WORKING TOWARDS A STRATEGIC FRAMEWORK
FOR GENDER MAINSTREAMING
IN THE LEGISLATIVE SECTOR

FINAL VERSION
Overview

1.1 Introduction

The Constitution of South Africa is founded on and articulates the values of human dignity, the achievement of equality, the advancement of human rights and freedoms, non-racialism and non-sexism. In the Founding Provisions in Chapter 1 of the Constitution it is stated that, “the Republic of South Africa is one sovereign, democratic state founded on the following values:

(a) Human dignity, the achievement of equality and the advancement of human right and freedoms.

(b) Non-racialism and non-sexism.” (Emphasis added.)

It further goes on to say in Chapter 2, the Bill of Rights, that:
“Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken"

Following on the Constitution, there is key legislation that reinforces equality:

These include:

- the Promotion of Equality and Prevention of Unfair Discrimination Act, (No. 52 of 2002);
- the Promotion of Equality and Prevention of Unfair Discrimination Amendment Act, 2002;
- the Employment Equity Act (No. 55 of 1998);
- regulations around these Acts.

There are also a number of statutory laws that move beyond equality and take up issues that mainly affect women: These include the Domestic Violence Act, the Maintenance Act (No. 99 of 1998) with respective regulations, amongst others.
It is within this rich context that the legislative sector finds a mandate to reinforce, re-energise and embark on practical measures so that women may experience the “full and equal enjoyment of all rights and freedoms”, a position, which hitherto, to a certain extent, has been “less full” and “more unequal” for women in South Africa and on the continent. To this end, the legislative community is revisiting its focus on strategically driving a framework for gender mainstreaming.

1.2 Towards a definition of concepts

While it has been acknowledged that there is no one neat definition of most contested constructs, including gender mainstreaming, the following are suggested as a point of departure.

It is, of course, relevant to start with the definition of gender mainstreaming that is set out in South Africa’s National Policy Framework for Women’s Empowerment and Gender Equality (Office on the Status of Women), (hereafter referred to as the gender policy framework):

Gender mainstreaming is “a process that is goal oriented, it recognises that most institutions consciously and unconsciously serve the interests of men. It encourages institutions to adopt a gender perspective in transforming themselves. It promotes the full participation of women in decision-making so that women’s needs move from the margins to the centre of development planning and resource allocation.”

The European Council (1998) states that gender mainstreaming may be defined as the re-organisation, improvement, development and evaluation of all decision-making processes, in the sense that all actors participating in this process follow the idea of equality in all gender policies and at all levels. In practical terms, gender mainstreaming means:
taking the respective situations of men and women into account at the planning stage by assessing their different conditions, situations and needs;

- systematically examining measures and policies and taking into account possible effects on gender differences when defining and implementing such measure and policies;

- perspectives of both men and women become a normal part of decision-making.

What is important about gender mainstreaming is that it considers both sexes— not just women. It considers the developmental and equity needs of both men and women. It is a conscious strategy in which given methods and instruments are applied systematically.

The United Nations Development Programme (UNDP) defines gender mainstreaming as “taking account of gender equity concerns in all policy, programme, administrative and financial activities, and in organisational procedures, thereby contribution to a profound organisational transformation.”

On a practical level gender specialist, Tanya Goldman stated in an address on mainstreaming gender: “Gender mainstreaming thus is about making every single bit of work that Parliament and Government does sensitive to the different needs and interests of women and men, girls and boys. It is not just about formally treating everybody the same. The outcomes for women and men, girls and boys must be equal. The challenge of gender mainstreaming is to make sure that this happens as part of the natural part of policy development, implementation and monitoring and evaluation in all sectors.”

1.3 Towards a response: Machinery set up in South Africa to address gender mainstreaming

2 Enhancing the Gender Agenda in the Legislative Sector. Conference report, August 2001, Durban
The Government of South Africa, including all spheres and tiers, sees the value of affirming gender issues in line with the tenets and ethos of the constitutional democracy that South Africa is. This is shown by the gender framework that it has put in place through South Africa’s National Policy Framework for Women’s Empowerment and Gender Equality. This espoused policy has been operationalised through national and provincial structures known as the national or provincial Office on the Status of Women. These offices command a budget and are positioned in the office of the Presidency and the offices of the respective Premiers in each of the nine provinces. The placing of the so-called gender machinery in the highest offices of both the nation and the provinces sends out a clear signal that gender is to be afforded a high-priority status.

Critically underpinning these strategic structures are the operational “hearts” of gender, as mainstreamed in all departments and local government structures, namely the gender focal points. The Commission for Gender Equality and other independent bodies including, but not limited to the Youth Commission, the Human Rights Commission et al. reinforce the gender machinery of government together with civil society, which, in the case of South Africa, are very active in their advancement of gender issues.

Within Parliament and the provincial legislatures/parliament (hereafter referred to as “the legislatures” for ease of reference), each autonomous structure has created a parliamentary women’s group/women’s caucus/domestic committee on gender on the political level and a joint committee (Parliament) and portfolio or standing committees (provincial legislatures/parliament) on a legislative level to handle gender. Hence, there are clearly mandated structures devoted to gender in the legislative sector.

Added to that, the Speakers’ Forum (as a high-level forum for the sharing of best practice across legislatures in South Africa) has a clear commitment to the role that has to be played by legislative institutions in actualising and advancing non-sexism as part of South Africa’s vision. Of the six programme
areas supported through the Speakers’ Forum, two programmes deal very directly with mainstreaming of gender issues and women empowerment.

On a regional and continental level, South Africa has ratified the Southern African Development community (SADC) Declaration on Gender and Development (SDGD), the African Union Protocol on the Rights of Women and Children, The Beijing Platform for Action and the Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW), as well as the Millennium Development Goals.

In a recent audit conducted by Gender Links\(^3\), South Africa has achieved 30% representation in the highest number of indicators around women in decision-making as set by the SDGD, but must still improve the representation of women at the top levels of bureaucracy and as judges. With regard to the percentage of women represented in decision-making positions and indeed as a cross-cutting principle, the debate has moved even beyond the 30% mark to 50%. South Africa has, in principle, accepted the 50% mark and at the SADC summit of 2005, there was, in principle, interest in the 50% mark.

Clearly as asserted by this same audit, South Africa has “blazed a trail” around gender provisions on the continent.

Therefore, as stated in the gender policy framework, there are key processes and mechanisms that “affirm a vibrant national gender programme advancing the country towards gender equality.” However, it is also clear from this report that so much more still needs to be done.

### 1.4 Rationale for this process and report

Given the position as stated above, the Speakers’ Forum mandated that a process be initiated to optimise gender mainstreaming in the legislative community. To this end, consultations were held with legislative

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\(^3\) Lowe-Morna, C. Draft: Missing the Mark: Audit of the SADC Declaration on Gender and Development: Women in Decision Making.
representatives around this process. This report captures the findings of those consultations so as to inform the on-going process with “real time” views as evinced by the participants of the workshop. It goes on to place them within a conceptual framework that has been drawn from various key documents around gender and the legislatures. Both streams of information should inform what is to be an on-going system for gender mainstreaming.

The workshop process included didactic inputs, questions posed by the facilitator to the participants and feedback sessions. The discussions followed a participatory mode.

The report is structured in the following way:

Section 1 Provides the introduction that contextualises gender mainstreaming within the legislative sector.

Section 2 Discusses the background and the foundation on which to build.

Section 3 Discusses the perceived current status of gender mainstreaming in the legislative sector.

Section 4 Tables a draft strategic document on gender mainstreaming.

Section 5 Concluding statements.

Appendices
1: Participants list
2: Programme of workshop
3: Captures the detailed discussions of the workshop around recommendations for implementation.

