

## DEPARTMENT OF WOMEN, YOUTH AND PERSONS WITH DISABILITIES

NO. 7540

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**SOUTH AFRICA SIXTH PERIODIC REPORT ON THE IMPLEMENTATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)**

The Minister of Women, Youth and Persons with Disabilities intends to present the South Africa Sixth (6) Periodic Report on the implementation of the Convention on the Elimination of Discrimination against Women (CEDAW) to the United Nations Committee on the Elimination of Discrimination against Women during June 2026. An explanatory summary of the report is hereby published in accordance with section 9 (e) of the Promotion of Access to Information Act, 2000.

The report is drafted in terms of Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.

Article 18 provides that-

- (a) Every State party, upon ratifying or acceding to the Convention, undertakes, to submit, within one year of the Convention's entry into force for that State, an initial report on the legislative, judicial, administrative or other measures it has adopted to give effect to the provisions of the Convention and progress made in this respect; and thereafter periodic reports at least every four years and further whenever the Committee so requests.

A copy of the report has been attached for public comments until 12 June 2026. All the comments must be submitted to Mr. Mulisa Magidi, Department of Women, Youth and Persons with Disabilities, 268 Lilian Ngoyi Street, Pretoria, Tel: (012) 359 0396 or [Mulisa.Magidi@dwypd.gov.za](mailto:Mulisa.Magidi@dwypd.gov.za).



**REPUBLIC OF SOUTH AFRICA**

**SOUTH AFRICA'S 6<sup>th</sup> PERIODIC REPORT  
ON THE IMPLEMENTATION OF THE CONVENTION ON THE  
ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST  
WOMEN**

## INTRODUCTION

### Background and Scope of the Report

1. The Government of the Republic of South Africa submits this report in accordance with Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
2. This 6<sup>th</sup> Periodic Report for the Republic of South Africa focuses on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women for the period 2015 - 2024.
3. The reporting timeframes for the current Periodic Report on the Implementation of the Convention coincides with significant developments in the national gender policy space , including the implementation of the National Strategic Plan on Gender Based Violence and femicide (NSP-GBVF, 2020 – 2030), the implementation of the Gender Responsive Planning, Budgeting, Monitoring, Evaluation and Auditing Framework (2019), 30 years of democracy (1994 -2024) in South Africa as well as the 30 Years of Beijing declaration and Platform for Action. The African Union Convention on Ending Violence Against Women and Girls (AU-CEVAWG), adopted in February 2025 and other global, Continental and regional instruments have been key in improving status of women and women's rights in the country. These played an important role in informing the principle of the Constitution of the republic and subsequent legislative frameworks particularly on the protection and promotion of women empowerment and rights.
4. This report builds upon South Africa's 5th Periodic Report (2009–2014) and incorporates recommendations from the CEDAW Committee's Concluding Observations, highlighting progress made toward achieving substantive equality between women and men.
5. The current report responds to the concluding observation issued by the Committee after the consideration of the 5<sup>th</sup> South African CEDAW Report: Progress made on the Implementation of the Convention (2009 – 2014). The

current report gives an account on the progress made, achievements and challenges in the implementation of the Convention for the period (2015 -2024).

6. The report provide response to the General Recommendations where applicable.
7. The report is organised as follows: Introduction; Background and Scope of the Report; response to general recommendations; Progress on the Implementation of the recommendations; and Conclusion

### **Overview**

8. The results of the 2022 Census show higher percentage of females compared to male in South Africa. The results show that the female population was 31 948 745 (51,5%) while the male population was 30 078 757 (48,5%) in 2022. The demographic trend shows that the population of Sout Africa has always reflected a high number of women from 1996 (51,9), 2001 (52,2%), and 2011 51.5%.
9. The Census data (2022) shows a higher distribution among the younger and youthful age cohorts compared to the elderly age cohorts. A slightly higher number of males were observed at ages 0–4 years, while the number of females was higher than males at advanced ages, showing a typical declining proportion of males with advancing age compared to that of females.
10. Gauteng is the only province where the proportion of females has been consistently below 50% since 1996. Limpopo (52,8%) and Eastern Cape (52,6%) had the highest proportion of females, more than the other seven provinces and the national percentage (51,5%).
11. More than two-fifths (42,4%) of the households in South Africa were headed by females in 2024. Female-headed households were most common in Eastern Cape (48.8%), KwaZulu-Natal (46.8%) and Mpumalanga (46.7%), and least common in Gauteng (37,3%) and North West (38,8%).
12. Approximately 13,9% of South African households were multi-generational, with three generations living together, while 4,2% were skip-generation households, where grandparents lived with their grandchildren (Stats-SA, GHS 2023). Skip-generation and triple-generation households are predominantly found in rural areas (27,9%) while in urban areas such structures amounted to 13,7%.

Approximately 6,7 million grandparents stayed with 9,7 million children aged 0–17 in 2023. More than half (69,3%) were grandmothers. Furthermore, there were 3,4 million head of households' grandparents who lived with nearly 8 million children aged 0–17. Most of these were grandmothers (64,5%), while grandfathers made up 35,4%. This indicates that grandmothers play a crucial role in caregiving both at younger and older ages compared to grandfathers.

### **Constitutional and Legal Framework**

13. South Africa's Constitution of 1996 remains the supreme law, guaranteeing equality and non-discrimination (Section 9) and affirming the right of everyone to equal protection and benefit of the law. The Constitution provides explicit recognition of gender equality as a foundational value of the Republic.

Key legislative and policy instruments supporting gender equality include:

- a) The Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA), 2000. This Act prohibits unfair discrimination, harassment, and hate speech. It applies across sectors (employment, education, healthcare, etc.). The Act also establishes Equality Courts for accessible justice
- b) The Employment Equity Act, 1998 promotes affirmative action in workplaces and ensures representation of women in employment and leadership
- c) The Domestic Violence Amendment Act, 2021 protects victims of domestic abuse and expanded protections under recent amendments to strengthen enforcement.
- d) The Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2022 criminalises sexual offences and protects victims and strengthened in 2022 amendments to improve victim protection
- e) Maintenance Act, 1998 is intended to ensure the effective recovery of maintenance payments, primarily for children, by providing faster, more efficient legal mechanisms (especially benefiting women and children)
- f) The National Gender Policy Framework, 2000 outlines South Africa's vision for gender equality and provides a base for a comprehensive, multi-sectoral approach to achieving gender equality and mainstreaming gender issues into all government policies, practices, and programs in the country.

- g) The National Strategic Plan on GBVF (2020–2030) provide guidance in coordinating national response to Gender Based Violence focusing on Legal reforms, victim support and prevention strategies.
  - h) The National Development Plan 2030 (NDP Vision 2030) is South Africa's overarching framework aimed at eliminating poverty and reducing inequality by 2030. The NDP Vision 2030 prioritises the significant role of women, youth and people with disabilities in our society. Within this vision, women empowerment and gender equality are treated as cross-cutting priorities which should be mainstreamed across all sectors including economic, social, political, and institutional for developmental future and all programmes of government.
  - i) The Medium-Term Strategic Framework (MTSF) 2019 -2024 serves as the government's five-year implementation plan for the National Development Plan. In recognition of the multitudes of challenges confronting women, youth and people with disabilities in South Africa, the MTSF 2019 - 2024 emphasised these as cross-cutting focus areas for RSA developmental vision. This was reaffirmed by the President's declaration that in 2019, we will intensify the fight against gender-based violence and create safer communities and responsive social systems.
  - j) The Medium-Term Development Plan (MTDP) 2024–2029, which serves as the implementation framework for the 7th Administration of South Africa, places women's empowerment and gender equality at the centre of its developmental agenda, transitioning from the previous Medium Term Strategic Framework (MTSF). The plan, aligned with the Government of National Unity's (GNU) Statement of Intent and the National Development Plan (NDP) 2030, seeks to accelerate economic inclusion, combat gender-based violence, and mainstream gender across all government programmes
14. These frameworks collectively reinforce South Africa's commitment to addressing systemic gender inequalities, gender-based violence, and women's empowerment in all spheres.

### **Sustainable Development goals (SDGs)**

15. South Africa has made significant progress in meeting the requirements of SDG goal 5 target, through the establishment of strong constitutional and legal frameworks. Section 9 of the Constitution explicitly prohibits discrimination based

on sex and gender. The country has also enacted laws that criminalise gender-based violence, including sexual offences and domestic violence, and promote women's rights in areas such as employment, property ownership, political participation, and family life. In addition, institutions like the Commission for Gender Equality have been established to monitor compliance and support enforcement of gender equality measures. While South Africa's legal and institutional frameworks align well with the SDG target, challenges remain in ensuring effective implementation and enforcement across all sectors.

16. South Africa have made positive gains in the country's ability to report on the SDGs, notwithstanding the various data challenges. In the first SDG Country Report produced in 2019, South Africa was able to report on 64% of SDG indicators. Since then, there has been a noticeable improvement over time, increasing to 72% in 2023 and 89.0% in the 2025 reporting cycle. It is important to note that while the data coverage of SDG indicators for 2025 increased to 89.0%, the proportion of these indicators that have updated data points available is 80.6%. One of the reasons is the lack of new reported data points since the 2019 report because of the periodicity of certain surveys.

### **Parliament / Legislatures and other Institutional Mechanisms**

17. The South African Parliament plays a central and constitutional role in promoting women empowerment and gender equality through law-making, oversight, budgeting, and public participation. Between 2021 and 2025, Parliament has taken several concrete steps especially in addressing gender-based violence (GBV), economic inequality, and representation of women.
18. The Joint Multi-Party Women's Caucus (MPWC) in South Africa is a cross-party parliamentary body that focuses on mainstreaming gender equality, influencing legislation, and strengthening oversight on women's issues across both the National Assembly and the National Council of Provinces. The Multiparty played a critical role in legislative influence, oversight and accountability, advocacy/programmes, and institutional strengthening. This includes elevating Gender Based Violence as a central parliamentary oversight priority, especially in response to rising femicide and violence cases; convened sessions with the South African

Police Service (SAPS) to assess progress on GBV cases, policing capacity, and victim support systems; monitored and influenced women's participation in electoral processes and political structures and conducted public hearings and dialogues.

19. Parliament launched the Women's Charter for Accelerated Development in 2021 which is a national framework developed through consulting women across all provinces. It builds on earlier charters (1954 and 1994) and sets a 25-year vision for improving the lives of women in South Africa. It is meant to guide government planning, budgeting, and legislation so that women's needs are fully included. As encapsulated in the Women's Charter for Accelerated Development (2021), some of the key issues for priority action hence include: effecting specific gender sensitive amendments to development policy design, budget policy and legislative framework design, including all government's strategic development programmes (which are key for anchoring mandatory, gender sensitive state actions and processes).

### **Institutional Mechanisms**

20. The National Gender Machinery (NGM) continues to serve as the coordination mechanism for implementing CEDAW. It comprises of government, parliament, independent bodies and civil society.
21. The Minister in the Presidency Responsible for Women, Youth and Persons with Disabilities is the Executive Authority of the NGM. The DWYPD under the stewardship of the Minister, is the coordinating agent of the NGM. The Department of Women, Youth and Persons with Disabilities (DWYPD) serves as the lead coordinating ministry whilst the Commission for Gender Equality (CGE) as one of the independent oversight bodies.
22. The Gender Focal Points (GFPs) across all government departments; and municipalities serves as the institutional mechanisms for the promotion of women empowerment and gender equality.
23. The South African Local Government Association established the SALGA Women's Commission, to oversee gender transformation in local government; and established Multi-Party Women's Commission in municipalities as oversight structures for gender transformation; and a network of civil society and private sector partners promoting gender equality initiatives.

24. The institutional framework has been strengthened through:
- The National Council on Gender-Based Violence and Femicide Act 09 of 2024, which establishes the National Council on Gender-Based Violence and Femicide. The Council will oversee the implementation of the National Strategic Plan in Gender Based Violence Femicide (2020 -2030).
  - Increased budget allocations for gender-responsive programmes; and
  - The integration of Gender Responsive Planning, Budgeting, Monitoring, Evaluation and Auditing (GRPBMEA) in government planning cycles.
25. In **response to recommendation 28 (a)** regarding **adequate human, technical and financial resources** to the Department of Women, Youth and Persons with Disabilities, Government taken steps during the reporting period (2019–2024) to strengthen the institutional capacity of the Department of Women, Youth and Persons with Disabilities (DWYPD) to effectively coordinate, monitor and evaluate the implementation of gender equality commitments, including obligations under the Convention, the budget allocation to DWYPD has remained relatively modest but stable over the Medium-Term Expenditure Framework (MTEF) period, with marginal increases to support core programmes.

Financial Year	Adjusted Budget	Actual Expenditure
2020/21	R620 976 000	R602 401 000
2021/22	R1 195 508 000	R1 164 423 000
2022/23	R991 714 000	R983 259 000
2023/24	R993 944 000	R991 625 000
2024/25	R1 020 712 000	R1 011 019 000
2025/26	R1 361 686 0000	R1 356 798 000 (Preliminary Expenditure)

26. Regarding Human Resources, the DWYPD has maintained a relatively small but specialised workforce. As of 31 March 2025, the Department's staff establishment comprised 140 approved posts, of which 125 were filled and 15 vacant, reflecting a vacancy rate of 10,7%. The staff complement includes Policy analysts and gender specialists, Monitoring and evaluation experts, Programme and stakeholder coordination officials, Administrative and corporate support staff.
27. The Department has made progress in strengthening its technical capacity through development and rollout of the Gender Responsive Planning, Budgeting, Monitoring, Evaluation and Auditing (GRPBMEA) Framework, monitoring tools for

the NSP-GBVF, and Capacity building for mainstreaming which is also rolled-out across government.

28. In response to **recommendation 28(b) on number of Gender Focal points, The National Gender Policy Framework** makes provision for the establishment of gender units with GFPs in all government departments and local government. According to its integrated approach, each provincial and local GFP maintains the autonomy to determine its own programme towards gender equality, guided by the “generic” principles outlined in the Policy Framework, and informed by the specific needs of the local contexts where they are located. The NGM Diagnostic Review Report demonstrate that Gender Focal Points are neither positioned to serve as the strategic interface between women’s empowerment and government planning and implementation, nor as an effective interface between government and communities.
29. The Department of Public Service and Administration continues to encourage departments to implement the Gender Responsive Planning, Budgeting, Monitoring, Evaluation and Auditing framework, which requires that Gender Focal Persons be appointed at the Director level and report to the Office of the Director General. This provides a clear governance framework for strengthening the authority, institutional positioning, and participation in decision-making of Gender Focal Persons within departments. Progress remains uneven across departments, as this provision has not yet been fully implemented, and Gender Focal Persons are still largely designated at the Deputy Director level. The current focus, therefore, remains on reinforcing compliance with the prescribed institutional arrangement to strengthen gender mainstreaming capacity and participation in departmental decision-making structures.

### **Socio-Economic Context**

30. Between 2015 and 2024, South Africa experienced both advances and challenges in achieving gender equality:
- a) South Africa is among the better-performing countries globally in female political representation. Women’s representation in Parliament stood at 43.45% following the 2024 National Elections.

- b) Access to education for girls continued to improve. South Africa has achieved near gender parity in education, particularly in basic and tertiary enrolment. Women increasingly outperform men in higher education participation.
- c) The gain in education is not translating into equal labour market outcomes. The skills mismatches and structural unemployment limit returns on education. This shows that education alone has not been sufficient to overcome systemic gender inequality in economic participation.
- d) Women remain disproportionately affected by unemployment and economic exclusion. Women's unemployment remained high (35.4% in 2024), and participation in the labour force also remains unequal
- e) The challenge of gender-based violence and femicide (GBVF) persists at higher rates. GBV was declared a national disaster in 2025 under the National Disaster Management Act. This is a recognition that dealing with this scourge demands exceptional measures. This classification strengthens the mandates of the respective government departments dealing with the scourge.
- f) The COVID-19 pandemic (2020–2022) exacerbated gender inequalities, particularly in informal employment and care responsibilities.
- g) South Africa's National Development Plan is geared towards addressing the triple challenge of reducing poverty, unemployment and inequality. Women are disproportionately affected by poverty, unemployment, unpaid care work, gender-based violence (GBV), poor access to economic opportunities, and unequal leadership representation.
- h) The current reporting period is taking place a year after South Africa's G20 presidency in 2025. South Africa positioned the Empowerment of Women Working Group (EWWG) as a key platform to advance a practical, development-oriented agenda on gender equality. South Africa framed this work within the broader G20 Presidency theme of "Solidarity, Equality, Sustainability", and anchored the EWWG around three policy priorities:
  - (i) The care economy (paid and unpaid care work and household responsibilities)
  - (ii) Promoting financial inclusion of and for women
  - (iii) Addressing gender-based violence and femicide (GBVF)
- i) Government of South Africa resolved to dedicate the next five years (2024 – 2029) to actions that will advance three strategic priorities. These are; (i) to

drive inclusive growth and job creation;(ii) to reduce poverty and tackle the high cost of living; and (iii) to build a capable, ethical and developmental state.

31. The government's response emphasized social protection, economic empowerment, and inclusion through programmes such as the Women's Economic Assembly (WECONA), Women Empowerment Fund, and Expanded Public Works Programme (EPWP) for women.
32. Social protection measures have mitigated extreme poverty but has not reduced structural inequality. A large proportion of households depend on grants, which are often accessed and managed by women. They play a central role in household survival but remain economically vulnerable.

## PART I ARTICLE 1 -6

### Article 1: Definition of discrimination against Women

33. The Constitution of the Republic of South Africa fully incorporate the definition of discrimination as espoused by the Convention. As reported in the previous reports, the Constitution provides for the enactment of national legislation to prevent or prohibit unfair discrimination and to promote the achievement of equality. Key legislations that provide for the define discrimination include the following:
34. Discrimination is defined in the anti-discrimination law of the country, **Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA)** (Act 4 of 2000) as a" any act or omission, including a policy, law. rule. practice, condition or situation which directly or indirectly (a) imposes burdens, obligations or disadvantage on; or (b) withholds benefits, opportunities or advantages from, any person on one or more of the prohibited grounds. The "prohibited grounds listed in the anti-discrimination law of South Africa includes: (a) race, gender, sex, pregnancy, marital status. ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience. belief, culture. language and birth; or (b) any other ground where discrimination based on that other ground - (i) causes or perpetuates systemic disadvantage: (ii) undermines human dignity; or (iii) adversely affects the equal enjoyment of a person's rights and freedoms in a serious manner that is comparable to discrimination on a ground in paragraph.
35. In Response to **recommendation 20 (a)** regarding the adoption of comprehensive gender equality law, the Republic of South Africa is in the process in the process

of developing the Promotion of Women's Rights, Empowerment and Gender Equality Bill. This Bill which will be introduced in parliament according to section 73 of the Constitution of the Republic of South Africa, 1996, (the Constitution) in 2026. This legislation will give effect to section 9 of the Constitution of the Republic of South Africa, 1996, in so far as the empowerment of women and gender equality is concerned; to establish a legislative framework for the empowerment of women; to align all aspects of laws and implementation of laws relating to women empowerment, and the appointment and representation of women in decision making positions and structures.

36. The objects of this legislation (Act) are to give effect to the letter of the Constitution, in particular: the equal enjoyment of all rights and freedoms by every person; the promotion of equality, specifically gender equality; to prohibit discrimination on the basis of gender and to make it an offence to discriminate on the basis of gender; to facilitate compliance by designated entities with provisions of this Act; to give effect to the country's commitments in terms of applicable international conventions; and to facilitate the implementation of the relevant legislation to promote women empowerment, appointment and representation of women in decision – making position and structures.
37. With regard to the **definition of discrimination against women that covers both direct and indirect discrimination** in the public and private spheres, including intersecting forms of discrimination, in accordance with articles 1 and 2 of the Convention, Section 9 (Equality Clause) of the Constitution prohibits direct and indirect discrimination by the state (public sector) and by private persons or organizations (private sector).
38. The Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA), 2000 gives effect to Section 9 of the Constitution and applies to both public and private sectors. This legislation prohibits unfair discrimination on the grounds of gender, sex, pregnancy, marital status, and more. It covers discrimination in employment, education, health care, housing, and access to services and establishes Equality Courts to hear complaints of discrimination.

39. **In response to recommendation 20 (b) on the question of substantive equality into law and strengthening existing legislations**, Section 9(2) of the Constitution of the Republic explicitly promotes substantive equality, allowing for affirmative action and measures designed to protect or advance disadvantaged groups. It states: “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 disadvantaged by unfair discrimination may be taken.”
40. Substantive equality is operationalised through legislations such as Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA), 2000, Employment Equity Act (EEA), 1998, Broad-Based Black Economic Empowerment Act (BBBEE), 2003.

## Article 2: Duty of state and measures to eliminate discrimination

41. The South African Constitution protects all individuals from discrimination. Chapter 2 of the Constitution contains a Bill of Rights. Regarding equality and non-discrimination, section 9 provides specifically that: (9)
- (1) *Everyone is equal before the law and has the right to equal protection and benefit of the law.*
  - (2) *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.*
  - (3) *The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.*
  - (4) *No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection*
42. Furthermore, Section 9 of the Constitution provides for the enactment of national legislation to prevent or prohibit unfair discrimination and to promote the

achievement of equality; This implies the advancement, by special legal and other measures, of historically disadvantaged individuals, communities and social groups who were dispossessed of their land and resources, deprived of their human dignity and who continue to endure the consequences.

43. Sections 9(3) and 9(4) prohibit direct or indirect discrimination (policies or laws which, though neutral in their formulation, have a discriminatory impact on certain individuals or groups of individuals) on a host of grounds. The grounds on which discrimination is expressly prohibited in terms of Section 9(3) includes race, gender, sex, sexual orientation, pregnancy, marital status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, language and birth. However, it must be noted that this list is by no means exhaustive and there is nothing to preclude discrimination on any additional ground that is not included within the ambit of Section 9(3).

