



**STATEMENT BY THE HONORABLE MS LULU XINGWANA
MINISTER FOR WOMEN, CHILDREN AND PEOPLE WITH DISABILITIES
ON
THE PRESENTATION OF THE SOUTH AFRICAN PERIODIC REPORT ON THE
PROGRESS MADE IN IMPLEMENTATION OF CEDAW
21 JANUARY 2011
GENEVA, SWITZERLAND**

Madame Chair, Ms Silvia Pimentel
Distinguished Members of the Committee and the Secretariat
Ladies and Gentlemen

It gives me honour as the Minister for Women, Children and People with Disabilities in South Africa to present to the Committee today the country's Consolidated Periodic Report on the progress made in implementing the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) for the period 1998 – 2008. We are therefore presenting a combination of three Periodic Reports put together in a single consolidated document.

Madame Chair,

Allow me to convey the best wishes of the President, His Excellency, Mr. Jacob Zuma, and the people of South Africa. On behalf of the Government, I wish to thank the Committee for its consideration of our Report in July 2010, and for availing us this opportunity to present the Report officially to the Committee today. In this context, we apologize to the CEDAW Committee for the delay in the submission of this Consolidated Periodic Report.

Madame Chair,

The South African Government attaches great importance to the work of the Committee on the Elimination of Discrimination against Women (CEDAW). We have been following with interest all the general recommendations adopted by this Committee and we also paid particular attention to the concluding observations emanating from our Initial Report. These have all served as a useful basis in the development of our national policy on gender equality and the empowerment of women. In this regard, the relevant outcomes of all the major UN conferences and summits as they pertain to women have also been of paramount importance to our Government in shaping its programmes for the integrated approach towards gender equality and the empowerment of women. We have been following very closely all the recent developments within the UN system which culminated in the establishment of a division known as "UN Women" which integrates in a comprehensive manner, the UN gender

architecture. We support the momentous initiative of the Secretary-General and believe that its close collaboration with the Commission on the Status of Women will bring about greater visibility, better coordination and enhanced mainstreaming of a gender perspective throughout the UN system.

Madame Chair,

Let me hasten to point out that the issue of women's empowerment and gender equality is an absolute priority of the South African Government working collaboratively with all its social partners. In pursuance of this objective, the Government assessed in 2008 the effectiveness of its institutional mechanisms for advancing women's empowerment and gender equality in the country. Consequently in 2009, and coinciding with the Fourth Administration of Government, His Excellency, President Jacob Zuma, pronounced on a range of measures, among others, on the establishment of a Ministry for Women, Children and People with Disabilities. The mandate of the Ministry is to promote women's empowerment and gender equality and has prioritized the issue of the advancement and development of rural women and women with disabilities through coordination, monitoring and evaluation. The Ministry intends to progressively realize women's rights over the next few years and to find the balance between culture, rights and gender equality. The establishment of this Ministry is heralded as one of the major victories for women in the country in promoting human dignity for women and girls.

A new Parliamentary Portfolio Committee as a legislative monitoring framework on the promotion and protection of the rights of women and the attainment of gender equality has been set up. This Committee also oversees the rights of children and persons with disabilities.

The South African Government has decided on five key national priorities for achievement by 2014. These are:

- Economic Development, Decent Work and Sustainable Livelihoods;
- Health;
- Education;
- Fighting Corruption and Crime; and
- Rural Development, Land Reform and Food Security.

The role of the Ministry for Women, Children and People with Disabilities is to ensure the mainstreaming of a gender perspective across the five key priorities of Government.

In order to ensure accelerated service delivery and the attainment of the above priorities, Government has reconfigured its national strategic approach by establishing the following new Departments and institutions:

- Rural Development and Land Reform
- Performance Monitoring and Evaluation
- The National Planning Commission
- Higher Education and Training
- Basic Education
- The National Youth Development Agency
- The Inter-Ministerial Committee on Xenophobia

South Africa is committed to ensuring that women's access to land initiatives continues to be high on Government's agenda through a specific focus on rural development and land reform. This commitment is based on the fact that women form the majority of the population in rural areas. In this regard, the Ministry has prioritized advancement and development of rural women through encouraging income generating programmes, increasing access to opportunities for empowerment and social benefits such as inheritance and user's rights.

Furthermore South Africa has particularly prioritized the eradication of poverty, especially poverty of women. The War on Poverty Campaign of Government is achieving success in that conditions of the poor are improving and that poverty levels have declined steadily. However, women still remain poorer than men. In a study conducted by Government on Poor Nodal areas showed that from 2006 to 2008 urban poverty was rising and that rural poverty was declining.

Madame Chair,

We continue in our employment sector to develop policies and programmes that address emergent needs. Progress has indeed been made on the legislative reforms to facilitate gender equality and improved representation of women in decision making positions. South Africa has adopted the 50/50 gender parity in line with the SADC Protocol on Gender and Development. In this regard, we currently have 44% of women representation in the legislature and 43% of women in Cabinet post the 2009 elections. At the level of Local Government, women constitute 40% of elected positions. We have also experienced steady progress in the representation of women at senior levels of the public service at an average of 36.1% at the end of 2009.

Before the South African Constitutional era in 1993, there was one white female judge in the higher courts. In 1996, women constituted less than 10% of the judiciary and now constitute 26% of the higher courts and about 40% of the lower courts.