1.5 Key issues set out in the terms of reference for this workshop

The terms of reference set out that two main issues should be debriefed in the consultation process, namely:

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4 Note that these were representatives from Parliament and the provincial legislatures as per the participant list attached.
1. Mainstreaming gender and women’s empowerment
Legislatures as state institutions are duty and legally bound to establish and advance non-sexism. The mainstreaming of gender issues and women’s empowerment has been identified as one of the programmes of the Speakers’ Forum. Urgent and dedicated effort is required to strategise, design and implement, monitor and measure (as well as learn from the feedback) a sector-wide programme that is institutionalised with vigour and starts to permeate all facets of parliamentary life. Gender mainstreaming is by definition not a side issue or an add-on, but needs to become integrated into the existence of every aspect of legislative institutions. Given that legislatures are the coal-face of public representation, the programme, while having its starting point in the crucial decision-making ranks of legislatures, must also extend beyond these walls to the interface with a participating public and the constituencies.

2. Empowerment of presiding officers, members of Parliament and members of provincial legislatures

Presiding officers need to understand their role and leverage as Speakers and chairpersons for gender mainstreaming. Therefore, they need to use these powerful roles to advance equality and to achieve an impact on the lives of women whom they have been elected to represent. Within this context consideration should be given to a structured and accelerated programme of exposure, training and development for presiding officers; as well as an ongoing need for legislatures to empower their members regarding gender issues and women’s empowerment, amongst other key areas. The objective is to have institutions that have a culture and practice of empowerment; by implication the mainstreaming of gender and disability is a vital component. Yet, while concentrating on improving the lot of women, it is important to highlight at the outset that any approach should be mindful of not creating a “double burden” on women who already may have over-subscribed roles and responsibilities outside of their working lives. Hence, gender mainstreaming, rather than singling out women for concentrated focus and perhaps inadvertently increasing the pressures, relies more heavily on
transformational reforms at institutional and societal levels, which then support women in their multi-faceted roles.

Hence the adaptation of a popular joke:
Q: How many feminists does it take to change a light bulb?
A: None. It’s not the light bulb that needs changing.⁵

1. Background
2.1 Introduction
Based on the mandate referred to above, the Speakers’ Forum zoned in on supporting partners to deliver on a result around gender equality that is contractually written into an agreement between the Speakers’ Forum and the Legislature Support Programme (LSP). The LSP as an instrument of official development assistance in South Africa responds to the articulated policy needs of South Africa as set out in the country strategy paper between the South African Government and the European Union. Given that these resources do exist, it is natural that the Speakers’ Forum has used the LSP to fund this mandate.

2.2 The Legislature Support Programme as funded by the European Union
The LSP came into existence as a result of a financing agreement signed between the Speakers’ Forum and the European Union. This financing agreement is a legal contract between the two parties. The overall objective of the LSP is to contribute to the strengthening of democracy and good governance in South Africa. The specific project purpose is for South African legislatures (national and provincial) to proactively fulfil their constitutional mandates in a citizen-oriented manner. The programme thus seeks to contribute to the legislative sector through assisting to create an enabling environment for:

- improving law-making systems and processes, policy development, assessment of implementation capacity, oversight and accountability;
- enhancing public participation in decision-making and developing education in democracy;

Hubbard, Dianne. Coordinator of the Gender Research and Advocacy Project at the Legal Assistance Centre, Namibia.
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- improving gender equality and addressing disability in legislatures;
- improving skills in the legislatures;
- enhancing ICT facilities and equipment in the legislatures.

It is important too to note, in the context of this paper, that while result area 3 focuses on gender and disability issues, these are also cross-cutting dimensions that must be applied to all result areas.\(^6\)

The LSP is currently administered by the Secretariat Programme Implementation Unit (SPIU) that provides technical assistance for implementation and disbursements around the LSP. The SPIU is, to an extent, temporarily plays the role of secretariat and receives strategic direction and governance from the Speakers’ Forum to which it reports and accounts. Following a report tabled by the SPIU on inadequate planning and spending patterns around result area 3, gender equality and disability addressed in legislatures, the Speakers’ Forum identified the need to investigate what was needed to optimise this result area through developing a strategic framework for gender and disability. Two steering committees were nominated to oversee the above investigations on gender and disability respectively.

The Steering Committee on Gender organised a workshop on 5 July 2005 to review the past and present gender practices that were and are within the ambit of the legislative community. One of the resolutions arising from this review was to develop a discussion document that would conceptualise and explore the establishment of a sector-wide strategy framework for gender

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\(^6\) The Legislative Support Programme follows on a previous support programme (the Parliamentary Support Programme (PSP) as funded by the EU). The PSP had a result area for gender within its financing agreement. After discussions with the respective funders, the Speakers’ Forum decided that this result area was to be given over for funding to SIDA (Swedish International Development Aid). The primary mechanism used by SIDA for coordinating the funding and certain key national programmes around gender was the Women’s Empowerment Unit (WEU) that was located in Gauteng. Various programmes were implemented under this result area that included capacity building for legislators, Women’s caucus coordination and research. The PSP also worked closely with the WEU and furthered gender in a transversal manner throughout its programmes. The “institutional learning” and products of this era should be used as a foundation on which to build the plans and programmes currently envisaged. Many legislators also have information and knowledge from this programme and should be used as resource persons to take forward now the gender agenda started then.
mainstreaming in the legislative community. The discussion document would also look at whether a support structure, such as the former Women’s Empowerment Unit (WEU), would be needed to coordinate gender issues within the legislative sector. Participants at the workshop included political representatives responsible for driving gender processes and practices within the 10 legislatures plus administrative representatives from the organisations, whose role was to ensure administrative support and input into the process. In addition to the involvement of political and administrative representatives, the Secretaries of the legislatures, linked to the Speakers that form the steering committee, were also invited. (See Appendix 1 for participant list and Appendix 2 for programme agenda).

The workshop felt that a strong foundation had been built in the sector and that these legacies should be used to guide the further development of gender mainstreaming. Hence the workshop and report should review the past practices that had set up enabling environments for the legislatures.

2.3 Review of practices that enable/d an engendered environment in the legislatures

2.3.1 Portfolio/select/standing committees on gender
Most of the work done by legislatures occurs in the so-called “engine rooms” of legislatures, namely the committees. For any analysis of gender in the legislative environment, a relevant starting point must be with the standing/portfolio committees that drive the detail behind the work of the plenary sessions and joint sittings. Working in committees obviously allows Parliament and provincial legislatures to increase the efficiency and effectiveness of the legislative process through economies of scale:

- More focused: on-the-ground work can be done to feed into the high-level work of Parliament/provincial legislatures;
- Increase of the participation of both legislators and the public;
- Provide a forum for the public to present its views;
- Provide a forum for Parliament to hear evidence and manage knowledge around the specific focus of that committee;
- Ensure that issues are debated and researched in a more detailed and in-depth manner because there is more focus and time to concentrate on detail;
- Consider Bills, amend them or even initiate Bills (consider legislation);
- Conduct oversight in the light of the above (financial and programmatic);
- Consider matters of public interest, including petitions.

**Given this background around committees, it is clear that for gender mainstreaming to be achieved in the legislative system, the committee system must be one of the pivotal drivers for it.**

In the Parliament of South Africa, there is the Joint Monitoring Committee on the Improvement of Quality of Life and Status of Women (JMC:QoL/SoW). In the provincial legislatures, there are standing committees that focus on gender.

The Joint Monitoring Committee on the Improvement of Quality of Life and Status of Women has been viewed as contributing to the fact that SA has a leading image around gender as per the evidence offered elsewhere in this report. The JMC:QoL/SoW works closely with the gender machinery set up by the gender framework in the executive and the Commission for Gender Equality (Chapter 9 Institution), but also retains its separation of power in terms of the Constitution and its key oversight function of these structures in terms of being the supreme will of the people.

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7 Provincial Legislatures vary in terms of the naming and specific scope of the Committee on Gender: Some have grouped Gender with Youth, Children and the Disabled and some might have a specific gender standing committee. The issue of grouping with other groups, of course, raises questions about the signal being sent in terms of diluting gender issues. However, by implication, mainstreaming means that there should be no need for stand-alone or even grouped gender committees. This presupposes effective gender mainstreaming. As gender mainstreaming is still seen as emerging, there remains ideological debate as to the need for stand-alone focus on gender.
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The standing committees or gender committees of provincial legislatures have had mixed success depending on the ethos of the particular legislature.

A random selection of two “case studies” extracted from the study done in 1999\(^8\), on provincial legislatures show some of the details of the gender development trajectory that points us to enhanced gender mainstreaming today.

