
Volume 36 Number 3 January 1994

SASH



W O M E N A N D C H A N G E

**WOMEN IN POLITICS
SISTERHOOD
AFRICAN CUSTOMARY LAW
DOMESTIC WORKER LEGISLATION**

The Black Sash women for human rights

OUR VISION is a South Africa in which human rights are recognised in law and respected in practice, and in which the government is accountable to all its people and attends to their basic needs.

OUR BELIEF is that through individual and collective non-violent action people have the power to change society.

OUR AIMS are to promote

- ◇ the constitutional entrenchment and protection by law of human rights for all;
- ◇ equal access to justice for all;
- ◇ the establishment of democratic and accountable government;
- ◇ an awareness of the roles of

civil society as well as the state in the achievement of social and economic justice.

OUR IMMEDIATE GOALS are

- ◇ to monitor infringements of political and socio-economic rights;
- ◇ in all our work to monitor how the rights of women are affected;
- ◇ to engage in para-legal work which strengthens people's capacity to understand and claim their rights;
- ◇ to campaign for justice in legislation and state administration;
- ◇ to research and debate human rights;
- ◇ to develop those membership and staff capacities necessary to fulfil our aims. □



Mike Hutchings

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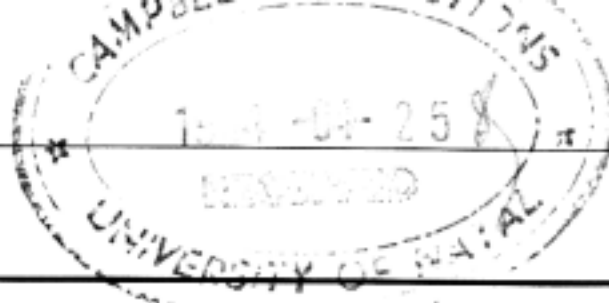
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Black Sash offices

Headquarters: 5 Long Street,
7700 Mowbray, South Africa
Telephone: (021) 685 3513
Fax: (021) 685 7510

EDITORIAL COMMITTEE

Co-ordinating editors

Domini Lewis
birga thomas

Editors for this issue

Martha Funk-Bridgman
birga thomas

Editorial advisors

Marj Brown
Jenny Clarence
Rhoda Kadalie
Christina Murray
Kate O'Regan

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Border

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Editorial

Planting a seed. Making space for it in the earth's crust. Clearing away old wood to shed light, and bringing water to help it grow. These images are all appropriate for the work of women for women in this era of change in South Africa.

That seed is many things. As discussed in the pages of this issue, it is sisterhood, it is freedom from abuse, and it is courage to speak out and to take a place in the decision-making bodies of our communities and our country – to borrow from our last issue on gender: to take a place under the kgotla tree.

The Black Sash, in line with our vision statement objective to "in all our work ... monitor how the rights of women are affected", is part of this process. Increasingly, as women organise around women's rights in society and in the home, we have contributed to and seen growth. Legislation in 1993 improved the legal status of women and offered wider protection from domestic violence. The right to equality and the freedom from discrimination on the grounds of gender is specifically entrenched in the interim constitution, even for women under customary law. The Basic Conditions of Employment Act grants greater leverage for workers in the domestic sector, the majority of whom are women. And women, including our own members, increasingly speak in the media and hold positions of influence.

None of this ensures that women will receive a fair deal under South Africa's new dispensation, of course. There is still much work to be done.

For the Black Sash, as we face our own transition into the new era of South Africa's history, there are always questions of priorities and limited resources. But as Black Sash president Jenny de Tolly has pointed out, every member of the Black Sash is working for women's rights – she may just be unaware of it. (Any volunteer in a Black Sash advice office can speak from experience of the feminisation of poverty – though she may express it in terms of the increasing proportion of women to men who arrive destitute.) And, De Tolly adds, if we accept feminism as the recognition that women are seen as unequal to men and are unfairly treated, and we want to put that right, then we are feminists.

As South Africa moves forward into its first non-racial election and a new round of constitution-making, we can make a difference. Our hope is that the seed we are helping along with all our efforts will grow into a new and more expansive kgotla tree, under which there is room for everyone to stand. □

Martha Funk-Bridgman

birga thomas

SISTERHOOD?

*If gender were biologically fixed (as sex is), women could relate to each other globally and feel "sisterhood", argues **Fidela Fouche**.*

We have to actively work on building a shared sisterhood between women of different race and class, if we are to sustain a movement for women's rights in this country.



The Link - Newsletter on domestic violence

In Speak of July 1993 Thenjiwe Mthinto gives us a sequel to the African National Congress-South African Communist Party (ANC-SACP) alliance demand that there should not be a complete absence of women at the multi-party talks. As a result of this at least one woman was included in each delegation. But when the new round of talks started, women demonstrated outside the World Trade Centre (WTC) because they felt that one woman in each team was not enough. Mthinto proceeds: "While the women were demonstrating the delegations started to arrive. Among them were the women who had been included in each of the 26 delegations. As some of these 'ladies' walked past the demonstration, they turned up their noses at the protesting women as if they saw them as the riffraff of society ... and [as if they] had no idea that the only reason they were there at all was because of the campaigns of the women waving placards outside the World Trade Centre. They swept by like typical madams." Later in the talks a Conservative Party (CP) delegate attacked the alliance, branding them as terrorists. Then, "apparently for reasons of affirmative action", a CP woman delegate was allowed to speak and she immediately continued the attack on the ANC-SACP "terrorists". The story

ends as follows: "A National Party candidate wrote a note to the SACP. It said 'You see! The SACP wanted women in negotiations. Now you have your victory'." What does "sisterhood" really mean in South Africa today? Who do the women now in the talks really represent? Many are loyal to their parties, not to women. And many of those parties are not gender-sensitive at all. So can we really say that women are represented in the talks?"

This story underlines the fact that while a relatively small number of vocal, activist women do consistently agitate for women's rights, the tendency is for women to seek the shelter of the patriarchal stronghold and the limited power offered to them within that stronghold. Although the concept of sisterhood continues to be invoked in women's organisations, shared gender does not, as a rule, transcend race and class divisions. Nor, in general, is sisterhood more seductive than patriarchal approval. Not only do women tend to align themselves with the patriarchy but the divisions are profound even among the women in South Africa whom one would expect to be united in their pursuit of women's rights. The deepest gulf is probably that between white and black women in general. It is on this division that I wish to focus.

“Nor, yet again, can we remedy the situation by indulging in sisterhood rhetoric which merely serves to mask the divisions.”

Historical white-black division

The white woman-black woman divide is rooted in the history of white and black women in South Africa and little sense of sisterhood or commonality has as yet been forged. I shall, by way of illustration, name only two telling instances, in the first and the second halves of this century, of white women's lack of solidarity with black women. The first goes back to the early part of this century when the white suffragists did not seek the enfranchisement either of black men or of black women. Indeed, as Cheryl Walker in *Women and Resistance in South Africa* notes, they did not even pursue the franchise for white women with any great militancy, for, when finally in 1930 white South African women gained the vote, their success seems to have been due less to the efforts of the women themselves than to prime minister Hertzog's desire to slash the proportion of black voters to white voters in the Cape. The suffrage movement in South Africa, in that it ignored three-quarters of the women of this country, was racist more than it was feminist. White women's indifference to the situation of women of other races persisted and when the Nursing Act of 1957 introduced segregation into all aspects of the nursing profession white women did not protest. They bowed to authority instead of rallying to the support of their women colleagues.

By contrast, politicised black women did not ignore white women and made many attempts, especially during the 1950s, to enlist their support. The Federation of South African Women, for example, invited white women to join in the anti-pass protests. But there was scarcely any response. Helen Joseph in *Side by Side* quotes a spokesperson of the African National Congress Women's League (ANCWL) commenting on Black Sash protest against the removal of coloured voters from the common roll: “The white women did not invite us to join their protest ... but we must go to the Union Buildings ourselves to protest against the laws which oppress us and we shall invite the white women to join us.” Hilda Bernstein in her book *For their Triumphs and for the Tears: Women in apartheid South Africa* cites the Black Sash as an exception to the general trend; she also names women in academic research and the Federation of South African Women's small white membership represented by such stalwarts as Helen Joseph and Ray Alexander. Albertina Sisulu during the 1980s addressed a plea to white mothers: “Our children are dying in the townships, killed by your children. You are mothers. Why do you allow your children to train for the army? ... How can they, as mothers, tolerate this? Why don't they support us?” Most white women uncritically and complacently endorsed the dominant patriarchal values and did not question the implications of their sons' militarisation.

The hardships suffered by black women re-

sulted in their being highly politicised and radicalised and developing considerable organisational strength. Walker quotes a woman who was involved in the protests against the beerhalls in Natal during 1958/59: “They [white officials] forced us to take off our headdocks [to be photographed]. It was against our custom but we had to do it ... the light got to our brains. We woke up and saw the light. And women have been demonstrating ever since.” By contrast most white women remained apolitical and unquestioning of their position of privilege.

Black women's anger

Given this history, it should not surprise us that there have been outbursts of black women activists' and academics' anger against white women. At women's conferences, for example, some black women have sweepingly condemned white women academics' objectifying and exploitative research of third-world women. This anger and resentment continues to fester subterranely in organisations in which white and black women collaborate. And white women's often patronising and insensitive attitudes do not help to bring about reconciliation and mutual recognition.

White guilt

Guilt is an affliction to which white South Africans are understandably prone. The nurturing of our guilt feelings is incompatible with the taking of positive action. Anne Russo, a feminist writer who focuses on the relation between first- and third-world women, challenges white feminists to arouse themselves from guilt-induced inertia. She suggests that white feminists learn to listen to the anger of black women, that they should feel outraged by racism, rather than guilty, and that they recognise that they are not powerless, particularly as white women. Withdrawing and saying “I won't criticise” is salving one's conscience and allowing oneself not to do any homework. The homework Russo suggests we need to do is opening ourselves to the experiences, histories and cultures of others. If we gain understanding of those others and simultaneously of ourselves, we might overcome our guilt and the distance separating us.

Broadening our perspectives

The American feminist writer Adrienne Rich perceptively notes that white guilt feelings can be a part of what she calls “white solipsism” in that they can lead to a preoccupation with our own feelings to the extent of excluding our connecting with the experience of others. By white solipsism she means the tendency among white people “to think, imagine, and speak as if whiteness described the world”. White solipsism is, she says, a tunnel-vision that tends to overlook the validity of non-white experience and existence. To illustr-

ate: when it is said that men are by definition independent and powerful and women weak, passive and dependent, the generalisation excludes some categories of white men and women; but it most glaringly excludes the generality of black men and women. Few black men have been powerful and independent, and most black women are strong and active workers. But more often the existence of black men is acknowledged and that of black women overlooked: in the fairly common phrase "blacks and women", "blacks" obviously means "black men" and "women" means "white women". In a recent issue of *Cosmopolitan* an interviewee, otherwise apparently sensitive to and well-informed about black women, is quoted as saying "... affirmative action for women will lag far behind affirmative action for African people". "Women" clearly means white women since black women have been absorbed into "African people".

Sisterhood does not come from shared gender

Essential as self-criticism and a positive programme of education and action undoubtedly is, an explicit understanding of the cultural variability of gender and its relationship to race and class is equally important. Such awareness yields practical implications for the building of unity among women.

It is generally agreed, and not only among feminists, that gender – as opposed to sex, which is biologically given – is the cultural meaning given to maleness and femaleness. What it means to be a "woman" or a "man" therefore differs from one social context to another. Elizabeth Spelman in her book *Inessential Woman* says: "Women are what females of the human species become or are supposed to become, through learning how to think, act, or live in certain ways. What females in one society learn to think, act and live can differ enormously from what females in another society learn; in fact ... there can be very significant differences within a given society." If gender like sex were biologically determined and therefore universally the same, women could relate and feel "sisterhood" on the basis of this sameness just as siblings feel a bond on the basis of their genetic relationship. This means that there is no natural, spontaneous bond among women. Strictly speaking we share gender only with the women of our own race and class. And even then there are differences.

Common experience of motherhood has been invoked as forming a bond among women. That the commonality of the motherhood experience is as mythical as the commonality of a gender bond is evident not only from the fact that motherhood has different meanings in different cultural and historical contexts. The meaning of motherhood for white and black women in South Africa, for example, is in some ways very different. Stereotypic white motherhood evokes middle-class co-

ziness, fulfillment and warmth, while the situation of black mothers in general is inseparable from hardship, poverty, separation, militancy. The white mother and baby depicted in pastel shades in the pages of *Your Family* does not have much in common with the single township mother forced to leave her baby with a relative so that she can seek employment.

It has often been claimed that black women in this country are "triplely oppressed" since white women are oppressed only by virtue of their gender while black women are oppressed also by virtue of their race and class. Spelman and others have pointed out that this "additive approach" shows a simplistic assumption that black women's experience of sexism is qualitatively the same as that of white women, their experience of racism qualitatively the same as that of black men. Black women, as Spelman argues, do not bear an extra burden but a different burden from white women. The additive approach also overlooks the fact that racism, sexism and classism are interactive rather than additive. The oppression of white women takes a very different form from that of black women in South Africa and elsewhere. White, middle-class women were traditionally associated with weakness and delicacy and seen as needing the protection and support of middle-class white men. Their oppression lay partly in their supposed need of protection and financial support which reduced them to a state of childlike dependency. This is still to some extent the case. Black women, on the other hand, predominantly from the working class, have been, and still are, in general, seen as robust and strong workers who need the protection of neither white nor black men – and their oppression has consisted in their being economically exploited rather than supported, poor and racially discriminated against. The black American feminist writer, Angela Davis, remarked that "the alleged benefits of the ideology of femininity did not accrue to the black female slave who was expected to toil in the fields for as long and as hard as the black male slave was". South African farmers similarly have made no concessions to the female rural workers' "femininity".

While it is true that the glossy women's magazines have assimilated black models on to their pages and that these models conform to the western stereotype of glamour, such assimilation is not enough to bring about a politically significant sense of "sisterhood". Insofar as white women's magazines now recognise black women as women, that is as primarily concerned with the strenuous acquisition of glamour, their assimilation is disempowering and depoliticising rather than conducive to the building of a powerful political sisterhood.

There are other significant traditional gender differences between white and black women, especially as regards their sexuality. It is known that during the period of American slavery white women were idealised as chaste, domesticated

"South African feminism needs ... to develop an historical contextual approach with the emphasis on the different kinds of gender oppression in the country' ..."

and morally pure while black slave women were constructed as their antithesis: promiscuous, sexually available plantation workers. That there is a South African analogy does not need to be spelt out, especially as regards the sexual exploitation of black women by white men.

To believe that women can find a common bond in their oppression as women is, therefore, to be seriously unrealistic. They are oppressed in very different ways.

If there is no natural sisterhood can sisterhood be built?

Without a strong women's movement in South Africa, which can ensure women's participation in the writing of a constitution and a bill of rights, women's situation will remain unchanged. We cannot, therefore, complacently remain mere spectators of the dividedness among women. Nor can we as white women, to any positive end passively endure our sense of hurt and rejection by black women. Nor, yet again, can we remedy the situation by indulging in sisterhood rhetoric which merely serves to mask the divisions. Rather, I wish to suggest that we follow the suggestions of writers such as Russo and Rich and familiarise ourselves as fully as possible with black South African women of different classes and situations. Investigating the experience of women elsewhere in the world, notably that of white and black American women, which in many ways parallels ours, can heighten our awareness and alert us to possible pitfalls. Instead of indulging in hand-wringing guilt we might engage in practical action on issues that affect all women even if not in identical ways. The National Women's Coalition, for example, has focused on rape and the other kinds of violence which threaten women of all races and classes. And a theoretical grasp of the concept of gender in its inseparability from race and class can help us build an informed feminist movement, which relies on uniting women in the pursuit of particular goals, creating solidarity in action, rather than on the prior assumed existence of a mystical sisterhood bond. Annemarie van Niekerk in her paper "Towards a South African Feminism", read at the 1991 Women and Gender Conference, says that "South African feminism needs ... to develop an historical contextual approach with the emphasis on the different kinds of gender oppression in the country". Such a feminism which lucidly takes into account differences would build the kind of sisterhood which Rahmat Omar of Cosatu at a recent conference on Women and Political Action at Unisa defined as "the acknowledgement of women who hold other views". □

Fidela Fouche is a retired lecturer in philosophy and gender studies, and a member of the Black Sash, Natal Midlands.

"Breaking the silence"

Following an interview with the Women's National Coalition project manager Pregs Govender, Martha Funk-Bridgman discusses the strengths and weaknesses of a broad-based political women's organisation.



Anna Zieminski

culture of

Members of a political women's group rally together



Organising South Africa's women across the vast spectrum of political, social, cultural, religious and class differences is no easy task. Nor, argue some, is it a beneficial one. But that is precisely what the Women's National Coalition (WNC), of which the Black Sash is a member organisation, set out to do in April 1992 when it was launched. The ensuing months of conferences, campaigns, television/radio appearances and lobbying efforts have yielded, among other things, a crop of controversy about how effective it is to attempt such a broad-based association.

The Women's National Coalition was formed to unify women in formulating and adopting a charter entrenching effective equality for women in South Africa's new constitution.

Its thrust has been a campaign designed to:

- raise the general level of understanding of gender issues among men and women in South Africa, particularly in relation to constitutional debates;
- stimulate women of all backgrounds and interest groups to articulate their needs, concerns and demands for change, and to feed them into the constitutional processes;
- identify the central issues for a charter of women's equality and to assist in the formulation and adoption of such a charter; and to
- empower women through the above processes to begin transforming the conditions of their lives.

With ample international and national corporate funding the national office in Johannesburg, under the direction of Frene Ginwala, set out to establish ten regional centres. These centres would be staffed by a co-ordinator and an administrator and allocated an initial R10 000. The campaign was to be spearheaded, however, by the more than 50 member organisations, so that members would be "active participants and 'owners' of an integrated project".

Data was to be gathered from diverse sources, analysed, published in a number of forms and widely disseminated, especially via report-backs to women. Finally, the WNC planned to carry the identified issues into the national debate, where the campaign for the adoption of the charter of women's equality would also link into the overall constitution-making process in the country. This process was originally planned to culminate by November 1993, in concert with the multi-party negotiations. By September, when it became clear that the process of consultation was not yet complete, the WNC set itself a new deadline of February 1994, after which it would re-evaluate the role of the coalition and its continued existence.

Has the WNC even begun to meet its goals? Is the charter campaign worth pursuing in view of the closure of the multi-party negotiations on the interim constitution? Does the existence of the WNC detract from perhaps more effective means

*“Beyond
Kempton
Park women
will continue
to need the
resources of an
organisation
like the
coalition in
order to fight
legal battles
against
gender-
discriminatory
legislation.”*

of organising for women's rights? These were some of the questions put to WNC project manager Pregs Govender by SASH in discussions in late November 1993.

In defense of the coalition's slow progress towards a final document, Govender pointed out that “the campaign for a charter is not simply about securing a document listing demands – it is the process of involving women across the country”.

“If women do not get involved – if they do not learn to break the culture of silence that binds women across all cultural backgrounds – we will only be further disempowered,” she had written in a coalition newsletter.

“We developed the five different focuses (women's legal status, women and land, women and violence, women and health, women and work) as a tool to gather information for the charter, but also as a tool for organising. If women have organised around even one of these issues, we have done something,” she asserted. For example, in the month of the focus on violence, the coalition was a major motivator for the 2 September Peace Day activities across the nation. “There was a very clear focus on violence against women by the coalition within the peace campaign,” she said. “In Transkei and in Natal Midlands we saw stunning things. Very interesting is the content that was given to the issue of violence against women — that it is not just a domestic issue or a criminal issue, but also a political issue,” she added.

“What is absolutely critical, side by side with the document to be drafted, is that the results that have come out through the process should be fed back into meetings and workshops. We must not just get a document — we could have done that without all this, based on conferences and studies from five years ago. The point is not the product, but the process by which you get to that endpoint.”

Not that the WNC has been absent from the multi-party talks altogether. Coalition member Cathy Albertyn had a definite presence and an impact at Kempton Park. “In terms of the multi-party talks, the coalition's monitor Cathy Albertyn has been co-ordinating a team of women to go to the talks and they have been providing the negotiators with information,” said Govender. “And that process has been affected by what we have done in the regions with the focuses.”