44. The Republic of South Africa demonstrated the duty of the state to eliminate discrimination against women during the current reporting period by developing new legislations and strengthening existing legislations protecting women from violence and inequality, implementing interventions to promote and protect the rights of women in social, economic and decision making.

### **Legislative Measures**

- a) The **Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (PEPUDA or the Equality Act, Act No. 4 of 2000)** is a comprehensive South African anti-discrimination law. It prohibits unfair discrimination by the government and by private organisations and individuals and forbids hate speech and harassment.
- b) To promote equality and prevent unfair discrimination at workplace, South African government enacted the **Employment Equity Act, 1998 (Act 55 of 1998)**. The Act prohibits discrimination based on various grounds, including gender, and

mandates affirmative action to address past disadvantages experienced by designated groups, primarily women and previously disadvantaged racial groups.

The Chapter on Unfair Discrimination provides that no person may discriminate against an employee on, among others, the grounds of sex, gender, family responsibility, and pregnancy and HIV status. The Act prohibits testing of an employee's HIV status unless permission is granted by the Labour Court. Most of those suffering from HIV are women. The definition of family responsibility includes same sex partnerships and partnerships outside of marriage, the definition of pregnancy includes circumstances relating to termination of pregnancy and intended pregnancy.

The Act explicitly provides that harassment, including sexual harassment, is a form of unfair discrimination. This is the first time in our law that there is a direct, legislated remedy for sexual harassment.

The Chapter on Affirmative Action expressly includes women as a designated group in respect of whom positive steps must be taken to ensure their equitable representation in the workforce and eradication of all barriers to equal participation and advancement in the workplace.

- c) **Basic Conditions of Employment Act, 1997 (Act 75 of 1997)** regulates conditions in the workplace such as hours of work and leave. It provides that an employee is entitled to at least four months maternity leave at any time from four weeks before the expected date of birth. The employee may not return to work for six weeks after the birth of the child unless she receives medical clearance. Paternity leave of three days is also provided. Protection is provided for the health of pregnant women. Employers are prohibited from requiring or permitting a pregnant or nursing employee from performing work that is hazardous to her health or that of her child. If pregnant workers cannot do their usual work because it is dangerous for them or their unborn child, employers must find other work for them to do. The Act requires the Minister to issue a Code of Good Practice on the Protection of Pregnant Employees during Pregnancy. These provisions fulfill the CEDAW obligation to provide special protection to women during pregnancy in

types of work proved to be harmful to them. This improves job security for women, thus reducing the vulnerability to poverty and workplace violence such as sexual harassment.

d) **Prevention and combating of Hate Crimes and Hate speech Act No 16 of 2023.**

This Act criminalizes hate crimes and hate speech and establishes measures to prevent and combat them. Its purpose is to give effect to the country's constitutional and international obligations regarding discrimination based on factors like race, religion, and sexual orientation. The Act defines hate speech and hate-crimes, sets out penalties, and includes provisions for enforcement and victim support.

e) **Other instruments & bodies** — Labour Relations Act (labour remedies), Sexual Offences legislation (criminal law response to GBV), the Commission for Gender Equality (monitoring, investigations), and international commitments (e.g., CEDAW reporting).

**45. On the number and outcome of cases in which provisions of the Convention have been invoked, applied or referred to annually in court proceedings, the following are examples of such cases.**

The table below shows some examples of known cases with reference to the Convention (CEDAW):

Year	Known Cases Involving CEDAW References	Outcome
2022	Women's Legal Centre Trust v President (Muslim marriages) — CEDAW was analyzed and used to argue the state's obligations regarding equality for women in marriage contexts.	The Constitutional Court confirmed Parliament's obligation to address discriminatory gaps in marriage recognition
2023	EB (born S) v ER (born B) and Others; KG v Minister of Home Affairs and Others [2023] ZACC 32 - Constitutional Court case involving property rights and	Constitutional Court confirmed discrimination; ordered legislative remedy

	<p>discrimination in marriage dissolution.</p> <p>CEDAW was cited by the Commission for Gender Equality as part of arguments about state obligations under Article 16</p>	
2025	<p>Zondi v S (AR333/2024) [2025] ZAKZPHC 108 (24 October 2025): The court explicitly referenced South Africa's international obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in the context of legislative efforts to combat gender-based violence (GBV).</p>	<p>The High Court dismissed an appeal against a sentence for domestic violence offenses, specifically assault with intent to do grievous bodily harm and contravention of a protection order.</p> <p>The appellant in Zondi v S appealed the severity of the sentence he received from the Regional Court for domestic violence charges, including assault with intent to do grievous bodily harm. The High Court emphasized the commitment within South African law to address domestic and gender-based violence. The court noted that the Domestic Violence Act considers the state's international obligations to end violence against women and children, including those under CEDAW.</p>

**Detailed information on the cases:**

46. The case between the Women's Legal Centre Trust v President of the Republic of South Africa and Others (CCT 24/21) [2022] ZACC 23; 2022 (5) SA 323 (CC); 2023 (1) BCLR 80 (CC) (28 June 2022), the Constitutional Court recognised international

law and gender equality principles (including CEDAW) in interpreting domestic equality protections related to Muslim marriages and discrimination.

47. This application was brought by the Women's Legal Centre Trust concerning the persisting non-recognition of marriages solemnised in accordance with the tenets of Sharia law (Muslim marriages), which has resulted in the infringement of fundamental rights of parties to Muslim marriages, and Muslim women and children, for far too long. The Women's Legal Centre Trust has asked this Court to confirm an order of the Supreme Court of Appeal that declared certain provisions of the Marriage Act [1] and the Divorce Act [2] unconstitutional.

In a detailed judgment, the High Court analysed some of the difficulties faced by women married according to Sharia law, as well as the children born in such marriages. The High Court held that compared to women in civil and customary marriages, women in Muslim marriages are unfairly discriminated against on the listed grounds. The High Court held further that the fact that women in Muslim marriages have the option in law to register their marriages and still choose not to, does not absolve the President and Cabinet of their constitutional duty to protect their rights. The High Court reasoned that the lack of recognition infringes on the dignity of Muslim women. When a husband in a Muslim marriage obtains a unilateral divorce through the Talāq, this leaves most women in Muslim marriages without adequate safeguards to obtain the kind of relief granted upon divorce in a civil court.

The High Court held further that children born of Muslim marriages do not enjoy the same protections and privileges as children born in civil or customary marriages. In the case of a divorce where children born in civil or customary marriages are involved, the courts assume an automatic judicial oversight role and are obliged to consider the best interests of the child. This is different for children born of Muslim marriages, who are not provided with the same automatic court supervision. Therefore, the Court concluded, the non-recognition of Muslim marriages infringes the best interests of the child.

The High Court found that there is systemic violation of the rights to equality, human dignity, access to courts, and children's rights. Furthermore, the erosion of these rights triggers duties imposed upon the state under section 7(2), which require the state to respect, protect, promote and fulfil the rights in the Bill of Rights. The question it had to consider was whether the state has an obligation to regulate Muslim marriages comprehensively rather than it happening in a piece-meal fashion in the courts.

In answering whether there is an obligation on the state to enact legislation to address the hardships faced by women in and children born of Muslim marriages, the High Court considered South Africa's obligations under international law. It analysed the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Covenant on Civil and Political Rights (ICCPR), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) and the SADC Gender and Development Protocol (SADC Protocol), which have been signed and approved by Parliament and ratified, but not domesticated, through an enactment under section 231 of the Constitution. Having found that there is an obligation on the state to enact legislation to address the hardships faced by women in and children born of Muslim marriages, the High Court concluded:

*"While the State has the authority to determine how it fulfils its section 7(2) duty, this must necessarily be in line with the Constitution. In this instance, given the nature of the rights violations, in the context of the complexity and the importance of marriage, the only reasonable means of fulfilling the section 7(2) duty is through the enactment of legislation.*

This interpretation of section 7(2) is aligned with the international obligations that South Africa has taken. As was held in *Glenister*, the conclusion that in the specific context of this matter the only reasonable means of fulfilling the section 7(2) duty is through the enactment of legislation, may be found without resort to South Africa's international obligations. But to do so would be to disregard section 39(1). Moreover, these international obligations whilst not creating binding and

enforceable rights within South Africa, lend much interpretive weight to what is reasonable under section 7(2).”

### **Example 2 of the reference Case**

#### **48. Zondi v S (AR333/2024) [2025] ZAKZPHC 108**

49. The appellant in Zondi v S appealed the severity of the sentence he received from the Regional Court for domestic violence charges, including assault with intent to do grievous bodily harm. The High Court emphasized the commitment within South African law to address domestic and gender-based violence. The court noted that the Domestic Violence Act considers the state's international obligations to end violence against women and children, including those under CEDAW.

50. The court referenced a South African Law Reform Commission paper that cited a UN CEDAW Committee call for South Africa to reform its domestic violence legislation, providing context for the country's legislative actions to protect victims. While CEDAW was mentioned to contextualize the severity and legislative intent of minimum sentences for domestic violence offenses, it was not the deciding factor in the appeal. The appeal focused on whether "substantial and compelling circumstances" justified a deviation from the minimum sentence.

51. The appellant argued that traditional compensation (payment of two goats) and time in custody should be considered substantial and compelling circumstances. However, the High Court rejected this, stating that traditional arrangements cannot undermine the dignity of abused women or the purpose of minimum sentencing legislation for GBV. The appeal against the sentence was dismissed, and the original sentences were upheld, as the court found no error by the lower court and no compelling reasons to reduce the sentence.

52. This case illustrates how the South African judiciary incorporates international human rights standards in applying domestic law, particularly in the ongoing effort to combat gender-based violence.

### **Women's Access to Justice**

53. South Africa continued to strengthen measures aimed at enhancing women's access to justice, with particular emphasis on addressing gender-based violence and femicide, domestic violence, and sexual offences. This was undertaken through legislative reform, institutional strengthening and the implementation of the National Strategic Plan on Gender-Based Violence and Femicide (2020–2030).
54. Key measures included the strengthening of specialised justice mechanisms and survivor-centred services, including Thuthuzela Care Centres, Sexual Offences Courts, and integrated support services intended to improve reporting, case management, prosecution and victim support.
55. At the end of the 2024/25 reporting period, there were 65 Thuthuzela Care Centres (TCCs). These centres are a critical part of South Africa's anti-rape strategy, aiming to reduce secondary victimisation and to build a case ready for successful prosecution as part of the government's commitment to integrated service delivery.
56. The online application for protection orders is a significant contribution to reducing secondary victimisation and facilitating access to justice.
57. Efforts to combat sexual violence, especially against women and children include the reintroduction of the Sexual Offences Courts in the country with the aim to (i) reduce secondary victimisation often suffered by the victims when they engage with the criminal justice system, particularly the court system; (ii) reduce the turnaround time in the finalisation of these cases; and (iii) improve the conviction rate in sexual offence cases. As of April 2022, 116 regional courts were upgraded to Sexual Offences Courts
58. Despite the reported progress and developments, implementation gaps, capacity constraints and service delivery challenges continued to impede the full and effective realisation of women's rights in practice especially in resource-poor contexts, such as rural areas. These include delays in the investigation and finalisation of cases, inconsistent implementation and enforcement of protection measures, limited access to legal, psychosocial and court support services, particularly in rural, poor and underserved communities. The absence of fully equipped GBV desks, specialised services (especially for people with disabilities), and safe access for LGBTQIA+ persons at several points remains a challenge and widens the gap. Rising accounts of secondary victimisation have also been noted.

59. In **response to recommendation 22 (a)** on ensuring that Legal Aid South Africa has adequate human, technical and financial resources to deliver on its mandate, Legal Aid SA has a national footprint of 64 Local Offices and 64 Satellite Offices managed by six Provincial Offices. The Local Offices and Satellite Offices provide court coverage of the criminal courts nationally. The National Operations Department, headed by the Chief Operations Officer, is responsible for the implementation and oversight of the Act within Legal Aid SA.

60. On financial resources, Legal Aid South Africa faces financial constraints due to mandated annual 10% budget cut which has resulted in the reduction of budget for the MTEF period 2024/2025 – 2025/2027. The budget cut and shortfall remain a high risk that may hinder Legal Aid South Africa from executing its mandate. The MTEF Allocation indicates budget reductions for Legal Aid South Africa of R229 million in 2024/25, R239 million in 2025/26 and R250 million in 2026/27.

	2023/2024	2024/2025	2025/2026	2026/2027
<b>Original MTEF allocation</b>	R2,189,449,000	R2,398,856,738	R2,471,781,820	R2,591,977,428
<b>Baseline reduction</b>	R186,683,000	R228,777,000	R239,024,000	R249,975,00
<b>Percentage reduction</b>	8,5%	9,5%	9,7%	9,6%
<b>Tolerable reduction</b>	5,0%	5,0%	5,0%	5,0%
<b>Excess</b>	3,5%	4,5%	4,7%	4,6%
<b>Percentage excess</b>	70,6%	90,7%	93,0%	93,0%

Source Legal Aid SA Strategic Plan 2025 - 2030

61. In terms of human resources, Legal Aid SA renders legal representation at State expense, where substantial injustice would otherwise result, as contemplated in the Constitution. The Entity's Planned Court Coverage Plan ensures that Legal Practitioners are available at all courts to ensure that all accused persons who qualify for assistance in legal representation for sexual offence matters can access legal representation. Experienced Legal Practitioners with at least five years of post-admission experience are assigned to courts where sexual offence matters are adjudicated. Legal Aid SA covers all identified Sexual Offences Courts on a 'practitioner per court' model.

The table below demonstrate that there has been a slight increase in the number of sexual offence cases from the previous financial year, not only in actual numbers (26,311) but also in terms of the percentage of sexual offence matters measured against the total matters for Legal Aid SA (from 6.41% to 7.57%). It is still, however, still lower than the 2021/2022 financial year.

<b>Sexual Offences matters over the past 4-year period</b>								
Province	2021/2022		2022/2023		2023/2024		2024/2025	
	Sexual Offences Matters	Total Legal Aid SA Criminal Matters	Sexual Offences Matters	Total Legal Aid SA Criminal Matters	Sexual Offences Matters	Total Legal Aid SA Criminal Matters	Sexual Offences matters	Total Legal Aid SA Criminal Matters
Eastern Cape	4,825	45,962	3,251	43,559	3,487	43,943	4,415	45,045
Free State/ North-West	3,763	41,387	2,889	40,768	3,276	43,539	4,377	47,479
Gauteng	2,794	52,488	2,272	54,039	2,323	52,411	3,070	59,782
KwaZulu - Natal	4,110	47,914	3,666	52,254	3,941	54,838	5,114	60,529
Limpopo/ Mpumalanga	3,542	35,356	3,082	36,992	3,132	38,156	4,088	41,905
Northern Cape/ Western Cape	5,425	83,233	4,445	89,238	4,200	84,602	5,247	93,031
<b>Total</b>	<b>24,549</b>	<b>306,340</b>	<b>19,605</b>	<b>315,750</b>	<b>20,359</b>	<b>317,488</b>	<b>26,311</b>	<b>347,771</b>
% of total	7,98		6,21%		6,41%		7,57%	

### Article 3 - Equality - Guarantee of Basic Human Rights and Fundamental Freedoms

62. The Republic of South Africa remains fully committed to the implementation of Article 3 and reports herein on measures adopted, progress achieved, challenges encountered and future priorities during the reporting period.
63. The Constitution of the Republic of South Africa, 1996, establishes equality, human dignity and non-sexism as founding values. Section 9 guarantees equality before the law and prohibits discrimination on the grounds of sex, gender, pregnancy, marital status and related grounds.

64. To realise the implementation of Article 3 of the Convention, South Africa has enacted comprehensive legislations.
65. While several legislations have been highlighted in the previous reports, the following significant gender legislation and frameworks were introduced during the current reporting period, most notably related to addressing the scourge of gender-based violence (GBV) and reinforcing the existing national policy framework including:
- a. **The Gender Responsive Planning, Budgeting, Monitoring, Evaluation and Auditing Framework (GRPBMEA).** The framework was approved by Cabinet in 2019 and sets out the country's approach to mainstreaming gender across the public policy cycle. The framework describes the problem statement, provides a comprehensive overview of the policy and legislative landscape, articulates the approach to GRPBMEA and identifies implementation priorities and the roles and responsibilities of critical departments in this regard. Fundamentally, the GRPBMEA is about turning policy commitments into actions and results by integrating them into government policy cycle.
  - b. **National Strategic Plan on Gender-Based Violence and Femicide (NSP on GBVF):** This is a comprehensive, multi-sectoral national framework for tackling all forms of violence and abuse against women and children. Since its adoption in 2020, several new interventions have been implemented including: (i) extensive legal reform; (ii) support for survivors through the provision of evidence kits at police stations; (iii) psychological and social services; (iv) the establishment of a GBVF Response Fund; (v) support for Thuthuzela and Khuseleka Care Centres, which provide vital services for GBV survivors; and (vi) dedicated financial resources to the implementation of the six pillars of the plan, including the economic empowerment of women.
  - c. **National Council on Gender-Based Violence and Femicide Act, 9 of 2024:** This crucial legislation was enacted in May 2024 to provide a statutory framework for establishing the National Council on Gender-Based Violence and Femicide (NCGBVF). The Council is tasked with providing strategic leadership and overseeing the implementation of the NSP on GBVF.
  - d. **Criminal Law (Sexual Offences and Related Matters) Amendment Act (Amendments):** Various amendments have been made to existing laws, including the Criminal Law (Sexual Offences and Related Matters) Amendment

Act Amendment Act 13 of 2022, The Criminal and Related Matters Amendment Act 12 of 2022, and The Domestic Violence Amendment Act 14 of 2022, to enhance victim protection, improve court processes, and ensure stricter sentencing for perpetrators of GBV.

e. **Dedicated Gender Based Violence desks:** Government is making progress in establishing dedicated desks at police stations in GBVF hotspots. The desks are staffed by police officers who are specifically trained to provide victim-centred assistance and support.

f. **Medium-Term Strategic Framework (MTSF) 2019-2024:** Gender was specifically prioritised as a cross-cutting focus area within this national planning framework, aiming to mainstream gender considerations into all government programs and interventions, with a strong emphasis on women's economic empowerment and transforming unequal gender relations.

66. Government continues to undertake legislative, administrative and judiciary measure towards the realisation of equality between men and women.

### **Mechanisms to promote and protect equality and discrimination against women and girls.**

67. The South African government has adopted a multi-layered approach which include legal, institutional, policy-driven, and programmatic measures to promote gender equality and combat discrimination and violence against women and girls since the last reporting period.

68. As reported in the previous section, government focused on strengthening legislative frameworks through amendments and new laws, especially targeting gender-based violence (GBV) and introduction of new legislations. Specifically, the National Council on Gender-Based Violence and Femicide (NCGBVF) Act 9 of 2024 which is a landmark piece of legislation in South Africa aimed at strengthening the national response to gender-based violence and femicide (GBVF) through the establishment of a statutory body to provide strategic leadership in eliminating GBVF.

69. In response to **recommendation 10(a) (CEDAW/C/ZAF/5) regarding awareness raising of women's human rights** among traditional and community leaders and the general public, the Department of Women, Youth and Persons with Disabilities in collaboration with the Department of Justice and Constitutional Development

- have partnerships with traditional leadership institutions, civil society, faith-based organisations, schools and local communities towards the implementation of the National Strategic Plan on Gender-Based Violence and Femicide (2020 -2020).
70. South Africa has also prioritised the engagement of traditional leaders and traditional institutions. This has included training and sensitisation of Houses of Traditional Leaders on gender-based violence and femicide, consultative engagements with traditional leaders, and community imbizos aimed at strengthening awareness of women's rights and addressing harmful social norms.
71. Government used annual national public campaigns to increase awareness of women's rights and challenge discriminatory social norms. Government has consistently implemented and supported nationwide advocacy under the 16 Days of Activism for No Violence Against Women and Children, within the 365-day programme of activism rather than a once-off annual event. These campaigns are used to communicate that violence against women is a human rights violation, to promote help-seeking, and to mobilise communities, men and boys, local leaders and institutions
72. Furthermore, government is implementing the National Intervention Strategy on Sexual Orientation, Gender Identity, Expression and Sex Characteristics (NIS SOGIESC) 2023–2027 (2023-2027) which is a key policy framework guiding South Africa's coordinated, multi-sectoral response to violence, discrimination, and inequality experienced by persons of diverse SOGIESC. The Department of Justice and Constitutional Development provides targeted training initiatives to support the effective implementation of this strategy.
73. During the 2024/2025 financial year, Department of Justice and Constitutional Development delivered training to strengthen the capacity of the Provincial Task Teams by promoting a deeper understanding of the Strategy, encouraging interactive and participatory learning approaches, and fostering collaboration. Further objectives of the training included the integration of National Intervention Strategy on Sexual Orientation, Gender Identity, Expression and Sex Characteristics principles at the service delivery level, raising awareness and promoting equality across the public service, and improving the mapping and prosecution of SOGIESC-based hate crimes. By strengthening the identification, documentation, and prosecution of such offences at municipal, provincial and

national levels, the training contributed to ensuring the equal enjoyment of rights and protections for all, irrespective of sex, gender, or sexual orientation. A total 204 participants were trained on the National Intervention Strategy on Sexual Orientation, Gender Identity, Expression and Sex Characteristics during the 2024/2025 financial year.

