Towards Mainstreaming Gender in the Legislative Sector

Final Project Report Presented by GETNET
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1. Executive summary

The Legislature Support Programme (LSP) contracted the Gender Education and Training Network (GETNET) to conduct a gender scan of the legislative sector in South Africa. The project’s primary purpose was to conduct a situational gender assessment of the legislative sector with a view to developing a model for gender mainstreaming for the sector as well as the generation of practical implementation plans.

Phase one of the assessment was a pilot study aimed at an assessment of the KwaZulu-Natal legislature in terms of policies, practices and structures that underpin gender work. The purpose of the assessment was to identify good practices that promote and advance gender equality as well as the gaps that hamper effective mainstreaming of gender within the institution. The findings of the pilot study are to be utilised to develop the model for mainstreaming and engaging in a collective process with all stakeholders to develop a broad-based, multi-pronged implementation plan and strategy for gender mainstreaming.

During phase two an assessment was made of policies, structures and programs of eight provincial legislatures as well as Parliament during September and October 2007. GETNET’s implementation plan consisted of two phases, a pilot study in the KwaZulu-Natal (KZN) legislature and roll-out to the remaining legislatures and Parliament.

A national workshop was convened with participants from all provincial legislatures. The workshop was held over two days, 25 and 26 June 2007 in KZN. Forty-five participants attended the workshop. A participant resource pack was compiled for the workshop providing information on the international, national and regional instruments guiding gender mainstreaming within the legislative sector, as well as gender mainstreaming theory and the setting of gender targets and indicators. At this workshop the findings of the KwaZulu-Natal pilot phase was shared. Following
the workshop, participant’s suggestions were incorporated into the KZN status report and an implementation plan with targets and indicators was developed and forwarded to the KZN legislature Secretary.

Two key interview schedules and a focus group discussion schedule were designed for the assessment. Given severe time pressures, interviews were held with only key stakeholders in the legislatures in Gauteng, Mpumalanga, Limpopo, the Eastern Cape, North West, the Northern Cape, Free State, and National Parliament. Persons interviewed in the aforementioned provinces included, Speakers of parliaments, Secretaries, chairpersons of Gender Committees, Deputy Secretaries, gender focal persons and senior management.

Following the legislature assessments, provincial workshops were implemented for six legislatures. Despite constant follow-up, the outstanding three legislatures (Free State, North West and KZN) and Parliament did not provide dates for implementation within the specified contract timeframe. As a result, they were not included in the provincial workshops.

1.1 Findings
The national scan of the legislative sector illustrates the current status of gender mainstreaming efforts at the levels of policy, practice and institutional structures. The various reports have identified the gaps in the abovementioned areas and make specific recommendations to address these. There are commonalities across the sector and it is our recommendation that a task team from within the Speakers’ Forum and the South African Legislatures' Secretaries’ Association (SALSA) be established to set minimum standards and ensure implementation of the varied recommendations across the sector. The task team would enable dedicated attention to the goal of women’s empowerment and gender equality and may be more efficient in obtaining results across the sector.

1.1.1 Policies
Seventy percent of legislatures do not have gender policies and are without gender mainstreaming strategies; thus having no guidelines for gender transformation. Those legislatures that did have gender policies had policies that were not detailed enough to give real guidance. HIV/AIDS policies were present in most legislatures, but were gender neutral making no reference to the intersection between HIV/AIDS and gender-based violence. Most importantly, the realities of the impact on women of the disproportionate burden, for both affected and infected individuals, is not given any attention. The gender neutrality of the policy treats both women and men in the same manner while their realities are very different.
Child care policies: Although legislatures did not have policies, many have attempted to address this issue.

Sexual harassment policies: In the Eastern Cape some of those interviewed reported that the sexual harassment policy had been adopted, while others were not sure. In Gauteng some thought the policy applied only to officials, while others said there was no policy. The Mpumalanga policy is outdated and in North West a workplace harassment policy has been adopted.

1.1.2 Structure
While only half of the legislative institutions have a women's caucus, 90% have a formal committee that should focus on women's empowerment/gender. In the main, the roles and responsibilities of the two structures are not properly clarified within the legislatures. The women's caucus in most legislatures operates in an informal way for various reasons, e.g. lack of provision for formalisation within the legislature’s rules. As a result the structure has no defined role, resources or mandate. In some instances, like the Western Cape legislature, the women’s caucus was in the process of being disbanded in the wake of the formal establishment of a committee tasked with monitoring and overseeing gender equality at a provincial level. At the same time at a national level, Parliament is in the process of formalising the women’s caucus as a committee (so enabling access to parliamentary time and resources).

It has been demonstrated that across the legislative sector there is very little uniformity in the structures established to champion women’s empowerment, especially that of women parliamentarians. Generally across the legislative sector there are fewer women members in comparison to men and they tend to be overstretched among the committees. As a result they have very little or no time to dedicate to the business of a women's caucus. Some of the women's caucuses, for example in the Free State, North West, Limpopo and the Northern Cape, are non-functional.

Across the legislative sector (with minor exceptions), the committees established to conduct oversight and monitoring of gender equality and women’s empowerment have been merged with other priority areas like youth, older persons, disability and children. In the Free State for example the mandate of the Standing Committee on the Quality of Life and Status of Women (SCQLSW) has been merged into the Portfolio Committee on Finance, Office of the Premier and Legislature. As a result gender receives little attention because of the competing priorities that the committee needs to attend to. Almost all legislatures’ gender work operates in an events-driven manner and is unsustainable because of a lack of strategy. Many of the committees are also hampered by a lack of strategic planning and limited resources. Gender mainstreaming is undertaken on an ad
hoc basis. Gender budgeting, though known by a few of the legislatures, is not used as an approach in the budget cycle.

2. Recommendations

2.1 Develop minimum standards for a gendered public participation model
The Speakers’ Forum and SALSA should develop minimum standards for the legislative sector in respect to public participation models that are gendered. Public participation processes must be conceptualised, designed, implemented and monitored with respect to the different needs and interests of the women and men, girls and boys that it is intended to reach.

2.2 Set minimum standards for the development of gender policy
The Speakers’ Forum and SALSA should set minimum standards for the development of gender policy for the legislative sector. This will circumvent the development of gender policies which are too blunt to have meaning for the institution. The minimum standards for policy should take cognisance of key international, national and regional instruments for the advancement of gender equality and women’s empowerment. In addition it should ensure that policies include each legislature’s vision and mission, objectives, indicators, institutional structure and location of personnel for advancing gender work, a clear plan of action, resource requirements, timeframes and monitoring and evaluation mechanisms (linked to a definite budget). This would be the overarching policy guiding all gender work within each legislature and a basis for measuring gender-related progress over time.

2.3 Conduct a gender audit of policy
A gender audit of policy is recommended to assess the appropriateness of current polices and the need for developing new policies within each legislature. Such an audit would also serve to resolve the discrepancies between policies, which have the same goal, but disparate procedures, which essentially conflict in some legislatures.

2.4 Allocate a dedicated budget for gender mainstreaming
The Secretary and Speaker of the legislature need to allocate a dedicated budget for gender mainstreaming efforts in the institution. Gender mainstreaming processes are long-term and require diverse initiatives. These requirements are compromised where a budget is lacking.

2.5 Include gender key performance areas (KPAs) in the job description of senior staff
Review the job descriptions of senior managers and staff responsible for gender to include gender key performance areas as part of performance management systems. This ensures that there is
a clear line of accountability for ensuring gender equality measures are implemented within the legislature.

2.6 The Speakers’ Forum and SALSA should establish gender equality and a women’s empowerment task team

The national scan of the legislative sector illustrates the current status of gender mainstreaming efforts at the levels of policy, practice and institutional structures. The various reports have identified the gaps in the abovementioned areas and make specific recommendations to address these. There are commonalities across the sector and it is our recommendation that a task team from within the Speakers’ Forum and SALSA be established to set the minimum standards and ensure implementation of the varied recommendations across the sector. The task team would enable dedicated attention to the goal of women’s empowerment and gender equality and may be more efficient in obtaining results across the sector.

2.7 Clarify the role and brief of the women’s caucus

The Speakers’ Forum and SALSA should develop minimum standards and clarity on the brief of the women’s caucus within the legislative sector as well as its relationship with the committees tasked with the oversight and monitoring of gender equality and women’s empowerment. The women’s caucus needs to focus on the distinctive barriers faced by women in governance and utilise the structure as an added means to strengthen women’s empowerment and advance gender equality internally within the legislative sector. It is recommended that the Rules Committee of various legislatures formalise the women’s caucus in line with National Parliament

2.8 Standardise the standing committees responsible for gender

(Part of the gender machinery) across the legislative sector.

