

# **Resource allocation for the realisation of women's rights: Building on previous gender budgeting initiatives in South Africa**

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## **Abstract**

South Africa has ratified several international instruments that impose an obligation on the country to allocate sufficient budgetary resources to realise women's rights. Gender budgeting has been recognised as a means through which states can implement this obligation. South Africa was the first African country to have adopted gender budgeting initiatives and despite being successful in the initial years, the initiatives phased out and did not become integral to the budgeting process. In this article, I propose sustainable gender budgeting initiatives for a better realisation of women's rights in South Africa. While the article highlights the challenges, I put forward recommendations for integrating gender budgeting in the national budgeting process.

**Keywords:** Gender budgeting; women's rights; South Africa

## **1. Background**

Gender budgeting assesses the way government revenue and expenditure particularly affect women and girls in society, in addition to its impact on everyone else.<sup>1</sup> It encompasses everyone without any discrimination, is inclusive of women and recognises that there is a deficiency in the way there is provision of budgetary resources for women. It assesses the public budgeting process through a gender lens to ensure that resources are efficiently allocated to realise women's human rights.<sup>2</sup>

In 1995, South Africa became the first African country to adopt gender budgeting<sup>3</sup> in the form of the Women's Budget Initiative (WBI), making it one of the first countries in the world to have adopted gender budgeting initiatives. However, the WBI lost momentum due to several factors, some of them being lack of capacity of budget officers, of sex-disaggregated data and of political will.<sup>4</sup> As at now, gender budgeting initiatives in South Africa do not have any consistency and take the form of sporadic initiatives. The predominant form of gender budgeting in South Africa is budgetary allocation for the Department of Women, Youth and Persons with Disabilities and the Commission for Gender Equality.<sup>5</sup> There have further been efforts to include women in the economic and employment sectors.<sup>6</sup> Recently, the Minister of Cooperative Governance and Traditional Affairs, while making reference to the vulnerabilities that women face in South Africa, highlighted that national budgets have been gender blind for far too long and that there is a need to adopt a comprehensive gender budgeting process in the country.<sup>7</sup> This was after a Framework on Gender Responsive Planning, Budgeting, Monitoring, Evaluation and Auditing adopted by the Department of Women, Youth and Persons with Disabilities (GRB Framework) in December 2018.<sup>8</sup> It was the first time that a government department in South Africa adopted a framework identifying gender budgeting as a means to allocate sufficient resources to realise women's rights.

The adoption of the GRB Framework might be considered as a cornerstone for gender budgeting in the country. It indicates that the country is aware of the importance of gender budgeting to address the vulnerabilities that women face through resource allocation. Indeed, in 2021, the National Treasury (the department 'responsible for managing South Africa's national government finances'),<sup>9</sup> developed a roadmap for the implementation of the GRB Framework.<sup>10</sup> This has been the one of the most important national budgeting initiatives in contemporary times given the negative effects of Covid-19 on South African women in the form of loss of livelihoods leading to accentuated poverty, increased cases of violence against women<sup>11</sup> and more exposure to the virus by being part of front-liners,<sup>12</sup> among others. Nevertheless, the fact that the National Treasury in South Africa has not yet adopted the roadmap implies that gender budgeting initiatives face challenges in practice. The re-introduction of gender budgeting in South Africa must be mindful of the past gender budgeting experiences so that this time government adopts a consistent practice that will continuously ensure that sufficient resources are allocated to realise women's human rights.

The main question that this paper answers is: How can South Africa build from its previous gender budgeting initiatives to ensure better allocation of resources for the realisation of women's rights? To answer this question, I firstly elaborate on the theoretical framework underpinning gender budgeting. Secondly, I analyse South Africa's obligations to allocate sufficient budgetary resources to realise women's rights. Thirdly, I focus on the South African gender budgeting initiatives and their impacts and fourthly I assess the challenges in the adoption of gender budgeting in the country while providing for recommendations to overcome them.

To answer this question, I adopt a qualitative approach and undertake a desktop review on gender budgeting, its theories and gender budgeting initiatives in South Africa. I further study the international and domestic human rights documents to understand South Africa's obligations to allocate sufficient budgetary resources to realise women's rights.

## **2. Feminist democratic theory**

Elisabeth Klatzer and Katharina Mader have examined the theoretical background for gender budgets, which is an innovation of feminism,<sup>13</sup> and have identified the feminist democracy theory as the backbone of the process.<sup>14</sup> The notion of feminist democratic theory emerged because of the struggle of feminists to firstly 'expand the scope of feminist interventions in democratic theory' and to secondly 'foreground feminist engagements so that they might receive more attention by mainstream democratic theorists'.<sup>15</sup>

In the context of gender budgeting, democratisation has two interpretations that are firstly, the right of women to have a say in the budgetary process and secondly, for the substance of the budget to reflect issues related to gender.<sup>16</sup> The female democratic theory is a 'transformative' one that aims to include both men and women in democratic practices.<sup>17</sup> Klatzer and Mader regrouped the criteria of feminist democratic theory in three categories, which are: input, withinput and output. Inputs are the 'ones that are relevant for the formulation of policies and the agenda setting process', withinputs concern those 'that have to be fulfilled within the political process of decision-making in as well as outside of political institutions', and outputs relate to the 'quality of political institutions, processes and political output'.<sup>18</sup>

The current research relies on all three categories of the feminist democratic theory to advocate for gender budgeting. Although Klatzer and Mader single out the output category as the theory behind gender budgeting, this paper advocates for all three categories to be considered as the basis for the gender budgeting process. The reasoning behind such a consideration is that gender budgeting does not only concern the output, but also the process and the formulation of policies. Gender budgeting requires the government to ensure that the formulation of policies and agenda are mainstreamed, that decisions are executed while taking gender into account, and that the final output is gender mainstreamed.

