

The role of the women's movement in putting women's issues, and violence against women, on the policy agenda in South Africa

SHAHANA RASOOL*

ABSTRACT

The role of women's groups in ensuring the attainment of gender policy gains in South Africa has been critical to the development of appropriate policies to deal with violence against women. These policy developments were hampered due to Apartheid which complicated dealing with issues of gender, since African women were caught between dealing with issues of racial oppression at the same time as gender discrimination. Even during the transition away from Apartheid, gender policy was not a fait accompli, women had to struggle to have their voices heard to ensure that gender issues were tabled. This is because women's issues, such as violence against women have historically been constructed as personal troubles that need to

* Shahana Rasool has been an activist, researcher, trainer and academic in the field of gender for many years, with a particular focus on gender-based violence. She has a Masters and Doctorate from the University of Oxford, Department of Social Policy. She has worked in the NGO sector in South Africa as a social worker, trainer, and researcher. She is currently working on research exploring the links between gender attitudes and witnessing gender based violence among adolescents. She has lectured at the University of Witwatersrand and is currently a senior lecturer in the Department of Social work, University of Johannesburg. Shahanar@uj.ac.za

be dealt with in the private sphere. Consequently, extensive lobbying and advocacy from women's groups were central to raising these concerns as public matters. Hence, a strong women's movement, such as was constituted by the National Network on Violence against Women (NNVAW), in consultation with grassroots women, together with the establishment of policy bureaus have made important strides towards contributing to the development of legislation dealing with violence against women in post-Apartheid South Africa. However, the policy gains made as a result of these struggles are in jeopardy if the women's movement dissipates, because policies in and of themselves are insufficient to ensure the attainment of women's rights. Concomitant procedures, services and budgets are required to make these policies user-friendly and effective. This article examines the conditions that were necessary for the development of transformative gender sensitive policies and violence against women legislation within the South Africa context. In this paper, I present a historical account of the development of the women's movement and a reflection of the influence of descriptive and substantive representation by women on gender policy.

INTRODUCTION

The historical development of women's activism in South Africa provides an important context to the evolution of policy on violence against women (VAW), and the possibilities for developing further gender sensitive policies. This paper develops three key arguments to contextualize the development of gender policy within the history of the women's movement in South Africa. Firstly it is suggested that the racial history of South Africa, and the oppressive state apparatus limited the extent to which state policies could be developed to support the needs and interests of women, even for those who are White. However, the combination of gender and race oppression created greater handicaps for Black women than for White women. Second, it is argued that the presence of a strong, independent women's movement in South Africa facilitated the development of women's policy bureaus and more appropriate policies to deal with VAW, However more is needed to ensure that these policy gains have a sustained impact on the everyday lives of women. Finally, whilst appropriate policies and legislation, together with the existence of women's policy bureaus are important, the functionality of women's bureaus and the levels at which policy is being implemented are in questions because of the weakening of women's movements. There is a need for concomitant institutional,

administrative and attitudinal changes to make the policy gains a reality. These arguments are explored through two important sub-themes: the significance of women's movements in shaping policy at critical junctures; and the new patterns of representation of women that have helped to contribute to legislation.

The development of prominent Women's Organizations in the early years

In this section, the argument that is purported is that Apartheid was influential in the way in which the women's movement developed in South Africa and the extent to which women's issues were able to be raised and addressedⁱ. It is not possible to give a full historical account hereⁱⁱ, but this paper will track the way in which racial divisions that existed initially in the women's movement influenced their ability to deal with gender concerns.

At the turn of the twentieth century, two women's organizations emerged, namely The National Council of Women in South Africa (NCWSA) and the

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S, Meintjes. *"The Politics of Engagement: Women Transforming the Policy Process – Domestic Violence Legislation in South Africa"* in Goetz, AM; Hassim, S (Ed) *No Shortcuts to Power: African Women in Politics and Policy Making* (David Phillips: Cape Town, 2003). p.145.

C. Walker, *'Women and Resistance in South Africa'* (David Phillip, Cape Town, 1982).

ⁱⁱ For a fuller historical account for e.g. See F, Meli, *"South Africa Belongs to Us: A History of the ANC"* (Zimbabwe Publishing House: Harare, 1988) and C. Walker, *'Women*

Bantu Women's League (BWL). The NCWSA, established in 1909ⁱⁱⁱ, was largely White and focused on issues that would enhance the lives of this group of women, like pensions and family law, and excluded Black women because of segregatory laws. The BWL, was established approximately in 1914^{iv}, and was affiliated to the ANC, but not a part of it, because at the time, the African National Congress (ANC) did not accept women as full members^v. The BWL consisted of most Black members, and under the leadership of Charlotte Maxeke, focused on passive resistance to potential extension of pass laws^{vi} to Black women, since at that time Black women were not yet required to carry passes. Its initial protests in 1913/14 were successful. The government did not at that point institute pass laws for women, hence with its core purpose accomplished the BWL became inactive^{vii}. Following a conference in 1935, the BWL passed a resolution to set up a Council called the National Council of African Women (NCAW), however, during this period of history that is before the Second World War,

ⁱⁱⁱ Journal of the National Council of Women of South Africa, NCW News 57 (2) (National Council of Women of South Africa: Cape Town, Jan 1989).

^{iv} There are some discrepancies in the literature as to when the Bantu Women's League was established as well as dissonance about their relationship to the ANC. See for example <http://www.anc.org.za/wl/docs/history.html> where it is argued that the BWL was only recognized as the women's branch of the ANC in 1931, whilst Meli (1988) suggests that the BWL was formed as a branch of the ANC in 1918.

^v C. Walker, *Women*

^{vi} Pass laws were created under Apartheid to control and regulate the movements of non-white people in South Africa. J; Smith, J. Pass Laws.

<http://www.ccds.charlotte.nc.us/History/Africa/04/Jsmith/Jsmith.htm>. Extracted 7 May 2004

^{vii} Walker, *Women*

“the organization of African women... was in a poor state”^{viii} give the context

After the Second World War, Black women began to be more organized in the national liberation struggle by establishing grassroots urban organizations to mobilize against food shortages and food price hikes. Their key slogan was “today we fight for food, tomorrow for the vote and then for freedom for all.”^{ix} In 1943 the ANC Women’s League (ANCWL) was formed, at which time women were granted full membership status in the ANC and the right to vote and fully participate at all levels in the organization. Kindra^x states that the ANCWL was established because women felt “...discriminated against by ANC men who treated politics as a male domain”. Walker^{xi} on the other hand suggests that despite the establishment of the ANCWL “...the national struggle for ‘freedom and equality’ took precedence over the ‘special problems and issues’ of women”.