While remaining sensitive to the dynamics of individual legislatures, the Speakers’ Forum should standardise committees tasked with monitoring and oversight of gender equality and women’s empowerment. Each legislature should have a dedicated Standing Committee on the Quality of Life and Status of Women in line with South Africa’s National Policy Framework for Women’s Empowerment and Gender Equality. Importantly, the work of these committees should not be diluted through a focus on multiple issues. This is integral to South Africa focusing on and working towards the achievement of the Millennium Development Goals on gender equality in a meaningful way at a legislative level. If the institutional structures tasked with this critical task are weak, their ability to implement their mandate is weak.
2.9 The Standing Committee on the Quality of Life and Status of Women needs to develop a vision, mission, strategy and objectives for its programme work to be based on identified priorities for the respective province in line with national objectives.

The committee needs to work in a sustainable manner towards achieving gender equity and equality. It should provide strategic leadership within the legislature and the committee system and develop greater links with civil society. The committee should be allocated more resources than it currently has, such as budget and research capacity to implement its mandate.

2.10 Appoint gender focal persons/special advisor
Each legislature should appoint a gender focal person (GFP) to champion gender mainstreaming. The GFP should be at management level and be enabled to make input and decisions into strategy, policy, programmes and budget. As such, the position should be located in the office of the Secretary and directly accountable to him or her. The position demands high level analytical ability, strategic conceptualisation and implementation of responsibilities at multiple levels. At the level of the National Parliament we recommend that the Speaker appoints a specialist advisor on gender and institutional mainstreaming to assist her in identifying critical issues that need to be addressed and entry points for mainstreaming in work that is planned for and currently being implemented. As is evident there are many processes underway within Parliament that have neglected gender as criteria for analysis and institutional planning, such as a policy review process, public participation model, competency model, etc. This reflects that Parliament as an institution has not adopted planning, implementation, and monitoring and evaluation from a gender perspective. The specialist advisor would have the role of alerting the Speaker about pertinent matters timeously and coordinating efforts from both the political and administrative perspectives.

Conclusions
Generally, learning from the process of assessing gender mainstreaming efforts within the legislative sector has been invaluable and it has shed light on the critical trends in gender policies, practices and structures within the legislative sector. The recommendations made for setting minimum standards for the legislative sector provides a solid base for furthering mainstreaming efforts within the sector.

The challenge to all the provincial legislatures and National Parliament is to prioritise the implementation of the minimum standards and thereby to move closer to the goal of putting the question of gender equality at the centre of all development work including the Millennium Development Goals.
3. Introduction and background to the project

In December 2006 the Legislature Support Programme (LSP) contracted the Gender Education and Training Network (GETNET) to develop an implementation plan for the practical implementation of the Strategic Framework for Gender Mainstreaming in the Legislative Sector. GETNET was tasked with the development of a model that is in line with the provision of the Constitution of the Republic of South Africa and other legislation and national policies relevant to the promotion of gender equality and women’s empowerment.

The legislative sector, by virtue of the Constitution of South Africa, has a positive duty to further the objectives of human rights and gender equality within the provinces as well as in the internal functioning of each of the provincial legislatures. To this end the LSP, through the Speakers’ Forum, commissioned research on gender mainstreaming in the legislative sector. This research culminated in a discussion document and strategic framework for gender mainstreaming in the legislative sector in August 2006. The LSP contracted GETNET to take the process further and develop a practical implementation plan and model for gender mainstreaming in the legislative sector.

GETNET’s implementation plan consisted of two phases, a pilot study in the KwaZulu-Natal legislature and roll-out to the remaining legislatures and parliamentary project activities.

3.1 Phase one

This pilot study phase aimed at assessing the KwaZulu-Natal (KZN) legislature’s policies, practices and structures that underpin gender work. The phase was subdivided into three components, which included the following:

Desktop research

A gender review of policies governing the KZN legislature was conducted. Minutes of specific committees were reviewed, e.g. the Rules Committee, the Standing Committee on the Quality of Life and Status of Women, Youth, the Disabled and Children, and Finance and Economic Development, Social Welfare and Population.

The review aimed at gaining an overall impression of how gender considerations have been taken into account in the institution’s policies as well as in committee deliberations.

3.1.2 Structured individual interviews and focus group discussions
Kailash Bhana and Nomkitha Gysman (GETNET’s associates) conducted the pilot study. We devised two key interview schedules and a focus group discussion schedule. Overall 42 interviewees were involved in the KZN pilot study. The pilot study generated a model for mainstreaming gender into the legislative sector as well as a practical implementation plan with targets and indicators. These base documents were intended for adaptation to the specifics of the remaining legislatures and Parliament. The findings from the desktop research and an analysis of the interviews and focus group sessions were collated into a status report for the legislature and used as a basis for the development of a preliminary model for mainstreaming gender into the legislature.

3.1.3. National workshop on gender mainstreaming model

During this component, a national workshop was convened with participants from all provincial legislatures to:

- disseminate the findings of the KZN pilot study;
- test the model for gender mainstreaming in the sector;
- engage in a collective process with all legislature stakeholders to develop a practical broad-based, multi-pronged implementation plan and strategy for gender mainstreaming in the legislative sector.

The workshop was held over two days, 25 and 26 June 2007 in KwaZulu-Natal. Forty-five participants attended the workshop. A participant resource pack was compiled for the workshop providing information on the international, national and regional instruments guiding gender mainstreaming within the legislative sector, theory on mainstreaming and setting gender targets and indicators. Following the workshop, participant’s suggestions were incorporated into the KZN status report and an implementation plan with targets and indicators was developed and forwarded to the KZN legislature Secretary.

3.2 Phase two

This phase aimed at assessing the policies, practices and structures that advance gender mainstreaming within the remaining legislatures and Parliament and adapting the gender mainstreaming model accordingly. Table 1 outlines the fieldwork schedule for this phase.

Table 1: Fieldwork timeline

<table>
<thead>
<tr>
<th>Legislature</th>
<th>Fieldwork timeline</th>
<th>Person responsible</th>
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<tbody>
<tr>
<td>Gauteng</td>
<td>September 2007</td>
<td>N Gysman</td>
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<tr>
<td>Mpumalanga</td>
<td>September 2007</td>
<td>N Gysman</td>
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Persons interviewed in all provinces included:
Speakers of parliaments
Chairpersons of Gender Committees
Deputy Secretaries
Gender focal persons
Senior management
Committee coordinator of the Gender/Women’s Committee.

Policy documents that were evaluated included:
Disciplinary policies and procedures
Leave policy and procedures
Recruitment and selection policy
Draft disability policy
Draft gender policy
Employment equity policy and procedures
HIV/AIDS policy.

3.3 Report on pilot phase: KwaZulu-Natal Legislature
The policies of the KZN legislature are gender neutral and there are definite policy gaps (e.g. gender and child care). The strategic framework for gender mainstreaming recommends that all the legislatures undertake a gender audit and analysis of its current policies. According to the interviewees, this exercise has not taken place. Various reasons were given for failing to undertake the task, one of them being that administrative staff and members of provincial legislatures (MPLs) were not aware of the document, including the specific recommendation. Other interviewees failed to understand the rationale behind the recommendation, as they believed that all policies were gender sensitive, e.g. employment equity (EE), employment conditions, etc. This is reflective of limited knowledge of gender sensitivity and also shows a lack of seriousness.
Gender mainstreaming is undertaken on an ad hoc basis. For example, gender key performance areas (KPIs) do not feature in staff’s job descriptions and gender sensitive budgeting is non-existent. Gender targets and indicators are not set as part of institutional planning. According to the interviewees, inclusion of gender as a key performance area and setting gender targets and indicators was never thought of. There is no expressed reason for a lack of using a gender budgeting approach to the budget cycle. Because of the above, none of the staff members are appraised against gender as a key function and there is no gender disaggregated budget breakdown. The unresolved matter of the gender focal point within the legislature is a concern. While the majority of interviewees believe that the position is vacant, the incumbent who has been acting as the GFP holds a different view.

The SCQLSW is overwhelmed by the multiple issues that it is expected to focus on. This unfortunately translates into gender not receiving the priority it deserves.

Sexual harassment has been identified as an insidious practice within the legislature and staff and members alike are not aware of the sexual harassment policy, who to report such matters to and what the procedures are. In addition there is no identified capacity within the legislature to deal with harassment in a skilled manner. Gender is not a standing item on the agenda of committees.

4. Summary reports from provincial legislatures and Parliament

4.1 Free State Legislature

The Free State legislature has developed a gender policy in an attempt to institutionalise gender equality perspectives and gender mainstreaming within the legislature. The policy is still in draft form and has not been adopted by the Rules Committee. The policy does not clearly outline purpose, vision or mission. The policy statement specifies that specific measures need to be taken by the legislature to eradicate gender inequality within the institution and society. These measures are to include promotion of women’s leadership, empowerment of women workers, and full and equal participation of women in management and trade unions.

The policy makes provision for the creation of a gender unit within the employment equity consultative structure that has as its primary objective the advancement and empowerment of women in “…all areas and structures in the Free State legislature”. The gender unit is tasked with the development of broad principles and detailed measures that advance the status of women in the legislature. The Speaker and Secretary have shown a high degree of commitment to gender equality.
A number of obstacles to effecting a well-coordinated gender mainstreaming strategy will have to be dealt with:

- Gender key performance areas do not feature in staff’s jobs descriptions and gender sensitive budgeting is non-existent.
- Gender targets and indicators are not set as part of institutional planning.

