MINISTRY FOR WOMEN, CHILDREN AND PEOPLE WITH DISABILITIES
REPUBLIC OF SOUTH AFRICA

SOUTH AFRICA’S REPORT TO THE AU SECRETARIAT ON THE
PROGRESS MADE IN IMPLEMENTATION OF THE AU HEADS OF STATES’
SOLEMN DECLARATION ON GENDER EQUALITY IN AFRICA

JULY 2010
## Contents Page

1. Introduction 03

2. Progress Made in Implementing the AU Heads of States’ Solemn Declaration On Gender Equality in Africa 04
   2.1 Commitment 1: HIV and AIDS and Other Related Infectious Diseases 04
   2.2 Commitment 2: Peace and Security 09
   2.3 Commitment 3: Child Soldiers 11
   2.4 Commitment 4: Gender Based Violence 12
   2.5 Commitment 5: Gender Parity Principle 19
   2.6 Commitment 6: Human Rights of Women 24
   2.7 Commitment 7: Land, Property and Inheritance Rights 26
   2.8 Commitment 8: Education 26
1. **Introduction**

In August 2004, South Africa signed and ratified the African Union (AU) Heads of States’ Solemn Declaration on Gender Equality in Africa. One of the commitments in this regards is that member countries will report annually, through the Head of State, on the progress made in implementing this Declaration at the national level.

In line with this obligation, South Africa submitted its first, second and third reports to the AU Secretariat in July 2005, June 2006 and January 2008 respectively. This report therefore serves to provide an update on the progress made by South Africa in implementing the AU Solemn Declaration on Gender Equality for Africa, and serves as the country’s fourth report to the African Union Summit for AU Heads of States scheduled for 17-28 July 2010 in Kampala, Uganda.

This report is crafted along the guidelines provided in the Implementation Framework on the Declaration, adopted on 12-15 October 2005, at the First AU Conference of Ministers responsible for women and gender, in Dakar, Senegal.

In the first report, the focus was on the institutional mechanisms for women’s empowerment and gender equality. This report seeks to provide an update on institutional arrangements in the country following the National Elections held in 2009. On 10th May 2009, His Excellency President Jacob Zuma announced the new Cabinet for the electoral period 2009 to 2014 and pronounced on the establishment of a Ministry for Women, Children and People with Disabilities. The intention is to emphasise the need for equity and access to development opportunities for the vulnerable groups in society.

The establishment of such a Ministry and its concomitant Department is meant to achieve better alignment between the structures, the electoral mandate and the developmental challenges that need to receive immediate attention from Government and the different sectors of society. The creation of this Ministry is heralded as one of the major victories for women in the country in their quest for emancipation, non-discrimination, non-sexism, advancement and development.
2. Progress made in implementing the AU Heads of States’ Solemn Declaration on Gender Equality in Africa

2.1 Commitment 1: HIV and AIDS and Other Related Infectious Diseases

*Article 1 of the AU Solemn Declaration on Gender Equality in Africa focuses on the accelerated implementation of gender specific economic, social and legal measures aimed at combating the HIV and AIDS pandemic and effective implementation of both the Abuja and Maputo Declarations on malaria, HIV and AIDS, tuberculosis and other related infectious disease.*

Since the dawn of democracy in 1994 a number of initiatives have been implemented to improve access to health services by women. One of the first initiatives was to remove user fees for children under six and pregnant and lactating women. Later, user fees for people with disabilities were also removed. Primary health care was also made free to all.

The health sector remains committed to the White Paper for the Transformation of the Health System’s (1997) vision, which accentuated the need to: decentralise management of health services; establish the District Health System to facilitate implementation of Primary Health Care (PHC); increase access to services for citizens; ensure the availability of good quality essential drugs in health facilities; strengthen disease prevention and health promotion in areas such as HIV and AIDS, and maternal, child and women’s health; implement the Integrated Nutrition Programme to focus more on sustainable food security for the needy; and rationalize health financing through budget reprioritization.

To articulate the vision stated earlier, the health sector is guided by a Medium-Term Strategic Plan (10 Point Plan) for the period 2010/11-2012/13, which sets out the planned performance of the Department of Health and consists of the following priorities:

- Provision of Strategic leadership and creation of a social compact for better health outcomes
- Implementation of a National Health Insurance Plan
- Improving quality of services
Overhauling the health care system and improve its management
Improving human resources management
Revitalization of physical infrastructure
Accelerated implementation of HIV and AIDS plan and reduction of mortality due to TB and associated diseases
Mass mobilization for better health for the population
Review of the Drug Policy
Strengthening research and development

Government intends to also accelerate delivery on the four key areas expected from the health sector in the revised outcome-based Medium-Term Strategic Framework for 2009-2014 namely, increasing life expectancy; combating HIV and AIDS; decreasing the burden of diseases from Tuberculosis (TB) and improving health systems effectiveness, and 20 deliverables, which are aimed at improving the health status of women and children. These focus areas are consistent with the health related Millennium Development Goals (MDGs).

The following programmes are identified to track the health sector developments by describing some key specific actions undertaken, stating achievements as well as challenges.

1. **Sexual and Reproductive Health and Rights**
To strengthen women’s control over reproductive and their own health, the Choice on Termination of Pregnancy Act was passed by the National Parliament in 1996 which enabled women to have access to legal and safe terminations, thus contributing to a decline in morbidity and mortality from unsafe abortions amongst women of child-bearing age. A key challenge to ensuring access to safe terminations is to provide the service at primary health centres and all hospitals. The Act was amended in 2008 to allow a greater proportion of midlevel workers to provide pregnancy termination services. However, some health care workers decline to provide the service on moral or religious grounds. This adds to the challenge of providing this service. To decrease the need for terminations of unwanted pregnancies there is a need to strengthen sexual and reproductive health, including access to contraception. Medical termination of pregnancy will be added to increase safety of and access to these services.
2. HIV and AIDS and STIs Management

To improve management of STIs, 100% of sexually transmitted infections services in the public
section were offered by adequately trained staff using Syndrome Management guidelines in
2008/09. A national partner notification rate of 100% was achieved, however the national STI
partner tracing rate was much lower at 21.20% against the target of 40% within the reporting
period.

In 2004 a national antiretroviral therapy programme for people with CD4 counts of less than 200
was introduced. Between 2004 and November 2009 more than 900 000 people were initiated on
treatment. This is one response to the HIV and AIDS epidemic in South Africa – which has seen
HIV prevalence in pregnant women attending public health facilities at more than 29% as the
national average with some health districts having a prevalence rate of more than 40%.

A new discourse on HIV and AIDS is being initiated. New policies and strategies will be
implemented during 2010/11-2012/13 to combat the scourge of HIV and AIDS and TB. All children
less than 1 year of age who test positive for HIV will be initiated on treatment, irrespective of their
CD4 count. Antiretroviral Treatment (ART) will be provided to pregnant women at CD4 count of 350
or less, to enhance maternal survival and reduce the possibility of vertical transmission. ART will
also be provided to people co-infected with TB and HIV at a CD4 count of 350 or less. This will
contribute significantly to reducing morbidity and mortality associated with TB and HIV and AIDS.
Most importantly, prevention must remain the mainstay of all efforts to combat HIV and AIDS. The
delivery fo HIV and AIDS and TB programmes will be integrated. This integration of services will
also extend to the delivery of Antenatal Care and the Prevention of Mother to Child Transmission
(PMTCT) of HIV.