In the 1950’s women leaders of a variety of different groups realized that in order to have their national priorities recognized, they needed to mobilize

^{viii} Walker ‘Women p.36

^{ix} Women ‘*Firmly Rooted in Oppression: The ANC Women’s League*’ in Streek, B (Ed.) South African Press Clips: Women in South Africa a Press Cutting Supplement, (Cape Town, August 1980). P.8

^x J. Kindra, 2003 “*ANC Women Lobby for Presidency of the League: Knives out in Women’s League*” (Mail & Guardian, August 22 to 28, 2003). p.2.

^{xi} Walker ‘Women p.90

women irrespective of race into a national body. Links between the ANC Women's League, women in the South African Congress of Trade Unions (SACTU), the Communist Party of South Africa (CPSA), Congress of Democrats (COD) as well as Indian women from the South African Indian Congress (SAIC) led to an alliance of women of all races through the establishment of the non-racial Federation of South African Women (FSAW) in 1954^{xii}. FSAW aimed "to work for majority rule and end the policy of apartheid; and to build a multiracial women's organization that would also work for the rights of and freedoms for, women"^{xiii}. The first policy document, the 'Women's Charter', was developed as a result of the South African women's movement, during The First National Conference of Women held in April 1954. The Charter stressed the dual role of women's struggle for equality both in terms of race and gender. However, in an increasing repressive environment the organization struggled to remain multi-racial^{xiv}.

Membership to FSAW was based on organizational affiliation rather than individual affiliation, hence women not members of the Congress Alliance

^{xii} Walker 'Women

Women 'Firmly Rooted

^{xiii} ANCWL; ANC, *A Short History of the ANC Women's League*.

<http://www.anc.org.za/wl/docs/history.html> Retrieved 5 December 2005

^{xiv} Walker 'Women

or other affiliated organizations were excluded^{xv}. Hence, most non-African women not aligned with an organization remained outside of FSAW. The largest affiliate organization was the ANCWL, and the leadership of both the ANCWL and FSAW were at times the same. A significant example is Lilian Ngoyi who was the president of both organizations from 1956,^{xvi} later that same year she was arrested for high treason Walker^{xvii} argues that whilst the ANC supported and welcomed "...the entry of women into the national liberation movement, it was anxious to retain control over the Women's League but not successfully over an independent FSAW." Hence, even though the members of FSAW and ANCWL were largely the same, the existence of FSAW created a space for raising concerns around gender issues that may not have been possible with the ANC.

Aligning the roles of Black and White organizations according to differential need

During the apartheid era the establishment of FSAW was influenced by the African Feminist^{xviii} assertion that that needs of Black and White women

^{xv} Walker 'Women

^{xvi} Women 'Firmly Rooted

^{xvii} Walker 'Women p.171

^{xviii} P, Collins,. *Black feminist thought*. (New York: Routledge, 2000).

were distinctive based on their differential social, economic and political contexts as they inhabited different political arenas. This was evident in the aims and functions of the various organizations. The ANCWL and FSAW, aimed at a radical transformation of the system of discrimination while the NCWSA focused on creating changes for women within the Apartheid system such as lobbying for policy changes in pension, family and tax laws^{xix}. The NCWSA^{xx} argued that while they were opposed to Apartheid and fought against it through the legislature, they asserted that they were

obliged to obey the laws of the land. If, therefore, these laws debar from certain activities, they cannot do otherwise than comply, but this does not mean they cannot ...protest in a constitutional manner against the promulgation and application of such laws. As a non-party political body, Council does not concern itself with party politics as such. Its approach has always been through the legislature in the hope of preventing harsh legislation.

^{xix} Journal of the National Council of Women of South African, NCW News (National Council of Women of South Africa: Cape Town, 1986-1989).

^{xx} Journal of the National Council of Women of South African. NCW News, Vol 37. No1 & 2 (National Council of Women of South Africa: Cape Town, July 1971) P.5.

Some members of NCWSA felt that even this approach was too political^{xxi} . It was argued that NCWSA was nevertheless committed to promoting equal rights and responsibilities for all races by affiliating with Black organizations, such as the National Council of African Women (NCAW) through Contact groups. However, their relationship to African organizations, in particular the NCAW, tended to be rather dismissive because they felt work with these women in Contact groups was not as significant as they work they did independently.^{xxii}

White organizations considered themselves to be more interested in issues affecting women, that is feminist issues, than Black organizations who they felt were more interested in issues of race because of their oppressive Apartheid conditions. In the 1970s predominantly White women developed a strong lobby, the Abortion Reform Action Group, calling for progressive abortion legislation. White women were criticizing policy-makers at the time for holding “authoritarian and traditional attitudes” that saw women as incapable of “...making rational decisions for themselves...” as evidenced in

^{xxi} Journal of the National Council of Women of South Africa, NCW News, Vol 52, (7), (National Council of Women of South Africa: Cape Town, May 1987).

^{xxii} M. Kingwill, “National Council of African Women” Journal of the National Council of Women of South African NCW News, 37, 1 (National Council of Women of South Africa: Cape Town., July 1971) p.16

the Abortion and Sterilization Act (1975)^{xxiii}. In addition, “rape support groups in the late 1970s grew from the initiatives of White women, who often propounded explicit feminist...agendas”^{xxiv}. The NCWSA felt that African women in Contact groups were not interested in feminist issues as they were only concerned with,

small matters...small annoyances...nor were matters dealt with really the feminist issues that are of concern to the established women’s movement. Black women, while aware of the importance of the need to become involved with feminist issues of discrimination in the long term, are largely here and now involved with the day to day problems of racial discriminatory laws affecting housing, pensions, transport, education, their rights as citizens – all basic everyday problems.^{xxv}

The differences between the needs of Black and White women were intensified by Apartheid. Gender disparity in South Africa was mediated by race, White women having relatively more rights than Black women, notably citizenship rights. White women had won the vote in 1930 and

^{xxiii} J. Westmore, ‘*Abortion in South Africa and Attitudes of Natal Medical Practitioners Towards South African Abortion Legislation*’. (Centre for Applied Social Sciences & Abortion Reform Action Group: Durban, 1977). p.62

^{xxiv} S, Meintjes. ‘*The Politics*

^{xxv} Journal of the National Council of Women of South Africa, NCW News, Vol 58, (4) (National Council of Women of South Africa: Cape Town, August 1990). p. 5-6.

could become members of Parliament. In 1982, Indian and Coloured people became a part of the tri-cameral parliament. Those women gained seats on the basis of very limited voter participation and were often considered “dummy” representatives by the politically active Black population, like some members of the ANC and SACP. .

