



Commission on Gender Equality: Drawback or Progress for Rural Disadvantaged Women in South Africa?

By

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ABSTRACT

The issue relating to women's empowerment has received increased attention from scholars in recent years. The recent studies seem to be favouring policies which appear attractive only on papers with less attention on how these policies translate into reality. This study is a critical analysis of the South African Commission on Gender Equality (CGE) which in its papers claims to empower rural women but in reality continues to encounter a series of setbacks. The study argues that CGE cannot claim to be successful to rural women if its link with other sister machineries nationally is tenuous, for instance its collaboration with other civil society organisations such as the Women Society Organisation (WSO), Women Empowerment Unit (WEU), and National House of Traditional Leaders (NHTL) among others.

The study has adopted the theories of state feminism and theory of gender interests as the analytical engine used to scrutinise the impact of CGE in fulfilling its mandate to rural women as delegated by the Constitution towards enhancing and the realisation of equality in the current democracy. The study used non-empirical qualitative methods as it critically examined the CGE operational documents ranging from its modus operandi, minute books, policy papers and meeting agendas, monetary and evaluation reports, and the constitutional provisions. The CGE is charged with the mandate of monitoring government and the private sectors institutions and the public education of society (SA.info 2014). However, the researcher has identified that the link between the CGE and the other gender machineries has indeed been declared tenuous according to recent reports. The researcher thus maintains that representation of women by the CGE has rather been politically inclined than developing the disadvantaged people in the society especially the rural women citizenry.

The study hence considers various strategic interventions that the commission has undertaken towards emancipating the rural women, in spite of the lack of proper consultations and contribution from the rural women. Thus, the presumption that rural women do not know what they need and /or how to go about it in the context familiar to them could be the cause of procedural hegemony that arises in CGE pattern where the "elitist women" develops the rural women. The study as such recommends that, in order to directly relate to local or rural women the rural women must be consulted from grassroots. The members of CGE and sister commissions and machineries should elect some representatives from rural women that better

understands the interests of rural women. Also CGE needs to intensify monetary and evaluation aspect of their operations with rural women and with other sister machineries and commissions in South Africa.

DECLARATION

I, Anthony Gathambiri Waiganjo declare that:

The research reported in this thesis, except where otherwise indicated, is my original research.

2. This thesis has not been submitted for any degree or examination at any other university.

3. This thesis does not contain other persons' data, pictures, graphs or other information, unless specifically acknowledged as being sourced from other persons.

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Anthony Gathambiri Waiganjo

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Date

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Dr. Janet Muthuki

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Date

DEDICATION

This dissertation is dedicated to my beloved mother Mary Nyawira and my late father James Waiganjo, and to the Almighty God who deserves all Glory and honour for giving me all the wisdom and strength that I needed to accomplish this academic work.

ACRONYMS

ACERWC: African Committee of Experts on the Rights and the Welfare of the Child.

ADB: African Development Bank.

ANC: African National Congress.

CEDAW: Convention on the Elimination of all Forms of Discrimination against Women.

CGE: Commission on Gender Equality.

CSO's: Civil Society Organisations.

GFP: Gender Focal Point.

JPCIQL: The Joint Parliamentary Committee on the Improvement of the Quality of Life.

LRLR: Land Restitution and Land Reform.

MOU: Memorandum of Understanding.

NGM: National Gender Machinery.

NGOs: Non-Governmental Organisations.

NHTR: National House of Traditional Leaders.

OSW: Office of Status of Women.

PMG: Parliamentary Monitor Group.

PMWG: Parliamentary Women's Group.

SADC: Southern Africa Development Community.

SAHCR: South African Human Rights Commission.

UNDEP: United Nations Development Programme.

UNHCR: United Nation Human Rights Commission for Refugees.

UNW United Nations Women

WEU: Women Empowerment Unit.

WNC: Women National Coalition.

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CHAPTER ONE

INTRODUCTION AND BACKGROUND OF THE STUDY

1.1 Introduction

The question of whether gender related problems are African issues or they are imposed on the African continent by western countries has been a cutting edge concern in the contemporary debate on issues affecting women in Africa. The National Gender Machinery¹ that oversees the affairs of women would not exist if gender issues are not found in South Africa. The study intends to interrogate the effectiveness of the Commission on Gender Equality (CGE hereafter) in South Africa. This chapter outlines the research problem and objectives which the study aspires to achieve, the research questions and sub-questions addressed by the study. It also presents the background and a brief overview of research design. It concludes by raising the issues the reader can expect in subsequent chapters.

1.2 Background of the study

The CGE is the National Gender Machinery (NGM) set by the state and mandated in the Constitution to ensure the transformation of unequal power relations aims at those on the margins, among them the rural women. The study aims to critically examine the role played by the CGE, and establish the challenges that the commission faces in its effort to emancipate rural women. It also outlines the background, and the objectives that the study intends to achieve, through the research questions.

In Post-apartheid South Africa, the issue of gender² has been overlooked for a long time because the citizens have been mainly focused on eradicating racism. Thus the gender equality³ agenda became an area of focus only after a long struggle by the vibrant women's movement who wanted gender to be part of the South African national agenda (Ramphele, 2008; Mvimbi, 2009; South Africa.info, 2014). In 1994⁴ women drew up a charter that calls on the state to recognise women who had been marginalised pre and post-independence. The

¹ National gender machinery (NGM): Refers to government formed institution set up to promote equality and ensure that women's status and rights are safeguarded.

² Gender refers to the state of being male or female.

³ Gender equality: refers to the view that all people, men and women ought to receive the same treatment, and should not be discriminated on basis of gender. This nevertheless, does not imply that men and women are same.

⁴ 1994 was a South African period of transition from the Apartheid regime to a more democratic one. The ANC becomes the ruling party, with Nelson Mandela becoming the president.

charter was presented to the then President Mandela⁵, who ensured that the gender dimension was part of the negotiation process before drafting a new constitution. The negotiating team agreed to avoid a model of a department or women's ministry because such a move would result in the marginalization of some women's issues (Ramphela, 2008;Mvimbi, 2009; South Africa.info, 2014). Thus a NGM was established with a model that comprised of the civil society organisations, the government, the legislature and independent bodies (AFDB, 2009).The reason for the establishment of the national NGM was designed to promote the status of women. Various international women's conferences (the 1975 World Conference on International Women's Year, the 1979 Convention on the Elimination of all Forms of Discrimination against Women, and the Beijing Conference) had called on the governments to put gender issues at the centre of their policy making agendas. NGM was first underlined at the Mexico City in 1975 (Rai 2008). The World Decade for Women (1976-1985) during which two conferences were held (in Copenhagen and Nairobi) gave a further impetus to the establishment of these national machineries as a way of promoting the status of women (Rai, 2008). The promotion of the status of women was important because women would only participate freely only if their status was addressed.

The CGE remains one of South Africa's national gender machineries mandated to enhance gender equality in South Africa (CGE Act, 39; PMG, 2011). This state machinery was established in accordance with the Gender Equality Act⁶ 39 of, 1996. The Gender Equality Act of 1996 mandates the CGE to monitor, evaluate policies and practices of state organs at any level, statutory⁷ and private institutions in order to promote gender equality and make recommendations that it deems necessary(CGE Act, 39; PMG, 2011; AFDB, 2009). The CGE, also runs public information and education programmes on gender equality as well as the role and activities of the Commission to evaluate and make recommendations about existing or proposed laws and customs, including indigenous laws and practices affecting or likely to affect gender equality or the status of women(CGE Act, 39; PMG, 2011; AFDB, 2009). The CGE also recommends new legislation promoting gender equality and the status of women within the country; liaises with other institutions, bodies or authorities with similar objectives towards active promotion of gender equality within other sectors of civil society;

⁵ Mandela was the first black president of South Africa (1994-1999).He was an anti-apartheid revolutionist.

⁶ Acts (National acts) refers to an adopted and effective legislation.

⁷ Statutory body: Refers to an organisation that has been created by the national parliament, like CGE.

monitors and reports on South Africa's compliance with relevant international instruments and conducts research (CGE Act 39; PMG, 2011; AFDB, 2009).

One of the chief targets of the CGE since its inception has been the rural women who make up the highest percentage of the poor South Africans (South Africa.info, 2014 CGE Act 39; PMG, 2011; AFDB, 2009). These rural women are still affected by the legacies of apartheid⁸ that Ramphele (2008) calls the 'ghost of the past' (sexism, authoritarianism, male chauvinism and racism). Thus, the CGE aims at correcting these wrongs that are manifested in the existing ruling structures and in the policies that facilitate women's marginalization.

The CGE has a national office, provincial offices and a parliamentary office that tries to establish good working relationships with other structures, particularly the Public Protector and the South African Human Rights Commission (Mvimbi, 2009; South Africa.info, 2014). CGE also strives, despite major challenges, to do the same with the Office on the Status of Women (OSW) and the Houses of Traditional Leaders at national and provincial levels. But if CGE is to succeed in administering its mandate to promote and protect gender equality in the rural areas, then, developing good working ties as well as alliances with the later sector is crucial. The OSW and CGE have worked very hard together with non-governmental organisations (NGOs), academics and parliamentarians to formulate a National Gender Policy and institutional framework which will provide a common and clearer understanding of the ideal(s) being promulgated by gender equality through CGE within the country (CGE, 2008). The OSW, located in the presidency, plays a vital role as the principal coordinating structure for national machinery on gender equality. It has been constructed as a nerve centre for developing a national gender programme. "The OSW have been mandated to develop a national action plan for mainstreaming gender within government structures, to advance women's empowerment and gender equality; as well as to monitor the implementation and progress in this regard (see OSW Report, 2006; PMG, 2011)."

According to Rai (2008), the role of national machineries as a way of promoting the status of women, acquired it global attention and importance during the World Conference on the International Women's Year held in Mexico City in 1975. It was this conference that called for the establishment of these machineries at national levels. Later, the two other Conferences on women took place in Copenhagen (1980) and Nairobi (1985). These later conferences

⁸ Apartheid refers to a segregation policy meant to set apart various races, for the economic benefit of the white regime (see Klotz, A. (1999). *Norms in international Relations: The Struggle against Apartheid*. New York: Cornell University.

advanced the impetus towards the setting up of institutional mechanisms at national levels to promote the status of women. By the end of the World Decade for Women (1975-1985) , over 127 member states of the United Nations (UN) had established a variety of NGMs suitable for the political situations predominant in those countries (Rai, 2008:2).” Thus, the functions of these national machineries were generally described as being *inter alia*: supporting effective participation of women in development; promoting the situation of women in education, political decision making and within the economy in general; ensuring the highest level of governmental support for relevant policies; combating negative cultural attitudes and stereotype of women in the media, academics etc.; facilitating research on the status of women; and finally collecting sex disaggregated data (Rai, 2008).By the fourth world conference on women held in Beijing (China) in 1995, the discussion on the role of national machineries had begun to shift from its conceptual focus on women-centred issues to gender equality. “The functions of these national machineries can be summarized as giving support to the government in gender mainstreaming efforts within various policy areas (Rai, 2008:2).” The platform for action adopted at that conference sets out to proffer mechanisms, as well as elaborated recommendations, on how national machineries could be strengthened basically in order that equality and democracy may be realised. The recommendation strategy includes basically all governmental actions to “address the need for consultative mechanisms”, “establish coordination mechanisms among NGOs at the national level’ and ‘support the dialogue and bilateral and multilateral cooperation with all social partners was underlined (ibid.).”

Furthermore, the United Nations (UN) and other international bodies promoting democracy and good governance, came up with (Rai, 2003:2) strategies on how to sustain efficient running and strengthening of NGM such as: (1) Establishing good coordinating mechanisms that link NGOs and these machineries at national levels; (2) Reliable partnerships and alliance with stakeholders, parliament and social partners; (3) Good financial support programme, as well as statutory back-ups from the legislature and executives; (4) Good facilitation of their linkages with international bodies; (5) Well-coordinated interactions with other national machineries on regional levels (both in private and public sectors); and (6) How to integrate mobilization of local knowledge for efficiency on service delivery (2003:3). The CGE is an example of such national machineries described above. It operates within South Africa.

The CGE is an independent public body established in accordance with the Commission on Gender Equality Act 39 of 1996, which spells out its mandate and functions. The CGE's mandate includes having the power to hold accountable state organs, statutory and public bodies, as well as the private sectors for the promotion and protecting of women's right, hence equality (CGE, 2000: 6). "Its constituency is all South Africans but it mainly targets those who live on the periphery, which includes women in rural communities, on farms, domestically employed women and informal settlers (2000: 62)." Its functions include providing information and education on promoting and protecting gender equality (SouthAfrica.info, 2014). The CGE developed its framework through internal discussions and two workshops which included non-governmental organizations (NGO's), academics and parliamentarians, and this framework stands to be subsequently improved after public responses on the commission's outcomes (CGE, 2000; SouthAfrica.info, 2014). The question is how does CGE discharge its duties with respect to consolidation of democracy, development, and good governance in South Africa? In other words: is there any link between gender and democracy?⁹ The CGE is accountable to the National Assembly and must report its activities and performance of its functions to the national assembly at least once a year. The president of the country, on recommendation of the national assembly, appoints the members of the commission beginning with the chairperson, deputy and so on. The civil society however participates in the nomination process (SouthAfrica.info, 2014), by submitting names of leaders for the commission.