2.3.1.1 Gauteng Provincial Legislature

Both anecdotal evidence and documented records show that Gauteng had an active approach to gender. Its women’s caucus was driven by the Deputy Speaker indicating the high level of political commitment that was given to gender. The women’s caucus also had a strong outreach programme and used especially the Gauteng Petitions Act of 1998 to analyse gender concerns from the community. In committee work, gender issues were highlighted regularly on the committee agendas and serviced specifically by a “domestic” committee on gender. The gender agenda was reinforced by the presence of the Women’s Empowerment Unit in the Gauteng legislature. It was autonomous from the legislature, but nevertheless found a natural home in this gender-active legislature.

At the time of the report of 1999, there were 15 Committees, five of which had woman chairs. This was indeed a signal that the Gauteng legislature saw the need for women in decision-making positions. A further statistic of the report of 1999 showed that Gauteng had the highest percentage of women members (31%). The 30% measure is only now, in 2005, being realised, while Gauteng set the example as early as 1999.

2.3.1.2 Eastern Cape Provincial Legislature

The Eastern Cape had a 27% representivity in 1999 and a women’s caucus that was showing emerging strengths. The Eastern Cape had a Standing

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Committee on Youth, Gender and the Disabled which aimed for equality of outcomes for gender.

The women’s caucus of the Eastern Cape used the liaison officer of the Parliamentary Support Programme as funded by the European Union as the administrative support to the caucus. This administrative support was found to be essential for the smooth running of the caucus. The incumbent, with the political backing of a strong caucus chairperson and the Speaker/Deputy Speaker was able to secure bookings for caucus events on the House programme, supported members in the preparation of motions for the House, interacted with civil society and donors to advance the work of the caucus and also secured a dedicated budget for the women’s caucus so that their mandates were funded. The caucus also dedicated constituency weeks to address gender challenges for citizens in the province e.g. maintenance, sexual harassment and domestic violence and was able to draw national support for key policy challenges. The legislature also set up strong working relations with the Office on the Status of Women in the province and the Gender Commission and an integrated, cross-cutting approach was followed toward gender across the separation of powers, but retaining the autonomy of each structure. The legislature also worked very closely with the Women’s Empowerment Unit of the time so that provincial input could reach the national agenda.

The Eastern Cape Legislature Women’s Caucus’s (which included men) modus operandi was held up as an example of best practice at many national meetings.

It appears as if this strong foundation has ensured that the Eastern Cape legislature is still seen as being a strong gender legislature even to today.

Both provincial legislatures, as did many others, undertook training activities around gender and/or had gender specific training programmes so that women were accelerated in terms of their roles in leadership.
2.3.2 Legacies of the first two terms of democracy

Gender gains were made both incrementally and through quantum moves by the public representatives during the first two terms of democracy. This was done in a number of different ways:

- Lobbying and advocacy on a political level for quotas and other significant gains for the gender agenda;
- Gender specific policy planning, design and development with a follow through to oversight;
- Inputs to legislation and the legislation itself;
- As public representatives in terms of service delivery to citizens in terms of normative work of legislators;
- Working for and with constituencies;
- Training and development programmes;
- International benchmarking with other countries;
- Development of resources to take gender forward: This included skilled and seasoned human resources i.e. legislators within the legislative sector.

These legacies referred to above will be explored in more detail in the discussions below.

2.3.3 The majority party’s quota system

It is self-evident that political factors, in this context, do form the mainstay of gender mainstreaming. Besides quotas, there are electoral systems, party dynamics and structures, women’s leagues and the profile of women in government that affects gender mainstreaming. An exhaustive discussion of these is beyond the scope of this report, but what is important to note for this report is that the majority party does have a quota system for women representatives, and given the high profile of women in decision-making positions and based on research evidence, this system must be an important

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variable in creating an enabling environment for women. In terms of practice the following was in place by 1999:

On a national level, post apartheid South Africa saw the proportion of women in the national legislature increase from under 3% to 27%, putting South Africa second in Africa and seventh in the world at the time of the research. In terms of quotas, provincial legislatures also made strides towards gender parity by having a representation of 25%. Both national and provincial legislatures have made the 30% mark since then. As stated previously, the benchmark has now shifted to a 50% ratio and therefore a need for re-energised gender activism to achieve this milestone. The principle of 50% was tabled to the SADC summit, but needs to be formally adopted and reinforced by a shift from a SADC gender declaration to a gender protocol is advocated.

Needless to say, quotas in themselves are not enough, and meaningful participation and equality are of more importance. However, quotas provide that vital “foot in the door” in order to be in a position to “change from within”

While noting the political dimension of an engendered environment, the ANC Women’s League must also be noted for its strong work in advancing gender equality in South Africa and even beyond into the region.

2.3.4. Parliamentary Women’s Group and women’s caucus

Women in the legislatures have created structures that advance the gender agenda beyond the formal committee system. In 1994, the Parliamentary Women’s Group was formed in order to advance gender across party lines and around issues on which women could unite. This type of structure might be taken to be a women’s caucus in the smaller structures such as provincial

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11 Readers wanting more detail on the role of other political structures as well as a conceptual framework for gender mainstreaming are referred to a Gender Links publication: Ringing up the Changes as edited by C. Lowe-Morna: South Africa: 2004.
legislatures. In Parliament, it is additional to the political party caucuses. Notwithstanding the differing structures, these bodies have been critical to keeping gender on the legislative agenda and allowing the members (that include men and women) to reach common, focused positions around gender. However, based on research conducted by the Community Agency for Social Enquiry (CASE) in 1999, the challenges around these structures is seen to be their informal status and hence a battle to gain a formal position or resources (time, staff, funds for programmes) within the legislatures.

2.3.5 Work achieved through partnerships

2.3.5.1 The Women’s Empowerment Unit

The Women’s Empowerment Unit (WEU) was set up by the Speakers’ Forum in 1997. As footnoted previously, The Parliamentary Support Programme (PSP) had a result area around gender within its financing agreement, but this result area was given over for funding to SIDA (Swedish International Development Aid). The primary mechanism used by SIDA for coordinating the funding and certain key national programmes around gender was the Women’s Empowerment Unit which was located in Gauteng. It was tasked with the implementation of result 3 of the PSP: “participation of women MPs and MPLs increased”. Result 3 was specifically included in the framework of the PSP to ensure that women members of Parliament (MPs) and members of provincial legislatures (MPLs) would be afforded significant support to participate meaningfully and with impact in the legislatures. The WEU also dealt with the quantitative and qualitative issues relating to women’s political participation and did this though working with the respective legislature’s women’s caucuses. The WEU terms of reference were as follows:

- Empowerment of women MPs and MPLs to enhance their participation in their respective institutions;
- Coordinating donor funding to ensure that funds are distributed equitably among legislative institutions;
- Follow-up on training on its impact in different institutions;

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Coordinating development of institutional transformation instruments; and
Submission of reports to donors and the Speakers' Forum.

Various programmes were implemented under this result area that included capacity building for legislators, women’s caucus coordination and research. The “institutional learning” and products of this era should be used as a foundation on which to build the plans and programmes currently envisaged.

The terms of reference were later extended to include the following:
- To foster a partnership between men and women in working towards women empowerment for gender equality;
- To ensure sustainability of women empowerment for gender equality; and
- To identify donors and partners for women empowerment.

In support of these objectives, Speakers committed themselves in a declaration to:
- ensure that their institutions fully participate in women’s empowerment programmes for gender equality;
- ensure that women empowerment for gender equality would become an obligation for both men and women; and
- ensure that women empowerment would be integrated into the legislatures’ programmes.

Through its work in support of gender equality, the WEU helped to advocate for women’s empowerment within the legislature through awareness-raising, capacity building and promoting institutional support mechanisms. Some of the challenges that were experienced by the WEU included the following:
- A focus on gender equality within the institutions and not really on empowering the legislators to deal with issues of gender equality;
- Though training sessions on gender mainstreaming and engendering the budget were offered at a later stage, attendance was poor and follow-up funding to implement findings was not easily accessed;
- Differing institutional arrangements and terms of reference for handling gender. The legislatures operates as autonomous institutions and in the
most part handles gender programmes and gender issues through different institutional mechanisms with different degrees of success. For example, in the “WEU era” some had committees on the improvement of quality of life and status of women, others worked through the women’s caucus, others had committees for gender, youth and the disabled, with gender being part of the focus of the committee, some had gender committees. This difference is still in evidence today.