The presence of these individual women (descriptive representation), as potential representatives of the needs and interests of African and/or minority women (substantive representation) was minimal. Descriptive representation refers individual legislators “standing for” their groups. Substantive representation is defined as individual legislators having opinions or behaviour favourable to the minority community or to women.^{xxvi} Weldon^{xxvii} argues that even where there are individual representatives of historically marginalized groups, like women, they cannot adequately or effectively represent those groups’ interests, whether through descriptive representation or substantive representation. One person does not necessarily reflect the views of a group since they cannot account for the diversity in the group, hence,

^{xxvi}S.L.Weldon, ‘*Beyond Bodies: Institutional Sources of Representation for Women in Democratic Policymaking*’ *The Journal of Politics*, 64, 4. (2002), pp. 1153-1174, p.1154

^{xxvii} Weldon, ‘*Beyond Bodies*

Even if the woman is typical in a statistical sense...she cannot “speak for” women...For example, middle-class and working class women have conflicting interests in relation to the issue of wages for child care. The former would benefit from lower wages for child care while the latter would benefit from higher wages for child care...all of these women confront the issue of the relationship between motherhood and work. What they share is not a list of policy proposals, but more like a list of “women’s issues.”^{xxviii}

This would be true too for women in South Africa, where Black and White women, rich and poor women have some common needs and concerns based on their gender, but often have different priorities. Black women under Apartheid required changes in racial policy in the first instance if gender policy gains were to have had any real impact on their lives.

Women’s movements can therefore not always articulate the needs perspective of all women since there continue to be “...some subgroups of women ...always dominated or excluded”^{xxix}; in South Africa this was the majority of women, who are Black. Moreover, critical race Feminists argue

^{xxviii} Weldon, *Beyond Bodies* p.1156

^{xxix} Weldon, *Beyond Bodies* p.1161

that in a racist society, the typical woman is considered White, that there is no monolithic 'black experience.'^{xxx} Hence, race cannot just be *added* to sexism in a catalogue of discrimination. White privilege had to be examined in such a way that race and gender oppression are seen as interlocking forms of oppression, not separate to, or independent from each other, and that being Black cannot only be understood with reference to white experiences^{xxxi}. Hence, women and non-white representatives in government under Apartheid were *not* seen as representing the interests of those groups. In South Africa therefore, both race and gender oppression, need to be understood in terms of how they impact on and influence each other when trying to understand the slow development of gendered policies.

The race policy in South Africa was an important mediating factor in women's differential access to resources and potential gender policy developments. Black women believed that they needed to deal with issues of race in the first instance, whilst simultaneously raising their issues as women. In addition, they wanted to raise gender issues without compromising their relationship to Black men and exposing them to a violent state. In anti-Apartheid organizations, such as the ANC, gender

^{xxx} A. Cossins, '*Saints, Sluts and Sexual Assault: Rethinking the Relationship between Sex, Race and Gender*', 12:1 (2003) pp.77-103, p 89

^{xxxi} Cossins, '*Saints, Sluts and Sexual Assault*

issues were sometimes seen as “...divisive and of secondary importance in the liberation struggle. Feminism itself was seen as an undesirable Western import.”^{xxxii} Women’s activism under Apartheid, and women’s groups within anti-Apartheid organizations, also challenged race laws in the first instance because these hindered their ability to promote and develop gender sensitive legislation. It was argued that

‘any women’s organization that stands outside the struggle must stand apart from the mass of women... this statement does not in any way mean that the Federation of SA Women was not concerned with the problems of women’s rights and that it did not struggle for the emancipation of women...what was realized was that it would be impossible for women to achieve their rights as women in a society in which so many fundamental rights were denied to both men and women’.

Some theorists nevertheless argue that initially “the thrust was very much on women in their traditional roles as carers of families and wives.”^{xxxiii}

^{xxxii} A. Solomon, “*Endnote*” in Wadley, L (Ed) *Our Gendered Past: Archaeological studies of Gender in Southern Africa*, (Witwatersrand University Press: Johannesburg, 1997), pp.303-307 pp.304

^{xxxiii} P.N. Nzimande, “*Gender and Democracy in South Africa- Much to Celebrate But Long Way to Effective Equality*” *Southern African Feminist Review: Gender, Politics and Democracy*, 1,2, (1995). Pp.64-66. p.64

Women's issues were subordinate to that of the national struggle.^{xxxiv} Others argue rather

the nature of the state induces the particular form and content of struggle. In defining themselves, and being discriminated against, as Black women, the Women's Movement focused its attention on nationalist issues and embarked on "women's struggles" within the parameters that the context would permit.^{xxxv}

Hence the focus on challenging race in the first instance diluted the ability of Black women, in particular, to be able to focus on gender issues and policies. Whilst White women attempted to raise gender issues they too were limited by the repressive state apparatus. Moreover, they were not always able to represent the needs and interests of Black women, since they may have had a limited understanding of the impact of Apartheid on the lives of Black women. Nevertheless, even for Black women there was a turning point at which gender issues became increasingly important, as illustrated below, though not at the expense of addressing Apartheid.

^{xxxiv} C. Hendricks, 'Gender Politics in a Post-Apartheid South Africa' Southern African Feminist Review : Sexuality, Identity and Change, 1 2, 1 (1995) p.14-22

^{xxxv} Hendricks, 'Gender Politics' p.15

The Emergence of a Feminist Agenda

This section illustrates the importance of raising the voices of women through a strong women’s movement, as a pre-requisite for gender issues to be raised and represented in policy and practice. African women played an important role in the resistance against Apartheid, particularly in the 1940s and early 1950s when they experienced fewer restrictions.^{xxxvi} The initial momentum focused on resisting pass laws because these laws had the greatest potential for limiting the lives of African women at the time, hence “in the first seven months of 1956 some 50 000 women demonstrated against the pass laws on 38 different occasions, in 30 different places.”^{xxxvii} These efforts culminated in a landmark event that has illuminated women’s activism in South Africa, that is the march of 20 000 women to the Union buildings in Pretoria on 9 August 1956 to protest against the inclusion of women in the Pass Laws.^{xxxviii} Despite the failure of this attempt to curb the imposition of pass laws on Black women, because of police brutality and the banning of the ANC which included the ANCWL, the achievements these women have

^{xxxvi} M. Friedman, ‘*Understanding Apartheid: A Supplement for Teachers and Learners*’ Issue 4 Potenza, E (Ed) Apartheid Museum, Gauteng Department of Education, (Provincial South African History Project: Johannesburg, 2003).