3. Decreasing Maternal Mortality Ratio

The South African Government made maternal deaths notifiable in 1997. A National Committee for
the Confidential Enquiry into Maternal Deaths was established to enquire into all notified maternal
deaths within health facilities in order to determine the causes of these deaths. This Committee in
its reports highlights the major causes of maternal deaths and recommendations. The 2005-2007
Saving Mothers report (a report of the Committee) suggests that a significant proportion of maternal deaths are attributable to HIV. The report suggests that the health facility or institutional maternal mortality rate for HIV negative women was 34/100 000 live births whilst that for HIV positive women was 328/100 000 live births and 275/100 000 live births for those not testing. This means that HIV positive pregnant women are ten times more likely to die in child birth than HIV negative women. However other sources, including community based studies, estimate the total maternal mortality rate (institutional and community deaths) to be in the range of 400 – 600 / 100 000 live births.

4. Human Sexuality, gender inequality and vulnerability

The high prevalence of HIV amongst women suggests the extent to which women in South Africa are vulnerable to the epidemic. Besides evidence from the annual antenatal surveys, it is also the case that more young women than men are infected. Women are vulnerable because of their position in society, including the imbalance in the power relations between men and women (reflected in their ability to negotiate condom use), and multiple and concurrent sexual partners.

In an effort to prevent HIV transmission large numbers of male and female condoms are procured and distributed free of charge to the user by the public health system. In 2009/10 more than 450 million males and 4.5 million female condoms were distributed. As from the 2010/11 financial year the number of male and female condoms distributed by the public health system will be significantly increased.

With respect to prevention of vertical transmission mono-therapy was initiated in 2004 with dual therapy being introduced in 2008. Whilst the transmission rates have begun to decline with the introduction of dual therapy it was clear that additional efforts were needed to strengthen the programme. In 2010 this programme will be strengthened to not only focus on preventing transmission to the baby but also by providing treatment to the mother for her own well-being. It is clear that by ensuring that mothers love long and healthy lives will also contribute to child survival and the well being of the entire family. The target is to ensure that by 2011 transmission rates decline to less than 5% (from the current national average of 10%).
Major challenges also remain with respect to health of women in marginalized communities such as those in rural areas, women on farms, foreigners in the country as well as commercial sex workers. Violence against women and children is also a major challenge and contributes to the HIV epidemic. While guidelines and protocols are available, access to the appropriate services is still limited and social structures to address the prevention of these ills are still weak. Women with HIV are also particularly vulnerable to emotional, material and physical abuse and neglect.

5. **Prevention of Mother to Child Transmission of HIV and AIDS (PMTCT)**

In addition to the PMTCT, it is recognised that women have a right to treatment for HIV for their own health. Pregnant women will be initiated into lifelong ART at a CD4 count threshold of 350 and this will continue after delivery.

Women are the major health care providers; when women are infected, there is very little social infrastructure integrity to care for them. This includes when women are affected and afflicted by other conditions as well, such as cancer, chronic diseases and old age. Health education and promotion also need to be strengthened, especially among the adolescents and youth. School health services need strengthening also, with emphasis on the promotion of personal and sexual health and the prevention of intentional and unintentional injuries, including violence, infections, pregnancy and substance abuse. This includes high vaccination coverage through the Expanded Programme on Immunization.

6. **Cervical Cancer screening Services**

Screening for the early diagnoses of breast and cervical cancers and their precursor stages is still low at 30%. Cervical cancer screening is available free of any charges within the public system at the ages of 30, 40 and 50 years but earlier for women with HIV and other sexually transmitted infections. More effort will be directed to this preventable cause of morbidity and premature deaths among women.

There is also a major challenge to the health system with regard to human resources especially for women and children. Availability of blood in cases of bleeding before and after delivery is still a
challenge. Emergency transport and the referral system are not yet optimal for the needs of women and children.

7. Reduce Child Mortality
Vaccination coverage through the Expanded Programme on Immunization remains a priority, which is currently at over 80%. To improve immunization coverage by 2009, forty four (44) of the 52 health districts implemented the Reach Every District (RED) Strategy, which exceeded the 2008/09 target (of 30 of the 52 districts).

2.2 Commitment 2: Peace and Security

Article 2 of the AU Solemn Declaration on Gender Equality in Africa focuses on the full and effective participation and representation of women in peace processes including the prevention, resolution, management of conflicts and post-conflict reconstruction in Africa as stipulated in UN Resolution 1325 of 2000.

(a) Participation of Women in Peacekeeping Processes
The important role South African women play in peace and security is grounded by Government’s initiatives to promote a non-sexist society. Norms and values promoting gender mainstreaming, as enshrined in the South African Constitution, Act 108 of 1996, inform its foreign policy, and particularly promote gender mainstreaming as a significant element of participation in peace missions.

South Africa’s attempts to centralise gender mainstreaming in peace missions is also premised on both the United Nations Security Council Resolution 1325 on Women, Peace and Security; the African Union’s constitutive elements of a PCRD framework that seeks to consolidate women’s gains made during the conflict; and rebuilding public institutions that are responsive to women’s needs. In addition, South Africa adopted UN Security Council Resolution 1820 (2008) and Security Council Resolution 1889 on the promotion and implementation of resolution 1820, while the country was still a member of the UN Security Council.
South Africa’s White Paper on participation in international peace missions ensures that a National Office for Coordination of Peace Missions is put in place. This is a collaborative venture between the Departments of International Relations and Cooperation, Defence, Correctional Services, South African Police Services and other government institutions. This interdepartmental committee has the mandate to coordinate various departments’ activities pertaining to South Africa’s participation in peace missions. One of its chief objectives is to emphasise the role of women in peace missions abroad as well as mainstreaming of gender into such missions.

Over the past 13 years, South Africa has deployed several women to participate at operational levels in the UN and the AU-sponsored peacekeeping missions as members of the South African National Defence Force.

Measures have been put in place with regard to strengthening the role of women and ensuring their involvement in decision-making related to peace-keeping, preventative diplomacy and related activities. A number of senior women in the country have been involved in peace-keeping and preventative diplomacy related to decision-making in the continent, on a regular basis.

South Africa makes concerted efforts to consider a gender balance when nominating teams to assist with mediation and / or reconstruction and development in conflict-ridden countries e.g. every team of deployed members of the South African Police on peace keeping missions must be 40% female. All these members for deployment, including males and females, are trained in the SAP generic UNPOL Officers Course that also incorporates international conventions, protocols, humanitarian law, issues on violence against women and children, sexual exploitation and abuse, among others, to assist them with conflict resolution, reconciliation, tolerance and peace-keeping efforts. As part of bilateral assistance programmes with police in countries affected by violence and conflict, the South African Police shares experience and expertise, support the development of training programmes and ensure that these programmes include a gender perspective. The South African Police disciplinary regulations, code of conduct and policies makes specific provision for addressing violence against women which applies to members serving as part of peace-keeping forces when members transgress.
The table below shows the percentage of female representation as military observers, peacekeeping troops and/or civilian troops sent from South Africa to conflict areas for the period 2007-2009.