According to the interviewees, inclusion of gender as a key performance area and setting gender targets and indicators was never thought of. There is no expressed reason for the lack of using a gender budgeting approach to the budget cycle. Because of the above, none of the staff members are appraised against gender as a key function and there is no gender disaggregated budget breakdown. Gender mainstreaming is undertaken on an ad hoc basis. For example, interventions that make a difference are those that are informed by proper conceptualisation of gender mainstreaming within the legislature, which would inform an action plan with adequate resources as well as monitoring and support mechanism. There is no dedicated capacity or GFP to drive mainstreaming efforts. The overall structure for mainstreaming gender in the legislature consists of the following.

**Portfolio Committee on Finance, Premier’s Office and Legislature**

**Social responsibility coordinator**

The Committee on Finance, Premier’s Office and Legislature appears to be overwhelmed by the multiple issues that it is expected to focus on. This unfortunately translates into gender not receiving the priority it deserves among the many competing priorities. Currently the work is largely events driven and constrained by a lack of gender skill and expertise, capacity and resources. There is also no interface between the committee and other committees in the legislature. Overall there is an absence of an integrated, coordinated gender planning and monitoring system for the legislature. There is a lack of interface between the gender structures in the legislature and the broader administrative and committee system.

### 4.1.2 Recommendations

Review the draft gender policy for the legislature before final adoption by the management and Rules Committees – gender mainstreaming cannot be implemented without the existence of a specific policy guiding an overall gender monitoring system for the legislature’s internal institutional arrangements, strategies and functioning and its external role in deepening, promoting and advancing women’s empowerment and gender equality. The legislature should give priority attention to reviewing the draft policy in line with this. Gender policy must give a clear directive for the legislature to adopt gender mainstreaming as the methodology for the institutions activities to promote gender equality and women’s empowerment. It must make explicit the use of
gender planning frameworks and tools of analysis as well as gender budgeting as mechanisms with gender targets and indicators have to be developed against which progress can be monitored.

Clarifying the location of the gender focal person (GFP): The GFP is the central coordinating point for all gender mainstreaming efforts within the legislature. While mainstreaming gender is a shared and collective responsibility between administrative officials and elected politicians, the GFP must drive the efforts and centralise the diverse activities. The GFP must have a clear institutional location and be appointed at a senior level where he or she is able to influence, policy, programme, budget and overall strategy. It is recommended that the legislature appoint a GFP/transformation manager whose responsibility would be mainstreaming gender as a cross-cutting issue.

4.1.3. Northern Cape Legislature
A major challenge within the legislature, both at political and administrative levels, is a lack of a common understanding of gender mainstreaming. This limits and has great potential of hindering gender mainstreaming efforts. Failure to remedy the situation will compromise expansion of the current gender mainstreaming initiatives, e.g. moving beyond confining gender mainstreaming to men and women’s representation only.

While the institution is applauded for its gender awareness-raising workshops, and the efforts of the SCQLSW, such initiatives alone, cannot have a marked and sustained impact because of their ad hoc nature. Interventions that make a difference are those that are informed by proper conceptualisation of gender mainstreaming within the legislature, which would inform an action plan with adequate resources as well as monitoring and support mechanisms.

Overall there is an absence of an integrated, coordinated gender planning and monitoring system for the legislature. There is a lack of interface between the gender structures in the legislature and the broader administrative and committee system.

4.1.4 Recommendations
- Consolidating and capacitating the gender structures in the legislature;
- Appointing a GFP at a senior level and institutional location in the office of the Secretary;
- Developing a strategy for the SCQLSW;
- Linking to civil society and working in an integrated manner with the provincial gender machinery.
4.2 Parliament
The Joint SCQLSW must ensure that from the outset it provides an oversight and monitoring role at national level. This requires working on gender equality issues based on a vision, clear objectives and strategy that are not clearly evident from our assessment. This needs to happen concurrently with adding resources for the Committee to function optimally, i.e. budget in line with a clear strategy and plan.

The Joint Rules Committee has established the Multiparty Women’s Caucus (MPWC) as a formal structure and the proposal needs to be adopted by both Houses. The MPWC now has the advantage of a budget and resources and needs to develop a clear plan of action, which was absent at the time of the assessment.

Within the administration of Parliament there is a lack of a gender champion to drive mainstreaming initiatives. Parliament is a vast institution with a staff of over a 1000 people in addition to non-employees within the parliamentary precincts. There are many projects completed or underway in line with the three key strategic objectives of Parliament and gender is absent as a criterion and unit for analysis, planning, monitoring and evaluation. As a result the oversight model, public participation model, competency model, institutional restructuring, etc. are significantly weakened and do not give full expression to Parliament’s vision and mission. Gender is not a standing item on the agenda of committees.

4.2.1. Recommendations
- Strengthen the oversight model with an explicit gender perspective and ensuring that gender is a standing item on committee agendas.
- Enhance the public participation model from a gender perspective.
- Adopt gender budgeting as an approach to budgeting within Parliament.

4.3. Gauteng Legislature
There are uncertainties about which policies have been adopted by the legislature and that are therefore operational, as well as those that are still in their draft form. For redressing past gender imbalances, the institution complies with the Employment Equity Act which requires it to report to the Department of Labour annually. Other interviewees argue that the institution uses its current draft employment equity policy when the need arises. While there is a claim that the existing sexual harassment policy targets only officials, some interviewees argue that the institution does not have such a policy. Though the institution is applauded for its approved and fully functioning HIV/AIDS policy, it is, however gender neutral, as it fails to provide for women’s triple gender roles.
There are no proper institutional arrangements for policy monitoring and evaluation within the legislature. For example, for EE the institution relies only onto the annual reports to the Department of Labour. Decision-making structures are still male dominated. For example, out of the four directors, one is a woman, out of the 13 committees only three are chaired by women. The legislature has no gender focal point and there are no specific reasons for it.

4.3.1 Recommendations
Capacity building and skills training is required for all staff, but particularly for those staff (and politicians) directly required for implementing gender work. Some of the training areas include, but are not limited to gender awareness, gender analysis, gender mainstreaming, gender in policy formulation and gender budgeting.

An enabling institutional climate for mainstreaming has to be fostered through targeting all levels of staff/politicians to create a common understanding of gender and gender mainstreaming. This will facilitate a shared and jointly owned process in institutional transformation. This should involve working with men and women separately and jointly to deal with attitudinal beliefs which strongly influence practices at both a professional and personal level.

4.4 Limpopo Legislature
There are uncertainties about the availability of policies meant to address gender imbalances as well as the marginalisation of women. For example, some respondents believe that there is only one policy that is fully functional, that is, the employment equity policy, while others are certain that policies such as HIV/AIDS and sexual harassment are functional. Because the three policies referred to above are meant to address gender issues, there is a general assumption that they are gender sensitive. The above does not only reflect limited knowledge of gender sensitivity, but also shows low levels of seriousness about the subject matter. This weakness is confirmed by a general lack of understanding of the relevance of a child care policy. Although valid reasons were provided for the Speaker’s and Secretary’s inability to participate in the interviews, one is concerned about the negative impact that this might have on the gender mainstreaming efforts of the institution.

A major challenge within the legislature, both at political and administrative levels, is the lack of a common understanding of gender mainstreaming. This limits and has great potential of hindering gender mainstreaming efforts. Failure to remedy the situation will compromise expansion of the current gender mainstreaming initiatives. There is a need to move beyond confining gender
mainstreaming to men and women’s representation only, assuming that having a “fully functioning” EE policy is an end in itself.

There is uncertainty about existing structure/s meant to initiate and support gender mainstreaming efforts within the legislature, e.g. both politicians and administrative personnel are not sure whether the legislature has both a women’s caucus and the SCQLSW or only the latter. The latter is overwhelmed by multiple tasks and roles it is expected to play, and as a result it has neither the strategic plan nor resources to implement gender mainstreaming. While there is a general understanding that one of the reasons why the sexual harassment policy is still in its draft form, is the lack of reported sexual harassment cases, other interviewees believe that the policy will not serve any purpose, as sexual harassment is non-existent within the institution. All these arguments are indicative of existing perceptions around sexual harassment.

Gender sensitive budgeting is non-existent. According to the interviewees, a gender budgeting approach is not known and was never thought of. Because of the above, there is no gender disaggregated budget breakdown.

Good practice in mainstreaming gender includes both an internal transformation process (the location of women and men, their roles and substantive involvement in decision-making) and ensuring integration of gender considerations into the key tools of governance, i.e. laws, policies and ultimate service delivery to citizens. For this process to happen optimally it requires both political and administrative champions. The legislature has no gender focal point and there are no specific reasons for its non-existence. Gender initiatives, which are largely events driven are championed by the Standing Committee on Gender, Youth and Disability (SCGYD) in conjunction with women’s caucus. The interpretation of the situation is that gender mainstreaming is not a priority and is therefore not taken seriously.