#### **Article 4: Special measures aimed at accelerating equality between men and women**

74. Republic of South Africa prioritise Gender Equality and Women Empowerment through the enactment of progressive legislations and promotion of human rights. This is demonstrated through the ratification of several international, continental and regional instruments.
75. Between 2016 and 2024, South Africa implemented several special measures and legislative reforms aimed at accelerating gender equality, focusing particularly on combating gender-based violence (GBV), promoting economic empowerment, and increasing representation in decision-making.
76. Promotion of and implementation of the **Gender-Responsive Planning, Budgeting, Monitoring, Evaluation, and Auditing (GRPBMEA)** framework across the different spheres of government is one of the special measures to accelerate equality between men and women. Currently, the Department of Women, Youth and Persons with Disabilities in collaboration with the Department of Planning, Monitoring and Evaluation and the National Treasury has put in place the Guidelines on assessment of draft strategic plans and annual performance plans for all government departments. The Guidelines assist departments to align the Strategic Plans and Annual Performance Plans to the priorities and rights of WYPD. The Strategic Plans and Annual Performance Plans of all departments are assessed for responsiveness to gender, youth and disability.
77. GRPBMEAF is implemented across all spheres of government with all National Departments submitting reports periodically on the implementation of the different pillars of the framework.
78. National Treasury is championing the implementation of **Gender Responsive Budgeting** in collaboration with the DWYPD, DPME and Statistics South Africa. The Gender Responsive Guidelines have been developed and are currently being

rolled out. The tools included Gender Expenditure Tagging, Gender Budget Statements, Gender Impact Assessments. Government of South Africa is piloting the GRB with 11 National Departments during the 2025/26 financial years.

#### **40% Procurement Target**

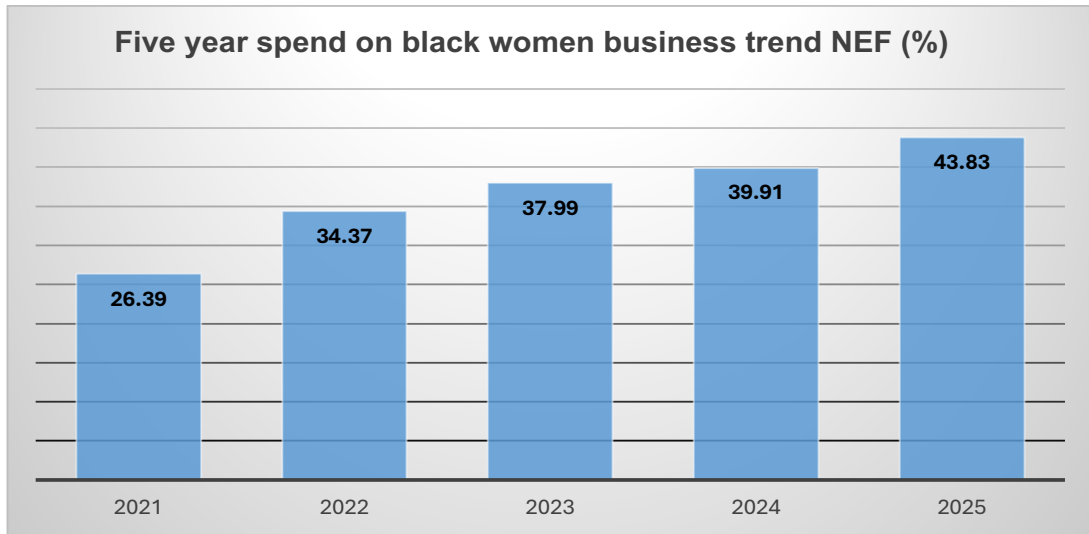
79. Government of South Africa is committed to utilise procurement to drive women's empowerment. This commitment is demonstrated by the President's pronouncement in 2020 of a **40% procurement target for all government procurement to be allocated for Women Owned Businesses (WOBs)**. This commitment requires national, provincial, and local government departments to create economic opportunities for women, with monitoring and reporting mechanisms implemented to track progress.

- (i) The enactment of the **Public Procurement Act 28 of 2024**, marks a significant milestone towards the incorporation of gender equality and empowerment provisions into the legal framework. The Act prioritises procurement from businesses owned by women, youth, and persons with disabilities, making inclusion a statutory consideration in awarding government contracts. This Act also create a legal basis for affirmative procurement set-asides, strengthen support for inclusive participation in public tenders and provides a framework to operationalise the 40 % target.
  
- (ii) **The Women's Economic Assembly (WECONA)** was launched in 2021 to enable women-owned enterprises to participate in local industry value chains. The WECONA plays a pivotal role in promoting women's economic empowerment by embedding them into essential value chains within sectors such as agriculture, manufacturing, automotive and other sectors. Through collaboration with provincial governments and private-sector leaders, WECONA creates and sustains critical procurement and supplier opportunities. WECONA's impact aligns directly with the goal of reaching 40% preferential procurement for women-owned enterprises.
  
- (iii) **Presidential Employment Stimulus:** The Presidential Employment Stimulus (PES) is a large-scale government initiative launched in October 2020 by President Cyril Ramaphosa. It was introduced as part of South Africa's

Economic Reconstruction and Recovery Plan (ERRP) to respond to the deep economic and labour market fallout caused by the COVID-19 pandemic. The programme is coordinated centrally by the Presidency and implemented through a 'whole of government' approach, with various national departments, provinces, municipalities, and partners (civil society, business) involved. The Presidential Employment Stimulus and Presidential Youth Employment Intervention have made a difference in the lives of many thousands of women in the country. These initiatives have enabled the most rapid expansion of public employment in South African history. Reports show that 66% of Presidential Employment Stimulus beneficiaries are women and 70% of the Presidential Youth employment Intervention opportunities are secured by young women. Approximately 1.7 million beneficiaries have been reached.

- (iv) National Empowerment Fund (NEF):** The NEF is dedicated to advancing economic transformation by increasing support for black-owned enterprises, particularly those led by women, youth, and people living with disability. Through targeted funding, the NEF fosters a more inclusive economy by helping these groups access financial resources, participate in key sectors, and contribute to national growth. The NEF Women Empowerment Fund is aimed at accelerating the provision of funding to businesses owned by black women using a range of funding instruments. The NEF disbursed 38.6% of its fund to businesses owned by women, youth and people living with disability during the 2024/2025 financial year. These groups often face compounded challenges, including limited access to finance and markets.

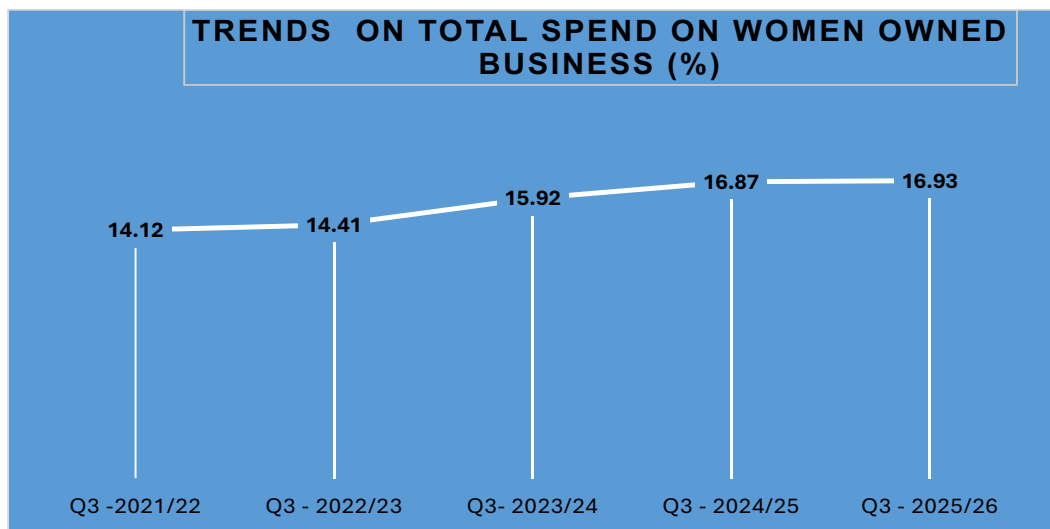
The graph below depicts the procurement trend from 2021 to 2025. The data shows that there has been an increase in the procurement from majority black-women-owned business from 26.39% in 2021 to 43.83% in 2025. This demonstrates efforts to support and empower black-women-owned businesses (National Empowerment Fund Integrated Report, 2025).



NEF

**Progress**

80. Despite commitment made by the President in 2020 and various initiatives available data shows that less than one-fifth of procurement spend benefited women-owned enterprises. Data on the graph below demonstrate spending on women-owned businesses remains limited, accounting for only 17% of total expenditure (National Treasury).



81. To address the triple challenge of poverty, inequality and unemployment in South Africa, the government has committed to the Economic Reconstruction and Recovery Plan (ERRP), which includes the economic empowerment of women, the youth and persons with disabilities. At local government level, government has introduced the District Development Model (DDM) which is centred on empowering the marginalised population by advocating for integrated government coordination in addressing economic, environmental and social challenges over a prolonged period which transcend municipal, provincial and national election cycles.
82. Government of the Republic of South Africa acknowledges that women in different socio-economic domains, geographic locations, and sexual orientation experience barriers to access opportunities. However, significant strides have been made in other domains such as education, where gender parity is reached and in closing the gender gap in rates of adult literacy. In terms of representation in decision-making positions, significant progress has been made in reaching gender equity in the public sector. For example, in 2019, females in senior management accounted for 42,4%, and those in middle management positions accounted for 45,2% which increased to 45,2% for senior management accounted and 41,6 % for middle management positions in 2024.

#### **Article 5: Measures to address Sex Role Stereotyping and prejudice**

83. The National Strategic Plan on Gender Based Violence and Femicide (2020 – 2030) provides direction on addressing issues of sex role stereotyping and prejudice through Pillar Two: Prevention and Rebuilding Social Cohesion. Under this Pillar, there are specific outcomes that guides all implementing stakeholders to address stereotyping and prejudice. These include objective 2.2: Changed behaviour and social norms within key groups because of the rollout of evidence-based prevention interventions; and Objective 2.3: Shifts away from toxic masculinities towards embracing positive alternative approaches for expressing masculinities and other sexual and gender identities, within specific communities/groups.

84. South Africa is implementing the **Revised National Intervention Strategy on Sexual Orientation, Gender Identity, Expression, and Sex Characteristics (SOGIESC): 2023–2027**. This is an intersectional, survivor-focused, and evidence-driven policy approved by Cabinet in August 2023. It aims to prevent and respond to violence, discrimination, and hate speech against persons of diverse sexual orientation, gender identity, expression, and sex characteristics (SOGIESC). The strategy strengthens institutional, legislative, and, and, accountability mechanisms, elevating the National Task Team (NTT) to Deputy Minister level to coordinate a multi-sectoral approach. The Strategy is aligned with the National Strategic Plan on Gender-Based Violence and Femicide (NSP GBVF) and acknowledges the layered vulnerabilities experienced by persons of diverse SOGIESC—particularly those who also face marginalisation due to an intersection of race, class, disability, nationality, or migration status.
85. The National Intervention Strategy on SOGIESC is not a government document alone it is a community-owned instrument. Its implementation is driven by the National Task Team (NTT), Provincial Task Teams (PTTs), and the Rapid Response Team (RRT), supported by subcommittees focusing on legal reform, public education, data monitoring, and social cohesion. The strategy creates space for meaningful participation by civil society, intergovernmental forums, Chapter 9 institutions, and affected communities themselves.
86. A total of 13 activities were undertaken to enhance the effectiveness of the established SOGIESC National and Provincial Task Teams were undertaken during the 2024/2025 financial year. These include Nine workshops on the revised National Intervention Strategy on SOGIESC with Provincial Task Teams (NC, FS, EC, KZN, MP, GP, LP, NW and WC) and one quarterly National Task Team meeting (DOJ&CD Annual Report, Vote 25, 2024/2025).
87. South African Justice System plays a critical role in preventing prejudice based on gender stereotyping. For example, through the case of: *VJV and Another v Minister of Social Development and Another (CCT 94/22) [2023] ZACC 21; 2023 (10) BCLR 1250 (CC); 2023 (6) SA 87 (CC) (29 June 2023)*. The Constitutional Court handed down judgment in an application for confirmation of constitutional invalidity granted by the High Court of South Africa, Gauteng Division, Pretoria (High Court). The High Court declared section 40 of the Children’s Act 38 of 2005 (Children’s Act) unconstitutional to the extent that it excludes permanent life partners as the

recipients of automatic parental rights and responsibilities arising from the birth of children born because of artificial fertilisation. It ordered that the words “permanent life partner” be read in after the word “spouse” and “husband”, wherever such words appear in section 40 of the Children’s Act (impugned provisions). The applicants, two women in a permanent life partnership, held a desire to have their own children and to establish their own family. choice made by married partners. Its impact rendered it manifestly unfair, and the Court concluded that the impugned provisions resulted in unfair discrimination based on marital status.

88. In instances where the Marriage legislation discriminates against women, the Courts intervened to the provisions unconstitutional. For example, *in Jordaan and Others v Minister of Home Affairs and Another (CCT 296/24) [2025] ZACC 19*, the South Africa’s Constitutional Court delivered a landmark ruling declaring that men have the right to adopt their wives’ surnames upon marriage, striking down legislation that the court found constituted unfair gender discrimination. While acknowledging that the law deprived men of naming choices, the Constitutional Court emphasised that the discrimination had far more profound implications for women in South African society. “The discrimination is far more insidious for women. It reinforces patriarchal gender norms, which prescribe how women may express their identity, and it makes this expression relational to their husband, as a governmental and cultural default.” The Constitutional Court’s decision represents a significant step toward gender equality in South African family law, dismantling legal structure rooted in patriarchal traditions.

### **Crime against Women**

89. The challenge of crime and violence against women violates their human rights and directly undermines their fundamental freedoms and dignity. While the South African Police Service are implementing the Integrated Crime and Violence Prevention Strategy (2022) to reduce contact crime against women and children; there has been an increase in the reported incidence of contact crime against women 18 years and above over the past years. The reported the reported incidence of contact crime against women increase Increased, by 15,6% from 155 062, in 2020/21 to 179 208, in 2021/22; increased, by 8,1% from 179 208, in 2021/22 to 193 669, in 2022/23, and increased, by 4,6% from 193 669, in 2022/23 to 202 633, in 2023/24.

### **Actions prioritized by South Africa to address gender-based violence**

90. In 2020, South Africa adopted a National Strategic Plan on Gender Based Violence and Femicide (2020 – 2030) (referred to as the NSP on GBVF) as a society-wide programme to end gender-based violence and femicide. The Plan is organized around six pillars, which are aimed at: (i) Accountability, coordination and leadership; (ii) prevention; (iii) strengthening the criminal justice response; (iv) providing support, care and healing to survivors; (v) Economic power; and (vi) research and evidence-based monitoring. The NSP on GBVF provides a multi-sectoral, coherent strategic policy and programming framework to ensure a coordinated national response to the crisis of GBVF by South Africa collectively.
91. **End Gender Based Violence and Femicide (GBVF) 100-Day Challenges in municipalities**
92. The End GBVF 100-Day Challenges use a structured approach to accelerate and localise the implementation of the National Strategic Plan to end Gender-Based Violence and Femicide. Teams set ambitious 100-day goals and developed innovative plans through intense collaboration, continuous innovation and disciplined implementation. The movement is supported by various stakeholders, that is government, civil society and the private sector.
93. A 100-Day Challenge lasts 100 days and consists of a clear goal, a dedicated team and a focused plan. It is a structured project with defined stages and outcomes. Key takeaways include commitment to ambitious but believable goals, achieving real impact within 100 days, inclusive participation, experimentation, adaptive leadership and healthy competition between teams. 100-Day Challenges harness the urgency of crisis conditions without creating a crisis, encouraging intense collaboration, frequent innovation and rapid implementation.
94. The participation of the municipalities in the 100-Day Challenges Programme emanates from the 2023 SALGA Women's Commission (SWC) National Lekgotla resolution adopted on 28 September 2023. The resolution committed SALGA to supporting municipalities to participate in the 100-Day Challenge as a mechanism to support the localisation of the implementation of the National Strategic Plan on Gender-Based Violence and Femicide (NSP on GBVF). The programme has demonstrated significant scale-up, with municipal participation increasing from 13

municipalities in 2023, 38 in 2024 to 50 municipalities in 2025 across all nine provinces.

95. Municipal commitments include formal agreements, budget alignment, communication support and participation in monitoring and reporting. Key achievements included development of integrated GBVF work plans and transition from 100-day plans to 365-day implementation cycles. Impact examples included increased youth participation in positive activities, improved victim support services and strengthened collaboration with other role players. Municipal initiatives established GBV hotlines and help desks operating 24/7, adopted trial-and-error approaches to improve referral systems and achieved improved accountability and service coverage. Results showed improved GBVF-related performance, system insights, transformative leadership experiences and sustained improvements beyond the 100-day period.
96. The following actions were prioritised in line with the pillars of the NSP: (i) accountability has been strengthened across government system for implementation through institutionalisation of the NSP on GBVF and enforcement of compliance with monthly reporting by government departments to the President; (ii) establishment of an Inter-Ministerial Committee on GBVF which provides political guidance and oversight; (iii) GBVF Response Fund established and functional; (iv) END GBVF established and functional as a multi-sectoral structure driving collaborative implementation; (iv) ring-fenced funding for secretariat functions towards the establishment of a National Council on Gender Based Violence and Femicide since 2020 –R5 Million per financial year since 2020; (v) Parliamentary oversight framework in place; (vi) establishment and revitalisation of existing coordination structures at provincial, district and local levels established in some areas.
97. Critical priority actions taken in the last five years by South Africa to address GBVF included strengthening of certain legislations as well as introducing new laws to protect women and children from abuse and violence. In January 2022, the President assented to three pieces of legislation targeted at strengthening the country's response to the increasing scourge of GBVF: (i) the Criminal Law (Sexual Offences and Related Matters) Amendment Act; (ii) the Criminal and Related Matters Amendment Act; and (iii) the Domestic Violence Amendment Act.

98. **In Response to recommendation 12. (a) on the establishment of the National Council on Gender Based Violence and Femicide as well as resourcing**, South Africa has made substantial legislative and institutional progress towards the establishment of the National Council on Gender-Based Violence and Femicide (NCGBVF) as a permanent statutory mechanism to coordinate the national response to gender-based violence and femicide. The enactment of the National Council on Gender-Based Violence and Femicide Act, 2024 (Act No. 9 of 2024) into law on 24 May 2024 which subsequently came into operation on 15 November 2024 serves as a key milestone. The commencement of the Act gave legal effect to the establishment of the Council as a statutory body mandated to provide strategic leadership, coordination, oversight, monitoring and accountability in the prevention of and response to GBVF in South Africa.
99. Following the enactment and commencement of the legislation, South Africa moved into the operationalisation phase of the NCGBVF. Progress has included the initiation of processes to appoint the Council's governing structures and to transition from an interim coordination arrangement to a fully functional statutory institution. Parliament's Portfolio Committee on Women, Youth and Persons with Disabilities has played an oversight role in this regard, including overseeing processes relating to the appointment of members to the Council. Parliament finalised the interviews for candidates to serve on the National Council in March 2026. This represents a significant step towards constituting the Council's leadership and enabling it to begin functioning in accordance with the Act. On the question of resources to ensure that the National Council is able to fulfil its critical functions, National Treasury has approved the Council as a separate sub programme with ring-fenced funds from 1 April 2026.
100. In response to the call for the establishment of a permanent national multi-sectoral coordinating body, the President assented and launched the National Strategic Plan on Gender-Based Violence and Femicide (NSP-GBVF) in April 2020. To formalise the NSP-GBVF, the National Council on Gender-Based Violence and Femicide Act, Act 9 of 2024, was signed into law on 24 May 2024 and came into operation on 15 November 2024. The Act establishes the Council as a statutory body responsible for providing strategic leadership and co-ordination in the prevention of, and response to GBVF. The Council acts through its Board, comprising seven (7) representatives from civil society and the private sector to be

appointed by the President from a list of persons recommended with a supporting vote of a majority of the members of the National Assembly, and eight (8) representatives from specific defined organs of state nominated by their respective ministers. Parliament advertised the positions from civil society and the private sector, conducted interviews, undertook security clearances and recommendations have been made to the President.

101. Processes have been undertaken to have the National Council classified as a national public entity in terms of the Public Finance Management Act, 1999. Regulations are being drafted as intended in the Act to prescribe norms and standards for the co-ordination and accountability of provincial and local GBVF structures.
102. National Treasury issued a 2026 MTEF Preliminary Allocation in which allocations have been made to operationalise and strengthen the capacity of the National Council on Gender-Based Violence and Femicide over the medium-term framework, namely R48.085 million in 2026/27, R49.976 million in 2027/28, and R52.186 million in 2028/29.
103. An Induction Manual has been developed as recommended in the King V Code on Corporate Governance to familiarise new members with the complex legal, regulatory, and political environment in which Council will operate.
104. In response to **recommendation 12(b)** on the resourcing for implementation of the National Strategic Plan on Gender Based Violence and Femicide, the funds are made available through the voted funds of different line function departments which are the implementing departments inline with their mandate. The Gender Based Violence Private Sector Fund 1 which was launched by the President on the 3<sup>rd</sup> of February 2021 to raise, manage and allocate resources effectively to strengthen the national response to GBV is responsible for disbursing financial resources to civil society.
105. Notably, the National Council on Gender-Based Violence and Femicide Act was assented into law by the President on 24 May 2024. This landmark legislation is a critical step forward in ensuring the safety and protection of women and children from abuse and violence, as it seeks to facilitate the establishment of a National Council as a statutory body charged with providing strategic leadership in the fight against gender-based violence and femicide in South Africa. This multi-sectoral Council will draw on the expertise of all stakeholders, which includes government,

civil society, labour, business/corporate South Africa, researchers, academics and others, to strengthen national efforts to combat gender-based violence, using a more inclusive, focused and better resourced approach.

