESA) and occurred within a tumultuous political climate. Despite the delegations making some progress toward a settlement, escalating violence, continued animosity and distrust, and seemingly irreconcilable demands eventually led to the breakdown of CODESA and its follow up CODESA II. After months of correspondence, Mandela and de Klerk met to reach a consensus that would salvage a negotiated settlement. The ANC/NP government Summit attempted to come to terms to re-start a multi-party negotiating process. The Summit itself established an agreement that there would be an interim government of national unity that would lead a democratically elected assembly. In his closing speech after the Summit, Mandela, on behalf of the ANC stated, "Let us move forward with courage, honesty and determination to build upon and consolidate the basis laid at today's summit to create a peaceful, just and democratic South Africa."

Further, after the Summit, the negotiators agreed that the process for reconciliation and reconstruction depended on, as de Klerk stated, “...transforming South Africa into a state in which the constitution is the supreme law and a justiciable charter of fundamental rights protects citizens against abuse of state power.” Mandela reiterated that the mission was to come to a consensus about how to, “...transform South Africa into a united, democratic, non-racial and non-sexist country.” The multi-party negotiating process established the outlines of South Africa’s constitutional democracy, and it was clear throughout the process that negotiators were using the constitutional negotiations, not only to set the terms for the future, but to do so in a manner cognizant of the past.

“It is a sad fact that one of the few profoundly non-racial institutions in South Africa is patriarchy.”

- Albie Sachs, former Constitutional Court Justice

The Bill of Rights set the conditions for the “New South Africa”, which emphasizes the importance of human dignity, equality and freedom as the basis for inclusive citizenship. The Bill of Rights’ first provision states, “This Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.” These three core principles are a direct response to the conditions of apartheid, which denied human rights and dignity to the vast majority of South Africans. Apartheid resulted in legacies of abject inequality, and the commitment to ensuring human dignity, equality and freedom is reflected in the Bill of Rights, which protects political, civil and socio-economic rights.



Women in Constitutional Negotiations

Women's organisations were incredibly influential in the constitutional negotiations and the crafting of the Bill of Rights. As Shireen Hassim explains, "In the course of this transition [to democracy], the women's movement also underwent a significant shift, moving from the margins of formal politics to the centre and impacting on the debate about the formation of the new institutions of democracy." The women's movement used its power and position in the negotiations to ensure women would be equal citizens in the new South African democracy. Drawing on the **Women's Charter for Effective Equality**, the Women's National Coalition (WNC), which emerged as the negotiating force for the women's movement, recognised not only that women's and men's needs differed, but that women's needs were diverse also. The first major victory the WNC secured is the robust equality protection in the Bill of Rights. The Equality Clause prohibits discrimination on the basis of "race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth."

"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." (South Africa, 1996)

Women's organisations fought strongly for the inclusion of sex, gender, pregnancy, marital status and sexual orientation. Additionally, the WNC fought for the removal of a 'compromise clause' that would have excluded customary and traditional law from having to respect the equality rights of women. Further, the WNC, also ensured that socio-economic rights would be included in the Bill of Rights alongside political and civil rights. This victory ensured that South Africans would have access to housing, water, education and health care, and was particularly important for ensuring women would be able to overcome the deep poverty that many of them faced.

The WNC's final major victory was the constitutional inclusion of the Commission for Gender Equality. To ensure a commitment to transformation, the constitutional settlement called for the creation of a series of constitutionally protected independent institutions mandated to support the consolidation of constitutional democracy. These institutions can be divided into two sets with different, yet complementary, aims. The first set of institutions is designed to ensure good governance and includes: the Auditor General, the Electoral Commission, and the Public Protector. The second set of institutions is designed to promote individual and group rights: the South African Human Rights Commission, the Commission for Gender Equality and the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities. On the eve of the acceptance of the interim constitution, the Commission for Gender Equality was not among these new, constitutionally protected institutions; it was upon the insistence of the WNC that the Commission for Gender Equality was established and enshrined in the constitution.

