



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**  
**Forty-eighth session**

**Summary record of the 968th meeting**

Held at the Palais des Nations, Geneva, on Friday, 21 January 2011, at 3 p.m.

*Chairperson:* Ms. Ameline (Vice-Chairperson)

*later:* Ms. Rasekh (Vice-Chairperson)

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*In the absence of Ms. Pimentel, Ms. Ameline (Vice-Chairperson) took the Chair.*

*The meeting was called to order at 3.05 p.m.*

**Consideration of reports submitted by States parties under article 18 of the Convention** *(continued)*

*Combined second, third and fourth periodic reports of South Africa (continued)  
(CEDAW/C/ZAF/2-4; CEDAW/ZAF/Q/4 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of South Africa took places at the Committee table.*
2. **Ms. Mncadi** (South Africa), providing further information in response to the question raised by Ms. Awori at an earlier meeting regarding measures to combat gender-based violence, said that the South African Government had a youth crime prevention programme as well as related peer-to-peer programmes.
3. **Ms. Maluleke** (South Africa), in response to a request from Ms. Murillo de la Vega for statistics on trafficking of children in South Africa, said that the Government had commissioned a report from the Human Sciences Research Council, which had found only 4 cases of trafficking, whereas the National Prosecuting Authority had found 28 cases, both for sexual exploitation and organ trafficking.
4. **Ms. Murillo de la Vega** said she was surprised that, although the Criminal Code covered rape, including marital rape, cases of rape were still occurring in the country. She further suggested that the Government should take more robust action against the problem, and requested information on convictions made and sentences handed down for the offence. She suggested that the phrase “without consent” should be dropped from the description of rape in the Criminal Code, since the violent act of rape necessarily implied an absence of consent by the victim. Lastly, she enquired about legislation to protect women’s access to justice.
5. **Ms. Rasekh** said that the delegation had given a number of reasons for the decrease in women’s political participation to below the target of 50 per cent, including the need for greater vigilance, the absence of capacity-building for women, and the excuse that there were not enough women qualified to do the job. It was a common excuse used in many countries which often resulted in less qualified men being selected for positions in preference to qualified women.
6. However, she did not agree that it was only women that had to remain vigilant. Men too needed to be made more aware of women’s issues and more supportive of women’s rights. She asked what the State party was doing to bring more men onto the side of women, to contribute to their empowerment and to the safeguarding of their rights.
7. **Ms. Xingwana** (South Africa) said that reform was under way and efforts were being made to guarantee access to justice for women. In particular, training and awareness-raising activities were organized for judges and magistrates to ensure that they were able to handle sensitive cases involving rape and abuse. In addition, whenever vacancies in the judiciary occurred, a concerted effort was made to ensure the appointment of more women.
8. She questioned the assertion that there had been a decrease in the number of women represented in politics. Certainly, there had been one or two cases where women who had resigned had been replaced by men, but generally, there had been an upward trend. She recalled that, following the 1994 elections, approximately 20 per cent of parliamentarians had been women, and there had been three female ministers. Then parliament had introduced a quota of 30 per cent of seats for women, and after the 1999 elections, their representation had exceeded 30 per cent. Moreover, approximately 20 per cent of ministers

had been women. For the 2004 elections, parliament had adopted a quota of 50 per cent for women parliamentarians, and the actual figure achieved had been 44 per cent. So the political participation of women had in fact improved.

9. In the business sector, admittedly, women in South Africa had not done as well. Fewer than 10 per cent of company chief executives or chairmen were women. There, more effort was required, but not only by politicians. The women's movement in general needed to be more vociferous about women's representation in other sectors, including the judiciary and the business world, not relax its efforts simply because 44 per cent of the members of parliament were now women.

10. **Ms. Maluleke** (South Africa) said that there were many initiatives to improve the number of women appointed to the judiciary. For example, all women in the judiciary were members of the International Association of Women Judges, one of whose objectives was to ensure an increase in the number of women judges. Furthermore, the South African Women Lawyers' Association had a training programme to prepare women in the legal profession to take up positions as judges. The Chief Justice also oversaw a training programme for aspirant women judges, in which female lawyers attended courts as observers to learn the procedures. Both politically and among the judiciary, there was a will to increase the representation of women. However, increasing the representation of women alone would not suffice, more staff in general and more appropriate facilities were required to help combat crime, in particular sexual offences.