106. The **classification of Gender Based Violence and Femicide as a National Disaster in November 2025** is a major milestone which recognises that dealing with this scourge demands exceptional measures. This classification strengthens the mandates of the respective government departments, such as Social Development, Justice, Health, Police and Basic Education, to tackle GBVF. The classification will allow for expanded access to shelters, safe spaces, psycho-social counselling and community-based prevention programmes. It will enable faster emergency resource allocation for survivor services, enhanced monitoring and reporting mechanisms, and strengthen oversight.

107. **South Africa has also placed priority on accelerating prosecution on GBVF cases in the country.** In terms of increased prosecution of perpetrators for rape and other forms of GBV by gender/ sex, age and disability shows that: (i) conviction rate for femicide prosecutions stood at 91.9% in 2022/2023; and (ii) the conviction rate for sexual offences was 74.9% 2022/2023, while the conviction rate in intimate partner femicide was at 92.2% in 2022/2023. The table below shows Gender Based Violence and Femicide conviction rates.

	2020/2021	2021/2022	2022/2023
Conviction rate in femicide prosecution	231 (94.3%)	396 (94.3%)	91.9% 475/517
Conviction rate in intimate partner femicide prosecution	190 (93.1%)	316 (93.8%)	92.2% 356/386
Conviction rate in sexual offences	75.8% 2 539/3 349	74.2% 3 402/4 584	74.9% 3 451/4 606

108. In response to Concluding Observation (CEDAW/C/ZAF/5) and **recommendation contained in para 10 (b)** on systematic training for judges, prosecutors, police officers and other law enforcement officers, training is offered by different institutions in line with their mandate. The South African Judicial Education Institute (SAJEI) provide judicial education to judges, magistrates and those who aspire to be judicial officers. During the 2024/2025

reporting period, a total of 450 Magistrates, 163 court administrators and 884 justice and court administrative personnel received training on the sexual offences and related matters.

109. The National Prosecuting Authority provided sexual offences training to a total of 1103 officials during the 2024/2025 financial year as detailed below:

Training interventions	No of sessions	No Officials
<b>Sexual offences</b>	3	175
<b>Trafficking in persons</b>	3	192
<b>Ad hoc training</b>	22	264
<b>Human Trafficking institute</b>	1	112
<b>TCC Stakeholders</b>	20	187
<b>Military police</b>	1	35
<b>Court Preparation</b>	2	138
<b>Total</b>	<b>52</b>	<b>1103</b>

Source: SORMA Annual Reports

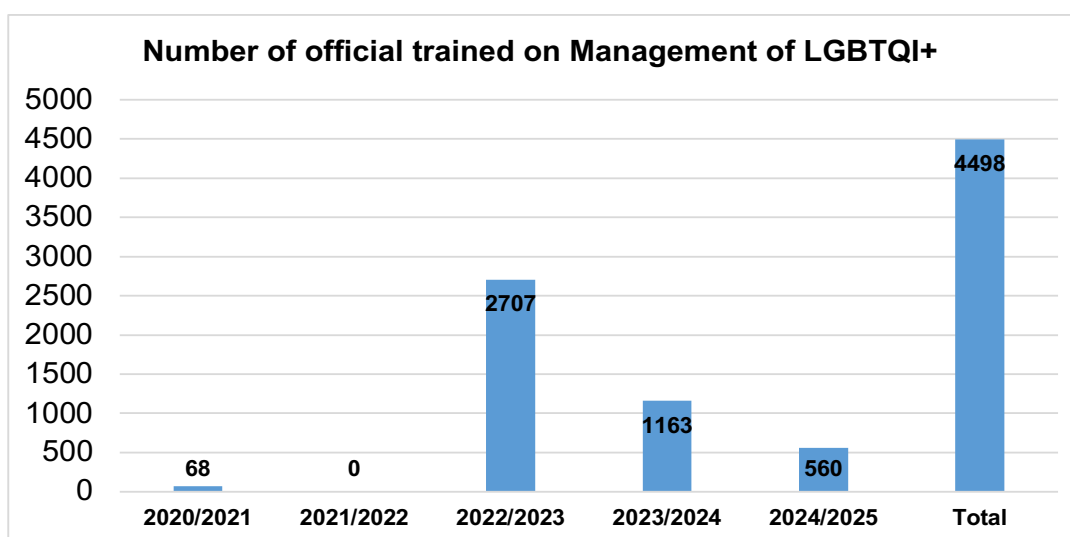
110. All prosecutors are trained to implement the Sexual Offences and Related Matters Act and ensure impactful prosecutions which has resulted in the National Prosecuting Authority consistently achieving a target of 70% conviction rate.

#### Convictions on Sexual offences cases

Financial Years	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025
Conviction %	75.8%	74.2%	74.9%	72.3%	70.5%
Actual convictions	2539	3402	3451	3813	3724
Finalised cases	3349	4564	4606	5276	5283

Source: SORMA, 2024/2025

111. The Department of Correctional Services provide training to correctional service officials on the management of Lesbians, Gays, Bisexual, Transgender, Intersex, and Queer, Asexual Plus (LGBTIQA+) inmates. The graph below shows that a cumulative number of 4 498 correctional service officials received training on LGBTQI+ management between the financial year 2020/2021 and 2024/2025.



**Source:** SORMA Annual Reports, 2020/21 – 2024/25

112. In response to Concluding **Observation (CEDAW/C/ZAF/5) and recommendation contained in para 10 (c)** regarding strengthening of victim support services, the National Strategic Plan on Gender Based Violence and Femicide (2020-2030) is the point of departure for South Africa. In this regard, the Department of Social Development (DSD) provides psychosocial services to victims of crime and violence. This is in line with the Pillar 4 (Response, Care, Support and Healing) of the NSP-GBVF. The main intervention under this pillar is strengthening existing response, care and support services in ways that are victim centred, and survivor focused and trauma informed to facilitate recovery and healing.

113. The National Prosecuting Authority working with our partners in government and through innovative partnerships with the private sector has resulted in the accelerated expansion of Thuthuzela Care Centres (TCCs) to 66 facilities nationwide. The integration of survivor-centred services has reduced secondary trauma, improved conviction rates and enhanced the success of prosecutions. Over the 2024/2025 reporting period, 44 147 victims were supported through the multi-sectoral TCC model, ensuring the uncompromising priority of justice for victims of sexual and domestic violence.

114. The South African Police Service and the NPA, through its Sexual Offences and Community Affairs Unit, has prioritised DNA backlogs, initially in respect of gender-based violence and femicide matters, and later expanded to include

murder matters. The initiative has, since its implementation in October 2020, reaped substantial successes: to date, a total of 58 177 DNA reports have been sent to court prosecutors to expedite cases. This has also given rise to a prioritisation project targeting serial rapists, linked through DNA, across the country.

115. Regarding the issue of adequately funded shelters and safe houses, the Department of Social Development carries the responsibility to establish Shelters for victims of crime and violence particularly abused women and their children. These include the establishment of White Doors (safe places of hope) and Khuseleka One Stop Centres. The Sheltering services are provincial located and managed. Together with the Department of Public Works and Infrastructure (DPWI), the Department of Social Development is progressing with identification of infrastructure/buildings to be handed over for the purpose of GBV as part of the Emergency Response Plan on GBV led by the Presidency. The Strong intersectoral collaboration led the Department of Public Works and Infrastructure (DPWI) resulted in 46 buildings made available for shelters and interim housing for survivors of Gender Based Violence.

#### Summary of the Sheltering Service (2024/2025)

Province	Number of Shelters	Number of White doors	Number of Khuseleka	No of admissions
Gauteng	17	44	-	1456
Western Cape	31	-	01 (Civil Society)	2050
Mpumalanga	26	01	-	295
KwaZulu-Natal	46	10	-	2386
North West	17	01	01 (State owned)	4946
Eastern Cape	15	146	01 (State owned)	1485
Northern Cape	09	02	-	199
Limpopo	02	1	01 (State owned)	672
Free State	07	01	-	186
<b>Total</b>	<b>170</b>	<b>206</b>	<b>04</b>	<b>13 675</b>

Source: SORMA Annual Report – 2024/2025 (Department of Social Development pp27)

116. The establishment and rollout of Rapid Response Teams (RRTs) at the local level are reported to be mechanisms for providing timely responses to victims. Despite these efforts, the lack of standardisation and norms guiding shelters across the country, coupled with uneven service delivery and limited access to specialised services, remains a challenge for survivors and continues to be a point of contention for affected communities.
117. In **response to recommendation 14 (b)** on the adoption of legislation to specifically criminalise domestic violence and femicide, the Domestic Violence Amendment Act 14 of 2021 was signed into law in January 2022. The Domestic Violence Amendment Bill amends the Domestic Violence Act 116 of 1998 to address practical challenges, gaps and anomalies which have manifested since the Act came into operation in December 1999. In particular, the amended legislation includes new definitions, such as “controlling behaviour” and “coercive behaviour”, and expands existing definitions, such as “domestic violence”, to include spiritual abuse, elder abuse, coercive behaviour, controlling behaviour, and/or exposing/subjecting children to certain of listed behaviours. The Domestic Violence Amendment Bill also introduces online applications for protection order against acts of domestic violence and imposes obligations on functionaries in the Departments of Health and Social Development to provide certain services to victims of domestic violence. The Amendment Bill also aligns the Domestic Violence Act with the provisions of the Protection from Harassment Act 17 of 2011.
118. **In response to recommendation 14 (c)** regarding the adoption of the domestic Violence bill, the Criminal and related matters bill and Criminal Law (sexual offences and Related Matters) Amendment Act bill, all the amendment bills were signed into law in January 2022. The enacted legislation is a deliverable from the National Strategic Plan of Gender-based Violence and Femicide, which was called for at the November 2018 Presidential Summit against Gender-Based Violence and Femicide (GBVF).
119. **In response to recommendation 14 (d)** on ensuring that all cases of domestic violence and femicide are investigated and prosecuted including issuance of protection orders, South Africa has strengthened measures to ensure that domestic violence and femicide cases are reported, investigated, prosecuted and adjudicated in accordance with national law and policy. The Domestic Violence Act, as amended, together with related legislation and the National Strategic Plan on

Gender-Based Violence and Femicide, provides for the protection of victims, the duties of police officials, and accountability for perpetrators. The Domestic Violence Amendment Bill amends the Domestic Violence Act 116 of 1998 to address practical challenges, gaps and anomalies which have manifested since the Act came into operation in December 1999. The Domestic Violence Amendment Bill also introduces online applications for protection order against acts of domestic violence and imposes obligations on functionaries in the Departments of Health and Social Development to provide certain services to victims of domestic violence.

120. However, despite this progress, challenges remain, including underreporting, case attrition and implementation gaps.

121. On the issue of provision of statistical data on scope and extent of domestic violence and other forms of gender-based violence as highlighted in **recommendation 14 (e)**, South Africa's First South African National Gender-Based Violence Study was released by the Human Science Research Council at the end of 2024. This report detailed the prevalence of physical, sexual, emotional, psychological and economic violence experienced by women across all nine provinces.

#### **Article 6: Trafficking in Women and exploitation of prostitution**

122. The republic of South Africa adopted the Prevention and combating of Trafficking in Persons National Policy Framework in April 2019. This framework seeks to ensure all government departments and other engaged stakeholders from civil society are collectively guided in the implementation of anti-trafficking responses and of their statutory responsibilities. In particular, the NPF intends to support the implementation of the Prevention and Combating of Trafficking in Persons, 2013 (Act No. 7 of 2013), as reported in the 5<sup>th</sup> periodic report. As a strategic planning tool, the national policy framework is also key to secure political and financial support and to ensure rational use of resources and effective responses. The framework included an integrated Strategy and Action Plan (2019 – 2022).

123. South Africa have adopted an integrated and collaborative approach to address trafficking in persons. Through this approach, South Africa identified 234 identified victims of trafficking who were rescued and assisted during the 2024/2025 financial

- year. A National Intersectoral Committee on Trafficking in Persons (NICTIP) is in place and convenes quarterly and comprises relevant government departments and civil society organisations. In addition, there are Provincial Task Teams and Rapid Response Teams that are operational in all nine provinces - supporting localised anti-trafficking responses. The Frontline personnel are trained using integrated Standard Operating Procedures to ensure uniform victim identification and referrals.
124. Multi-disciplinary victim support services - comprising psychosocial, medical, legal and shelter support - are available to all identified victims. The Department of Social Development, the National Prosecuting Authority's Thuthuzela Care Centres and our civil society organisations play an invaluable role in victim support.
125. Through a network of accredited shelters and designated safe houses, protection and accommodation is available to trafficking victims. Government, with the assistance of civil society and other stakeholders, have intensified the coordinated efforts to prevent and combat trafficking. These initiatives are bearing fruit, as South Africa was upgraded to Tier Two in the 2024 US Department of State's Trafficking in Persons Report.
126. About 32 new trafficking prosecutions involving 57 accused persons have been instituted during the 2025/2026 financial year. There are 67 ongoing trafficking cases involving 156 accused persons and 428 charges - across various courts in South Africa.
127. In the 2024/25 financial year, 23 TIP cases, involving multiple accused persons, were finalized with a verdict. In 11 cases the accused persons were convicted of 146 Trafficking in Persons counts. In ten cases, the accused were convicted of other offences. Thirty-four (34) sentences of life imprisonment were imposed for ten accused. Sentences of 20 years were imposed for a further eight accused and two accused persons received sentences of ten years. This means that 20 convicted persons received long-term prison sentences of 10 years or more for TIP convictions.
128. In May 2025, the High Court convicted three perpetrators of trafficking in persons for the purpose of exploitation and kidnapping of Joshlin Smith. The Court found that she was sold for slavery or practices like slavery and handed down sentences of life imprisonment for human trafficking and 10 years for kidnapping to all three convicted persons.

129. Prevention through education and community empowerment is critical to curbing trafficking in persons. To suppress trafficking in women and exploitation, the National Prosecuting Authority provides several public education and awareness programs through out the country. During the 2024/2025 financial year, a total of 991 sessions were coordinated focusing on different subject matters including trafficking in persons specifically for sexual exploitation of victims including children.

#### **Article 7: Elimination of Discrimination against women in Political and public life**

130. Gender equality is a constitutional human right in South Africa. The Constitution of the Republic of South Africa, 1996 (the Constitution), is the overarching legal framework which protects the rights of the citizens. Section 9 of the Bill of Rights (Chapter 2 of the Constitution) stipulates the intent of promoting women's economic emancipation and participation. The Constitution is supported by various Acts of Parliament and other legal policy instruments related to women's empowerment and gender equality as reported in South Africa's 5<sup>th</sup> CEDAW Report.

131. On the issue of women's participation and representation in political levels, the Electoral Code of Conduct of the South African Electoral Act (Act 73 of 1998) (Section 2) states that every registered party and every candidate must: (i) respect the right of women to communicate freely with parties and candidates; (ii) facilitate the full and equal participation of women in political activities; (iii) ensure the free access of women to all public political meetings, marches, demonstrations, rallies and other public political events; and (iv) take all reasonable steps to ensure that women are free to engage in any political activities.

132. South Africa signed and ratified the SADC Declaration on Gender and Development which requires States Parties to endeavour by 2015, at least fifty percent of decision-making positions in the public and private sectors are held by women including the use of affirmative action measures. South Africa has aligned itself to the 50/50 gender parity principle for women at all political and decision-making levels in the country. The current draft bill on the Promotion of Women's Rights, Empowerment and Gender Equality in South Africa. The Bill is intended to give effect to section 9 of the Constitution of the Republic of South Africa, 1996, in

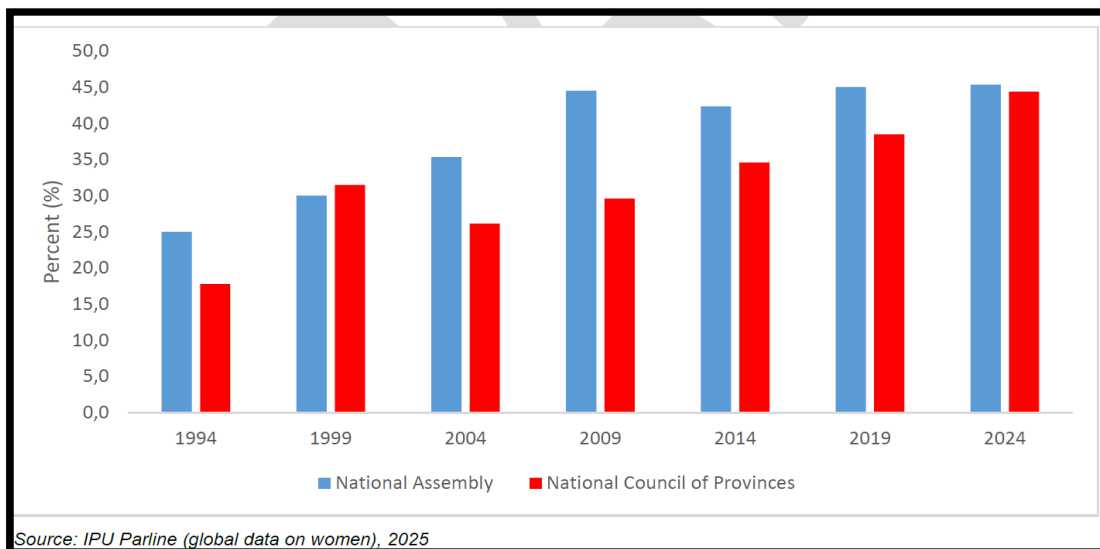
so far as the empowerment of women and gender equality is concerned; to establish a legislative framework for the empowerment of women; to align all aspects of laws and implementation of laws relating to women empowerment, and the appointment and representation of women in decision making positions and structures.

133. South Africa has made considerable success in advancing women's representation and gender equality across the state machinery. There has been a steady increase in the number of women elected as Speakers, Ministers, Deputy Ministers, Premiers, Members of Parliament, Mayors, Councillors, and Chairpersons of Portfolio Committees in the National and Provincial Legislatures.

<b>Women in Politics in South Africa. 2004-2024</b>					
	<b>2004</b>	<b>2009</b>	<b>2014</b>	<b>2019</b>	<b>2024</b>
<b>Women MPs</b>	33%	43%	40%	46%	43%
<b>Women in the NCOP</b>	41%	30%	28%	36%	44%
<b>Women MPLs</b>	30%	41%	37%	46%	38%
<b>Women in Cabinet</b>	4% <sup>2</sup>	41%	41%	50%	44%
<b>Women deputy ministers</b>	60%	39%	44%	46%	40%
<b>Women Premiers</b>	44%	55%	22%	22%	22%
<b>Women voters</b>	55%	55%	56%	55%	55%

134. There has been a steady increase in the representation of women holding seats in National Parliament in South Africa. Unfortunately following the 2024 elections, there is a 3% regression from 2019 in the representation of women holding seats. South Africa has 43.5% of seats in parliament taken up by women following the 2024 elections. South Africa had achieved 50% parity in terms of representation of women Ministers following 2019 national elections. However, representation of women Ministers stood at 44% following the 2024 National Elections.

#### **Women's proportional representation in National Assembly and National Council of Provinces**



135. The graph above shows that women's representation in national assembly and national council of provinces is rapidly growing and approaching parity. This graph demonstrates a positive trajectory towards gender equality. Women's representation in national assembly grew from 25.0% in 1994 to 45.4% in 2024. The largest growth is observed between the 2004 and 2009 elections, where the share of women in national assembly grew by 9.1 percentage points. Representation in the national council of provinces, mimics a similar trend to that of national assembly, women's representation rose from 17.8% in 1994 to 44.4% in 2024, with the biggest rise occurring during the 1994 and 1999 election years, with a 13.7 percentage point increase.