Albertyn monitored the aspects of the talks which affected women's rights, particularly the debate over whether customary law should be made exempt from the equality clause of the interim constitution. She was called on as one of five experts to give comment on the issue before the relevant technical committee. In the end, the traditional leaders lost their bid for such an arrangement and the “equality trump” won out. Most of the external pressure for this outcome came from members of the WNC, although often acting independently. The Black Sash, for in-

stance, registered its own objections to the proposed moratorium for customary law, and rural women from Transkei staged a demonstration outside the negotiating forum.

“The chiefs at Kempton Park were worried when they heard there was going to be this demonstration of rural women speaking out against the customary-law clause,” said Govender. “The confidence these women displayed, to come all the way from a very remote village in Transkei to the World Trade Center, I think is remarkable.” The question arises whether these rural women would have been aware of the debate, or have had the confidence to demonstrate, without a national organisation reaching into the regions.

Beyond Kempton Park women will continue to need the resources of an organisation like the coalition in order to fight legal battles against gender-discriminatory legislation. While the interim constitution guarantees the right to equality, this provision will have practical effect only when current laws are challenged and changed.

Govender acknowledged the limitations of such a broad-based coalition as the WNC, however, and admits there are “things that the coalition cannot do”. The WNC's membership ranges across the political and social spectrum, including such diverse organisations as the African National Congress Women's League, the Democratic Party, the South African Communist Party, the Anglican Women's Fellowship, the Transvaalse Landbou Unie and the National Party. Because the WNC works by consensus, Govender knows there will be little progress on issues like abortion.

Prior to the inception of the WNC, women across South Africa had just begun to organise around women's issues. Coming out of the era of fighting within the liberation struggle, they sought to “find their own voice” and to work within and outside of political organisations to promote the rights of women.

As reported in SASH (September 1991), women in the Western Cape had just launched the Women's Alliance. This body grew out of the Federation of South African Women (Fedsaw), which had started up in the Western Cape in 1987 and which consisted of organisations such as the United Women's Congress, the Black Sash and Rape Crisis. Fedsaw was dissolved in 1991 in the interests of building a broader alliance of organisations, with a view to extending from a regional initiative into a national structure. The Women's Alliance, as Fedsaw's successor, maintained its progressive approach, however, and made little effort to attract the more conservative women's organisations and political parties.

When, in early 1992, women in Johannesburg motivated for a national coalition, organised on a regional basis, the Women's Alliance agreed to organise the launch in the Western Cape. From that point many members put their energy into the work of the WNC, although alliance stalwarts claim that the alliance will outlive the coalition

and remain a more powerful political force because its membership has more of a common cause.

Other women's organisations around the country continue to make an impact in very specific ways. People Opposing Woman Abuse (POWA) in the Transvaal have done much to highlight the plight of battered women in South Africa. The Gender Equity Unit at the University of the Western Cape has brought sexual harassment out of the closet and instituted charge procedures on campus. The Women's Health Project at the University of the Witwatersrand has publicised the need for intersectoral co-operation in addressing women's health problems. These are only a few of the efforts which call upon the limited energy of women able and willing to give of their time and resources.

"The fact that women are putting their energy into the coalition and not into other groups where there is more consensus on things like abortion will have to come into the debate in February," agreed Govender in the interview, referring to the WNC meeting of regional representatives where the future of the WNC will be discussed.

"One positive thing about being so broad is that we can draw in women who have not in the past been involved in women's organisations," she said. "We reached out to women hawkers, to women taxi drivers with their own structures. They've now come into the coalition. These are groups that have traditionally been outside the reach of women's organisations ... In a sense, because the coalition is in every region, there is also a greater distribution of information. Abortion, AIDS and other issues are all addressed in our packet of materials on health, for instance."

"What has the coalition achieved? The process, of course, being important, it is still important to ask that question," Govender conceded. "It has done a lot in the ten months since the WNC has really been focused. I think one of the main things is the way groups have been established throughout the regions. These are local groups which I think will not stop their organising just because the coalition may stop after February."

And while the coalition has been working to unite women, Govender agrees that women should not try to "whitewash" their differences. "I have been involved in women's organisations since the late 1970s," she noted. "Often we have been critical of each other, and debated until we have ended up in sterile situations. I think that we must discuss our problems, but in a constructive way. We have got to do it in a way that does not destroy." □

Martha Funk-Bridgman is a member of the Black Sash Cape Western regional council.

Alliance of like-thinking women

The Women's National Coalition with its large membership, which cuts across the broad spectrum of society, has achieved a great deal in the short period of its existence. Notwithstanding some internal difficulties, it is a coalition with clout and a vision, the diversity of the member organisations possibly being a part of its dynamism.

However, that diversity is also one of its stumbling blocks, as its mandate is limited to very basic principles. Because this narrow mandate is often misunderstood by the general public, the coalition is at times expected to comment and react on issues when there is no consensus within the alliance on them, abortion being one example.

The perception of the general public that this is a coalition speaking for all women, can also work against women when, for example, it is invited to represent women's views by sitting on different fora. This unfortunately can also re-inforce the misguided, generally male, notion that a representative of a women's coalition is an excuse for other organisations not selecting women to represent them on a forum or not inviting individual women's organisations to join.

The consensus issue within the coalition is an interesting one to explore and I suggest that there is a case for like-thinking women's organisations to form alliances to take forward issues on which the coalition could not get consensus. The supporting of particular candidates committed not only to a pro-choice stand but to a principled position on such matters as affirmative action, property rights and the abolition of the death penalty, on which the Black Sash has fought for some years, is another issue.

Apart from the National Organisation of Women, there are many alliances of women's organisations in the United States working and taking a stand on particular issues, Emily's List (EMILY stands for Early Money is Like Yeast) is an organisation which links a national network of committed donors with promising pro-choice democratic women candidates. In the 1992 campaign its 24 000 members generated \$6.2 million for 55 recommended campaigns to help women's maximise their political strengths and level the political playing fields.

The Black Sash's efforts to develop a data bank of possible women candidates for public office could draw on the experience of Emily's List, in particular its candidate criteria. In the general context, the Black Sash must continue to add its voice for more women candidates and greater representation. We should, however, be cautious in supporting various women candidates whose views would not be compatible with those of the Black Sash. □

Laura Pollecut

Women in politics: Carpe diem!

*Have South African women left it too late?
Has the oppressed majority lost an historic opportunity
to demand their just and fair place in a new South Africa?
Anne Emslie identifies some of the pertinent issues for women.*

Parliament buildings in Cape Town



This period of transition before the first democratic election is unique. It is a time of unequalled flux, with parties and politicians thrashing out policies and delivering promises. The sands are shifting daily. Yet, there is not much time before matters will settle and solidify. For women the "warfare" of inter-party politics diffuses focus. It divides women along party-political lines. It demands loyalty and adherence to party tenets. It cloaks the fact that women have much to gain by consolidating their efforts on behalf of their sex. Nina Romm, initiator of the group "Women for Women in Government", believes that women in this country should think globally and ask questions about how many women there should be in government. "They need to think about parliament holistically", she comments, "not just think about parties." She fears that women have not fully grasped the significance of this critical pre-election time. "Will we women be writing obituaries to the things that we could have had but have missed?" she queries. "One has to have a critical mass of women to influence decisions. Women across parties must get together and fight for women's issues. And they must get the media to attend. The second major oppression in this country is gender oppression. We must wake up to this."

The evidence of gender oppression in other African countries is a cause for concern. Women did not benefit equally from national liberation in Zimbabwe and Namibia, for example. The perception of this trend fuelled much debate over women's rights within struggle groups such as the Mass Democratic Movement and the then exiled African National Congress. Prior to 1990 several conferences focused on gender within the liberation movement and what the most appropriate order of the relationship between women's and national liberation should be. But when the ANC was unbanned, the rules of liberation politics changed alarmingly. While women had played a major role in the mass resistance movement, they found that they were now largely excluded from the new phase of political activity – that of closed-door negotiations. These were dominated by male leaders. Amy Biehl in her research paper "Dislodging the Boulder: South African women and democratic trans-

formation" commented on this trend and noted that "for women this change has not been easy to make amidst vast differences amongst women themselves, a culture of patriarchy that crosses all political lines and a culture of violence engulfing the country".

The adoption of long-term strategies by women's groups is made more tricky by the uncertainties surrounding the outcome of party "packages" for women. Nina Romm expresses the view that to be effective, strategy planning in the weeks ahead will have to consider a variety of final scenarios and must provide the need to mobilise efficient and effective action on any of the outcomes. This requires a consolidated effort. Are women organised enough? Are they united enough? Have they sufficient expertise in the art of lobbying? Are there enough of them who care? Will differences of opinion between women's organisations and within the organisations foul up the works and prevent them from pressurising effectively?

The need for a united front

The need for women to present a united front has long been perceived. There are politically non-aligned pressure groups such as the Women's Lobby, Women for Women in Government, the Women's Alliance (which replaced the Federation of South African Women) and the Women's National Coalition (WNC). Amy Biehl identified the WNC as the broadest attempt to create a national movement. However, it has been an uneasy alliance. It has had to attempt to bridge the vast differences between women themselves and to counter a culture where the past political activities of both black and white women have been based on race and not gender consciousness. She pointed out that "controversy over the WNC's mandate, political disagreements and structural difficulties have threatened the collapse of the WNC, or at least the loss of the vital participation of some groups ... The WNC has continued to exist by agreeing to work across differences." It has played an important role during the period of transitional negotiations, but its future is uncertain, and it may dissolve.

New on the scene is the South African Women's Party (SAWP), at present still working to sign up the

mandatory 500 members which will give it political-party status. It hopes to "provide an independent voice for women who feel strongly about allowing male-dominated political parties to decide their destinies around issues such as abortion, customary law and sexual offenses". It intends exerting pressure on other parties to more seriously consider women's rights and the role of women politicians. Included in its aims is the selection and election of representatives who will put women's interests first and be concerned with the transformation of society and not simply the transfer of power from "one elite boys' [sic] club to another".



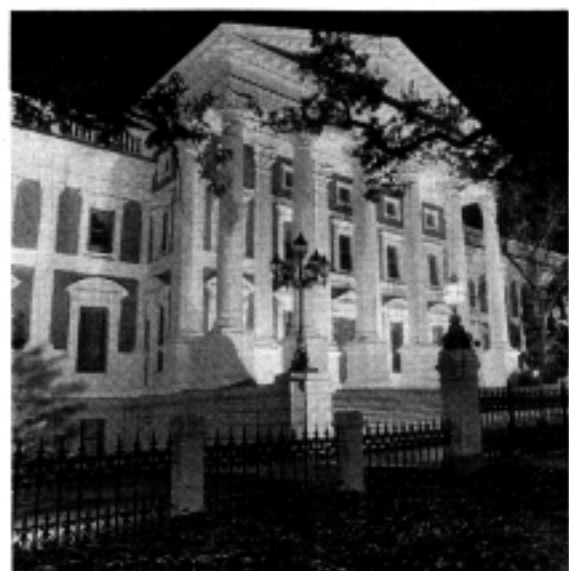
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The role of women in the negotiating forum and parliament

"How are a bunch of men going to produce a non-sexist constitution?" asked the ANC's Frene Ginwala about the negotiating forum's announcement of technical and constitutional committee lists in early 1993. Of the 43 members on the technical committee membership lists, only five were women, and there were no women on the constitutional committee.

From the inception in 1991 of the negotiating process at Codesa there was a noticeable shortage of women negotiators. Women proposed that a mechanism be established to ensure their participation at the forum. In 1992 this led to the establishment of the Gender Advisory Committee (GAC) as a subcommittee of Codesa. When Codesa dissolved and was replaced by the bilateral talks, women were virtually excluded. This state of affairs did not change when the reconstituted World Trade Centre talks

began. Women were concerned about exclusion from the main negotiating forum as well as from the peace, economic and local government fora and other parallel negotiating structures. This motivated the former GAC to put forward a proposal to revive the GAC at the World Trade Centre talks. There was debate and disagreement among the parties. The ANC's Women's League wanted more than subcommittee status for the GAC. They lobbied their party to put forward a proposal that the negotiating council should consist of one negotiator and two advisors from each party and that at least one of the representatives per party should be a woman. The proposal was booed. But a modified proposal was finally accepted that at least one out of



four negotiators should be a woman. "This inclusion was an important strategic victory for women, and it averted the potential disaster of almost complete exclusion from the talks," wrote Biehl.

The strategic concerns for women at the stage of negotiations have been, according to Biehl, "ensuring a commitment to substantive equality in a future constitution, securing women's participation in areas that had previously excluded them, such as security and the economy, providing women's input on the rules of the game for the electoral commission, the development of a code of conduct, and the re-integration of the homelands; establishing a gender-sensitive independent media; and, perhaps most importantly, lobbying for women's participation in the Transitional Executive Council (TEC) – the most powerful decision-making body of the transition."

As a result largely of the efforts of the only woman member of the technical committee of the TEC, Zenobia du Toit, a sub-council on the status of women has been established as one of six sub-councils. Its purpose is to ensure the full and equal participation of women in "the implementation of and the transition to a free and democratic order in South Africa" (TEC act).

It appears that the bill of rights is, however, ducking on important issues that affect women. Women's reproductive rights with regard to abortion are not clear. The bill guarantees an unequivocal right to life but does not indicate whether this makes abortion illegal. Lawyers differ in their interpretations. Chief justice Mick Corbett believes abortion is precluded. Dennis Davis, professor of law, is of the opinion that the abortion of an unviable foetus, such as in the first three months of a pregnancy, could be legal. As Anton Harber recently pointed out in the *Weekly Mail and Guardian*: "We will be caught in the same debate as the US Supreme Court, in which our constitutional court will have to determine what constitutes 'life' and when a foetus is 'living'."

Our bill of rights is not clear about many of the issues and policies that directly affect women's lives. The future is open to debates and the clash of differing opinions. Will women be vocal in these debates? Will enough women be in sufficiently influential positions to make an impact on the course of events?

Countering patriarchal attitudes

A pattern has emerged – that it is usually women who have been vocal and assertive on behalf of their own interests. In the negotiating fora and in parliament they have attempted to achieve a fair deal for women in the legislation. While legislation is an important sign that government attitudes can change, a recent *Leadership* article points out that what really needs to change "are the attitudes to women by those in charge of the workplace". (The arena of politics is, of course, a workplace as much as any other.) The article continues: "To succeed in a man's world, you have to have a CV like a man, you have to live in a situation created by men for men, controlled by men, men who are

unencumbered by the problems of childcare, either because they are unmarried or have loyal wives at home to take care of their children. The obstacles are created by the prevailing attitudes toward women, and only when that attitude changes will we bring about any real change."

A survey was conducted at the World Trade Centre in Kempton Park by Democratic Party delegate Martheanne Finnemore among 46 of the 78 negotiators in the negotiating council, 18 women and 28 men. It was mainly directed at the role that women have played in the negotiating forum, and a summary of the findings was printed in the October edition of *Negotiation News*. It was the view of 74 per cent of those delegates that women have put gender issues on the agenda.

Other findings were interesting. Generally, attitudes toward female delegates appeared to have improved since the start of the negotiations in April. The survey indicates that originally only 43 per cent of male delegates were personally in favour of the proposed affirmative-action appointments of women; 11 per cent were against it. By August none of the males interviewed expressed outright antagonism to the appointments and 86 per cent strongly or partially supported them. "Delegates said that reasons behind their more positive feelings about the appointment of women were that women had insight and made relevant contributions; advocated balanced views; contributed towards general consensus; were more patient than men; persevered more than men; saw that certain rights were addressed that otherwise would not have been; ensured that gender issues were discussed; were a living example of equality; and reduced male antagonisms towards each other by being present."

Even though opposition to women participating in the negotiating forum has diminished, negative attitudes were also expressed. These included the fact that women had been excluded historically, "and politics was therefore a male domain; women were politically less experienced, thus confirming male perceptions that they were incapable; some women were not appointed on merit but rather as tokens and on the basis of nepotism; rotation of female delegates by some parties had rendered the women ineffective".

Affirmative action

The affirmative-action appointments of women as well as the focus by female delegates on gender issues has been contentious. Resistance has come from men and women. Patricia de Lille, leader of the Pan-Africanist Congress (PAC) delegation, holds strong views. *Negotiation News* ran an article on her: "De Lille has been adamant that the gender question is secondary to what she calls national politics. She is not easily drawn on gender issues and has been criticised for her less than enthusiastic support for women's rights."

De Lille's attitude toward affirmative-action appointments for women is negative. She believes that the quota system entrenches tokenism and that the women in the various structures are often intimidated and not taken seriously.

De Lille believes that women in the multi-party talks have been damaged by their association with tokenism, but others think differently. In an *Agenda* panel discussion on TV1, Frene Ginwala stressed that women have put themselves on the political agenda and the Black Sash representative Barbara Klugman made the point that we must make a distinction between what we would like to see and reality, that women are making some gains even if they still have far to go.

Rhoda Kadalie, University of the Western Cape gender equity officer, comments wryly that when the issue of an ANC 30 per cent quota for women on their national executive council (NEC) was raised at the July 1991 conference, it was defeated: "Suddenly the issue of merit came up. Before, it was never an issue. And, ironically, the motion just after that accepted that Umkhonto weSizwe members be given automatic seats on the NEC. They were accepted without question into the political hierarchy of the organisation. Where was the merit argument then?"

The quota system may attract criticism, but in other countries it has achieved significant results for women. Pia Enochsson, general secretary of the National Federation of Social Democratic Women in Sweden, delivered a paper in Johannesburg last year at the "Women and Power, Implications for Development" conference. She pointed out that between 1985 and 1987, a Swedish state com-

mission reviewed the question of women's representation on the boards of Swedish government bodies and recommended measures to increase the ratio of women board-members.

Emphasising the findings of the commission, which was that the number of places given to women should be increased, the published results were entitled *Every other one belongs to the women*. It galvanised parliament into setting a series of quota goals. Women's representation on government bodies should increase to 30 per cent by 1992, 40 per cent by 1995 and 50 per cent by 1998. In order to overcome obstacles, the government financially supported the project for three years with the result that the number of women increased from 16 per cent in 1987 to 29 per cent in 1990. In discussing the figures, Enochsson drew attention to the fact that the "number of women on a decision-making body is an important factor for how women can act, how strong they will be. If there are a large number of women it is easier to act from a female point of view. If there are few women, there will be pressure on them to conform. Many surveys show that you must have at least 30 per cent women present to be able to act from a female perspective."

These surveys support the women's lobby in South Africa for a quota system. Numbers are critical. However, quota systems have their problems. Does a quota system mean that women who are not sufficiently capable will be pushed into decision-making positions? The Black Sash, as well as *Femina* magazine, the Women's Lobby and the Women's Development Foundation have attempted to allay this fear by drawing up their respective data banks of qualified women. Janet Wilhelm (*Sunday Times*, 28.11.93) comments that these lists "are 'could be' lists - as opposed to the real lists of women destined for government, as drawn up by the political parties. They are essentially an attempt to answer the question: are there any women? The deciding criteria and where women will be placed on candidate lists are other matters of concern with regard to a quota system. Candidates low on party lists stand little chance of becoming members of parliament. There are many people who are concerned that the lists are being drawn up by men. "It's hard not

to be concerned", says Nina Romm in the *Sunday Times*. "There's no guarantee that they won't chose the kind of woman who will toe a party line, be submissive and not necessarily concerned about fighting for people's rights."

What are the parties promising?

The ANC has guaranteed women a 33 per cent representation on all its election lists "ensuring a breakthrough for women in parliamentary and government representation" (*Weekly Mail and Guardian*, 12.11.93). And, the article continues, "those who consider the quota system patronising have underestimated the value of this achieve-



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ment. The ANC appears to be the only party giving substantial attention to this issue. It is time others followed its lead."

The PAC is against a quota. So is the Inkatha Freedom Party (IFP). Their Women's Brigade does not feel that it is necessary "because there is a tradition of participation", says Faith Gasa (*Sunday Times*, 28.11.93), who adds that the IFP has 22 women out of 94 on its central committee. The Democratic Party (DP) too, has decided not to initiate a quota system but is conscious that it must have women on its lists. The National Party (NP) [at the time of going to press] has still not finalised nomination procedures.

What, apart from influential positions in government, are parties promising their women constituents? The Women's Lobby sent questionnaires to the 26 parties originally represented at the World Trade Centre negotiations. They asked a number of ques-

tions which they thought important to women.

Similarly, the Black Sash Women's Group of the Southern Transvaal region questioned major political parties: "As a women's organisation which focuses on human rights and the status of women in South Africa, we are concerned about the status of women in government in our country and the low priority given to issues that concern women."