According to Jill Vickers, the extent of a country's gender sensitiveness can be measured by, *inter alia*, 'addressing issues of particular concern for specific groups of women, especially regarding physical and economic security, and their sexual and reproductive health and self-determination'.<sup>19</sup> According to Seyla Benhabib, the feminist democratic theory should take into account the welfare of everyone in the country, including women.<sup>20</sup> She further states that a governmental decision should be accepted only if the decision making process includes the following:

- the equal participation of all sectors of the society where everyone was afforded the 'same chances to initiate speech acts, to question, to interrogate and to open debate'
- the right of everyone to ask questions about the options provided; and
- the right of everyone 'to initiate reflexive arguments about the very rules of the discourse procedure and the way in which they are applied or carried out'.<sup>21</sup>

Gender budgeting reflects the feminist democratic theory in the sense that women are given the right to initiate, participate and question the resource allocation by government. To achieve a proper gender budget, a national budget has to assess the 'effectiveness' of the public expenditure and the extent to which it has been able to achieve women's human rights protection.<sup>22</sup> Analysing expenditure through a gender lens requires stakeholders to think about its impact on both men and women. South Africa's gender budgeting initiatives need to include women as much as possible and ensure that resource allocation considers women's rights to ensure that it is in line with feminist democratic theory. This requires different departments to ensure that their programme interventions and allocation of resources consider specific gendered needs, interests and vulnerabilities within communities, through appropriate gender auditing and community consultation.

### **3. South Africa's international obligations to allocate budgetary resources to realise women's rights**

#### ***3.1 The Convention on the Elimination of all Forms of Discrimination Against Women***

No provision of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) expressly provides for the allocation of resources to realise women's human rights. However, the CEDAW refers to the adoption of all 'appropriate' or 'appropriate legislative and other measures' to ensure that the provisions in the document are realised. Article 3 of the CEDAW provides that states must take 'all appropriate measures

[...] to ensure the development and advancement of women'. States further have to consider the economic field while taking 'appropriate measures'.

In the case of *Alyne da Silva Pimentel v Brazil*, which concerned the right to maternal health of women, the CEDAW Committee recommended some steps that the state has to take.<sup>23</sup> In this case, the CEDAW Committee recommended states to take several steps, including ensuring accessibility to adequate emergency obstetric care, providing adequate professional training for health workers, and implementing the national plan of action to reduce maternal mortality. While none of these recommendations make express reference to budgetary allocation of resources, it is implied that their execution would require financial resources. Therefore, one of the appropriate measures that the state is expected to take is to allocate sufficient resources to give effect to the CEDAW Committee's recommendations.

As noted by Diane Elson, 'it is inconceivable' that the appropriate measures referred to in the CEDAW do not have any 'implications for public finance'.<sup>24</sup> Indeed, an interpretation of the above writings implies that in the event there has not been effective allocation of resources for the realisation of the rights protected by the CEDAW, the state is not abiding by its obligations under the document.<sup>25</sup>

The CEDAW Committee has, through its general recommendations, also expanded on the measures that states are required to take to give effect to the provisions of the CEDAW.<sup>26</sup> General Recommendation 24<sup>27</sup> was the first recommendation of the CEDAW Committee that made express reference to budgetary resources and to the provision of sufficient budget for the realisation of the rights of women.<sup>28</sup> It pertains to the realisation of the right to health of women, recommends states to have a gender-based approach to budgeting. General Recommendation 24 provides that in line with their duty to fulfil rights, states have to 'appropriate [...] budgetary measures to the maximum extent of their available resources to ensure that women realise their rights to health care'.<sup>29</sup> Further recognising that women face more vulnerabilities in terms of health, General Recommendation 24 provides that:

States parties should allocate adequate budgetary, human and administrative resources to ensure that women's health receives a share of the overall health budget comparable with that for men's health, taking into account their different health needs.<sup>30</sup>

This recommendation requires states to have a gender approach when budgeting for health. States must formulate programmes and policies that have women's health as focus.<sup>31</sup> Furthermore, health workers must be trained on women's right to health.<sup>32</sup>

The CEDAW Committee has, during several instances, made mention in its general/concluding observations of resource allocation for the realisation of women's human rights. For instance, the CEDAW Committee commended the adoption of gender-responsive budgeting in the concluding observations of several countries.<sup>33</sup> It further noted that there is inadequate budgetary allocation for the realisation of women's human rights<sup>34</sup> and called upon countries to allocate adequate financial resources to realise women's human rights.<sup>35</sup> Such recommendations were also made in relation to specific legislation that protect women's human rights.<sup>36</sup> The CEDAW Committee has also recommended states to take into account women who are more vulnerable such as women with disabilities and internally displaced women while formulating their budgets.<sup>37</sup>

In addition to the CEDAW, the Beijing Platform for Action for Equality, Development and Peace 1995 (Beijing Platform for Action) provides for financial arrangements<sup>38</sup> as steps that states must take to ensure better realisation of women's rights.

### ***3.2 The International Covenant on Economic, Social and Cultural Rights***

South Africa ratified the ICESCR in 2015.<sup>39</sup> The provisions of the ICESCR are applicable to both women and men<sup>40</sup> and as such, a human rights approach to implement the provisions of the ICESCR will have an impact on women's human rights. Concerning resource allocation, art 2(1) of the ICESCR refers to appropriate measures that include financial measures.<sup>41</sup> Non-realisation of the rights protected by the ICESCR has to be justified by demonstrating that 'every effort has been made to use all resources that are at its disposition in an effort to satisfy' the obligation imposed by the Covenant.<sup>42</sup>

Several scholars have interpreted the provisions of the ICESCR to imply that states have the obligation to allocate resources to realise the rights provided therein. For instance, Manisuli Ssenyonjo states that the adoption of appropriate measures including financial measures can be used to make the country accountable: they can be used to 'compel a state to explain what it is doing and why and how it is progressing, as expeditiously and effectively as possible' towards the realisation of the rights protected by the ICESCR.<sup>43</sup> Furthermore, Robert Robertson reiterates that there is a need to take financial steps since the realisation of human rights is primordial for the survival of society.<sup>44</sup> It has also been recognised that steps taken by the government are meaningless if there are no resources allocated to support their implementation.<sup>45</sup>