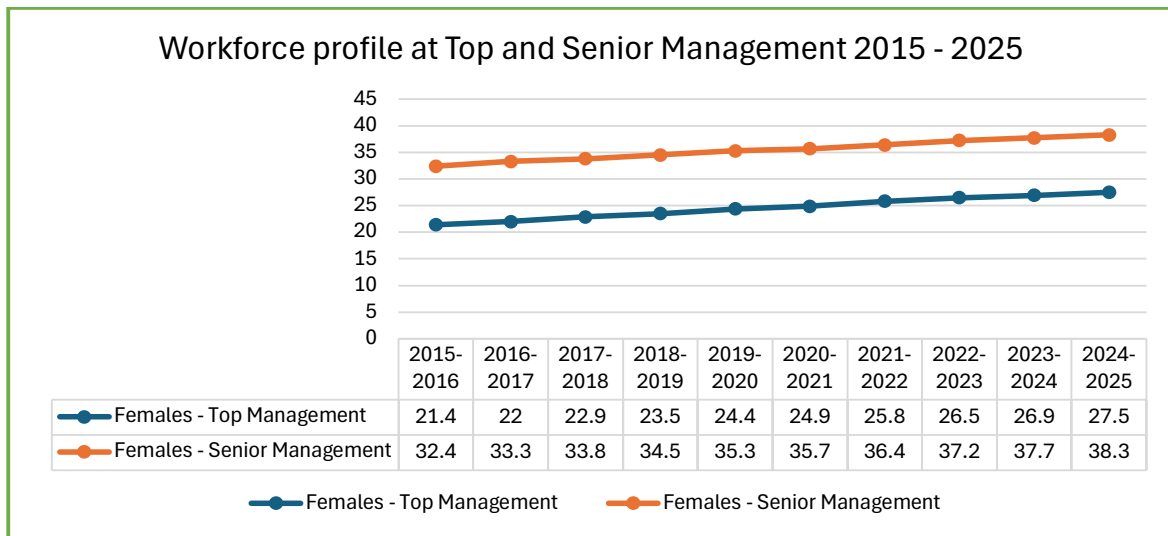
#### Percentage of seats held by women in Local Governments

	2018	2019	2020	2021	2022	2023
<b>Western Cape</b>	32,4	33,6	34,0	39,3	39,0	38,0
<b>Eastern Cape</b>	42,3	43,7	41,7	43,7	43,0	43,1
<b>Northern Cape</b>	37,1	36,7	38,2	44,9	40,9	41,6
<b>Free State</b>	34,4	38,1	37,5	36,1	33,3	34,8
<b>KwaZulu-Natal</b>	36,6	36,6	37,4	35,7	32,5	32,9
<b>North West</b>	36,6	36,8	36,8	39,8	37,2	37,6
<b>Gauteng</b>	42,8	43,5	41,7	38,8	36,1	46,7
<b>Mpumalanga</b>	37,9	38,5	38,5	41,8	38,7	38,4

<b>Limpopo</b>	39,7	39,8	39,6	43,9	39,9	40,6
<b>RSA</b>	38,9	39,3	38,8	40,1	37,5	39,0

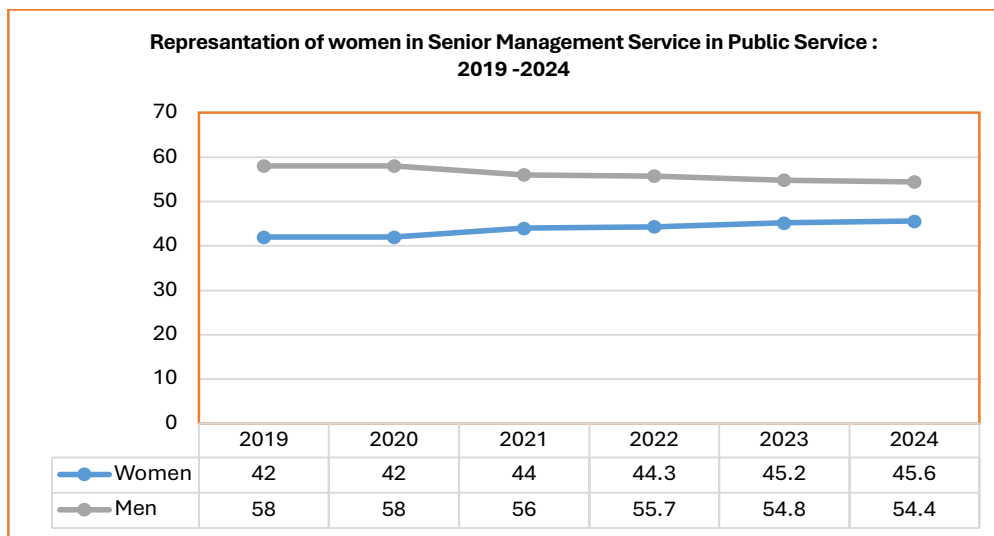
**Source:** Non-financial Census of Municipalities 2023, Stats SA

136. According to table above show that there has been a steady increase in women's political participation in local government since 2018. There are provincial differences with some provinces showing higher levels of women's political representation in local government, such as Northern Cape and the Eastern Cape, both at over 40.0% in 2023.
137. There has been a substantial increase in representation of women in the Judiciary in South Africa. As of August 2025, approximately 37,5% of Constitutional Court judges are women, 47,8% of Supreme Court of Appeal judges are women and 43,6% of High Court Judges are women. Out of a total of 1717 permanent magistrates, 54% are women. At senior level, of the 9 Regional Court Presidents, 5 are women and of the 311 Regional Magistrates, 163 are women. When it comes to our judges, of a total of 248 judges, 122 are women which equates to 49%. African women make up 25% of our total judiciary.
138. For the first time in the history of South Africa, the President of the Republic of South Africa appointed a female Chief Justice, Judge Mandisa Maya on 24 July 2024. The highest-ranking legal position in the country is held by a woman.
139. Important strides have also been made in increasing the number of women in senior management positions in the public service. The graph below depicts the workforce profiles at top management and senior management level. The graph shows that there is a steady increase year on year on female representation at Top Management and Senior Management level demonstrating progress in this regard.



Source: The Commission for Employment Equity (Cee) - Annual Report 2024/25

140. There is a steady increase in the representation of women in the Senior Management Services in the Public Service over the past five years. The graph below demonstrates narrowing of gender gaps regarding representation of women in senior management within the public service in South Africa.

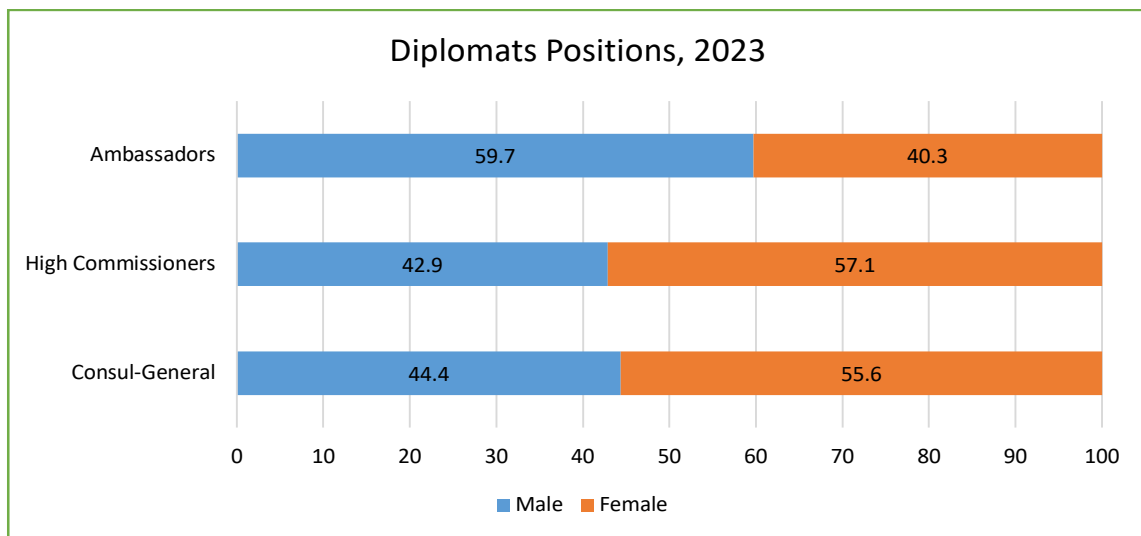


141. **In response to recommendation 32**, regarding the adoption of temporary special measures, such as statutory quotas and the preferential recruitment of women, to increase the participation of women in political and public life, education and employment, a key development in this area is update on the Employment Equity (EE) Amendment Act and its implications. The Proclamation Notice on the

commencement date of the Employment Equity Amendment Act, No. 4 of 2022 (EE Amendment Act, 2022) was signed by the President in November 2024 and published in the Government Gazette in December 2024. Subsequently, the EE Amendment Act, 2022 came into effect from 1 January 2025. The key objectives and implications of the EE Amendment Act, 2022 include the regulation of sector specific Employment Equity numerical targets in order to ensure the equitable representation of suitably qualified people from the designated groups as well as promulgation of section 53 of the Employment Equity Act for the issuing of the Employment Equity Compliance Certificate as a prerequisite for access to state contracts and doing business with any organ of state.

#### **Article 8: Participation at the international level**

142. South Africa's participation at international level is guided by the National Action Plan on Women, Peace and Security (2020–2025) which outlines commitments to advance women's meaningful participation in peace processes and international decision-making. The National Action plan focuses on advancing women's leadership in diplomacy, peace negotiations, and international institutional roles.
143. South Africa has actively participated in international platforms aimed at advancing the interests of women. South Africa's involvement in multilateral forums (UN, AU, SADC) and peacekeeping highlights the country's strategy to mainstream women's voices in global governance and security dialogues.
144. The graph below demonstrates the levels of representation of women in diplomatic positions. Data shows that females account for the majority of Consul General and High Commissioners while majority of ambassadorial positions are held by males (59,7%).
145. There has been an increase in the representation of women as ambassadors from 40,3% in 2023 as reflected in the graph below to 45,7% in 2024 demonstrating South Africa's commitment to promoting women's meaningful participation at the international level.



146. South Africa also boasts several noteworthy South African women whose influence spans diplomacy, international organizations, peace and policy. These includes amongst others, Dr. Naledi Pandor who was the Long-serving Minister of International Relations and Cooperation, shaping South African foreign policy through major global events and multilateral forums; Phumzile Mlambo-Ngcuka who served as Executive Director of UN Women (UN Under-Secretary-General level) which is one of the highest international roles by a South African woman.

### Article 9: Nationality

147. The rights of women to nationality are protected by a progressive, gender-neutral legal framework that prohibits discrimination based on sex or gender, ensuring that women have equal rights to acquire, change, retain, or pass on their nationality to their children. The primary laws governing this are the Constitution of 1996 and the South African Citizenship Act 88 of 1995.

148. ***Case of Jordaan and Others v Minister of Home Affairs and Another (2025):***

This application concerns the constitutionality of section 26(1)(a)–(c) of the Births and Deaths Registration Act 51 of 1992 (the Act). This section regulates the amendment of the forenames and surnames of South African citizens and is linked to regulation 18(2)(a) of the Regulations on the Registration of Births and Deaths, 2014 (Regulations).

The Constitutional Court confirmed that section 26(1)(a) -(c) of the Births and Deaths Registration Act 51 of 1992 is unconstitutional. The law unfairly discriminated based on gender, as it permitted women to change their surnames upon marriage, but required men to prove "good cause". This ruling upholds the rights to equality and dignity, allowing all spouses, regardless of gender, to choose their surname.

149. South Africa has made some strides in increasing accessibility to birth registration and identity documents through the Department of Home Affairs (DHA). The expansion of mobile unit outreach, bolstered by a budget allocation for additional units in the fiscal year 2022/2023, reflects a move towards enhancing service delivery and potentially aiding in improving access to birth registration and identity documents. These mobile units are critical in rural and informal urban areas where access to government services can be particularly challenging.
150. South Africa is one of the few countries in Africa that provides, in its 1996 Constitution, for every child to have the right to a nationality. South African citizenship is governed at the statutory level by the South Africa Citizenship Act No. 88 of 1995, as amended most recently in 2010.
151. Birth registration is a prerequisite to obtain documentation that proves nationality, which facilitates access to economic participation and access to other rights in South Africa. Births must be registered within 30 days in terms of the Births and Deaths Registration Act, 1992 (Act No: 51 of 1992 as amended in 2010 and its Regulations). The table below shows the distribution of birth registration by the number of days it took to register a birth over the period 2020 to 2024

**Distribution of birth registrations by number of days it took to register birth, (2020 -2024)**

Number of days	Number of birth registration					Percentage (%)				
	2020	2021	2022	2023	2024	2020	2021	2022	2023	2024
0-30 days	710 814	811 622	778 716	752 412	718 486	70.8	74.6	78.0	80.7	83.2
31-364 days	248 209	214 578	157 565	116 335	84 014	24.7	19.7	15.8	12.5	9.7
1 – 14 years	31 332	44 278	44 456	49 770	46 496	3.1	4.1	4.5	5.3	5.4
15 yrs & older	12 952	17 048	17 625	13 621	14 862	1.3	1.6	1.8	1.5	1.7
<b>Total</b>	<b>1 003 307</b>	<b>1 087 526</b>	<b>998 362</b>	<b>932 138</b>	<b>863 858</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

152. The table above demonstrate that majority of birth registration is occurring within 30 days in line with the Birth and Death Registration Act. The table also demonstrate a significant increase in birth registration within 30 days from 70.8% in 2020 to 83% in 2024. The increase could be attributed to improved services.
153. The law provides for mothers and fathers to have equal rights to transmit citizenship to their children and spouses. The registration of births in South Africa is governed by the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992). The law also provides that a child born in South Africa is a South African citizen by birth if “he or she does not have the citizenship or nationality of any other country or has no right to such citizenship or nationality” and the birth is registered in accordance with the Births and Deaths Registration Act.
154. Until 2010, the law provided for citizenship to be attributed at birth to the children of permanent residents born in South Africa; since 2010, the law only provides for a child born in South Africa to be able to acquire citizenship at majority, subject to certain conditions, including registration of birth.
155. The recent Gauteng High Court ruling in *M.M.E and Others v Director General, Department of Home Affairs and Another (21970/2021) [2025] ZAGPPHC 202 (12 March 2025)* represents a pivotal moment in reinforcing the constitutional rights of children. Section 28(1)(a) of the Constitution states that every child has the right to a name and nationality from birth. This decision reaffirms South Africa’s constitutional duty to prevent statelessness and protect children’s right to nationality.
156. Challenges also remain in instances where children born in South Africa and do not acquire the nationality of one of their parents at birth have struggled to obtain South African citizenship. Parents who lack identity documents may be unable to register the births of their children, putting those children at risk of being unable to assert their citizenship.

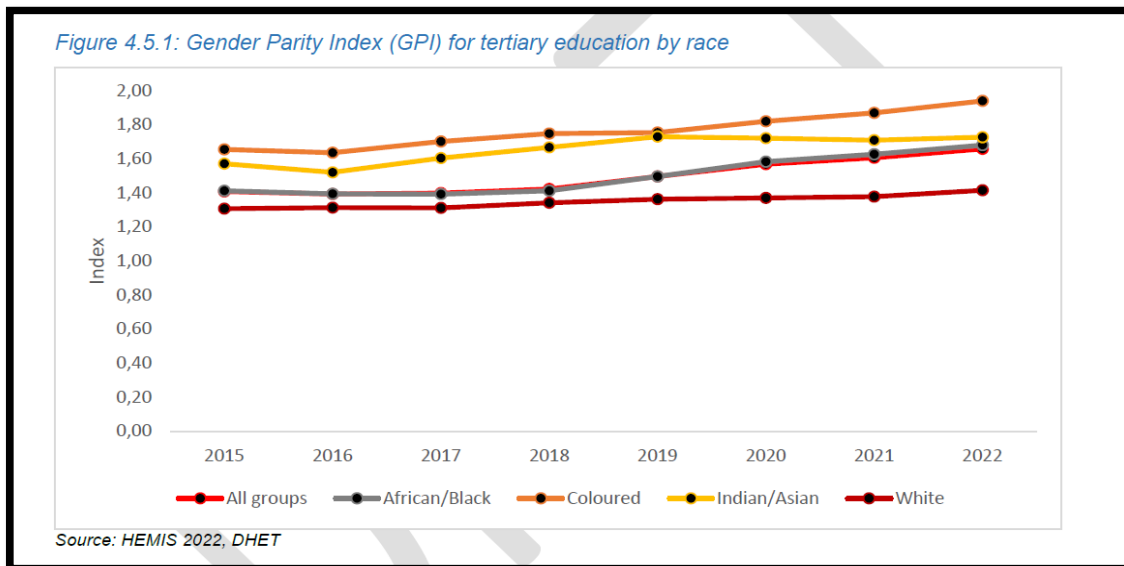
## Article 10: Education

157. The National Development Plan: Vision 2030 asserts that “education, training and innovation are central to South Africa’s long-term development. They are core

elements in eliminating poverty and reducing inequality and the foundation of an equal society. Education empowers people to define their identity, take control of their lives, raise healthy families, take part confidently in developing a just society, and play an effective role in the politics and governance of their communities”.

158. South Africa has made progress in introducing policies to facilitate gender equality and equity in education, since the dawn of democracy. There are, however, different opinions and perceptions on the impact of these policies and programmes. By 2009, South Africa succeeded in securing the universal enrolment of all children of primary school-going age, as well as gender parity, in schools across the country. Over the years, the number of women in education has been increasing, and they now represent a substantial portion of the student population in various fields of study.
159. South Africa's education policy framework is firmly rooted in the Constitution of the Republic of South Africa (1996), which guarantees the right to basic and further education. This right is operationalized by the South African Schools Act (1996), which created a uniform system for governance and access, and has been strengthened through the Basic Education Laws Amendment Act (2024). The latter has modernized admissions, governance, and home education policy, while introducing compulsory Grade R, thereby extending access to foundational learning. In line with the NDP Vision 2030 and the MTDP 2024 – 2029 prioritizes consolidation of literacy and numeracy gains, strengthening teacher professional development, improving school infrastructure, and enhancing school safety. In the post-school sector, emphasis is being placed on work-integrated learning, apprenticeships, and stronger linkages between education and the labour market.
160. Policy coherence is provided through the National Education Policy Act (1996), which guides standards and monitoring across the sector. The national curriculum, delivered under the Curriculum and Assessment Policy Statement, ensures consistency across provinces, while targeted reforms are improving early grade reading and numeracy. The Early Grade Reading Programme, supported by assessments, represents a key intervention for strengthening learning outcomes at the foundation phase. The No-Fee School Policy (2006) covers most public schools, complemented by fee- exemption mechanisms in fee-paying schools. The National School Nutrition Programme (1994 to present) provides daily meals to millions of learners per day, directly addressing hunger and improving attendance,

concentration, and educational outcomes. The Learner Transport Scheme and infrastructure investment, including through the Accelerated Schools Infrastructure Delivery Initiative, have reduced access barriers and improved safety, particularly in rural and under- resourced areas.



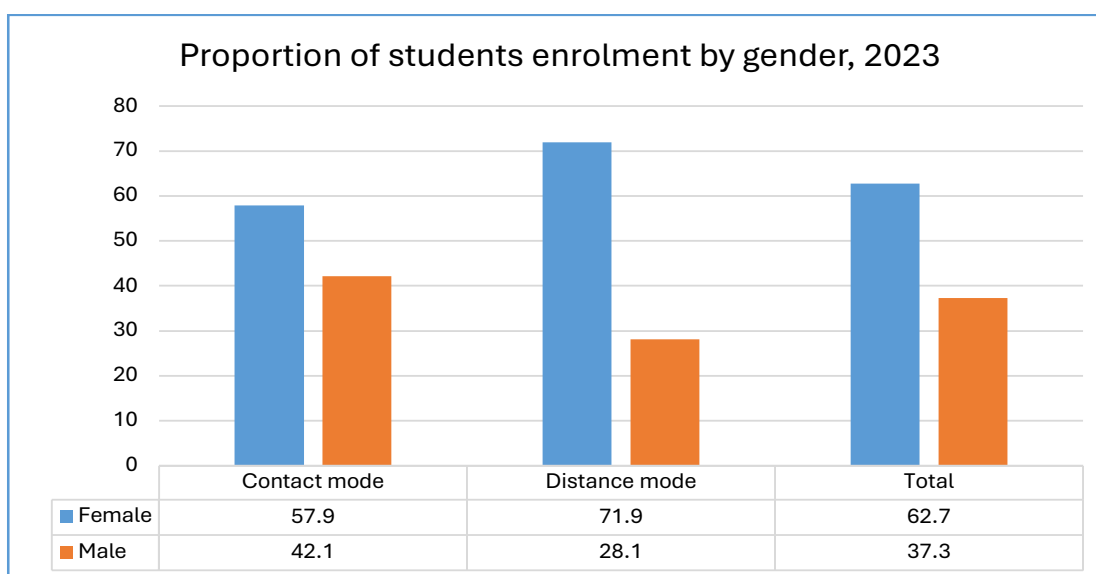
161. The graph above shows that the Gender Parity Index for tertiary education has been consistently reported above 1, ranging from 1.20 to 1.70 for all population groups, meaning that women were more likely than men to be enrolled in a tertiary institution between 2015 and 2022. The sustained female predominance in tertiary education enrolment may be attributed to the progressive implementation of gender-sensitive educational policies and initiatives aimed at promoting female participation in higher education. The data underscores the importance of continued efforts to ensure balanced educational opportunities for all.

162. The Gender Parity Index in the Technical and Vocational Education and Training (TVET) colleges shows comparatively high female participation rate since from 2014 to 2021.

163. In 2023, almost two-thirds of students in TVET colleges were female (360 378 or 63.9%), while males accounted for 203 711 (36.1%). Female enrolment exceeded that of males in almost all programmes, except for skills programmes, where 1 759 more males than females enrolled. The highest female proportion was observed in Level 5 and 6 Qualifications (79.0%), while males' proportion was higher in skills programmes (62.6%). The largest gender gap was observed in Report 191, where 100 231 more females than males enrolled.

### Access to Higher Education

164. In 2023, females made up 62.7% of total enrolments in public HEIs, compared to 37.3% for males. Female enrolment was higher than male enrolment in both contact and distance mode of learning. The difference was particularly notable in the distance mode, where the proportion of females exceeded that of males by 43.8 percentage points.



165. In 2023, female enrolment reached 671 988, which was 272 730 higher than male enrolment (399 258). Female enrolment exceeded male enrolment across all fields of study, with the largest gap in the Other Humanities field of study, where 106 752 more females than males were enrolled. It should also be noted that nearly three quarters of enrolments in the Education field of study were females (74.0% or 137 132), compared to 26.0% (48 160) males. Similarly, in the Other Humanities field of study female enrolment was higher 68.0% (201 335) compared to 32.0% (94 583) males.