1.3 Problem statement

Although CGE in its mission statement indicates that it protects all South Africans from discrimination, it claims that its targeted group are people living on periphery, especially women in rural areas (Seidman, 2001; Manjoo, 2005; SA.info, 2014). However, after twenty years of democracy, mobilisation of the local voice remains a huge task which has an enormous impact of CGE towards issues affecting rural women (Seidman, 2001; CGE, 2008/2013). Considering the claims made on paper in terms of the *modus operandi* of CGE and how these claims translate into reality especially in influencing the lives of the rural women in South Africa, one begins to question the efficiency of CGE. For instance, the participation of rural women from the grassroots is still found wanting with regards to women

⁹ Democracy, as a form of governance by the people or through their duly elected leaders. (See Zimmerman. (2012). *What is Democracy? Definition, Types & History*. <http://www.livescience.com/20919-democracy.html>. Accessed on 6th /8/2013).

empowering themselves according to their unique contexts (Seidman, 2000; Slammat, 2013; CGE, 2008/2013).

The “top down” approach that allows the few “elitist” women to design programmes, procedural modality and policies which are used to capacitate rural woman negates the ability of local women to define local obstacles or problems. Thus it defeats developmental processes that allow rural woman to conceptualize, initiate, design, effectively participate and implement programs relevant to their contexts to address their problems (Lundy & McGovern, 2008; Slammat, 2013). Equality is well emphasized in the Bill of rights and in CGE *modus operandi*, but implementation issues remains a huge concern in terms of how it translates into living experience especially for rural disadvantaged women in South Africa (Mvimbi, 2009; Segooa, 2012; Slammat, 2013). According to Segooa (2012) over 28% of rural households do not have access to any type of toilet facility. In absence of sanitation close to their homes; rural women are forced to forgo privacy and security and are often rendered vulnerable to infection, harassment and abuse (Segooa, 2012). Ramphele, (2008) laments that rural women are still treated as lesser beings in the name of cultural practices; a situation that reinforces socio-economic dependency. Thus these women continue to be disenfranchised in the new democratic South Africa through the lasting male control over social and economic affairs (Schreiner, 2010). Above all, rural women are subjected to various religious and cultural practices (such as early marriages and Ukuthwala) that thwart their possibility of accessing their rights as a direct consequence of patriarchal society that underpin social constructs (Segooa, 2012). In such a situation, the CGE could intervene and advise the parliament on what kind of infrastructure the rural women need. They could conduct some research on the interests of these people and forward the findings to the parliament. The CGE could monitor the cultural and religious laws that are patriarchal and recommend to parliament for their amendment. It could also educate the local women on their rights in order to liberate them from cultural and religious practices that continue to oppress them. This is a body that could ensure women’s interests are taken into consideration through their research, reports and by liaising with other state organs. Thus, the research it important that, to effectively advance women’s interests, CGE cannot ignore the concerns emanating from rural women themselves as they live the experience. The problem however remains how CGE can best engage the local or rural women living the experiences that CGE sets out to eradicate.

This study therefore, focuses on how the CGE carries its mandates with regards to emancipating rural South African women, and whether or not it represents the right

machinery for advancing gender interests towards the emancipation of rural women in South Africa. Although CGE does not mention the term strategic interests, its mandates are within this scope (Constitution of South Africa, 1994; Manjoo, 2005). In this study, the researcher critically examines how the CGE pilots its affairs and how this translates into reality that affects women in South Africa. As such, the study adopted a non-empirical research paradigm that generate its data from relevant document such as CGE research works, CGE strategic plans, mission statements, CGE policy papers and meeting agendas, monetary and evaluation reports, South African constitution among others. The study utilized frameworks such as state feminism and theory of gender interest as analytical lens for scrutinizing CGE *modus operandi*. This aimed to ensure that critical analysis and synthesis were adapted to ensure that research questions are adequately answered. The literature review was conceptualised to answer the studies main question.

1.4 Rationale

I am motivated by the increasing number of cases of abuses against women in rural Africa. The increasing levels of rape, HIV and AIDs infection among women in South Africa and its implications for poverty alleviation and women empowerment require consistent policy monitoring. The sustained resistance by patriarchal dominance of most rural South African society calls for intensification of awareness and research in the area of gender based violence. I consider it necessary to critically analyse and synthesise the *modus operandi* of CGE towards improvement strategies and improving the lives of rural women, even those NGOs, and other commissions which have similar agendas to the CGE. Naicker (2001) points out that women find themselves oppressed because they are black, oppressed and exploited as workers, and oppressed by sexism. Mama (1995) notes that black women's lives are affected by the combined effects of race, gender and class, and its nexus with the patriarchal culture in most rural places continues to raise.

Studies have shown that rural women are among the most disadvantaged people in this country (Naiker, 2001; Ramphele, 2008; Slamati, 2013). After twenty years of democracy, the government is yet to get its priorities right regarding empowerment of rural women. This study's outcome could generate strategies that can be used to strengthen other gender machineries that characterise the African scenario. The level of violence against women and abuses gives the impression that the CGE agenda seems inconsistent with the reality experienced by local disadvantaged women. According to Chibba (2011), rural women are the most affected by the inequality because they and their traditional leaders are unaware of

advances in gender issues. Ratele (2007) points out that these women continue living in poverty, low levels of education, unemployment, deprivation, food insecurity, psychological neglect and gender inequality. Thus, in order to effectively advance women's interests, the CGE cannot ignore the concerns emanating from rural women themselves as they live the experience. The problem however remains how could the CGE best engage or serve the local or rural women living the experiences CGE sets to eradicate.

1.5 Objectives

This study is guided by the following relevant objectives:

- To explore the role of the CGE in the advancement of the interests of rural disadvantaged women.
- Examine the extent to which the CGE has addressed the strategic interests of women (e.g. land tenure laws, male favouring policies at work and religious beliefs in rural areas).
- To explore the constraints faced and the opportunities that the CGE could utilize to improve its efficiency.

1.5 Key Research Questions

- 1) How does CGE engage with rural women?
- 2) How does the CGE engage the state on behalf of rural women so as to transform unequal power relations?
- 3) What is the link between the CGE and other state organs/machineries?
- 4) What are the constraints that hinder the CGE in dealing with empowerment of rural women?
- 5) What opportunities does the CGE have, that could be used to emancipate the rural disadvantaged women?

1.6 Study Scope

Although the CGE executes its mandate to men and women who are underprivileged, with the intention of improving policies that hinder their progress, the researcher limits the study

within the scope of rural women. The justification for narrowing the scope to a particular group was in order to keenly investigate how it uniquely intervenes to that particular group.

The interests of the rural women cannot be a homogeneous one, given that each community faces different realities. The researcher however indicated the provinces in which the CGE engaged itself, namely KwaZulu-Natal, Eastern Cape and Mpumalanga.

1.7 Structure of the Dissertation

1.7.1 This work consists of eight chapters:

Chapter 1 introduces the reader to the background and the outline of the study, objectives and research questions, preliminary literature review and research methodology. The chapter furthermore provides the scope of the study. Lastly, it presents the structure for the work.

Chapter 2 introduces the CGE as part of the national gender machineries (NGM) in South Africa. It also presents the feminist debates on NGM and rural women. It then argues that both the CGE and other NGMs in South Africa have existed but not without setbacks. The theoretical frameworks adopted by the study have also been included.

Chapter 3 presents the research methods and methodology adopted by the study. This entails research design, data collection method and the analysis of the data. The researcher presents the limitations of the study.

Chapter 4 focuses on the link between the CGE and the other NGMs. It starts by discussing the conferences that led to formation of the NGM, and then focuses on legal dimensions based on the Constitution and the Bill of Rights. The chapter also discusses gender mainstreaming.

Chapter 5 presents some realities of rural women as recorded in the available literature that complicates CGE emancipatory efforts. The chapter also explores various ways that the CGE in collaboration with other state organs has intervened towards emancipating and advancing the affairs of the rural women. The chapter aims at answering the questions about *the link between CGE and other state organs/machineries and the constraints that hinder CGE in dealing with empowerment of rural women.*

Chapter 6 further develops the presentation of the constraints that have political and managerial undertones that continue to undermine the CGE's efforts to actualise its constitutional mandate.

Chapter 7 discusses plausible opportunities that the CGE could exploit in order to execute its mandates efficiently.

Chapter 8 presents a summary of the study, and then makes recommendations that the CGE could work on in order to improve its efficiency and service delivery.

1.8 Conclusion

The chapter focuses on the orientation of the study that provided the brief roadmap on the research. The next chapter deals with the literature background that would establish the point of entry for this study. Relevant frameworks used in this study were discussed with the aim of exposing the lens through which the study would be analysed and synthesized.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction

The previous chapter dealt with the orientation of the study whereas this chapter introduces the Commission on Gender Equality as part of National Gender Machineries in South Africa and then argues that both the CGE and other NGM in South Africa have existed but not without setbacks. Firstly, the chapter highlights the feminist's debates concerning the NGM and CGE's in South Africa. It then presents the two frameworks (state feminism and gender interest theory) adopted by the study and the methodology used in this study. The chapter highlights the state feminism and theory of gender interest as the framework adopted by this study and how these frameworks are used in this study. It then establishes the researcher's point of entry.

2.2 CGE as National Gender Machinery (NGM) in South Africa

The CGE is an independent public body. It was established in accordance with the Commission on Gender Equality Act 39 of 1996, which spells out its mandate¹⁰ and functions. The CGE's mandate includes having the power to hold accountable state organs, statutory and public bodies, as well as the private sectors for the promotion and protecting of women's rights, hence equality (CGE, 2000: 6). "Its constituency is all South Africans but it mainly targets those who live on the periphery, which includes women in rural communities, on farms, domestic employed women and informal settlers (2000: 62)." The functions of the CGE include providing information and education on promoting and protecting gender equality (see CGE, 2000: 5). The CGE is accountable to the national assembly and must report its activities and performance of its functions to the national assembly at least once a year. The president of the country, on recommendation of the national assembly, appoints the members of the Commission beginning with the chairperson, deputy and so on. The civil society however participates in the nomination process (ibid.). Among others, the CGE is one of the top NGM that represent women's interest in the South African democracy. The question is how does the CGE discharge its duties with respect to the consolidation of democracy, development, and good governance in South Africa? And the question of whether

¹⁰ Mandate: Refers to an authority given to a people, committee or a group of people to perform some activities.

there is any link between gender and democracy? These two questions must be adequately answered in order that the research sub-question one is appropriately addressed. What is the link between CGE and other state organs/machineries?

2.3 Feminist debates on National Gender Machinery (NGM) in South Africa

The establishment of the NGM in South Africa was as a result of the struggle of women at the time of transition from Apartheid regime to a democratic nation. Watson (2014) in her article *The National Gender Machinery, a Failed State* points out that the NGM was initially seen to be holding great promise for women and was meant to be a bastion for their rights, and a channel on which women could articulate their concerns. Watson (2014) observes that this hope of being a success for women diminished as power became unevenly distributed, and the creation of many broad and overlapping mandates. Thus, when the rural women can no more articulate their concerns, the NGM loses the initial motivation that it was founded for. In fact it becomes a drawback because women's interests which ought to emanate from the grassroots, emerge from the few educated elite running the state machineries (Gouws 2006:146; Mvimbi, 2009).

The NGM have not been a great success in most African countries because of male dominance and masculinity that cripples women's agenda. Gouws (2004) in her work *The Politics of State Structures: Citizenship and the National Machinery for Women in South Africa* points out that the NGM have often been co-opted by the state, and this makes them insensitive to women's demands, or completely inaccessible. Fester (2007) shares the same sentiments with Gouws when she observes that addressing the interests of women is not possible when women are co-opted, because men will choose women who are pliable and who will more readily accept the hegemony of men. In the case of the CGE, for instance, where the president will appoint a woman with whom he can work, this could compromise women's interests that could end up being men interests. Stetson and Mazur (Gows, 2006) in their theory of state feminism note that the extent to which women influence policy making would determine the success of a NGM. Therefore, in a scenario where women are co-opted, one has the male influenced policies that enhance a platform on which men can exercise their hegemony, and thus the NGM ends up becoming a drawback to the women.

In her work, *Feminism in South Africa Today, Have We Lost the Praxis?* Gouws (2010) argues that the South African gender machinery has recorded little success with regard to the emancipation of women. Gouws (2010) notes that these NGM are staffed with many self-

interested individuals who align their interests with that of the ruling party in order not to lose their positions leading to chronic dysfunctionality (2010). When the affiliation to parties overrides the interests emerging from women themselves, the NGM ends up being a drawback and a disappointment to disfranchised women. The NGM level of success according to Stetson and Mazur's theory of state feminism depends on the how much the societal interests are brought into state. Thus, if a NGM becomes partisan to a party, or co-opted by those in power, gender interests could be easily derailed.