11. She was able to provide statistics on the conviction rates for sexual offences from 2003 to 2010, according to the type of court. At the courts of the Thuthuzela care centres, which provided integrated police, social welfare and prosecution services to victims, the conviction rate was approximately 80 per cent. At the dedicated sexual offences courts, the rate was around 60 per cent. However, in the ordinary courts, it was very low: less than 1 per cent. That was acknowledged to be a weakness, and efforts were being made to improve the situation.

12. **Ms. Murillo de la Vega** asked what were the obstacles to achieving greater representation of women in the judiciary. She understood that efforts were under way to that end, but asked whether consideration had been given to reinforcing them by some form of affirmative action, whereby female lawyers who were fully qualified would be given preference for judgeships over men. In particular, and in line with the practice in some other countries, the concept of seniority should not be given undue weight in selecting candidates. Much more importance should be attached to merit, capacity and qualifications. That seemed all the more desirable as the figures for convictions for sexual offences including violence and rape suggested that a climate of impunity still prevailed for such offences.

13. **Ms. Belmihoub-Zerdani** paid a tribute to South Africa's struggle for independence and to its success since then, in particular in avoiding a climate of revenge and rancour, and in increasing the representation of women in different sectors. She encouraged the Government to pursue its efforts along those lines, in keeping with the Universal Declaration of Human Rights.

14. **Ms. Xingwana** (South Africa) said that South Africa had appreciated the worldwide support it had received – the struggle against apartheid having been as much an international fight as a domestic one. She hoped that as the country pursued its present fight to defeat the scourge of violence against women it could continue to count on support from brothers and sisters all over the world.

15. An important step towards halting violence against women was to involve men. She was pleased to report that South Africa did have men's organizations and forums that worked in solidarity with women. For example, on International Men's Day, a series of

dialogues between men and boys had been organized on the theme “Real Men”, who were men who did not rape or abuse, but who loved and respected women. The Government encouraged and supported such campaigns. The Commission for Gender Equality was also working with men — traditional and religious leaders, businessmen — to raise awareness about gender justice, to urge them to act against gender-based violence and to gain their support for the empowerment of women at all levels.

16. The Government was working with NGOs to gather information with a view to establishing a national databank on employment specifically for women, so that it could lobby for qualified women to be given consideration for different positions, whether in politics, in the professions, or in business.

17. She recalled that, in 1994, the courts had had one white woman judge only, whereas, now 26 per cent of judges in the higher courts and 40 per cent in the lower courts were women. That represented major progress. Of course, more efforts were needed to increase women’s participation, but with training and affirmative action a good start had been made.

18. Similarly, the country had female family advocates and family magistrates. It had family courts, and many other structures that had been put in place to empower women, such as gender focal points in all ministries.

19. Lastly, the Domestic Violence Act offered protection to married women. Sexual intercourse without their consent was considered as the offence of rape and could be reported to the police.

20. **Ms. Bailey** noted a number of positive indicators and initiatives in the field of education, but expressed concern about sexual violence against girls and its impact on their access to education. She recalled some of the forms of sexual violence identified in the 2003 report of the Special Rapporteur on the sale of children, child prostitution and child pornography on his mission to South Africa (E/CN.4/2003/79/Add.1) and asked whether measures taken to combat that phenomenon had been effective. In particular, she enquired whether the *Guidelines for the Prevention and Management of Sexual Violence and Harassment in Public Schools* mentioned in the State party’s report (CEDAW/C/ZAF/2-4) were being enforced and monitored. Were sexual offences by teachers criminalized? The Special Rapporteur had also noted that girls in child-headed households increasingly resorted to prostitution in order to feed siblings. She asked what impact that had on their access to education. Lastly, she enquired whether the Government had a policy to facilitate the re-entry of girls into school after pregnancy.