<table>
<thead>
<tr>
<th></th>
<th>Total # Troops</th>
<th># Male</th>
<th># Female</th>
<th>% Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Military observers</td>
<td>141</td>
<td>117</td>
<td>24</td>
<td>17</td>
</tr>
<tr>
<td>Peacekeeping troops</td>
<td>11150</td>
<td>10007</td>
<td>1143</td>
<td>10.25</td>
</tr>
<tr>
<td>Civilian troops</td>
<td>32</td>
<td>32</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

In addition, South Africa ensures that issues of gender equality, human rights, and HIV and AIDS are mainstreamed into the training of peacekeepers, disciplined forces, and law enforcement personnel and their partners to ensure appropriate gender responsive codes of conduct.

### 2.3 Commitment 3: Child Soldiers

*Article 3 of the AU Solemn Declaration on Gender Equality in Africa focuses on the prohibition of the recruitment of child soldiers and abuse of girl children as wives and sex slaves in violation of their rights, as enshrined in the African Charter on the Rights and Welfare of the Child.*

South Africa acceded to the UN Convention on the Rights of the Child in 1995. The country has put in place an elaborate inter-sectoral programme on the advancement of the rights of the child, which include the development and implementation of a National Plan of Action. This programme is being coordinated and monitored by the Branch for Children’s Rights and Responsibilities in the Department for Women, Children and People with Disabilities.

In addition, the country has adopted the Refugees Act, no. 130 of 1998. The Department of Home Affairs, as the department dealing with documentation of foreign nationals, has established five (5) Refugee Reception Offices assisting refugee children in the Republic of South Africa. In terms of section 27 of the Refugees Act of 1998, refugees are also entitled to free basic education and health services at the same rate as South African citizens.
South Africa, in line with its Constitution and Bill of Rights, does not foster the promotion of child soldiers nor the violation of children’s rights during conflict, either in South Africa or in any other country.

2.4 Commitment 4: Gender Based Violence

*Article 4 of the AU Solemn Declaration on Gender Equality in Africa focuses on sustained public campaigns against gender based violence as well as the problem of trafficking in women and the needs of young women and girls. It further focuses on reinforcing legal mechanisms that will protect women at the national level and end impunity of crimes committed against women in a manner that will change and positively alter the attitude and behaviour of the African society.*

(a) Strategies to address Gender Based Violence

The South African Government remains committed to ensuring a life free from gender-based violence, especially for women, children and people with disabilities. In this regard, Government has implemented a multi-sectoral, integrated approach at the operational level. Such a programme focuses on prevention through addressing causal and influencing factors; encouraging reporting; as well as through a transforming criminal justice system that fast-tracks the processing of cases effectively.

Some of the integrated measures being undertaken in this regard include a broad policy framework; law reform; administrative measures; institutional mechanisms; victim empowerment; integrated planning; education and training of service providers; customer service and sanctions; shelters; public education and awareness and alternative dispute resolution.

South Africa has a strong legislative framework which includes several pieces of legislation protecting the rights of women and girls, especially in relation to violence against them. These have been mentioned in previous reports by South Africa. However there are some new developments that need to be reported upon within this reporting cycle. These include:

- The passing of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007: This Act revises the law relating to sexual offences, including the Sexual Offences...
Act, 1957, in order to bring it in line with the constitutional dispensation and to provide maximum protection to victims of sexual offences, mostly women and children. It also provides a mechanism in terms of which victims of sexual offences (mostly women) can apply to have the perpetrators of the offences tested for HIV. This law also codifies the common law definition of rape – as unlawful acts of sexual penetration.

- Drafting of the Protection from Harassment Bill: The Bill is intended to give effect to the South African Law Reform Commission’s legislative recommendations relating to stalking, the victims often being women.
- Project 82: Sentencing: The South African Law Reform Commission investigated a sentencing framework which included policy considerations when dealing with serious crimes such as rape and related offences and published a report on a New Sentencing Framework.
- Project 107: Sexual Offences – Adult Prostitution: The South African Law Reform Commission is in the process of developing a discussion paper on adult prostitution which seeks to review current legislation on adult prostitution with a view to aligning the law with the country’s international commitments regarding gender based violence. The investigation assesses the gender impact of current South African Law which completely criminalizes prostitution and related activities.
- Prevention and Combating of Trafficking in Persons Bill: This Bill is intended to give effect to the recommendations relating to trafficking in persons, mostly women and children.

Key measures that have been implemented include the following:

- a National Crime Prevention Strategy;
- a Justice Crime Prevention Strategy;
- an Anti-Rape Strategy;
- law reform in response particularly to sexual offences, domestic violence, maintenance, child pornography; sexual harassment and trafficking in women and children;
- strengthening institutional mechanisms for enforcing the rights of victims or survivors;
- a Victims Charter;
- A National Policy Guidelines for Victim Empowerment, and
• a 365 Days Plan of Action on Gender Based Violence, which includes a concerted 16 Days of Activism Campaign on No Violence against Women and Children from 25 November to 10 December.

South Africa established a Sexual Offences and Community Affairs Unit in 1999 to focus primarily on issues involving the victimization of women and children with emphasis on formulating policy on capacity building, sensitization and scientific functional training for the prosecution of sexual offences, domestic violence and maintenance cases, as well as managing young offenders. Furthermore, this unit is responsible for the coordination of the establishment of the Sexual Offences Courts for adjudicating sexual offences. It also facilitates research techniques for prosecuting sexual offences, domestic violence and maintenance cases, and managing young offenders; as well as developing and implementing community awareness programmes and plans for the participation of NGOs in these processes and procedures. In addition it focuses on developing training programmes and mechanisms to facilitate these tasks.

The table below reflects a number of key performance indicators in dealing with prosecution of cases involving women and children:

<table>
<thead>
<tr>
<th>Indicator</th>
<th>2004/05</th>
<th>2005/06</th>
<th>2006/07</th>
<th>2007/08</th>
<th>2008/09</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of dedicated courts</td>
<td>53</td>
<td>67</td>
<td>59</td>
<td>64</td>
<td>50²</td>
</tr>
<tr>
<td>Conviction rates: Dedicated courts</td>
<td>63%</td>
<td>70%</td>
<td>65%</td>
<td>64%</td>
<td>66.7%³</td>
</tr>
<tr>
<td>Number of Thuthuzela Care Centres (TCCs)</td>
<td>5</td>
<td>10</td>
<td>10</td>
<td>9</td>
<td>17</td>
</tr>
<tr>
<td>Conviction Rate: TCCs</td>
<td>80%</td>
<td>80%</td>
<td>83%</td>
<td>75%</td>
<td>61.2%</td>
</tr>
</tbody>
</table>

In the 17 Thutuzela Care Centres established, up to March 2009, there were a total of 10 213 matters reported. Government developed the National Policy Guidelines for Victim Empowerment that provides a framework for sound inter-sectoral and interdepartmental collaboration to eliminate gender based violence. One of the strategies Government has put in place is a Shelter Strategy, which was reviewed in 2008. This strategy aims to ensure that shelters for victims adheres to

---

² A decline in the number of courts is due to the decision of the Regional Court Magistrates not to have dedicated courts any longer. Sexual offences cases are scheduled between all available courts, Annual Report 2008-09, NPA
³ Increased due to enhanced screening processes, Annual Report, NPA, 2008-2009
minimum standards of service delivery and to ensure that programmes of these shelters are aligned to the Victims’ Charter and not in violation of victims’ rights. There are 96 shelters for victims of gender based violence in South Africa which renders psychological and therapeutic services to victims.