While the institution is applauded for its recognition of the women’s caucus as well as the status it has been accorded as a subcommittee of the Rules Committee, activities of the committee are not taken seriously. For example, most of its meeting schedule clashes with other important legislature events.

4.4.2 Recommendations
Political will and strong political leadership: The key question to be asked is, who is ultimately responsible for gender? In his State-of-the-Province-Address the Premier should make a public commitment to and sketch the vision of gender equality and women’s empowerment in line with the national goals, so bringing it down to provincial level. Similarly, the Speaker of the House
should make commitments towards gender mainstreaming, which would include, goals, detailed action plans, time frames, key performance indicators, means of verification and resources, i.e. human, material and budget, for the legislature as an institution. Members of executive councils, in their address to the legislature need to interpret the vision for gender equality and give expression to this in the manner in which they perform their functions and hold senior managers in provincial departments accountable for working towards gender equality. Focus should be more on the legislature not on departments.

A specific gender equality policy for the Limpopo legislature: Gender mainstreaming cannot be implemented without the existence of a specific policy guiding an overall gender monitoring system for the legislature’s internal institutional arrangements, strategies and functioning, as well as its external role in deepening, promoting and advancing women’s empowerment and gender equality. The legislature should give priority attention to developing a gender policy concurrently with other processes for mainstreaming gender, as well as conducting a review of policies from a gender perspective. As discussed in the findings section, policies were developed during a period when gender considerations were not foremost in the minds of policy developers. New policies may need to be developed (e.g. child care) and some of the existing policies may need to be reviewed for gender sensitivity as well as taking into consideration the current realities of the Limpopo legislature and its current political and administrative capacity.

Clarify the uncertainties around the existence of Women’s Caucus: As mentioned in the section dealing with discussion of findings, it is important for the legislature to clarify the existence of this structure, its roles and responsibilities and how it links with the SCQLSWDYC.

Appointment of a gender focal person: The GFP is the central coordinating point for all gender mainstreaming efforts within the legislature. While mainstreaming gender is a shared and collective responsibility between administrative officials and elected politicians, the GFP must drive the efforts and centralise the diverse activities. The GFP must have a clear institutional location and be appointed at a senior level where he or she is able to influence, policy, programme, budget and overall strategy.

Developing a vision, mission and strategy for the Standing Committee on the Quality of Life and Status of Women, the Disabled, Youth and the Older Persons: The committee must move from a largely events-driven approach to gender work to working on gender equality issues based on a vision, clear objectives and strategy. This will ensure that gender mainstreaming happens in a planned, systemic and sustainable manner. In this manner gender gains can be measured,
monitored and evaluated over time. This needs to happen concurrently with adding resources for the committee to function optimally, i.e. researcher and a budget linked to clear strategy and plan.

Links to civil society and working in an integrated manner with the gender machinery in the province will have to happen. The Office on the Status of Women and CGE should play a more integral role in assisting the SCQLSW to access pertinent research, information and statistics regarding the critical gender priorities for the province. This should guide the committee in terms of progress made within provincial departments around gender. It should also work in a coordinated manner to ensure that provincials departments are monitored in terms of their performance in advancing gender equality. The committee should make a concerted effort to develop links and relationships with civil society organisation with specific gender and subject expertise to assist in developing strategy and guiding their overall oversight responsibility.

Creating a common understanding of gender and gender mainstreaming: An essential prerequisite to any mainstreaming effort is sensitising all stakeholders around the importance of gender and mainstreaming as an approach. Attitudes and beliefs around men and women (and their roles in productive, reproductive and community activities) informed by culture, tradition and religion strongly influence the institutional culture of any organisation, limiting women’s access to and control over substantive decision-making and power, hampering gender equality.

Political will and responsibility for gender: Both the Speaker and the Secretary of the legislature show high levels of commitment to gender mainstreaming. It is everyone’s belief that gender-mainstreaming goals can never be achieved without being championed by the Speaker, the Secretary and an appointed gender focal point. All politicians interviewed showed high commitment to gender mainstreaming, however, they cite limited knowledge of gender mainstreaming as a stumbling block.

Gender audit: A situational analysis (supported by statistics) on the current situation of women and men (collection of gender-disaggregated data) to provide empirical evidence for policymakers and senior managers to make informed decisions for the Limpopo legislature and province, which enables setting realistic gender targets and indicators to measure and monitor gender related changes over time. This information would be critical to feeding the strategy and direction of the SCQLSW.

Strategic planning: Purpose statement, making it clear that the intention is to mainstream the gender equality perspective with the objective of reaching gender equality. That should be
coupled with specific, measurable, achievable, realistic and time-framed objectives; inputs (resources allocation) and outputs; means of verification as well as key performance indicators.

Inclusion of gender deliverables in the key performance areas of senior management: A key driver for the institutionalisation and implementation of gender mainstreaming goals and activities is delineating specific gender deliverables to senior management. Without the commitment of senior administrative staff to mainstreaming and a concerted effort to implement activities in projects, programmes and legislature activities, gender mainstreaming efforts will not be effective or efficient.

Building the capacity of officials and politicians to deal with gender matters effectively: Both politicians and officials should be provided with training and skills around gender mainstreaming and specific gender analysis and planning skills. In line with the structure of the national gender machinery, this task must be centralised and led by the GFP (institutional location to be determined) working closely with the SCQLSW, aiming at identifying capacity and skills gaps, making recommendations about the course of action to fill the identified gaps and generating knowledge of gender relations. This should be an ongoing reflexive practice to improve gender practice within the legislature.

Gender budgeting as an approach to budgeting could be introduced within the legislature: The budget is a tool for realising the country’s commitment to development. The objective of the gender budget as an approach to budgeting is to conduct a gender analysis of budgets and government expenditure to ensure that allocations reflect stated priorities around gender.

4.5 Eastern Cape Legislature

Political will and responsibility for gender: Both the Speaker and the Secretary of the legislature show high levels of commitment to gender mainstreaming. It is everyone’s belief that gender-mainstreaming goals can never be achieved without being championed by the Speaker, the Secretary and an appointed gender focal point. All politicians interviewed showed high commitment to gender mainstreaming, however, they cite limited knowledge of gender mainstreaming as a stumbling block.

There is a sense from stakeholders that transformation from a gender perspective is happening as fast as possible, but that it is dependent on how posts become vacant and then making appointments (of women). This reflects that the approach to gender transformation is more ad hoc, by default, rather than design. It is critical for senior politicians and administrative personnel
to understand the need for an overall gender planning and monitoring system for the legislature and its operations and to build the requisite skills to for implementation.

Gender work within the legislature has a history of being ad hoc with no formal planning and that legacy still exists. The ad hoc nature of gender work, results in the legislature not have a clear vision or strategic objectives that govern gender programming, as a result gender work is largely events driven and/or focuses mainly on women’s practical gender needs, and an active gender programme of action arising out of the needs of the province, Beijing Platform for Action and the Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW), in accordance with the South African National Policy Framework for Women’s Empowerment and Gender Equality is absent.

Administratively, there is no women’s support structure. There is a general understanding that women officials should take the lead and set up the structure if they feel that there is a need for one. On the other hand, there is an argument that the absence of this structure, might be because of the fact that women’s needs are taken care of by the trade union. While gender disaggregating of the budget is perceived largely to be the role of the women’s caucus and SCGYDC, there is consensus that gender budgeting as a skill does not exist within the institution.

In its oversight role, the SCGYDC is supposed to disaggregate budget to show allocations for gender mainstreaming and women empowerment. Gender mainstreaming requires a dedicated budget and personnel to support the activities and institutional processes aimed at overall transformation from a gender perspective.

Good practice in mainstreaming gender includes both an internal transformation process (the location of women and men, their roles and substantive involvement in decision-making) as well as ensuring integration of gender considerations into the key tools of governance, i.e. laws, policies and ultimate service delivery to citizens. For this process to happen optimally it requires both political and administrative champions.

**4.5.1 Recommendations of a proposed action plan for gender mainstreaming**

A proposed action plan is expected to include, but is not limited to, the following:

Political will and strong political leadership: The key question to be asked is who is ultimately responsible for gender? In the State-of-the-Province-Address the Premier should make a public commitment to and sketch the vision of gender equality and women’s empowerment in line with the national goals, so bringing it down to provincial level. Similarly, the Speaker of the House
should make commitments towards gender mainstreaming, which would include, goals, detailed action plans, time frames, key performance indicators, means of verification and resources, i.e. human, material and budget, for the legislature as an institution. MECs, in their address to the legislature need to interpret the vision for gender equality and give expression to this in the manner in which they perform their functions and hold senior managers in provincial departments accountable for working towards gender equality. Focus should be more on the legislature not departments.

A specific gender equality policy for the Eastern Cape legislature: Gender mainstreaming cannot be implemented without the existence of a specific policy guiding an overall gender monitoring system for the legislature’s internal institutional arrangements, strategies and functioning and its external role in deepening, promoting and advancing women’s empowerment and gender equality. The legislature should give priority attention to ascertaining whether it has an existing approved gender policy or not; if not, it must be made a priority.