21. **Ms. Patten** asked what action had been taken or was envisaged to ensure a maternity leave remuneration scheme for both the public and private sectors. She also asked what measures had been taken following the publication of the report by the Commission for Employment Equity on the investigation into domestic workers, subsequent discussions on the introduction of minimum wages for those workers and similar studies on the agricultural and retail sectors. She would welcome information on the scope of the mandates of the Commission for Employment Equity and the Economic Commission, particularly with respect to powers to adjudicate matters of wage discrimination and to review, analyse and reformulate wage structures in female-dominated professions. She invited the delegation to respond to question 22 of the list of issues.

22. She enquired whether the Government envisaged a legal framework to facilitate women’s entrepreneurship, whether there were policies to increase the competitiveness of small enterprises and measures to foster a supportive environment in favour of women in the informal sector. Lastly, she asked what efforts were being made to provide women entrepreneurs with training, credit and access to markets and to help them overcome difficulties in accessing raw materials and facilities.

23. **Ms. Schulz** asked the delegation to comment on worrying reports indicating that virginity tests were carried out on girls in South Africa. She said that on account of certain stereotypes some aspects of women's health were neglected, in particular care for the survivors of sexual or domestic violence and access to safe abortion. She asked what measures were being taken to address those issues.

24. She commended the Government on its efforts to prevent mother-to-child transmission of HIV, but expressed concern about reports received indicating frequent interruptions in the supply of antiretroviral drugs and the consequent risk of drug resistance. Accordingly, she asked whether measures were in place to monitor and ensure the supply of those drugs. She would also like to know when the Government envisaged that it would be able to ensure universal access to treatment for HIV/AIDS, in particular for people living in rural areas. Noting the high maternal and infant mortality rates in the State party, she requested details of measures taken to prevent avoidable deaths resulting from failures in the health system. She asked whether there was a priority plan to improve access to health care and health-related services in the poorest provinces and districts.

25. With respect to domestic and sexual violence, she asked whether any assessment was carried out regarding its impact on the physical and mental health of women and on their opportunities in the field of education and economic activity. In that connection, she wished to know what proportion of the budgets of the Ministry of Health and of the provincial and district health services was directed to dealing with the consequences of violence against women.

26. As to female genital mutilation, she asked what measures the State party was taking to prevent the practice both in South Africa and outside its territory when carried out by migrant groups living in South Africa.

27. **Ms. Rasekh** asked the delegation to clarify whether high maternal mortality rates in the State party were the result of remoteness from health facilities or the lack of such facilities. She asked the delegation to comment on information in a shadow report indicating that significant numbers of qualified health personnel left South Africa to work abroad. Information received by the Committee suggested that the maternal mortality rate was 625 per 100,000 live births, a figure much higher than that mentioned in the State party's reports. She requested an explanation of that discrepancy. Lastly, she asked whether the Government provided services for women victims of violence suffering from depression and post-traumatic stress disorder.

28. **Ms. Jahan** asked the delegation to provide further details on the social security system, in particular with respect to coverage for women in the informal sector in both urban and rural areas, women with disabilities and older women. She would also welcome information on the outcomes of microcredit programmes established following the Grameen Bank model, particularly concerning the empowerment of poor women.

29. She asked the delegation to explain why, despite impressive achievements in many areas, there was still a discrepancy between the de jure and de facto status of women, particularly in rural areas. The Committee had received reports that, if enacted, the bill on traditional courts would perpetuate some prejudices against women; she would be grateful if the delegation could indicate what the Government was doing to follow up on the bill. She welcomed the fact that 40 per cent of elected positions in local government were currently held by women and asked for information concerning non-elected positions. She also asked for some examples of participatory democracy involving women in rural areas and what assistance was provided to poor women in rural areas to help them to enforce their rights. She requested information on the status of the expropriation bill, which had been suspended in 2008.

30. **Ms. Xingwana** (South Africa) said that the social security system had benefited poor women and children in rural areas, persons with disabilities and persons living with HIV/AIDS. She gave the example of one group of rural women who had been able to move out of the cycle of poverty thanks to a successful business producing and exporting vegetables which they had set up with their savings from social security payments. With respect to microcredit programmes, she said that the Women's Development Bank, which had been modelled on the Grameen Bank, had provided assistance to women in rural areas.