Where the legislatures did not actively promote a gender programme of action, arising from the needs of the province/nation and/or the Beijing Platform of Action (Beijing + 5) and CEDAW, the resolutions from the same and ratifications were not strongly the focus of oversight within those legislatures.

The need to deal with gender equality as an empowerment process of both women and men. Some representatives and staff alike in the legislatures viewed gender as a “women’s” issues and did not engage with gender as core life issue.

2.3.5.2 The Parliamentary Support Programme as funded by the European Union

While “Participation of women in the legislative process” was written into the financing agreement of the Parliamentary Support Programme (PSP) 1996–2003, the result area was, in effect, “outsourced” to SIDA funding which set up the Women’s Empowerment Unit as discussed above. Notwithstanding this fact, the PSP still devoted resources towards the furtherance of the gender agenda during this crucial time of South Africa’s transformation. The work that the PSP did, ranged from concept papers, workshops that mainstream gender issues as well and networking around gender issues.

One of the most significant contributions of the PSP around gender was the commissioning of a study that was undertaken by the Community

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13 The differing institutional arrangements should not necessarily be a limiting factor, as the autonomy of legislatures is integral to aligning democracy and the needs of the provincial/national gender agenda needs closest to what is appropriate for that provincial/national mandate.
Agency for Social Enquiry. The study is entitled “Participation of Women in the Legislative Process” and was written by Debbie Budlender, Tanya Goldman, Piers Pigou, Tanya Samuels and Nahla Valji (1999). The brief of this research is described as follows: “to assess the organisational structure and culture of the legislative institutions and identify mechanism within institutions, which if changed, would facilitated the participation of women in the legislative process.” The report draws on the experiences of members over the first five years of democracy and is described as providing an “overview of real and perceived blockages to the participation of women in the legislative process.” While acknowledging that this study is not an “exhaustive assessment”, the publication points to the fact that the research undertaken “constitute(s) a description of an on-going transformation process of great magnitude-looking at cultural, political and institutional, organisational issues through a ‘gender lens’.” The report makes key recommendations and points to the fact that there should be on-going exploration of gender issues. What emerges most strongly is that training is not the panacea, and that Parliament and provincial legislatures have to change, as institutions, to facilitate more effective participation of women.

This study is highlighted in the background section so that the report currently under review may use it as a reference point and draw on the experiences of the legislators that worked on transformation and gender issues, at the very dawn of South Africa’s democracy. While it is important to reassess and take the gender issue to new heights, the early learning and contributions of past programmes remain an important foundation on which to build.

2.3.5.3 Support provided by AWEPA

Complementary to the work of the PSP and the WEU, the European Parliaments for Africa (AWEPA), an international NGO that supports the functioning of parliaments in Africa and keeps Africa on the European political agenda, also provided support to the furtherance of the gender agenda. AWEPA provided support for the coordination of women’s
caucus activities, held conferences with a regional perspective and published a number of occasional papers around gender, which remain relevant as resources to parliamentarians today. These include: Parliamentary Action on the Beijing +5 Review Process and Parliamentary Gender Handbook: South Africa, amongst others.

The discussion above highlights just some of the support provided to gender. The budget of the legislatures themselves, as well as of other donors, has provided varying degrees of support to advance gender. However, while these issues address gender equality, gender mainstreaming implies a much more embedded and richer approach to equality: It goes beyond a “series of interventions” and puts gender at the centre of planning and resource allocation. A telling anecdotal example is that a search of Parliament’s website renders only four “hits” for gender mainstreaming in the Hansard14.

Again the point needs to be made in this background review that there is not a lack of resources and research for legislatures to draw on. What is perhaps more important is providing the will and the enabling environment (time, resources, better use of structures and frameworks) to implement the good ground work that has been done by donor partners as well as the gender machinery and offices on the status of women.

2.4 Criteria for enabling environments

Key lessons about enabling criteria may be distilled from this review and taken up in the strategic framework that follows in this report.

- **Strong political leadership** is essential;
- It is clear that **women in decision-making roles and the quota system** is an indicator of advancing gender strengths in the legislatures in our context. Of course, women need to have meaningful roles and be afforded opportunities in leadership beyond tokenism;

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• **Supporting legislation and policy** provides gender machinery with a strategic framework to implement programmes and argue convincingly for gender;

• **Having gender as a standing item on meeting agenda’s**: This ensures gender is highlighted for the spectrum of legislative processes. Furthermore, to include it as a standing item is an important pre-condition for gender mainstreaming. As stated previously, for gender mainstreaming to be achieved in the legislative system, the committee system must be one of the pivotal drivers for this.

• **Good administrative support and a budget** is a further indicator to assist with gender mainstreaming and to address challenges. The administrative support must have leverage in the legislature and be able to manage gender programmes within the complexities of busy legislature programmes;

• **Working in an integrated manner** with other gender structures creates noticeable critical mass;

• **Observing of key note events such as Women’s Month and the 16 Days of Activism**: However, to move these events beyond awareness and towards looking at programmatic approaches and impact analysis to inform programmes that bring about behaviour change;

• **Links to civil society and integrating gender work in constituency work** were/are powerful indicators of moving to best practice;

• **All legislature reported during the time of the WEU that a national coordinating body such as the WEU, created better opportunities, collaboration and coordination**. The structure and staffing need to be credible agencies for gender and require strong political support and enough resources.
3. Current status of gender mainstreaming in the legislative sector

3.1 Introduction:
In a discussion session of the mandated workshop which focused on the current status of gender mainstreaming in the legislative sector, participants raised a number of issues that would either support or, in fact, hinder progress in mainstreaming gender. These are tabulated below for ease of comparison.

The reader of this report might well find that there are points of repetition. These have been included so as to capture the discussions and to provide nuances of meaning and finer definitions of issues.

3.2 Strengths and challenges of the legislative sector: An overview of common perceptions

<table>
<thead>
<tr>
<th>Strengths of the legislative sector(^\text{15})</th>
<th>Challenges of the sector</th>
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<tbody>
<tr>
<td><strong>Legislative mandate</strong></td>
<td><strong>Legislative mandate</strong></td>
</tr>
<tr>
<td>• Autonomous stances provided by the legislatures via autonomous structures of each legislative body;</td>
<td>• No distinct “voice”/“stance” for the legislative sector: no platform for sharing coordination and best practice;</td>
</tr>
<tr>
<td>• The Constitution and Bill of Rights that provides the mandate for gender equality;</td>
<td>• Lack of political will – though policies are in place, there is resistance from male comrades; there is also insufficient prioritisation of gender to all levels of citizenship</td>
</tr>
<tr>
<td>• The gender policy framework that provides broad strategies and</td>
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\(^\text{15}\) In addition to the Constitutional Provisions, statutory legislation and case law in the South African context, there are a number of International Instruments that underpin the advancement of a vigorous gender agenda:

- Protocol of the African Charter on Human and Peoples’ Rights on the rights of Women in Africa.: Articles that promote increased and effective representation and participation of women at all levels of decision-making; specific positive steps for citizen participation of women
- The Beijing Platform of Action and Beijing +5
- CEDAW
- Millennium Development Goals
- The SADC Declaration on Gender and Development
programme actions that support
gender equality as per
background above;
• “Voice” of the people highlighted
through numerous petitions,
submissions to
Parliament/legislatures and
through the positions of civil society
and the constituency voices;
• Political mechanisms that endorse
gender quotas and the role of
women’s caucuses/women’s
parliamentary groups in the
respective legislatures;
• Provincial mandates through the
National Council of Provinces and
MPs elected to represent
provincial interests;
• The women and men of
Parliament/provincial legislatures
that have institutional knowledge,
competency and commitment to
gender mainstreaming;
• Achievements that have been
noted and are part of the national
profile around gender;
• Support from the Speakers’ Forum
to develop a policy framework
and strategic framework to
support gender mainstreaming;
• Institutional strategic plans for
Parliament and provincial
legislatures.

and within various organs of
democracy;
• Opposition parties do not apply
the gender quotas system;
• Lack of integrated and purposeful
uptake/implementation on the
policy framework;
• Mechanisms to coordinate
between national, provincial and
local government have not been
followed through/do not appear
to be working.