Conduct a review of policies from a gender perspective: As discussed in the findings section, policies were developed during a period when gender considerations were not foremost in the minds of policy developers. New policies may need to be developed (e.g. child care) and some of the existing policies may need to be reviewed for gender sensitivity, as well as take into consideration the current realities of the Eastern Cape legislature and its current political and administrative capacity.

4.6. Western Cape Legislature
The Speaker and Secretary of the legislature have demonstrated a high degree of commitment to mainstreaming gender within the institution.

A major challenge within the legislature, both at political and administrative levels, is the lack of a common understanding of gender mainstreaming. This limits and has great potential of hindering gender mainstreaming efforts. Failure to remedy the situation will compromise expansion of the current gender mainstreaming initiatives, e.g. moving beyond confining gender mainstreaming to men and women’s representation only.

While the institution is applauded for the work of its women’s caucus and establishment of the Standing Committee on the Quality of Life and Status of Women, political initiatives and oversight activities by themselves cannot have a marked and sustained impact. Interventions that make a difference are those that are informed by proper conceptualisation of gender mainstreaming within
the legislature, which would inform an action plan with adequate resources as well as monitoring and support mechanisms at an administrative level.

Gender mainstreaming is undertaken on an ad hoc basis. For example, gender key performance areas do not feature in staff’s jobs descriptions and gender sensitive budgeting is non-existent. Gender targets and indicators are not set as part of institutional planning.

According to the interviewees, the inclusion of gender as a key performance areas and setting gender targets and indicators has not been thought of. There is no expressed reason for a lack of using a gender budgeting approach to the budget cycle. Because of the above, none of the staff members are appraised against gender as a key function and there is no gender disaggregated budget breakdown.

The matter of the Gender Focal Point’s appointment and institutional location has not been decided and is still at the level of discussion.

The SCQLSW is just recently established as an outcome of the lobbying of the women’s caucus. This is a positive development and from the outset the committee should develop a cogent strategy and leverage on the governance and oversight model being developed to further entrench gender equality perspectives in the legislature. Gender is not a standing item on the agenda of committees.

Overall there is an absence of an integrated, coordinated gender planning and monitoring system for the legislature. There is a lack of interface between the gender structures in the legislature and the broader administrative and committee system.

4.6.1. Recommendations

- Consolidating and capacitating the gender structures in the legislature (women’s caucus and SCQLSW);
- Appointing a GFP at a senior level and institutional location in the office of the Secretary;
- Developing a strategy for the SCQLSW and Women’s Caucus;
- Linking to civil society and working in an integrated manner with the provincial gender machinery;
- A gender focal person should be appointed to champion gender mainstreaming. The GFP should be at a senior level (preferably management level) and be enabled to make input into strategy, policy, programmes and budget. As such the position should be located in the office of the Secretary and directly accountable to him. The position demands high-
level analytical ability, strategic conceptualisation and implementation responsibilities at multiple levels (both political and administrative).

- The women’s caucus and SCQLSW need to iron out their distinct roles in relation to the institution viz. oversight and monitoring provincially vs. championing specifically women members’ issues internal to the legislature and maintaining links to civil society.

- The women’s caucus has implemented a vast array of activities, but was constrained by the informal nature of the structure in terms of the institution’s rules. With the establishment of the SCQLSW, the distinct oversight and monitoring roles can now be performed at a different level, allowing the women’s caucus to focus on the internal structures and arrangements that impact on women members across parties. In addition the women’s caucus can continue to play the community liaison role it has already established very well. This may be a complimentary role to the SCQLSW and foster better linkages between the two structures.

- The Standing Committee on the Quality of Life and Status of Women and Children needs to develop a cogent vision, mission, strategy and objectives for its programme work to be based on identified priorities. The committee needs to work in a sustainable manner towards achieving gender equity and equality. It should provide strategic leadership within the legislature and the committee system and develop greater links with civil society. The committee should be allocated resources from the outset, e.g. a secretary, budget and research capacity.

5. General trends identified and recommendations

5.1 Policy

The strategic framework for gender mainstreaming recommends that all legislatures undertake a gender audit and analysis of their current policies; unfortunately this exercise has not been undertaken. Parliament has undertaken a policy review but gender was not part of the criteria for the review process. As a result most legislatures and Parliament still have gender-neutral policies. There are definite policy gaps in almost all legislatures, e.g. the absence of gender and child care policies.

Figure 1: Gender policy in legislatures
Figure 1 indicates 70% of legislative institutions do not have a gender policy. This, coupled with a lack of strategy for gender mainstreaming, implies that there is no overall guide for gender work, and what work exists, happens in isolation without a comprehensive framework. Where gender policies do exist, they are weak and do not identify critical policy imperatives of gender mainstreaming as an overarching methodology, detail objectives, delineate responsibility for senior management, specify institutional location for the staff member/s responsible (gender focal person), set gender targets and indicators for the legislature or contain a monitoring and evaluation framework.

- The KZN, Limpopo and Mpumalanga legislatures as well as National Parliament have no gender policy and indicated that they use the national gender policy framework as a source of reference.
- The Northern Cape legislature has a gender policy drafted by a consultant and presented to the MANCOM in May 2007. The stated purpose of the policy is “to integrate gender into the institutional culture, practices and policies of the NC Provincial Legislature”. Key aspects of the Northern Cape gender policy are:
  - gender awareness translating into all plans, programs, communication and assessments
  - a safe, non-violent, emotionally comfortable climate for men and women;
  - redressing power imbalances,
  - mainstreaming gender to meet educational, training and development needs of all employees.
- The Free State legislature has developed a gender policy that has the objectives to remove gender discrimination in all policies and practices as well as building women’s leadership and integrating gender equality in all development programs. The policy makes provision for the creation of a gender unit within the employment equity consultative structure, which has as its primary objective the advancement and empowerment of women. The unit has been tasked with reviewing the barriers to women’s advancement to senior positions, ensuring that 40% of new recruits to middle and senior management are
women and that each department has gender representation. The limitation of the policy is the focus on employment equity to the exclusion of addressing gender power imbalances in decision-making and in control of resources.

- The Western Cape legislature does not have a gender policy and a number of reasons have been advanced for this situation, namely a lack of importance and prioritisation of gender issues and a lack of a dedicated gender champion at an administrative level, as well as the lack of a policy imperative to develop a gender policy.

- In North West no gender policy exists. The development of a gender policy had been discussed at a policy workshop and there is a move to begin sharing learning from the EC legislature.

- In Mpumalanga, there is a draft gender policy that should be finalised and signed off.

- In Gauteng there was some confusion about which policies had been adopted and those that were still in draft form. The employment equity legislation is seen as the key document that guides matters of gender equity. Gender mainstreaming has not been formally adopted.

5.1.2 Child care policy
Parliament does not have a child care policy and a child care facility that was started in 1994 was closed down in the year 2000 as child care was seen not to be the core business of the institution.

The Eastern Cape legislature has indicated that gender concerns have been integrated into various other policy documents. While the Eastern Cape does not have a child care policy and have acknowledged this as a policy gap the staff have organised a system of child care for when staff work out of town and overnight.

The Free State legislature is in the process of finalising the child care policy which is in the process of being developed. Currently, a child care facility is being planned in line with the strategic plan.

In the Western Cape, while no policy exists there was a request for a child care facility eight years ago. It was felt that the uptake would not be sufficient. Currently due to changes in employment profile the matter has come up for discussion again.

In KwaZulu-Natal no policy exists and a pilot project, where a facility was located too far, and parents opted to make their own child care arrangements, failed. Currently plans are underway to build a child care facility that is funded by the Standard Bank.
In Limpopo the legislature has no child care policy and various reasons have been advanced for this, such as the fact that the legislature is a child friendly institution that allows parents to slip away during working hours to fetch their children. People also argue that child-minding issues have been integrated into basic conditions of service and that development of a child-minding policy will be an expensive duplication. However, some who were interviewed felt that the child-minding policy would enable women greater participation in programmes aimed at their advancement.

The North West legislature does not have a child care policy yet. According to the Secretary of the legislature, this is an area for consideration that has been discussed with the Speaker, although there has not been a firm resolution or plan to address the issue.

5.1.3 HIV/AIDS policy

The HIV/AIDS policy is gender neutral in terms of acknowledging men and women’s different roles in infection and responding to the pandemic. Women have a higher risk than men of infection because of biological and socio-political factors. There is no mention of the nexus between gender-based violence and HIV/AIDS (violence as both a causal factor in infection and as a result of a positive status). Most importantly the realities of the impact on women of the disproportionate burden for both affected and infected individuals is not given any attention. The gender neutrality of the policy treats both women and men in the same manner, while their realities are very different.

The Gauteng legislature has a fully functioning HIV/AIDS policy. Gender analysis could be integrated into the policies that would address the sometimes powerlessness of women in negotiating safe sex.