### ***3.3 The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa***

South Africa ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) in December 2004.<sup>46</sup> It is the only legal document at the African Union (AU) level expressly providing for budgetary allocation to realise women's rights.<sup>47</sup> The Maputo Protocol contains three articles that refer to budgetary allocation of resources to realise women's rights. Firstly, in the context of the Rights to Life, Integrity and Security of the Person, art 4(2)(i) requires states to 'provide adequate budgetary and other resources for the implementation and monitoring of actions aimed at preventing and eradicating violence against women'. Secondly, art 10(3) of the Maputo Protocol imposes an obligation on states to 'take the necessary measures to reduce military expenditure significantly in favour of spending on social development in general, and the promotion of women in particular'. Thirdly and more generally to the implementation of all the rights in the Maputo Protocol, art 26(2) provides that 'States Parties undertake to adopt all necessary measures and in particular shall provide budgetary and other resources for the full and effective implementation of the rights herein recognised'.

These three articles of the Maputo Protocol are very clear concerning budgetary allocation to realise women's rights and being a party to the document, South Africa has the obligation to ensure that its budgeting process considers expenditure on women's rights.

### ***3.4 Southern African Development Community Protocol on Gender and Development***

Recognising that women in Southern Africa face vulnerabilities, the Southern African Development Community (SADC) adopted a Protocol on Gender and Development (SADC Gender Protocol) in 2008, as revised in 2018, to ensure that there is no discrimination on the basis of gender. Article 15(2) of the SADC Gender Protocol expressly provides that member states 'shall ensure gender sensitive and responsive budgeting at the micro and macro levels, including tracking, monitoring and evaluation'. Reiterating the importance of gender budgeting in the allocation of sufficient budgetary resources to realise the rights protected by the SADC Gender Protocol, art 33 of the document provides for allocation of financial resources through 'gender sensitive and responsive budgets'. Highlighting the importance of gender budgeting in the realisation of women's human rights, the SADC adopted guidelines on gender budgeting in 2014.

The SADC guidelines provide for both a gender sensitive budget analysis and formulation. This implies that SADC has identified that gender budgeting can have entry points at both the formulation stage and the analysis stage. The SADC guidelines indicate that the adoption of gender budgeting requires different ministries to include gender budgeting in their agenda.

The SADC guidelines recommend that ministries responsible for finance or their equivalent, the ministries responsible for gender or their equivalent, and sectoral ministries to mainstream gender into their policies, programmes and plans, and to take gender equality into account when preparing their budgets. It further recommends ensuring that local plans and budgets are gender sensitive. Such steps reflect the gender sensitive approach.

Moreover, the SADC guidelines state that members of parliament (MPs) must have input at the pre-budget phase, at the budget approval phase and at the post-budget phase.<sup>48</sup> The involvement of MPs at these different stages indicates that the SADC guidelines expect MPs to have inputs both at budget formulation and analysis stage.

The SADC guidelines also recommend civil society organisations (CSOs) to collaborate with ministries at the budget formulation stage and to be 'reactive' to the budget.<sup>49</sup> Such provisions imply that the SADC guidelines recommend CSOs to be gender sensitive when it comes to analysing and formulating budgets.

The SADC guidelines require all stakeholders involved to adopt both approaches. However, concerning the different ministries, the SADC guidelines focus on the adoption of gender budgets, although they do elaborate on steps that the different ministries can take to be gender sensitive when analysing budgets. This emphasises that different ministries, especially the ministries responsible for finance or their equivalent and the ministries responsible for gender and their equivalent, are expected to formulate gender sensitive budgets.

Despite being a soft law that is guiding in nature rather than an obligation as per treaties, the SADC documents guides member states in the implementation of their gender budgeting initiatives.

#### **4. South Africa's domestic obligations to allocate budgetary resources to realise women's rights**

The notion of equality is entrenched in several provisions of the Constitution of the Republic of South Africa, 1996. To emphasise the importance of equality, art 1 of the Constitution considers '[h]uman dignity, the achievement of equality and the advancement of human rights and freedoms' as some of its core founding principles.<sup>50</sup>

South Africa has the obligation to 'respect, protect, promote and fulfil the rights in the Bill of Rights'.<sup>51</sup> The Bill of Rights contains a panoply of rights, (civil, political, cultural, social and economic) most of which extend to everyone,<sup>52</sup> but some of which are specific to particular groups such as women.

Section 9 of the Bill of Rights is of most relevance for this study since it creates the foundation for the enjoyment of the rights in the Bill of Rights by women. It provides for equality and states that everyone must benefit from equality before the law.<sup>53</sup> It then stipulates that '[e]quality includes the full and equal enjoyment of all rights and freedoms'.<sup>54</sup> Sections 9(3) and 9(4) of the Constitution further provide that the state or any other person must not 'unfairly' discriminate against anyone on several grounds, including on the ground of gender and sex.

Further, the Constitution makes reference to the adoption of 'legislative and other measures' to ensure that there is protection and advancement of the rights persons or categories of persons who have been subject of unfair discrimination with the view of achieving equality.<sup>55</sup> This section, which has been described as having 'enormous potential value to women',<sup>56</sup> requires the state to adopt affirmative actions to ensure that women are empowered to overcome the circumstances that perpetuate discrimination against them. The inclusion of affirmative action in the Constitution is reflective of the fact that the government is willing to take steps such as gender budgeting to address discrimination on the basis of sex and it also ensures that affirmative actions are not subject to constitutional challenges.<sup>57</sup>

However, the mere inclusion of affirmative action in the Constitution is not enough. South Africa must adopt measures to give effect to the rights therein that promote gender equality. This is reflective of the feminist democratic theory that requires states to reflect that it has taken women's needs into account in its resource allocation process. The paragraphs below analyse the legal provisions of South Africa to assess whether they refer to resource allocation to address the vulnerabilities that women face.