Women's Charter for Effective Equality

"We the women of South Africa, claim our rights. We claim full and equal participation in the creation of a non-sexist, non-racist, democratic society. As women, we have come together in a coalition of organisations to engage in a campaign that enabled women to draw on their diverse experiences and define what changes are required within the new political, legal, economic and social system. South Africa is the poorer politically, economically and socially for having prevented more than half of its people from fully contributing to its development. Women's subordination and oppression has taken many forms under patriarchy, custom and tradition, colonialism, racism and apartheid. We are committed to seizing this historic moment to achieve effective equality in South Africa. The development of the potential of all our people, women and men, will enrich and benefit the whole of society. Women have achieved success and made invaluable contributions to society despite widespread gender discrimination. We claim recognition and respect for the work we do in the home, in the workplace and in the community. We claim shared responsibilities and decision-making in all areas of public and private life. Democracy and human rights, if they are to be meaningful to women, must address our historic subordination and oppression. For women to be able to participate in, and shape the nature and form of our democracy, the concepts of both human rights and democracy must be redefined and interpreted in ways which encompass women's diverse experiences. We required society to be reorganised, and its institutions to be restructured to take cognisance of all women. In particular, women should have full opportunity and access to leadership positions and decision-making at all levels and in all sectors of society. Affirmative action could be one means of achieving this. We hereby set out a programme for equality in all spheres of public and private life, including the law and the administration of justice; the economy; education and training; development infrastructure and the environment; social services; political and civic life; family life and partnerships; custom, culture and religion; violence against women; health; and the media."



Commission for Gender Equality

The Head Office of the Commission for Gender Equality (CGE) is located in the famous “The Women’s Jail” on Constitutional Hill in Johannesburg, which under apartheid held women resistance fighters and those deemed enemies of the state. The CGE also has offices in each of South Africa’s nine provinces. The CGE’s stated mission is “to promote, protect, monitor and evaluate gender equality” and its vision for South Africa is “a society free from all forms of gender oppression and inequality”. The CGE describes its work as five-fold stating it “shall advance, promote and protect gender equality in South Africa through undertaking research, public education, policy development, legislative initiatives, effective monitoring and legislation”.

The CGE is comprised of several different departments. First, the Legal Department investigates complaints, evaluates laws and practices, makes recommendations to parliament, and monitors South Africa’s compliance with international standards. Like the Human Rights Commission, the CGE has search, seizure and subpoena powers and can order redress for victims. Second, the Public Education and Information Department fulfills the CGE’s education and public engagement functions. It also runs the Information and Resource Centre, which is a public reference library that includes official publications, research reports, theses, web resources, academic journals, and audiovisual material, as well as hosts a bimonthly speakers’ series seminar. The collection focuses on providing information on a range of gender equality and women’s issues. Third, the Department of Policy and Research prepares research reports and policy proposals for government bodies, runs policy workshops and facilitates the CGE’s relationship with its partner organizations.

The CGE structures its work under six thematic areas: gender and poverty, gender and HIV, the national gender machinery, gender based violence, gender, culture religion and traditional practices, and gender, democracy and good governance. The CGE's complaint adjudication process is the responsibility of the provincial offices. Under the leadership of a provincial coordinator, the CGE provincial offices "create ease of access across South Africa and facilitate gender reporting and redress through outreach programmes". More specifically the CGE handles complaints regarding discrimination based on race, sex, pregnancy, marital status, disability, sexual preference, age, and trade union, government and private activity. The CGE often argues that budget constraints inhibit it from accomplishing its constitutional tasks and it routinely lobbies the government for additional funding. The CGE's 2015 government budget allocation was R 68 million (roughly 7 million CAD) and with additional funding from other sources, the Commission's 2015 operating budget was approximately R 86 million. The CGE's strategic plan suggests that the government allot to the Commission between R 83 million and R 108 million per year. Because of these financial constraints, the CGE has been forced to make compromises in fulfilling its mandate and commentators caution that while the Commission has been considered to be performing fairly well, at the same time it has favoured public information and education over more important tasks such as acting as a watch dog of government and legislative performance on gender equality goals.