^{xxxvii} Women ‘*Firmly Rooted*

^{xxxviii} Friedman, ‘*Understanding Apartheid:*

made, cannot be under-estimated as they lay down the foundation on which the current developments have become possible.

It was not until the 1980's that broader gender issues began to be articulated more widely in their own right in the anti-Apartheid struggle. Women's organizations challenged the treatment of women's struggles as appendages to the anti-apartheid struggle, which led to the debates about the idea of "non-sexist democratic South Africa" in the development of the ANC's constitutional principles.^{xxxix} It is argued that this change in direction became viable with the international spread of feminism, the weakening of the state and the concomitant strengthening of civil society.^{xl} The increasing strength of the liberation movement also provided a space in which potentially more divisive issues, such as feminist issues could be discussed. Moreover anti-apartheid organizations were forced to recognize women's grievances, about the increasing levels of destitution they endured, as they became more organized and outspoken about their needs.^{xli} Women in the ANC demanded a 30% quota representation on the Executive. This was initially declined. Women persisted, until this quota was agreed to.^{xlii}

^{xxxix} Nzimande, "Gender" p.65

^{xl} Hendricks, 'Gender Politics

^{xli} Hendricks, 'Gender Politics' p.16

^{xlii} Hendricks, 'Gender Politics

Hendricks^{xliii} argues that the movement accepted this to co-opt women and they “...only induced changes sufficient to maintain the support of the women but which would not directly threaten the old boys network which is very much entrenched within the organization”. Nevertheless, these earlier battles fought by women led to the 25% representation on the ANC’s candidate list for the National Assembly.^{xliv} Hence the women raising their voices in the ANC underscores the argument that when women make their concerns heard, measures can be taken to have them addressed.

Achieving a 25% quota in the National assembly did not happen without a struggle. Women in South Africa fought actively to have their voices heard and represented in the new democracy. The “CODESA negotiations and multi-party talks became a new site of gender struggles, and women demanded that a gender advisory committee be formed in CODESA....”^{xlv} This demand was realized through successful lobbying by the Women’s National Coalition (WNC). In 1992 women across political, race, ideological and class lines amalgamated into the WNC to represent a cross section of interests and re-developed a Women’s charter in consultation with grassroots women, with the looming advent of democracy. The

^{xliii} Hendricks, *Gender Politics*, p.20

^{xliv} Hendricks, *Gender Politics*, p.20

^{xlv} Nzimande, *Gender* p.65

amalgamation meant that a minimalist, lowest common denominator approach had to be adopted. Nevertheless the WNC was a driving force that ensured the representation of women's voices and lobbied to ensure "...at least one of the representatives of each political party at CODESA to be a woman; the establishment of a Sub-council on the Status of Women, and for the incorporation of a gendered perspective in all other working groups of CODESA."^{xlvi} Women had to fight to be represented in the negotiations; however, they had to struggle even harder to ensure appropriate mechanisms were put in place in state and society to ensure gender equality.^{xlvii}

Meintjes^{xlviii} asserts that

"These mechanisms were not formally agreed upon by the different parties to the negotiations until the eleventh hour, after a crisis about the Bill of Rights saw women's rights to full equality being challenged by traditional leaders. Women in the negotiation teams of all the parties, but particularly the African National Congress realized that without at the very least a strong constitutional mechanism...gains made for gender equality during the negotiations might be challenged and undermined in the final constituent assembly."

^{xlvi} Hendricks, 'Gender Politics p.14

^{xlvii} Meintjes. 'The Politics

^{xlviii} Meintjes. "The Politics p.142

Hence even attaining descriptive representation was a hard won battle fought by various women's bodies without a strong women's movement.

Key requirements for transformative gender policy

This section of the paper applies Weldon's key requirements for gender transformation policy to show how they operate in the South African context and the implications for the development of gender policies. First the post-1994 context is illuminated, thereafter the role of the women's movement in gender policy development is discussed. Finally specific violence against women legislation to address rape and domestic violence are addressed.

South Africa has gone through a historical transition of power with descriptive representation^{xlix} being substantially altered, and a concomitant substantive change in racial policy and, to some extent, gender policy. After the 1994 elections there were an unprecedented number of women in parliament (25%). In addition, a 30% quota system for women in party lists

^{xlix} see pg. 7 for definitions of descriptive and substantive representation.

ensures women's descriptive representation in key positions in the South African government, in line with millennium goal three¹.

The combination of women's activism under Apartheid and greater recognition of basic human rights as outlined in the Constitution^{li} has laid the foundation for women's representation post-Apartheid. However, is the presence of women in key political positions in a democratic post-Apartheid South Africa enough to maintain the initial momentum of transformation single-handedly by continuing to develop and sustain appropriate and effective VAW policy? Sheila Camerer, who became a White National Party Member of Parliament in 1987, feels that things have changed.^{lii} She states that under Apartheid,

(p)arliament was the quintessential boys club. There were few facilities for women and its culture was very male-oriented. The bars that remain today are telltale signs of a by-gone era. She remembers

¹ UN Women. (2014). *Millennium Development Goals: Gender Chart. Special Edition for the 58th session of the Commission on the Status of Women, 10-21 March 2014*. New York: United Nations Statistics Division, New York.

^{li} Constitution of the Republic of South Africa, Act No. 108 (1996).

^{lii} F. Haffajee, 'Women as Legislators: Interviews, Chapter 4 in *Redefining Politics: South African Women and Democracy*' (1999) <http://womensnet.org.za/election/wdem-chap04.htm> (extracted Dec 2005)

being regarded as something of a "doll" by the male MPs who didn't take the few women MPs very seriously. It was difficult.^{liii}

For years Camerer raised discriminatory tax tables with then finance Minister Derek Keys. "He always said 'It's just not possible to change the tax laws.'" Discriminatory taxes were quickly scrapped in 1995.^{liv} Hence gender legislation became more possible post-Apartheid, even for white women.

It may be that some individual women are essential in getting policies passed or instrumental in motivating for policy bureaus, however, Weldon's^{lv} analysis of the impact of various modes of representation on policies to address VAW in 36 democratic countries indicated that the presence of a strong autonomous women's movement and women's policy bureaus were more effective. As Weldon's^{lvi} study indicates, a strong autonomous women's movement is more strongly positively associated with

one or two additional areas of policy action in VAW...This supports the argument that the existence of strong, independent women's movements improves women's representation in the policy process

^{liii} Haffajee, *Women as Legislators*

^{liv} Haffajee, *Women as Legislators*

^{lv} Weldon, *Beyond Bodies*

^{lvi} Weldon, *Beyond Bodies* p.1170

more effectively than increasing women's presence in the legislature
[alone- my insert] .