In his work, *National Machinery for the Advancement of Women in Africa*, Tsikata (2001), observes that most of the NGM in Africa are being constrained by lack of consistent and clear government support, dependence on donors and lack of credibility with civil society organisations. He argues that the national machineries must be cautious about the donor funding because it raises the question of who drives the NGM agendas (Tsikata, 2001). Although the NGM could be an opportunity for the NGOs to subsidise their budget, it can derail the policies that it intends to implement for the good of the women. The international interventions have had an ugly story in Africa, especially when western countries want to inject their policies and interests in Africa. The theory of state feminism by Stetson and Mazur (Gows 2006:146) holds that those NGM that have high chances of success are the ones whose governments support gender mainstreaming. Nevertheless, donors cannot fully take the place of the government to fund state machineries like the CGE, lest it risks adopting western driven policies. The interests of women could end up adopting foreign directed interests that are in conflict with our own cultures. On the other hand, if the NGM turns down the funding, it risks failing to implement its mandates due to shortage of funds, especially where the NGM are not well supported by the state. While there has been a concerted attempt to ensure that institution mechanisms are in place to ensure gender equality, Mvimbi (2009) notes that NGM are limited in their impact because of lack of resources and an understanding of their roles and responsibilities and duplication of their mandates. Research has indicated that lack of coordination, limited communication and limited resources are key issues contributing to poor performance of these institutions (Mvimbi, 2009). Mvimbi agrees with Manjoo (2005) that the CGE has become characterised by conflicts and competition rather than cooperation and support.

Meintjes (2006) in her work *Gender Equality by design: The Case of South African Commission on Gender Equality*, argues that if the status and subordination of poor rural women changed and they were able to access land, credit and markets and participate in

decision making about their own lives and livelihoods, then society could be said to be moving towards greater equality. She notes that the CGE has mainly focused on the practical needs rather than the strategic interests. It has not made much progress in addressing those strategic needs, because the CGE education and information programmes mainly focused on the practical needs of the rural women (Meintjes, 2006). In order to address the strategic interests of the women, one has to deal with the existing power structures that hinder the emancipation of women. According to Meintjes (2006), the CGE notes that there was a lack of understanding of what it entails to bring gender empowerment among the rural women. The quality of research undertaken by the CGE indicates a very simplistic understanding of equality. Machineries that aim at emancipating rural women must have members equipped with gender analytic tools in order to have a holistic understanding of male power structures, before transforming it.

Xulu (2013) asserts that most South African rural women cannot be said to be enjoying democracy until they can have equal access to resources. Nonetheless, Xulu (2013) argues that access to the resources cannot be the final solution for their status, but dealing with the symmetrical gender relations based on dominance and subservience (Xulu, 2013). Male dominance has been one of the biggest impediments to the progress of women particularly rural women. The success of gender empowerment machinery would thus depend on how much it engages rural women in the policy making, so as to understand the existing power structures in a given community. Women need to make their own decisions about their own lives, and have the same status as men besides having equal access to resources to meet practical needs. This cannot happen if the male dominance in rural areas goes unchallenged.

2.4 Emancipation of South African Rural Women

In the journal, *Power Culture and African woman*, Ngcongco (1993) explains what emancipation would mean to the rural women. Ngcongco (1993) posits that: emancipation is not about women being the same as men. It is about removal of all factors, laws, norms, attitudes and rules which prevents women from attaining the growth and liberation of their potential as human beings of equal dignity with others. “It involves giving [emphasis] the rural disadvantaged access to skills, education, job and income opportunities. When a woman is social economically empowered, she is able to resist oppressions (Ngcongco, 1993:9).”

The South African constitution guarantees the right to equality of all citizens although established cultural norms are often at odds with these constitutional provisions. However,

government and the judicial system have consistently upheld the rights of women against culture based oppression and entrenched the supremacy of the Constitution. Women remain subjected to numerous harmful cultural traditional and religious practices across all sectors and in all communities (such as early marriages and Ukuthwala). This impedes their access to rights. Rural women are especially vulnerable as they are forced to subscribe to tribal authorities who do not favour women's rights. The South African constitution guarantees the right to equality.

The Constitution of South Africa is one of the most progressive ones in Africa and even in the world (Tsabiso, 2011). It guarantees equality of all citizens and upholds the rights of women against any kind of discrimination or oppression (Tsabiso, 2011). Even with such a good constitution, rural women remain subjected to numerous harmful cultural, religious practices (such as ukhutwala) across all sectors and in all communities (Tsabiso, 2011). The oppressive male structures exist in the society, which constrains women's efforts to access the opportunities in society.

Although NGM in South Africa have played a huge role in the emancipation of women, albeit slow, those machineries have a long way to go in terms of addressing the interests of women. Segooa (2012) points out that gender balance is needed among leaders, who while representing rural communities are very influential in decision making; need to close gender gap and ensure that both men and women's interests will be taken into consideration (Segooa, 2012). The gender balance cannot have any impact on the disadvantaged women when the gender machineries like the CGE is a conglomeration of the few elite. In fact Zuma (2007) in her key note speech said that during apartheid, women were perceived as nurturers and domestic labourers while men were perceived to be natural leaders and decision makers. These roles were reinforced at home, and through the media, hence restricting women's perceptions, disempowering their socio-political and economic potential and limiting possibilities for their empowerment (Zuma, 2007). The rural women are trapped in those realities that Zuma mentions. Apartheid continues replicating itself in our societies that are patriarchal, sexist and dictatorial (Zuma, 2007; Segooa, 2012; Ramphela, 2008; Ngcongco, 1993). The restricting power structures (like land tenure rules and customary laws) manifested in South African rural communities in the name of culture, religious or political affiliations has been one of the constraints that CGE faces as it engages in emancipating rural women. Today, due to patriarchal structures, in most communities women are still perceived

in terms of gendered roles and this phenomenon privileges men but grossly marginalizes rural women.

Therefore, in order to enable the researcher to develop further the knowledge base about the CGE, through the assessment of the CGE, the study adopts the theory of state feminism and gender interest theory.

2.5 Theory of State Feminism

The state feminism theory is a feminist framework meant to test whether, or not the state, through its NGM enhances gender equality. The theory was coined by Stetson and Mazur in their quest for a way to check the relevance of NGM. The theory of state feminism by Stetson and Mazur (2002) emphasises qualities of and criteria for assessing whether or not particular gender machineries promote gender equality of the female citizens (see also Gouws, 2006; Mazur, 2002). The framework also set two dimensions or parameters for analysing or testing whether national policy machinery can contribute to gender equality (Gouws, 2006). The first dimension is the state capacity. This dimension raises hypothetical doubt by asking the question: “To what extent do women influence policy making from a gender perspective? The second dimension of this framework emphasises the state society relations; as such raises the question of: To what extent do women’s policy machineries develop opportunities for society based actors-feminists and women organisations to access policy process? (See Gouws, 2006:145; Mazur, 2002).”

In order to determine whether state capacity and state relations exist, Stetson and Mazur (Gouws, 2006) use the following variables (1) the pattern of politics surrounding the extent of women’s policy machineries. This variable created the platform for critically scrutinising whether the particular machinery was established by government, or through party political platforms or through efforts and adequate consultation of the woman to be emancipated. Also it enquired whether the women’s organisations and sub-committees responding to women issues and feminists activities have procedures relevant to the context of the women in question? (Gows, 2006). (2) It inquires the extent to which certain organizational forms increase the likelihood of the policy machineries furthering feminist goals. It does this by raising the question on whether the commission is a single, government bureau, an independent commission or whole array of bodies or just a political ploy to get attention of the women? (Gouws, 2006)

Stetson and Mazur (see also Gouws, 2006:146) conducted a research in fourteen industrialised countries and used this framework, to test the efficiency of national gender machineries. Their findings revealed that the countries with successful gender machineries are the ones that; “(1) had active participation of women at the grassroots levels of policy making; (2) had brought societal interests into the state’s top priorities and viewed the state as a major actor for dealing with social inequality; (3) those that supported the gender mainstreaming¹¹; and (4) had high levels of democracy that could allow gender interests in policy¹² formulations (Gouws, 2006:146).”

The theory of state feminism thus holds that the success or the failure of any gender machinery that champions the emancipation of the disadvantaged in any community would depend on how much the women’s interest are brought into the state and, the participation of women at the grassroots. In the article entitled *Strategic Challenges to Gender Inequality*, Seidman (2001) says that if the gender commission puts resources only into programmes that directly touch the lives of poor rural women, issues such as working conditions for farm labourers, for example, or provision of clean water to rural villages, it could neglect, or even weaken, the women’s movement where it exists, by ignoring those women most able to articulate demands for themselves. In South Africa, with the institutionalising of the women’s movements that were once vibrant on the grassroots, those organisations were weakened at grassroots level (Seidman, 2001). Thus, it is vital for the CGE to establish strong links with the civil society organisations that have direct links with the rural communities.

The rationale for choosing this framework was informed by the need for an effective apparatus for weighing the efficiency of the CGE in actualising their claim in South Africa. Using this framework as an evaluator lens, one would be able to determine whether or not the CGE favours women; is successful or does it represent a failed gender machinery, just as the machineries tested in the fourteen countries according to Stetson and Mazur (Gows, 2006). As such, this frame work enables the researcher to investigate whether there was active participation of women at grassroots. Does the South African government support gender mainstreaming? Does the CGE bring the societal interests to the state, and in this case, women interests? Is it supportive to gender mainstreaming at the grassroots? What is the level

¹¹ Gender mainstreaming: Refers to the process of assessing the implication for women and men of any planned action, including legislation, policies and programs, in all areas and at all levels (Rai 2008).

of South African democracy, one that could allow women's interests to inform their policy formulations? Or the one that indirectly frustrates and/or sabotages women's liberation in ways that are self-defeating.

2.6 Theory of gender interests

The gender interest theory was coined by Molyneux who needed to find out how women organisations could address the women interests. The theory of gender interest by Molyneux (2002) constitutes protecting and securing strategies for championing women's interests. The framework categorised women's interests into practical and strategic interests. Practical interests are the women's immediate and contained demands such as better conditions of work, equal opportunities, child care, and housing (Molyneux, 2002; Molyneux, 2005). Strategic gender interests are those interest meant to challenge male structures that hinder women progress. Despite women's practical needs being met, male structures remain unchallenged because these needs do not involve strategic goals meant to liberate the disenfranchised women. Thus it is assumed that the policies in place comply with women's interests. Strategic interests are interests that entail transmission of gender powers.

Gender equity¹³ is of paramount importance in regard to gender interests, because rural women have particular needs different from rural men and children. Those women have different experiences and interests and therefore, giving them equal opportunities with men is not enough. Maternal care for instance could be one of the gender interests that women would need, while men would be interested in another need. In order for the CGE policies to have an impact on rural women there should be focus on how those needs affect those women differently from rural men and even rural women who are not poor.

Molyneux (2005) points out that dialogue, discussion and praxis are links to the two interests. Strategic interests aim to transform social relations. In order to secure a more lasting position of women within the gender order and within society at large, liberation of social psychology is a *sine qua non*¹⁴ (Molyneux, 2005; Molyneux, 2002). Often times, gender solutions or resolutions are short-term and do not last long due to the state of the patriarchal social psychology. These short-term gender resolutions include legislation for equal rights, reproductive choices and increased participation of women in decision making (Molyneux,

13 Gender equity is the fair treatment of men and women according to their respective needs (see UNESCO 2000).

¹⁴ *Sine qua non* is Latin expression that translates to an indispensable aspect that is very necessary.

2005). As regards to advancing women's interests, Molyneux (2005) points out that autonomous organisations do not necessarily lead to the empowerment of women because informal power structures can operate tyrannically in the absence of formal limits or procedural rules governing the exercise of power. This is also because of the fact that autonomy can in some contexts marginalise and reduce political effectiveness (Molyneux, 2005; Molyneux, 2002).

This framework serves as the lens through which the study unpacks the practical and strategic interests of the rural disadvantaged women. The CGE is a state body meant to address inequality and this cannot be possible if there is no political will to transform the existing institutions that are hegemonic (Slamat, 2013; Matoo- Padayashie, 2011; Goetz, 2003). Molyneux (2005) states that strategic interests are about challenging and transforming the existing power relations. The framework enables the researcher to examine how CGE effectively uses the strategic interests as a tool in advancing the interests of rural women in South Africa. Thus, using this framework, the study assesses on whether or not the CGE has made any noteworthy change in lobbying for the removal of structures that cripple the feminist agenda, like land tenure laws, male favouring policies at work, religious and traditional practices in rural areas, and the *ukuhlolwa kwezintombe* phenomenon.

2.7 The Study Point of Entry

As noted in the literature review, CGE is not a well-researched area in South Africa. The significance of this study is to contribute to a knowledge base that is currently in existence regarding the domain of gender machineries. It may interest the Commission to consider the critical analysis revealed in this study as a reflection for improvement, policy and structural review necessary in advancing the current democracy in South Africa.