31. The Government was working with traditional leaders in a number of areas, including on the role of women in traditional courts, to overcome entrenched social attitudes. With regard to the enforcement of women's legal rights, one challenge was to persuade women victims of domestic violence not to withdraw charges as a result of partners' promises to change abusive behaviour. The Government was therefore working with women's organizations and NGOs to raise awareness of the importance of bringing the perpetrators of violence against women to justice.

32. **Ms. Manlhata** (South Africa), with regard to the situation of rural women, recalled that under the former apartheid regime the black population had been restricted largely to the so-called homelands and townships, which had virtually no resources and provided no economic opportunities for the population. Poverty levels, especially for women and children, continued to be highest in those areas, where most households were headed by women, the men having left to seek employment in urban areas. Even young girls who had high educational levels had no job prospects in those areas. For many households the sole source of income was the social security grants received by the grandmother, amounting to 1,080 rand per month; many children, orphaned by HIV/AIDS, were in fact raised by their grandmothers.

33. Some progress was being made towards reducing poverty levels among rural women. Non-governmental organizations had been active in providing grants to rural women, although the results had been unsatisfactory, since they had not been given the necessary training to understand how a business should operate. Assistance with the creation of more than 20,000 small enterprises had been provided by NGOs and governments, but only some 3,000 were still in operation. Accordingly, the Department of Rural Development and Land Reform and the Department of Trade and Industry had allocated 200,000 rand for training women in business skills and cooperative enterprises. Some financial support was likewise available to women entrepreneurs from the financial services sector, for example from the Industrial Development Corporation. However, since the application process could take up to one year, efforts were under way to expedite the process. It was hoped that such initiatives would help women increase their incomes and discourage continued migration to urban areas.

34. In addition to lack of training and opportunity, other barriers hindered women's efforts to improve their incomes. In many areas women did not own the land they occupied or farmed because the land was communally owned. Limited access to an adequate water supply was likewise a significant problem for farming. Furthermore, even if women managed to produce marketable crops, the distance to marketplaces made the cost of transporting those goods prohibitive. Her Government was trying to provide support grants with a view to facilitating rural women's transition into the economic mainstream and reducing poverty.

35. **Ms. Xingwana** (South Africa) said that under the apartheid regime health-care resources had largely been devoted to meeting the needs of the white population, who had represented barely 10 per cent of the population. However, since 1999, her Government, with the help of international partners, had made a considerable effort to train medical staff and build medical facilities with a view to providing access to health care for the entire population, including in rural areas. She added that an unexpected result of the world

economic crisis was that many health-care professionals who had emigrated were returning to South Africa.

36. **Mr. Makoko** (South Africa) said that the Department of Health was in the process of re-engineering the health system with a view to improving health care and access to health care, including for rural women. The areas designated as priorities included improving women's life expectancy, reducing maternal and child mortality, combating HIV/AIDS and other communicable diseases, and making the health-care system more accessible. Providing universal access to primary health care, increasing the number of health facilities and health workers, and the provision of additional health insurance coverage as advocated by women's organizations, was in keeping with the Government's strategy to promote a preventive and early intervention approach to health, rather than a treatment-based health-care system.

37. The current maternal mortality rate was approximately 625 per 100,000 live births. Maternal deaths had to be reported and were documented in the periodic reports of a national committee which made confidential inquiries into maternal deaths. The reports, which analysed the causes of maternal deaths, defined preventive strategies and standards of care, and made recommendations to the Department of Health. The 10 recommendations made in the 2002–2004 Report were still in the process of being implemented. The strategic areas identified in the 2005–2007 report included increasing the number of health-care professionals and also improving their training, identifying and screening for the main causes of maternal deaths, and improving quality of care and access to health care. Better management of health-care resources, including personnel, equipment and facilities, as well as increased community involvement in prevention strategies had likewise been identified as important tools in improving health care.

38. The most recent report (2005–2007) had underscored the effect of non-pregnancy-related infections, especially HIV/AIDS, on maternal mortality rates. The report had also underscored the importance of preventing mother-to-child transmission of HIV/AIDS. Accordingly, a dual therapy (two drugs) rather than a monotherapy approach had been adopted and transmission rates were dropping. Although challenges remained, great progress had been made in reducing transmission rates and providing treatment to ensure the well-being of the mother.