If this argument were to be applied in South Africa, it would suggest that the presence of women in government in and of itself would not necessarily ensure appropriate policies and implementation strategies with respect to VAW (discussed further below).

Moreover, whilst women have attained some levels of descriptive representation in South Africa, for example through women's presence in parliament, this has not always meant substantive representation. Not all women in positions of power in South Africa are necessarily going to represent the voices of women, or raise issues that promote women's rights, such as VAW. Even those that do, cannot always represent the diversity of women's interests. Sometimes those women who do raise women's issues are marginalized or dissuaded by broader organizational imperatives. Hence, the presence of women in key positions is not uncomplicated.

While individual women have been key to supporting major initiatives from grassroots women and even initiating particular policy proposals, Mtintso^{lvii} argues that there is “an assumption that once women enter the parliamentary

^{lvii} T. Mtintso, 'Women in Politics: A Conceptual Framework', Chapter 2 in *Redefining Politics: South African Women and Democracy*, (1999), <http://womensnet.org.za/governance/elections/why.htm>

sphere, they may freely participate without any constraints is erroneous”. Karam^{lviii} and studies by the Inter-Parliamentary Union^{lix} indicate that women in most Parliaments worldwide face obstacles such as patriarchal culture and attitudes, lack of skill and resources, political and institutional constraints, and lack of support. To counteract these effects, the presence of a strong autonomous women’s movement can be vital to sustaining women who attain powerful positions. In addition it is necessary to have the appropriate infrastructure to implement and sustain women’s gains. As Mtintso^{lx} argues,

democracy and the presence of women seem to be viewed as automatically translating into changed power relations between women and men... The risk is that women may find themselves absorbed into entrenched institutional values and structural sets of operation and not changing either power relations or the definitions of power and its exercise in Parliament.

The presence of a democratic state and descriptive representation it would seem are sometimes not enough to ensure gender issues are prioritised and addressed.

^{lviii} A. Karam, (Ed.). *Women in Parliament: Beyond Numbers*. (Stockholm: IDEA, 1998).

^{lix} Inter-Parliamentary Union. *Women in Parliaments 1945 -1995: A world statistical survey*. (Geneva: IPU <http://womensnet.org.za/election/wdem-chap04.htm>, 1995).

^{lx} Mtintso, *Women in Politics*

The existence of a strong women's movement that is entrenched in grassroots is imperative to support women who are in leadership positions, as highlighted below in the development of VAW policy.

The role of the women's movement in policy development

Weldon^{lxi} argues that there are other factors, apart from descriptive representation, necessary for the development of appropriate gender policy.

Weldon^{lxii} indicates that a strong autonomous women's movement is more strongly positively associated with "one or two additional areas of policy action in violence against women." In South Africa the women's movement has been active in the development of appropriate VAW policy. Key to these developments was the National Network on Violence against Women (NNVAW), which was an important lobbying body for the current VAW policies as discussed below.

The National Network on Violence against Women (NNVAW)

After 1994, the government and NGOs came together at a joint conference to develop strategies on dealing effectively with VAW. As a result, an

^{lxi} Weldon, *Beyond Bodies*

^{lxii} Weldon, *Beyond Bodies*

interim Desk on Domestic Violence was established. This desk developed a campaign on International Day of No VAW, and most significantly led to the development of the National Network on Violence against Women (NNVAW).^{lxiii} The NNVAW was constituted of representatives of the many NGO's working in the VAW field, such as POWA; NISAA; WAWA; ADAPT: CSVN; etc as well as some government representatives. The NNVAW was one arm of the women's movement (another is the various women's groups affiliated to political parties) that was instrumental in lobbying government and providing research that contributed to the development of the Domestic Violence Act of 1998. Goetz and Hassim^{lxiv} confirm that pressure from the women's movement is essential to promote new legislation. The NGO shadow report to Convention for the Elimination of Discrimination against Women (CEDAW) is an example of the influence of the VAW NGO sector in promoting and lobbying for appropriate policy and keeping government accountable to its gender commitments. This convention emerged as a result of the United Nations Decade for Women (1976- 1985) and provides for basic standards that governments who have ratified this convention needs to meet in order to end discrimination and

^{lxiii} S, Meintjes. "The Politics of Engagement: Women Transforming the Policy Process – Domestic Violence Legislation in South Africa" in Goetz, AM; Hassim, S (Ed) No Shortcuts to Power: African Women in Politics and Policy Making. (David Phillips: Cape Town, 2003).

^{lxv} Ad Hoc Joint Committee on the Improvement of Quality of Life and Status of Women. 'Annual Report'. August 1996- November 1997, (1997), <http://womensnet.org.za/>

promote gender equality^{lxv}. The NGO shadow report to CEDAW provides an overarching critique of the various policies and structures in government that fail to provide adequate protection and appropriate efficient services to survivors of gender-based violence. The shadow report highlights that while there is the political will in South African there is also a consistent lack of concomitant budgetary allocation.^{lxvi} This report, in addition to other NGO activities (such as consultations; research; training), consistently highlights the gaps and provides direction to government departments on appropriate responses to VAW.

In particular, two key pieces of policy that were passed into legislation after extensive lobbying and advocacy initially from the NNVAW as well as other women's groups dealing with rape and domestic violence, will be briefly discussed below.

Policy and Legislation on Rape and Domestic Violence

Rape

^{lxv} Ad Hoc Joint Committee on the Improvement of Quality of Life and Status of Women. 'Annual Report'. August 1996- November 1997, (1997), <http://womensnet.org.za/>

^{lxvi} A, Artz, Z, Dangor, L.A., Foster, L.A. M, Hasserlerharm, R, Manjoo, E, Musaba, A, Pillay, S, Takura, S. NGO Shadow Report to CEDAW: South Africa Focus: Violence Against Women (Masimanyane Women's Support Center: East London, 1998).
S, Bowman, K, Dey, T.R., Meltz, J, Rangasami, J, Williams, J. 'Protecting Survivors of Sexual Offences: Legal Obligations on the State with Regard to Sexual Offences'. The Women's Legal Centre <http://www.shukumisa.org.za/wp-content/uploads/2010/11/Protecting-Survivors-of-Sexual-Offences-Legal-Obligations-of-the-State-with-Regard-to-Sexual-Offences.pdf> (2013).