2.8 Conclusion

This chapter discusses the CGE as a National Gender Machinery in relation to rural women in South Africa. The Chapter also highlighted the two frameworks adopted by the study and how they are used in this study

CHAPTER THREE

RESEARCH METHODOLOGY AND METHODS

3.1 Introduction

This chapter presents and explains the research methods and methodology that the researcher applies to collect and interpret the data. The study adopts a non-empirical qualitative research design. The study relied on the primary and secondary documents for its data for information needed to enable the researcher to establish how the CGE engagements with rural women. In this chapter, limitations of the study are also discussed.

3.2 Research Design

This study adopted a non-empirical qualitative research design. According to Newman (2011), qualitative research methodology is an approach that describes and gives meanings to social phenomena. Silverman (2006) points out that the research approach permits the inquiry into experiences and views of participants and allows for an in-depth process of data collection. This approach is opposed to the quantitative methodology that limits the respondents to a few choices, and his ability to interpret and present the data collected from the field (Denzin & Lincoln, 2000; Babbie and Mouton, 2001). The data was collected using the models established by the two frameworks used in the study which helped the researcher in assessing effectiveness of CGE in advancing women agenda in South Africa.

3.3 Data Collection Method and Analysis

This study is a qualitative study which relies on analysis of the available CGE related documents. According to Chapman and McNeill (2005:147), documents actually reflect values and norms of the society or social group/organisation in which they are produced. Although these documents can be relied upon by a researcher, Neuman (2009:303) points out that written sources are limited means of data collection because elites or people in official organisations write most of the documents. It is easy to overlook the views of the illiterate, the poor, or people outside official institutions (Neuman, 2009:303).

Search engines and relevant websites were used to access the relevant information necessary for this study. The sources of information were both primary and secondary documents. Primary documents include the CGE annual reports, CGE policy documents, PMG documents, CGE strategic plans, mission statements, CGE policy document and legislation

related documents. The researcher also reviewed the secondary sources such as newspaper and journal articles, academic papers, publications and conference papers about CGE, and declarations related to CGE. To ensure that information was relevant, the timeline of these documents ranges mainly from 2007 to 2014. The newspapers analysed in this study include *Natal Witness* and *Mail and Guardian* from 2010 to 2015. However, with regard to the establishment of the Commission, the study consulted documents that fall outside the time bracket of 2008-2014, like CGE Policy Act of 1996 and Beijing declaration (1995), South African constitution, Bill of Rights among others (see bibliography).

The study used textual analysis of the existing literature on the topic in CGE strategic plans, reports, the constitutions, the CGE policy act and documents earlier mentioned. Twenty CGE documents have been used. Five *Mail and guardian* and seven *natal Witness* Newspapers have been assessed. The research analysis enabled the researcher to establish the extent to which the CGE addresses the strategic interests of women. The entire chapters of the thesis were dedicated to answering the major question being addressed by this study about the CGE engagement with the state so as to transform unequal relations.

3.4 Ethical Considerations

Ethical considerations is significant issue because research could be intrusive, and may affect people's feelings and behaviours (Newman, 2009). This study did not engage in any interviews that would require coming into contact with people or permission to draw information from CGE websites which were free to access. The study, however, complied with the requirement from the university that needs the researcher to obtain the ethical clearance from the University of KwaZulu-Natal Higher Degrees Board.

3.5 Limitation of the Study

Interviewing of local women could have added flavour to the study outcome but such methodology was not possible because of inadequate time and financial constraints, to enable the researcher to conduct interviews. In obtaining relevant data for this study, certain CGE documents as earlier mentioned were accessed from CGE website and from other sources.

3.4 Conclusion

This chapter presented the study with the research methodology and methods used to collect and analyse the obtained data. It is noted that financial and time factor were the two aspects that put the study within the limit of non-empirical method.

CHAPTER FOUR

ORIGIN, LINKS AND GOALS OF NATIONAL GENDER MACHINERIES

4.1 Introduction

The previous chapter discussed the research methodology adopted by the study. This chapter explains the link between the CGE and the NGM. Firstly, it traces the historical global conventions on NGM and explores the reasons and the legal basis upon which the CGE and other NGM were established in South Africa. Secondly, it highlights the CGE *modus operandi vis-a-vis* its operational link with the constitution, NGMs and parliamentary committees that enhance equality and democracy in South Africa. Gender mainstreaming has also been presented.

4.2 A Brief Historical Background on Gender Machineries

4.2.1 World Conference on International Women's Year

The protocols that spearheaded the NGM had its origins in the first world conference on the status of women that was held in Mexico in 1975 (United Nations Women, 2007; Rai, 2008). This conference coincided with world women's year that was held on the same year (Rai, 2008). This was a wakeup call reminding the world that discrimination against women was a persistent problem in many societies, and it was time to act. According to Rai (2008), the role of national machineries as a way of promoting the status of women, acquired its global attention and importance during this world conference. It was during this conference that the idea of the establishment of these instruments at national levels was first conceived (Rai, 2008). This was followed by 1979 Convention on the Elimination of all Forms of Discrimination against Women (CEDAW, 2014; Rai, 2008).

4.2.2 The 1979 Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)

In 1979 the UN General Assembly adopted the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW, 2014; UN, 2005). The central focus of the conference was on reactivation and reinforcing the rights of women, which were violated through on-going gender based discrimination worldwide. The CEDAW protocol normally referred to as the Bill of Rights for Women, defined discrimination as any distinction or restriction on the basis of sex which has the effect of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of men and

women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field (UNW, 2007; UN, 2005; CEDAW, 2014). The convention called upon the states that are signatories to the protocol to incorporate the principle of equality in their legal systems through eliminating all laws that discriminate women, and adopting the ones that protect women from discrimination (UNW, 2007; UN, 2005; CEDAW, 2014). The organisers of these conventions recognised the need to follow up and so always plan subsequent conventions to evaluate the impact of the previous conventions and to advance the agenda.

The 1979 CEDAW convention was followed by the Nairobi Conference that had the clearest statement on the Establishment of the National Gender Machinery (Krooks & Childs, 2010; UNW, 2007). The conference recommended appropriate government machinery for monitoring and improving the status of women to be established. In order for the NGM to be effective, the Nairobi conference recommended that this machinery should be established at high levels of government and should be provided with adequate resources, commitment and authority to advise on the impact of all policies of the government (Rai, 2008). The conference was aware of the fact that underfunding such institutions would only weaken their impact in transforming the society. Thus, the conference motivated the setting up of the gender machineries in order to improve the status of women. One of the issues that came up during this conference was the injustices meted out against women at the work place. This eventually informed the Beijing conference of 1995.

4.2.3 The Beijing Conference (1995)

In September 1995, nations gathered in Beijing to consolidate what had been discussed in the previous conventions. The Beijing Platform for Action was meant to look at the different ways that impede women's full participation in both public and private (Rai, 2008; Krooks & Childs, 2010; UNW, 2011). The areas of concern were; poverty, education, health, violence against women, armed conflict, economy, power and decision making, institutional mechanism for women's advancement, human rights, media, and environment (UNW, 2011). The conference maintained that gender machineries should be located within the government policymaking and coordinating units if it were to advance women's interest. As such, the main task of the machineries would be to support government –widen the mainstreaming of a gender equality policy in all policy areas (Rai, 2008; UNW, 2011). The Beijing protocol noted that these mechanisms have been marginalised by governments in spite of the countries being signatories of these world women's conferences (Krooks & Childs, 2010; UNW, 2011).

The problems with the Gender Machineries which the convention highlighted were; lack of qualified personnel, allocation of insufficient budgets, poorly defined mandates and lack of training programmes on gender issues(Rai, 2008; Manjoo, 2005 Segooa, 2014; CGE, 2011; Manjoo, 2005).

4.2.4 National Gender Machinery (NGM)

National gender machinery is a government formed institution set up to promote equality and ensure that the status and rights of women are safeguarded. In many countries, NGM take a wide variety of shapes from formal ministries to temporary councils and committees (McBride & Mazur, 2012; Warioba, 2004; Manjoo, 2005). In South Africa, the NGM are structures that owe their origin to different international conventions that called governments to establish and sustain such institutions. The NGM are means to ensure that gender mainstreaming agendas are implemented and that gender equality remains the focus of public policy (McBride & Mazur, 2012; Manjoo, 2005). South Africa has one of the best constitutions in the world that safeguards the dignity of men and women in the country(Kende,2011). Thus, the Bill of Rights forms an important legal base for non-discrimination of any citizens based on their race, colour, language, creed or their status. The Commission on Gender Equality is one of the gender machineries that works alongside other machineries and organs of state in order to realise its mandate, as stipulated in the 1996 gender policy document. The South African National Gender Machinery refers to an interconnected whole of structures located at various levels of state, civil society and within the statutory bodies (Warioba, 2004; Meintjes, 2005; CGE, 2014). In South Africa, the women's movements have played a huge role in the formation of these institutions, thanks to their relentless struggle to put the element of gender onto the political agenda (Manjoo, 2005: AFDB, 2009; SouthAfrica.info, 2014). Women feminists struggled with the aim of seeing their interests considered by the state. In 1994, the vibrant Women's National Coalition (WNC) drew up a charter that begins with strong emphasis on their recognition, and was presented to Nelson Mandela (the first South African democratically elected and black president). The ultimate goal of this charter was to ensure that gender equality was part of the constitutional negotiation process, and also, that women's needs and interests were reflected in the laws and policies of the new South Africa (Manjoo, 2005). The Charter reads that:

As Women, Citizens of South Africa, we are here to claim our rights. We want recognition and respect for the work we do in the home, in the workplace and in the community. We

claim full participation in the creation of a non-sexist, non-racist democratic society. We want shared responsibilities and decision making in the home and effective equality in politics, in law, and in the economy. For too long women have been marginalised, ignored and exploited and are the poorest and most disadvantaged of South Africans (ANC, 2011).

Meanwhile the NGM have their powers and functions defined in the constitution. Thus, the constitution becomes the guide on which any other document directing each of those machineries had to be drafted. The NGM exercise powers within the constitution, and coordinate with other structures of state that are enshrined in the constitution.

4.3 The South African Constitution

In South Africa, the current constitution was as a result of the negotiations that were meant to address the apartheid injustices (SA.info, 2004). Thus, an interim constitution was drafted at the time of transition from apartheid to democratic era, and later adopted in the year 1993, along with the country becoming a democratic state (Wiechers, 2009; SA.info, 2014). In 1994 the country held a democratic election that saw Nelson Mandela as the first democratic and black president of South Africa. In 1996, the final constitution used in South Africa was adopted, and is now regarded as one of the most advanced constitutions in the world in terms the socio-political and economic rights of South African nationals (Kende, 2011; Wiechers, 2009; SA.info, 2014). The constitution was an important document that was designed to safeguard those that were precluded and oppressed by the apartheid regime, especially the most poor and the vulnerable in the country. Chapter two of the constitution which is the Bill of Rights spells out clearly the socio-economic rights for an equal and democratic South Africa (Kende, 2011; Wiechers, 2009; SA.info, 2014; SA Constitution, 1996).

4.3.1 The Bill of Rights

The South African Bill of Rights (of the South African Constitution) provides for the equality of all persons before the law and the equal enjoyment of rights and freedoms and respect for human dignity (Kende, 2011; SA Constitution, 1996). Thus the document, in the section on equality, section 9, rules-out any kind of discrimination on the basis of race, colour, sex, sexual orientation, religion, and gender (Wing, 2008; Kende, 2011). The Bill of Rights has been regarded as one piece of legislation that makes the constitution regarded as one of the most progressive in the world with regard to advancing the country's democracy (Wing, 2008; Kende, 2011). The South African Human Rights Commission (2011) refers to the bill of rights as the cornerstone of democracy in South Africa. In the Bill of Rights, the black

women who had been regarded as second class citizens due to their race and gender became recognised as equal citizens. The Bill of Rights clearly shows the concern for women. It says that the state may not discriminate anyone on the grounds of gender, sex, pregnancy and marital status (Wing, 2008; Kende, 2011; Wiechers, 2009).

The CGE is one of the South African constitutionally established body of the state meant to ensure a democratic country where human rights are upheld (CGE, 2014; CGE Act 39 of, 1996). The constitution, in chapter nine (Section 187), mandates the commission to advance gender equality. The powers of the machinery is stipulated by the constitution in the same section, such as the power to monitor, investigate research, educate, lobby, and advise on matters related to gender equality (South African Constitution, 1996; CGE, 2011). The constitution allows the CGE to be an independent body that can serve without interference of the state. In South Africa, after the new government took office in 1994, it took two years for the commission on gender equality to be formed. This two year transitional moment was crucial for the formation of the CGE because it was a time to form the policy documents that would guide the machinery (Mvimbi, 2009; Meintjes, 2005).

4.3.2 The Functions of the CGE

The Functions of CGE are spelled out in act 39 of 1996¹⁵. The functions are as follows:

- a. To monitor and evaluate policies and practices of state organs at any level, statutory bodies or functions, public bodies and authorities, and private businesses, enterprises and institutions, in order to promote gender equality and make recommendations that the commission deem necessary.
- b. To develop, conduct or manage information and education programmes, in order to foster public understanding of matters pertaining to the promotion of gender equality and the role and activities of the commission.
- c. To evaluate any act of the parliament and evaluate any system of personal and family law and customs and practices, or any other law in force at the commencement of this act, or any law proposed by parliament or any other legislature after the commencement of this act, affecting or likely to affect gender equality or the status of

¹⁵ See Commission on Gender Equality Act 39 of 1996.

women and make recommendation to the parliament or such other legislature with regard thereto.