The CGE's effectiveness at acting as a watchdog and providing legislative input has prompted one gender justice group, Sonke Gender Justice, to institute the "CGE Monitoring Project", which "was established to ensure that the Commission for Gender Equality delivers on its mandate to advance gender transformation in South Africa". The CGE Monitoring Project is "made up of women's rights, gender equality and human rights organisations from across the country all involved in promoting gender equality and advancing the needs and rights of women", and the objectives of the project are to ensure that the CGE is carrying out core tasks such as education, research, as well as advising and reporting on issues of gender inequality in order to better promote and lobby for human rights and gender equality in South Africa.

The CGE Monitoring Project demonstrates some of the tensions surrounding the CGE. Civil society groups consider the CGE an important enough institution that they organize to criticize, monitor and engage with its work, rather than bypassing it and taking their concerns directly to the government, the Office of the Status of Women or to the Human Rights Commission. They recognize the role that the CGE is supposed to fill in society and would like it to fulfill its mandate. Criticism regarding the CGE's ability in accomplishing its mandate is generally levelled at its ability to challenge government policy along with suggestions that the CGE and the governing ANC are too close.

"Gender equality is a constitutional value that refers to a substantive and non-discriminatory relationship between women and men in society; Gender equality refers to the equal distribution of opportunities, of access to resources and of decision-making power between women and men in society."

- Commission for General Equality

South African Human Rights Commission

The South African Human Rights Commission (SAHRC) has a larger mandate than the Commission for Gender Equality, in that it is responsible for ensuring that all of the promises in the Bill of Rights are fulfilled, including the provisions for gender equality. The SAHRC also is responsible for ensuring that South Africa adheres to its commitments under international law. South Africa is a signatory to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), which was adopted by the United Nations General Assembly in 1979 and ratified by South Africa in 1995. It is the SAHRC's responsibility to hold the government to account in its attempt to reach the goals and measures outlined by CEDAW, such as protecting women and girls from gender-based violence, and ensuring women a voice in all political, legal and social decisions. Further, as criticism of the CGE has continued to mount, the SAHRC has taken a deeper interest in exploring gender inequality, gender-based violence, and the gendered implications of poor service delivery, particularly relating to water and sanitation.

African National Congress Women's League

The ANC Women's League (ANCWL) was formed in 1948 and its members took a leading role in the 1952 Defiance campaign to protest the pass laws. After the ANC was banned in 1960, many members of the ANCWL fled into exile. After the unbanning of the ANC in 1990, the ANCWL encouraged all women's groups to come together to form one national women's organisation to lobby during the constitutional negotiations. The Women's National Coalition was launched in 1991, and drafted the Women's Charter for Effective Equality that became its list of demands during the constitutional negotiations. Still in existence, the ANCWL has been criticized in recent years for promoting the interests of the party over the interests of women.

Women's National Coalition

The Women's National Coalition was formed in 1992 as a coalition of more than 70 national women's organisations and attempted to bring together women from different races, classes, political parties, religions, and occupations. The WNC even included women from the National Party – the party of apartheid. The WNC drafted the Women's Charter for Effective Equality that became its list of demands during the constitutional negotiations. To help establish the Women's Charter, the WNC undertook a nation-wide education campaign alongside a participatory process to gain insight into women's views and opinions. Despite its success in the constitutional negotiations, the WNC later declined in importance, with much of its leadership taking roles as parliamentarians, Constitutional Court justices, Commission for Gender Equality Commissioners or other positions within the new democracy.

Forcing open the doors



A serious moment ... delegates, Mavivi Manzini from the ANC and the DP's Gill Noero.

The Women's National Coalition

“The future depends on us whether there is to be a non-sexist South Africa. No one is going to give it to us. We have been banging on doors for generations and nobody has opened them. Now we have to force open the doors through the voices of millions of South African women. We here must do it!”

This was the opening message to the Women's National Coalition launch from Frene Ginwala, deputy head of the ANC's Emancipation Department.

After she had spoken, women from the ANC, Inkatha, the SA Communist Party, the

In April, women from different organisations joined forces to launch the Women's National Coalition. Thoraya Pandy was there.