For many years, there was limited policy and legislation in South Africa dealing specifically with the needs and issues that women experience in their daily lives due to the complicated South African political landscape as discussed previously. The lives of women were relegated to the private sphere and hence were seen as requiring little intervention from public bodies such as the state. The only legislation that existed to deal with VAW were the Rape laws. Some have argued that they were *not* developed to protect women, but rather to entrench “...patriarchal and patrimonial values.”^{lxvii} This included representing the “economic interests of the patriarch” in the first instance and later the bride price of virgin daughters.^{lxviii} Hence rape legislation was developed in the first instance to protect the rights of men who used to ‘own or control’ women in their households, rather than to shield women from violence. This bias emerges in the rules of evidence of rape legislation, such as survivors having to prove a lack of consent. Rape laws reflect stereotypes about rape and women who get raped, which highlighted the need for real changes in both the law and its procedures.

^{lxvii} A. Du Plessis, *The New Sexual Offences Bill: A Step in the Right Direction*. Talk presented for Women’s Day at Institute for Security Studies. (2003).

^{lxviii} D. Burchell, J. Milton, ‘Principles of Criminal Law’ (2nd Ed) (Juta Law: Landsdowne, 2002). P. 489

Even though the rape legislation was not aimed at protecting women, it was the only law that covered women experiencing gender-based violence. There was no protection for married women since it was assumed that their consent for sex was tacitly given in the marriage contract. The problems with the rape legislation have been the focus of public attention from as early as 1979 when media reports focused on the high rate of rape in South Africa and the women's movement attempted to publicize the inappropriate treatment of rape victims by the criminal justice system.^{lxi} As a result of this activism and the questioning of the then Minister of Justice Kobie Coetzee in Parliament, he then initiated an enquiry through the South Africa Law Commission. A proposal was made in 1987 to criminalize rape in marriage and to prevent questioning women about their sexual histories in rape trials.^{lxi} However, the submissions made by Rape Crises and 24 women's organizations recommending changes in both the substantive law, law of evidence, law of procedure and the treatment of victims, did not result in much change. The commission refused to do anything about the

^{lxi} C.H. Hall, *Sexual Politics and Resistance to Law Reform: A Critique of the South African Law Commission Report on Women and Sexual Offences in South Africa* Thesis; LLM Degree in Criminal Justice and Criminology, (Faculty of Law: Cape Town, 1987).

^{lxi} Journal of the National Council of Women of South Africa, 'NCW News' 53, 5, (National Council of Women of South Africa: Cape Town, Jan 1988)
Journal of the National Council of Women of South Africa, NCW News 57 (2) Jan 1989 National Council of Women of South Africa: Cape Town

investigation procedure for rape.^{lxxi} Hall^{lxxii} argues that this is because the Commission did not recognize that the ultimate origins of rape lie in the patriarchal social structure, nor that the criminal justice bureaucracy forms an integral part of its social control machinery, therefore it is precluded from recognizing the contribution of the criminal justice system to the problems of the rape victims. It can deal with these problems only in terms of the content of certain individual behavior of law enforcement personnel. Moreover, as pointed out above an Apartheid state limited the extent to which gender sensitive legislation could be developed, because of the absence of a human rights culture and the inability of women to unite on gender issues due to the understandable need of many Black women to focus on issues of race in the first instance.

The process of changing the definition of rape and expanding the sexual offences legislation to take account for the experiences of women was arduous and long. Rape laws did not change much until 2007, this was only due to extensive lobbying and advocacy by women's groups and organizations. Rape within marriage had only been criminalized with the inception of the Prevention of Family Violence Act 133 of 1993 (PVA)^{lxxiii},

^{lxxi} Hall, Sexual Politics

^{lxxii} Hall, Sexual Politics p.8

^{lxxiii} Prevention of Family Violence Act, No. 133 of 1993. (Government Gazette, 1993)

and a redefinition of rape only instituted in the Sexual Offences Act of 2007 (SOA).^{lxxiv} Women's organisations who were members of the NNVAW (such as POWA; ADAPT; WAWA: Rape Crises etc) worked tirelessly to develop policy on rape and sexual offenses. Thereafter they were involved in the demanding task of advocacy and lobbying to get the Bill through Parliament, which passed into law only in 2007. The SOA has contributed to substantive changes in the legislation on sexual offenses as experienced by victims in South Africa. The SOA act repeals the common law offense of rape, and makes it a criminal offense. The definition is gender neutral and it covers all forms of rape and sexual assault without consent as well as compelled acts of rape and sexual assault. This definition takes account of rape as an act of violence and control and tries to account for the coercive circumstances in which sexual violence occur. Moreover, the current legislation removes the 'cautionary' rule that was historically present in terms of treating the evidence presented by victims with caution. Hence, many of the evidentiary rules that discriminated against victims and were powerful in mitigating the prosecution of sexual offenses have been addressed through this legislation^{lxxv} thereby expanding women's rights.

^{lxxiv} Sexual Offences and Related Matters Amendment Act No. 32 of 2007. (Government Gazette, 2007)

^{lxxv} Bowman et al. *'Protecting Survivors'*

Despite this move to an inclusive definition of rape within the legislation, social perceptions of rape have not necessarily broadened, which influences the responses of formal systems when there is room for discretionary intervention in sexual assault cases.^{lxxvi} The general public (including formal networks), Jewkes and Abrahams^{lxxvii} assert, will interpret a given incident of non-consensual sex based on “the relationship of the victim to the perpetrator, the ages of those involved, the circumstances in which it occurred, including whether the woman was deemed compliant with an idea of ‘modest’ behaviour...”. Victim blaming and conforming to myths and stereotypes about rape is still widespread. The word rape has a long history that has confined its meaning in general use as referring to male sexual penetration of female who is usually a stranger. These perceptions have resulted in limited responses to women’s experiences of sexual violence such that for many women reporting rape is still challenging and married women are still reluctant to report sexual violence^{lxxviii} (Rasool, 2011). Moreover, the extent to which the criminal justice system can and will deal with changes in the rape legislation is uncertain and is still being tested.

Nevertheless the women’s movement as represented by the NNVAW was

^{lxxvi} Bowman et al. *Protecting Survivors*

^{lxxvii} R. Jewkes, N. Abrahams, *Review Study: Violence against Women in South Africa: Rape and Sexual Coercion*. (Medical Research Council and Crime Prevention Research Resources Centre (CSIR), Pretoria., 2000) pp.6

^{lxxviii} S. Rasool, *Help-seeking by Abused Women in South Africa*. Unpublished Dissertation. United Kingdom: University of Oxford, 2011).

instrumental in creating changes in legislation that was previously entrenched in a patriarchal worldview that ignored the experiences of the majority of women. Similarly, they were effective in getting domestic violence into the national policy agenda as discussed next.