- d. To recommend to parliament or any other legislature the adoption of new legislation that would promote gender equality and the status of women.
- e. To investigate any gender related issues of its own accord or on receipt of a complaint, and extra space shall endeavour to resolve any dispute or rectify any act of omission by mediation, conciliation or negotiation provided that the commission may at any stage refer any matter to: SAHRC to deal with the provision of the constitution and the law; the public protector to deal with it in accordance with the provisions of the constitution or any other authority, whichever is appropriate.
- f. To liaise with institutions, bodies or authorities with similar objectives to the commissioning order to foster common policies and practices and to promote cooperation in relation to handling of complaints in cases of overlapping jurisdiction.
- g. To monitor the compliance with international conventions, and international charters ascended to or ratified by the public, relating to the object of the commission.
- h. To conduct research or cause research to be conducted to further the objectives of the commission.
- i. To consider such recommendations, suggestions and requests concerning the promotion of gender equality as it may receive from any source.
- j. To prepare and submit reports to parliament pertaining to any such convention, covenant or charter relating to objectives of the commission.

4.3.3 Vision

The CGE equality envisions building a society free from all forms of oppressions and socioeconomic and political inequalities (CGE, 2011). This vision of the bill of right rules out every form of discrimination based on our differences.

4.3.4 Values

The CGE commissioners must have some ethos guiding them in order to realise the objective that the commission was set for. The staff and commissioners are called to be accountable,

work as a team, be professional, honest, empathetic and trustworthy (CGE, 2012; CGE ACT 39 of 1996).

4.4 Commission on Gender Equality and Gender Mainstreaming

The CGE is charged with the mandate of monitoring and evaluating policies and practices of state organs in ensuring the mainstreaming of gender at any level, statutory bodies or functions, public bodies and authorities, and private businesses, enterprises and institutions, in order to promote gender equality. The term Gender mainstreaming is a strategy for making women as well as men's concerns an integral dimension of the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres so that women and men benefit equally, and so that inequality is not perpetuated (Women, 2000). The principle was initially developed by feminist development practitioners in 1970 and launched in the UN conference on women in Beijing in 1995 (Walby, 2005). The Beijing Platform for Action, identified gender mainstreaming as the most important mechanism to achieve gender equality and the emancipation of women (Moser & Moser, 2010). The conference highlighted the necessity of ensuring that gender equality is a primary goal in all areas of societal development (Walby, 2005; Moser & Moser, 2005). The ultimate goal of gender mainstreaming is to achieve equality (UNDEP, 2001; Women, 2000; Moser & Moser, 2010).

According to Mukhopadhyay (2004), most institutions have to be reminded of the need for gender analysis in their work, policy makers have to be lobbied to include the word gender. According to Mukhopadhyay (2004) gender mainstreaming entails initiatives to enable men and women to formulate and express their views and participate in decision making across all issues. Mainstreaming is not about adding a woman component or even gender equality component into an existing activity but goes further than increasing women's participation (Moser & Moser, 2010; Qoboshiyana, 2011). It means bringing the experience, knowledge, and interest of men and women to the development agenda through alterations to the goals, strategies and actions so that both men and women can influence, participate in and benefit from development process (Moser & Moser, 2010; Qoboshiyana, 2011).

Gender mainstreaming does not simply happen, but it requires specific forms of intervention to make people gender aware and gender sensitive and to teach people how to implement change (Thege & Welppe, 2002). Gender mainstreaming also requires monitoring and

assessment to ensure successful implementation of gender policies (Thege & Welppe, 2002; Mvimbi, 2005).

In South Africa, gender mainstreaming is aimed at incorporating gender into all government policies and NGM institutions. The OSW (discussed in a subsequent section) is one of the statutory organisations charged with the responsibility for gender mainstreaming (Mvimbi, 2005). Although gender mainstreaming could be a good strategy, a trickle down strategy risks regarding women as a homogeneous entity, and consider them as passive entities. According to Mvimbi (2005), women's interests vary across different contexts due to social, cultural and economic variables. Thus, when this aspect is overlooked, rural women interests emanating their experience end up not being addressed.

The success of any NGM depends on the extent to which the government supports gender mainstreaming (Gouws, 2006; Goetz, 2003). In South Africa, some of the NGM like CGE have been receiving inadequate budgets thus limiting them from realising their mandates. When the government focuses on economic prosperity as its sole millennium goal, gender issues risk being neglected (Gouws, 2006; Goetz, 2003). In South Africa, when issues on gender equality are not well supported (at least through allocating enough budget), it becomes hard to address gender interests emanating from the grassroots (Gouws, 2006; Goetz, 2003; Mvimbi, 2005).

4.5 Commission on Gender Equality and the Parliament

The Commission on Gender Equality works closely with the parliament as stipulated by the objectives of the CGE (CGE, 2012). The Commission reports to parliament on various recommendations that need policy change. Thus within the parliament, CGE liaises closely with the committee on the quality of life and status of women and the Parliamentary Women's Group (PWG), which have played a key role in lobbying for adequate resources to be allocated to the CGE. Joint initiatives are discussed with these bodies in such areas as legislative reform, and ensuring that there is not a decline in the representation of women in parliament for the subsequent elections. Within the national legislature are the following national machineries:

4.4.1 The Women's Empowerment Unit (WEU)

The Women Empowerment Unit (WEU) aims at identifying and eradicating all that hinders the emancipation of women, and the factors that impede women's empowerment (Gouws, 2006; Mvimbi, 2009). It aims at identifying and eliminating the obstacles that impede

women's full participation in law-making processes. It is a project of the Speakers' Forum and is situated in the Gauteng provincial legislature. The WEU has other functions that include: facilitating the training programme for the new parliamentarians and the provincial legislature members; establishing working relationships with the CSO's in order to empower women parliamentarians; liaising with the CGE and other national machineries (AFDB, 2009; Hassim, 2011). The Women's Empowerment Unit (WEU), among other functions, tends to build partnerships with other civil society structures for working on initiatives to empower women politicians.

4.4.2 The Parliamentary Women's Groups (PWG)

The Parliamentary Women's Group (PWG) is a multi-party women's caucus established in 1994 and aims to make parliament more gender sensitive. Its works include:

- Transforming parliament as an institution
- Building the capacity of women in parliament by working with the women's empowerment unit (WEU) on skill training
- Lobbying and caucusing around the legislation that benefits women
- Assisting provincial legislatures to establish similar structures.

4.4.3 The Link between Commission on Gender Equality (GCE) and National Gender Machinery (NGM)

CGE works with other institutions in order to be efficient in its mode of operation. It has a national office, provincial offices and a parliamentary office, through which it tries to establish a good working relationship with other structures, particularly the Public Protector and the South African Human Rights Commission (SAHRC). The CGE also strives to work together with the Office of the Status of Women (OSW) and the houses of Traditional Leaders at national and provincial levels. If the commission is to make any significant success in administering its mandate to promote and protect gender equality in the rural areas, then developing good working ties as well as alliances with the latter sector is crucial. In terms of the OSW, CGE has worked very hard in 2000 together with non-governmental organisations (NGOs), academics and parliamentarians to formulate a national gender policy and institutional framework which would provide a common and clearer understanding of the ideal(s) being promulgated by gender equality through the CGE within the country (CGE,

2000: 5-7). But whether this stipulated networking produces expected efficiency is another issue because the rural woman are guided by traditional leaders who resist to different ways of thinking that disadvantages women (see Hassim, 2011).

4.4.4 The National House of Traditional Leaders

The National House of Traditional Leaders (NHTL) was established in 1997 under the National House of Traditional Leaders Act (act no 10 of 1997). The NHTL represents the interests of the rural communities at national level. According to NHTL Act, the House's mandates are to enhance cooperation between the National House and the various Provincial Houses with the view to addressing matters of common interest; investigate and make information available on traditional. For the CGE to make any significant change on addressing the interests of rural women and realizing equality in the society, then it's crucial to develop good working ties as well as alliances with the NHTL. The House influences the government legislative process at national level, and so the CGE could liaise with it in order to transform cultural elements that hinder women's full participation in life (NHTL, 2011). The CGE needs to lobby NHTL to ensure there are women representatives within this body; otherwise, if members of CGE are mainly women liaising with men-dominated leaders in NHTL—then there would be a power struggle. To subdue patriarchal phenomena women have to be involved and men must not be left out either. Thus these two organisations or institutions must be represented in the parliament where decisions to improve people's life are taken from policy a perspective.

4.5 The Joint Parliamentary Committee on the Improvement of the Quality of Life

The Joint Parliamentary Committee on Improvement of Quality of Life and the Status of Women (JSIQLSW) was established in 1996 as one of the committees in the national assembly. As its name suggests the committee monitors the progress made by the government with regard to the improvement of the status of women (Hassim, 2011; AA, 2014; Hames, 2007). The JSIQLSW has been mandated by the constitution to ensure that the Convention on Elimination of all Forms of Discrimination against Women (CEDAW) and the Beijing Platform of Action are implemented (Hames, 2007; Hassim, 2011; Mvimbi, 2009). The nexus between this committee and the CGE can be seen from this angle since both of them ensure that the government and other organs within the state implement the treaties they signed. The parliamentarians that are part of this committee on the basis of the interest and commitment on women's issues rather than being political 'deployees' (Mvimbi, 2009; Hames, 2007; Hassim, 2011).

4.5.1 Gender Focal Points (GFP):

Gender focal points are structures established by the state within departments to facilitate gender mainstreaming within state departments (AFDB, 2009; GAD Consult, 2012). At the national level, the main responsibility for ensuring effective implementation of the national gender policy rests with individual government department (GAD Consult, 2010; AFDB, 2009). Thus, the implementation of gender mainstreaming at provincial level happens in state departments through the gender focal points. The South African state located GFP's are in the office of the auditor general and the chief accounting officer in various departments (GAD Consult, 2012; Mvimbi, 2009).

However, all departments are required by the national policy document to establish vibrant gender focal points to ensure that strategies that facilitate gender mainstreaming are put in place (AFDB, 2009; GAD Consult, 2012). Stetson and Mazur theory of state feminism indicates that the gender machineries in countries that support gender mainstreaming are more effective than in countries where they do not. The GFPs are crucial centres that are still untapped by the CGE. It's necessary to have healthy link between CGE and GFPs because the latter would facilitate gender mainstreaming in rural areas, where CGE does not have offices.

4.5.2 Office on the Status of Women (OSW)

The OSW was established by the state with a mandate of mainstreaming gender into policies (IWF 2011; AFDB, 2009; Gasa, 2007). It ensures a gender friendly environment, through putting strategies in place to enable men and women to equally enjoy their rights and privileges (AFDB, 2009; IWF, 2011). The OSW works with ministries, departments and provinces through gender focal points in mainstreaming gender in policies, practises, and programs (AFDB, 2009; IWF, 2011). This has been the structure in government to which the CGE relates most, directly in terms of its mandate. The OSW is in the Office of the President. It coordinates and liaises between the Office of the President and other role players. It initiates policies and fosters research on mainstreaming gender (CGE, 2000; IWF, 2011; Gasa, 2007; Mail & Guardian, 2007). OSW in the presidency however has limited influence because it has no executive powers as does the CGE.

4.5.3 Commission on Gender Equality and Civil Society Organisations (CSO)

In the context of this paper the term Civil Society Organisations generally refers to a whole range of organisations. The CGE works in partnership with a number of CSOs or associations and networks that exist within the public domain independent of both state and the economic sector (HSRC Report, 2007). In the South African context, the term CSOs refers to self-governing, voluntary, non-voluntary, distributing organisations operating for non-commercial purposes but for the public interest, for the promotion of social welfare and development,

religion, charity and research (HSRC Report, 2007). Thus the CSOs includes the NGO's, traditional and religious organisations that are outside the state, but are within the public domain. The CGE Act has called on the CGE to liaise closely with the CSO's, and other organs in and outside state that aim to bring about equality in society (CGE act 39 of 1996). The link between The CGE and the CSO's has been tenuous. The CSOs have been side-lined from policy making processes, and even their impact has been minimal due to this marginalisation by the government, and their only recourse to influence change has been through mass protests and legal action (HSRC Report, 2007 : Segooa, 2012).

4.6 Conclusion

This chapter basically focused on the link between the CGE and other national machineries that liaise with it. In order to establish the origin of the NGM, various conferences were presented. The subsequent chapter focuses on the CGE manner of engagement among the rural women.

CHAPTER FIVE

COMMISSION ON GENDER EQUALITY ENGAGEMENT WITH RURAL WOMEN

5.1 Introduction

Rural women are faced with difficult realities, ranging from lack of basic necessities to chauvinistic male tribal authorities that thwart the emancipation of rural women. In this chapter, social problems that undermine progress of rural women are discussed. The chapter also presents the various ways in which the CGE has intervened, to transform unequal power relation in rural communities.