Gender budgeting derives its legitimacy from the fact that the government must allocate its resources to realise human rights. It is based upon the premises that the government distributes its revenues to government-related institutions so that they can implement their programmes and policies that benefit the population. It is therefore necessary to establish the budgeting obligations of the government of South Africa in order to advocate for gender budgeting.

In a similar vein to other constitutions in Africa, the Constitution contains provisions relating to government revenues and expenditures.<sup>58</sup> Chapter 13 of the Constitution provides for the financial matters of the government. It establishes the National Revenue Fund, which shall contain all the revenues of the government,<sup>59</sup> except for those that have been excluded by an

Act of Parliament.<sup>60</sup> The allocation of revenue must be done after consultation between ‘the provincial governments, organised local governments and the Financial and Fiscal Commission’ and must take into account several factors including whether ‘provinces and municipalities are able to provide basic services’ or whether there has been consideration of temporary measures that need to be adopted.<sup>61</sup>

In addition to the above, the Constitution also provides for national, provincial and municipal budgets.<sup>62</sup> The Constitution highlights that the budgeting process ‘must promote transparency, accountability and the effective financial management of the economy, debt and public sector’.<sup>63</sup> It states that there is a need for national legislation that prescribes ‘the form of national, provincial and municipal budgets’,<sup>64</sup> ‘when national and provincial budgets must be tabled’,<sup>65</sup> and that requires the ‘budgets in each sphere of the government’ to ‘show the sources of revenue and the way in which proposed expenditure will comply with national legislation’.<sup>66</sup>

The Constitution therefore establishes that the government has to allocate the revenue it collects to the different spheres of government. It also establishes that the way to do so is through the adoption of budgets. To expand upon these provisions of the Constitution, the Public Finance Management Act 1 of 1999 was adopted to, among others, ‘ensure that all revenue, expenditure, assets and liabilities of [the national and provincial] governments are managed efficiently and effectively’.<sup>67</sup> The Public Finance Management Act establishes a National Treasury<sup>68</sup> that is the institution responsible for the revenue and the expenditure of the government.

The Public Finance Management Act provides for the framework of the preparation and adoption of the national budget. It also makes provision for circumstances where the national budget for a particular year was not adopted on time and for necessary adjustments to the national budget. As such, this legislation requires the government of South Africa to pass a budget for each financial year that projects the revenues and expenditures of the government. The Public Finance Management Act is the legal framework for the adoption of a national budget that includes expenditure for the public. This is important to establish that South Africa has to adopt a national budget for every financial year to different departments and provinces so that they can implement their programmes and policies. The information in this section is relevant in the preparation of the gender budget since it empowers the framers of the latter to understand the background of the process. It can also be used to emphasise the government’s obligation to allocate its resources to realise the rights of its population, including women.

The above discussion reveals that the domestic laws in South Africa do not expressly mention the allocation of budgetary resources to address the vulnerabilities that women face. However, the provisions of the Constitution and the Public Finance Management Act of South Africa can be considered as the legal framework for budgeting for women’s human rights in South Africa. The Constitution establishes that the government has to adopt measures while considering the vulnerabilities that women face, and that the government has to adopt budgets to spend the revenue that it has towards satisfying the needs of its citizens. Therefore, the state has a constitutional obligation to adopt gender budgeting to prevent discrimination on the basis of gender and sex, and to give effect to the obligations to ensure fulfilment of the socio-economic rights in the Bill of Rights. Using the feminist democratic theory, the government of South Africa must be seen as eradicating the vulnerabilities that women face while allocating its budgetary expenditure.



## 5. South African gender budgeting initiatives

### 5.1 Previous gender budgeting initiatives

Gender budgeting in South Africa followed gender budgeting in Australia, and it was initiated after a visit of South African ‘gender specialists and human rights commissioners’ to Australia in 1995.<sup>69</sup> The Australian gender budgeting initiatives, established in the mid-1980s are the ‘longest surviving in the world’.<sup>70</sup> They were within the government and coordinated by the women’s machinery with inputs from different ministries. The initial outputs of the South African initiatives, together with CSOs, were bulky Women’s Budget statements, which were released on Budget Day as part of the official documents.<sup>71</sup>

Since its 1994 and the advent of democracy, South Africa has strived to adopt equality promotion programmes in the form of progressive laws and policies relating to women. As such, South Africa has been referred to as ‘a beacon of good practice around the world’.<sup>72</sup> The gender budgeting process of South Africa, which started with the WBI in 1995, was concerned with the disadvantages that women face in society and proposed the allocation of resources to those areas to ensure that equality was achieved.<sup>73</sup> The objectives of the WBI in South Africa were to adopt ‘an alternative set of values and principles for prioritising the socioeconomic needs of poor women’, to empower government to adopt gender budgeting and to empower CSOs to be involved in the decision making process concerning allocation of resources.<sup>74</sup> CSOs and academics played a central role in South Africa’s past gender budgeting initiatives by providing the required support to MPs. From 1995, CSOs – such as the Institute for Democratic Alternatives in South Africa (IDASA), later known as the Institute for Democracy in South Africa, and the Community Agency for Social Enquiry – and MPs collaborated on the WBIs.

#### 5.1.1 Initiatives by civil society organisations and MPs

The WBI was considered as a ‘non- or extra- governmental on the understanding that Members of Parliament [...] are meant to represent civil society, monitor and direct government’.<sup>75</sup> The Joint Monitoring Committee on the Improvement of the Quality of Life and Status of Women (Joint Monitoring Committee) had the WBI as one of its responsibilities. In 2016, the Joint Monitoring Committee was replaced by the Committee on the Status and Quality of Life of Women. This Committee had a ‘recurring focus’ on three main issues that were poverty, human immunodeficiency virus infection and acquired immune deficiency syndrome (HIV/AIDS) and gender-based violence.<sup>76</sup> Currently, it is the Multi-Party Women’s Caucus and the Portfolio Committee on Women in the Presidency that oversee issues relating to women’s human rights.