**Number of students enrolled in public HEIs by gender, field of study and qualification type, 2023**

Qualification Type	Female					Male					Unspecified gender	Total enrolment
	SET	Business and Management	Education	Other Humanities	Total	SET	Business and Management	Education	Other Humanities	Total		
Occasional	877	773	126	1 541	3 317	916	628	38	555	2 137	4	5 458
Undergraduate Certificates and Diplomas	37 944	76 537	11 594	46 383	172 458	41 444	39 046	2 018	21 190	103 698	7	276 163
Undergraduate Degree	88 717	59 699	104 337	125 969	378 722	78 871	39 908	36 152	57 879	212 809	239	591 770
Advanced Diploma and Postgraduate Certificate in Education	4 929	8 602	7 109	2 026	22 666	5 383	4 772	3 743	1 184	15 081	4	37 751
Postgraduate below Master's Level	10 711	15 580	9 404	11 976	47 671	8 244	10 644	3 531	4 677	27 096	36	74 803
Master's Degrees	15 665	5 935	3 089	9 804	34 494	13 113	5 307	1 584	5 695	25 698	103	60 295
Doctoral Degrees	6 024	1 528	1 473	3 636	12 660	6 285	1 956	1 095	3 404	12 739	76	25 475
<b>Total</b>	<b>164 867</b>	<b>168 653</b>	<b>137 132</b>	<b>201 335</b>	<b>671 988</b>	<b>154 255</b>	<b>102 261</b>	<b>48 160</b>	<b>94 583</b>	<b>399 258</b>	<b>469</b>	<b>1 071 715</b>

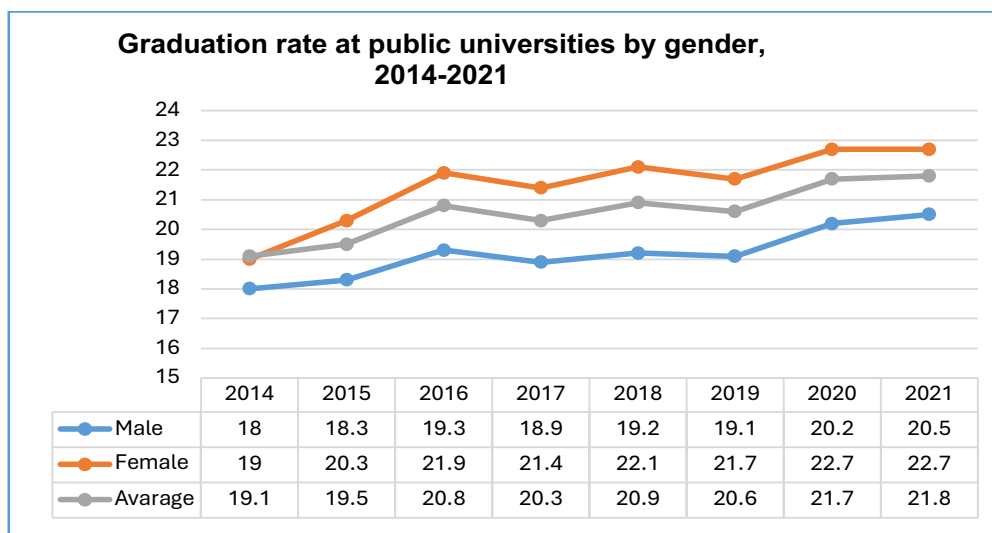
### University graduation rates

166. Graduation rates (for universities) and certification rates (for TVET colleges) are two indicators of success in the Post-School Education and Training (PSET) system. In 2023, almost two thirds of the graduates were females (65.4% or 144 287), while 34.6% (76 389) were males. The number of female graduates were higher in almost all qualification types (except doctoral degrees), with the largest gender disparities observed for undergraduate degrees (33 691) and undergraduate certificates and diplomas (17 086).

167. Male graduates for doctoral degrees outnumbered females by 134. However, a sizable portion of both male and female graduates obtained their doctoral degrees in the Science, Engineering and Technology field of study (953 and 811 respectively). In 2023, the number of female graduates exceeded male graduates by 67 898. Across all fields of study, female graduates out-numbered males, particularly in the Education and Other Humanities, where 22 065 and 23 790 more females than males completed their degrees.

168. Over 77% of graduates in the Education field of study were females (31 312 out of the overall total of 40 562). In addition, more than 70% of graduates in the Other Humanities field of study were also female (40 259 out of the overall total of 56 771). Female graduates in the Science, Engineering and Technology field of study surpassed males by 6 777, while the gender disparities were more pronounced in

the Other Humanities and Education fields of study, with 23 790 and 22 065 more females than males respectively



**Article 11: Employment**

169. South Africa’s approach to promoting sustained economic growth and decent work is firmly anchored in the Constitution of the Republic of South Africa (1996), which guarantees the right to fair labour practices and underpins socio-economic policy. These commitments are operationalized through the NDP Vision 2030 and the MTDP 2024–2029, which emphasize inclusive growth, job creation and productivity improvements.

170. Employment creation is supported through large-scale public programmes such as the Expanded Public Works Programme (2004 to present) and the Community Works Programme (2010 to present). Complementing these, the Jobs Fund (2011) has channelled billions of rand into matched-funding initiatives that support enterprise development, work seeker support, infrastructure, and institutional strengthening. Targeted youth employment interventions address persistent structural exclusion from the labour market. The National Youth Policy (2020–2030), the Integrated Youth Development Strategy (2011), and the Youth Employment Accord (2013) guide youth inclusion. The Presidential Youth Employment Intervention (2020) integrates public and private initiatives, with

- programmes such as the Basic Education Employment Initiative and the National Pathway Management Network reducing youth unemployment. The Harambee Youth Employment Accelerator (2011) further enhances pathways into the labour market by brokering partnerships between government, business, and civil society.
171. The Tourism Act (2014), the National Tourism Sector Strategy (2016) and the Tourism Sector Masterplan 2023–2026 advance sectoral growth, while the White Paper on the Development and Promotion of Tourism (2024) sets long-term sustainability priorities. The Integrated National Export Strategy (2019) supports competitiveness, value addition, and expanded market access for South African products. The Financial Sector Regulation Act (2017), Competition Act (1998), and Companies Act (2008) provide a framework for market efficiency and consumer protection, while the Broad-Based Black Economic Empowerment Amendment Act (2003) advances equity and participation. The National Small Enterprise Amendment Act (2024) strengthens support for small enterprises and cooperatives, with the Co-operative Amendment Act (2013) improving governance and accountability.
172. Unemployment especially among youth and women remains relatively high, underscoring the need for labour-absorbing growth and stronger pathways into the labour market. Government reforms under the Economic Reconstruction and Recovery Plan (ERRP), supported by the NDP and MTDP, focus on boosting industrialisation, improving the business environment, enhancing skills development, and supporting SMMEs and the informal sector. At the same time, efforts to advance decent work, strengthen labour protections and promote inclusive participation in the economy remain central to achieving the socio-economic empowerment of women.

### **Wage Discrimination**

173. In South Africa, **wage discrimination** continues to be the biggest challenge to the working woman. This form of inequality in the country has been overt and practiced indiscriminately and with impunity, because the workforce is skewed towards men and lies fundamentally in the hands of men, mainly white males. Wage discrimination continues despite prohibition under the Labour Relations Act, no 66 of 1995 and the Wage Act, no 5 of 1957. However, both acts had little impact over the past two decades as they related only to minimum wages.

**Median monthly earnings of female and male employees by occupations, 2019–2023**

Occupation	2019		2020		2021		2022		2023	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Managers	R24 000	R20 000	R22 000	R21 000	R25 000	R20 000	R25 000	R18 000	R25 000	R21 000
Professionals	R27 000	R23 000	R25 000	R23 000	R25 000	R23 000	R26 000	R21 000	R27 000	R24 000
Technicians	R17 000	R16 000	R16 800	R18 000	R16 500	R17 000	R17 000	R18 000	R19 500	R19 500
Clerks	R8 000	R7 000	R8 667	R7 500	R8 500	R7 500	R8 000	R6 800	R10 000	R7 300
Sales	R5 000	R3 500	R5 200	R3 900	R5 500	R3 800	R5 500	R4 000	R6 000	R4 500
Skilled Agriculture	R3 100	R2 500	R3 500	R2 200	R4 333	R3 200	R4 000	R4 000	R4 000	R4 000
Craft	R5 200	R3 800	R6 000	R4 117	R5 850	R4 100	R6 006	R4 900	R6 400	R4 500
Operators	R5 500	R4 000	R5 633	R4 333	R5 633	R4 333	R6 000	R5 000	R6 390	R5 300
Elementary	R3 250	R2 817	R3 467	R3 000	R3 500	R3 033	R3 792	R3 500	R4 100	R3 500
Domestic workers	R2 000	R2 000	R2 340	R2 200	R3 000	R2 167	R2 000	R2 400	R1 950	R2 500

Source: Quarterly Labour Force Survey (QLFS) 2023, Stats SA

174. South Africa introduced multiple mechanisms to eliminate discrimination within the employment environment. These includes the labour courts, equality courts, Commission for Gender Equality, Commission for Conciliation, Mediation and Arbitration (CCMA) in line with the constitutional and legal obligations. Section 10 of the Employment Equity Act provides that dispute arising from Chapter II, Prohibition of Unfair Discrimination, may be referred to the Commission for Conciliation, Mediation and Arbitration (the “CCMA”) for conciliation. Section 10(6) of the EEA provides that if a dispute remains unresolved after conciliation, a party may refer it to the Labour Court for adjudication. If the employee alleges sexual harassment, that employee also has the option to refer the dispute to the CCMA for arbitration. The table below provides statistics on Employment Equity case referrals:

<b>Employment Equity Act Referrals by Issue</b>				
<b>Issue</b>	<b>Mar 2022</b>	<b>March 2023</b>	<b>March 2024</b>	<b>January 2025</b>
Prohibition of unfair discrimination - Pregnancy	33	.	28	31
Prohibition of unfair discrimination - Age	28	13	41	31
Prohibition of unfair discrimination -Disability	22	4	47	39
Protection of employee rights	23	.	87	77
Prohibition of unfair discrimination -Race	49	11	105	85
Sexual harassment	80	.	168	157

Equal pay for work of equal value - arbitrary ground	359	346	381	325
Prohibition of unfair discrimination - arbitrary ground	1087	.	1595	1518

**Source:** Commission on Employment Equity Annual Reports – 2022 - 2025

175. The statistics above provide an overview of the number of EEA cases and their breakdown referred to the CCMA from 01 April 2021/ 31 March 2022 reporting period to 01 April 2024 to 31 January 2025 reporting period. Issues of unfair discrimination on arbitrary ground constitute most employment equity act referrals followed by issues on equal pay for work of equal value, and sexual harassment.
176. On the issue of the **promoting the economic empowerment of women in South Africa**, the National Development Plan: Vision 2030 (NDP) indicates that women make up a large percentage of the poor, particularly in rural areas, and therefore takes gender, race and geographic location as intersecting variables, into account, proposing a range of measures to advance women's equality. The NDP recommends that: (i) public employment should be expanded to provide work for the unemployed, with a specific focus on youth and women; (ii) the transformation of the economy should involve the active participation and empowerment of women. Although the country's institutional framework and its broad economic and social trends have contributed to gradual deracialisation, and to improve the lives of women, persisting discrimination, patriarchal attitudes and poor access by women to economic opportunities, persists – thus keeping women very much on the margins of mainstream economy.
177. South Africa has several measures put in place to address the economic empowerment of women, including laws such as the Broad Based Black Economic Empowerment Act, no 53 of 2003, and related regulations: the Mineral and Petroleum Resources Development Act 28 of 2002 and related Codes outlining quotas for women in the mining sector. Public Procurement Act 28 of 2024 establishes a unified framework for South African state procurement, prioritizing women's economic empowerment through mandatory set-asides and preferential treatment. It addresses historical disparities by enabling, in sections 17-19, the reservation of contracts for women-owned businesses.
178. **Domestic workers** in South Africa receive protection through sectoral determinations under the Basic Conditions of Employment Act in 2002, and in 2020

the law was amended to enable domestic workers to claim from the Compensation fund for work related injuries or illness.

179. **The Basic Conditions of employment Act 75 of 1997** guarantees paid maternity leave, including antenatal, post-natal and family leave. The purpose of this Act is to align the minimum terms and conditions of employment for workers, with the constitutional right to fair labour practices as set out in Section 23(1) of the Constitution. It should inform the basis of any employment contract. In addition to providing the minimum employment standards, the BCEA also ensures fair treatment within the workplace.

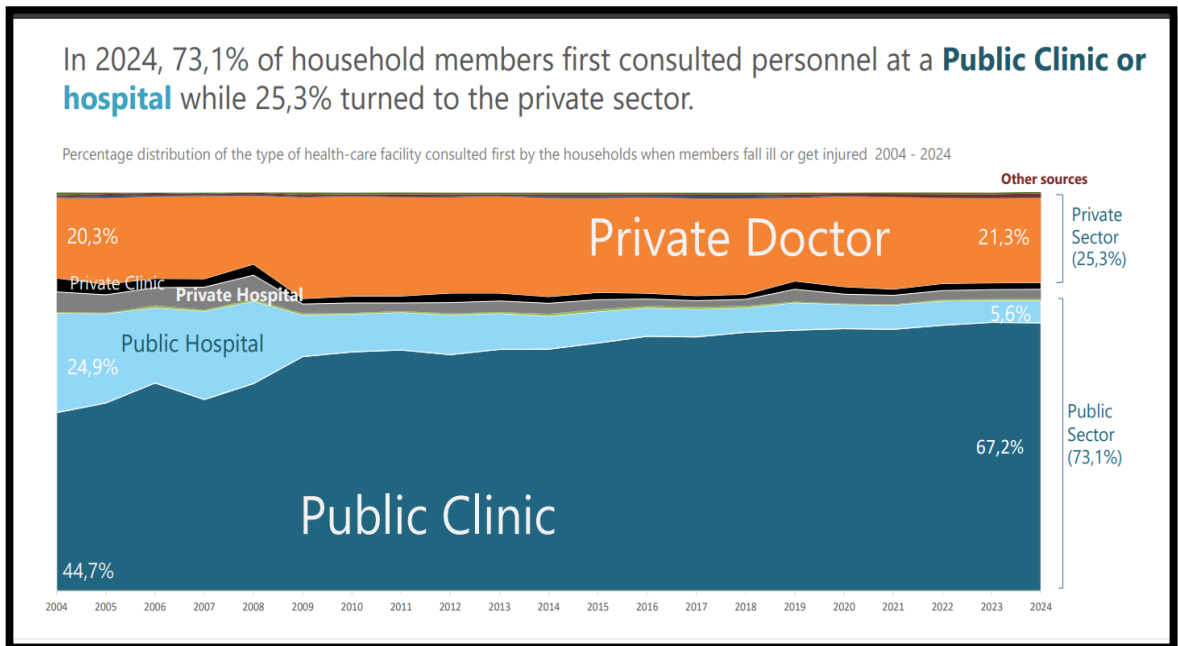
## Article 12: Health

180. The South African government has put in place several transformative policies and legislations aimed at advancing women's empowerment and gender equality. As such, there has been some notable progress in some indicators suggesting improvement in the quality of life of women over the years. South Africa's health system is anchored in the Constitution of the Republic of South Africa (1996), which enshrines the right of everyone to access healthcare services, including reproductive health care. The National Health Act (2003) operationalizes this right by establishing a unified national health system and clarifying the responsibilities of national, provincial, and local government in ensuring equitable access and accountability across the health sector. Building on this framework, the Presidential Health Compact (2019) committed government, civil society and stakeholders to a programme of system-wide reform focused on quality, equity and efficiency in line with the NDP Vision 2030.
181. The government's 5-year implementation plan for the National Development Plan (Vision 2030) which is the Medium-Term Strategic Framework implemented from 2019 to 2024 prioritized strengthening primary health care as the foundation of the system, integrating responses to both communicable and non-communicable diseases, and accelerating digital health innovations. Priorities include improving maternal and child health outcomes, enhancing community level responsiveness, and narrowing inter-provincial disparities in access and quality.

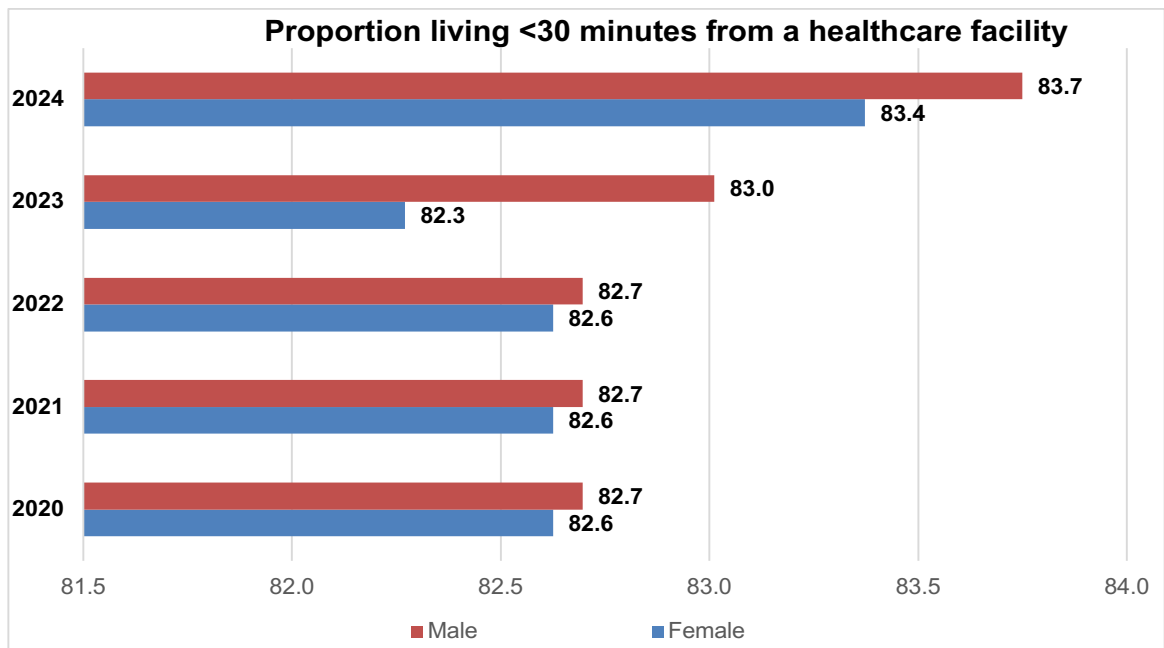
182. The National Health Insurance Act (2023) aims to establish the National Health Insurance Fund to promote strategic purchasing of health services, reduce financial barriers, and guarantee equitable access to essential care. These reforms will be supported by fiscal allocations to stabilize health services, sustain public sector capacity, and protect key programmes, including those vulnerable to reductions in international donor funding.
183. The National Strategic Plan for HIV, Tuberculosis and STIs 2023–2028 integrates prevention, testing, treatment and stigma reduction. Laboratory capacity under the National Health Laboratory Service Act (2000), combined with medicines regulation under the Medicines and Related Substances Act (1965), provide an institutional backbone for ensuring quality care and maintaining resilient systems.
184. The National Strategic Plan for the Prevention and Control of Non-Communicable Diseases 2022– 2027 adopts a people-centered and integrated approach, addressing conditions such as diabetes, hypertension, and cancers through strengthened primary health care.

#### **Access to healthcare**

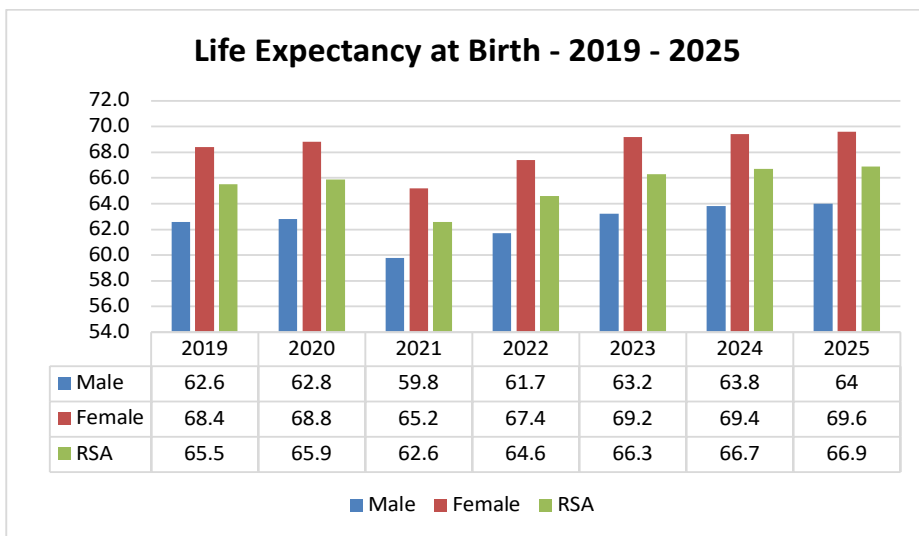
185. The type of healthcare facility consulted by household members is influenced by factors such as households' proximity to facilities as well as personal preferences based on factors such as affordability and the perceived quality of services. The graph below presents the type of healthcare facility that households generally visit first when household members fall ill or have accidents. The Graph shows that majority of South Africans visit public medical facilities when they need medical help.