5.2 Challenges Facing South African Rural Women

The women in rural areas are in need a transformation of unequal power relations in order for them to enjoy equal rights and privileges enlisted in the constitution. According to Wieringa (2008) any strategy or intervention around women's empowerment and gender equality must begin with an accurate understanding of the experiences of men and women. The CGE engages various organs of state, from the CSO's up to the national assembly in order to address the strategic interests of women. Thus, the CGE in fulfilling its functions of lobbying, educating, litigating, policy reviewing aims at transforming the power relations that hinder women from active participation both at home and in the public sphere. The CGE engages in strategic ways to change the power relations through an enabling legislative framework that promote equality of all persons; protecting and promoting gender equality through educating the population; challenging patriarchal behaviours and taking action against infringement of rights through the implementation of appropriate redress (CGE, 2011).

The Constitution of South Africa guarantees protection of the social and economic rights of every citizen (Kende, 2011; SA Constitution, 1996). The country has also ratified a number of treaties that obliges the country to enable women to enjoy those rights and privileges as much as everyone else. In sections 10, 11 and 13 of CEDAW, for instance, are affirmed women's rights to non-discrimination in education, employment, and economic and social activities (CEDAW, 2014; UN, 2005; AA, 2014). These demands are given special emphasis with regard to the situation of rural women, whose particular struggles are noted in article 14 of CEDAW that calls for more attention in policy planning (CEDAW 2014).

Despite South Africa having one of the world best constitutions in terms of protecting women's rights, and one of the signatories to a number of international conferences, these nicely crafted protocol pronouncements and constitution remain largely theoretical rights that

do not make meaning to the majority of rural women (Mvimbi, 2009; Segooa, 2012; Slammat, 2013). Rural women find themselves in the midst of a situation characterised by poor infrastructure, harmful cultural practices, forced marriages, land tenure difficulties to name but a few (Mvimbi, 2009; Segooa, 2012; Slammat, 2013; Ramphela, 2008).

5.2.1 Poor Service Delivery/Limited Opportunities and Lack of Infrastructure.

In rural areas, there are limited opportunities of education, health and employment (Mntunyendwa, 2013; Segooa, 2012). Mntunyendwa, (2013) observes that poor houses in the rural areas depend on a combination of subsistence agriculture, social grants, and allowances of family members working in the cities or mines (Mntunyendwa, 2013). This phenomenon makes people move long distances to seek job opportunities to support their existence. Some rural women cannot access electricity, water and decent houses, a situation that has a huge impact on the quality of women's lives (Segooa, 2012; Thabiso, 2011; Segooa, 2012). Even with the availability of this infrastructure, women cannot enjoy them because of their affordability (Thabiso, 2011). This affects other services such as health and education. Women are the ones who suffer most from lack of those services or expensive services (Thabiso, 2011; Segooa, 2012). The situation is exacerbated by the fact that rural women perform most of the unpaid work as farm labourers (SA.info, 2012; Thabiso, 2011; Segooa, 2012).

5.2.2 Harmful Cultural Practices

In South Africa, rural women are subject to widespread violence in spite of the well-defined constitution in which their rights are enshrined (Maluleke, 2012; Ramphela, 2008; Mntunyendwa, 2013). Thus, Maluleke (2012) opines that despite their harmful nature and their violation of national and international human rights law, such practices persist because they are not questioned or challenged and therefore take on an aura of morality in the eyes of those practicing them (Maluleke, 2012). This phenomenon impedes women from accessing their rights and privileges entitled to them in the constitution. This is exacerbated by the presence of very strong traditional authorities that do not favour the rights of women. The women in rural parts of South Africa are the worst hit by inequalities because they and their traditional leaders are often unaware of advances on gender issues (Mntunyendwa, 2013). Most of these traditional and cultural leaders still believe that gender issue are not "African" (see Thabiso, 2011; Mntunyendwa, 2013). On one hand, many women are not aware about their rights and privileges, because they are socialized into assuming lesser roles in society (Thabiso, 2011).

On the other hand, some women who have risen to leadership positions have internalised the patriarchal conceptualisation of woman and thus their leadership involvement perpetuates gross women to women insubordination (Mntunyendwa, 2013). This impedes them from interrogating themselves or reflecting on questions such as: are these traditions really made in the best interest of both man and women? (Chiba, 2012).

5.2.3 Forced marriages, Rape and Misplaced Masculinity

The universal human rights declaration stipulates clearly that only men and women of full age should be married (PMG, 2009; UNHRC, 2014). Similarly, the African Charter for the Rights and Welfare of the Child states that child marriage and betrothal of girls and boys shall be prohibited and effective action, including legislation shall be made to specify the minimum age of marriage to be 18 years and make legislation of all marriages in an official registry compulsory (PMG, 2009; ACERAW, 2014). In the same vein, the South African Marriage Act (Act no 25 of 1961) defines marriage as a *voluntary* union of two persons. Thus, any form of forced union is not permitted by legislation. Yet in rural South Africa, young women are forced into marriages, a situation that interrupts the opportunities of getting education. Thabiso (2011) laments that due to lack of education, women's subjugation persists, as well as the inferior situations women often find themselves. Women from less privileged backgrounds, and who are less educated, are most likely to find themselves in forced marriages. This calibre of women lacks the power to negotiate for safe sex, relationship, and their development (Thabiso, 2011).

The practice of *Ukuthwala Kwezintombi*, where a young lady gets abducted with an intention of compelling the family of the abductee to endorse the marriage with the abductor, has been abused (Watt 2012). The traditional *Ukuthwala*¹⁶ which was a communitarian practice has been distorted, and this has seen young girls subjected to rape and other sexual violations for individual selfish interests (Watt, 2012). The CGE labels *Ukuthwala* as an unlawful practice disguised as a custom (CGE, 2010; CGE, 2012). These practices are still common in many South African communities.

¹⁶ *Ukuthwala* literally means carrying where one takes something on one's shoulder or hands. The traditional *Ukuthwala* was seen as an arranged "coupling", and the courts intervened in case the relationship was not working. "It is a form of abduction that involves kidnapping a girl or her family to endorse marriage negotiations (see Modisaotsile, B. (2013). *Ukuthwala: Is it Culture Correct or Corrupt?*" <http://www.pambazuka.net/en/category/features/88180>. Accessed on 2014/09/12.

5.2.4 Virginty Testing (Ukuhlolwa kwezintombi)

The *Ukuhlolwa*¹⁷ *Kwezintombi* has been common in KwaZulu-Natal and Eastern Cape provinces, where inspection is undertaken of a woman's genitalia to determine whether they are sexually chaste (Maluleke, 2012; GAB, 2011). The communities practising *Ukuhlolwa* consider virginity as a treasure and because of that, they do the testing (Maluleke, 2012; GAB, 2011). In KwaZulu-Natal province, Maccafrej (2012) notes that *Ukuhlolwa Kwezintombi*¹⁸ reflects the purity and health of the community as a whole (2012). The practice of *Ukuhlolwa Kwezintombi* has been advocated among the Zulu community as a way to curb teenage pregnancies, and the spread of HIV /Aids (Segooa 2012; Maluleke, 2012; GAB, 2011). They are also taught how to keep their bodies chaste until they find a good husband.

However, some feminists and human rights activists have challenged *Ukuhlolwa Kwezintombi* and consider it an infringement of human rights because it tampers with the individual's privacy and body integrity, and especially for the young girls who don't know the significance of the checking of their genitalia (Mccaffrey, 2012; CGE 2012). In this case, the virginity test is no more volitional as ought to be, but a practice done to meet the symbolic function that depicts collective purity and health of the community. Feminists have wondered why virginity testing, a sexualised response to HIV/AIDS does not apply to boys and men, yet they have sex desires that needs to be controlled (Mccaffrey, 2012).

5.2.5 Land Tenure Difficulties:

In rural South Africa, one of the most glaring manifestations of gender inequalities is in land acquisition (Segooa & Mhlono, 2013; CGE, 2011; Segooa, 2012; Ramphole, 2008). The rural women find it hard to access the land due to male hegemony that defines land tenure systems (Segooa & Mhlono, 2013; Segooa, 2012). Land tenure in this study denotes the right of women to own the land, transfer the ownership or use it without any power restriction. The government of South Africa initiated a programme called Land Restitution and Land Reform (LRLR) aimed at creating more opportunities for women in rural areas to access land and overcoming the apartheid legacy that perpetuates gender discrimination in land tenure (Segooa & Mhlono, 2013; Segooa, 2012). Although these initiatives are there to increase land tenure opportunities, most of these women are not aware of such strategies. Very few women, for instance, are aware of the fact that women in polygamous marriages who

¹⁷ *Ukuhlolwa* literary means to inspect (see Mccaffrey, 2012).

¹⁸ *Ukuhlolwa kwezintombi* means inspecting/checking/testing of the virgins (ibid.).

maintained households separate from their partners/husbands depending on the circumstances, could inherit the land (Thabiso, 2011; Segooa & Mhlongo, 2013; CGE, 2011). These women, are often excluded and left with nothing after the death of the husband. As Thabiso (2011) notes they are thrown into the street without any support and subjected to a belief that only men are entitled to the right to acquire property. The strategic goals are vital in transforming the male power structures that favour men with regard to the possession of the land. The strategic interests are long-term and unless the land tenure policies that are male crafted are eliminated, women will continue being excluded from the right to access the land.

Despite women's practical needs being met, male structures remain unchallenged because these needs do not involve strategic goals meant to liberate the disenfranchised women. Thus it is assumed that the policies in place comply with women's interests. Strategic interests are interests that entail transmission of gender powers.

5.2.6 Health Related Issues

In rural South Africa, a good number of rural women have limited access to health facilities not because there are limited clinics but because they still cannot decide for themselves whether to go to hospital (Segooa, 2012; Thabiso, 2011; Hick, 2010). Some of them go to hospital but come back to the source of the disease or sickness or infection they suffer because their weak husband, father or partner would never join her (Segooa, 2012). The expectant mothers who are themselves poor find it hard to access the maternal care because the pre-natal and post-natal services are far from their reach (Segooa, 2012; Thabiso, 2011; Hick, 2010). They have no transport, given that most of them are unemployed or are earning meagre salaries (Thabiso, 2011). The small salaries and patriarchal settings at homes impedes their ability to make decisions about their own health (Thabiso, 2011). Thus, even when women get an opportunity to access the centres for health care, those facilities are under-resourced. The health related mortality rate that has been noted to be high in rural areas, is characterised by inequalities based on population group, urban/rural residence, province and social economic status (Thabiso, 2011; Segooa, 2012). The health mortality rate in rural South Africa has been noted to be highest in KwaZulu-Natal, Eastern Cape, Mpumalanga and Free State provinces (Segooa, 2012).

5.3 CGE Engagement among Rural Women to Realise its Mandates

5.3.1 Policy Dialogue

In the KwaZulu-Natal province, the CGE organised dialogues on *Ukuthwala* and *Ukuhlolwa kwezintombi* in Kwamafunze, Amazizi, and Umzimkhulu, where the above practices are observed (PMG, 2009). The consultative dialogue aimed at collecting the views on these cultural practices from rural women that would help in changing policies that encouraged *Ukuthwala* and virginity testing (PMG, 2009). In the dialogue, it emerged, from the rural women that how *Ukuthwala* was initially practised has been corrupted. Unlike in the olden days when *Umntu othwalayo* (abductor) was known in the community, and affected families were involved, the practice is now carried out by vagrant and loitering men who just want to satisfy their lust (PMG, 2009).

The dialogue could be effective if the CGE create an environment that women could express freely what they think. The theory of state feminism suggests that the extent to which women influence policy making from a gender perspective cannot be ignored because those policies would affect directly their lives.

Ukuhlolwa kwezintombi on the other hand was practiced by local women who were not paid for their service. The CGE questioned the significance of the proposition that virginity testing prevented the spread of HIV/AIDS, given that many girls engage in anal sex to retain their virginity, rendering themselves even more vulnerable to infection (CGE, 2009). CGE pointed out that there are men who believe that sexual intercourse with a virgin cures HIV/AIDS. This myth accompanies virginity testing, thus making those girls found to be virgins a target for sexual predators (CGE, 2009).

5.3.2 Transformation of Cultural Practices

The CGE in collaboration with civil society has been involved in investigating and exposing practices that impede the progress of women in rural communities, such as *Ukuthwala*¹⁹. On October 16th 2012, CGE conducted an investigation into government involvement in curbing the practice. The CGE found out that the government of KwaZulu-Natal was doing so little that they did not even have statistics on the number of abducted women. The rationale for carrying out the investigation too, was the rising number of cases of young women's abduction that saw young girls forced into marriage. In the Eastern Cape, the CGE reported

¹⁹Ukuthwala is a practice where woman is abducted and hidden for a period of time has been an ongoing practice in rural areas (SaNgoNet 2012).

that the practice was one of the pressing issues, tolerated by traditional authorities. In the province of Eastern Cape, the CGE reported incidences of *Ukuthwala* as the most pressing issue affecting the province together with poverty (PMG, 2010).