While the different gender
mechanisms do exist through the
South African National Policy
Framework for Women’s
Empowerment and Gender Equality
(gender policy framework), these are
either not implemented strongly
enough or have fragmented
approaches with the result that
groups may end up working in
functional silos. This impacts on public
representative delivery.
<table>
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<tr>
<th>Education and training</th>
<th>Education and training</th>
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<tr>
<td>• A body of skill and competence that has built up over 10 years of democracy;</td>
<td>• Deep-rooted patriarchy; requiring intensive training programmes;</td>
</tr>
<tr>
<td>• There are already programmes that focus on the needs of women and men that are being undertaken in some legislatures; shared learning among national/provincial legislatures is possible;</td>
<td>• Conservative cultural attitudes among representatives who oppose gender equality;</td>
</tr>
<tr>
<td>• Leadership that has already undergone gender sensitisation training.</td>
<td>• Inadequate definition of and/or focus on the training requirements for members of Parliament/provincial legislatures and officials on gender mainstreaming processes;</td>
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<tr>
<td></td>
<td>• Lack of interest from men in particular; they tend to view gender as not being their issue;</td>
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<tr>
<td></td>
<td>• Lack of support and advocacy from women themselves around issues of gender equality;</td>
</tr>
<tr>
<td></td>
<td>• Inadequate relevant and accessible materials on empowering people around gender equality and mainstreaming processes or ignorance around what is available.</td>
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</table>

\[16\] Given the plethora of work on gender internationally and nationally, while inadequate relevant accessible material was reported as a constraint, it is more likely that it is more about not getting access or time to research and use what is available.
advancement drains even more time.

<table>
<thead>
<tr>
<th>Policy and institutional arrangements</th>
<th>Policy and institutional arrangements</th>
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<tr>
<td>• Current principles and practices around gender mainstreaming within the legislative process: the committee system, plenary and joint sittings are in place to fulfil the full mandate of legislatures with regard to gender issues: Rules of the House exist that promote gender; The committees specifically earmarked for gender are the focussed support point for operations beyond the overall gender mainstreaming that may/does occur.</td>
<td>• Weak institutional mechanisms not functioning as they should, therefore unable to support gender mainstreaming processes; • Legislatures that do not have a gender focal person(GFP)/dedicated committee that promotes the gender agenda; • Where GFPs exist; they are not operating at a senior management level and so have limited impact on planning processes; • No, or minimal interaction between the structures that do exist: weak links to the women’s coalitions and gender machinery; • No link between the spheres of government with regard to gender issues; • Not enough recognition and support is being given to the role of the respective portfolio/standing committees that focus on gender; • No succession planning is underway to transfer institutional memory and support mechanisms</td>
</tr>
<tr>
<td>• The existence of the women’s caucuses which are best placed to raise women’s issues; legislation: the Employment Equity Act; the administrative employment equity committees may provide guidance and the legislation has enforceable legal provisions on a range of issues, including gender and disability;</td>
<td></td>
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<tr>
<td>• Institutional support is promoted through presiding officers, chairpersons, political leadership</td>
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17 Law-making, Oversight, Public Involvement in the legislative process
and senior management;
• The existing link to national and provincial gender machinery;
• International and national partnerships that have been developed with civil society organisations;
• International instruments that have been ratified by South Africa and where South Africa is viewed to be a role model for African gender promotion.

for mentoring and following on work that has already been done: there is “re-invention of the wheel”
• Unbudgeted mandates for women’s participation/advancement or little mandate prioritised at all;
• Lack of an engendered public participation programme: while various events happen to highlight Women’s Month and the 16 Days of Activism, representatives are often not in a position, nor have the resources to bring about meaningful change for women in terms of their daily lives, beyond the hype of “events-based” programmes; there is what might be described as a “litany of event after event”, but then women go home to their unchanged lives with the poverty divide increasing, affecting the most marginalised, namely women and children.

<table>
<thead>
<tr>
<th>Monitoring and evaluation processes</th>
<th>Monitoring and evaluation processes</th>
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<tbody>
<tr>
<td>• The work of portfolio/standing committees that mainstream gender in the legislative process through:</td>
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</tr>
<tr>
<td>• the oversight cycle that ensures that the executive tables their strategic plans, and the quarterly and annual reports</td>
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</tr>
<tr>
<td>• Weak control mechanisms; especially where ratified instruments and policies are not evaluated; inadequate defining of indicators and an inability to track implementation or enhance implementation to favour gender accelerated programmes;</td>
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Mainstreaming Gender into the Legislative Sector  
Working Towards a Strategic Framework

| Oversight process that follows on, thereby enabling legislatures and the public to track gender issues and gender mainstreaming;  
| • the existence of key performance areas and indicators around gender within programmes;  
| • ratified protocols and declarations around gender. |

| Where employment equity plans do exist, there is often inadequate monitoring from a gender perspective;  
| • Insufficient knowledge of the stakeholder group; lack of proper assessments that will support gender mainstreaming processes. |

| Operations  
| • Structures that exist to ensure budget for, and that support gender structures within legislatures; these are operationalised by the officials of the legislatures;  
| • Rules and procedures of the House;  
| • Cycle of legislative programming: from strategic plans to oversight;  
| • Current programmes/projects that are linked to gender issues including Women’s Day and other gender responsive calendar events;  
| • Gender champions who support the ideology, programmes, actions, meaningful change and various activities that raise awareness and/or empower |

| Operations  
| • No budget allocations for gender mainstreaming processes;  
| • Some legislatures do not have gender champions;  
| • Women champions are perceived as aggressive and “not womanly”; they therefore do not receive adequate support;  
| • Gender issues are not prioritised in the broader delivery processes;  
| • Lack of sustained commitment from all stakeholders;  
| • There is a lack of coordination between structures and operations/activities;  
| • General lack of support for gender activists; activists not utilised nationally;  
| • Either lack of research in terms of impact around gender |
Mainstreaming Gender into the Legislative Sector  
Working Towards a Strategic Framework

<table>
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<tr>
<th>society to be gender-sensitive;</th>
<th>advancement, or inadequate policy systems to incorporate sound research findings into the policy process.</th>
</tr>
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<tbody>
<tr>
<td>• Available funding, e.g. LSP and other donors.</td>
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**Communication**

| Gender policy framework gives any communication campaign substance and spirit to communicate; |
| Legislation is in plain language; |
| Formal commitment is in place for gender advancement and is well documented; |
| Gender activists have learned how to put their point across and have become good at targeted lobbying and advocacy in the legislatures. |

**Communication**

| Marginalisation of provincial/local gender programmes while national programmes enjoy higher profiles and access to resources and information; |
| Information is often not accessible at relevant levels, weak knowledge management; |
| No showcasing of successes in gender mainstreaming; |
| Inadequate resources to communicate with constituencies about gender policy and gender-strong legislation; |
| Men and women communicate differently and this effects across-the-board gender work. |

3.3. **Case studies of provincial legislatures**

In addition to the framework provided by the consultative workshop around gender mainstreaming, the report called for responses from Parliament and legislatures to provide input with regard to the current status of gender at the individual autonomous level of legislatures. The case studies selected are from North West and Northern Cape Provincial Legislatures:

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18 North West and the Northern Cape were two respondents to a questionnaire sent out by the Legislative Support Programme in December 2005, after comments against the draft report indicated that more specific institutional input was required for this report.
3.3.1 Legislature of the North West

The North West legislature reports that it has a newly established women’s caucus, which intends to meet twice a year. Its objective is to identify, prioritise and deal with issues affecting women in general. It is reported that 5% of the membership of the caucus is reserved for men. The setting up of this caucus was driven by the Standing Committee on the Status of Women and will rely on the same standing committee for its budget for activities. The latter has a shared portfolio in terms of being the Standing Committee for Youth, Gender and the Disabled.