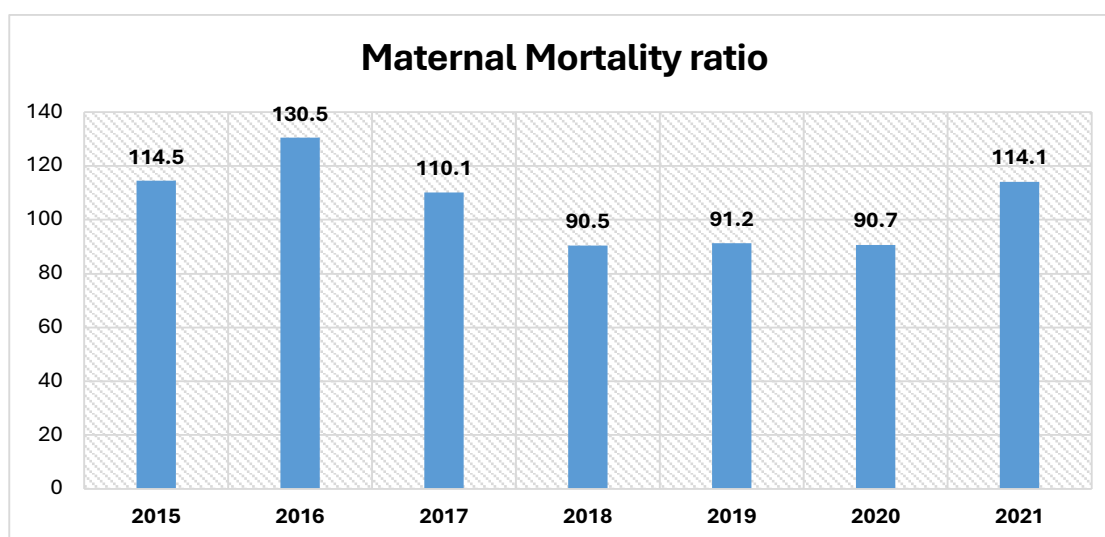
186. Nationally, 73,1% of households said that they would first go to public clinics, hospitals or other public institutions, while 25,3% of households said that they would first consult a private doctor, private clinic or hospital. The use of public health facilities was least common in Western Cape (54,8%) and Gauteng (67,0%), and most common in Limpopo (84,9%), Mpumalanga (81,4%) and Eastern Cape (80,4%).



187. However, because of the COVID-19 pandemic, life expectancy dropped by 3.5 years to 62.0 years in 2021, but there has been a rebound in 2022, and total life expectancy slowly began improving again, reaching 62.8 years in 2022, compared to 62.0 years in 2021. Overall, males’ life expectancy stood at 60.0 years in 2022, while life expectancy for women is 65.6 years. These milestones are a result of the successful implementation of programmes to fight HIV/AIDS and TB, as well as improvements in the socioeconomic conditions of South Africans, including the social safety net provided by the government to fight poverty and ameliorate poverty-related ill-health.



188. South Africa has generally observed a downward trend in the maternal mortality ratio (MMR) before increasing noticeably in 2021. MMR was estimated at 144.8 deaths per 100 000 live births in 2015 and reached 90.5 deaths per 100 000 live births in 2018. The estimates remain constant at 91.2 and 90.7 deaths per 100 000 live births in 2019 and 2020, respectively. The increase to 114.1 deaths per 100 000 live births in 2021 is attributed to the overall increase in pregnancy, childbirth and puerperium deaths. In the same period, the country also observed an increase in COVID-19 deaths. Ideally, these figures should translate into a much lower maternal mortality ratio. This indicates that more targeted interventions are required to reach the 2030 target of reducing the maternal mortality ratio to less than 70 deaths per 100 000 live births.



**Source:** Mortality and Causes of Death 2021, Stats SA

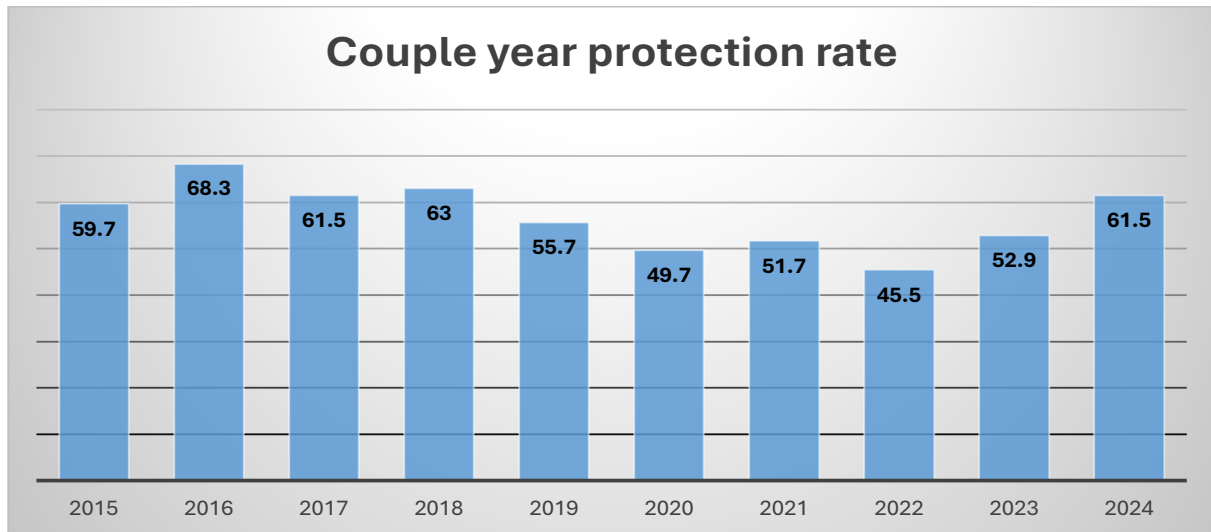
***Proportion of women of reproductive age (aged 15–49 years) who have their need for family planning satisfied with modern methods.***

189. The South African Demographic Health Survey show that the overall use of modern contraception was 75.7% in 2016, with a wide range of methods being utilised. The use of the pill, injectable contraceptives and sterilisations has declined since 1998, while the use of male condoms for contraception has increased. In 2017, 15.0% of women and their partners used male condoms as their contraceptive method (Stats SA, 2017). Despite the relatively high contraceptive prevalence rate there are still problems with service delivery, equitable access, and correct, consistent, and continuous use of contraception, especially among certain groups such as young or rural women (Harries et al., 2019).

**Sexual and Reproductive Health and Rights (SRHR)**

190. South Africa set a target is to ensure, by 2030, universal access to sexual and reproductive health-care services, including family planning, information and education, and the integration of reproductive health into national strategies and programmes. The Couple Year Protection rate (CYPR) is an important indicator used to assess the effectiveness of family planning programmes. The graph above demonstrates that the CYPR increased from 59.7% in 2015 to 61.5% in 2024. Observing the trend over the past decade, South Africa reported the highest CYPR

in 2016, where 68.3% of eligible couples were effectively protected against childbirth by one or other approved methods of family planning.



Source: District Health Information System 2015–2024, DoH

191. **In response to recommendation 54(a)** on women’s access to sexual and reproductive health services such as safe abortion and post-abortion services, South Africa’s laws and policies support a rights-based framework for its sexual and reproductive health programme that is aligned with the United Nations Sustainable Development Goals and the global Family Planning 2020 framework. Additionally, the South African government has ratified regional and international agreements regarding reproductive health and rights, including at the International Conference on Population and Development (1994) and the Maputo Plan of Action (2006).

192. Government introduced the National Clinical Guideline for Implementation of the Choice on Termination of Pregnancy Act in 2019. The guidelines were introduced to address the barriers for access to high quality legal services including poor general provider knowledge on termination of pregnancy, lack of training and mentorship, and the inadequate availability of relevant medicines and equipment. The guidelines were introduced to standardise and expand service delivery and reaffirming all citizens’ right to comprehensive reproductive health care.

193. This guideline is a critical piece of the broader effort to take a comprehensive approach to reproductive health in South Africa, which not only improves population health, but follows human rights principles to enhance access, choice,

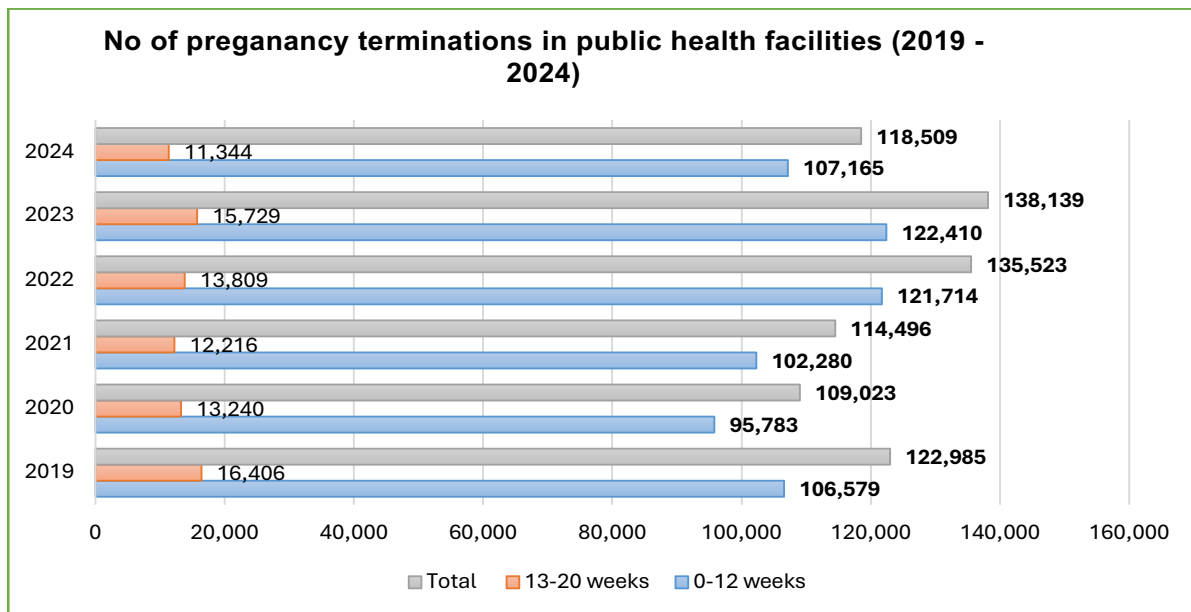
and dignity for individuals who seek care. In addition, the South Africa National Integrated Sexual and Reproductive Health and Rights (SRH&R) Policy (2019) provides a comprehensive, rights-based framework aimed at improving the quality and accessibility of sexual health services. It promotes informed decision-making, covering contraception, HIV/STI services, maternal health, and LGBTQI care, ensuring services are non-judgmental and address, including for adolescents and key populations.

194. As of December 2024, a total of 346 healthcare facilities comply with Section 3(1) (a-k) of the Choice of Termination of Pregnancy Act, Act no 92 of 1996 as amended in 2008 across South Africa as shown in the table below:

<b>Province</b>	<b>Number of Public health facilities complying with Choice of termination of pregnancy Act</b>
Eastern Cape	37
Free State	14
Gauteng	49
KwaZulu Natal	63
Limpopo	51
Mpumalanga	35
Northern Cape	7
North West	33
Western Cape	57
<b>South Africa</b>	<b>346</b>

195. According to the Choice of Termination of Pregnancy Act, doctors and nurses are not obliged to provide termination of pregnancy. However, according to the Act, all health care providers are obliged to refer clients to a facility where the service is rendered, and to provide any emergency treatment which is needed because of a termination of pregnancy, irrespective of where the termination was performed. The Act obliges health care workers to give accurate information on termination of pregnancy services and refer clients to a Termination of Pregnancy Clinic. Failure to do this can result in the health care provider facing a penalty of imprisonment of not less than ten years.
196. The number of terminations of pregnancy provided in public health facilities, disaggregated into gestational stages (0-12 weeks and 13 -20 weeks). The table below provides the number of terminations of pregnancy provided in public health

facilities, disaggregated into gestational stages (0-12 weeks and 13 -20 weeks) from 2019 – 2024:



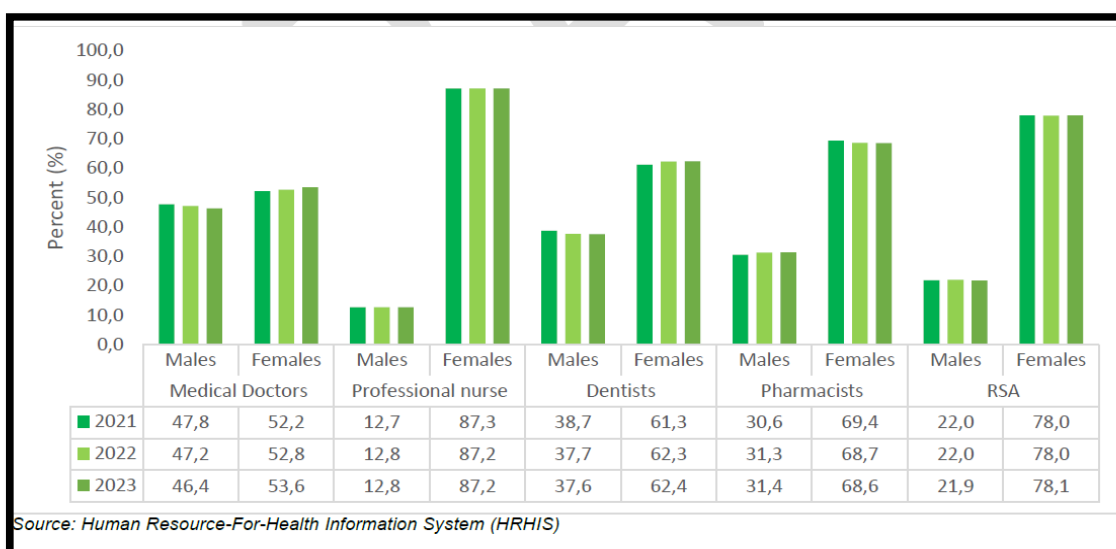
**Source:** District Health Information System

The graph above show that a total of 118 509 pregnancy terminations were performed in public health facilities in 2024. The highest number of terminations of pregnancy in public health facilities for the period 2019 – 2024 was recorded in 2023 where a total of 138 139 pregnancies were terminated in public health facilities.

197. In response **to recommendation 54 (c)** regarding forced sterilisation of women living with HIV and AIDS, South Africa affirms that forced or coerced sterilisation constitutes a violation of women’s human rights, including the rights to dignity, bodily integrity, equality, and access to healthcare. practices. In this regard the Sterilization Act, no 44 of 1998 provides for the right to sterilization; to determine the circumstances under which such sterilization may be performed and the circumstances under which sterilization may be performed on persons incapable of consenting or incompetent to consent due to mental disability; and to provide for matters connected therewith. The promotion of this right is based on the non-derogable rights outlined in the Constitution in particular the rights to bodily and psychological integrity of persons which include the right to make decisions concerning reproduction and the right to security in and control over their bodies.

**Health workforce**

198. South Africa’s health workforce is predominantly female, with women comprising at least 78.0 per 10 000 population over the period 2021 and 2023. The female distribution varies across the different occupations, with the majority being professional nurses at over 87.0 per 10 000 population for the period 2021–2023. Female pharmacist distribution stands at 68.6 per 10 000 population, followed by dentists at 62.4 per 10 000 population and medical doctors at 53.6 per 10 000 population, over the 2023 period as reflected in the graph below:



**Article 13: Economic empowerment of women and social benefits**

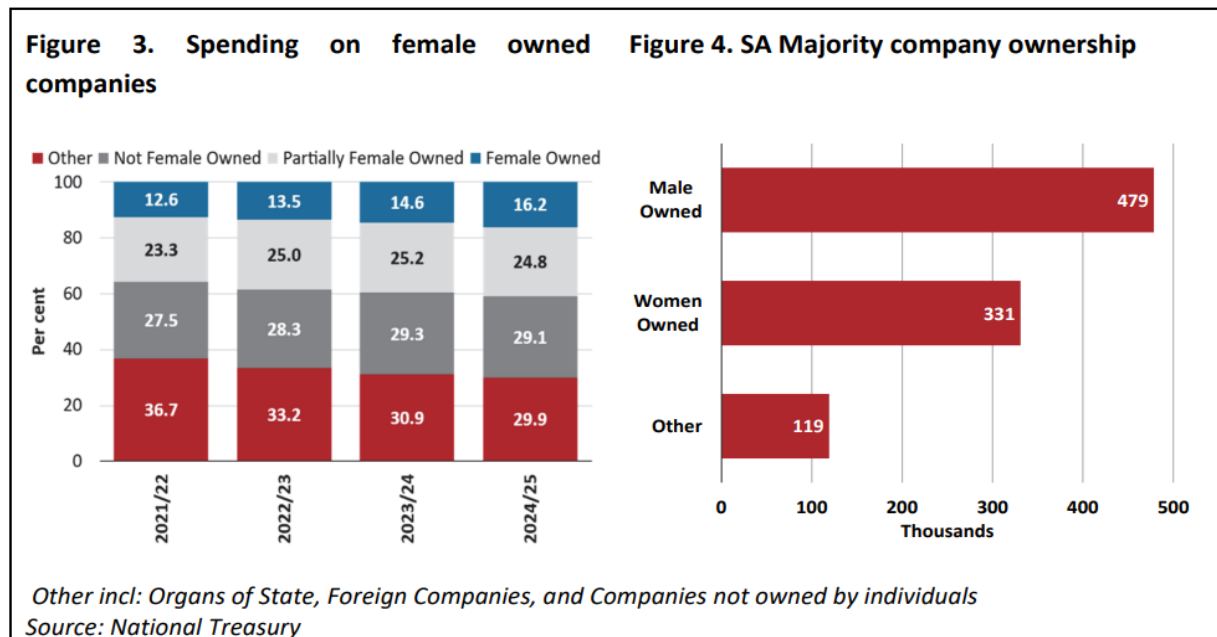
199. This article requires member states to implement measures to eliminate discrimination against women in other areas of economic and social life.

**Government initiatives for advancing women’s economic empowerment procurement regulation**

200. The Procurement Act 28 of 2024 in section 17 requires that procuring institution must set aside in preference of a category of persons previously disadvantaged including women. The data below shows majority ownership for companies on the central supplier database as well as past few years spending for female owned companies.

201. This section addresses the ownership gap as eluded under status of women economic empowerment. It is important to note that government spending on female owned businesses depends on the number of businesses registered on the Central Supplier Database (CSD).

### OWNERSHIP AND SPENDING FOR COMPANIES DOING BUSINESS WITH GOVERNMENT



#### Right to family benefits

202. The Promotion of Equality and Prevention of Unfair Discrimination Act of 2000 prohibit policies and practices that discriminate against women. Notably, Sections 6 and 8(c) and 8(d)) mention those related to the inheritance of family property and any inequitable "traditional, customary or religious practice which impairs the dignity of women and undermines equality between women and men."

203. Section 6 of the Recognition of Customary Marriages Act,99 provides for the legal capacity of women to be equal to that of their husband. This section provides that: "A wife in a customary marriage has, on the basis of equality with her husband and subject to the matrimonial property systems governing the marriage, full status and capacity, including the capacity to acquire assets and dispose of them, to enter

into contracts and litigate, in addition to any rights and powers that she might have at customary law”.

204. The legislature has therefore given effect to section 10 of the Constitution, by dignifying women through allowing them to have equal legal status and capacity as their counterparts. Therefore, women also have legal capacity to enter transactions independently and can acquire and dispose of assets. Women are entitled to inherit property under customary law. The Recognition of Customary Marriages Act makes all customary marriages automatically in community of property unless the parties declare otherwise. This means that the assets and income of both spouses are merged into one estate, and both husband and wife have equal powers to manage the estate. In dissolution of the marriage, each spouse has an equal right to the estate. Thus, women are guaranteed an equal share in all property held by the couple during the marriage.
205. Section 10 of the Constitution provides that everyone has inherent dignity and the right to have their dignity respected and protected. As a result, it is submitted that the perpetual minority and legal incapacity of married women, as well as the subjection of women to the husband’s marital power are no longer features of customary law.
206. Government of South Africa adopted a White Paper on Families in 2013 which was revised in 2021. This serves as a policy framework developed by the government to strengthen families as the foundation of society. It recognises that families are central to social development, but also deeply affected by historical inequalities, poverty, and changing social dynamics.

### **Right to participate in recreational activities, sports and all aspects of cultural life**

207. Government of South Africa has introduced the legislative measures to address longstanding structural inequalities faced by women and girls in sport. The approval of the Women in Sport Policy by Cabinet in December 2024 is an important milestone, which demonstrate South Africa’s commitment and determination to build a sporting environment that celebrates the achievements of women and position them as equal contributors to sporting excellence.
208. The policy addresses multiple areas of gender disparity, including participation, leadership, governance and visibility. The policy recognises that increased

participation of women in sport and in leadership positions will reduce and ultimately contribute to eradicating gender inequality and various forms of discrimination against women. It also promotes equity by ensuring that women receive respect and recognition on the professional front, including equal remuneration as their male counterparts. The policy outlines a set of measures that will promote and support women in sport and ensure that programmes are in place to address gender disparities in sporting codes and structures.

209. Increasing participation in sport is a major challenge because local government (municipality) continue to fail to provide basic sport facilities as well as maintain existing sport facilities to promote sport development. Those who suffer most are women and girls in rural and peri-rural communities where there is a lack of usable sport facilities in schools where the majority of those not being given opportunities to participate in sport are found. This requires additional legislative measures to ensure that all spheres of government, local, provincial and national are mandated and capacitated to take steps to address the introduction and maintenance of sport facilities.

210. The aim of this policy is to increase active participation of women in sport at all levels; Expand women's roles in leadership, governance, coaching, and officiating structures; Achieve equity in remuneration, sponsorship, and resource allocation for women athletes compared with male peers and addressing barriers such as lack of funding, inadequate infrastructure and visibility in sport media.

211. Whilst the Policy is an important milestone it does require the addition of some practical additions and guidelines for stakeholders to ensure that it can and will be implemented and enforced across the board in all areas of sport. Further legislative measures will be required to introduce monitoring provisions and sanctions for non-compliance. The Policy needs to be implemented to ensure that its aims and objectives achieved. This requires an implementation plan with clear timelines.

212. The Department of Sports, Arts and Culture implements different interventions aimed at women and gender equity in sport, such as: Allocating scholarships and targeted programmes for women in sport. Supporting district and community sport leagues with gender-focused participation efforts. Recruiting sport ambassadors –

including former female athletes to support mentorship and community outreach programmes targeted at girls and women.