The CGE has collaborated with various religious and traditional communities in rural South Africa. Recently, the CGE met the House of Traditional Leaders in the Eastern Cape and drew up a memorandum of understanding (MOU). The MOU was a symbolic document intended to build cooperation between the two parties, and uphold the equality agenda. The MOU underscored the need to eradicate cultural practises that are harmful, and adopt the ones that uphold gender equality. This strategy has great potential for transforming the power relations if the traditional leaders followed what the constitution says on equality without holding to their customs at the expense of the rights entitled to rural women. The traditional laws and customs need to be aligned with the spirit of the constitution and equality clause. The divide between the two has resulted in the abuse of the rural women's rights and the introduction of the bills such as the Traditional Courts Bill which roll back hard won gains and rights to equality with men (CGE, 2014).

In the Eastern Cape for instance, the CGE in collaboration with the SAHRC and the Public Protector conducted a workshop meant to educate the people on the need to rise above their cultural practise like *Ukuthwala* that thwarts emancipation of rural women (SAGO, 2009). This was also a forum where the organisations and institutions were to discuss the experiences about the practice, and ways in which some policies could be changed to combat the practise.

The CGE has played its educative role by raising awareness on the cultural issues through radio talk shows. Thus, the Umzimkhulu rural women have been receiving a weekly live coverage of a talk show on Bush Radio, where women share their gender interests/issues (Bush Radio, 2014).

5.3.4 Lobby for Infrastructure Improvement

In South Africa, most of the rural areas have poor infrastructure, a phenomenon that denies the women rights to access the economic opportunities. The CGE has intervened through recommendations to the improvement of the rural infrastructure which has been a hindrance for the progress of the rural women. In the CGE Amendment Bill (B-36, 2012), the bill emphasized the need to consult women in order to articulate women directed infrastructure interests rather than states directed interests (CGE, 2012). The rural women of Masinyani

(Masinyani is on the border of South Africa and Swaziland) did complain about the poor infrastructure. The roads in this part of the country were inaccessible; there were few health facilities with one clinic that was 40 kilometres away, and these forced pregnant women to travel by donkeys, the same means of transport that carried corpses to the mortuary. The CGE intervened through lobbying the government sector to improve the situation.

In South Africa, Masinyani, the CGE intervened to address the interests of women in the area through handling their complaints. The CGE convened meeting of various stakeholders from various government departments and municipality to discuss the situation. Hick (2010) notes that even after the discussion and the recommendation there was no action taken. Since then, the CGE has taken a step further in lobbying for, and with the community, service delivery. In the gender interest theory, those machineries that have high possibility of making an impact to society are the ones that could allow gender interests in policy formulations. Thus, despite the efforts by the CGE to factor women interests, service delivery is still a challenge because women interests have not been prioritised (Hick, 2010; Ramphele, 2008; CGE, 2012; Segooa, 2012).

5.3.5 Land Tenure Intervention

The women in rural South Africa depend entirely on land for their livelihood, especially those who do not have any other source of income. The CGE has noted that land distribution has been an uneven activity known to reward men because of their gender, and discriminates against women (Segooa, 2012). Segooa (2012) regards land distribution as one of the most glaring form of inequalities. According to 2006/7 statistics, only 8% of women possessed land, while 92% of men possessed land (Segooa, 2012). Although legislation exists that is meant to facilitate equal opportunities for land acquisition, patriarchy continues to characterise the land reform policies (Wieringa, 2008; Segooa, 2012; Segooa & Mhlongo, 2013).

In 2013, the CGE conducted research on mainstreaming gender in land reform. The commission suggested that rural women should be informed about their rights on land reform so as to enable them participate in farming and enhance maximum participation of the women in rural farms (Segooa & Mhlongo, 2013).

5.4 Conclusion

This chapter exposed the realities experienced by the rural women in South Africa. The chapter has also focused on how CGE has collaborated with other organs of state to

emancipate the rural disadvantaged. The CGE intervened through submissions to the parliament, lobbying efforts, education programs and so forth.

CHAPTER SIX

THE CHALLENGES FACING THE COMMISSION ON GENDER EQUALITY IN RELATION TO THE STATE

6.1 Introduction

This chapter looks at various challenges faced by the CGE in its efforts to emancipate the rural women. Some of the challenges that the CGE encounters in its emancipatory process are political interference, inadequate financial resources, lack of adequate personnel, religious and cultural constraints, lack of coordination between CGE and government departments, accountability tension and poor link between the CSO's and CGE.

6.2 Commission on Gender Equality Challenges

6.2.1 Political Interference

The CGE has been referred to as an independent body which could be held accountable by the constitution only. However, against that assumption, the fact that the president appoints the chairperson of the CGE compromises the independence of the commission. On the other hand, the state disburses the budget through the Ministry of Women, and so the CGE performance could be affected through allocation of a small budget. Rai (2008) points out that one could argue that the question of resources is fundamentally about politics, because without a leadership commitment to gender equality, and to the mechanisms important for monitoring its pursuits, the resourcing of these institution would definitely be poor (Rai, 2008). Thus concerns over the independence of the CGE have been raised several times in the parliamentary submissions without any resolution agreed upon. It was pointed out that CGE's independence would be compromised if it was required to monitor government departments while also having to account to the same department, even if it was only in relation to its budget and expenditure. Apart from the conflict of interest that might arise as a result of dependence on government sponsorship, CGE's objectives and aspirations can be constrained by inadequate availability of resources.

6.2.2 Inadequate financial resources

In order for the CGE to effectively execute its mandates, the state must provide adequate resources that would see the commission reach out to the rural disadvantaged. In South Africa, the commission receives a very small budget that frustrates its efforts in doing research; monitoring, lobbying, litigating and so on (Segooa,2014; CGE, 2011; Manjoo,

2005). Although the CGE has been claimed to be a self-governing institution, immune to political interferences, and only accountable to the national assembly and Constitution, underfunding the commission could be one way of regulating its powers as it happens in most African countries where gender machineries are seen as a burden to the economy or where politicians are patriarchal. The state feminism theory suggests that gender machineries that have high possibilities of success are the ones that receive adequate state support in terms of gender mainstreaming. In South Africa, the state support and commitment must improve. Segooa (2012) notes that despite the existence of a number of poverty alleviation programmes, there is little evidence of gender mainstreaming within the planning, budgeting or implementing these programs. This scenario comes as a result of the government prioritising other millennium goals especially economic ones at the expense of gender issues (Rai, 2008; Walby, 2011).

6.2.3 Lack of Adequate Personnel

CGE lacks sufficient personnel which makes it almost impossible to reach out to rural women in various provinces, a phenomenon worsened by the multiple functions of the machinery. In 2008/9 for instance, CGE had one hundred members, and yet there were nine provinces (CGE, 2008/9). In the same vein, limited availability of personnel with gender expertise that could enable the commission do a thorough gender critique has been a big challenge. There is a lack of feminist consciousness among the commissioners and other members of the staff. As Matabonge (2010) observes, due to lack of gender experts in the community, and within the commission you have got people who are not interested in gender issues. The religious and cultural leaders could preferably be utilised in advancing the affairs of women but most people behind or in these authorities are gender insensitive.

6.2.4 Religious and Cultural Constraints

The CGE comes into contact with the rural traditional leaders that hold on to their belief systems, and not considering much of or disagreeing with what the constitution says about equality. There are instances where these authorities have stood firm on issues of land allocation, virginity testing and customary marriage, taking the traditions infested with intergenerational patriarchal infirmity as the excuse for suspension of laws that protect women in society. In Mpumalanga province, for instance, Segooa (2006) notes that land allocation based on the patriarchal beliefs that women cannot own the land still persists, and allocating land to these women contradicts their cultural beliefs.

The typical example of religious constraints could be the stand taken by the church regarding condom use in this era of the HIV pandemic. The government should understand the point the church is coming from—such as the church cannot compromise. Raising the question: the church cannot compromise what? The life and welfare of the citizens or the beliefs content; that the church cannot compromise should be interpreted by the CGE as a metaphorical go-ahead authorisation by the church to the government to advance certain important decisions which may threaten the fundamental beliefs of the church. The CGE as a governmental and constitutionally institutionalised organisation should be able to transcend emotions, belief systems and prioritise the safety and rights of the citizens. Experience has shown that church based beliefs and teachings have not completely solved some of the human problems; the church too tacitly realises that there is need to combine different strategies to solve our daily problems. The problem lies in the fact that most of the possible solutions do not coincide with church beliefs and teachings.

Thus, most of the time the aforementioned conservative belief systems are transmitted through the language and literature that form the people's mind or social psychology; however most of the literature that the CGE uses has not been translated into local languages that people can understand (PMG, 2010). This makes it hard for the CGE agent to find an equivalent word for some English words, and this ends up distorting the original meaning. In the same vein, it becomes hard for the locals to access the information that the CGE gives.

The state has an obligation to protect the rights of South African citizens as enshrined in the constitution. A well stipulated constitution would have no impact if the state does not become a strong defender of gender equality. In South Africa, the traditional authorities have been strong and the government has not been strong in its interventions (PMG, 2011; Ramphele, 2008; Thabiso, 2011). For instance, the state has not been so vocal in challenging traditional settings that reinforce gender oppression (Ramphele, 2008; Thabiso, 2011). Therefore, the interventions of the government through participating in the fight against violence against women through activism and through allocating appropriate budgets to fight sexual violence through gender focal points and NGM, could be of huge benefit to the CGE.

The fact that most laws promulgated by parliament are not yet translated into indigenous languages makes it hard for the rural women to understand their basic rights (PMG, 2010). They can only understand and fight for their rights if they grasped what the laws say about their condition.

6.2.5 Lack of Coordination between CGE and Government Departments

The CGE must collaborate with other stakeholders for it to be effective in its civil engagement among the rural women. This however, has not happened in various provinces making gender mainstreaming to be a mirage for rural women. The lack of coordination happens mainly at provincial level where the government officials fail to take advice and recommendations from the CGE (PMB, 2012). The CGE for instance could successfully deal with virginity testing or *Ukuthwala* if the local government coordinated more with the CGE who are located in towns and not in rural areas.

6.2.6 Accountability Tension

The Commission on Gender Equality makes annual submissions to parliament on various gender related concerns. On the other hand, the same commission has to represent women through lobbying for women in parliament. Manjoo (2005) points out that the issue of accountability is problematic, because, while the commission must be accountable to the parliament, it also has to be directly accountable to the constituency for which it was established (Manjoo, 2005).

6.2.7 Poor Link between Civil Society Organisations and Commission on Gender Equality

The CGE has an opportunity to collaborate with the Civil Society Organisations that are well conversant with interests of the rural women, like SASEWA and POWA. SASEWA (the South African Self Employed Women's Association), is an organisation that champions the rights of women in informal sectors, like hawkers. POWA (People Opposing Women Abuse) on the other hand, is a non-governmental organisation that advocates for the rights of women in order to create an environment free from women abuse. This could be a better way for the CGE to reach the remotest ends of rural South Africa where they do not have agents. There are places within rural South Africa that are far from the CGE offices, and the CGE could use those CSO's to supplement their budgets. In working together with CSO's the CGE has a possibility of improving their mode of operation because those CSOs are not within the state and so they could be watchdogs²⁰ of the CGE. The joint interventions by the CGE and that CSOs would capture stronger attention than the CGE "walk alone voice." Those CSO's that do have qualified personnel in various fields like maternal health, would benefit the CGE

²⁰ The CSOs could be watchdogs in the sense that they could probe the CGE if it doesn't live to its mandates, because it is not part of the ruling government.

where the CGE could be lacking. The South African constitution mandates the CGE to lobby the government in policy change. The CGE could bank on this opportunity provided by constitution and do serious campaigns and advocacy interventions to attract the attention of the policy makers during the special celebrations that happen every year like Women's Month.

Although the Commission on Gender Equality has the civil society that they liaise with, the link between them is tenuous. The non-governmental organisations (NGOs) which are part of this CSOs are always working with these rural women, and so the CGE could utilize such a privilege to link with rural women at grassroots. This could enable the commission to listen to the women's interests through them. On the other hand, given that the Commission on Gender Equality budget is small compared to other machineries, establishing a close working relationship with the NGOs could help the CGE subsidise their strained budget.

In the process of reaching out to the disenfranchised rural women, CGE has encountered numerous constraints that if handled appropriately, could ensure that the CGE be a great success for the rural disadvantaged women. Thus, among the notable challenges that the commission needs to handle are the inadequate resources, tenuous link between the CSO's and CGE, poor coordination between the government and the CGE, political interference, the tribal authorities. Although the commissioners can monitor the government activities, it remains accountable to the same government that funds the CGE, and appoints the commissioners.²¹

6.3 Conclusion

This chapter presents the challenges faced by the CGE in South Africa. The CGE has been constrained by political interference, inadequate financial resources, lack of adequate personnel, religious and cultural constraints, poor coordination with government departments, poor link with CSOs and the problem of accountability.

²¹ Tsikata (2000) says that some governments in Africa have reduced budgets for gender machineries as a way of silencing them. Though they have powers constitutionally, cutting the budget would mean cutting their powers.