It is reported that gender does get serious interest from the Speaker of the legislature and that it is a standing item on meetings’ agenda’s. The legislature also indicates that it strongly supports gender events such as Women’s Month and the 16 Days of Activism, while also engaging in public hearing and public meetings around gender issues. In terms of quotas, the legislature has reached the 30% representation mark for women as public representative and has 40% women representation in the administration.

3.3.2 Legislature of the Northern Cape

The Northern Cape legislature has a women’s caucus, but it does not hold regular meetings. Further, it appears as if there are no clear terms of reference for the caucus. However, the caucus does have administrative support from the committee section and has a budget. The gender agenda in the Northern Cape legislature appears to be translated into its most significant action through the work of the Standing Committee on Gender and through the work of women who occupy the most powerful institutional positions in the executive and the legislature namely the Premier, Speaker, Deputy Speaker and Deputy Chair of Chairs. The executive has 36% representivity and the legislature 26% in terms of public representatives.
Gender is not reported as being a standing item on the agenda of meetings held in the legislature and appears to be raised when there are gender events such as the 16 Days of Activism.

The legislature appears to be strong on supporting gender events and also works in coordination with the Office on the Status of Women in the office of the Premier. Further, there are reports of community outreach programmes that promote gender sensitive citizenry and governance.

3.4 Key issues raised by the sample

Both these case studies are indeed summaries of limited information from an e-mail survey and therefore cannot do full justice to the provincial legislatures’ advances around gender. They do however flag some key omissions:

- Lack of dedicated, stand-alone support for gender work and a lack of budget. This results in unbudgeted mandates and would impede any meaningful progress and lead to credibility problems around implementing an active gender programme;
- Insufficient gender mainstreaming in the legislative process;
- Largely events-driven gender focus, as opposed to more programmatic, sustainable work for lasting change and impact;
- Ad hoc work;
- Approaches that appear not to have been informed by the resources and foundation laid in the first terms of democracy;
- Lack of meaningful male involvement in gender work;
- No raised gender profile or examples of best practice in terms of work done in the legislatures around gender;
- Insufficient engagement with civil society;
- Insufficient engagement with constituencies beyond gender events.

3.5 Conclusion
From the above discussions, it would appear that while “on paper”, the gender profile might appear promising, there is still some way to go to achieve gender mainstreaming in the legislative community.

Indeed it is true that through the action of the ruling party in terms of their quota system, South Africa has reached the 30% mark for women representation. In terms of global ranking, South Africa is 13th and in terms of SADC ranking, South Africa is second around representation of women in legislatures. Indeed by the second election in 1994, a sufficient proportion of women had secured their place on the lists through the branch nomination system. This signalled an important milestone for South Africa as a society in terms of democratically elected women to positions of decision-making. The true challenge lies in these women being able to make a difference to those women on whose behalf they speak. Therefore, while excellent policy frameworks exist both in terms of South Africa’s ratification of international instruments for gender parity, and in terms of national commitments through the quota system adopted by the ruling party, as well as leading gender legislation, the embedded implementation (including monitoring and evaluation) of these high level commitments still has a long way to go in terms of making a difference to women from all walks of life, women that the legislators are elected to represent.

While political decision-making is indeed critical, one must also not overlook that in other areas of decision-making, such as the judiciary and the bureaucracy, the armed forces and civil society, let alone the economy, women are under-represented and gender mainstreaming ranges from meaningful purpose, to tokenism and is often a distant reality. What is clearly lacking from this “snap-shot” analysis is a coherent strategy for achieving gender mainstreaming evenly and significantly across all areas.

Further, the analysis thus far shows that for Parliament and the legislatures as a sector, there is no distinct or common “gender stance/voice” emerging. The gender agenda emerges from Parliament and the provincial legislatures/parliament as a number of “stand-alone” responses done by
autonomous bodies. While this may be considered a strength in the light of the separation of powers and the autonomy of the 10 legislatures, it might also be seen as a weakness in that the signals around gender are diluted and ad hoc. Further, the individual responses of 10 strong bodies, powerful as they might or might not be, do not have a “home” to share best practice, to mobilise en masse or to empower each other through a unified stance.

Given the visible identities of the Gender Commission, the Office on the Status of Women and even some of the strong NGOs, the vacuum around a coordinated legislative sector “stance” stands in stark contrast. The Women’s Empowerment Unit during the time of its existence in the 1st and 2nd terms of democracy, whilst it had its challenges, nevertheless was still seen to be a “one-stop-shop” if any gender coordination was required for the legislative sector.

Based on the above factors, it would appear that gender mainstreaming as it is conceptually defined has still to reach a higher level of understanding and implementation within the legislatures let alone for the citizens who look to the leadership to bring about meaningful change.

To this end, it was considered that a draft strategic framework would assist the steering committee mandated by the Speakers’ Forum to define some implementation modalities.

4. Draft strategic framework document

4.1 Introduction

In crafting a strategic framework, an important first step is the environmental analysis. Based on the information at hand at the time of the report, the following level of environmental analysis is presented.

The environmental analysis has:
• offered definitions of gender mainstreaming, albeit that definitions are by their very nature contested constructs;
• reviewed briefly the legislative and policy framework for South Africa;
• related mainstreaming back to the legislative context, including an overview of the gains and supporting mechanisms that enable/d an engendered environment for legislators;
• provided a “snap-shot” of what a focus group perceives as strengths and challenges within the legislature environment for gender mainstreaming to be achieved.

Based on the environmental scan and following strategic planning practice, the report thus suggests a methodology that could guide strategic approaches for gender mainstreaming in South African legislatures.

4.2 Methodology

The Speakers’ Forum should formally resolve to be the high-level oversight body scrutinising an enhanced coordinated approach to gender mainstreaming in the legislative sector, working through the Steering committee that has already been set up.

The Legislative Support Programme should fund, in part, this mandate and act as a technical resource, together with the South African Legislatures’ Speakers’ Association (SALSA), to implement the resolutions of the Speakers’ Forum, as advised by the steering committee, so as to:

- establish a sustainable administrative support base for enhanced gender mainstreaming. This “secretariat” is to manage at a coordinated level the operational implementation of enhanced gender mainstreaming for Parliament and the provincial parliament/legislatures.
- The findings of this report, as adopted, should guide the implementation with additional research/technical assistance being
sourced as the project cycle requires it along the path of implementation.

4.2.1: Strategic indicators

Following on the strategic methodology, the following high-level indicators should be used for the monitoring of the enhanced gender mainstreaming process:

- Leadership is provided to implement gender mainstreaming across the political and administrative spectrum.
- The SA constitutional mandate and the legal framework guide the core context for gender.
- Related gender responsive policies and legislation are specified in terms of practical modes of implementation.
- The foundation of the gender mainstreaming framework is formed by the core business of legislature – law-making, oversight, constituency representation and public participation;
- The oversight mechanism for gender mainstreaming is understood and put into practice and clear, practicable indicators are defined upfront for the various matters that committees and the House consider.
- Research around gender mainstreaming guides the programme/action areas within which the legislatures’ mandate is completed.
- Accelerated advancement for women (coaching, training and development) is ensured: research to inform this needs analysis.
- Following on the research, clear programmatic areas are defined, planned for, operationalised and budgeted for.
- A sector-wide approach is established and levels of harmonisation and coherence are achieved in alignment with the existing gender framework and gender machinery.

4.2.2 Macro-level indicators for the steering committee
The steering committee should proceed in terms of the following macro indicators:

- Leadership is provided to implement gender mainstreaming across the political and administrative spectrum;
- Good to best practice already being applied around gender in the sector to be shared so as to inform terms of reference for research to achieve across-the-board enhanced gender mainstreaming;
- Good to best practice already being applied around gender in the sector to be maintained and escalated;
- A model for a “secretariat” for legislature-wide coordination of gender advocacy and mainstreaming formulated;
- The “secretariat” established with a clear mandate to support the steering committee and the operational implementation of enhanced gender mainstreaming;
- An action plan brings together national, provincial and local actions; it needs to create the possibility for joint actions yet allow for specific regional/local innovation, planning and implementation. In short, areas within the gender policy framework should be more conscientiously understood and applied;
- Women’s caucuses and gender-focused committees supported and integrated in the coordination mechanisms;
- Resolutions of South African ratified international, continental and regional protocols and agreements re-energised, including strong advocacy and implementation to realise the 50:50 quota that has been in principle adopted by South Africa;
- Sector-wide updated research around enhanced gender mainstreaming for the legislative sector commissioned and funded. (This should audit the wealth of knowledge and expertise already in existence and take into account the specifics of the autonomy of Parliament and individual provincial parliament/legislatures’ mandates);
- Findings of the adopted research report implemented through a clearly defined action plan, including:
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- development plans that allow for accelerated development for women;
- a feasible communication strategy to escalate awareness of the re-energised approach to gender mainstreaming implemented;
- A data-base that includes detailed gender resources for the use of legislators, developed and accessible.