39. **Ms. Xingwana** (South Africa) said that where no health-care facilities were readily accessible, mobile clinics provided health and counselling services and screening and treatment for HIV/AIDS and the prevention of mother-to-child transmission. The Department of Health promoted awareness-raising campaigns about HIV/AIDS and mother-to-child transmission and encouraged early screening, even before pregnancy, and early treatment before birth, with a view to eradicating mother-to-child transmission. HIV/AIDS patients could be treated at the nearest central health clinic or at a district health clinic and were provided with antiretroviral drugs, if deemed necessary. While treatment and prevention of HIV/AIDS had suffered a setback during the 2010 strike by nurses and doctors, the Government was discussing with the relevant unions the need to maintain emergency services in life and death situations.

40. **Ms. Ntuli** (South Africa), turning to the problem of sexual abuse in schools, said that teachers guilty of sexual abuse of students were dismissed and were subject to prosecution. A register of sexual abusers was kept and could be consulted by future employers. Students were encouraged to report abuse and a helpline had been established for that purpose. Teachers were required to report cases of abuse and parents were expected to report negligence or abuse. With regard to enrolment rates, she said that fees for basic education had been abolished in rural areas in order to encourage attendance. The Department of Social Development and various NGOs also provided support for a range of youth-related initiatives.

41. **Ms. Xingwana** (South Africa) said that, whereas under the previous regime barely 30 per cent of the population had had access to electricity, sanitation and water, with the poorest served areas being the black townships, between 80 and 90 per cent of the population, in both rural and urban areas, currently had access to those services. Her Government's goal was to provide universal access by 2014.

42. With regard to female genital mutilation, she said that the practice was not part of South African culture, although the Government was investigating possible measures to prevent it among migrant populations.

43. As for HIV/AIDS care, she said that South Africa's antiretroviral programme was exemplary. More than 600,000 children were receiving antiretroviral treatment, nearly 32 per cent of children receiving such treatment and their households received support grants, nearly 100,000 children received free school uniforms and some 526,000 HIV-positive children received free school meals, which played an important role in maintaining their health.

*Ms. Rasekh (Vice-Chairperson) took the Chair.*

44. **Ms. Murillo de la Vega** expressed astonishment that the State party's report made no mention of widespread sexual violence, including the rape of women and young girls, as a major factor in the spread of HIV/AIDS and extremely high infection rates. She deplored the prevailing attitude amongst men and even the courts of acceptance of sexual violence against women, as described in the report (paras. V.4.5–V.4.6). It was appalling, for example, that nearly one third of women aged 25 to 29 were HIV-positive, more than double the proportion of men in the same age group. She noted that many men still refused to use condoms. She wondered how the Government could expect to combat HIV/AIDS when it did not aggressively prosecute sexual violence and increase awareness of that scourge; if the authorities did not provide an example in that regard there was no hope that societal attitudes would change.

45. **Ms. Šimonović** agreed with the delegation that it was difficult to prosecute perpetrators of domestic violence if the victim withdrew the complaint. She pointed out, however, that many jurisdictions were amending their criminal codes to allow the authorities to prosecute cases of violence against women, including domestic violence, on an ex officio basis to ensure that perpetrators were brought to justice. She drew the delegation's attention in that regard to the Council of Europe's creation of an ad hoc committee on a convention to prevent and combat domestic violence and other forms of violence against women.

46. **Ms. Belmihoub-Zerdani** recalled that the developed countries had pledged to allocate 0.07 per cent of their gross national product to development assistance and encouraged the State party to try to access funding under that initiative for the purpose of improving the status of women.

47. **Ms. Xingwana** (South Africa) said that her Government's position was that sexual intercourse in general, not only sexual violence, was the major vector for the transmission of HIV/AIDS. Nevertheless, in cases of rape, the victim was always tested for HIV/AIDS and post-exposure prophylaxis treatment was started immediately as a precaution whether the perpetrator was known to be HIV-positive or not; counselling and support were also provided to the victim in order to ensure her well-being. She added that financial support from international partners, such as the United Nations or the developed countries, was always welcome.

48. **Ms. Maluleke** (South Africa) said that the National Prosecuting Authority allowed prosecutions of domestic violence cases to proceed without the testimony of the victim



provided that there was other conclusive evidence, such as a record of injuries. Cases dependent solely on the victim's evidence could not proceed.

