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The Situation Of Women in A Changing South Africa

1. Introduction

I take this opportunity to thank the Director of DAW, Madam Chafika Sellami - Meslem for organising the study tour. I only regret that it was not possible to have more South Africans with me. I hope that part of our discussion will include a determination of how DAW can benefit our women in this period of transition. This paper provides an overview of women in the current situation of transition in South Africa. It is in essence a briefing document presenting a general view on the situation. I therefore discuss the state of organisation of the women's movement, activities and the difficulties presently experienced by women in their effort to place gender on the agenda of the negotiations table.

I bring warm and sisterly greetings from the President of the ANC Women's League, Gertrude Shope, the Secretary General of the League Baleka Kgositsile and from the Convenors of the National Committee for The Rights Of The Child, Albertina Sisulu and Sister Bernard Ncube.

I also take this opportunity to thank the Director Chafika Sellami-Meslem. My only regret is that it was not possible to bring other South African Women with me. I hope that part of our discussion will include a determination of how DAW can benefit South African women in this period of transition.

2. The Role of Women in the Current Political Situation

Historically, women in the liberation movements have participated in the struggle for national liberation and continue to do so. The recently launched Women's League of the ANC, has as its objective pursuing the struggle against apartheid as well as fighting for equality between men and women in a democratic South Africa. The linkage of national liberation and emancipation has been critically reviewed by some academics who argue that it could undermine the struggle for women's emancipation. This criticism is not without foundation because the question of equality has historically been subsumed by the liberation movement. Focus on women's emancipation became a reality when the ANC adopted a policy in May 1990 on women's emancipation. This was strengthened by the adoption of a programme of action by the national conference of the Women's League in April 1991,

which effectively elaborated the linkage. Besides the ANC, no other political organisation or party has elaborated the gender question in its policy proposals for a new dispensation in South Africa. Thus the role of women in the current political situation is discussed in the context of the ANC's conceptualisation of women's struggles for equality and democracy.

Political violence is singularly the most visible obstacle to negotiations and has been recognised as such by women's groups in the democratic movement.

The violence seriously impedes free political activity in the country.

2.1 Women Campaign for Peace

In the past eighteen months, counter revolutionary violence has increased. Hit squads and vigilante groups operate with impunity against defenceless people. A significant number of local and regional leadership of the mass democratic movement have been assassinated, in particular the ANC leadership.

For the first time in the history of South Africa, unsuspecting commuters have been mercilessly killed in trains and at bus terminals. Repeated attacks of this nature have taken place since August 1990. Women in South Africa have initiated numerous activities to curb the violence.

Thus the ANC Women's League whose major objective it is to simultaneously address the question of national liberation and women's emancipation, undertook to prioritise the peace campaign. At the relaunching of the Women's League in July 1990 in Durban, the Women's League devised strategies for curbing the violence. It resolved that the league should link up with other concerned women's organisations in its campaigns.

A programme of action was adopted, this included workshops to promote peace, marches and rallies for peace. In an attempt to assess the extent of the damage caused by the fighting, delegations to the relaunch of the women's league toured all the war torn Natal regions and peace rallies were held in these areas. Since the relaunch of the league numerous marches have been organised nationwide, and thousands of people have participated in these peace marches.

Efforts to bring about peace in the country have also been initiated by women's forums set up specifically for the purpose. The women's forum known as 'Women Against

'Repression' has been active for some time in calling for peace and democracy. Through the forum, 'Women Against Repression', concerned women sought to see Adriaan Vlok former Minister of Police to campaign against the violence, they failed to see him but finally managed in September, 1990 to hand over their protest memorandum to Mr De Klerk. Despite political differences, the women from the mass democratic movement, centre political organisation such as the DP, and other non-partisan women's organisations, rally together for peace.

The violence has become a national concern, hence a National Peace Convention was held on the 14th of September in 1991. This culminated in the NATIONAL PEACE ACCORD which was adopted by most of the political organisations, trade unions and business organisations in the country. Women were under represented at the Peace Convention. Absence of women at such forums is an indicator of the level of gender awareness in the country. Women Activitists in the democratic movement are concerned that a women's lobby might be marginalised during negotiations, because of the lack of gender awareness.

How Women are Organised - The Women's Alliance

South Africa has numerous women's organisations working for change. There are women's forums or sectors within political organisations which embrace policies of such political organisation.