4.2.3 Individual legislatures indicators
In line with the sector-wide research suggested above:

- leadership is provided to implement gender mainstreaming across the political and administrative spectrum;
- existing systems and best practice within the legislatures, gender policy framework and civil society audited and leverage points for change identified and used to effect change. The available resources need to be clearly defined; as well as a resource mobilisation strategy brought about;
- pre-implementation sensitisation and training takes place: A consultation process linked to a communication strategy is important;
- policies are audited with a gender lens;
- gender is mainstreamed into the committee process;
- gender responsive strategic and operational plans work on a programmatic basis as opposed to “events-based” action;
- dedicated administrative support is clarified, budgeted for, and established;
- dedicated budget is in line with provincial parliament/legislatures’ operational budget cycle;
- a programme for constituencies exists, including the setting up of strong links with the gender civil society organisations;
- access to a database exists, so as to source gender resource material;
- legislatures programmes are supportive of events that will embed the gender mainstreaming process;
• reports are provided to appropriate structures within the legislatures and to the coordination structures to assist with sector-wide coordination;
• planning and implementation tools that are gender responsive are utilised. Again much ground has already been covered in the creation of these within the various knowledge systems of institutions and within the gender policy framework itself;
• good gender resource material is employed throughout the process and practices should be documented to bring about iterative learning.

4.2.4 Monitoring and evaluation

• The research process should suggest a sound methodology and process for monitoring and evaluating gender mainstreaming, based on the findings.
• Monitoring and evaluation must not happen in an isolated silo from the mainstream monitoring and evaluation processes that are already developed in parliaments/legislatures.
• The time frames adopted should be conscious of the legislative cycles in place around the core business of legislative processes.

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19 Cooperation with gender activist organisations within civil society are a good way to update the gender climate and ethos and to inform on what should be monitored and evaluated in line with topical trends. A case in point is the current work being done regionally to change the SADC Declaration on Gender and Development to protocol status; the draft of which suggests a 50% representation.
5. Concluding statements

It is important to note that research has shown that gender mainstreaming includes both internal transformation (where women and men are located, and in what roles within organisations) as well as the integration of gender considerations into key tools of governance: laws, policies and service delivery. At the implementation level, gender mainstreaming involves taking gender into account in design, capacity building, empowerment, monitoring and evaluation as well as key resource allocations for programmes and projects. And “in theory, if gender were truly mainstreamed in an organisation, a stand-alone gender policy would not be necessary. However until that is so, it is important for every organisation to have a gender policy.”

The Danish political scientist, Drude Dahlerup stated: “Don’t expect us to make a difference as long as we are only a few women in politics. It takes a critical mass of women to make a fundamental change in politics.” Britton, however, states that there is “an equally rich body of ‘women in politics research’ finding that getting women into office is not enough to have an impact on either policy or legislative behaviour”

While it is acknowledged and tested that the presence of women in decision-making can be an impetus for transformation, this is not enough to fundamentally alter the gender system within Parliament, and may not necessarily have an immediate and enduring impact on legislation or implementation. There are numerous other factors that play an equally important role, and it is for the reviewers and participants of reports and papers such as these, to discern what are those factors for their unique context, and to engage with those factors so that women in power act as

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leverage points for the greater transformation “out there” and “chip away at the status quo and open the door for social change.”\textsuperscript{23}

What is clear from these deliberations is that gender mainstreaming is coming of age in the legislative community. By definition, gender mainstreaming is no longer an “add on” but a core imperative. Gender mainstreaming needs to become an established concept and to be implemented in a coherent, comprehensive and integrated manner. What has become clear from the discussion captured above is that the gender methodology of the “three-R method” is implicit. The three Rs ensure: Representation of women and men (how are women and men represented in all groups that take and make decisions?); Resources (how are resources distributed and used for the benefit of men and women?); and Realities (the realities of conditions with regard to life situations, values, standards and quality benchmarks against which gender is measured). A three-R point of departure as implied in this report enables us to answer questions about the role of gender in the establishment of structures and organisational solutions and to be systematic about gender mainstreaming.\textsuperscript{24}

In the Pillars of the African Renaissance celebrating the achievements of African Women taking responsibility for their own destiny” debate held in Parliament on the 10 November 2004, the following was stated:

“...it must be clear to all of us who seek the realisation of the African Renaissance that women must not remain where they are and be satisfied to be the beneficiaries of welfare programmes.” The presentation further asserted that while it is important to celebrate the achievements of African women taking responsibility for their own destiny, it is not enough... “We need to celebrate this every day by invoking the AU Protocol (on the Rights of Women in Africa) and by applying it on our daily lives. It is our duty now, with the instruments of political power in our hands, to ensure that these rights, with all other human rights, are implemented.”

The debate further noted that “the gap between reality and legality is still vast.”

Gender mainstreaming will not happen overnight and especially in organisations as complex as legislatures in our developing democracy. However, the report above does go some way towards realising key goals of gender transformation: the usual two, namely gender awareness, and gender knowledge, but beyond those, that of gender competence, which is the capabilities that allow people to act on and work at gender mainstreaming and towards the pinnacle of engendered choice.

In the words of President Thabo Mbeki:
“We must make the point that the engagement of women in these processes by which the people determine their destiny must be central to our determination as to whether we are succeeding or otherwise in the struggle to make the masses of the people their own liberators”
Appendix 1: Participants list

Appendix 2: Programme agenda

Appendix 3: Detailed recommendation plans that emanated from the workshop

The workshop deliberated at some length around key recommendations around gender mainstreaming. This detail is reproduced as an appendix to the main report so that raw data may be used to inform the body of the report, where appropriate.

1. A national audit of gender within legislatures
   Accelerate the roll-out of gender mainstreaming through an audit and action plans:
   - Secure budget and a mandate for the entire process;
   - A properly mandated working group/task team/reference group set up;
   - Review of appropriate literature around gender mainstreaming including the gender policy framework and international instruments (SWOT as referred to above);
   - A baseline of indicators (gender KPIs) set up which include definitions of minimum standards and ideal standards;
   - A common understanding of the main components that need to be focused on to achieve gender mainstreaming; agreement on definitions and priorities;
   - Review of existing practice within legislatures around gender mainstreaming and these compared with the baseline, the minimum standards and ideal standards;
   - Budget and resource analysis: current and ideal;
   - Analysis of the gaps and a strategic implementation plan (gender KPAs) to address the gaps;
- Feasible monitoring tools and processes to track the progress determined clearly up front and to key stakeholders and the application of these to the implementation of the strategic plan;
- Use of reporting to expose lack of implementation; resource gaps.

2. **The joint role of politicians and administrators in gender mainstreaming**

   For the gender mainstreaming process to be well supported and implemented, a combined effort of the politicians and administration is required. While efforts to support women MPs and MPLs with gender mainstreaming processes might lead to greater numbers of women participating in the political process, this does not necessarily lead to a more gender responsive legislature.

   It is noted that there is inadequate research and administrative back-up for work on gender. This is a common view held by women decision-makers across the board. Top women ministers indicate that the quality of institutional support is crucial and cite examples of the “make or break” of advancing gender, based on the quality of institutional infrastructure that can take the gender agenda forward.

   **Recommendation**

   Any gender mainstreaming implementation strategy should include both politicians and administration, e.g. capacity building for politicians and administration. Where possible these processes should be linked, as the work of the legislature is a combined and synergistic process between the two groups within the legislature.