49. **Mr. Ndebele** (South Africa), referring to the proposed introduction of maternity leave, said that the National Economic Development and Labour Council (NEDLAC) was still looking into the possible ratification of International Labour Organization (ILO) Maternity Protection Convention (No. 183) of 2000. The prevailing opinion was that the Convention should be ratified provided that implementation was not too costly, as some companies feared. Further research was under way and, once the implications for business were properly understood, the matter would be revisited.

50. The report of the Commission of Employment Equity for 2009–2010 had confirmed that wage discrimination on the basis of race, colour and gender continued to exist in some companies. However, the Employment Equity Act was being reviewed to give the Government greater enforcement powers and the public consultation process should be finalized before the end of 2011. The review would also look at the respective roles of the Employment Conditions Commission, which advised the Government on wage determination, and the Commission of Employment Equity, which had assumed much of the monitoring task.

51. Unfortunately he could not update the Committee on progress towards establishing a regulatory framework for the informal sector, as the discussions at NEDLAC were ongoing at that time.

52. **Ms. Awori** said that the Recognition of Customary Marriages Act promoting equality between husbands and wives in customary marriages and giving them the same rights as partners in a civil marriage was in many ways an exemplary piece of legislation. For that reason, the Government of her own country, Kenya, had drawn extensively on the text when developing its own equivalent legislation. However, she was concerned that section 7 of the Act appeared to sanction polygamy by providing for the division of marital assets in cases where husbands took a second wife. Since polygamy was contrary to the Convention, she wondered precisely whose rights that section was protecting. She would also like to know how the provisions worked in practice. Could the delegation cite specific cases in which a first wife in a customary marriage had obtained legal title to marital property by invoking that section of the Act? If so, at what point had that property been registered in the first wife's name and was it protected from the second wife? She suggested that the State party should re-examine the Act and consider ways to move away from polygamous practices that perpetuated inequality.

53. Information regarding the success of advocacy campaigns aimed at eliminating the practice of *ukuthwala* (the abduction and forced marriages of young girls) would also be appreciated. In particular, she sought confirmation that such campaigns were enabling girls to escape marriages of that kind.

54. Recalling that divorce courts had been incorporated into the regional courts as an immediate consequence of the enactment of the Jurisdiction of Regional Courts Amendment Act of 2008, she asked how the change of jurisdiction impacted on women in divorce proceedings and whether it afforded them greater protection.

55. **Ms. Patten** said that the practice whereby disputes in Muslim marriages were settled by senior religious leaders could be intimidating for women. She was concerned about their lack of recourse against the decisions of a patriarchal structure that generally appeared to take the husband's side. She wondered whether the State party had any plans to adopt domestic legislation providing a framework for the recognition, conclusion, registration and dissolution of Muslim marriages similar to the framework that had been established for customary marriages.

56. Despite the enactment of the Civil Unions Act in 2006, it appeared that lesbian women still experienced difficulties registering their unions, besides being exposed to violence and abuse. Discrimination in adoption proceedings had also been reported, as Government departments failed to process applications from same-sex couples with due diligence and speed. She asked what the Government was doing to address the discrimination encountered by that vulnerable group.

57. **Ms. Xingwana** (South Africa) said that customary marriage was a complex issue that the State party was doing its best to deal with. The main aim of the new legislation was to protect the rights of women already in customary marriages and those of their children. Thanks to the Recognition of Customary Marriages Act, those children could now make a claim on their father's estate. The Act was not in any way intended to facilitate polygamy, which most South African women opposed. Polygamy was an equally complex issue that demanded advocacy and awareness-raising as much as legislation, if it was to be deterred.

58. The campaign to combat *ukuthwala* had been successful. Working with traditional leaders, parents and women's organizations, the authorities had rescued a number of girls from forced marriages and some had even returned to school. The authorities had also managed to convince some traditional leaders of the harmful nature of *ukuthwala* and to enlist their support in the ongoing effort to end the practice.

59. She did not believe that the reported inefficiencies in processing the adoption applications of same-sex couples were a specific attack against lesbians. Problems had arisen with documentation in some cases, but the competent official was working hard to remove the obstacles.

