women, youth & persons with disabilities
Department:
Women, Youth and Persons with Disabilities
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POLICY BRIEF

TLOU MILLICENT RAMOROKA, DANIELLE DANIELS, JEREMIAH CHIKOVORE, LEHLOGONOLO MAKOLA, MMAKOTSEDI MAGAMPA, LESIBA OFENTSE MOLOPA, KARABO MOHAPANELE, THEMBELIHLE GINYANA, RUTH MAKGALEMANE, PRUDENCE CHAMBALE, NOMTHANDAZO MBANDAZAYO, PENNY PARENZEE, MZIKAZI NDUNA, and NOMPUMELELO ZUNGU | APRIL 2025

Gender mainstreaming as a strategy for achieving the Sustainable Development Goal No. 5 on Gender Equality

Key messages

1. Gender equality legislation exists in South Africa, although implementation is not enforced.
2. Enforcement is encumbered by lack of an overarching enforcing legislation. The signing of the Women Empowerment and Gender Equality Bill must be fast-tracked, and an enforcement legislation framework introduced.
3. Policy actions to stimulate public discourses around approval and adoption of the overarching enforcement legislation are needed.

Introduction

The Department of Women, Youth and Persons with Disabilities (DWYPD), as the custodian of policies and programmes to protect and promote the welfare and rights of women, children, youth, and persons with disabilities, has a mandate to regulate the socio-economic transformation and implementation of the empowerment and participation of these groups through mainstreaming, advocacy, monitoring and evaluation (DWYPD, 2022)[1]. However, there is a misalignment between the steps DWYPD is taking versus the Sustainable Development Goals (SDGs) particularly Goal 5, which enjoins countries to "adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels" (Department of Economic and Social Affairs Sustainable Development, n.d.)[2].

Currently, South Africa does not have overarching legislation or a legislative framework that compels enforceable action in respect of gender equality, as prescribed by the SDG 5. This misalignment between national policies and key SDG prescriptions may impede progress toward gender equality and sustainable development. Without overarching enforcing legislation, the needs of women, young people, and persons with disabilities will likely be inadequately addressed by relevant institutions. As a result, the persisting gender inequality means continued inhibited access to resources for women, hence limited involvement in decision-making

processes, thereby negatively impacting their well-being. Similarly, young people and persons with disabilities face challenges to accessing education and work, and societal inclusion. Generally, the absence of overarching enforcing legislation results in a lack of accountability, inconsistent implementation, limited resources and support, persistence of gender stereotypes, underrepresentation of women, failure to address intersectionality, and poor understanding of gender mainstreaming.

Efforts towards gender equality by the South African Government through DWYPD

Gender mainstreaming is an intervention strategy that seeks to address gender inequality through enforcing the institutionalisation of gender equality by guiding initiatives and programmes that assist countries in tracking their progress (Mehra and Gupta, 2006; Rai, 2003). South Africa has been guided by international and regional instruments to advance women's rights and gender equality[3]. Furthermore, most countries on the continent have national legislation embedded in constitutions and labour codes.

In 2015, South Africa, was among the 193 countries, implementing the SDGs, to which gender equality and women's empowerment are integral. SDG 5 "seeks to realise the human rights of all and to achieve gender equality and the empowerment of all women and girls". It seeks to end all forms of discrimination against women and girls and eliminate violence against women and girls including trafficking and exploitation (United Nations [UN], 2018). Regionally, the Southern African Development Community's (SADC) Gender Protocol, 2008[4] and the East African Community Gender Equality and Development Bill, 2016 (Union African, Protocol, Assembly and Area, 2014) align with international and regional agreements. The Economic Community of West Africa States (ECOWAS) Treaty (1975, revised in 1993) and the Supplementary Act relating to the Equality of Rights between Women and Men for Sustainable Development in the ECOWAS Region, 2015, were adopted to strengthen national legislation on women's rights (Aduloju, 2017).

Guided by these treatises, South Africa has taken steps over the past three decades to advance gender mainstreaming legislation, policies and programmes aimed at redressing gender inequality, and transforming historical imbalances affecting the socio-economic, political, and educational empowerment of women, youth and persons with disabilities (see Box 1). The government is committed to ensuring a violence-free life for all and empowering women, children, and persons with disabilities (The Presidency, n.d.). Thus, the National Council on Gender-Based Violence and Femicide (GBVF) Strategy was developed, leading to a GBVF Summit in 2023. This commitment is in consultation and compliance with international conventions on human dignity, equality, privacy, security and freedom of all people, and the 2030 Agenda for Sustainable Development (Sachs, 2012).