The Western Cape legislature does have an HIV/AIDS policy that outlines the procedures and mechanisms to deal with testing, confidentiality, recruitment of HIV/AIDS infected persons and incapacity. From a gender perspective however, the policy could be described as gender neutral in terms of acknowledging men and women’s role in the spread and prevention of the epidemic. Gender neutrality treats both men and women the same, while their realities are different. Women are at a higher risk of contracting the disease both because of biological factors and gender and socio-economic factors. The impact of the disease on men and women is also not the same, as the disproportionate burden of care, for example, falls squarely on women.
The Free State HIV/AIDS policy is regarded as quite cogent. The policy calls for the establishment of a social responsibility committee and coordinator, whose role it is to implement the policy and deal with HIV testing, confidentiality, incapacity, dispute resolution and disciplinary measures where necessary.

In Mpumalanga there were conflicting responses from interviewees, with some believing that the policy is fully functional and others not being sure of its existence.

North West has an HIV/AIDS policy which is considered to be a cogent policy that stipulates the roles and responsibilities of all staff from the Secretary, to employee wellness centre managers, the human resource directorate and the broader staff compliment. The policy specifies that budget allocation for the implementation of the policy content is the responsibility of the Secretary and sets out clear measurable indicators for managers. The policy also outlines the procedures and mechanisms to deal with HIV testing, confidentiality, incapacity, dispute resolution and disciplinary measures, where necessary. The need to strengthen the gender sensitivity of the programme has to be pointed out and in particular that HIV/AIDS training programmes need to focus on the intersection between gender-based violence and HIV/AIDS.

### 5.1.4 Sexual harassment policy

In the case of the Eastern Cape legislature, some interviewees reported that the sexual harassment policy had been adopted, while others reported that it was still in a draft form.

In the case of Gauteng, some interviewed thought that the policy targeted officials only and others who were interviewed thought that the legislature did not have a sexual harassment policy.

The Western Cape legislature has developed a sexual harassment policy. However, the policy does not go far enough, as it is confined to employees and does not address the sticky question of sexual harassment between a Member of Parliament and an employee.

In the case of Mpumalanga, some interviewees felt that the policy was outdated and others that it was still in draft form. Interviewees were not sure how sexual harassment cases were dealt with, as most had never heard of harassment being reported.

North West has a “workplace harassment policy” that has a broad definition of harassment and specifies unfair discrimination as prejudice based on sexual orientation, race, gender, ethnicity, family responsibility, marital status, HIV/AIDS and disability. The policy promotes and adopts the provision of the NEDLAC Code of Good Practice in dealing with sexual harassment.
Table 2 provides a breakdown (by legislature) indicating which institutions have gender and child care policies.

Table 2: Gender and child care policies in legislatures

<table>
<thead>
<tr>
<th>Legislature</th>
<th>Gender policy</th>
<th>Child care policy</th>
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<tbody>
<tr>
<td>KwaZulu-Natal</td>
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<tr>
<td>Western Cape</td>
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<td>Eastern Cape</td>
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<td>Northern Cape</td>
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<td>Free State</td>
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<td>Limpopo</td>
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<td>Mpumalanga</td>
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<tr>
<td>Gauteng</td>
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<tr>
<td>North West</td>
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<tr>
<td>Parliament</td>
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</tbody>
</table>

Key:

- No
- Yes

6. Recommendations for minimum standards in policy imperatives

6.1 Formal adoption of gender mainstreaming within the legislative sector

The legislative sector should formally adopt gender mainstreaming as a methodology for furthering gender equality and women’s empowerment. The Speakers’ Forum and SALSA should issue a political and policy directive for legislatures to begin giving expression to the commitments made by the South African Government to the Beijing Platform for Action and the Southern African Development Community (SADC) Declaration of the Heads of State on Gender and Development within the policy realm of the legislative sector.

6.1.1 Set minimum standards for the development of gender policy

The Speakers’ Forum and SALSA should set minimum standards for the development of gender policy for the legislative sector. This will circumvent the development of gender polices which are too blunt to have meaning for the institution. The minimum standards for policy should take cognisance of key international, national and regional instruments for the advancement of gender equality and women’s empowerment. In addition it should ensure that policies include each legislature’s vision and mission, objectives, indicators, institutional structure and location of
personnel for advancing gender work, a clear plan of action, resource requirements, timeframes and monitoring and evaluation mechanisms (linked to a definite budget). This would be the overarching policy guiding all gender work within each legislature, and a basis for measuring gender related progress over time.

6.1.1.2 Conduct a gender audit of policy
A gender audit of policy is recommended to assess the appropriateness of current polices and the need for developing new policies within each legislature. Such an audit would also serve to resolve the discrepancies between policies that have the same goal, but disparate procedures, which essentially conflict in some legislatures.

6.2. Structure and approach
Generally all the Speakers and some Secretaries verbalise a high degree of political will to mainstream gender within the sector. A major challenge within the sector, both at political and administrative levels, is a lack of common understanding of gender mainstreaming and what this entails in practice. This factor has the potential of hindering gender mainstreaming efforts as both staff and politicians are unlikely to support initiatives they do not understand. Failure to remedy the situation will compromise expansion of the current gender mainstreaming initiatives, e.g. moving beyond confining gender mainstreaming to men and women’s representation only, which is a common practice in some legislatures.

Figure 2: Women’s caucus

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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<tr>
<td>50%</td>
<td>50%</td>
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Figure 3: Gender/women’s committee

<table>
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<tr>
<th>Yes</th>
<th>No</th>
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<tr>
<td>90%</td>
<td>10%</td>
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While only half of the legislative institutions have a women’s caucus, 90% have a formal committee that should focus on women’s empowerment/gender as Figures 2 and 3 illustrate. In the main, the roles and responsibilities of the two structures are not properly clarified within the legislatures. The women’s caucus in most legislatures operates in an informal way for various reasons, e.g. lack of provision for formalisation within the legislature’s rules. As a result the structure has no defined role, resources or mandate. In some instances, like the Western Cape
legislature, the women’s caucus was in the process of being disbanded in the wake of the formal establishment of a committee tasked with monitoring and oversight of gender equality at a provincial level. At the same time at a national level, Parliament is in the process of formalising the women’s caucus as a committee (so enabling access to parliamentary time and resources).

This demonstrates that across the legislative sector there is very little uniformity in the structures established to champion women’s empowerment, especially that of women parliamentarians. Generally across the legislative sector there are fewer women members in comparison to men and they tend to be overstretched among the committees. As a result they have very little or no time to dedicate to the business of a women’s caucus. Some of the women’s caucuses, e.g. Free State, North West, Limpopo and Northern Cape are non-functional. Table 3 provides a breakdown of legislative institutions that have both structures and just the one.

Table 3: Women’s caucus and committee on women/gender in legislatures

<table>
<thead>
<tr>
<th>Legislature</th>
<th>Women’s caucus</th>
<th>Committee on women/gender</th>
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<tr>
<td>Parliament</td>
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<tr>
<td>Eastern Cape</td>
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<td>Free State</td>
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<td>Gauteng</td>
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<td>North West</td>
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<tr>
<td>Western Cape</td>
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</table>

Key:

No Yes

Across the legislative sector (with minor exceptions), the committees established to conduct oversight and monitoring of gender equality and women’s empowerment have been merged with other priority areas like youth, older persons, the disabled and children. In the Free State for
example, the mandate of the Standing Committee on the Quality of Life and Status of Women (SCQLSW) has been merged into the Portfolio Committee on Finance, Office of the Premier and Legislature. As a result gender receives little attention because of the competing priorities that the committee needs to attend to. Almost all legislatures’ gender work operates in an events-driven manner and is unsustainable because of a lack of strategy. Many of the committees are also hampered by a lack of strategic planning and limited resources. Gender mainstreaming is undertaken in an ad hoc way.

In Limpopo, the senior management as well as the SPU officer noted that neither the Speaker nor the Secretary would be able to champion gender issues without the strategic leadership of the Standing Committee on the Quality of Life and Status of Women, Youth, the Disabled. It would therefore be important to strengthen the standing committee. Interviewees in this legislature felt that while gender transformation is happening, greater levels could be achieved if senior politicians and administrative

In North West the Speaker of the parliament has implemented a capacity building workshop on gender budgeting for members. However, the legislature does not have a sustained capacity building programme on gender matters for members. In this province despite a 70% female administration, the patriarchal culture militates against gender transformation. There is no gender focal person (GFP) within the administrative wing for example and women comprise only 12 of the 33 members of the legislature.

- In the Free State, the women’s caucus has not been operational for years and the Standing Committee on the Quality of Life and Status of Women that was functioning well until 2004 no longer exists, and its role has been taken over by the Committee on Finance in the Premier’s office has been charged with the responsibility on gender equality.
- The women’s caucus in the Free State has not been operational for a considerable period of time due to a lack of political will and MPLs being too busy on other committees and constituency work to make time for it.
- In the Western Cape the Standing Committee on the Status and Quality of Life of Women was only established in August 2007, and has as yet not had the time to settle within the committee system and engage in strategic planning. The Multiparty Women’s Caucus has been in existence for a number of years. The Employment Equity is a voluntary forum that has been constituted from two representatives of each of five occupational bands, to identify barriers.
• In Gauteng, there is an absence of a gender planning and monitoring system for the legislature. There is a lack of interface between the gender structures in the legislature and the broader administrative and committee system.