Domestic Violence

Unlike Rape, domestic violence has only emerged as a public policy issue in South Africa in the 1990's. Historically, a woman who was abused could report to the police, and if the officer considered the offence serious enough, it would have been recorded as an assault. Hence, there was no category of domestic violence. The first piece of legislation that dealt specifically with domestic violence in South Africa and recognized its gender dimension was the Prevention of Family Violence Act^{lxxix}, released in October 1993. Civil society organizations working with abused women, primarily White organizations, had been lobbying and pressuring government for twenty years prior to the development of this Act. It was only when constitutional pressure that ensured substantive gender equality and political change was imminent that VAW could emerge in the policy agenda.^{lxxx}

^{lxxix} Prevention of Family Violence Act, No. 133 of 1993, (Government Gazette, 1993).

^{lxxx} Meintjes. *The Politics*

Controversy raged over the Bill since organizations concerned with VAW were not consulted in its development and felt that it did not reflect the needs of women. The WNC was not consulted despite National Party (NP) members being part of the WNC. It seems that they attempted to use the Act to score points by suggesting they were the first party to recognize domestic violence as a public issue.^{lxxxix} One could argue that it took government a long time to develop their legislation and when they did, it was politically expedient rather than an attempt to address the concerns of women. Nevertheless, powerful women such as Helen Suzman, who had been lobbying the Apartheid government for change in attitudes towards VAW over many years asserted that "...the gender lobby should be wary of rejecting either the process or the Bill; instead women should 'take what they could get', even if that were crumbs from the reform table."^{lxxxix} However, this Act was still minimalist and did not legislate domestic violence as a specific crime category. It was still included in the general category of assaults which Artz et al^{lxxxix} points out, "...assaults between spouses are usually treated as a private matter by the police". Although the Act is an attempt to raise domestic violence as a public issue, there was little

^{lxxxix} Meintjes. *The Politics*

^{lxxxix} Meintjes. *The Politics* p.149-150.

^{lxxxix} Artz et al. *NGO Shadow Report*

concomitant procedural changes to make it so, which undermined the undertaking.

The NGO Shadow Report^{lxxxiv} discussed above, identified a number of gaps in the Prevention of Family Violence Act. The NNVAW lobbied actively for the reformulation of this Act and a new Bill was proposed. This Bill had strong backing by the Deputy Justice Minister at the time Dr. Manto Tshabalala- Msimang who also spearheaded a high-level campaign between 1996 and 1997 to create public awareness on the issue and train department of Justice staff to deal sensitively with VAW. Another vital player was Pregs Govender who pushed for the Bill to be tabled in 1998 and organized public hearings on the issue in conjunction with other key bodies. She also galvanized the ANC women's caucus to discuss the issue with male allies such as Justice Department Minister at the time Dullah Omar and advocate Johnny De Lange to ensure the Bill was debated in parliament.^{lxxxv} The effective combination of key women in parliament who held strategic bureaucratic positions, women's lobbying and strategic partnership with supportive men led to the reformulation of the 1993 Act, and resulted in the

^{lxxxiv} Artz et al. *'NGO Shadow Report'*

^{lxxxv} Meintjes. *'The Politics'*

current Domestic Violence Act of 1998 (DVA).^{lxxxvi} (For an in-depth discussion of these provisions of this Act See Rasool^{lxxxvii})

Some important steps have been taken to ensure that South Africa has appropriate legislation addressing VAW, however, these gains are in jeopardy if support for their maintenance is not ongoing in terms of budgets, policy bureaus and other bodies that can monitor their effective implementation. Moreover a strong autonomous women's movement that is linked to grassroots women is critical to support women in power and for the establishment of structures and mechanisms to ensure the delivery of services and budgets^{lxxxviii} to effectively implement the above legislation in a gender sensitive way.

Requirements for maintenance of gender gains

Autonomy of the women's movement

When a strong women's movement existed in South Africa (through the existence of NNVAW) they were effective in highlighting VAW as a public issue that contributed to the development of appropriate legislation to

^{lxxxvi} Domestic Violence Act, No. 116 of 1998. (Government Gazette, 1998).

^{lxxxvii} S, Rasool. 'Is the Domestic Violence Act enough? Assessing Women's Needs', *Crime & Conflict*, 18, (Summer 1999), pp.29-33

S, Rasool. 'Helping Abused Women Access a Protection Order: The Role of Religious and Community Leaders,' *Journal of Gender and Religion*. (2015)

^{lxxxviii} People Opposing Women Abuse (POWA). 'Criminal injustice: violence against women in South Africa', Shadow report on Beijing + 15 (POWA, 2010)

address these issues. The process of making VAW a public issue was facilitated by the presence of women in key positions such as Govender. However, Weldon's^{lxxxix} study suggested that in order for the women's movement to be effective in its policy gains, it needs to be autonomous since autonomous women's movements can improve the accountability of government bureaucrats in ways that non-autonomous movements may not. If the women's movement is entirely contained in the state, the ability to criticize government policy may be curtailed.

In South Africa, the ability of individuals and groups to be critical of the government is already in jeopardy because of political, legal and financial repercussions individuals or groups have faced when challenging key state policies. Non-government organizations, such as many of the organisations that constituted the NNVAW who historically were powerful lobbying tools of the state, are now compromised by their financial dependence on the State since international donor funding that used to go directly to NGO's now is directed via government. Hence the ability of the women's movement's to transform gender relations in South Africa as well as their ability to develop meaningful policies to effect political, economic and social change for women.

^{lxxxix} Weldon, 'Beyond Bodies p.1161

The autonomy and hence the ability of non-government women's organizations, who constitute one arm of the women's movement in South Africa, to act as a lobbying force is increasingly being threatened with many becoming dependent on government funds because of the withdrawal of foreign donors. The other arm of the women's movement are women's groups within political organisations. The autonomy of the ANC Women's League, and women's groups that are subsidiaries of the other political parties and organizations, is tenuous by virtue of being a wing of a larger organization that is aligned with the State and hence more likely to focus on women's issues that "fit easily into existing organizational agenda...such as old age pensions, minimum wage, or family and medical leave."^{xc} Their location within a broader political party makes it difficult for them to commit resources to issues that are mainly of concern to women such as VAW when there is a need to focus on party appropriate issues. Hence, the struggle for gender equity in South Africa is still ongoing and cannot be assumed merely by the presence of a progressive Constitution and laws alone. Some policy gains have been made, particularly in the arena of VAW, these are constantly threatened by those sectors of society that do not

^{xc} Weldon, *Beyond Bodies* p.1161

support gender equity. Moreover, in South Africa the women's movement seems to have weakened and dissipated as an independent force to be reckoned with due to the impact of the financial dependence of the state.