As women increasingly seek equality and control over their own lives activists are working to ensure that the parties address issues that affect women and that women are part of the teams, the boards, the fora, the committees and the institutions that make decisions. Dene Smuts, member of



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parliament for the Democratic Party, has said: "Equality is not just a nice warm feeling. It translates into hard cash and houses – the things women have systematically been denied, because society has liked to pretend that we are not breadwinners."

Obstacles for women in politics

The Black Sash recently contacted a few women, mostly non-members who are active in politics (either at a local, regional or national level), in order to find out what they perceived as their main obstacles to an effective career in politics. Most respondents indicated that they were willing to serve in political office only at local and regional level. They thought it difficult to be away from their home and children. Those with small children found that they were criticised by the public for working while children were young, and plagued with personal guilt for being absent from their

children. A woman with a husband also active in politics said that she was "often branded with his ideas". Some felt that the public needed to be educated into accepting the idea that politics was a legitimate activity for women. Women complained of a lack of support, of not being taken seriously, of the problem of male domination in the arena of politics. They complained of discrimination on the basis of gender. One woman, highly thought of by her colleagues, said that entering politics is a daunting idea because it is "very male".

It was also felt that women should be better at networking between themselves: "What we need is for women working at regional, local and parliamentary levels to develop and strengthen links and networks between them so that they can work together and support each other. We need to identify clear issues on which we can act in concert."

Some felt very frustrated by the lack of support from other women and that "the political scene is too confused for this election for women to be able to commit themselves to a 'women-centered' campaign on women's issues".

There was anxiety expressed about the fact that women who did gain political office might be sidelined into unattractive portfolios. "And if there are front runners, and if those front runners have their integrity undermined by accepting soft options such as traditional 'women's interests' portfolios, the position of women as a whole in South African politics will be no better. Women should not be satisfied with accepting portfolios that men have identified as being of primary interest to women politicians. Women should hold out for portfolios which interest them and where they will have the highest impact."

It was observed that the media do not give women due prominence and attention. The fact that women were often untrained in the skills needed for politics emerged. The need for training in public speaking, debating, lobbying and liaising with the media was seen as important. Lack of finance was perceived as an obstacle to campaigning.

Significantly, our Independent Electoral Commission (IEC) have recognised women voters as well as women politicians as a particular interest group. It acknowledges that

women are liable to be subjected to certain exclusions, intimidatory practices and other disadvantages. The IEC Code of Conduct, schedule 2, clause 4 (k) obliges registered political parties "to take the interests of women into account" and to "give effect to the following undertakings and stipulations" in relation to women:

- a) to facilitate full participation by women in political activities on the basis of equality;
- b) to ensure free access by women to all public political meetings, facilities and venues;
- c) to respect the right of women to communicate freely with political parties and organisations; and
- d) generally to refrain from forcing women to adopt a particular political position or to engage in or to refrain from engaging in, any political activity otherwise than in accordance with free choice

The recognition of women's potential political difficulties by the IEC is encouraging. For women cannot expect an easy path ahead. Part of the battle is winning the acknowledgement that women do indeed encounter particular difficulties and discriminatory practices. It is to be hoped that political parties will actively seek to fulfill the requirements of the IEC code of conduct with regards to the role of women, and that any failure to do so will be publically challenged.

If women wish to gain gender equality in the political arena, they will have to counter inequalities and prejudiced attitudes. They will have to maintain a vigilance over hard-won political gains and safeguard against backsliding. They will need a vision for the future, and the organisational mechanisms to pursue it. The Black Sash could provide women with one such organisational structure. This is a human rights issue of no small magnitude. But we in South Africa are not the first to travel the road towards a democracy that values the political contribution of women. We can look to other countries, such as Sweden, for our role-models. That, for women in this country, is an enormous advantage. We can learn from the mistakes and victories of other women in other parts of the globe. Information can be turned to ammunition. □

Anne Emslie is an art educator and free-lance writer.

Equipping women for the vote

Hildegarde Fast takes a look at Black Sash initiatives to educate women for the vote.

Educating South Africa's vast new electorate includes the daunting task of reaching rural women voters. In the broader Eastern Cape region, 65 per cent of the electorate consists of women, most of whom are concentrated in rural areas, particularly in Transkei. Due to migrant-labour policies and depressed rural economies, there is a similar preponderance of women in rural areas throughout South Africa.

A combination of factors pose considerable challenges to rural women voters. Intimidation, in the form of threatened job loss or abuse from partners, faces many women who may choose to vote differently than they are "instructed" by these male authority figures in their lives. Economic dependence, and ignorance about the secret nature of the ballot, gives weight to this intimidation. Domestic responsibilities of caring for children and the

elderly and highly labour-intensive as well as time-consuming housekeeping and food preparation make it difficult for rural women to attend voter-education workshops. These factors plus the need for transport costs from remote areas, will often make preparation for and voting on the day prohibitively expensive.

The Black Sash is working actively in various regions to educate rural voters, including women. In Pietermaritzburg, the Black Sash is providing ongoing support to university students who will be conducting voter education workshops in rural areas. The Albany region educates trainers through rural advice-office links, while small rural congregations are being reached through the churches and farmworkers in a joint venture with the Agricultural Research Project. Workshops have been held by the Border region for rural communities in Ciskei.

In the Western Cape, workshop participants, tired from their other duties, have often reported that they attend out of a feeling of obligation. But over the course of the weekend they become excited and confident about the whole electoral process. A strong feeling of unity grows out of the workshop despite diverse experiences and backgrounds among the women. The Black Sash has received reports that these women have returned to their communities to mobilise women around issues of voter education and community empowerment. Similarly, the Black Sash has conducted weekend workshops with the Rural Women's Movement in the Southern Transvaal. This equips movement members to run voter-education workshops in their own communities.

While these efforts are not large-scale, they represent an emerging recognition of the special needs of rural women in the run-up to their first voting experience. □

Voter training workshop at the University of the Western Cape



Hildegarde Fast is a member of the Black Sash Cape Western region.

Women in the media: “Little victories and big defeats”

The cynical old saying “In every revolution, women are sold down the river” inspired Helen Moffett to reflect on the way women are presented in the South African media during the pre-election period.

A recent *Weekly Mail* printed some angry letters which pointed out that a previous issue of the newspaper, which had profiled an A–Z of prospective election candidates, had failed to represent women fairly or equitably – in fact, had barely represented them at all – in spite of a wealth of potential. The letters levelled charges of hypocrisy at the alternative press for paying only lip service to the notion of a gender-inclusive future government for South Africa, and an independent monitoring service which reports back both to the SABC and to international bodies, states that in terms of newsworthy items, gender is almost completely invisible as an issue.

But is it fair to blame the media? To a degree, the poor coverage (in quantity, quality and bias) given to women in the media is a reflection of the concerns and investment of society, or rather, those strata of society which have the power to control these channels. And here we find lip service developed to an art-form. There is barely one credible (or even incredible) political organisation in South Africa today which does not assure us that it considers sexism to be anathema, that it will promote gender equity, that it considers women’s issues important. Most of these organisations point to the dynamic and powerful women (always only a handful) they have appointed to key positions.

Many of us have noted these improvements, which seem dramatic after the wasteland of the past. Intelligent, credible, articulate women are appearing on TV programmes such as *Agenda*; newspapers are printing details of “take back the night” marches and activism against violence against women. The past few years have seen influential (male) leaders denounce sexism from political platforms; current archaic rape legislation is being overhauled; and we are heartened as these changes are vaunted on TV and in the press. The trouble is that we are tempted to trust that the trickle will become a flood. South African women have an unwise habit of believing the promises that we are made.

The notion of a non-sexist South Africa as a useful election tactic, but ultimately an expendable luxury, seems to be the not-so-hidden agenda, and scrutiny of the media reveals this. Take the thorny issue of quotas for example; last year, the ANC rejected the call for 30 per cent of their delegates at the multi-party talks to be women, giving a clear signal to the media that equal exposure for women in politics was neither necessary nor important. Here we need to ask *why* this request was seen as unreasonable. This was not even a demand for proportional representation – women make up more than 50 per cent of the population, after all. Why is it accept-

able to ask for equal racial representation, but not gender representation? And the old excuse, that there are not enough qualified women, is feeble; there are dozens of extra-ordinary women who have been involved in community-building for years, who would make ideal candidates. Yet in terms of the media, these women do not exist. Rather, the same few faces – Frene Ginwala, Cheryl Carolus, and so on – are trotted out every time a token woman is required. This is not to say that the few women who are permitted a media presence are not doing a valiant job (I often wish that these were the people running the country) but rather that the media, having fulfilled its “skirt quota” (one skirt for every ten suits and ties) considers its duty to gender equality duly performed. Likewise, the media has been half-hearted in reporting the glaring omissions in the women’s rights bills pushed forward by the government. Neither was there much response to a *Weekly Mail* report that a future ANC government had no intention of decriminalising abortion – even though this would save the lives of the thousands of black women, many of them teenagers, who die as a result of backstreet abortions every year.

The reasons for the jettisoning, or the re-prioritising, of what are seen as “women’s issues” when the going gets tough (and few circumstances could

"The crucial link between violence against women and the general violence in the country is one that has never been made by South African media, and this has been a profound failure."

SABC can still wind up with a sexist crack when interviewing a woman, the *Weekly Mail* can still publish an advert that features a medieval chastity belt (used as a means of murdering unwanted wives or unmarriageable daughters, who died slow, stinking and hideous deaths, poisoned by their own body wastes), even though it would not (we hope) publish advertising gimmicks featuring similar torture devices from the history of slavery, or the extermination camps of the Holocaust.

The crucial link between violence against women and the general violence in the country is one that has never been made by South African media, and this has been a profound failure. Somehow, if the newspapers and TV are to be believed, violence against women is not the same as other violence, even if all logic points to it stemming from the same root. It is no coincidence that South Africa, after 50 years of apartheid, has the worst known rape statistics in the world. We know that one in two South African women will be raped in their lifetime, that – according to Rape Crisis – a woman is raped in South Africa every 83 seconds. But somehow this is different to the horrific death-toll that the newspapers tally up for us every day. Or is it? Surely, the fact that 25 people can be slaughtered on the East Rand in one weekend is connected to the fact that 1 041 South African women are raped each day? If life is so cheap, if bodies can be so wantonly destroyed, then surely women's bodies are the cheapest, the most expendable of all? In the structure of any hierarchy that maintains itself by violence, it is those at the bottom that mop up all the rage and despair of a country in which it has always been permitted to degrade and dehumanise those below you in the great ordained chain of being. The media meanwhile remains blind to the fact that it is ultimately women, and black women in particular, who bear the brunt of the violence that haunts this country. As newspaper editors analyse the country-wide violence in leader columns, and earnest panel discussions are televised, not once has the media made this connection. In any media discussion of current violence, women are rendered invisible.

The problem is that it is pointless sitting around bewailing our lot and expecting the ANC, the government,

etcetera, to act on behalf of women; women must mobilise, organise and claim their own place. But although this sounds great in principle, women do not at present have access to the channels of power – the media in particular. Even the presence of women on the SABC board and in powerful media positions does not necessarily mean changes. Yet the media has the potential to become a crucial ally and a valuable tool for women. We are letting slip through our hands a once-in-a-lifetime opportunity to intervene, to create a space for women in government. After April 1994, it might be too late. One of the few effective forces that we can enlist at this eleventh hour, is the media. Women must lobby the media – and do so determinedly and systematically. We must not commit political suicide – this moment will not come again. □

be tougher than South Africa's first-ever democratic non-racial election) are as complex as they are crucial. It is important to uncover aspects of this "double" agenda.

First of all, we live in a profoundly oppressive, hierarchical and violent society. Unfortunately, the fact that it finally dawned on the South African government that apartheid was not economically viable, does not necessarily mean that sweeping changes concerning the understanding of oppression have followed. We can point out the similarities between apartheid and patriarchy until we are hoarse, we can explain that they share the same source – a terror of what is perceived as "other" or different, together with an obsessive desire to control and subordinate that otherness – like apartheid, patriarchy is not going to die without a struggle. (In critiquing the media, it is important to identify patriarchy as the problem, because I do not want to fall into the trap of blaming men. This is far too simplistic, and smacks of biological determinism, ("ovaries good, penises bad") a feature in common with the theories of some rather dubious folk such as Hitler. This view, generally viewed incorrectly by the public as that of radical feminism, disguises the fact that women can be as patriarchal in their politics as many men. It would not help the cause of South African women if an army of Maggie Thatchers arose to stand for election.)

And so the media's collaboration with sexism still goes unchecked, even if it is more subtle than it was ten years ago. The attitude towards women on panel discussions still veers between uneasy defensiveness and a hearty paternalism – "The ladies, God bless them." A radio personality for the

How to lobby

We can write letters to the press, suggest articles, request figures on media space and time given to women and gender issues. It helps to draw up a standard letter, and to send this to as many targets as possible. Write to women in positions of power in the media; ask them what they are doing to give women a fair hearing in the forthcoming election. Ask what your party is doing to ensure women candidates' equal access to media. Send copies of these letters, and any responses, to the press. Get as many people as possible to sign anything you write, or get the endorsement of your local community organisation. Send a copy of any letters you write to your Black Sash office, or other local women's organisation, and ask them to keep all such correspondence. This means that even if there is no response to your letter, a record will be kept which could be used later. □

Helen Moffett is a free-lance editor, lecturer and writer.

Not more than 46 hours per week ...

South Africa's Basic Conditions of Employment Act has finally been amended to extend it to the domestic sector – though domestic workers still await promulgation of the amendments. After a year without further legislated protection, however, will the BCEA amendments be enough? Laura Best outlines the context of these changes and the work still to be done.

The domestic sector - people employed to do paid work within private households - is all but excluded from labour legislation. Why is this so? Looking first at the structure of the domestic sector, employment relationships are usually individual in nature, with only one worker per household or employer. This mitigates against effective unionisation, which is collective in nature. Therefore, domestic-sector workers are in a weak position to organise collectively and campaign for the legislative entrenchment of rights.

Second, the majority of domestic-sector workers are black women, who not only lack political rights as an alternative channel through which to lobby for rights, but also have to contend with a patriarchal society and state.

Third, the country's colonialist and apartheid heritage has allowed an expectation of access to cheap black labour to perform domestic work to become the norm.

The result of these circumstances is that although there are unions active in the domestic sector who have, alongside some human-rights organisations, been trying to campaign for legislative protection for the sector, progress has so far been negligible.

Why the need for labour legislation?

Without legislation regulating workplace issues and relationships, general principles of the law of contract would apply. Riekert explains that "there are very few limitations upon the contractual freedom of the parties (employer and employee) to a contract of employment ... they have almost unlim-

ited discretion as to the terms of their agreement". It needs to be borne in mind, however, that "the relation between an employer and an isolated employee or worker is typically a relation between a bearer of power and one who is not a bearer of power. In its inception it is an act of submission, in its operation it is a condition of subordination ..." (Kahn-Freund). Therefore, there is no parity of bargaining power between the parties to a contract of employment. Taking into account the economic, political, social and legal structures of the country as a whole, but also of the domestic sector, the inequality of bargaining power becomes even more extreme.

The enactment of labour legislation is an attempt to redress this imbalance of bargaining power, and in so doing ameliorate working conditions by legislatively entrenching and protecting certain workplace rights.

Attempts to extend legislation to the domestic sector

Attempts have been made to extend the latter five acts in the box to the domestic sector. However, these have happened in fits and starts. For example, in 1984, the National Manpower Commission (NMC) compiled a report on legislation for the domestic sector. This report has not yet been released. In 1990, the minister of manpower requested the NMC to again make recommendations regarding the extension of labour legislation to domestic workers. Final recommendations were published in August 1991. Still no legislation was introduced, despite the existence of an agreement referred to as the "Labour Minute".

This document was signed by the minister of manpower and representatives of Saccola, Cosatu and Nactu in September 1990. The government committed itself to address, as a matter of priority, the position of *inter alia* domestic-sector workers.

All dates agreed to at that meeting have been and gone, and still none of the acts have been amended so as to include the domestic sector. Some progress has, however, been made. Specifically, the Basic Conditions of Employment Act (BCEA) amendment bill has been passed in parliament and assented to by the state president. All that is needed is a promulgation date. The department of manpower seems to be suggesting that this may be early in 1994. Those interested in seeing the act promulgated need to keep up the pressure to ensure that this actually happens.

The committee (on which Black Sash was represented) that was to investigate the extension of the Labour Relations Act (LRA) has compiled a report outlining a framework within which dispute resolution mechanisms should be located, and this has been submitted to the minister of manpower. He has apparently referred this back to the department of manpower, requesting more detail. The department has not made any attempt to involve the organisations which comprised the committee in the reworking of the report. This is cause for concern, as it suggests that the department of manpower is not serious in its attempt to allow more democratic participation in the legislation drafting process. Rather it shows the department wanting to retain decision-making power, merely drawing in other



Eric Miller

The relationship between domestic workers and their employers has been regulated for the first time.

organisations as a rubber-stamping exercise. There is still a need for unions and other interested organisations to campaign actively for legislation to be extended to the domestic sector.

The implications of extending the BCEA

Since the promulgation of the BCEA is imminent, it would be useful to consider its implications. Extending the BCEA to the domestic sector will mean that employment contracts between domestic workers and their employers will have to reflect at least the minimum conditions set out in the act. In fact, it is specifically provided that no agreement or contract is valid if it places a person in a lesser position than provided for by the act itself. Obviously there is nothing preventing parties from agreeing to better conditions of employment. For example, the act (not yet promulgated) stipulates that a full-time domestic worker must be granted at least 14 consecutive days' annual leave. It would, however, be perfectly legal for an employer and a

domestic worker to agree to three weeks paid annual leave.

Who is defined as a domestic worker?

The act defines a domestic worker as a person employed to do domestic work on dwelling premises being used wholly or mainly by a household. This definition includes gardeners, drivers and people who take care of children, the aged, the sick, the frail and the disabled on such premises. The employment conditions of these people would have to conform to at least the minimum conditions set out in the act.

Provision is also made for "regular day workers", meaning domestic workers employed on not more than three days in any week by the same employer for a period of not less than four consecutive weeks. Certain provisions of the act apply specifically to these types of workers.

Domestic workers on farms are, however, defined as farm workers and not as domestic workers when determining applicable provisions.

Employment conditions regulated by the act

Some of the main aspects of employment relationships which would be regulated are listed below. These essentially refer to a domestic worker employed by one employer for five or six days per week. The situation pertaining to other workers, such as regular day workers, will be mentioned where applicable.

- The maximum ordinary working hours are 46 hours per week. A worker who works not more than five days per week may not work more than nine hours and 15 minutes of ordinary time per day. A worker who works six days per week may not work more than eight hours of ordinary time on any day unless the time worked by her/him on one day of the week does not exceed five hours, in which case the ordinary time worked by her/him on any of the other days of that week shall not exceed eight hours and 30 minutes. There are limitations regarding work on Sundays, so days of the week referred to above mean Monday to Saturday.
- Employers may conclude written agreements with domestic workers in

terms of which the ordinary working hours may be extended for 26 days within a year provided that the total working hours are reduced by the same number of hours in the same 12-month period, and provided that the extended hours are no more than four hours per week, and provided that workers do not work more than 12 hours per day. Domestic workers may not work overtime on a day on which extended hours are worked. Workers also have to be given copies of such agreements.