CHAPTER SEVEN

COMMISSION ON GENDER EQUALITY OPPORTUNITIES IN REALISING ITS MANDATES AMONG THE RURAL WOMEN

7.1 Introduction

In spite of the challenges that the CGE faces in the process of executing its mandates among rural women, the commission has numerous opportunities to make equality a reality among rural women. This chapter outlines the opportunities CGE has in networking with other sister organisations, as well as plausible opportunities or strategies for reinforcing its operations to the grassroots level.

7.2 Constitutional Powers

The CGE has statutory power given by the constitution to monitor all the institutions with regard to gender equality. According to Hick (2010) the CGE occupies a vital role in the state architecture, within the context of the NGM, with the potential to leverage and ensure state accountability and delivery in the international, constitutional and legislative commitments to promote gender equality and enhance the status of women (Hick, 2010). Thus the commission has an opportunity to challenge the government rather than giving ‘a soft advice’ that would end up not having any impact on the institutions. The constitution, argues Hassim (2011), guarantees the CGE’s autonomy and empowers it to monitor the implementation of the constitutional commitment to equality in both government and private sector.

7.3 Gender Focal Points (GFPs)

The state has the gender focal points or the gender desk within every ministry at the provincial level (Gouws, 2006; Goetz, 2003). These are centres created to ensure that gender mainstreaming has been implemented within the ministry in every single activity of the government. This could be a good opportunity that CGE could utilize to the maximum, to connect with rural women where there are no CGE offices. According to UNESCO (2005:14), the GFP are in privileged position to mobilize ministerial departments, agencies, research institutions, schools, and universities, academic, to promote gender equality.

7.4 Religious Communities

In South Africa, most of the people are adherents of a range of different religions, and meet on certain days for their religious worship. The religious institutions are good platforms on which the CGE could discuss cultural and religious beliefs that impede women’s access to

their rights. Thus, this could be an opportunity for the CGE to share feelings on matters like forced marriage, genital mutilation, rural poverty and so on. These could be good platforms for rural women to share their experiences and what they want to be changed as regards their status as women. Similarly, the institutions that produce different categories of religious leaders should have justice and peace, gender and feminism as part of courses offered by their unique curriculum. Church leaders should be well grounded in gender related issues; CGE can lobby for these institutions to become an instrument for gender knowledge awareness.

7.5 The Civil Society Organisations (CSOs)

The allocation of a small budget to the CGE has significantly affected the extent and the depth of work undertaken among the rural communities. The commission has the opportunity of working together with the CSO's, and this could enable the commission to subsidise its funds. The only problem with such a move could be the possibility of infiltration of foreign ideology that aims to serve the interests of the West, under the guise of emancipating the rural women. Most CSOs receive donations and sponsorships from overseas; the donations comes with instructions and influence of the donator. CGE should actually take over the sponsorship of certain grassroots CSOs and become the dominant sponsor and then infiltrate its objectives in actualising women's agenda. This however can cannot be possible with the insufficient funding and lack of adequate resources as often experienced by CGE.

7.6 CGE and the House of Traditional Leaders

In parliament, there are different committees tasked with different responsibilities, directed towards enhancing equality and democracy. The CGE could work together with committees, like the National House of Traditional Leaders in order to overcome cultural barriers that hinder women from addressing their gender interests. Nevertheless, these same traditional leaders could also be a hindrance towards equality, and so the need to dialogue with national traditional leaders and other stakeholders like CSO's in order avoid such limitation.

7.8 Knowledge Production Capacity

The CGE as an institution mandated to review policies, generates information and has a potential to develop powerful knowledge production processes that could empower its interventions at policy, legislative and public education levels (CGE 2008). The research and the reports done by the CGE could be a tool through which the power relations could be negotiated. These reports that the CGE has produced, however, indicate no use of a theoretical framework that could help interpret the existing power relations among rural

women²². For instance, the CGE Policy brief (see the footnote below), stipulates seven policy recommendations to enable women to access the land. The section on policy recommendation in the document is silent about the existing male powers that perhaps could have featured if the framework was adopted in the study. Thus, use of a gender interest framework could enable the researcher to holistically unpack the structure that hinder women from accessing land. The theory of gender interest distinguishes between strategic interests and practical needs. Rai (2008) opines that national machinery needs to be able to not only to participate in making these distinctions clear, but to strategize according to the specific contexts within which they function (Rai, 2008). The women's interests do not reflect clearly in the reports that the CGE produces.

7.9 Conclusion

This chapter outlined some possible opportunities CGE has in networking with other sister organisation, as well as plausible opportunities or strategies for reinforcing its operations to the grassroots level. The next chapter concludes this thesis and then recommend other ways to further advance the agenda of the CGE.

²² Examples of these documents with no theoretical frameworks are (1) Commission on Gender Policy brief 05, Equality, compiled by Segooa Masefago and Mhlongo (2) Report to the CEDAW Committee on South African Implementation of CEDAW, compiled by CGE(2010) (3) Commission on Gender Equality Annual Report 2000. Commission on Gender Equality.

CHAPTER EIGHT

CONCLUSION AND RECOMMENDATIONS

8.1 Introduction

This chapter presents the conclusions and recommendations of the study. The recommendation section highlights some strategies that could improve the performance of CGE. The recommendations suggest the need for adequate supply of resources through funding and personnel, use of feminist frameworks of analysis, making use of the constitutional mandates fully, liaising with other NGM, and educating rural women about their rights.

8.2 Summary of the Findings

This work focused on the role played by the CGE among the rural women in South Africa. The disenfranchised members in society, among them the rural women, are the chief targets of the CGE. The rural women are faced with difficult realities, ranging from lack of basic necessities to the chauvinistic male traditional authorities that thwart the emancipation of rural women. The CGE, in collaboration with other organs of state has intervened in the emancipation of rural disadvantaged women through its submission to parliament, lobbying efforts, education and so forth.

In the process of reaching out to the disenfranchised rural women, CGE has experienced numerous constraints that if handled appropriately, would mean the commission could be a great success to the rural disadvantaged women. Thus, among the notable challenges that the commission needs to handle are the inadequate resources, tenuous link between the CSO's and CGE, poor coordination between the government and the CGE, political interference, and the tribal authorities. Although the commissioners can monitor the government activities, it remains accountable to the same government that funds the CGE, and appoints the commissioners. Tsikata (2000) in his book notes that some African governments resist such commissions by starving them of resources and ignoring their decisions. Thus being a constitutional body, argues Tsikata (2000) does not guarantee success without other favourable conditions such as good quality leadership staff, a vigilant society, a progressive media culture and last but not least a government that is serious about democracy.

In this study, the researcher found out that the commission has not progressed to the fullest due to various drawbacks that have constrained its efforts in addressing strategic interests among rural South African women. In the theory of state feminism, Stetson and Mazur

pointed out that those gender machineries where the state supported gender mainstreaming had high possibilities for success. The gender mainstreaming entails not only having the word 'gender' incorporated into state policies but above all, supporting gender projects through adequate resources. The government has not been supportive enough in the allocation of adequate resources to the CGE.

In answering the question about *what opportunities does the CGE have, that could be used to emancipate the rural disadvantaged women?* the researcher found that that CGE could bank on constitutional powers, interaction with CSO's and GFP in order to implement its mandates. The Constitution safeguards it from any political interference that could halt the CGE efforts to emancipate rural women. This CGE, however, has not fully exploited its constitutional powers. Despite the fact that the commission has subpoena powers, the study establishes that CGE has not subpoenaed many people to attend court. The CGE has also not been strong in challenging the government. The CSO's, the GFP's are some of the other untapped opportunities that the CGE could exploit as a way of relating with the rural women. The CSOs and GFP are directly linked to the rural women and are aware of the rural women's interests far better than the CGE.

There is an increasing need for research to be concentrated on local, cultural and religious issues that affect the development of women both as individuals and as groups. For instance, there is a need for local women's voices in mobilisation strategies. The education of women on forced marriage, virginity testing, and research in these areas needs to be sponsored and lobbied by CGOs and its cohort organisations.

In assessing whether or not the CGE has brought progress to the rural disadvantaged women, the researcher found out that the CGE has made some notable interventions on emancipation of rural disadvantaged women through policy dialogues where it engaged with three communities in KwaZulu-Natal that practised *Ukuthwala*; lobbied for infrastructure through calling on the government to improve infrastructure at Masinyani so that women could access health and market facilities; it undertook land tenure interventions where it conducted research on mainstreaming gender in land reform and suggested that rural women should be informed about their rights on land reform so as to enable them participate in farming and enhance maximum participation of the women in rural farms (Segooa & Mhlongo, 2013).

Thus, assessing whether or not the CGE has been a drawback or progress to the rural disadvantaged women, the researcher found some underperformance in what it was supposed to do. Although the CGE has great constitutional powers to ensure the achievement of gender equality, it was unable to challenge the Government, and that proved a major failure to the poor people it is meant to serve (Hendrickse, 2012; AFDB, 2009). The CGE has subpoena powers to summon the culprits to appear before the court, but there are some instances that have gone “un-subpoenaed” by the commission (AFDB, 2009). The AFDB (2009) reports that the CGE has been criticized for not actively following up issues affecting rural women. Also, despite the fact that laws are crucial in the emancipation of the rural women, CGE lacked input in drafting of legislation (Hendrickse, 2012). The CGE has been considered to favour public information and education over more important tasks such as a watchdog of the government (AFDB, 2009).

8.3 Recommendations

The Commission on Gender Equality has been mandated to perform many functions in spite of having inadequate resources to execute all these mandates. This accumulation of responsibilities derails the commission from giving sufficient attention to the rural women in South Africa. The commission, thus, could possibly reduce its functions or lobby the government more for adequate budgets that would ensure its capacity to respond to the interests of women in rural areas. The commission has been so focused on running campaigns and workshops in rural areas at the expense of the lobbying aspect that would see the transformation of the power relations that thwart the emancipation of rural women.

The reports that the CGE submits to parliament indicate that the gender commission has a limited feminist consciousness²³. Thus none of those reports use theoretical frameworks to analyse the state of things. Although there are women in the CGE who are active in lobbying for the change of the structures that impede women’s access to their rights, it seems that the feminist consciousness is lacking. Thus, in order for the CGE to meet rural women’s strategic interests, the commissioners must be equipped with the feminists’ tools, and must be willing to analyse the situation using gender frameworks. The women that are appointed to be commissioners in the commission must be persons able to distinguish between the practical

²³ (See footnote 14).

interests and strategic interests. In the report collected, it seems that the commissioners are focusing a lot on the immediate needs, and not doing much on strategic interests.

The link between the CGO and CSOs needs to be improved if the CGE is to be successful in advancing the welfare of the rural women. The CSOs are aware of the problems that the rural women are facing, and therefore the CGE could liaise more with them in order to better understand the interests of women on the grassroots. A healthy link with the CSOs could also help the commission to subsidise its inadequate budget that limits the commission in fulfilling its mandates adequately.

The South African constitution has given the CGE and other chapter 9 institutions powers to monitor institutions including the government. Nevertheless, the CGE has underperformed in this regard due to the possibility of its submissions being given inadequate attention, should it challenge the ruling government structures. The commission needs to do a lot more in challenging government institutions, in an effort to review policies that would enhance access to government opportunities for the rural women.

In the rural communities, most women are not aware of their rights entitled to them in the constitution, and this makes it difficult for them to access rights entitled to them i.e. land tenure rights, customary rights etc. The CGE and the CSOs must increase their efforts in educating the rural women about their own rights. That would mean having workshops, and using the material that has been translated into their languages.

The institutionalisation of once vibrant women's organisations into state institutions through the creation of CGE, OSW and JPCIQL in the parliament has weakened the women's organisations in the rural areas. It has been assumed that the women in the state would represent women at the grassroots, but this has proved contrary to expectations. The revival of the women's movement with urgency cannot be undervalued because it could be the best platforms on which to listen to women's' agendas, and the platforms to dialogue on strategies needed to address patriarchy and cultural religious elements that hinder rural women progress.

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APPEDIX I: ETHICAL CLEARANCE FROM UNIVERSITY OF KWAZULU-NATAL.



29 July 2014

Mr Anthony Gathambiri Waiganjo (214581192)
School of Social Sciences
Pietermaritzburg Campus

Protocol reference number: HSS/0871/014M

Project title: Commission on Gender Equality in South Africa (CGE): Drawback or progress for the rural disadvantaged women

Dear Mr Waiganjo,

Full Approval – No Risk / Exempt Application

In response to your application dated 14 July 2014, the Humanities & Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol has been granted **FULL APPROVAL**.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment /modification prior to its implementation. In case you have further queries, please quote the above reference number.

PLEASE NOTE: Research data should be securely stored in the discipline/department for a period of 5 years.

The ethical clearance certificate is only valid for a period of 3 years from the date of issue. Thereafter Recertification must be applied for on an annual basis.

I take this opportunity of wishing you everything of the best with your study.

Yours faithfully

Dr Shenuka Singh (Chair)

/ms

Cc Supervisor: Dr Janet Muthuki
Cc Academic Leader Research: Professor Sabine Marschall
Cc School Administrator: Ms Nancy Mudau

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Founding Campuses: ■ Edgewood ■ Howard College ■ Medical School ■ Pietermaritzburg ■ Westville