Religious institutions such as the SACC, ICT have been having women's ministries. Since the declaration of the decade for women by the WCC, the women's forums within these institutions have organised programmes for the upliftment of women. Their programmes differ significantly from the programme of welfare type organisations which have been operating in the country for years. These are the soup-kitchen-type whose major function has been to ameliorate poverty. Professional and specialised groups such as the National Democratic Lawyers Association have recently set up gender forums within their structures focussing specifically on women's issues.

During the difficult years of repression in particular the period 1984 - 1988, networking was almost impossible. However organisations on the left of the political spectrum did in fact organise together but no formal strategy was adopted for networking.

Besides repression was so severe that often such groups met to manage the crisis created by repression - hence the formation of the forum 'Women Against Repression'. This situation has since changed and despite the political

violence which threatens free political activity, efforts are being made by women to build an alliance.

Some of the factors which make it possible for women to network is the changed political situation and developments in this regard. Absence of women in the preparatory process for negotiations has motivated women to form linkages for the purpose of ensuring that women's rights are not marginalised during the negotiation process.

The relaunch of the women's league after thirty years of banning has renewed women's activity in this regard. This is because the programme of action adopted by the ANC Women's League provides inter alia, that the league should network with other women's organisations in pursuance of women's emancipation.

Accordingly, the league has hosted numerous consultative meetings both at local and regional levels to establish links with women's groups in the country. These meetings have culminated in a national workshop on the 27th of September 1991 to discuss a campaign for a Women's Charter. There is a broad consensus that women's rights should be protected in the new Constitution. The process of networking is not without problems.

At this stage there are a number of factors which limit effective networking for a qualitative change of gender relations in a future South Africa.

There is little time within the transitional period for women to effectively organise themselves. Preparations are underway for an all party conference to discuss constitutional principles and interim mechanisms. The all party conferences is likely to take place within three months. This has serious implications for themselves. Thus women have a race against time to reach out to as many women's formations before negotiations begin. This is a difficult task because of lack of resources. The women's league which has so far initiated consultations does not have adequate resources or an infrastructure to carry out this task in the limited time available.

The other factor is the resistance presented by men at local level against transformation of gender relation. This is apparent in community organisations where traditional patterns of relationship between men and women are still the same, despite advocacy for the recognition of women as equal partners in society. Significant strides have been made in the ANC, in the education of all its members about necessity for equality between the sexes. The significance lies in the fact that an increasing number of men in influential positions in the ANC recognise the importance of equality. This is relative to other political organisations who have not as yet begun the process of broaching the subject.

There are also inherent differences amongst the women's organisations which seek to fodge links. Invariably, these differences are manifestations of varying political orientation. The problems presented by this particular factor are that, because South Africa is posed for a contest of political power unequalled in its history; political interests take precedence with most women's groups. Thus women's organisations aligned to political parties ascribe to policies of their parties or organisations. The problem is compounded by the fact that most political organisations have not conceptualised women's oppression. The ANC is in a mauld of its own as it has established a conceptual framework of women's oppression. Together with other community organisations, COSATU, and academics on the left of the political spectrum, it recognises class, race and gender as factors in the oppression of women. Centre political organisations and some non-partisan women's groups do not necessarily subscribe to this school of thought.

Within this category perceptions vary. There are organisations which regard race and gender as major factors in women's oppression and therefore underplay the class factor. Whilst some black political organisations recognise race and class as factors and undermine gender as a factor.

Practical gender concerns such as violence against women, rape and poverty are concerns common to all women's groups in the country, rallying around these issues is likely to ameliorate the situation, enabling women to elaborate other important issues. For women's organisations in the centre of the political spectrum the UN Convention on the Elimination of all Forms of Discrimination Against Women, does provide the necessary guidelines for elaborating the equality principle.

Since the ANC women's league recognises both the strategic gender concerns and the practical gender concerns it is flexible enough to link up with organisations across the broad spectrum of women's formations in the country. For example it is just as easy for the league to link up with campaigns initiated by welfare organisations as it is to link up with pro-abortion campaigners.