Box 1: South Africa's gender mainstreaming legislation, policies and programmes

Some of the wide ranging measures at policy, legal and institutional levels to address gender inequality, since 1994, include (i) the Promotion of Equality and Prevention of Unfair Discrimination Act; (ii) the Domestic Violence Act; (iii) the Criminal Law (Sexual Offences and Related Matters) Amendment Act; and institutions that give effect to Chapter 9 of the Constitution, such as the Commission on Gender Equality; the establishment of DWYPD; the establishment of the Ministry of Women within the Presidency; the Ministry in the Presidency for Women, Youth and Persons with Disabilities; within Parliament, the Multiparty Women's Caucus. (Rustin, 2021). Other instruments include the Promotion of Women's Rights, Empowerment and Gender Equality Bill; the National Youth Development Agency Amendment Bill; and the Medium-Term Strategic Framework (which explicitly references the SDGs). Also, the GRPBMEAF; the1995 Labour Relations Act, the 1995 White Paper on the Transformation of the Public Service (WPTPS1995); the 1997 Basic Conditions of Employment Act; the 1998 Employment Equity Act (EEA); the 1998 Skills Development Act; the White Paper on Affirmative Action in the Public Service; the 2000 Promotion of Equality and the 2000 Prevention of Unfair Discrimination Act (PEPUDA); and the 2003 Broad-Based Black Economic Empowerment (B-BBEE) Act.

Methodology

This brief draws from a rapid assessment that utilised multiple sources as insights, including:

a. A situational analysis that involved a desktop review, dialogues (n=15) and key informant interviews (n=16). Stakeholders participated in either dialogues or interviews based on their expertise in gender issues, youth, disability, and gender mainstreaming in national governments or other organisations. The dialogues and interviews explored perspectives from national, provincial and local government departments, academia, civil society, and Chapter 9 institutions, on the state of, and efforts made towards incorporating gender equality in their provinces and the country.

b. A workshop (held in early 2024) with high-level representatives working in gender mainstreaming issues across various governmental sectors. During and in the aftermath of the workshop, a desktop search was carried out to identify and review some government instruments and documents, and related literature on gender mainstreaming and gender equality, to augment and triangulate emerging insights.

Key findings

Inconsistencies in practice and responsibilities in promoting gender equality

Gender norms refer to the social beliefs of how women and men should look and behave in the homes, at work, and in public spaces (Human Development Perspectives, 2020). These norms determine expectations regarding how women and men relate to one another, and this also influences women's employment patterns inside and outside of the home (Tsige et al., 2020). Specifically, the time women and men spend on housework and the types of activities they do are related to beliefs regarding women's positions and decision-making autonomy in the home (Chai et al., 2022). In addition, the influence of gendered workplace norms was reiterated in the data drawn from the situational analysis. The following excerpt illuminates' the roles of men and women in some government departments:

> *"I am a (female) manager and there are managers that are males who are equal as me and you find that some of them arrived after me but you find that they get better treatment than me. Whenever things need to be done they ask the female to do it instead of the man whereas you are in the same position. Even when you look at households, it is still us women who do a lot. My husband works and I am also working but when we get home it is me that must ensure that the children`s school uniform is in order, lunchboxes, dinner is prepared and everything." (Provincial Dialogue with government stakeholders involved in gender mainstreaming and representatives from civil society).*

This excerpt illuminates the limited influence women have in workplace decision-making processes. Furthermore, gender norms play a significant role in determining women's employment rates, salaries, and possibilities for advancement. Beliefs that favour jobs for men and preserve the gendered segregation of labour are linked to lower rates of women's participation in the paid workforce and larger gender pay inequalities across the world (Tsige et al., 2020; Chai et al., 2022).

In 2013, Cabinet adopted the South African National Policy Framework for the Women Empowerment and Gender Equality (WEGE) Bill, and then introduced it into Parliament for approval and adoption (Parliamentary Monitoring Group, 2014)[5]. The Bill was a significant step toward promulgating an overarching legal instrument and hence realising women's empowerment and gender equality. However, more than a decade later the Bill is yet to be approved, and this has affected compliance with the international conventions and ability to enforce decisions and actions.