Photos by Anna Zieminski

Nationalist Party, Cosatu and about 55 other organisations stood up, cheering and ululating. Despite their

political differences, they agreed women must unite to “force open the doors”. They have launched the Coalition to make sure women's rights are included in the laws and constitution of the “new” South Africa.

“There's no turning back. Nothing can stop us,” said one delegate at the end of the weekend workshop.

More than 250 delegates from about 60 organisations came from all over South Africa to Johannesburg to attend the workshop.

Preparations for the launch began in August after the ANC Women's League called a meeting of different

AFTER THE ELECTION

Women Continuing to Struggle

Since the end of apartheid, women have made gains in all areas of South African society, but many women remain second-class citizens.

Women in South Africa's Parliament and Government:

Since the first democratic elections in 1994, South Africa has made considerable gains in electing women. South Africa's strict proportional representation electoral system has allowed the country to have one of the highest percentages of women in parliament in the world. Currently, 41% of representatives in the National Assembly are women, 41% of cabinet ministers are women, and 47% of deputy ministers are women. Indeed, the inclusion of women into the formal institutions of democracy has been seen internationally as a triumph of democratisation.

Education:

Girls and women have greater access to education and more women are accessing post-secondary education. Despite gains, the education system remains incredibly unequal, with most middle and upper-class students attending private schools, while public schools remain underfunded. Public schools in wealthier areas are able to charge higher fees and, in turn, have access to better resources, whereas public schools in areas where most families qualify for no-fee education are failing to provide baseline resources. For example, in 2007, in the Eastern Cape at least half of the public schools lacked access to water, and 22% lacked electricity. Poverty remains a major barrier for girls' access to education, with many girls skipping school while menstruating or dropping out altogether as to not face the embarrassment of not being able to afford sanitary napkins. In February 2017, the provincial government of KwaZulu-Natal started distributing sanitary napkins to girls in grades 4-12 as a measure to promote their continued education.

Gender-based violence:

Despite many campaigns to help thwart gender based violence, the statistics in South Africa regarding gender-based violence are staggering. In 2016, one woman was killed by an intimate partner every 8 hours. Further, up to 40% of women admit to experiencing sexual or physical violence in their lifetime, and nearly 50% of women admit to experiencing emotional or financial abuse committed by their intimate partner. Approximately 54,000 rapes occur each year, which is approximately 147 per day and often leads to South Africa being dubbed, "the rape capital of the world." While investigating the abysmal sanitation and hygiene conditions in rural townships, Commissioners from the South African Human Rights Commission heard tell that every woman and girl in the community had been sexually assaulted on their way to the pit toilets. Virginity testing and child marriage still occurs frequently in areas where the reach of the state is weak.

Health and HIV:

As part of the negotiated transition, access to health care became a constitutional right and is seen as fundamental to human dignity. Like education, the healthcare system is split between public and private and is further segmented along racial and geographical lines and curative or preventative approaches. In the early days of South Africa's new democracy, the ANC government built community health clinics and provided maternity and child health care free of charge to all who needed it. Health services began to reach through the country, and health care was no longer just for the white minority. However, neoliberal economic policies instituted in the late 1990s onward, have devolved health care to the provincial level and regional disparities have risen. Spending on private health care far exceeds the spending on the public health sector, and much of the spending in the public health sector is spent on treating AIDS and TB. South Africa has been described as the epicentre of the global AIDS epidemic. 5.2 million South Africans are living with HIV (~9% of the population), and 17% of HIV infected people in the world live in South Africa. HIV infections are especially high in young women, with young women being four times more likely than young men to be HIV-infected. Women are at higher risk of acquiring HIV during sex, with young women the most susceptible.

Water and Sanitation:

In 2014, the South African Human Rights Commission reported that many rural communities and informal settlements lacked basic access to water and sanitation services. In recent years, children have died by drowning in unventilated pit latrines, and in 2011 the country faced "Toilet Wars": protest action where the contents of full pit toilets were thrown at passing cars, and residents of informal settlements squatted by the side of highways to raise awareness about the lack of sanitation facilities. Unequal power relations in rural communities relegate women and girls to the role of 'bearers of water'. Women cook, clean, care for the children, elderly, disabled, and ill and as the SAHRC found, "The lack of safe transport, streetlights, water and sanitation, make them even more vulnerable to misogynistic violence." During the SAHRC's hearings, women were the majority of complainants and often spoke of how lack of access to safe water and sanitation has gendered impacts. While service delivery remains the major challenge, the lack of access to water is being exacerbated by drought conditions that have ravaged the country since 2015.