- Domestic workers may not work for a spread-over of more than 12 hours on one day. For example, workers could start work at 07:00 and work until 12:00. They would then be off duty until 16:00 and then work again until 19:00. They will then have worked for eight hours. The spread-over is then from 07:00 to 19:00, a 12-hour period. Workers could not, however, work from 07:00 until 12:00, be off until 17:00 and then work until 20:00, as the spread-over from starting time to knocking-off time is longer than 12 hours. If, however, the domestic workers lives in, the spread-over may be extended to 14 hours.
- Workers are entitled to a one-hour lunch break, which may be shortened to not less than half-an-hour by mutual agreement. Domestic workers who do not work during their meal interval other than to take care of children, the sick, the frail, the aged and the disabled will be regarded as having worked during this meal break.
- Overtime may be worked only by mutual agreement between the parties.
- Overtime will be paid at a rate of one-and-a-third of the normal hourly wage rate and double the daily rate for work exceeding four hours on a Sunday.
- Workers will not be allowed to work more agreed paid overtime than three hours on any day or ten hours in any week, unless they look after children, the aged, the sick, the frail and the disabled, in which case they can work 14 hours paid overtime per week.
- Workers will be entitled to at least 14 consecutive days paid vacation leave per annum, and 36 days (for six-day-week workers) or 30 days (for five-day-week workers) paid sick leave in every three-year cycle.
- Regular day workers must be granted one day's paid vacation leave in respect of every 26 working days for which they have worked for an employer. The same applies with regard to paid sick leave for these workers.
- Upon termination of employment, workers are to be paid for annual leave which had accrued to them, but was not granted before the termination date. Workers, however, forfeit this leave pay if they do not give the required notice.
- After the first four weeks of employment, weekly paid workers will be entitled to one week's notice or wages *in lieu*

thereof. Workers paid otherwise than weekly (fortnightly or monthly) will be entitled to one month's notice or one month's wages *in lieu* thereof. Where wages are paid *in lieu* of notice, these must be calculated to include the cash equivalent of wages in kind. Notice is reciprocal, therefore workers wanting to terminate their contracts of employment would be bound by the same provisions described above. Notice may not be given while a worker is on annual or sick leave.

- Upon termination of employment, employers must issue workers with certificates of service, stating both parties' full names, the workers' occupations, the dates of commencement and termination of service, and the workers' wage as at the date of termination. If, however, a worker absconds, employers are not obliged to issue such certificates.
- Employers will have to keep written records of hours worked and wages paid, unless there is written agreement, signed by both parties, stating ordinary working hours and wages payable. If domestic workers work hours other than those specified in the agreement, these hours have to be recorded. Any agreement may be amended only by mutual consent.
- Workers may not be victimised for belonging to and being active in a trade union or employees' organisation.
- No deductions may be made from workers' wages, unless workers have given written authorisation to this effect or in accordance with a court order.
- Wages must be paid not later than the day agreed upon by the parties.

Contravention of the BCEA

The act also sets out what should happen if parties do not comply with its provisions. If employers or employees believe that their rights have been con-

travened, they report the complaint to the designated person at the department of manpower. Advice offices and organisations such as trade unions are also often well-placed to try and claim monies due on behalf of complainants, particularly employees. Should this fail, an inspector, as designated by the minister of manpower, is supposed to investigate the complaint. Persons who are found to have contravened or failed to comply with the provisions of the act shall be guilty of an offence and on conviction be liable to a limited fine (maximum R1 000 or R2 000 depending on the contravention) or to limited imprisonment (maximum one or two years, depending on the contravention) or both. They would also be liable to pay any monies due to the complainant (for example notice pay) arising out of the contravention. Should it be necessary to proceed to court, the magistrates courts have jurisdiction.

The impact of the extension of the BCEA

Will the daily working lives of domestic workers improve once the BCEA is promulgated? While this would be the desired effect, a number of factors need to be considered.

First, a glance at the list of aspects of working conditions regulated by the act may prove intimidating for employers. It is possible that some may fall prey to knee-jerk reactions, based on feelings of either inability to implement the act or of resentment, and dismiss their domestic workers.

ACTS WHICH COULD BE EXTENDED TO INCLUDE THE DOMESTIC SECTOR

There are six acts which could impact on domestic-sector employment relationships and issues. These are:

- The Machinery and Occupational Safety Act 6 of 1983 (as amended) (MOSA) is concerned with occupational health and safety at work. MOSA is the legislative interpretation of an employer's duty at common law to provide a safe working environment.
- The Basic Conditions of Employment Act 2 of 1983 (as amended)

(BCEA) enacts certain minimum conditions of employment other than minimum wages.

- The Labour Relations Act 28 of 1956 (as amended) (LRA) provides for dispute resolution mechanisms and conciliation processes in the event of alleged unfair labour practices, and for collective bargaining mechanisms to negotiate conditions of employment between organised labour and employers at industry level and formalised as industrial council agreements.

Second, if only the BCEA is extended to the domestic sector and not other labour legislation, the BCEA can have only limited impact. Until the LRA is extended to the sector, parties have no way of challenging unfair labour practices and unfair dismissals. Therefore, if employers decided to dismiss workers in response to the promulgation of the BCEA, they would merely need to give workers the required notice and the employment relationship would be terminated. Workers would have no recourse to challenging the fairness of the dismissal on the grounds that there was no fair reason for the dismissal, or that a fair dismissal procedure was not followed. Domestic workers' job security is severely compromised as a result.

Another example is the extension of the BCEA but not the Unemployment Insurance Act. The BCEA states that an employer may not permit a female worker to work during the period commencing four weeks prior to the expected date of her confinement and ending eight weeks after the date of her confinement. The BCEA does not make provision for this time off to be paid. Domestic workers are not contributors to UIF and therefore cannot claim benefits.

Third, the BCEA's effectiveness depends on employers and employees knowing, understanding and implementing the prescribed provisions.

Fourth, we have to look at the extent to which the act will be enforced. Inspectors designated by the minister

of manpower to investigate complaints are usually located within that department. It is realistic to assume that the complaints officers to which employers and employees will have access, are the same people currently tasked with ensuring enforcement in other economic sectors. Complaints officers' eagerness to enforce the BCEA in other sectors is noticeable by its absence. The bulk of enforcement will inevitably fall to advice offices and unions.

Finally, the penalties are such that their effectiveness as deterrents is debatable, even more so if officials are seen to be reluctant to impose these. Perhaps because the private household is not driven by a profit motive, the fines may succeed in being more effective deterrents than they proved to be in the industrial and commercial sectors.

Black Sash's role

It could be asked why the Black Sash, as a human rights organisation, has involved itself in a process of campaigning for legislation for the domestic sector. The more obvious reason is that prevailing working conditions are far from what a human rights organisation would support. The perhaps not so obvious reason is that few other organisations have kept the issue on their agendas.

The most immediate task is to continue lobbying to keep the legislation extension process moving until all the acts discussed have been promulgated. This process also needs to be moni-

tored to ensure that it is inclusive all the way.

Advice offices are well placed to gather information about grassroots conditions and provide people with information about laws once these have been passed, as well as to empower people to access the rights of these laws. The Black Sash must also educate members, since some will be employers, as to the provisions of the acts.

Enforcement of the acts needs to be monitored to ensure that the legislation is effective.

It is all too apparent from our country's history that the entrenchment of rights usually results only after a process of struggle. A review of the process of trying to achieve the legislative entrenchment of basic worker rights in the domestic sector shows that this is no exception. Those interested in seeing rights extended to the domestic sector need to be mindful that a more democratically constituted government may not necessarily translate into respect for and implementation of workplace rights. Also, the existing labour legislation that could be extended to the domestic sector does itself not reflect a particularly progressive stance. Therefore, even if the extension of existing labour legislation to include the domestic sector is achieved, this needs to be followed by efforts to bring the country's body of labour legislation in line with international conventions and standards. □

Laura Best is co-ordinator of the Black Sash's Pretoria advice office.

- The Wage Act 5 of 1957 (as amended) provides for the determination of minimum conditions of employment, including wages, by a wage board in economic sectors which are unorganised and where there are no industrial councils.

- The Unemployment Insurance Act of 1966 (as amended) (UIA) provides that an employer and an employee each contribute one per cent of wages to the unemployment insurance fund. Employees who have contributed are then entitled to claim limited benefits during unemployment, prolonged illness, maternity leave, or when adopting a child under two years

of age, while dependents of contributors may claim benefits upon the death of the contributor.

- The Workmen's (*sic*) Compensation Act 30 of 1941 (as amended) (WCA) provides for the payment of medical expenses incurred as a result of an injury on duty, and for compensation for disability due to an injury on duty or from occupational diseases contracted or for a dependent's pension after a death on duty. (Note: the WCA could shortly be replaced by the Compensation for Occupational Injuries and Diseases Act number 30 of 1993.)

As at November 1993, the domes-

tic sector is covered only by the MOSA. The result is that there are no minimum conditions of employment for the domestic sector. Employees also have no access to UI benefits, should they become unemployed. There is no statutory compensation for disability or disease arising out of circumstances at the workplace. Furthermore, neither employers nor employees have access to mechanisms for dispute resolution or for challenging the fairness of actions taken by the other party during the employment relationship or at its termination. □

Violence in the South African context impacts on the lives of thousands of women daily. It has meant the death of family and friends, the loss of homes and employment, the curtailing of movement, and for some constant fear for their lives.

It has also meant new strength for many women, new leadership roles and the emergence of courage that is an inspiration to us all. The following story is an example of that courage. It has much to teach those who do not experience violence at first hand. We thank the author (who must remain anonymous) for her moving contribution which will deepen understanding between women.

Once the funerals are over ...

I first experienced political violence at first hand after the death of Victoria Mxenge in August 1985. She was one of the first women to be killed and this for me removed the belief that women are unlikely to be targeted in these gruesome killings. I was staying at Umlazi at the time, had been married for a month and did not have children. It was a terrifying experience: impossible to go to work since the main targets of violence at that time seemed to be shops and big businesses. There were no buses running and one crazy township councillor (the late Mr Sabelo) declared that no car with a number plate other than NUZ would be allowed in Umlazi. He literally patrolled the entrance of Umlazi and turned cars away.

Our car had no NUZ registration and we found ourselves stuck. We knew if we got out we could not come back. For three days we stayed in the house, unable to move. We did not have a telephone which meant we could not phone to work and explain the situation. Our relatives could not reach us either. All they could see was houses burning in Umlazi, and I experienced the same with my family at Inanda, which also exploded at the same time.

In 1989 I went overseas with my husband and children for six months. During this time KwaMashu, Ntuzuma, Inanda (where my mother lives) and Pietermaritzburg exploded with violence. Each time we phoned or received a letter from home, a number of people we knew had been killed. One incident particularly hit me: my mother's next-door neighbour Mr Mbhoi was killed because he ran a shack shop from his backyard which was perceived to be used by "com-

rades". My mother said he was killed at 07:30 in the morning with everyone watching, including his children.

In spite of all this we came back from Britain in September 1989. We went to live in a new section of Umlazi. There was not a single school in the area, not even a church hall. But there was a new kwaZulu police station, less than a kilometre away from our house.

By this time there was a big move towards releasing political prisoners. Equally there was a great move towards forming structures like reception committees to help receive the freed political prisoners. But there was still a partial state of emergency, so even these structures were formed under severe restrictions.

In Umlazi there was a new dynamic emerging. More and more community councillors were beginning to align themselves with progressive structures, albeit not openly. This was a crucial issue for us because it was after the United Democratic Front was banned and it had become impossible to organise meetings. These councillors were happy to call meetings which were opened by an address on the need to organise and the state of affairs in the country. Through this arrangement we were able to form peace committees of which local councillors were chairpersons. The focus of these were the killings in the area which were mainly coming from kwaZulu police at that time. These meetings took place mainly in schools.

It seems, the "secret" travelled to Ulundi because there was a circular to the effect that schools should never be used for any meetings other than school-related matters. Also, kwaZulu police frequently came to our meetings

claiming that they were illegal. After this, the first sympathetic community councillor was assassinated; within a period of one month another councillor, Mr Simelane, was also assassinated. By this time we were beginning to get abusive calls at home to the effect that my husband was to be killed.

One morning at 02:00 we received a very suspicious call and we packed whatever we could within ten minutes and drove to Pietermaritzburg to stay with my sister-in-law. Fortunately, the children were still too young to attend school, but we were both working in Durban. By this time we were both sick of telling stories about how we had moved out of the house again. For this reason, although we only arrived in Pietermaritzburg at 03:00, we had to drive back to Durban by 07:30 to go to work. There comes a time when you think that people are not going to believe you and so you suffer and keep quiet.

The one thing that broke my heart on this day was that my three-year-old son woke up, and realising we were packing to go, he said: "Don't forget my bike." It was winter, all we were worried about was warm things, certainly not toys, but how do you tell a three-year-old that toys are not important at this time because we were trying to save our lives? We had to squeeze the bike in to make him happy. There are many other similar incidents that we went through and we had to flee and return again a number of times.

Luckily, we had transport. In many instances women I know have had to wake up and carry children on their backs and sleep in the cold if they sensed that they were in danger. This has happened to my mother when a

known warlord in Inanda, armed to the teeth, came looking for a family member, demanding that my younger sister went with them. My mother refused. After much debate and crying from both of them the intruders left the house saying that they were coming back.

The moment the men left the house, my mother and my sister left too. My mother rushed into the pit toilet and my sister into a nearby house. There was no discussion among them as to where they would go. What mattered was that by the time these men came back they should not find them there anymore. This was at night. There were sporadic gun-shot sounds at different times of the night and each one of them thought someone must be dying. My sister thought perhaps it was mum and *vice versa*. So, we could not come to each other's rescue.

In the violence there are stark differences between working-class and middle-class women in terms of the extent of suffering. I could pack my children in the car and run away, but my mother had to spend the night in the toilet. I was able to squat in a university flat, whereas many working-class women had to stay in refugee camps.

At one time there was a woman in a refugee camp at kwaKhoti, 12 km outside Pietermaritzburg, who had a one-month-old baby. She was sharing one open hall with hundreds of other women and men. There was running water but it was cold in winter and with no privacy at all. This incident made me realise how lucky I have been in contrast to her.

Of all the suffering, rape is one kind that is forever hanging over the heads of women. I know so many women who have been raped, and yet this barely makes news. For example, a next-door neighbour was found with her highly pregnant daughter in the middle of the night by people who pretended to be police and forced the doors open. In finding that there were only women in the house, they debated what to do. They remarked that the pregnant woman would not be enjoyable and then started raping the elderly one in the presence of her daughter.

The following day both women packed their belongings and left the area. It is now three years after the incident and I have never known where they went to. This experience was so devastating that they never wanted to see that house again. But what were the financial implications

of leaving a house and having to start all over again?

In another incident a woman had attackers coming in at night looking for her husband who was hiding under the bed. She was forced to climb on the bed her husband was hiding under and the men took turns raping her. There are many more examples, but nobody gets to hear about them unless you speak to people who have experienced it or know those who have been affected. Many women get raped in this violence.

So far I have been dealing with more overt experiences. Now I would like to share those that I feel are more subtle and yet painful. My husband is still alive, but I do not know how much longer he will live. One may say: "Well, that is normal. We all do not know when we are going to die." But in my case, the kinds of threats he experienced in 1989 are still going on and even intensify. This means that there is a part of every minute of my life that reminds me that he could die at any time and that I will have to bring up the children on my own.

There is also a constant reminder that I may also die, because they may decide to shoot at the car when we are together, or they may attack the house in the middle of the night, or whichever way the attack is planned. These things come to your mind every day of your life. For instance, when washing up after supper, I make sure that I switch the lights off so that I can see anyone standing outside the window trying to shoot. I position my children's bed in a particular way that I think will probably save them if someone shoots from outside. I have found it more and more difficult to go to the campus library at night because of the fear that someone may think that my husband is driving and shoot. All of this is such a hassle.

Talking about subtle aspects: The one I have found particularly disturbing is the anonymous mail from persons claiming that they know that my husband is going out with other women and suggesting that I am going to get AIDS. I have discovered that a wife of an ANC leader is getting similar letters. In that case, the husband gets

letters too, saying that his wife sleeps with doctors in Edendale hospital where she works. So, if they do not attack you physically they try to break you psychologically.

All the time you have to pretend with the children that life is okay so that they can enjoy their childhood. But some of them who have witnessed or heard of these gruesome murders do see through the secrecy. God knows what it does to them.

Now even people worshipping in a church get fired at and mourners at vigils get killed. But whatever the nature of the violence, the women that remain pick up the pieces. I find that I have had to go out of my way to help orphans and widows of the violence which men rarely do once funerals are over. The psychological and material care is shouldered completely by women. I find myself going to a funeral virtually every weekend! What a life. □



Violence in the home

While the issue of violence against women in the home has come under increasing attention of the media and policy-makers, the focus has been on legal solutions. Based on research assisted by Tristram Newton, Daniel Nina and Stavros Stavrou propose an alternative, more holistic approach, incorporating other actors from the community as well.

A year ago, a survey was conducted on perceptions of justice in Natal. We analysed the role of organs of popular justice (such as street committees or people's courts) and their interaction with institutions of state justice. Among the different areas that we explored was that of domestic violence. We wanted to find out what the popular understanding of domestic violence was, as well as how those issues were being dealt with at grassroots level.

To our surprise, 81 per cent of the people interviewed stated that problems of domestic violence should be dealt with at community level instead of being referred to the police, magistrates courts or any other state agency. A great deal of responsibility was placed on the extended family (59 per cent) as solver of this type of problem.

We were confused and interested by that response. Confused, because we could not locate the role of the extended family in this type of conflict; interested, because of this atypical mechanism to intervene in solving issues of domestic violence.

Later on, while one of us was conducting conflict-resolution training with street committee members in Guguletu/Cape Town, the question of domestic violence arose again. The so-

lution given by the participants was again that it should be dealt with by the extended family before being handled by the street committees. The link with the experience in Natal came to mind immediately.

We began asking ourselves a series of questions: What is the nature of the family structure in operation among the local communities in South Africa, which makes it the first resort regarding problems of domestic violence? How are problems of domestic violence being dealt with in the family structure? Are women satisfied with the solutions given by the family to problems of domestic violence? Are men satisfied with the solutions? How oppressive is the extended family? Has this institution been examined by policy makers and women activists when addressing solutions to problems of domestic violence?

State and civil society

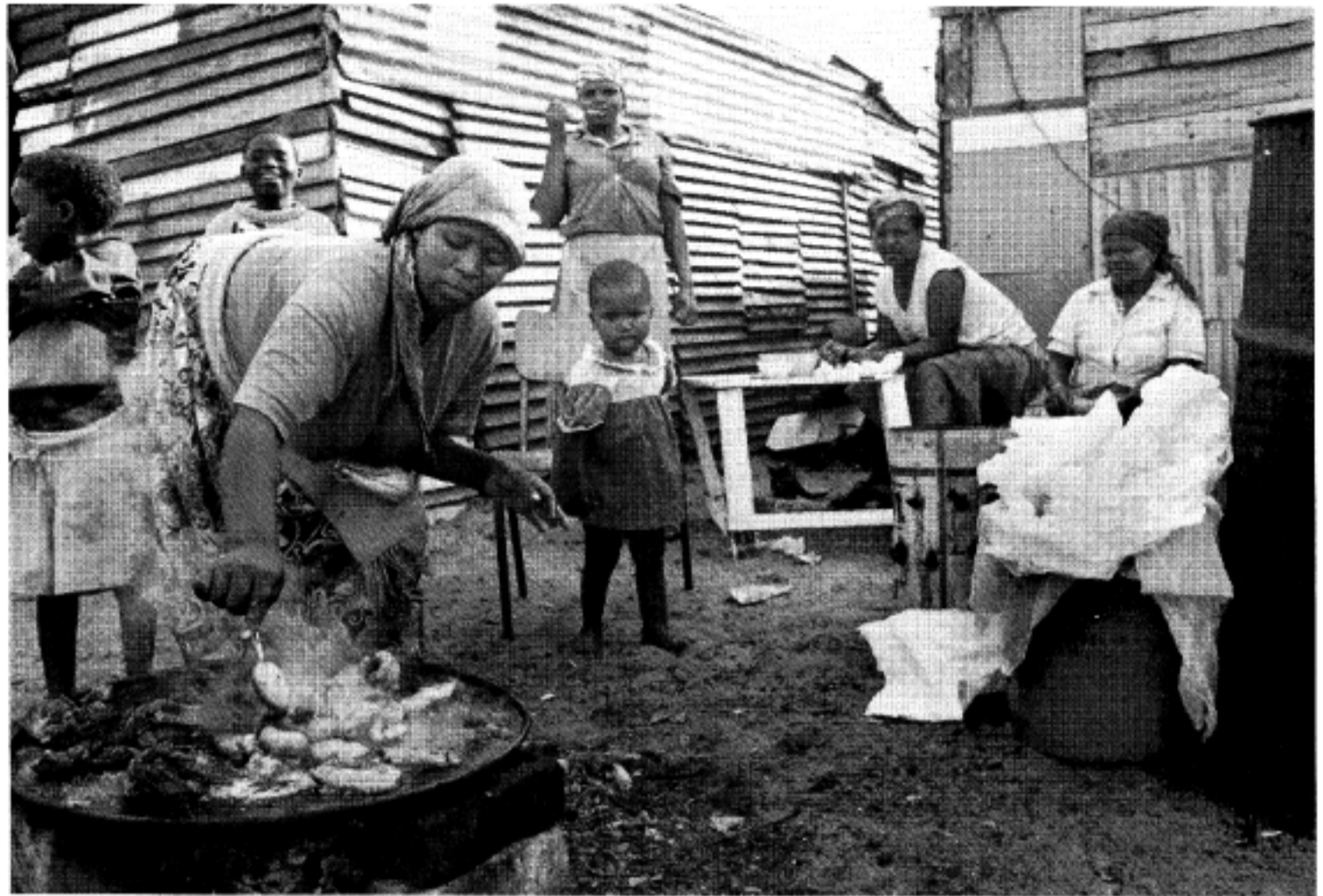
Women's organisations, particularly those involved in campaigns against domestic violence (in South Africa, People Opposing Women Abuse, Advice Desk for Abused Women, and others) have made important breakthroughs in opening the discussion on domestic violence. Concerned academics, members of grassroots or-

ganisations and women victims have also contributed to this debate. Domestic violence has become an issue at local and national levels.