In line with the establishment of the Thuthuzela Care Centres and to ensure effective and efficient sexual offences management, a stakeholder consultative conference (called Sexual Offences Indaba) was held in April 2008 to achieve synergy in the implementation of rape care management between government and civil society. In August 2008, South Africa hosted the 10th Internal Conference for International Association for the treatment of Sexual Offenders.

South Africa has also developed a Men and Boys Strategy on the Prevention of Gender Violence in 2008. The intention of the strategy is to promote the engagement of men and boys in the prevention of gender based violence. This strategy was piloted in 2009 in one province and will be rolled out to four other provinces in 2010.

In relation to the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, South Africa has designed and drafted a comprehensive training manual consisting of process maps, mind maps, draft directives, training notes, etc. Up to March 2009, 406 prosecutors have been trained in 13 sessions.

In November 2008, South Africa hosted an Africa Prosecutors Association where 23 African countries were represented. The Thuthuzela Care Centre model was presented. Out of this process, 6 African countries were identified for technical assistance in respect to the management of sexual violence.

The South African Government has also ensured that the Domestic Violence Act and Regulations have been translated into 8 of the 11 official languages to facilitate implementation and to ensure its widespread understanding among society. In the case of domestic violence for 2009/2010 fiscal years, there were a total of 291 546 applications registered. 141 159 orders were granted, with 77
178 cases made final and 31 154 set aside. 49 366 cases were withdrawn or struck of the roll while in 14 948 case warrants were issued for breach.

When compared to the previous financial year, 2008/09; this year there has been a decrease in matters going to court, although there was a decrease in the granting of interim protection orders as well as a decrease in the numbers of orders made final. There has also been a decrease in the numbers of cases withdrawn and the numbers of cases involving breaches of protection orders, which means that the system is working better. Furthermore, people were made aware of domestic violence services through different forms of awareness campaigns such as media, booklets, pamphlets, and information sessions by government departments and NGO’s. However, during 2010/11, Government intends working further towards the improvement of domestic violence services in courts, which will be more holistic because of the Domestic Violence Strategy linked to the Victim Empowerment Program.

The development of a safety plan for victims of domestic violence is a groundbreaking initiative in South Africa. For the first time, victims of domestic violence are assisted to compile their personal safety plans to enhance their protection against domestic violence. This plan is intended for victims who are either living in violent relationships or exposed to further violent attacks. Up to March 2009, there were a total of 2329 personnel trained in sexual offences, human trafficking, domestic violence and maintenance issues.

(b) Trafficking in Persons

Law enforcement agencies and research institutions have identified South Africa as one of the countries in the southern part of Africa that is used by organized traffickers of human beings as a destination, transit and country of origin of victims. In acknowledging this serious concern, the country has signed and ratified the United Nations Convention Against Transnational Organized Crime as well as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (‘Palermo Protocol’), which came into operation on 29 September 2003 and 25 December 2003 respectively.
Government had taken steps in addressing the phenomenon of trading in persons, which included research and the development of a comprehensive Trafficking in Persons Bill by the South African Law Reform Commission. In 2007 a Human Trafficking Desk was established within the Organised Crime Unit of the South African Police Service. Currently the Bill on Trafficking in Persons is tabled before National Parliament, which will do away with the fragmented legislation currently in place. The new omnibus law will introduce even new offences associated with human trafficking.

While these measures are being undertaken, serious challenges still persist. South Africa continues to encounter unique challenges in ensuring an adequate response to the occurrences of this phenomenon, given the absence of specific legislation in this regard. Trafficking cases present a whole host of other offences in the criminal justice system, e.g. sexual exploitation, exploitation of persons for farm or domestic labour as well in cases of murder. Prosecutions have proceeded on an ad hoc basis overtly demonstrable to the facts, such as kidnapping, indecent assault and rape, which do not individually attract as heavy sentences as a specific trafficking in person’s offence would do.

South Africa has undertaken extensive training programme in cooperation with IOM on a multidisciplinary level in order to look at the issue of human trafficking. In this process, 1048 officials were trained during the 2008-2009 period. This figure would be much higher now (for which data is currently unavailable) given that the country did a far more intensive training in preparation for it hosting the 2010 FIFA Soccer World Cup.

South Africa launched its “Tsireledzani Campaign in 2008 and towards this end developed a national action plan to counter human trafficking, including cross border strategies.”Tsireledzani” means “let’s protect each other” and is the slogan of South Africa’s commitment to prevent and react to human trafficking. This campaign stretches from 2008 to 2010 at the end of which a report will be generated that will provide recommendations for further steps to be taken with the intention of being a step ahead of organized syndicate criminals in human trafficking.

In March 2010, a Tsireledzani Human Trafficking Research Conference was held by South Africa to share with key stakeholders the findings of a national research study on human trafficking.
conducted by the Human Sciences Research Council as part of the South African Government’s counter-trafficking programme. This research included neighbouring countries of Lesotho, Swaziland, Mozambique and Zimbabwe in order to have an effective overview of the criminal phenomenon in relation to cross-border and transnational manifestations in South Africa. The findings of this research is intended to inform the development of strategic plans and operational programmes aimed at taking prevention measures and appropriate responses to human trafficking where it occurs. It is intended that this will happen through the reduction of vulnerable groups, the identification and provision of adequate support to victims, as well as the increased tracking, disruption, conviction and rehabilitation of perpetrators.

The South African Government has developed a Rehabilitation Programme for Victims of Human Trafficking and is currently piloting this programme within 13 shelters in 9 provinces.

In respect of public awareness raising and advocacy measures in respect of violence against women, in particular on anti-trafficking of women and girls, government together with civil society has initiated several processes, including the following:

- Programmes targeting school going children, students, community members, taxi drivers and commuters as well as correctional officers
- Participating in the Grahamstown Arts Festival and showing advocacy and promotional material
- Popularizing on TV talk shows the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007
- Radio talk shows on domestic violence and other forms of gender based violence.
- Ministerial Izimbizos on early child marriages and abduction of girls

In May 2010, South Africa launched a Red Card Campaign against human trafficking together with the FIFA Organising Committee, the Commission on Gender Equality, and UNICEF. This campaign was intended to prevent human trafficking in South Africa during the 2010 FIFA Soccer World Cup and beyond. In fact for the duration of the FIFA tournament in South Africa there were
56 dedicated courts (both at the district and regional levels) countrywide to look at all tournament related criminal matters, of whatever nature, including human trafficking cases.