Despite this steady progress, we do acknowledge some challenges as reflected in the latest Employment Equity report indicating male dominance at management levels in the private sector and the persisting remuneration discrimination on the basis of (amongst other things) gender. As we continue to engage with these challenges, we are in a process of consultations for legislative amendments to the Employment Equity Act that seeks to improve monitoring, compliance

and to enforce higher penalties for violators. During November 2010, the Commission for Gender Equality held Public Hearings with selected Government Departments and private sector organisations on measures that they have in place to ensure 50/50 representation of women in decision-making positions, as well as achieving the 2% target in employment of people with disabilities.

The country, through the Department of Basic Education, is implementing the Girls Education and Boys Education Movements which are focusing on educating girls and boys about gender equality issues. The programme is also supported by the private sector through collaborative projects such as Take a Girl Child to Work and Techno Girls where girls are exposed to the world of work and offered bursaries in areas previously dominated by males. Other projects such as Take a Person with Disability to Work include young women with disabilities. These programmes are assisting in addressing gender stereotypes in the country and have resulted in more girls and young women enrolling in the fields of commerce, science and technology which were male dominated fields.

South Africa has made progress in the reduction of the number of mud schools in the rural areas from 1650 to 365 between 1999 and 2010. Government has made a commitment to eradicate all mud schools by 2014.

On December 1, 2009, during the World Aids Day, President Zuma launched a national campaign to promote HIV counselling and testing

urging all citizens to know their HIV status. The target set is to test 15 million people by June 2011. Based on this Presidential mandate, the Department of Health works collaboratively with the partners to ensure implementation of the HIV Counseling and testing campaign for pregnant women and expanded treatment, care and support. A total of 5.5 million people received counseling for HIV by end of November 2010. The effectiveness of this campaign is that more people voluntarily test and know their status.

Pregnant women who are HIV positive at a CD4 count of 350 and less were initiated on treatment. Between April and September 2010, 20 000 pregnant women were treated compared to 15 000 during the same period in 2009, this represents a 28% increase. In fact Madame Chair, we are grateful to a R2, 1 billion rand (US\$ 300 million) donor fund from the UN GLOBAL FUND for addressing HIV and AIDS based on our excellent HIV and AIDS implementation plan for the country.

Madame Chair,

Allow me to highlight some of the laws that were developed, enacted and promulgated within the Justice sector recently to transform it to increase access to justice for all. These include the Constitution Amendment Bill, the Superior Courts Bill and the Legal Practice Bill. The Superior Courts Bill and the Legal Practice Bill have similar objectives, namely to rationalize and unify the judiciary and the legal profession in order to address the principle of access to justice.

The last major legislation that has an impact on the courts is the Jurisdiction of Regional Courts Amendment Act of 2008 which came into operation on 9 August 2010 to coincide with the National Women's Day commemoration. The immediate consequences of the Act are the integration of the Divorce Courts into Regional Courts.

Other bills submitted include:

- The Muslim Marriages Bill which served before Cabinet on 8 December 2010, and
- The Prevention and Combating of Trafficking in Persons Bill was introduced into Parliament on 18 March 2010.

One of the challenges that South Africa faces is a harmful traditional practice of "Ukuthwala" where young girls are abducted and forced into marriage. In response, the South African Law Reform Commission is investigating the development of a specific legislation that will create a special offence in this regard.

The Government is in the process of amending the Refugee Act and Immigration Act to incorporate the rights of women. The Refugee Act amended the application processes for asylum seekers and migration permits to allow women to apply as individuals. Seven (07) Refugee Reception Offices were established to assist refugees throughout the country. These offices receive and provide documentation to asylums

seekers, refugees and migrant workers. They are also endowed with advanced technology and competent staff complement.

Following the enactment of the Sexual Offences and Related Matters Act in 2007, the country has noted the progress made in addressing violence against women. We have developed registers aimed at protecting women and children against sexual offences and abuse (known as the Sexual Offenders Register and the Child Abuse Register). The registers were established by the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 37 of 2007 and the Children's Act, 2005 respectively. Data on the Child Abuse register will enable employers to vet applications and ensure that convicted child abusers (including sex offenders) are not employed into positions where they are in contact with children. Similarly data on the Sexual Offences register will be drawn from recorded convictions of sexual offenders to include situations where victims are adult women.

The South African Police Services has re-introduced the Family Violence, Child Protection and Sexual Offences Units to conduct specialized investigations and detection on all types of sexual offences, serious cases of domestic violence and child abuse and protection cases. This is to ensure effective access to justice. Currently the 175 of the targeted 176 Units are fully functional and staffed with personnel at senior management levels to provide the required impetus. Furthermore, the Directorate for Priority Crime Investigation has been established to provide capacity for special

investigation on human trafficking. This includes trafficking of women and children for sexual and labour purposes.

Government has made progress in terms of addressing the challenges faced by women offenders in correctional centres. Counseling services for women offenders as well as offenders who committed crimes against women and children is being provided. Furthermore, Government has ensured that women offenders with children are now able to stay with them in the correctional centres and the correctional facilities are child friendly to encourage the development of the children.

Madame Chair,

In 2008, following the xenophobic challenges, South Africa held social dialogues with inclusive participation from foreign nationals, civil society, Government and business. This forum identified issues of prevention, protection and re-integration. Government committed to address issues of internal reconciliation and national identity and decided not to establish refugee camps but to integrate all legal foreign nationals and create an environment where the communities will respect their rights.

In conclusion, Madame Chair, we look forward to a thorough interactive dialogue with the Committee on the substantive content of our Report and we remain open to take counsel from the expertise of this Committee with the view to improving our situation. The concluding observations to be adopted by this Committee at the end

of this session, will be critical in our further engagement and planning for women's empowerment and gender equality in our country.

I thank you