The increased public profile of domestic violence can be seen as one factor in recent legislative gains (Prevention of Family Violence Act, number 133 of 1993). Without getting into the merits of this act, which has been openly criticised by women's organisations due to the lack of consultation before its formulation and because of its shortcomings, we only point out that this act represents a state-centred approach. By this we mean that on issues of domestic violence the state becomes the locus of power and the solution to the problems.

An alternative to a state-centred solution, is an extension of the campaign to educate the South African community in general on the need to eradicate domestic violence, including integration of all the different players involved in domestic violence and in its solutions. Women's organisations, in the realm of civil society, have already taken the lead. But other players, such as churches, civic associations and the extended family, should also be part of this process.

For example, women's or-



Eric Miller

Research findings show that a great deal of responsibility is placed on the extended family to help solve problems of domestic violence.

ganisations dealing with issues of domestic violence should engage in educational campaigns with religious leaders, civic leadership and the community at large – where the extended family is located. Not necessarily all problems of domestic violence will be brought to the attention of police, prosecutors or women's organisations, as our research clearly demonstrates. However, they too should become a target of the educational campaigns organised by concerned organisations.

Re-examining the field

In order to explore further the nature of the role of the extended family in solving problems of domestic violence, we went back to a similar community in Natal and conducted a new survey, focusing specifically on the role of the extended family in dispute resolution.

The "Family Conflict" survey was designed to indicate how women react to different types of violence and abuse perpetrated by men in the house-

hold, and to find out to whom they turn for assistance. The role, usefulness and effect of the extended family in conflict resolution was investigated, as well as whether respondents felt their rights as women were being respected. The men perpetrating the violence included husbands, lovers, fathers, brothers, sons, and other male relatives.

Three types of conflict situations were looked at: verbal, emotional and physical abuse. Verbal abuse or disputes were defined as occurring when a male member of the household degrades a woman through the use of anti-social words. Emotional abuse resulted when a woman was threatened with violence, when finances or other "privileges" were withheld, when the man threatened to upset the balance of familial relations with regard to children or elderly parents, and continued indulgence in extra-marital affairs. Physical abuse took place when a woman was assaulted by a male member of the household.

A sample of 111 African women, who had experienced one or more of the three types of abuse, was interviewed by four women in Umlazi and Durban in late October 1993. In addition to the main purpose of this research (the role of the extended family

WHEN YOU HAVE BEEN VERBALLY/EMOTIONALLY/PHYSICALLY ABUSED WITHIN THE FAMILY, WHO DO YOU GO TO FOR ASSISTANCE?

(Sample size: 111)

	Verbal %	Emotional %	Physical %
Extended family	47,8	50,5	50,1
Friends/neighbours	27,9	21,6	17,3
Church	18,0	12,6	6,1
Street committees/council	5,4	10,8	8,1
Police	0,0	3,6	14,3
Social workers	0,9	0,9	4,1
	100,0	100,0	100,0

in solving domestic disputes), we were also interested in a second issue: how this primary institution of conflict resolution, the extended family, could be linked in a broader struggle to eliminate abuses of all kinds against human beings in the realm of "home/domestic" life. In other words, how state-legislated reforms could interrelate with different structures, institutions and mechanisms operating in civil society.

Findings of the research

In our survey, respondents addressed a number of questions relating to the three types of abuse and to whom they would turn for assistance. Respondents were also asked to supply answers regarding to whom they would turn as an alternate choice, should they not be able to solve their problems at the first attempt. The table on page 27 lists the first-choice responses of those interviewed, who were women abused by men (spouses, lovers, sons, *et cetera*) in the household.

In half of all cases of verbal, emotional and physical abuse, where the persons involved could not solve the problems themselves, one or both turned to the extended family for assistance. Where only verbal abuse occurred, just over one-quarter of the women interviewed looked toward friends and neighbours, and just under one-fifth to their church. With respect to emotional abuse, friends, neighbours and the church continued to play a role, albeit a slightly lesser one, but women also turned to the local street committees and councils, for help. In addition to the police, all three avenues – family, friends, the churches – are used by women who are physically abused. A very small number utilised the help provided by social workers.

Respondents were also asked what alternative avenues they would pursue as a solution for each type of abuse. The most popular alternative for women suffering verbal abuse was the church. Emotionally abused women tended to turn toward the church, police and social workers for help. Women who were physically abused and gained no effective assistance from the extended family turned to the police and social workers.

Questions regarding the usefulness of the extended family in helping to solve family conflicts were also asked. Almost three-quarters of the respondents felt that in the case of verbal and

emotional disputes, the extended family was useful; however, just one-half felt the same way regarding physical abuse.

Respondents were then asked to whom the extended family was biased when attempting to solve disputes arising from a conflict between wife and husband. In almost half the cases the extended family was generally considered to be fair toward both the wife and the husband, while in only less than six per cent it was considered to be detrimental to both. The balance of respondents felt that whereas in the case of verbal and emotional abuse the husband was likely to be censured more often than the wife, with regard to physical disputes the wife was likely to be discriminated against twice as often as her spouse.

A number of questions were asked to find out whether the respondents' rights as women were respected at all times by the extended family. In just over one-quarter of the cases women's rights were respected all the time, and in half the cases sometimes. One-quarter of the respondents felt that their rights as women were never respected. When asked whether their rights as women were respected during physical disputes, over one-third claimed that men had scant regard for them. Just under two-thirds of the women interviewed felt that the role of cultural tradition was one of the most important aspects negatively effecting their equality with men in the household.

Women generally felt that the extended family was a good medium to help solve problems of verbal and emotional abuse. They were less enthusiastic about the extended family's role in solving physical abuses. The need to keep the abuse or dispute concealed from outsiders was cited as a very important issue, hence the necessity to work in the extended-family structure. The women were unanimous about the negative role that *lobola* has on their relationship with their spouses because it "... increases the thinking that a wife is bought or owned". However, women were not as unanimous in their opposition when it came to asking for *lobola* for their daughters.

Alcohol was cited as the single most important factor creating intra-family conflict resulting in abuse; unemployment ranked second. Most women indicated that in addition to the secondary role "given" to them by so-

ciety at large and forced upon them by apartheid, the Zulu culture of creating a male household head meant that they would always be allocated inferior roles, and as a consequence they would be abused. A new political dispensation should not avoid the issue of culture when referring to equality of women. A great number of respondents also stated that political organisations are only addressing the question of women's equality in general terms and do not focus on what happens in the household.

Conclusion

Our research has suggested the need to co-ordinate the existing mechanisms dealing with issues of domestic violence, and to encourage interrelation between initiatives of the state and civil society. In the realm of civil society, in addition to the contribution that women's organisations are making, we have highlighted the existence of other institutions which are involved in solving conflicts of domestic violence. The extended family is one of the institutions engaged in conflict resolution.

However, the extended family is not capable of dealing with all types of disputes in a satisfactory way (for example, physical abuse). In the case of abuses this institution is capable of handling (for example, emotional and verbal abuse), its role should be strengthened. Educational campaigns should be conducted by concerned organisations to educate all communities to deal with this type of social problem.

It is our view that the eradication of all forms of domestic violence will require the articulation of different views from resources and players. Women's organisations campaigning against domestic violence should not only involve the state in this process but also other community institutions such as churches, civic organisations and the extended family. □

Daniel Nina is associate researcher at the Institute of Criminology, University of Cape Town.

Stavros Stavrou is senior partner and Tristram Newton is research assistant at Data Research Africa, Durban.

Thanks to Data Research Africa for sponsoring the research.

Profile of a (non-)rapist

Two incidents in which an alleged rapist was cleared of the most serious charges against him illustrate why women welcome the promulgation of Act 133 of 1993. Sandy Stewart goes to the trial records for details.

Scene from a women's march to "Reclaim the Streets" in Cape Town, 28.08.1993



Scene 1 26 March 1990, Ciskei

Mandisi Ncanywa and his wife were no longer living together and divorce proceedings were in progress when Ncanywa marched into his wife's house where she and a male friend were listening to a music tape in her bedroom. He accused the friend of having an affair with his wife, whereupon he assaulted them both.

Ncanywa insisted that the friend and his wife do what he believed they had been planning to do. He made them undress and ordered the man to have intercourse with his wife. The man tried to obey but was unable to perform, so Ncanywa sent him out and had intercourse with his wife himself. She did not consent but, also, she did not resist. In the first place she was afraid. Secondly, she was still his wife and believed that she had no right to refuse him.

After intercourse, Ncanywa told his wife to bring a pair of scissors. He used them to cut some of her pubic hair and hair from her head, which he put into a tissue. He informed his wife he would take the hair to a witchdoctor to ensure that she would not make excessive financial claims in the course of their divorce.

Scene 2 10 November 1990, Grahamstown

Ncanywa sent his nephew, Y, to take a message to his (Y's) family who live down the road. X wished to accompany her boyfriend (Y) but Ncanywa insisted that she stay behind. After Y left, Ncanywa slapped her face twice with an open hand and dragged her into his room. He told her to undress. When she refused he hit her again, took a handgun from his cupboard, held it to her head, and again ordered her to undress. She refused, saying if that is what he wanted he should do the undressing himself. Ncanywa then threw her onto the bed, forced her legs apart and raped her, while holding the gun to her head. Afterwards he ordered her to dress herself and go.

Scene 1 is a summary of the evidence of Ncanywa's wife before the Supreme Court of Ciskei. Scene 2 summarises X's evidence before the court in Grahamstown. The second incident came to trial before the first, thus we begin with the sequel to Scene 2.

On 19 March 1991, Ncanywa appeared in court in Grahamstown on a charge of raping a minor (X), the girlfriend of his nephew (Y), who lived with him at the time on premises belonging to Ncanywa.

X's sister testified that when X arrived home on 10 November 1990 she was bleeding and crying. She accompanied X to a doctor, who referred her to the local hospital.

The court record includes no evidence from the doctor or the hospital. The only medical evidence produced at court emanated from the district surgeon who examined her on 13 November, three days after the incident. He reported that X's private parts were inflamed, that the hymen was difficult to examine because of pain, that her vagina was too painful for him to be able to insert a finger but that there was a one centimeter tear, approximately two millimeters deep and three millimeters wide, which had probably given rise to recent bleeding, and other damage. In addition there were "big swollen tender areas on both sides of the groin". Vaginal smears were not taken due to the time lapse between the alleged rape and the examination.

The district surgeon concluded that there were two possible explanations for her injuries:

- ◇ prior to sexual intercourse on 10 November she had suffered injuries due, for example, to sexually transmitted disease, which would have rendered her genital tissue vulnerable during normal sexual intercourse;
- ◇ she had been sexually assaulted in accordance with her claims.

He concluded that "the distribution of the sores and their shapes were ... suggestive or more consistent with physical abrading forces than with infection" (S. vs Ncanywa, SH 78/91, at 35).

According to Ncanywa, on the morning in question he was angry because X was on his property. Apparently he did not want it to be known that she was sleeping over because she

was still a child. He therefore kicked her twice on her buttocks when he found her in his nephew's room and told her to go home. He denied any further contact with X.

Y corroborated Ncanywa's evidence and claimed to have had sexual intercourse with X on the evening of 9 and the morning of 10 November.

The magistrate accepted Ncanywa's version of events, stating that: "The complainant of course was a single witness as far as the rape is concerned and being a complainant in a rape case I must treat her evidence with a great deal of circumspection" (S. vs Ncanywa RC 78/91, at 1). He also found that since Ncanywa assaulted X (by kicking her twice) she had a possible motive for implicating him in a rape charge.

The magistrate found Ncanywa guilty of common assault. In sentencing he said: "This is clearly not a serious assault, otherwise Dr Gough [the district surgeon] would certainly have noted it. I also bear in mind the circumstances giving rise to the assault. He had already previously warned the complainant that she should [not] be there at that time of day. I do not regard your conduct as serious in the circumstances. You have already had to come from Grahamstown to Port Elizabeth for the finalisation of this trial. I am not going to impose any sentence today. You are again cautioned and discharged" (S. vs Ncanywa, SH 78/91, at 47).

Based on "Scene 1", Ncanywa was charged with two offences, the rape of his wife and attempted rape through his coercion of his wife and her friend to have intercourse against their wills. His wife's evidence was corroborated in relevant aspects by her friend and her mother, and was accepted by the court *a quo* (the court of first hearing) and later by the court of appeal.

Ncanywa's defence regarding the first charge was that a husband cannot be found guilty of rape under South African law and, therefore, Ciskeian law.

Judge Heath, in his judgment handed down in the Ciskei supreme court (general division), provided a detailed exposition of the history of the law in South Africa regarding sexual intercourse in marriage without the wife's consent. The fact that a husband could lawfully coerce his wife rested on two common-law principles:

- ◇ Consortium (the right to sexual intercourse is a legal consequence of marriage).
- ◇ The "unconditional intercourse contract" (the assumption that a woman gives irrevocable consent to sexual intercourse when marrying, for the entire subsistence of a marriage).

The judge concluded, *inter alia*, that it should be questioned whether the continued application of these principles should be allowed or tolerated; that such application is not in the interests of good morals; that such application is old-fashioned, obsolete and uncivilised; that the concept that a husband has dominion over his wife's body dates from the dark ages; and that he could not "be a party to a judgment

which would proclaim to the community that by the law of South Africa and Ciskei in this year 'a man may deliberately, knowingly and maliciously perpetrate upon the body of his wife the abominable outrage charged against the prisoner, and yet not be punishable criminally for such atrocious barbarity'" (*S. vs Ncanywa* 1992 (2) SA 182, at 211-12).

Judge Heath convicted Ncanywa on the first count (rape), for which he sentenced him to eight years suspended, and on the second count (attempted rape) to two years suspended, on condition that he was not found guilty of an offence of a sexual nature during the period of suspension.

Ncanywa appealed against his convictions. On the count of rape, Judge Galgut of the court of appeal found,

inter alia, that there was no legal justification for changing the law which proclaims that a man cannot be found guilty of raping his wife. The fact that this assumption had been generally held for so long increased the probability that it is a well-founded one (*S. vs Ncanywa* 1993(1) SACR 297 (CK A), at 305). This conviction was therefore set aside.

Judge Galgut upheld Ncanywa's conviction on the second count. The sentence of two years' imprisonment suspended for three years runs from 2 February 1993, the date of the appeal judgment.

Ncanywa's contention that he had committed no offence by demanding sexual intercourse of his (estranged) wife, against her will, was reinforced by the overturning of the conviction on

MARITAL RAPE

As judgment in *S. vs Ncanywa* 1993 (1) SACR 297 (Ck A) confirms, the common-law position has commonly been assumed to be that a husband cannot be convicted of the rape of his wife. The background to this rule, often referred to as the "marital rape exemption", is complex, and it is fully explored in the full decision of Judge Heath (*S. vs Ncanywa* 1992 (2) SA 182, at 211-212). Suffice to say it has not been without controversy. In an earlier judgment, Judge Nienaber of Natal stated that "the rationale for the rule is thin, and it offends against contemporary notions of morality".

There have been two legislative attempts to amend the law, both informed by the South African Law Commission's investigation into the question. The Law Commission's report was published in April 1985 and recommended that the marital rape exemption be abolished. Despite this recommendation, section 6 of the Criminal Law and Criminal Procedures Amendment Act of 1989 persisted in the rule that a man may not be convicted of the rape of his wife. The section provided that a man guilty of raping his wife could be convicted instead of a form of assault and that rape would be considered an aggravating factor in relation to the determination of a sentence. Interestingly, the bill which was presented to parliament in 1989 proposed the abolition of the exemption, but that abolition was opposed by a parliamentary joint committee which then drafted the section which eventually became the law.

In 1993, the government again published a bill dealing with rape in marriage (one of a trilogy). This proposal relaxed the rule by stating that a conviction for rape would be competent if a couple were not living together. After public outcry this provision was abandoned and replaced with one which abolishes the marital rape exemption in its entirety. Section 5 of the Prevention of Family Violence Act, 133 of 1993, provides that:

"Notwithstanding anything to the contrary contained in

any law or in the common law, a husband may be convicted of the rape of his wife."

This act was promulgated, with immediate effect, on 1 December 1993.

The law of evidence and procedure in rape cases

The second scene referred to by Sandy raises questions about the way in which rape cases are investigated and prosecuted, particularly with regard to police procedures and the medical examinations, and the cautionary rules relating to evidence.

Some steps have recently been taken in Cape Town to deal with the problems relating to court and police procedures. The attorney general has set up a special task group on sexual offences, and a special court has been established in the Wynberg magistrates court. It is still too early to tell whether this effort will improve the situation. If it does it will need to be adopted nationally.

The cautionary rules of evidence warn a presiding officer to be cautious of the evidence of particular types of witnesses when determining whether a particular fact has been proved.

The cautionary rule relating to single witnesses often combines in rape cases with that relating to complainants in sexual offence cases. There are a range of reasons given for this rule: that charges of sexual offences are easy to lay; that they may often be falsely laid; that they are difficult to disprove; *et cetera*. Most of these reasons are controversial. The South African Law Commission investigated them in the report referred to above, but concluded that the cautionary rules should not be changed. The Namibian supreme court in 1992 held that the cautionary rule relating to complainants in sexual offences discriminates against women and have no rational basis. This approach has not been accepted by the South African courts. □

Kate O'Regan

the count of rape. At the time, this judgment confirmed for Ncanywa's wife – and all other married women – that, for as long as she was married, a woman had no right to resist her husband's sexual advances no matter how barbaric these might be.

The point at issue in the alleged rape of X is as much about whether the medical and criminal justice systems adequately and equitably gave effect to the fundamental rights of women as to whether Ncanywa was guilty as charged. At no stage was X submitted for examination or assessment to a psychologist, social worker or counsellor prior to the hearing against Ncanywa. An examination six months later by a clinical psychologist indicates that extensive psychological damage is likely to have occurred as a direct result of the incident.

The fact that the doctor whom X initially approached did not see fit to examine her immediately and, despite her state of trauma, referred her to another medical agency (which, apparently, also did not examine her internally) as well as the fact that, despite her age, no counsellor or therapist was assigned to her raises questions about the medical profession's attitude towards mental health with relevance to rape.

Furthermore, the judge of appeal (Scene 1) and the magistrate (Scene 2) displayed attitudes partial to male dominance which, read against the background to the judgment in *S. vs Ncanywa* 1992 (2) SA 182, mirrored the attitude of the legislature (until very recent times). This led to questions of credibility and of trust of those who interpret and enforce the law.

As things stand, several lives will never be the same. Apart from the physical and psychological trauma, these women's trust in men, the courts, and society at large must be impaired. As long as we – the creators of our institutions – tolerate it, this kind of violation will recur. Moreover, perpetrators will be protected from responsibility and the resolution of a crisis which, it is believed, involves more than one in seven women in our society. □

Sandy Stewart works for the Legal Resources Centre in Grahamstown and is a member of the Black Sash Albany region.

The constitutional guidelines call for an improvement of conditions for those disadvantaged on the grounds of, for instance, gender. In addition, the bill of rights' equality clause demands equal protection and equality before the law for every person.

No safety net in customary law

Black Sash advice offices have often been approached by women experiencing problems which stem from customary law.

These women have found themselves in vulnerable and powerless positions.

Lynne Teixeira reports that they have taken the initiative to remedy their situations, but are often frustrated in their attempts by a rigid and inappropriate legal system.