The stagnation of key bills, such as WEGE, can be explained by, among others:

- a lack of political will and determination
- regular leadership that changes at ministerial level in line with electoral cycles, which affects continuity of policy at executive levels
- a lack of collaboration among various stakeholders and structures, which results in insufficient oversight, and monitoring and evaluation
- relatedly, while different stakeholders and structures exist across government to manage gender equality matters (for example, the Commission on Gender Equality (CGE), and the MTSF in Parliament, among others, these structures are also encumbered by the lack of coordination and synergistic working.

There are limited policy actions towards enforcing gender mainstreaming policies

The DWYPD promotes policy actions, such as producing and using gender statistics for evidence-based localisation of the SDGs and creating a supportive policy environment to ensure gender-responsive localisation and effective monitoring for the attainment of Goal number 5. The DWYPD has also developed the Gender-Responsive Planning, Budgeting, Monitoring, Evaluation and Auditing Framework (GRPBMEAF) for gender-responsive planning, budgeting, monitoring, evaluation, and auditing systems in government, (Parliamentary Monitoring Group, 2021)[6]. Despite this, a gap remains in the compliance with and effective operationalisation of these policies and programmes, both in the public and private sectors (McDermott, Coad, Helfgott and Schroeder, 2012).

Reflections of study participants

Reiterating the shortcomings in practice, DWYPD, although accountable, was critiqued for not soliciting and gathering provincial reports on actions to ensure women's equality. A common recommendation was the need for an overarching enforcing legislative framework to overcome these challenges in practice, inclusive of insufficient allocation of funding and related resources, to promote gender equality. The below excerpt highlights frustration with the inadequate implementation and enforcement of international treaties and domestic regulations concerning women's matters in South Africa.

> *"… there must be some policy to enforce the implementation, … [In] South Africa, we have policies, make no mistake, … but the enforcement part of it … I mean, even if the President, not the Minister, because I also think maybe they will not even take the Minister serious because the Minister is their colleague. There must be a forum where people must report on gender issues… about what is it the departments or provinces have done?" (Provincial Dialogue)*

The issue of implementation of policies and enforcement of existing legislations was raised repeatedly, and exhibited a pattern of challenges, primarily due to the absence of

an overarching enforcing legislative framework related to gender mainstreaming and equality. One participant added that, even though there is no such legislation, there was an expectation on them to convince colleagues of its significance.

> *"…The implementation or enforcement of these policies is a challenge especially because there are gaps in terms of legislations. They are not legislated but we must still convince people that it is important; and (also) if it is not legislated, it means there is no funding…" (Provincial Dialogue)*

Participants' insights suggest that serious challenges relate to the lack of implementation and enforcement of local policies, structures and instruments on women's rights and gender equality, and their alignment with SDG 5 due to a lack of an overarching enforcing legislation in South Africa. This lack of overarching legislation poses several difficulties, including lack of accountability, inconsistent implementation, limited resources and support, the persistence of gender stereotypes, underrepresentation of women, failure to address intersectionality, missed opportunities for gender equality, and misunderstanding of gender mainstreaming. There is an urgent need for an overarching enforcing legislation as prescribed by the SDG 5.

Policy implications and recommendations

The benefits of comprehensive legislation for enforcing gender mainstreaming include the enabling of progress monitoring and evaluation (European Institute for Gender Equality, n.d.), the implementation of a systematic decision-making process for resource allocation (UN Women), and women's empowerment for equal rights (World Development Report 2012). It is essential to hold individuals and structures accountable for implementing this legislation. Importantly, legislation does not ensure accountability – an inadequate enforcement framework, budget allocation, and valid evidence of exceptional implementation also plays a role.

The absence of an overarching enforcing legislation about gender equality carries the following crucial policy implications:

- ***Lack of accountability:*** There is a need to establish programmes, policies and monitoring mechanisms that effectively promote accountability towards gender inequality through an overarching enforcing legislative framework for gender mainstreaming.

- ***Inconsistent implementation:*** Variation in the 'degree' of gender mainstreaming initiatives across various industries and governmental levels may arise, leading to uneven application and sporadic advancement in resolving gender inequality.

- ***Limited resources and support:*** Funding and resources for gender mainstreaming initiatives may remain insufficient or inconsistent.

- ***Persistence of gender stereotypes:*** Policies and programmes may unintentionally perpetuate inequitable gender roles and stereotypes.

- ***Underrepresentation of women:*** Women may remain underrepresented in leadership roles and decision-making bodies in the absence of legal safeguards to guarantee the inclusion of their viewpoints and experiences in these processes.