2.5 Commitment 5: Gender Parity Principle

*Article 5 of the AU Solemn Declaration on Gender Equality in Africa focuses on promoting the gender parity principle adopted by the Commission of the African Union at the national and local levels, in collaboration with political parties and the national parliament in the country.*

In 2005, South Africa aligned itself to the AU parity position adopted by the Commission of the African Union. In 2006, the Government adopted a target of 50% representation of women at all levels of decision making in all spheres of government. The country is on track towards achieving this target and is clearly illustrated at both the executive and administrative levels in the country. However, the country still faces several challenges in meeting this target within the corporate and private sectors.

(a) Representation of Women in Political Positions

In 1994, following the first democratic elections in South Africa, the representation of women in the National Assembly stood at 25%. Since then there has been a steady upward growth in the proportion of women in the National Assembly, following each national election. Following the most recent national elections held in April 2009, representation of women in the National Assembly is 43.75% (i.e. 175 women out of a total of 400 members)\(^4\). The Deputy Speaker of the National Assembly is a woman.

The marked increase between 2004 and 2009 is as a result of the shift in policy by the African National Congress (ANC), the majority party in Government. In the previous election cycles, the ANC ensured that at least every third person on the party list was a woman. During the 2009 Elections women accounted for 50% of nominees on the party list.

The table below shows the proportion of women in the National Assembly by political party, 2009

\(^4\) List of female members: 4\(^{th}\) Parliament (by Party) – Cabinet, Office Bearers, and Members of the National Assembly – as at 02 October 2009, Research Unit, Parliament of South Africa
In the first National Council of Provinces (NCOP) in National Parliament (1994), there were only 8 permanent women representatives (i.e. 15%) of the total of 54 members. In mid 2003, this figure stood at 37%. However, in 2010, this figure has declined to 29% (i.e. out of a total of 54 members, there are 16 females).

Overall, there is currently a 40.32% representation of women in Cabinet (i.e. at the executive level). Fourteen (14) of the 34 Cabinet Ministers are women, which is 41% representation of women at this level, while eleven (11) of the twenty-eight (28) Deputy Ministerial positions are occupied by women (i.e. 39%). The table below shows the percentage representation of women Cabinet Ministers and Deputy Minister by year.

<table>
<thead>
<tr>
<th></th>
<th>Women</th>
<th>Men</th>
<th>Total</th>
<th>%female</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ministers</td>
<td>3</td>
<td>24</td>
<td>27</td>
<td>11%</td>
</tr>
<tr>
<td>Deputy Ministers</td>
<td>3</td>
<td>9</td>
<td>12</td>
<td>25%</td>
</tr>
<tr>
<td>1996</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ministers</td>
<td>4</td>
<td>21</td>
<td>25</td>
<td>16%</td>
</tr>
<tr>
<td>Deputy Ministers</td>
<td>8</td>
<td>5</td>
<td>13</td>
<td>62%</td>
</tr>
<tr>
<td>2003</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ministers</td>
<td>9</td>
<td>20</td>
<td>29</td>
<td>31%</td>
</tr>
<tr>
<td>Deputy Ministers</td>
<td>8</td>
<td>8</td>
<td>16</td>
<td>50%</td>
</tr>
<tr>
<td>2004</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ministers</td>
<td>12</td>
<td>16</td>
<td>28</td>
<td>48%</td>
</tr>
<tr>
<td>Deputy Ministers</td>
<td>10</td>
<td>10</td>
<td>20</td>
<td>50%</td>
</tr>
<tr>
<td>2009</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ministers</td>
<td>14</td>
<td>20</td>
<td>34</td>
<td>41%</td>
</tr>
<tr>
<td>Deputy Ministers</td>
<td>11</td>
<td>17</td>
<td>28</td>
<td>39%</td>
</tr>
</tbody>
</table>
Although there is some regression in terms of representation of women in political positions, South Africa is still on track towards reaching gender parity at the political level.

Female Ministers have not been confined to ministerial positions in the social sector only, but have been appointed into areas such as Defence, International Relations and Cooperation, Energy, Water Affairs, Correctional Services, Mining, Public Enterprises, Science and Technology and Home Affairs – areas which are generally stereotyped as male dominated sectors. In fact South Africa has been rated sixth on the Global Gender Gap Index 2009 by the World Economic Forum, only behind Iceland, Finland, Norway, Sweden and New Zealand and up fourteen positions from its rating in 2008.

Overall women constitute 42% in Provincial legislatures. Following the 2009 Elections, there are five (5) women premiers out of a total of nine (9). This is 55% representation of women.

During the 2009 elections, according to the Independent Electoral Commission, 55% of all registered voters were women.

In 2010, there are twenty-eight (28) females out of a total of 125 appointments as Ambassadors, High Commissioners and Consul-Generals.

Women comprise 40% of all elected councillors at the Local Government Level.
(b) Representation of Women in the Judiciary

The table below indicates the total number of women in the judicial system in South Africa, which includes the Constitutional Court, High Court, Labour Court, Land Court, Supreme Court and Competition Appeal Court as of August 2009.

### Representation of Women in the Judiciary as at August 2009

<table>
<thead>
<tr>
<th>Post Class</th>
<th>Female (all races)</th>
<th>Male (all races)</th>
<th>Total Number</th>
<th>% of women representation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Judge Justice</td>
<td>00</td>
<td>01</td>
<td>01</td>
<td>0%</td>
</tr>
<tr>
<td>Deputy Judge Justice</td>
<td>00</td>
<td>01</td>
<td>01</td>
<td>0%</td>
</tr>
<tr>
<td>Principal Judge</td>
<td>00</td>
<td>12</td>
<td>12</td>
<td>0%</td>
</tr>
<tr>
<td>Deputy Principal Judge</td>
<td>00</td>
<td>03</td>
<td>03</td>
<td>0%</td>
</tr>
<tr>
<td>Judges</td>
<td>42</td>
<td>158</td>
<td>200</td>
<td>21%</td>
</tr>
<tr>
<td><strong>Overall Judge positions</strong></td>
<td><strong>42</strong></td>
<td><strong>175</strong></td>
<td><strong>217</strong></td>
<td><strong>19.3%</strong></td>
</tr>
<tr>
<td>Regional Court President</td>
<td>04</td>
<td>05</td>
<td>09</td>
<td>44.4%</td>
</tr>
<tr>
<td>Regional Magistrate</td>
<td>99</td>
<td>244</td>
<td>343</td>
<td>28.8%</td>
</tr>
<tr>
<td>Chief magistrate</td>
<td>09</td>
<td>12</td>
<td>21</td>
<td>42.8%</td>
</tr>
<tr>
<td>Senior Magistrate</td>
<td>32</td>
<td>105</td>
<td>137</td>
<td>23.3%</td>
</tr>
<tr>
<td>Magistrate</td>
<td>484</td>
<td>912</td>
<td>1396</td>
<td>34.6%</td>
</tr>
<tr>
<td><strong>Overall Magistrate positions</strong></td>
<td><strong>628</strong></td>
<td><strong>1278</strong></td>
<td><strong>1906</strong></td>
<td><strong>32.9%</strong></td>
</tr>
<tr>
<td>Chief Registrar</td>
<td>03</td>
<td>00</td>
<td>03</td>
<td>0%</td>
</tr>
<tr>
<td>Senior Registrar</td>
<td>11</td>
<td>02</td>
<td>13</td>
<td>16.1%</td>
</tr>
<tr>
<td>Registrar</td>
<td>40</td>
<td>23</td>
<td>63</td>
<td>57.5%</td>
</tr>
<tr>
<td><strong>Overall Regional Court positions</strong></td>
<td><strong>54</strong></td>
<td><strong>25</strong></td>
<td><strong>79</strong></td>
<td><strong>46.2%</strong></td>
</tr>
</tbody>
</table>