The WBI was one of the most consistent initiatives in South Africa and led to five books and subsequent online publications. The WBI assessed the impacts of governments expenditure on women and men, girls and boys, from a hetero-normative perspective. It adopted a five-step approach:

1. Describing the situation of women and men, girls and boys in a particular sector;

2. Deciding if policy matches that situation: examine the policy and programmes of government, and see if they address the gender gaps in the situation described in step 1;
3. Assessing whether the government has allocated sufficient money and people to implement the gender-sensitive policy and programmes;
4. Monitor the outputs and delivery of budgets. Has the money been spent as planned? How many men, women, boys and girls has it reached, and in what areas; and
5. Assessing outcomes: have the policy, programmes and expenditure helped to address the gender gaps? Have they helped to change the situation described in step one so that it is more equitable?<sup>77</sup>

Not only have the WBIs in South Africa been categorised as ‘the most substantial and long-lasting’ initiative of gender budgeting in the country, but they have also had a longer lifespan than other budgeting initiatives in most other countries.<sup>78</sup>

There have been several phases of the WBI over the years. The WBI 1 highlights the main issues, assesses government involvement both during and after apartheid, and finally provides for restructuring and reprioritisation, with cost estimates where possible.<sup>79</sup> The recommendations of reallocation of expenditure are based on reallocations of the different line items.<sup>80</sup> This was motivated by the fact that the WBI 1 concentrates and focusses on only a few departments and, in such an instance, reallocations between votes would be unfeasible.<sup>81</sup> Thus, the WBI 1 concentrates on reprioritisation rather than higher financial allocations since at the government level, recommendations for reprioritisation would be taken more ‘seriously’ than the demand for more money. This is because of the resource constraints that the new government would be facing.<sup>82</sup>

A continuation of WBI 1, the second WBI (WBI 2) analyses the budget of ‘Health, Land Affairs, Agriculture, Safety and Security, Justice, Correctional Services, Transport, Energy, Home Affairs, Foreign Affairs and the area of Budget Reform’.<sup>83</sup> The introduction part of the WBI 2 highlights that the WBI 1 was the start of a project that should be built upon gradually so that in the long run South Africa could frame ways to analyse the budget from a gender perspective.<sup>84</sup> It then proceeds to highlight the major changes that occurred since the previous year in relation to gender issues in the government, parliament, budgeting processes, and at the level of the central statistics service. The developments that happened within the different sectors studied in WBI 1 are summarised, and Budlender states that sectors identified in WBI 1 were not studied as the previous study was expected to ‘lay a foundation’ for interested stakeholders to build upon.<sup>85</sup>

Violence against women was identified as an issue that affects women from all spheres of the society and one that could bring together women to advocate for the allocation of resources to combat the phenomenon.<sup>86</sup> As such, the second year of the gender budgeting initiative assesses the budgetary allocations for the departments of police and prisons to determine how much resources are being allocated to address the issue.<sup>87</sup> This initiative also analyses the Domestic Violence Act 116 of 1998, and concludes that it was still lacking in the protection of women’s human rights.<sup>88</sup>

The third WBI (WBI 3) studies the remaining departments of the government, thereby completing the analysis of the different ministries and themes that received an allocation from the budget.<sup>89</sup> The introduction focuses ‘on what has changed, and what has been confirmed and accentuated’.<sup>90</sup> It expands on the in-government initiative to adopt gender budgeting, and this includes the Commonwealth initiative, the medium-term expenditure framework and the budget review. The WBI 3 is structured to cover the departments that had not been studied before, even if a chapter would concentrate on more than one department.

The remaining sectors studied in the WBI 3 are parliament, the offices of the President and Deputy President, the South African communication service, and premiers’ votes, the departments of Arts, Culture, Science and Technology, Sports and Recreation, Finance, State Expenditure, Constitutional Development, Water Affairs and Forestry, Environmental Affairs and Tourism, Public Works, Communications, and Public Enterprises, as well as the South African Revenue Services, Statistics South Africa, and the Defence Force.

A workshop held before the fourth WBI (WBI 4) highlighted that despite the analysis of all government departments in the previous WBIs, budget analysis through a gender lens still had a long way to go.<sup>91</sup> The WBI 4, instead of returning to the different departments analyses local government budgets with five municipalities from a gender perspective and studies employment and funding at the national level. However, different departments are studied in the section on employment.

The WBI 4 firstly provides background to the role local government plays in women’s lives. It secondly studies the role that the budget allocated to the different projects of the five identified municipalities plays in women’s lives in those municipalities. It then assesses why funding was important for the improvement of women’s situations. The WBI 4 reveals that analysing budgets at the local level is subject to the limitation of non-availability of information, and that the researchers had to combine the different findings to obtain the budget of the different municipalities. This implies that little data was available and that municipalities should incorporate a gender reading while allocating resources for different projects.

The fifth WBI (WBI 5) differs from the other WBIs since it was published not as a book but as separate papers that could be accessed by the public in electronic form.<sup>92</sup> The focus was on different revenue related spheres, which included taxation, local government, customs and excise. The part on revenue focuses on the sources of revenue of municipalities and how the revenues from the different sources had an effect on men and women,<sup>93</sup> whereas the part on customs and excise studies the role that customs and excise had in collecting revenue and how these impacted on men and women.<sup>94</sup> The sphere on revenue also includes a paper on women and taxation, and this paper highlights the ways in which the then gender-neutral taxation system perpetuated discrimination against women.<sup>95</sup> A case study of health considers how the three levels of government make decisions with regard to policy.