The South African legal system can be described as dualistic: it consists of two distinct bodies of law – common law and customary law. Conflict between received (colonial) common law and customary African law has been a problem in all African countries. In most post-colonial states it has been resolved by legal reform. In South Africa, however, the gap between the two systems has been entrenched by apartheid policies. Unlike the common law, which to some extent has been modified along with the emancipation of women, customary law has been maintained as a separate legal system adhering relentlessly to

the principle of male dominance. It has failed to accommodate the changing role of women.

African customary law in South Africa is based on a system of patriarchy where men control access to land and other property. Men are also considered heads of the household and make all important decisions. It is the obligation of the extended family to hold their actions in check. This responsibility is implied in the customary union which is a contract between two families, not individuals. Women have always been vulnerable in this system, and urbanisation, migrant labour and the disruptive residential policies of

The "lawmakers" of the Transitional Executive Council where decisions about the status of women were made.



Benny Gool

apartheid have all worsened the situation by eroding the structure of the extended family. Women no longer have a safety net in which to fall back and yet are still confronted with a discriminatory and disempowering body of law.

One of the most discriminatory effects of customary law is that it denies women control of property. Under customary law, any property belonging to the family is controlled by the male head of the household. On his death this control may only be assumed by his nearest male relative. The widow has a right to be maintained by the heir, if she agrees to

continue residing in the family homestead. Even civil marriages between black people married out of community of property before 1988 are based on this principle. Whether or not the widow gains control of the property depends entirely on the whim of the heir. This is clear in Agnes' case (see box).

Women married under customary law are also discriminated against by the civil law system. The most common problem the advice offices deal with in this field is maintenance for children of customary law marriages. Because customary marriages are potentially polygamous, they are not

recognised under civil law. This also applies to Islamic marriages in which men are allowed up to four wives. The children of both Islamic and African customary unions are therefore considered illegitimate and widows or deserted wives may only receive a state maintenance grant for the first-born child, unlike women from recognised civil marriages who may receive for four children.

The failure of civil law to accommodate customary marriages has made it possible for men to "live in both worlds" by marrying a customary wife in the rural areas and a civil wife in the urban areas. The deserted wife

The following case histories are the stories of two women who suffered the effects of discriminatory legislation and then approached our advice office to try and remedy their situations.

Case study: Agnes

Agnes came to see us in 1990. Her husband had recently died and she wanted to sell the house which they owned. Agnes was married according to Xhosa custom and had no certificate. She was advised to go to the police and get a sworn affidavit, stating the details of her marriage. She was then requested to bring her eldest son to the clerk of the magistrates court who dealt with estates. At this point she returned to our offices, unclear as to why this should be necessary. We managed to establish that her eldest son, the heir, had to give his permission for her to dispose of the property. This son was not prepared to be involved as he had lived away from home for many years. We then suggested that Agnes's second son assist her. He agreed to do so, and she was able to sell the house. Agnes was fortunate that her son did not wish to exploit his position as heir. Many widows are left penniless by unscrupulous male heirs.

Case study: Mrs X

Mrs X met her husband in 1958 when she was working at Vaal Orange. He was working at an abattoir in Port Elizabeth. In 1959 they got married. At that time they owned nothing but the clothes they wore. The marriage ceremony was a civil marriage. At the time neither Mr nor Mrs X knew anything about different

marriage property systems. Under the Black Administration Act of 1927 they were automatically married out of community of property. The marriage officer wrote this on the marriage certificate but he made no mention of it, or the possibility that it could be otherwise. After their marriage the couple lived in a boarding house in White Location for a short while, before moving into a site-and-service house in KwaZakele. This house was registered in Mr X's name but both Mr and Mrs X contributed to the payment. During the marriage Mrs X continued to work at Vaal Orange, and her earnings were also used to buy furniture for the house.

The marriage was not a happy one. Mr X was a drinker and physically abused his wife. He used to go off for long periods while she remained resident in the house. In 1979 the couple separated and Mrs X continued living in the house until September 1991. During this month she left Port Elizabeth to attend a court case in Transkei. When she returned in February 1992, another family was living in her house. They informed her that her house had been sold and they were the new owners. Mrs X is now living with her brother in KwaZakele, supporting herself on her old-age pension.

It appears that Mr X decided to marry another woman and move into another house. Mrs X has been left completely in the dark regarding her marital status. □

left in the homeland has become known as the "discarded" wife. Because the civil marriage is recognised under civil law, it is far easier for the civil wife to claim benefits on her husband's death. In many instances, for example in applications for unemployment insurance fund (UIF) death benefits, hers will be given preference over a customary widow's application.

The automatic marrying of couples out of community of property has led to great suffering on the part of women. In 1985 the Law Commission recommended that this law be changed in accordance with the amendment of the marriage laws affecting other race groups (the Matrimonial Property Act

88 of 1984). The Black Administration Act was amended in 1988. Black marriages after this date were automatically in community of property. The new law was not retrospective however, and women will continue to suffer the consequences of the Black Administration Act for many years to come. The illegitimate status of customary marriages will likewise cause much suffering for wives in these marriages. Clearly, much research and debate on these issues is needed so that a future system of family law in South Africa will protect all women against discrimination and injustice.

The recommendations of traditional leaders that customary law be exempt from the effects of a bill of

rights, failed to recognise that many of the "traditional" structures, on which customary law is based, have broken down or been transformed, and that women are playing an important role in their communities. Women are increasingly and effectively heading their households with little or no support from husbands. Yet the constraints of customary law inhibit their capacity to do so. It is essential that they be empowered to participate actively and fully in the creation of a just society. □

Lynne Teixeira is the researcher at the Black Sash advice office in Port Elizabeth.

In November 1993 the Black Sash Cape Western region issued a declaration on "Raising the status of women". Women were motivated to challenge political parties, leaders and candidates for office at all levels on their commitment to improving the lives of women, and to ask them to sign the declaration if they wanted our votes.

Raising the status of women

Because the new South Africa can only benefit by a rapid improvement in the status of all our women, and because many women are suffering and have endured great hardship through disempowerment caused by their legally and culturally subordinated status in family, religious institutions, the workplace and society in general:

- 1 I/we support the equal participation of women and men in constitutional rights and in politics, in all the structures and at all levels including the leadership;
- 2 I/we oppose all aspects of beliefs, traditions and practices that hinder women in achieving their best potential, whether in the home, in society or in career opportunities;
- 3 I/we acknowledge that the family today may take different forms. I/we believe that women are equal partners with men in marriage or family partnerships. Women have the right to make their own decisions, based on the fullest information, and supported by legislation, in regard to family planning, contraception, abortion and any other medical procedures;
- 4 I/we believe that men must share equitably with women the responsibility and work of childcare and domestic duties, not only to relieve the exhaustion of mothers, but to ensure good parenting of children;
- 5 I/we undertake to work for maternity and paternity leave and for proper crèche facilities at the workplace, so as to enable women and men to pursue careers outside the home if they so wish. I/we oppose the sexual division of labour and the stereotyping of job roles which prevent women from doing work for which they are qualified. I/we undertake to scrutinise all legislation, to ensure it does not impact adversely on women;
- 6 all violence against women must cease, including sexual harassment, rape and physical abuse. Women have the right to feel free and secure in the home and abroad. I/we are committed, both in private and public life, to upholding the right of women to be free from abuse and will campaign vigorously for this liberation from violence. □

Copies are available from the regional office:
Black Sash, Cape Western region,
5 Long Street, 7700 Mowbray.

Gender slurs ...

Births

VISSER

It's a Boy!

To my wife Tessa, thanks for giving me Quintus, the biggest present a husband could wish for, a son — Rowan, born on 6th September, 1993.

"They're trying to prove their manhood." Presidential candidate **ROSS PEROT**, complaining about two women reporters who asked him tough questions

**All men
are created
equal.
Poor things.**

The Argus Foreign Service

LONDON. — West Kent Golf Club members have been staring morosely into their pints of orange juice at the 19th.

The 76-year-old club has been banned from serving alcohol because women members are not allowed to vote.

□ **ZOLISWA KOTA**: "In free countries women are used as statues. But now we are going to ensure women are equal partners in restructuring."

A London newspaper questions whether the sexual revolution has passed SAA by: "It is advertising a spouse fare for business-class passengers in which the second ticket is half-price. When Robert Johnston of London tried to take advantage of the deal with a male partner he was told he would qualify only if he was with a woman.

"The clerk explained to him that two men could be business colleagues and the offer was for leisure travellers. "It's official then: Women don't make business trips," said the article.

INTERNATIONAL NETWORK

From Vienna to Beijing

Karin Chubb takes a look at the slow dawning of women's human rights and the bridge between the last World Human Rights Conference and the Beijing 1995 World Conference on Women.

An old Chinese saying states that women hold up half the sky ... perhaps the world will finally take note of that in Beijing in 1995.

The adoption by the United Nations (UN) of the Convention on the Elimination of all Forms of Discrimination Against Women (Cedaw) in 1979 marks the beginning of a long, hard road toward the international recognition of women's human rights and dignity of person. Some other milestones are the Nairobi World Conference on Women in 1985 and the UN declaration of Women's Rights of 1991 (see back page). The World Human Rights Conference in Vienna in June 1993 is an important station on that road, and one that points toward the Fourth World Conference on Women in Beijing in September 1995.

In spite of statements, conventions and declarations, not enough progress has been made to address the needs of women world-wide and to force states to focus on women's oppression and women's poverty. In April 1993, women's organisations and NGOs from all parts of the world met in Geneva to prepare for the Vienna conference. There emerged consensus that women's rights need to be put at the top of the UN agenda. Among the key demands and statements made by this preparatory meeting are the following:

- ◇ the appointment of a special rapporteur on the human rights of women through the Human Rights Commission. This rapporteur would focus particularly on vio-

lence against women and recommend measures to curb this, and would also report on gender discrimination in states that are not yet signatories to the convention;

- ◇ that all states should strengthen the implementation of Cedaw, that reservations to the convention should be withdrawn and that the UN should address gender discrimination and violations of women's human rights in all its areas of work;
- ◇ that systematic and structural violence against women inside and outside the family must be dealt with more effectively, and must be recognised by the international community as a human-rights violation of the most severe kind. Governments must enforce or create new measures to respond to gender-specific violence, including affirmative measures to eliminate the conditions that breed this violence;
- ◇ that, because the feminisation of poverty is a way of extending the subordination of women, development programmes must be evaluated in terms of the realisation of women's rights and women from all sectors must be included in the development process and in decision making;
- ◇ that, because women have a fundamental right to safe motherhood by choice, not destiny, the full realisation of women's human rights includes access to safe contraceptives and abortion as well as to maternity

services. States and the international community have a special responsibility to ensure the social, economic and cultural conditions that will ensure women's inviolability, self-determination and health.

It is not surprising that the Vienna conference focused on the rights of women and in particular on the right to development. There was pre-conference emphasis on women's rights, and there was a powerful NGO lobby to promote these rights.

Violence against women was a prominent issue at the Vienna conference, which in its concluding Declaration and Programme of Action stressed "the importance of working towards the elimination of violence against women in public and private life" and also stated that violations of the human rights of women in situations of armed conflict – including systematic rape, sexual slavery and enforced pregnancy – are violations of the fundamental principles of international human rights and humanitarian law.

The war in Bosnia has focused attention on rape as a war crime and has exploded the myth that rape is a sexual rather than a violent act, and it has confirmed rape as a political tool used to oppress women. The tragic events in Bosnia have created more public awareness around the issue of rape – a crime which is still taken too lightly by the public, the police and the courts – in our own country and elsewhere.

Internationally, a breakthrough

INTERNATIONAL NETWORK

will hopefully be made when the UN Commission on Human Rights appoints a rapporteur on violence against women in March 1994. Women in many parts of the world are already working on the terms of reference for this position.

As always, reality limps way behind the rhetoric. It is heartening to see that a shift seems to have occurred which now has created the space for women's rights to be prioritised among internationally accepted human rights. But instruments such as the convention, which 128 states have by now ratified, are weakened by loopholes and by the absence of powerful enforcement mechanisms.

Women's organisations need to work for improvements and lobby for changes. One important mechanism is proposed now: the drafting of an optional protocol. The convention, for instance, allows reservations – which many states appear to use to full effect to continue to oppress women in the name of religion and culture. Up to now, in accordance with international law, where there are violations of the convention, only states may appeal against other states. It would clearly require a powerful women's lobby to persuade any state to lodge such an appeal against another state.

As a result of discussions in Vienna, the UN Commission on the Status of Women (CSW) will be asked at its January 1994 planning meeting for Beijing, to "quickly examine the possibility of introducing the right of petition through the preparation of an optional protocol to the convention on the Elimination of All Forms of Discrimination against Women". If implemented, such a protocol would give power to individuals and organisations, to appeal directly and at an international level against oppression. Through the process of individual appeal, issues that are now raised

behind closed doors in the corridors of power would be brought into the open and public accountability would be greatly strengthened.

How can the Black Sash prepare for Beijing?

Any organisation wishing to take part in the world conference in 1995 must first take part in a regional NGO preparatory meeting. In the case of African NGOs, the regional meeting will take place in Dakar in September 1994. These meetings are held to de-



velop the programme for Beijing, to decide on critical areas of concern for women as well as strategies in order to achieve the goals which will be set.

The World Conference on Population and Development will be held in Cairo in September 1994. The issues of both these "regional" conferences will be closely linked. The Black Sash should try to have informed representatives at both.

In preparation for Beijing, the UN has declared 1994 "The Year of the Family" with the theme "Building the smallest democracy at the heart of society". This theme will be used to discuss women's human-rights issues in

relation to democracy in the home and in the nation, as well as violence in the family. The focus will also be on the concept of family which underlies human-rights treaties, with the aim of broadening the traditional concept of family.

In South Africa there is much to debate and research around these issues as the country hopefully attains democratic government. The ravages that the apartheid era has wreaked in the family will be scrutinised, especially to highlight women's rights and issues which were marginalised in the struggle against the state.

The Black Sash advice offices house thousands of case histories which bear testimony to the suffering of families in South Africa. For years, our organisation has documented and fought against the destruction of family life under apartheid rule. The organisation could make a valuable contribution to the discussions in Dakar.

We could report on campaigns that the Black Sash has been involved in to secure the human rights of women in a future dispensation. The submissions made on the "women's bills" and the struggle around the customary law issue are examples, as is the Black Sash's resolution on abortion.

As we move into the international debates around women's rights, our differences must be acknowledged in the interest of reconstruction. One of the painful legacies of apartheid is that, while we all strive for women's human rights, there is no sisterhood of South African women. Nor could there be as yet. The deep divisions along race and class lines that have been created by apartheid will need to be addressed for a long time. □

Karin Chubb is a member of the national executive of the Black Sash

WOMEN AND AIDS

Women are more vulnerable

Anna Strebel, who contributed case studies to the book reviewed on page 40, presents critical factors affecting women and the problem of HIV/AIDS.

Although AIDS initially affected mainly homosexual men, worldwide there has been a dramatic increase in HIV infection among women. The World Health Organisation estimates that by the year 2000 more than 13 million women will have been infected, and that this will equal the number of infected men. In sub-Saharan Africa, recent studies have already found the rate of infection greater in women than in men. By the end of 1992 it was estimated that in South Africa women accounted for about 180 000 of the total of 320 000 HIV-infected people. In rural Natal/KwaZulu, HIV prevalence was found to be more than three times higher in women than men, with most cases among young women.

Does this mean that women are affected differently by the disease than men? And if so, what are the implications of this for prevention and care efforts?

For women the chief mode of transmission of HIV is heterosexual. It appears too that women are consistently more likely to become HIV-infected when exposed to the virus than heterosexual men, possibly as the result of a greater physiological vulnerability. In addition, women frequently appear to have a poorer prognosis once infected and die sooner than men. Another major feature of HIV infection in women is the fact that the virus can be passed from a mother to her infant, with roughly 30 per cent of babies of HIV-positive mothers becoming infected. Also, sexually transmitted diseases (STD) have been shown to increase the risk of HIV infection. In women, symptoms of STDs are often less obvious, so that they are less likely to be spotted, which results in less

efficient treatment and greater chances of HIV infection.

However, these biomedical features are not the full picture. Psychological, social, economic and cultural factors also influence both the spread of and responses to AIDS among women.

Women's position in society plays an important role in their ability to respond effectively to the threat of AIDS. In order to avoid infection, women are advised to abstain from sex, practise monogamy or negotiate the use of condoms with their partners. Yet these options reflect a focus on a male, heterosexual view of sexuality which upholds the traditional view of a sex drive for which men are not responsible, but which women are expected to curb. So it becomes women's work to ensure that safe sex is implemented, to exert control and make choices in an area in which they have notoriously little power and few options. Also, for many women sex has frequently been associated with danger (of violence, pregnancy, health risks) so that to talk of safe sex poses somewhat of a contradiction.

In the light of these factors, feminists have suggested alternative responses to the threat of AIDS. A basic starting point would be the need to change the power dynamics between men and women, toward greater equality and control over their bodies for women, as well as more women-centered notions of sexuality. This would involve the encouragement of alternative sexual practices like non-penetration and mutual masturbation. In addition, the use of the AIDS epidemic to limit women's sexuality needs to be resisted. For example, in sub-Saharan Africa, high rates of HIV

and STD infection have often been blamed on "unbridled promiscuity" of black women. AIDS prevention activities then become a means of controlling women's sexual behaviour. In order to prevent this, there should instead be a focus on expanding women's (safe) sexual options.

However, we need to recognise that the issues are complex, that women are not uniformly without power in gender relations, that they actively engage in shaping their sexuality, and that there are contradictions and spaces which can be used in negotiating safe sex.

Also, implicit in such a gender analysis is the understanding that responses to AIDS can not be seen solely in terms of individual responsibility and blame: while empowerment in sexual relations must involve individual behaviour, it also includes collective action at community and social levels.

Economic factors affect men and women differently because of their unequal positions in society. Women often lack power and social status, and thus access to economic resources. As a result they are usually poorer than men, more likely to work in the informal sector or to be unemployed, and are often single household heads. For many women then, sexual relationships with men may offer a valuable source of material support. The implication of this is that for financial reasons women might come to rely on a number of sexual partners and/or they might be less able to insist on the use of condoms, thus increasing their risks of HIV infection.

There are other implications of poverty for the spread of HIV among women. Poverty frequently leads to limited access to education, employment and health care. These factors are

WOMEN AND AIDS

likely to result in less exposure to AIDS education as well as less care for those already infected. It is women who are more likely to suffer these consequences of poverty and again be at increased risk of infection.

However, there are also problems with a too simplistic analysis of economic factors, which could result in some women not recognising their own risk of infection. First, many studies have found that it is in fact women of higher economic status who become HIV infected. It has been suggested that it is the wives of men who are more affluent, more mobile and thus more likely to be able to pay for sexual favours, who are first infected.

Second, because of greater financial need, women in female-headed households are not necessarily less able to negotiate safe sex. While for some women single status is unavoidable, others are increasingly choosing not to marry because they argue that this strengthens their economic situation. These women may in fact be in a better position to insist on condom use. And it is after all not numbers of partners but specific sexual practices which increase risk of infection, so that many monogamous women are also being infected.

It is possible too that a focus on economic factors may lead to little attention being paid to the often thorny issue of traditional culture. It has been argued that views of culture are linked to power and that men draw on these to justify and continue oppressive practices toward women. In tackling AIDS prevention, these matters need to receive urgent and creative attention.

Commercial sex workers are usually seen as carriers of HIV and are often blamed for spreading the virus. But actual rates of infection vary enormously and a number of studies have found that sex workers do not necessarily have higher rates of infection than other women. However, poor women, who are understandably under pressure not to refuse client demands for unprotected sex, are more

likely to be at risk. While there have been calls for the forced testing and even imprisonment of sex workers, there has been a lot less attention paid to their needs and problems (like violence and discrimination), and very seldom has the focus been on their clients.

Another important issue for South African women is the risk of HIV infection as a result of sexual violence. Women who are sexually abused or



Traditional healers could play a vital role in AIDS education

raped face the possibility of HIV transmission from an infected assailant. A further aspect of violence toward women is that, given their lack of power in gender relations, there is the danger that women who refuse sex or insist on condom use or fewer partners may face physical abuse.

The fact that women are able to transmit the virus to their infants raises complicated issues regarding reproduction. Calls for women of child-bearing age to avoid pregnancy or undergo abortions occur within the context of their already limited control over many aspects of their lives. Such recommendations also ignore the personal and social value placed on child-bearing for women, the risks to the women involved, and the history of forced sterilisation and family planning for many black women. Debate around reproductive choices also focuses on the behaviour of women and excludes men's responsibility in decision-making.