60. **Ms. Maluleke** (South Africa) said that under the Recognition of Customary Marriages Act all customary marriages were automatically in community of property and recognized by law, whether or not the marriage had been registered. Subsequent, polygamous unions were not legally valid, so husbands taking a second wife needed to write a contract regulating both marriages and apply to the courts for a division of estate. She referred Committee members to the judgement in the *Gumede (born Shange) v. President of the Republic South Africa and Others* case, detailed on page 143 of the report, as an example of a case in which the new Act's provisions had been successfully invoked to uphold the property rights of women in customary marriages. As that case had demonstrated, the Act's provisions made it more difficult for men to enter into subsequent marriages, and did not therefore encourage polygamy.

61. **Ms. Xingwana** (South Africa) wished to emphasize that civil unions were recognized by law and that adoption was permitted for same-sex couples. The delays affecting applications had been due to administrative problems to which all prospective adopters could be exposed.

62. **Ms. Acar** said that she remained concerned about section 7 of the Recognition of Customary Marriages Act. Its apparent aim was to protect the property rights of other wives in a polygamous union. However, polygamy was a blatant expression of gender inequality that contravened articles 15 and 16 of the Convention. Did the South African Government not agree that polygamy constituted a violation of women's basic dignity? She wondered why it did not more openly and vehemently condemn the practice.

63. **Ms. Xingwana** (South Africa) said that entrenched religious and cultural practices such as polygamy were very difficult to eliminate. It was not simply a matter of passing legislation; a huge consciousness-raising effort was needed to change male attitudes and the whole system of patriarchy which dominated the business world and in communities. However, she could assure the Committee that the Recognition of Customary Marriages Act would be re-examined to identify any loopholes, to consider their implications and to attempt to accommodate the Convention's provisions.

64. **Ms. Maluleke** (South Africa) said that developing a legislative framework for Muslim and Hindu marriages was complex because religious rights were protected under the South African Constitution. The Muslim marriages bill had been developed in parallel with the Recognition of Customary Marriages Act but had been delayed by a challenge to its constitutionality in 2008. However, that challenge had spurred the Government into accelerating the legislative process and the bill had been tabled in parliament in December 2010. It was now in the public consultation phase and should be passed before the end of 2011.

65. **Ms. Xingwana** (South Africa) thanked the Committee and the Secretariat for the frank, open and interactive dialogue, which the South African Government hoped to continue in future meetings with United Nations bodies. She assured the Committee that the recommendations emanating from the session would be incorporated in Government plans and programmes. They would also provide a point of departure for preparation of the fifth periodic report due in 2015. The State party took the Committee's comments, concerns and concluding observations very seriously and would endeavour to engage in similar, fruitful consultation with national women's organizations when preparing its next submission.

66. The key issues that had emerged in the current dialogue were: policy and legislation implementation; monitoring and evaluation; violence against women, including trafficking; funding for gender equality; addressing stereotypes. The delegation also acknowledged a need for closer collaboration between Government institutions and civil society. It was committed to constructive engagement on all those issues.

67. She personally undertook to bring gender issues to the attention of the South African Cabinet so that they could be mainstreamed in all areas of policy. South Africa was preparing for its first Women's Conference in the first quarter of 2011 and the Committee's concluding observations would serve as input and a source of reflection at that Conference. The presence of a Committee member to share their vast experience and knowledge would also be an invaluable resource.

68. **The Chairperson** thanked the delegation for its frank and constructive dialogue. Noting that South Africa was a very new democracy, she commended the State party's multi-dimensional efforts to address discrimination against women through legislation, education, policy and institution-building initiatives such as the creation of the Ministry for Women, Children and People with Disabilities in 2009. The State party should also be congratulated for the level of female participation in political life achieved.

69. However, she expressed disappointment at the level of violence against women, especially sexual violence, and concern that rape victims were often exposed to HIV infection. The fact that such violence did not appear to jar the conscience of many South African men was particularly disturbing. She also voiced concern about trafficking, maternal mortality and the situation of rural women.

70. She urged the State party to adopt all necessary measures to combat the very high level of sexual violence against women in South Africa and to address all the other concerns raised in the Committee's concluding observations.

*The meeting rose at 5.30 p.m.*