- ***Failure to address intersectionality:*** By considering how gender overlaps with race, ethnicity, class, sexual orientation, and disability, gender mainstreaming laws can address intersectionality. If there are no legal obligations to take these intersections into account, policies and programmes might not effectively address the particular difficulties that marginalised groups experience.

- ***Missed opportunities for gender equality:*** Policymakers risk missing opportunities to advance gender equality and remove systematic prejudice if there are no clear legal standards for gender mainstreaming. This may exacerbate already-existing disparities and impede efforts to achieve gender parity in a range of contexts.

An overarching enforcing legislative framework can support common understandings of and training of various stakeholders in gender mainstreaming. There is a potential role for institutions, such as the NSG, which have a relevant module, to partner with other stakeholders, such as government, civil society, and the private sector, and offer training to ensure common understanding.

In conclusion, achieving gender equality and addressing systematic discrimination may be hampered by the lack of overarching enforcing legislation for gender mainstreaming. To ensure that policies and programmes promote gender equality and accommodate the different needs and experiences of all individuals' groups and stakeholders, this policy brief recommends that the government makes an intensified effort to pass the WEGE Bill into the overarching enforcing legislation (Act) mandating gender mainstreaming across all sectors and levels of governance.

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Authors

Tlou Millicent Ramoroka, PhD; Professor, Department of Development Planning and Management, University of Limpopo

Danielle Daniels, MA; Researcher, Human Sciences Research Council, Cape Town

Jeremiah Chikovore, PhD; Chief Researcher Specialist, Human Sciences Research Council, Durban.

Lehlogonolo Makola, PhD; Senior Research Specialist, Human Sciences Research Council, Cape Town

Mmakotsedi Magampa, PhD; Research Specialist, Human Sciences Research Council, Pretoria

Lesiba Ofentse Molopa, MPH; Researcher, Human Sciences Research Council, Cape Town

Karabo Mohapanele, PhD; Department of Sociology, University of Fort Hare

Thembelihle Ginyana, MPHIL; Researcher, Human Sciences Research Council, Cape Town

Ruth Makgalemane, MPH; Researcher, Human Sciences Research Council, Pretoria

Prudence Chambale, MA; Researcher, Human Sciences Research Council, Pretoria

Nomthandazo Mbandazayo, MA; Research Specialist, Human Sciences Research Council, Pretoria

Penny Parenzee, MA; The Nelson Mandela School of Public Governance, University of Cape Town

Mzikazi Nduna, PhD; Professor, AVReQ, University of Stellenbosch,

Nompumelelo Zungu, PhD; Strategic Lead, Human Sciences Research Council, Pretoria