2. **Integration into the strategic and operational processes of legislatures**

   For the gender mainstreaming process to be effective and sustained, gender needs to be integrated into both strategic and operational processes. This implies that a gendered approach needs to underpin law-making; oversight and public participation. At the same time the administration needs to
develop an approach to integrating gender mainstreaming processes into all areas of policy and project cycles.

**Recommendation**

Gender needs to be considered at every stage of policy and project cycles so that it leads to increasingly gender responsive law-making; oversight and public participation, parliamentary support, secretariat services, operational services, institutional support and services information. Specific gender (key performance indicators (KPIs) should be standing items for any legislative cycle.

Currently gender work is being done by portfolio or standing committees that exist to consider gender as an issue, as well as by women’s caucuses. The role and naming of these committees needs to be considered, as well as the role and power base of women’s caucuses. While legislatures and Parliament may well report that they incorporate gender mainstreaming into the work of all committees and the work of the House, this truism needs to be interrogated in terms of whether this is indeed so, and if so, what impact it is having on the lives of women and towards advancing gender equality.

3. **Enhancing the national policy framework with special reference to mainstreaming gender**

Because legislatures operate on both national and provincial levels, and there is consideration of “the citizen” as a key stakeholder group, it is imperative that the gender policy framework needs to be revisited so that it will guide the roles, responsibilities, the institutional arrangements, strategic and operational objectives, as well as the planning processes that will support gender mainstreaming processes.

**Recommendation**

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25 South Africa’s National Policy Framework for Women’s Empowerment and Gender Equality: This policy framework that was prepared by the Office on the Status of Women outlines the vision for gender equality and provides the principles and guidelines, institutional frameworks and the framework for effective structural arrangements and outlines resource allocation and monitoring and evaluation mechanisms. It is directive and prescriptive on minimum standards for the institutional framework, key indicators and national goals.
The national policy framework for should be revisited, based on discussions and deliberations of the July 2005 gender mainstreaming workshop in order to:

- ensure that gender mainstreaming is positioned centrally in the core business of legislatures;
- enable role-players to generate effective and sustainable empowerment solutions in respect of gender mainstreaming;
- develop overall implementation strategies and plans addressing gender mainstreaming according to national, provincial and local needs;
- identify relevant tools and mechanisms that will enable stakeholders to meet the aims and objectives of gender mainstreaming;
- propose specific processes for the implementation of gender mainstreaming, taking into account the requirements of the South Africa National Policy Framework for Women’s Empowerment and Gender Equality.

4. Implementing the action plan for mainstreaming gender

Policy and strategic guidelines are realised in the further development of an action plan, as this provides clear strategies for implementing gender mainstreaming at national, provincial and local levels. The strengths and challenges of gender mainstreaming within the legislative sector can be placed within three strategies and focus on three groups; these include:

- research and development, capacity building, and advocacy and awareness raising;
- political, administration and the public.

Recommendation

As clear programme implementation plans are developed for gender mainstreaming, it might be useful to link all actions and activities to these three strategies and focus on three groups: research and development, capacity building, and advocacy and awareness raising. Increasing the level of gender responsive public hearings would fall into the category of advocacy and awareness raising, for instance. The LOGFRAME –
mainstreaming gender into the legislative sector, that follows as an appendix was a first attempt by the workshop task team to look at mechanisms of integrating gender into the core business of legislatures.

5. Institutional arrangements to support gender mainstreaming

Gender mainstreaming processes do not automatically take place because legislation and policy have been determined. Because gender is perceived as being “one of those cross-cutting issues” that vie for a central place along with a number of other development processes, the ability to keep gender on the agenda is a complex and often frustrating task for gender practitioners. Without strategic and operational drivers, the gender mainstreaming process is always at risk of being sidelined.

Recommendation

Institutional arrangements that will support gender need to be agreed by stakeholders. This could include the following:

- Politicians as champions for gender equality; including law-making; oversight and public participation;
- Administrators given the mandate and skills to mainstream gender into all parts of the administration of legislatures; including procurement, recruitment, capacity strengthening, services, etc.;
- Promotion of gender focal points (GFPs) and gender units in all legislatures; including through financial, political and operational support mechanisms

7. Monitoring and evaluation

Recommendation 1: Gender performance of senior management

Senior management should be appraised on the ability to mainstream gender into departmental processes.

Recommendation 2: Gender indicators

Monitoring of all programmes and projects should include gender indicators to determine the impact of the provincial growth and development plan (PGDP) on the lives of women and girls in the province. Gender indicators
should be built into all areas of strategic, business and operational plans, including planning, budgeting, human resources and projects.

**Recommendation 3: Disaggregated data at impact level**
Reporting mechanisms should include the gender disaggregation of all data, in accordance with gender responsive programmes. Gender disaggregation should focus not only on the numbers of women and men employed or the numbers of women and men who participate in any particular event; but should focus more specifically on the impacts of PGDP programmes on improving the lives of women and men, girls and boys in the province.

**Recommendation 4: External gender evaluation**
An external gender evaluation should be undertaken in April 2005 to assess the impact of PGDP flagship projects on the lives of women and girls in the province. The findings of the evaluation and recommendation for more gendered projects should be made available to the provincial Cabinet.

8. **Stakeholder base**

**Recommendation 1: Expanded think-tank**
The think-tank should be expanded to include better representivity of community structures. Additional members could include the Commission for Gender Equality, local municipalities, civil society organisations, labour and youth. The meetings should operate a rotational chair to ensure inclusivity and ownership.

**Recommendation 2: PGDP and gender stakeholders**
Gender stakeholders meetings and activities should increasingly focus on alignment to the PGDP. This includes gender based violence programmes, women's empowerment initiatives, celebratory programmes, advocacy and training programmes. These will ensure greater support at a strategic level and less duplication of activities.

**Recommendation 3: Women's caucus and PGDP**
The provincial women’s caucus should be invited to play a significant role in political support to the PGDP process. Their role in focussing on gender transformation, both internally in their specific political parties, and externally in their interaction with local communities, supports gendering the PGDP.

**Recommendation 4: Gender and local government**

The gender machinery should undertake to look at ways in which gender can most effectively be mainstreamed into local government. At a local government level many of the gender initiatives are women’s events that respond to practical gender needs, rather than the strategic gender needs of communities. Possible good practice models that support mainstreaming at a strategic level should be recommended and shared.

**9. Training needs**

**Recommendation 1: Senior management training needs**

Senior management of government departments should participate in training that focuses on mainstreaming gender into the PGDP. Key areas of training should include gendered policy and project cycles, gender planning, gender budgeting, gender analysis and gender disaggregation.

**Recommendation 2: GFP training needs**

Gender focal point (GFP) training needs should include the Gender Practitioner Support Model’s (GPSM’s) ten points to gendered implementation, namely, gendered policies and guidelines, gendered strategic frameworks, gendered budgets, gendered planning, gender sensitive community support, gendered project support, gender disaggregated data, gendered reporting mechanisms, gendered monitoring and evaluation, gendered review mechanisms.

**Recommendation 3: OSW training needs**

Office on the Status of Women (OSW) training needs should include strategic planning, leadership and management skills, team building and group dynamics, gendered policy and project cycles, gender planning and
budgeting, gender analysis and gender disaggregation, gender monitoring and evaluation.

**Recommendation 4: Team building**
Externally facilitated team building should take place between the OSW and GFPs to improve working relations, determine roles and responsibilities, line functions and reporting mechanisms. Relevant senior officials who play a strategic role in deciding the mandates and operational activities of each group should be consulted on these issues.

**10. Communications**

**Recommendation 1: Gender responsive materials**
All materials developed by the programme management unit (PMU) should be evaluated to determine the level of gender sensitivity. The PMU (or future central planning unit) should ensure that materials development meets the requirements of gendered communications. Provincial gender machinery could advise on both print and electronic materials.

**Recommendation 2: Central database**
All materials should be located in a central database to allow easy access to the relevant updated information. The suggestion is that hard copies should also be housed within the PMU (future central planning unit) to allow easy access for government officials, and stakeholders within the geographic locality. This would specifically support gender-mainstreaming processes because many officials feel that they would benefit from being able to read about gender good practice in the different departments.