In its sixth year, there was a publication on an investigation into government support to non-profit organisations providing services to women experiencing violence.<sup>96</sup> In the same year, a book was released on the women’s budget initiative to assess *Government of South Africa v Grootboom*<sup>97</sup> in the context of availability of resources and women’s right to housing.<sup>98</sup> This research gives background of *Grootboom* while highlighting the right to housing in the Constitution. It then expands on the implications that the budgeting for housing has on women and focuses on the Western Cape provincial government and the city of Cape Town. It also highlights that there is a lack of a gender perspective in the budget for housing.

Finally, it provides recommendations, the main one being to adopt gender-specific instead of gender-neutral housing programmes.

Following a 2001 workshop organised by the Joint Monitoring Committee,<sup>99</sup> there was a request for a booklet that could be used to brief interested parties about the government-funded programmes and policies for women.<sup>100</sup> It was felt that not all women in different constituencies are aware of the ways in which they could benefit from government spending and that the MPs would use this booklet to understand what was available. As a result, the WBI identified researchers to produce a booklet for MPs. The research for this publication concentrated on the spending of KwaZulu-Natal and of the National Treasury, and it was published in 2003. It studied the different departments and how their grants can be beneficial for women while also highlighting the grants that are available at the provincial level in KwaZulu-Natal.

In 2004, another study of the same nature as 'What's available' was published. However, this time, the focus was on all nine provinces. It completed the study of what was available to women in the forms of grants in all the provinces in the different sectors. In the same year, there were four different studies that were conducted with the view of assessing what had changed for women in the sectors of social development, labour, justice and police since the first women's budget initiative was adopted.<sup>101</sup>

The WBIs were intended to be simple so that the contents could be understood, but there were still technical words being used. Consequently, there was a requirement for education to understand the book. Accordingly, the 'money matters' series of books were released, in simple English and using photographs as illustration.<sup>102</sup> One book chapter that concentrated on customs and excise was translated into three indigenous languages in 2001 and was popularised among trade unions interested in the subject.<sup>103</sup> Despite the fact that the 'money matters' series gained more popularity than the 'women's budget' series, the initiative was still not attaining the required audience.<sup>104</sup> Government officials and the public were still not conversant with the concept of gender budgeting.

With the view of informing more stakeholders about the WBIs, the gender budgeting initiative partnered with the Gender Education and Training Network, an organisation that provides gender training,<sup>105</sup> to produce workshop materials that would enable an understanding of the 'concepts, approach and findings' of the gender budgeting initiative.<sup>106</sup> Also included other stakeholders such as 'adult educators, materials developers and some of the researchers' from the gender budgeting initiatives,<sup>107</sup> this partnership resulted in a 'money matters' publication<sup>108</sup> intended for CSOs as advocacy tools to train civil servants.<sup>109</sup>

### *5.1.2 Government initiatives*

Following the introduction of the WBIs, different departments engaged in sporadic gender budgeting initiatives.<sup>110</sup> The gender budgeting initiative within the South African government, which started in 1998<sup>111</sup> that deals with mainly 'management and accountability'<sup>112</sup> was started within the Department of Finance and concentrated on raising awareness within government about the obligations to allocate resources to realise women's human rights.

In addition to the above, the Department of Justice and Constitutional Development published a report in 2004 that focuses on gender mainstreaming and gender budgeting<sup>113</sup> as part of a gender budget analysis of the department. This publication was intended to sensitise decision-makers about the contribution of gender mainstreaming and gender budgeting towards the eradication of discrimination against women.

Following the above publication, as from 2005, the Department of Justice and Constitutional Development produced a series on gender mainstreaming, and one of them concentrates on gender budgeting.<sup>114</sup> This publication provides guidelines on gender budgeting and highlights the positive relationship between gender budgeting and equality. Even though this initiative does not provide any significant analysis of the budget in terms of gender, it reiterates that governments have to adopt gender budgeting as a step to abide by their obligations to allocate resources to realise women's human rights. This publication also explains the steps that departments have to take to adopt gender budgeting to highlight the importance of mainstreaming gender into policies, programmes and plans.

In the years 2005–2007, workshops within the Department of Women, People with Disabilities, Youth and Children located within the Presidency assessed budgets for the three focus areas: poverty, HIV/AIDS and gender-based violence.<sup>115</sup> Moreover, a 2007 workshop supported budget officers from other national departments in preparing a mini budget statement about a sub-programme promoting gender equality.<sup>116</sup>

Following the commitment of the then Minister of Women, Children and People with Disabilities in 2012 to re-introduce gender budgeting in South Africa,<sup>117</sup> the Ministry in collaboration with Motsepe Foundation, published an analysis of the gender element of the budgetary allocations for 2012/2013 for the departments of Health; Agriculture, Forestry and Fisheries; Energy; and Trade and Industry.<sup>118</sup> This publication firstly studies the policies of the above departmental budgets, including their gender implications. Secondly, it analyses the different budgetary allocations to the different programmes of the departments and, thirdly, it makes recommendations that could improve the gendered impact of government expenditure, mostly the adoption of policies that specifically target women or allocating more resources to the different programmes affecting women.

At the moment, National Treasury does allocate expenditure related to women through the Department of Women, Youth and Persons with Disabilities<sup>119</sup> but it does not mainstream its budgetary allocation for women throughout the departments. The most concrete allocation towards women is that of resources to combat gender-based violence.