Enquiries: Dr Lehlogonolo Makola: lmakola@hsrc.ac.za

References

1. Aduloju, A. A. (2017). ECOWAS and free movement of persons: African women as cross-border victims. Journal of International Women's Studies, 18(4), 89-105.
2. African Union. (2003). Protocol to the African Charter on Human and Peoples' Rights on the rights of women in Africa. African Union.
3. Bunch, C., and Fried, S. (1996). Beijing '95: Moving women's human rights from margin to center. Signs: Journal of Women in Culture and Society, 22(1), 200-204.
4. Chai, Y., Rios-Salas, V., Stek, P. and Heymann, J. (2022). Does enhancing paid maternity leave policy help promote gender equality? Evidence from 31 low and middle-income countries. Gender Issues, 39, 335–367.
5. Department of Women, Youth and Persons with Disabilities (DWYPD). (2024). Overview. (2024). Available at https://nationalgovernment.co.za/units/view/31/department-of-women-youth-and-persons-with-disabilities-dwypd#:~:text=Its%20mission%20is%20to%20provide,youth%20and%20persons%20with%20disabilities
6. European Institute for Gender Equality (EIGE). (n.d.). Gender Mainstreaming: Quick Guide to Gender Mainstreaming in Legislation and Policies in the EU. Available at https://eige.europa.eu/gender-mainstreaming/good-practices/gender-mainstreaming-legislation
7. Gayfer, M. (1986). We are the Women of the World: Report on the United Nations Women's Conference, Nairobi, 1985. Convergence, 19(2), 1.
8. Guzura, T. (2017). An Overview of Issues and Concepts in Gender Mainstreaming. Afro Asian Journal of Social Sciences, 8, 1-20. Available at https://www.researchgate.net/publication/318990919_AN_OVERVIEW_OF_ISSUES_AND_CONCEPTS_IN_GENDER_MAINSTREAMING
9. Department of Economic and Social Affairs. (n.d.). Sustainable Development Goal 5. Available at https://sdgs.un.org/goals/goal5
10. McDermott, C.L., Coad, L., Helfgott, A. and Schroeder, H. (2012). Operationalizing social safeguards in REDD+: actors, interests and ideas. Environmental Science & Policy, 21, 63-72.
11. Mehra, R., and Gupta, G. R. (2006). Gender Mainstreaming: Making It Happen. In International Center for Research on Women. https://www.icrw.org/wp-content/uploads/2016/10/Gender-Mainstreaming-Making-It-Happen.pdf
12. Negm, N. (2023). The African Charter on Democracy, Elections, and Governance (2007). In An Introduction to the African Union Environmental Treaties (pp. 105-106). Brill Nijhoff.
13. Parliamentary Monitoring Group. (2021). Follow-up briefing by DWYPD on implementation of Gender Responsive Planning, Budgeting, Monitoring, Evaluation and Auditing Framework; Women's Month activities; with Deputy Minister : Joint Multi-party Women's Caucus . Available at https://pmg.org.za/committee-meeting/33084/
14. Parliamentary Monitoring Group. (2014). Women Empowerment and Gender Equality Bill [B50-2013]: Public Hearings with Minister. Available at https://pmg.org.za/committee-meeting/16819/
15. Rai, S. M. (2003). Mainstreaming Gender, Democratizing the State. Manchester University Press.
16. Rustin, C. (2021). What gender legislative reforms have meant for women in South Africa. Law Democracy & Development, 25 (Special Edition).
17. Sachs, J. D. (2012). From millennium development goals to sustainable development goals. The Lancet, 379(9832), 2206-2211.
18. Statistics South Africa. (2022). Gender Series Volume IX: Women Empowerment, 2017–2022. Statistics South Africa: Pretoria.
19. The Presidency. (n.d.) National Strategic Plan on Gender Based Violence and Femicide. Pretoria. The Presidency.

20. Tsige, M., Synnevag, G. and Aune, J.B. (2020). Is gender mainstreaming viable?
21. Empirical analysis of the practicality of policies for agriculture-based gendered development in Ethiopia. Gender Issues, 37, 125–152.
22. UN Women. (n.d.) Gender Mainstreaming. Website: https://www.un.org/womenwatch/osagi/gendermainstreaming.htm . Accessed: 26 March 2025.
23. United Nations Development Programme (UNDP). (2020). Human Development Perspectives. Tackling Social Norms: A Game Changer for Gender Inequalities. Available at https://hdr.undp.org/system/files/documents/hdperspectivesgsnipdf_1.pdf
24. United Nations [UN]. (2018). Disability and Development Report. Available athttps://www.un.org/en/desa/un-disability-and-development-report-%E2%80%93-realizing-sdgs-and-persons-disabilities. United Nations.
25. United Nations Office. (2021). Disability-Inclusive Language Guidelines. Available at https://www.ungeneva.org/sites/default/files/2021-01/Disability-Inclusive-Language-Guidelines.pdf.
26. Union, Africa. (2004). Solemn Declaration on Gender Equality in Africa.
27. Available at https://blogs.lse.ac.uk/vaw/sdgea/#:~:text=The%20Solemn%20Declaration%20on%20Gender,and%20regional%20women's%20rights%20instruments.
28. Union, A., Protocol, C. C. M., Assembly, E. E. A. L., and Area, F. F. T. (2014). East African Community. Available at https://t.co/qAotxHF8ut@EACJCourt @EA_Bunge @pmathuki pic.twitter.com/kgYu1r1EMl
29. Women, U. N. (1979). Convention on the elimination of all forms of discrimination against women (CEDAW). UN Women.
30. World Bank. (2012). Gender Equality and Development: World Development Report 2012. Available at https://openknowledge.worldbank.org/handle/10986/4391
31. World of Work. (2023). WEF Global Gender Gap Report: South Africa shines, but more must be none. Available at https://iieworldofwork.iie.ac.za/wef-global-gender-gap-report-south-africa-shines-but-more-must-be-done#:~:text=In%20the%202023%20Global%20Gender,ranking%20ahead%20of%20South%20Africa.
32. Yumarni, T. and Amaratunga, D. (2018). Gender mainstreaming as a strategy to achieve sustainable post-disaster reconstruction. Built Environment Project and Asset Management, 8(5), 544-556.

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