"These are the sad stories of the Western Cape's poor areas that includes Makhaza and Ndlovini. In Makhaza, a young woman told me in a weary manner of fact way that it would be hard to find a woman or girl who had not been sexually assaulted on her way to or from these 'toilets'."

- Pregs Govender, former SAHRC Commissioner

FOUR STORIES

Women in South Africa

Woman A is a domestic worker for a white family, in Hoedspruit, Limpopo province. She is 29 years old and is raising her 12-year-old daughter with the help of her mother and her on-again off-again boyfriend. She and her family live in an informal settlement on the western outskirts of town and the family she works for lives on the eastern outskirts of town approximately 10 km from the informal settlement. She gets to work by hitching a ride, or by a mini-bus taxi and when she arrives she immediately drinks two glasses of water. She told me that because they don't have running water in the informal settlement, and because the water truck comes by sparingly, she doesn't drink water at home and thus, when she arrives at work in the morning she is very thirsty. She will often take refillable bottles home with her at the end of her work day. Her daughter suffers from epilepsy, which often keeps her away from work, much to the chagrin of her employers. I witnessed her male boss fly into a fit of rage, when she was 30 minutes late one morning, and his anger did not abate after she explained she had spent the night with her daughter at the local health clinic. She lamented that she spends her days caring for her "family's" children, doing their laundry, cooking their meals, and cleaning up after them, even as she is unable to perform these tasks for her own daughter. The post-apartheid state has made gains in protecting domestic workers, and by law, workers and their employers are supposed to have a clear contract and domestic workers are protected under the Basic Conditions of Employment Act, which includes provisions for annual leave, working hours, family responsibility leave, and maternity leave. However, as Woman A's male boss told me, as he described his desire to fire her, they had never signed a contract because they did not want to honour their responsibilities to her. However, he now felt that because they didn't have a contract with her, if they fired her, she would report them to the Commission for Conciliation, Mediation and Arbitration (CCMA). However, when I asked her about the CCMA, she had no knowledge of how it could help her (a piece of information I did not disclose to her employer). What struck me most about Woman A was how, despite all of the challenges she faced, she was incredibly upbeat, happy, open and kind.

Woman B is the woman of the household where Woman A works. She is an British citizen, who travelled to South Africa as a young woman and fell in love with a charming park ranger who, at the time, spoke little English. After moving to South Africa permanently, marrying the ranger, and having two children she contemplates returning to Britain daily. She struggles, working five part-time jobs, to save enough money to travel home with her children to visit her family every three years or so. Her husband is an Afrikaner nationalist, openly racist, and at times violent, though never physically violent toward her or her children. He sleeps with a loaded handgun on his nightstand. Living in a primarily Afrikaans speaking area, as an English speaker, she is isolated with few friends. When asked if she wants to return to Britain, she sighs and tells me that she would like to return home, but that would mean leaving her husband and that she'd be fine doing so, but he'd demand to keep their son (while allowing their daughter to go to Britain) and she could not leave her son. She tells me that the men in this area are used to being served and are unable to do anything for themselves such as prepare food, do laundry or clean up dishes. She simply told me that her husband would not survive having to do such things in Britain.

Sample of written particulars
Provided free of charge
by the Department of Labour

WRITTEN PARTICULARS (DOMESTIC WORKER)

Given by:

(herein after referred to as "the employer")

Address of employer:

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.....

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to

(herein after referred to as "the employee")

1. Commencement

Employment will begin on and continue until terminated as set out in clause 6 of the guidelines.