## ***5.2 Impact of previous gender budgeting initiatives***

Initial gender budgeting initiatives brought several positive outcomes for women. The WBI 1 indicates that its draft report influenced the budget speech,<sup>120</sup> which included some paragraphs on budgetary allocations to realise women's human rights in line with international commitments.<sup>121</sup>

In addition to the above, Budlender identifies the following impacts of the expenditure aspect of gender budgeting initiatives in South Africa:

- Equalising the amount spent on prison rations for men and women in prison;
- Increasing the Department of Trade and Industry allocation for small, medium and micro-enterprises;

Publishing sex-disaggregated information on personal taxpayers; and  
Generating demand for the time use survey conducted by Statistics South Africa in  
2010.<sup>122</sup>

The Child Support Grant has the most ‘substantial’ impact of the gender budgeting initiatives in South Africa.<sup>123</sup> Budlender highlights that Francie Lund, lead author of the welfare chapter in WBI 1, went on to head the ‘Lund Committee, which was tasked to investigate the existing system of social welfare grants’ in order to devise ‘a more equitable system, or provide the rationale for abolition of the existing, and inequitable, state maintenance grant’.<sup>124</sup> Lund stated that her understanding of and approach to the topic was influenced by her work in WBI 1.<sup>125</sup>

These positive impacts demonstrate that gender budgeting is a process that can positively influence resource allocation for women’s human rights. The above impacts are those that Budlender has directly attributed to the WBIs. It is to be noted that the impacts she highlights do not make mention of only women but instead state the benefit for both men and women, which indicates that gender budgeting is for both men and women. For instance, reference to ‘male’, ‘female’ and ‘sex-disaggregated data’ implies that the government considers both men and women in its resource allocation process.

These impacts might be considered as marginal compared to the focus given to gender budgeting initiatives. However, generally strides have been made in the area of women’s human rights in South Africa since 1995. For instance, the Domestic Violence Act was adopted in 1998 after WBI 2 referred to violence against women as an issue that affects women in South Africa irrespective of their background.<sup>126</sup> Nevertheless, as highlighted by Budlender, it was difficult to assess the impact of gender budgeting since budgetary allocation has different motivations.<sup>127</sup> It can thus be derived that Budlender has singled out the impacts above due to the fact that their relationship with the gender budgeting initiatives can be established. Reference to these impacts does not mean that they are the only impacts of gender budgeting initiatives. It rather aims to point out the specific impacts that have been attributed to gender budgeting in South Africa.

### ***5.3 The 2018 Framework on Gender-responsive Planning, Budgeting, Monitoring, Evaluation and Auditing***

In 2018, the Department of Women, Youth and Persons with Disabilities adopted the GRB Framework, with the technical support of CSOs.<sup>128</sup> This is a major step towards formalising gender-responsive budgeting. The idea is for National Treasury to use the Framework to mainstream the budget from a gender perspective. The GRB Framework acknowledges ‘investing in women’s empowerment and reducing the gender gap’ as ‘an important driver of inclusive economic growth and development and will benefit both women and men, boys and girls’. It adopts a multi-disciplinary approach to budgeting and recognises that the country’s gender outcomes will be achieved through policy priorities, programmes of action and necessary budgetary allocation. It identifies different phases of implementation and then adopts short-, medium- and long-term strategies to ensure that gender is mainstreamed in the public budgeting process. Furthermore, in terms of gender budgeting, it identifies the National Treasury as the main actor. The GRB framework reflects the government’s commitment to realise its obligations to allocate sufficient budgetary resources to realise women’s rights. However, since its adoption, not much has changed on the budgetary allocation scene for women except for a cluster to combat gender-based violence. Moreover,

the Framework does not consider the SADC guidelines and as a result side-lines important stakeholders such as academics. It also does not focus on the tools for gender budgeting. We are still awaiting guidelines on gender budgeting from the Department of Women, Youth and Persons with Disabilities.<sup>129</sup>

## **6. Challenges in adopting gender budgeting and recommendations**

Despite the different initiatives, South Africa still struggles to adopt a comprehensive gender budgeting process. Some of the reasons might be as follows.

### ***6.1 Lack of transparency***

Budlender has identified lack of transparency as a challenge for gender budgeting in South Africa.<sup>130</sup> The budget structure does not reveal how the different government expenditures are affecting women. Indeed, taking the example of the 2020 budget, despite the fact that some departmental budgets refer to specific spend on women, the majority of the budget was silent on the share that is being used to address the exact vulnerabilities that women face. Hence, there is a need for the budget to be more transparent about its allocations. This will allow CSOs to assess the budget from a gender perspective and hold the government accountable in court should it not allocate sufficient resources to realise women's rights.

### ***6.2 The non-use of output***

The gender budgeting initiatives produced several outputs. For instance, the women's budget initiatives produced publications analysing the different departments and making recommendations in terms of policy re-formulation and budgetary re-prioritisation and re-allocation. The government initiative also produced budget documents that include the gender impacts. Moreover, the publication from the workshop in mid-2001 was intended for MPs to popularise the programmes, policies and funding opportunities from which women can benefit, as women's ignorance of the WBI was identified as a challenge to access government funds.

However, almost none of these outputs were used in successive gender budgeting initiatives. Government was supposed to use the WBI publications while allocating its resources or for CSOs to use in advocating for a restructuring of government resource allocation. Nevertheless, government apparently budgeted without considering the publications. The same applies to the publication from the mid-2001 workshop, which was specifically requested by MPs but not used – representing a waste of resources.<sup>131</sup>

There should be synergy between different stakeholders concerning gender budgeting initiatives. Such a synergy would require stakeholders to rely on each other's gender budgeting initiatives. For instance, CSOs could analyse the budget from a gender perspective, and the different government departments could refer to the CSO analysis in their resource allocation process. As such, the different stakeholders are required to make use of the output of gender budgeting initiatives to avoid duplication of resources.

### ***6.3 Possible lack of government commitment***

The most successful gender budgeting initiatives have been those of the CSOs. Despite the fact that the different government departments have shown interest in adopting gender budgeting and adopted once-off gender budgeting initiatives, none of them have been able to continuously integrate gender in the public budgeting process. The Minister for Women has highlighted the influence that gender budgeting has on women's human rights, but there is still no comprehensive plan to integrate gender in the budgeting processes. Neither the Minister for Women nor the Minister of Finance have taken steps to ensure that gender budgeting becomes integral to the budgeting process.