Policy Bureaus

In addition to a strong autonomous women's movement, the existence of women's policy bureau's that can develop policies within a framework that at least partially reflects women's perspectives and has the political power and resources to function is necessary for gender sensitive policy development.^{xcii} In South Africa, the Commission for Gender Equality^{xcii} (CGE), Office on the Status of Women^{xciii} (OSW) and the Parliamentary Committee on the Improvement of the Quality of Life and Status of Women were established post-Apartheid; however, their long-term success for monitoring, developing and implementing gender sensitive policies are dependent on their political power and status, as well as their access to resources. It would seem they have limited real power and very few

^{xcii} Weldon, *Beyond Bodies*

^{xciii} The CGE is one of the six state institutions that were set-up by section 187 of the constitution in 1996 to support constitutional democracy ([http:// www.cge.org.za](http://www.cge.org.za))

^{xciv} The OSW was based in the Presidency. It no longer exists. Women's issues are now combined with other social issues and a department called the Department for women, children and disabilities emerged.

resources. When first set up the Committee on the Improvement of the Quality of Life and Status of Women was an ad hoc committee and it had no budget. When it was established as a full committee they, as well as the CGE, had a lower budget when compared to other equivalent agencies which led to it being perceived as having fewer powers.^{xciiv}

Pregs Govender, an ANC activist under Apartheid and a parliamentarian from 1994 to 2002, was key to the establishment of this body as a full parliamentary committee in June 1998. Sadly, this committee and the Office on the Status of Women, no longer exist in their original form. Women's issues got amalgamated with other issues and became The Department for Women, Children and Disabilities. This move has received extensive criticism because women's issues were subsumed with other issues and no longer given priority. Moreover, this office has been criticized for being inept in performing its duties and is seen as supporting 'deeply sexist' views,^{xciiv} which is contrary to its purpose. This led to NGO's working on gender issues to release a statement challenging the views of this department.^{xciiv}

^{xciiv} Ad Hoc Joint Committee

^{xciiv} Pillay, V. 'Say What? Presidency celebrates 16 years of 'raising gender-based violence.' Mail & Guardian, 25 November 2014)

^{xciiv} Pillay, 'Say What?'

So whilst the presence of women like Pregs Govender and others in government, which may be called, descriptive representation following Weldon,^{xcvii} has been essential to raising gender issues, the sustenance of these gains when key advocates leave is tenuous at best. As indicated earlier by Camerer's experience under an Apartheid government, representation in and of itself was not enough, and this still seems to be the case

The extent, to which gender bodies are independent, also remains in question. Limited independence hampers their ability to effectively represent the interests of a diversity of South African women. As stated by the CGE^{xcviii} themselves, “‘South Africa needs an independent CGE’. The problems relating to the allocation of resources; the CGE bashing; the debates in the press have more than ever exposed the resistance to change from some quarters”. In this regard consultation, advocacy and lobbying by grassroots women and their organizations become critical to support women in leadership positions if women's issues are to remain on the public agenda.

CONCLUSIONS

^{xcvii} Weldon, *Beyond Bodies*

^{xcviii} CGE, CGE Home Page <http://www.cge.org.za/> Extracted Oct 2005

CGE, Background to the CGE <http://www.cge.org.za/> Extracted Oct 2005

The women's movement in South Africa has been instrumental to the emergence of gender equity concerns in South Africa, despite the diversity of the movement in terms of its alliances. The attainment of gender gains became more possible with the end of Apartheid and the introduction of a human rights culture. As critical race feminists argue, oppressions are interlinked, hence gender discrimination could not be adequately addressed in South Africa without the elimination of Apartheid. However, the emergence of gender concerns on the public agenda would not necessarily have occurred merely by the dismantling of Apartheid. The presence of a strong women's movement in the form of the NNVA, who advocated and lobbied for the development and promulgation of appropriate VAW policy is largely responsible for the current policy in the area.

Post 1994 in South Africa, there was definitely strong lobby for appropriate policy and administrative change to represent the voices of women in the new South African government. This was starkly evidenced by the development of the WNC that undertook a consultation with grassroots women to develop the women's charter. In addition the development of the Gender Commission and other policy bureaus, changes in the Domestic

Violence Act and the development of the Sexual Offences legislation all indicated the high level of activity by women's bodies to represent the voices of women post-Apartheid. Hence, the combination of a strong women's movement, specifically in the form of the NNVAW that was concerned with addressing VAW, the presence of key women in government such as Govener, the need for international credibility as evidenced by the signing of CEDAW and other such instruments,^{xcix} were essential for the development of VAW policies in South Africa.

In recent years however with the decrease in acceptance of government criticism and an increased sense of acceptance of the status quo, the critical voices of women seem to be disappearing in terms of substantive representation on VAW issues. This is not surprising since "research done in countries where women's suffrage is relatively established finds a pattern of initial upsurge in attention to women's demands at the national level and the passage of gender equity legislation, followed by a decline of women's policy effectiveness."^c In South Africa, this trend is evident with the diminished presence of an independent women's movement since the

^{xcix} S, Meintjes. 'The Politics of Engagement: Women Transforming the Policy Process – Domestic Violence Legislation in South Africa' in Goetz, AM; Hassim, S (Ed) No Shortcuts to Power: African Women in Politics and Policy Making. (David Phillips: Cape Town, 2003).

^c Goetz & Hassim, (Ed), "No shortcuts, p 19

NNVAW no longer exists, as well as the weakening, problematic nature and submergence of state bodies that were set up to deal with gender issues.

There is a need for the re-emergence of a strong women's movement, that consults grassroots women, for the gains made post-Apartheid in terms of policy bureaus and legislation, to be sustained and strengthened long-term. Currently, whilst South Africa has pioneering legislation, the ability to effectively implement it is in question because effective services and adequate budgets to support these are lacking. These supporting mechanisms will only come about through consistent advocacy and lobbying by women's groups. It is time for South African women to re-emerge in full force to have their voices heard so that women's issues remain a priority and are addressed appropriately in all spheres of society.

SHAHANA RASOOL

University of Johannesburg

Department of Social Work

PO Box 524, Auckland Park, 2006

Shahanar@uj.ac.za