2. Place of work

3. Job description

Job Title
(e.g. Domestic worker, child minder, gardener, etc)

Duties: See attached job description

4. Hours of work (See Guideline 5)

4.1 Normal working hours will be he hours per week, made up as follows:

Monday / Tuesday / Wednesday / Thursday / Friday: am to pm

Meal intervals will be from: to

Other breaks:

Saturdays: am to pm

Meal intervals will be from: to

Other breaks:

First page of a 9 page contract that employers and domestic workers are supposed to sign. The Department of Labour provides this fill-in contract free of charge on its website for people to use. It outlines basic conditions of employment, remuneration, leave provisions, and lists responsibilities. This simple contract has made a major difference in many domestic workers working conditions, though many domestic workers remain unprotected.

Woman C is a Zimbabwean migrant who works as a cook and cleaner in a guest house in a Johannesburg suburb. She travels 1 hour and 25 minutes each way to work and on Saturdays, she brings her toddler son with her.. They live in Soweto, in a two-room house with running water and electricity. Her son spends his weekdays with a neighbour, who watches him alongside her own children. Her day at the guest house begins by setting out breakfast for guests and cooking a hot breakfast for those who want it. Once breakfast is complete, she cleans up the kitchen and starts to do housekeeping services on the guest rooms. After performing her house keeping duties, she starts doing the first of six loads of laundry done each day. She tells me this is her favourite time of day because while the first load is washing, she can take her lunch break and watch the American Soap Opera *Young and the Restless*. After lunch, she sets up to do the ironing so that she can continue to watch daytime programming. She tells me that, the boss is a kind man who allows his staff to enjoy the guest house amenities so long as they are not disturbing or disrupting the guests. Once her work is done in the afternoon, she and the guest houses' manager/driver play a quick game of snooker in the communal area. She feels blessed to have found a job with a boss who respects his employees, pays a fair salary, and allows her to bring her son to work when she can't find child care for him. Although she spoke longingly for Zimbabwe, while acknowledging that she and her son had better opportunities in South Africa.

Woman D is a young woman activist who was a central figure in the "Rhodes must Fall" campaign at UCT, which was supplanted by the "Fees must Fall" campaign after the statue of Rhodes was removed. She helped to organise marches on campus, and at the Parliament buildings in downtown Cape Town, to protest the raising of tuition and housing fees, which protestors argued would make university even more unaffordable for black students. The protests on campus turned violent, and some university property was vandalised and a UCT shuttle bus was set ablaze. For her part in organising the march, she was expelled from UCT, and at the time I spoke to her she was planning an appeal. Her appeal was unsuccessful, and she remains expelled from UCT. However, the publicity she received for her part in the protests has vaulted her to a position of prominence in the activist community in Cape Town. Her activism focuses on making white spaces available to black and coloured individuals. When I met her, she was organising a rally to 'take back the city' to protest gentrification in the Seaside community of Cape Town. She has also led marches and rallies against gentrification of Woodstock, and was working on a documentary about gentrification and racial segregation using Woodstock as an example. She told that Woodstock, which is on the edge of downtown Cape Town was the only area that remained unsegregated during apartheid, and thus, was the only area within reasonable commute where blacks could live. After the 1994 elections, Woodstock remained the only area around Cape Town where working-class blacks could afford to live. Recently, however, young, white artists have moved into Woodstock for cheaper accommodation and trendy shops, bars and a fancy mall followed. Further gentrification ensued, and now rents are higher as Woodstock is becoming a trendy place to live and increasingly a hot tourist spot. This change has forced out the working-class blacks who called Woodstock home. I asked Woman D why she didn't focus more fully on organising for women's interests given the patriarchy that is still so prevalent in South Africa. She bluntly replied that race is still the only difference that matters in South Africa and that she'd fight for white women when apartheid was truly over.



Left: this is the area in Soweto where Woman C lives with her young son

Below: the pedestal at UCT that had held a statue of Cecil Rhodes. Woman D described that when the statue was removed, she knew she was meant to be an activist



Below: street art in Woodstock started the gentrification process and its streets are now a destination for famous street artists. This photo shows the work of four different artists while a municipal worker walks past



#ThereIsNo
EXCUSE

Harassment-Assault
Rape

2014/12/12