(d) Promoting Women’s Empowerment in the Public Service

At the Public Service level, the Employment Equity Act, No. 55 of 1998 and the Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000 both give effect to the value of equality which lies at the heart of the South African Constitution. To actualize this equality within the workplace, with particular emphasis on women as a targeted group, the White Paper on Transformation of the Public Service, 1995 as well as the White Paper on Affirmative Action, 1998 provides equity targets for race, gender and disability representation within the Public Service. These minimum targets were 30% women in decision-making positions by 2005, which the Public Service had achieved by March 2006.

Following Government’s decision in November 2005, this target was reviewed to 50% women at all levels of the Senior Management Service by March 2009. In order to fast track the attainment of the reviewed targets, given the tight time frames within which they are to be achieved, Government developed a Strategic Framework for Promoting Gender Equality within the Public Service Workplace. This strategic approach includes a Head of Departments’ 8 Principle Action Plan as an integral measure to fostering and facilitating a conducive environment towards achieving this goal. This Action Plan is aimed at encouraging senior government managers to ensure that a gender
perspective is incorporated into all planning processes of government at all levels. It is also aimed at empowering and increasing the resources that are targeted for the advancement of women in the Public Service. As part of this process as well, the Public Service Women Managers' Week has been established since 2007 as part of the annual commemoration of National Women’s Month in August. This week is set aside by government entities to engage both men and women in senior management on the issues of promoting women’s empowerment and gender equality at the workplace. This is an annual event that is now in its fourth year of implementation.

(e) Representation of women in the Public Service

The Public Service in South Africa comprises a Senior Management Service (SMS) which is made up of four categories of managers ranging from levels 13 at the basic level i.e. Directors to level 16 at the topmost level i.e. Directors-General or Heads of Departments, also commonly known as Accounting Officers. These categorizations occur both at the National and Provincial Levels.

The table below reflects the breakdown of representation of women in Senior Management positions as at end of December 2009.

Table 4: Representation of Women in Senior Management position based on PERSAL as at end of December 2009

<table>
<thead>
<tr>
<th>Level</th>
<th>No. of Females</th>
<th>No. of Males</th>
<th>Total No</th>
<th>% representation of women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director-General (level 16)</td>
<td>40</td>
<td>104</td>
<td>144</td>
<td>27.77%</td>
</tr>
<tr>
<td>Deputy Director-General (Level 15)</td>
<td>169</td>
<td>317</td>
<td>486</td>
<td>34.7%</td>
</tr>
<tr>
<td>Chief Director (Level 14)</td>
<td>596</td>
<td>1154</td>
<td>1750</td>
<td>34%</td>
</tr>
<tr>
<td>Director (level 13)</td>
<td>2085</td>
<td>3591</td>
<td>5676</td>
<td>36.7%</td>
</tr>
<tr>
<td>TOTAL SMS</td>
<td>2890</td>
<td>5166</td>
<td>8056</td>
<td>35.8%</td>
</tr>
</tbody>
</table>

Of the 8056 Senior Managers employed in the Public Service in South Africa as at December 2009, women constitute 35.8% of the decision-making positions.
(f) Representation of Women in Executive Management and on the Boards of Directors in Corporate South Africa\(^5\)

South African women have made steady progress in the workplace since 2004. However this progress has been slow in the positions of business leadership in the corporate world, where women face several challenges especially in cracking the “glass ceilings”. Representation of women in management positions in the private sector is far from parity with men. According to the South African Women in Leadership Census 2010 conducted by the Business Women’s Association, in 2004, 59.9% of the country’s corporations had no female Board representation and, where women were included, they made up only 7.1% of the board members. This differs significantly in 2010 where 21.5% of the country’s company boards have no female representation and 16.4% of directors are women. However only 10.4% of CEOs and Board Chairs are female and women executive managers make up 19.3%.

The table below provides a comparison of the Census trends over a three-year period 2008 to 2010.

<table>
<thead>
<tr>
<th>Representation of Women in Corporate Positions</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive Officers / Managing Directors</td>
<td>3.9%</td>
<td>3.6%</td>
<td>4.5%</td>
</tr>
<tr>
<td>Chairpersons</td>
<td>3.9%</td>
<td>5.8%</td>
<td>6.0%</td>
</tr>
<tr>
<td>Directorships</td>
<td>14.3%</td>
<td>14.6%</td>
<td>16.6%</td>
</tr>
<tr>
<td>Executive Managers</td>
<td>25.3%</td>
<td>18.6%</td>
<td>19.3%</td>
</tr>
</tbody>
</table>

2.6 Commitment 6: Human rights of Women

Article 6 of the AU Solemn Declaration on Gender Equality in Africa focuses on ensuring the active promotion and protection of all human rights for women and girls including the right to development by raising awareness or by legislation where necessary.

Human rights, including women’s human rights, are at the core of South Africa’s Constitution and post apartheid democracy. The human rights framework is informed by the Beijing Platform for Action and international human rights norms that are binding on South Africa. This includes the provisions of CEDAW and the Vienna Declaration and Programme of Action. These instruments

\(^5\) 2007 Census Survey of Corporate SA, Business Women’s Association
provide an important framework for the advancement of women and girls, in particular, through the mainstreaming of gender equality goals into government priorities such as poverty eradication, job creation, restructuring the economy and democratizing the state.

South Africa views gender equality as central to the equal enjoyment of all rights and freedoms by all women and men. South Africa’s’ approach to human rights is informed by the understanding that human rights are universal and indivisible and that promoting, protecting and advancing all human rights for all the country's people is the only guarantee for a better life for all South Africans.

(a) Promote and protect the human rights of women through the full implementation of all human rights instruments

The South African government is party to a number of human rights instruments. In particular, South Africa ratified CEDAW in 1998, without any reservations and proceeded to integrate its provision in South African law, policies and programmes. South Africa has also signed and ratified the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa in 2004

Flowing from the Constitution and in compliance with CEDAW and other international human rights instruments that promote non-discrimination and equality, South Africa has introduced a number of laws that provide a framework for eliminating discrimination on the ground of gender and other grounds or combination thereof while facilitating the implementation of positive measures to address existing systemic imbalances. The following pieces of legislation and policy constitute South Africa’s key measures with regard to ensuring non discrimination on the ground of gender or sex and facilitating the implementation of positive measures:

- Legislation on Equality and Non-discrimination
- Citizenship and Nationality
- National Action Plan on Human Rights (NAP)
- Strengthening National Institutions such as the Commission on Gender Equality (CGE); the South African Human Rights Commission; etc.
2.7 Commitment 7: Land, Property and inheritance Rights

*Article 7 of the AU Solemn Declaration on Gender Equality in Africa focuses on actively promoting the implementation of legislation to guarantee women’s land, property and inheritance rights including their rights to housing.*

The South African Government is fully committed to actively promoting the implementation of legislation to guarantee women’s land, property and inheritance rights including their rights to housing. In this regard, legislation that guarantees women’s access to and control over land and property has been enacted. This legal framework allows women to effectively enjoy these rights. In addition, South Africa has put in place policies that increase women’s access to credit to ensure that women are being developed and empowered economically.