• In Parliament, the Joint Rules Committee and this committee have established the Multiparty Women’s Caucus as a formal structure. Gender is not a standing item on the agenda of committees.

• In KwaZulu-Natal, the Standing Committee on the Quality of Life and Status of Women is overwhelmed by the multiple issues that it is expected to focus on. There is also no interface between the Standing Committee on Quality of Life and Status of Women and other committees in the legislature.

• In Mpumalanga, the Standing Committee on the Quality of Life and Status of Women is resourced and enjoys the status of being a fully-fledged standing committee; there is uncertainty about how its role differs from that of the women’s caucus. However, the difference is that the women’s caucus is run informally without resources or a formal strategic plan. The question is, does the legislature need both structures?

• In the Northern Cape, the gender standing committee members are burdened with the work of this and other committees and can only manage two meetings per year. The committee needs to work closely with the Office on the Status of Women and the Commission for Gender Equality. The women’s caucus is also not functioning.

• Most legislatures do not have a dedicated staff member (or GFP) to champion gender issues as Table 4 illustrates. Presently special programmes officers, coordinators or any other staff member is assigned to do “gender work”. The multiple issues that they are expected to focus on overwhelm the staff tasked with gender and they often have little capacity building or skill in gender analysis and planning and most often poor resources.

Table 4: Legislatures that have special programmes officers/coordinators or GFPs

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<thead>
<tr>
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<th>SPO/coordinator</th>
<th>GFP</th>
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<tr>
<td>Parliament</td>
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In KwaZulu-Natal, it is not clear whether the position of gender focal person has been filled. The majority of those interviewed believed that the position was vacant while the incumbent who had been acting as the GFP held a different view.

In Mpumalanga there is no gender focal person who is a senior manager.

A Gender Focal Person has not been appointed by the Northern Cape legislature as the matter of whose responsibility it was to appoint the person was not clear. The acting Secretary thought that it was his responsibility, but senior management saw the matter differently.

In Limpopo, no gender focal person has been appointed and the person who is acting in this capacity is overwhelmed by the multiple issues that he is expected to focus on.

National Parliament also does not have someone to champion the gender cause in the vast institution of over 1000 people, in addition to non-employees within the precincts of Parliament.

Gender is not a standing item on the agenda of committees in the legislative sector as a whole. Unless gender criteria are built in at this level of oversight and law-making within the oversight model for institutions, the continuation of gender analysis as a routine practice is diminished.

Policy monitoring and evaluation as a practice, is absent in most legislatures.

Gender key performance areas do not feature in the job descriptions of staff and senior management and as a result there is a lack of clarity on who is intimately responsible for ensuring gender equality with the institution.

None of the legislatures have a dedicated budget for gender mainstreaming and are able to disaggregate the budget allocated to gender equality work. Gender mainstreaming is a process including diverse activities and programmes that require dedicated staff, time and resources. An institution’s commitment to the ideal of equality is ultimately expressed in the money, time and resources it devotes to this process.
Apart from the dedicated women’s parliaments run annually, gender is not used as a criteria for planning and implementing public participation initiatives. Public participation is a central tenet of the legislature in extending and deepening democracy for the citizens of our country. Women’s reproductive and community roles (in addition to lack of access to transport and poorer levels of education in comparison to men) are often a barrier to their meaningful participation in public participation processes, including legislative processes.

Public participation is actively pursued as a strategy of making parliament accessible to communities. In many of the legislatures, public participation events take place in local communities. As a result, the returns have been that many more women than men participate. As the Speaker of the Western Cape legislature notes, this is because there is a clear link between women’s increased attendance and their bearing the disproportionate impact of social ills.

Gender issues are implicitly dealt with in planning and implementation of public participation initiatives and so the increased participation of women is an unintended benefit. The legislative sector needs to develop a public participation model that explicitly uses gender as a unit of analysis, planning, implementation and monitoring. This would institutionalise the practice of planning and evaluating from a gender perspective.

7. Recommendations for minimum standards in the legislative sector
7.1 Develop minimum standards for an oversight model that is gender inclusive
The Speakers’ Forum and SALSA should develop minimum standards for the legislative sector in respect to oversight models. The oversight models that have been developed in some legislatures do not include gender as a unit of analysis or planning and monitoring. To institutionalise a gender perspective the tools developed for oversight, one of the core functions of legislatures must include gender criteria. Additionally, gender must feature as a standing item on the agendas of all committees. The Chair of Chairpersons must ensure that chairpersons implement the gender criteria within committee deliberations and the forum of chairpersons is utilised as a means for monitoring gender as part of the overall committee system in tandem with the Gender Committee.

7.2 Develop minimum standards for a gendered public participation model
The Speakers’ Forum and SALSA should develop minimum standards for the legislative sector in respect to public participation models that are gendered. Public participation processes must be conceptualised, designed, implemented and monitored with respect to the different needs and interests of the women and men, girls and boys that it is intended to reach.
7.3 Allocate a dedicated budget for gender mainstreaming
The Secretary and Speaker of the legislature need to allocate a dedicated budget for gender mainstreaming efforts in the institution. Gender mainstreaming processes are long-term and require diverse initiatives. These requirements are compromised where a budget is lacking.

7.4 Include gender key performance areas (KPAs) in the job description of senior staff
Review the job descriptions of senior managers and staff responsible for gender to include gender key performance areas as part of performance management systems. This ensures that there is a clear line of accountability for ensuring gender equality measures are implemented within the legislature.

7.5 Create a conducive climate for gender mainstreaming
An enabling institutional climate for gender mainstreaming has to be fostered through targeting all levels of staff and politicians to create a common understanding of gender and gender mainstreaming. This will facilitate a shared and jointly owned process in institutional transformation. This should involve working with men and women separately and jointly to deal with attitudinal beliefs which strongly influence practices at both a professional and personal level. Awareness-raising around what constitutes sexual harassment and the sexual harassment policy and its procedures is critical. In addition making provision for skilled capacity to deal with any reports of sexual harassment should be given priority.

Capacity building and skills training is required for all staff, but particularly for those staff (and politicians) directly required to implement gender work. Some of the training areas include, but are not limited to gender awareness-raising, gender analysis, gender mainstreaming, gender in policy formulation and gender budgeting.

7.6 Structures
Overall there is an absence of an integrated, coordinated gender planning and monitoring system within the sector, which does not articulate with the key areas of oversight, law-making and public participation.

7.7 Recommendations for minimum standards for the legislative sector
7.7.1 The Speakers’ Forum and SALSA should establish a gender equality and women’s empowerment task team
The national scan of the legislative sector illustrates the current status of gender mainstreaming efforts at the levels of policy, practice and institutional structures. The various reports have identified the gaps in the abovementioned areas and make specific recommendations to address
these. There are commonalities across the sector and it is our recommendation that a task team from within the Speakers’ Forum and SALSA be established to set the minimum standards and ensure implementation of the varied recommendations across the sector. The task team would enable dedicated attention to the goal of women’s empowerment and gender equality and may be more efficient in obtaining results across the sector.

7.7.2 Clarify the role and brief of the women’s caucus
The Speakers’ Forum and SALSA should develop minimum standards and clarity on the brief of the women’s caucus within the legislative sector as well as its relationship with the committees tasked with the oversight and monitoring of gender equality and women’s empowerment. The women’s caucus needs to focus on the distinctive barriers faced by women in governance and utilise the structure as an added means to strengthen women’s empowerment and advance gender equality internally within the legislative sector. It is recommended that the Rules Committee of various legislatures formalise the women’s caucus in line with National Parliament.

7.7.3 Standardise the standing committees responsible for gender (part of the gender machinery) across the legislative sector
While remaining sensitive to the dynamics of individual legislatures, the Speakers’ Forum should standardise committees tasked with monitoring and oversight of gender equality and women’s empowerment. Each legislature should have a dedicated Standing Committee on the Quality of Life and Status of Women in line with South Africa’s National Policy Framework for Women’s Empowerment and Gender Equality. Importantly, the work of these committees should not be diluted through a focus on multiple issues. This is integral to South Africa focusing on and working towards the achievement of the Millennium Development Goals on gender equality in a meaningful way at a legislative level. If the institutional structures tasked with this critical task are weak, their ability to implement their mandate is weak.

The Standing Committee on the Quality of Life and Status of Women needs to develop a vision, mission, strategy and objectives for its programme work to be based on identified priorities for the respective province in line with national objectives. The committee needs to work in sustainable manner towards achieving gender equity and equality. It should provide strategic leadership within the legislature and the committee system and develop greater links with civil society. The committee should be allocated more resources than it currently has e.g. budget and research capacity to implement its mandate.

7.7.3 Appoint gender focal persons/special advisor
Each legislature should appoint a gender focal person (GFP) to champion gender mainstreaming. The GFP should be at management level and be enabled to make input and decisions into strategy, policy, programmes and budget. As such the position should be located in the office of the Secretary and directly accountable to him or her. The position demands high level analytical ability, strategic conceptualisation and implementation of responsibilities at multiple levels.