3 Women's Activities

3(a) Projects Located at Universities

Gender projects are increasing at Universities in South Africa. Whilst in the early 1980's studies were mainly conducted by individual academics, there seems to be a move

towards organised research involving local communities. Increasingly academics undertake research relevant to policy formulation. The University of Cape Town recently conducted a survey on sexual abuse on the campus with a view of formulating campus policy, against sexual abuse. Various sectors at the University of Natal are involved with community research on gender. The UWC has a number of institutes such as the Centre for Adult and Continuing Education and the Community Law Centre focussing on women's issues. The former has recently produced a useful preliminary study on "Women and The Economy in South Africa". The Community Law Centre does constitutional research and a gender component is located in its programme. There is also an active inter disciplinary women's forum for academics. This group has made great strides in elaborating a gender policy for the University. Wits is also primed to conduct gender studies.

One of the greatest contributions of gender studies to the women's movement has been the conceptualisation of gender oppression. The ANC has definitely benefited from the work of some of the academics.

Gender research projects at universities have come under attack from some black people. It has been argued that some researchers ignored input from local communities. Some academics have been accused of being insensitive to the political, social and economic dimensions of the South African society.

Consultation with the mass democratic movement was often uncoordinated and therefore ineffectual. As such political and community activists perceived such studies as prescriptive. One has to concede though, that this perception is as much a product of resistance to change as it is a reflection of inappropriate research processes.

There is an urgent need in South Africa for research focussed on policy formulation. There is as yet no coherent research done by women's groups relevant to policy formulation for a new dispensation. Neither has there been any comprehensive legal studies done by a collective of progressive women on substantive legal issues for the purpose of law reform and constitutional changes. Yet some of the projects on campuses are more than three years old. In comparison, male academics have in the past five years been active in research focussed on transformation.

It would seem therefore that the effectiveness of gender studies lies in their usefulness to the process of transformation. Hopefully the alliance will provide this opportunity.

3. b. COSATU

The trade union movement has over the years struggled for the recognition and protection of the rights of workers. It holds a proud record of success despite repression.

Its programme of action is gender sensitive. It is currently fighting for the protection of working children and women in the agricultural and domestic sectors.

It successfully fought for maternity rights for working women and is currently discussing parental leave. COSATU is part of the campaign for the promotion of women's rights in a future constitution. COSATU commissions academics for research accordingly, its programme of action is premised on an informed basis.

3(c) ANC

The Women's League resolved at its national conference to set up a National Commission On the emancipation Of Women, to do gender related research. The commission is to be composed of both men and women. Its tasks will be to formulate a policy on equality within the ANC and for the purpose, it will undertake requisite research. It will define implementation mechanisms and secure that the human resources department prioritises women in its training programme. It will also ensure that the policy units of the organisations integrate gender in their research.

The league is also discussing the status of the Women's Charter in a future constitutional dispensation. The campaign for a women's charter is a unifying factor amongst women and has also created a forum for awareness raising of the human rights of women in our society. Workshops and seminars are organised to discuss the charter. The Charter is seen by the women's league as distinct from the Bill of Rights. It is expected to be a much more detailed document.

4 Constitutional Debate:

In the Constitutional proposals recently released by the Nationalist Party and the Democratic Party, Gender is subsumed. The women in the Democratic Party have however released a working document on women's rights in a new constitution. They propose an equality clause in the constitution and a programme of affirmative action presented as objects of state policy. They are guided primarily by the UN Convention on the Elimination Of All forms of Discrimination Against Women, in their thinking.

The Anc initiated a public debate in South Africa on constitutional issues in 1988, with the release of its constitutional guidelines. These guidelines were widely discussed in the country by community organisations, the trade union movement and women's formations. Women in exile held a meeting in Lusaka in 1989 where the guidelines were critically reviewed. The seminar made far reaching recommendations which led to the ANC policy on women's emancipation, adopted in May 1990.

The most important recommendation made were that South Africa should be characterised as non-racial, non-sexist and democratic state. That the language in the drafting of the constitution should explicitly refer to men and women where this is necessary and not use gender neutral words. That the constitution should protect women against norms and traditions which subordinate women and should promote equality between men and women in a democratic South Africa. These recommendations as well as the ones made by the democratic women's formations in South Africa were considered when formulating the draft bill of rights and the "constitutional Principles of the ANC released in 1991.

The ANC draft bill of rights proposes the inclusion of a clause on affirmative action. It further proposes that the state should be charged with the duty to take positive action to remedy the injustices of the past.