(a) Women’s Ownership of Land

To this end, targets have been determined to increase the proportion of women who own land, to 30% by 2015, as well as to increase the proportion of women accessing credit, to 40% by 2015. This is in order to fast track the achievement of these goals. The percentage of land owned by women from 1994 to December 2007 in South Africa was 13.29% following the implementation of land reform processes in the country. During the fiscal year 2009-2010, a total of 5681 females were beneficiaries of the redistribution and land tenure reform programme. This amounted to women benefitting a total of 150 925.16 hectares of land worth some R1.1 billion. In terms of the land restitution programme, of the 9294 households making up 48 233 beneficiaries that benefitted from the programme, 4177 were female headed households. The total land awarded to women in this programme amounted to 145 492 hectares worth some R810 million.

2.8 Commitment 8: Education

*Article 8 of the AU Solemn Declaration on Gender Equality in Africa focuses on taking specific measures to ensure the education of girls and literacy of women, especially in the rural areas, to achieve the goal of “Education for All” (EFA).*
The Government is committed to providing equal access to quality education for all South Africans, with a view to eliminating gender disparities in education at all levels. The National Education Policy Act (Republic of South Africa, 1996) provides for redressing the inequalities of the past in educational provision, including the promotion of gender equality. Subsequent education policy and legislation has placed strong emphasis on equity and redress at all levels of the system. The South African Schools Act (SASA) (Republic of South Africa, 1996), makes schooling compulsory for learners from the beginning of the year they turn 7 years old to the end of the year they turn 15 years old or up to the ninth grade, whichever occurs first. Nine years of compulsory schooling includes all seven years of primary schooling and two of the five years of secondary schooling. The remaining three years of secondary schooling form part of Further Education. Although Further Education is not compulsory, the South African Constitution obliges the State to make it progressively accessible and available.

Further to this, the SASA provides for a democratic, non-racist and non-sexist education system. The nature of the non-sexist education system in South Africa makes it possible for both boy- and girl-children to access basic education, as well as participate in gateway subjects such as mathematics and science. In addition, there are a variety of social protection policies and programmes dedicated at promoting and protecting access to education for vulnerable children. These include, among others, the policy on no-fee schools, and the school nutrition programme. These initiatives contribute significantly to fighting extreme poverty that might deter children from coming to school, concentrating, as well as performing well.

**Overall access to basic education and the gender parity index**

South Africa is justifiably proud of its participation rate. According to the Trends in Education Macro Indicators Report (Department of Education, 2009), participation levels in the South African education system are high. Indicators of access show that in 2007, 98% of young people aged 7 to 15 were involved in education programmes. The General Household Survey (GHS) report: Education Focus (Department of Basic Education) indicates that 98% of 7 to 15 year old children attended education institutions in 2008. Youth Literacy\(^6\) in South Africa stood at 90% in 2007, which was above the average for developing countries. On the other hand, the adult literacy rate

---

\(^6\) Defined as those in the 15 to 24 age group, who had completed at least seven grades of education.
increased from 70% in 2002 to reach 77% in 2008. This is a laudable achievement that places South Africa in line with the average for developing countries.

An analysis of the gross enrolment rate (GER) of the entire schooling system reveals that overall gender parity was achieved for the period 1997 to 2007 (Table below). In all instances, the gender parity index (GPI) was between 0.99 and 1.03. However, learner enrolment at the primary school level was only equitably distributed between female and male learners in the years 1997 to 1999, after which there was a male advantage. By contrast, throughout the reporting period, the secondary-level GPI reflected a female advantage. The apparent male advantage in primary reflects greater male repetition, which eventually contributes to greater male drop-out rates in secondary schools, which is why the GPI favours females by the time the learners reach secondary school level.

Gross enrolment rate (GER) of female and male learners by level of education: 1997-2009

<table>
<thead>
<tr>
<th>Year</th>
<th>Primary</th>
<th></th>
<th></th>
<th></th>
<th>Secondary</th>
<th></th>
<th></th>
<th></th>
<th>Total</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Female</td>
<td>Male</td>
<td>GPI</td>
<td></td>
<td>Female</td>
<td>Male</td>
<td>GPI</td>
<td></td>
<td>Female</td>
<td>Male</td>
<td>GPI</td>
<td></td>
</tr>
<tr>
<td>1997</td>
<td>116</td>
<td>120</td>
<td>0.97</td>
<td></td>
<td>90</td>
<td>77</td>
<td>1.16</td>
<td></td>
<td>106</td>
<td>103</td>
<td>1.03</td>
<td></td>
</tr>
<tr>
<td>1998</td>
<td>115</td>
<td>118</td>
<td>0.97</td>
<td></td>
<td>92</td>
<td>80</td>
<td>1.15</td>
<td></td>
<td>105</td>
<td>102</td>
<td>1.03</td>
<td></td>
</tr>
<tr>
<td>1999</td>
<td>113</td>
<td>116</td>
<td>0.97</td>
<td></td>
<td>91</td>
<td>80</td>
<td>1.14</td>
<td></td>
<td>104</td>
<td>101</td>
<td>1.02</td>
<td></td>
</tr>
<tr>
<td>2000</td>
<td>103</td>
<td>109</td>
<td>0.95</td>
<td></td>
<td>87</td>
<td>77</td>
<td>1.13</td>
<td></td>
<td>97</td>
<td>96</td>
<td>1.01</td>
<td></td>
</tr>
<tr>
<td>2001</td>
<td>103</td>
<td>107</td>
<td>0.96</td>
<td></td>
<td>89</td>
<td>79</td>
<td>1.12</td>
<td></td>
<td>97</td>
<td>96</td>
<td>1.01</td>
<td></td>
</tr>
<tr>
<td>2002</td>
<td>103</td>
<td>108</td>
<td>0.95</td>
<td></td>
<td>84</td>
<td>78</td>
<td>1.08</td>
<td></td>
<td>95</td>
<td>95</td>
<td>1.00</td>
<td></td>
</tr>
<tr>
<td>2003</td>
<td>101</td>
<td>106</td>
<td>0.95</td>
<td></td>
<td>83</td>
<td>77</td>
<td>1.08</td>
<td></td>
<td>93</td>
<td>94</td>
<td>0.99</td>
<td></td>
</tr>
<tr>
<td>2004</td>
<td>102</td>
<td>107</td>
<td>0.95</td>
<td></td>
<td>93</td>
<td>85</td>
<td>1.09</td>
<td></td>
<td>98</td>
<td>98</td>
<td>1.00</td>
<td></td>
</tr>
<tr>
<td>2005</td>
<td>101</td>
<td>105</td>
<td>0.96</td>
<td></td>
<td>92</td>
<td>85</td>
<td>1.08</td>
<td></td>
<td>97</td>
<td>97</td>
<td>1.00</td>
<td></td>
</tr>
<tr>
<td>2006</td>
<td>100</td>
<td>104</td>
<td>0.96</td>
<td></td>
<td>95</td>
<td>87</td>
<td>1.09</td>
<td></td>
<td>98</td>
<td>97</td>
<td>1.01</td>
<td></td>
</tr>
<tr>
<td>2007</td>
<td>102</td>
<td>105</td>
<td>0.97</td>
<td></td>
<td>93</td>
<td>88</td>
<td>1.06</td>
<td></td>
<td>99</td>
<td>98</td>
<td>1.01</td>
<td></td>
</tr>
<tr>
<td>2008</td>
<td>97</td>
<td>99</td>
<td>0.98</td>
<td></td>
<td>87</td>
<td>84</td>
<td>1.03</td>
<td></td>
<td>92</td>
<td>93</td>
<td>0.99</td>
<td></td>
</tr>
<tr>
<td>2009</td>
<td>96</td>
<td>99</td>
<td>0.98</td>
<td></td>
<td>83</td>
<td>82</td>
<td>1.01</td>
<td></td>
<td>92</td>
<td>90</td>
<td>1.02</td>
<td></td>
</tr>
</tbody>
</table>