At the level of the National Parliament, we recommend that the Speaker appoint a specialist advisor on gender and institutional mainstreaming to assist her in identifying critical issues that need to be addressed and entry points for mainstreaming in work that is planned for and currently being implemented. As is evident, there are many processes underway within Parliament that have neglected gender as criteria for analysis and institutional planning, such as the policy review process, public participation model, competency model, etc. This reflects that Parliament as an institution has not adopted planning, implementation and monitoring and evaluation from a gender perspective. The specialist advisor would have the role of alerting the Speaker about pertinent matters timeously and coordinating efforts from both the political and administrative perspectives.

8. Implementation of provincial workshops

Following the legislature assessments, provincial workshops were implemented for six legislatures. Despite constant follow-up, the outstanding three legislatures (Free State, North West and KwaZulu-Natal) and Parliament did not provide dates for implementation with the specified contract timeframe. As a result, they have not been included in the roll-out.

Table 5 documents the roll-out of the workshops to the six legislatures.

Table 5: Workshop implementation schedule

<table>
<thead>
<tr>
<th>Legislature</th>
<th>Date</th>
<th>Implementer</th>
<th>Number of participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limpopo</td>
<td>14/11/07</td>
<td>N. Gysman</td>
<td>12</td>
</tr>
<tr>
<td>Western Cape</td>
<td>30/01/08</td>
<td>M Makanza</td>
<td>15</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>04/03/08</td>
<td>N. Gysman</td>
<td>12</td>
</tr>
<tr>
<td>Gauteng</td>
<td>11/03/08</td>
<td>N. Gysman</td>
<td>14</td>
</tr>
<tr>
<td>Northern Cape</td>
<td>14/03/08</td>
<td>P. Serote</td>
<td>9</td>
</tr>
<tr>
<td>Mpumalanga</td>
<td>19/03/08</td>
<td>N. Gysman</td>
<td>50</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>112</td>
</tr>
</tbody>
</table>
Trends evident from workshops: The trends from the workshops closely mirror the findings of the legislature status reports.

8.1.1 Strategy for committees tasked with monitoring gender equality and women’s empowerment
While all participants agreed with the major findings of each legislature’s assessment, there was confusion surrounding whether or not the committees responsible for oversight of gender equality had strategic plans or not. While committees were not able to provide their strategic plans to the GETNET team, participants said that they did have plans. These plans, however, need to be refined to include the strategic issues identified by the assessment. In the Northern Cape for example, the Gender Committee can only meet twice a year, and this is clearly not adequate to cover the mandate of the committee. In Gauteng, the Gender Committee has its own vision and model for overseeing committees, departments, etc. Clearly there is no minimum standard for the sector.

8.1.2 Women’s caucus level of functionality and formality
Across the legislatures, some women’s caucuses were simply non-functional, e.g. Northern Cape. In other instances, as in the Western Cape, the women’s caucus had been disbanded as a result of the formal establishment of the Gender Committee and a lack of role clarity of the women’s caucus. The former Western Cape Women’s Caucus had been an example of a very active structure within the legislative sector. In the Eastern Cape, it was proposed that the women’s caucus cluster with two other subcommittees of the Rules Committee, i.e. Budget Oversight and Policy Review. Once more it is evident that there is a lack of uniformity in the institutional location, function and role of the women’s caucus across the legislative sector.

8.1.2 Dearth in gendered policy
Most Legislatures do not have a dedicated gender policy and all have not conducted a gender review of their policies. This has been identified as a priority area.

8.1.4 Institutional location of gender focal person
Across the legislative sector there is agreement that a GFP should be appointed to champion gender mainstreaming. There is no consensus on the institutional location of the GFP. Some legislatures are of the view that the GFP should be located in the office of the Speaker while others prefer the office of the Secretary. Clearly there is a need for standardisation across the sector.
8.1.5 Participation of senior political and management
Political will and buy-in from both senior politicians and officials is an essential pre-requisite to successful mainstreaming processes. In some of the provincial workshops (Gauteng, Mpumalanga), both the Speaker and Secretary did not attend the workshop, and in many cases members from the committees directly affected by the report (Gender, women's caucus) also were not in attendance. This seriously hampers real decision-making and development of the practical implementation plans.

In some legislatures, like Mpumalanga, most of the participants who attended the workshop were not suited to the purpose and were not in a position to engage with the mainstreaming model or make decisions.

9. Practical implementation plans
Practical implementation plans were successfully devised for the Western Cape, Eastern Cape and Northern Cape legislatures. Most notable is that in most of these workshops there was active participation from senior political and administrative figures. Where the plans have been developed, we suggest that they are forwarded by the LSP to the relevant legislatures.

Differentiating between actions required by political and administrative systems:
The Northern Cape legislature workshop grappled with the model and made the recommendation that actions required from the political and administrative wings be separated. We have taken this recommendation into account in devising the final model presented next. Although the activities have been split into political and administrative levels, the two must be seen as complimenting each other.
A model for gender mainstreaming: Political actions

A model for gender mainstreaming: Administrative actions

Speaker: Political Statement
- on Gender Equality and women’s empowerment including provincial priorities. Overall political responsibility for ensuring gender equality processes including budgetary allocation.

Secretary: Administrative responsibility
- for ensuring gender equality and women’s empowerment processes in the legislature and liaising with the Speaker.

Gender Focal Person:
- In the office of the Secretary with the responsibility of driving gender mainstreaming processes

Institutional Review:
- Gender audit of policies and practices;
- Institutional arrangements
- Attitudinal beliefs
- Skills audit of staff knowledge of gender issues (including gender analysis, planning and budgeting)

Strategic Planning:
- (Gender inclusive strategic planning)
  - Purpose/core business/mission statement
  - Objectives
  - Outputs
  - Inputs (budgets, staffing, activities)
  - Means of verification
  - Monitoring and evaluation framework: gender key performance indicators (quantitative and qualitative)

Restructuring
- Realigning jobs and senior management positions to include Gender KPAs in performance management system
- GFP placed in Secretary’s office with relevant support staff

Implementation of Strategic Plan
- Development of gender policy and finalising gender considerations within other policy
- Practical implementation plan with resource allocation
- Gender capacity building for politicians
- Institutional culture re-alignment: On-going awareness-raising and relevant training targeting senior managers, junior staff
- Coaching and mentoring (key strategic people)
- Monitoring and evaluation of strategic plan

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10. Challenges experienced

10.1 Accessing relevant documents for desktop research
Phase two of the project (assessment of the remaining legislatures) was the combination of both primary and secondary data collection methods. In all cases, except the Western Cape legislature, field workers had to collect each legislature’s documents during the interview process and did not have access to policies and committee minutes prior to the interviews. In some instances, like the SCQLSW secretary at National Parliament, officials never forwarded the requested documents to the consultants despite constant follow-up. This strained the project, as not all legislatures were able to provide the required documents on time and as a result data analysis and report writing was delayed.

10.2 Accessing key stakeholders from each legislature to participate in interviews
Officials as well as politicians were difficult to access. For instance, due to time constraints not all Secretaries and Speakers were interviewed. Data collection schedules had to be adjusted or changed on several occasions to ensure access to key stakeholders. All report-back workshops, except at the Limpopo legislature, had to be postponed to 2008 due to unavailability of important stakeholders. The arrangement has affected the project time lines.

10.3 Adapting methodology to meet project deadlines
Due to key stakeholders’ unavailability, the methodology utilised had to be adapted (e.g. telephonic interviews) and time spent on site was reduced. As a result, the consultations through focus groups with staff and management was not as broad-based as we had originally intended.

10.4 Legislatures’ lack of cooperation in securing workshop dates
Across the sector, legislatures were not cooperative in securing time for the implementation of the workshops. This necessitated a further extension to the project timelines to accommodate all legislatures. Despite a second extension to the timelines, workshops were not implemented for Parliament and three legislatures, despite GETNET’s readiness.
11. Conclusion

The majority of project activities have been concluded as per the project proposal, with only four workshops remaining.

Generally, learning from the process of assessing gender mainstreaming efforts within the legislative sector has been invaluable and it has shed light on the critical trends in gender policies, practices and structures within the legislative sector. The recommendations made for setting minimum standards for the legislative sector provides a solid base for furthering mainstreaming efforts within the sector.

In general the conclusions that can be reached from the review of policies, the interviews and focus group discussions are the following:

- A core of staff that are committed to gender equality are present in all legislatures and they have worked hard at achieving greater levels of gender transformation. They face many obstacles including the following:
  - A patriarchal culture that continues to be a major obstacle to gender transformation in all legislatures.
  - The Standing Committees on the Quality of Life and Status of Women, Youth, the Disabled tend to be overwhelmed by too many responsibilities and end up not doing justice to its many portfolios.
  - Gender structures are not coordinated, leading to duplication and fragmentation
  - Planning, monitoring and evaluation are by and large not focussing sufficiently on gender targets.

In essence it is well known that gender mainstreaming is both a technical and political tool that has to be used strategically to effect gender and social equality. The recommendation made in this report should be seen in this light.