A clause on gender rights is included in the draft and reads as follows:

1. Men and women shall enjoy equal rights in all areas of public and private life, including employment, education and within the family.
2. Discrimination on the grounds of gender, single parenthood, legitimacy of birth or sexual orientation shall be unlawful.
3. Positive action shall be undertaken to overcome the disabilities and disadvantages suffered on account of past gender discrimination.
4. The law shall provide remedies for sexual harassment, abuse and violence.
5. Educated institutions, the media advertising and other social institutions shall be under a duty to discourage sexual and other types of stereotyping.

Because the ANC recognises that women's oppression derives primarily from patriarchy, provision is made for a clause on gender rights, therefore women are specially protected from

abuse and violence in the family. It also recognises that stereotyping is perpetuated by education and the media, accordingly, it seeks to address the root cause of women's stereotyping. The clause also seeks to protect people against discrimination for their sexual preferences. Sexual harassment is criminalised, single parenthood protected, and children born out of wedlock are protected against discrimination on the basis of their birth. An attempt has therefore been made to protect the human rights of women.

Another clause specifically protecting women is entitled, "the right to a home" and reads as follows:

25. No one shall be deprived of or removed from his or her home on the grounds of race, colour, language, gender or creed.

26. The privacy of the home shall be respected, save that reasonable steps shall be permitted to prevent domestic violence or abuse.

27. People shall have the right to establish families, live together with partners of their choice and to marry.

28. Marriage shall be based upon the free consent of the partners, and spouses shall enjoy equal rights at and during the marriage and after its dissolution.

The article, whilst protecting the privacy of the home, protects women against domestic violence and abuse and it also protects them against forced marriages. It further protects women against expropriation of property at the dissolution of marriage, as it provides for equal rights between the spouses during marriage and its dissolution.

This draft Bill of Rights has however, come under critical review by women's groups at a number of seminars and workshops organised to discuss the constitutional rights of women. The interesting point to note, is that at most of the activist women's forums, such as COSATU, YWCA and the SACC, controversy did not arise with regards to the inclusion of social and economic rights in the draft. Often the draft was scrutinised for its effects on the status of women. The first women's forum to test the draft was a workshop organized by the Community Law Centre at the University of the Western Cape in conjunction with the ANC's Constitutional Committee. The workshop was attended by academics, representatives of COSATU, Lawyers for Human Rights, National Education Crisis Committee, Black Lawyers Association, National Democratic Lawyers, the South African Communist Party and the ANC's Women's League and the National Medical and Dental Association. Two feminist experts from outside South Africa also attended the seminar. One was from Canada and the other was from Zimbabwe and they

both delivered papers on the experiences of their respective countries.

At this workshop the ANC draft was criticised for the inappropriate use of language and concepts, in particular, the interchangeable use of the words sex and gender. It was proposed that in the clause termed "gender rights" quoted above; rights should be attributed to sex and not to gender because gender is a social construction and therefore a social myth.

The most contentious aspect of the Bill of Rights was the clause on "the right to life". It was said to be ambiguous, and therefore its interpretation could undermine the right to abortion, if left in that form, for a male judiciary to interpret. Women in the democratic movement demand the protection of the right of a woman to choose to have a child or not to.

Health workers are in the forefront of the campaign for abortion rights. This is not surprising because recent studies show that thousands of black women die of abortion each month.

Affirmative action is of particular concern to women. At this workshop its inclusion in the Bill of Rights was endorsed.

CONCLUSION

Having presented an overview of the situation in South Africa, I wish to make a few observations.

There is a need to strengthen the organisational capacity of women in South Africa. Whilst women in South Africa should address this problem the international community has a role to play in this regard. The international community, DAW included should continue to support the anti-apartheid struggle. DAW should urgently consider consultations with the ANC Women's League and PAC which have observer status with DAW with a view of assisting women in South Africa in this transitional period.

Feminist scholars and human rights activists associated with DAW should appraise the South African situation in relation to the position of women. Too often, conservative male scholars write about South Africa in an attempt to influence future policy. Often their proposals if taken seriously would have a detrimental effect on women.

Scholarly writings by progressive women would undermine attempts by such persons to influence change in South Africa. Of importance is that progressive feminist writings would stimulate academic activity in the country and strengthen the women's movement. Issues of prime concern to us is the conceptualisation of affirmative action. Lesson from the implementation of CEDAW by member states which have ratified the convention will be useful to us.

Finally I would like to know your opinions and advice on the ANC's constitutional proposals.

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