#### **Article 14: Rural women empowerment**

213. Government of South Africa introduced the Comprehensive Rural Development Programme (CRDP) in 2009 to empower women in South Africa's rural areas. The Comprehensive Rural Development Programme (CRDP) is a strategic initiative that aligned with the United Nations' Sustainable Development Goals (SDGs), ensuring a coordinated approach to achieving sustainable development and rural transformation in South Africa.

214. The National Rural Youth Service Corps (NARYSEC) is a flagship programme implemented through the Department of Rural Development and Land Reform contributions towards alleviating the high levels of unemployment among young people in rural area. This program equips unemployed youth (aged 18–35) with skills, improving household income, and fostering community service, aiming to reduce poverty and create jobs. It provides character building, technical training, and entrepreneurial opportunities, transitioning participants into the workforce, particularly in agriculture.

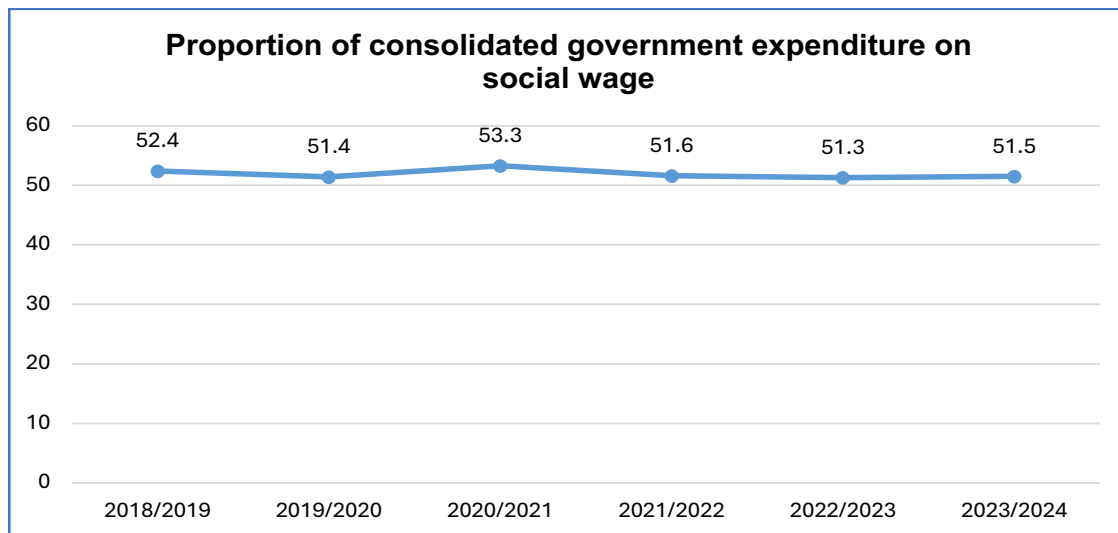
215. The graph below shows that 9249 young people from rural areas trained through NARYSEC between 2021/22 and 2024/2025 financial years. Female youth constitute the majority (56.3%) of those who benefitted from the NARYSEC programme over the past five years.

#### **Youth Trained through NARYSEC: 2020 – 2024**

PROVINCE	2020/21		2021/22		2022/23		2023/24		2024/25		TOTAL MALE	TOTAL FEMALE	GRAND TOTAL P/PROVINCE
	M	F	M	F	M	F	M	F	M	F			
Eastern Cape	123	99	35	55	63	52	130	144	91	108	442	458	900
Free State	72	100	49	62	22	26	121	157	77	111	341	456	797
Gauteng	78	93	65	60	112	170	127	193	55	111	437	627	1064
KwaZulu-Natal	160	196	39	137	54	41	207	113	59	118	519	605	1124
Limpopo	197	235	150	224	57	128	155	255	72	123	631	965	1596
Mpumalanga	104	133	168	221	12	13	124	188	89	130	497	685	1182
North West	77	84	78	92	81	53	159	200	99	142	494	571	1065
Northern Cape	22	32	5	21	53	59	134	167	72	104	286	383	669
Western Cape	49	73	51	79	35	48	168	162	85	102	388	464	852
<b>TOTAL</b>	<b>882</b>	<b>1045</b>	<b>640</b>	<b>951</b>	<b>489</b>	<b>590</b>	<b>1325</b>	<b>1579</b>	<b>699</b>	<b>1049</b>	<b>4035</b>	<b>5214</b>	
<b>GRAND TOTALS</b>	<b>1927</b>		<b>1591</b>		<b>1079</b>		<b>2904</b>		<b>1748</b>		<b>9249</b>		

### Social security.

216. Government of South Africa is implementing the social assistance programme known as social grants to promote social protection. Nearly two-thirds of the South African population (64.0%) are covered, directly or indirectly, by the social assistance system. Income-poor households are often unable to provide sufficient for members therefore, addressing income poverty and lack of basic needs remain critical as a pre-requisite for survival and development of communities.



**Source:** Budget Review 2023/24, National Treasury

217. The graph above shows the proportion of government expenditure on social wage. The South African government has invested more than half of the national budget into pro-poor policies and programmes. In 2023/24, 51.5% of government funds were spent on the country's social wage.

218. South Africa provides the most extensive system of unconditional cash transfers in the world, including grants for children, persons with disabilities, older people and recently, adult with insufficient means. Social grants include the Older Persons Grant; War Veterans Grant; Disability Grant; Child Support Grant including the child support grant Top Up; Care Dependency Grant; Foster Child Grant; Grant-in-Aid and the recently implemented COVID-19 Social Relief of Distress grant.

**Table showing Type of poverty alleviation grants by sex and number of recipients, as at end of February 2024**

Grants Recipients by sex as at end of February 2024					
	Female (N)	%	Male (N)	%	Total
Care Dependency grant	158 859	96,3	6160	3,7	165 019
Child Support Grant	12 931 339	97,8	291 126	2,2	13 222 465
Disability Grant	518 494	49,4	531 305	50,6	1 049 799
Foster Care Grant	226 947	93,4	15 984	6,6	242 931
Grant in Aid	260 571	66,5	131 455	33,5	392 026
Old Age Grant	2 561 438	63,6	1 466 964	36,4	4 028 402
War veteran Grant	3	30,0	7	70,0	10
<b>Total</b>	<b>16 657 651</b>	<b>87,2</b>	<b>2 443 001</b>	<b>12,8</b>	<b>19 100 652</b>

SOURCE: Inputs from Department of Social Development

219. South Africa's social protection is based on a hybrid model of strategies that protects the vulnerable and those at risk, builds capabilities, and enhances economic inclusion throughout the various stages of life.

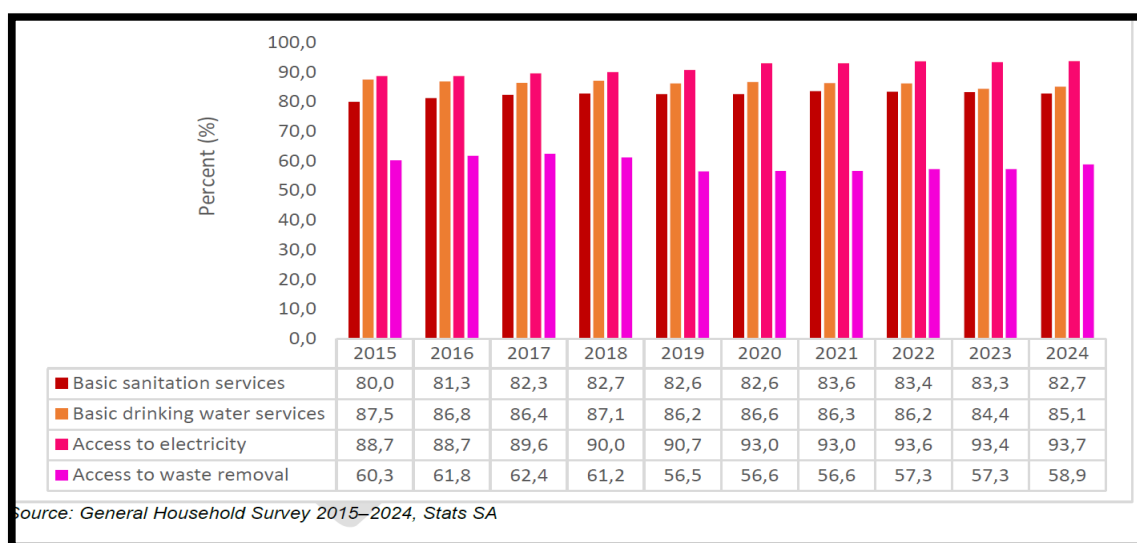
220. **In responding to recommendation 56(a)** on ensuring that legislation and policies on land reform and land use fully recognise and protect the rights of rural women to land ownership and use, the Upgrading of Land Tenure Rights Amendment Act, 6 of 2021, came in force from 1 June 2024 along with regulations

on converting a land tenure right into an ownership right. The amendment Act gives effect to a 2018 Constitutional Court ruling on sub-section 2(1) of the principal statute, which was found to be in violation of women's rights. This is noting that, when the principal statute came into force in 1991, it was assumed that a man headed any household affected by the new legislation and therefore held any deed of grant or right of leasehold to be converted into a right of ownership.

221. The Amendment Act strengthens women's land rights by allowing for applications to convert insecure or lesser forms of tenure into ownership; requiring notice to interested and affected persons before conversion; providing an opportunity for objections where rights may be adversely affected; allowing for inquiries to determine competing or overlapping tenure claims; and enabling an aggrieved person to approach the court for appropriate relief. This reform is particularly important for women in former homeland and customary tenure areas, where women have historically experienced exclusion from formal recognition of land rights, registration, and inheritance.

222. The Land Court Act 6 of 2023, which commenced on 5 April 2024, strengthens the institutional framework for enforcing land rights. It establishes a dedicated Land Court, provides for appeals, and expands adjudicative and mediation arrangements for land matters. For rural women, the Land Court Act is important because it improves the enforceability of land rights in disputes involving tenure insecurity, eviction, land allocation conflicts, inheritance-related occupation disputes; and access to remedies where administrative decisions or local power structures exclude women. The Act is especially significant in a context where many rural women face practical barriers to justice, including cost, distance, legal complexity, and male-dominated local dispute systems. A specialist court and mediation framework can, if effectively implemented, improve access to justice for women whose land rights are violated.

223. In **response to recommendation 56 (b)** on ensuring **rural women's access to basic services**, in 2024, 93.7% of people in South Africa had access to electricity, 85.1% had access to drinking water facilities and 82.7% to sanitation services, while only 58.9% of people had access to waste removal services.



## Article 15: Equality before the law

224. South Africa has maintained compliance with Article 15 through its constitutional guarantees and ongoing reforms to enhance women’s legal capacity and access to justice.

225. The constitutional framework, particularly the equality clause, continues to guarantee equal legal status and capacity for women in civil matters, including the right to conclude contracts, administer property and access courts on an equal basis with men. This framework is reinforced by ongoing alignment with international and regional commitments on gender equality, which emphasise equal legal capacity and access to justice.

226. Government has continued to expand access to courts and legal services, including gender-responsive justice reforms and collaboration with Chapter 9 institutions and civil society to improve women’s ability to enforce their rights during the reporting period.

227. The issue of equality before the law has been addressed across several articles throughout the report.

228. Legal Aid South Africa Act 39 of 2014 provides state-funded legal representation to indigent persons, many of whom are women and enhances access to justice and equality before the law. The traditional Courts Act 9 of 2022 aligns traditional justice with South Africa’s Constitution, legally mandating the full, voluntary, and equal participation of women in traditional court proceedings, both

as parties and as leaders. It prohibits discrimination, promotes non-sexism, and requires the Minister of Justice to create measures protecting women's rights in these forums.

#### **Article 16: Marriage and family life**

229. The Constitution of South Africa considers gender as a fundamental principle. Section 25 addresses the property rights of South Africans, including equitable access to land, judicial redress for people dispossessed of property because of racially discriminatory laws or practices in the past and secure tenure or comparable redress for people living in tenure insecurity.

230. Marriage issues related to land ownership are regulated by the Marriage Act (Act No. 25 of 1961), the Matrimonial Property Act (Act No. 88 of 1984), the Recognition of Customary Marriages Act (Act No. 120 of 1998), and the Civil Union Act (Act No. 17 of 2006). The Promotion of Equality and Prevention of Discrimination (Act No. 4 of 2000), includes the promotion of equitable land ownership. Sections 6 and 8(e) prohibit "any policy or conduct that unfairly limits access of women to land rights." The Communal Property Associations, 1996 (Act. 28 of 1996) protects the interests of women through non-discriminatory provisions and inclusive decision-making processes in communal property ownership and use of communal land (section 9). The Communal Land Rights Act (No. 11 of 2004) legally entitles women to the same tenure and rights in or to land. It protects them from any laws, rules, or practices that may discriminate against anyone based on gender (Section 4). The Extension of Security of Tenure Act (No. 62 of 1997) provides measures to facilitate land tenure's long-term security and is gender neutral and non-discriminatory. The Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (No. 19 of 1998) states that the rights of the elderly, children, persons with disabilities and particularly households headed by women should be considered and that "it should be recognised that the needs of those groups should be considered."

231. **In response to recommendation 62** The Recognition of Customary Marriages Amendment Act 1 of 2021 (the RCMAA) came into operation on the 1 June 2021. It amends s 7(1) of the Recognition of Customary Marriages Act 120 of 1998 (the RCMA) following the Constitutional Court (CC) judgments in *Gumede v President of the Republic of South Africa and Others* 2009 (3) BCLR 243 (CC) and

Ramuhovhi and Others (Maphumulo as Intervening Party) v President of the Republic of South Africa and Others (Trustees of the Women's Legal Centre Trust as amicus curiae) 2018 (2) BCLR 217 (CC). Section 6 of the RCMA provides that 'a wife in a customary marriage has on the basis of equality with her husband and subject to the matrimonial property system governing the marriage, full status and capacity, including the capacity to acquire assets and to dispose of them, to enter into contracts and to litigate, in addition to any rights and powers that she might have at customary law'.

232. **On the recognition of Muslim and Hindu marriages**, Divorce Amendment Act 1 of 2024, which came into operation on 14 May 2024 signal a significant development in the country. This law amended the Divorce Act 70 of 1979 to expressly recognise Muslim marriages for purposes of divorce proceedings and related relief. This Act provides a definition for a Muslim marriage to ensure the protection and to safeguard the interests of dependent and minor children of a Muslim marriage and provide for the redistribution of assets on the dissolution of a Muslim marriage. Although this was not a direct amendment to the Marriage Act itself, it materially advanced the legal position of Muslim women in the family law system.

233. Regarding the issue of **raising the minimum age of marriage to 18** years for both boys and girls, one of the significant provisions of the new **Marriage Bill (B43-2023)** is the complete prohibition of child marriages. The bill sets the minimum legal age for marriage at 18 years, aligning with international standards and recognizing the importance of protecting the well-being and rights of children. This crucial amendment will ensure that no person under the age of 18 can enter a marriage, irrespective of parental consent. By outlawing child marriages, South Africa takes a vital step towards safeguarding the rights and futures of its young population.

### **Right to bank loans and mortgages and other forms of financial credit**

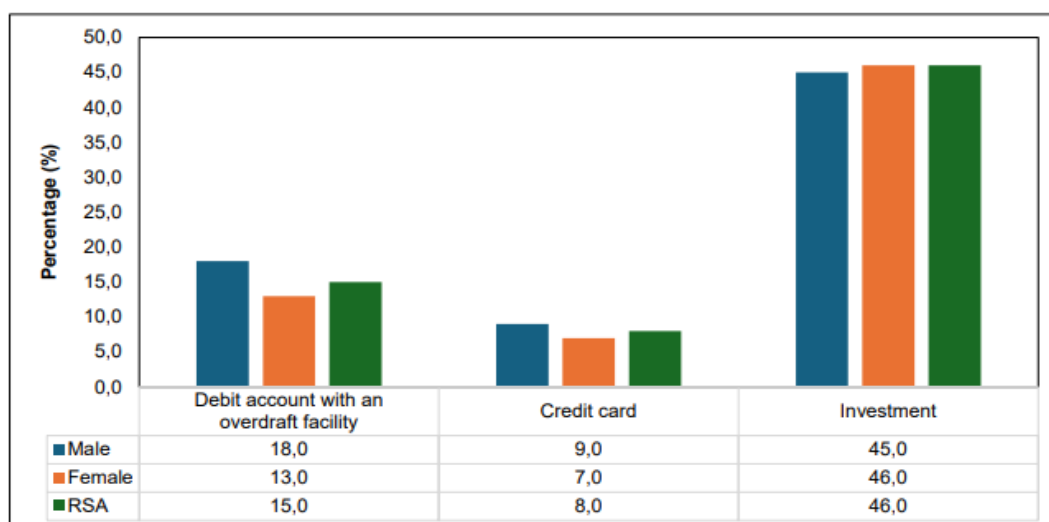
234. The National Development Plan (NDP) 2030 envisions a South Africa where all citizens, particularly women and marginalised groups, are empowered to participate meaningfully in the economy. NDP 2030 emphasises an inclusive economy that benefits all South Africans with the emphasis on women's access to financial resources, entrepreneurship opportunities, and sustainable development initiatives, driving inclusive economic growth. With regards to Human Rights and

Economic Justice, the NDP underscores human rights as a foundation for sustainable development with the message that financial inclusion and economic empowerment are fundamental rights essential for reducing poverty and achieving equity.

235. To improve financial inclusion, the government of South Africa introduced the Financial Inclusion Policy Framework (2023) “An Inclusive Financial Sector for All”, a policy framework seeking to deepen inclusion for individuals especially women and low-income households, expand access for SMMEs (notably women-owned), and encourage diverse financial service providers and channels.
236. South Africa also developed the Women Financial Inclusion Framework (WFIF) (2023), which aims to address the gender gap in financial inclusion, ensuring that women are not only included in the financial system but also able to actively participate, contribute, and benefit equally from all sectors of the economy. WFIF addresses various barriers women face, such as limited access to credit, financial literacy, and digital financial services. The framework on Women’s Financial Inclusion will improve guided efforts towards gender equality and women’s economic empowerment from a government perspective to achieve gender equality and empower all women and girls by 2030.

### **Access to banking services**

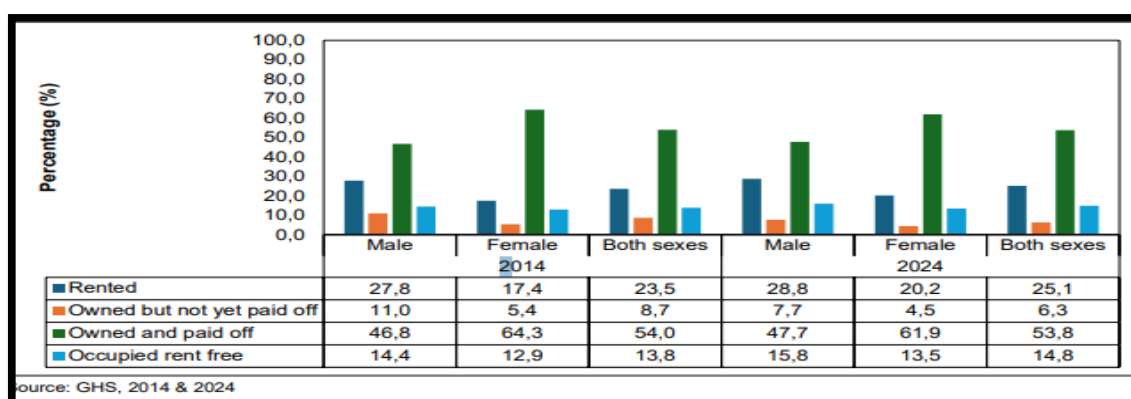
237. The graph below shows the percentage of persons with access to various accounts by sex in 2023. The South African Reserve Bank study highlighted slight gender differences in financial access. While a slightly larger percentage of males (9,0%) reported possessing a credit card in their own name compared to females (7,0%), a smaller percentage of males (45,0%) than females (46,0%) have ever made financial investments. Nationally, 15,0% of individuals reported holding a debit card with an overdraft facility (18,0% for males and 13,0% of females).



Source: SARB, 2023

### Property ownership and asset control

238. Ownership and access to land or property confer significant economic advantages, including increased agricultural productivity, the ability to use assets as collateral for credit, and opportunities for income generation through rental or commercial use. However, women often face legal, institutional and cultural barriers that prevent them from holding formal rights to land. Without recognised ownership or secure tenure, women are frequently excluded from these economic benefits, limiting their financial independence and resilience.



Source: GHS, 2014 & 2024

239. The graph above presents household dwelling ownership patterns, disaggregated by sex of the household head. The data shows that more than half of households were more likely to own the dwellings they occupied. Nationally, the percentage of households that occupied dwellings that were owned and fully paid off declined slightly from 54,0% in 2014 to 53,8% in 2024. In contrast, while the

CONTINUES ON PAGE 770 OF BOOK 7

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percentage households that occupied dwellings rent-free increased from 13,8% in 2014 to 14,8% in 2024 over the same period indicating a modest shift in tenure arrangements.

240. Gender-based differences in housing tenure were also evident. Female-headed households were more likely to occupy dwellings that are owned and fully paid off, suggesting a greater degree of housing security among this group. Conversely, male-headed households were more frequently found in rented dwellings or in properties that were owned but not yet fully paid off, reflecting differing financial and housing dynamics between sexes.

## CONCLUSION

241. South Africa's sixth CEDAW periodic report reflects meaningful progress in advancing gender equality, particularly through strengthened legal frameworks, expanded policy commitments, and improved institutional mechanisms aimed at protecting women's rights.

242. Notable gains include efforts to combat gender-based violence, enhance women's political representation, and promote socio-economic inclusion.

243. Despite these gains, persistent challenges continue to hinder full realization of these rights, including high levels of gender-based violence, economic inequality, limited access to resources for rural and marginalized women, and gaps in effective implementation and accountability.