Despite the fact that women make up an increasing number of those in-

fecting with HIV, they remain at a disadvantage regarding diagnosis, treatment and care. Generally, funds for research into women-related aspects of AIDS have been limited, except when it concerns their role in infecting infants. This has frequently led to the late diagnosis and under-reporting of AIDS cases among women. Moreover, women are often not included in drug trials, so that they are less likely to have access to future vaccine and treatment options.

There has also been little focus on the development of prevention methods like spermicides which women can control.

Finally, most of those in health-care roles, in the formal health sector, informally in the community and at home, are women. It is often accepted that women assume a "natural" role as nurturers. As a result, it is usually women who have to add the load of caring for HIV-infected family members to their already substantial duties in the domestic and employment spheres. With little power and status to demand the necessary financial and emotional support, women may easily become isolated and over-extended.

It is thus clear that AIDS poses particular medical and social issues for women, which suggest the need for specific prevention and care efforts. Yet the process of identifying AIDS as a particular problem for women may also raise contradictions. One of the most striking features of the increasing concern for women and AIDS is the fact that it has not been matched by similar attention to heterosexual men. This almost exclusive focus on women runs the risk of suggesting that AIDS is mainly a problem for women, and that they are responsible for its spread and prevention. However, safe sex for women requires that male sexual behaviour, power and responsibility come under the spotlight too. Effective AIDS interventions in South Africa require all citizens to see the epidemic as a shared problem and challenge. □

Anna Strelbel teaches in the department of psychology at the University of the Western Cape.

WOMEN AND AIDS/REVIEW

Women and HIV/AIDS. An international resource book.

Information, action and
resources on women and
HIV/AIDS, reproductive health
and sexual relationships

Marge Berer with Sunanda Ray
(Pandora, London; 1993)

This is an essential resource book which every person working in the AIDS field needs to have access to. It is comprehensive, insightful, accessible, and has been thoroughly researched and well referenced. The authors have examined AIDS from a women-centred perspective which promotes positive messages about womanhood. Despite dealing with a sobering topic, the book leaves one feeling positive about dealing with this epidemic collectively as women. The personal histories and experiences from women world-wide provide one with a wonderful sense of hope and unity. It is these experiences which transform this from yet another book on HIV/AIDS, to a vibrant, credible, practical resource, alive with the reality of women's lives.

The book consists of factual information which explores the social and medical dilemmas; personal experiences of women from around the world; and resources regionally, nationally and internationally. Factual information about the virus is concise and easy to read and understand. Topics include diagnosis of HIV in women, gender differences in the manifestations of HIV/AIDS, effects on menstruation and fertility and, very importantly, the link between sexually transmitted diseases and HIV.

A comprehensive overview of epidemiology of HIV/AIDS in women provides insight into trends and factors that increase women's risk. Interesting studies are cited from Africa and South America. Blood-to-blood transmission, organ transplants, transmission of HIV in health-care settings and sharing of drug-injecting equipment are also dealt with, as well as safety in

health-care settings and traditional cultural practices.

Particularly useful is the discussion about pregnancy-related transmission of HIV and safe motherhood. Many personal experiences and anecdotes are related which lend an air of reality to the often debated theoretical issues such as breast-feeding, orphans and decisions to become pregnant after HIV diagnosis. Commonly asked questions (for example: Can one know in advance if one's infant is HIV positive? What are safe and realistic alternatives to breast-feeding?) are discussed and practical risk-reduction strategies suggested. The authors present possible options to consider in the light of the reality of many women's lives. A brief focus on facilities affected by HIV/AIDS is given, which could have been more in-depth, as families bear the brunt of this disease.

A chapter on sexual transmission of HIV deals well with issues that are particularly relevant to women (Woman-to-woman transmission. Do women become infected more easily than men? Effects of the menstrual cycle. Risks associated with certain contraceptives. Female circumcision and rape) is full of appropriate and interesting references to research studies done in first- and third-world countries.

Information on safer sex acknowledges that public education messages have offered limited strategies for protection against HIV. Analysis of safer sexual messages is refreshingly realistically given. Ideas for translating strategies into practice are also given (for example: how to raise the subject of condoms with a male partner). Personal insights and experiences lend credibility to the discussion and move away from a "what-to-do" approach to a "how-to-do-it" approach.

Contraceptives and condoms are dealt with thoroughly. Reproductive health is linked with HIV/AIDS, drawing in the role of family planning. In South Africa the link between family planning, condoms and AIDS has unfortunately undermined the credibility of safer-sex campaigns as family planning, and is viewed by many people as the strategy of an illegitimate government to control black population growth.

The challenge of reaching men is addressed with examples of how it is done in other countries, together with some wonderful innovative ideas for distributing condoms. The relatively new female condom is also discussed. A comprehensive overview looks at the results of the research trial done in Britain. It is not offered as women's solution to AIDS, but rather, its advantages and disadvantages are reviewed within a realistic context.

The complexity of sexuality in relationships is acknowledged and explored. Women's experiences from all over the world reinforce the fact that AIDS education cannot be left to "messages", but needs to empower women with a means of communication that will facilitate negotiation with men. The acknowledgement of the gap between hypothesised ideals and the real experiences of women is a welcome one.

Various issues around testing, screening and counselling women for HIV/AIDS (for example, testing during pregnancy and after rape) are looked at. However, there could have been more discussion around post-test counselling, partner notification, coping strategies and positive living to make it more of a useful resource.

Personal histories of women living with HIV/AIDS from around the world, including South Africa are also included. Examples of international women-centred projects and services in several countries are provided. It is clearly shown just how much women can and are achieving in the field of HIV/AIDS work.

A useful international resource section provides a broad range of projects, services and resources for and by women. A comprehensive list of AIDS organisations is provided.

This book lives up to its name as an international resource book and provides an excellent global view, not only of the issues and difficulties, but also of the hopes and strengths women have, as well as the possibilities open to us if we realise our own value and strength. The author writes at the beginning of the book: "We hope this book will play a small part in bringing us all closer together in this work." I firmly believe it will do that. □

Sally Martindale

REVIEWS

Backlash. The undeclared war against women

Susan Faludi (Vintage, London; 1992)

Pulitzer Prize winner Susan Faludi's *Backlash*, a widely debated bestseller, is known to have been "prescribed reading" for academic staff at some United States universities and colleges. This meticulously researched book substantiates Faludi's assertion that the public has been manipulated by the media over many decades to believe "research" that does not exist, is erroneous or has never been publicly corrected. The writer puts her findings into an historical context, spanning a century and showing how women were always put in their places just when they were making "headway towards equality".

Faludi presents evidence of the backlash against women from newsprint, movies, TV, fashion and beauty. She reveals the hidden agenda in the politics of the New Right. She touches on the backlash against

working women, reproductive rights and in popular psychology. *Backlash* may convince readers that they are feminists after all. Christina Scott reviews the book for SASH, and a selection of "quotable quotes" might inspire you to read it.

An unfailing indicator of a must-read book is when the owner has to beg a copy to complete her review because her own edition has been borrowed by friends.

How many books can evoke any strong emotion? (How many books appear in a movie?) *Backlash* has the power to make the reader angry. (Also, *Backlash* is mentioned twice in Nora Ephron's film *Sleepless in Seattle*.)

Backlash – named for a 1947 Hollywood movie in which a man frames his wife for a murder he committed – is a statistically sound demolition job of every urban legend about women that has been getting print space and air time in the last decade or so.

If you think educated women over the age of 30 have a better chance of being hit by a terrorist bomb than of getting married, buy the book. If you know people who still believe no-fault

divorce is ruining the nuclear family, buy them the book. If you want to know whether the man in your life is really a '90s man, buy him the book and see if he reads it.

Even if women's rights bore you, read *Backlash* to become aware of how you can be manipulated by sucked-out-of-a-thumb statistics, newspaper "scare" stories and rewritten and re-edited movies. The chapter on the makeover of *Fatal Attraction* – originally a story which explored a man's responsibility for a stranger's suffering – makes for fascinating reading.

A warning: *Backlash* will make you angry. Angry that the same battles to entrench the rights of women have to be fought over and over again, that hard-won gains are being dissolved in the syrupy language of family values. *Backlash* also triggers anger that feminists became complacent or exhausted or seduced by other struggles. How could we be so blind? On the other hand, anger is a healthy emotion. Read *Backlash*. Get angry. And do something constructive about it. □

"The most recent round of backlash first surfaced in the late 1970s on the fringes, among the evangelical right. By the early 1980s the fundamentalist ideology had shouldered its way into government. By the mid-eighties, as resistance to women's rights acquired political and social acceptability, it passed into the popular culture. And in every case the timing coincided with signs that women were believed to be on the verge of breakthrough."

"... in 1987, the American Women in Radio & Television couldn't award its annual prize for ads that feature women positively: it could find no ad that qualified."

"The meaning of the word 'feminist' has not really changed since it first appeared in a book review in the *Athenaeum* of April 27, 1895, describing a woman who 'has in her the capacity of fighting her way back to independence'. It is the basic proposition that, as Nora put it in Ibsen's *A Doll's House* a century ago, 'Before everything else I'm a human being.'

"... the much ballyhooed claim that feminism is responsible for making women miserable becomes absurd – and irrelevant. ... the afflictions ascribed to feminism are all myths. From 'the man shortage' to 'the infertility epidemic' to 'female burn-out' to

'toxic day care', these so-called female crises have had their origins not in the actual conditions of women's lives but in a closed system that starts and ends in the media, popular culture and advertising – an endless feedback loop that perpetuates and exaggerates its own false images of womanhood."

"The truth is that the last decade has seen a powerful counterassault on women's rights, a backlash, an attempt to retract the handful of small and hard-won victories that the feminist movement did manage to win for women. This counterassault is largely insidious: in a kind of pop-culture version of the Big Lie, it stands the truth boldly on its head and proclaims that the very steps that have elevated women's position have actually led to their downfall."

"'People I've dealt with in the [Reagan] government seem to want to recreate the fantasy of their own childhood,' Martin O'Connell, chief of the Census Bureau's fertility statistics branch, says. And results that didn't fit that fantasy were discarded, like a government study finding that federal affirmative action policies have a positive effect on corporate hiring rates of women and minorities. The Public Health Service censored information on the beneficial health effects of

abortion and demoted and fired federal scientists whose findings conflicted with the administration's so-called pro-family policy."

"Said enough times, anything can be made to seem true."

"... the heart of the backlash argument: women are better off 'protected' than equal."

"... Rebecca West wrote sardonically in 1913, 'I myself have never been able to find out precisely what feminism is: I only know that people call me a feminist whenever I express sentiments that differentiate me from a doormat.'"

"Trend journalists in the 1980s were not required to present facts for the same reason that ministers aren't expected to support sermons with data."

"The [anti-feminist] arguments [since the late 19th century] were always the same: equal education would make women spinsters, equal employment would make women sterile, equal rights would make women bad mothers. With each new historical cycle, the threats were simply updated and sanitized, and new 'experts' enlisted. The Victorian periodical press turned to clergymen to support its brief against feminism; in the 1980s the press relied on therapists."

REVIEWS

Onwaarskynlike Engele

Rachelle Greeff (*Tafelberg, Cape Town; 1993*)

Rachelle Greeff's first collection of short stories, *Die Rugkant van die Bruid*, was highly acclaimed and awarded the CNA Debut Prize in 1992. She has recently published a second book, *Onwaarskynlike Engele*, once again dealing with the darker side of South African women's lives and exposing the suburban mythology of marriage and motherhood.

It was a hard act to follow – but she has done it. From bitterly disappointed brides to unlikely erotic angels, this author has always managed to flip the shiny coin and make it land on the dark side of the moon. She takes those seemingly ordinary lives led by women everywhere and dissects them with the precision of a pathologist and the passion of a poet, to show us the tissue of lies and modern myths and half-truths beneath the skin.

Onwaarskynlike Engele (Unlikely Angels) consists of ten stories which would not be considered easy reading by the average English-speaking South African, but should be richly rewarding to the reader who hungers for more than just another frothy confection of a romance. If books could be compared to food, this would be a ten-course meal, each story meticulously prepared, often combining unexpected ingredients to confuse the complacent and delight the gourmet.

And why shouldn't such a book be compared to food? The first story, "Eters Anoniem" (Eaters Anonymous), deals directly with the politics of food – not only in the feminist sense of females starving themselves in pursuit of the "perfect" body, but also in the more specific sense of prisoners on a hunger strike. The rebellion of the plump white wife banned to a "fat farm" by her husband (who is having an affair with an anorexic ballet dancer), is juxtaposed with the despair of black prisoners using the only bargaining power they still have, the ability to abuse their own bodies. This is the kind of irony with which Greeff

frequently seasons her potent brew.

Food is served, so to speak, in every single story. The way it is wasted at a banal birthday party for bored children, the young teacher losing weight after she has learnt a few erotic lessons about her own body, the frustrated wife preparing a chicken pie in a way her mother would never have dreamt of doing, the little girl eating like a bird ...

It is a book about hungry human beings, sometimes physically, more often psychologically hungry. To quote one of the characters: "*Dit voel vir haar of niks, behalwe die dood, die honger sal stil nie.*" □

Marita van der Vyver

Uncertain Consolations

Jane Rosenthal (*Snailpress, Plumstead; 1993*)

Jane Rosenthal's first adult novel Javokes feelings of hope and, simultaneously, hopelessness. The consolation is indeed shaky.

Tennyson's quote of "so much to do, so little done" can be said every day about our racially and economically complex land with, *inter alia*, growing numbers of unemployed. Some, like Hennie, who loves *koffie* and hates *kaffers* with equal passion, squat with relatives. But many live under the African sun and moon. Of which a number are more "fortunate" than others and can claim an empty car wreck as home, like Chrissie and Vernon, characters depicted sensitively by Rosenthal.

In spite of a narrator, who at times becomes just too omnipresent to convince, too often lapses into easy, overstrained clichés and a tendency to stereotype the politically and socially backward characters as being Afrikaans-speaking, I was drawn into this narrative.

The main reason being that Rosenthal, who won the 1990 Young Africa Award for the teenage novel *Wake Up Singing*, tells her story with compassion, honesty and simplicity. Moreover, nothing escapes her observant storyteller eyes: not the slightest

movement of Tomas the cat, a gardener's small suburban battle against snails or the drunken nausea of a pregnant *bergie*.

You get to know the Johannesburg suburb of Yeoville, mid-eighties, largely through the eyes of Mrs D., an immigrant widow, originally from Hungary. She is an ageing and physically frail old lady who views the often incomprehensible facts of South African society with little scepticism and an abundance of humanity. (Probably unlike many of her contemporaries, born and bred on South African soil.)

Towards the end of the novel, Rosenthal involves us in a delicate balance between new life and death. And it is this, the strange dance between future vision and despair, that lingers long after the book begins to gather dust. □

Rachelle Greeff

Status of South African Women: A sourcebook in tables and graphs; the reasons for change

(ANC Women's League Policy Division, *Marshalltown; 1993*)

Statistics are important, but often intimidate. In South Africa the statistics which show inequalities are especially difficult. Not only do we have gender inequalities, but there are also class differences, regional differences, differences between urban and rural, between "homeland" and other areas, and between people who were classified into different apartheid "race" groups. This booklet aims "to provide the most comprehensive and up-to-date information on gender inequalities [and] to provide the information for the formulation of policies for the elimination of those inequalities".

If for you the word "statistics" conjures up pages and columns of tiny figures and percentages, this book will be a great surprise. The sixty-three pages of the book contain sixty-three figures in the forms of tables and graphs. But the graphs are interspersed with a range of photographs, and the tables and graphs

REVIEWS

are illustrated and annotated with cartoons and patterns as well as words. Artworks in Durban has once again done a magnificent desktop publishing job. They have presented the information in a way which is fun, but also clear.

The booklet is divided into four sections. In each of the first three – population, occupation and education – there is a fairly set pattern. After presenting a table of numbers of men and women in all “race” groups, each group is dealt with in a separate graph. Each graph and table is explained in one or two simple sentences. The set pattern could suggest boredom. However, the attractive layout helps greatly. The standardisation and thoroughness is also important if the booklet is to achieve its aim of informing policy, advocacy and monitoring.

The final, “general” section is rather a hotch-potch – life expectancy, reproduction, literacy, prisoners and other assorted oddments. Some of the figures here – for example on mean life expectancy and infant mortality – seemed questionable. More generally, the sourcing of information in the booklet is a problem. First, although an abbreviated source is given below many of the graphs and tables, there is no bibliography giving the full details of sources. Details are important, for example, if advocates are questioned and need to refer back. Second, more of the limitations of the different sources could have been highlighted. The authors were obviously keen to keep the booklet as simple and untechnical as possible, and this could be the reason why they omitted these. However, to give just one example, the problems with the census, one of the main sources, are serious enough to warrant further discussion beyond the “gaps” mentioned in the introduction. And particularly in the case of women and employment, the non-enumeration of much of women’s work – unpaid labour, family labour, and so on – is something which seriously affects policy decisions.

There are other quibbles one could raise about the booklet. These seem, however, mean-spirited in the face of what is overall an accessible resource full of important information. □

Debbie Budlender

NEWS-STRIP

OBITUARY

Black Sash members may not have heard that Elly de Vries died recently at her home in Somerset West. She had a “fluttering” heart but did not let it prevent her varied and numerous activities on behalf of the Black Sash, and for friends and elderly neighbours at Somerset Oaks, and especially for her grandchildren, and close family here and in Holland.

She died in her little kitchen having baked the traditional birthday-cake she was about to take to her son-in-law that evening.

One of her “letters to the editor” had just appeared in the paper, under her proper name of Danielle de Vries. She wrote as she spoke, with conviction and a passion for true justice. Equally strong was her tolerance of contrary opinions, against which she

could argue with a fine detachment and with a wit and understanding that were a pleasure to acknowledge.

Candy Malherbe once drove Elly to a national conference in Grahamstown, herself a delegate and Elly an alternate. Their time together on that trip resulted in a memorable companionship.

Elly and I were sad when our Elgin branch dwindled away, and very happy when there was a resurgence in Somerset West and we were able to join the young women who accomplished so much in what was then still an unpopular and little-recognised force for change.

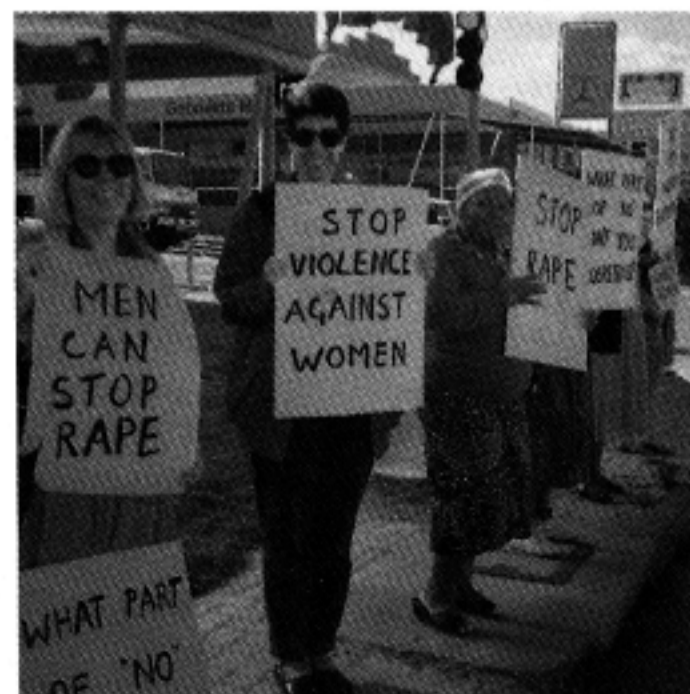
I shall miss her immeasurably, but when something provocative comes up and I can no longer talk to her on the telephone, I can refer it to Elly in my mind and maybe find a little wisdom for myself. □

Molly Murray



Left to right: Mark Elliot (Foreign and Commonwealth Office), Jenny de Tolly, John Daniel (political science, University of Durban-Westville), Nangalo Mbomba (Joint Administrative Authority, Walvis Bay/Namibia) and David White (Foreign and Commonwealth Office) at the Wilton Park conference on “South Africa and its neighbours” in November 1993 in England. For more information on the conference see Jenny de Tolly’s report in the Black Sash National Newsletter number 15 (December 1993).

Southern Transvaal region held a stand on the International Day of No Violence Against Women. Together with people from People Opposing Women Abuse and organisations based in Alexandra they were about 30 women. The stand was held in Louis Botha Avenue, on the border of Alexandra. Black Sash members Maria Kint and Barbara Klugman are in the photograph.