As noted in the SADC guidelines, the Minister of Finance is primarily responsible for ensuring that gender budgeting is adopted during resource allocation. Budget preparation and budgetary allocation fall within the scope of the Ministry of Finance, which can influence gender budgeting initiatives of other departments/ministries. The National Treasury has not engaged in consistent gender budgeting initiatives and has not used the gender budgeting tools.

The GRB Framework can be considered as a reflection of the commitment of the government to adopt gender budgeting. It is recommended that the National Treasury works with the Department of Women, Youth and Persons with Disabilities to mainstream gender budgeting.

### ***6.4 Absence of parliamentary inputs***

Parliament and CSOs spearheaded the WBI. However, the current proposed gender budgeting framework does not have any inputs from parliament. Since it monitors the spending of the government and engages with government on the budget, it is important to include them as a key player in gender budgeting initiatives. MPs need to debate the budgets through a gender lens to ensure the country adopts gender budgeting as an integral part to the public budgeting process.

### ***6.5 Lack of sex-disaggregated, gender-sensitive and time use data***

Integral to gender budgeting, sex-disaggregated data has been published in South Africa, yet not by all government departments. This has hindered previous gender budgeting initiatives. Therefore, learning from the previous gender budgeting initiatives and from the SADC guidelines, it is recommended that each department publish sex-disaggregated data on how the different programmes and policies benefit men and women. Moreover, future gender budgeting initiatives use sex-disaggregated data.

For future gender budgeting initiatives to be successful, government should emphasise sex-disaggregated, gender-sensitive and time use data. The publication of gender-disaggregated and time use data will facilitate the application of the tools for assessing gender budgeting.

### ***6.6 Lack of resources***

Gender budgeting and the application of its tools have cost implications that might lead to it not being adopted. For instance, undertaking sex-disaggregated, gender-sensitive research and time use surveys is time-consuming and costly. This might act as a challenge for relevant stakeholders.



For example, CSOs in South Africa have been very proactive in their gender budgeting initiatives as demonstrated by the WBIs and subsequent initiatives. However, it seems that CSOs only focussed on gender budgeting initiatives for a little while and now assist governments in their initiatives. Moreover, although the WBI had outcomes for eight years, IDASA, a CSO involved in the WBIs, stopped producing books after the fifth year,<sup>132</sup> because they were seen as ‘expensive’.<sup>133</sup> Similarly, most of the gender budgeting initiatives within the different government departments were donor funded and they stopped as soon as funding stopped.<sup>134</sup> This demonstrates that the government had not allocated any resources to adopt gender budgeting. The adoption of the GRB Framework indicates that the government is willing to invest in gender budgeting initiatives.

### ***6.7 Lack of awareness***

The previous gender budgeting initiatives in South Africa demonstrate that officials who prepare the budgets lack awareness. To overcome this challenge, the government should sensitise its officials on gender budgeting. This can be undertaken in collaboration with the National Treasury or CSOs with gender expertise and experience of the implications of gender budgeting. Government awareness-raising can also target persons in high positions who are able to influence policies and budgetary allocations. CSOs can analyse budgets from a gender perspective to advocate for gender budgeting.

The responsibility to create awareness is not only that of government but also of the CSOs. The past gender budgeting initiatives of South Africa were witness to the positive role that CSOs played to raise awareness about gender budgeting. As such, independent of any government initiatives, CSOs must undertake steps to sensitise all stakeholders about gender budgeting.

### ***6.8 Lack of gender knowledge and expertise***

The National Treasury within the Ministry of Finance is responsible for the preparation of budgets in South Africa. The persons who prepare the budgets are often economists who lack gender knowledge and expertise and do not understand the link between gender and economic issues. For them, gender issues seem to fall within the ambit of the Department of Women and do not concern fiscal policy.

Gender budgeting requires those who are framing the budget to understand the link between gender and economic issues. The SADC guidelines clearly state that the ministries responsible for finance have a major role to play in gender budgeting. Indeed, the first initiatives on gender budgeting in South Africa were within the then Department of Finance, which had to ensure that gender issues are highlighted in budget publications. However, this was done with the help of an expert from civil society and MPs’ gender budgeting initiatives. It can therefore be concluded there was most likely no gender knowledge and expertise within the Ministry of Finance when the government started its initiative for gender budgeting. The SADC guidelines refer to the expertise of local consultants to enable budget framers to incorporate gender budgeting at the planning and formulation stage.

However, the government initiative concentrated only on producing budget documents that were sensitive to gender issues and not on training the officials who were engaged in budget preparations. As such, as soon as the consulted who assisted the Department of Finance left, budget planning and formulation excluded gender budgeting.

It is recommended the officials from the responsible departments be trained on gender issues and their importance to the formulation of the budget.

## **7. Conclusion**

South Africa has recognised that gender budgeting leads to a better allocation of resources to realise women's rights and has adopted several initiatives to take account of gender in its budgeting process. The most successful was the WBI, which was spearheaded by MPs and CSOs, but did not continue due to lack of funding. Since WBI 6, the government has adopted some components of gender budgeting. Nevertheless, beyond the past budgets, gender budgeting initiatives have been sporadic and neither consistent nor sustainable. The recent spiked interest in gender budgeting shows that the government is willing to implement its international and domestic obligations to allocate sufficient resources to realise the rights of women. One concrete positive step is the GRB Framework for the allocation of budgetary resources to realise women's rights. However, since its adoption, the National Treasury has not integrated gender budgeting in its process despite developing a roadmap, which has not yet been adopted. It is recommended the National Treasury adopt the roadmap for gender budgeting to ensure that women's issues receive sufficient resources as per the feminist democratic theory. Moreover, in the implementation of the roadmap, the recommendations discussed above and the SADC guidelines need to be considered, so that gender budgeting becomes integral to the public budgeting process. It is time for South Africa to follow a consistent gender budgeting process to meet its international and domestic obligations relating to the realisation of women's rights.

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No conflict of interest has been declared by the author(s).

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