Data for 1997 is for public schools only. Data for independent schools was not available for that year.
Addressing gender based violence and social ills in public schools

There are several initiatives addressing social ills that affect boy- and girl-children with regards to their access to schooling. These include learner pregnancy and sexual abuse in schools.

Sexual abuse and educator to learner sexual relationships are outlawed in the schooling system, and punishable by dismissal of the particular educator if found guilty. However, cases of sexual harassment and sexual violence continue to be reported in South African public schools. Evidence shows that girls experience sexual harassment and violence more than boys, but the experiences are not restricted to girls. It must be noted that sexual harassment and sex-related crime is a major social problem in South Africa. However, schools have a particular responsibility to protect young people from social problems. Education must play a dual role in relation to discrimination and gendered or sex based harassment and violence. Firstly, it must prevent such activities from occurring in education institutions. Secondly, it must mobilize the medium of education to develop in students the knowledge, skills and life orientation to ensure that they repudiate discrimination and gendered violence and become advocates against it.

Government is committed to addressing issues of violence and harassment in schools and to creating a safe, caring and enabling environment for learning and teaching, both inside and outside the classroom. In 2001, the department developed ‘Opening Our Eyes: Gender-Based Violence in South African Schools - a Manual for Educators’. This school-based manual is intended to assist teachers, parents and learners in reducing or eliminating such cases of discrimination and violence. The manual is a professional development tool that has been used to train educators, school management teams and school governing bodies to understand the bases for such actions, and to develop strategies and approaches which can assist in managing such unacceptable behaviours.

In 2008 the education department developed the Guidelines for the Prevention and Management of Sexual Violence and Harassment in Public Schools (Guidelines). The purpose of the Guidelines is to assist public schools in maintaining minimum standard procedures to addressing allegations of sexual violence and harassment, and to specifically detail how public schools should treat victims of sexual violence and harassment, and those who have, or are alleged to have, committed such
acts. They are also intended to assist victims of sexual violence and harassment with reporting procedures and in seeking intervention. The Guidelines have been targeted at school management and governance teams, district officials, to raise awareness of the importance of a framework for managing these problems in schools. A series of teacher support materials, entitled Genderations, which were published in the Teacher newspaper between September 2008 and March 2009 was produced. The Guidelines and the Genderations have also proven to be a useful framework for advocacy and awareness-raising, and reinforcing the importance of a framework for managing sexual violence in schools. In 2010, the Education Department has developed a handbook for learners to equip learners with knowledge and understanding of sexual harassment and sexual violence, its implications, ways to protect themselves from perpetrators, and where to report it in the unfortunate event that it happens.

Teenage pregnancy is amongst the major concerns facing young people in South Africa today. Government has taken an active role in dealing with the challenge as it is one that can effectively undermine efforts to keep the girl child in school for as long as it is required—thereby defeating efforts to contribute towards ensuring that all learners realize their full potential. The South African Constitution criminalizes discrimination on the basis of pregnancy; therefore pregnant learners cannot be denied their constitutional right to education because of pregnancy. In 2007 the Measures for the Prevention and Management of Learner Pregnancy (Measures), was released, which have been widely distributed to schools. The Measures provide a framework for (i) ensuring that learners are fully informed about reproductive matters and have the information that assists them in making decisions; (ii) informing affected learners about their rights to education; and (iii) supporting teachers in managing the effects of learner pregnancy in schools.

In 2008, Government commissioned a desktop study to document, review and critically analyse literature on teenage pregnancy with a focus on school going adolescents. The specific objectives of the study were as follows: (a) to review existing literature and conduct statistical analyses to establish the prevalence and determinants of teenage pregnancy; (b) to assess the individual, familial and educative impact of teenage pregnancy; (c) to identify and assess the impact of interventions for teenage pregnancy; and (d) to propose a conceptual framework for research and interventions to prevent and mitigate the impact of teen pregnancy. The research report ‘Teenage
pregnancy in South Africa - with a specific focus on school-going learners’ was released in 2009. In brief, the study concluded that there is a decline in teenage fertility; and that remaining in the education system is a strong factor in preventing teenagers from falling pregnant.

However, despite this, work is under way to draw from the findings and recommendations of the study to develop a comprehensive strategy for prevention and management of teenage pregnancy in South Africa.

The Girls and Boys Education Movement (GEM/BEM) and other Peer Education programmes serves to provide girls and boys with reliable information and knowledge, to guide them in discussing and addressing issues that are of concern to them in their schools and communities, and to act together to bring about positive changes in their lives and those of their peers. The Girls and Boys Education Movement (GEM BEM) is an international movement practiced in many other countries in the world. It was first launched in South Africa in 2002, and later formalized as a national programme in 2003. The movement operates through the girls’ & boys’ education movement clubs (GEM BEM clubs) in public schools. These are school based clubs made up of girls and boys who are committed to the promotion of human rights, dignity for all as well as mutual respect between girls and boys. The clubs are intended to empower girls and boys with reliable information and knowledge, to guide them in discussing and addressing issues that are of concern to them in their schools and communities, and to act together to bring about positive changes in their lives and those of their peers. Because the clubs are run for the learners by the learners, the approach allows for a bottom up approach to addressing a variety of gender issues affecting children in the schooling system.

In celebrating South Africa’s liberation and the creation of a non-racial, non-sexist, and non-discriminatory education system in South Africa, it is imperative to reflect on the challenges that remain. Indeed, South Africa has made significant progress in increasing access to education for all children of school going age, and has also succeeded in achieving gender parity in public schools. However, there are challenges that remain pertaining to the protection of access to quality education. It is for this reason that South Africa continues efforts to address social, economic, and
cultural based barriers to quality education, as well as efforts to improve the quality of basic education.