NEWS-STRIP

Northern Transvaal

Project Literacy

While the politicians quibble as to who wants or does not want Pretoria, members of the Black Sash have been going about their business as usual. Our October general meeting was addressed by Andrew Miller (son of a Cape Town Black Sash member, we were tickled to learn), who is the PRO/fundraiser for Project Literacy (Prolit). He told us of the incredible work they are doing. Prolit was founded by one of our members, Jenny Naser, and has grown into a strong literacy and adult-education project in Pretoria and Johannesburg. The contact made at the general meeting resulted in Prolit taking Black Sash members to visit their literacy and education programme being run at the Leeuwkop prison. Prolit has included voter education as a focus this year, with another of our members, Likonelo Lekgothoane (a Prolit employee), as one of their voter-education trainers. She was trained when the local IFEE structure (PRIFEE) ran a training-of-trainers workshop, at which another of our members, Laura Best, was a facilitator. Prolit is also taking an active role in informing their students and their employers of the forthcoming legislation for the domestic sector. The information leaflet they are distributing was drawn up by our advice office. We have our moles everywhere!

Farewell

Our November general meeting was addressed by national researcher, Marj Brown, who gave us a comprehensive briefing about the latest developments in the social-welfare arena. We also bade a sad farewell to one of our dearest members, Shelagh Clear, who is moving to Durban. At 83, Shelagh has still found the energy to pop into the advice office to collect *You and the Vote* booklets to distribute. She assured us that she has packed her sash into her luggage and says she cannot see herself leaving it in the mothballs once she gets to Durban. We wish her well and are rather envious of Natal Coastal region – our loss will be their gain. □

Laura Best

Southern Transvaal

Young Sash

When I first suggested the "Black Sash" as a topic for our Young Historians Project, the girls in my group were unaware of what it was. Because my gran was a very active member of the Black Sash I know a lot about it and was able to get hold of the video. I was able to create enthusiasm and interest in my group.

When we gave the presentation to our history class we all wore black sashes so the class could get a visual picture. The class was informed about the Black Sashes – their role in the apartheid era and their role in our society today. □

Joanna Richardson (aged 14, Standard 7)

Albany

Letter-writing campaign

The Albany's Women's Issues Group (Wig) recently undertook a letter-writing campaign aimed at highlighting the need for more women to be included in the current and future decision-making processes in South Africa. We linked the issue of women's representation with the issue of violence, suggesting that more women at the top might mean more peace in this country. We sent different versions of our letter to all political parties, all women at the multi-party talks and various newspapers.

Albany organises against domestic violence

Violence against women has been an area of focus for Wig over the past two years. In particular our attention has fallen on the insidious and largely invisible epidemic of violence that rages against women in the domestic sphere, and on ways in which domestic violence infringes such first-generation rights as women's physical and psychological well-being and their freedom of movement. But increasingly we have been led into the more thorny area of second-generation rights, and the realisation that matters such as adequate welfare provision, housing and development are inseparable from the issue of domestic violence.

It was in response to the need for more efficient service provision to both survivors and perpetrators of domestic violence that Wig last year spawned the Grahamstown Forum Against Domestic Violence, which now operates independently of the Black Sash. The forum embraces welfare organisations, church-based groups, voluntary organisations, hospitals and the Legal Resources Centre.

The most immediate problem facing the forum was the extreme fragmentation of welfare services, resulting in poor co-ordination of efforts and inefficient referrals, with clients being sent from pillar to post. Such conditions serve to compound feelings of helplessness and entrapment experienced by survivors of violence. The poor co-ordination also results in gaps in service provision as well as duplication of services. In Grahamstown we found that while at least four organisations were providing supportive counselling to battered women, no-one was providing therapeutic services to perpetrators of violence.

The fragmentation of services results in competition for resources, weakening the possibility of forming strong lobbies and effective social advocacy. The struggle against domestic violence is a struggle for a rationally organised, adequately funded welfare system.

The Forum Against Domestic Violence has succeeded in forging some measure of unity among organisations. Recently all participating organisations have supported the lobby for more effective policing and criminal-justice procedure in cases of rape and domestic violence.

A welcome spin-off of the forum has been that training needs have been identified, and workshops on intervention with sexually abused children and on counselling battered women have been arranged.

As the work of the forum unfolds, the inescapable backdrop of poverty, inadequate provision of housing, the need for material relief and the general demoralisation of whole communities under apartheid comes more into focus. The way in which the problems of underdevelopment are addressed is going to be a critical factor in stemming the domestic violence raging in our communities. □

Dana Labe

NEWS-STRIP

Minimum wage for domestic workers

Following a recent Black Sash meeting at which we discussed the matter of a minimum wage for domestic workers, we have had an interesting development. We considered it vital to discover what domestic workers themselves think of the issue, and encouraged a local lawyer, who is also a broadcaster, to take up the matter. On a Monday night he held a national telephone-in programme on Radio Xhosa, and apparently received some fascinating feedback.

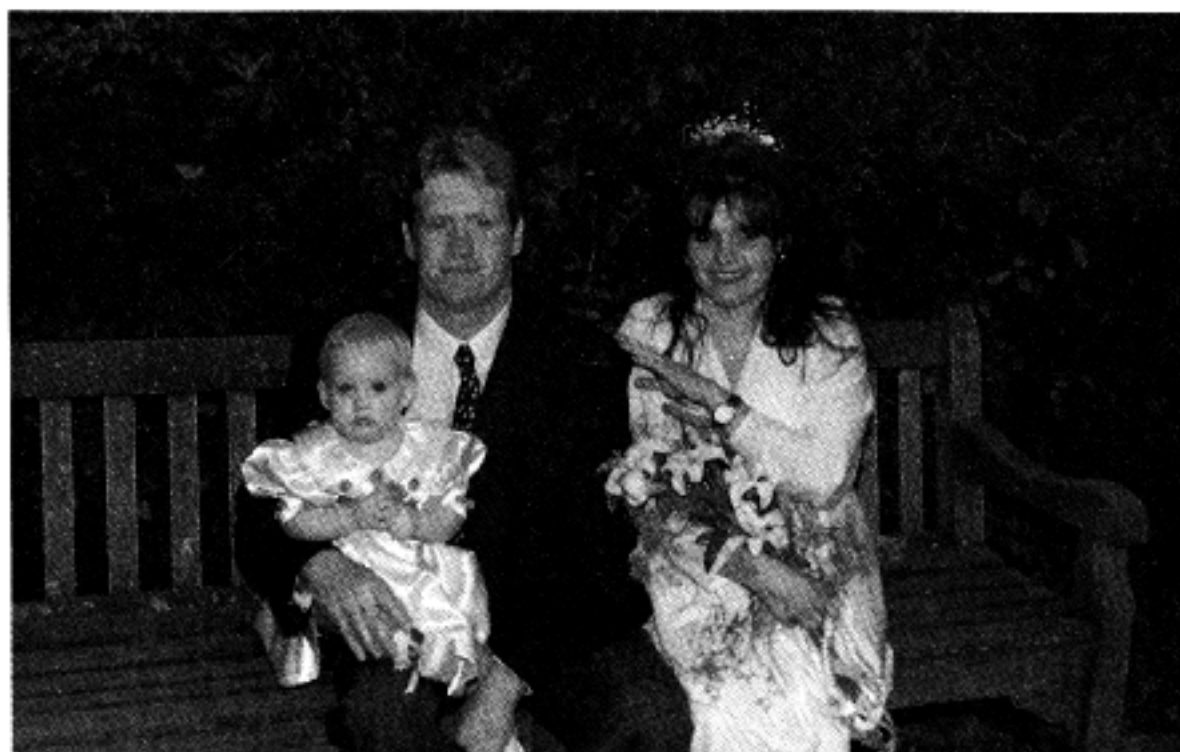
Voter education

Our voter-education workshops include a teaching play written by our fieldworker, Glenn Hollands, and translated now into Xhosa. The emphasis in this play is on the choices facing a female domestic worker, and the point that is most strongly made is that her vote is her secret, which empowers her against all forms of pressure and/or intimidation, whether from her employer, her husband/boyfriend/family or political groups. It also emphasises that information and help are available from such non-political and unthreatening sources as the Black Sash. By the end of the play this woman is an informed and empowered person who has performed her civic duty at the ballot box with confidence. Since the translation of the play, it is performed by mother-tongue Xhosa speakers, with a domestic worker taking the lead role.

In advertising our workshop we have always encouraged communities to send women to be trained. Except at workshops arranged by farmers specifically for their labourers, there have been significant numbers of women present, and their participation has been as keen as the men's. Our workshop does not focus on them as a group, however, and we have therefore not measured any responses or problems pertaining particularly to them as women. □

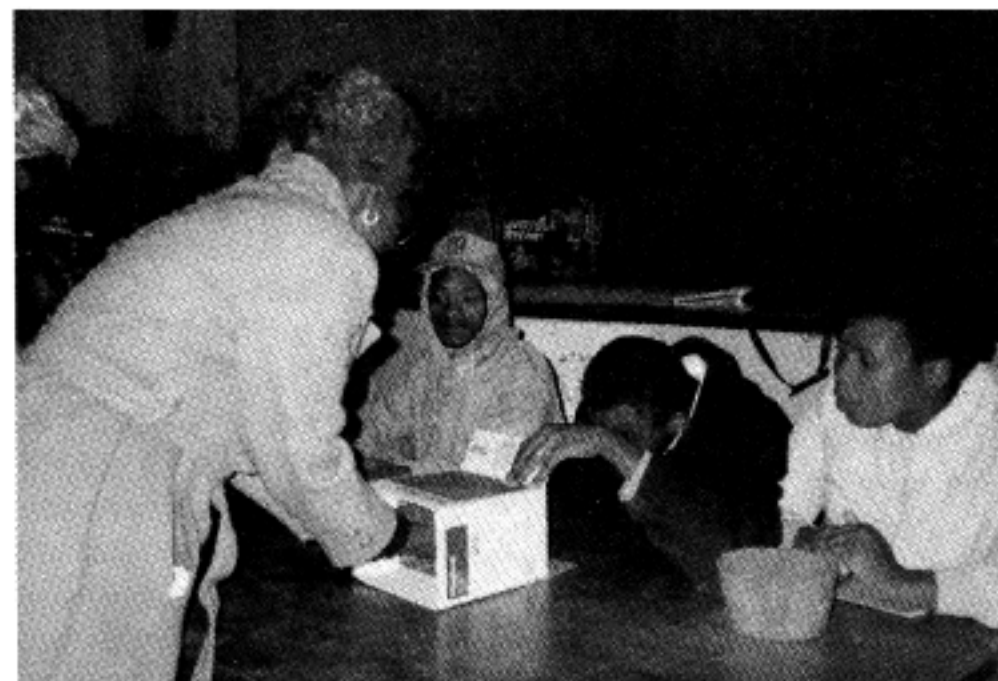
Lynette Paterson

A new publication, "The Link - Newsletter on domestic violence", is published by and can be ordered from: The Link, 30 Ecumenical Trust, 20 St Andrew's Street, 4001 Durban



Grahamstown fieldworker Glenn Hollands married Barbara Lipowska on 13.11.1993. With them is their daughter, one-year-old Anya. The church ceremony was conducted by Black Sash member Nancy Charlton.

Voter education in Albany region.



Photos: Lynette Paterson

NEWS-STRIP

Cape Western

Danchurchaid volunteer reports

I have been working at the Black Sash for two months now, building up the resource centre and working with the Legislation Watch. Through the resource centre I realise how varied the work of the Black Sash is. At the Legislation Watch I focus on analysing various clauses in the chapter on fundamental human rights in the interim constitution, which is very interesting, since I have participated in different courses in Europe on how to implement and interpret the various existing human-rights instruments. Therefore, it is fascinating for me to follow the construction of a human-rights bill.

Once a week I sit in the advice office and listen to the caseworkers. I also attend the advice office's training course for new volunteers. The absence of high welfare standards in South Africa shock me. It is surprising that people can survive in a country with such a high unemployment rate and Unemployment Insurance Funds that only last for six months.

I want to work with Black Sash monitors on an analysis of the submissions to the Goldstone Commission and the reports on the taxi war. This project will probably take two months of concentrated work. I will focus on the role of the police in the taxi war in relation to the Black Sash submissions.

Another involvement is monitoring the Amy Biehl trial. I was anxious when I went to the supreme court, especially because the court was crowded with not very friendly Paso students. Since the trial has been well covered by the press, I have used the time there to get an impression of the South African court system and to hear the Paso students' points of view. One of the students told me that living in a township creates a lot of anger. Another commented that putting the three accused in to prison had nothing to do with justice, when the police did not even investigate the Defence Force's killing of five young black men. Even though the case is about an awful murder, it has been very constructive to monitor since it has enlarged my perspectives on justice in South Africa. □

Nana Gadegaard Nielsen

Cape Eastern

One city

The Women's Coalition in Port Elizabeth is attending One-City management committee meetings. Lynne Teixeira and Sheryl Aschmann from the Black Sash have been part of the process. We feel it imperative to have a presence at these meetings and to lobby for women to be represented on the new city council.

Visit to the United States

Lesley Frescura, vice-chair of this Black Sash region, was part of a group of 12 South Africans who visited the United States under the auspices of the USAID and the Human Rights Trust from 2 to 29 October 1993. The group visited Washington, Los Angeles, Albuquerque, Atlanta, Miami and New York with the aim of studying how Americans deal with the problems of violence in their society and how they deal with it through activities such as human-rights education, dispute resolution and mediation.

Lesley is hoping to put into practice in her human-rights education programmes a lot of what she learnt there, and would like to see the implementation of some of the community programmes, such as the Civilian Complaint Review Boards, in South Africa. All together it was a stunning experience, one which can only mean personal growth and clearer understanding of important human-rights issues. □

Judy Chalmers

Natal Midlands

Voter-education activities

The Pietermaritzburg advice office is busily educating up to 30 clients per day. In addition, every Tuesday and Thursday voter education is being offered at a permanent venue in town. We hope that this new venture will attract support from employers of domestic servants. In response to requests to the office, 13 workshops have been held with clergy and domestic workers, as far afield as Ladysmith.

Black Sash members have assisted with the training of university students as voter educators, in a project organised by the local branch of the National Women's Coalition. The Independent Mediation Service of South Africa (Imssa) conducted the initial training and the Black Sash is providing ongoing support for the students who will go out in teams to conduct voter-education workshops in rural areas. On 28 October Black Sash members also helped to run a workshop for 17 chiefs in the Hlanganani area, organised by the Women's Coalition.

The office has distributed 10 000 *You and the Vote* booklets. However, we are curious as to the ultimate fate of our resources. Gail Wannenburg recently had a visit from an indignant parish priest from Richmond. He discovered the local youth had surreptitiously hooked up a hired television to a plug in his church. Around the back they were showing voter education videos to the local populace who were charged a fee for their illumination.

More disturbing is a report from Richard Fowler of the Methodist church, who has made use of our voter-education resources. In trying to set up workshops on the South Coast, he has been threatened by local people who insisted "there would be trouble" if the workshops went ahead. No voter education was wanted as there would be no election, they declared.

Monitoring activities

Black Sash members monitored the historic African National Congress (ANC) cultural festival at KwaXimba, which went ahead without incident despite being seen as in direct confrontation with the Shaka Day activities of the Inkatha Freedom Party. However, more recent monitoring of a meeting in Bulwer left the Black Sash monitor very gloomy about prospects for free political activity and campaigning in Natal. The acting chief refused permission for the local ANC to hold a pre-arranged meeting in the area's pre-primary school. When asked why he was acting against the spirit of the Peace Accord, he insisted that "the Peace Accord does not apply to him". □

Fiona Jackson

NEWS-STRIP

A day's work before 07:00

Recently there has been much talk of the power of the "women's vote", particularly in the rural areas of the Eastern Cape and Border. If the women do succeed in making their voices heard, let us hope that shouts will be raised on behalf of the poorest and most disadvantaged of their sisters. Of course, gender issues are important, as are issues around abortion, birth control and literacy, but I am concerned here with an even more basic issue – the right to life in the form of water. In order to illustrate this need, let me relate the following story.

This morning at 08:00 I collected my domestic worker Noncinci from the town centre. She lives in a rural settlement about eight kilometres outside Umtata and gets a taxi into the town. Her *lali* stretches along the main road between Umtata and Durban so cannot be considered as deepest rural Transkei. Many people who live there commute into Umtata to work every day.

I noticed that Noncinci looked worried and on being asked what was the matter she answered: "I am worried that my bucket will be stolen." What bucket? She then told me this story: Every morning at about 03:30 ("It's better now that it is summer and so it is not so cold and dark.") she has to get up and take her buckets and walk to the place where the women of the village can get water – a pump several kilometres away. There is no water in the streams at present. If you go after this time there will either be no water left or there will be such a long queue of women that you will wait "up to three hours". So the custom is, if you are late at the pump and cannot wait because you have to be at work in Umtata, you leave your buckets holding your place in the queue and a few hours later a (female) member of your household will go along to get this water. In practice, this fetcher will be a schoolgirl (younger sister, daughter) who will miss school or get there late "because we must have the water". Some days ago, Noncinci had been late and left her bucket in the queue and when her younger sister had gone to fetch it, it had been stolen. After trailing around the village, asking



Queuing for water – a daily chore for rural and many township women.

questions, the women heard who had stolen the bucket and on going to this person's place they spied the bucket and were able to get it back. I asked if this stealing went on often and Noncinci replied: "Yes, too much. That is why I am worried now." This morning, too, she had risen only at 04:00 and had got to the pump to find a huge line of women so had left her bucket, walked home again and arranged with her sister (in Standard 7) to go late to school so that the bucket would be retrieved. By this time it was after 07:00 and Noncinci had to go to catch the taxi to meet me. "At least," she said, "it is better at your house because I can turn on the tap to have a drink and wash."

Although I had been aware of water problems in the non-urban areas, I am ashamed to say that I had not realised that most rural women are walking to fetch water before it is light and then – if lucky enough to be in paid employment – going on to do a full day's work – for the most part in places where you just turn on a tap. This is so much a part of daily routine that Noncinci had not even bothered to mention it to me.

When I pick her up in town two days a week she has already been up and working for at least five hours and considers herself lucky if she has managed in that time to carry home heavy buckets of water.

Under the pressure just to get water, the much vaunted virtues of *ubuntu* and neighbourliness in rural communities have broken down so that women may go to the extreme lengths of stealing another's water. Schoolgirls are kept off school to fetch water. At the very least, hours of women's time are spent trailing backwards and forwards day after day, in freezing cold or scorching heat, in darkness over rough and stony countryside to bring water home so that the whole family can drink and wash – and appear for 8-to-5 work looking spruce. If every rural settlement could have a reliable source of water, what improvements in the health and welfare of women would be forthcoming, and then, perhaps, they would have the time and energy to think about and to work towards a more gender-equal society. □

Marie-Louise Peires, Umtata

The 1991 Universal Declaration of Women's Rights as Human Rights

(adopted by the General Assembly of the UN in New York, 1991)

- * All women on our planet are born free and with dignity. We have the right to be subjects not objects in life and history.
- * All women have the right to life, freedom and the security of our bodies in both public and private places.
- * All women have the right not to be held in sexual, marital or labour slavery; all forms of women's slave trade shall be prohibited.
- * All women have the right to live free of torture, or cruel, violent or degrading treatment in our homes or elsewhere.
- * All women have the right to equality before the law and must have protection from any kind of discrimination within the law.
- * All women have the right to freedom of movement within or outside of our countries.
- * All women have the right to freedom of thought, conscience and religion and to the expression of these beliefs without interference.
- * All women have the right to enjoy sexuality, and to share intimacy with the partner of our choice.
- * All women have the right to sufficient food for life, and the right to accessible, quality health care.
- * All women have the right to work in the kind of employment of our choice; to be paid equitably; and to join unions for the protection of our interests. We have the right to work without discrimination or harassment of any kind.
- * All women have the right to maternity through choice, not destiny.
- * All women have the right to form an integral and equal part of the government of any country.
- * All women have the right to education, which shall be free.
- * All women have the right to participate equally in the arts, sciences and cultural life of our communities anywhere in the world.
- * All women have the right to an equal say in any decisions made about the environment, either locally or internationally.
- * All women who are refugees have all the above rights in their countries of asylum or their home countries; as well as the right to additional international protection and assistance.